



## **SOLID WASTE DISPOSAL SITE PERMIT: Material Recovery Facility, Transfer and Treatment Facility**

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

Email: [DEQNWR.SolidWastePermitCoordinator@deq.state.or.us](mailto:DEQNWR.SolidWastePermitCoordinator@deq.state.or.us)

Issued in accordance with the provisions of [Oregon Revised Statutes Chapter 459](#), [Oregon Administrative Rules 340 Divisions 93, 95, 96, 97](#), and [111](#) and subject to the Land Use Compatibility Statement referenced below.

### **Issued to:**

Oil Re-Refining Co., Inc.  
4150 North Suttle Road  
Portland, Oregon 97217

### **Owner:**

Oil Re-Refining Co., Inc.  
4150 North Suttle Road  
Portland, Oregon 97217

### **Facility name and location:**

Oil Re-Refining Co., Inc.  
4150 North Suttle Road  
Portland, Oregon 97217

### **Operator:**

Oil Re-Refining Co., Inc.  
4150 North Suttle Road  
Portland, Oregon 97217

### **ISSUED IN RESPONSE TO:**

- A solid waste permit application received October 13, 2016
- A Land Use Compatibility Statement from the City of Portland dated September 26, 2016

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**

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Audrey O'Brien, Manager  
Environmental Partnerships  
DEQ Northwest Region

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Date

### **Permitted Activities**

Until this permit expires or is modified or revoked, the permittee is authorized to **operate** and maintain a solid waste 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 Oil Re-Refining Company (ORRCO) to accept the following wastes for recycling, treatment, and/or transfer, unless specifically prohibited in Section 2, if the materials are handled in accordance with this permit, ORRCO's air quality permit requirements and all local, state and federal regulations. The permittee must have characterization documentation that these waste materials are not hazardous waste. Reference: OAR 340-111, OAR 340-093, 40 CFR 260 through 268 (in effect June 30, 2015), and 40 CFR Part 279 (in effect July 30, 2003).

- Used oil as defined in OAR 340-111
- Used oil, as defined in OAR 340-111-0020, that is generated in California and sent to ORRCO for recycling
- Non terne-plated used oil filters that are not mixed with a listed hazardous waste (40 CFR 261 Subpart D [June 30, 2015]) may be gravity hot-drained and/or equivalent method and/or crushed in accordance with 40 CFR 261.4(b)(13) (June 30, 2015) and managed as scrap metal or as nonhazardous waste.
- Fuel filters with metal casings may be drained and/or crushed. The recovered metal may be sold as scrap metal.
- Non-metal filters may be crushed separately from the other filters. The remaining crushed non-metal filters must be disposed of in an appropriate DEQ approved disposal facility.
- Oil contaminated media and debris may be accepted for treatment via solidification prior to disposal but not incinerated or burned on-site. Reference: OAR 340-111. Permittee may ship material to an approved landfill or permitted off-site solid waste incinerator.
- Petroleum-contaminated environmental media subject to the corrective action regulations under 40 CFR 280 may be accepted for treatment via solidification and transfer for disposal. These materials are exempt from hazardous waste regulations. Reference: 40 CFR 261.4.(b)10 (in effect June 30, 2015), 40 CFR 280.
- Oily wastewaters to be placed into the wastewater treatment unit that discharges to the POTW in accordance with the site's City of Portland wastewater discharge permit. Reference: City of Portland Wastewater Discharge Permit, OAR 340-111-0020. Please note: wastewaters from which the oil has been recovered are not used oil. and must undergo a hazardous waste characterization prior to acceptance. Wastewater containing diesel or gasoline must either have sufficient recoverable product to be classified as a commercial chemical product or undergo laboratory analysis to show it is nonhazardous prior to acceptance.
- Spent antifreeze, ethylene glycol, or propylene glycol managed separately from used oil exclusively for off-site reclamation for re-use as antifreeze. Dewatering of antifreeze is carried out by ORRCO prior to shipment to antifreeze recycler.
- Spent solvents that are not hazardous waste.
- The following Commercial Chemical Products (CCPs) fuel or fuel components: trans-mix, crude oil gasoline, diesel, kerosene, and jet fuel, to be reclaimed as fuel.
- Alternative fuels that have been approved by DEQ, to be reclaimed as fuel
- Tar, asphalt and asphalt emulsions.
- Plant or animal fats, oils, and greases.
- Special wastes after appropriate public notice, approval by DEQ, and if allowed per City of Portland land use and zoning.

ORRCO may engage in re-refining used oil.

Wastewater accepted for discharge to the POTW must comply with a waste acceptance plan approved by Portland Bureau of Environmental Services and DEQ. Treatment of wastewater that will not be discharged to the POTW is prohibited unless it is specifically authorized by DEQ as discussed below.

Documentation must be sufficient to meet 40 CFR 261.2(f) (June 30, 2015), requirements for any materials that ORRCO considers to be exempt from hazardous waste determination.

Used oil must be managed in accordance with 40 CFR Part 279 (July 30, 2003) and OAR 340-111.

Spent antifreeze must be managed in accordance with <http://www.oregon.gov/deq/FilterDocs/UsedAntifreeze.pdf>.

