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LRAPA announces facilities it will review for pollution amid air quality concerns

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The city of Eugene as seen from Skinner's Butte Park. (Connor Cox/Emerald)

The Eugene-Springfield metropolitan statistical area was 98th on the [American Lung Association's](#) list of most polluted area in the United States last year for particle pollution — but this year it rose to 38th. In the coming months, the Lane Regional Air Protection Agency will review five local facilities to assess their impact on local air quality.

According to the Environmental Protection Agency, air pollution has been linked to cancer, reproductive health problems and heart and lung diseases. The environmental group Beyond Toxics also filed a formal complaint against LRAPA in August 2014, claiming that LRAPA disproportionately exposed communities with high minority and poverty rates to the toxic emissions.

LRAPA named the first set of facilities in a [press release](#) on Nov. 26, saying that the full review process would last several years and that the following five would be examined in the first 12 months:

- Arauco North America Inc. — Eugene MDF
- International Paper, Springfield Mill
- J.H. Baxter & Co. — Eugene Plant
- Seneca Sustainable Energy, LLC
- The Willamette Valley Company LLC

Lisa Arkin, Beyond Toxics's executive director, told the Emerald that the list of the first five facilities was what she "probably would have hoped LRAPA would create."

"I think they did choose some of the biggest polluters and the ones that have repeatedly had problems with their air permits or complaints from the communities," she added.

In a [blog post](#) from Dec. 20, Arkin said that Eugene has only experienced 14 days of good air quality since Nov. 1, according to data from LRAPA. "That means our air was healthy to breathe less than one third of the days in November and December," she wrote.

LRAPA's Review Process

In March 2019, LRAPA changed its ruleset to resemble that of the statewide program Cleaner Air Oregon, according to the press release. The Environmental Quality Commission approved Cleaner Air Oregon in November 2018 to offer more thorough regulation than what the federal government had previously allowed. LRAPA Permit Section Manager Max Hueftle said that under the federal Clean Air Act, air toxics are regulated on a "control technology basis."

"If facilities and certain industry sectors have certain technology installed, they're essentially good to go," Hueftle said. "They don't really analyze specific local risks that are still being posed, even though the facility might have control technology installed." Hueftle said that this was a flaw in the federal government's approach to regulation that Cleaner Air Oregon addressed.

According to LRAPA Executive Director Merlyn Hough, the Oregon Department of Environmental Quality met with "experts from across the country" and formed its own review process based on what has been effective in other states.

"I think that combination of what they came up with is probably the best in the country at this point," he said. "It certainly ought to prevent anything from slipping through the cracks or also being able to review even known existing facilities periodically."

Hough outlined a three-step process that the DEQ began using after Cleaner Air Oregon was adopted; the first was "more comprehensive reporting of emissions," which expanded the 197 chemicals that the Clean Air Act previously recognized to more than 600. The second was to assess the risk of different facilities by prioritizing the most egregious ones and predicting their potential impact on surrounding areas. The third was to find any facilities whose emissions go beyond the threshold established in the rules and then require that they "take additional corrective action to further reduce their emissions."

Based on product and emission information from the facilities, the DEQ helped LRAPA prioritize which ones to send "call-in letters" to first.

One of the two facilities to be called in was the biomass plant Seneca Sustainable Energy. Casey Roscoe, a representative, said the company was not surprised to find out that it was among the five facilities LRAPA chose. Roscoe said the company anticipated such issues since the Portland glass company Bullseye Glass was found to have elevated heavy metal emissions in 2016 and Governor Kate Brown began cracking down on emission sources "in a knee-jerk reaction."

Hueftle described the findings as "a real eye opener" for DEQ and "the catalyst" for Cleaner Air Oregon, stating that without the public interest that came from them, "it would have been difficult for the DEQ to get the political capital or stock or what have you to get that program passed."

Roscoe said she thinks that Brown's efforts were misdirected because based on DEQ's data, the six leading sources of air toxics in the Portland metropolitan area were not from manufacturers, but rather from:

1. Residential Wood Combustion
2. On-Road Mobile Sources (vehicles)
3. Burning Buildings
4. Construction Equipment
5. Non-Road Mobile Equipment Other Than Construction
6. Lawn & Garden Equipment.

"We put \$16 million into emission controls when we created that facility so that we have the cleanest running biomass plant in America. So we're fine with this, we think will come through with flying colors," Roscoe said.

The second of the first two facilities that LRAPA has called in, J.H. Baxter & Co., did not respond to the Emerald's request for comment.

Air Quality concerns

Regarding LRAPA's new review process, Arkin said, "Our position is that we wholeheartedly support this enhanced review process because it will be based on preventing public health harm."

Beyond Toxics has had difficulties getting LRAPA to "address air toxics in a way that's protective of human health," according to Arkin. She said that as part of its watchdog process, Beyond Toxics "will have to check and read through all of the documentation, all of the review reports, the assessments, their determination of public health endpoints and potential harm and see if that is soundly based."

Beyond Toxics filed a Title VI civil rights **complaint** against LRAPA, stating that it approved changes to Seneca Sustainable Energy's permit and did not conduct "air quality modeling and a disproportionate impacts analysis," which disproportionately allowed air pollution in and near West Eugene Industrial Corridor.

"LRAPA's action has had an adverse impact that is discriminatory on the basis of race, color, or national origin, and on the basis of economic status," the complaint read. It cited the fact that the West Eugene Industrial Corridor "has a disproportionately high percentage of minority residents and a disproportionately high poverty rate compared to minority and poverty rates in Eugene's overall population," and said that residents of the area "are exposed to 99% of all the air population in Eugene."

According to a **resolution consent plan** from the EPA, it conducted an investigation and LRAPA agreed to make a number of policy changes in a resolution agreement.

In her blog post, Arkin said Beyond Toxics will be holding community meetings and town halls to gather supporters and help ensure that air quality regulations are properly enforced.

"We'll be reporting on our findings, as well as helping residents learn how to give effective testimony during the upcoming hearings on two of Lane County's largest polluters, Seneca Sawmill and Seneca Sustainable Energy (biomass incineration) plant," she wrote.

The post says that the first meeting is the West Eugene Clean Air Community meeting "for dinner and a community discussion," which will be held Saturday, Jan. 25 at Peterson Barn at 5 p.m.

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