



July 27, 2022

Lane Regional Air Protection Agency (LRAPA)
ATTN: Permit Program
1010 Main Street
Springfield, OR 97477
Email: permitting@lrapa.org

Via Email to: permitting@lrapa.org

RE: Seneca Sustainable Energy Title V Operating Permit Modification and Renewal (No. 206470)

Dear LRAPA Staff,

Please accept these comments from Beyond Toxics and its members to be included in the record for Seneca Sustainable Energy's (Seneca SSE) Title V Operating Permit Modification and Renewal, No. 206470. Beyond Toxics has been an active public interest participant in legal processes and policy decisions related to air toxics and climate issues in Lane County for over twenty years. We work to guarantee environmental protection and health for all communities as well as individual residents, regardless of their income, status, or background. Our organization emphasizes environmental justice and community engagement, which is why we request that the Lane Regional Air Protection Agency (LRAPA) accept these suggestions to improve the public health outcomes of Seneca SSE's Draft Title V Operating Permit. On behalf of thousands of Beyond Toxics members, we request that LRAPA include the following recommendations in the Seneca SSE Final Title V Operating Permit Modification and Renewal.

LRAPA Should Not Allow Such High Generic PSELs in This Permit.

Generic Plant Site Emissions Limitations (Generic PSELs) are numbers setting a legal maximum cap of emissions for a facility and allowing emissions increases up to the Significant Emissions Rate (SER) without permit modifications or requiring additional modeling. Generic PSELs allow a facility to have high emissions headroom and are often well above a facility's actual Potential to Emit (PTE).¹ Establishing high limits in the permit also allows facilities to increase emissions up to the Generic PSEL without requiring a permit modification or a new permit even when a facility makes a physical or operational change that allows them to increase emissions.

The Department of Environmental Quality (DEQ) is in the process of phasing out Generic PSELs. One pertinent example of DEQ moving away from Generic PSELs is the current

¹ PTE is the emission rate that a facility can emit given the state of the facility's technology and production capacity at the time of permitting.

DEQ rulemaking to eliminate Generic PSELs for minor source permits. *See* (Proposed) OAR 340-222-0041 (identifying new source-specific PSEL levels). Revising the rules strengthens Oregon’s air permitting program in several ways, including reducing the unnecessary overhead in permit limitations, allowing DEQ to analyze more existing facilities’ air quality impacts, and providing DEQ with the authority to conduct technology reviews to ensure facilities are not using dated or ineffective pollution controls. This proposed rule is vital in establishing air quality rules that will prevent sources from violating ambient air quality standards.

While this proposed rulemaking and rule revision only applies to minor sources, it nevertheless demonstrates DEQ’s understanding of Generic PSELs’ harms and the impacts that allowing such high emissions headroom has on surrounding communities. Further, this small step of removing Generic PSELs for future minor source permits points to a larger shift in the agency’s approach to Generic PSELs for all sources. Removal of Generic PSELs for major sources with Title V permits is on the horizon. After a discussion with a staff member at DEQ, Beyond Toxics confirmed that all PSELs for Title V permits will soon be source-specific; thus, DEQ will no longer grant Generic PSELs.

As the primary air permitting agency responsible for improving Lane County’s air quality, LRAPA can prioritize public health, community well-being, and the environment. LRAPA can be more protective and take steps to put tighter restrictions on facility emissions to protect the public. While LRAPA has autonomy apart from DEQ to write and grant air permits in Lane County, the agency should still closely follow trends on a state-wide basis. While Generic PSELs provide air pollution emissions flexibility to the permit holder, eliminating them is an important step toward reducing emissions in overburdened communities and protecting public health. While it is not legally required, LRAPA could lower the headroom given in this permit by refusing to grant Generic PSELs in the final permit. This would not only reflect the impending state-level changes but also allow for more protective regulations on the Seneca SSE facility in favor of public health and welfare.

