

**ENFORCEMENT: 07/01/2023 to 08/31/2023**

Category of Violation	New	Follow-Up Action	Pending	Closed	Total
Asbestos	-	-	4	2	6
Industrial	3	-	2	2	7
Outdoor Burning	1	-	-	2	3
Fugitive Dust	-	-	-	-	-
Home Wood Heating	-	-	-	-	-
<b>Totals</b>	<b>4</b>	-	<b>6</b>	<b>6</b>	<b>16</b>

**NEW/OPEN ENFORCEMENT ACTIONS STATUS REPORT**

**7/1/2023 -- 8/31/2023**

**Report of open and actions initiated since last report**

**NEW: 7/1/2023 -- 8/31/2023 (New enforcement actions issued in July and August 2023)**

1. TYREE OIL, INC. (EUGENE)
  - A. Violation: Respondent failed to notify LRAPA prior to the construction of a new stationary source in accordance with LRAPA 34-034(1).
  - B. Initial Action Taken: NON #3890 issued 07/14/2023
  - C. Subsequent Action: NCP #2023-3890 (\$275) issued 08/07/2023 - paid
  - D. Resolution: CASE CLOSED on 08/31/2023
  
2. 9WOOD, INC. (SPRINGFIELD)
  - A. Violation: Respondent failed to record visible emission monitoring of units SB-1, SB-2, SB-3, and SB-4.
  - B. Initial Action Taken: NON #3891 issued 07/14/2023
  - C. Subsequent Action: PENDING
  - D. Resolution: PENDING
  
3. ANDREASON'S CREMATION & BURIAL SVCR (SPRINGFIELD)
  - A. Violation: Respondent exceeded 10% opacity limit for a period or periods aggregating more than 3 minutes in any one hour required by condition 2.1 of the ACDP No. 200539.
  - B. Initial Action Taken: NON #3892 issued 08/08/2023
  - C. Subsequent Action: PENDING
  - D. Resolution: PENDING

4. SEALS, MARK (ELMIRA)
  - A. Violation: Outdoor burning of prohibited materials (metal, plastic, rubber, etc.).
  - B. Initial Action Taken: NON #3888 issued 07/31/2023
  - C. Subsequent Action: PENDING
  - D. Resolution: PENDING

**PENDING (Enforcement actions issued prior to 5/1/2023 with no subsequent action in the current reporting period):**

1. **LODGE ENVIRONMENTAL INC. (EUGENE) 550 E 14TH AVE, UNIT C**
  - A. Violation: Asbestos rule 43-015-11(F)(5)(a) requires a minimum of one viewing window will be installed in all enclosures, including negative pressure enclosures, in accordance with the following Each viewing window must be a minimum of two feet by two feet and be made of a material that will allow a clear view inside the enclosure.
  - B. Initial Action Taken: NON #3887 issued 5/4/2023
  - C. Subsequent Action: NCP #2023-3887 (\$2,600) issued 5/11/2023 - paid
  - D. Resolution: CASE CLOSED
2. **A&A AUTO WRECKERS, INC. (JUNCTION CITY) 91993 GREEN HILL ROAD**
  - A. Violation: 43-010(1) - No person may openly accumulate friable asbestos-containing material or asbestos-containing waste material; 43-015(7) - Unless exempt pursuant to 43-015-8, prior to commencing the renovation or demolition of a facility, the owner or operator of the facility must obtain a survey from an accredited asbestos inspector of the entire facility, or the part of the facility where the demolition or renovation will occur, for the presence of asbestos-containing materials, including the presence of non-friable asbestos-containing material. A copy of the survey report must be kept onsite at the facility during any demolition or renovation activity; 43-015(11)(P)- No person shall conduct an asbestos abatement project unless they possess a current asbestos abatement Contractors license or worker's certification, issued by the Department under OAR 340-248-040 or OAR 340-248-0120 and OAR 340-248-0130, respectively, unless exempted by 43-015-8 and/or 43-015-9. 43-015(11)(T) - An owner or operator of a facility shall not allow any persons other than those employees of the facility owner or operator who are appropriately certified or a licensed asbestos abatement contractor to perform an asbestos abatement project in or on that facility unless exempted by 43-015-8 or 43-015-9.
  - B. Initial Action Taken: NON #3889 issued 5/3/2023
  - C. Subsequent Action: Hired an asbestos abatement contractor to clean up the property
  - D. Resolution: PENDING
3. **FORREST PAINT COMPANY (EUGENE) 1011 MCKINLEY STREET**
  - A. Violation: Failure to operate and maintain the air contaminant collection unit, biofilter, in a manner which minimizes air contaminant discharges, and failure to update the biofilter Operation and Maintenance (O&M) Plan once knowledge was acquired of insufficient maintenance and parametric data

monitoring was discovered to ensure the biofilter is operated at the highest reasonable efficiency and effectiveness.

