



Oregon

Kate Brown, Governor

Department of Environmental Quality
Agency Headquarters
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5696
FAX (503) 229-6124
TTY 711

August 2, 2022

ENTEK International LLC
250 Hansard Ave.
Lebanon, OR 97355
Sent via email only

Kim Medford,

DEQ received, and has reviewed, the Response to Comments (Response) submitted by ENTEK International LLC (ENTEK) on June 24, 2022, in response to the DEQ comment letter issued on May 26, 2022, requesting that ENTEK provide additional information, corrections, and updates to the Cleaner Air Oregon (CAO) Modeling Protocol, originally submitted on February 17, 2022. In this letter DEQ also conditionally approved the Risk Assessment Work Plan (Work Plan), originally submitted on March 18, 2022, with the stipulations that ENTEK address selected statements in the Uncertainty Analysis when submitting the final Risk Assessment.

In regard to the Modeling Protocol comments, ENTEK provided information that satisfied the majority of DEQ's comments; however, the following items were not sufficiently addressed:

2. Emission Rates

Please provide the following information regarding the proposed emission rates:

- c. In Table 3-5, Acetone emissions from C-STK are allocated at 42%, please provide justification for the allocation of these emissions.

3. Modeling Receptors and Exposure Location Assignment

- b. Regarding the property on Taxlot 1400 on Map Number 12S2W03C (see Attachment B, Figure 1):
 - ii. Because exposure locations in the CAO program are assessed based on the underlying zoning, which in this case is Exclusive Farm Use, please request an exposure location change using [AQ521](#) & [522](#) forms for modeling receptors on this taxlot consistent with its use.

The conditional approval of the Work Plan was contingent on ENTEK addressing DEQ's comments in the final Risk Assessment. In the Response, ENTEK disagreed with DEQ's interpretation of the background science related to fetal cardiac malformation. Further, based on the Response, it is unclear if ENTEK intends to address either of DEQ's comments from the May 26, 2022, comment letter in the final Risk Assessment; therefore DEQ is requiring revisions to the Work Plan submitted on March 18, 2022 as discussed below.

In accordance with Oregon Administrative Rule (OAR) 340-245-0030(2), DEQ has determined that the following additional information, corrections, and updates are required by **August 17, 2022**, in order to approve the Modeling Protocol and Work Plan:

I. Modeling Protocol

1. Please provide the historical facility-wide use of acetone and the information used to determine that 42% of acetone usage occurs within the permanent total enclosure and is emitted from C-STK – e.g., purchase records and a description of where and how the acetone is used.
2. Under [OAR 340-245-0210\(1\)\(a\)\(F\)](#), an owner or operator may provide documentation to demonstrate an area is not being used in the manner allowed by the land use zoning at the time the modeling is to be performed, and may request that the land use zoning classification of these areas be excluded in determining chronic exposure locations. Once this exclusion is approved by DEQ, the taxlot should be modeled based on its actual use. Additionally, [OAR 340-245-0210\(1\)\(a\)\(G\)](#) allows DEQ, with documented evidence, to consider an exposure location based on its actual usage.

Because the land on Taxlot 1400 (Map Number 12S2W03C) is not being used in a manner allowed by its Exclusive Farm Use zoning, ENTEK is required to request that the zoning classification of this area be excluded in determining chronic exposure locations – please do this by submitting to DEQ the [AQ521](#) and [AQ522](#) forms. In the Response, ENTEK committed to restricting public access to this taxlot by installing locked fencing controlled solely by ENTEK – this is sufficient evidence for DEQ to not consider this an acute exposure location, and it can be treated as a “do not assess” exposure location provided that the taxlot is not used on a regular basis and access is limited to less than several hours per day.

3. Given the discussion provided in the Response regarding the on-site meteorological data, please include all meteorological data available, that passed quarterly audits, from your on-site meteorological station when modeling emissions from this facility – the data does not need to be “full year” data and can include measurements recorded from 2018-2019, and 2021 to present.

II. Risk Assessment Work Plan

1. In the first risk assessment work plan comment, DEQ agreed that some elements could contribute to overstating risk, but also noted cases where acute risk would be underestimated. DEQ requests that ENTEK revise the Work Plan to indicate that potential underestimation of risks can occur in the cases as noted in this comment. Alternatively, if ENTEK submits to DEQ information that demonstrates TRVs for all of the chemicals being emitted are based on exposure periods of 24-hours or greater, the statement about potentially underestimating risk does not need to be included.
2. In the second comment, DEQ’s assertion is that for developmental effects from chemicals that do not substantially bioaccumulate, the important consideration is not the overall exposure duration, but the timing of the exposure during the period in which the developmental error occurs. Revise the Work Plan as follows:
 - a. Add the following text to the document:

“For fetal cardiac malformations caused by TCE, the rat study used to support the toxicity reference value was for 22 days of gestation. The study was not designed to identify the minimum time of exposure required to cause an adverse effect.”
 - b. Remove the following discussion of the generic ATSDR timeframe for sub-chronic exposure:

“ATSDR intermediate MRLs are associated with 15 to 364 day exposures. As a result, the 24 hour acute impacts are based on MRLs that assume 15 times to 364 times the actual exposure.”

- c. Also, in the last sentence of this discussion, replace “likely overestimates” with “may overestimate.”

DEQ is requesting that you submit additional information to complete your Modeling Protocol. If you think that any of that information is confidential, trade secret or otherwise exempt from disclosure, in whole or in part, you must comply with the requirements in OAR 340-214-0130 to identify this information. This includes clearly marking each page of the writing with a request for exemption from disclosure and stating the specific statutory provision under which you claim exemption. Emissions data is not exempt from disclosure.

DEQ remains available to discuss the information request with you and answer any questions you may have. Failure to provide additional information, corrections, or updates to DEQ by the deadlines above may result in a violation of OAR 340-245-0030(1).

If you have any questions regarding this letter, please contact me directly at 971.337.4102, or JR.giska@deq.oregon.gov. I look forward to your continued assistance with this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.R. Giska', with a stylized flourish at the end.

J.R. Giska
CAO Program Engineer

Cc: Agustin Figueroa, ENTEK International LLC
Tom Wood, Stoel Rives
Mike Eisele, DEQ
Keith Andersen, DEQ
Matt Davis, DEQ
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