

1 OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

2 CEASE AND DESIST ORDER

3)
4)
4 IN THE MATTER OF:) FINAL ORDER

5)
5 BULLSEYE GLASS COMPANY,)
6 an Oregon corporation.)
6)

7 WHEREAS:

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

12 2. Air monitoring data collected from this monitor on May 9, 2016 through May
13 10th, 2016 and analyzed on May 18, 2016 by DEQ registered lead air pollutants at 416 nanograms
14 per cubic meter over a 24 hour period.

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

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

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

24 6. The current national ambient air quality standard for lead is 150 nanograms per
25 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. That
18 directive and supporting memo are attached to this Order.

19 DEQ ORDER:

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

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

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- E. Lead
- 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