Authorized uses of these materials onsite are provided in Table 1.

References: OAR 340-93-0030, OAR 340-111-0020, OAR 340-102-0011, 40 CFR Part 261 (June 30, 2015) and Part 279 (July 30, 2003), ORS 466.005, OAR 340-101, 40 CFR 258.20(b), ORS 459.005.

## 1.2 Authorization of other wastes

ORRCO is prohibited from accepting wastes not listed in 1.1 above unless authorized by DEQ in writing.

The DEQ may authorize the permittee to accept wastes other than those set forth in Section 1.1 if

- The permittee submits a written request to DEQ that includes an updated Operations Plan and a SWMP (if needed) specific to the additional waste and DEQ approves the updated operations plan and SWMP. The permittee must also demonstrate that the materials are not hazardous waste, as defined by state and federal regulations, or not otherwise a threat to human health or waters of the state.
- Should permittee submit a request to accept waste other than that set forth in Section 1.1, DEQ may require a permit modification and public notice.

Reference: OAR 340-095-0020(2)

## 1.3 Authorization of other activities

The permittee must conduct all waste management and recycling activities 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 at the facility without written authorization by the DEQ.

# 2 Prohibitions

## 2.1 Prohibited waste

With the exception of used oil, as defined in OAR 340-111-0020, that is generated in California and sent to ORRCO for recycling, and used oil mixtures as regulated in 40 CFR 279.10(b)(3) (July 30, 2003), ORRCO cannot accept any hazardous wastes, including out-of-state wastes classified as hazardous waste in their state of origin, even if such wastes would not be classified as hazardous if they were generated in Oregon.

Reference: OAR 340-093-0040(2)

## 2.2 PCB-contaminated oils

The permittee cannot process or burn onsite any used oil with detectable PCB concentrations of 2 ppm or greater. The permittee must collect retains from each customer whose used oil is collected. If analyses show the used oil contains PCB concentrations at or above 2 ppm, the permittee must analyze retains to determine initial concentrations of PCB in the used oil received to determine applicability of 40 CFR 761. The permittee

must immediately notify DEQ and EPA of any test results indicating PCB source concentrations greater than 50 ppm.

The permittee must include notification and management procedures for PCB-contaminated oils in their Operations Plan. PCB contaminated used oil must be managed in accordance with the applicable provisions of 40 CFR 761, 40 CFR 279, and OAR 340-111.

Please note: The applicable provision of 40 CFR 279.10(i) (July 30, 2003) states the following: “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) (July 30, 2003), 40 CFR 761

### **2.3 Off-specification used oil**

The permittee may only accept off-specification used oil 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 incidental to used oil processing.

Reference: 40 CFR 260.10 (June 30, 2015), 40 CFR 279.60 (July 30, 2003)

### **2.4 Open burning**

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

## **Operations and Design**

### **3 Operations Plan**

#### **3.1 Plan compliance**

Within 6 months of the permit issue date, the permittee must prepare and submit an Operations Plan to DEQ for review and approval. The updated plan must be consistent with the conditions of this permit and Table 1. Until a new Operations Plan is approved, the permittee must operate in accordance the Operations Plan, with conditions included in the approval, prepared for the MAO and conditionally approved by DEQ on July 12, 2017. Reference: OAR 340-096-0040

#### **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.

Reference: OAR 340-096-0040

#### **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

Reference: OAR 340-093-0190, OAR 340-095-0020(3)(j)

### **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.

Reference: OAR 340-094-0030(11)(b)

## **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.**

The permittee will submit copies of plans for tank farm modifications and air control devices submitted to the City of Portland or DEQ's Air Quality Program, respectively. If the permittee does not receive a response from DEQ's Materials Management Program within 30 days, the plans can be considered as accepted by DEQ's Materials Management Program.

Reference: OAR 340-093-0140 and OAR 340-096-0040

### **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.

Reference: OAR 340-093-0150

#### 4.5 Approval to use

The permittee cannot 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.

Reference: OAR 340-093-0150(3)

#### 4.6 Submittal address

Unless otherwise stated, all submittals to DEQ under this permit 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](mailto: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 or gallons of incoming solid waste including used oil filters and oil contaminated media and debris.
- Solid waste for disposal - Tons or gallons 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.
- Used Oil – The permittee must collect information on used oil as required in 40 CFR 279 (July 30, 2003) and OAR 340-111.

### 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 wasteshed 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 72 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. Fees are based on the tons of solid waste received and transferred for disposal.

Reference: OAR 340-097-0110(10)

#### **5.5 Records**

The permittee must keep electronic information or copies of all electronic information or records and reports for five years from the date created beginning with the permit issue date. Records requirements for the used oil are established in OAR 340-111 and 40 CFR 279 (July 30, 2003).

Reference: OAR 340-096-0040(4)(e)

#### **5.6 Access to records**

Upon request, ORRSCO must make all records and reports related to this facility available to DEQ. Such records include but are not limited to:

- Waste profile sheets
- Analytical results
- Shipping papers and manifests
- Hazardous waste determinations conducted by ORRSCO or by the waste generator
- Generator waste certifications
- Composite sample results for wastes disposed at a landfill
- Rejected waste profile sheets
- Facility inspection logs
- Daily operations logs

All records and reports must be retained for five years from the date the record was created.