Beyond Toxics recommends that LRAPA keep all particulate matter (PM) emissions (i.e., PM, PM₁₀, and PM_{2.5}) well below the 24 and 14 tons per year (tpy) Generic PSELs.² Even though the PTE for all PM is 11 tpy for this facility, Seneca SSE can emit up to the Proposed PSELs listed in the permit without a violation. PM is a criteria pollutant that has severe health impacts including but not limited to asthma, COPD, cardiovascular and heart disease, chest pain, coughing, shortness of breath, and fatigue.³ While fine PM (or PM_{2.5}) is the most hazardous, PM of all sizes is harmful and increases health risks and disease.

² *See* Draft Permit at 43–44, Paragraph No. 76 (listing the Plant Site Emissions Limits in a table).

³ *See e.g., Why you should care: air quality and health*, MINNESOTA POLLUTION CONTROL AGENCY, <https://www.pca.state.mn.us/air/why-you-should-care-air-quality-and-health> (last accessed July 27, 2022) (describing the human health impacts of PM and ground-level ozone/VOCs emissions); *see also Health and Environmental Effects of Particulate Matter (PM)*, EPA, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm> (last accessed July 27, 2022) (describing the impacts and health implications of exposure to PM).

Beyond Toxics also recommends that LRAPA keep the amount of allowable volatile organic compounds (VOCs) well below the 39 tpy Proposed PSEs. Many VOCs are also federal hazardous air pollutants (FHAPs), known to cause cancer and other serious health impacts. VOCs also have a vast array of short- and long-term health effects and contribute to creating ground-level ozone. Ground-level ozone can worsen asthma, COPD, and emphysema.⁴

LRAPA Should Impose Stricter Stack Testing and Require Annual Stack Testing.

According to data from the Review Report, LRAPA based the PTE emission limits for PM on stack tests performed in 2011 and 2012—nearly a decade ago.⁵ The PTE for Sulfur Dioxide (SO₂) and VOCs was based on source testing performed in 2011.⁶ Beyond Toxics strongly urges LRAPA to require that source/stack tests are performed no more than 12 months before issuing a new permit. Seneca SSE should be required to provide updated PM, SO₂, and VOCs testing results before the proposed permit application is deemed complete.

Further, Seneca SSE's Draft Permit only requires stack testing every five years. Since a Title V permit expires five years from issuance, realistically, stack testing will only be done once during the duration of this Title V permit. This is insufficient data collection and does not adequately monitor stack emissions accurately throughout the life of the permit. LRAPA has the discretion to increase the frequency of stack testing; for that reason, Beyond Toxics suggests LRAPA require stricter stack testing requirements and mandate annual stack testing for this facility. Additionally, Beyond Toxics requests that Seneca SSE performs stack testing during start-up and "full-run scenarios." Stack testing should reflect the "worst case scenario" when used to determine compliance with the permit.

More frequent, annual testing would ensure that more accurate and direct emissions measurements are available. This requirement would also provide a more accurate basis for estimating actual and potential emissions for this facility and others like it. This would not only increase the available data on the facility but also act as a tool to regularly evaluate the performance of Seneca SSE's control technology—particularly considering the Maximum Achievable Control Technology (MACT) requirements imposed on the facility. Increasing transparency of the facility's emissions and giving more frequent data demonstrating the efficiency of the control technologies and types of equipment would greatly improve this permit.

⁴ See e.g., *Why you should care: air quality and health*, MINNESOTA POLLUTION CONTROL AGENCY, <https://www.pca.state.mn.us/air/why-you-should-care-air-quality-and-health> (last accessed July 27, 2022) (describing the human health impacts of PM and ground-level ozone/VOCs emissions); see also *Volatile Organic Compounds' Impact on Indoor Air Quality*, EPA, https://www.epa.gov/indoor-air-quality-iaq/volatile-organic-compounds-impact-indoor-air-quality#Health_Effects (last accessed July 27, 2022) (describing health impacts of VOCs).

⁵ Seneca SSE Review Report at 32, Paragraph No. 81.

⁶ *Id.* at 21, Paragraph No. 66n.

