



SOLID WASTE DISPOSAL SITE PERMIT: Material Recovery Facility

Oregon Department of Environmental Quality
700 NE Multnomah St., Suite 600
Portland, OR 97232-4100
503-229-5353

Issued in accordance with the provisions of [Oregon Revised Statutes Chapter 459](#), [Oregon Administrative Rules 340 Divisions 93, 95, 96](#) and [97](#) and subject to the Land Use Compatibility Statement referenced below.

Issued to:

American Petroleum Environmental Services, Inc.
11535 N. Force Avenue
Portland, Oregon 97217

Facility name and location:

American Petroleum Environmental Services, Inc.
11535 N. Force Avenue
Portland, Oregon 97217

Owner:

401 East Alexander Avenue, Bldg 326
Tacoma, WA 98421

Operator:

American Petroleum Environmental Services, Inc.
11535 N. Force Avenue
Portland, Oregon 97217

ISSUED IN RESPONSE TO:

- A solid waste permit application received March 13, 2017
- A Land Use Compatibility Statement from the City of Portland dated December 13, 1993.

The determination to issue this permit is based on findings and technical information included in the permit record.

ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Audrey O'Brien, Manager
Environmental Partnerships
DEQ Northwest Region

Date

Permitted Activities

Until this permit expires or is modified or revoked, the permittee is authorized to **operate** and maintain a solid waste land disposal site in conformance with the requirements, limitations and conditions set forth in this document, including all attachments.

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Allowable Activities

1 Waste Receipt and Disposal Authorizations

1.1 Waste authorized for receipt

This permit authorizes American Petroleum Environmental Services, Inc. (APES) to accept the following **non-hazardous** solid wastes for recycling, treatment, and/or transfer, unless specifically prohibited in Section 2, if the materials are handled in accordance with this permit, air quality requirements and all local, state and federal regulations. The permittee must have characterization documentation that these waste materials are not hazardous waste.

- Used oil as defined in OAR 340-111
- Non terne-plated used oil filters that are not mixed with a listed hazardous waste (40 CFR 261 Subpart D).
 - Non terne used oil filters may be gravity hot-drained and crushed in accordance with 40 CFR 261.4(b)(13) and managed as scrap metal or as nonhazardous waste. Please note: solid waste is defined differently in Oregon than under federal rules. Used oil filters are solid waste and not used oil and their management is subject to solid waste rules and air quality regulations.
Reference: OAR 340-111.
- Oil contaminated media and debris may be accepted for accumulation and transfer to a final disposal site. Material will be shipped to an approved landfill or permitted off-site solid waste incinerator. Please note **oil** contaminated media and debris are not considered used oil in Oregon.
- Spent antifreeze, ethylene glycol, or propylene glycol managed separately from used oil exclusively for off-site reclamation for re-use as antifreeze.

Reference: OAR 340-93-0030, OAR 340-111-0020, OAR 340-102-0011, 40 CFR Part 261 and Part 279.10, ORS 466.005, OAR 340-101, 40 CFR 258.20(b)

Solid Waste is defined in ORS 459.005

1.2 Authorization to receive other waste

Waste excluded from the above authorization may be authorized for acceptance only after DEQ approves acceptance in writing.

1.3 Authorization of other activities

All facility activities are to be conducted in accordance with the provisions of this permit. All plans required by this permit become part of the permit by reference once approved by DEQ. Any conditions of the approval are also incorporated into this permit unless contested by the permittee within 30 days of the receipt of a conditional approval.

1.4 Duration of authorization

The authorization to accept solid waste will terminate at the time of site closure. After that time no solid waste may be accepted without written authorization by the DEQ.

2 Prohibitions

2.1 Prohibited waste

The permittee must not accept any hazardous wastes.

Reference: OAR 340-093-0040(2)

Unless otherwise approved in writing by DEQ the permittee must not knowingly accept for disposal the following waste or mix the following waste in with municipal solid waste or transfer the following waste to a landfill for disposal. The following waste may be collected for storage, management and recycling:

- Used oil that does not contain PCBs

This waste must be stored and managed to prevent spills, fires, nuisance or impacts to waters of the state.

