GREEN ENVIRONMENTAL MANAGEMENT SYSTEM (GEMS) ACHIEVER PERMIT REVIEW REPORT

For

Louisiana-Pacific (LP) Corporation
Highway 20 West, MP 128.4
P.O. Box 587
Hines, Oregon 97738

FACILITY DESCRIPTION

1. The permittee operates an Engineered Wood Products production facility at Highway 20 West, Milepost 128.4 in Hines, Oregon. The operational process uses softwood veneer to produce Laminated Veneer Lumber (LVL) and I-Joists. LP acquired the plant, which has been in operation for approximately 14 years, in March 1997. In early 1998, the Hines plant became the first LP Engineered Wood Products facility to participate in the corporation's Environmental Management System (EMS).

REGULATORY STATUS

2. The regulatory status of the permittee is summarized in the following table:

MEDIA PROGRAM	TYPE OF PERMIT/ REGISTRATION	PERMIT/ REGISTRATION NUMBER
Air Quality	Air Contaminant Discharge Permit (ACDP)	No. 13-0016
Water Quality	National Pollutant Discharge Elimination System (NPDES) Permits	No. 1200-Z No. 500-J
Hazardous Waste	Generator Status: ✓CEG □SQG □LQG	ORD 987177086
Toxics Release Inventory (TRI)	Federal TRI Form R Reporting Requirement under the Emergency Planning and Community Right-to-Know Act (EPCRA)	TRI number not yet received from 1999 first-year report

ENVIRONMENTAL IMPACTS

3. The facility is located in the Burns-Hines airshed. This airshed is in attainment with all applicable National Ambient Air Quality Standards.

4. The facility is located in the Malheur Lake Basin and the Silvies Sub Basin. The Silvies River is not identified on the most recent 303(d) list of water quality limited water bodies. Some tributaries are listed for temperature.

5. LP Hines became subject to federal Toxics Release Inventory (TRI) reporting requirements in 1999 because of phenol used in adhesives for I-Joist production. Increased phenol use related to higher 1999 production triggered TRI threshold reporting requirements under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). LP anticipates that it will not be subject to TRI requirements in 2000, because of production curtailments.

6. Existing sources of air contaminants, wastewaters, solid and hazardous wastes or other pollutants at the facility consist of the following:
   - LP's Synthetic Minor ACDP controls emissions of particulate, carbon monoxide, nitrogen oxides and volatile organic compounds. LP has actively worked with DEQ to control and reduce air emissions despite production increases in 1998 and 1999. LP kept its air emissions to only 10% of total annual levels allowed by the ACDP, despite production increases. It has done this through implementation of an Environmental Management System (EMS) and installing control technology that exceeds regulatory requirements. No air quality compliance issues have emerged since LP assumed operation of the Hines facility.
   - LP has two NPDES permits, one for discharges from boiler blowdown, another for stormwater discharges. LP self-reported and immediately corrected pH level compliance problems with the boiler NPDES permit shortly after acquiring the plant in March 1997. DEQ compliance procedures required issuance of a Notice of Noncompliance (NON), but no civil penalty was assessed.
   - In 1998, LP's hazardous waste generator status changed from Small Quantity Generator (SQG) to Conditionally Exempt Generator (CEG). This reduction in hazardous waste was the result of improved operating procedures implemented through the EMS. In 1999, LP's status temporarily changed back to SQG because of a one-time clean-out of toxic chemicals no longer used (toluene). The facility has since returned to CEG status and continues to pursue vigorous hazardous waste reduction strategies.
     DEQ assessed LP with a $6,000 civil penalty for RCRA hazardous waste violations from a September 1997 inspection. The penalty was reduced to $1,000 because the violations stemmed from problems LP had inherited from previous owners. The DEQ inspector characterized LP as "extremely proactive and cooperative" in responding to the situation.
   - LP received a DEQ May 1999 Solid Waste Letter Permit to use wood waste as a soil amendment at its site. This is part of a project to clean up debris and contamination from the previous owner.
   - On March 6, 1997, LP signed a Prospective Purchase Agreement with DEQ. Under this agreement, LP entered DEQ's Voluntary Cleanup Program to remediate site contamination caused

by previous operators. The site has been identified as "contaminated." A Phase I environmental assessment identified petroleum products, BTEX compounds, polycyclic aromatic hydrocarbons, and heavy metals in the soil and/or shallow groundwater. Because of the site contamination, LP is technically a potentially responsible party under the federal Superfund program. However, the positive progress made to date through the Voluntary Cleanup Program makes the Superfund scenario very remote. Cleanup activities are expected to result in a "No Further Action" letter from DEQ as early as this winter. This would end the formal cleanup process.

