



State of Oregon
Department of
Environmental
Quality

State of Oregon Department of Environmental Quality

Response to Comments

Northwest Region
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Portland, OR 97232

Summary and response to comments to public notice for the proposed new Solid Waste Disposal Site Permit Number 1364 for Oil Re-Refining Company (ORRCO) June 22, 2018

DEQ issued a public notice on March 22, 2018 requesting public comment on the draft DEQ solid waste permit for the Oil Re-Refining Company (ORRCO) transfer station and material recovery facility. DEQ mailed the notice to property owners within at least one mile of the facility, and included additional zip codes and neighborhood associations where DEQ anticipated there would be interest. DEQ also provided public notice through email. Subscribers of DEQ's email notification list received a message about the proposed permit issuance and the chance to comment. DEQ held a public hearing on April 24, 2018 to receive verbal comments on the draft solid waste permit and the draft air quality permit. 29 people attended the public hearing and 13 people provided verbal comments. The comments received at the hearing focused on the draft air quality permit.

DEQ also received questions and comments on the draft solid waste permit that were forwarded from Metro who received the comments during their public notice period. DEQ received comments on the draft solid waste permit from four additional people: Jimme' Peters, Nancy Phillips, Jack Gahan, and Tony Lemon. The comments are summarized below, followed by DEQ's response.

The DEQ Air Quality program will respond to all comments regarding the draft air quality permit separately.

1. Violations

Comments received from Peters, and Metro submittal:

- *The recent permit application by ORRCO for air and solid waste permits is just absurd with all the ongoing violations that have not been policed nor rectified. Self reporting on a yearly basis is only as effective as the reporters and they are clearly very dishonest. Dirty waste does not help our water, crops, air, soil, etc. Is this what Portland thinks is acceptable?*
- *Please do not grant an air or solid waste permit to ORRCO! They have had numerous violations of air quality and have done nothing to eliminate the plumes of black and orange smoke billowing into the air from this facility, often late at night when ORRCO hopes that people will not notice.*
- *Regarding APES and ORCCO refineries, the lack of response from Metro and other agencies regarding complaints and violations is infuriating and unacceptable. I implore Metro to use your authority and work with other agencies to ensure common decency and protect precious resources, air and water.*
- *Moreover, ORRCO is under question about fines for various hazardous waste violations.*

DEQ response:

ORRCO has corrected past violations. ORRCO does not have any ongoing violations of DEQ solid waste or used oil rules for their Portland facility.

2. PCB storage

Comments received from the Metro submittal:

- *You read that the US EPA are investigating two companies polluting your home, ORRCO and APES. They are across the river storing PCB contaminated liquids on site.*
- *Is ORRCO responsible for the illegal PCBs leftover at APES facility that were not properly disposed of last fall? Our understanding is that the PCBs are still there.*
- *ORRCO has previously demonstrated that it operates its facility outside or on the edge of its permit and that it takes legal action to stop ORRCO from doing so. For example, ORRCO was fined for transporting hazardous waste without a permit (PCB-oil). The case went to the Oregon Court of Appeals where ORRCO was told it was responsible and that the I-didn't-know defense did not work. ORRCO also stored the PCB-oil on the premises without the proper berms or permits for the oil tanks. Because of the storage of the PCB-oil/the EPA had to issue an order requiring ORRCO dispose of the PCB-oil by October 2015. It is also believed that ORRCO was burning PCB-oil in order to dispose of it.*

DEQ response:

PCBs are regulated by EPA under the Toxic Substances Control Act (TSCA). ORRCO has removed historic PCB contaminated oil from the site under EPA direction. ORRCO has established used oil acceptance testing and criteria to prevent acceptance of PCB contaminated used oil at their facility.

EcoLube/APES, not ORRCO is responsible for the disposal of the PCB containing oil in Tank 12 at the EcoLube facility.

DEQ does not have evidence that ORRCO has burned PCB containing oil in any of its processes.

3. Manage waste properly

Comments received from the Metro submittal:

- *I would urge you to be as vigilant as you possibly can to ensure the public that these companies are meeting the standards of the licenses and permits to protect the public's health. Please makes sure that they are managing their waste properly and their overall operations to make sure people are not getting sick.*
- *These two companies must have...containment berms around all holding tanks...*
- *Companies such as ORRCO and APES, who engage in polluting public areas and threatening health, should not have their permits renewed until they and the public can be ensured of safe processing of hazardous materials*
- *At a certain point/ Oregon DEQ notified ORRCO not to burn hazardous waste in their kiln because the kiln was not adequate for hazardous waste and ORRCO did not have the proper permit.*
- *Because there has been little or no enforcement and because ORRCO has not been a good corporate citizen, Metro must use its leverage to require that the facility prove that the public and environment is safe from all toxic air emissions by requiring full-time stack monitoring on an on-going basis before any permit for storm water or hazardous waste is issued. I urge you to deny the issuance of a permit.*

DEQ response:

The solid waste transfer station permit contains extensive waste screening procedures and clarification on what ORRCO can accept and not accept. ORRCO is not authorized to accept hazardous waste and will need to comply with a very detailed operations plan that hazardous waste is not accepted. The permit will allow DEQ to provide additional oversight of the facility operations. The Operations Plan becomes part of the permit and any violation of the Operations Plan could be considered a violation of the permit. DEQ regularly conducts announced and unannounced inspections of the facility and can request facility records to verify they are in compliance with their permit.

DEQ has observed containment berms around all tanks onsite. The facility has a Spill Prevention, Control, and Countermeasure Plan (SPCC) that details the facility and control measures to prevent a release of oil. The SPCC was prepared in accordance with Title 40, Code of Federal Regulations (CFR), Part 112.

Following a request from DEQ in 2016, ORRCO ceased use of the kiln and the wastewater evaporator.

4. Expansion of the site

Comments received from Phillips, Peters, Gahan, and the Metro submittal:

- *For the record, I don't want ANY expansion at ORRCO or APES. They didn't comply with regulations in the past and are not to be trusted. Metro solid and hazardous waste is intertwined with air quality, so until THAT is fixed, NO expansion should be allowed!*
- *Allow no expansion, sulfonation, oil polishing, wastewater treatment, solid waste or hazardous waste incineration until it's proven to be safe for the public and the environment and full stack monitoring.*

DEQ response:

The oily solids management is an existing activity at the ORRCO facility. DEQ recently reviewed the used oil rules and concluded that sites managing these oily solids require a DEQ solid waste permit. The activities regulated under DEQ's solid waste disposal site permit do not constitute an expansion of the site.

Neither hazardous waste nor solid waste incineration is allowed at this facility. The solid waste disposal activities conducted onsite consist of recovering metal and oils from used oil filters, and aggregating oily solids to be transported to an approved final offsite disposal facility (landfill or solid waste incinerator). Some used oil is burned incidental to the used oil process, which is allowed under the state and federal used oil regulations.

DEQ has determined that ORRCO can meet solid waste regulations so will proceed with issuance of a DEQ solid waste material recovery facility permit.

5. Risks from the site:

Comments received from Gahan and the Metro submittal:

- *This is a comment from a resident of North Portland to let you know my disapproval of your granting APES and ORRCO permits for ANYTHING at all due to their lack of concern for public safety in operating in a fashion that has been inadequately investigated for health implications and risks.*
- *It would be my sincere hope that no new or continuing operations of this facility we're allowed I also strongly wish to see much more comprehensive air quality monitoring in my neighborhood and the areas surrounding this dangerous and toxic facility. They have been cited many times*

and they have always denied that they have an impact on the neighborhood however our testing station show they do. I really hope that the facility is sooner or later closed down and then investigated for these releases of toxic and very harmful fumes and chemicals.

DEQ response:

DEQ is required to issue the DEQ solid waste permit to ORRCO if ORRCO demonstrates that the facility can meet environmental regulations.

6. Third party monitoring:

Comments received by the Metro submittal:

- *...I need to also clearly state my expectations if they are allowed to stay: Monitoring by a 3rd party of all material coming into the plant before incineration or disposal processes begin. Detailed reports of those materials must be available for public review online. We should be able to review them by date, time of disposal, materials, etc. so that at a minimum we will know what we are breathing. We have a right to know!*

DEQ response:

DEQ will receive annual reports summarizing used oil processed and used oil filters received and processed and this information is public record and can be made available to the public through DEQ's public records request process (<http://www.oregon.gov/deq/about-us/Pages/Requesting-Public-Records-Form.aspx> add link here).

7. Fines

Comment received from the Metro submittal:

- *For each violation (because they will have them) significant fines (\$50,000-\$100,000) should be mandatory, no excuses. They should also be required to perform some sort of community service such as major tree plantings or other restorative actions in addition to the fines. It has to be implemented in such a way that it is more cost effective to play by the rules than to scam the community and DEQ as they have in the past.*

DEQ response:

If DEQ identifies violations at a facility, DEQ follows the enforcement regulations in Oregon Administrative Rules 340 Division 12 which can be found at this link:

http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_012.html

A person who receives a penalty order from DEQ may choose to complete a Supplemental Environmental Project (SEP) that must be approved by DEQ as part of the penalty process.

<http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx>

8. Portland City Council Resolution No. 37168

Comment received from the Metro submittal:

ORRCO
Solid Waste Disposal Permit No. 1364
Response to Public Comments
June 22, 2018

- *Granting ORRCO a license to expand their operation goes counter to Portland Oregon City Council's resolution No. 37168, passed in UNANIMOUS vote, which opposed the expansion of fossil fuel infrastructure in the city and its adjacent waterways. I also oppose the renewal of ORRCO permits to continue on their operation.*

DEQ response:

The resolution resulted to amendments to the City of Portland Zoning code. These amendments are presented in the City of Portland report available here: <https://www.portlandoregon.gov/bps/article/621438>

In response to receiving this comment, DEQ contacted the City of Portland. According to city personnel, the resolution and subsequent zoning amendment do not apply to either APES or ORRCO because the sites are not increasing the onsite storage capacity. Further, the sites likely do not meet the definition of a "bulk fossil fuel terminal". Neither APES nor ORRCO are listed as existing Bulk Fossil Fuel Terminals.

Hearing Officer's Report

Public hearing to receive verbal comments on the draft air quality and draft solid waste permits for ORRCO

Date: April 24, 2018

From: Edie McMorrine, Hearings Officer



Subject: Hearing Officer's Report for public hearing on draft solid waste and air quality permits
Hearing Date and Time: April 24, 2018
Hearing Location: Red Lion Hotel, Hayden Island, Portland, Oregon

The public hearing started at 6:42 pm. 29 people attended the hearing. Thirteen people provided verbal comments.



State of Oregon Department of Environmental Quality

Oil Re-Refining Public Hearing

April 24, 2018

Edith McMorrine: Okay, so we're going to start the hearing. Again, my name is Edie McMorrine. For the record, today is April 24th, 2018, at 6:42 pm. We're starting the public hearing to receive verbal comments on the draft air quality and solid waste permit for ORRCO. The first person I'd like to call up is Jim Brown.

Jim Brown: I reserve the right to speak later.

Edie: Okay, then the next person who is in line is Vicki Simon. If we can get you to come up and sit right here, and if you feel like you need to use the microphone, you sure may.

Vicki Simon: Okay. I'm a neighbor. I live in Kenton. I've lived in Portland only for seven years, but I've been to three of these hearings already. And my main complaint is that it's not just odors, and I want to make sure that that gets understood because I think that DEQ tends to take in comments and respond when there's odors. But it's not just about the odors, and that's not the only thing that we're interested in controlling. We're interested in controlling the emissions, because they're dangerous to our health. And I will say that I very much appreciate the efforts of Cleaner Air Oregon, because they seem to be working on public health, and that seems to be a concern that DEQ doesn't seem to have any concern over.

I personally am getting sick. I have respiratory issues. I have a constant nagging cough, and it has not been attributed to any other health condition. And all the doctors ask me if it's environmentally related, and then I have to tell them where I live, and they just kind

of look at me blankly, because I don't think they know enough about it. From what I've read, the chemicals that are being -- sulfur dioxide -- the chemicals that are being emitted by these two oil re-refineries are definitely toxic to public health. And you know it's hard for me to hear the baby steps that are going on to control this public health hazard, the fact that you're only willing to test the thermal-oxidizer once every three years. Well, people are getting sicker every day, so once every three years isn't enough.

I'm actually going to speak for someone who's very sick, who couldn't be here tonight, who outlined very succinctly what the problems are, because she's studied it more than I have. So my points, I think, were very basic, but the public health aspect is not being taken seriously, and I'm very interested to meet you, (____), who -- you're an environmental consultant for the company. Maybe you have more insight into these issues that I'm going to bring up, and if so, I'd like to talk to you about it. So I'm going to just briefly go over these points that this other person who's too sick, can't be here, has brought up.

DEQ has refused to fully test and fully monitor the VOC and particulate matter emissions directly at ORRSCO's stacks. DEQ cannot verify for certain what ORRSCO emits. PCB residues stay forever. Considering that ORRSCO violated federal PCB laws, we asked DEQ to wipe the stacks at the ORRSCO facility, and test the residue to verify or disprove that PCBs have been illegally burned onsite. DEQ refused. Our request remains.

DEQ refuses to require ORRSCO to install both a thermal oxidizer for VOC gases, and a scrubber to contain all the particulate matter. These are the dangerous chemicals that are being emitted: arsenic, lead, chromium, cadmium, mercury, beryllium, manganese, nickel, and selenium; and they're hazardous to human health. They need to be captured by a scrubber. And these are the things that we're not going to smell necessarily.

Last year, DEQ created special rules for glass manufacturer, Bullseye, to capture some of those same particulate matter. We, too, want the protection from particulate matter, and VOCs. There's only a couple more points.

Somebody asked the question tonight about the qualities of thermal oxidizers. Apparently there's been some research on this, and the best available emission control technology devices, BACT, are available out there, but DEQ has agreed to allow a lesser grade thermal oxidizer to address some percentage of the gases. We do not agree that citizens of Oregon should be (protected) to a lesser degree of protection from these dangerous gases.

Just two more points. DEQ should not allow ORRSCO to self-report their emissions. That's come up several times tonight. Real time monitoring technology has become readily available to verify exactly how much and exactly what hazardous agents are being emitted. We want DEQ to stop allowing oil re-refiners to self-report their emissions, and instead rely on quantifiable facts.

Lastly, DEQ should not grant a used oil burning exemption to these oil re-refineries. It's been misapplied. The original intent was for small space heaters in sheds as an incidental process. It should not apply to larger scale oil re-refining operations. By definition, it's not used oil by the time it hits their boilers, because it's already been processed into fuel. On one hand, DEQ calls it used oil, but on the other hand, DEQ calls it fuel on the permit. However the two products are not the same thing, and are not interchangeable. This misapplied exemption causes the whole program to be false. We want DEQ to stop allowing this. That's all I have to say.

Edie: Mr. Geisler, if I could get you to state your name.

Jeff Geisler: I'm Jeff Geisler. I'm the chairperson for Hayden Island Neighborhood Network, known as Hi Noon. And the first guest just repeated what we turned in. This is

a little more condensed version of what she just read. Bevan Byrnes was the person, I believe, that compiled that, along with Mary Lou Putnam and Steve Putnam.

So I think, basically -- I'm going to ignore a lot of my notes, but the audit that we (caused) DEQ basically raised the question: is DEQ even capable, with current personnel, funding, and testing equipment to actually test any air quality standards? We don't think it is. The fact that Scott would have to hire a third party to test the stacks after a scrubber -- or you know, the thermal oxidizer -- is put on there, shows me that you don't have the testing equipment. Do you have the testing equipment? You don't. So you know, we've been saying for years, we don't really care what it would cost -- tell us what it would cost -- to get the best, the finest, the newest equipment, and we'll help you find the money.

And I think we're kind of still at square one. I have been receiving notices of DEQ fines, and I don't think I've ever seen you fine anybody for air quality problems, but you're very good at fining. If somebody spills something on the water or on the ground, you're really good at it. You must have better equipment for that. But I don't think you have equipment to tell us what we're breathing. And I have not seen proof of that tonight, or in all the meetings that we had prior. So you know, I guess my comment is we are still waiting on a solution that is just a common sense question. What is coming out of these stacks? The other thing is that it sounds like -- (Louis) was saying that these permits are written specifically for each business?

(Louis): Yeah, permits are -- oh, okay.

Jeff Geisler: My point is it sounds to me like there should be a pretty strict standard and list of chemicals, and compounds, and elements that would be tested for overall, and then you would apply the list to what would be the potential hazards coming out of business. I don't think that's the approach. So you know, those are the kind of things that we are sitting here, year after year, breathing this air, and we still don't have an

answer as to what we are breathing. (I'm glad) that Governor Brown stepped in after the heavy metals were discovered over there at Bullseye Glass, but they still didn't test that at the source. That was found in the soil and on the plants. And if that had not been reported -- I think there was a geologist that reported it -- nothing would have ever been done. And I feel like nothing has been done here, as well.

Now I will qualify . Hi Noon -- I think there might be some people still questioning if ORRCO is the main problem. I think the consensus is that it's still EcoLube, but that doesn't explain or forgive the fact that we don't know what either one of these industries is actually putting in the air. So that's my statement. Thank you.

Edie: Martin, are you interested in coming up? Thank you. Have a seat and state your name.

Martin Slapikas: Good evening. My name is Martin Slapikas. I'm the vice chair of Hi Noon. Mine will be fairly short because I'm writing out our written comments to the Oregon DEQ, and these are just draft notes. But I would like to just emphasize that Hayden Island [unclear due to loud interference from shuffling papers near mike] neighborhood, pungent odors and respiratory illnesses since about the year 2000. And it still continues. Well now, [someone asks him to move the papers away from the mic, missed a sentence or so].

Now I'd just like to bring out that Cleaner Air Oregon Senate Bill 1541 contains an air quality pilot program authorizing the Environmental Quality Commission to establish, quote, by rule, a pilot program for evaluating and controlling public health risks from toxic air contaminant emissions from multiple air contamination sources. It was signed by the Governor on Tuesday, April 10th of this month. My request is that before DEQ issues any further permits involving this island and the industries around it, before granting any kind of permit renewal, that they recommend this pilot program to the Environmental Quality Commission. One of the issues is that before any correct solution

to a problem can be found, you've got to have a correct diagnosis. You go to a doctor, you want a correct diagnosis for your solution. That's what we're asking as a community. No one that I know of wants to live in a state-endorsed cancer zone. And I'm just saying and asking, is this too much to ask of our government agencies? Thank you.

Edie: Brian.

Brian Wheeler: Hi, my name is Brian Wheeler, and I recently moved to Kenton. I also wanted to comment and share my story, which is basically that how shocked I was when I moved into the Kenton neighborhood and went outside for a walk, and smelled this odor that was like -- my body responded like it was like -- almost like it was burning plastic. It was something really toxic, and the _____ my body clearly knew that there was something in the air that was not good for me. And that's -- that was back in the fall, and it's now -- every day, I smell this odor, which I know is a lot more than an odor. It's affecting my health and my well-being. And I don't sleep with my windows open at night, because I don't want to be breathing this toxic air while I sleep. And I understand that business and environmental protection are two really important parts of our community here, and I really want to, you know -- wherever I live, I want to feel safe in my body and in an environment. And I feel that Portland, of all places, is a literally green place, and one of the greenest and the most sort of eco-minded in the country, perhaps, but I feel like this -- I feel like this is quite -- a _____ tragedy that the air isn't fresh, that it doesn't smell fresh. And there's thousands of people who live in this neighborhood, and I smell it wherever I go, every single day.

And I would like to ask for a response from the gentleman from ORRICO, and perhaps somebody from DEQ , to just, if there's some explanation I could have about -- or some reassurance that the air that I'm breathing is safe. I'd like to pose that question to perhaps (Louis) and the gentleman from ORRICO, if they care to respond.

?male: Currently we're on the record, and so this portion of the meeting, we're going to respond to you in writing.

Brian Wheeler: Oh okay. Okay, cool. Okay, thanks.

?male: But we can follow up after.

Brian Wheeler: Okay, thanks. And too, I guess, to conclude my comments then, I'd just like to ask that there -- the fact that there is hundreds if not thousands of people that -- their bodies have this response, and people having health issues, I just think it's imperative that there has to be something in the permit that ensures that people's health is being protected, because I think to not have that, it would be negligence, given all the comments that people have called in, and people getting sick, especially, it's like -- I mean the DEQ's main function is to protect health to some degree, I believe. Like somebody said before earlier, so I'd just like to really reiterate that, how fundamentally important human health is, and it doesn't feel that that's being adequately addressed in the current permit. Thank you.

