

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

RENEWAL OF CEASE AND DESIST ORDER

IN THE MATTER OF:)	
)	
BULLSEYE GLASS CO.)	FINAL ORDER
an Oregon corporation.)	

WHEREAS:

1. On May 19, 2016, the Department of Environmental Quality (DEQ) issued a final Cease and Desist Order (CDO) to Bullseye Glass Company, located at 3722 SE 21st Ave in SE Portland (Bullseye). The CDO is attached to his order as Attachment 1. DEQ issued the CDO at the direction of the Governor, after concluding, in consultation with the Oregon Health Authority (OHA), that Bullseye was responsible for emitting contamination into the air that presented an imminent and substantial endangerment to the health of persons in the vicinity of the facility.

2. The facts upon which DEQ and OHA reached the conclusion that Bullseye’s operations created an imminent and substantial endangerment to the public health have not abated. Air quality monitors at the day care center detected dangerous concentrations of lead on May 9, 2016 and May 10, 2016. The air monitors detected 416 nanograms per cubic meter of lead on May 9th and 669 nanograms per cubic meter on May 10th. DEQ concluded that Bullseye was the source of those emissions based on DEQ’s analysis of wind direction information on those days and glass production data obtained from Bullseye. The current national ambient air quality standard for lead is 150 nanograms per cubic meter.

3. On May 26, 2016, DEQ and OHA jointly recommended that the Governor order the CDO be renewed, with the addition of a provision to allow the order to be rescinded if DEQ and OHA concur that other legally enforceable requirements are in place to adequately protect the public health.

4. On May 27, 2016, on the basis of the facts and information provided to her by DEQ and OHA, the Governor ordered DEQ to renew the CDO on May 29, 2016, with the additional provision described in paragraph 3.

1 DEQ ORDER:

2 5. Pursuant to ORS 468.115, effective May 29, 2016, DEQ orders:

3 A. That the CDO be renewed for an additional ten days, and be effective until
4 June 8, 2016; and

5 B. Early withdrawal of the order. If DEQ and OHA concur that any cease
6 and desist order then in effect be rescinded because other legally enforceable requirements are in
7 place to adequately protect the public health, then DEQ shall promptly issue an order rescinding
8 the cease and desist order then in effect.

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10 FINAL ORDER

11 IT IS SO ORDERED:

12 DEPARTMENT OF ENVIRONMENTAL QUALITY

13
14 May 27, 2016

15 Date



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Pete Shepherd, Director

Department of Environmental Quality

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

CEASE AND DESIST ORDER

IN THE MATTER OF:

FINAL ORDER

BULLSEYE GLASS COMPANY,
an Oregon corporation.

WHEREAS:

1. The Department of Environmental Quality (DEQ) operates an air quality monitor located at the CCLC daycare facility located at 2215 SE Gladstone Street in Portland, Oregon, across the street from, and to the south of the Bullseye Glass Company facility at 3722 SE 21st Ave in SE Portland (Bullseye).

2. Air monitoring data collected from this monitor on May 9, 2016 through May 10th, 2016 and analyzed on May 18, 2016 by DEQ registered lead air pollutants at 416 nanograms per cubic meter over a 24 hour period.

3. DEQ has reviewed Bullseye’s operational information for the timeframe of this monitoring event and confirmed that Bullseye manufactured glass that contained a relatively high proportion of lead in its feedstock, and that the pollution control device connected to the furnace being used for that batch was not in service due to suspected malfunctions.

4. The average hourly wind direction on that day was from the north/northwest as confirmed by DEQ monitoring equipment in the vicinity.

5. Based on this information, DEQ concludes that Bullseye was the source of the elevated concentrations of lead in air detected by DEQ’s monitor. There is currently no regulation or requirement that Bullseye use lead solely in controlled furnaces.

6. The current national ambient air quality standard for lead is 150 nanograms per cubic meter.

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1 7. DEQ monitoring data from October 2015 showed levels of cadmium and arsenic
2 at 50 and 150 times the ambient benchmark concentration for those metals respectively. These
3 emissions were from furnaces without emission control devices.

4 8. DEQ has consulted with the Oregon Health Authority (OHA). The OHA has
5 determined that lead is a potent and well known neurotoxicant that can permanently decrease the
6 IQ of exposed children at the levels measured. As discussed in the attached supporting memo
7 from OHA and DEQ to the Governor, the repeated elevated emissions of metal hazardous air
8 pollutants (HAPs) above safe ambient benchmark concentrations create an imminent and
9 substantial endangerment to the health of persons.

10 CONCLUSION:

11 9. DEQ concludes that Bullseye's use of metal HAPs in uncontrolled furnaces
12 presents and imminent and substantial endangerment to the health of persons. DEQ shared this
13 conclusion with the Governor.

14 GOVERNOR'S ORDER:

15 10. On May 19, 2016, Oregon Governor Kate Brown, pursuant to ORS 468.115(1),
16 directed DEQ to issue an order to the responsible party to cease and desist the action causing the
17 pollution causing the imminent and substantial endangerment to the health of persons.

18 DEQ ORDER:

19 11. Pursuant to ORS 468.115, effective immediately and for the next ten days, DEQ
20 orders Bullseye to cease and desist from use of the following metal HAPs in any furnace at the
21 Bullseye facility without a DEQ-approved emissions baghouse control device which is operating
22 in a manner that properly controls metals as it is designed to do:

- 23 A. Arsenic
- 24 B. Cadmium
- 25 C. Chromium
- 26 D. Cobalt
- 27 E. Lead

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- F. Manganese
- G. Nickel
- H. Selenium

FINAL ORDER

IT IS SO ORDERED:

DEPARTMENT OF ENVIRONMENTAL QUALITY

May 19, 2016
Date

/s/ Pete Shepherd
Pete Shepherd, Director
Department of Environmental Quality