2.2 PCB-contaminated oils

Used oil with detectable PCB concentrations of 2ppm or greater cannot be processed or burned onsite and must be managed in accordance with 40 CFR 761.

Note: Please note that the applicable provision of 40 CFR 279.10(i) states the following: "[Used oil containing](#) PCBs (as defined at [40 CFR 761.3](#)) at any concentration less than 50 ppm is subject to the requirements of this part unless, because of dilution, it is regulated under [40 CFR part 761](#) as a [used oil containing](#) PCBs at 50 ppm or greater."

Reference: 40 CFR 279.10(i), 40 CFR 761

2.3 Off-specification used oil

Off-specification used oil may only be accepted for:

- transfer to another facility permitted to burn off-specification used oil
- burning incidental to used oil processing; if authorized in the site's DEQ Air Contaminant Discharge Permit (ACDP). The use must also receive DEQ written approval that the specific processes are considered used oil processing
- Blending or re-refining to on-specification fuel and/or base oil, as allowed by state and federal regulation.

Permittee must also comply with all air quality requirements when burning used oil.

Reference: 40 CFR 260.10, 40 CFR 279.60

2.4 Open burning

The permittee must not initiate or maintain any open burning at this site. Reference: [OAR 340-264-0030](#) (defines open burning).

Operations and Design

3 Operations Plan

3.1 Plan compliance

The permittee must conduct all operations at the facility in accordance with the approved Operations Plan consisting of Plans and Specifications and Standard Operating Procedures, submitted to DEQ on April 13, 2017, including any amendments. The DEQ-approved Operations Plan is incorporated into the permit by reference.

3.2 Plan Content

The Operations Plan must describe the current method of operation of the facility in accordance with all regulatory and permit requirements.

3.3 Special Waste Management Plan

DEQ-approved Special Waste Management Plans are required as part of the Operations Plan for certain waste materials that because of their nature, pose potential hazards to human health or the environment and require careful handling at transfer facilities. The plan must address procedures for receipt, handling, storage, spill clean-up and transport for reuse, recovery or disposal at an appropriately permitted facility.

Special waste requiring individual plans include but are not limited to:

- Asbestos containing materials
- Electronic waste
- Infectious waste
- Source separated hazardous wastes from conditionally-exempt small quantity generators
- Source separated household hazardous waste
- Septage
- Sewage sludges and grits

3.4 Plan maintenance

The Operations Plan is a dynamic document and must be updated periodically to reflect current facility practices as they change. The permittee must revise the Operations Plan as necessary to keep it up to date and reflective of current facility conditions and procedures. The permittee must submit revisions of the Operations Plan to DEQ for review and written approval prior to commencing any change in operations that might negatively affect the environment or human health.

3.5 Submittal address

All submittals to the DEQ under this section must be sent to:

Oregon Department of Environmental Quality
700 NE Multnomah St., Suite 600
Portland, OR 97232-4100
503-229-5353 or

Email to: DEQNWR.SolidWastePermitCoordinator@deq.state.or.us

4 Site Design and Construction

4.1 Facility Design and Construction Plan

The facility, including any additions, must be designed and constructed in accordance with plans approved by DEQ and any amendments approved in writing by DEQ. The permittee must contact DEQ prior to any site modification affecting these structures. DEQ may require the permittee to prepare and submit a modified Facility Design and Construction Plan, stamped by a registered professional engineer. The permittee must receive written approval of the modified Facility Design and Construction Plan from DEQ **prior to commencing construction**.

4.2 Construction requirements

The permittee must perform all construction in accordance with the approved plans and specifications, including all conditions of approval. Any amendments to those plans and specifications must be approved in writing by DEQ.

4.3 Construction documents

Prior to initiating construction, the permittee must submit for and receive written DEQ approval of complete construction documents for the project to be constructed.

The construction documents submitted must include a Construction Quality Assurance plan describing the measures the permittee will take to monitor and ensure the quality of materials and work performed by the constructor complies with project specifications and contract requirements.

