



February 21, 2023

**E-mail**

Georgia Baxter  
President  
J.H. Baxter & Co.  
P.O. Box 3541  
Bend, OR 97707

Re: Environmental compliance at the J.H. Baxter & Co. Eugene Facility

Dear Georgia Baxter:

The Lane Regional Air Protection Agency (LRAPA) is writing to summarize the compliance status of J.H. Baxter & Co. (JHB) facility regarding air quality regulations since [JHB ceased wood preserving activities](#) effective January 31, 2022, as well as assure JHB fully understands the significance of its legal requirements, compliance expectations, and environmental responsibilities.

The following list summarizes LRAPA's and JHB's formal correspondence since January 31, 2022:

- JHB [requested](#) a 3-month extension to the Cleaner Air Oregon (CAO) source test report due date for the testing that was completed by JHB on December 10, 2021. The testing was completed by JHB in response to LRAPA's request for JHB to provide a complete emissions inventory (EI) that LRAPA could use to assess risk more accurately from your facility as part of the CAO risk assessment. The test report was originally due February 8, 2022. LRAPA granted an extension of the due date until May 9, 2022 on conditions that included the facility no longer conduct wood preservation activities. The wood preservation activities and close proximity to residential areas with greater social vulnerabilities than other communities in Lane County were the original basis for [LRAPA calling JHB into CAO](#) as one of the first existing facilities to be prioritized for review.
- JHB [requested](#) a second test due date extension on April 20, 2022. The basis of the extension request was that the facility still did not have the funds to pay Bison Engineering to get the lab report associated with the samples taken on the Baxter emission points. LRAPA [conditionally approved](#) the extension of the due date to August 9, 2022.
- JHB has not submitted the CAO test results by the August 9, 2022 due date, but has continued to comply with LRAPA's extension-approval conditions by not operating the affected equipment or conducting the affected activities. Additionally, LRAPA has chosen to not pursue requiring JHB to submit the test results as the emissions from the manufacturing operations have ceased and it has become clear that restarting those operations is almost certain not to occur.

- On December 7, 2022 the facility applied for a Simple Air Contaminant Discharge Permit (ACDP) in lieu of maintaining the existing Standard ACDP as part of the permit renewal. The reasoning of applying for a Simple ACDP included the removal of wood treating equipment and auxiliary equipment/activities in the permit. The renewal application was submitted by the December 9, 2022 due date.
- JHB paid calendar year 2023 Annual Fees in full on December 12, 2022.
- JHB wrote to LRAPA on February 1, 2023 indicating the 2022 Annual Report and Greenhouse Gas (GHG) reports would be submitted by the February 15, 2023 and March 31, 2023 due dates, respectively.
- LRAPA is presently working on the draft JHB permit renewal to reflect current operating activities. The Simple ACDP will remove all the waterborne and oil-based wood preservation activities (EU-1), the lumber drying activities (EU-2), and the wood working activities (EU-4). The renewed permit will also remove the netting basis and baseline emission rates, as those are no longer allowed to be maintained under the Simple ACDP. The Simple ACDP will include an Agency-initiated Level 1 Risk Assessment and associated permit conditions to limit facility risk. LRAPA plans on placing the draft Simple ACDP for JHB on public notice sometime in the first quarter of 2023. This public process will include a public informational session and public hearing.
- As of this date, LRAPA inspectors and the CAO project manager have been on site numerous times since January 31, 2022. These site visits have been conducted by LRAPA as part of air quality complaint responses, inspections of ongoing compliance with the emission devices that continue to operate, or other regulatory agency coordination. LRAPA has not found any instances of facility non-compliance as part of those site visits. However, LRAPA remains attentive to community concerns related to activities onsite and will continue to provide transparency of the Agency's actions, regulation, and oversight of JHB's air emissions.

Maintaining compliance with all applicable air quality regulations and permit requirements continues to be important. In addition to proper ongoing operation of the natural gas-fired boiler and evaporator air emission devices, LRAPA also emphasizes that JHB needs to maintain compliance with all LRAPA Title 43 – Asbestos Requirements that are applicable to JHB as, or if, parts of the facility are dismantled or demolished.

Please contact Max Hueftle, P.E., Operations Manager, at [max@lrapa.org](mailto:max@lrapa.org) or phone extension 231 if you have any questions regarding this letter.

Sincerely,



Steven A. Dietrich  
Director