

Department of Environmental Quality
 Eastern Region
 Air Quality Program

**STANDARD
 AIR CONTAMINANT DISCHARGE PERMIT
 REVIEW REPORT**

AmeriTies West, LLC
 100 Tie Plant Road
 The Dalles, OR 97058
 (541) 296-1808

Source Test	Compliance Schedule	Report				Excess		NSPS	NSR	PSD	NESHAP	Size	Public Notice
		A	S	Q	M	R	N						
x		x	x				x	x				SI	II

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PERMITTING

PERMITTING ACTION

1. This permit is a renewal of an existing Air Contaminant Discharge Permit (ACDP) that was issued on August 5, 2002 and was originally scheduled to expire on March 1, 2007. The ACDP was issued to Kerr-McGee Chemical, Inc. and transferred to Amerities West, LLC on February 11, 2005.
2. By authority of OAR 340-216-0064(1)(c)(A), the Department is converting this ACDP from a Simple to a Standard ACDP in this permit action because of odor issues related to the plant operations. Odors have been an issue in the past, but the Department had insufficient information to warrant a higher level permit. In response to the public testimony provided during the last permit renewal, the Department sponsored an odor workgroup to assess the significance of the odor issues and possible remedies. Several odor surveys were conducted and the results indicate that the frequency, duration, and strength of the odors, as well as the number of people impacted warrants additional measures to minimize the odors. As discussed below, this permit will include enforceable provisions for addressing the issues, as well as generate more revenue for the Department to evaluate and monitor the success of odor reduction measures. More information about the odor surveys and workgroup is available at the following website: <http://www.deq.state.or.us/er/AmeriTiesWest.htm>

OTHER PERMITS

3. No other permits have been issued or are required by the Department of Environmental Quality for this source. However, a National Pollutant Discharge Elimination System Storm Water Discharge permit will be required if storm water outfalls develop or are discovered.

ATTAINMENT STATUS

4. The source is located in an attainment area for all pollutants.
5. The source is not located within 10 kilometers of any Class I Air Quality Protection Areas. The source is located in the Columbia River Gorge National Scenic Area but the source is not a significant source of visibility impairing pollutants.

SOURCE DESCRIPTION

OVERVIEW

6. Amerities West, LLC operates a wood preserving facility located on Tie Plant Road in The Dalles, Oregon. The process includes two boilers, three cyclones, and five retorts (wood treating cylinders). The facility was purchased from Kerr-McGee Chemical, LLC in 2005.
7. The following changes are being made to the permit to address odor issues:
 - a. The permittee is required to prepare and operate according to a management practices plan.
 - b. The permittee is required to propose and implement interim work practice procedures for reducing odor impacts by March 31, 2008.
 - c. The permittee is required to evaluate, propose, and implement long term strategies for reducing odors by January 1, 2009.
 - d. The permittee, in coordination with the Department, is required to conduct ambient monitoring during the late spring or early summer of 2008. Although available information indicates that long term exposure to the odors do not pose a health issue, a limited amount of sampling will be conducted to try and quantify pollutant concentrations during one or more odor events.

PROCESS AND CONTROL DEVICES

8. Existing air contaminant sources at the facility consist of the following:
 - a. One Erie City single pass water tube boiler with a maximum capacity of 29.4 million Btu/hr heat input, installed in 1949. A John Zink burner was installed in the boiler sometime during the 50's or 60's. The boiler uses natural gas as the primary fuel and #2 distillate oil as backup.
 - b. One Cleaver Brooks single pass water tube boiler with a maximum capacity of 33.5 million Btu/hr heat input installed in 1999. Since this is a new boiler, it is subject to Federal New Source Performance Standards (40 CFR Part 60, Subpart Dc). The primary fuel is natural gas, but #2 distillate oil may be burned when natural gas is not available. Only one boiler is typically operated at a time, except during startups and shutdowns.

- c. Three cyclones:
- i. #1 ABI Mill Cyclone – high efficiency cyclone, processing sawdust, installed in 2001.
 - ii. #2 Planer Mill Cyclone (framing yard) - a high efficiency cyclone installed in 1992, processing planer shavings.
 - iii. #3 Framing Mill Cyclone (framing relay) - a high efficiency cyclone installed in 1992, processing sawdust.
- d. Five wood treating retorts, which are large, heated, horizontal cylindrical vessels that can be evacuated and pressurized with either creosote coal tar or a creosote/petroleum mixture in the wood preservation process. Pollutant emissions come from the doors when they are opened to load and unload charges and the vacuum system. The emissions from the retort doors are uncontrolled. The emissions from the vacuum system are controlled by the following:
- i. A ventilation air tank/knock-out with rated efficiency of 50%;
 - ii. Spray with rated efficiency of 75%;
 - iii. Covers with rated efficiency of 80%; and
 - iv. Vapor balancing line with rated efficiency of 50%.
- These controls are in series, so the combined removal efficiency is 98.75%. This system is also used to control emissions from the working and storage tanks.
- e. Working and storage tanks. Emissions are controlled using the system described above.
- f. A totally enclosed wastewater treatment (WWT) system discharging to a POTW, consisting of two initial oil/water separators, a secondary separator, a biological treatment unit, a finishing tank, and an emission control device consisting of a simple water spray, vapor equilibration system, and covers. The combined control efficiency is 95%.
- g. Fugitive VOCs from the storage yard, drip pad, sumps, and process sources such as pump seals, flanges, and valves. Fugitive particulate matter may also originate from wood waste handling operations and onsite vehicular traffic. The sumps have covers, which reduce emissions by 90%.

