



October 4, 2021

**RE: Response to Comments on Zenith Energy Terminal Holdings 1200-C Application  
5501 NW Front Avenue  
Portland, Oregon 97210  
DEQ File 126899**

Dear Public Comment Respondents,

Thank you for your interest and comment during the public notice portion of the 1200-C application for Portland Renewable Fuel (Zenith Energy Terminal) project. DEQ values your input and interest in the project to ensure the site application materials are consistent with all of the 1200-C NPDES construction stormwater general permit conditions. Your input helps protect Oregon's waterways for current and future generations.

See below for responses to your comments received by DEQ within the public notice period for the 1200-C construction stormwater permit application:

**Comment received from Otto Yunker:**

**I understand that some of the questions asked of DEQ in regards to Zenith Energy have seemed out the purview. I have been told by DEQ that there's not much that they can do, and that it is in the hands of City Council. I have been told by City Council -well it's not really up to us, ask DEQ. At some point someone has to step up and be responsible for the health of the rivers, air, land, and beings that inhabit them. We need people to be response-able [sic] for the health not only of Portland, or of Oregon, but of our world as a whole. If not now, when? If not Zenith, what mammoth company?**

**I have been told that the effects of violations are calculated into financial amount for enforcement, but that there is no calculation to estimate the cost on public health. This is both horrifying, and relieving, for while I do not believe that a financial amount could ever be attached to the lungs of our loved ones, what other remedy do we have when our people fail us. When we go to the rivers to swim with our families, only to find ourselves bathing in what wasn't kept in by a violated permit. What do we do when DEQ fails to protect us from Zenith, and when Zenith fails to act in anyones [sic] interest, but their own pockets.**

**When it has come time for violation enforcements, or river rehabilitation, it is too late. When you look out at what is happening in the world today, at the fires today, you realize that even today is too late. Our lungs have taken in the toxins, the ground has been violated, and the toxins released into the rivers. Into the veins of the earth.**

**Perhaps the legality is frightening, but laws need to be challenged to be changed. To be challenged to protect the people and the land that makes up the nations that cling to the, Presidence dose [sic] not equate to prudence. We need to act wisely, because we have no other option. Please, prevent Zenith's actions.**

**DEQ Response:** Thank you for the comment. DEQ's regulatory authority associated with the NPDES 1200-C construction stormwater general permit is limited to the management of stormwater runoff during

construction activities. DEQ conducted inspections of the Zenith site on January 12, 2021 and on February 25, 2021 and found Zenith in violation for beginning construction activity prior to obtaining 1200-C permit coverage. DEQ issued an enforcement action on July 7, 2021 for Zenith's unauthorized construction activity, and is working with Zenith to resolve that violation.

**Comment received from Joni Renee Whitworth:**

**Hi, I am writing about Zenith's Land Use Compatibility Statement (LUCS). Zenith's previous actions have proven their untrustworthiness. I would urge you to deny Zenith's pending application for a Land Use Compatibility Statement. I was born and raised here in Portland and dream of the day when we will be able to shut down Zenith's facility in NW Portland due to their flagrant disregard for our environment**

**DEQ Response:** Thank you for the comment. DEQ's regulatory authority associated with the NPDES 1200-C construction stormwater general permit is limited to the management of stormwater runoff during construction activities. DEQ does not make land use determinations. Land use determinations are made by the local land use authority. In this instance, that is the City of Portland.

**Comment received from Howard Shapiro:**

**As a former Lane County planning commissioner, and current resident of Portland, I am requesting that you not approve any further permits for the Zenith oil shipping project. After viewing the Frontline documentary television program on the incineration off the town of Paradise, CA. I am convinced that we have a potentially similar disaster situation here in Portland. The video documented the Camp fire raging over seven miles in fifteen minutes to completely destroy the town of Paradise and kill 23 people.**

**Our industrial area along highway 30 south of St. Johns is in a high soil liquefaction zone. In the event of an earthquake the soil will liquify [sic] and any structures will begin to subside into the soil (or mud). This includes rail tank cars, oil tank farms, natural gas storage, and refineries. As the steel structures sink, they will undoubtedly begin to buckle and the friction may create a spark which will ignite the highly flammable oil and gas. Depending upon the wind the fire may travel over the hill to Forest Park then into the city.**

**As evidenced by the Paradise fire, this can happen in a matter of minutes. There is no way to quell these oil fires, they are often left to burn themselves out. Since there is abundant fuel in Forest Park, This, may take several days to burn as the fire continues to advance. The majority of Portland residents who are aware of Zenith, are averse to Zenith's expansion and we have notified the city commission of that fact. However, the commissioners and mayor seem poised to grant Zenith construction permits. It is my belief that the Portland city commission may be frightened of a lawsuit, which they have threatened, from the multinational wealthy corporation if they refuse to grant the permits. With all of its other problems, the city has limited resources to fight the lawsuit if it arises.**

**We are petitioning you to come out against Zenith's expansion application and possibly save Portland, Linnton and St. Johns from potential conflagration. Goal seven of the Statewide Planning Goals deals with natural disasters. Approving the Zenith application to enlarge their operation (or operate at all) is in violation of this goal. The above scenario is an alarming example of a natural disaster for Portland caused by Zenith.**

**DEQ Response:** Thank you for the comment. DEQ's regulatory authority associated with the NPDES 1200-C construction stormwater general permit is limited to the management of stormwater runoff during construction activities.