4.4 Construction report submittal

Within 90 days of completing construction, the permittee must submit to DEQ a Construction Certification Report, prepared by a qualified independent party, to document and certify that all required components and structures have been constructed in compliance with the permit requirements and DEQ-approved design specifications. This submittal must include “as constructed” facility plans which note any changes from the original approved plans.

4.5 Approval to use

The permittee must not accept waste in newly constructed facilities or areas until DEQ has approved the Construction Certification Report. If DEQ does not respond in writing to the Construction Certification Report within 30 days of its receipt, the permittee may accept waste at the facility in the newly constructed facilities or areas.

4.6 Submittal address

All submittals to DEQ under this section must be sent to:

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700 NE Multnomah St., Suite 600
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503-229-5353 or

Email to: DEQNWR.SolidWastePermitCoordinator@deq.state.or.us

5 Recordkeeping, Reporting and Fee Payment

5.1 Disposal and Recycling Data Collection

- Solid waste accepted - The permittee must collect information on a monthly basis on tons of incoming used oil filters and oil contaminated media and debris.
- Solid waste for disposal - Tons of residual waste sent for disposal and disposal location.
- Recycling - The permittee must collect information about the amount of each material recovered for recycling or other beneficial purpose each quarter for each year.

5.2 Data reporting

- Solid waste disposal – Information collected on solid waste accepted for transfer to a disposal site must be recorded annually on the DEQ form titled: *Solid Waste Transfer Report*. This form is sent by DEQ to the permittee annually and is due by Jan. 30 each year.
- Recycling – Recycling information collected must be submitted to the local watershed representative (county recycling contact) by Jan. 31 of each year

5.3 Non-compliance reporting

In the event that any condition of this permit or of DEQ’s rules is violated, the permittee must immediately take action to correct the violation and to notify DEQ **within 24 hours** at: DEQ’s Northwest Region Solid Waste Program Office at 503-229-5353.

Response: In response to a notification, DEQ may conduct an investigation to evaluate the nature and extent of the problem, and may require additional corrective actions as necessary.

5.4 Fee payment

The permittee must pay the solid waste compliance fee each year this permit is in effect. DEQ will send an invoice to the permittee indicating the amount of the fee, prior to the date due; which is July 31 of each year. Fees are based on the tons of solid waste received and transferred for disposal.

5.5 Records

The permittee must keep copies of all records and reports for five years from the date created.

5.6 Access to records

Upon request, the permittee must make all records and reports related to the permitted facility available to DEQ.

Operating Conditions

6 Specific Site Operations

6.1 Used oil

The permittee must manage used oil in compliance with 40 CFR Part 279 and OAR 340 Division 111.

Off specification used oil may only be burned if authorized in the site's ACDP permit. If authorized in the ACDP, the permittee must receive written approval from the DEQ solid waste program prior to burning off-specification used oil in any of the onsite used oil burning devices. To receive approval, the permittee must show that the device(s) meet requirements of 40 CFR 279.61 or show the burning is incidental to used oil processing.

6.2 Disposal of wastes

Wastes accepted for disposal and wastes generated on site including waste residuals must be properly disposed of at a location authorized to accept the waste. Wastes sent for disposal at a landfill must meet the acceptance criteria at the landfill.

The permittee must conduct annual hazardous waste determinations on wastes generated on-site and when adding new processes or making process changes or incoming waste streams change. Wastes must be disposed of at a facility that is authorized to accept the waste. Reference: OAR 340-102-0011(2) and 40 CFR 262.11

6.3 Waste acceptance and management procedures

The permittee must employ waste acceptance procedures to ensure prohibited wastes are not accepted and retain written documentation for five years. Documentation must include the following:

- Hazardous waste determination (i.e., the waste is corrosive, ignitable, toxic or reactive)
- If by knowledge of process, obtain detailed written process knowledge from generator including a description of the generating process and SDS for all process constituents
- Analytical results from the processing of representative samples
- Retains
- Material safety data sheets
- Waste profile sheets signed by the generator
- Facility inspection logs

- Daily operations logs
- Waste acceptance includes verifying hazardous waste determinations from generators, ensuring appropriate lab analyses are performed, and maintaining required documentation.