COMPLIANCE

9. There were no official inspections of the facility during the previous permit term. However, Department personnel visited the site on numerous occasions to conduct odor workgroup meetings. During each of these visits, informal visual inspections were conducted and there were not any excess emissions or violations identified.

10. There were 17 complaints recorded by the permittee and 1 complaint recorded by the Department for this facility since the permit was renewed on August 5, 2002. The date and time of the complaints is provided in attachment 1. The permittee investigated each complaint and provided a written report to the Department. In most cases, the permittee could not detect odors.
11. No enforcement actions have been taken against this source since the permit was renewed on August 5, 2002.

SPECIAL CONDITIONS

12. The permittee is required to keep a record of complaints and notify the Department within 5 working days. The notification must include the date of contact, time of claimed nuisance condition, description of claimed nuisance condition, location of receptor, and status of plant operation during the observed period.

EMISSIONS

13. Proposed PSEL information:

Pollutant	Baseline Emission Rate (tons/yr)	Netting Basis		Plant Site Emission Limits (PSEL)		
		Previous (tons/yr)	Proposed (tons/yr)	Previous PSEL (tons/yr)	Proposed PSEL (tons/yr)	PSEL Increase (tons/yr)
PM	1	0	0	24	24	0
PM ₁₀	1	0	0	14	14	0
SO ₂	6.1	0	0	39	39	0
NO _x	10.5	0	0	39	39	0
CO	2.3	0	0	99	99	0
VOC	122	0	0	39	39	0

- a. The proposed PSELs for all pollutants are equal to the Generic PSEL in accordance with OAR 340-222-0041(1).
- b. The PSEL is a federally enforceable limit on the potential to emit.
- c. Although the source operated in the baseline period, the netting basis was reset to zero in accordance with OAR 340-222-0040(2) when the Simple ACDP was issued on August 5, 2002.

SIGNIFICANT EMISSION RATE ANALYSIS

14. For each pollutant, the proposed Plant Site Emission Limit is less than the significant emission rate, thus no further air quality analysis is required.

MAJOR SOURCE APPLICABILITY

CRITERIA POLLUTANTS

15. A major source is a facility that has the potential to emit more than 100 tons per year of any criteria pollutant. This facility is not a major source of criteria pollutant emissions.

HAZARDOUS AIR POLLUTANTS

16. A major source is a facility that has the potential to emit (PTE) more than 10 tons/year of any single HAP or 25 tons/year of combined HAPs. This source is not a major source of hazardous air pollutants. Uncontrolled emissions of Naphthalene could be as high as 10.5 tons per year, if the plant were operated at the maximum capacity of 4,380 charges per year. However, the maximum projected number of charges is only 2,625 per year, so uncontrolled actual emissions would be less than 10 tons per year. With the controls in place, the PTE is 5.1 tons per year and actual emissions have been and will be much less than the PTE.

Hazardous Air Pollutant	Potential to Emit (tons/year)
Naphthalene	5.06
Dibenzofuran	0.58
Quinoline	0.24
Biphenyl	0.21
Total	6.09

ADDITIONAL REQUIREMENTS

NSPS APPLICABILITY

17. 40 CFR Part 60, Subpart Dc is applicable to the Cleaver Brooks boiler.

NESHAPS/MACT APPLICABILITY

18. On July 16, 2007, EPA adopted a NESHAP for wood preserving area sources (40 CFR Part 63, subpart QQQQQQ). According to EPA, the NESHAP does not apply to pressure and thermal treatment processes that use creosote. However, the Department has incorporated the standards for pressure treatment systems as operation and management requirements in accordance with the highest and best practicable treatment and control regulation in OAR 340-226-0120.

RACT APPLICABILITY

19. The RACT rules are not applicable to this source because it is not in the Portland AQMA, Medford AQMA, or Salem SAT.

TACT APPLICABILITY

20. There have been no changes at the facility that would require a Typically Available Control Technology (TACT) analysis.

PUBLIC NOTICE

21. Pursuant to OAR 340-216-0066(4)(a)(A), renewal of Standard Air Contaminant Discharge Permits require public notice in accordance with OAR 340-209-0030(3)(c). Therefore, the proposed permit was placed on Public Notice from November 16, 2007 to December 17, 2007. Due to the amount of interest that was shown during the public notice period, a public hearing was held on March 11, 2008 at 6:00 PM at Columbia Gorge Community College to take oral and written testimony on this proposed permit renewal. The response to comments and the full text of the comments is provided in attachments 2 through 4.