**Comment received Oregon Fuels Association:**

On behalf of Oregon's locally owned fuel stations and fuel distributors we ask that you approve permit coverage to Zenith Energy for their proposed construction activities at 5501 NW Front Avenue in Portland.

OFA members are at the forefront of environmental stewardship within the industry as the leading suppliers of biodiesel and other low carbon fuels.

Oregon Fuels Association supports Zenith Energy's plans to develop infrastructure that supports a lower carbon future in an environmentally responsible way, including Oregon's strict water quality regulations.

The proposed infrastructure project will play a critical role in supporting Oregon's Clean Fuel Program (CFP) and carbon reduction goals. As the CFP program standards ramp up, demand for renewable fuels will rise and Oregon will need reliable renewable fuel supply chain infrastructure to meet demand.

The proposed infrastructure will be dedicated to the transference of renewable fuel feedstock which includes soy oil, seed oil and recycled materials like cooking oil. These feedstocks are the basis for refining renewable fuels. Today, Oregon lacks the infrastructure necessary to support a robust clean fuels future – one that DEQ hopes to achieve.

Zenith's proposed infrastructure will be important to providing feedstocks to meet the future demand of the growing renewable fuel industry in Oregon. As you may know, Port Westward in nearby Clatskanie will soon be the home to a major renewable fuel producer which is scheduled to open in 2024.

On behalf of Oregon Fuels Association, we support the Zenith Energy project and ask for DEQ's help in approving the necessary permits to ensure Oregon has clean fuels infrastructure ready to meet our greenhouse gas reduction goals.t. [sic]

DEQ Response: Thank you for the comment.

**Comment received from Lynn Handlin (8/19/2021 public hearing):**

My name is Lynn Handlin and I just have a very short comment for now and will submit the rest in written. First of all it seems crazy to be granting a fossil fuel company any sort of permit to continue expansion, when we know that climate change is going to kill us all and or at least our children and grandchildren. Code red for humanity is that not sufficient to say we need to not do this. I understand this is about stormwater stuff but still it is a company that is an ecological disaster and an environmental justice disaster from start, from one end to the other. From where the fossil fuels are extracted to the trains that come through to where it is burned at the end and this is only one small portion of it. This permitting process why are we letting them expand at this point it doesn't make any sense to me. And I do not understand why they cannot be held accountable for the potential earthquake hazards because we know the earthquake is coming, so I think they need to be held accountable, held responsible and so far I have been told DEQ that is not a thing because it is an act of God or something. And Zenith has not been transparent at all about their operations since they started, since they took over the asphalt company, and so I do not understand why they should be allowed to continue and that's all for now I will submit the rest in writing. Thanks.

**DEQ Response:** Thank you for the comment. DEQ's regulatory authority associated with the NPDES 1200-C construction stormwater general permit is limited to the management of stormwater runoff during construction activities.

**Comment received from Zach Grennboss (8/19/2021 public hearing):**

**Hi my name is Zach Greenboss. I also have a brief statement. I want to echo what Lynn said very well. I think that it is crazy we would think about permitting or allowing this to move forward. DEQ's mission is to be the leader in restoring, maintaining, and enhancing the quality of Oregon's Air, Land, and in water and I would urge DEQ to think more broadly about this mission and how they can help combat the crippling effects of climate change. They could make a stand and could deny this permit. They could ensure we don't have fossil fuel infrastructure in Portland, which is what Portlanders have been requesting and we are asking you. Thank you.**

**DEQ Response:** Thank you for the comment. DEQ's regulatory authority associated with the NPDES 1200-C construction stormwater general permit is limited to the management of stormwater runoff during construction activities.

Based on the details provided in the erosion and sediment control plan, the applicant has satisfied the permit requirements for coverage under the 1200-C NPDES Construction Stormwater permit.

Thank you for your comments and for the interest in helping to protect Oregon's natural resources. If you have questions about the contents of this letter, please contact me at 503-229-6843 or at [mike.kennedy@deq.state.or.us](mailto:mike.kennedy@deq.state.or.us).

Sincerely,



Michael Kennedy  
Water Quality Specialist  
Oregon Department of Environmental Quality – Northwest Region