

12/20/1966

OREGON STATE SANITARY
AUTHORITY MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

This file is digitized in **black and white** using Optical Character Recognition (OCR) in a standard PDF format.

Standard PDF creates PDF files to be printed to desktop printers or digital copiers, published on a CD, or sent to client as publishing proof. This set of options uses compression and downsampling to keep the file size down. However, it also embeds subsets of all (allowed) fonts used in the file, converts all colors to sRGB, and prints to a medium resolution. Window font subsets are not embedded by default. PDF files created with this settings file can be opened in Acrobat and Reader versions 6.0 and later.

AGENDA

STATE SANITARY AUTHORITY MEETING

10:00 a.m., December 20, 1966

Room 72, State Office Building, Portland

- A. Minutes of September 13, 1966, meeting
- B. Project plans for September, October and November, 1966
- ~~C. Wigwam-burner regulations and control~~
- D. Springfield-Eugene odor complaints
- E. Request of Harvey Aluminum Company for dismissal of complaint
- F. Proposed 1967 Legislation
 - 1) S.B. 34 Withholding of tax relief
 - 2) S.B. 35 Agricultural and land clearing exemptions
 - 3) S.B. 36 Regional air quality control authorities
 - 4) S.B. 39 Amendments to water pollution control statutes
 - 5) Mandatory certification of sewage works operators
 - 6) State assistance to municipalities and industries
 - a) Proposal by League of Oregon Cities
 - b) Tax incentives
 - 7) Other
- G. Resolution of Society of American Foresters
- H. Status of Federal Grant and other projects with December 1, 1966, deadline

MINUTES OF THE 112th MEETING
of the
Oregon State Sanitary Authority
December 20, 1966

The 112th meeting of the Oregon State Sanitary Authority was called to order by Harold F. Wendel, Chairman, at 10:00 a.m., December 20, 1966, in Room 72 of the State Office Building, Portland, Oregon. The members and staff present were: Harold F. Wendel, Chairman; B.A. McPhillips, Chris L. Wheeler, Richard H. Wilcox, M.D., Herman P. Meierjurgan and Edward C. Harms, Jr., Members; Kenneth H. Spies, Secretary; John Denman, Legal Advisor; E.J. Weathersbee, Deputy State Sanitary Engineer; H.M. Patterson and H.E. Milliken, Assistant Chief Engineers; Dr. Warren C. Westgarth, Laboratory Director; H.W. McKenzie, Leo G. Farr, A.D. Smythe and P.D. Curran, Associate Sanitary Engineers; Harold W. Merryman, Leo L. Baton, J.A. Jensen and Fred M. Bolton, District Engineers; Leonard W. Pearlman, Assistant Legal Advisor; Fred G. Katzel and C.K. Ashbaker, Assistant District Engineers; Clint Ayer, E.A. Schmidt and James R. Sheetz, Assistant Sanitary Engineers; and Bruce Snyder, Meteorologist.

MINUTES:

It was MOVED by Mr. Wheeler, seconded by Mr. McPhillips, and carried that the minutes of the September 13, 1966 meeting be approved as prepared.

PROJECT PLANS:

It was MOVED by Mr. McPhillips, seconded by Mr. Wheeler, and carried that the action taken on the following 46 project plans and engineering reports for water pollution control and 7 project plans for air quality control for the months of September, October and November, 1966 be approved:

Water Pollution Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-1-66	Newberg	Publishers primary clarifier	Prov. app.
9-1-66	Newport	Sewers and pump station	Prov. app.
9-2-66	Tualatin Heights	Units A & B sewers	Prov. app.
9-6-66	Gresham (Interlachen)	Interceptor sewer	Prov. app.
9-20-66	Hood River	Sewers	Prov. app.
9-22-66	Oak Lodge #1	Emergency bypass	Prov. app.
9-28-66	Howard Prairie Park	Sewage collection & treat.	Prov. app.
9-28-66	Willow Lake Camp	Sewage collection & treat.	Prov. app.
9-30-66	Port Orford	Sewerage system	Prov. app.
10-4-66	Goshen Elem. School	Sewage treatment plant	Prov. app.
10-6-66	Independence	Change Order #1	Prov. app.
10-12-66	Kaiser Gypsum Co.	Primary Settling Basin	Prov. app.
10-17-66	East Salem	Six pump stations	Prov. app.
10-17-66	Dunthorpe-Riverdale	Unit #1	Prov. app.
10-18-66	Newport	Big Creek Sewer	Prov. app.
10-18-66	Tigard	S.W. Pacific Hwy. Ext.	Prov. app.
10-19-66	Mult. County	Hayden Island sewage plant	Prov. app.
10-19-66	West Linn	Sewers	Prov. app.
10-19-66	Phoenix	Sewer for Rose Motel	Prov. app.
10-25-66	Oak Lodge S.D. #2	Lateral 2A-7-10	Prov. app.
10-25-66	West Linn	Tompkins St. L.I.D.	Prov. app.
10-26-66	Portland	Dwyer Lumber Co.	Prov. app.
11-1-66	State Park	Sunset Bay sewerage system	Prov. app.
11-1-66	Lake Oswego	Lakeridge Development sewers	Prov. app.

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
11-1-66	Springfield	S-80-66 Mohawk Rd. SP-28-66 Main St.	Prov. app.
11-1-66	Cedar Hills	Berkshire #3 Addn. sewers	Prov. app.
11-2-66	Beaverton	Mercer Steel sewer	Prov. app.
11-2-66	Lake Oswego	LID 98 Greentree Rd. sewers	Prov. app.
11-4-66	Metzger San. Dist.	Lateral A-2	Prov. app.
11-4-66	Medford	Sewers Alameda & Laloma	Prov. app.
11-4-66	LaGrande	24" and 18" Interceptor	Prov. app.
11-4-66	Gladstone	Los Verdes Estates sewer	Prov. app.
11-4-66	Oak Lodge #2	2A-4-2 sewer	Prov. app.
11-4-66	Wood Village	239th Pl. & adj. street sewer	Prov. app.
11-7-66	Woodburn (Birdseye)	Add. to waste treatment	Prov. app.
11-10-66	Josephine Co.	Report on sewerage system	Approved
11-10-66	Hood River (FibreMold)	Industrial waste treatment	Prov. app.
11-14-66	Newberg (Publishers)	Industrial primary clarifier	Prov. app.
11-14-66	Oak Lodge	Lat. 2A-0-9	Prov. app.
11-14-66	North Bend	SID 100-65	Prov. app.
11-14-66	Tualatin Hts.	Lats. A-4-2-1, A-4-2-1-1 A-4-2-1-2	Prov. app.
11-14-66	Oak Lodge #2	Lat. 2A-4-2	Prov. app.
11-15-66	Canby (BiggerNBetter)	Industrial waste treatment	Prov. app.
11-15-66	Springfield	School sewer	Prov. app.
11-21-66	Port Orford	Sewage treatment	Prov. app.
11-30-66	Springfield	Interceptor and Pump Station	Prov. app.

Air Quality Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-11-66	Salem	Chevron Chemical Co. fertilizer mix plant	Cond. app.
9-8-66	Portland	Prefab Welders & Contractors Incinerator Review	Comm. furn.
9-15-66	Corvallis	Corvallis Jr. High School Incinerator	Add. info. req.
9-28-66	Eugene	Eugene Clinic Pathological Incinerator	Cond. app.
10-12-66	Klamath Falls	Modoc Lumber Co. Experimental Burner	Add. info. req.
11-2-66	Roseburg	Hub Lumber Company Wigwam Waste Burner Underfire Air System	Not approved
11-22-66	Tigard	Fred Meyer-Incinerator	Cond. app.

WIGWAM BURNER REGULATIONS AND CONTROL

Mr. McKenzie read a report dated December 13, 1966, that he had prepared regarding the wigwam burner program. It has been made a part of the Authority's permanent files in this matter. The report pointed out that the regulations adopted by the Authority in June 1965 had not been successful in abating air pollution in critical areas of the state, and, therefore, a program for phasing out the use of wigwam burners in such areas was proposed by the staff.

Mr. McKenzie explained that the boundaries of the critical areas shown on the maps attached to the report were based on a study of topography, population concentrations, meteorological conditions and other pertinent factors. He stated that as further information is obtained, these boundaries might be changed or other areas added to the list.

