

## **Public Comment Period for DEQ Hollingsworth & Vose air pollution permit and pending citizen land use appeals**

The Oregon Department of Environmental Quality (DEQ) has scheduled a public hearing and comment period for a new, higher class air pollution permit for Hollingsworth & Vose glass fiber production facility located on the banks of the Willamette River in South Corvallis.

Despite requests to delay the public hearing until a ruling is made on a citizen land use appeal against this permit, the state air protection agency chose to move ahead in their process of issuing a pollution permit to the facility.

Hollingsworth & Vose (H&V) was found to be in violation of their prior air pollution permit in 2015, and at that point chose to continue production and apply for a major source, federally administered Title V permit. H&V, and its predecessor, Evanite, have never held a Title V major source permit at this site. Since the 2015 permit violation, H&V has operated on a temporary permit granted by DEQ, despite strong public outcry at local DEQ forums in 2016 to hold H&V to prior permitted levels.

H&V made emissions system renovations in 2018, yet they are still requesting a permit that allows over triple the volume of regulated pollutants (1128 tons/year) than were allowed by their previous permit (349 tons/year). Two pending citizen land use appeals assert that this increase represents an industrial intensification that conflicts with the zoning laws for this grandfathered industrial site (see below).

H&V was called into DEQ's new "Cleaner Air Oregon" program in 2019, a program aimed at more scrutiny and testing of air polluters in Oregon's communities. No testing results have been released from the CAO program on H&V emissions.

**The virtual DEQ public hearing is set for July 21 at 7pm, and public comments will be accepted through 5pm August 4th. Meeting registration and draft permit details can be found at:**

<https://www.oregon.gov/deq/get-involved/documents/080422hollingsworth.pdf>

### **Pending land use challenges could affect permit**

Two citizen land use appeals challenge that the industrial intensification that has taken place at H&V conflicts with Corvallis land development code, specifically the Mixed Use Transitional (MUT) zone and the Willamette River Greenway (WRG), which both contain code language that require special public process when DEQ permitting is required. Both appeals were filed with the State Land Use Board of Appeals (LUBA) in April 2022. Since DEQ permits are required to follow local land use codes through a Land Use Compatibility Statement (LUCS), these land use appeals will determine the validity of any DEQ permitting involving H&V.

## **Statements**

### ***Lisa Arkin, Executive Director, Beyond Toxics:***

*"I question the Agency's urgency to move forward to issue an air pollution permit that allows higher levels of dangerous air toxics. By ignoring the community's modest request for a delay, it seems that the DEQ is pitting itself against affected community members despite an agency mandate to promote community engagement. There is no need to rush the process -- after all, the DEQ has allowed this facility to continue its production processes under a temporary air discharge permit since 2016."*

### ***Travis Williams, Riverkeeper & Executive Director, Willamette Riverkeeper:***

*"The simple message is that the City of Corvallis and the Oregon DEQ need to do better on this. With all of the concern of local citizens, there is no reason to rush this type of permit forward. The cleanliness of our air, the health of our wildlife, and the health of local people are more important than rushing forward to accommodate the desire of a company that has a history of polluting."*

### ***Tony Howell, Citizen Appellant, Former City Councilor & Planning Commissioner:***

*"South Corvallis and the entire community spent months of effort working with the City and the company to develop Code language that allows continuing industrial operations next to a pre-existing neighborhood, but also protects the neighborhood from intensification, and encourages a transition to less intensive uses over time. It feels like a betrayal by both the City and H&V that these clear negotiated requirements in the Code are being ignored." Tony Howell, former City Councilor representing South Corvallis*

### ***Barbara Bull, Citizen Appellant, Former City Councilor:***

*"It's incredible to me that after years of grassroots work resulting in a plan and a zone to ensure public review of any increase in emissions at this site, our City Manager failed to provide that public process. It might not feel efficient to staff to consult the public, but the rules are the rules!"*

*I hope DEQ can do the reasonable thing and wait for LUBA to decide who is right here."*

### ***Jeremy Monroe, Citizen Appellant:***

*"It is awkward to proceed with a public comment period on H&V's higher class permit and intensification when there are two land use appeals pending that illustrate why industrial intensification is limited for this grandfathered site that sits next to our neighborhoods, parks, downtown, and the river."*

*After the 2015 air pollution violation and two documented river spills in the last 10 years, my neighbors and I have learned to keep a close eye on H&V and DEQ. Unfortunately, we are now having to keep a close eye on our City, who have worked hard to accommodate a negligent polluter, while dismissing the visions (and codes) of the Willamette River Greenway, the South Corvallis Refinement Plan, and the public health and safety concerns of citizens.”*

