



# Oregon

Kate Brown, Governor

Department of Environmental Quality

Agency Headquarters

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TTY 711

July 23, 2021

AmeriTies West LLC  
PO Box 1608  
The Dalles, OR 97058

RE: Warning Letter with Opportunity to Correct  
AmeriTies West LLC  
**2021-WLOTC-6401**  
33-0003-ST-01

Dear Mr. Bliss:

DEQ is sending you this Warning Letter with Opportunity to Correct (WLOC) citing violations of the Cleaner Air Oregon (CAO) program and allowing AmeriTies West LLC (AmeriTies) to correct the violations.

DEQ called AmeriTies in to the Cleaner Air Oregon (CAO) program on March 4, 2019. Pursuant to OAR 340-245-0030(1)(a)(A) AmeriTies submitted an Emissions Inventory (Inventory) to DEQ on June 3, 2019. Per OAR 340-245-0030(2), on August 8, 2019, DEQ provided AmeriTies a written request for clarifications and additional information to address deficiencies in AmeriTies' June 3, 2019 Inventory submittal. On March 11, 2020 DEQ amended its request for additional information in order to approve the Inventory and required source testing for multiple Toxics Emissions Units (TEUs) operating at the facility.

On April 10, 2020 AmeriTies indicated that operational changes were scheduled at the facility, including the construction of a Regenerative Thermal Oxidizer (RTO) for controlling fugitive emissions from the Retort Building and agreed to source testing the RTO and Retort Deck once the installation was complete. AmeriTies requested that DEQ withdraw the request for source testing the Drip Pad, Storage Yard, Boiler 2, and Diesel Scrubber. DEQ did not withdraw its request.

On June 2020, DEQ approved Notice of Intent to Construct (NC) #32430, permitting construction of the RTO at your facility. NC #32430 was issued with enforceable conditions requiring source testing of the RTO for the purposes of the CAO program to be completed within 3 months of startup, or an alternative date set by DEQ.

On December 14, 2020, AmeriTies informed DEQ that the RTO startup date occurred on December 10, 2020. On December 23, 2020, AmeriTies informed DEQ that the RTO was not

functioning and was in need of repairs. A subsequent communication from AmeriTies on January 21, 2021, indicated that the RTO was still not operational and would require 1-2 weeks for repairs.

On January 22, 2021, DEQ again amended its request for additional information to approve the Inventory submittal and revised source testing requirements as follows (items 1-5 are reproduced verbatim from the January letter):

1. **Retort Building:**

- a. EPA Method 204 must be performed to establish the Retort Building as a Permanent Total Enclosure (PTE). Because the retort building was not originally designed as a PTE, DEQ requires that the alternative criteria provided in Method 204 (Procedure, Step 8.3), that is based on a pressure drop of 0.013 mm Hg (0.007 in. H<sub>2</sub>O), must be used to establish the Retort Building as a PTE.
- b. The Retort building must be determined to be a PTE in order to waive the inlet testing to the RTO (see below), as this would ensure no fugitive emissions from retort door openings need to be accounted for in the Inventory.
- c. If the Retort Building is not determined to be a PTE, the actual capture efficiency must be determined using a tracer gas study or other DEQ approved procedure to determine the amount of fugitive emissions from retort door operations.

2. **RTO:**

- a. Sampling plans must include three (3) sampling events which include one (1) retort operating with copper naphthenate treatment solution, and the remaining retorts operating with creosote treatment solution.
- b. If the Retort Building is not determined to be a PTE (see above in (i)(a)), then the RTO inlet must be sampled using Modified EPA Method 23, or similar method upon DEQ approval, to sample for each Polycyclic Aromatic Hydrocarbon (PAH) and PAH-derivative listed in OAR 340-245-8020 Table 2, in order to assess fugitive emissions from the Retort Building TEU.
- c. The RTO outlet must be tested for the following using Modified EPA Method 23 to sample the following Toxic Air Contaminants (TACs) listed in OAR 340-245-8020 Table 2:
  - i. Each dioxin and furan congener, as well as totals for each class of congeners (e.g., Total tetrachlorodibenzo-p-dioxins, Total hexachlorodibenzofurans).
  - ii. Each PAH and PAH-derivative.

3. **Treated Tie Storage:** DEQ requires the development of site specific emission factors for the fugitive emissions from the stored ties treated with the creosote treatment solution for PAHs and PAH-derivatives listed in OAR 340-245-8020 Table 2. DEQ understands the complexities involved in sampling these emissions and remains open to discussing different sampling options for these emissions.

4. **Boiler 2:** Due to the limited amount of distillate fuel usage permitted for use in the boiler, DEQ will not require testing of this TEU.

5. **Diesel Scrubber:** DEQ understands that there are operational modifications occurring at the facility that will change which emissions are routed to the Diesel Scrubber. If these changes do not re-route all of the current emissions to this control device then the Diesel

Scrubber will still be a source of TAC emissions that must be tested for PAHs and PAH-derivatives using Modified EPA Method 23, or a DEQ-approved alternative method.