It was also explained that under the regulations adopted in 1965, variances had been granted to mills in sparsely populated areas where the air pollution potential is slight. Such variances pertained to the construction requirements. In addition, those mills whose wigwam burners complied with the construction requirements were automatically granted a variance (initially until August 11, 1966, and later extended until January 1, 1967) to the ambient air standards (particle fallout, suspended particulates and smoke discharge).

It was further explained that under the proposal set forth in the report presented by Mr. McKenzie, it was intended that wigwam burners located outside of the designated critical areas would automatically be granted a variance to the construction requirements only.

After considerable discussion and questioning of the staff by the members, it was concluded that the wording of the proposed or recommended program as presented in the report was not as clear as it should be, and therefore it was MOVED by Mr. Meierjurgan, seconded by Dr. Wilcox, and carried that the recommendations contained in the report, together with the maps of the critical areas be worked over by the staff to the end that they will be clarified and that before the next meeting of the Authority, the recommendations of the staff be circulated among the members with adequate time to study them.

Before final action was taken on the above motion, Mr. S.V. McQueen, Chairman of Forest Industries Air Quality Committee of the Associated Oregon Industries read a prepared statement dated December 20, 1966, which has since been made a part of the Authority's permanent files in this matter, and copies of which were subsequently forwarded to each Authority member by mail.

Mr. McQueen complained that the Authority's staff report gave no credit for any improvement made by the industry during the past year. He thought there had been considerable improvement and that therefore there should, at least for the present, be no change made in the existing regulations. He was requested by Mr. Wendel to ask the Association to get data from its members regarding the improvements each had made.

In response to questions from the members Mr. McQueen admitted that with a minimum exit gas temperature of 600°F., there probably would not be much smoke emissions; but he would not admit to the necessity of requiring such minimum temperature. He expressed the opinion that efficient combustion most usually is dependent on the quality of the fuel being burned although in some cases it could also be dependent on the quantity. He claimed that the use of auxiliary fuels would not be economical, but he had no definite data to prove it.

In response to a question raised by Mr. Vern Adkison of the Lane County Air Pollution Control Program, Mr. McQueen said he thought that if a new wigwam burner complied with all existing construction requirements, it should be permitted to be built and operated in a critical area such as Medford or Eugene-Springfield, even though serious air pollution already existed in the area.

Mr. Wheeler requested that the staff furnish the members with a tabulation of the 130 burners that had been surveyed indicating the degree of compliance.

SPRINGFIELD-EUGENE ODOR COMPLAINTS

This item had been placed on the agenda at the request of Mrs. John Jaqua of Eugene who had advised Mr. Merryman that some of the residents of the Eugene-Springfield area wanted to appear and be heard regarding air pollution caused by operation of the Weyerhaeuser Company kraft pulp mill.

Mr. William O. Carey of 1150 N. 37th Street, Springfield, read the undated statement signed by 84 persons of the area: "Weyerhaeuser paper mill gives off odors and gases that make a person sick with the headache and breathing trouble. Also it eats up our cars and trailer houses." Mr. Carey also read a log that he had kept of telephone calls made to the Weyerhaeuser Company complaining about air pollution. He said, "I hope the big taxes paid by the Weyerhaeuser Company have not blinded the officers of the Oregon State Sanitary Authority to the damages done by the Weyerhaeuser Company."

Pastor Orval C. Johnson of Route 2, Box 142A, Springfield, claimed that thousands of people in the Eugene-Springfield area are completely dissatisfied with the pollution that is being caused but are afraid to do anything about it. Both he and Mr. Carey claimed the pollution was injurious to health. He said he had to move from a fine home located ten miles from the pulp mill in order to overcome a throat condition.

Mr. Leo F. Sytsma of 1850 "I" Street, Springfield, presented copies of a statement or petition bearing 271 signatures which read as follows: "We the undersigned believe the vast odor emitted by Weyerhaeuser Company originating from the pulp and paper plant and oxidation pond is an infringement on our rights as private property owners and citizens. We feel that this is a nuisance condition that must be immediately abated. We further agree to the utmost with Mr. Boekelheide's views as expressed in the December 1, 1966, edition of the Springfield News." (Note: At a meeting in Eugene on November 30, 1966, Dr. Virgil C. Boekelheide, according to the Springfield News, stated that allowing the Weyerhaeuser plant to operate is "inexcusable and borders on criminal negligence" and the chemicals which the plant discharges into the atmosphere are "life-shortening and life-inconveniencing.")

Mr. Robert L. Atkinson of 1110 Custom Way, Springfield, said he had helped get signatures on the petitions submitted by Mr. Sytsma. He claimed that some people also complained about damage to fruit trees and other vegetation allegedly caused by fallout from the pulp mill.

Mr. Vern Adkison, Lane County Air Pollution Control Officer, also testified regarding the air pollution problems caused by the Weyerhaeuser pulp mill. He showed some motion pictures he had taken recently in the area which he said depicted excessive smoke, fallout and examples of accelerated corrosion.

The Secretary then read a letter dated December 19, 1966, from Dr. Roderick W. Gillilan, Chairman of the Lane County Community Health Council, complaining about the pollution.

Mr. Harms said that if the above persons had not appeared and testified about the matter he would have brought it up himself because on the weekend of December 10 the odor was the worst that he could recall experiencing since the Weyerhaeuser Company started producing kraft pulp at Springfield in 1949.

Mr. Wendel then asked for comments from the staff. Mr. Patterson stated that the staff was in the process of arranging a conference with the company when it was decided to put the matter on the agenda for this meeting. He said the staff had been making some studies in the area and had just completed summarizing some of the data but had not yet had the time to evaluate the results. He pointed out the difficulty of getting sufficient data because of the limited staff. In answer to a question by Dr. Wilcox, Mr. Patterson said that eleven additional staff members had been requested for the 1967-69 biennium.

After considerable discussion it was MOVED by Mr. McPhillips, seconded by Mr. Meierjurgan and carried that a special meeting of the Authority be called

as soon as practical for the members of the Authority and officials of the Weyerhaeuser Company to get together to do something definite about solving this problem. The date of January 13, 1967, was suggested.

The meeting was then recessed at 12:20 p.m. and reconvened at 2:20 p.m.

REQUEST OF HARVEY ALUMINUM COMPANY FOR DISMISSAL OF COMPLAINT

Mr. Patterson reported that the staff had not had sufficient time to review thoroughly the request of the Harvey Aluminum Company that the complaint filed against it some time ago by the Sanitary Authority be dismissed.

It was MOVED by Mr. Harms, seconded by Mr. McPhillips and carried that action on the request of the Harvey Aluminum Company be postponed until a future meeting of the Authority in order to give the staff time to evaluate the information submitted.

PROPOSED 1967 LEGISLATION PERTAINING TO AIR AND WATER POLLUTION CONTROL

1) S.B. 34 Withholding of tax relief

The Secretary stated that this bill would require property tax relief be withheld from taxpayers in municipalities that are under order of the Sanitary Authority or a court to construct sewerage facilities and have not complied with such order.

It was MOVED by Mr. Harms, seconded by Mr. McPhillips, and carried that the Sanitary Authority go on record as supporting proposed Senate Bill 34.

2) S.B. 35 Agricultural and land clearing exemptions

The Secretary stated that this bill would require agricultural land clearing operations to conform to the air pollution laws by eliminating the statutory exemption of these operations. This bill would authorize the

Sanitary Authority or its authorized representative to grant permits authorizing non-conforming agricultural operations under such conditions as the Sanitary Authority may impose, considering alternative methods of operation, weather conditions and such other factors affecting air quality as may be necessary. It was MOVED by Mr. Harms, seconded by Mr. Wheeler, and carried that the Sanitary Authority go on record as supporting proposed Senate Bill #35.

3) S.B. 36 Regional air quality control authorities

The Secretary stated that this bill would authorize the establishment by contiguous counties or cities, or both, of regional air quality control authorities, which if their rules and standards were approved by the Sanitary Authority, could exercise the functions of the Sanitary Authority in the region. In such regions the Authority would withdraw, subject to retaining control over certain types of pollution sources. The bill would also authorize regional authorities to apply for and receive federal funds and to require registration of certain air pollution sources; require the appointment of an advisory committee to advise the regional authority; authorize regional authorities to grant variances as permitted to do so by the Sanitary Authority, subject to review by the Authority; authorize the Sanitary Authority to withdraw authority from regional programs which are inadequate; and establish administrative procedures for enforcement of air pollution laws, rules and orders. Mr. Harms asked if this bill also includes the \$165,000 appropriation that would be required to give the aid required in this.

