



# Oregon

Kate Brown, Governor

Department of Environmental Quality

Eastern Region The Dalles Office

400 East Scenic Drive, Suite 307

The Dalles, OR 97058

(541) 298-7255

FAX (541) 298-7330

TTY 711

April 1, 2019

Wanda Rasmussen  
Ochoco Lumber Company  
PO Box 668  
Prineville, OR 97754

RE: Evaluation of Permitting Requirements for Proposed Conversion Technology Facility  
Malheur Lumber Company & Restoration Fuels, LLC  
Grant County

Dear Ms. Rasmussen,

DEQ Materials Management staff reviewed your submittal titled, *Standard ACDP 12-0032-ST01/ Permit Modification*, dated October 25, 2018 (ACDP Modification Application), for activities proposed at the Restoration Fuels, LLC torrefaction facility located in Grant County. DEQ also reviewed an email with the subject, *Restoration Fuels – Project and Feedstock Information*, dated February 28, 2019. The email indicates that feedstock for the torrefaction process consists of small no-saw logs, which do not meet DEQ's definition of a wood waste and do not require a solid waste disposal site permit. The ACDP Modification Application indicates that feedstock includes materials such as planer shavings and wood residuals, which meet DEQ's definition of a wood waste and would require a solid waste disposal site permit.

Based on our review of these documents, DEQ has concluded that the proposed activity meets the definition of conversion technology under OAR 340-093-0030(28); however, the activity may be exempt from a conversion technology permit as described under OAR 340-096-0160(4)(b)<sup>1</sup>.

<sup>1</sup> OAR 340-096-0160(4): *The following conversion technology facilities are exempt from the application, operations plan, registration, and permit requirements of OAR 340-093-0070, 340-096-0180, 340-096-0190, and 340-096-0200 unless the department determines the conversion technology facility may adversely affect human health or the environment:*

...

(b) *Any conversion technology facility that satisfies all of the following criteria:*

(A) *Less than one percent by weight of the waste received by the facility is putrescible;*

(B) *All feedstocks received are source-separated for recovery or have been separated at a material recovery facility to include only the material or group of materials that are compatible with the conversion technology process used at the facility, and do not include mixed solid waste such as auto and appliance shredder wastes or paper, plastic or other materials that have not been separated from each other;*

(C) *The facility either has no discharges of liquids to the ground or to the waters of this state, or has a permit issued under ORS 468B.050 and all applicable requirements of OAR Chapter 340 Divisions 93 through 97 have been met;*

(D) *The facility either has no discharges of contaminants to the air, or has a permit issued under ORS 468A.040 and all applicable requirements of OAR Chapter 340 Divisions 93 through 97 have been met;*

(E) *The facility does not routinely charge a tip fee for the feedstocks used by the conversion technology; and*

(F) *The person who has established or who is proposing to establish the conversion technology facility can demonstrate that the facility operation will be able to comply with the performance standards in OAR 340-096-0170 based on actual operations data from an existing facility using similar technology, and continues to comply with those standards.*

Please review OAR 340-096-0160(4)(b). Based on the information in this letter, you can determine if you do or do not require permit coverage and take appropriate action.

- **Exempt from permit coverage.** If you determine the proposed activities at the Restoration Fuels, LLC torrefaction facility are exempt from permit coverage, please submit a [Conversion Technology Facility Permit Exemption Notification Form<sup>2</sup>](#), to DEQ no less than 30 days prior to beginning construction, as required under OAR 340-096-0160(4)(c).
- **Permit required.** If you determine the proposed facility requires permit coverage, you must submit an [application<sup>3</sup>](#) for a Solid Waste Disposal Site Permit at least 180 days before the facility is proposed to begin operation.

We look forward to receiving your submittal. Should you have any questions about the contents of this letter, or desire any follow up technical assistance, please contact me at 541-298-7255 ext. 225 or [jones.jamie@deq.state.or.us](mailto:jones.jamie@deq.state.or.us).

Sincerely,



Jamie E. Jones  
Natural Resource Specialist IV  
Materials Management Program  
Eastern Region – The Dalles Office

Enclosures

ec: Joe Koerner, Operations Manager, Restoration Fuels, LLC, [jakwsu@yahoo.com](mailto:jakwsu@yahoo.com)  
Ron Doughten, Materials Management Program Manager, Eastern Region – DEQ – The Dalles [DOUGHTEN.Ron@deq.state.or.us](mailto:DOUGHTEN.Ron@deq.state.or.us)  
Matt Slafkosky, Materials Management Program, Eastern Region – DEQ – The Dalles [Slafkosky.Matt@deq.state.or.us](mailto:Slafkosky.Matt@deq.state.or.us)  
Paul Devito, Air Quality Program, Eastern Region – DEQ – The Dalles [DEVITO.Paul@deq.state.or.us](mailto:DEVITO.Paul@deq.state.or.us)  
Sharon Stephens, Materials Management Program, Eastern Region – DEQ – The Dalles [Stephens.sharon@deq.state.or.us](mailto:Stephens.sharon@deq.state.or.us)

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<sup>2</sup> <https://www.oregon.gov/deq/FilterPermitsDocs/CTnotification.pdf>

<sup>3</sup> <https://www.oregon.gov/deq/FilterPermitsDocs/MMSWapp.pdf>