Edie: Martha? State your name for the record.

Martha Johnston: Martha Johnston, and I live in the East Columbia neighborhood, which is south of east of here. And we get the big stink, too. And our neighborhood association wanted to go on record to reiterate the position that we took earlier on the APES, air quality permit and solid waste permit. Although technically different businesses, they are generally considered the same entities within our neighborhood

discussions. Once released in the atmosphere, the contaminants are indistinguishable as they arrive at our doorsteps. Currently, ORRCO is being considered for permit renewals. Our neighborhood is not anti-business, but we want you to require a best available technology solution applied to reduce the emissions from these local polluters. We're told that there are multiple ways to significantly reduce their pollution impacts on our community. We want you to require that they use today's best available technology, so that going forward, the air we breathe will be cleaner and safer for all of us. And then we attached a letter explaining more in detail, but we're in agreement with points that were pointed out, read from Miss (Bevyns), and it really does need to change. The solid -- the particles are really killing us. We need scrubbers as well as need thermal oxidizers, and -- or convert to a natural gas fuel. Burning that crappy, dirty fuel is making us sick, and it stinks. Christmas Eve last year? Christmas Eve, it was such a stank that we couldn't even enjoy it, you know. It was just awful. And we can't close the windows; they're already closed, you know. It just permeates everything, and you have to know that. It just -- it burns your eyes, your nose, it stinks. And it's gotta stop. We need your help. We've got to stop this. And business -- we love business. And we absolutely need businesses in our neighborhood. So does Hayden Island. And we love business, but business hurtin' us really bad, and it needs to stop, get the right equipment. Or if not, what does a scrubber cost? We'll do fund raisers, we'll do spaghetti dinners. What can we do to make this stop? Thank you.

Edie: Okay, next we have Laura. Okay, please state your name and provide your comments.

Laura Rotharmel: Hi, I'm Laura Rotharmel, and I want to thank ORRCO. I'm thankful that the 2007 recyclers of the year, you know -- and thank you for the reporting that resulted in the PCB cleanup of that particular site, and I do appreciate that. But I share my neighborhood's concerns within a few areas. One is -- and these are questions. Is ORRCO offering, and is the DEQ putting in those MOUs to require that you're installing

the best practices of this moment, of this time? And it doesn't sound like that's necessarily happening. There's a lot happening, but not the best, and that would comfort a lot of people here. There's also been repeated concern about the self-reporting. And anyone that's worked in any warehouse ever knows, we know when inspection day is roughly unannounced, coming. And we know how it looked before we know how it looks, how pretty it is during, and how it will look in a month. So self-reporting is a problem. When government works well, it regulates. Unfortunately it doesn't always work that well at it, but regulation and oversight -- and I've heard that this concern's been expressed a lot, and that it's been -- hasn't been responded to in any concrete fashion that demonstrates that there will be something beyond self-reporting.

And this is an additional question -- well, concern -- is that I wonder about the long-term appropriateness of this facility. I understand that this is a highly industrial area. You get on the other side of 5, and you know, here we are, East Columbia neighborhood; Kenton neighborhood, here we are, the Island neighborhood. And then you've got railroad tracks that will put out some of those particulates. You have the ports. I was a truck driver, out of, you know, Georgia Pacific, and all of those warehouses and such out there, and I'm well aware of the driving, the trucking, the facilities out there that are vital to us every time we go to the grocery store. I'm not going to sit here in my synthetic clothing that is a petro-chemical product, and condemn an industry that's trying to clean up those petro-chemicals. I applaud a recycler. And it's ironic that this is a recycling organization. [chuckle] And that the community would have such concern about them, and not have received assurances, reassurances from that organization over the past several years, perhaps decades. I've only been here for the three years.

And so given our improved and ever-growing knowledge of sensitive air, sensitive water ways -- these particulates aren't just affecting us, they're falling into our water. And we have our slough, and we have our rivers, and we are a water town. And I'm very concerned about that, our air, our water, our soil, and what those particulates mean to that.

And yes: historically heavily industrial region that all shares in the pollution problem. All of them share in the air quality issues, and it's hard for me to see you here alone, you

know, receiving the condemnation, but it also means that all ought to participate in what we can do, and the best practices of this region, this industrial region, towards cleaning up and caring for its neighbors.

And just to -- I think a very slight -- I'm sitting here, scribbling notes, so I don't have anything prepared -- Oh, the smells. I think it was just the last note. The odor tells us one thing, but it's what we can't smell. There's so much involved in what's happening in the recycling process, and what's cleaned and can't be cleaned; and what's contained and can't be contained. And you know, we put sulfur in propane, but we can't put some little sulfur M&M shell over particulates of what might be falling around us. And I wish that I had heard more response to what seem to be ongoing complaints about -- or concerns about best practices. Are the best practices being offered in the MOUs, and being inspected by DEQ? What can and should be done for self-reporting? Because that seems fairly inadequate. And then, is there something industry-wide in this region? Because it's not just one company or two companies that are giving us pollutants in our neighborhood; it's our whole region right out here.

Edie: Okay, it looks like J.M. Zwerts.

J.M. Zwerts: Good evening. Jan(?) Zwerts here, president of Jantzen Beach Moorage. And I was looking at some of this compliance demonstration and source testing, 7.0, 7.1, line 9, line 10, permitting additional stack testing and _____ thermal oxidizers no greater than every 36 months following the initial stack test. The oxidizer must achieve a minimum of 97% VOC destruction. When I asked earlier about that, I was given a range of 95 to 99%, is the type of destruction that would be taken care of. This is not the same numbers here, and also I understand there's better technology out there. I would like to see the better technology used as prevention, would prevent -- it's the best thing to do here. There should be a scrubber on there to prevent all these little particulates going all over the neighborhood. We are historically having thermal inversions down there. I live on a floating home, so when we get these thermal inversions, it concentrate all these

wonderful chemicals, and as this bubble of air moves around the neighborhood, people suddenly come down with all kinds of symptom and illnesses.

I think Portland is becoming the center for others state's waste. These other states have higher standards than we do, so therefore they ship it here. I would not like to see us become the center for other people's waste unless we, too, have a much higher standard of taking care of the problem afterwards. Just because the law says it's legal does not mean it's safe. Thank you.

Edie: Okay, and Bridget. Please state your name and your _____.

Bridget Bayer: Hello, I'm Bridget Bayer. I'm the secretary of the Bridgeton? Neighborhood Association. This is a terrible idea to give them a new permit, Mr. ORRCO; I apologize, I can't remember your name. I was here last year, and I know there were several people, more than a few, who were here the year before, and continue to ask DEQ to install onsite monitoring for the emissions that continue to come from your stack. And last year I talked to you about growing up in a business-centered family. My working company name is Business Association Management, or BAM. I work with businesses, I help them engage with the community in a good way, and help them work together and have vibrant, wonderful places to live and have their business. And I just advocate for business so much.

And the same time, people who want to shop and participate in your kind of business, we just expect business leaders to have some sense of morals, to be able to monitor and control the pollution that they -- and their waste that they exude into their environment. I don't mean to make this personal, but you are sitting right here, and DEQ is right here, too, monitoring this situation year after year. It's just astounding that you just now, oh, by the way, we should do thermal oxidizers. The best available technology says that you can do much better. You can, you have the money to do it; here's

certainly public support. And there may be 25 people in this room, but there are thousands of people who smell and breathe this toxic air.

On Friday I took a boat around the corner, down into Willamette, to see the new Portland boat -- it was commissioned on Saturday, it was a beautiful (troop) ship, and enjoyed this fantastic place that we live on the water, with the fresh air and the beautiful eagles. And when I came back around that corner and I came down the south channel, I said, oh my God, what's wrong with the engine? What is that smell? Oh no, was something wrong with the boat? What is going on? And I looked up, and there it is. There's your business right there, exuding this incredibly toxic smell that made me sick, actually. It was like a putrid, rotting oil, gross smell. And I thought, oh my God, I don't live right here, good thing. I live just downwind, though. As soon as the wind switches, right here, Bridgeton Road. So I do not think that ORRCCO, Oregon

Re-Refining Company, should be issued two new permits. Their manufacturing practices fail to capture the toxic air pollution.

And the solid wastes need to be more easily monitored. The PCB may have been gone, and you may have gotten an award, and that's terrific, but why isn't it more apparent now what is actually there? The self-reporting doesn't work. It works for you, and it works for DEQ, because they're short-staffed, and they never have enough resources to do the work. But it actually doesn't work. Otherwise, we wouldn't all be here with this smell, and this asthma, and this cancer, and this illness.

And when -- this is -- my name's Bridget Bayer, and I'm a resident. Okay, now this is coming from Bridget Bayer. Does it take a criminal negligence suit to make your company take responsibility for the poisons? Does it take that kind of suit? I don't know; I just can't even imagine. I can't imagine how you can sleep. I actually can't imagine how you can work at this place, actually. [chuckle] How could you even subject your own employees to this? So again, I apologize for taking this personally, because I believe that we as a society should be able to handle this better, but since we're here yet again, year after year, I'm going to continue to ask that you yourself take responsibility for your business and do a better job. Thank you.

Edie: Okay everyone, we've reached the end of the folks who want to comment, except Mr. Brown. Would you like to come up and comment now?

Jim Brown: Yeah.

Edie: Okay, come up and state your name and give us your comments. Thank you.

Jim Brown: My name is Jim Brown. I'm an environmental attorney. I represent the adjacent landowner, (Tri-Co Real Estate Company?) I've known Bill Briggs, Mr. Briggs's father, for 30-plus years. I've been involved with environmental issues related to industry and industry compliance for over 30 years, both as a regulator -- as a regulated entity, as an environmental compliance coordinator for Tektronix, and as a practicing attorney. And in that 30 years I've seen significant increases in the quality of the work that ORRCO has done. I've seen them increase the quality of their treatment equipment, most of _____ contained. It's not open air like it used to be. The adjacent property, (Recology), has a lot more open air emission from their solid waste activities than ORRCO does. We hear complaint about what DEQ does and what DEQ doesn't do, and I think that we forget that DEQ has to work within the constraints the law gives them, be that the federal program or the state legislature. Over the last several decades, DEQ's staff has been cut. Their budget seems to get cut at almost every legislative session. And so we point fingers at them. But the answer to many of the problems that have been discussed today is not hammering DEQ; it's making your voice known to your legislators so that they will increase both staff at the agency and funding, and allow them to do the job that's needed.

Self-reporting is a viable way to maintain compliance. I've seen it done in too many facilities. If you haven't been part of a DEQ inspection, you don't realize how thorough

those inspections are. I've been involved in DEQ inspections for _____ full compliance to take three and four days, and go through thousands of pages of documentation. So I think with all due respect, many of the comments that have been made tonight as relate to the agency and to ORRICO are lack of understanding and knowledge.

I contacted J.B. Hunt who is our tenant at the facility right next door. I mean we're immediately adjacent to ORRICO. And we've had emission problem in the past. But over the last eight years, we've seen ORRICO significantly clean up their act. And the employees at J.B. Hunt that are there 40 hours a week are telling me they're not having odor problem or particulate problems. They have no complaints about what's going on. So at least from (TriCo's) perspective, we support the renewal of both the solid waste and air permits at ORRICO. Thank you.

Edie: Okay everyone, is anyone else interested in coming up and providing some more comments? Would you like to? Okay, come on up. If I could get you state your name and give your comment. Thanks.

Jonna Gomes: Okay, my name's Jonna Gomes, and I'm with the Clark Colleges Independent, and I'm also a blogger.

And I guess my question is why is industry self-regulated? So who makes that decision, and where -- how could it be changed? Like where could citizens go to try to change something like that? Let's see, sorry... I missed the beginning of the conversation, but it sounds like this is kind of what you guys were alluding to from what everybody's been talking about. It's been reported that Portland has the third worst air in the country, and that more people die here from poor air quality than homicides and car accidents combined. And I would just kind of like to know why we have to take our cars in to get -- reach a certain standard, and if they don't reach that standard, why people have to fix their car before they can get a stamp of approval; and why industry doesn't really have that, and why they have to do it less often.... Sorry I'm nervous about talking in public.

And then... as a government agency, isn't there obligation to kind of meet federal standards, like life, liberty and the pursuit of happiness? Like, people's inalienable rights? I wonder about that.

And I wonder if you guys -- I'd like to know, too, if you guys are concerned about getting sued. [giggling] And I'm almost done. Oh and also, I live on Hayden Island myself, and I -- there's a beautiful walking path. And I've walked it twice because my neighbor got me to, and she has a cute dog, and you know, I agreed. But I personally don't really like anything where I have to breathe hard, or you know -- I go to Clark College and I could ride my bike to school. I've done fitness _____ and stuff, but I don't ride my bike to school, only because I am concerned about the air quality. So yeah, I'm a student journalist, I'm also a concerned citizen, and I'd like to know how this is actually going to really help us, and answers to those questions I asked, because they're not rhetorical, they're serious questions. Thank you.

Eddie: Anyone else who would like to come up? Okay, sir.

David Hill: Hi, my name is David Hill, and I'm a former resident of (McCuddy's). I lived on a houseboat for just a short stint. I'm also in North Portland now, by Farragut Park. And I just want to touch on a few things that -- my background. About a decade ago, we had Vancouver Iron and Steel polluting our neighborhood. And it was actually about, probably 12 years ago. And some neighbors, we got together. And I'm a web developer, so I built a website called *better.us*. I think it's probably still available now. I let it expire, but somebody might want to grab that for future reference. [laughter]

But you know, some of things that DEQ's mentioning about the opacity of smoke, odors; when I called DEQ to complain that I had to call the fire engine to my house because my family, two kids had headaches from the odors that were coming from that plant at night. My neighbor had metal particulates shimmering on his siding that you could take your finger and wipe them down. When I called DEQ, the response I got was that you

know, a lot of things in our air that we can't see, those are the thing that you might worry even more about. And so when I hear DEQ talking about odor and opacity of smoke, I wonder who that person was that I spoke with, I can't remember her name. But why are not mentioning more of those things that we cannot see in our regulation?

So as I look at -- I'm originally from San Antonio, Texas, and I'm considering moving back there, because my -- I still have family back there. But another thing that's pushing me going back is that I just pulled this up this week the air quality in San Antonio, which I would never imagine being the sixth or seventh largest city in the US, is about twice as clean as our Portland, Oregon air. *Best Places* has San Antonio's air listed at 57. The national number is 58 on average. And Portland sits at about 21. [muttering in room] When I was doing research on Vancouver Iron and Steel, you can pull up on the Multnomah County Health website, there's a map that shows that North Portland, we have one of the highest rates in the city of cancer due to air toxicity. So when we're talking about cleaning our air and using technologies, I too, like several of the people that came up before, wonder why we are not using the best technology. I would doubt that anyone at ORRCO still uses a flip phone, [laughter] so I wonder why we're not doing the same thing with the air that we breathe. Thank you.

Edie: Come on up.

Martin Slapikas: For the record, Martin Slapikas, vice chair of Hi Noon. I appreciate the fact that the Oregon DEQ and ORRCO are constrained by the rules and regulations that are in force. But it reminded me of an article, March 18th of this year, and I'll just quote a few sentences. In a Sunday Oregonian article, it was reported that while Cleaner Air Oregon, quote, will give Oregonians an unprecedented wealth of information about the health risks the factories create by releasing toxic air pollution, many factories won't have to reduce their emissions under the highly touted new law. The article goes on to state, the analysis shows the law was so weakened after negotiations with industry lobbyists, that even after the state regulators discovered a factory is increasing the

neighbors' risk of getting cancer, they may be unable to require new controls. So my question to those who are in the industry, why would the industry support such a thing? Why? We're all in this world together. Why would they do it? Thank you.

Edie: Okay, thank you, Martin. Come on up, Jeff.

Jeff Geisler: Again, I'm Jeff Geisler, chair of Hi Noon. In response to your testimony, we have a representative from Tina Kotek's office here, and we are reaching out to the government to help DEQ and these companies. And we are not anti-business. We think that they're doing a good job by recycling material, but we just want the standards to be higher than what they obviously are. Everybody here probably already knows that California sells their dirty diesel trucks to Oregon. And you know it's time to raise the bar. So but Tina Kotek's office has received our request to help them with the new process of trying to get some new standards done. And I was just looking for the name of that bill, but at any rate, we have reached out to the government. And you're right, everybody's basically operating maybe correctly. But it's not good enough. So thank you.

Edie: Anyone else interested in coming up? Come on up.

Tanis Kleckler: Hi, my name is Tanis Kleckler, and I'm a resident of Kenton, North Portland. And I'd like to ask about -- if this permit is granted, that there be the requirement for the thermal oxidizer, and there be enforcement that you said you could enforce, that there be some enforcement that would be enough to ensure that that be installed, written in the permit. And I'd also like to ask that there be a requirement for third-party testing at least once a year, to make sure that that thermal oxidizer is working, and to also test because DEQ does not have the equipment to test what is

being released from the site; and also to check the black box, ensuring the proper functioning of the thermal oxidizer, that it's at the right temperature, and that that be done on at least a yearly basis. And you know, if self-monitoring is being used in the meantime, I'd just like to make sure that these -- there's some outside actual analytical data to support that that self-monitoring or self-reporting is valid, and that we can have both in place. So that's my request. Thanks.

Edie: Okay, anyone else? Ok. So if there's no one else ready to provide any verbal comments, I'm going to go ahead and close this hearing. The time is 7:30 on April 24th, 2018. Thank you.

End of Hearing

Transcribed by Sharon Chalem



State of Oregon Department of Environmental Quality

ORRCO Comments in Opposition

MCMORRINE Edith

From: BRIDGET E BAYER <bridgetbayer@me.com>
Sent: Tuesday, May 01, 2018 11:41 AM
To: NWR AQ Permits
Subject: 2_No permit to ORRICO - comment from BNA Board of Directors

April 30, 2018

DEQ Air Quality Permit Coordinator,

The Bridgeton Neighborhood Association Board of Directors believes that the Oil Re-Refining Company, Inc. (ORRICO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored.

ORRICO, and other re-refining oil companies like them, should not be permitted to burn "used motor oil" because the use of that phrase allows it to fall into a dangerous loophole. ORRICO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment.

ORRICO's oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRICO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRICO's existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even fined ORRICO to force an improvement in their emission controls, ORRICO has not complied, and their proposed upgrades do not take advantage of the best available control technology.

DEQ should not issue a solid waste permit to ORRICO. Self-reporting is not a safe way to monitor PCB's that arrive onsite through the collection of waste oil. ORRICO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site.

DEQ should deny the solid waste and air quality permits until ORRICO upgrades their technology or adjusts their operations.

Sincerely,

Bridgeton Neighborhood Association Board of Directors

Bill Coffman

Bridget Bayer

Erik Molander

Gorgy Gonzales

Jan Strand

John Welsh

Jon Peterson

Karen Kane

Matt Whitney

Susan Johnston-Wright

Tom Hickey

Walter Valente

Scott Niesen

Leslie Sawyer

Thank you,
Bridget Bayer, Board Secretary
Bridgeton Neighborhood Association

Received 4/24/18 @ 7:18 p.m.

April 12, 2018

Air quality permit coordinator
700 NE Multnomah Street, Suite 600 Portland, OR 97232

DEQ,

I do not think that Oil Re-Refining Company, Inc. (ORRCO) should be issued two new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more easily monitored.

ORCCO and other re-refining oil companies like them should not be allowed to burn toxic waste oil, period. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect our environment.

The oil re-refining process emits air pollutants that should require monitoring and controls beyond what DEQ is permitting at this time. ORRCO does not monitor these pollutants well nor does it control for all its emissions. In reprocessing used oil, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCO's existing air pollution permit already allows for too many plant emissions. DEQ may have asked ORCCO to improve their emission controls, but they have not, and do not upgrade their equipment to Best Available Control Technology.

DEQ should not issue a solid waste permit to ORRCO. The PCB's that are received from waste oil is stored illegally onsite. Neighbors believe that the toxic emissions that sneak out in the night, and at odd hours, may include PCBs being burned. ORRCO needs to invest in technological improvements so that DEQ can easily monitor their storage and safe transport of this waste.

Citations are not enough! DEQ should deny the solid waste and air quality permits until ORRCO upgrades their technology or adjusts their operations.