Reference: OAR 340-096-0040(4)(e)

### **Operating Conditions**

## **6 Specific Site Operations**

#### **6.1 Used oil**

The permittee must manage used oil in compliance with 40 CFR Part 279 (July 30, 2003) and OAR 340 Division 111.

Off specification used oil may only be burned if authorized in the permittee'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 Part 279.61 (July 30, 2003) or show the burning is incidental to used oil processing.

#### **6.2 Disposal of wastes**

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

ORRCO must conduct annual hazardous waste determinations on wastes generated on-site, including sludges, treated soils, and waste residuals prior to solidification 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 (June 30, 2015)

### 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 Safety Data Sheets for all process constituents
- Analytical results from the processing of representative samples
- Safety data sheets
- Waste profiles 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.

The following acceptance criteria and authorized uses / treatment must be included in the waste acceptance / management procedures:

**Table 1: Acceptance criteria and authorized uses / treatment**

| Category  | Materials Included   | Regulatory Citations  | Acceptance criteria  | Authorized uses / treatment   |
|---|--|---|--|---|
| Used Oil <sup>a</sup> as defined in OAR 340-111 | <ul style="list-style-type: none"> <li>• Used Oil</li> <li>• DIY Used Oil</li> <li>• Scrapyard Used Oil</li> <li>• Hydraulic Oil</li> <li>• Machine Lubricating Oil</li> <li>• Machine Tool Cutting Oils / Machine Coolant</li> <li>• Brake Fluid</li> <li>• Used oil (meeting definition in OAR 340-111) from other states</li> </ul> | <ul style="list-style-type: none"> <li>• 40 CFR 279 (July 30, 2003)</li> <li>• OAR 340-111</li> </ul>   | <ul style="list-style-type: none"> <li>• Non-hazardous</li> <li>• Halogens less than 1,000 ppm<sup>b</sup></li> <li>• 100 °F minimum flash point for specification fuel</li> <li>• &lt;2 ppm PCBs</li> <li>• CFCs must be recovered</li> </ul> | <ul style="list-style-type: none"> <li>• On-specification used oil can be burned in compliance with applicable air quality rules</li> <li>• Off-specification used oil can be processed , blended or re-refined on site</li> <li>• ORRCO may burn off-specification used oil in a manner that is considered incidental to used oil processing if the process and use are reviewed and approved by DEQ in writing before being burned</li> </ul> |
| Used oil filters                                | <ul style="list-style-type: none"> <li>• Non terne-plated used oil filters</li> <li>• Used fuel filters</li> <li>• Non- metal oil or fuel filters</li> </ul>   | <ul style="list-style-type: none"> <li>• 40 CFR 279 (July 30, 2003)</li> <li>• OAR 340-111<sup>a</sup></li> <li>• OAR 340-093</li> <li>• OAR 340-096</li> </ul> | <ul style="list-style-type: none"> <li>• Non-hazardous</li> <li>• &lt;2 ppm PCBs</li> </ul>  | <ul style="list-style-type: none"> <li>• Used oil or fuel recovered by crushing and draining from the filter</li> <li>• Metal from drained filters sent to a scrap metal recycler</li> <li>• Used oil filters may not be burned</li> <li>• Crushed non-metal filters sent to an authorized disposal facility</li> </ul>   |
| Oily Solids <sup>a</sup>                        | <ul style="list-style-type: none"> <li>• Oily sludges</li> <li>• Petroleum cleanup media from non-UST sources</li> <li>• Non-hazardous, non-solvent contaminated oily rags and absorbent pads, following DEQ approval of screening methodology</li> </ul>  | <ul style="list-style-type: none"> <li>• OAR 340-093</li> <li>• OAR 340-096</li> <li>• 40 CFR 261 (June 30, 2015)</li> <li>• OAR 340-111<sup>a</sup></li> </ul> | <ul style="list-style-type: none"> <li>• &lt;2 ppm PCBs</li> <li>• Non-hazardous</li> </ul>  | <ul style="list-style-type: none"> <li>• Solidified for disposal using DEQ approved non-hazardous solidification agents, including non-hazardous ash, sawdust, perlite, and cellulose fluff.</li> <li>• Oily solids may not be burned.</li> </ul>   |

