

**GREEN ENVIRONMENTAL MANAGEMENT SYSTEM (GEMS)
ACHIEVER (TIER II) PERMIT**

**Oregon Department of Environmental Quality
2020 SW 4th Avenue, Ste. 400
Portland, OR 97201**

Telephone: (503) 229-5263

Issued in accordance with the provisions of ORS 468.020 and
based on the land use compatibility findings included in the permit record.

ISSUED TO:

Facility Name: LSI Logic Corporation
Mailing Address: 23400 NE Glisan Street
M/S R-210
Gresham, OR 97030-8411

INFORMATION RELIED UPON:

Application No.: 1
Date Received: 11/15/99

FACILITY LOCATION:

Site Address: 23400 NE Glisan Street
Gresham, OR

LAND USE COMPATIBILITY STATEMENT:

From: City of Gresham
Dated: 2/16/96

ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Neil Mullane, *Northwest Region Administrator*

Date

TYPE OF FACILITY (description)
Semiconductor Manufacturing

NAICS OR SIC CODE
SIC 3674

TABLE OF CONTENTS

Section	Topic	See Page
1.0	Permitted Activities	3
2.0	GEMS Achiever (Tier II) Program Requirements	3
3.0	Notifications and Reporting	5
4.0	Special Conditions – Department Commitments	6
5.0	Renewal Procedures	9
6.0	Modification Procedures	10
7.0	Termination Procedures	11
8.0	General Department Conditions	12

1.0 PERMITTED ACTIVITIES

- | | |
|--|---|
| 1.1 Green Permit Authority | The Green Permit program was established to encourage and reward actions that achieve environmental performance that is significantly better than otherwise provided by law. ORS 468.501 through 468.521 authorizes the Department of Environmental Quality (Department) to issue permits and provide or seek exemptions or waivers from regulatory requirements for facilities that achieve superior results. This permit is issued by the Department under the authority of ORS 468.020. |
| 1.2 Applicable Local, State and Federal Regulations | This permit does not waive, limit or reduce the permittee's obligation under any applicable local, state, or federal requirements, unless otherwise specified within this permit. Selected incentives, described in Section 4, do supplant specific provisions within the permittee's existing permits or the rules governing its operations. Where conditions of this permit supplant specific provisions within the permittee's existing permits, such conditions will become part of those permits and will be enforceable in the same manner as conditions established through the otherwise applicable permitting rules. All other provisions in existing permits listed below and rules that are not explicitly referenced in this GEMS Achiever Permit remain in effect. |
| 1.3 Definitions | Unless otherwise specified, all terms are as defined in OAR 340-014-0105. |

2.0 GEMS ACHIEVER (TIER II) PROGRAM REQUIREMENTS (OAR 340-014-0120)

- | | |
|----------------------------|--|
| 2.1 In this section | <p>This section describes the activities the permittee must conduct to maintain the Environmental Achiever (Tier II) GEMS permit. These include:</p> <ul style="list-style-type: none">● EMS Characteristic Requirements● EMS Scope Requirements● Environmental Performance Achievement Requirements● Performance Measures Requirements● Performance Reporting Requirements● Stakeholder Involvement Requirements |
|----------------------------|--|

2.2	EMS Characteristics (340-014-0120(1))	The permittee must maintain and improve a robust environmental management system that is certified as meeting the ISO 14001 standard or meets the purpose or intent of each of the ISO 14001 clauses, and supports verification. The permittee must maintain and exceed regulatory compliance. The permittee must apply the pollution prevention definition and the pollution prevention hierarchy when setting objectives and targets and implementing the environmental program. The permittee must continually improve its environmental management system and environmental performance. At least once every three years, the permittee must demonstrate that it is effectively implementing the EMS..
2.3	Scope of the EMS (340-014-0120(2))	The permittee must evaluate environmental impacts and set objectives and targets that will achieve superior environmental performance for all site-based aspects that have significant impacts, taking into consideration both regulated and unregulated pollutants and other environmental impacts.
2.4	Performance Achievement (340-014-0120(3))	The permittee must achieve environmental results that are significantly better than otherwise required by law, demonstrated by projected reductions in targeted environmental impacts and actual reductions as reported in annual performance reports.
2.5	Performance Measures (340-014-0120(4))	The permittee must establish and utilize performance measures that explain environmental information in context with past performance.
2.6	Stakeholder Involvement (340-014-0120(7))	<p>The permittee must implement a stakeholder involvement plan. The plan must include activities that provide for dialogue regarding environmental performance and a mechanism for receiving, considering and responding to comments. The permittee must:</p> <ul style="list-style-type: none">● Encourage public inquiries and comments regarding the facility's environmental performance;● Provide mechanisms to discuss the environmental policy, annual performance report, environmental aspects and impacts, and establishing of objectives and targets; and● Consider the results of the stakeholder involvement in decision making and respond to comments. <p>The stakeholder involvement plan must continue to be implemented through the duration of this permit. The permittee must report on activities in each annual report.</p>