- LP stores approximately 17,000 gallons of petroleum products in tanks, reservoirs and containers on site. Although there is no "reasonable potential" for a spill at the facility to reach "navigable waters," (italicized terms from federal Spill Prevention Control and Countermeasures regulations), LP maintains an active SPCC Plan to help mitigate any spill that may occur. In addition, all tanks have secondary containment and double walls. The fuel station is under a roof and is in secondary containment. All tanks are on concrete floors.

CRITERIA FOR ISSUANCE OF A GEMS PERMIT

7. The Department has verified that the permittee has met the tier achievement criteria for the following GEMS Achiever Permit elements:
   a. EMS performance;
   b. Baseline performance report;
   c. Performance achievements;
   d. Performance measures; and
   e. Stakeholder involvement plan.

Environmental Management System (EMS) Performance

8. The permittee has implemented a robust environmental management system that meets the purpose or intent of each of the ISO 14001 clauses and supports verification. The following is a summary of the EMS as it was implemented:

EMS ELEMENT	IMPLEMENTATION DATE
Environmental Policy Statement	May 1997
Identification of Environmental Aspects and Impacts	October 1999
Setting Objectives and Targets	October 1999
Structure and Responsibility	March 1998
Training	Completed December 1998
External Communication	November 1999
Monitoring and Measurement	January 1999
Auditing	May 1999
Management Review	May 1999
Certification	Under consideration and in development

The Hines plant was the first LP Engineered Wood Products facility to participate in the LP EMS process. The EMS has enabled the plant to expand production while ensuring compliance with environmental goals that exceed regulatory standards. LP believes the EMS results in improved environmental controls that enhance plant performance and product quality, improving long-term economic stability and benefiting the local community both environmentally and economically.

The EMS involves every aspect of business management and production. The Core EMS Team consists of hourly employees that have full management support. The EMS requires systematic review of each aspect of environmental compliance and assigns responsibility to those most directly involved. Here is how LP describes (in its Green Permit application) implementation of the EMS within the plant itself, a description that illustrates the careful structure of facility EMS implementation:

"At the plant level, the Plant Sponsor and EMS Core teams work to implement the EMS by writing Standard Operating Procedures (SOPs), organizing employee and management training, and establishing inspection and process change programs. The goal at each facility is to integrate compliance with identified environmental objectives into the daily work of every employee to ensure that all individuals take personal responsibility for their actions. Once a facility is deemed ready, the EMS Core Team at the plant level receives instruction in environmental permits and regulations specific to facility operations and training in the EMS 26-Step Process, a standardized means of program execution. Employees are also acquainted with programs designed to facilitate the rapid implementation of changes in the workplace. As training continues, the next and most essential step is to generate Standard Operating Procedures (SOPs) that outline how individual job tasks will be carried out. Working with environmental professionals, SOPs are developed by incorporating permits, regulations, LP standard practices and other job-specific criteria. The success of the program lies in matching personnel with job-specific training and safety requirements to carry out individual SOP responsibilities. Once implementation of the 26-Step Process is complete throughout the facility, a comprehensive self-inspection program is executed to evaluate its effectiveness. SOPs are regularly updated and the overall EMS program is continuously improved. Continuous improvement includes an ongoing process, typically through the plant EMS core team, for identifying new environmental objectives and developing SOPs to accomplish those goals."

The DEQ Team leader completed an ISO 14001 comparability verification on December 30, 1999. This process, which involved other members of the DEQ Team, verified that implementation of the facility's EMS and related ongoing activities meet criteria for entry into the Green Permit Program at the level of GEMS Achiever (Tier II).

Changes implemented through the EMS at LP Hines have improved individual employee performance and consequently that of the entire plant, according to plant managers. They indicate that knowledge of—and compliance with—environmental goals is at an all-time high. Several site visits from DEQ staff, including a recent air quality inspection as well as visits from the DEQ Director and Oregon's Governor, have confirmed these positive environmental developments.