Thank you,


Bridget Bayer
173 NE Bridgeton Rd, slip 5
Portland, OR 97211

Received 4/24/18 @ 6:10PM

Public Testimony Submitted to Oregon DEQ, Tuesday April 24, 2018,
by Alastair Roxburgh and Jan Roxburgh, Hayden Island residents.
aroxburgh@ieee.org, hummingbirdzoo@yahoo.com

PLEASE DO NOT ALLOW THE NORTH PORTLAND OIL REFINERS TO INCREASE AIR POLLUTION ON HAYDEN ISLAND!

1. A thermal oxidizer (TO) for gases *is not* enough to protect citizens. A Scrubber to capture heavy metal particulates must be required too. Even if "A few others don't have to!"
2. Only BACT should be used to protect citizens and environment (Best Available Control Technology) *not* a lesser grade protection.
3. If both a TO and a Scrubber are *not* required by DEQ, then we ask that ORRSCO be required to use a clean fuel source like natural gas. Do *not* allow ORRSCO to use their contaminated fuel to fuel their burners because that's a proven major source of contaminated emissions.
4. Do *not* allow ORRSCO to self-report their own self-calculated emissions as they've done for decades. Self-reporting of something as important as air quality is not acceptable.
5. Real-time, 24/7 monitors placed permanently at the stacks/source *must* be required. All real-time ORRSCO emission facts should be available and fully transparent to the public.
6. The PCB shenanigans of the past should not be ignored. DEQ needs to provide scientific evidence that prove or disprove illegal PCB burning; the facts should be immediately released to the public.

Multiple violations ORRSCO have not been enforced. Unless and until the above 6 pts are resolved to our satisfaction, we will continue to protest the expansion and renewal of ORRSCO's proposed air contamination permit.

Thank you

Tom G-V

March 20, 2017

Office of Governor
Kate Brown
900 Court Street NE
Suite 160
Salem, Oregon 97301

Re: APES toxic fumes in North Portland.

East Columbia Neighborhood Association supports the actions of Portland North Harbor Neighbors <http://pdxnhn.org> and all other groups maintaining the following position regarding American Petroleum Environmental Services Inc. (APES).

1. Invoke an immediate cease and desist on all production until:
 - A. Emission controls are in place and working.
 - B. Tank farm containment berms are constructed.
 - C. Safety features are in place.

2. Require 24/7 full stack emission monitoring to inform the public of the exact amount
and type of pollutants that are being emitted.

3. Allow no expansion, sulfonation, oil polishing, waste water treatment, solid waste Or hazardous waste incineration until it's proven to be safe for the public and the environment and full stack monitoring.

This letter was approved by the East Columbia Neighborhood Association general membership on March 14, 2017.

Thank you for your attention.

Martha Johnston
ECNA Land use Chairperson
9509 NE 13 Ave.
Portland, Or. 97211
503-720-5035
ediplumb@gmail.com

Received 4/24/18

HAYDEN ISLAND NEIGHBORHOOD NETWORK

HI NooN

The purpose of the Hayden Island Neighborhood Network (HINooN) is, "To enhance the livability of the Hayden Island neighborhood by establishing and maintaining an open line of communications and liaison between members of HINooN, other neighborhood associations and government agencies."
(HINooN Bylaws, Effective June 9, 2011)

April 24, 2018

Air Quality Permit Coordinator
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Re: Oil Refining Company Inc., or ORRICO -Proposed Permits:
1) Renewal of Air Quality Permit (aka Standard Air Contaminant Discharge Permit) ; and,
2) A new solid waste treatment, transfer station and material recovery facility permit.

To Whom it May Concern:

- 1) We insist that a thermal oxidizer (TO) for gases is NOT enough to protect citizens. A Scrubber to capture heavy metal particulates (pm) must be required too. Even if "a few others don't have to!"
- 2) Only BACT should be used to protect citizens and environment (Best Available Control Technology) NOT a lesser grade protection like TACT.
- 3) IF both a TO and a Scrubber are NOT required by DEQ, then we INSIST that ORRICO use a clean fuel source like natural gas. Do NOT allow them to use their processed, dirty contaminated fuel to run their burners because that's that's major source of contaminated emissions.
- 4) Do NOT allow ORRICO to self report their own self-calculated emissions as they've done for decades.
- 5) Real-time, 24/7 monitors placed permanently at the stacks/source MUST be required. All real-time ORRICO emission facts should be available and fully transparent to the public.
- 6) The PCB violations of the past should not be ignored. Require DEQ to wipe the stacks to disprove or provide EVIDENCE of illegal PCB burning; the facts should be immediately released to the public.

Unless and until the above 6 points are resolved to our satisfaction, we are not in agreement with any expansion and renewal of ORRICO's proposed air contamination permit.

Sincerely yours,

Jeff R. Geisler, Chair
Hayden Island Neighborhood Network

MCMORRINE Edith

From: Mary Lou <732meemoo@gmail.com>
Sent: Saturday, April 14, 2018 8:53 AM
To: NWR AQ Permits
Cc: garymkunz@comcast.net; ediplumb@gmail.com
Subject: Comments on ORRCO renewal and expansion permit.
Attachments: Doc Apr 10, 2018, 1800.pdf; ATT00001.txt

-
- B.A.C.T not TACT
(Best Available Control Technology)
 - No more SELF-REPORTING
& 'math calculations' from past.
 - Real-time, at-the-stack
Monitoring & Enforcement
 - No 'loophole' allowing
them to burn 'used oil'
[It's FUEL!]
-

WHAT DO WE WANT?

Require

- Thermal Oxidizer to DESTROY poisonous VOCs.
- Scrubbers to CAPTURE Particulate Matter

OR

- A CLEAN fuel source like Natural Gas to process

OIL RE-REFINERS

Emit 300+ hazardous agents

VOC.s = Gases
Odors



ie benzene, toluene, xylene, naphthalene, sulfur dioxide, carbon monoxide, etc.

Particulate Matter - Heavy Metals



ie Cadmium, chromium, arsenic, lead, sulfur, mercury, nickel, selenium, beryllium, manganese, etc.

MCMORRINE Edith

From: tara herivel <tara.herivel@gmail.com>
Sent: Tuesday, May 01, 2018 12:46 PM
To: NWR AQ Permits
Subject: comments re: ORCCO

Thank you for consideration of the following comments:

ORCCO, and other re-refining oil companies like them, should not be permitted to burn "used motor oil" because the use of that phrase allows it to fall into a dangerous loophole. ORRCCO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment. ORRCCO's oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRCCO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCCO's existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even fined ORCCO to force an improvement in their emission controls, ORRCCO has not complied, and their proposed upgrades do not take advantage of the best available control technology. DEQ should not issue a solid waste permit to ORRCCO. Self-reporting is not a safe way to monitor PCB's that arrive onsite through the collection of waste oil. ORRCCO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site. DEQ should deny the solid waste and air quality permits until ORRCCO upgrades their technology or adjusts their operations. Sincerely,

Tara Herivel
Kenton resident

Tara Herivel
Attorney at Law
811 S.W. Naito Parkway, Suite 420
Portland, OR 97204
Phone: (503) 893-5525
Fax: (503) 828-9055
www.heriveldefense.com

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MCMORRINE Edith

From: Ann Howell <howell97217@gmail.com>
Sent: Monday, April 30, 2018 12:51 PM
To: NWR AQ Permits
Subject: DEQ

DEQ Air Quality Permit Coordinator,

The Bridgeton Neighborhood Association Green Team asks DEQ to deny the application by ORRSCO for air quality and solid waste permits. We believe that health of our neighbors in the Bridgeton community and the natural environment surrounding us will be negatively impacted by the uncontrolled emissions and from ORRSCO burning waste oil as fuel to run their processing plant. We also think that they are not carefully handling potential PCB's that contaminate their collected waste fuel.

DEQ has not been able to verify for certain what ORRSCO emits. We want the oil refinery emissions to be monitored real-time, as they come out of the stacks and we want the *full-spectrum* results to be fully-disclosed and transparent. ORRSCO should be required to install both a thermal oxidizer for the VOC gases and a Scrubber to contain all the Particulate Matter.

ORRSCO's system of self-reporting their emissions is not substantial enough for this dangerous type of industry. We think *real-time* monitoring technology has become readily available to verify exactly how much and exactly what hazardous agents are being emitted. There is evidence that refineries underestimate and underreport their true VOC emissions (like benzene, xylene and toluene which can cause headaches, dizziness and cancer) by 10-12times. We want DEQ to stop allowing oil re-refiners to self-report their emissions and instead rely on quantifiable facts.

My neighborhood is concerned;

DEQ should not grant a "used oil burning" exemption to these oil refiners. It's been misapplied. The original intent was for small space heaters in sheds as an 'incidental process'...it should not apply to larger scale oil refining operations. By definition, it is not used oil by the time it hits their boilers because it's already been processed into *fuel*. On one hand, DEQ calls it 'used oil' but on the other hand DEQ calls it "fuel" (i.e. on the proposed permit) However the two products are not the same thing and are not interchangeable. This mis-applied exemption causes the whole problem to begin with ! We want DEQ do stop allowing this loophole as part of the ORRSCO permit.

--

Ann W Howell

MCMORRINE Edith

From: Vicki <novembercat@comcast.net>
Sent: Friday, April 27, 2018 12:40 PM
To: NWR AQ Permits
Subject: Further comment on ORCCO permit renewal

Attn: NWR permits— please record this Addition to my public comment taped on Tuesday

Dear Nina,

I was at the hearing earlier this week and I was very vocal about a list of complaints about the toxic air pollution being caused by ORCCO and DEQ's lax permit renewal conditions, along with many impassioned neighbors. I had met you before at other two events, similar to this one, that have occurred over the last year. I have given my passionate testimony at 3 events now. I went on record and was tape recorded twice now. I have never heard any followup to the many complaints I have made publicly, and DEQ never calls back when I call in a complaint and they promise a supervisor will call me.

I am writing to you for two reasons.

1. I would like to be alerted by email personally when the answers to our complaints are published “on the DEQ web site” or even better, I request that I get a response to them directly in my email in box. It's a shame that DEQ couldn't answer to our concerns on tape. That would have been efficient on many levels.

2. I looked on my calendar and I attended a similar hearing to this one on March 7th, a little over a year ago. I don't see anything has changed since then. My query would be— why not? Why is it called the Department of Environmental QUALITY but the DEQ doesn't seem to care about quality? The specifics are all on tape having to do with scrubbers, the best thermal oxidizers, non-self reporting for the obvious conflict of interest, constant monitoring, etc. This is supremely frustrating to all the neighbors. Nothing changes. I was shocked to hear the representative from DEQ say all they could do was enforce existing regulations, not create new ones. **So what do we have to do for there to be new regulations that actually care about public health?**

- Fire the DEQ? They are not doing their job.
- Bring a class action law suit?

Unfortunately I cannot copy Kate Brown on this email because there doesn't seem to be a way to reach her via email, but I know that she is making headway on other air toxic issues. I am copying representative Tina Kotek who reps this area. Something needs to be done. Many neighbors voiced this concern and the lack of forward movement on the part of DEQ is literally MAKING PEOPLE SICK.

PLEASE let there be some positive action taken somehow. Not, put up with minute ineffectual improvements to the 2013 permit.

For the record, I am NOT IN FAVOR of Orcco being granted a permit renewal without public health concerns being put forefront instead of besides the point.

Vicki Simon

MCMORRINE Edith

From: NWR AQ Permits
Sent: Monday, April 09, 2018 10:43 AM
To: JACKSON Erin
Cc: BIVINS Louis; KAUTH Dave
Subject: FW: ORRICO Permit

Hi Erin

I'm saving copies of comments in my share drive.
I assume you have one somewhere for ORRICO comments also??

I'm sending you the two I received this morning. Again I have my own copies saved.

Below is the first comment, I'll just be forwarding on all others w/out email explanations.

From: Nancy Phillips <nancy@nancyphillipsdesigns.com>
Sent: Sunday, April 08, 2018 3:37 PM
To: NWR AQ Permits <NWRAQPermits@deq.state.or.us>
Subject: ORRICO Permit

To Whom it May Concern at DEQ—

Please do not grant an air or solid waste permit to ORRICO! They have had numerous violations of air quality and have done nothing to eliminate the plumes of black and orange smoke billowing into the air from this facility, often late at night when ORRICO hopes that people will not notice.

Please start thinking of all the residents, animals and workers on Hayden Island that must breathe in these noxious fumes. Our health is more important than the profits of this company.

I live across the water from this company and we smell this stuff all the time. Come on people, do something!

Nancy Phillips
318 N Brigdeton Rd
Portland, OR 97217

MCMORRINE Edith

From: NWR AQ Permits
Sent: Monday, April 09, 2018 10:44 AM
To: JACKSON Erin
Subject: FW: Requests for Comments on Oil Refining Company's Proposed Air Quality and Solid Waste Permits

From: Jimme' Peters <jimme_peters@msn.com>
Sent: Saturday, April 07, 2018 1:19 PM
To: NWR AQ Permits <NWRAQPermits@deq.state.or.us>
Subject: Requests for Comments on Oil Refining Company's Proposed Air Quality and Solid Waste Permits

To Whom it May Concern at DEQ--

The recent permit application by ORRCO for air and solid waste permits is just absurd with all the ongoing violations that have not been policed nor rectified. Self reporting on a yearly basis is only as effective as the reporters and they are clearly very dishonest. Dirty waste does not help our water, crops, air, soil, etc. Is this what Portland thinks is acceptable?

I would encourage your team to come out to Hayden Island and witness the plumes of black and orange smoke billowing into the air from this facility, often late at night when ORRCO hopes that people will not notice. Then try to breathe, I guarantee that your lungs will start burning and you will hold your nose. We have low income, seniors, animals, and regular hard working, tax paying individuals that are subjected to these toxic conditions.

This cannot be tolerated and by no means should be renewed or a new application permitted. Please disapprove this process and protect our citizens and the environment.

Jimme' Peters
2630 N Hayden Island Drive
Portland OR 97217
503.816.0500

MCMORRINE Edith

From: DECONCINI Nina
Sent: Friday, April 13, 2018 9:43 AM
To: MCMORRINE Edith
Cc: O'DONNELL Kieran
Subject: Fwd: Is the DEQ going to shut down ORRCO and ELR/APES? And when?

Edie,

As promised, here below is the email correspondence I've had with Laura Miller so the info can be logged into the complaints database.

Thanks very much for your follow up phone call!

Let me know if you have any further questions. I am available by phone today.

Nina

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Laura Miller <lauralmiller1@comcast.net>
Date: 4/12/18 8:40 PM (GMT-08:00)
To: 'DECONCINI Nina' <Nina.DECONCINI@state.or.us>, NWR AQ Permits <NWRAQPermits@deq.state.or.us>, Senator_Merkley <Senator_Merkley@Merkley.senate.gov>, 'BIVINS Louis' <louis.bivins@state.or.us>
Cc: 'BRIDGET E BAYER' <bridgetbayer@me.com>, Karen McCausland <karennorthpdx@comcast.net>, richard.whitman@state.or.us, aa737pilot@hotmail.com, bbyrnes@bridgesms.org, cheryl.baker97217@gmail.com, cptrick3@comcast.net, hummingbirdzoo@yahoo.com, jeffgeisler@msn.com, jessica@eastsideportlandair.org, jimryan1@gmail.com, jsaul@lclark.edu, katharinesalzmamm@gmail.com, mark.thommen1@gmail.com, ncharlton@comcast.net, paul@times.org, richelleshome@hotmail.com, slapikasm@gmail.com, steve.putman@msn.com, teri.loporchio@gmail.com, mike.corrie@portlandoregon.gov, "Laura L. Miller" <lauralmiller1@comcast.net>
Subject: RE: Is the DEQ going to shut down ORRCO and ELR/APES? And when?

Hi Nina,

I appreciate your response. I would like to share that my husband I have lived here on Bridgeton Road for five years...and I've called, emailed, complained with no resolution to the toxic air problem. My definition of working diligently and the DEQ's differs greatly. I've always appreciated Louis Bivins honest and timely communication about the situation, but I'm truly stumped as to why this problem has not been resolved by now.

Both companies signing MAO – voluntarily – this just sounds like BS. Seriously, the very best available control technology should be implemented NOW. Letting these two companies self-report is criminal – a joke.

Nina, if the Thermal Oxidizer's have been installed that is a good thing but you do realize PEOPLE have lost faith in calling the DEQ about the problem. So, if the calls have slowed down, it's because after years and years and years of complaints we just give up. BUT we still do occasionally smell the toxic air.

Fines – what a joke. Just shut them down! And, they are appealing, of course they are. Which could go on and on.

Yes, I'm rambling and I don't have all the answers, but honestly both companies should:

- Be required to have Thermal Oxidizers to DESTROY poisonous VOCs.
- Install scrubbers to CAPTURE particulate matter

OR

- Figure out a CLEAN fuel source like Natural Gas to process material

I'll see you next Tuesday at the meeting.

Thanks,
Laura Miller

Laura Miller
Sapphire Daily Money Management
424 N. Bridgeton Road
Portland, OR 97217
503.654.9200 cell
Sapphiredmm.com

From: DECONCINI Nina <Nina.DECONCINI@state.or.us>
Sent: Tuesday, April 10, 2018 1:53 PM
To: 'lauramiller1@comcast.net' <lauramiller1@comcast.net>
Subject: FW: Is the DEQ going to shut down ORRCO and ELR/APES? And when?
Importance: High

Laura,

Nina DeConcini here from DEQ. Louis Bivins forwarded your email to me. I know we've spoken by phone and I believe we met at one of the public meetings DEQ hosted to talk about the two oil re refiners, ORRCO and APES/ECOLube.

We sincerely appreciate you and other community members taking the time to let us know when you smell odors. We are working diligently with both facilities to reduce odors.

I want to correct some information that Louis provided in his response to you regarding DEQ's ability to completely eliminate odors from these two facilities and the status of the enforcement with APES/EcoLube.

DEQ and both companies signed what are called "Mutual Agreement and Orders" or MAOs, which identify additional emission reduction and odor controls ORRCO and APES/ECOLube must implement. Both companies signed the MAOs voluntarily and the requirements go beyond what DEQ can mandate under current environmental law. This is a very positive step forward and we intend to build on it. DEQ issued penalties to APES/Ecolube. APES/Ecolube has appealed the penalties. DEQ's office of compliance and enforcement is in the process of evaluating the appeal.

One element of the odor control equipment that APES/ECOLube has implemented is called a Thermal Oxidizer (TO). The TO has been operating for several months and we have seen a significant reduction in odor complaints since. We recognize you may be still experiencing odor impacts and we are committed to exploring other ways odors can be reduced. ORRCO is also planning to install a TO at their facility.

We hope you will attend the public hearing on both of ORRCOs permits (air and solid waste) on April 24th or send us comments about the permits.

Thanks again for your continued efforts to keep us informed.

Respectfully,

Nina

From: Laura Miller <lauralmiller1@comcast.net>
Sent: Saturday, April 07, 2018 2:19 PM
To: 'BIVINS Louis' <louis.bivins@state.or.us>
Cc: Laura L. Miller <lauralmiller1@comcast.net>
Subject: RE: Is the DEQ going to shut down ORRCO and ELR/APES? And when?
Importance: High

Hi Louis,

I can't believe we're still fighting this battle. Do you have any insight that could be shared as to why we have to continue to suffer from odors and emissions?

I know there's another meeting coming up on April 24th, but I'm just sick and tired to this ridiculous situation.

Thanks,

Laura

P.S. Wouldn't another challenge be more fun?

From: BIVINS Louis <louis.bivins@state.or.us>
Sent: Monday, August 21, 2017 8:21 AM
To: 'Laura Miller' <lauralmiller1@comcast.net>
Subject: RE: Is the DEQ going to shut down APES? And when?

Laura,

Thanks for the understanding words, this has been a difficult situation, but I enjoy the challenge. I am looking forward to the near future where you and others will not suffer from odors and emissions, it keeps me going and motivated. Thank you again for your contact and feel free to reach out any time.

From: Laura Miller [<mailto:lauralmiller1@comcast.net>]
Sent: Friday, August 18, 2017 2:06 PM
To: 'BIVINS Louis' <louis.bivins@state.or.us>
Subject: RE: Is the DEQ going to shut down APES? And when?

Thank you Louis! I do think you are doing everything you can. And, I appreciate your response. You are the only one who responds to my emails. I feel bad for you that you have to continue to manage this mess.

Warmly,
Laura

From: BIVINS Louis [<mailto:louis.bivins@state.or.us>]
Sent: Friday, August 18, 2017 12:11 PM
To: 'Laura Miller' <lauramiller1@comcast.net>
Subject: RE: Is the DEQ going to shut down APES? And when?

