

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
2 OF THE STATE OF OREGON

3)
4 IN THE MATTER OF) MUTUAL AGREEMENT
5 SCHNITZER STEEL INDUSTRIES, INC,) AND FINAL ORDER
6 d/b/a RADIUS RECYCLING)
7 Respondent.) CASE NO. AQ-V-NWR-2022-110

8 I. DEQ'S FINDINGS OF FACT

9 1. Respondent owns and operates a metals recycling facility located at 12005 N.
10 Burgard Road in Portland, Oregon (the Facility or the Portland Facility).

11 2. Respondent commenced metal shredding operations at the Facility in the early 1970s,
12 using an electric powered hammermill shredder (the Old Shredder).

13 3. In July 2007, Respondent installed and began operating a new, higher capacity,
14 hammermill metal shredder at the Facility (the Shredder). Like the Old Shredder, the Shredder is
15 used to reduce end-of-life automobiles, appliances, and other metals to smaller pieces.
16 Respondent refers to the end-of-life automobiles processed by the Shredder as "auto bodies" and
17 the rest of the metal processed by the Shredder as "light iron."

18 *The Portland Shredder Notice of Intent to Construct*

19 4. On August 12, 2009, after learning about the installation and operation of the Shredder
20 at the Facility, DEQ requested that Respondent estimate the air contaminant emissions from the
21 Facility and submit an air quality notice of intent to construct or permit application, as
22 appropriate, to DEQ.

23 5. On August 25, 2009, Respondent submitted a Type 2 Notice of Intent to Construct
24 application no. 023818 to DEQ (the 2009 NC Application). The 2009 NC Application estimated
25 volatile organic compound (VOC), particulate matter (PM) and hazardous air pollutant (HAP)
26 emissions from the Shredder using emission factors from a 1996 study for the auto-shredding
27

1 industry by Versar, Inc. The proposed VOC emission factor based on the Versar, Inc. study was
2 0.00136 pounds VOC per ton of metal input to the Shredder (0.00136 lb/ton).

3 6. In response to the 2009 NC Application and noting more recent VOC data from source
4 tests conducted on other metal shredders in the United States, DEQ requested that Respondent
5 either conduct a source test to measure the Shredder's emissions or submit updated emissions data
6 to DEQ.

7 7. On December 28, 2011, Respondent submitted to DEQ a study that reviewed source test
8 data from various metal shredders around the United States. The study compared the operating
9 scenarios tested to Respondent's operation of the Shredder and proposed a VOC emission factor of
10 0.03 lb/ton for the Shredder. Among other source tests, Respondent evaluated a 2007 source test
11 conducted at the Oakland Shredder, which had been conducted (like other source tests evaluated in
12 the study) using a temporary hood to capture VOC emissions. The study noted that "The Oakland
13 Shredder is about the same size, same configuration, and is operated very similarly to the Portland
14 shredder. It processes about a 50/50 mix of auto bodies to light iron. It operates under the same
15 scrap metal acceptance criteria with all liquids drained from the scrap." (page 3-2).

16 8. On October 8, 2012, DEQ approved Respondent's 2009 NC Application, applying the
17 VOC emission factor of 0.03 lb/ton from Respondent's emissions study described in Section I,
18 paragraph 7, above. Based on the VOC emission factor and other production information provided
19 by Respondent (maximum anticipated annual shredder throughput of 416,000 tons/year and scrap
20 composition of 50% auto bodies), DEQ's 2012 NC approval stated that the Facility was below the
21 10-ton per year Air Contaminant Discharge Permit (ACDP) threshold for VOCs and PM.

22 *The Everett and Oakland Shredders*

23 9. Respondent owns and operates other high-capacity metal shredders in Everett,
24 Massachusetts (the Everett Shredder, installed in 2006) and Oakland, California (the Oakland
25 Shredder, installed in 2006)

26 10. On September 14, 2015, Respondent entered into a consent judgement with the
27 Commonwealth of Massachusetts requiring Respondent to construct a permanent enclosure to

1 capture the emissions of air pollutants from the Everett Shredder and to install controls that met
2 Best Available Control Technology (BACT) requirements for VOCs, PM, and acid gases.

3 11. In November 2015, in accordance with the consent judgment, Respondent submitted
4 a synthetic minor permit application to the Massachusetts Department of Environmental
5 Protection (MassDEP), proposing an annual and monthly throughput limit for the Everett
6 Shredder to stay under the major source threshold of 100 tons per year VOCs until the proposed
7 enclosure and controls were installed and operational.¹

8 12. In the spring of 2017, in response to an investigation by the State of California
9 regarding the deposition of light fibrous material emitted from the Shredder onto neighboring
10 properties and into waters of the state, Respondent completed a project to fully and permanently
11 enclose the Oakland Shredder. The enclosure project included an enhanced dust collection and
12 emission control system to direct the captured emissions to a drop out box, two wet venturi
13 scrubbers and two cyclonic separators to reduce PM emissions.

14 13. In June 2017, October 2017, January 2018, October 2018, and January 2019,
15 Respondent conducted source tests at the Oakland Shredder that measured emissions of VOCs,
16 PM, and HAPs.

17 Updated Emissions Information & the Portland Facility ACDP Application

18 14. On May 23, 2018, DEQ and the United States Environmental Protection Agency
19 (EPA) conducted a joint inspection of the Facility for the purpose of evaluating whether DEQ's
20 2012 determination that no ACDP was required remained valid.

21 15. On August 24, 2018, based on the source test information then available to DEQ, DEQ
22 notified Respondent in writing that an ACDP was required for the Facility according to ORS
23 468A.045(1)(b), OAR 340-216-0020(3), and OAR 340-216-8010, Table 1, categories 84 and 85.

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25
26 ¹ On or about May 2020, following permitting by MassDEP, Respondent completed construction
27 and began operation of an enclosure and pollution control devices to control VOC, PM, and acid gas
emissions from the Everett Shredder.

1 16. On December 21, 2018, Respondent submitted an ACDP application for the Portland
 2 Facility to DEQ (the 2018 ACDP Application). The 2018 ACDP Application included emission
 3 factors derived from the Oakland Shredder source test data from the June 2017, October 2017 and
 4 January 2018 tests and proposed a throughput limit for the Shredder. Regarding VOC emissions,
 5 the emissions calculations in the 2018 ACDP Application used a weighted VOC emission factor of
 6 0.385 lb/ton, based on the percentage of auto bodies processed by the Shredder. Based on the
 7 proposed throughput limit and emission factors, the 2018 ACDP Application included the annual air
 8 emissions estimates and requested Plant Site Emission Limits (PSELs) described in Table 1, below.