3.0 NOTIFICATIONS AND REPORTING

3.1	In this section	<p>This section describes the procedures and methods for reporting information to the Department during the permit period, including:</p> <ul style="list-style-type: none">● Immediate Notifications● Annual Reporting● Modified Compliance Reporting
3.2	Immediate Notifications	<p>The permittee must notify the Department immediately after any environmental incidents that are subject to immediate reporting under existing permits and rules.</p>
3.3	Annual Reporting (340-014-0120(6))	<p>By April 1st of each calendar year, the permittee must submit a GEMS update report, including:</p> <ul style="list-style-type: none">● Any updates to the baseline performance report;● Performance achievements and, if appropriate, a description of any obstacles encountered and how they were addressed;● Environmental management system deficiencies and how they were addressed;● Compliance issues and how they were addressed;● Stakeholder involvement activities and input received from stakeholders and how the input was addressed;● Revised objectives and targets for targeted impacts; and● Regulatory and permit reporting information as specified in Condition 3.4 and 4.8 of this permit.
3.4	Modified Compliance Reporting	<p>In lieu of the annual compliance reporting requirements in the Air Contaminant Discharge Permit No. 26-0027, Condition 20; OAR 340-102-041 of the state hazardous waste regulations, and OAR 340-135-0070(3) of the Toxics Use and Hazardous Waste Reduction regulations, the permittee's compliance reporting requirements are modified as per Condition 4.8 of this permit.</p>

4.0 SPECIAL CONDITIONS – DEPARTMENT COMMITMENTS

4.1 In this section All incentives or waivers are in effect throughout the duration of this permit. The expiration or termination of this permit terminates the Department's ability to grant these incentives or waivers. All justifications and limitations for granting these incentives or waivers are documented in the attached review report. This section describes the incentives the Department will provide to the permittee, including:

- Single Point of Contact
- Technical Assistance
- Enforcement Response
- Public Recognition
- Maximum Review Time for Permit Applications and Modifications
- Permit Flexibility for Process Changes and Construction
- Consolidated Reporting
- Extended Air Quality Source Testing
- Storm Water Pollution Prevention Procedures

4.2 Single Point of Contact The Department will assign a Single Point of Contact (SPOC) to the permittee for all environmental issues relating to the permittee's implementation of activities specified in this permit. Environmental issues will be limited to those laws described under ORS 468.501. The SPOC will act as a facilitator or team leader, keep appropriate agency staff apprised of issues, and facilitate resolution of any environmental issues as expediently as possible.

4.3 Technical Assistance The Department will provide technical assistance on EMS development, compliance assistance, stakeholder involvement activities, and reporting as requested by permittee.