Laura,
Thank you for your continued updates and emails, I greatly appreciate all the time you have dedicated to regulating APES emissions. The TO installation date was not met by APES and they are accumulating \$1600/day in penalties. DEQ has issued one demand for payment to this point, but I am anticipating additional fines.

DEQ determined the missed TO install deadline was avoidable and APES did not do everything in their power to move the application through the process. I know you and others continue to suffer from the emissions, I am still doing everything in my power to move this along. I know the accumulated penalties do not make the emissions go away, but I am hoping it will speed up the install process.

I can tell you the TO was installed this week and is scheduled to fire up on Monday and the manufacturer will be there to tune the unit so it is working properly.

I hope there will not be additional delays in the operation of the TO. We are nearing the end; I know it has been a long road, thank you.

Louis Bivins

From: Laura Miller [<mailto:lauramiller1@comcast.net>]
Sent: Friday, August 18, 2017 8:42 AM
To: 'BIVINS Louis' <louis.bivins@state.or.us>
Subject: Is the DEQ going to shut down APES? And when?

Hi Louis,
Please respond. You know this has gone for far too long.
Thanks,

Laura Miller

424 N. Bridgeton Road
Portland, OR 97217
503.654.9200 cell

MCMORRINE Edith

From: Martin Sslapikas <slapikasm@gmail.com>
Sent: Tuesday, May 01, 2018 3:38 PM
To: NWR AQ Permits
Cc: REP Kotek; Tom Griffin-Valade
Subject: HINooN's ORRCO Permit Comments .pdf
Attachments: HINooN's ORRCO Permit Comments .pdf

To whom it may concern:

Attached is HINooN's comment on ORRCO's proposed air quality permit application with one attachment.

Hard copy to follow.

Cordially,

Martin G. Slapikas, Vice Chair
Hayden Island Neigborhood Network



The purpose of the Hayden Island Neighborhood Network (HINooN) is, "To enhance the livability of the Hayden Island neighborhood by establishing and maintaining an open line of communications and liaison between members of HINooN, other neighborhood associations and government agencies."
(HINooN Bylaws, Effective June 9, 2011)

May 1, 2018

Air Quality Permit Coordinator
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Re: Oil Refining Company Inc., or ORRCO -Proposed Permits:
1) Renewal of Air Quality Permit (aka Standard Air Contaminant Discharge Permit); and,
2) A new solid waste treatment, transfer station and material recovery facility permit.

To whom it May Concern:

INTRODUCTION

The DEQ Public Notice states Oil Refining Company Inc., or ORRCO located at 4150 N. Suttle Rd, in the City of Portland, Multnomah County, processes used oil into saleable fuel products. If not properly operated, used oil-refineries can release contaminants to the air, land and water that may cause unacceptable environmental impacts. The proposed air quality permit renewal includes modifications addressing operational equipment removal (pyro unit and wastewater evaporator) and the future installation of used oil processing equipment (wiped film evaporator rocket polishing system) and air pollution control devices (thermal oxidizer, tube and shell condensers). The permit requires additional monitoring, weekly odor surveys, and restrictions on the type of fuel to be burned to heat the facility's oil processing equipment. It maintains ORRCO's current emissions limits for critical pollutants.

The DEQ Public Notice also states ORRCO is applying for a new solid waste permit that allows ORRCO to accept and process used oil filters and oily solids and sludges for onsite processing or transfer to other facilities for metal recovery or disposal.

PLEADINGS

The Hayden Island residents, businesses and visitors along with the surrounding communities have concerns that include, but are not necessarily limited to, the following:

1. That since February 2000, but more specifically since the Summer of 2015, Hayden Island and surrounding North Portland residents have reported, to DEQ, smelling a metallic, chemical odor so strong they've awakened at Night with headaches, bloody noses and breathing problems that left some reliant on inhalers;¹

¹ "Poisonous gas found in Hayden Island tests," Rob Davis, The Oregonian/OregonLive, 29 April 2016, p. A1.

2. The Portland Tribune reported that in 2001 Northwest Portland residents "...sued Chevron over the vapor emissions that occurred when it loaded and unloaded fuel and won a settlement that paid for three years of air monitoring. The DEQ waited more than 16 years after that settlement before proposing the strong Cleaner Air Oregon regulations that would clean up the air in the rest of the city"² and more closely align the rules with human health needs. Seemingly, DEQ ignored many years of complaints of air pollution in North Portland subsequently determined to be from ORRCCO and American Petroleum Environmental Services (APES).

3. That on September 24, 2015, engineers from the U.S. Environmental Protection Agency (EPA) using an infrared thermal imaging video camera (FLIR GF320) captured video pictures of clouds of pollution that cannot be seen by the naked eye, coming out of APES and ORRCCO's smokestack.

4. That DEQ reported in May 9, 2016 that responding to numerous odor complaints in the Hayden Island area, DEQ has "Since late August 2015 ... continues to investigate other possible (odor) sources including Oil-refining Company (ORRCCO)."³

5. There is a history of noncompliance and enforcement action at ORRCCO. DEQ issued ORRCCO a warning letter on Sept. 10, 2015 for operating new polishing equipment without prior authorization from DEQ. The equipment was to be resumed when DEQ issues a permit renewal.⁴

Additionally, in March 2018 the Oregonian reported, "ORRCCO has a long history of environmental violations. From 1992 to 2000, the company paid more than \$336,000 in fines for hazardous waste and air quality violations, according to state records. It has been fined \$138,800 since 2009 by the state."⁵

6. In a Sunday Oregon article it was reported that while Cleaner Air Oregon "... will give Oregonians an unprecedented wealth of information about the health risks that factories create by releasing toxic air pollution," many factories "... won't have to reduce their emissions under the highly touted new law."⁶

The article goes on to state, "the analysis shows the law was so weakened after negotiations with industry lobbyists that, even after state regulators discover a factory is increasing neighbors' risk of getting cancer, they may be unable to require new controls."⁷

7. A June 15, 2017 Portland Tribune article reported on a DEQ June 5 hosted ORRCCO public hearing at the Red Lion. The article reported, "DEQ officials said... Oil Re-refining Co. (ORRCCO) had agreed on June 5 to install new air-pollution control equipment that they said would reduce its toxic vapor emissions by two-thirds."

The DEQ representative admitted mistakes over the years in its attempt to enforce air pollution regulations at the plants such as allowing ORRCCO to operate without necessary pollution control equipment. "We haven't taken appropriate action in a timely basis," the DEQ representative said. "We are working hard at rectifying those errors."

The article continued, "At the meeting, ... the owner of the ORRCCO plant, acknowledged for the first time in public that his operations have been at least partially to blame for the malodorous pollution." Previously, in a March 2017 meeting, such allegations were denied. The Tribune reported that at this June 5th meeting, ORRCCO's owner said, "I can say we are emitting volatile organic compounds that have potential odors and toxins. We are emitting VOCs at our site and are working to reduce those." ORRCCO's owner, Scott Biggs, went on to say, "I'm part of this community. I work here every day."

On June 5, 2017, ORRCCO's owner "...signed a 'memorandum of agreement' with the DEQ that requires ORRCCO to install new pollution-control equipment over the next six months after which the agency will issue a new air pollution permit to the plant."⁸ The thermal oxidizer was to be installed by December 5, 2017.

8. Under 1.0 GENERAL EMISSION STANDARDS AND LIMITS in ORRCCO's Proposed Standard Air Contaminant Discharge Permit it is stated "Particulate matter emissions from any air contaminant source other than

² "Industry objects to toxic air rules." Paul Koberstein for the Portland Tribune, 4 May 2017, p. 1

³ Jantzen Beach/Hayden Island Air Quality Investigation. Frequently Asked Questions. Louis Bivins, DEQ, 9 May 2016, p.1,

⁴ ibid., p.4

⁵ "Poisonous gas found in Hayden Island tests." Rob Davis for The Oregonian/OregonLive, 29 April 2016, p. A1.

⁶ "Clean air law has its limits, analysis shows." Rob Davis for The Oregonian/OregonLive, 18 March 2018, p.A1.

⁷ ibid., p.A1

⁸ "DEQ announces air pollution controls for oil recyclers," Paul Koberstein for the Portland Tribune, 15 June 2017.

fuel burning equipment and fugitive sources installed on or after April 16, 2015 must not exceed”⁹

9. Senate Bill 1541 containing an Air Quality Pilot Program for the purpose of “... evaluating and controlling public health risks from toxic air contaminant emissions from multiple air contamination sources” was signed into law by the Governor Brown on Tuesday, April 10, 2018.

11. The Secretary of State Audit Division Report 2018-01 of the DEQ found that the “*DEQ Should Improve the Air Quality Permitting Process to Reduce its Permit Backlog and Better Safeguard Oregon’s Air*” as it “... endangers the state’s air quality and the health of Oregonians...”¹⁰ Released January 3, 2018, the SoS Audits Division offered ten recommendations that “*DEQ should reduce its Air Quality Permit Backlog by improving the Permitting Process and Addressing Workload Challenges.*”¹¹ DEQ Director Richard Whitman agreed with all ten audit recommendations with a target completion date ranging from July 1, 2018 to December 2018.¹²

QUESTIONS

At the April 24 2018 DEQ hosted public hearing on ORRCO Air Quality Permit Renewal, it was disclosed that ORRCO was still recycling oil as of April 14th with nonoperational polishing equipment that would become operational upon the installation of a Thermal Oxidizer. However, ORRCO had agreed, in the June 2017 MOA, to voluntarily install a thermal oxidizer.

Reviewing the Pleadings and ORRCO’s renewal permit, with additional newly installed equipment, the following questions are raised:

- a. What input did ORRCO have in crafting the proposed Permit?
- b. Why wasn’t the thermal oxidizer installed according to the time frame voluntarily agreed to in the June 5, 2017 MOA?
- c. Why was ORRCO continuing to operate with nonoperational polishing equipment and no Thermal Oxidizer?
- d. What is the significance of April 16, 2015 in Section 1.2 Particulate Matter Emissions and 1.3 Fugitive Emissions?
- e. Under what emission limits will ORRCO’s plant be operating? The current emission limits for critical pollutants or the more relaxed emission limits allowed under the recently passed SB 1541?
- f. Will the equipment installed before April 16, 2015 be under the “current emission standards” referred to in the DEQ Public Notice or emission standards set by SB 1541?
- g. Will the soon to be installed Thermal Oxidizer operate under those stipulated in SB 1541 or the “current emission standards” referred to in the DEQ Public Notice
- h. What emission standards will the polishing equipment to adhere to?
- i. **Section 1.5 Nuisance and Odors** states, “The permittee must not cause or allow air contaminants from any source to cause a nuisance. DEQ personnel will verify nuisance conditions.”
 1. How many nuisance complaints will it take before DEQ personnel will verify nuisance conditions?
 2. How, and in what time frame will DEQ personnel verify nuisance conditions?
 3. Once verified, what enforcement action is available to eliminate the nuisance?
- j. **Section 3.1(b) National Emission Standards for Hazardous Pollutants (NESHAP Subpart 6J)** states, “Conduct burner tune-ups on hot oil heaters every two years, beginning...”
 1. Why not every one year, or more frequently, based on nuisance reports?
- k. **Section 3.1(c) - ADD:** There will be no delay if nuisance complaints are forthcoming.
- l. **Section 4.1 Thermal Oxidizer Installation**
 1. Has the permittee submitted the Notice of Intent to Construct the Thermal Oxidizer?
- m. **Section 5.1 Operation: New Equipment**

⁹ Proposed Standard Air Contaminant Discharge Permit, 26-3048-ST-01, DEQ, p.3.

¹⁰ The Secretary of State Audit Division Report Highlights, 2018-01, p. i.

¹¹ The Secretary of State Audit Division Report Recommendations, 2018-01, p.35

¹² DEQ Director Richard Whitman to SoS Audits Division Director Kip Memmott, December 24, 2017. Pp. 2-6.

1. Has the permittee submitted the Notice of Intent to Construct the Rocket, Wiped Film Evaporator, or Tube and Shell Condenser?
- n. **Section 8.1 Special Conditions** The permittee must comply with the following conditions:
 - (a) "... notify DEQ in writing no later than 72 hours from the end of the fifth day";
 - (b) "... equipment specific instructions must be submitted to DEQ for approval within 90 days from the issuance date of this permit.
 1. What incentive is available to insure that the permittee will comply with notification requirements?
 - (c) "Monthly, perform a facility walkthrough, identifying leaks, etc." A written log of inspections and discovered issues and repair must be retained, "...but no longer than 5 days, unless approved in writing by DEQ."
 1. What would cause a DEQ written approval?
 2. How would DEQ learn of an issue that would require a "DEQ written approval?"
 - o. **9.1 Operation and maintenance Requirements (a vii)** – "Copy of most recent stack test results," of Thermal Oxidizer must be retained on site at all times.
 1. If only the "most recent" test results are to be retained on site, where would one find the past 1, 2, 3 or more, years of stack testing? Nuisance complaints have been filed since 2000.
 - p. **9.2 Excess Emissions** - "Typically, excess emissions are caused by process upsets, startups, shutdowns, or scheduled maintenance. In many cases, excess emissions are evident when visible emissions are greater than 20% opacity as a six-minute average." The equipment or facility must cease operations no later than 48 hours after the beginning of the excess emissions, "unless continued operation is approved by DEQ..."
 1. No shut down procedure is found in this permit if an excess, potentially toxic, odorous, air contamination invisible emission is detected and reported.
 - q. **10.1 Excess Emissions** - "The permittee must notify DEQ of excess emissions events if the excess emission is of a nature that could endanger public health."
 1. What procedures are used to determine endangerment to public health?
 2. Does this also apply to the employees working on site?
 3. Do employees have access to onsite protective gear in event of such an occurrence?
 - r. **14.1 Permitted Activities** – "This permit allows the permittee to discharge air contaminants from processes and activities related to the air contaminant source(s) listed on the first page of this permit until the permit expires, is modified, or revoked."
 1. ORRCCO's permit expired March 1, 2013. The proposed permit is a renewal of an existing ACDP issued on June 6, 2008 and expired on March 1, 2013. No record available to HINooN shows the permit to have been modified or revoked. Why was ORRCCO operating on an expired permit, since 2013 without operational polishing equipment and no Thermal Oxidizer for so long?
 - s. **14.10 (ai, aii) (b) Permit Expiration** – "A source may not be operated after the expiration of the permit, unless, any of the following occur prior to the expiration date of the permit.
 1. Was a "timely and complete application for renewal ..." ever submitted before the 2013 expiration?
 2. ORRCCO has a history of non-compliance.¹³ Was another type of permit issued authorizing operation of the source between 2013 – 2018?
 3. If another type of permit was issued, was ORRCCO permitted to operate with polishing equipment and/or a thermal oxidizer?

Although recycling used motor oil is a worthy cause, operation of an industrial facility for this purpose cannot come at the expense of public health – regardless of its positive economic impact. Business and jobs are replaceable. Human lives are not.¹⁴

Profit over people is not acceptable.

¹³ Jantzen Beach/Havden Island Air Quality Investigation. Frequently Asked Questions. Louis Bivins, DEQ, 9 May 2016, p.4.

¹⁴ CNA wants polluting oil recyclers shut down. Garlynn Woodsong Chair, Concordia Neighborhood Association, 2 August 2017.

REQUESTED RELIEF

Considering the history of DEQ lack of enforcement and ORRCO's acknowledged history of noncompliance, HINooN directs the following recommendations primarily to Oregon DEQ Director Whitman:

1. Implement, monitor and enforce the six points outlined in our attached letter of April 24, 2018.
2. Should that not be satisfactory, we request DEQ not renew ORRCO's permit application. Rather, request ORRCO honor the MOA with DEQ signed on June 5, 2017 in which they agreed to install a Thermal Oxidizer within six months of signing the MOA. Such installation would activate the, currently, nonoperational polishing equipment.
3. Senate Bill 1541 containing an Air Quality Pilot Program authorizing the Environmental Quality Commission to establish "...by rule a pilot program for evaluating and controlling public health risks from toxic air contaminant emissions from multiple air contamination sources" was signed by the Governor on Tuesday, April 10, 2018.

On April 20, 2018 HINooN received notice that DEQ and OHA formed the Cleaner Air Oregon Rules Advisory Committee to meet for the first time on May 8-9 in Portland. HINooN and NE Portland have been for years, filing complaints and researching the toxic air contamination problem in our communities.

We recommend the DEQ include representatives from the North Portland Neighborhood Services (NPNS) coalition representing eleven neighborhood communities. NPNS Director Tom Griffin-Valade, if so asked, would be helpful in gathering the neutral and impartial representatives to offer our NPNS communities experience and assistance to the CAO Rules Advisory Committee.

HINooN has made a similar proposal to our District 44 Representative Tina Kotek offering assistance and experience in implementing and monitoring the Air Quality Pilot Program contained in Senate Bill 1541.

Sincerely yours,

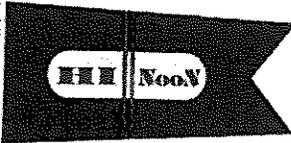


Joe R. Geister, Chair
Hayden Island Neighborhood Network

JRG:mgs

cc: Representative Speaker Tina Kotek, District 44
Tom Griffin-Valade, Director, NPNS

Hayden Island Neighborhood Network



The purpose of the Hayden Island Neighborhood Network (HINooN) is, "To enhance the livability of the Hayden Island neighborhood by establishing and maintaining an open line of communications and liaison between members of HINooN, other neighborhood associations and government agencies."
(HINooN Bylaws, Effective June 9, 2011)

April 24, 2018

Air Quality Permit Coordinator
700 NE Multnomah Street, Suite 600
Portland, OR97232

Re: Oil Refining Company Inc., or ORRCO -Proposed Permits:
1) Renewal of Air Quality Permit (aka Standard Air Contaminant Discharge Permit) ; and,
2) A new solid waste treatment, transfer station and material recovery facility permit.

To Whom it May Concern:

- 1) We insist that a thermal oxidizer (TO) for gases is NOT enough to protect citizens. A Scrubber to capture heavy metal particulates (pm) must be required too. Even if "a few others don't have to!"
- 2) Only BACT should be used to protect citizens and environment (Best Available Control Technology) NOT a lesser grade protection like TACT.
- 3) IF both a TO and a Scrubber are NOT required by DEQ, then we INSIST that ORRCO use a clean fuel source like natural gas. Do NOT allow them to use their processed, dirty contaminated fuel to run their burners because that's that's major source of contaminated emissions.
- 4) Do NOT allow ORRCO to self report their own self-calculated emissions as they've done for decades.
- 5) Real-time, 24/7 monitors placed permanently at the stacks/source MUST be required. All real-time ORRCO emission facts should be available and fully transparent to the public.
- 6) The PCB violations of the past should not be ignored. Require DEQ to **wipe the stacks to disprove or provide EVIDENCE of illegal PCB burning**; the facts should be immediately released to the public.

Unless and until the above 6 points are resolved to our satisfaction, we are not in agreement with any expansion and renewal of ORRCO's proposed air contamination permit.

Sincerely yours,


Jeff R. Geisler, Chair
Hayden Island Neighborhood Network

MCMORRINE Edith

From: Spencer Kroll <spencekroll@gmail.com>
Sent: Tuesday, April 24, 2018 8:49 AM
To: NWR AQ Permits
Subject: No on ORRCO Air Quality Permit Re-issue

Dear Air Quality Permit Coordinator,

ORRCO has a history of dumping mass amounts of pollutants into our air and into the Columbia River. Under no situation should they be re-issued a permit. A business that is processing used oil filters by burning / crushing / exploding them has absolutely no business being in our metro-area any longer.

Unless they clean up their act completely, eliminating wastewater byproducts and air-borne pollutants, that eventually end up in our drinking water, the air we breath and the food that we eat, I strongly disapprove of their DEQ permit being reissued.

Let's continue to set a precedent of having higher standards for environmental protection than the majority of the country instead of giving handouts to grandfathered, highly contaminating industries.

Thanks for your consideration and I hope you reconsider issuing this permit to ORRCO.

Best,

Spencer Kroll

MCMORRINE Edith

From: R. Peter Wilcox <rpwilcox@me.com>
Sent: Tuesday, May 01, 2018 3:29 PM
To: NWR AQ Permits; MayorWheeler@portlandoregon.gov
Subject: No permit for Oil Re-refining Company (ORRCO) in North Portland

DEQ Air Quality Permit Coordinator,

I strongly believe that the Oil Re-Refining Company, Inc. (ORRCO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored.

