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BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

IN THE MATTER OF: )  
OIL RE-REFINING COMPANY INC., )  
a Washington corporation. )  
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 )  
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 )

MUTUAL AGREEMENT  
IN ANTICIPATION OF  
PERMIT  
NO. LQ/SW-NWR-2016-158

**WHEREAS:**

1. Oil Re-Refining Company, Inc. (ORRCO), a Washington corporation, treats and disposes of solid wastes as part of its waste petroleum and related materials recycling and management activities at its facility at 4150 North Suttle Road in Portland, Oregon.
2. Pursuant to Oregon Revised Statutes (ORS) 459.205(1) and implementing rules, the activity specified above requires a permit issued by the Department.
3. On October 13, 2016, ORRCO submitted additional information to supplement a previously submitted solid waste permit application.
4. Due to the complexity presented by ORRCO's operations and DEQ's limited staff resources, it will take more than 6 months from the date of this Mutual Agreement and Order for DEQ to review, process, and issue ORRCO's permit.
5. Pollutant emissions from ORRCO's used oil-cooking operation in cook tanks #9, #10, and #11 are currently controlled by a single bubble condenser, which filters the pollutant air stream through a mixture of light end petroleum compounds and water.
6. ORRCO has requested to remove the bubble condenser and install new, more efficient, tube and shell condenser units to cook tanks #9, #10, and #11.
7. Addition of the tube and shell condenser units will directly reduce Volatile Organic Compounds emitted to the ambient air.
8. The addition of the tube and shell condenser units meets the requirements of a permit modification, requiring the modified permit to be placed on public notice for comment.

1           9.       To expedite the reduction of odors and emissions from ORRCO's cooking  
2 operation, this MAO authorizes ORRCO to install new emission control units in the form of tube  
3 and shell condensers, without first obtaining a permit modification, so long as they are constructed  
4 and operated according to the conditions outlined in Attachment B of this MAO.

5           10.       By signing this MAO, ORRCO acknowledges and agrees to the terms of this MAO  
6 and all attachments, and that the conditions in this MAO are legally enforceable by DEQ.

7 **NOW THEREFORE, it is stipulated and agreed that:**

8           11.       The Director shall issue a final order:

9                A.       Allowing ORRCO to construct and operate pollution control equipment on  
10 the three existing cook tanks, in accordance with conditions 5-10 and Attachment B of this  
11 MAO.

12               B.       Allowing ORRCO to operate a solid waste disposal facility at 4150 N.  
13 Suttle Road, Portland, Oregon under the conditions specified below:

14               C.       Requiring ORRCO to comply with the requirements in Attachment A,  
15 Allowable Activities, which are incorporated into this MAO as conditions.

16               D.       Penalties for violations of Paragraph 11 shall be calculated according to  
17 OAR 340-012-0045 using the penalty matrix, base penalty and factors that would normally apply  
18 to each violation of this MAO as if it were a violation of a permit. The applicable procedures for  
19 conduct of contested cases and penalties in such matters will apply. Nothing in this order  
20 precludes ORRCO from raising any defense to an enforcement action based on applicable  
21 federal and/or Oregon laws.

22           12.       The terms of this MAO may be amended by mutual agreement of DEQ and  
23 ORRCO. DEQ may amend the conditions in this MAO without the agreement of ORRCO upon  
24 finding that such modification is necessary because of changed circumstances or to protect  
25 public health or the environment. If ORRCO contests the Amended MAO, the applicable  
26 procedures for conduct of contested cases in such matters will apply.

13.       This MAO is not transferable. No change in ownership or corporate or

1 partnership status relating to the facility shall in any way alter ORRRCO's obligations under this  
2 MAO, unless otherwise approved in writing by DEQ.

3 14. All Solid Waste reports, notices, and other communications required under or  
4 relating to this MAO should be directed to Heather Kuoppamaki at 700 NE Multnomah St., Ste.  
5 600, Portland, OR 97232, 503-229-5125 and all Air Quality reports, notices and other  
6 communications required under this MAO should be directed to Louis Bivins at 700 NE  
7 Multnomah St., Ste. 600, Portland, OR 97232, 503-229-6333.