The Secretary replied that it did.

It was MOVED by Mr. Harms, seconded by Mr. McPhillips, and carried that the Sanitary Authority go on record as supporting proposed Senate Bill #36.

4) S.B. 39 Amendments to water pollution control statutes

The Secretary stated that this bill revises definitions for water pollution statutes; prohibits waste discharge after January 1, 1968, without permit issued by Sanitary Authority; requires permit for various alteration in existing facilities ; authorizes Sanitary Authority to summarily abate pollution or threatened pollution; authorizes recovery for damage for fish and wildlife and habitat thereof; extends other abatement powers of Sanitary Authority; revises certain specific prohibitions to conform to general prohibition and provides penalties.

The Secretary said that the bill provides that the amounts recovered under it shall be paid to the state agency having jurisdiction over the wildlife or habitat for which damages were recovered, and that the bill would require anyone discharging effluent into public waters of the State to obtain a permit from the Sanitary Authority. The Secretary estimated that it would take an additional five persons over and above the original request to handle this latter responsibility. He went on to say that under the permit system a tremendous responsibility would be placed on the staff, but at the same time the staff of the Sanitary Authority would have certain advantages as there would have to be records kept on every source of pollution.

Mr. Weathersbee said that the staff of the Sanitary Authority would have to satisfy themselves before a permit was issued that the waste treatment facilities of an industry or a city would be adequate so as to not violate the water quality standards that were established for that particular stream.

After some discussion, it was MOVED by Mr. Harms, seconded by Mr. Meierjürgen, and carried that the Sanitary Authority go on record as supporting proposed Senate Bill #39.

5) Mandatory certification of sewage works operators

The Secretary stated that a proposed bill had been drafted which would provide for mandatory certification of sewage works operators. He said that similar bills had been introduced at the last three legislative assemblies and all of them had gone down to defeat. The proposed bill makes it possible for cities and owners of existing treatment plants to retain present employees who might not be able to meet the requirement for registration and provides an opportunity for any person now in that position to equip himself so that he could become qualified.

It was MOVED by Dr. Wilcox, seconded by Mr. Wheeler, and carried that the Sanitary Authority support the principles of the sewage works operators certification bill. Mr. Harms abstained from voting on this motion.

6) State assistance to municipalities and industries

(a) Proposal by League of Oregon Cities

The Secretary stated that the League of Oregon Cities is preparing a bill for submission to the next Legislative Assembly which would establish a fund for the purpose of assisting local communities in financing construction of sewage treatment works. The Federal Government is doing everything it can to promote local assistance under the Clean Waters Restoration Act of 1966 which was passed by Congress in October. There are provisions which provide incentives for state aid. One of the provisions would increase the federal participation which in the past has been limited to 30% of the reasonable cost of constructing sewage treatment works. It would increase that to 40% if the state put up 30% of the cost, which would mean that the local community or applicant would have to pay only 30% of the cost of the sewage treatment works.

An additional provision of the new Federal law is the Federal share would be increased to 50% if the State put up 25% and in addition adopted water quality standards for receiving streams. In that case, the applicant would be paying only 25%. In addition to those contributions, if the project happened to be part of a metropolitan system or a system with a master plan, the federal share would go up another 10%. In place of being 40% in the first case, it would actually be 44%. In the second case it would be 55%, so in the latter case then it would be 55% from the Federal Government, 25% from the State and 20% from the applicant.

The Secretary said that as a part of the Clean Waters Restoration Act which was passed by Congress this year, authorization for annual appropriations for the sewage treatment works construction grant program was greatly increased. Whereas in the past it has been limited to 150 million dollars a year for this program, for fiscal year 1968 it will go to 450 million dollars, the following fiscal year would go to 700 million dollars, the next fiscal year a billion dollars and the fourth fiscal year it would go to one and one-quarter billion dollars. The Secretary reminded the members of the Authority that this is merely authority to appropriate, but what Congress actually will appropriate, no one can say at this time.

It was MOVED by Mr. Harms, seconded by Mr. Meierjürgen, and carried that the Sanitary Authority support the principles contained in this proposal, reserving the right to make specific suggestions when the members and staff are more familiar with the bill itself.

(b) Tax incentives

The Secretary stated that he had no personal knowledge of any special legislation regarding tax incentives for industry.

7) Other

Revision in air pollution statutes

Mr. Patterson stated he felt very strongly that if the regional air pollution control programs are to function, they must be comprehensive programs; they must maintain an emission inventory, and be capable of going to an emission and permit system if necessary. He said he did not think it is necessary for the state program to go in the direction of the permit system immediately, but that the amendment was intended to provide authority to go in that direction. At this time these suggested changes in the statute have not been completely reviewed by the legal counsel. No action is necessary.

Sanitary Authority Budget Request

The matter of the Sanitary Authority budget request for the 1967-69 biennium was brought up by Mr. Harms.

The Secretary said that at the present time in air quality control the Authority has the equivalent of $14\text{-}3/4$ full-time positions, and that 11 additional new positions had been asked for, giving a total of $25\text{-}3/4$ positions. He said that the Department of Finance and Administration and the Governor had recommended only 6 of the 11 new positions.

It was pointed out further that in water pollution control at the present time the Authority has the equivalent of $13\frac{1}{2}$ full-time positions, and that a total of $20\text{-}1/2$ new positions had been asked for, which, with one more position being transferred from an existing position under another State Board of Health program, would bring the total to 35 positions in water pollution control. The Department of Finance and Administration and the Governor recommended only $11\text{-}1/2$ of these $20\text{-}1/2$ positions, however.

The Secretary also stated that for air quality control a budget of \$639,000 plus had been requested for the next biennium, but the recommendation by Finance and Administration amounted to only slightly more than \$490,000.

In water pollution control the Authority requested approximately \$824,000 for the next biennium, whereas the recommendation by Finance and Administration amounted to just under \$610,000.

After some discussion it was MOVED by Mr. Meierjurgan, seconded by Mr. McPhillips, and carried that the Secretary of the Sanitary Authority be directed to submit the original budget request to the Legislature and to try and get the full amount of money originally requested.

RESOLUTION OF SOCIETY OF AMERICAN FORESTERS

The Secretary reported that on November 1, 1966, a resolution supporting the Authority's air pollution control program was received from the Columbia River Section of the Society of American Foresters which that organization had adopted at its annual meeting. He said that receipt of the resolution had been acknowledged and that it would be brought to the attention of the Sanitary Authority members. This resolution has been made a part of the permanent files. No action was necessary.

STATUS OF FEDERAL GRANT AND OTHER PROJECTS WITH DECEMBER 1, 1966 DEADLINE

The Secretary stated that when tentative priorities for construction grant projects were assigned last June, some of the applicants did not have their fiscal plans completely arranged. Consequently, a deadline of December 1, 1966 was set to accomplish this. Also, early in 1964 by action of the Sanitary Authority, upgraded sewage treatment requirements for the Willamette Basin were adopted and a deadline of December 1, 1966 set more or less as a goal.

Mr. Milliken then reported that when allocations of funds for 30% grants under P.L. 84-660 were made by the State Sanitary Authority last June, six of them were with the condition that bonds be voted to finance the communities' share of the project cost by December 1, 1966.

He said that four of these communities, Amity, Keizer County Service District, Monroe, and Oakridge, have since voted bonds, that Oakridge had made arrangements to go ahead with improving its sewage treatment plant, but the recent annexation of Willamette City now makes it necessary for Oakridge to change its plans, both engineering and financial, to include the annexed area, and that Cascade Locks has had a complete change in city government with much upheaval preventing the Council's taking action on a bond issue. He said the city had received approval from the Economic Development Administration for a grant of \$149,650 and a loan of \$190,000, but the city still had to vote bonds for the \$190,000 loan. Cascade Locks' consulting engineer, Norman Haner, has been informed that the city still desires to go ahead with the project and will hold a bond election as soon as possible.

Mr. Milliken reported further that Jefferson has found it impossible to get a federal grant for the collection system for its project and the city does not have the means to proceed without it. The city's financial consultant, Mr. Fred Paulus, has advised the Authority that Jefferson will not be able to use its authorized grant of \$47,700.