ORRCO, and other re-refining oil companies like them, should not be permitted to burn “used motor oil” because the use of that phrase allows it to fall into a dangerous loophole. ORRCO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called “used oil” because it’s been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment.

ORRCO’s oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRCO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCO’s existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even forced ORRCO to force an improvement in their emission controls, ORRCO has not complied, and their proposed upgrades do not take advantage of the best available control technology.

DEQ should not issue a solid waste permit to ORRCO. Self-reporting is not a safe way to monitor PCB’s that are onsite through the collection of waste oil. ORRCO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site.

DEQ should deny the solid waste and air quality permits until ORRCO upgrades their technology or adjusts their operations.

Sincerely,

Capt. Peter Wilcox
Bridgeton Neighborhood Resident
173 NE Bridgeton Road Slip 5
Portland, OR 97211

MCMORRINE Edith

From: BRIDGET E BAYER <bridgetbayer@me.com>
Sent: Tuesday, May 01, 2018 11:52 AM
To: NWR AQ Permits; MayorWheeler@portlandoregon.gov
Subject: No permit to ORRCO - comment from BNA Board of Directors

Subject: No permit to ORRCO - comment from BNA Board of Directors

Date: May 1, 2018 at 11:41:12 AM PDT

To: nwraqpermits@DEQ.state.or.us

DEQ Air Quality Permit Coordinator,

The Bridgeton Neighborhood Association Board of Directors believes that the Oil Re-Refining Company, Inc. (ORRCO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored.

ORCCO, and other re-refining oil companies like them, should not be permitted to burn “used motor oil” because the use of that phrase allows it to fall into a dangerous loophole. ORRCO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called “used oil” because it’s been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment.

ORRCO’s oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRCO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCO’s existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even fined ORCCO to force an improvement in their emission controls, ORRCO has not complied, and their proposed upgrades do not take advantage of the best available control technology.

DEQ should not issue a solid waste permit to ORRCO. Self-reporting is not a safe way to monitor PCB’s that arrive onsite through the collection of waste oil. ORRCO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site.

DEQ should deny the solid waste and air quality permits until ORRCO upgrades their technology or adjusts their operations.

Sincerely,

Bridgeton Neighborhood Association Board of Directors

Bill Coffman

Bridget Bayer

Erik Molander

Gorgy Gonzales

Jan Strand

John Welsh

Jon Peterson

Karen Kane

Matt Whitney

Susan Johnston-Wright

Tom Hickey

Walter Valente

Scott Niesen

Leslie Sawyer

Thank you,
Bridget Bayer, Board Secretary
Bridgeton Neighborhood Association

April 12, 2018

Air quality permit coordinator
700 NE Multnomah Street, Suite 600 Portland, OR 97232

DEQ,

I do not think that Oil Re-Refining Company, Inc. (ORRCCO) should be issued two new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more easily monitored.

ORRCCO and other re-refining oil companies like them should not be allowed to burn toxic waste oil, period. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect our environment.

The oil re-refining process emits air pollutants that should require monitoring and controls beyond what DEQ is permitting at this time. ORRCCO does not monitor these pollutants well nor does it control for all its emissions. In reprocessing used oil, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCCO's existing air pollution permit already allows for too many plant emissions. DEQ may have asked ORRCCO to improve their emission controls, but they have not, and do not upgrade their equipment to Best Available Control Technology.

DEQ should not issue a solid waste permit to ORRCCO. The PCB's that are received from waste oil is stored illegally onsite. Neighbors believe that the toxic emissions that sneak out in the night, and at odd hours, may include PCBs being burned. ORRCCO needs to invest in technological improvements so that DEQ can easily monitor their storage and safe transport of this waste.

Citations are not enough! DEQ should deny the solid waste and air quality permits until ORRCCO upgrades their technology or adjusts their operations.

Thank you,

Bridget Bayer
173 NE Bridgeton Rd, slip 5
Portland, OR 97211

From: BRIDGET E BAYER <bridgetbayer@me.com>
Sent: Thursday, April 12, 2018 11:54 AM
To: NWR AQ Permits
Subject: NO to permits for ORRCO
Attachments: 2018.04.12 BB DEQ comment on ORRCO.docx

April 12, 2018

Air quality permit coordinator
700 NE Multnomah Street, Suite 600 Portland, OR 97232

DEQ,

I do not think that Oil Re-Refining Company, Inc. (ORRCO) should be issued two new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more easily monitored.

ORRCO and other re-refining oil companies like them should not be allowed to burn toxic waste oil, period. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect our environment.

The oil re-refining process emits air pollutants that should require monitoring and controls beyond what DEQ is permitting at this time. ORRCO does not monitor these pollutants well nor does it control for all its emissions. In reprocessing used oil, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCO's existing air pollution permit already allows for too many plant emissions. DEQ may have asked ORRCO to improve their emission controls, but they have not, and do not upgrade their equipment to Best Available Control Technology.

DEQ should not issue a solid waste permit to ORRCO. The PCB's that are received from waste oil is stored illegally onsite. Neighbors believe that the toxic emissions that sneak out in the night, and at odd hours, may include PCBs being burned. ORRCO needs to invest in technological improvements so that DEQ can easily monitor their storage and safe transport of this waste.

Citations are not enough! DEQ should deny the solid waste and air quality permits until ORRCO upgrades their technology or adjusts their operations.

Thank you,

Bridget Bayer
173 NE Bridgeton Rd, slip 5
Portland, OR 97211

MCMORRINE Edith

From: Peggy Dollar <peggydollar@gmail.com>
Sent: Wednesday, April 25, 2018 1:46 PM
To: NWR AQ Permits
Subject: North Portland Harbor permits request

April 25, 2018

Dear DEQ,

Please do not grant air quality and solid waste permits to ORRCO.

My husband and I live in the North Portland Harbor neighborhood of Bridgeton Road. We have young children, a school, and elderly living here.

Bridgeton already has the air traffic emissions regularly depositing air pollutants because we are on the PDX flight path. We have trucking industries on Marine Drive and the extremely busy I5 crossing to Vancouver contributing to our poor air quality standard. ORRCO may attempt to meet an individual standard, but I believe our neighborhood is already saturated with excessive air pollutants. I feel the same for our neighbors on Jantzen Beach.

The sum of the combined contributors creates unhealthy living.

Please do not grant air quality and solid waste permits to ORRCO. Thank you. Please let me know this has been received.

Sincerely yours,

Margaret Dollar
12 NE Bridgeton Rd.
Portland, OR 97211

MCMORRINE Edith

From: BRIDGET E BAYER <bridgetbayer@me.com>
Sent: Tuesday, May 01, 2018 11:52 AM
To: NWR AQ Permits; MayorWheeler@portlandoregon.gov
Subject: nwraqpermits@DEQ.state.or.us

Subject: nwraqpermits@DEQ.state.or.us

Date: May 1, 2018 at 11:42:51 AM PDT

To: nwraqpermits@DEQ.state.or.us

DEQ Air Quality Permit Coordinator,

The Bridgeton Neighborhood Association Green Team asks DEQ to deny the application by ORRSCO for air quality a solid waste permits. We believe that health of our neighbors in the Bridgeton community and the natural environment surrounding us will be negatively impacted by the uncontrolled emissions and from ORRSCO burning waste oil as fuel run their processing plant. We also think that they are not carefully handling potential PCB's that contaminate their collected waste fuel.

DEQ has not been able to verify for certain what ORRSCO emits. We want the oil refinery emissions to be monitored real-time, as they come out of the stacks and we want the *full-spectrum* results to be fully-disclosed and transparent. ORRSCO should be required to install both a thermal oxidizer for the VOC gases and a Scrubber to contain all the Particulate Matter.

ORRSCO's system of self-reporting their emissions is not substantial enough for this dangerous type of industry. We think *real-time* monitoring technology has become readily available to verify exactly how much and exactly what hazardous agents are being emitted. There is evidence that refineries underestimate and underreport their true VOC emissions (like benzene, xylene and toluene which can cause headaches, dizziness and cancer) by 10-12times. We want DEQ to stop allowing oil re-refiners to self-report their emissions and instead rely on quantifiable facts.

DEQ should not grant a "used oil burning" exemption to these oil refiners. It's been misapplied. The original intent was for small space heaters in sheds as an 'incidental process'...it should not apply to larger scale oil refining operations. By definition, it is not used oil by the time it hits their boilers because it's already been processed into *fuel*. On one hand, DEQ calls it 'used oil' but on the other hand DEQ calls it "fuel" (i.e. on the proposed permit) However the two products are not the same thing and are not interchangeable. This mis-applied exemption causes the whole problem to begin with ! We want DEQ do stop allowing this loophole as part of the ORRSCO permit.

Sincerely,

Bridgeton Neighborhood Association Green Team
Bridget Bayer
Laura Miller
Ann Howell
Jon Peterson

Thank you,
Bridget Bayer

MCMORRINE Edith

From: Randy Roy <aa737pilot@hotmail.com>
Sent: Monday, April 23, 2018 1:36 PM
To: NWR AQ Permits
Subject: Oil Refinery ORRRCO permit meeting 24 APR

To whom it may concern in charge of the APR 24 ORRRCO permit meeting at the Red Lion. We will be unable to attend do to prior commitment. However have serious health concerns related to this permit that are not being addressed, and need to have these assessed in the meeting, as well as prior to any further permits issued.

These are serious, not unrealistic requests that as an air breathing human being we have the right to have answers to, and to hold those individuals responsible for allowing shortcuts and permitting dangerous toxins into our air. We are not anti-business, and do appreciate the good ORRRCO and related businesses provide, as long as it can be done without damaging the quality of life for those living nearby. Sometimes it costs a little more to do the right thing, but that doesn't mean it's ok to cut cost at the expense of safety and the health of those nearby. Currently, ORRRCO is negatively impacting the quality of life of its neighbors, and that is unacceptable. Please address each of the following concerns.

1) DEQ has refused to fully test and fully monitor the VOC and Particulate Matter emissions directly at ORRRCOs stacks and they've refused to provide the public with the facts. Without disclosing the full facts, DEQ cannot verify for certain what ORRRCO emits. We want the oil refinery emissions to be monitored real-time, as they come out of the stacks and we want the full-spectrum results to be fully-disclosed and transparent.

2) PCB residue stays forever. Considering that ORRRCO violated federal PCB laws, we asked DEQ to wipe the stacks at the ORRRCO facility and test the residue to verify or disprove that PCBs have been illegally burned on site. DEQ refused. Our request remains.

3) DEQ refuses to require ORRRCO to install BOTH a thermal oxidizer for the VOC gases AND a Scrubber to contain all the Particulate Matter. It is not logical nor fair to address only one type of hazardous emissions from oil refiners. VOC gases like naphthalene, benzene, toluene, xylene, sulfur dioxide, and carbon monoxide are inherent in oil re-refining. They are dangerous and should be destroyed by a thermal oxidizer. And Particulate Matter like arsenic lead chromium, cadmium, mercury, beryllium, manganese, nickel, and selenium are also inherent components of oil refining and are hazardous to human health. They need to be captured by a Scrubber. Last year, DEQ created special rules for glass manufacturer Bullseye to capture some of those same particulate matter compounds. We, too, want the protection from Particulate matter and VOCs.

4) In the proposed permit, DEQ has not required ORRRCO to use the Best Available Emission Control Technology devices (aka BACT) and has, instead, agreed to allow a lesser grade Thermal oxidizer to address some % of the gases. We do not agree that citizens of Oregon should be subjected to a lesser degree of protection from these dangerous gases.

5) DEQ should not allow ORRRCO to self-report their emissions. Their air contamination permit is based on unverified self-reported emission figures derived from a decades old math calculation. But now, real-time monitoring technology has become readily available to verify exactly how much and exactly what hazardous agents are being emitted. There is evidence that refineries underestimate and underreport their true VOC emissions by 10-12times. We want DEQ to stop allowing oil re-refiners to self-report their emissions and instead rely on quantifiable facts.

6) Lastly, DEQ should not grant a "used oil burning" exemption to these oil refiners. It's been misapplied. The original intent was for small space heaters in sheds as an 'incidental process'...it should not apply to larger scale oil refining operations. By definition, it is not used oil by the time it hits their boilers because it's already been processed into fuel. On one hand, DEQ calls it 'used oil' but on the other hand DEQ calls it "fuel" (i.e. on the proposed permit) However the two products are not the same thing and are not interchangeable. This mis-applied exemption causes the whole problem to begin with ! We want DEQ to stop allowing this.

Thank you,
Randy Roy
360-281-3282

MCMORRINE Edith

From: Philip Brunner <pdbrunner@gmail.com>
Sent: Tuesday, May 01, 2018 12:58 PM
To: NWR AQ Permits
Subject: Oil Re-Refining Company, Inc. Permit

DEQ Air Quality Permit Coordinator, The Bridgeton Neighborhood Association Board of Directors believe that the Oil Re-Refining Company, Inc. (ORRICO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored and I agree with them. ORRICO, and other re-refining oil companies like them, should not be permitted to burn "used motor oil" because the use of that phrase allows it to fall into a dangerous loophole. ORRICO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment. ORRICO's oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRICO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRICO's existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even fined ORRICO to force an improvement in their emission controls, ORRICO has not complied, and their proposed upgrades do not take advantage of the best available control technology. DEQ should not issue a solid waste permit to ORRICO. Self-reporting is not a safe way to monitor PCB's that arrive onsite through the collection of waste oil. ORRICO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site. DEQ should deny the solid waste and air quality permits until ORRICO upgrades their technology or adjusts their operations. Sincerely,
Philip Brunner

MCMORRINE Edith

From: Gary Kunz <garymkunz@comcast.net>
Sent: Sunday, April 22, 2018 4:32 PM
To: NWR AQ Permits
Cc: Jimmy Applehanz; Barbara Kerr; Martha Johnston; Lisa Latin; Ron & Sally Beck; Ron Myers; Karen Myers; Gary Kunz; Jhonny Interian Montalvo; Carl & Lyn Eisenberg; Anthony Giltner; Lisa Latin; Steven Boyle; Bob Boylan; Val Humble; Cathy Humble; Kincaid Maryhelen; Laura (Doozy) Rotharmel; Will Stevens; Trescha; Karen Carrillo; Mlputman; Beven Byrnes; greg bourget
Subject: Oil Re-refining Company (ORRCO) in North Portla
Attachments: Gov Brown - APES Air Pollution.jpeg

To Whom it may concern,

Today I'm writing to reiterate the position of the East Columbia Neighborhood Association on the air quality permit and solid waste permit for ORRCO, APES/ELR. Although technically different businesses, they are generally considered the same entities within neighborhood discussions. Once released into the atmosphere, their contaminants are indistinguishable as they arrive at our doorsteps. Currently, ORRCO is being considered for permit renewals.

Our neighborhood is not anti business, but we want you to require a best-available-technology solution applied to reduce the emissions from these local polluters. We are told that there are multiple ways to significantly reduce their pollution impacts on our community. WE, want YOU, to require that THEY, use today's best-available-technology, so that going forward the air we breathe, will be cleaner and safer for all of us.

Attached is a letter on this topic previously approved and sent by the East Columbia Neighborhood Association.

Very Sincerely,
Gary M. Kunz, Chairman
East Columbia neighborhood Association

MCMORRINE Edith

From: Cecilia Youngs <cyoungs@yoakum.com>
Sent: Monday, April 30, 2018 6:13 PM
To: NWR AQ Permits
Subject: ORRCO - Public Comment on Permit

April 30, 2018

Email: nwraqpermits@deq.state.or.us
Air Quality Permit Coordinator
700 NE Multnomah Street, Suite 600
Portland, OR 97232

RE: ORRCO – Public Comment on Standard Air Contaminant Discharge Permit

Dear DEQ Air Quality Permit Coordinator. I am submitting my comments on the proposed permit for ORRCO. The permit should not be issued as written. The following items need to be addressed and changed.

1. Duration. Permit should be issued on an annual basis, not a 5 year basis. If there have been violations, the permit will not be renewed. Controlling a business's emissions with the threat of non-renewal is much easier than revoking or issuing a cease and desist order.
2. Review Reports. Review Report should be incorporated and become part of the permit.
3. Enforcement/Testing. Stack testing for VOCs should occur within 5 days of issuance of permit, not 120 days. DEQ must monitor ORRCO on daily basis. If no funds are available from DEQ to perform monitoring, then permittee must pay extra. The permit must require testing of all incoming used oil before being accepted. Penalties must be specified for failure to follow this regulation.
4. Stack Monitoring. Actual stack monitoring, not air monitoring, must be used to determine what is being emitted. Wind, temperature, air pressure, time of day, and location skew the air results.
5. Standards. Even if ORRCO is considered a minor source for Hazardous Air Pollutants or Criteria Pollutants, and the more stringent MACT regulations do not apply, the lower standard, TACT, requiring more relaxed emission controls is simply not good enough. First, it is unknown what exactly is being processed at this plant; they accept many different, dirty used oil products. Further, to say that ORRCO is likely meeting the TACT standards because they are using a Bubble Condenser to control VOC emissions shows a true lack of regulatory oversight on the part of DEQ. DEQ has the discretion to implement any standards or regulations it chooses. This is just not good enough.
6. Emissions. No emissions should be released on Friday, Saturday, and Sunday or during the middle of the night when DEQ is not open. If emissions are to be released at this time, there must be a DEQ on-site inspector.
7. PCBs. No PCBs should be allowed. ORRCO's track record shows that it has played fast and loose with the few regulations there are. ORRCO failed to test used oil before accepting it. It then tried to transfer the PCB oil without a permit. Further, it stored PCB oil on the property without a permit. There is no way that PCBs should be allowed in any amount with the proposed relaxed standards.

8. Equipments. Thermal Oxidizer must be installed BEFORE any operations after issuance of a permit, and not just before installation of new equipment. The new equipment mentioned, Rocket, Wiped Film Evaporator , or Tube and Shell Condenser, must be required.
9. Enforcement/Testing. Stack testing for VOCs should occur within 5 days of issuance of permit, not 120 days. DEQ must monitor ORRICO on daily basis. If no funds are available from DEQ to perform monitoring, then permittee must pay extra. Must require testing of incoming used oil before acceptance.
10. Nuisance. Determination of nuisance should not be made by DEQ – there is too much discretion allowed for DEQ. DEQ has previously used its determination of “nuisance” to delay enforcement. The determination of “nuisance” should follow the legal definition.
11. Records. Should be available to public for inspection at reasonable times.
12. Complaint logs – publish plant phone number in the permit.
13. Liability. Change of ownership should not allow owner to evade previous permit violations. New owner must take responsibility.
14. Financial Records. Financial records must be available to DEQ for inspection.

Thank you very much for the opportunity to submit this comment.

Sincerely,
Cecilia Youngs

Cecilia Y. Youngs
Attorney at Law
9725 SE 36th St., Ste. 404
Mercer Island, WA 98040
206-799-3608

This e-mail message is confidential. It is intended solely for the use of the individual named above. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you are hereby advised that any dissemination, distribution or copying of this communication is prohibited. If you have received this e-mail in error, please immediately notify the sender by reply e-mail and delete and/or destroy the original and all copies of the e-mail message. IRS Circular 230 Disclosure. To ensure compliance with requirements imposed by the IRS, we hereby inform you that any U. S. tax advice contained in this communication (including attachments, if any) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matter addressed herein.

MCMORRINE Edith

From: Tom Hickey <hickeyt@gmail.com>
Sent: Tuesday, May 01, 2018 12:35 PM
To: NWR AQ Permits
Subject: ORRICO permit renewal

DEQ Air Quality Permit Coordinator,

The Bridgeton Neighborhood Association Board of Directors believe that the Oil Re-Refining Company, Inc. (ORRICO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored.

ORRICO, and other re-refining oil companies like them, should not be permitted to burn "used motor oil" because the use of that phrase allows it to fall into a dangerous loophole. ORRICO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment.

ORRICO's oil re-refining process emits air pollutants that DEQ does not even monitor except through self-report. ORRICO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRICO's existing air pollution permit already allows for too many plant emissions. DEQ has asked and even fined ORRICO to force an improvement in their emission controls. ORRICO has not complied, and their proposed upgrades do not take advantage of the best available control technology.

DEQ should not issue a solid waste permit to ORRICO. Self-reporting is not a safe way to monitor PCB's that arrive onsite through the collection of waste oil. ORRICO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site.

DEQ should deny the solid waste and air quality permits until ORRICO upgrades their technology or adjusts their operations.

