



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)

June 30, 2017

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

Re: American Petroleum Environmental Services (APES)

Proposed Air Quality Permit Renewal and Proposed
Solid Waste Permit.

To whom it May Concern:

INTRODUCTION

Since 2001, American Petroleum Environmental Services (APES) located in the City of Portland, Multnomah County, has been recycling used motor oil, a process recognized as an important environmental objective.

American Petroleum now proposes to modify their existing air quality permit to add an oil sulfonation process and an oil polishing process along with a thermal oxidizer. The purpose is to control volatile organic compound emissions from used oil and processing them into reusable oil and fuel. This would be under the supervision of the Oregon Department of Environmental Quality (ODEQ).

Additionally, at the request of ODEQ, American Petroleum is applying for a solid waste permit for processing used oil filters and other oily solids.

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 facts revealed in ODEQ records:

1. That ORRCO, the former owner of APES, unlawfully scrapped the thermal oxidizers installed in 2003 to destroy hazardous pollutants;
2. That APES has been operating without pollution-control equipment since 2006;
3. It was illegal for APES to remove the pollution-control equipment;

4. That ODEQ did not discover the pollution-control equipment had been removed until a 2011 inspection;
5. That ODEQ decided to forgo prosecution for the illegal pollution-control equipment removal;
6. That air pollution permits for both APES expired in 2013;
7. That ODEQ allowed APES to continue operation with an expired permit;
8. That Hayden Island and surrounding North Portland residents have reported, to ODEQ, pungent odors and illnesses involving various respiratory episodes and bloody noses occurring at various times since at least February 2000;
9. That the complaints intensified about the time the APES plant removed the thermal oxidizers in 2006;
10. 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 ORRCO's [smokestacks](#);
11. The U.S. Environmental Protection Agency (EPA) inspection team also deployed a photo-ionization detector that measures volatile organic compounds (VOCs) detecting "a distinctive petroleum-like odor" from several points within the boundaries of APES;
12. The ODEQ determined the odors were coming from facilities that "processes a product containing petroleum-based compounds" concluding that APES and another re-refinery were, in all likelihood, the source of the odors;
13. The ODEQ, after receiving respiratory complaints since 2000, and the results of the infrared thermal imaging video camera and photo-ionization detector, did not issue a "Cease and Desist" order to protect the public health and air quality of North Portland residents; and,
14. That ODEQ describes the reported air pollution problems experienced by Hayden Island and other North Portland residents as an "odor" issue, exhorting the residents at one public meeting to just "close their windows."

Additionally, in a June 29th Portland Tribune article by Paul Koberstein entitled, "***Oil recycler permit shows it emits more than foul odors,***" it was further reported that on Wednesday, Jun 21st, DEQ held a public hearing on the APES draft air pollution permit, yet no one from the ODEQ briefed the public about the carcinogenic discharges allowed by the permit. The draft permit, reviewed by a 30year workplace safety consultant, Mr. John Williams, at the request of the Portland Tribune, exposed that "*...the permit DEQ proposes for the APES plant will result in numerous toxic emissions.*"

Quoted from the Tribune article, "*In his independent review of the permit, Williams said it allows the APES plant to burn waste oil containing small amounts of chromium, arsenic, lead, cadmium, PCBs and a category of chlorinated chemicals know as halogens.*

"When you burn PCBs and halogens together at certain temperatures, you can get a catalytic reaction that could potentially create small amounts of dioxin-like compounds," said Williams, a member of Intel Corporation's Air Quality Advisory Committee.

Mr. Williams "*...cited a 1996 report published on the U.S. EPA's website noting that the carcinogens dioxin, PCB's and benzene "may be formed" during the burning of waste oils as a result of incomplete combustions. The EPA considers dioxin to be the most carcinogenic substance in the environment, dangerous in even small quantities.*"

"The permit does not mention or discuss the plant's potential to emit dioxin, but would allow the plant to release as many as eight other carcinogenic chemicals, including arsenic, beryllium, cadmium, nickel, ethylbenzene, formaldehyde, naphthalene and possibly hexavalent chromium."

Finally, at several ODEQ hosted public meetings, a question asked of DEQ agency representatives and attending panelists was, “Has any air quality permit been turned down or a request for renewal been denied?” No one seated at the table could recall anything other than the granting of permits.

HINooN RECOMMENDATIONS

American Petroleum Environmental Services, Inc. is seeking the renewal of the company’s air quality permit and issuance of a new solid waste permit from ODEQ, the agency responsible for regulating APES.

APES has a lengthy history of manufacturing and delivering an uncontrolled, toxic, odorous, substance to the air breathed by the general public, essentially creating an ODEQ sanctioned public health risk. APES does this by operating with expired ODEQ permits, under a cloud of recorded respiratory complaints, while unlawfully removing pollution control equipment – all this while submitting periodic self-reports to ODEQ.

On the other side of the coin, In June, ODEQ invites the public to attend a public hearing and to comment on the proposed modification and renewal of APES standard air containment discharge permit and proposed new solid waste material recovery facility permit, yet no one from the ODEQ briefs the public about the carcinogenic discharges allowed by the permit.

ODEQ is supposedly responsible for administering laws regulating air, water, and land pollution. The agency practices a policy of administrative inaction to administer those laws regulating the air that APES and other used oil re-refineries are delivering to the public by never turning down a permit request. Accepting the self-reports of APES, the ODEQ ignored the years of recorded respiratory complaints, apparently did not know of the illegal removal of pollution control equipment, choose not to prosecute when such removal was discovered, and sanctioned the operation of APES allowing them to operate with expired permits. Visit the EPA video pictures showing clouds of pollution coming out of APES smokestacks.

All of this is carried out by the state agency (ODEQ) that accepts infrequent self-reports from a company (APES) that is supposed to be regulated by the state agency (ODEQ) that casts a blind eye on the company (APES) they are to regulate. This does not indicate an institutional will for ODEQ to be a leader in restoring, maintaining and enhancing the quality of Hayden Island’s, North Portland’s or Oregon’s air on behalf of the public.

Until this situation is remedied, for the benefit of the breathing public, HINooN recommends:

- APES not be issued a renewal Air Quality Permit and denied the proposed Solid Waste Permit.
- ODEQ issue APES a Cease and Desist order to take effect immediately.

HINooN’s comments on this issue are based on information available at this time.

Sincerely,

Jeff R. Geisler, Chair
Hayden Island Neighborhood Network (HINooN)

JRG: MGS

CC: Kate Brown, Governor, State of Oregon
Tina Kotek, House Speaker, Representative, District 44
Richard Whitman, Director, Oregon DEQ
Ted Wheeler, Mayor, City of Portland, Oregon
Dan Saltzman, Commissioner, City of Portland
Nick Fish, Commissioner, City of Portland
Amanda Fritz, Commissioner, City of Portland
Chloe Eudaly, Commissioner, City of Portland and Bureau Chief, Office of Neighborhood
Involvement
Tom Griffin-Valade, Executive Director, North Portland Neighborhood Services (NPNS)