Mr. Milliken recommended that: (1) Oakridge be allowed until June 1, 1967 to complete its new financial arrangements to include Willamette City, (2) Cascade Locks be allowed until March 1, 1967 to hold a bond election, and if not successful, the allotment will be reallocated, and (3) the \$47,700 allotment for Jefferson be reallocated.

It was MOVED by Dr. Wilcox, seconded by Mr. Wheeler, and carried that the above recommendations be adopted.

Mr. Milliken stated that at its meetings on March 19 and June 18, 1964, the Sanitary Authority voted to require secondary treatment of sewage with at least 85% removal of BOD and suspended solids from all sewage discharged into the Willamette River system. This action was based on a staff report which named the communities that were in violation. Of those communities, nine have since been improved or connected to other collection systems, five are under construction, three are completing financial arrangements and two small plants remain with only primary treatment.

Mr. McPhillips asked the status of Grand Ronde.

Mr. Milliken replied that legal action is being instigated to get the Grand Ronde system improved.

Mr. Milliken stated that both Eugene and Albany are making improvements in sewage treatment. Eugene's sewage treatment works is completed and Albany's is being planned.

DOUGLAS COUNTY LUMBER COMPANY

Mr. Patterson stated that a report of an engineering study had been received, and while the staff had not completely reviewed it, receipt had been acknowledged in a letter to Mr. Hallmark on December 16, 1966. In said letter Mr. Hallmark was requested to submit a time schedule for abatement of air pollution.

CITY OF ALBANY

This item was covered in Mr. Milliken's progress report on sewage treatment plant construction in the Willamette Basin.

TILLAMOOK AIRPORT SEWAGE DISPOSAL

Mr. Katzel stated that Tillamook County is pretty much on schedule for its required sewerage works project. The Sanitary Authority at its September 13, 1966 meeting gave Tillamook County until March 1, 1967 to send in plans and specifications for approval.

Dr. Wilcox stated that the oyster growing areas in Tillamook Bay are monitored continuously by the Board of Health and that there is no threat to the public at this time.

MOTOR VEHICLE

Mr. Patterson said that a bill is to be introduced at the next Legislature to provide for an annual safety inspection of motor vehicles, which would include brakes, tires, horn, mufflers and lights. He said that consideration was being given by the Authority's legal counsel to amending the bill to include inspection of the motor vehicle air pollution control devices that will be on all new 1968 model cars next year and of the air pollution control devices now on existing cars. Mr. Patterson stated that the Department of Motor Vehicles' staff did not think it appropriate at this time to include this in the measure.


Mr. Denman said it was his belief that this particular item should come under the Department of Motor Vehicles as it is something that the Authority would not encompass in its statutes.

It was MOVED by Dr. Wilcox, seconded by Mr. Wheeler, and carried that the Sanitary Authority approve the staff action in presenting the Authority's opinion that any inspectional program instituted for motor vehicles should include the existing and all future air pollution control devices.

The next meeting date was set for January 13, 1967.

There being no further business, the meeting adjourned at 3:45 p.m.

Respectfully submitted,


Kenneth H. Spies
Secretary

AIR QUALITY CONTROL MOTIONS

C. Wigwam Waste Burners

It was MOVED by Mr. Meierjurgan, and seconded by Dr. Wilcox and carried that this matter of the recommendation together with the maps of the critical areas be worked over by the staff to the end that it shall be clarified and before our next meeting the recommendations of the staff be circulated among members of the commission with adequate time to study and the commission members send back their recommendations so that at the next meeting we will have something we can all understand and can use.

D. Weyerhaeuser Co.

It was MOVED by Mr. McPhillips, and seconded by Mr. Meierjurgan and carried that we call a special meeting as soon as practical when we can get our members of the Authority and the authorities from Weyerhaeuser Company together and try and do something definite about this.

E. REQUEST OF HARVEY ALUMINUM COMPANY

It was MOVED by Mr. Harms, and seconded by Mr. McPhillips and carried that the staff recommendations be adopted and that it be postponed until a future meeting of the Sanitary Authority to give the staff time to evaluate the information submitted.

F. Proposed 1967 Legislation

- 1) S.B. 34 Withholding of tax relief.

It was MOVED by Mr. Harms, and seconded by Dr. Wilcox, and carried that the Sanitary Authority go on record as supporting Senate Bill 34.

- 2) S.B. 35 Agricultural and land clearing exemptions.

It was MOVED by Mr. Harms and seconded by Mr. Wheeler and carried that the Sanitary Authority go on record as supporting Senate Bill 35.

- 3) S.B. 36 Regional air quality control authorities.

It was MOVED by Mr. Harms and seconded by Mr. McPhillips and carried that the Sanitary Authority go on record as supporting Senate Bill 36.

Proposed 1967 Legislation (Cont.)

4) S. B. 39 Amendments to water pollution control statutes

It was MOVED by Mr. Harms, and seconded by Mr. Meierjurgan and carried that the Sanitary Authority go on record as supporting Senate Bill 39.

5) Mandatory certification of sewage works operators.

It was MOVED by Dr. Wilcox, and seconded by Mr. Wheeler and carried that the Sanitary Authority support the principles of the mandatory sewage operators certification bill.

6) (a) League of Oregon Cities.

It was MOVED by Mr. Harms, and seconded by Mr. Meierjurgan and carried that we support the principles contained in this proposal reserving the right to make specific suggestions in it when we are more familiar with the bill itself.

(b) Tax incentives.

No action.

7) Other.

No action on this at this time.

Motor Vehicle Revisions

~~Dr. W.~~

It was MOVED by Dr. Wilcox, and seconded by Mr. Wheeler and carried that the Sanitary Authority approve the staff action in representing our feeling that in any inspectional program instituted for motor vehicles it should include the existing and all future air pollution control devices

H. Status of Federal Grant and other projects with December 1, 1966, deadline.

It was MOVED by Dr. Wilcox, seconded by Chris Wheeler, and carried that the recommendations of the staff that Oakridge be allowed until June 1, 1967, to complete its new financial arrangements to include Willamette City; Cascade locks be allowed until March 1, 1967, to hold a bond election and the \$47,700 allotment for Jefferson be reallocated be approved.

PROJECT PLANS AND REPORTS

The following plans or reports were received and processed by the Air Quality Control staff during the month of ~~July~~, 1966.

August,

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
11	Salem	Chevron Chemical Co. fertilizer mix plant	Conditional Approval

PROJECT PLANS AND REPORTS

The following plans or reports were received and processed by the Air Quality Control staff during the month of September 1966:

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8	Portland	Prefab Welders & Contractors Incinerator Review	Comments Furnished
15	Corvallis	Corvallis Jr. High School Incinerator	Additional Informa- tion Requested
28	Eugene	Eugene Clinic Pathological Incinerator	Conditional Approval

PROJECT PLANS AND REPORTS

The following plans or reports were received and processed by the Air Quality Control staff during the month of October 1966:

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
12	Klamath Falls	Modoc Lumber Co. Experimental Burner	Additional Information requested

PROJECT PLANS AND REPORTS

The following plans or reports were received and processed by the Air Quality Control staff during the month of November 1966:

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
2	Roseburg	Hub Lumber Company Wigwam Waste Burner Underfire Air System	Not approved
22	Tigard	Fred Meyer-Incinerator	Conditional approval

OSBH-AQC
11/9/66-65

During the month of September, 1966, the following 9 sets of project plans and engineering reports were received and the action taken as indicated by the Water Pollution Control Section.

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-1-66	Newberg	Publishers primary clarifier	Prov. app.
9-1-66	Newport	Sewers and pump station	Prov. app.
9-2-66	Tualatin Heights	Units A & B sewers	Prov. app.
9-6-66	Gresham (Interlachen)	Interceptor sewer	Prov. app.
9-20-66	Hood River	Sewers	Prov. app.
9-22-66	Oak Lodge #1	Emergency bypass	Prov. app.
9-28-66	Howard Prairie Park	Sewage collection & Treat.	Prov. app.
9-28-66	Willow Lake Camp	Sewage collection & treat.	Prov. app.
9-30-66	Port Orford	Sewerage system	Prov. app.

During the month of October, 1966, the following 12 sets of project plans and engineering reports were received and the action taken as indicated by the Water Pollution Control Section.