9 **Table 1. Annual air emissions and requested PSELs in 2018 ACDP Application**

Source	Total PM (tons/year)	VOCs (tons/year)	Combined HAPs (tons/year)
Shredder	23.00	88.6	14.0 ²
Other emissions	5.6	2.4	0.1
Facility Total	28.6	91.0	14.1
Requested PSEL	29	91	14

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 14 17. In October 2019, Respondent’s consultants completed a technical memorandum titled
 15 “Recommended Test Methods and Emission Factors for Metal Shredding Operations Conducted at
 16 SSI Facilities” (the Foulweather Report). The Foulweather Report was “prepared at the request of
 17 Schnitzer Steel Industries, Inc. and its affiliated companies (SSI) to guide air discharge
 18 permitting and engineering activities for SSI’s metal shredders” (p. 1). The Foulweather Report
 19 includes recommended emission factors for VOCs, PM and HAPs based on five source tests
 20 conducted at the Oakland Shredder equipped with a permanent total enclosure, venturi wet
 21 scrubber (for control of PM) and stack. The report states that these emission factors can be
 22 adapted for different degrees of enclosure and control with fugitive vs. stack emissions allocated
 23 based on the capture efficiency of the enclosure. The report states that “For total (non-speciated)
 24 VOC measurements, EPA Method 25C appears to provide the most consistent and representative
 25 test results” (p. 2). The Foulweather Report’s recommended VOC emission factor without an

26 ² More specifically, the 2018 ACDP Application estimated Shredder annual combined organic
 27 HAP emissions of 13.84 tons per year (Table 3-8), and Shredder Metal HAP emissions of 0.155
 tons per year (Table 3-9).

1 enclosure and controls, based on EPA Method 25C, is 0.84 lbs/ton for auto bodies and 0.525 lbs/ton
2 for light iron. The Foulweather Report recommends weighting the VOC emission factors based on
3 the nominal average mix of auto bodies and light iron fed into the shredder on a facility-specific
4 basis (p. 6).

5 18. In December 2019, Respondent emailed DEQ and requested that DEQ put its review of
6 the ACDP on hold “pending operational adjustments/modifications that would most likely affect
7 the final permit.” Respondent requested a meeting with DEQ in January 2020.

8 19. In January 2020, Respondent met with DEQ and communicated that it planned to
9 enclose the Shredder and route the Shredder’s emissions to pollution control devices.

10 20. On June 12, 2020, Respondent submitted to DEQ supplemental information for its
11 ACDP application, proposing to build a Permanent Total Enclosure to capture the Shredder’s
12 emissions and to route those emissions to air pollution control devices (the 2020 ACDP
13 Addendum). Specifically, Respondent proposed to install a filtration system designed to achieve
14 99% control of PM, followed by regenerative thermal oxidizers (RTO), designed to achieve 98%
15 control of VOCs, and finally packed bed scrubbers designed to achieve 90% control of the acid
16 gases formed in the RTOs. This project is referred to hereinafter in this MAO as the “Enclosure &
17 Controls.” The 2020 ACDP Addendum estimated Shredder emissions based on the Foulweather
18 Report Method 25C emission factors, assuming that the Enclosure & Controls were in place at the
19 Facility. The 2020 ACDP Addendum also included the same proposed annual throughput limit that
20 was included in the 2018 ACDP Application. Based those assumptions, the 2020 ACDP Addendum
21 included the annual air emissions estimates and requested PSELs described in Table 2, below.

22 **Table 2. Annual air emissions and requested PSELs in 2020 ACDP Addendum**

Source	Total PM (tons/year)	VOCs (tons/year)	Combined HAPs
Shredder	4.1	10.5	2.9
Other emissions	9.2	2.5	0.1
Facility Total	13.3	13.0	3.0
Requested PSEL	24	39	-

1 Title V Operating Permit Application and Notice of Intent to Construct for Enclosure & Controls

2 21. On September 3, 2021, DEQ issued Pre-Enforcement Notice No. 2021-PEN-6507 to
3 Respondent. In the Pre-Enforcement Notice, DEQ explained that “In consultation with the United
4 States Environmental Protection Agency (EPA) and after analyzing SSI’s shredder throughput
5 capacities, shredder emission rates, and the appropriate emission factors, DEQ has determined
6 that SSI has the potential to emit more than 100 tons per year of volatile organic compounds
7 (VOCs) from its facility, in excess of the Clean Air Act Title V Operating Permit threshold.” The
8 Pre-Enforcement Notice cited Respondent for operating without a Title V Operating Permit, in
9 violation of ORS 468A.045(1)(b) and OAR 340-218-0120(2)(a).

10 22. On September 16, 2021, Respondent submitted a Type 2 Notice of Intent to Construct to
11 DEQ, proposing to construct the Enclosure & Controls at the Facility (the Enclosure & Controls
12 NC). Like the 2020 ACDP Addendum, the Enclosure & Controls NC relied on the Foulweather
13 Report emission factors (including the Method 25C VOC emission factor) to estimate post-
14 project emissions.

15 23. On October 12, 2021, DEQ approved the Enclosure & Controls NC, authorizing
16 Respondent to construct the Enclosure & Controls. The NC approval states that “issuance of an Air
17 Contaminant Discharge Permit is required prior to the operation of the proposed control system.”

18 24. On October 28, 2021, Respondent submitted to DEQ an application for a Title V
19 Operating Permit for the Facility (Title V Application). Like the 2020 ACDP Addendum, the Title
20 V Application estimated Shredder emissions based on the Foulweather Report emission factors
21 (including the Method 25C VOC emission factor), assuming that the Enclosure & Controls were
22 in place at the Facility. The Title V Application also included the same proposed annual throughput
23 limit from the 2018 ACDP Application, described as the Shredder’s “maximum design capacity” (p.
24 21). Based on those assumptions, the Title V Application included the annual air emissions
25 estimates and requested PSEs described in Table 3, below.

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Table 3. Annual air emissions and requested PSELs in Title V Application

Source	Total PM (tons/year)	VOCs (tons/year)	Combined HAPs
Shredder	4.6	10.7	2.9
Other emissions	10.2	2.4	0.1
Facility Total	14.8	13.1	3.0
Requested PSEL	24	39	-

25. On or before early 2023, EPA developed a linear regression equation for metal shredder VOC emissions plotted against percent autos in the scrap feed. The EPA equation is based on nine metal shredder source tests using Method 25A, including five Method 25A source tests conducted at the Oakland Shredder. The equation is:

$$Y = 0.2873x + 0.2246$$

Where: Y = VOC emission factor in lbs/gross ton, and

x = percent auto bodies in scrap feed.