Sincerely,

Bridgeton Neighborhood Association Board of Directors

Bill Coffman

Bridget Bayer

Erik Molander

Gorgy Gonzales

Jan Strand

John Welsh

Jon Peterson

Karen Kane

Matt Whitney

Susan Johnston-Wright

Tom Hickey

Walter Valente

Scott Niesen

Leslie Sawyer

--
Tom Hickey
Bridgeton Neighborhood Association
Portland, OR

MCMORRINE Edith

From: Dale Svart <dsvart@earthlink.net>
Sent: Sunday, April 29, 2018 7:27 PM
To: NWR AQ Permits
Subject: ORRICO solid waste and air quality permits

To whom it may concern,

I am writing concerning the air quality and solid waste permits for ORRICO.

ORRICO doesn't deserve to exist. This refinery has been fouling the air and groundwater at it's Suttle Road site for decades. In the Feb. 1996 flood, it's holding tanks were flooded and tipped over and discharged all of their product directly into the Columbia River, They have polluted the groundwater for decades and were required to do a remedial cleanup which was inadequate and is still polluting the groundwater and sending a plume of several toxic chemicals under Smith Lake. As part of that remediation, ORRICO was required to build an oil/ water separator and swale system which drains directly into Smith Lake. Should there be an even moderate spill on that site in the future, the existing system will be overwhelmed, with catastrophic results. Who monitors their oil/water separator?

I represented the Friends of Smith and Bybee Lakes on the Smith and Bybee Advisory Committee for 12 years, and Bill Briggs represented ORRICO during that period. He has a profound inability to be truthful and accept responsibility for the damage ORRICO has done to the environment over the decades it has been at it's current site. In other words, he can't be trusted.

I understand ORRICO has been fueling it's operation with PCB contaminated oil, as well as selling PCB contaminated oil to other parties.

To get back to ORRICO's lack of responsibility, it should not be allowed to be in a flood plain. There WILL be another flood! ORRICO should have it's permits revoked, and be removed from it's present location. It's a criminal enterprise that should be charged with crimes for a number of deceptive practices, not enabled by a DEQ which does not serve the interests of the public or the environment. It is sad indeed that the hell to be paid will be suffered by the environment, Smith and Bybee Lakes, and the wildlife and people who live adjacent to the filthy, stinking mess that is ORRICO. We've got our own little Love Canal right in our backyard. Where is Erin Brokovich when we need her? Certainly not at DEQ!

Dale A. Svart,
member, Board of Directors, the Friends of Smith and Bybee Lakes

MCMORRINE Edith

From: Jace Jones <letsmeetpdx@gmail.com>
Sent: Tuesday, April 10, 2018 7:43 AM
To: NWR AQ Permits
Subject: Proposed air quality in solid waste permits for oil refining company ORRCO my public comments

Hello my name is Jack Gahan and I'm a resident on Northeast Marine Drive between 4th and 5th Avenues. My air quality is often impacted by uncontrolled and intentional releases toxic chemicals from this facility. It is dramatically reducing my quality of life in my neighborhood, decreasing my property values, and seems to pose an undue public risk for its continued operation. It would be my sincere hope that no new or continuing operations of this facility we're allowed I also strongly wish to see much more comprehensive air quality monitoring in my neighborhood and the areas surrounding this dangerous and toxic facility. They have been cited many times and they have always denied that they have an impact on the neighborhood however our testing station show they do. I really hope that disability is sooner or later closed down and then investigated for these releases of toxic and very harmful fumes and chemicals. Much stronger and consistent enforcement is necessary on this facility.

Thank you for listening to my comments and I look forward to positive outcomes in this public comment period.

Jack Gahan
Resident 521 NE Suttle St. 97211

MCMORRINE Edith

From: Jessica <pdxjess@gmail.com>
Sent: Tuesday, May 01, 2018 3:45 PM
To: NWR AQ Permits
Subject: re. ORRCO permit

DEQ Air Quality Permit Coordinator, I, as a long-time Kenton resident, believe that the Oil Re-Refining Company, Inc. (ORRCO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored. ORCCO, and other re-refining oil companies like them, should not be permitted to burn "used motor oil" because the use of that phrase allows it to fall into a dangerous loophole. ORRCO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment. ORRCO's oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRCO may be monitoring their processes, but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCO's existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even fined ORCCO to force an improvement in their emission controls, ORRCO has not complied, and their proposed upgrades do not take advantage of the best available control technology.

DEQ should not issue a solid waste permit to ORRCO. Self-reporting is not a safe way to monitor PCB's that arrive onsite through the collection of waste oil. ORRCO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site. DEQ should deny the solid waste and air quality permits until ORRCO upgrades their technology or adjusts their operations.

I personally am outside a lot in the neighborhood, and all of this greatly concerns me. I walk, run, bike, garden and even grow my own vegetables and fruit in the neighborhood, just as a lot of other folks do. Would you want your own backyard fruits and vegetables tainted with toxic chemicals? I certainly don't. I also have asthma and air pollutants greatly concern me when it comes to my lung health. We neighbors living in this community deserve clean air for ourselves, our children, our pets, our environment, and our food we grow right here in our backyards.

Sincerely,
Jessica Niggemann
Portland OR, 97217

MCMORRINE Edith

From: Beven Byrnes <bbyrnes@bridgesms.org>
Sent: Tuesday, May 01, 2018 2:22 PM
To: DECONCINI Nina
Cc: NWR AQ Permits; BIVINS Louis; DEQ Director Richard Whitman
Subject: Re: Written comments on solid waste permit & air quality permit for DEQ/ORRICO

Thanks! It is :)
I hope to see you soon.
BB

Beven Byrnes
Principal/Executive Director
Bridges Middle School

NEW ADDRESS!
2510 SW 1st Avenue
Portland, OR 97201

Direct: (503)
506-0797

Cell: (503) 887-6319
Bbyrnes@BridgesMS.org

[Http://BridgesMS.org](http://BridgesMS.org)

Bridges Middle School is an independent nonprofit school in Portland, Oregon where caring, trust, respect and excellent teaching take 5th-8th grade students with learning differences to new levels of confidence, competence and opportunity.

On Tue, May 1, 2018 at 1:13 PM, DECONCINI Nina <Nina.DECONCINI@state.or.us> wrote:

Bevin,

Thanks very much for your comments. I hope all is going well with you and your new school location for Bridges.

Hope our paths cross soon!

Nina

From: Beven Byrnes [bbyrnes@bridgesms.org]
Sent: Tuesday, May 01, 2018 1:09 PM
To: NWR AQ Permits
Cc: DECONCINI Nina; DEQ Director Richard Whitman; BIVINS Louis
Subject: Written comments on solid waste permit & air quality permit for DEQ/ORRICO

Please find my comments attached for submission.
Thank you,
Beven

Beven Byrnes

Principal/Executive Director
Bridges Middle School

NEW ADDRESS!
2510 SW 1st Avenue
Portland, OR 97201

Direct: (503)
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Cell: (503) 887-6319
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MCMORRINE Edith

From: Susan Johnston-Wright <susanjw@windermere.com>
Sent: Monday, April 30, 2018 4:56 PM
To: NWR AQ Permits
Subject: regarding the DEQ proposed permit for ORRCO, etc.
Attachments: Concerned letter re ORRCO etc..pdf

Susan Johnston-Wright
Windermere Realty Trust
Lloyd Tower
Realtor, CRS, GRI, SRES
503-939-8088
www.susanjw.com



DEQ Air Quality Permit Coordinator,

I live in the Bridgeton neighborhood, adjacent to the companies mentioned in this letter. My husband, Bill Wright and I believe that the Oil Re-Refining Company, Inc. (ORRCO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored.

ORRCO, and other re-refining oil companies like them, should not be permitted to burn "used motor oil" because the use of that phrase allows it to fall into a dangerous loophole. ORRCO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment.

ORRCO's oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRCO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCO's existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even fined ORRCO to force an improvement in their emission controls, ORRCO has not complied, and their proposed upgrades do not take advantage of the best available control technology.

DEQ should not issue a solid waste permit to ORRCO. Self-reporting is not a safe way to monitor PCB's that arrive onsite through the collection of waste oil. ORRCO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site.

DEQ should deny the solid waste and air quality permits until ORRCO upgrades their technology or adjusts their operations.

Sincerely,

Susan Johnston-Wright

Very concerned neighbor

MCMORRINE Edith

From: Beven Byrnes <bbyrnes@bridgesms.org>
Sent: Tuesday, May 01, 2018 1:09 PM
To: NWR AQ Permits
Cc: DECONCINI Nina; DEQ Director Richard Whitman; BIVINS Louis
Subject: Written comments on solid waste permit & air quality permit for DEQ/ORRCO
Attachments: DEQCommentORRCO.May12018.BevenByrnes.pdf

Please find my comments attached for submission.
Thank you,
Beven

Beven Byrnes
Principal/Executive Director
Bridges Middle School

NEW ADDRESS!
2510 SW 1st Avenue
Portland, OR 97201

Direct: (503)
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Cell: (503) 887-6319
Bbyrnes@BridgesMS.org

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May 1, 2018

DEQ Air Quality Permit Coordinator,

I am Beven Byrnes, a Portland native, mother to four daughters, educator, community activist and a neighbor of ORRSCO in North Portland. Since 2012 I have served as the Principal/Executive Director of Bridges Middle School, a nonprofit independent school serving students with learning differences in Portland, Oregon. A long-time resident of N/NE Portland in the 97211 zip code, I am a volunteer Spokesperson with Portland North Harbor Neighbors and Portland Clean Air (PCA), a registered Oregon Political Action Committee and 501(c)(3) working to address industrial pollution in Multnomah and Washington Counties. In my work with PCA, I help coordinate regular communication and cooperation on air quality advocacy efforts between ten Northeast Portland neighborhood associations as part of our larger coordinated efforts with 29 community/neighborhood associations with a reach to more than 50,000 residents.

I am writing today to respectfully request that the DEQ not issue new permits to Oil Re-Refining Company, Inc. (ORRSCO) because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored.

Oregon is all about being green and a leader in climate change, but our own air is dirty because the law is not stringent enough to protect us citizens. Portland currently ranks as the worst city in the U.S. for respiratory distress from air pollution. Sadly it's true, according to the EPA's most recent National Air Toxics Assessment, released in 2015 using 2011 data. It took neighbors 42 years to identify that Bullseye Glass was annually putting 6,000 pounds of lead, cadmium, arsenic, and chromium into their unfiltered furnace. 85% of these heavy metals went airborne next to a daycare in inner southeast Portland. Public outcry resulted in special rulemaking for glassmakers requiring emission control devices. Now they have a scrubber removing 97% of these emissions because of the political efforts of their neighbors.

Un-controlled air pollution from Oil Re-Refining process is FAR worse but DEQ REFUSES to monitor the deadly emissions at the stacks. BUT they DO allow "self-monitoring, self-reporting" by the oil refiners themselves. Portland residents in the North, Northeast and Hayden Island areas continue to experience illnesses (bloody noses, respiratory distress, headaches, etc.) and these symptoms worsen when wind blows directly from APES and ORRSCO.

Gases and metal particulate matter released during the refining process are dangerous and known carcinogens. Allowing ORRCO to obtain DEQ permitting without requiring all Best Available Control Technology (BACT) would further endanger the health and wellbeing North Portland and Hayden Island residents. There is NO good reason to allow oil re-refiners in Oregon to continue operating without using Best Available Control Technology. DEQ needs to demand Best Available Control Technology and independent testing at oil refineries, re-refineries and recyclers in the stacks that are ONGOING and FULL SPECTRUM. DEQ needs to demand that ORRCO use a clean source of fuel to process their dirty products. DEQ needs to demand that the emissions control device use records and stack monitoring data be released to the public quarterly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Beven Byrnes', with a stylized, cursive script.

Beven Byrnes

503-887-6319

BByrnes@BridgesMS.org



State of Oregon Department of Environmental Quality
ORRCO Comments Received Late After May 1, 2018

MCMORRINE Edith

From: Lonesomeburger <lonesomeburger@gmail.com>
Sent: Wednesday, May 02, 2018 6:29 PM
To: NWR AQ Permits
Subject: Renewing ORRCCO's permits

 To: DEQ Air Quality Permit Coordinator
From: Don Reichert
9114 N Exeter Ave.
Portland, OR 97203

I totally agree with the following statement. Isn't it time that we start holding polluters to account? The Bridgeton Neighborhood Association Board of Directors believe that the Oil Re-Refining Company, Inc. (ORRCCO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored. ORRCCO, and other re-refining oil companies like them, should not be permitted to burn "used motor oil" because the use of that phrase allows it to fall into a dangerous loophole. ORRCCO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment. ORRCCO's oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRCCO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCCO's existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even fined ORRCCO to force an improvement in their emission controls, ORRCCO has not complied, and their proposed upgrades do not take advantage of the best available control technology. DEQ should not issue a solid waste permit to ORRCCO. Self-reporting is not a safe way to monitor PCB's that arrive onsite through the collection of waste oil. ORRCCO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site. DEQ should deny the solid waste and air quality permits until ORRCCO upgrades their technology or adjusts their operations. Sincerely,

Don G. Reichert
971 334 1864

MCMORRINE Edith

From: Tori Cole <tori@whatsinourair.org>
Sent: Tuesday, May 01, 2018 5:00 PM
To: NWR AQ Permits
Subject: Re: Comments on DEQ's Proposed Air Contaminant Discharge Permit for Oil Re-Refining Company Inc., Permit No. 26-3048-ST-01
Attachments: NCA.ORRCO Comments.pdf

Hello,
Attached are comments by Neighbors for Clean Air.

Sincerely,
Tori Cole, J.D.
BREATHE Oregon Project Manager
Neighbors for Clean Air
tori@whatsinourair.org

(803)250-9604

May 1, 2018

SUBMITTED VIA EMAIL TO: NWRAQPermits@deq.state.or.us

DEQ Northwest Region Air Quality Permit Coordinator
700 NE Multnomah St., Suite 600
Portland, Oregon 97232

Re: Comments on DEQ's Proposed Air Contaminant Discharge Permit for Oil Re-Refining Company Inc., Permit No. 26-3048-ST-01

Dear Oregon Department of Environmental Quality:

Neighbors for Clean Air (hereafter NCA) submits these comments to the Oregon Department of Environmental Quality (DEQ) regarding the proposed Air Contaminant Discharge Permit for Oil Re-Refining Company, Inc. (hereafter ORRCO). NCA is a non-profit organization, representing thousands of Oregonians, dedicated to protecting public health, the environment, and our state's air quality. NCA has substantial concerns about the pollution emitted from ORRCO's oil re-refining facility, as well as DEQ's oversight of this significant source of air pollution which is adjacent to both the Columbia River, and communities that have expressed concerns about the health impacts of this pollution. DEQ has admitted that the agency has made serious mistakes in its past oversight of this source, including failure to adequately investigate community allegations that nuisance odors were emanating from ORRCO and an adjacent source for more than ten years. ORRCO has repeatedly violated air pollution and hazardous waste storage laws, and has in the process significantly abridged public trust in both the facility and the agency's oversight of the facility's emissions and hazardous waste storage.

1. ORRCO's History of Noncompliance

ORRCO has a demonstrated history of non-compliance under the CAA. The corporation has an extensive history of permit violations that date back to at least 1992. In 2013, ORRCO recycled PCB-contaminated oil with hundreds of thousands of gallons of reclaimed oil at multiple sites. In April of 2013, the Environmental Protection Agency (EPA) ordered ORRCO to choose between the remaining 150,000 gallons of contaminated oil or pay a \$450,000 fine. According to the Oregon Department of Environmental Quality (DEQ), ORRCO and its affiliates have been responsible for an inordinate quantity of violations. Between 1992 and 2000, ORRCO has paid over \$336,000 in fines for hazardous waste and air quality violations. In 2009, DEQ assessed a further \$120,000 in penalties for violating regulations on hazardous waste transport and disposal.

While the Toxic Substances Control Act does not require testing for PCBs, it does prohibit the usage and processing of contaminated oil. In conversations with the EPA, ORRCO agreed to more frequent tests, an agreement that has clearly not been kept. Public documents requested by *The Portland Tribune* show that when two city agencies inspected two ORRCO

sites in 2016, they found storage conditions whose safety was questionable at best. The two sites, located approximately a mile apart near the Portland Expo Center, were found by the fire marshall and the Bureau of Development Services (BDS) to have a combined 128 fire and safety violations.

In December 2017, EcoLube Recovery, formerly owned by ORRCO, was cited by the DEQ for unlawfully storing PCBs in two storage tanks and one truck. EcoLube Recovery, which has 51 storage tanks in the area, has stated that the company is now in the process of destroying the chemicals. ORRCO, which has 63 storage tanks, was cited for the same complaint in 2013 by the EPA. Safety concerns have been noted at both companies' facilities. The EcoLube plant, while it was owned by ORRCO, was the site of a 2009 explosion and fire and the fire marshall, discovering 30 violations of the city fire code in 2016, issued \$2,565 worth of fines. ORRCO is still noncompliant. BDS found 47 violations at the ORRCO site. According to the Bureau, there were 47 tanks that did not exist on any site plans submitted for review.

BDS spokesman David Austin noted that ORRCO was fined \$13,600 for those 47 violations. Nearly two years after that citation, ORRCO has yet to pay those fines (which amount to roughly just \$290 per violation) and in spite of the city's addition of a 1 percent monthly late fee, has yet to address the violations. The fire marshall found an additional 45 violations and as noted in *The Portland Tribune*, the inspectors noted that they found "numerous leaks in valves, piping, and hoses." Extensive correction notes were issued.

DEQ has received more than 1,000 complaints of neighbors of the plants over the course of 17 years, and yet failed to determine odors were emanating from ORRCO and the From 1992 to 2012, DEQ has assessed ORRCO over \$458,000 in fines for a plethora of hazardous waste violations. The negligence and misconduct at the expensive of environmental degradation and public health cannot be denied. These permit violations and lax enforcement by the agency have breached public trust, and this situation requires special consideration to remedy.

2. *Nuisance*

The proposed permit contains a single sentence on nuisance odors: "[t]he permittee must not cause or allow air contaminants from any source to cause a nuisance. DEQ personnel will verify nuisance conditions." Given DEQ's admitted failure to properly conduct this process of verification and enforcement in the past, NCA strongly recommends DEQ include more detail in the permit about what this process would look like and a timeline for verification and enforcement. The agency needs to maintain some level of accountability to the public for its past failures to eradicate nuisance odors and oversee ORRCO's compliance with air pollution and hazardous waste management laws.

3. *Thermal Oxidizer Installation*

In the proposed permit, DEQ will require ORRCO to install a thermal oxidizer capable of destroying 97% of VOC emissions prior to installing new equipment such as the rocket filtration

system, sour water stripper, wiped film evaporator and tube and shell condenser. NCA commends DEQ's attempt to adequately contain VOC emissions, which are a source of serious concern for surrounding communities in terms of health impacts.

VOCs react with nitrogen oxides and oxygen in the presence of sunlight to form ozone. In the upper layers of the atmosphere, ozone provides a screen against harmful ultraviolet radiation. Near ground level, however, it presents a health hazard. Ground level ozone is a prime ingredient of smog. Exposure to ground level ozone can result in a wide range of adverse health effects, "including decreased lung function, primarily in children active outdoors; increased respiratory symptoms, particularly in highly sensitive individuals; hospital admissions and emergency room visits for respiratory causes, among children and adults with pre-existing respiratory disease such as asthma; inflammation the lung, and possible long-term damage to the lungs." National Ambient Air Quality Standards for Ozone, 62 Fed. Reg. 38856 (July 18, 1997) (codified at 50 C.F.R. Part 50). Ozone may also impact vegetation by causing agricultural crop loss, damage to forests and ecosystems, and visible foliar injury to sensitive species. Id. EPA regulates VOCs to control ground level ozone.

However, NCA is concerned that the oxidizer DEQ will require does not represent the appropriate level of control technology and would recommend that DEQ consider the requirement instead of a Regenerative Thermal Oxidizer (RTO), which is designed to be energy efficient and are exceptionally effective at VOC destruction, capable of destroying greater than 99% of VOCs produced in industrial processes. Installation of an RTO would be appropriate particularly because it would not create any toxic byproducts (only CO₂, H₂O and usable heat), and would likely not represent much of a cost increase because despite using some of the most advanced thermal-recovery tech found today, it implements seemingly simple materials, like ceramic. Considering the heightened level of public mistrust particularly around VOC emissions because of the facility's history of noncompliance and seventeen years of community complaints, it seems worth considering the best available control technology for this facility.