Boiler emissions detail:

Boiler emission Factors:

Pollutant	Natural gas		#2 distillate oil	
	(lb/10 ⁶ ft ³)	Reference	(lb/1000 gal)	Reference
PM	2.5	DEQ	3.3	AP-42
PM10	2.5	DEQ	2.3	AP-42
CO	84	AP-42	5	AP-42
NO _x	100	AP-42	20	AP-42
SO ₂ long term	2.6	DEQ	71	AP-42 at 0.5% sulfur regulatory limit
VOC	5.5	AP-42	0.2	AP-42

Boiler Operating Parameters (annual fuel usage based on natural gas for 9 months and oil for 3 months):

Natural gas = 214 million cubic feet
 #2 Oil = 534 thousand gallons

Boiler emissions:

Pollutant	Natural gas (tons/yr)	#2 distillate oil (tons/yr)	Total (tons/yr)
PM	0.3	0.9	1.1
PM10	0.3	0.6	0.9
CO	9.0	1.3	10.3
NO _x	10.7	5.3	16.0
SO ₂	0.3	19.0	19.2
VOC	0.6	0.1	0.6

Cyclone PM/PM₁₀ emissions:

Pollutant	Annual throughput	Emission factor	Emissions (ton/yr)
PM	8000 BDT/yr	0.5 lbs PM/BDT	2.0
PM10	8000 BDT/yr	0.25 lbs PM/BDT	1.0

Wood treatment VOC emissions:

Emission point	Parameter/throughput	Emission Factor	Annual Emissions (ton/yr)
Valves	431 Valves	0.000051 lb/hr	0.1
Relief Valves	5 Valves	0.023 lb/hr	0.5
Flanges	1101 Flanges	0.00018 lb/hr	0.9
Pump Seals	42 Pump Seals	0.0047 lb/hr	0.9
Storage Yard	See KMCLLC Spread Sheet		8.1
Retort Doors	2624 Charges	0.4 lb/charge	0.5
Vacuum Sys.	2624 Charges	0.1 lb/green charge	0.1
WWT			0.1
Insignificant	Constant value for drip pad, tank farm, process drains, hot sump, work tanks, and storage tanks		1.0
Total VOC			12.2

Note: The vacuum system emission factors include a 98.75% control factor

Hazardous Air Pollutants (Potential to Emit):

HAP	without controls (tons/yr)		Total	with controls (tons/yr)		Total
	Point sources	Fugitives		Point sources	Fugitives	
Naphthalene	5.21	5.25	10.46	0.11	4.95	5.06
Dibenzofuran	0.59	0.60	1.19	0.01	0.56	0.58
Quinoline	0.25	0.25	0.49	0.01	0.23	0.24
Biphenyl	0.22	0.22	0.43	0.00	0.20	0.21
Total HAPs			12.57			6.09

ATTACHMENT 1: SUMMARY OF ODOR COMPLAINTS

Date	Time	General location	Time of investigation	Observations by plant personnel
08/21/03	8:15 a.m.	200 block of Lone Pine Dr.	10:30 a.m.	DEQ and plant personnel visited the complainant and discussed the weather conditions at the time of the complaint and invited the complainant to take part in the odor work group. Wind 0 mph, 60°
09/27/03	8:00 a.m.	2400 block of E 18 th Street		Plant personnel agreed that the odor was stronger than normal. Wind 0-1 mph from the East, 56°
08/10/04	10:00 a.m.	400 block of E 10 th Street	11:15 a.m.	Plant personnel were unable to detect any creosote odor. The plant was operating normally. Ties were being treated in 5 cylinders. Wind 2-4 mph from the Northwest, 85°
05/31/05				This was listed in the annual report, but DEQ does not have a record of this complaint.
06/16/05	9:16 a.m.	400 block of E 10 th Street	9:25 a.m.	Plant personnel were unable to detect any creosote odor. The plant was operating normally. Ties were being treated in 5 cylinders and the last charge had been removed at 7:30 a.m. The mist system was in use. Wind 0-1 mph from the Northeast, 67°
06/29/05	7:35 a.m.	400 block of E 10 th Street	7:47 a.m.	Plant personnel were unable to detect any creosote odor. The plant was operating normally. Ties were being treated in 5 cylinders and the last charge had been removed at 2:10 a.m. Only one charge was on the drip pad. Wind 2 mph from the North to Southwest, 70°
09/01/05	8:30 a.m.	400 block of E 10 th Street	8:45 a.m.	Plant personnel were unable to detect any creosote odor. The plant was operating normally. Ties were being treated in 5 cylinders and the last charge had been removed at 6:45 a.m. Only one charge was on the drip pad. Wind 2-5 mph from the West, 67°
01/12/06	3:55 p.m.	1500 block of E 18 th Street		The plant was operating normally. Ties were being treated in 5 cylinders. The last charge was pulled at 3:15 p.m. Only one charge was on the drip pad. Wind 0-2 mph from the ESE, 43.5°, overcast.
04/24/06	8:45 a.m.	1900 block of Quinton Street	8:50 a.m.	The treating plant was idle. All treatment had been completed Sunday evening. Charges were removed from the cylinders at 6:25, 7:30, and 7:45. Wind 1-3 mph from the north, 49°