Date	Location	Project	Action
10-4-66	Goshen Elem. School	Sewage Treatment Plant	Prov. app.
10-6-66	Independence	Change Order #1	Prov. app.
10-12-66	Kaiser Gypsum Co.	Primary Settling Basin	Prov. app.
10-17-66	East Salem	Six pump stations	Prov. app.
10-17-66	Dunthorpe-Riverdale	Unit #1	Prov. app.
10-18-66	Newport	Big Creek Sewer	Prov. app.
10-18-66	Tigard	S. W. Pacific Hwy. Ext.	Prov. app.
10-19-66	Mult. County	Hayden Island sewage plant	Prov. app.
10-19-66	West Linn	Sewers	Prov. app.
10-19-66	Phoenix	Sewer for Rose Motel	Prov. app.
10-25-66	Oak Lodge S.D. #2	Lateral 2A-7-10	Prov. app.
10-25-66	West Linn	Tompkins St. L.I.D.	Prov. app.
10-26-66	Portland	Dwyer Lumber Co.	Prov. app.

OSEH WPC
11-4-66/75

During the month of November, 1966, the following 24 sets of project plans and engineering reports were received and the action taken as indicated by the Water Pollution Control Section:

Date	Location	Project	Action
11-1-66	State Park	Sunset Bay sewerage system	Prov. app.
11-1-66	Lake Oswego	Lakeridge Development sewers	Prov. app.
11-1-66	Springfield	S-80-66 Mohawk Rd. SP-28-66 Main St.	Prov. app.
11-1-66	Cedar Hills	Berkshire #3 Addn. sewers	Prov. app.
11-2-66	Beaverton	Mercer Steel sewer	Prov. app.
11-2-66	Lake Oswego	LID 98 Greentree Rd. sewers	Prov. app.
11-4-66	Metzger San. Dist.	Lateral A-2	Prov. app.
11-4-66	Medford	Sewers Alameda & Laloma	Prov. app.
11-4-66	LaGrande	24" and 18" Interceptor	Prov. app.
11-4-66	Gladstone	Los Verdes Estates sewer	Prov. app.
11-4-66	Oak Lodge #2	2A-4-2 sewer	Prov. app.
11-4-66	Wood Village	239th Pl. & adj. street sewer	Prov. app.
11-7-66	Woodburn (Birdseye)	Add. to waste treatment	Prov. app.
11-10-66	Josephine Co.	Report on sewerage system	Approved
11-10-66	Hood River (FibreMold)	Industrial waste treatment	Prov. app.
11-14-66	Newberg (Publishers)	Industrial primary clarifier	Prov. app.
11-14-66	Oak Lodge	Lat. 2A-0-9	Prov. app.
11-14-66	North Bend	SID 100-65	Prov. app.
11-14-66	Tualatin Mts.	Lats. A-4-2-1, A-4-2-1-1 A-4-2-1-2	Prov. app.
11-14-66	Oak Lodge #2	Lat. 2A-4-2	Prov. app.
11-15-66	Canby (BiggerNBetter)	Industrial waste treatment	Prov. app.
11-15-66	Springfield	School sewer	Prov. app.
11-21-66	Port Orford	Sewage treatment	Prov. app.
11-30-66	Springfield	Interceptor and Pump Station	Prov. app.

OREGON STATE SANITARY AUTHORITY
Air Quality Control
December 20, 1966

TO: Members of the State Sanitary Authority
SUBJECT: Weyerhaeuser Company

The staff has continued to monitor by odor survey and measurement of H₂S levels by the AISI hydrogen sulfide tape sampler.

Hydrogen Sulfide Levels:

No hydrogen sulfide samples collected have been recorded as exceeding 10 ppb.

Samples collected during the approximate period November 22 to December 7 and 14 at the Cross and Defoor sampling points seem to show a significant grouping rise as compared to previous periods. While these levels may not be significant alone, it is reasonable to estimate that odorous constituents such as mercaptans, also increased.

Odor Surveys:

Odor surveys were conducted in the Springfield area during 1965 and 1966. Using observations made July 16 to September 2, 1965, with observations made July 8 to September 2, 1966, it was found 1966 values were significantly higher than those in 1965 at the 95% confidence level (there is only one chance in 20 that the difference between the two years could be chance alone.) Prevailing wind directions during the two periods were comparable.

Additional statistical tests comparing zero odor observations with observations greater than zero for the July 16 to September 2, 1965, and the July 8 to September 2, 1966, showed that the 1966 values were

significantly higher than in 1965 at the 99% level of confidence. (Only 1 chance in 100 that difference between two years could be chance alone.) This indicates that there has been a 36% increase in the frequency of odor occurrence between the two partial years.

AP-7 Springfield
Hoyerboeuser.

January 3, 1967

Mr. William Carey
1150 N. 37th
Springfield, Oregon

Dear Mr. Carey:

In accordance with your request, we are enclosing a true copy of the original diary that you presented to the Sanitary Authority on December 20, 1966, covering the period September 8 through December 3, 1966.

Also enclosed is a true copy of the petition presented at that time.

Very truly yours,

H. M. Patterson, Chief
Air Quality Control

HMP:ms

Enclosures

cc: H. W. Merryman, District Engineer

+ copy of diary and petition.

Sept. 8 - 66 Roadman Called Wyco No. ANS.
fume - hurt my throat 4 AM, go to Veneta

Sept 10 - 66 Call Wyco Sorry about Fume,

Sept 11 - 66 " " No ans. 11:30 p.m.

Sept 12 - 66 " " Employ Told me to
quit bothering them about Theodor
2:30 am. WENT TO Eugene To breath.

Sept 16 - 66 Odors are bad What's
The use To call anyone
at some time each day The
odor is here Who cares,
my throat hurts

Oct. 31 - 66 The odors very
bad Called Mr. Morrison at Eugene
State office Bldg (Sanitary Authority)

NOV 2, Called Wyco 10 p.m. No. ANS.
Strong odors hurt throat.

Nov. 4 Called Wyco. 4:30 am MAN
ON Machine 2 ans. WENT TO
Veneta Nov 11th See Dr CONWAY About
My Throat AND effect on Me.
Told me TO MOVE OUT OF EREA,

Nov. 16 Wyco 8:30 p.m. Called
Wyco. bad odor (No ans) WENT TO
Eugene.

Nov. 18 Call Wyco 11:30 p.m. MAKE
REPORT About Bad odor,

Nov. 20, 11:20 AM Call Wyco, About
Bad odor Sorry About That
MAKE REPORT To proper people when
office is open,

Nov. 23 9 AM Odey Lady at Wyco
said Mr Morgan Was in conference,
Nov 25 Odey Very bad Tried

To call Wyco Breakdown, Went To
Veneta

Nov. 26 Odey very bad Worse
Than Usal Called Wyco. Had
Trouble with digester brake
Down, Hurt Eyes + Throat.

Nov 27 Odey Still very Strong
Called Wyco. No ANS. Still Hurts
Eyes + Throat

Nov. 28 Odey Strong boThers
Throat + Eyes,
Left + Went Eugene

9 p.m. Dec. 3rd, Air bad, Call Wyco,
+ Called Maryman when Maryman
got here The wind had changed Mr. M.
Stayed at my home for about 20 min,
Left + went Toward Wyco To see

This is to certify that this is a true copy of the original.

Lyman H. Open Secretary
Oregon State Sanitary Authority

Oregon Sanitation Authority

Steyerhaeuser paper mill gives off odors and gases that makes a person sick with the headache and breathing trouble. Also it enters up cars and trailer houses.

name	address
Alice Lumbear	3526 Industrial av.
Richard E Lumbear	" " "
Wye M. Reedor	1140 N. 35 th St.
Mrs. Maynard R. Mitchell	1167 N. 35 th St.
Georgia C Mitchell	" " "
1167 N. 35th St.	
Springer	
Sharon Palmer	1210 N. 35 th St.
Ardis Marshall	1252 N. 35 th St.
Landra Bayne	1251 " " St.
Geo. Marshall	1253 N. 35 th St.
Sue Gregory	1262 N. 35 th St.
Jim Gregory	" " "
Zetta Barco	1264 N. 35 th St.