Recent downturns in the market have resulted in significant production curtailments at the plant. It is to the plant's credit that these cutbacks have not resulted in any reduced level of commitment to vigorous implementation of the facility's EMS and pursuit of its environmental objectives.

LP is interested in ISO 14001 certification for the Hines facility and has taken steps toward this objective. In August 2000, an independent consultant completed a second ISO 140001 gap analysis for the facility. Market conditions will likely dictate when—and if—LP takes further steps toward certification.

Baseline Performance Report

9. The permittee has submitted a baseline performance report that summarizes:
   a. Environmental policies affecting the permittee's operations;
   b. Environmental information regarding significant environmental impacts; and
   c. The environmental program that will achieve the results anticipated by evaluating the environmental impacts of the permittee's regulated and unregulated pollutants and setting objectives and targets.

10. The permittee has demonstrated reductions in overall environmental impacts as the result of implementing an EMS early in 1998. LP acquired the Hines facility in March 1997. Prior to reporting year 1998, records that accurately represent facility operations do not exist. The plant used 1998 data as baseline levels for performance measures, so data is not yet available for a three-year period. However, the LP Hines environmental program has achieved substantial results that have enabled the facility to reduce its environmental impacts significantly. These include:

- During a period of significant expansion in 1998 and 1999, the plant held its air emissions to only 10% of the total annual levels allowed its DEQ air permit.
- The plant replaced all of its open-topped cyclones with high-efficiency baghouse units. Particulate emissions from the baghouses are 0.001 pound per ton of wood waste, compared to 0.2 pounds per ton of wood waste for the cyclones. Overall, this will mean a reduction in particulate emissions by 80% on a plant throughput basis.
- The plant has controlled fugitive dust emissions beyond regulatory requirements by enclosing all of its truck loading bins.
- The plant instituted a program to recycle the plastic shrink-wrap on products it receives. Since this program began in the fall of 1999, that plant has recycled 96,000 pounds of shrink-wrap. Previously, this plastic was legally disposed of in a solid waste landfill.
- The plant began recycling planer shavings ("plytrim") in 1998 to other companies that use the wood waste to produce wood products such as medium-density fiberboard. Before, the plant paid to dispose of the shavings (legally) as solid waste. Now, it is a revenue source. The plant earned an estimated additional $98,000 in 1998 from recycling plytrim; for 1999, the additional revenue was $224,513.

- Paint waste generated by the Shipping Department in the plant's I-Joist facility is now filtered and re-used. The result: Almost no waste is now generated from this source.

- In 2000, the plant added knife grindings to its recycling program for scrap metal. For the year so far, this has increased the amount of scrap metal recycled by the facility by more than 5,000 pounds.

- Because the EMS Team identified stormwater as a significant impact, the plant set specific targets for reduction that went beyond stormwater runoff provisions of the plant's NPDES permit. Therefore, the employee parking lot was paved in a way that addresses stormwater concerns. All drill holes (dry wells) have been plugged.

- All tanks, not just petroleum storage tanks, are on concrete floors and are required to have secondary containment and double walls. The plant's fuel station is under a roof and is in secondary containment. The EMS Team is looking at berms to provide extra protection in some areas, although the facility requirements already go well beyond SPCC or other regulatory requirements.

- A used-oil fired space heater was installed in the plant's maintenance shop that eliminates the need for off-site recycling of used oil generated at the facility. For 1998, this resulted in 5,291 gallons of used oil recycled for on-site heating; for 1999, the amount was 6,848 gallons. The space heater eliminates the need to buy stove oil to heat the shop and the cost of off-site recycling through a commercial used oil hauler.

Performance Achievement

11. The permittee has developed a program that will achieve environmental results that are significantly better than otherwise required by law. Although initial implementation of the LP Hines EMS focused on regulatory requirements, the EMS itself contains provisions for achieving results that go significantly beyond regulatory compliance. This is explicitly stated in the environmental policy adopted as SOP #100. The key elements of this policy are to:

    - Meet or surpass the requirements of environmental laws and regulations.

    - Maintain a responsible role in managing natural resources.

    - Conserve non-renewable resources through efficient use and careful planning.

    - Fully account for environmental considerations in corporate planning and decision-making.