Date	Time	General location	Time of investigation	Observations by plant personnel
07/20/06	6:59 a.m.	E 13 th Street		The complainant called the DEQ and said that the odor had been bad every morning lately. It was like it was 19 years ago. Until the last week, it hadn't been that bad.
08/10/06	7:50 a.m.	8 th and Kelly Streets		The plant was operating normally. The treating plant was idle. All cylinders had completed treatment of ties the previous evening. There were no freshly treated charges on the drip pad. Treated material was not removed from the cylinders until after 8:00 a.m. Wind 0-1 mph, 65°.
01/25/07	12:05 p.m.	8 th and Kelly Streets		The plant was not notified until 1/26/07. At the time of the odor observation, the plant was operating normally. The last charge of treated material was removed from a cylinder at 11:30 a.m. Wind 0 mph, 34°, overcast and foggy
07/10/07	7:30 a.m.	1100 block of E 18 th St.	7:00 a.m. (7/13/07)	The plant was operating normally. Two treated charges removed between 6:00 a.m. and 7:30 a.m. Wind 0 mph, 64°
07/12/07	7:30 a.m.	1100 block of E 18 th St.	7:00 a.m. (7/13/07)	The plant was operating normally. Two treated charges removed between 6:00 a.m. and 7:30 a.m. Wind 0-2 mph, 75°
07/11/07	8:37 a.m.	1500 block of E 18 th St.	8:45 a.m.	Plant personnel were unable to detect any creosote odor. The plant was operating normally. No treated charges removed until after 9:00 a.m. Wind 0-1 mph, 70°
07/25/07	8:09 a.m.	400 block of E 10 th St.		The plant was operating normally. One charge removed at 8:00 a.m. Wind 1-4 mph, 66°
09/24/07	8:45 a.m.	11 th between G and H St.	8:52 a.m.	Plant personnel were unable to detect any creosote odor. The plant was operating normally. Three charges removed between 5:00 and 7:00 a.m. after the weekend shutdown. No wind, 48°
10/02/07	8:45 a.m.	12 th and Dry Hollow	8:55 a.m.	Plant personnel were unable to detect any creosote odor. The plant was operating normally. One charge removed at 7:00 a.m. No wind, 54°

ATTACHMENT 2: RESPONSE TO COMMENTS

A draft permit was released for public comment on November 16, 2007. The comment period was originally scheduled to end on December 17, 2007 but was extended to January 2, 2008 to allow at least 35 days for submitting comments. During that time, the Department received comments from 3 individuals, FRIENDS OF THE COLUMBIA GORGE (FRIENDS) and, the Northwest Environmental Defense Center (NEDC). In addition, a public hearing was requested by eleven individuals, as well as FRIENDS and the NEDC. On February 4, 2008, the Department provided notice that a public hearing would be held on March 11, 2008 and extended the comment period to March 12, 2008. In addition, the Department issued press releases announcing the hearing on February 12, 2008 and March 5, 2008. There was also an article in The Dalles Chronicle on March 7, 2008 announcing the hearing. Twenty-four people attended the hearing and nine people testified. The Department also received five additional written comments from individuals and FRIENDS.

The complete text of the oral and written comments is provided as an attachment. Provided below is a summary of the comments along with the Department's response. The list of commenters is provided after the table followed by a summary of the changes to the permit.

Commenter	Summary of comment(s)	DEQ response
1, 2, 3, 4, 5, 6, 7, 8, 9, 10	Odors from the plant are a significant problem that affects the quality of life in The Dalles.	The Department understands that some people in some areas of the city at certain times detect odors from the plant that are very unpleasant. For this reason, the Department has spent a considerable amount of effort working with members of the community and the plant to evaluate odor events and explore ways to reduce the impacts of the odors. Several provisions have been added to the permit to continue to make progress toward reducing the odor impacts.
1	The emissions from the drip pad should be captured and controlled with an afterburner or switch formulations.	These are options that will be evaluated for the long term odor reduction plan. The plan is required to be submitted by January 1, 2009.
1, 11, 12, 13, 14	The odor reduction measures in the permit are not binding.	The department has revised the permit to ensure that the interim and long term odor reduction plans are submitted for approval by the Department and then implemented by the permittee after approval.

Commenter	Summary of comment(s)	DEQ response
5, 11, 12, 13, 14	The air quality in the Gorge is being degraded so the DEQ needs to take a close look at measures to reduce emissions from existing sources.	The Department agrees that a holistic strategy is necessary to maintain and improve the air quality in the Gorge. The Department is working with other agencies and interested stakeholders to develop these strategies. Every source of emissions contributes to the overall air quality in the Gorge. However, this particular source is an extremely insignificant source of visibility impairing pollutants. Actual particulate matter and sulfur dioxide emissions have been less than 1 ton per year, nitrogen oxide emissions have been less than 2.5 tons per year, and volatile organic compounds have been less than 12.5 tons per year. Sulfur dioxide and nitrogen oxides are the primary visibility impairing pollutants in the Gorge because they form nitrates and sulfates.
11, 12, 13, 14	The review report provides too little information to conclude true minor status and the permit includes too few enforceable conditions to show synthetic minor status for criteria pollutants.	The maximum projected criteria pollutant emissions are based on the best available information. Since the estimated emissions are below the significant emission rate for each criteria pollutant and well below the Title V major source thresholds, the Department does not believe that it is necessary to add additional operating restrictions to the permit.
11, 12, 13, 14	Hazardous Air Pollutant (HAP) emissions are not adequately addressed in the draft permit and review report.	The maximum projected hazardous air pollutant emissions are estimates based on studies conducted by the industry with EPA oversight. Since the estimated emissions are well below the major source thresholds, the Department does not believe it is necessary to add additional requirements to the permit.
11, 12, 13	The Department should conduct a more refined air quality impact analysis.	The Department has limited resources that must be managed to best protect the environment in accordance with the regulations. The regulations are designed to address those sources that are most likely to have an adverse impact on the environment and public health. This minor source does not fall into the category of sources that requires a detailed air quality impact analysis.