4.4	Enforcement Response	The Department and the permittee will follow the policy entitled “Internal Management Directive for GEMS Permits Enforcement Response” when permit compliance issues arise. This 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 term of this permit.
4.5	Public Recognition	The Department will recognize the permittee’s achievements pursuant to the program established under OAR 340-014-0130. The permittee may use the Green Permits program identity only in reference to the facility that has received the Green Permit. The permittee may not use the Green Permit program identity for product labeling.
4.6	Maximum Review Time for Permit Applications and Modifications	Within 120 days of receipt, the Department will review permit applications and modifications submitted by the permittee and send them out for public notice. An exception to this time frame may be necessary if a NPDES permit application triggers an Endangered Species Act review because of the potential impact on fish species in the Columbia River. An exception may also be necessary if there are exceedences of federal permit or rule thresholds, such as air emission limits for the Title V Air Quality permit program.
4.7	Permit Flexibility for Process Changes and Construction	<p>Regarding Condition G6 of Air Contaminant Discharge Permit No. 26-0027, the permittee is hereby approved to make facility process changes, physical changes, additions, or relocations of equipment (excluding existing Pollution Control Devices), provided that the following conditions are met. Any proposed change not meeting the criteria of this condition must be made in accordance with the requirements of Condition G6 of ACDP No. 26-0027. The conditions are:</p> <ul style="list-style-type: none">● Such changes do not result in emissions increases that exceed the relevant PSEL(s) of this permit. Emission increases resulting from changes approved under this condition must be correspondingly reduced by: (1) unused capacity within the relevant Plant Site Emission Limit (PSEL(s)) and/or (2) emission reductions achieved through a documented pollution prevention program that demonstrates permanent emission reductions in an amount compatible with the respective emission increase.● Such changes do not result in generating new pollutants not regulated in the ACDP No. 26-0027.
4.7	Permit Flexibility	<ul style="list-style-type: none">● Such changes do not trigger new applicable requirements not contained in

**for Process
Changes and
Construction**

continued

ACDP No. 26-0027.

- Such changes must not violate or contradict any expressed (not including general conditions) permit condition in ACDP No. 26-0027.
- The physical changes and changes in method of operation approved under this condition must not involve changes to existing Pollution Control Devices (PCD), cause degradation in the performance of any PCD, or result in the addition of a new PCD.
- The physical changes and changes in method of operation approved under this condition do not involve the installation and/or startup of a new boiler with an input BTU rating of greater than or equal to 10 million BTUs per hour.
- Any new emitting activities and any physical changes or changes in the method of operation of existing emitting activities must be compatible with, subject to, and comply with the compliance monitoring requirements specified in Condition 19 of ACDP Permit No. 26-0027.

In accordance with OAR 340-218-0190(3)(f), the permittee must include in the annual GEMS Update Report a summary of any pre-approved changes made pursuant to this condition during the 12-month period.

**4.8 Consolidated
Reporting**

In lieu of the annual compliance reporting dates specified in Air Contaminant Discharge Permit No. 26-0027, Condition 20; OAR 340-102-041 of the state hazardous waste regulations, and OAR 340-135-0070(3) of the Toxics Use and Hazardous Waste Reduction Regulations, the permittee must submit data required by these permit conditions and rules with its annual GEMS Update Report on April 1 of each year. All of the information currently collected as part of existing Department reporting requirements must be submitted with this report.

**4.9 Extended Air
Quality Source
Testing**

In lieu of Air Contaminant Discharge Permit (ACDP) No. 26-0027, Condition 15, the permittee must submit the results of a source test with the submission of an ACDP permit renewal application. If changes in the type and quantity of air emissions require a permit modification before the end of the permit period, the source testing must occur at the time of the modification.

**4.10 Storm Water
Pollution
Prevention
Procedures**

The Department's general 1200-Z NPDES Storm Water Permit provides an exemption from permit requirements for facilities meeting the criteria for "no exposure." A Department technical assistance site evaluation, arranged through the Green Permits Program, determined that the permittee meets these no exposure criteria and, therefore, is exempt from Storm Water permitting. Additional measures to minimize potential contamination of surface waters, beyond the NPDES no exposure criteria, were identified during the Department site evaluation. The permittee must implement the following measures and procedures, and incorporate them into the facility environmental management system:

- Inspect fire pumps and fuel tank storage areas twice daily;
- Inspect filter cake accumulation area twice daily;
- Install spill kits at loading dock and fire pumps, with visible markings; and
- Evaluate, actively control, and monitor chemical use by permittee's landscape contractor.

To fully comply NPDES permit requirements, the permittee must complete and sign a certification stating there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility. The permittee must then submit the signed certification to the Department prior to the issuance of this GEMS Achiever Permit and once every five years after the first submittal.