LRAPA Should Require Seneca SSE to Limit Emissions on Poor Air Quality Days.

Beyond Toxics also requests that Seneca SSE take real-time air quality into account during operations. On poor air quality days, when the air quality index is at 101 or higher (Unhealthy for Sensitive Groups to Unhealthy) or when PM or ozone reaches Moderate levels or higher, LRAPA should require Seneca SSE to reduce production in order to reduce particulate and other air toxics emissions in our airshed for the public's protection. LRAPA should require that industrial polluters do their part to reduce exposure to air pollution in the same way residents must during poor air quality days.⁷

LRAPA Must Consider Cumulative Health Impacts and Environmental Justice Considerations of Increased Seneca SSE Emissions.

As our county's natural resource agency, LRAPA is responsible for regulating air emission sources and protecting environmental and human health related to air quality. LRAPA's air permitting decisions should aim to eliminate the disparities leading to some Eugene communities' disproportionate burden of cumulative pollution impacts. West Eugene is a community known to be overburdened by air pollution. LRAPA has the discretion to attach additional permit conditions that consider and address the historic overburdening of communities like those in West Eugene. Air permits do not happen in a vacuum; it is vital that LRAPA seriously consider existing harms and community realities. Oregon statute requires state regulatory agencies to use environmental justice considerations to inform how agencies exercise their discretion in permitting decisions.⁸ LRAPA is the only agency in Lane County responsible for ensuring compliance under the Clean Air Act and state-level air regulations. It receives state funding to be Lane County's local DEQ and local natural resource agency. It is incumbent upon LRAPA to hold itself to the same standards as other natural resource agencies. LRAPA's permits must address the need to reduce current and future emissions, and these permits must require more stringent monitoring requirements to protect the most vulnerable members of our community.

⁷ On poor air quality days when the air quality index is over 101, residents are asked: to not use fireplaces or wood stoves, to limit the times they fill their gas tanks, and are advised to stay indoors and limit outdoor activities. There are no such limitations on industrial facilities. *See e.g.*, Attachment A, LRAPA's July 26, 2022, Air Quality Advisory for the Southern Willamette Valley Due to Smog (detailing recommendations for residents of Eugene and Springfield to take due to elevated levels of ozone pollution).

⁸ Under ORS 182.545(1), state natural resource agencies, when making agency decisions, shall "consider the effects of the action on environmental justice issues." Further, the 2021 Oregon Legislature passed Senate Concurrent Resolution 17 which states "all state agencies are responsible to respond to the health, environmental, economic [,] and climate crisis we face, and are accountable to build a just, equitable, and resilient future to secure health and well-being for all people." *See* S. Con. Res. 17, 81st Or. Legis. Assemb. (2021), <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SCR17/Enrolled> (last accessed July 27, 2022).

The PM emission increases from Seneca SSE—and the potential for high emissions across all pollutants due to the high PSELs—will add to the existing harms community members in West Eugene, the Bethel Neighborhood, and Wards 5, 6, and 7 face. These increased air emissions can have severe health impacts. Even relatively small increases in air pollution can have irreversible and devastating health impacts on already overburdened environmental justice communities like those in West Eugene. It is well documented and proven that environmental justice communities are more vulnerable to air toxics and air pollution impacts due to the disproportionate burdens of environmental hazards and more limited access to healthcare.

According to Health Disparities data from the EPA’s EJScreen Mapping Tool (Version 2.0), areas surrounding the Seneca SSE and Seneca Sawmill facilities are between the 60th to 95th percentile for asthma.⁹ Additionally, the Bethel neighborhood, which sits downwind¹⁰ from the Seneca facilities is in the 95-100th percentile for asthma.¹¹ As mentioned above, increased levels of PM and VOCs worsen and contribute to asthma and lung-related illnesses. Increasing VOCs and PM—and allowing high levels of PM₁₀ and PM_{2.5} as proposed PSELs in this permit—will only add to the existing health problems in communities downwind of Seneca SSE.