| Category  | Materials Included   | Regulatory Citations  | Acceptance criteria   | Authorized uses / treatment   |
|---|--|---|---|---|
| Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic and are subject to the corrective action regulations under 40 CFR Part 280 | <ul style="list-style-type: none"> <li>Contaminated media generated from UST cleanups</li> </ul>   | <ul style="list-style-type: none"> <li>40 CFR 261.4(b)(10) (June 30, 2015)</li> <li>40 CFR 280</li> <li>OAR 340-093</li> <li>OAR 340-096</li> <li>40 CFR Part 279 (July 30, 2003)</li> </ul>                  | <ul style="list-style-type: none"> <li>Verify waste generated from only petroleum release</li> <li>If release from non-fuels, including waste oil tanks, requires full hazardous waste determination</li> <li>&lt;2 ppm PCBs</li> </ul>                       | <ul style="list-style-type: none"> <li>Solidified for disposal at a DEQ permitted landfill that may accept contaminated media. DEQ must pre-approve non-hazardous solidification agents, including cellulose fluff<sup>f</sup>.</li> <li>May not be burned.</li> </ul>  |
| Wastewater <sup>e</sup>   | <ul style="list-style-type: none"> <li>Oil &amp; Water</li> <li>Emulsified Oil &amp; Water</li> <li>Fuel &amp; Water</li> <li>Wastewater allowed per ORRCCO's City of Portland CWT Permit</li> </ul> | <ul style="list-style-type: none"> <li>OAR 340-093</li> <li>OAR 340-096</li> <li>40 CFR 261 (June 30, 2015)</li> <li>40 CFR Part 237 (CWT regulations)</li> </ul>   | <ul style="list-style-type: none"> <li>Non-hazardous.</li> <li>&lt;2 ppm PCBs</li> </ul>  | <ul style="list-style-type: none"> <li>May not be burned</li> <li>May not be evaporated</li> <li>Oily waters treated and discharged to POTW<sup>c, g</sup> pursuant to ORRCCO's City of Portland CWT Permit.</li> <li>DAF scum, sludges and solids resulting from the wastewater treatment process must be tested to determine if they are hazardous waste (prior to solidification) and must be disposed of properly at a DEQ permitted facility authorized to accept that type of waste.</li> </ul> |
| Generator discards that ORRCCO considers to be commercial chemical products   | <ul style="list-style-type: none"> <li>Petroleum Fuels</li> <li>Trans-mix</li> <li>Gasoline</li> <li>Diesel</li> <li>Kerosene</li> <li>Jet fuel</li> <li>Alternative fuels</li> </ul>                | <ul style="list-style-type: none"> <li>40 CFR 261.33 (June 30, 2015)</li> <li>40 CFR 261.2(c)(2)(ii) (June 30, 2015)</li> <li>40 CFR 279 (July 30, 2003)</li> <li>OAR 340-093</li> <li>OAR 340-096</li> </ul> | <ul style="list-style-type: none"> <li>All generator waste materials proposed to be accepted as Commercial Chemical Products except fuels; trans-mix, gasoline, diesel, kerosene jet fuel must be approved by DEQ in writing before being accepted</li> </ul> | <ul style="list-style-type: none"> <li>Aggregated, filtered, and processed through distillation or other process to be used on-site for fuel or shipped off-site for sale.</li> </ul>   |

| Category                           | Materials Included   | Regulatory Citations  | Acceptance criteria   | Authorized uses / treatment   |
|------------------------------------|--|---|---|---|
| Spent solvents                     | <ul style="list-style-type: none"> <li>• Non-ignitable solvents (&gt;140°F flash point)</li> </ul>   | <ul style="list-style-type: none"> <li>• 40 CFR 261 (June 30, 2015)</li> <li>• OAR 340-093</li> <li>• OAR 340-096</li> <li>• OAR 340-111-0010(4)</li> </ul> | <ul style="list-style-type: none"> <li>• Non-hazardous</li> </ul>                           | <ul style="list-style-type: none"> <li>• May not be burned on site</li> <li>• Processed as used oil if non-halogenated and only used to clean used oil and passed full hazardous waste analytical</li> <li>• Aggregated, filtered, and shipped off-site for reclamation<sup>g</sup></li> <li>• Filtering residue must be characterized to determine if it is hazardous waste and must be disposed of appropriately</li> </ul> |
| Spent antifreeze                   | <ul style="list-style-type: none"> <li>• ethylene glycol</li> <li>• propylene glycol</li> </ul>  | <ul style="list-style-type: none"> <li>• 40 CFR 261 (June 30, 2015)</li> <li>• OAR 340-093</li> <li>• OAR 340-096</li> </ul>                                | <ul style="list-style-type: none"> <li>• Non-hazardous</li> </ul>                           | <ul style="list-style-type: none"> <li>• May not be burned</li> <li>• Aggregated, filtered, de-watered and shipped off-site for reclamation<sup>g</sup></li> <li>• Filtering residue must be characterized to determine if it is hazardous waste and must be disposed of appropriately</li> </ul>   |
| Tar, asphalt and asphalt emulsions | <ul style="list-style-type: none"> <li>• Non-Hazardous asphalt, asphalt emulsion, petroleum tank bottoms, bunker fuel oil, #4, #5, #6 and other heavy petroleum fuel oils</li> </ul> | <ul style="list-style-type: none"> <li>• OAR 340-093</li> <li>• OAR 340-096</li> <li>• OAR 340-111</li> <li>• 40 CFR Part 279 (July 30, 2003)</li> </ul>    | <ul style="list-style-type: none"> <li>• Non-hazardous</li> <li>• &lt;2 ppm PCBs</li> </ul> | <ul style="list-style-type: none"> <li>• Added to the used oil processing system</li> <li>• Solidified for disposal using DEQ approved non-hazardous solidification agents including cellulose fluff<sup>f</sup></li> </ul>   |
| Fats, Oils and Greases             | <ul style="list-style-type: none"> <li>• Non-hazardous animal and plant oils</li> </ul>  | <ul style="list-style-type: none"> <li>• OAR 340-093</li> <li>• OAR 340-096</li> <li>• City of Portland Waster Discharge Permit</li> </ul>                  | <ul style="list-style-type: none"> <li>• Non-hazardous</li> <li>• &lt;2 ppm PCBs</li> </ul> | <ul style="list-style-type: none"> <li>• Separated and solidified for disposal<sup>f</sup></li> <li>• Oil and grease recovered from FOGs cannot be introduced to the used oil processing system if it reduces the recyclability of the used oil<sup>n</sup></li> <li>• May not be burned</li> </ul>   |