6.4 Waste profiles

The permittee must review all generators' waste profiles of all incoming wastes at least annually to ensure changes to the waste stream are captured on the profile.

The permittee is required to obtain sufficient information to ensure accurate and reliable waste determinations and categorizations.

General Conditions

7 Administration

7.1 Definitions

Unless otherwise specified, all terms are as defined in OAR 340-093-0030.

7.2 Permit term and renewal

The effective date of this permit is the date this document is signed. The expiration date of the permit is indicated at the top right of this document. The authorization to accept solid waste will terminate when this permit expires and/or at the time of site closure; after that time no solid waste may be accepted. An application for permit renewal is required if a permittee intends to continue operation beyond the permitted period. A complete renewal application must be filed at least 180 days before the existing permit expires.

7.3 Property rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.

7.4 DEQ liability

DEQ, its officers, agents or employees do not sustain any liability on account of the issuance of this permit or on account of the construction, maintenance, or operation of facilities pursuant to this permit.

7.5 Binding nature

Conditions of this permit are binding upon the permittee. The permittee is liable for all acts and omissions of the permittee's contractors and agents.

7.6 Access to disposal site

The permittee must allow representatives of DEQ access to the facility at all reasonable times for the purpose of performing inspections, surveys, collecting samples, obtaining data and carrying out other necessary functions related to this permit.

7.7 Other compliance

Issuance of this permit does not relieve the permittee from the responsibility to comply with any applicable federal, state or local laws or regulations.

7.8 Penalties

Violation of any condition of this permit or any incorporated plan may subject the permittee to civil penalties up to \$25,000 for each day of each violation.

Reference: OAR 340-012-0160(4)

8 Permit Modification

8.1 Permit review

DEQ may review the permit and determine whether or not the permit should be amended. While not an exclusive list, the following factors will be used in making that determination:

- Compliance history of the facility
- Changes in volume and/or waste composition
- Changes in operations at the facility
- Changes in state or federal rules which should be incorporated into the permit
- Release of leachate to the environment from the facility
- Significant changes to the DEQ-approved Design Plan or Operations Plan

8.2 Modification

At any time during the life of the permit, DEQ or the permittee may propose changes to the permit.

8.3 Modification and revocation by DEQ

The director of DEQ may, at any time before the expiration date, modify, suspend or revoke this permit in whole or in part in accordance with [Oregon Revised Statutes 459.255](#) for reasons including, but not limited to, the following:

- Violation of any terms or conditions of this permit or any applicable statute, rule, standard or order of the Environmental Quality Commission
- Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts
- A significant change in the quantity or character of solid waste received or in the operation of the disposal site
- Non-compliant operation of the facility

8.4 Modification by permittee

The permittee must apply for a modification to this permit if a significant change in facility operations is planned or there is a deviation from activities described in this document. The permittee must not implement any change in operations that requires a permit modification prior to receiving approval from DEQ.

8.5 Public participation

Significant changes in the permit will be made public by the issuance of a public notice as required by DEQ rules.

8.6 Changes in ownership or address

The permittee must report to DEQ in writing any changes in either ownership of the facility, the facility property or of the name and address of the permittee or operator within 10 days of the change.

This permit must not be transferred to a third party without prior written approval from DEQ. Such approval may be granted by DEQ only after a permit modification application is submitted to and approved by DEQ

and that the transferee agrees in writing to fully comply with all the terms and conditions of this permit and the rules of the Commission.

9 General Site Operations

9.1 Waste removal

The permittee must remove all waste from the transfer station at least as often as needed to prevent nuisances.

9.2 Discovery of prohibited waste

In the event that the permittee discovers prohibited waste at the facility, the permittee must, within 48 hours, notify DEQ and initiate procedures to isolate and remove the prohibited waste.

- Non-putrescible, non-hazardous, prohibited waste must be transported to a disposal or recycling facility authorized to accept such waste **within 90 days**, unless otherwise approved by DEQ.
- Putrescible, non-hazardous, prohibited waste must be removed **within 48 hours**, unless otherwise approved in writing by DEQ.
- In the event the permittee discovers waste that is hazardous or suspected to be hazardous, the permittee must, **within 48 hours**, notify DEQ.
- Hazardous waste must be removed **within 90 days**, unless otherwise approved by DEQ. Temporary storage and transportation must be carried out in accordance with DEQ rules.