It is incumbent upon LRAPA to take steps to reduce the cumulative impacts of increasingly higher emissions of regulated air pollutants—particularly PM_{2.5}, FHAPs, and VOCs. Further, LRAPA must consider the numerous, large air pollution sources along the Hwy 99 industrial corridor currently contributing to environmental and public health harms. If LRAPA approves the permits as proposed, without modifying the pollution emission levels, LRAPA must explain to the public how environmental justice considerations informed the agency’s permitting decision.

LRAPA Should Require Seneca SSE to Report on Fuel Sources Used.

Beyond Toxics also requests that LRAPA require Seneca SSE to report on their fuel sources annually—particularly the fuel burned by EU-1—in the permit itself. Annual reporting should include reporting the percentage of wood waste, agricultural waste, and other fuel sources used to power the cogeneration facility. Seneca SSE’s Review Report states that biomass or biomass-related fuels include, but are not limited to, “wood residue and wood products [;] . . . animal manure, including liter and other bedding materials; vegetative agricultural and silvicultural materials, such as grain hulls and chaff . . . bagasse, orchard prunings, corn stalks, coffee bean hulls, and grounds.”¹² Reporting on the fuel percentages will help inform the public and keep Seneca SSE’s biomass combustion practices transparent.

⁹ Attachment B, Image of EJScreen Mapping Tool Version 2.0.

¹⁰ According to the Wind Rose Diagram from the Mahlon Sweet Field Airport, the wind blows from the WNE quadrant to ESE quadrant into the Bethel neighborhood. *See* Attachment C, Image of Wind Rose Diagram from the Mahlon Sweet Field Airport.

¹¹ Attachment B, Image of EJScreen Mapping Tool Version 2.0.

¹² Seneca SSE Review Report, at 10 Paragraph No. 30.

LRAPA Should Monitor FHAP Emissions Before MACT Compliance and Prioritize Establishing a Minimum Requirement of Annual FHAP Testing and Verification.

Despite LRAPA’s separate consideration of the Seneca SSE and Seneca Sawmill permits, it is necessary to highlight that LRAPA will henceforth regulate both facilities as a single, major source of FHAPs. This removes the previous 25 tpy limit on FHAPs from both facilities and allows them to emit well over the 25 tpy threshold combined. Seneca SSE has three years after permit approval to comply with the MACT requirements. We recommend, during the three years before mandatory compliance, LRAPA requires Seneca SSE to monitor FHAP emissions to verify the assumed potential emission target of 11.6 tpy. Due to the serious health risks associated with FHAP emissions, LRAPA should prioritize establishing a minimum requirement of annual testing and verification.

LRAPA Should Closely Monitor Increased Fugitive Emissions from Non-Stationary Sources at Seneca SSE.

Increased production at both Seneca facilities will result in more truck traffic and loading and unloading of hog fuels, wood shavings, sawdust, bark, and other materials that will increase levels of fugitive particulate matter. Due to increased production, LRAPA should put monitoring and reporting requirements in place to track fugitive emissions from truck traffic, loading, unloading, and other activities. Increased production and traffic may result in these fugitive emissions no longer being “categorically insignificant.” For that reason, monitoring and reporting requirements for these emissions is necessary to ensure accurate and up-to-date data. Beyond Toxics understands that LRAPA cannot count these fugitive air emissions as part of Seneca SSE’s PM emissions limits; however, LRAPA must recognize that an increase in production is not the “status quo” of operation.

Conclusion

In conclusion, Beyond Toxics requests that LRAPA consider the above suggestions in the final version of Seneca SSE’s Title V Operating Permit Modification and Renewal, No. 206470. We believe these changes impose stricter regulations on the facility, comply with statutory and legislative directives on environmental justice, and improve public health and welfare—particularly for the overburdened and vulnerable communities directly downwind of the facility. Thank you in advance for your time and consideration of these comments.