26. As of the date of this MAO, EPA recommends use of Method 25A emission factors for estimating metal shredder emissions. Based on the equation above, the EPA recommended VOC emission factor assuming 100% autos in the scrap feed is 0.573 lbs/ton (0.512 lbs/gross ton); the EPA recommended VOC emission factor assuming 50% autos in the scrap feed is 0.412 lbs/ton (0.368 lbs/gross ton).

27. On April 13, 2023, Respondent submitted additional information to DEQ regarding the EPA recommended VOC emission factors described in Section I, paragraphs 25-26, above. Respondent requested that DEQ consider the use of the EPA VOC emission factor information in evaluating its air quality permit applications pending with DEQ.

Additional facts

28. An enclosure to capture mega-shredder emissions is essentially a large metal box with an outlet for exhaust gases to exit. Emissions have been partially captured at some metal shredders in the United States since the 1990s.

1 29. DEQ first adopted a Title V operating permit program (now OAR Chapter 340, division
2 218) and the federal Hazardous Air Pollutant program (now OAR Chapter 340, division 244) on
3 September 24, 1993.

4 30. The Oregon Title V operating permit program became effective when it was approved
5 by the EPA on November 27, 1995.

6 31. As of the date of this MAO, Respondent has not submitted an ACDP application to
7 DEQ that meets the requirements for Major New Source review.

8 32. As of the date of this MAO, DEQ has not issued an air quality operating permit for the
9 Facility.

10 33. On August 23, 2023, DEQ sent a request for a regulatory interpretation to EPA Region
11 10 regarding the application of Section 112(g) of the Clean Air Act and 40 CFR § 63.40 to 63.43
12 (case-by-case Maximum Achievable Control Technology or MACT requirements) to the Facility.

13 34. As of the date of this MAO, EPA has not responded to DEQ's request described in
14 Section I, paragraph 33, above.

15 Cleaner Air Oregon

16 35. On November 18, 2020, DEQ communicated to Respondent via letter that the Facility
17 meets the definition of an "existing source" for purposes of the Cleaner Air Oregon program and
18 requested that Respondent submit a Cleaner Air Oregon emissions inventory that DEQ would use to
19 complete a prioritization analysis and to inform the call-in schedule for existing sources.

20 36. On February 15, 2021, Respondent submitted a Cleaner Air Oregon emissions inventory
21 to DEQ. The emissions inventory estimates the Facility's toxic air contaminant emissions.

22 37. As of the date of this MAO, DEQ has not called the Facility into the Cleaner Air Oregon
23 program as an existing source.

24 38. As of the date of this MAO, Respondent has not completed a Cleaner Air Oregon Risk
25 Assessment for the Facility.

26 39. As of the date of this MAO, Respondent has not obtained a de minimis source
27 determination, permit, or Toxic Air Contaminant Permit Addendum pursuant to OAR Chapter

1 340, division 245 authorizing the operation of toxics emissions units and the discharge of toxic
2 air contaminants from the Facility.

3 II. DEQ'S CONCLUSIONS

4 1. DEQ has determined that neither the October 8, 2012 NC approval for the construction
5 of the Shredder nor the October 12, 2021 NC approval for the Enclosure & Controls include limits
6 on the Shredder's emissions that are enforceable by EPA or DEQ. OAR 340-210-0225(2)(d)
7 [formerly OAR 340-210-0225(2)(a)]. Specifically, there are no enforceable throughput limits and
8 no limits on the type of scrap that the Shredder can process (auto bodies, light iron, or otherwise).
9 As of the date of this MAO, DEQ has not issued any other air quality authorizations or permits for
10 the Facility that contain enforceable limits on the Shredder's emissions. Thus, from July 2007
11 (when the Shredder was first installed and operated) to the date of this MAO, the Shredder's
12 potential to emit (which is a significant part of, but not all of, the Facility's potential to emit
13 regulated pollutants) is the Shredder's regulated pollutant emissions capacity. OAR 340-200-
14 0020(123)(a) [formerly OAR 340-200-0020(124)].³ Respondent has not documented any inherent
15 limits on the Shredder's physical and operational design. Therefore, potential to emit should be
16 calculated based on the Shredder's rated capacity at 8,760 annual hours of operation. Regarding the
17 VOC emission factor, Respondent has not described any inherent physical or operational limits on
18 the Shredder's ability to process different scrap types, nor is there any enforceable requirements
19 limiting Respondent's processing of different scrap types. Therefore, potential to emit VOCs should
20 be based on EPA's recommended Method 25A VOC equation, described in Section I, paragraphs
21 25-26, above, assuming 100% autos in the scrap feed. For the remaining pollutants (PM and HAPs),
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24 ³ "Potential to emit" or "PTE," means "the lesser of (a) The regulated pollutant emissions capacity
25 of a stationary source; or (b) The maximum allowable regulated pollutant emissions taking into
26 consideration any physical or operational limitation, including the use of control devices and
27 restrictions on the hours of operation or on the type or amount of material combusted, stored or
processed, if the limitation is enforceable by the Administrator." "Capacity" means "the maximum
regulated pollutant emissions from a stationary source under its physical and operational design."
OAR 340-200-0020.

1 DEQ has used the Foulweather Report emission factors included in Respondent's permit
2 applications, as described in Section I, paragraphs 17, 20, 22 and 24, above.

3 2. Based on the information provided by Respondent as of the date of this MAO and the
4 approach described in Section II, paragraph 1 above, DEQ calculates the Shredder's potential to
5 emit, as defined in OAR 340-200-0020(123) [formerly OAR 340-200-0020(124)], as described in
6 Table 4, below.

7 **Table 4. Shredder potential to emit**

Pollutant	Shredder potential to emit (tons/year)
VOCs	678
Total PM	311
PM ₁₀ ⁴	138
PM _{2.5} ⁵	47
Combined HAPs	162
2,2,4-Trimethylpentane (CAS No. 540841)	24
Ethyl benzene (CAS No. 100414)	11
Hexane (CAS No. 110543)	17
Toluene (CAS No. 108883)	44
Xylenes (CAS No. 1330207)	57

15 3. The Old Shredder that Respondent installed and began operating in the 1970s never had
16 any air quality permits or approvals from DEQ. Therefore, like the current Shredder, the Old
17 Shredder's potential to emit was the Old Shredder's regulated pollutant emissions capacity. OAR
18 340-200-0020(123)(a). Based on the information provided by Respondent as of the date of this
19 MAO and the approach described in Section II, paragraph 1 above, DEQ calculates the Old
20 Shredder's potential to emit as described in Table 5, below.