8 15. ORRRCO waives any and all rights and objections it may have to the form, content,  
9 manner of service, or timeliness of this MAO. ORRRCO acknowledges that it has actual notice of  
10 the contents and requirements of this MAO and that failure to fulfill any of the requirements  
11 hereof will constitute a violation of this MAO and subject ORRRCO to payment of civil penalties  
12 pursuant to Paragraph 11.D above.

13 16. ORRRCO must allow the DEQ's representatives access to ORRRCO's property and  
14 pertinent records at all reasonable times for the purposes of making inspections, surveys,  
15 collecting samples, obtaining data, reviewing and copying required records and otherwise  
16 conducting all necessary functions related to this MAO in accordance with ORS 468.095.

17 17. The terms of this MAO become effective on the date it is signed by DEQ and will  
18 terminate on the date ORRRCO discontinues the solid waste management activity, obtains a solid  
19 waste permit covering the activity, or the DEQ denies ORRRCO's permit application, whichever  
20 is soonest. Records required by this MAO must be maintained for the period specified in the  
21 MAO or for five years, whichever is longer.

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OIL RE-REFINING COMPANY, INC.

6-5-17  
Date

  
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Scott Briggs, President  
Oil Re-refining Company

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DEPARTMENT OF ENVIRONMENTAL QUALITY

June 5, 2017

Nina DeConcini

Date

Nina DeConcini, Administrator  
Northwest Region

FINAL ORDER

IT IS SO ORDERED:

DEPARTMENT OF ENVIRONMENTAL QUALITY

June 5, 2017

Sarah Wheeler

Date

Sarah G. Wheeler, Acting Manager  
Office of Compliance and Enforcement  
on behalf of DEQ pursuant to OAR 340-012-0170  
on behalf of the EQC pursuant to OAR 340-011-0505

**ATTACHMENT A**  
**ALLOWABLE ACTIVITIES**  
**CASE NO, LQ/SW-NWR-2016-158**

**1 AUTHORIZATIONS**

**1.1 Wastes authorized for receipt**

This order authorizes the facility 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 order, air quality requirements and all applicable local, state and federal regulations. ORRSCO must have characterization documentation that these waste materials are not hazardous waste. Reference: OAR 340-111 and OAR 340-093.

- 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 ORRSCO for recycling
- Non terne-plated used oil filters that are not mixed with a listed hazardous waste (40 CFR 261 Subpart D) 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.
- Fuel filters with metal casings may be drained and crushed. The recovered metal may be sold as scrap metal.
- Paper fuel filters and paper oil filters may be crushed separately from the other filters. The remaining crushed paper 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. Material will be shipped to an approved landfill or permitted off-site solid waste incinerator. Please note contaminated media and debris are not considered used oil in Oregon.
- 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, 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 ORRSCO 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, gasoline, diesel, kerosene, and jet fuel, to be reclaimed as fuel.

- Tar, asphalt and asphalt emulsions
- Plant or animal fats, oils, and greases
- ORRCO may engage in re-refining used oil.

Wastewater acceptance for discharge to the POTW must comply with a waste acceptance plan approved as required 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), requirements for any materials that ORRCO considers to be exempt from hazardous waste determination.

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

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 of other wastes**

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

### **1.3 Facility activities**

All waste management and recycling activities are to be conducted in accordance with the provisions of this order.

## **2 PROHIBITIONS**

With the exception of used oil, as defined in OAR 340-111-0020, that is generated in California and sent to ORRCO for recycling, ORRCO must not 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 hazardous if they originated in Oregon (see OAR 340-093-0040(2)(b)).

### **2.1 PCB-contaminated oils**

Used oil with detectable PCB concentrations of 2 ppm 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

### **2.2 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 following 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

## OPERATIONS

### 3 RECORDKEEPING AND REPORTING

#### 3.1 Non-compliance reporting

In the event that any condition of this order, or of the DEQ's rules, is violated, ORRCO must immediately take action to correct the unauthorized condition and **notify the DEQ within 72 hours from the initial discovery of the violation at:**

(503) 229-5353

Department response: DEQ may investigate the nature and extent of the compliance problem and evaluate the adequacy of ORRCO's corrective action plans.

