



Oregon

Kate Brown, Governor

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January 11, 2021

Entek International LLC
250 Hansard Ave.
Lebanon, OR 97355

RE: Pre-Enforcement Notice
ENTEK International LLC
PEN – [2021-PEN-6016]
22-6024-TV-01
Linn County

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.

Ms. Medford,

This letter serves as a Pre-Enforcement Notice (PEN) for failure to completely address the Corrective Actions required to finalize the Emissions Inventory (Inventory) for the facility located at 250 Hansard Avenue, Lebanon, OR 97355 under the Cleaner Air Oregon (CAO) program. The Corrective Actions were outlined in the Warning Letter with Opportunity to Correct (WLOC) that DEQ issued to Entek International (Entek) on October 8, 2019, and in the amended (Amended WLOC) on July 10, 2020, which revised deadlines.

Entek has provided most of the required information needed to satisfy the Corrective Actions from the WLOC and Amended WLOC, but maintains its refusal to include the Trichloroethylene (TCE) warehouse stack emissions from product off-gassing in the revised Inventory, required by Corrective Action #3 in the WLOC and Amended WLOC. Entek continues to assert that these emissions should be considered as part of “Warehouse Activities,” listed as Categorically Insignificant Activities in OAR 340-200-0020(23)(s); and therefore should be considered an Exempt Toxics Emissions Unit (TEU) for the purposes of the CAO program pursuant to OAR 340-200-0060(3)(a).

As noted previously in both the WLOC and the Amended WLOC, the off-gassing of TCE from Entek’s primary product at the facility’s storage warehouse is not a “Warehouse Activity.” Further, DEQ notes that TCE emissions of over three (3) tons per year from this product off-gassing cannot be considered “insignificant” emissions for the purposes of the CAO program.

22-6024 ENTEK International, LLC.

TCE is the primary Toxic Air Contaminant (TAC) of concern emitted by Entek. TCE is a regulated TAC under the CAO program with Risk Based Concentrations (RBCs) for both cancer and noncancer health effects. It is a known carcinogen, with non-cancer effects including developmental, reproductive and neurological health impacts even with short term exposures (ATSDR 2019). Such emissions could pose serious health risks to the surrounding community.

Entek's TCE warehouse stack emissions are not exempt from the Risk Assessment process, and Entek's Inventory remains incomplete.

Based on Entek's response to the Amended WLOC submitted to DEQ on August 7, 2020, the Department has concluded that Entek is responsible for the following violation of Oregon environmental law:

VIOLATION:

- (1) Entek failed to submit to DEQ a complete Inventory, in violation of OAR 340-245-0040(1) and (3). This is a Class II violation according to OAR 340-012-0054(2)(i).

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

Because Entek has failed to satisfy Corrective Action #3 as required in the WLOC and Amended WLOC, and because a complete Inventory is still outstanding, this matter is being referred to DEQ's Office of Compliance and Enforcement for formal enforcement action. A formal enforcement action may result in assessment of civil penalties and/or a Department order. Civil penalties may be assessed for each day of violation.

DEQ endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, or if you desire any follow-up technical assistance, please feel free to contact J.R. Giska by phone at (971) 337-4102.

Sincerely,



Keith Johnson, DEQ CAO Program Manager

Cc: Augustin Figureoa, ENTEK
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