| Category  | Materials Included  | Regulatory Citations   | Acceptance criteria   | Authorized uses / treatment   |
|---|---|--|---|---|
| Non-oily filters and filter solids from filtering the following materials | <ul style="list-style-type: none"> <li>• Spent glycols</li> <li>• Transformer oils with &lt;2 ppm PCBs</li> <li>• High flash petroleum solvents</li> <li>• Fuel</li> <li>• Asphalt emulsions</li> <li>• Solid or hardened asphalt</li> <li>• Wastewaters</li> </ul> | <ul style="list-style-type: none"> <li>• OAR 340-093</li> <li>• OAR 340-096</li> <li>• 40 CFR 261 (June 30, 2015)</li> </ul> | <ul style="list-style-type: none"> <li>• &lt;2 ppm PCBs</li> <li>• Non-hazardous prior to solidification</li> </ul> | <ul style="list-style-type: none"> <li>• Solidified for disposal using DEQ approved non-hazardous solidification agents including cellulose fluff<sup>f</sup></li> <li>• May not be burned</li> </ul> |

- a. OAR 340-111 excludes oil contaminated media and debris from definition of used oil
- b. If total halogens are greater than 1,000 ppm, a detailed rebuttable presumption must be prepared
- c. In accordance with the City of Portland Wastewater Discharge Permit and Federal CWT regulations.
- d. In accordance with the DEQ Air Quality requirements and the air quality permit.
- e. Wastewaters, with no recoverable product, are not considered to be used oil or commercial chemical products.
- f. This is considered solid waste treatment
- g. This is considered a solid waste transfer activity
- h. Oil and grease recovered from FOG may be blended into ORRCO's processing system, provided it does not reduce the recyclability of the used oil.

## 6.4 Sampling

ORRCO must conduct sampling for hazardous waste characterization of materials in accordance with US EPA publication SW-846 where necessary.

Reference: 40 CFR 260.11 (June 30, 2015)

## 6.5 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.

## 6.6 Material storage

The permittee must store all materials and residual wastes to prevent environmental problems including runoff, offsite dust, or odors. The permittee must maintain material storage areas in an orderly manner and be kept free of litter. The permittee must remove stored materials at sufficient frequency to avoid creating environmental concerns, nuisance conditions or safety hazards.

The permittee must store petroleum contaminated soils, oily solids, and wastes collected for solidification under cover and on a concrete pad.

The permittee must store used oil, spent antifreeze (ethylene glycol/propylene glycol) and other materials in tanks and containers that prevent releases to the environment.

Reference: 40 CFR Part 279 (July 30, 2003)

# 7 Financial Assurance

## 7.1 Financial assurance plan

ORRCO must implement a financial assurance plan and provide financial assurance for the cost of site closure. A copy of the plan must be filed on-site.

Reference: The plan must be prepared in accordance with OAR 340-095-0090. Acceptable mechanisms are specified in OAR 340-095-0095.

## 7.2 Annual Update and Recertification

By November 1 of each year, the permittee must annually review and update their financial assurance plan(s) and financial assurance mechanism(s) in accordance with OAR 340-095-0090(6).

## 7.3 Submittal

ORRCO must submit to the DEQ, **within 120 days** of this permit issuance, evidence of financial assurance and liability insurance consisting of:

- A copy of the financial assurance mechanism(s)
- A certificate of liability insurance
- A written certification that the financial assurance meets all state requirements

Reference: Acceptable mechanisms are specified in OAR 340-095-0095.

#### **7.4 Use of financial assurance**

ORRCO cannot use the financial assurance for any purpose other than to finance the approved closure or to guarantee that the closure will be completed.

### **General Conditions**

## **8 Administration**

### **8.1 Definitions**

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

### **8.2 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.

Reference: OAR 340-093-0070(7)

### **8.3 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.

### **8.4 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.

### **8.5 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.

### **8.6 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.

### **8.7 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.

### **8.8 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)

## **9 Permit Modification**

## 9.1 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

## 9.2 Modification

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

Reference: OAR 340-093-0013 and OAR 340-093-0070

## 9.3 Modification and revocation by DEQ

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

## 9.4 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 cannot implement any change in operations that requires a permit modification prior to receiving approval from DEQ.

## 9.5 Public participation

Significant changes in the permit will be made public by the issuance of a public notice as required by DEQ rules for public notification, OAR 340 Division 93.

## 9.6 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 within 10 days of the change.

This permit cannot 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.