- B. Initial Action Taken: NON #3860 issued 06/22/2022
- C. Subsequent Action: Provide a biweekly status update to LRAPA regarding the biofilter operation and maintenance that includes the following elements:
  - 1. Updates regarding the media replacement of the biofilter; and
  - 2. Updates regarding additional monitoring activities to be incorporated in the O&M Plan; and
  - 3. Additional information gathered including but not limited to internal findings, performance source test company findings, and biofilter contractor's findings regarding the biofilter operation and maintenance as Forrest Paint discovers new information.

Biweekly status updates submitted along with an approved updated O&M Plan .

- D. Resolution: CASE CLOSED on 07/05/2023

4. **PETROCARD INC (GOSHEN) 85947 FRANKLIN BVLD**

- A. Violation: The permittee failed to submit in a timely manner performance testing records to LRAPA which demonstrate compliance with vapor testing requirements outlined in permit conditions 5.1.a and 5.1.b. On 2/25/2022 the permittee was notified by LRAPA that they had exceeded the annual throughput threshold of 480,000 gallons of gasoline in 2019 and were therefore subject to the vapor recovery testing requirements outlined in the permit. On 4/8/2022 LRAPA was advised that vapor recovery testing could not be completed since the lines were manifolded and the issue was escalated to construction to isolate the lines. On 7/7/2022 LRAPA called and emailed the permittee requesting an update. On 8/2/2022 LRAPA called and emailed the permittee requesting an update. The permittee responded advising that they were still working to fix the issue. On 10/5/2022 LRAPA emailed the permittee requesting an update. On 10/26/2022 LRAPA called and emailed the permittee requesting an update.

- B. Initial Action Taken: NON #3872 issued 11/3/2022

- C. Subsequent Action: NCP #2022-3872 (\$3,000) issued 12/8/2022: submitted test report late, request for reduction under review

- D. Resolution: PENDING

5. **MEYER, TAYLOR (VENETA) 87061 GREENRIDGE DRIVE**

- A. Violation: Outdoor burning of any materials which normally emits dense smoke, noxious odors, and hazardous air contaminants and for not promptly extinguishing any burning that is in violation of LRAPA's Title 47-015(e).

- B. Initial Action Taken: NON #3873 issued 11/16/2022

- C. Subsequent Action: NCP #2022-3873 (\$3,496) issued 11/16/2022: returned by USPS; reissued by Legal Server; request for reduction approved and reduced to \$3,196 on 04/19/2023; no response and no payment submitted, a default order for judgment for a lien on the property filed with Lane County.