    Several of the accomplishments cited above under “Baseline Performance Report” document the achievements of the LP Hines EMS so far in going beyond regulatory requirements.

    As noted earlier in this report, DEQ staff members verified that the permittee's EMS meets the criteria for ISO 14001 comparability and entry into the program at the GEMS Achiever level. The robust nature of the EMS is also exemplified by management's commitment to vigorously implementing the

system through systematic and comprehensive employee training and an emphasis on continual improvement.

The permittee has evaluated environmental impacts and set objectives and targets that meet the expectations for a GEMS Achiever (Tier II) Permit and will achieve superior environmental for all site-based aspects that have significant impacts. This process has taken into consideration both regulated and unregulated pollutants and other environmental impacts.

When initially implemented, the LP Hines EMS addressed high-priority issues such as air, water, waste and energy use. The EMS Team did not try to identify all aspects immediately, but focused on specific areas (such as solid waste reduction) that were obvious impacts that could be dealt with right away. Another focus was on ensuring 100% regulatory compliance at all times.

The EMS process encourages the plant to continually review and expand the scope of its environmental objectives. During 2000, the plant EMS Team has undertaken a systematic analysis of plant activities that has identified additional aspects and impacts that have generated additional objectives and targets.

The LP Hines EMS has a Standard Operating Procedure (SOP #101) for "Environmental Aspects Identification" as well as an SOP (#103) on "Objectives and Targets." A significant strength of the Hines EMS is the way these SOPs link to each other and to other EMS elements such as legal and other requirements and environmental policy. Both procedures include provisions for review and updating.

In the ISO 14001 comparability verification completed at the close of 1999, the LP Hines EMS was rated "sufficiently comparable" to ISO 14001 elements for 4.3.1 Environmental Aspects and 4.3.3 Objectives and Targets. The verifier did not rate those two EMS elements fully comparable at that time because it was felt that improvements were needed in the way the EMS documented and recorded the identification of environmental aspects and the setting of objectives and targets. The EMS Team has improved this process during the year 2000.

The EMS process at Hines encourages the plant to continually review and expand the scope of its environmental objectives. Implementing the EMS is also seen as a collaborative effort that involves regulators, the community and environmental interest groups. This helps ensure that environmental impacts are considered in a comprehensive manner.

Performance Measures

12. The permittee has established performance measures that will be used to explain environmental information in context with past performance. LP Hines has established performance measures for air emissions, solid waste disposal, hazardous waste generation, use of toxic chemicals, and stormwater runoff. In addition, the facility has implemented a container tracking system, an emission inventory tracking system and, through its EMS, the tracking and review of any environmental issues. These performance measures are tracked on a monthly basis.

For example, the plant has set a goal of eliminating all landfill waste leaving the facility by 2005, as well as increased usage of recyclable and recycled materials. Goals have also been established for reductions in energy and water usage. The plant has either established, or will set, performance measures for these goals.

In addition to these measures, LP is recording its EMS internal and independent audits as a measure of performance. It is expected that additional measures will be used after discussions with stakeholders.

As noted earlier, LP acquired the Hines facility in 1997. Because of the incompleteness of previous data, the plant considers 1998 its baseline year. LP Hines submitted much of the information cited above in December 1999 with its application to the Green Permit Program.

LP Hines submitted baseline performance protocol information and data in 1999 as a participant in the National Database on Environmental Management Systems (NDEMS) conducted by the University of North Carolina and the U.S. Environmental Protection Agency (EPA). The facility has continued to participate in this research project for update purposes. A 11/4/99 letter from the Environmental Law Institute, partner in the EPA-UNC effort, to the Oregon Green Permits Coordinator, said LP did "an excellent job completing the protocols, so please pass on my thanks to the facility representatives for their hard work."

Stakeholder Involvement Plan

13. The permittee has developed a stakeholder involvement plan that includes activities that provide for dialogue regarding environmental performance and a mechanism for receiving, considering and responding to comments received. The permittee's plan will:
    a. Encourage public inquiries and comments regarding the permittee's environmental performance;
    b. Provide mechanisms to discuss the environmental policy, annual performance report, environmental aspects and impacts, and establishment of objectives and targets; and
    c. Consider the results of the stakeholder involvement in decision-making and respond to comments received.