# 10 General Site Operations

## 10.1 Waste removal

The permittee must at all times maintain and properly operate all waste collection and disposal facilities to prevent discharges, health hazards, and nuisance conditions and to achieve compliance with the conditions of this permit. Reference: OAR 340-093-0050, OAR 340-093-0210, and OAR 340-096-0040.

## 10.2 Discovery of prohibited waste

In the event that the permittee discovers prohibited waste at the facility, the permittee must, within 72 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 30 days, unless otherwise approved by DEQ.
- Putrescible, non-hazardous, prohibited waste must be removed within 72 hours except if prevented by weekend or holidays, 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 72 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.

## 10.3 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. Reference: OAR 340-093-0210

## 10.4 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. Reference: OAR 340-093-0050 and OAR 340-093-0210

## 10.5 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. Reference: OAR 340-096-0040

## 10.6 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.

## 10.7 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. Reference: OAR 340-096-0040

## 10.8 Air Quality

The permittee must control air emissions, including dust, and malodors, related to disposal site construction, operation, and other facility activities in compliance with DEQ air quality standards, including applicable visible emissions and nuisance requirements in OAR 340-208

According to OAR 340-208-0450, no person may cause or permit the emission of particulate matter larger than 250 microns in size at sufficient duration or quantity as to create an observable deposition upon the real property of another person when notified by the DEQ that the deposition exists and must be controlled.

## 10.9 Drainage

The permittee must manage drainage onsite in accordance with the site's NPDES industrial stormwater discharge permit.

#### **10.10 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. Reference: OAR 340-093-0210 and OAR 340-096-0040

#### **10.11 Oil & Hazardous Material Spill Response**

Any spill of oil or hazardous material outside of the secondary containment area (as defined in ORRCO's SPCC plan) 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.

Permittee must maintain an engineer approved SPCC plan.

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

#### **10.12 Unloading area**

Area(s) for unloading of solid waste must be clearly identified by signs, fences, barriers or other devices. Reference: OAR 340-093-0050 and OAR 340-096-0040

#### **10.13 Public Access**

Public access to the facility must be controlled, as necessary, to prevent unauthorized entry and dumping. Reference: OAR 340-093-0050 and OAR 340-096-0040.

#### **10.14 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. Reference: OAR 340-093-0050.

#### **10.15 Fire protection**

The permittee must make arrangements with the local fire control agency to immediately acquire their services when needed. The permittee must provide adequate on-site fire control protection, as determined through the local fire control agency. Unauthorized fires must be immediately extinguished and reported to DEQ within 24 hours. Reference: OAR 340-096-0040 and OAR 340-093-0050

ORRCO must immediately and thoroughly extinguish any fire. ORRCO must initiate and continue appropriate fire-fighting methods until all smoldering, smoking and burning ceases.

ORRCO must report fires to the DEQ **within seventy-two (72) hours** at (503) 229-5353 or email to: DEQNWR.SolidWastePermitCoordinator@deq.state.or.us.

ORRCO must provide non contaminated water in sufficient quantities for fire protection, dust suppression, and other site operations requiring water.

#### **10.16 Signs**

The permittee must post signs 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. Reference: OAR 340-093-0050 and OAR 340-096-0040

#### **10.17 Vector Control**

The permittee must provide rodent, insect, bird and other vector control measures, as necessary, to prevent vector harborage. Reference: OAR 340-093-0210 and OAR 340-096-0040

#### **10.18 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
- Reference: OAR 340-093-0050

#### **10.19 Permit display**

The permittee must display this permit, or a photocopy thereof, where operating personnel can readily refer to it. Reference: OAR 340-093-0050



## Permit Evaluation

Oregon Department of Environmental Quality  
Northwest Region Office  
700 NE Multnomah Street, Suite 600  
Portland OR 97232

November 28, 2017

**Subject:** Solid Waste Material Recovery, Transfer and Treatment Permit Evaluation Report  
**Site:** Oil Re-Refining Co., Inc. (ORRCO) dba Fuel Processors, Inc.  
**Proposed Permit:** Solid Waste Disposal Site Permit No. 1364  
**Facility Contact:** Scott Briggs, Oil Re-Refining Co., Inc., [scottb@orrcobiz](mailto:scottb@orrcobiz)  
**Permit Writer:** Heather Kuoppamaki, 503-229-5125, [kuoppamaki.heather@deq.state.or.us](mailto:kuoppamaki.heather@deq.state.or.us)

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### Background

Oil Re-Refining Co. (ORRCO) is located at 4150 N Suttle Road in Portland, Oregon. Merit Oil leases a portion of the ORRCO facility. Merit Oil operations are not included in this permit evaluation and should not be included in the ORRCO permit.

ORRCO's primary onsite activity is the processing of used oil. ORRCO conducts these activities under their used oil license (RCRA ID OR980975692). Used oil regulations are found in 40 CFR 279 (July 1, 2015) and OAR 340-111. Used oil is defined as solid waste in Oregon rules.

ORRCO also accepts a variety of used oil related solid wastes. ORRCO processes the wastes onsite by solidification, filtering, dewatering, crushing, and/or aggregation. DEQ has reviewed the types of materials that ORRCO manages onsite and determined that ORRCO conducts solid waste material recovery, transfer, and treatment. DEQ has determined that ORRCO should be issued a combination solid waste material recovery, transfer, and treatment permit.