### **Links / references:**

Gazette-Times article on City Council Hearing (March 2022)

[https://www.gazettetimes.com/news/local/corvallis-upholds-h-v-decision-that-may-lead-to-air-emissions-discharge-permit/article\\_ad818e06-fa72-58d4-9e7e-4930de9cfcba.html](https://www.gazettetimes.com/news/local/corvallis-upholds-h-v-decision-that-may-lead-to-air-emissions-discharge-permit/article_ad818e06-fa72-58d4-9e7e-4930de9cfcba.html)

Community Appeal to H&V and City Leadership (2019)

<https://www.thepetitionsite.com/632/250/026/a-community-appeal-from-corvallis-neighbors-to-hollingsworth-amp-vose/>

H&V Violations

[https://www.gazettetimes.com/news/local/state-fines-h-v-over-toxic-waste-at-corvallis-plant/article\\_99c44ffe-1855-11e4-8735-001a4bcf887a.html](https://www.gazettetimes.com/news/local/state-fines-h-v-over-toxic-waste-at-corvallis-plant/article_99c44ffe-1855-11e4-8735-001a4bcf887a.html)

[https://www.gazettetimes.com/news/local/residents-vent-concerns-at-h-v-forum/article\\_212944e8-bf2d-5177-84f7-94e6bcd720dd.html](https://www.gazettetimes.com/news/local/residents-vent-concerns-at-h-v-forum/article_212944e8-bf2d-5177-84f7-94e6bcd720dd.html)

[https://www.gazettetimes.com/news/local/neighbors-air-pollution-concerns-at-h-v-factory/article\\_6951638b-f82a-5e02-a70d-e10baab53bcc.html](https://www.gazettetimes.com/news/local/neighbors-air-pollution-concerns-at-h-v-factory/article_6951638b-f82a-5e02-a70d-e10baab53bcc.html)

[https://www.gazettetimes.com/news/local/h-v-wastewater-pipe-breaks/article\\_a53f1b79-c6db-59eb-a762-6177f2b52b3b.html](https://www.gazettetimes.com/news/local/h-v-wastewater-pipe-breaks/article_a53f1b79-c6db-59eb-a762-6177f2b52b3b.html)

[https://www.gazettetimes.com/news/local/riverkeeper-may-sue-over-glass-fiber/article\\_cb8c0f08-aa56-11e3-85ad-0019bb2963f4.html](https://www.gazettetimes.com/news/local/riverkeeper-may-sue-over-glass-fiber/article_cb8c0f08-aa56-11e3-85ad-0019bb2963f4.html)