4. Verification of PCB Emissions on Site

As indicated by the setting of restrictions on the burning of oil with more than the lowest quantifiable level of polychlorinated biphenyls (PCBs), these pollutants are very dangerous to public health and should be handled with the utmost care. However, ORRCO has continuously failed to exercise the appropriate level of caution with PCBs--as described above, the facility has been cited many times over for failure to properly store used oil laced with PCBs.

Dr. David O. Carpenter, M.D., director of the Institute for the Health and the Environment at the University at Albany-SUNY, is a renowned PCB expert. As he notes, there is no such thing as a "safe level of PCBs. All they do is cause harm. They increase the risk of a great number of diseases, and the one that's of most significance in a school is that they're known to reduce cognitive function — learning and memory... even low concentrations of PCBs in air constitute

an important route of exposure and disease, especially if the exposure is prolonged." As discussed in his expert report, PCBs are carcinogens that are especially dangerous to the functioning of the immune system as they can cause "adverse alterations of the nervous system, skin, thyroid and sex steroid hormonal systems, liver, kidney, cardiovascular system, and pancreas." These alterations significantly increase the risk of cancer, infertility, diabetes, asthma, and other severe medical effects.

Given the grave impact of PCB pollution on public health, in conjunction with ORRCO's failure to exercise appropriate care with PCB-laced oils, NCA is very concerned with DEQ's disinterest in testing residue remaining in ORRCO's stacks to determine whether PCB-laced waste oils have been illegally burned on site. PCBs are not destroyed by burning, and thus any past burning of oils laced with these contaminants will continue to have possible health impacts on surrounding communities. NCA strongly recommends DEQ reconsider this position and do everything possible to restore public trust in the agency, and to make ORRCO's emissions and the process of verifying and controlling them as transparent as possible.

MCMORRINE Edith

From: Alison Binford <alisonbinford@gmail.com>
Sent: Wednesday, May 02, 2018 9:27 AM
To: NWR AQ Permits
Subject: ORRCO DIRTY WASTE

To whom it may concern, ORRCO should not be given a waste permit! New technology must be in place to clean their waste properly our neighborhoods cannot afford to be polluted with absolutely no consequence to them.

Sent from Alison Binford

MCMORRINE Edith

From: Jonathan Ormsby <jon_ormsby@hotmail.com>
Sent: Tuesday, May 01, 2018 9:16 PM
To: NWR AQ Permits
Subject: Oil Refinery Comments

Dear DEQ Air Quality Permit Coordinator, I'm writing to tell you that I believe the Oil Re-Refining Company, Inc. (ORRCO) should not be issued new permits because their manufacturing processes fail to capture toxic air pollution and the solid wastes need to be more transparently monitored. ORCCO, and other re-refining oil companies like them, should not be permitted to burn "used motor oil" because the use of that phrase allows it to fall into a dangerous loophole. ORRCO heats this used oil, but they do not clean it. It stratifies into several grades of (still) dirty industrial fuel. Technically, then, it should no longer be called "used oil" because it's been turned into fuel. That exemption is a dangerous loophole that allows these oil refiners to pollute our environment and endanger our lives. DEQ needs to consider them in a special class of polluter and should require special operational permits that fully protect the public and our natural environment. ORRCO's oil re-refining process emits air pollutants that DEQ does not even monitor except through self-reporting. ORRCO may be monitoring their processes but it does not control for all of its emissions. During the reprocessing process, this company emits more than 300 hazardous agents that threaten our health and the natural environment. ORRCO's existing air pollution permit already allows for too many plant emissions. DEQ has asked, and even fined ORCCO to force an improvement in their emission controls, ORRCO has not complied, and their proposed upgrades do not take advantage of the best available control technology. DEQ should not issue a solid waste permit to ORRCO. Self-reporting is not a safe way to monitor PCB's that arrive onsite through the collection of waste oil. ORRCO needs to invest in technological improvements so that DEQ can better monitor incoming materials and the safe transport of this kind of waste off site. DEQ should deny the solid waste and air quality permits until ORRCO upgrades their technology or adjusts their operations.

Sincerely,
Jon Ormsby, Portland

MCMORRINE Edith

From: Rachel Hadiashar <flautissimo@yahoo.com>
Sent: Tuesday, May 01, 2018 7:35 PM
To: NWR AQ Permits
Subject: DEQ Air Quality

 DEQ Air Quality Permit Coordinator,

I agree with the others: DEQ should deny the solid waste and air quality permits until ORRCO upgrades their technology or adjusts their operations.

My children are exposed to these toxic chemicals every day we drive to preschool.

Thank you
Rachel Hadiashar & family
10 week old infant, 3.5year old, 6 year old

1. Insist that a thermal oxidizer (TO) for gases IS NOT enough to protect citizens. A Scrubber to capture heavy metal particulates (pm) must be required too. Even if " a few others don't have to!"
2. Only BACT should be used to protect citizens and environment (Best Available Control Technology) NOT a lesser grade protection like TACT.
3. IF both a TO and a Scrubber are NOT required by DEQ, then INSIST that ORRCCO use a clean fuel source like natural gas. Do NOT allow them to use their contaminated fuel to fuel their burners bc that's a major source of contaminated emissions.
4. Do NOT allow ORRCCO to self report their own self-calculated emissions as they've done for decades.
5. Real-time, 24/7 monitors placed permanently at the stacks/source MUST be required. All real-time ORRCCO emission facts should be available and fully transparent to the public.
6. The PCB shenanigans of the past should not be ignored. Require DEQ to wipe the stacks to disprove or provide EVIDENCE of illegal PCB burning; the facts should be immediately released to the public.

DEPT OF ENVIRONMENTAL QUALITY
RECEIVED
MAY 06 2018
NORTHWEST REGION

TO: Oregon DEQ

Northwest Region

700 N.E. Multnomah St., Ste. 600

Portland, OR 97232-4100

From: Susan Teso

11666 N. Island Cove Ln.

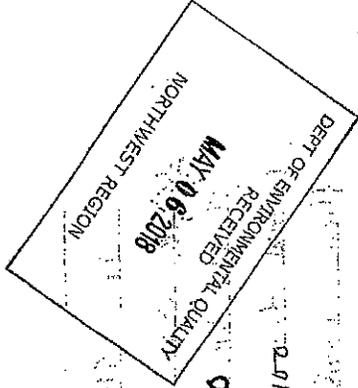
Portland, OR 97217

As residents of Hayden Island, we strongly object to the renewal of air quality and waste permits for Oil Refining Company (ORRCO) in North Portland.

Over the past years, we have had to tolerate the toxic stench emitting from this plant. At times, it was so strong that it caused migraines, nausea, and vomiting (especially when dumped in large quantities at night).

I have included 6 points that must be addressed.

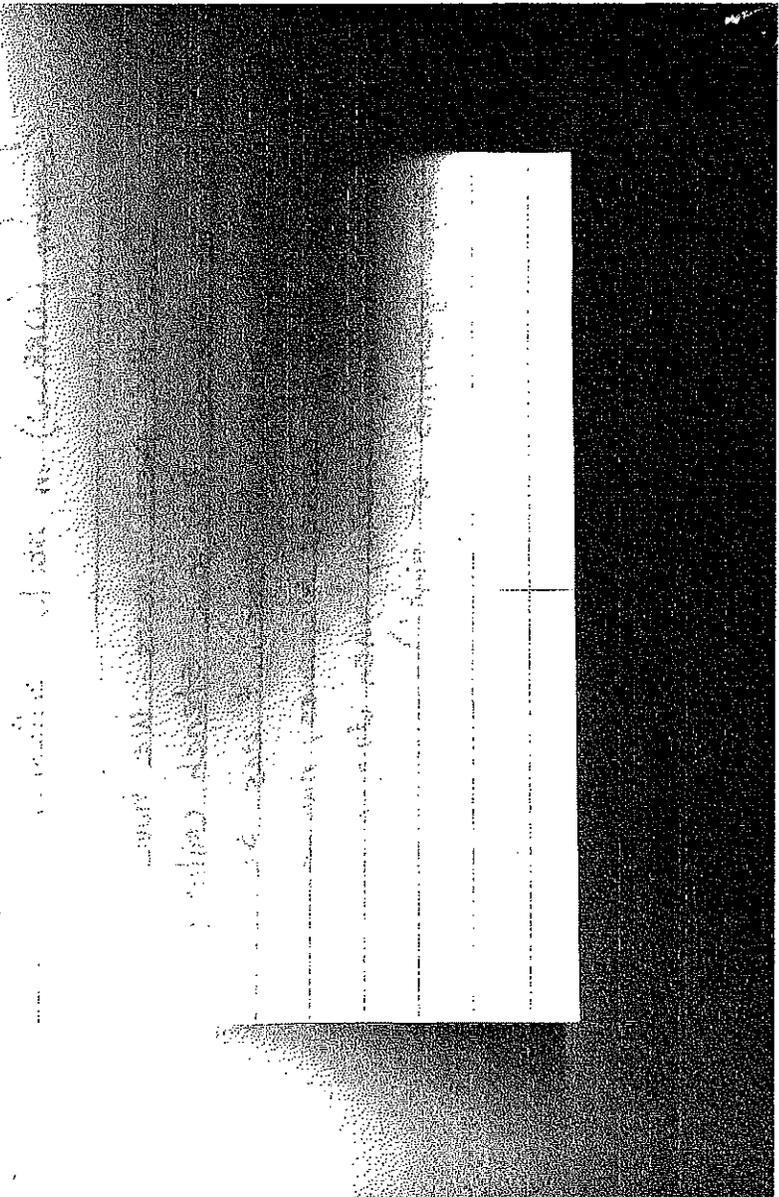
TO NOT DO them is criminal.



O.F. All of the plants in Portland,
none are as foul as the ORRCO
plant. We strongly urge you not to
renew this permit until they upgrade
their emissions equipment to eliminate
the toxic stench.

If you have any questions,
please contact: Suetesa at 971 282 6898
Suetesa@gmail.com

Sincerely,
Sue Jess



NORTHWEST REGION

MAY 06 2018

DEPT OF ENVIRONMENTAL QUALITY
RECEIVED

HAYDEN ISLAND NEIGHBORHOOD NETWORK



The purpose of the Hayden Island Neighborhood Network (HINooN) is, "To enhance the livability of the Hayden Island neighborhood by establishing and maintaining an open line of communications and liaison between members of HINooN, other neighborhood associations and government agencies."
(HINooN Bylaws, Effective June 9, 2011)

April 24, 2018

Air Quality Permit Coordinator
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Re: Oil Refining Company Inc., or ORRCO -Proposed Permits:
1) Renewal of Air Quality Permit (aka Standard Air Contaminant Discharge Permit) ; and,
2) A new solid waste treatment, transfer station and material recovery facility permit.

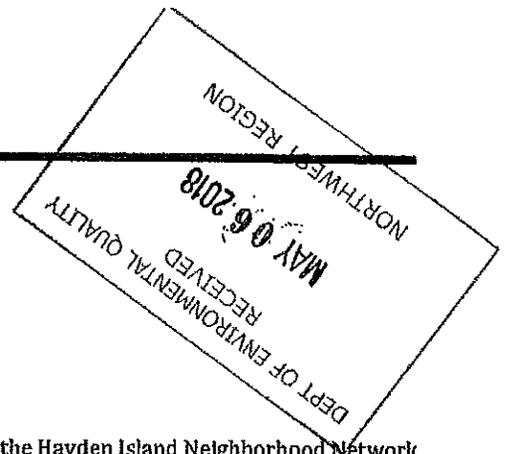
To Whom it May Concern:

- 1) We insist that a thermal oxidizer (TO) for gases is NOT enough to protect citizens. A Scrubber to capture heavy metal particulates (pm) must be required too. Even if "a few others don't have to!"
- 2) Only BACT should be used to protect citizens and environment (Best Available Control Technology) NOT a lesser grade protection like TACT.
- 3) IF both a TO and a Scrubber are NOT required by DEQ, then we INSIST that ORRCO use a clean fuel source like natural gas. Do NOT allow them to use their processed, dirty contaminated fuel to run their burners because that's that's major source of contaminated emissions.
- 4) Do NOT allow ORRCO to self report their own self-calculated emissions as they've done for decades.
- 5) Real-time, 24/7 monitors placed permanently at the stacks/source MUST be required. All real-time ORRCO emission facts should be available and fully transparent to the public.
- 6) The PCB violations of the past should not be ignored. Require DEQ to wipe the stacks to disprove or provide EVIDENCE of illegal PCB burning; the facts should be immediately released to the public.

Unless and until the above 6 points are resolved to our satisfaction, we are not in agreement with any expansion and renewal of ORRCO's proposed air contamination permit.

Sincerely yours,


Jeff R. Geisler, Chair
Hayden Island Neighborhood Network



The purpose of the Hayden Island Neighborhood Network (HINooN) is, "To enhance the livability of the Hayden Island neighborhood by establishing and maintaining an open line of communications and liaison between members of HINooN, other neighborhood associations and government agencies. (HINooN Bylaws, Effective June 9, 2011)

May 1, 2018

Air Quality Permit Coordinator
 700 NE Multnomah Street, Suite 600
 Portland, OR97232

Re: Oil Refining Company Inc., or ORRICO -Proposed Permits:
 1) Renewal of Air Quality Permit (aka Standard Air Contaminant Discharge Permit); and,
 2) A new solid waste treatment, transfer station and material recovery facility permit.

To whom it May Concern:

INTRODUCTION

The DEQ Public Notice states Oil Refining Company Inc., or ORRICO located at 4150 N. Suttle Rd, in the City of Portland, Multnomah County, processes used oil into saleable fuel products. If not properly operated, used oil-refineries can release contaminants to the air, land and water that may cause unacceptable environmental impacts. The proposed air quality permit renewal includes modifications addressing operational equipment removal (pyro unit and wastewater evaporator) and the future installation of used oil processing equipment (wiped film evaporator rocket polishing system) and air pollution control devices (thermal oxidizer, tube and shell condensers). The permit requires additional monitoring, weekly odor surveys, and restrictions on the type of fuel to be burned to heat the facility's oil processing equipment. It maintains ORRICO's current emissions limits for critical pollutants.

The DEQ Public Notice also states ORRICO is applying for a new solid waste permit that allows ORRICO to accept and process used oil filters and oily solids and sludges for onsite processing or transfer to other facilities for metal recovery or disposal.

PLEADINGS

The Hayden Island residents, businesses and visitors along with the surrounding communities have concerns that include, but are not necessarily limited to, the following:

1. That since February 2000, but more specifically since the Summer of 2015, Hayden Island and surrounding North Portland residents have reported, to DEQ, smelling a metallic, chemical odor so strong they've awakened at Night with headaches, bloody noses and breathing problems that left some reliant on inhalers;¹

¹ "Poisonous gas found in Hayden Island tests," Rob Davis, The Oregonian/OregonLive, 29 April 2016, p. A1.

2. The Portland Tribune reported that in 2001 Northwest Portland residents "...sued Chevron over the vapor emissions that occurred when it loaded and unloaded fuel and won a settlement that paid for three years of air monitoring. The DEQ waited more than 16 years after that settlement before proposing the strong Cleaner Air Oregon regulations that would clean up the air in the rest of the city"² and more closely align the rules with human health needs. Seemingly, DEQ ignored many years of complaints of air pollution in North Portland subsequently determined to be from ORRCCO and American Petroleum Environmental Services (APES).

3. That on September 24, 2015, engineers from the U.S. Environmental Protection Agency (EPA) using an infrared thermal imaging video camera (FLIR GF320) captured video pictures of clouds of pollution that cannot be seen by the naked eye, coming out of APES and ORRCCO's smokestack.

4. That DEQ reported in May 9, 2016 that responding to numerous odor complaints in the Hayden Island area, DEQ has "Since late August 2015 ... continues to investigate other possible (odor) sources including Oil-refining Company (ORRCCO)."³

5. There is a history of noncompliance and enforcement action at ORRCCO. DEQ issued ORRCCO a warning letter on Sept. 10, 2015 for operating new polishing equipment without prior authorization from DEQ. The equipment was to be resumed when DEQ issues a permit renewal.⁴

Additionally, in March 2018 the Oregonian reported, "ORRCCO has a long history of environmental violations. From 1992 to 2000, the company paid more than \$336,000 in fines for hazardous waste and air quality violations, according to state records. It has been fined \$138,800 since 2009 by the state."⁵

6. In a Sunday Oregon article it was reported that while Cleaner Air Oregon "...will give Oregonians an unprecedented wealth of information about the health risks that factories create by releasing toxic air pollution," many factories "...won't have to reduce their emissions under the highly touted new law."⁶

The article goes on to state, "the analysis shows the law was so weakened after negotiations with industry lobbyists that, even after state regulators discover a factory is increasing neighbors' risk of getting cancer, they may be unable to require new controls."⁷

7. A June 15, 2017 Portland Tribune article reported on a DEQ June 5 hosted ORRCCO public hearing at the Red Lion. The article reported, "DEQ officials said... Oil Re-refining Co. (ORRCCO) had agreed on June 5 to install new air-pollution control equipment that they said would reduce its toxic vapor emissions by two-thirds."

The DEQ representative admitted mistakes over the years in its attempt to enforce air pollution regulations at the plants such as allowing ORRCCO to operate without necessary pollution control equipment. "We haven't taken appropriate action in a timely basis," the DEQ representative said. "We are working hard at rectifying those errors."

The article continued, "At the meeting, ... the owner of the ORRCCO plant, acknowledged for the first time in public that his operations have been at least partially to blame for the malodorous pollution." Previously, in a March 2017 meeting, such allegations were denied. The Tribune reported that at this June 5th meeting, ORRCCO's owner said, "I can say we are emitting volatile organic compounds that have potential odors and toxins. We are emitting VOCs at our site and are working to reduce those." ORRCCO's owner, Scott Biggs, went on to say, "I'm part of this community. I work here every day."

On June 5, 2017, ORRCCO's owner "...signed a 'memorandum of agreement' with the DEQ that requires ORRCCO to install new pollution-control equipment over the next six months after which the agency will issue a new air pollution permit to the plant."⁸ The thermal oxidizer was to be installed by December 5, 2017.

8. Under 1.0 GENERAL EMISSION STANDARDS AND LIMITS in ORRCCO's Proposed Standard Air Contaminant Discharge Permit it is stated "Particulate matter emissions from any air contaminant source other than

² "Industry objects to toxic air rules." Paul Koberstein for the Portland Tribune, 4 May 2017, p. 1

³ Jantzen Beach/Hayden Island Air Quality Investigation. Frequently Asked Questions, Louis Bivins, DEQ, 9 May 2016, p. 1,

⁴ *ibid*, p.4

⁵ "Poisonous gas found in Hayden Island tests," Rob Davis for The Oregonian/OregonLive, 29 April 2016, p. A1.

⁶ "Clean air law has its limits, analysis shows," Rob Davis for The Oregonian/OregonLive, 18 March 2018, p.A1.

⁷ *ibid*, p.A1

⁸ "DEQ announces air pollution controls for oil recyclers," Paul Koberstein for the Portland Tribune, 15 June 2017, .

fuel burning equipment and fugitive sources installed on or after April 16, 2015 must not exceed”⁹

9. Senate Bill 1541 containing an Air Quality Pilot Program for the purpose of “...evaluating and controlling public health risks from toxic air contaminant emissions from multiple air contamination sources” was signed into law by the Governor Brown on Tuesday, April 10, 2018.

11. The Secretary of State Audit Division Report 2018-01 of the DEQ found that the “*DEQ Should Improve the Air Quality Permitting Process to Reduce its Permit Backlog and Better Safeguard Oregon’s Air*” as it “...endangers the state’s air quality and the health of Oregonians...”¹⁰ Released January 3, 2018, the SoS Audits Division offered ten recommendations that “*DEQ should reduce its Air Quality Permit Backlog by Improving the Permitting Process and Addressing Workload Challenges.*”¹¹ DEQ Director Richard Whitman agreed with all ten audit recommendations with a target completion date ranging from July 1, 2018 to December 2018.¹²

QUESTIONS

At the April 24, 2018 DEQ hosted public hearing on ORRSCO Air Quality Permit Renewal, it was disclosed that ORRSCO was still recycling oil as of April 14th with nonoperational polishing equipment that would become operational upon the installation of a Thermal Oxidizer. However, ORRSCO had agreed, in the June 2017 MOA, to voluntarily install a thermal oxidizer.