Through the solid waste permitting process, ORRCO is revising its operations plan for DEQ approval. A revised operations plan will be due 60 days after the DEQ solid waste permit is issued.

### The Site

The site is approximately four acres over five tax lots. The site is a gravel lot except for the operational areas, which consist of pavement, secondary containment, buildings, and canopy roofs. The operational areas include: a tank farm, water treatment area, filter crushing area, solidification area, rocket area, oil/water separator, and fats, oils and grease collection and treatment area.

The site is located near the north shore of Smith Lake. The Smith and Bybee Lakes area of North Portland is an important wildlife habitat. Both lakes discharge to the Columbia Slough, which is approximately 1¼ mile south of ORRCO. The Columbia River is about a quarter-mile north of the site.

The site is zoned heavy industrial (IH) with an aircraft Landing Overlay (h)<sup>1</sup>. The facility is operating under the land use authority of the City of Portland. The original Land Use Compatibility Statement (LUCS) was issued on January 27, 1984. The city provided a new LUCS on September 26, 2016. According to the 2016 LUCS, Ordinance 152102 granted a revocable permit for oil reclaiming and bulk oil storage. Current zoning allows waste related uses as a conditional use.

This site is also in DEQ's Environmental Cleanup Program as result of documented contamination. Samples collected in soil, surface water, groundwater, and sediments at the site have shown a variety of metals, volatile organics, and semivolatile organics. The sources of contamination are assumed to be activities that have occurred on-site, which include or included used oil recycling, petroleum solvent recycling, wastewater management using an oil/water separator that overflowed at least once, extraction of oil from old automobile tires, and landfilling of aluminum dross and foundry sands on-site adjacent to wetland areas. The remedial action was completed in September 2013. For more information on this remedial action, see DEQ's Environmental Cleanup Site Information (ECSI) database webpage at <http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=673> (ORRCO's ECSI Site ID #673).

## Operations

ORRCO is primarily a used oil recycler. ORRCO accepts used oils, oily waters (with a minimum fuel content), oily solids approved by the DEQ, used oil filters, commercial chemical fuel products approved by DEQ, spent antifreeze, contaminated media generated from UST cleanup sites, and other non-oily solids approved by DEQ.

The facility typically operates seven days a week, 24 hours per day. Storage areas are secured by fencing and 24-hour security lighting.

ORRCO pumps liquids into storage tanks, located in the tank farm. In accordance with the City of Portland centralized wastewater treatment permit (permit number 437.005), oily wastewaters can be treated and discharged to the city sewer system.

ORRCO processes used oil by filtering, phase state separation to remove water, heating to further remove water, and filtering to create Refined Fuel Oil (RFO). ORRCO sells the RFO as fuel, uses it on-site as fuel if it is on-specification, or sends it to a re-refinery. ORRCO uses on-specification light ends recovered from the heating process as fuel to run the facility. ORRCO can burn on-specification used oil and virgin fuel commercial chemical products in the onsite boiler and burners. ORRCO can only burn off-specification used oil if it is incidental to used oil processing. These practices are regulated under 40 CFR 279 (July 1, 2015) and OAR 340-111.

ORRCO crushes used oil filters. The recovered metal is sent for metal recovery and the used oil is placed into the onsite used oil processing system.

ORRCO accepts spent antifreeze (ethylene glycol/propylene glycol), spent solvents, and commercial chemical products which are filtered, dewatered, and shipped off-site for recycling. ORRCO is not authorized to reuse or recycle antifreeze onsite unless the material is tested and characterized as non-hazardous waste. Spent antifreeze must not be burned at this facility.

ORRCO accepts petroleum contaminated soils and oily solids which are stored under cover on a concrete pad. ORRCO uses non-hazardous ash, sawdust, perlite and cellulose fluff to solidify wastes prior to disposal at an authorized disposal facility. ORRCO must characterize the solids

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<sup>1</sup>Per City of Portland's information database, [www.portlandmaps.com](http://www.portlandmaps.com), the Aircraft Landing Overlay (h) provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

both before and after solidification to determine that the wastes are not hazardous and meet the disposal site acceptance criteria.

The draft solid waste permit establishes waste acceptance criteria that ORRCO will need to follow to prevent the acceptance of hazardous waste. The draft permit requires testing of wastes generated on-site to ensure the proper disposal of wastes. In addition, the facility's ACDP sets limits on the amount of metal, sulfur, and halogen allowed in the wastes burned on-site and sets emission limits. The draft permit also requires that ORRCO receive DEQ approval before using any exemptions from the state and federal solid waste or hazardous waste rules.

ORRCO's current Operations Plan (dated June 30, 2017) identifies s waste acceptance procedures, procedures to avoid acceptance of prohibited materials, and onsite treatment processes. This Operations Plan was prepared to meet the requirements of the Mutual Agreement in Anticipation of DEQ's Solid Waste Permit (MAO).