    LP Hines began implementing community involvement activities in October 1999. The facility subsequently developed and submitted to DEQ a comprehensive Stakeholder Involvement Plan dated March 27, 2000. The plan was developed in consultation with the LP Corporate Communication and Environmental Affairs office. The plan includes the provisions cited above. It identifies specific goals to be achieved and proceeds from the assumptions that:

    - Stakeholder involvement in LP operations is an important component of developing, and enhancing, relationships with its stakeholder community in Harney County.

    - By engaging the community as stakeholders in LP's operations' the company will benefit from their guidance and the community will benefit by increased awareness of a major employer in the area and how it conducts its business activities.

- With a commitment to meaningful, two-way communication, both stakeholders and LP will benefit.

The desired outcomes of the Stakeholder Involvement Plan are:

- Improved perceptions and knowledge of LP by its stakeholders.
- Meaningful, two-way communication with stakeholders.
- Provide opportunities to identify issues/problems and engage stakeholders in the resolution/decision-making processes.
- Broaden awareness of company's business, environmental programs and community involvement.

LP's Stakeholder Plan is available upon request from the Department.

Implementation of Stakeholder Involvement: LP Hines is actively working with stakeholders to identify concerns about the impact of its operations. LP invited the public to form a Community Advisory Council to advise the plant about local concerns. The Council has met regularly since its first meeting in October 1999 and discussed LP's environmental performance and the Green Permits application at its February 2000 meeting. The Council, which consists of many active citizens in Hines and Burns, appear very satisfied with the positive approach LP is taking toward stakeholder involvement, including thoughtful consideration of their input.

LP Hines has taken steps to broaden its external communication and stakeholder involvement beyond the immediate local community. The LP external web site is viewed as a promising vehicle for this kind of external communication. It already contains a good deal of information about LP's environmental accomplishments and particularly about the use of EMSs.

Because LP Hines is a pilot Green Permit facility, it has participated in two public meetings on green Permits, and has engaged various media outlets in a discussion of its EMS and environmental performance. The permittee has been the subject of an article on Green Permits in *The Oregonian* newspaper as well as several articles in the Burns *Times-Herald,* and a feature segment on Oregon Public Broadcasting radio. LP environmental staff from the plant and corporate headquarters have been a valuable resource through their participation in local, regional and national conferences on Environmental Management Systems and flexible permitting programs like Oregon Green Permits.

NOTIFICATIONS AND REPORTING

14. The annual GEMS update report required in GEMS Permit Condition 3.3 will include:
    a. Performance achievements, and, if appropriate, a description of any obstacles encountered and how addressed;
    b. Environmental management system deficiencies and how addressed; and
    c. Compliance issues and how addressed
    d. Stakeholder involvement activities, and input received from stakeholders and how addressed; and

e. Revised objectives and targets for targeted impacts.

LP is aware of Green Permit requirements for submitting an Annual Report that updates the public on its environmental performance in all of the above-mentioned areas. The procedures required for developing this comprehensive report will be addressed through the facility's EMS.

The LP Hines EMS contains detailed requirements for regular EMS audits that range from weekly checks on specific plant areas to comprehensive corporate or third party audits. These provisions, along with well-organized EMS provisions for monitoring and measurement, record-keeping, management review and corrective and preventive action should help ensure a timely and useful environmental performance report.

SPECIAL CONDITIONS – DEPARTMENT COMMITMENTS

Single Point of Contact - GEMS Permit Condition 4.2

15. The Single Point of Contact (SPOC) will act as a facilitator or team leader, keep other Department staff apprised of issues, and facilitate resolution of any environmental issues as quickly as possible in a partnership mode. The SPOC does not have the authority to make decisions regarding regulatory compliance with the GEMS Permit or any other permits issued by the Department, but will facilitate decisions that are made.

Technical Assistance - GEMS Permit Condition 4.3

16. The Department will provide technical assistance as requested by the permittee regarding environmental issues and those issues associated with the GEMS Permit program, such as EMS development, stakeholder involvement and reporting.

Enforcement Discretion - GEMS Permit Condition 4.4

17. The Department and the permittee will follow the directive entitled “Internal Management Directive for Green Environmental Management Systems (GEMS) Permits Enforcement Response” when permit compliance issues arise. (The directive is available upon request from the Department.) The directive encourages using the environmental management system to correct instances of potential noncompliance, and encourages maximum enforcement discretion for compliance issues discovered by the permittee or the Department during the terms of this permit.