9.3 Containers

The permittee must clean all containers on-site, as needed to maintain a sanitary operating environment and to prevent malodors, unsightliness and attraction of vectors.

9.4 Equipment

Equipment of adequate size and design to properly operate the facility must be available at all times. In the event of an equipment breakdown, alternative equipment must be provided, unless an exemption from DEQ is granted in writing.

9.5 Roads

Roads within the facility must be constructed and maintained to deter, to the maximum extent practical, traffic hazards, dust and mud, and to provide reasonable all-weather access for vehicles using the site.

9.6 Vehicles and Truck Covers

All vehicles and equipment operated by the permittee and using public roads, must be constructed, maintained and operated so as to prevent leaking, shifting or spilling of materials while in transit. The permittee must notify all incoming haulers that trucks containing loads that are likely to blow or fall must be covered or suitably cross-tied to prevent any load loss during shipment, in conformance with [OAR 340-093-0220](#).

9.7 Litter control

Litter that results from facility operation must be controlled such that the entire facility site and adjacent lands are maintained virtually free of litter at all times. Any debris from the facility must be retrieved and properly disposed of as soon as possible the same operational day it is collected.

9.8 Air Quality

Dust must be controlled in accordance with DEQ's rules on air pollution and in accordance with the permittees air quality permit.

9.9 Drainage

The permittee must manage drainage onsite in accordance with the NPDES – COLS stormwater discharge permit through the City of Portland.

9.10 Leachate prevention and management

The permittee must operate the facility in a manner that minimizes leachate production to the maximum extent practicable. Leachate must be collected, removed and managed in a manner approved by DEQ.

9.11 Oil & Hazardous Material Spill Response

Any spill of oil or hazardous material must be cleaned up immediately as described in the facility Operations Plan. In addition to notifying the appropriate DEQ office, if the spill is of a reportable quantity the permittee must immediately report the spill to the Oregon Emergency Response System at 1-800-452-0311.

Reportable quantities include:

- Any amount of oil spilled to waters of the state
- Oil spills on land in excess of 42 gallons
- 200 pounds (25 gallons) of pesticide residue
- Hazardous materials that are equal to, or greater than, the quantity listed in the [Code of Federal Regulations, 40 CFR Part 302](#) (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002. For a complete list of hazardous materials required to be reported, please refer to [OAR 340-142-0050](#)

9.12 Unloading area

Area(s) for unloading of solid waste must be clearly identified by signs, fences, barriers or other devices.

9.13 Public Access

Public access to the facility must be controlled, as necessary, to prevent unauthorized entry and dumping.

9.14 Legal control of property

The permittee must maintain legal control of the site property, including maintaining a current permit, contract or agreement that allows the operation of the facility if the site is not owned by the permittee.

9.15 Fire protection

Arrangements must be made with the local fire control agency to immediately acquire their services when needed and adequate on-site fire control protection, as determined through the local fire control agency, must be provided. Unauthorized fires must be immediately extinguished and reported to DEQ within 24 hours.

9.16 Signs

Signs must be posted at the facility, which are clearly visible and legible, providing the following information: Facility name, emergency telephone number, days and hours of operation, solid waste permit number and operator's address.

9.17 Vector Control

The permittee must provide rodent, insect, bird and other vector control measures, as necessary, to prevent vector harborage.

9.18 Complaints

The permittee must investigate and attempt to resolve all complaints it receives regarding facility operations by doing the following:

- Contact the complainant within 24 hours to discuss the problem
- Keep a record of the complaint, name and contact information (when possible), date complaint was received, date of facility response, description of facility response
- Immediately initiate procedures at the facility, when possible, to resolve the problem identified by the complainant
- For odor, litter or dust complaints, the permittee must report to DEQ as soon as complaints are received at the facility from five different businesses and/or individuals about a given event or if an odor event lasts longer than 24 hours without resolution or mitigation

9.19 Permit display

The permittee must display this permit, or a photocopy thereof, where operating personnel can readily refer to it.