

**BEFORE THE OREGON DEPARTMENT
OF ENVIRONMENTAL QUALITY**

In the Matter of:)	
)	ORDER GRANTING
Cascade Kelly Holdings LLC dba)	RECONSIDERATION,
Columbia Pacific Bio-Refinery)	IN PART, AND DENYING
Air Contaminant Discharge Permit)	RECONSIDERATION, IN PART
No. 05-0023-ST-01)	

On August 28, 2020, Columbia Riverkeeper, the Northwest Environmental Defense Center, and Neighbors for Clean Air (collectively, "Petitioners") filed a Petition for Reconsideration of the Department of Environmental Quality (DEQ) issuance of the Air Contaminant Discharge Permit ("ACDP") No. 05-0023-ST-01 issued to Cascade Kelly Holdings LLC, dba Columbia Pacific Bio-Refinery ("Cascade Kelly"), on June 30, 2020. Petitioners raise two distinct issues that they assert warrant reconsideration. First, they seek reconsideration of the inclusion of provisions in the ACDP that authorize Cascade Kelly to operate under "Operating Scenario #2," asserting that the tanks that would be used for such operations are not part of source because Cascade Kelly does not have legal authority to use such tanks. Second, they seek reconsideration of the ACDP authorization for the storage and marine vessel loading of crude oil, asserting that such provisions are prohibited under Governor Brown's Executive Order 20-04.

By this order pursuant to OAR 137-004-0080(4) and ORS 183.484, DEQ grants the petition for reconsideration, in part, and denies it, in part. DEQ grants reconsideration of whether the ACDP should include authorization for, and any provisions related to, "Operating Scenario #2" in permit Conditions 1.0 and 9.3. DEQ denies reconsideration of the ACDP authorization for the storage and marine vessel loading of crude oil (apart from Operating Scenario #2).

As provided under OAR 137-004-0080(7), the final order issuing ACDP No. 05-0023-ST-01 remains in effect pending DEQ's reconsideration.

Dated this 16th day of September, 2020.



Richard Whitman, Director
Department of Environmental Quality