

Dear Hillsboro City Council,

Thank you for hearing our appeal at your marathon session on Tuesday August 18, and for providing a venue where our concerns could be voiced. We appreciate your questions to the applicant and your requests for more information. We would like to address some issues that came up during this hearing:

Jet Fuel Vapors

In his testimony, Sky Harbour's attorney provided false and misleading information regarding the air pollution impacts of jet refueling operations:

"And that is just irresponsible to say that that's how things are going and benzene is going to come through. Benzene's not even in there. **It is fueled in a sealed manner, so fumes do not come out.** Okay." (YouTube [3:11:40](#))

Airplane fuel tanks are not sealed. In order to function safely, these tanks operate at ambient air pressure, and they are vented to the outside. While in operation, an empty aircraft fuel tank is not dry. Residual liquid fuel collects in the corners and bottom of the tank. Jet fuel is volatile and evaporates easily, so the volume of an empty fuel tank is full of fuel vapor. During re-fueling, incoming liquid fuel displaces these vapors, which need to go somewhere. Private jet fuel tanks are vented to the outside and typically the vents are located in the wing tips.

Automotive gas stations and modern automobiles have onboard fuel vapor recovery units, but private jets do not. Jet aircraft refueling operations generally do not capture displaced hydrocarbon vapors. These vapors are vented directly into the environment.

The volume of fuel vapors released at the Sky Harbour refueling facility would be massive. The Bombardier Global 7500 has a total fuel capacity of 7,500 US gallons. Refueling an empty plane would release more than 7,000 gallons of fuel vapor directly into the air.

The negative environmental impacts of this refueling operation needs to be evaluated.

Transient Sky Harbour Jets

Sky Harbour's application and testimony gave the impression that the proposed Hillsboro facility would only be used by Sky Harbour jets based at Hillsboro Airport, but towards the end of the hearing, Sky Harbour's Director of Development disclosed an important detail:

"We are what we call a home base operation. That means we have based resident tenants. We do not market to, we do not service transient customers. That is for the FBOs to take care of. Our business is simply for based aircraft that would be based at this airport **or any airport that Sky Harbor has an operation.**" (YouTube [6:10:32](#))

Does this mean that any Sky Harbour jet could refuel at the proposed Hillsboro facility? Although Sky Harbour claims to not serve transient customers, it sounds like they serve transient Sky Harbour customers. We would like more information about exactly what jets have access to Sky Harbour's refueling services. Does Sky Harbour provide FBO-like services for their customers when they stop at a Sky Harbour airport that is not their home base?

This transient activity could represent a significant increase in flight totals and fuel use above and beyond the numbers predicted by Sky Harbour's multiplier. Considering the proximity of Hillsboro to the West Coast, would this facility be available as a refueling stop for Sky Harbour jets headed across the Pacific Ocean? We would like more information on this.

Diesel Tank

The August 18 hearing was the first time we heard any mention of a diesel fuel storage tank. Prior to that, the only places where diesel was mentioned is in soil samples and a flash-point table for various fuels (Packet page 1369) where the applicant declared that "The fuel used will be Jet A fuel." During council questions, Sky Harbour's representative mentioned a 500-gallon diesel tank:

"Our facility is and our plans are to only put in jet fuel facilities. **There's also a 500-gallon diesel tank proposed**, but the main fuel is jet fuel. Jet fuel is essentially a kerosene product. It has no added benzene. There may in fact be small traces of benzene through the refinery process as I understand it. " (YouTube [6:09:42](#))

Was this the first time that a diesel storage tank was disclosed by the applicant?

What other other important facts have not yet been disclosed?

NEPA Fraud is Within Scope

Sky Harbour has taken the position that their NEPA waiver should not play any role in the City of Hillsboro's land use decision. Sky Harbour claims that the NEPA waiver was not required by the city, however they provided the decision page to the city during the land use review process.

Evidence in the record shows that the applicant used this document to support false claims that the proposed development would have no negative impacts. Minutes of the April 8 Planning Commission meeting describe in great detail, the value of the decision page:

“Regarding the environmental considerations, the decision page from the NEPA review, which was distributed to the Commissioners at the dais, showed that NEPA approved the Categorical Exclusion (CATEX), the least intensive level of review, covering construction and post-construction impacts, such as noise, air quality, water quality, onsite wetlands and floodplains, so the development project complied with federal environmental regulations.” (April 8 [Planning Commission Minutes](#) Page 5)

We believe that the applicant committed at least two acts of fraud. The first act was knowingly providing false answers to the FAA in order to get the NEPA waiver. The second act was concealing these false answers while using the NEPA waiver to get their project approved. Fraudulent conduct during a land use process should be well within the scope of an appeal proceeding of that very process.

All the necessary elements are present to prove fraud: The applicant intentionally used a falsehood or misrepresentation to gain something of value. City staff relied on that falsehood or misrepresentation to conclude that the project complied with federal environmental regulations, and the Planning Commission relied on the falsehood or misrepresentation to make their land use decision. The victims of the fraud (the public and the City) both suffered measurable financial loss in terms of appeal fees, legal fees, and staff time as a result of the fraud.

Thank you for taking these issues into consideration as you make your decision.

Sincerely,

Sarah Richmond
Brett Hamilton
Valerie Pratt