Sincerely,

Teryn Yazdani,
Staff Attorney and Climate Policy Manager
Beyond Toxics

Lisa Arkin,
Executive Director
Beyond Toxics

Attachment A

LRAPA's July 26, 2022, Air Quality Advisory for the Southern
Willamette Valley Due to Smog



July 26, 2022

For More Information Contact:
Travis Knudsen, Public Affairs Manager
541-736-1056 ext. 217

For immediate release...

Air quality advisory for the southern Willamette Valley due to smog.

LANE COUNTY — The Lane Regional Air Protection Agency (LRAPA) issued an air quality advisory Tuesday for the southern Willamette valley, including the Eugene/Springfield metro area due to elevated levels of ozone pollution, or smog.

LRAPA expects ozone pollution to reach levels this afternoon that could be unhealthy for sensitive groups, including children, people over 65, pregnant women and people with heart disease or respiratory conditions. Health officials recommend sensitive groups limit outdoor activity when pollution levels are high.

LRAPA expects the air quality advisory to last until Saturday night.

LRAPA urges residents to protect their health and limit activities that cause pollution during the heat wave. Recommendations include:

- Limit driving by using public transit, carpooling or other alternative transportation.
- Avoid unnecessary engine idling.
- Refuel vehicles during cooler evening hours.
- Postpone mowing the lawn or using leaf blowers.
- Postpone painting and aerosol spray projects.

Smog irritates the eyes, nose, and lungs, and contributes to breathing problems. Consult your health care provider if these symptoms worsen.

Ozone forms when hot temperatures and low winds combine with pollution from cars, gas-powered engines and chemicals in paints and aerosols. These air pollutants react with sunlight and heat to produce ozone and haze.

Ozone pollution increases throughout the day with exposure to sunlight, so pollution levels tend to be highest during afternoons and early evenings. Air quality monitors may show good air quality in the morning, then quickly jump to unhealthy levels later in the day.

Check current air quality conditions and advisories on the [Oregon Department of Environmental Quality's Air Quality Index webpage](#) or by downloading the free OregonAIR app on a smartphone.

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LRAPA
Lane Regional Air Protection Agency

26 de julio, 2022

Para más información, comuníquese con:
Travis Knudsen, Gerente de Asuntos Públicos
541-736-1056 ext. 217

Para publicación inmediata...

Aviso de calidad del aire para el sur del valle de Willamette debido al smog.

CONDADO DE LANE — La Agencia Regional de la Protección del Aire del Condado de Lane (LRAPA, por sus siglas en inglés) emitió un aviso de calidad del aire el martes para el sur del valle de Willamette, incluso el área metropolitana de Eugene y Springfield, debido a los niveles elevados de contaminación por ozono, también conocido como smog.

LRAPA espera que la contaminación de ozono alcance esta tarde niveles que podrían ser perjudiciales para la salud de grupos sensibles, incluyendo niños, ancianos, mujeres embarazadas y personas con enfermedades cardíacas o respiratorias. Los funcionarios de salud recomiendan que los grupos sensibles limiten la actividad al aire libre cuando los niveles de contaminación son altos.

LRAPA espera que el aviso sobre la calidad del aire dure hasta el sábado por la noche. Los niveles de smog deberían mejorar durante la noche.

LRAPA insta a los residentes a proteger su salud y limitar las actividades que causan contaminación durante este aviso. Las recomendaciones incluyen:

- Limitar la conducción utilizando transporte público, coches compartido u otros medios de transporte alternativos.
- Evitar el uso innecesario del motor.
- Repostar los vehículos durante las horas más frescas de la tarde.
- Posponer el corte del césped.
- Posponer los proyectos de pintura y aerosoles.

El smog irrita los ojos, la nariz y los pulmones, y contribuye a los problemas respiratorios. Consulte a su médico si estos síntomas empeoran.

Revise las condiciones y avisos actuales de calidad del aire en el [Índice de Calidad del Aire](#) del Departamento de Calidad Ambiental de Oregon (DEQ por sus siglas en inglés) o descargando la aplicación gratuita OregonAIR en un teléfono inteligente.