#### 3.2 Access and retention

Upon request, ORRCO 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 ORRCO 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.

### 4 Specific Operating Conditions

#### 4.1 Discovery of prohibited waste

Any prohibited wastes discovered at the facility must be isolated or removed immediately. Non-hazardous prohibited waste must, within 10 days, be transported to a disposal site authorized to accept such waste, unless otherwise approved in writing by DEQ.

In the event discovered wastes are hazardous or suspected to be hazardous, ORRCO must, within 72 hours, notify DEQ and initiate procedures to identify and remove the waste. Hazardous wastes must be removed within 90 days, unless otherwise approved by DEQ in writing. Temporary storage and transportation must be carried out in accordance with the rules of DEQ.

#### 4.2 Used oil

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

Off specification used oil may be burned incidental to used oil processing and in compliance with applicable Air Quality permit conditions. ORRCO must receive DEQ approval in writing prior to burning off-specification used oil in any of the onsite used oil burning devices (including the boiler and burners). To receive approval, ORRCO must show that the device(s) meet requirements of 40 CFR 279.61 or show the burning is incidental to used oil processing.

### **4.3 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.

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

### **4.4 Waste acceptance and management procedures**

ORRCO 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.

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</li> <li>• OAR 340-111</li> <li>• 40 CFR 279.10(f)</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</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 for shipment offsite</li> <li>• ORRCCO 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>• Paper used oil or fuel filters</li> </ul>	<ul style="list-style-type: none"> <li>• 40 CFR 279</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 paper filters sent to an authorized disposal facility</li> </ul>

Category	Materials Included	Regulatory Citations	Acceptance criteria	Authorized uses / treatment
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</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<sup>f</sup></li> <li>• Oily solids may not be burned.</li> </ul>
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)</li> <li>• 40 CFR 280</li> <li>• OAR 340-093</li> <li>• OAR 340-096</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>

Category	Materials Included	Regulatory Citations	Acceptance criteria	Authorized uses / treatment
Wastewater <sup>c</sup>	<ul style="list-style-type: none"> <li>Oil &amp; Water</li> <li>Emulsified Oil &amp; Water</li> <li>Fuel &amp; Water</li> </ul>	<ul style="list-style-type: none"> <li>OAR 340-093</li> <li>OAR 340-096</li> <li>40 CFR 261</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></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 properly at a DEQ permitted site 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> </ul>	<ul style="list-style-type: none"> <li>40 CFR 261.33</li> <li>40 CFR 261.2(c)(2)(ii)</li> <li>40 CFR 279</li> <li>OAR 340-093</li> <li>OARA 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 to be used on-site for fuel or shipped off-site for sale.</li> </ul>
Spent solvents	<ul style="list-style-type: none"> <li>Non-ignitable solvents (140°F minimum flash point)</li> </ul>	<ul style="list-style-type: none"> <li>40 CFR 261</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</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>

Category	Materials Included	Regulatory Citations	Acceptance criteria	Authorized uses / treatment
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</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</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> </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>h</sup></li> <li>May not be burned</li> </ul>
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> </ul>	<ul style="list-style-type: none"> <li>OAR 340-093</li> <li>OAR 340-096</li> <li>40 CFR 261</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 halogens greater than 1,000 ppm, a detailed rebuttable presumption should be included.
- c. In accordance with the City of Portland Wastewater Discharge Permit

- d. In accordance with the DEQ Air Quality requirements and the air quality permit
- e. Wastewaters are not considered to be used oil or commercial chemical products and therefore are not exempt from hazardous waste regulations.
- 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 ORRSCO's processing system, as long as it does not reduce the recyclability of the used oil.

#### **4.5 Sampling**

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

Reference: 40 CFR 260.11

#### **4.6 Waste profiles**

ORRCO 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.

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

#### **4.7 Fire protection**

ORRCO must make arrangements with the local fire control agency to immediately acquire their services when needed and must provide adequate on-site fire protection as determined by the local fire control agency.

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.

#### **4.8 Material storage**

All materials and residual wastes must be stored to prevent environmental problems including runoff, offsite dust, or odors. Material storage areas must be maintained in an orderly manner and kept free of litter. Stored materials must be removed at sufficient frequency to avoid creating environmental concerns, nuisance conditions or safety hazards.