21 **Table 5. Old Shredder potential to emit**

Pollutant	Old Shredder potential to emit (tons/year)
VOCs	352

24 ⁴ PM₁₀ is estimated to be 44.4% of Total PM based on the size distribution for tertiary crushing
25 in AP-42 Chapter 11.19.2, Table 11.19.2-1. See Foulweather Report, p. 8.

26 ⁵ PM_{2.5} is estimated to be 15% of PM based on the size distribution for material handling and
27 processing of aggregate and unprocessed ore from AP-42 Appendix B.2 Category 3. See 2018
ACDP Application, Table 3-1.

Total PM	161
PM ₁₀	72
PM _{2.5}	24
Combined HAPs	89
2,2,4-Trimethylpentane (CAS No. 540841)	13
Toluene (CAS No. 108883)	23
Xylenes (CAS No. 1330207)	30

4. From at least September 1993 (when DEQ adopted the Federal Hazardous Air Pollutant Program), to the date of this MAO, Respondent's Facility has been a major source of HAPs according to OAR 340-200-0020(90)(b)(A)(i) and OAR 340-244-0030(15) [previously OAR 340-28-110(25)(b)(A) and OAR 340-32-120(25)] because the Old Shredder had, and the current Shredder has, a potential to emit, in the aggregate, 25 tons per year or more of combined HAPs and a potential to emit 10 tons per year or more of several individual HAPs, as described in Section II, paragraphs 2 (Table 4) and 3 (Table 5), above. The Facility will continue to operate as a major source of HAPs until it is issued a permit by DEQ with an enforceable limit that requires HAP emissions to remain below the 25- and 10-ton thresholds.

5. Since at least 1995, when the Title V operating permit program became effective in Oregon, it has been reasonable to construct an enclosure at the Facility such that some portion of the emissions from the Shredder could reasonably pass through a stack, chimney, vent or other functionally equivalent opening. As described in Section I, paragraph 28 above, the technology to capture metal shredder emissions is straightforward and has been available, and it was actually used in the metal recycling industry beginning in the 1990s. Thus, from at least that time, a portion of the Shredder's emissions have not been fugitive emissions according to OAR 340-200-0020(70)(b), and they should be considered in the major source determination for regulated pollutants including VOCs and PM according to OAR 340-200-0020(90)(b)(B), despite the fact that the Facility does not belong to one of the listed stationary source categories in OAR 340-200-0020(90)(b)(B)(i)-(xxvii).⁶

⁶ The fugitive / non-fugitive distinction does not apply to a major source determination for HAPs. In other words, all HAP emissions are counted, whether they are fugitive or not. OAR 340-200-0020(90)(b)(A)(i).

1 6. Since at least 1995, the Facility has been a major source of VOCs according to OAR
2 340-200-0020(90)(b)(B) [formerly OAR 340-200-0200(91)(b)(B)] because the Old Shredder
3 had, and the current Shredder has, a potential to emit 100 tons per year or more of VOCs, as
4 described above in Section II, paragraphs 2 (Table 4) and 3 (Table 5), above. The Facility will
5 continue to operate as a major source until it is issued a permit by DEQ with an enforceable limit
6 that requires VOC emissions to remain below the 100 ton per year threshold.

7 7. Since July 2007, the Facility has been a major source of PM₁₀ according to OAR 340-
8 200-0020(91)(b)(B) [formerly OAR 340-200-0200(91)(b)(B)] because the Shredder has a
9 potential to emit 100 tons per year or more of PM₁₀, as described above in Section II, paragraph
10 2 (Table 4). The Facility will continue to operate as a major source until it is issued a permit by
11 DEQ with enforceable limits that require PM₁₀ emissions to remain below the 100 ton per year
12 threshold.

13 8. Using the emission factors described in Section II, paragraph 1 above (EPA regression
14 for VOCs and Foulweather report for other pollutants), and information submitted by Respondent to
15 DEQ on the Shredder's actual throughput and percent autos, DEQ has calculated the estimated
16 actual emissions from the Shredder and has determined that the Shredder's actual emissions have
17 not exceeded the major source thresholds for VOCs, PM₁₀ or HAPs from January 2015 to
18 September 2023 (the last month DEQ has operational data for). The production limits in Section V,
19 paragraph 9 of this MAO impose a 12-month rolling throughput limit and monthly percent autos
20 limit, such that Shredder emissions do not exceed major source thresholds until Respondent
21 commences full time operation of the Enclosure & Controls.

22 9. According to OAR 340-232-0010(4), the Shredder is subject to the non-categorical
23 Reasonably Available Control Technology (RACT) requirements in OAR 340-232-0040 because
24 the Facility was an existing source operating before November 15, 1990, the Facility is located in
25 the Portland-Vancouver Air Quality Maintenance Area for VOCs (see OAR 340-204-0040(2)(b)
26 and OAR 340-204-0010(14)), there are no categorical RACT requirements for the Shredder, and the
27 Shredder can emit over 100 tons per year of VOCs from aggregated, non-regulated emissions

1 units, based on the design capacity or maximum production or throughput capacity of the source
2 operating 8,760 hours per year without the use of control devices or limits on hours of operation,
3 as described above in Section II, paragraph 2 (Table 4). According to OAR 340-232-0030(54),
4 RACT means the lowest emission limitation that a particular source or source category is capable of
5 meeting by the application of control technology that is reasonably available considering
6 technological and economic feasibility. According to OAR 340-232-0040(3), Respondent must
7 submit a RACT analysis to DEQ within 3 months of this written notification by DEQ of the
8 applicability of this rule. According to OAR 340-232-0040(1), sources that are subject to BACT are
9 presumed to satisfy RACT. Therefore, DEQ will accept the BACT analysis required in Section V,
10 paragraph 3 to satisfy the requirement to submit a RACT analysis.