El ozono se forma cuando las temperaturas altas y los vientos bajos se combinan con la contaminación de coches, motores a gasolina y los productos químicos de pinturas y aerosoles. Estos contaminantes del aire reaccionan con la luz solar y el calor para producir ozono y neblina.

La contaminación del ozono aumenta a lo largo del día con la exposición a la luz solar, por lo que los niveles de contaminación tienden a ser más altos durante las tardes y las primeras horas de la noche. Los monitores de calidad del aire pueden mostrar una buena calidad del aire por la mañana, y luego aumentar rápidamente a niveles poco saludables más tarde en el día.

El Índice de Calidad del Aire de DEQ, codificado por colores, proporciona las condiciones actuales de la calidad del aire y clasifica la calidad del aire de la siguiente manera: Verde es bueno. Amarillo es moderado. Naranja no es saludable para grupos sensibles como niños, ancianos, mujeres embarazadas y aquellos con condiciones respiratorias. Rojo es no saludable para todos. Púrpura es muy poco saludable para todos los grupos. Marrón es peligroso.

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Attachment B

Image of EJScreen Mapping Tool Version 2.0

Map navigation icons: Home, Location, Mobile, Tools

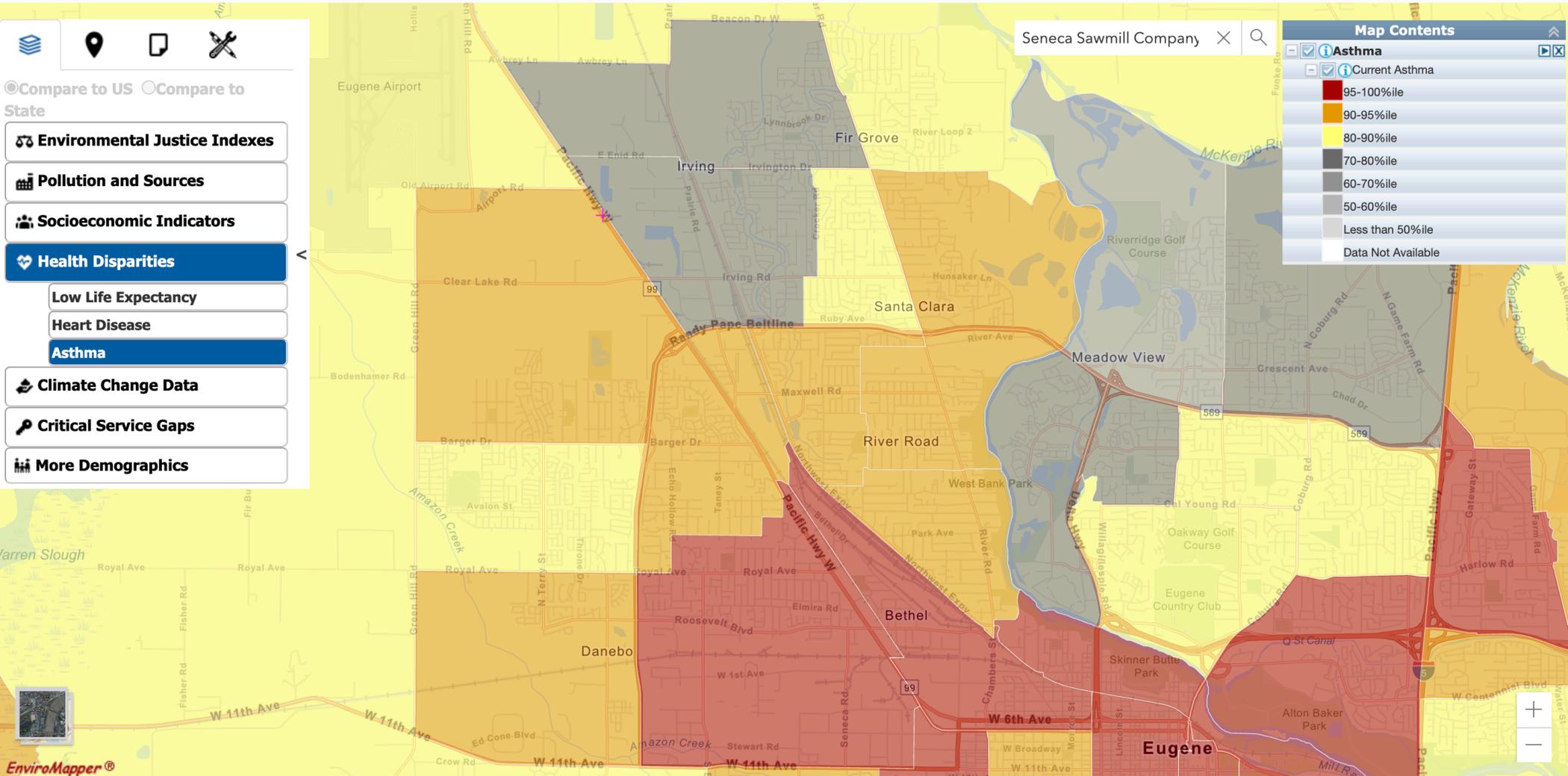
Compare to US Compare to State

- Environmental Justice Indexes
- Pollution and Sources
- Socioeconomic Indicators
- Health Disparities**
 - Low Life Expectancy
 - Heart Disease
 - Asthma**
- Climate Change Data
- Critical Service Gaps
- More Demographics

Seneca Sawmill Company

Map Contents