Reviewing the Pleadings and ORRSCO’s renewal permit, with additional newly installed equipment, the following questions are raised:

- a. What input did ORRSCO have in crafting the proposed Permit?
- b. Why wasn’t the thermal oxidizer installed according to the time frame voluntarily agreed to in the June 5, 2017 MOA?
- c. Why was ORRSCO continuing to operate with nonoperational polishing equipment and no Thermal Oxidizer?
- d. What is the significance of April 16, 2015 in **Section 1.2 Particulate Matter Emissions** and **1.3 Fugitive Emissions**?
- e. Under what emission limits will ORRSCO’s plant be operating? The current emission limits for critical pollutants or the more relaxed emission limits allowed under the recently passed SB 1541?
- f. Will the equipment installed before April 16, 2015 be under the “current emission standards” referred to in the DEQ Public Notice or emission standards set by SB 1541?
- g. Will the soon to be installed Thermal Oxidizer operate under those stipulated in SB 1541 or the “current emission standards” referred to in the DEQ Public Notice?
- h. What emission standards will the polishing equipment to adhere to?
- i. **Section 1.5 Nuisance and Odors** states, “The permittee must not cause or allow air contaminants from any source to cause a nuisance. DEQ personnel will verify nuisance conditions.”
 1. How many nuisance complaints will it take before DEQ personnel will verify nuisance conditions?
 2. How, and in what time frame will DEQ personnel verify nuisance conditions?
 3. Once verified, what enforcement action is available to eliminate the nuisance?
- j. **Section 3.1(b) National Emission Standards for Hazardous Pollutants (NESHAP Subpart 6J)** states, “Conduct burner tune-ups on hot oil heaters every two years, beginning...”
 1. Why not every one year, or more frequently, based on nuisance reports?
- k. **Section 3.1(c) - ADD:** There will be no delay if nuisance complaints are forthcoming.
- l. **Section 4.1 Thermal Oxidizer Installation**
 1. Has the permittee submitted the Notice of Intent to Construct the Thermal Oxidizer?
- m. **Section 5.1 Operation: New Equipment**

⁹ Proposed Standard Air Contaminant Discharge Permit, 26-3048-ST-01, DEQ, p.3.

¹⁰ The Secretary of State Audit Division Report Highlights, 2018-01, p. i.

¹¹ The Secretary of State Audit Division Report Recommendations, 2018-01, p.35

¹² DEQ Director Richard Whitman to SoS Audits Division Director Kip Memmott, December 24, 2017. Pp. 2-6.

1. Has the permittee submitted the Notice of Intent to Construct the Rocket, Wiped Film Evaporator, or Tube and Shell Condenser?
- n. **Section 8.1 Special Conditions** The permittee must comply with the following conditions:
 - (a) "...notify DEQ in writing no later than 72 hours from the end of the fifth day";
 - (b) "...equipment specific instructions must be submitted to DEQ for approval within 90 days from the issuance date of this permit.
 1. What incentive is available to insure that the permittee will comply with notification requirements?
 - (c) "Monthly, perform a facility walkthrough, identifying leaks, etc." A written log of inspections and discovered issues and repair must be retained, "...but no longer than 5 days, unless approved in writing by DEQ."
 1. What would cause a DEQ written approval?
 2. How would DEQ learn of an issue that would require a "DEQ written approval"?
- o. **9.1 Operation and maintenance Requirements (a vii)** – "Copy of most recent stack test results," of Thermal Oxidizer must be retained on site at all times.
 1. If only the "most recent" test results are to be retained on site, where would one find the past 1,2, 3 or more, years of stack testing? Nuisance complaints have been filed since 2000.
- p. **9.2 Excess Emissions** - "Typically, excess emissions are caused by process upsets, startups, shutdowns, or scheduled maintenance. In many cases, excess emissions are evident when visible emissions are greater than 20% opacity as a six-minute average." The equipment or facility must cease operations no later than 48 hours after the beginning of the excess emissions, "unless continued operation is approved by DEQ..."
 1. No shut down procedure is found in this permit if an excess, potentially toxic, odorous, air contamination invisible emission is detected and reported.
- q. **10.1 Excess Emissions** - "The permittee must notify DEQ of excess emissions events if the excess emission is of a nature that could endanger public health."
 1. What procedures are used to determine endangerment to public health?
 2. Does this also apply to the employees working on site?
 3. Do employees have access to onsite protective gear in event of such an occurrence?
- r. **14.1 Permitted Activities** – "This permit allows the permittee to discharge air contaminants from processes and activities related to the air contaminant source(s) listed on the first page of this permit until the permit expires, is modified, or revoked."
 1. ORRCO's permit expired March 1, 2013. The proposed permit is a renewal of an existing ACDP issued on June 6, 2008 and expired on March 1, 2013. No record available to HINooN shows the permit to have been modified or revoked. Why was ORRCO operating on an expired permit, since 2013 without operational polishing equipment and no Thermal Oxidizer for so long?
- s. **14.10 (ai, aii) (b) Permit Expiration** – "A source may not be operated after the expiration of the permit, unless, any of the following occur prior to the expiration date of the permit.
 1. Was a "timely and complete application for renewal ..." ever submitted before the 2013 expiration?
 2. ORRCO has a history of non-compliance.¹³ Was another type of permit issued authorizing operation of the source between 2013 -- 2018?
 3. If another type of permit was issued, was ORRCO permitted to operate with polishing equipment and/or a thermal oxidizer?

Although recycling used motor oil is a worthy cause, operation of an industrial facility for this purpose cannot come at the expense of public health – regardless of its positive economic impact. Business and jobs are replaceable. Human lives are not.¹⁴

Profit over people is not acceptable.

¹³ Jantzen Beach/Hayden Island Air Quality Investigation. Frequently Asked Questions, Louis Bivins, DEQ, 9 May 2016, p.4.

¹⁴ CNA wants polluting oil recyclers shut down, Garlynn Woodson Chair, Concordia Neighborhood Association, 2 August 2017.

OF All of the plants in Portland,
none are as foul as the ORCO
plant. We strongly urge you not to
renew this permit until they upgrade
their emissions equipment to eliminate
the toxic stench.

IF you have any questions,
please contact: a

Sincerely,

July 2 / 88

TO: Oregon DEQ

Northwest Region

700 N.E. Multnomah St., Ste. 600

From: Julie HIGGS

11652 N. Island Cove Ln.

Port. OR 97217

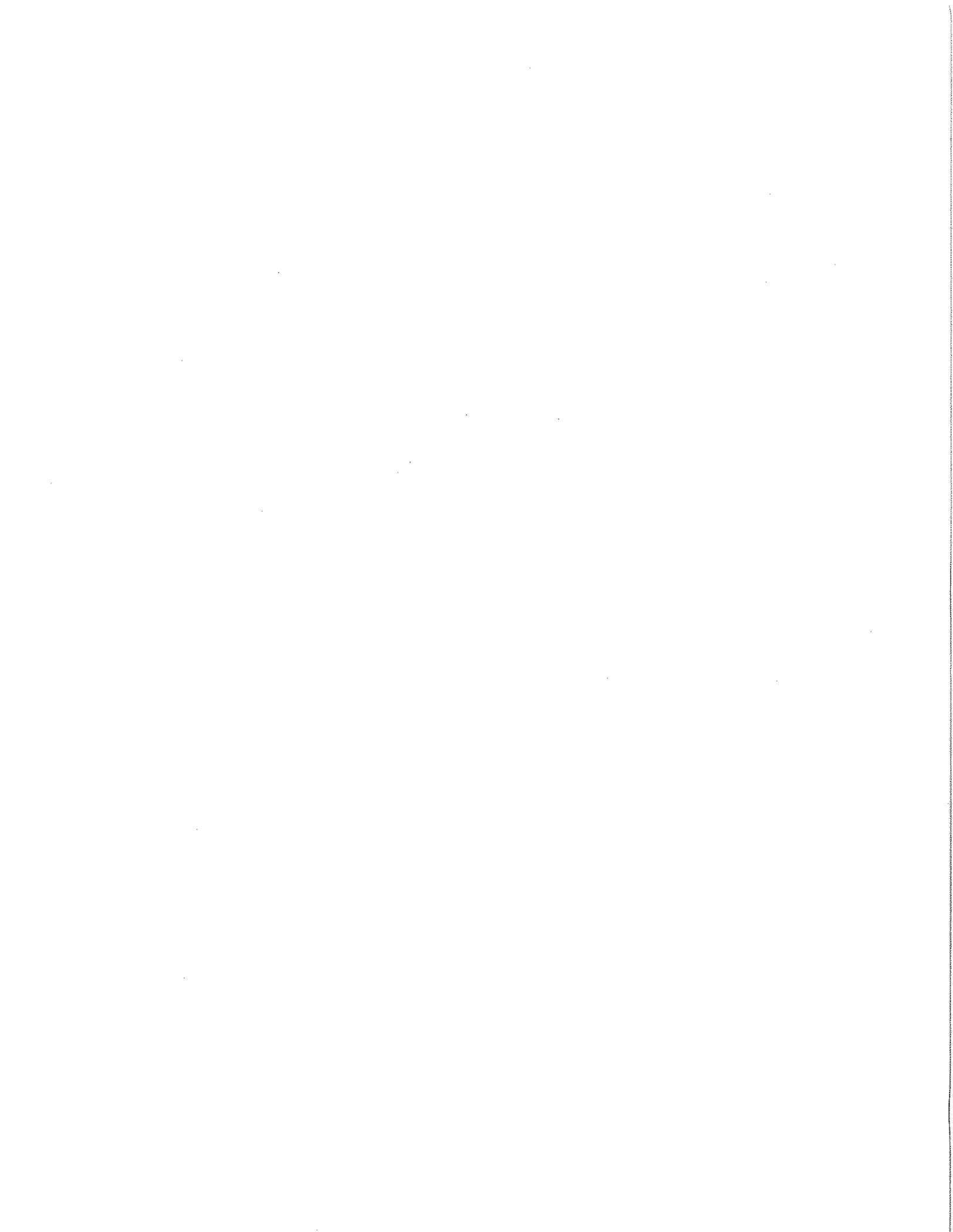
As residents of Hayden Island, we strongly object to the renewal of air quality and waste permits for Oil Re-Refining Company (ORRICO) in North Portland.

Over the past years, we have had to tolerate the toxic stench emitting from this plant. At times, it was so strong that it caused migraines, nausea, and vomiting (especially when dumped in large quantities at night).

DEPT OF ENVIRONMENTAL QUALITY
RECEIVED

MAY 07 2018

NORTHWEST REGION



MCMORRINE Edith

From: Tatiana Xenelis-Mendoza <tatianapdxrealtor@gmail.com>
Sent: Tuesday, May 01, 2018 7:52 PM
To: NWR AQ Permits; MayorWheeler@portlandoregon.gov
Subject: 2No permit for Oil Re-refining Company (ORRCO) in North Portland

Dear Mayor Wheeler and DEQ Rep:

I am a new resident at Bridgeton neighborhood. I'm writing to reiterate the position of the East Columbia Neighborhood Association on the air quality permit and solid waste permit for ORRCO, APES/ELR. Although technically different businesses, they are generally considered the same entities within neighborhood discussions. Once released into the atmosphere, their contaminants are indistinguishable as they arrive at our doorsteps. Currently, ORRCO is being considered for permit renewals.

Our neighborhood is not anti business, but we want you to require a best-available-technology solution applied to reduce the emissions from these local polluters. We are told that there are multiple ways to significantly reduce their pollution impacts on our community. WE, want YOU, to require that THEY, use today's best-available-technology, so that going forward the air we breathe, will be cleaner and safer for all of us.

thank you,

All the best,

Tatiana Xenelis

Licensed Oregon Realtor

tatianapdxrealestate.com

 [503-756-2559](tel:503-756-2559)

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State of Oregon Department of Environmental Quality

ORRCO Permit Renewal and Hearing Comments in Favor



MCMORRINE Edith

From: Matthew Waymire <MWaymire@recology.com>
Sent: Wednesday, April 18, 2018 10:11 AM
To: NWR AQ Permits
Subject: Oil Re-Refining Company
Attachments: 20180417140741879.pdf

Hello,

On behalf of Recology, please see the attached letter regarding Oil Re-Refining Company.

Thanks!

Matt Waymire
Environmental Specialist

Recology® | 4044 North Suttle Road | Portland, OR 97217
C: (503)-915-7936 T: 503-285-8777 Ext. 2804 | mwaymire@recology.com



April 17, 2018

Air Quality Permit Coordinator
Oregon Department of Environmental Quality
700 E. Multnomah Street, Suite 600
Portland, OR 97232

RE: DEQ's Request for Comment on Oil Re-Refining Company's Proposed Air Quality and Solid Waste Permits

To Whom It May Concern:

Recology appreciates the opportunity to provide written comment to the record, and offers this letter of support for DEQ's consideration. Oil Re-Refining Company is located directly next door to our Suttle Road Recovery Facility, and they have always been a good neighbor. We believe they provide important and valuable recycling services.

Respectfully,

Greg Moore
Operations Manager
Recology Portland

MCMORRINE Edith

From: Tony Lemon <T.Lemon@lacamaslabs.com>
Sent: Monday, April 09, 2018 3:17 PM
To: NWR AQ Permits
Cc: Allen Erickson; billb@orrcorecycles.com; michaelb@orrcorecycles.com
Subject: ORRCO Air Permit Renewal - Public Comment

To Whom it may concern:

Re: ORRCO Air Permit Renewal - Public Comment

As a neighboring business to Oil Re-Refining Co. (ORRCO) on N Suttle Rd, we have not had any recent odor issues related to ORRCO's operations.

Regards,
Tony Lemon

*Plant Manager
Lacamas Laboratories
503-285-0360*

MCMORRINE Edith

From: Garner Moody <garner@moodypdx.com>
Sent: Thursday, April 19, 2018 6:03 AM
To: NWR AQ Permits
Subject: ORRCO Permits

We believe the solid waste and air quality permits should be approved regarding the North Portland sites. Our family lives and works in North Portland and our family has been in the N/NE Portland region since the 1940s. We believe the compliance measures put in place are more than adequate and we believe that recycling oil should be embraced.

Thanks for your time

Garner Moody, Mason Moody, Danielle Moody
8111 N Washburne Ave
Portland, OR 97217
503 329 5369

MCMORRINE Edith

From: Mark Hjerpe <mark@kleenblast.com>
Sent: Wednesday, April 11, 2018 3:09 PM
To: NWR AQ Permits
Subject: ORRCO support for upcoming permit approval
Attachments: ORRCO letter of support for air and solid waste permits.pdf

Air Quality Permit Coordinator,

Please see the attached letter of support for ORRCO's upcoming air and solid waste permits.

Oil Re-refining Company, Inc. at 4150 N Suttle Road in Portland, Oregon is a good neighbor as we have been their business neighbor for a number of years.

They perform necessary recycling services, recovering products and materials from problem waste in a business and environmental manner.

We support the renewal of both of their air and solid waste operating permits.

Yours truly,
Mark Hjerpe
Controller
CanAm Minerals dba Kleen Blast
50 Oak Court, Ste 210
Danville, CA 94526
Tel. (925) 831-9800, Fax (925) 831-9183



50 Oak Court, Suite 210 – Danville, CA 94526

Phone: 925.831.9802 – Fax: 925.831.9183

April 11, 2018

Air Quality Permit Coordinator
700 NE Multnomah Street, Suite 600
Portland, OR 97232

email to: nwraqpermits@deq.state.or.us

Dear Air Quality Permit Coordinator,
We have been located at 3747 North Suttle Road for over eight years and during that entire period have had a very good relationship with our neighbor Oil Re-refining Company, Inc. (ORRCO). Our company has eight locations on the U.S. West Coast and ORRCO joins the list of our other neighbors in comfortable and non-disruptive environments. Therefore, we support their application for renewal of their necessary Operating Permits including the upcoming air (Standard Air Contaminant Discharge Permit) and solid waste treatment, waste transfer, material recovery facility permits.

Thank you for your consideration and please contact me if you have any questions or would like additional information.

Yours Truly,

A handwritten signature in black ink, appearing to read "Steve Hagman", with a large, sweeping flourish above the name.

Steve Hagman
CanAm Minerals, Inc. dba - Kleen Blast Abrasives
V. P. and CFO

MCMORRINE Edith

From: James Brown <jim@jcbrownpc.com>
Sent: Sunday, April 29, 2018 10:33 AM
To: NWR AQ Permits
Cc: Devina Stearns; Bill Briggs; James C. Brown (jcbrownpc@msn.com)
Subject: ORROCO Air & SW Permits Renewal
Attachments: 20180429 JCB Ltr to DEQ re ORROCO Air Quality and SW Permit renewal.pdf

Dear Permit Coordinator:

Attached please find TriggCo Real Estate, LLC's letter in support of the renewal of ORROC air quality and solid waste permits.

Respectfully,
Jim Brown

James C. Brown
Attorney at Law
James C Brown & Associates, P. C.
P.O. Box 31
Marylhurst, Oregon 97036

Phone: 503-557-2245
Fax: 503-557-0377
Cell: 503-784-7844
Email: jcbrownpc@msn.com

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James C. Brown & Associates, P.C.

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Telephone: (503) 557-2245
FAX: (503) 557-0377
E-mail: jcbrownpc@msn.com

Via Email

nwraqpermits@deq.state.or.us

May 29, 2018

Air Quality Permit Coordinator
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Re: Oil Re-Refining Company, Inc's (ORROCO) Proposed Air Quality & Solid Waste Permits

Dear Sir/Madam:

On behalf of our client, TriggCo Real Estate, LLC (TriggCo), who owns the property adjoining ORROCO's operations to the west, we are writing in support of the renewal of ORROCO's air quality and solid waste permits.

TriggCo has been intimately aware of ORROCO's operations since the early 1980s and is very conscious of the improvements in their overall operations, especially during the past five years, in which it has invested over \$1.5 million in on-site remedial work, which TriggCo appreciates. TriggCo consulted with its Lessee, J B Hunt Transportation, to determine if they had any concerns regarding potential odor or particulate problems coming from ORROCO's operations. They had none.

In addition, we have met numerous times over the past 2 ½ years with all the property owners along N. Suttle Road owners, including Mr. Bill Briggs of ORROCO, regarding the recently formed City of Portland Local Improvement District (LID) to reconstruct that roadway. Numerous issues have been discussed during those meetings and not once has any concern been expressed regarding the ORROCO's operations. If odor or particulate emissions were an issue for the adjoining neighbors, they would've mentioned it to Mr. Briggs during those meetings.

ORROCO performs several much needed and necessary recycling services for the metropolitan Portland community and beyond. By recovering products and metals from problem wastes in a businesslike in an environmentally sound manner, products that most

April 29, 2018
Air Quality Permit Coordinator, DEQ NW Region
Page 2

probably otherwise would end up in solid waste landfills, or worse by being indiscriminately dumped and discharged to the environment. ORROCO operations product our environments and are to be encourage and supported.

I attended the April 24, 2018 Public Hearing and testified during that hearing. Nevertheless, in fairness to ORROCO these written comments are also being submitted.

I listened, with interest, to the concerns expressed by various individuals from NW Portland & Hayden Island neighborhoods regarding their concerns and complaints about odors and suspected air contaminant/ particulate issues. Notwithstanding the sincerity of their comments or the existence of the air contamination problem about which they complained, not one person provided any documented evidence or any analytical data to support their allegations that ORROCO was the problem or the source of the problem. Further, while not minimizing the sincerity of their comments or the reality of their concern, those individual simply chose the wrong forum to effectively obtain redress for their concerns. Those matters need to be addressed by the Legislature and the Legislature needs to increase DEQ's funding and personnel to enable DEQ to more effectively perform their duties.

The fact that there is another company in the area that does have permit compliance problems and emit odors and discharges air particulates complicates ORROCO's permit renewal request. ORROCO was unfairly asked to address problems that it did not cause. Further, the neighbors were asking DEQ to require ORROCO to comply with a level of contaminant removal that is not provided for by law and may not be technically feasible.

According to DEQ's inspectors, ORROCO is in compliance with the conditions of its permits, which are based upon current law. Further, ORROCO has committed to install better quality contaminant removal equipment as part of this renewal process. Therefore, ORROCO is entitled to and should have both its air quality and solid waste permits renewed. TriggCo supports the renewal of those permits.

If you have questions regarding these comments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Brown", with a long horizontal flourish extending to the right.

James C. Brown

c: Devina Stearns, TriggCo
Bill Briggs, ORROCO