11 10. The Facility is a Cleaner Air Oregon new source as defined in OAR 340-245-0020
12 because it is not an existing source. The Facility is not an existing source as defined in OAR 340-
13 245-0020 because Respondent did not “commence” construction before November 16, 2018, the
14 effective date of the Cleaner Air Oregon program, nor did Respondent submit all necessary
15 applications to DEQ under divisions 210 or 216 before November 16, 2018. Respondent did not
16 “commence” construction, as that term is defined in OAR 340-200-0020, because Respondent
17 had not obtained all necessary preconstruction approvals required by the Federal Clean Air Act
18 prior to November 16, 2018. As described in Section III, paragraph 2 below, Respondent should
19 have obtained an ACDP that met Major NSR requirements prior to beginning construction of the
20 Shredder in 2007. Respondent did not submit all necessary applications to DEQ under division
21 210 because the Type 2 NC application submitted by Respondent in 2009 was insufficient for a
22 change that would increase emissions from the source by more than or equal to the significant
23 emission rate of 40 tons/year of VOCs. OAR 340-210-0225(2)(b) [DEQ 6-2001. F. 6-18-01, cert.
24 ef. 7-1-01]. Respondent did not submit all necessary applications to DEQ under division 216
25 prior to the November 16, 2018 Cleaner Air Oregon effective date because Respondent did not
26 submit any ACDP application to DEQ until December 21, 2018. Thus, the Facility does not qualify
27 as an existing source as defined in OAR 340-245-0020.

1 III. ALLEGED VIOLATIONS

2 1. From November 27, 1996 to the date of this MAO, Respondent violated
3 468A.045(1)(b) and OAR 340-218-0120(2)(a) [previously OAR 340-28-2200(2)(a)] by operating
4 the Facility without a Title V Operating Permit. Respondent's Facility is a major source that is
5 subject to the Oregon Title V Operating Permit program according to OAR 340-218-0020(1)(a)
6 [previously OAR 340-28-2110(1)(a)] due to its emissions of HAPs, VOCs and PM₁₀. As
7 described above in Section II, paragraphs 4, 6 and 7, the Facility has been a major source of
8 HAPs since at least September 1993, a major source of VOCs since at least 1995, and a major
9 source of PM₁₀ since July 2007. As required by OAR 340-218-0040(1)(a)(B) [previously OAR
10 340-28-2120(1)(a)(A)], Respondent was required to have applied for an Oregon Title V
11 Operating Permit from DEQ by November 27, 1996, i.e., within 12 months after the effective
12 date of the federal operating permit program in Oregon. As described above in Section I,
13 paragraph 24, Respondent did not submit a Title V Operating Permit application to DEQ until
14 October 28, 2021. Respondent will continue to operate without a Title V permit until DEQ issues
15 a Title V permit for the facility, or a synthetic minor ACDP that limits the Facility's emissions
16 below major source levels. These are Class I violations, according to OAR 340-012-0054(1)(e).

17 2. In July 2007, Respondent began construction of a major source without first obtaining
18 an ACDP from DEQ that meets the requirements of OAR Chapter 340, Division 224 (Major
19 New Source Review), in violation of 340-224-0010(2)⁷ and ORS 468A.045(1)(b). In July 2007,
20 the Facility was located in the Portland-Vancouver Interstate Maintenance Area for Ozone (*see*
21 OAR 340-204-0040(2)(b)). The installation of the Shredder in July 2007 was construction
22 according to OAR 340-200-0020(25)(b) because it was the installation of an emissions unit that
23 resulted in a change in actual emissions. The Shredder was a major source of VOCs, according to
24 OAR 340-200-0020(67)(a) because the new Shredder in and of itself had the potential to emit 678
25 tons per year of VOC (*see* Section II, paragraph 2 above), which exceeds the significant emission

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27 ⁷ References in this paragraph are to the Division 200, 204 and 224 rules in effect in July 2007,
see DEQ 1-2004, f. & cert ef. 4-14-04.

1 rate of 40 tons per year, *see* OAR 340-200-0020(124) and Table 2. According to OAR 340-224-
2 0100, fugitive emissions are included in the calculation of emission rates of all air contaminants.
3 Fugitive emissions are subject to the same control requirements and analyses required for
4 emissions from identifiable stacks or vents. Thus, Respondent was required to meet the
5 requirements for sources in maintenance areas, OAR 340-224-0060, including Best Available
6 Control Technology (BACT) requirements. Respondent will continue to operate in violation of the
7 requirement to obtain an ACDP that meets Major NSR requirements until DEQ receives a
8 complete application demonstrating that Respondent can comply with the applicable
9 requirements in OAR Chapter 340, Division 224 and DEQ issues an ACDP. These are Class I
10 violations, according to OAR 340-012-0054(1)(a).

11 3. From November 16, 2018 to the date of this MAO, Respondent violated OAR 340-245-
12 0050(2)(a)(A) and OAR 340-245-0050(2)(b) by failing to complete a Risk Assessment for the
13 Facility that demonstrates compliance with the applicable risk action levels for new or
14 reconstructed sources. As described above in Section II, paragraph 10, the Facility is a new
15 source as defined in OAR 340-245-0020. As described in Section I, paragraph 36, Respondent
16 has not completed a Risk Assessment for the Facility. Respondent will continue to operate in
17 violation of the Risk Assessment requirement until DEQ approves a Risk Assessment for the
18 Facility. This is a Class I violation, according to OAR 340-012-0054(1)(c).

19 4. From November 16, 2018 to the date of this MAO, Respondent violated OAR 340-245-
20 0050(2)(b), OAR 340-245-0050(7) and OAR 340-245-0100(1)(a)(B) by operating toxics
21 emissions units and discharging toxic air contaminants without first obtaining a de minimis
22 source determination, permit or Toxic Air Contaminant Permit Addendum authorizing those
23 activities, as described in Section I, paragraph 37 and Section II, paragraph 10, above.
24 Respondent will continue to operate in violation of these Cleaner Air Oregon requirements until
25 DEQ issues a de minimis source determination, permit or Toxic Air Contaminant Permit
26 Addendum authorizing the operation of toxics emissions units and discharging toxic air
27 contaminants. This is a Class I violation, according to OAR 340-012-0054(1)(b).

1 Cleaner Air Oregon program. The Parties do not want the process of completing Cleaner Air
2 Oregon requirements to slow down the permitting of the Facility or the operation of the Enclosure
3 & Controls.