Commenter	Summary of comment(s)	DEQ response
11, 12, 13	The Department should require more extensive ambient monitoring.	Based on the information available at this time, the Department does not believe that the emissions from the plant create a public health hazard. However, since many people in the community have complained about odors from the plant and odors are often perceived as an indicator of a potential health hazard, the Department is requiring a limited amount of ambient monitoring that will hopefully coincide with an odor event.
11, 12, 13	The low number of complaints is surprising considering that 20% of the people that responded to the city-wide questionnaire said the odors were a significant issue.	The Department agrees, which makes this issue very difficult to understand.
5	The Department has not provided sufficient time to submit written comments following the public hearing.	The initial notice for public comments was issued on November 16, 2007 and the public comment period finally closed on March 12, 2008. Although the comment period ended one day after the public hearing, anyone interested in this permit action actually had 117 days to provide comments and/or obtain additional information. The regulations only require 35 days with an additional 30 days if a public hearing is requested. Due to the extended public comment period, the Department did not believe it was necessary to provide additional time to submit comments after the public hearing.
5	The Department has not inspected the facility enough.	The Department has limited resources that must be managed to best protect the environment. Although this source does have odor issues, the source is a minor source of pollutant emissions and has a good compliance history. Consequently, this source is not a high priority source for routine inspections. However, the Department will conduct a comprehensive inspection during the next permit term.

Commenter	Summary of comment(s)	DEQ response
4	The DEQ needs to keep the citizens of The Dalles informed of specific actions to reduce odors.	The Department will distribute the response to comments for this permit renewal. In addition, the Department will post the interim and long term odor reduction plans, as well as the results of monitoring on the following web page setup for this source. http://www.deq.state.or.us/er/AmeriTiesWest.htm
4	The DEQ needs to talk to the railroad about what they can do to help reduce the odors from the plant.	The railroad is not the permitted source. However, the Department expects that Amerities West, Inc. will engage and consider all of the stakeholders, including the railroad, when developing the interim and long term odor reduction plans.
4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24	Request for public hearing	A public hearing was held on March 11, 2008. Twenty-four people attended the hearing and nine people provided comments.
25, 26, 27, 28, 29, 30	Odors from the plant are not a problem.	The Department understands that odors from the plant are not an issue for many people in the community.

List of commenters:

- | | | |
|--|---|------------------------------------|
| 1. Norman Bennett | 11. FRIENDS OF THE GORGE | 20. Helen Joan Flynn |
| 2. Bill Noonan 12/12/08 | written comments 1/2/08 | 21. Colleen Ballinger |
| 3. Bill Noonan 3/11/08 (read by Judy Merrill at the hearing) | 12. FRIENDS OF THE GORGE oral comments | 22. Micaela Ballinger |
| 4. Judy Merrill | 13. FRIENDS OF THE GORGE | 23. Donna L. Robertson |
| 5. Jurgen Hess | written comments 3/12/08 | 24. Amy Marshal |
| 6. Kathryn O'Halloran written comments | 14. Northwest Environmental Defense Center (NEDC) | 25. Ray Koch |
| 7. Kathryn O'Halloran oral comments | 15. Barry Abrams | 26. Lee Thornton |
| 8. James Martin | 16. Lori Russell | 27. Jeff Thompson written comments |
| 9. Chris Wilt | 17. Michael D. Ballinger | 28. Jeff Thompson oral comments |
| 10. Linda Carter | 18. Philip Brody | 29. Ron McHale |
| | 19. Mary Sullivan | 30. Wayland Huteson |

Summary of changes to the draft permit:

Condition	Change
Header	The expiration date of the permit is changed to 4/1/2013, which is slightly less than 5 years from the date the permit will be issued.
1.6.b	The language is changed to specify that the permittee is responsible for verifying that used oil meets the specifications whether or not the used oil is generated on site or purchased from a vendor.
3.2	The organic vapor mist system above the retort doors is added to the list of control devices.
5.2.c.iv	The reference to Kerr-McGee is changed to Amerities West.
6.2.a	The due date for the interim practices plan is changed to 6/30/08 to allow time to prepare the plan following issuance of the permit. In addition, the language is changed to ensure that the plan will be implemented once it is approved by the Department.
6.2.b	A reference to cost effectiveness was added to the consideration of some of the long term strategies.
6.2.c	The due date of the long term plan is changed to 3/31/09.
6.3	The due date for the sampling is changed to 3/31/09 to allow more time to conduct the sampling during conditions that are likely to cause odors. In addition, the due date for the sampling plan is changed to 6/30/08 to allow time to prepare the plan following issuance of the permit.
7.1.g	The language is changed to ensure the records are maintained for used oil whether or not the used oil is generated on site or purchased from a vendor.