DEQ required the source test plan by March 23, 2021 and the completed source testing by April 22, 2021. AmeriTies did timely submit a source test plan on March 15, 2021 for testing the Retort Building and RTO. After reviewing this plan DEQ met with AmeriTies on March 23, 2021 to discuss source testing of the RTO inlet in order to characterize the fugitive emissions related to loading and unloading of the retorts; DEQ allowed for an extension of the source testing of the Retort Building and RTO in order for AmeriTies to determine the feasibility of RTO inlet testing. However, DEQ did not extend the deadline for testing the Treated Tie Storage and Diesel Scrubber.

AmeriTies submitted a final, revised source test plan on June 23, 2021 for the Retort Building and RTO source testing that will occur July 20-22, 2021. DEQ approved this plan on June 29, 2021; however, this source testing plan did not provide for testing the RTO inlet or the Treated Tie Storage or Diesel Scrubber.

DEQ requires emissions information from source testing for the Treated Tie Storage for completing the Inventory for CAO. DEQ also requires substantiation of the control efficiency of the Diesel Scrubber if it continues to remain in use at the facility. Additionally, based on the information regarding operations for loading and unloading of ties in the Retort Building that DEQ has learned since issuance of the January 22, 2021, letter, DEQ requires that AmeriTies provide fugitive emissions estimates related to the loading and unloading of the retorts in order to accurately characterize the amount and composition of fugitive emissions from these operations for the purpose of providing a complete Inventory.

DEQ has concluded that AmeriTies is responsible for the following violations of Oregon environmental law:

VIOLATION:

- (1) AmeriTies failed to submit to DEQ all necessary information to complete the emission inventory required by OAR 340-245-0040(1) and (3). Specifically, AmeriTies failed to provide DEQ with additional requested information necessary to approve the Inventory by failing to perform the source testing on the Treated Tie Storage and Diesel Scrubber by April 22, 2021. This is a Class II violation according to OAR 340-012-0054(2)(i).

Corrective Actions

By no later than 90 days from issuance of this letter

- 1) **Source test Treated Tie Storage:** AmeriTies must complete source testing to establish site-specific emission factors for the Treated Tie Storage and submit a final source test report to DEQ for approval. In accordance with the DEQ Source Sampling Manual, AmeriTies must submit the source testing plan by no later than 30 days prior to testing.

- 2) **Substantiate control efficiency for the Diesel Scrubber:** AmeriTies must provide one of the following in regards to the control efficiency of the Diesel Scrubber emissions used in the Inventory:
  - a. Source testing data sufficient to demonstrate the control efficiency related to the emissions of the PAH and PAH-derivative TACs in OAR 340-245-8020 Table 2;
  - b. Data demonstrating a revised control efficiency;
  - c. Statement that assumes zero control efficiency for the Diesel Scrubber; or
  - d. Submit a Notice of Intent to Construct to route all emissions currently ducted to the Diesel Scrubber to the RTO.
- 3) **Provide fugitive emission estimates from loading and unloading of retorts:** As noted above, DEQ is requiring this information based on the operations related to loading and unloading of ties into the Retort Building and the fugitive emissions that occur during those periods. AmeriTies must provide estimates of the amount and composition of these fugitive TAC emissions. This information may be provided by testing the inlet to the RTO during the periods when the retorts are being loaded or unloaded, derived from the testing of the tie storage, or an alternative method approved by DEQ.

Class I violations are the most serious violations; Class III violations are the least serious.

DEQ issued this Warning Letter with Opportunity to Correct because the violation cited by DEQ reflects AmeriTies failure to provide representative emissions data for all regulated PAH emissions in its inventory. PAH emissions can pose serious health risks to the surrounding community and are the primary TACs of concern emitted by AmeriTies. PAHs are a regulated class of TACs under the CAO program. As a class, PAHs are regulated for their cancer-causing potential since multiple PAHs are known carcinogens (ATSDR 1995). Certain PAHs also pose risk of noncancer health effects. Naphthalene exposure can damage red blood cells (ATSDR 2005), and benzo[a]pyrene can cause adverse developmental, reproductive and neurological health effects (U.S. EPA 2017). Understanding and controlling potential risks from such emissions is the key goal of the Cleaner Air Oregon program.

Should these violations remain uncorrected or should you repeat any of these violations, this matter may be referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties and/or a Department order. Civil penalties may be assessed for each day of violation.

If you believe any of the facts in this Warning Letter are in error, you may provide information to me at the office at the address shown at the top of this letter or at [keith.johnson@deq.state.or.us](mailto:keith.johnson@deq.state.or.us). DEQ will consider new information you submit and take appropriate action.

**DEQ is committed to continuing to protect the environment, deter non-compliance, and maintain a consistent statewide enforcement program. However, DEQ recognizes that public health and economic disruptions related to the COVID-19 outbreak may temporarily impact your ability to comply with DEQ requirements. DEQ encourages you to respond to this letter with specific information regarding outbreak related impacts to your operations, including staffing and service shortages.**

DEQ endeavors to assist you in your compliance efforts. Should you have any questions about compliance or about the content of this letter, you may contact me at 971-246-3554 or [keith.johnson@deq.state.or.us](mailto:keith.johnson@deq.state.or.us).

Sincerely,



Keith Johnson  
CAO Program Manager  
Oregon DEQ

Cc: Jeff Thompson, AmeriTies West LLC  
Tom Wood, Stoel-Rives  
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Anna Loyd, DEQ  
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