4 7. Notwithstanding the conclusion in Section II, paragraph 10 that the Facility is a new
5 source according to the Cleaner Air Oregon definition, and notwithstanding the alleged violations in
6 Section III, paragraphs 3 and 4 of this MAO, DEQ is exercising its discretion and not requiring a
7 Risk Assessment prior to the installation of the Enclosure & Controls. After the installation of the
8 Enclosure & Controls, DEQ will notify Respondent in writing, by issuing a call-in letter, at the time
9 that DEQ requires the Facility to demonstrate compliance with Cleaner Air Oregon
10 requirements. DEQ will prioritize call-in for the Facility based on the initial risk screening using
11 the Emissions Inventory required under Section V, paragraph 7, below. DEQ will notify
12 Respondent in writing when a Risk Assessment must be completed under OAR 340-245-
13 0050(2). Respondent agrees that it will comply with the new source standards as provided in
14 OAR 340-245-0050(2) and OAR 340-245-8010, Table 1, and with the submittal and payment
15 deadlines as provided in OAR 340-245-0030 unless an alternative schedule is approved in
16 writing by DEQ. The following procedures will apply, based on the results of the DEQ-approved
17 Risk Assessment:

- 18 a. Subject to Section IV, paragraph 7.b below, if the Risk Assessment shows that the
19 Facility's risk is greater than the TLAER Level applicable at the time of call-in,
20 Respondent agrees that it will comply with the Risk Reduction Requirements in
21 OAR 340-245-0130(1)-(6) to reduce its risk to at or below the TLAER Level or
22 the Permit Denial Level, as applicable according to OAR 340-245-0050(2)(b),
23 except that Respondent agrees that all references in that rule to "TBACT" in OAR
24 340-245-0130 shall be interpreted as referenced to "TLAER," such that all of
25 Respondent's significant TEUs must meet TLAER.
- 26 b. If the Risk Assessment shows that the Facility's acute noncancer risk is greater than
27 the TLAER Level applicable at the time of call in but below the existing source

1 TBACT Level applicable at the time of call in, Respondent may request, and DEQ
2 may approve, additional extensions of time according to the criteria in OAR 340-
3 245-0130(4)(b)(B) to complete implementation of the Risk Reduction Plan. Such
4 extensions may exceed the 12 months maximum stated in OAR 340-245-
5 0130(4)(b)(B).

- 6 c. If the Risk Assessment shows that the Facility's risk is greater than the existing
7 source Immediate Curtailment Level applicable at the time of call-in, then
8 Respondent agrees that it will comply with the process for immediate curtailment
9 in OAR 340-245-0130(7)-(9).

10 8. Respondent expressly disagrees with certain statements made in this MAO. By
11 entering into this MAO, Respondent does not admit any fact, conclusion of law, or alleged
12 wrongdoing, violation of law or regulation nor liability. The execution of this MAO shall not be
13 construed as an admission of liability by Respondent nor admissible in any proceeding other than a
14 proceeding commenced by DEQ to enforce the terms of this MAO.

15 9. Respondent waives any and all rights and objections Respondent may have to a
16 contested case hearing and judicial review of this MAO; and to service of a copy of this MAO.

17 10. This MAO resolves all civil claims of DEQ, based upon the facts alleged, for the
18 violations expressly alleged in Section III of this MAO. This MAO is not intended to limit, in any
19 way, DEQ's right to proceed against Respondent in any forum for any past or future violations not
20 expressly settled herein.

21 11. Notwithstanding Section IV, paragraph 10 above, if DEQ ultimately determines that
22 Respondent violated OAR 340-244-0200 and must apply to DEQ for a case-by-case MACT
23 determination pursuant to Section 112(g) of the Clean Air Act and 40 CFR § 63.40 to 63.43:

- 24 a. DEQ will send Respondent a proposed amendment to this MAO (or a new proposed
25 MAO, if this MAO has been terminated). The proposed MAO amendment offered to
26 Respondent will require Respondent to submit an application for a case-by-case
27

1 MACT determination that meets the requirements in 40 CFR §63.43(e) by a date
2 certain and will offer to resolve the alleged MACT violation without penalty.

3 b. If the parties are unable to resolve and finalize the MAO amendment within 60 days
4 of DEQ's offer, then DEQ's offer, described in Section IV, paragraph 11.a, above,
5 will be rescinded.

6 12. Respondent releases and waives any and all claims of any kind, known or unknown,
7 past or future, against the State of Oregon or its agencies, instrumentalities, employees, officers, or
8 agents, arising out of the matters and events set out in this MAO. Any and all claims includes but is
9 not limited to any claim under 42 USC § 1983 et seq., any claim under federal or state law for
10 damages, declaratory, or equitable relief, and any claim for attorney's fees or costs.

11 13. This MAO shall be binding on Respondent and its respective successors, agents, and
12 assigns. The undersigned representative of Respondent certifies that they are fully authorized to
13 execute and bind Respondent to this MAO. No change in ownership, corporate or partnership status
14 of Respondent, or change in the ownership of the properties or businesses affected by this MAO
15 shall in any way alter Respondent's obligation under this MAO, unless otherwise approved in
16 writing by DEQ through an amendment to this MAO.

17 14. Verifiable electronic, facsimile, or scanned signatures on this MAO shall be treated
18 the same as original signatures.

19 15. If Respondent fails to satisfactorily complete the requirements contained in Section
20 V, paragraphs 3 through 8 of this MAO, upon receipt of a written Penalty Demand Notice from
21 DEQ, Respondent shall pay a civil penalty of \$2,400 for each day of each violation of this MAO
22 until such violation is corrected.

23 16. If Respondent exceeds the rolling 12-month throughput limit or percent auto limit
24 contained in Section V, paragraph 9 of this MAO, upon receipt of a written Penalty Demand Notice
25 from DEQ, Respondent shall pay a civil penalty of \$25,000 for each rolling 12-month period that
26 the throughput limit was exceeded, and \$25,000 for each month that the percent autos limit was
27 exceeded.

1 17. Within twenty (20) days of receipt of a Penalty Demand Notice from DEQ,
2 Respondent may contest the Penalty Demand Notice. Respondent agrees that the issue shall be
3 limited to Respondent’s compliance or noncompliance with this MAO. The amount of the stipulated
4 civil penalty is established in advance by this MAO and is not a contestable issue.

5 18. If any event occurs that is beyond Respondent’s reasonable control and that
6 causes or may cause a delay or deviation in performance of the requirements of this MAO,
7 Respondent shall immediately notify DEQ verbally of the cause of delay or deviation and its
8 anticipated duration, the measures that have been or will be taken to prevent or minimize the
9 delay or deviation, and the timetable by which Respondent proposes to carry out such measures.
10 Respondent shall confirm in writing this information within five (5) working days of the onset of
11 the event. It is Respondent’s responsibility in the written notification to demonstrate to DEQ’s
12 satisfaction that the delay or deviation has been or will be caused by circumstances beyond the
13 control and despite due diligence of Respondent. If Respondent so demonstrates, DEQ may
14 extend times of performance of related activities under this MAO as appropriate. Circumstances
15 or events beyond Respondent’s control include, but are not limited to, acts of nature, unforeseen
16 strikes, work stoppages, fires, explosion, riot, sabotage, or war. Increased cost of performance or
17 a consultant’s failure to provide timely reports are not considered circumstances beyond
18 Respondent’s control.