ATTACHMENT 3: PUBLIC HEARING COMMENTS

AMERITIES WEST AIR PERMIT RENEWAL HEARING

3/11/08 The Dalles, OR

TESTIMONIES

SPEAKER

REPRESENTING

Jurgen Hess

Self

I will address a number of points, one is cumulative effects. We must consider the cumulative effects of all the pollutants from this facility along with everything else that is in the Gorge. While this facility may individually beat the standards, the effects of the pollutants along with everything else has to be considered, especially particulates and haze. We have other things going on in the Gorge, they are talking about an airport in The Dalles and Dallesport expanding.

DEQ knows that haze is an issue in The Gorge. When it comes to particulates, the allowable level that comes from industry standards is used rather than on the ground monitoring. I think there should be a much lower minimum level for particulates. We also have to analyze the effects of global warming, it affects increasing haze in the Gorge and it will also affect smell issues. On warm days the smells are worse. I live in Hood River and I have a lot of friends over here and the reason I am over here tonight is we share a common air shed. We have had issues in Hood River with our sewer treatment plant at the waterfront and it will be covered.

I would encourage DEQ to put pressure on the industry to take care of the smell. It does affect the housing, it affects people who live here, it affects commercial uses and it affects the persona of The Dalles. The downtown commercial owners here are jealous of Hood River, they say there are many days they would rather be over here and I do come over here to get away from the craziness. It is a negative economic stimulus for commercial use. It is a nuisance. Why aren't there any inspections? I think this is shocking. Without inspections, regulations simply won't be enforced. The permit should include inspections, compliance review and key target deadlines.

The interconnectedness of air pollution to rain water is undisputable. Pollutants such as sulfur dioxide do affect the rain pH. I think there should be an inventory monitoring point right down here. We can't just depend on the ones that are on either end of the Gorge. I used to work for the Forest Service so I know what they are measuring, but we do need something closer into the Gorge here.

I just have a couple more comments. The time for written comments is amazing, tomorrow at 5:00 PM. That is shocking. When I worked for the Forest Service, every time we would give at least two weeks and usually 30 days for people to provide comments. The Gorge Commission does that in every one of their hearings. They always leave the record open after a hearing. Some of us just picked up some of this literature tonight. That means we have a big deadline and that is not conducive to getting good public input.

In closing, please do the inspections and reviews, especially when there are east winds and west winds. Please create the strongest standards. We all live in this air shed together and we all care about it and get rid of the smell.

Kate O'Halloran

Self

I am grateful for everyone for being here and for being concerned. You can put on the record that I duplicate everything that Jurgen just said. But at another angle as a home owner who lives two miles west of the facility, when I purchased my home had I been outside at the times that the fumes are most of a nuisance and unbearable, I would never have purchased my home. I have a beautiful view, but when I want to go outside and enjoy it with a cup of coffee in the morning, I have to go back in. I am a landscape designer, I am outside all the time, I am in my yard and other people's yard and gardens, it is a nuisance and often makes me nauseous. The people in my house all agree and a lot of my neighbors too, but they couldn't all make it here tonight. I really would advocate again trying to implement some of these policies and try and get the place covered and do whatever it is as soon as possible to help with that. I know that it does affect the businesses downtown as well and the real estate agents who have all commented to me about their concerns as well.

Jeff Thompson

Amerities

I am the General Manager at the Tie Plant. Over the past five to ten years that I have been at the plant, I have worked diligently with the Department and we appreciate their efforts in working with us to address our issues at the plant. But when it comes time for the actual issue of the permit we have never been out of compliance with any of the conditions put on us and I would urge the Dept. to consider what is realistically and factually proven regarding the operation of the plant. I would urge that this permit be issued so we can continue operation.

Rick Till

Friends of the Columbia Gorge

I am with Friends of the Columbia Gorge. We are a conservation organization with memberships from over three thousand households dedicated to protecting and enhancing the resources of the Columbia River Gorge. I have previously submitted comments on behalf of Friends of the Columbia River Gorge, Riverkeeper and NW Environmental Defense Center and I don't want to read through those comments, but just highlight a few points. I think DEQ should take a look at those comments though; there is a lot of substance and detail.

As a preliminary issue, Friends is not interested in closing down the Tie Plant, but we do want DEQ to hold the plant owners responsible for compliance and for the Clean Air Act. We think that can happen without a detriment to the local economy.

I want to hit on some oversights from the previous permit that could be remedied through this process. The memorandum supporting the permit concluded that there is a low concern for exceeding ambient air quality standards for sulfur dioxide, nitrous oxide, carbon dioxide and lead. It has become apparent that the Columbia River Gorge has a serious air quality problem. Air quality and visibility in the Gorge are currently degraded. The Gorge is one of the most polluted air sheds in the western United States. Visibility is impaired more than 90% of days, the acid deposition in the Eastern Gorge is damaging eco-systems and threatening Native American cultural resources. This data is from a Forest Service study and shows that the air quality is not improving. Given this and reiterating previous

comments, DEQ needs to take measures to reduce emissions at all levels including this permit process.