Oregon Sanitation Authority

The paper mill gives off odors and gases that makes a person sick with the headache and breathing troubles. Also it eats up our cars and trailers houses.

name	address
Walter Brees	12645th 35th
Robert A. Wood	3527 Katherine Av
Sue Slocum	1290 N. 37th
William O. Carey	1150 W. 37th Spfld.
Thyona Carey	1150 N 37 Springfield
Rhoda Carey	1150 th N 37 Springfield
Oliver Harrison	1332 N. 35 Springfield
Jan May	1147 No. 33 Springfield
Pat May	" " " "
Cora Elliott	1159 N 33rd St Springfield
Mabel Gentry	1373 N. 33rd St Springfield
Mrs A. J. Bates	1391 No. 33rd St "
Warren W. Casey	1385 No. 32 nd Springfield
Ludwig M. Baird	1412 No 31st Springfield, Ore

Oregon Sanitation Authority

Meyerbauser paper mill gives off odors and gases that makes a person sick with the headache and breathing trouble. Also it eats up our cars and trailer houses.

name	address
Richard D. Bays	1412 N. 31st Springfield
Richard A. Dittmer	1390 N 31st Springfield
Lawson Hudspeth	1415 N 31st Spfld.
J. M. Hill	1281 N. 31st Springfield
F. O. Hill	1111
N. W. Orr	1224 - N - 31st St
Joyce Koeber	1170 N - 31st St.
Edith Cove	935 Olympic St.
Elmo Grange	1122 no. 31st
Geo. Malson	1222 Industrial Ave
Juanita Lewis	1372 Industrial Springfield
J. C. Lewis	1372 Industrial Ave.
Steven J. Smith	3560 Industrial Ave
Travis C. Johnson	Rt 2 Box 142A Springfield

Oregon Sanitation Authority

Meyerheuser paper mill gives off odors and gases that makes a person sick with the headache and breathing trouble. Also it eats up our cars and trailer houses.

name	address
Geraldine Tomski	1155 No 37 St. SPFLD.
Clement Petroich	1649 N. 16th Springfield
Cal Chapman Jr.	1245 N. 37 th St. Springfield
Patricia Heide	1245 1/2 N. 37 th St Springfield
Marie Flor	1245 1/2 N. 37 th St Springfield
Charles Gates	1246 N 36 th Springfield
Leonard L. Simmons	3855 Kathryn Ave Spfld
Kathryn M. Simmons	3855 Kathryn Ave Spfld.
Beaul D. Hannan	1248 N 39 th Spfld.
Alva Hannan	1248 N 37 th Spfld.
Fimmie Linn	585 N. 36th Springfield
Erna R. Linn	ll ll ll ll
Chet R. Kilpatrick	575 N 36 th Spfld.
Sue Kilpatrick	ll ll ll ll

Oregon Sanitation Authority

Weyerhaeuser paper mill gives off
 acid and gases that makes a
 person sick with the headache and
 breathing trouble. Also it eats up our
 cars and trailer houses.

names	address
William H. Thomas Jr.	570 N th 36 th St
Milly Pope	499 36 th St.
Mrs Kenneth Marshall	500 36 th St
Al O'Connell	498 N. 36 th St
W. L. Hammett	460 N 36 th St
Wm. D. House	429 N. 36 th
Bill Gimplett	123 N. 36 th Springfield
Mrs Geo. Moore	3725 1/2 Main St. Spfld
Mr Joe Moore	3725 1/2 Main St Spfld
Teresa Cross	1192 N. 39 th St. Spfld.
Edw T Cross	1192 N 39 th Spfld
Betty Gickern	644 Monroe Eugene
Carl Dickerson	" " "
Veronica Duke	1450 6 th St Veneta Oregon

Oregon Invitation Attorney

They're these paper mills gives off odors and gases that makes a person sick with the headache and breathing trouble, also it eats up our cars and trailer houses.

name

address

Carl Duke	1480 5 th Veneta, Ore.
Thad Duke	1348 5 th Veneta, Ore.
Luis Duke	1348 5 th Veneta, Ore.
Rose Duke	1280 W. Bellevue Veneta, Ore.
Judy Fields	1563 N. 1 st Springfield, Ore.
Frederick A. Smith	Box 22 Coburg Rd.
Watts Fields	1563 N. 1 st Springfield.
Mrs. Troy Smith	Box 22 - 2 Coburg Road
Barbara	Eugene Ore.
Barbara Holloway	1543 main st.
Lucille R. Kitchen	Rt. 2, Box 186 Spfld, Ore.
George H. Kitchen	Rt. 2 Box 186 Spfld, Ore.
Natha C. Brown	Rt. 2 Box 185
Willard A. Brown	Rt. 2 Box 183 Spfld.
Robert L. Atkinson	1110 custom way Springfield

Oregon Sanitation Authority

Weyerhaeuser paper mill gives off odors and gases that makes a person sick with the headache and breathing trouble also it eats up our cars and trailer houses.

name	address
Leo H. Sjöström	1850 F St, Springfield
Betty Sjöström	1850 F St, Springfield, Oregon

This is to certify that this is a true copy of the original.

Herbert H. Spear, Secretary
Oregon State Sanitary Authority

December 28, 1966

Mr. William Carey
1150 N. 37th
Springfield, Oregon

Dear Mr. Carey:

In acknowledgment of your letter of December 23, 1966, we are enclosing Xerox copies of the three complaints recorded in this office. Certain other complaints have been forwarded from the Eugene-Springfield-Lane County Program Control Officer and it is suggested that you get the diary from him.

Very truly yours,

H. M. Patterson, Chief
Air Quality Control

HMP:ms

Enclosure

cc: H. W. Merryman + copy of Mr. Carey's letter.

Springfield, Ore.
Dec 23, 66

Dear Sir:

I would like to
have a copy of the
diary of Weyerhaeuser
timber Co. calls of the
complaints that I registered.

Mr. William Carey
1150 N 37th
Springfield, Ore.

RECEIVED

DEC 27 1966

Air Pollution

OREGON STATE SANITARY AUTHORITY
AIR QUALITY CONTROL
1400 S. W. 5th Avenue
Portland, Oregon

December 13, 1966

A REPORT ON THE WIGWAM WASTE BURNER PROGRAM

Planning and Implementation Guidelines

1.0 INTRODUCTION

Increasing public concern over air pollution in the state of Oregon dictates that the disposal of mill wastes be accomplished without an appreciable contribution to the state's air pollution load. Program planning must be tailored to meet this objective.

This report endeavors to relate, a) the current regulations, b) the evolutionary changes taking place within the forest products industries and, c) the development of air pollution abatement methods which must accompany these changes; and to present staff recommended action based on their evaluation.

2.0 BACKGROUND

The disposal of unused mill wastes by incineration in the wigwam burner is the time honored method. No other device has seriously challenged the wigwam burner as the "cheapest way" which would satisfy fire insurance underwriters' requirements. Were it not necessary for fire protection, the wigwam shaped enclosure would itself not likely have evolved, and open burning would be the standard method of disposal now subject to air quality control regulation. Substitution of a correctly designed incinerator would likely have provided the needed control of emissions in a single step, although at greater first cost than for the wigwam burner.

With the wigwam burner an established fact, the logical approach was first to endeavor to modify it in such a manner as to reduce its emissions. Accordingly, Oregon State University, under a federal grant, studied the wigwam burner from a combustion engineering standpoint and concluded that, in general, it could be modified in such a manner as to perform with reasonable combustion efficiency and reduced level of emissions. Subsequent studies financed by timber industries in the Medford area further verified the direct relationships between smoke discharge, exit temperatures, and percent excess air; and developed modifications to the burner which would make possible the attainment of reduced emission levels. A statement published in Oregon State University Engineering Experiment Station Circular No. 34 reads, "It has been generally found from field observations that if tepee burners can be operated so that the temperature of the gases leaving the top of the burner are greater than 600° F, the smoke and other particulate will be minimized."

2.0 Continued

On the basis of these studies, the Sanitary Authority initiated the drafting of regulations which were finalized with the concurrence of the staffs of Associated Oregon Industries and Oregon State University. The regulations as adopted, stipulated that certain modifications be incorporated in all wigwam burners and that a high exit temperature be maintained. They did not specify criteria for the design of the modifications, nor did they stipulate a minimum exit temperature, stating only that exit temperature be maintained, "as high as possible".