The permit process will require an updated Operations Plan be submitted after permit issuance that will include detailed waste acceptance and use procedures. The Operations plan must include waste rejection procedures, a detailed waste stream analysis, clarified waste types approved for the various processes at the facility, and detailed waste profile sheets. ORRCO is not approved to accept hazardous wastes.

### **Potential Environmental Risks**

Spills and leaks of petroleum and other wastes may create potential environmental impacts to surface waters and soils if not quickly responded to and appropriately handled. ORRCO has established procedures to prevent and respond to spills and releases and these procedures are outlined in their Spill Prevention, Control and Countermeasures (SPCC) plan. ORRCO conducts routine inspections of the tanks, equipment and storage areas, and keeps absorbent materials (clay, sawdust, spill booms, and pads) on-site. Inspection requirements are included in the permit

A spill may create a potential fire hazard. A fire could emit fumes (air toxics). Runoff from fire water could carry chemical fire suppressants that may pose a potential impact to waters of the state. ORRCO's SPCC and Emergency Preparedness and Contingency Plans establish procedures for responding to and preventing both spills and fires. These plans must be reviewed periodically and kept current.

Wastes and recyclables accepted at ORRCO must be removed at sufficient frequencies to avoid stockpiling. In the case of a sudden closure, the facility must be cleaned and all materials removed from the site.

If permit conditions are met, the process covered by this permit can be done with minimal impact to the environment. The permit identifies regulations that apply to the facility's operations and what operations are allowed. DEQ staff will regularly inspect ORRCO to assess compliance with the solid waste permit and applicable regulations.

### **Compliance History<sup>2</sup>**

In May 1998, DEQ issued ORRCO a Notice of Non Compliance (currently referred to as a Warning Letter) for failing to submit a material recovery survey. There are no other documented Solid Waste violations at ORRCO.

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<sup>2</sup> For additional information about ORRCO's compliance history see DEQ's Enforcement Actions database at <http://www.oregon.gov/deq/Regulations/Pages/Compliance-and-Enforcement.aspx> and DEQ's Enforcement database at <http://www.deq.state.or.us/programs/enforcement/EnfQuery.asp>

DEQ documented Hazardous Waste, Air Quality, and Used Oil violations over the past ten years. Some of the recent violations include the following:

- In 2011, a Senior Administrative Law Judge found ORRCO was in violation for operating a hazardous waste treatment site without a permit.
- In 2013, ORRCO received a formal enforcement action from DEQ for causing pollution to waters of the state.
- In 2013, ORRCO entered a Consent Agreement and Final Order (CAFO) with EPA for alleged violations pertaining to PCB wastes. ORRCO completed the removal and proper disposal required in the CAFO by the October 31, 2016 deadline.
- In August 2015, ORRCO was found in violation for use of new equipment without proper notice of construction submitted to DEQ's Air Quality Program.

Violations have been corrected.

## **Current Permits**

### Wastewater (City of Portland Bureau of Environmental Services)

ORRCO treats and discharges wastewaters to the City of Portland sanitary sewer under Wastewater Treatment and Discharge Permit #437.005. This permit was revised on May 25, 2017 and expires on September 15, 2018.

### Solid Waste Facility License (Metro)

Metro issued ORRCO a Solid Waste License, #L-124-08, on April 18, 2013 which expired on June 30, 2017. Metro extended ORRCO's license for 6-months with no new conditions to allow time for evaluation of public comments received and to coordinate with DEQ and their permit renewal process for this site. This license allows the acceptance, processing, management, and disposal of cleanup material contaminated by hazardous substances and petroleum contaminated solids. It also stipulates that all sorting of waste must take place inside of a building on an impervious surface.

### Air Quality Permit (DEQ)

ACDP #26-3048 sets general and specific emission standards and limits that ORRCO operations must meet. General standards and limits include visible and fugitive emissions and specific standards and limits include restrictions on metal concentrations in fuel burned on-site. This permit expired March 1, 2013 and was administratively extended until a renewal permit could be issued. The DEQ Air Quality Program has drafted a new permit for the facility.

### Mutual Agreement in Anticipation of Permit

ORRCO and DEQ entered into a Mutual Agreement (MAO No. LW/SW-NWR-2016-158) on June 5, 2017. This agreement allows ORRCO to operate the solid waste facility under conditions established in the MAO until DEQ issues a final solid waste permit for ORRCO.

## **Previous Solid Waste Authorization**

### Solid Waste Letter of Authorizations (DEQ)

In 2007, the Solid Waste Program in DEQ's Northwest Region came to an agreement with ORRCO to issue a Solid Waste Letter of Authorization (SWLA) to cover the "energy recovery" and treatment activities named in the application, contingent upon ORRCO applying for a DEQ Solid Waste Treatment Permit. SWLAs are one-time disposal permits issued for six months with one possible six month renewal, for a maximum permit term of one year. DEQ issued

SWLA #1341 to ORRCO in February 2007. ORRCO submitted an SWLA renewal application and fee in May 2007. The renewed SWLA #1341 expired in February 2008. ORRCO submitted a Solid Waste Treatment Permit application to DEQ on November 13, 2007.

**Recommendation**

DEQ recommends issuance of a public notice and request for public comment on the proposed solid waste permit to ORRCO.