I wanted to make a few observations regarding the interim practice plan, the management practices plan and the long term strategies for reducing odors. Reading through these it doesn't appear that there is much substantive enforcement power. A lot of it is phrased in passives since

the interim work practice plan says that work practices should be evaluated to develop the plan and then the bulleted points below that reference that they are all preceded with phrases such as, "if possible, to the extent possible, evaluate the effectiveness. There is very little in there in the way of substantive force to require actual implementation if they find out that through this planning that emissions can be reduced.

Similarly the long term strategy for reducing odors only requires that the permittee must consider at a minimum the following when developing a long term strategy. They only have to consider to the "extent feasible" the capture and control of emissions from retort doors and to the "extent feasible" the emission and control of the drip pad. It would seem wise to require more than just consideration of those possibilities, but if feasible they should be required to implement those measures and that language should be included in the permit so that any future noncompliance issues have the language there to actually enforce compliance in a meaningful way.

With respect to health concerns, DEQ has stated that it has only done crude emissions modeling. I would recommend that DEQ do more refined emissions modeling to determine what exactly is coming from the plant and how that is affecting public health.

We are encouraged by the proposal to do more testing & sampling, but it would appear that more work could be done to get a more accurate gage of what emissions are spreading throughout the community. I would recommend equipping local residents with tools for taking air quality samples. This would be cheap, effective and precisely correlate with odor events. I am familiar with actions taken in other regions next to much more intensive industry where low income residents are equipped with tools to take air quality samples, send them off to a lab and have that investigated.

DEQ should be looking into some of these low cost measures to take air quality samples. It might go a long way in helping out the community and keeping them involved in finding out what their health threats are.

Finally, with respect to the report on the previous permit we find it dubious that only 17 complaints to the permittee and 1 complaint to DEQ were listed under compliance with nuisance permit standards, when 20% of respondents to DEQ's own odor survey found the odors intolerable. That should have been specifically addressed in the review of compliance with the previous permit. Thank you for the opportunity to comment. We look forward to seeing DEQ's responses.

Judy Merrill

Self

I want to thank both Jeff and Larry and Mark and Linda. I am glad to be here. To hear the information and to have some questions answered. I would like to read a letter from Bill Noonan, who was one of the three people that were on our citizen committee. There were three of us citizens that worked for about three years with Jeff and Mark.

Letter addressed to DEQ dated 3-11-08:

After reading The Dalles Chronicle front page article on the Tie Plant's permit renewal, I thought to myself, why bother? I can make better use of my time coaching little league baseball tonight rather than to attend the public meeting. I have no confidence that anything will be done

to curb the fugitive odors from the plant. This is not an indictment against Jeff Thompson at the plant. I sincerely believe that if he could do anything about the odors, he would do it. My lack of confidence comes from a combination of fatigue over nothing being done for the last five years and the event of the Cherry Grower's plant this last summer.

With noxious odors spreading across the town on a daily basis, I saw the citizens of The Dalles and elected officials rally around an effort to put an end to the smell. It was successful. While the odors from the Tie Plant are equally noxious, they occur infrequently and in different locations depending on weather and wind conditions. If they were consistent and persistent, I believe this city and its citizens would respond in a similar manner as they did to the Cherry Grower's.

Until the odors become an obnoxious presence on a more frequent basis, the citizens of The Dalles will remain in a resigned place of hopelessness. The article cited 17 complaints over five years. The citation is very misleading. There was no mention a survey we did as a citizen group that indicated that the large number of citizens who complained of odors. I suspect that things will be different five years from now when the Lone Pine Development has been developed and sales are slowed when prospective buyer smell what they could be living in on a more regular basis.

Sincerely, Bill Noonan

I share his feelings too and I decided I still needed to be here tonight. In ending I would specifically like DEQ to keep the public informed on a regular basis of the specific strategies, short and long term, the specific timelines, the target deadlines and the outcome. On a regular basis to keep the citizens of The Dalles informed. Not on generalizations, but specific actions. I would also like to request that DEQ meet with the Union Pacific; they are the owners of the land. It has been avoided for the last five and half years that I have been involved. I really feel that is a key issue that has been avoided. Again, I would like to be informed on a regular basis and I think the public and the newspaper and hearings need to be kept involved.

Jeff Thompson said in the newspaper confirmed that Amerities is constantly evaluating ways to reduce odor from the Tie Plant. I think that the public should know exactly what is being done on a regular basis.

Ron Mc Hale

Self

I work for JX Baxter in The Dalles, I have worked for everybody who has made ties in The Dalles. When JX Baxter was here, which is the one we were talking about earlier, it was not too good. Every company that has come in, Kerr McGee and Amerities have made improvements to the Gorge air shed to my knowledge, because I worked for all three of them.

I am sure that Amerities has done some programs here and they are starting, trying to keep up with people's concern of the air shed. It is too bad The Dalles sits in an air shed that between two of the dirtiest parts of Oregon; Portland and Boardman. We have to eat both of them. I take offense at people coming to The Dalles from out of town telling me how dirty my air is when they come from the dirtiest area of Oregon. So I take offense to that and I think that we do as The Dalles and with our new company, I think they are doing a very good job and you may not appreciate it, but it is 90% better than it was three years ago. If we give these people

encouragement, and the DEQ has the quality they require and we meet the quality, I think we should all help them. Nothing is perfect, but they are doing a good job.