## Timeline of Relevant Events

Time	Action	Relevance
1973	<ul style="list-style-type: none"> <li>Willamette River Greenway (State Planning Goal 15) zone created to improve Willamette River environment/aesthetics, and remove industrial uses / blight from Willamette River</li> </ul>	Sets specific guidance for counties and cities to treat riverfront lands along the Willamette River
1987	<ul style="list-style-type: none"> <li>Evans Products / Evanite properties annexed into the City of Corvallis with 'General Industrial' zoning to fit the use at that time</li> </ul>	
1995/96	<ul style="list-style-type: none"> <li>H&amp;V Acquisition of Evans Products and Plant Redevelopment</li> <li>Land Use Compatibility Statement (LUCS) issued by City for H&amp;V activities to support DEQ air permit</li> <li>See Gazette-Times - 5/18/1996</li> </ul>	<i>No known emissions testing performed/reported by H&amp;V or DEQ</i>
1999	<ul style="list-style-type: none"> <li>MUT Zone created by City to transition industrial activities to less intensive uses (as recommended by the citizen-led South Corvallis Area Refinement Plan)</li> </ul>	Sets specific stricter codes to limit intensification/expansion, and encourage less intensive uses
2004	<ul style="list-style-type: none"> <li>Land Use Compatibility Statement amended by City, in response to revised DEQ pollution calculations, to support DEQ air discharge permit</li> </ul>	<i>No known emissions testing performed/reported by H&amp;V or DEQ</i>
2014	<ul style="list-style-type: none"> <li>H&amp;V wastewater spill</li> <li><a href="https://www.gazettetimes.com/news/local/deq-checks-into-h-v-fiber-leak/article_7e773ca6-a4d9-11e3-9c20-001a4bcf887a.html">https://www.gazettetimes.com/news/local/deq-checks-into-h-v-fiber-leak/article_7e773ca6-a4d9-11e3-9c20-001a4bcf887a.html</a></li> </ul>	
2014/15	<ul style="list-style-type: none"> <li>DEQ testing for permit renewal reveals H&amp;V emissions levels far exceeding permitting levels (CO is in federally regulated class)</li> <li><a href="https://www.gazettetimes.com/news/local/state-fines-h-v-over-toxic-waste-at-corvallis-plant/article_99c44ffe-1855-11e4-8735-001a4bcf887a.html">https://www.gazettetimes.com/news/local/state-fines-h-v-over-toxic-waste-at-corvallis-plant/article_99c44ffe-1855-11e4-8735-001a4bcf887a.html</a></li> <li><a href="https://www.gazettetimes.com/news/local/neighbors-air-pollution-concerns-at-h-v-factory/article_6951638b-f82a-5e02-a70d-e10baab53bcc.html">https://www.gazettetimes.com/news/local/neighbors-air-pollution-concerns-at-h-v-factory/article_6951638b-f82a-5e02-a70d-e10baab53bcc.html</a></li> <li><a href="https://www.gazettetimes.com/news/local/residents-vent-concerns-at-h-v-forum/article_212944e8-bf2d-5177-84f7-94e6bcd720dd.html">https://www.gazettetimes.com/news/local/residents-vent-concerns-at-h-v-forum/article_212944e8-bf2d-5177-84f7-94e6bcd720dd.html</a></li> </ul>	DEQ performs emissions testing. H&V is now in open violation of its 2004 LUCS and DEQ air discharge permit (and apparently has been in violation since beginning operation)
2015/16	<ul style="list-style-type: none"> <li>H&amp;V gets PSD permit and Mutual Agreement Order from DEQ to temporarily allow emissions while H&amp;V applies for new DEQ and EPA Title V permit</li> </ul>	H&V remains in violation of the 2004 LUCS
2017	<ul style="list-style-type: none"> <li>H&amp;V wastewater spill</li> <li><a href="https://www.gazettetimes.com/news/local/h-v-wastewater-pipe-breaks/article_a53f1b79-c6db-59eb-a762-6177f2b52b3b.html">https://www.gazettetimes.com/news/local/h-v-wastewater-pipe-breaks/article_a53f1b79-c6db-59eb-a762-6177f2b52b3b.html</a></li> </ul>	

2019	<ul style="list-style-type: none"> <li>• Citizen letter to H&amp;V and City leaders outline major concerns with H&amp;V operations and intensification, along with demands for community safety and trust, and invites constructive discourse toward solutions</li> <li>• <a href="https://www.thepetitionsite.com/632/250/026/a-community-appeal-from-corvallis-neighbors-to-hollingsworth-amp-vose/">https://www.thepetitionsite.com/632/250/026/a-community-appeal-from-corvallis-neighbors-to-hollingsworth-amp-vose/</a></li> </ul>	No response from H&V addressing community concerns and demand for constructive engagement
2019	<ul style="list-style-type: none"> <li>• Hollingsworth &amp; Vose is prioritized in new DEQ Cleaner Air Oregon program, created to bring more testing and accountability to polluters</li> <li>• <a href="https://www.oregon.gov/deq/FilterDocs/caofacilityresults.pdf">https://www.oregon.gov/deq/FilterDocs/caofacilityresults.pdf</a></li> </ul>	
2021.	<ul style="list-style-type: none"> <li>• H&amp;V's application for new DEQ air discharge and EPA Title V permit, which requires a new Land use Compatibility Statement (LUCS) from the City <ul style="list-style-type: none"> <li>• Should trigger Willamette River Greenway Code for Conditional Development</li> <li>• Should trigger MUT code for Conditional Development / Public Land Use Process</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Corvallis City staff issue LUCS without Conditional Development or any public land use process</li> <li>• City engages in confusing and unnecessary agreement with H&amp;V to support staff-issued LUCS</li> </ul>
April 2022	<ul style="list-style-type: none"> <li>• After exhausting local appeal options, two citizen groups file appeals with the Oregon Land Use Board of Appeals</li> <li>• <a href="https://www.gazettetimes.com/news/local/corvallis-upholds-h-v-decision-that-may-lead-to-air-emissions-discharge-permit/article_ad818e06-fa72-58d4-9e7e-4930de9cfcba.html">https://www.gazettetimes.com/news/local/corvallis-upholds-h-v-decision-that-may-lead-to-air-emissions-discharge-permit/article_ad818e06-fa72-58d4-9e7e-4930de9cfcba.html</a></li> </ul>	
June 2022	<ul style="list-style-type: none"> <li>• DEQ begins Public Comment Period for major source / Title V permit for H&amp;V</li> <li>• <a href="https://www.oregon.gov/deq/get-involved/documents/080422hollingsworth.pdf">https://www.oregon.gov/deq/get-involved/documents/080422hollingsworth.pdf</a></li> </ul>	