

August 28, 2019

Mr. J.R. Giska
DEQ CAO Program Engineer
Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Re: Cleaner Air Oregon Emissions Inventory

Dear Mr. Giska:

AmeriTies West LLC (AmeriTies) received your letter dated August 8, 2019 and requesting additional information related to our Cleaner Air Oregon (CAO) inventory. Below is our response to each of your questions. For clarity, we have restated each of your questions in italics below and state the answer immediately after each question.

Specific Questions

1. *Revise the submittal to include Toxic Air Contaminant emissions from onsite "Wastewater Treatment (WWT)" and "Sump Tank" processes identified in Section 3.2 of your Standard Air Contaminant Discharge Permit.*

The WWT and Sump Tank processes identified in our ACDP are negligible sources of toxic air emissions that are not capable of being quantified. As noted, they are identified in our ACDP with associated BMPs (e.g. maintaining covers). By keeping the covers in place in compliance with Condition 3.2 of our permit, the emissions from the processes are de minimis.

2. *Provide all methods, assumptions, and calculations used to determine activity levels for the following Toxics Emissions Units:*
 - a. *Drip Pad [ft³/yr]*

Please see attachments. The material in the attachments constitutes confidential business information and, as explained below, should not be released to the public.

- b. *Storage Yard [tie-equivalents/yr]*

Please see attachments. The material in the attachments constitutes confidential business information and, as explained below, should not be released to the public.

c. Equipment Leaks [total components]

Please see attachments. The material in the attachments constitutes confidential business information and, as explained below, should not be released to the public.

3. *For all Toxic Air Contaminant emission factors reported as "Vapor Mass Fraction", provide all methods, calculations, and cited references used to establish emissions in this submittal, including but not limited to the following:*
 - a. *"Storage Yard, Drip Pad, and Retort Door Opening Annual Emissions Estimates" prepared by AquAeTer, Inc. dated May 2019.*

Please see attachments. The AquAeTer report constitutes confidential business information and, as explained below, should not be released to the public.

b. "Polynuclear Aromatic Hydrocarbon Analysis Report" prepared by R.J. Lee Group dated May 14, 2019.

Please see attachments. The R.J. Lee report constitutes confidential business information and, as explained below, should not be released to the public.

c. "Air Emissions Inventory Guidance Document for Stationary Sources at Air Force Installations" (December 2003)

This document is too large to transfer effectively but is publicly available at the following address: <https://apps.dtic.mil/dtic/tr/fulltext/u2/a400721.pdf>.

d. "Characteristics of Spilled Oils, Fuels, and Petroleum Products-Composition and Properties of Selected Oils" report (EPA/600/R-03/072) prepared by the National Exposure Research Laboratory Office of Research and Development US EPA

Please see attachments.

4. *Provide data to substantiate temperature data used in calculation methodologies - e.g., retort fugitives, storage yard temperatures, and operating temperatures of all Storage, Vent, and Work Tanks.*

The temperatures are shown in the documents responsive to your request numbers 2 and 3 above. Please see the attachments.

5. *As per Mutual Agreement and Order No. AQ/AC-ER-16-067 (MAO), Amendment 2, Table 1, Strategy C.1, AmeriTies West LLC prepared an Oil Scrubber Evaluation Report in 2017. This report indicates the scrubber is operating at variable removal efficiencies over time, which will affect the 98.75% overall control efficiency assumption reported in*

this submittal. Please revise this submittal to reflect the findings of this report or otherwise substantiate the usage of the 98.75% overall control efficiency with supporting data.

We disagree with your characterization of the 2017 Oil Scrubber Evaluation Report. The purpose of the report was to assess how frequently we need to change the oil in the scrubber in order to maintain the control efficiency. The study successfully established the replacement interval to avoid saturation of the scrubber oil. By changing the scrubber oil before it becomes saturated, there is no drop in control efficiency. Therefore, the 98.75 percent control efficiency is maintained and properly applied in the CAO inventory.

6. *Please provide safety data sheets and usage records or purchase information, as available, for products cited in the Material Balance tab, including:
 - a. "Krylon Flat Black Spray Paint"*

In 2018, the facility used 252 cans of Krylon flat black spray paint. An SDS is attached.

- b. *"Krylon Weekend Spray Paint Chrome Aluminum"*

In 2018, the facility used 284 cans of Krylon chrome aluminum spray paint. An SDS is attached.

Confidential Business Information

AmeriTies requests that portions of this submittal be managed as Confidential Business Information (CBI) and not be released in response to Public Record Act requests. AmeriTies considers the facility activity level and proprietary testing and assessment data to be highly confidential information. The justification for why these data qualify for trade secret protection is stated below. As required by Oregon Administrative Rule (OAR) 340-214-0130, each page of the attachment to this letter for which we are seeking confidential status is prominently marked as "Confidential Business Information--Do Not Release to Public."

Production data and emissions testing data meet the requirements of Oregon Revised Statute (ORS) §192.345(2) and OAR 340-214-0130(3) and are therefore exempt from disclosure. The basic technology of treating wood is not unique to AmeriTies. However, our facility activity level data and the means by which we assess our chemical composition of the process exhaust is highly proprietary. If one of our competitors was provided these data, they could use the data to their economic advantage.

The facility activity and emissions assessment data are entitled to CBI status because: (1) they consist of information that cannot be patented, (2) the information is known only to a limited number of individuals within AmeriTies who make every effort to ensure this information is not available to or obtained by competitors, (3) AmeriTies derives economic value by maintaining the confidentiality of activity level data and the proprietary testing/evaluation data that it has developed at great expense, and (4) maintaining these activity level data and proprietary testing/evaluation data as confidential provides AmeriTies with a business advantage over its competitors. In support of these factors we note that AmeriTies has never shared the activity

level data or the proprietary testing/evaluation data with anyone outside of a select group of “need to know” employees and contractors. This information is consistently maintained as CBI as our competitors are always keenly interested in knowing details about the success of our operations. Sharing these data with a competitor would identify highly confidential information about our formulae, our facility configuration and our treating regimen. This is information we take great pains to keep confidential. If such information was released to the public, competitors could utilize that information to their advantage to steer sales away from AmeriTies or to avoid incurring the expense of conducting their own testing. This information derives independent economic value from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use--the very definition of a trade secret. The business advantage that our activity level data and the proprietary testing/evaluation data provide us over our competitors would be eliminated if DEQ were to release these data to any member of the public.

We note that the data being provided are outside the scope of “emissions data.” AmeriTies recognizes that the total emissions from the facility are emissions data and would be subject to public scrutiny. However, the facility activity level and the proprietary testing/evaluation data are not.

If the Department determines that any portion of the data for which we are requesting trade secret protection are not immune from a Public Records Act request, we request that you return these materials, in their entirety, to us so that we can find a different means of providing the information you need without endangering the viability of our business.

With these answers we consider our response to your August 8 letter to be complete. Please let me know if you disagree or have any other questions.

Sincerely,



Jeff Thompson
Plant Manager

Attachments

cc: John McGinley
Chad Darby
Tom Wood