James Martin

Sunshine Mill

My comments are in representation of a project that is here in The Dalles which is the Sunshine Mill project at the bottom of Bury Grade, which sits adjacent to the activities at the Tie Plant.

At this point it is a new development and it is going to be challenged by the smells and appearance of everything that surrounds it. When we started this project it wasn't something that we weren't aware of, it was something we knew we would be challenged with over time.

So my comments today are to explain what I think should be a long term potential process in this community. We have seen a lot of growth in the community recently and that has created a greater vision for the community and I think that one thing that cannot be understated is what the economic activities of the plant have done for the community too.

I think that business has been a great provider of jobs to this community and that has a value that we should not underscore and say it hasn't meant something. I know some great people that work there and I think Jeff, you represent your company very well and that you represent a concerned business as well. I think that what is happening here as a change (my family has been here for many generations) is that we are having this amount of growth and this growth is creating a lot of economic activity. The pressure is getting put on that location by the surrounding activities that are happening that are going to potentially be the demise of that business.

The sooner the better that your business and your share holders are aware that it is a matter of time. It might be 15 years and it might be 30 years, but eventually the community as it grows will no longer accept that business as a part of what we they want to see.

What could be of value to both that business and our community is to begin a process of working together to see what other opportunities that property could eventually have to the community. We are at point right now where the port no longer has the share they would

like for growth and with this higher level of self esteem that this community has there will be far more pressure on that plant to make changes.

At this point the Tie owners still have a great deal of leverage. There is still a DEQ process and it is a rubber stamp process – meet the guidelines and there is nothing to limit you from being able to continue those activities and you are going to get what you want today.

Eventually the investment that is happening on this community is going to put a great deal more of pressure that you are not seeing today. Today, you are seeing concerned community members, people that are worried about lifestyle and the appearance of their community as well as the odor. What you will be dealing with in the future will be potential city nuisance ordinances, state legislation against the plant possibly and eventually this is all going to happen because business owners and the social community are going to end up teaming up.

As a business owner myself I am concerned about you guys being successful. I think you should start some sort of negotiation today to see where your future can be, and that in that future you

have an exit strategy, to define how you will leave this community and leave it on your terms financially and leave it on the community's terms as well. You can have that feature self defined or you can see the other possibilities. The other possibilities are the ones you have no control over. That is civil litigation. You will be at a point where the cost for the odor is at a point where legal or not legal will be perceived by a jury of peers in a civil suit that will suggest that a property owner was harmed by the activities of the plant. It may not seem fair today but at the point where people are financially investing into the growth of this community at such a high level it will be a part of your future.

I would say that is a great message to take back to your plant owners. We have a community that has turned our cheek to everything and allowed so much to happen to us that it has affected our self esteem that we are at a point now where that is no longer the case. We see a future for ourselves that is different from what we have had in the past and that it is not going to go away, because the amount of private investments that private business is putting into this area with developments. The sooner you have these conversations the better to have a way to slowly move your business into other locations and actually make money on your way out.

Wayland Huteson

Amerities

I'm Wayland Huteson, I have never been so blatantly told to get out of dodge in my whole life. It is really ironic. I worked down at the Tie Plant for almost twenty years, raised my children and bought a house. My Daddy even hauled ties by horse in the thirties. It is a good thing you went up after Ron McHale, I think he would have blown a gasket. If it is so offensive to the whole town. How many people are here? Please raise your hand if you find the tie plant that offensive to you? There must be six or seven. Is that noted? We live in a population of twelve thousand. That is a bit ironic. As far as all this growth and building and all that, well that's fine and dandy, but. Where are all these people having to work at? We got to work somewhere. As far as all this wild stuff about that mill site, hell, when I was a kid, people actually worked there. Now it is an Aluminum plant. What do we want? A ghost town? We can work at Burgerville. I can buy a hell of a lot of stuff working at Burgerville. That's all I got to say.

Chris Wilt

Self

I am a new member of the community. I just bought a house on 11th Street. I came to The Dalles because I could afford The Dalles. The opportunity here, I see good. I think the plant is a good thing, it does offer jobs. I want to stress that we are here tonight because there is a problem and it is a smell that is a concern to many people. I didn't know of it to tell you the truth. I knew of the plant and met those and cared for those from the plant. It sounds like a great place.

It is a two sided street, there is a smell. What it comes down to is what do people think as they come through the Gorge or through any town on the river. The beauty is there and then you have a smell. The concern we should look at is the future of The Dalles. Are we going to go somewhere? You speak of the empty mill, there used to be employees. Let's try not to close the place down. Look into the alternatives without the smell. Keep it going. I just find it hard to be in the yard and enjoy the scene while I smell the smell, but I stress all those who can make a difference, do so. Care about it, I care about and I think everyone in this room does. Make things happen, make friendships happen and keep the plant going. Try to find a different way without the smell.

ATTACHMENT 4: WRITTEN COMMENTS

To view written comments click on the link below:

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