3.0 FIELD OBSERVATIONS AND EVALUATION

3.1 FACTORS LIMITING EFFECTIVENESS

Over 130 waste burners have been surveyed by the Authority staff during the first 12 months' efforts in program implementation. From the accumulated data, the most significant factors limiting the effectiveness of the present program are observed to be:

- a) The response of industry in incorporating the required modifications.
- b) The inadequacy of engineering design evident in the air handling systems and devices being installed.
- c) The lack of operating proficiency exhibited on those burners in physical compliance.
- d) The relationship and effect of limitations in fuel quantity and quality on elevated exit temperature capability.
- e) Trends in utilization and their impact on the efficacy of the current regulatory approach.

While the needs of both the state's economy and its air quality control would best be served by the profitable use of the entire tree, the anachronism of the wigwam burner is that it must have adequate fuel to operate efficiently. Staff estimates, based on fuel available at the time surveyed, are that only 62% of the burners had adequate fuel with which to have the potential capability of maintaining exit gas temperature of 600° or over which is a prerequisite to compliance with discharge standards.

3.2 DESIGN AND OPERATIONAL REQUIREMENTS

It is the opinion of the authority staff that a burner's "potential capability" cannot be realized unless the following conditions are satisfied:

- a) That the waste burner size be compatible with the fuel load.

3.2 Continued

- b) That fuel be correctly introduced at a reasonably uniform rate and be of such physical characteristics as not to obstruct passage of underfire air or combustion gases from the heat release within the fuel pile.
- c) That an adequately designed underfire air system be provided.

Such a system must be adjustable, of sufficient capacity for the maximum rate of fuel supply, and must introduce air with sufficient dispersion to preclude "channeling" through the fuel pile.

- d) That adjustable, tangential overfire ports be provided of ample capacity to supply at least 10 times the underfire air volume at a differential pressure corresponding to the burner stack effect at 300° exit and 90° F ambient temperatures.
- e) That the burner shell be reasonably airtight to preclude parasitic leakage and thus cooling effect and lack of control of overfire air.
- f) That adequate maintenance practices be observed to assure optimum performance of the underfire air system at all times.
- g) That operational practices include frequent adjustment of underfire air volume (firing rate) and overfire air volume as required to maintain optimum exit temperature at all times.

Lack of ability to meet the requirements as to quantity and/or quality of fuel results from either a) curtailed production, b) waste utilization, or c) species or process variations. Curtailed production is by nature transitory, and hopefully of short duration. Waste utilization is by contrast continuously increasing and non-reversible.

4.0 CONSIDERATIONS IN FUTURE PLANNING

4.1 THE IMPACT OF UTILIZATION

The impact of progressively increasing utilization is of inescapable significance in planning the future program. Such planning must be predicated on the assumption that the point will eventually be reached when the wigwam burner in physical compliance with the present regulation will in few cases constitute a satisfactory disposal device by itself.

Basic to studies in the development of program and policy is the evolutionary progression through which a mill passes as markets are found for its waste products. The progression starts with the

4.1 Continued

wigwam burner receiving all wastes, and culminates with its need for the disposal of yard cleanup materials only. At some point in the progression, fuel reaching the burner becomes inadequate for efficient combustion as evidenced by exit temperature. The burner becomes, in effect, too large for the fuel load. However, throughout the progression, the threat of breakdown in the utilization process usually dictates standby capacity for total waste disposal.

There are, of course, alternative methods possible in the event of a breakdown in hog, chipper, transport device, or customers receiving facility. Experience has shown, however, that most mills prefer to maintain the burner on standby.

Assuming that progressively fewer wigwam burners will be capable of maintaining satisfactory emission levels, it is perhaps also logical to assume that the present estimate of 62% potentially capable is a maximum figure subject to progressive deterioration with time. Thus 38% are already beyond improvement under the present regulatory concept, which is to say that the regulation is already 38% obsolete.

The development of forward-looking solutions is thus a present need, and should be considered of high priority.

4.2 ALTERNATIVE METHODS

The investigation of alternative methods of disposal should be approached in a manner receptive to any concept which holds even a remote chance of development into practical solution. There may be no single solution to all situations, and a combination of methods may yield optimum results in some cases.

4.2.1 Suggested Alternative Methods

The following are suggested concepts representative of methods meriting consideration and study:

- a) Further modifications to the wigwam burner to render it capable of efficient combustion under varying rates of fuel feed, and with intermittent or batch loading.
- b) Use of auxiliary fuel to supplement minor quantities of mill refuse in existing wigwam burners. This may best accomplish efficient combustion if both primary and secondary burners are included.
- c) The addition of exit gas treatment devices, with sufficient corrective capability to offset poor combustion efficiency. Scrubbers, afterburners, and catalytic combustion devices are representative treatment devices.

4.2.1 Continued

- d) An auxiliary incinerator designed as an efficient combustion device, to receive all residue when the quantity is not sufficient for efficient combustion in the wigwam burner. A shunt conveyor and switch could be used to select the device appropriate to the fuel load. This concept may have merit where utilization is near 100% and the wigwam burner is on standby.
- e) An incinerator, used in conjunction with a wigwam burner used solely as a storage facility or surge bin. A constant rate of fuel feed from storage to incinerator would thus be possible. The incinerator could be most economically sized for disposal in 24 hours of the refuse from one or two shifts.
- f) A single wigwam waste burner or a correctly designed incinerator centrally located, to receive the waste transported from several mills operated on a cooperative or corporate basis. The central facility could provide uniform fuel feed rate from bulk storage. A full time operator would be justified, with operation and maintenance costs prorated to the member mills.

4.2.2 The Importance of Automatic Control

Experience with the state's wood waste fired boiler plants points to the universal need for a high degree of automatic control. Even though a boiler installation is usually a far more sophisticated and efficient combustion device than a wigwam burner, few in the state are operated proficiently, even with one or more full time operators. The conclusion is that whatever alternative solutions to the wigwam burner evolve, a high degree of instrumentation and control must be provided if satisfactory emission levels are to be assured.

4.3 DEVELOPING THE ALTERNATIVE METHODS

4.3.1 Experimentation and Design

By nature, many of the alternative disposal methods which might appear worthy of development will require pioneering and experimentation in selective mill situations. Some will require a significant capital investment to become operational. All will require knowledgeable engineering design to reduce errors, and thus investment, to a practical minimum.

Upon development of a given concept to practical solution, consideration should be given to thorough documentation. Such documentation may include approved construction drawings, specifications, and operating instructions to serve as a guide for the individual industry and contractor. This, together with an educational program, utilizing demonstration installations at strategic locations, should help overcome the reluctance to invest due to lack of understanding or technical capability which has delayed the present program.

The statutory concept governing the role of the Sanitary Authority in the control of air pollution charges it with the responsibility to establish air quality standards, and to promote planning and implementation by industries toward air pollution abatement. The statutes also place the responsibility on industry to develop the means and methods of meeting the air quality standards established by the Authority.

SUMMARY AND CONCLUSIONS

5.0

In planning the future program, it may be well to consider an approach whereby more stringent requirements are applied to those burners in specified problem areas. By this means, concentrated effort could appropriately be applied to those areas in which meteorological factors, population density, and a multiplicity of emission sources combine to create a more acute air pollution problem.

Due to the great number and geographic distribution of Wisconsin burners in the state, universal and equal application of abatement methods to all burners is difficult to justify. This fact is recognized in the present regulation by means of a provision for granting variances to mills in remote and sparsely populated areas.

The Critical Area Concept

4.4.1

PROBLEM AREA CONSIDERATIONS

4.4

The statutory role of the Sanitary Authority in such an effort is defined in ORS 449.780, (3), which charges the Authority with the responsibility to "Encourage the formulation and execution of plans in conjunction with...industries...who severally or jointly are or may be the source of air pollution, for the prevention and abatement of pollution."

While the wording of the statute contemplates singular offenders, the prospect of individual mills each independently bringing all necessary technology to bear on the problem seems both illogical and impractical. The need for a total industry sponsored developmental program appears evident.

Early concurrence between those organizations responsible to public and to industry interests, as to the areas of responsibility appropriate for each, is a necessary prerequisite to constructive action. A guideline already exists in the air pollution statutes which stipulate that the party responsible for complying with the air quality standards established by the Sanitary Authority, "...shall determine the means, methods, processes, equipment, and operation to meet the established standards". (ORS Chapter 449, Paragraph 449.795)

Responsibility, The Statutory Concept.

4.3.2

5-0 Continued

The current regulation represents a first step in the control of emissions from the wigwam burner. It is based on the concept that the installation of certain modifications to improve combustion efficiency will reduce emissions to an acceptable level.