5.0 RENEWAL PROCEDURES (OAR 340-014-0150)

5.1 In this Section

This section addresses the procedures and criteria for initiating permit renewals, including:

- Application Timing
 - Application Review
-

5.2	Application Timing	The permittee must submit an application on Department approved forms for renewal of this permit not less than 90 days before the expiration date. The renewal period for this permit is 10 years.
5.3	Application Review	When the Department receives an application for renewal of the permit, the agency will verify that the permittee continues to meet the criteria for the approval of the GEMS Achiever Permit and evaluate whether the conditions should be continued. The Department will provide public notice of the renewal application and proposed changes in the GEMS Achiever Permit, pursuant to OAR 340-014-0145(6).

6.0 MODIFICATION PROCEDURES (OAR 340-014-0155)

6.1	In this Section	<p>This section addresses the procedures and criteria for initiating permit modification, including:</p> <ul style="list-style-type: none">● Procedures● Application Review● Conditions for Department Modification
6.2	Procedures	The permittee may apply for a different type of GEMS Permit or a modification of the conditions of this permit at any time.
6.3	Application Review	<p>When the Department receives an application for a modification, the Department will determine whether the proposed modification is a minor modification or a significant modification, depending on whether the permittee proposes modifications to any waivers.</p> <ul style="list-style-type: none">● If the proposed modification is significant, the Department will follow the procedures described in OAR 340-014-0145.● If the proposed modification is minor, the Department will provide public notice pursuant to OAR 340-014-0145(5). If, within 30 days after commencement of the public notice period, the Department receives written requests from 10 persons (or from an organization or organizations representing at least 10 persons) for reconsideration as a significant modification, then the Department will follow all of the remaining procedures describes in OAR 340-014-0145.

**6.4 Conditions for
Department
Modification**

The Department may propose to modify this permit pursuant to OAR 340-014-0160(4) if the facility no longer meets the criteria for this GEMS Achiever Permit but may meet the criteria for a different type of GEMS Permit. After receiving the corrective action report and completing any necessary additional investigation, the Department will either modify this permit in accordance with the procedures above or withdraw its notice of intent to modify.

7.0 TERMINATION PROCEDURES (OAR 340-014-0160)

7.1 In this section

This section addresses the procedures and conditions for terminating the permit, including:

- Procedures
 - Conditions for Department Termination
-

7.2 Procedures

The permittee may terminate this permit by providing 30 days written notice to the Department.

**7.3 Conditions for
Department
Termination**

The Department may terminate this permit if the permittee:

- does not develop an annual performance report and make it available to the Department and the public in a timely fashion;
- no longer meets the criteria for approval for a GEMS Achiever Permit or is not effectively implementing its environmental management system;
- is found guilty of a criminal violation of any environmental law;
- fails, within a reasonable time frame, to correct a violation discovered through routine environmental management system reviews or Department inspections; or
- experiences repeated violations that reflect a serious underlying deficiency in the facility's environmental management system.

The Department will notify the permittee of its intent to terminate this permit and provide a reasonable time for the facility to correct the alleged deficiencies and submit a corrective action report. The complete procedures for termination are located in OAR 340-014-0160.

8.0 GENERAL DEPARTMENT CONDITIONS

8.1	In this section	<p>This section addresses the general conditions for implementing and administering this permit, including:</p> <ul style="list-style-type: none">● Cost Recovery● Permit Availability● Access to Plant Site and Records● Notification of Name Change● Inquiries
8.2	Cost Recovery	<p>The permittee must maintain a deposit with the Department sufficient to meet or exceed the projected cost recovery needs for a three-month period as provided in the Department's quarterly updates.</p>
8.3	Permit Availability	<p>The permittee must have available at the facility at all times a copy of this permit.</p>
8.4	Access to Plant Site and Records	<p>The permittee must allow Department representatives access to the plant site and pertinent records at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying all environmental compliance and EMS system audit records, and otherwise conducting all necessary and authorized functions related to this permit.</p>
8.5	Sale or Transfer of the Facility	<p>The permittee must submit to the Department a "Green Permit Sale or Transfer of Ownership Form" at least 60 days before the legal change of the ownership of the company. In addition, the new owner must demonstrate that it can continue to meet the requirements of the permit. Failure to meet these requirements is grounds for terminating the permit. If met, the Department will follow the procedures for modification, described above.</p>
8.6	Inquiries	<p>Department of Environmental Quality Northwest Region Office 2020 SW Fourth Avenue Suite 400 Portland, OR 97201-4987 Telephone: (503) 229-5263</p>