- Asthma
 - Current Asthma
 - 95-100%ile
 - 90-95%ile
 - 80-90%ile
 - 70-80%ile
 - 60-70%ile
 - 50-60%ile
 - Less than 50%ile
 - Data Not Available



Attachment C

Image of Wind Rose Diagram from the Mahlon Sweet Field
Airport

Click to go back, hold to see history

Wind Rose Mahlon Sweet Field Airport ☆

Oregon, United States, 44.12°N 123.21°W, 112m asl

Mahlon Sweet Field Airport > history+ > Wind Rose

- 7-Day Weather
- 14-Day Weather
- Weather Today
- Webcams
- Weather Maps
- Forecast
- Outdoor & Sports
- Aviation
- Agriculture
- History & Climate
- history+
 - Product Overview
 - Data Download
 - ERA5 Download
 - Year Comparison
 - Histogram
 - Wind Rose
 - Risk Assessment
 - Crop Risk
 - Climate prediction

history+ required to download weather data

You are not logged in. If you have already purchased [history+](#), please [log-in](#).

>40 years of hourly weather data with history+

Access historical weather information for Mahlon Sweet Field Airport with history+. Available worldwide and independent from weather stations. Download consistent and gap-free hourly data for Mahlon Sweet Field Airport as CSV. You can test [data access for Basel](#) freely.

[More information about history+](#)

⚠ The historical weather report is limited to the last 2 weeks for evaluation. For unlimited access starting in 1979 this location must be activated with [history+](#).

2022-07-20 - 2022-07-27

history+ locations (0/0)

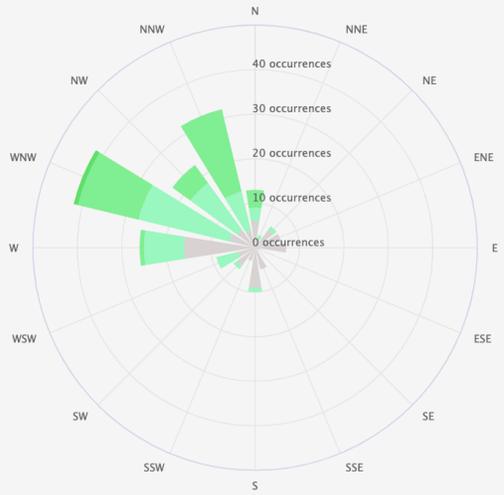
Low resolution (starting 1985)

Wind [10 m]

Settings

XLSX

CSV



0 to 5 km/h 5 to 10 km/h 10 to 15 km/h 15 to 20 km/h