19 19. Respondent agrees to refrain from using the value of the Supplemental
20 Environmental Project(s) (SEPs) described in Section V, paragraph 2, as a tax deduction or as part
21 of a tax credit application; and, whenever Respondent publicizes the SEP(s) or the results of the
22 SEP(s), Respondent will state in a prominent manner that the project was undertaken as settlement
23 of a DEQ enforcement action. An approved SEP(s) will be incorporated into this MAO by
24 amendment. Respondent will be deemed to have completed the SEP when the DEQ Office of
25 Compliance and Enforcement receives a final report documenting the completion of the SEP(s).

26 20. Civil penalty payments made pursuant to this MAO should be made as follows:
27 send a check or money order made payable to “Department of Environmental Quality” to DEQ -

1 Business Office, 700 NE Multnomah Street, Suite #600, Portland, Oregon 97232. Please include
2 the case number on the check or money order.

3 V. FINAL ORDER

4 The Environmental Quality Commission hereby enters a final order:

5 1. Imposing on Respondent a total civil penalty of \$500,000 for the violations alleged in
6 Section III, Paragraphs 1 and 2 of this MAO, \$100,000 of which is due within 14 days of the
7 MAO Effective Date. DEQ is not assessing a penalty for the violations alleged in Section III,
8 Paragraphs 3, 4 and 5 of this MAO.

9 2. By no later than 90 days after the MAO Effective Date, requiring Respondent to
10 submit to DEQ a Supplemental Environmental Project (SEP) application for a project or projects
11 that meet DEQ's SEP approval criteria and contribute no less than \$400,000 to a third party
12 organization(s) to implement one or more SEPs that will benefit air quality in the vicinity of the
13 Facility. Within 30 days of DEQ's approval of the SEP application, Respondent must transmit
14 payment of no less than \$400,000 to the third party organization(s) and provide DEQ with
15 documentation of the transmittal(s).

16 3. Requiring Respondent to submit to DEQ an ACDP application meeting the applicable
17 Major NSR requirements specified in OAR chapter 340, division 224 on the following schedule:

18 a. Within 30 days of the MAO Effective Date, submit a proposal for addressing the
19 preconstruction air quality monitoring requirement in OAR 340-224-0070 for
20 ozone.

21 b. Within 90 days of receiving DEQ approval for addressing preconstruction air
22 quality monitoring, submit a modeling protocol addressing the applicable
23 requirements of OAR chapter 340, divisions 224 and 225, including, at a
24 minimum, the following:

25 i. The modeling protocol must address all emission sources at the Facility,
26 with the Enclosure & Controls installed and operating on the Shredder, for
27 the following pollutants:

1. Ozone (including a Modeled Emission Rates for Precursors analysis); and
2. Any regulated pollutants subject to short-term NAAQS that exceed the short-term Significant Emission Threshold (SET) values stated below:

Pollutant	SET
24-hour PM _{2.5}	5 lbs/day
1-hour SO ₂	3 lbs/hr
1-hour NO _x	3 lbs/hr

- ii. Proposed background concentration values for modeled pollutants identified in Section V.3.b.i, above;
- iii. Proposed procedures for estimating whether VOC emissions would cause or contribute to an ozone NAAQS exceedance;
- iv. Proposed procedures for demonstrating whether modeled pollutants identified in Section V.3.b.i, above would cause or contribute to a short-term NAAQS exceedance;
- v. Proposed procedures for demonstrating whether Air Quality Related Values are protected;
- vi. Evaluation of whether and to what extent a cumulative impacts evaluation is required;
- vii. Request for a competing source inventory from DEQ if required for modeled pollutants identified in Section V.3.b.i; and
- viii. All other information requested by DEQ pursuant to the U.S. EPA Guideline on Air Quality Models, 40 CFR part 51 and DEQ Recommended Procedures for Air Quality Dispersion Modeling, to enable DEQ to confirm that the demonstration will meet all relevant requirements.

- 1 c. Within 120 days of approval of the modeling protocol, submit a Major NSR
2 ACDP application including:
3 i. Ambient air quality analysis conducted in accordance with the approved
4 modeling protocol described in Section V.3.b;
5 ii. A complete BACT analysis for the Shredder for VOC emissions;
6 iii. Net Air Quality Benefit Analysis, to the extent applicable, in accordance
7 with OAR 340-224-0060(2).

8 4. By no later than December 31, 2023, requiring Respondent to complete construction
9 of the Enclosure & Controls as approved in DEQ's October 12, 2021 NC approval and any
10 subsequent DEQ amendments to that approval.

11 a. In addition to submitting a Notice of Approved Construction completion as
12 required in DEQ's October 12, 2021 NC approval, Respondent must submit a
13 written notification to DEQ within five business days of completing construction
14 of the Enclosure & Controls. The notification must include the commissioning
15 schedule for the Enclosure & Controls.

16 b. Respondent must provide written notification to DEQ within five business days of
17 commencing commissioning of the Enclosure & Controls.

18 5. By no later than March 31, 2024, requiring Respondent to complete commissioning
19 and begin full time operation of the Enclosure & Controls as approved in DEQ's October 12,
20 2021 NC approval and any subsequent DEQ amendments to that approval.

21 a. Respondent must provide written notification to DEQ within five business days of
22 completing commissioning and commencing full time operation of the Enclosure
23 & Controls.

24 b. From the date of Respondent's notification described in Section V, paragraph 5.a
25 above until DEQ issues an ACDP for the Facility, Respondent must monitor and
26 record control device operational parameters as proposed in its October 2021 Title
27 V Application.

1 6. Within 60 days of commencing full time operation of the Enclosure & Controls,

2 Respondent must:

3 a. Complete EPA Method 204 testing and submit written documentation to DEQ
4 demonstrating that the Enclosure meets all of the criteria in EPA Method 204 for
5 a Permanent Total Enclosure. Compliance with EPA Method 204, Section 5.1
6 must be demonstrated by documenting that 1) the shredder VOC emitting points
7 are at least 1.5 equivalent opening diameters from any Natural Draft Opening
8 (NDO); and 2) there are two auxiliary hoods located adjacent to the shredder
9 infeed conveyor NDO and discharge conveyor NDO; and 3) Respondent is
10 maintaining a pressure inside the Enclosure of at least 0.007 inches of water less
11 than the outside of the Enclosure, which, following completion of the EPA
12 Method 204 testing, will be demonstrated using parametric monitoring of fan
13 amperage. Compliance with EPA Method 204, Section 5.4 must be demonstrated
14 using the procedures in EPA Method 204, Section 8.3.