Public Recognition – GEMS Permit Condition 4.5

18. The Department will recognize the achievements of the permittee, including a certificate from the agency director, recognition on DEQ’s web page, recognition at the annual Northwest Environmental Conference, and a newspaper advertisement notifying the public of the facility’s accomplishments. Permittees may promote their achievements in a manner consistent with the Green Permit recognition program requirements. The permittee may use the Green Permits program identity only in reference to the facility that has received the Green Permit. The Green Permit program identity may be used for product labeling only after review and approval by the SPOC and must be limited to products produced

at the facility that has received the Green Permit. In addition, DEQ reserves the right to withdraw approval of use of the Green Permit program identity for product labeling.

Expedited Review of Permit Applications and Modifications = GEMS Permit Condition 4.6

19. Permit applications and modifications submitted to DEQ by LP Hines will be reviewed, processed and sent out for public notice within 90 days of receipt by the Department. To ensure this expedited review, the permitee must submit complete proposed permit action packages. The expedited period will not apply if the permittee becomes subject to federal Title V air permit requirements.

Extended Air Permit Interval - GEMS Permit Condition 4.7

20. This condition would extend the period of the Air Contaminant Discharge Permit No. 13-0016 from the current five years to ten years. This waiver is within Green Permit rules that specify no more than two times the length of the period that would otherwise be required by law. This waiver is conditional upon the permittee's continued participation in the Green Permit program. The permit contains provisions for reversion to the traditional ACDP five-year interval should the facility exit the Green Permit program.

    The LP Hines Green Permit application also requested extending the five-year term of its two NPDES permits to 10 years. During informal regulatory review, it was determined that the five-year NPDES permit interval is written in federal water quality statutes and that it could not be waived at the state level. The facility agreed to eliminate this request from the waivers it sought under the Green Permit Program.

Air Permit Flexibility for Process Changes and Construction - GEMS Permit Condition 4.8

21. This condition applies to Air Contaminant Discharge Permit (ACDP) No. 13-0016. The permittee has applied for, and the Department has approved, the permittee's request to make changes to specific process lines that affect air emissions' levels. This application satisfies the requirement to submit Notice of Construction forms or permit modification applications to the Department for the approved changes. The permittee is approved to make changes in accordance with the following conditions: The emissions involved cannot exceed the Plant Site Emission Limits established in the ACDP. The permittee must notify the Department of these changes in its annual Green Permit performance report. The Department will require permit modifications if changes result in the generation of pollutants that exceed allowable limits established in the ACDP or new pollutants not regulated in the ACDP. The changes involved must meet a number of additional conditions established in the Green Permit Condition 4.8 and must not violate or contradict any expressed permit condition (not including general conditions) in the ACDP.

Consolidated Compliance Reporting - GEMS Permit Condition 4.9

22. This condition waives the regulatory due dates for several compliance reporting requirements. Instead, it allows the permittee to submit the information required by those permit conditions and rules with its annual GEMS Update Report by April 1 of each year. This waiver does not reduce or change the nature of the information required to be reported. All of the information currently required must be submitted with the consolidated report. Reporting requirements affected are those specified in:

Air Contaminant Discharge Permit No. 13-0016. Condition 12;
NPDES Permit No. 500-J, Schedule B, Condition 2;
NPDES Permit No. 1200-Z, Schedule B, Condition 3a;
OAR 340-102-041 (Hazardous Waste Annual Reports)
OAR 340-135-0070(3) (Toxics Use and Hazardous Waste Reduction Act Reports).

COST RECOVERY AGREEMENT (OAR 340-014-0165)

23. The permittee must fully reimburse the Department for the Department's invoiced direct and indirect costs for:
    a. conducting the review of the permittee's environmental management system and performance achievements;
    b. negotiating the relevant permit provisions;
    c. responding to public comment;
    d. administering the GEMS Permit;
    e. monitoring compliance with the conditions of the GEMS Permit and environmental outcomes resulting from the GEMS Permit; and
    f. publicizing and conducting the public hearings.

PUBLIC NOTICE

24. As per OAR 340-014-045, the proposed GEMS permit was placed on public notice from September 29, 2000 through November 1, 2000. No formal comments were received by the close of the public comment period.