Fact Sheet

Chemical Waste Management, Northwest, Arlington, OR Permit Q & A

State of Oregon
Department of Environmental Quality

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DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

Q: When does the current CWM air permit expire?

The Air Contaminant Discharge Permit expires February 1, 2019. Application for renewal is due by December 3, 2018.

Q: When does the current Hazardous Waste permit expire?

Hazardous Waste permits are issued for a period of 10 years and DEQ is in the process of beginning the permit renewal cycle. The current permit expired August 21, 2016.

Q: What is the public hearing and open public comment period addressing for the facility?

This public hearing and comment period is for a Class 3 Permit Modification at the CWM facility in Arlington. This permit modification request is to upgrade the existing Organic Recovery Unit (ORU) system to include increase waste management efficiency, increase storage and to meet the requirement for a thermal oxidizer unit to treat emissions. Permit modifications to the HW permit are often required at facilities to keep pace with evolving business needs, technology advances, cleanup decisions and new regulations.

Q: Is the facility currently in compliance with the HW permit and its air permit?

CWM is meeting state and federal requirements under their current HW permit to treat, store and dispose of HW, as well as requirements of their Air Contaminant Discharge Permit. DEQ and EPA have been providing continual oversight of the facility to ensure protection of human health and the environment.

Q: The public has raised concerns that the CWM facility is potentially releasing harmful emissions into the environment. How is DEQ addressing this?

The CWM air permit application included an estimate of mercury and other metal emissions, which was less than 1 pound per year, total. The facility provided this information as a part of the application process. DEQ reviewed these calculations and concurred. However, when DEQ receives credible evidence that an air permit may not be representative of emissions, staff take timely action by researching the issues, requesting additional information from the permittee, and if warranted, requiring additional testing by the facility in question. If at any time it is determined that an air quality permit is not consistent with applicable federal and state regulations, the permit can be modified. If new information results in potential Hazardous Air Pollution emissions being equal to or greater than major source thresholds, the permit will be changed to incorporate major source requirements and additional monitoring, recordkeeping and compliance demonstration requirements will be included. To date, DEQ has not received any data showing different mercury emissions than what is in the permit application and CWM's reported emissions.

Q: Is the facility releasing mercury into the environment?

We do not have actual mercury emission data from the facility, as monitoring is not included in the air permit. DEQ has asked CWM for updated feedstock data and land disposal restrictions data required by the HW permit so that DEQ may be able to determine if there are any undocumented issues with the system, including unreported mercury emissions outside of the estimated air quality permit value.

Q: A recent article stated that the company reported 2.2 pounds per year of mercury emissions. Is this true?

For 2016, the facility reported two pounds of mercury emissions from the facility (1.9 pounds from a stack and 0.1 pounds from fugitive sources) to the US EPA. The Toxics Release

Inventory data did not specify where the mercury emissions originated at the facility.

Q: Why is there inconsistent mercury emissions data for the CWM facility?

The original application for the facility did not give an estimate of mercury emissions from the potential feedstock at the facility resulting in the less than one-pound estimate. The data provided to the EPA in 2016 reported 2 pounds of mercury emissions. DEQ will follow up with the facility to determine the mercury emissions source.

Q: If it is determined that the facility is releasing mercury, what are the next steps.

In addition to permit modifications to ensure compliance, which could require process modification or installation of additional controls, DEQ can take enforcement action if a facility violates federal or state air quality regulations, per state enforcement guidance.

Q: News articles suggest that a facility in Texas similar to the CWM Arlington facility is required to comply with Maximum Achievable Control Technology (MACT) emission limits via its hazardous waste permit. Why is the CWM facility not required to do the same?

MACT EEE requirements are not included in the air permit because CWM's Arlington facility is not operating as a hazardous waste incinerator. DEQ made this determination in consultation with EPA Region 10. Nonetheless, DEQ is in dialogue with EPA regarding this interpretation to address applicability requirements of MACT EEE. Additionally, DEQ is unclear as to why the Texas facility has MACT standards in its hazardous waste permit, as these would traditionally be found in an air permit. It appears this occurred as part of a settlement with EPA, so DEQ asking EPA about this determination.

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