15 b. Complete source testing at the outlet of the acid gas controls for the following
16 pollutants using the following methods, unless otherwise approved in writing by
17 DEQ:

18 i. Total PM using ODEQ Method 5;

19 ii. VOCs using EPA Method 25A;

20 iii. The following acid gases using EPA Method 26A:

21 1. Hydrogen fluoride,

22 2. Hydrogen chloride, and

23 3. Hydrogen bromide.

24 iv. The following metals, using EPA Method 29:

25 1. Antimony,

26 2. Arsenic,

27 3. Barium,

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- 4. Beryllium,
- 5. Cadmium,
- 6. Cobalt,
- 7. Copper,
- 8. Lead,
- 9. Manganese,
- 10. Mercury,
- 11. Nickel,
- 12. Phosphorus,
- 13. Selenium,
- 14. Silver,
- 15. Thallium,
- 16. Vanadium, and
- 17. Zinc.

- v. Total and hexavalent chromium, using EPA SW-846 Test Method 0061;
- vi. The following pollutants, using EPA Method 23:
 - 1. Polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/PCDF),
 - 2. Total and congener-specific polychlorinated biphenyls (PCB), and
 - 3. Polycyclic aromatic hydrocarbons (PAH);
- vii. The following VOC HAPs, using EPA Method 18, or similar method upon DEQ's written approval:
 - 1. 2,2,4 Trimethylpentane,
 - 2. Benzene,
 - 3. Ethylbenzene,
 - 4. Hexachloroethane,
 - 5. Hexane,

1 6. Toluene, and

2 7. Xylenes.

3 c. To enable testing, Respondent must design and install, in accordance with EPA
4 Method 1, accessible sampling ports at the outlet of the acid gas controls;

5 d. The source testing described in Section V, paragraph 6.a through 6.c above must
6 comply with DEQ’s Source Sampling Manual and DEQ’s source test plan
7 approvals. Source test plans must be submitted at least 45 days before source
8 testing and source test reports must be submitted at least 90 days after testing is
9 completed, unless otherwise approved in writing by DEQ.

10 7. Within 90 days of DEQ’s approval of the source test report(s) for the source testing
11 completed under Section V, paragraph 6, submit to DEQ an updated Cleaner Air Oregon
12 Emissions Inventory for the Facility, which takes into account the Enclosure & Controls and the
13 source test information.

14 8. Once called in to the Cleaner Air Oregon Program pursuant to Section IV, paragraph
15 7, Respondent must comply with the new source standards as provided in OAR 340-245-0050(2)
16 and OAR 340-245-8010, Table 1, and with the submittal and payment deadlines as provided in
17 OAR 340-245-0030 unless an alternative schedule is approved in writing by DEQ. The following
18 procedures will apply, based on the results of the DEQ-approved Risk Assessment:

19 a. Subject to Section V, paragraph 8.b below, if the Risk Assessment shows that the
20 Facility’s risk is greater than the TLAER Level applicable at the time of call-in,
21 Respondent must comply with the Risk Reduction Requirements in OAR 340-
22 245-0130(1)-(6) to reduce its risk to at or below the TLAER Level or the Permit
23 Denial Level, as applicable according to OAR 340-245-0050(2)(b), except that
24 Respondent agrees that all references in that rule to “TBACT” in OAR 340-245-
25 0130 shall be interpreted as referenced to “TLAER,” such that all of Respondent’s
26 significant TEUs must meet TLAER.

- 1 b. If the Risk Assessment shows that the Facility’s acute noncancer risk is greater than
2 the TLAER Level applicable at the time of call in but below the existing source
3 TBACT Level applicable at the time of call in, Respondent may request, and DEQ
4 may approve, additional extensions of time according to the criteria in OAR 340-
5 245-0130(4)(b)(B) to complete implementation of the Risk Reduction Plan. Such
6 extensions may exceed the 12 months maximum stated in OAR 340-245-
7 0130(4)(b)(B).
- 8 c. If the Risk Assessment shows that the Facility’s risk is greater than the existing
9 source Immediate Curtailment Level applicable at the time of call-in, then
10 Respondent must comply with the process for immediate curtailment in OAR
11 340-245-0130(7)-(9).

12 9. From the MAO Effective Date until Respondent completes commissioning and
13 commences full time operation of the Enclosure & Controls, Respondent shall not operate the
14 Shredder above a maximum 12-month rolling total throughput of 460,000 tons metal infeed/year
15 and a maximum percent autos of 50% (measured monthly). The first 12-month rolling
16 compliance period is the 12-calendar month period from November 1, 2022 through October 31,
17 2023. Respondent shall report 12-month rolling total metal throughput and monthly percent
18 autos information to DEQ each month, within 15 business days of the close of the previous
19 month.

20 10. Written documentation demonstrating compliance with the requirements of Section V,
21 paragraphs 3-9 must be submitted to David Graiver, DEQ, 700 NE Multnomah Street, #600,
22 Portland, Oregon, with an electronic copy sent via email to david.graiver@deq.oregon.gov and
23 becka.puskas@deq.oregon.gov. Please send any information marked as exempt from public
24 disclosure under the Oregon Public Records law in hard copy only, and provide email notification
25 of its mailing or delivery to DEQ.

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1 11. This MAO terminates when Respondent has (a) paid all penalties due under this MAO,
2 (b) submitted all test reports due under this MAO, and (c) DEQ has issued an ACDP consistent with
3 this MAO, including condition(s) that incorporate the Cleaner Air Oregon provisions of this MAO
4 (Section IV, paragraph 7 and Section V, paragraph 8).

5
6 SCHNITZER STEEL INDUSTRIES, INC.
(RESPONDENT)

7
8 3 Nov-2023

9 Date

John B Hebert

Signature

John B Hebert

Name (print)

Vice President / COO

Title (print)

11
12
13 DEPARTMENT OF ENVIRONMENTAL QUALITY and
14 ENVIRONMENTAL QUALITY COMMISSION

15
16 11/6/2023

17 Date

Kieran O'Donnell, Manager

Office of Compliance and Enforcement

on behalf of DEQ pursuant to OAR 340-012-0170

on behalf of the EQC pursuant to OAR 340-011-0505