- D. Resolution: CASE CLOSED 8/31/2023
6. **ANDERSON-MORTENSEN, ELLEN (SPRINGFIELD) 85 NEPTUNE AVENUE**
- A. Violation: Outdoor burning of any materials which normally emits dense smoke, noxious odors and hazardous air contaminants.
- B. Initial Action Taken: NON #3875 issued 2/22/2023
- C. Subsequent Action: NCP #2022-3875 (\$250) issued 2/22/2023: no response, a default order judgment for a lien on the property filed with Lane County.
- D. Resolution: CASE CLOSED 8/31/2023
7. **VENIAMIN TODORIKO (EUGENE) 5039/5041 BARGER DRIVE**
- A. Violation: 43-015(7) - Failure to obtain an asbestos survey from an accredited asbestos inspector prior to conducting the demolition of a facility.
- B. Initial Action Taken: NON #3876 issued 1/13/2023
- C. Subsequent Action: NCP #2022-3876 (\$2,200) issued 1/13/2023: no response, a default order judgment in for a lien on the property filed with Lane County
- D. Resolution: CASE CLOSED 8/31/2023
8. **JOHN A. RANKIN AND STEVE FOWLKES (SPRINGFIELD) 2035/2041 MAIN STREET**
- A. Violation: 43-015(10)- ASBESTOS ABATEMENT NOTIFICATION REQUIREMENTS. Except as provided for in 43-015-8, written notification of any asbestos abatement project must be provided to the Agency on a form prepared by and available from the Agency, accompanied by the appropriate fee; 43-015(11)(C)- Enclose the area of the asbestos-containing materials to be abated, in a negative pressure enclosure prior to abatement unless prior approval has been granted by the agency; 43-015(11)(G)- The asbestos abatement project area shall be adequately cleaned at the conclusion of the project to assure removal of all asbestos debris; 43-015(11)(N)- Open storage or open accumulation of friable asbestos-containing material or asbestos containing waste material is prohibited; 43-015(11)(P)- No person shall conduct an asbestos abatement project unless they possess a current asbestos abatement Contractors license or worker's certification, issued by the Department under OAR 340-248-040 or OAR 340-248-0120 and OAR 340-248-0130, respectively, unless exempted by 43-015-8 and/or 43-015-9; 43-015(11)(S)- A certified supervisor is required to be present on each asbestos abatement project other than a small-scale short-duration activity; 43-015(11)(T)- An owner or operator of a facility shall not allow any persons other than those employees of the facility owner or operator who are appropriately certified or a licensed asbestos abatement contractor to perform an asbestos abatement project in or on that facility unless exempted by 43-015-8 or 43-015-9; 43-015-19(B)- Persons disposing of asbestos-containing waste material must notify the landfill operator of the type and volume of the asbestos-containing waste material; 43-015(19)(B)(1)- All asbestos-containing waste materials must be adequately wetted to ensure that they remain wet until delivered to an authorized landfill, and either: (a) processed into non-friable pellets or other shapes; or (b) packaged in leak-tight containers such as two plastic bags with a minimum thickness of 6 mil., or fiber or metal drum. Containers must be labeled as follows: (i) the name of the asbestos waste generator and the location where the asbestos waste was generated; and (ii) a warning label that states: DANGER Contains Asbestos Fibers Avoid Creating Dust Cancer and Lung Disease Hazard Avoid Breathing Airborne Asbestos Fibers Alternatively, warning labels specified by 29 CFR

1926.1101(k)(7)(8/19/94) may be used; 43-105(19)(E)- All asbestos-containing waste material must be deposited as soon as possible by the waste generator at: (1) An asbestos-containing waste disposal site authorized by the Department and operated in accordance with the provisions of this rule;

- B. Initial Action Taken: NON #3877 issued 3/6/2023
  - C. Subsequent Action: NCP #2023-3877 (\$10 400) issued 3/6/2023: request for reduction approved and reduced to \$5,200 on 04/19/2023 with a payment schedule of \$400 per month on schedule with payments
  - D. Resolution: PENDING
9. **KYLE MCLENNAN, BRUCE R MCLENNAN (VENETA) 88680 LYNETTE LANE**
- A. Violation: Failure to obtain an asbestos survey from an accredited asbestos inspector prior to conducting the demolition of a facility; Burning construction/demolition waste without first obtaining an LRAPA letter permit.
  - B. Initial Action Taken: NON #3880 issued 4/11/2023
  - C. Subsequent Action: NCP #2023-3880 (\$3,650) issued 4/11/2023
  - D. Resolution: PENDING
10. **APRO LLC DBA UNITED PACIFIC (SPRINGFIELD) 1795 5<sup>TH</sup> STREET**
- A. Violation: The permittee failed to submit performance testing records to LRAPA which demonstrate compliance with triennial vapor testing requirements outlined in permit conditions 5.0. Permittee last submitted testing results relative to conditions 5.1.a and 5.1.b on March 11, 2020, and therefore is required to have testing conducted by March 11, 2023. Condition 7.1.c of the permit requires notification of upcoming testing be submitted to LRAPA and condition 7.2 requires test results be submitted to LRAPA no later than 30 after testing has occurred.
  - B. Initial Action Taken: NON #3883 issued 04/25/2023
  - C. Subsequent Action: NCP #2023-3883 (\$2,250) issued 06/12/2023:
  - D. Resolution: PENDING
11. **ATKORE PLASTIC PIPE DBA RIDGELINE (EUGENE)**
- A. Violation: Respondent failed to notify and obtain approval from LRAPA prior to construction or modification of any new or existing stationary source in accordance with condition G20. of Respondent's ACDP and LRAPA 34-034.
  - B. Initial Action Taken: NON #3885 issued 04/26/2023
  - C. Subsequent Action: NCP #2023-3885 (\$975) issued 06/12/2023 - paid
  - D. Resolution: CASE CLOSED on 07/05/2023