Petroleum contaminated soils, oily solids, and wastes collected for solidification must be stored under cover and on a concrete pad.

Used oil, spent antifreeze (ethylene glycol/propylene glycol) and other materials on site must be stored in tanks and containers that prevent releases to the environment.

Reference: 40 CFR Part 279

### **5 SITE DEVELOPMENT AND DESIGN**

#### **5.1 Design plans**

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.**

## **6 FINANCIAL ASSURANCE**

### **6.1 Financial assurance plan**

ORRSCO 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.

### **6.2 Submittal**

ORRSCO must submit to the DEQ, **within 120 days** of this order 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.

### **6.3 Use of financial assurance**

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

ATTACHMENT B  
CASE NO. LQ/SW-NWR-2016-158

1. Prior to startup of tube and shell condenser unit(s), ORRCO must install and operate continuous temperature monitors on the condenser coolant inlets and outlets and the condenser vapor outlet.
2. At all times while in operation, all exhaust gasses from cook tanks 9, 10 and 11, must be vented through and controlled by the existing bubble condenser or new tube and shell condensers.
3. The temperature monitors must be equipped with audible and visual alarms capable of logging and storing temperature data and display temperature readings in real time. The condenser coolant inlet, coolant outlet, and vapor outlet temperature must operate according to the following conditions.
  - a. The condenser coolant inlet temperature must not exceed the ambient temperature by 30 degrees Fahrenheit, or reach 130 degrees Fahrenheit.
  - b. The condenser outlet temperature must not exceed the ambient temperature by 70 degrees Fahrenheit, or reaches 200 degrees Fahrenheit.
  - c. The condenser vapor temperature must not exceed the ambient temperature by 50 degrees Fahrenheit or reach 180 degrees Fahrenheit.
4. Should the condenser temperatures exceed the values in Condition 3(a-c), the audible and visual alarm must be triggered automatically and ORRCO must take immediate action to correct the temperature exceedance.
  - a. If ORRCO is unable to reestablish the operating temperatures in Condition 3(a-c) within 30 minutes, ORRCO must immediately shutdown the associated cook tank and cease all feeds to the condenser until appropriate repairs are made and the condenser is capable of operating within the temperature ranges in Condition 3(a-c).
  - b. ORRCO may restart the condenser once repairs are completed and the unit is capable of operating within the defined temperature parameters.
  - c. It is not a violation to exceed the condenser coolant inlet, coolant outlet, and vapor outlet temperature limits if the appropriate temperatures are re-attained within 30 minutes of initial exceedance, but it is a violation if ORRCO fails to take corrective action to repair the unit as identified in condition 4(a).

5. ORRCO must keep the following records associated with the operation of the condenser on site at all times for a period of five year from the date the record was created and immediately made available to DEQ upon request.
  - a. Inlet and outlet coolant temperature,
  - b. Outlet vapor temperature,
  - c. Should the temperature alarm sound, ORRCO must record the date and time of the incident, whether operating temperatures were re-attained in the allotted time, time the condenser was taken offline, time heat shut off to the associated cook tank, description of the problem causing the alarm, when the unit was placed back online.
6. Prior to condenser start up, ORRCO must develop a written strategy for all staff to follow in the event of the condenser unit or associated monitor malfunction. The strategy must outline the process ORRCO will take to diagnose and repair the issue. ORRCO must submit the written strategy to DEQ and receive written approval prior to condenser start up and operation. The strategy must be kept onsite at all times and accessible to all staff. If DEQ fails to approve the plan for any reason, they will provide ORRCO a written statement as to why the plan was not approved and work with ORRCO to develop a strategy to correct the issue.
7. In the event of a temperature monitor malfunction, ORRCO must notify DEQ in writing within 24 hours of the malfunction and implement the malfunction plan approved by DEQ.
8. Notwithstanding the conditions of this MAO, should ORRCO become subject to any new state or federal regulation applicable to the operation and/or maintenance of the above stated equipment or processes, ORRCO must comply with the standards of the regulation(s) by the applicability date.
9. ORRCO must notify DEQ at least 10 calendar days prior to the start-up of any tube and shell condensers.