12. APRO LLC DBA UNITED PACIFIC ROCKET (SPRINGFIELD) 5720 MAIN STREET

- A. Violation: The permittee failed to submit performance testing records to LRAPA which demonstrate compliance with triennial vapor testing requirements outlined in permit conditions 5.0. Permittee last submitted testing results relative to conditions 5.1.a and 5.1.b on February 4, 2020, and therefore is required to have testing conducted by February 4, 2023. Condition 7.1.c of the permit requires notification of upcoming testing be submitted to LRAPA and condition 7.2 requires test results be submitted to LRAPA no later than 30 after testing has occurred.
- B. Initial Action Taken: NON #3886 issued 04/25/2023
- C. Subsequent Action: NCP #2023-3886 (\$2,250) issued 06/12/2023:
- D. Resolution: PENDING

13. A&A AUTO WRECKERS, INC. (JUNCTION CITY)

- A. Violation: 43-010(1) - No person may openly accumulate friable asbestos-containing material or asbestos-containing waste material; 43-015(7) - Unless exempt pursuant to 43-015-8, prior to commencing the renovation or demolition of a facility, the owner or operator of the facility must obtain a survey from an accredited asbestos inspector of the entire facility, or the part of the facility where the demolition or renovation will occur, for the presence of asbestos-containing materials, including the presence of non-friable asbestos-containing material. A copy of the survey report must be kept onsite at the facility during any demolition or renovation activity; 43-015(11)(P)- No person shall conduct an asbestos abatement project unless they possess a current asbestos abatement Contractors license or worker's certification, issued by the Department under OAR 340-248-040 or OAR 340-248-0120 and OAR 340-248-0130, respectively, unless exempted by 43-015-8 and/or 43-015-9. 43-015(11)(T) - An owner or operator of a facility shall not allow any persons other than those employees of the facility owner or operator who are appropriately certified or a licensed asbestos abatement contractor to perform an asbestos abatement project in or on that facility unless exempted by 43-015-8 or 43-015-9.
- B. Initial Action Taken: NON #3889 issued 05/03/2023
- C. Subsequent Action: PENDING – Cleanup of property ahead of schedule.
- D. Resolution: PENDING

***For a perspective of the total number of enforcement actions for calendar year 2023 compared to previous years***

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	*2023
<b>Notices of Non-compliance and Warnings</b>	51	36	38	41	39	41	55	15	21	24	16
<b>Notices of Violation with Civil Penalties</b>	23	28	37	37	28	43	37	26	17	24	11

\* Year-To-Date.

**OUTDOOR BURNING LETTER PERMITS: 07/01/2023 to 08/31/2023**

There was one Outdoor Burning Letter Permit (OBLP) issued in July and August.

1. Issued Special Letter Permit 20B23-07-01 on August 1 to Rivers to Ridges, Paul Gordon, Eugene, to burn 50 cubic yards of Miscellaneous debris located at Various, Lane County.

**ASBESTOS ABATEMENT: 07/01/2023 to 08/31/2023**

During July and August, LRAPA received 84 notices of asbestos removal projects, eight of which were schools (Springfield High School, Creswell School District, Eugene Waldorf School, Lowell School District, Shasta Middle School, Kennedy Middle School, Spencer Butte Elementary, University of Oregon)

For perspective, here is how the total number of asbestos abatement notices filed, how many were schools and the number of notices inspected for calendar year 2023 compares to previous years:

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	*2023
Total Asbestos Abatement Notices	351	352	426	444	543	428	488	439	408	465	321
School Asbestos Abatement Notices (NESHAP)	24	21	24	27	28	24	16	25	20	16	15
Number of Asbestos Abatements Inspected	96	67	89	82	120	770	94	93	104	115	63

\* Year-To-Date.

**PERMITTING (TITLE V AND ACDP): 08/01/2023 to 08/31/2023**

LRAPA currently permits 14 Title V sources and approximately 275 Air Contaminant Discharge Permit (ACDP) sources. Below are the total numbers of permit activities that are new, renewals, modifications, construction approvals, registration applications, terminated and/or total issued permits the Operations staff currently have in process.

Category of Permit Activity	Title V	ACDP	Registration	Total Active
New	-	5	-	5
Renewals	5	10	-	15
Modifications	3	2	-	5
Constructions	-	-	-	-
Registrations	-	-	-	-
Terminated Permits	-	-	-	-
Total Issued Permits Year-to-date	3	43	-	46