Experience in the practical application of the regulation has brought to light several inadequacies. These have to do with its present implementation and its longer range potential.

In implementation, staff opinion is that certain factors are absent which are necessary to achieve effective results:

- a) Among mill owners, an adequate acceptance of the necessity for compliance, understanding of the engineering concept involved, and motivation to endeavor to achieve optimum results.
- b) Among both mill personnel and installers, sufficient technical capability to design and install the required modifications in accordance with correct engineering design practices.
- c) In the regulation, definite criteria governing design and operation, provision for approval of systems designs and of completed installations, penalties for non-compliance, and recognition of the limitations imposed by inadequate fuel quantity and/or quality.
- d) In the Sanitary Authority, sufficient capable manpower to properly conduct a program of this scope.

However, correction of the above inhibiting factors would only be effective on the diminishing percentage of those burners with sufficient fuel. Thus, the impact of progressively increasing waste utilization and of curtailed production on the wigwam burner's potential as a satisfactory incineration device are such as to make imperative the development of alternative methods.

A program toward this end will thus require that industry be encouraged and supported in a collective endeavor to develop approved alternative methods of incineration. While it is possible for individual mills to independently develop acceptable alternative methods, a joint effort should produce superior and more economical solutions at less cost for development to each of its participants. The collective endeavor could take the form of a non-profit organization to which individual mills subscribe and contribute, and which would satisfy requirements for a federal air pollution abatement or solid wastes disposal grant.

Upon demonstration and acceptance by the Authority of the abatement methods thus developed, industry will then have available an

5.0 Continued

assured alternative which is acceptable both to itself and to the Sanitary Authority. Utilization can then proceed in the absence of conflict with the needs of improved air quality.

Consideration should be given to the advisability of applying more stringent requirements in areas of greater air pollution potential and concentrations of population. This may best be approached on a critical area basis.

6.0 RECOMMENDATIONS

In view of the foregoing, the staff recommends that:

- a) The Authority adopt a program to achieve the orderly phase-out of the wigwam waste burner in critical areas of the state and its replacement by incineration methods capable of satisfying air quality standards.

The program policy should be to require of industry that it develop alternative methods and demonstrate their effectiveness. Upon approval by the Authority of the proposed method or methods, a deadline date should be established by which time they shall have been installed as replacements for the wigwam waste burner in all critical areas of the state.

Staff recommendation is that industries be required by Sept. 30, 1967 to have obtained approval from the Sanitary Authority of a plan and schedule for such a program of development and demonstration. It is further recommended that all replacement installations shall have been completed by December 31, 1968.

- b) To effect improved operating practices in the interim, the present regulation should be amended to require a minimum exit temperature of 600° F, and to require that subsequent pyrometer installations be of the recording (in lieu of indicating) type.
- c) Variance provisions *from regulation, violation of the certified operation* should be limited to the granting of an automatic variance for one year to all wigwam waste burners not within the critical areas to be established (See Appendix I), such variance and the designation of critical areas to be subject to annual review.

APPENDIX I

Critical Air Pollution Abatement Areas

1.0 INTRODUCTION

This appendix presents a preliminary study of the areas in Oregon most in need of air pollution amelioration. It is anticipated that the boundaries designated may be refined with further study, and that new problem areas will develop with time.

Two cartographic presentations are attached. Figure 1 outlines the principal critical areas of western Oregon. Figure 2 is an enlarged detail of the Rogue area, which includes Grants Pass and Medford.

2.0 METHOD

2.1 CRITERIA

Criteria for designating an area as "critical" include combinations of the following factors, which in concert result in conditions conducive to the accumulation of pollutants:

- a) Sources, their number and strength.
- b) Meteorological factors such as local winds and inversions.
- c) Topography
- d) Incidence of complaints.
- e) Population and its projected increase.
- f) Projected industrial growth.
- g) Location relative to an airshed.

2.2 THE AIRSHED CONCEPT

In general, an airshed can be thought of as having limits analagous to those of topographic drainages, but with modifications due to wind and stability considerations.

2.3 USE OF ELEVATION CONTOURS

The general outlines of the three major airsheds between the Cascades and the Coast Range have been indicated on Figure 1, by accentuating the 1000 ft. MSL (above mean sea level) contour, except that in the Rogue airshed the 2500 MSL contour has been used. These outlines are not to be taken as definite boundaries, but as indicators of the general configuration and extent of the airsheds.

The heavy dark lines represent the survey (township) lines which outline those areas most in need of air pollution amelioration.

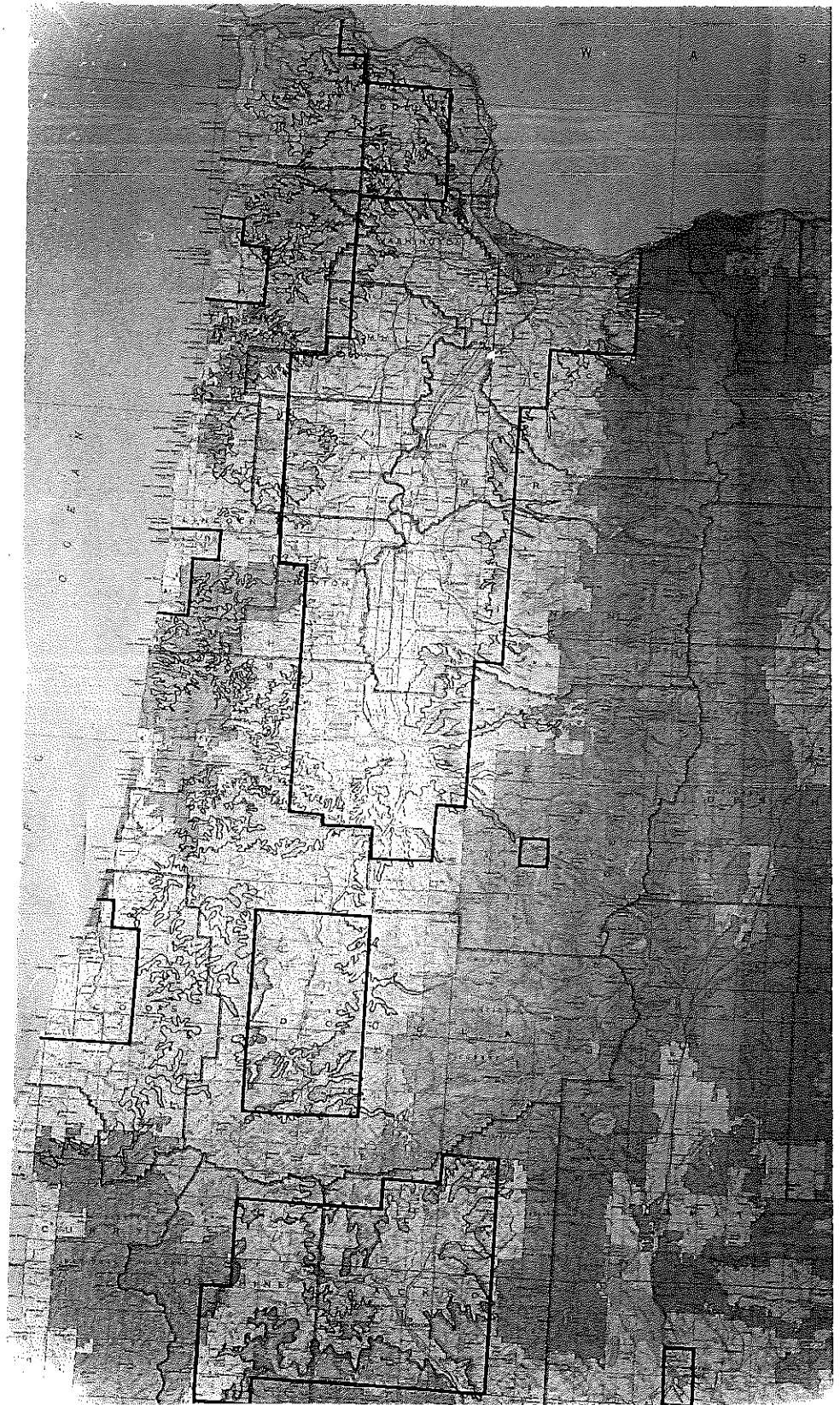


FIGURE 1
Critical Areas of
Western Oregon

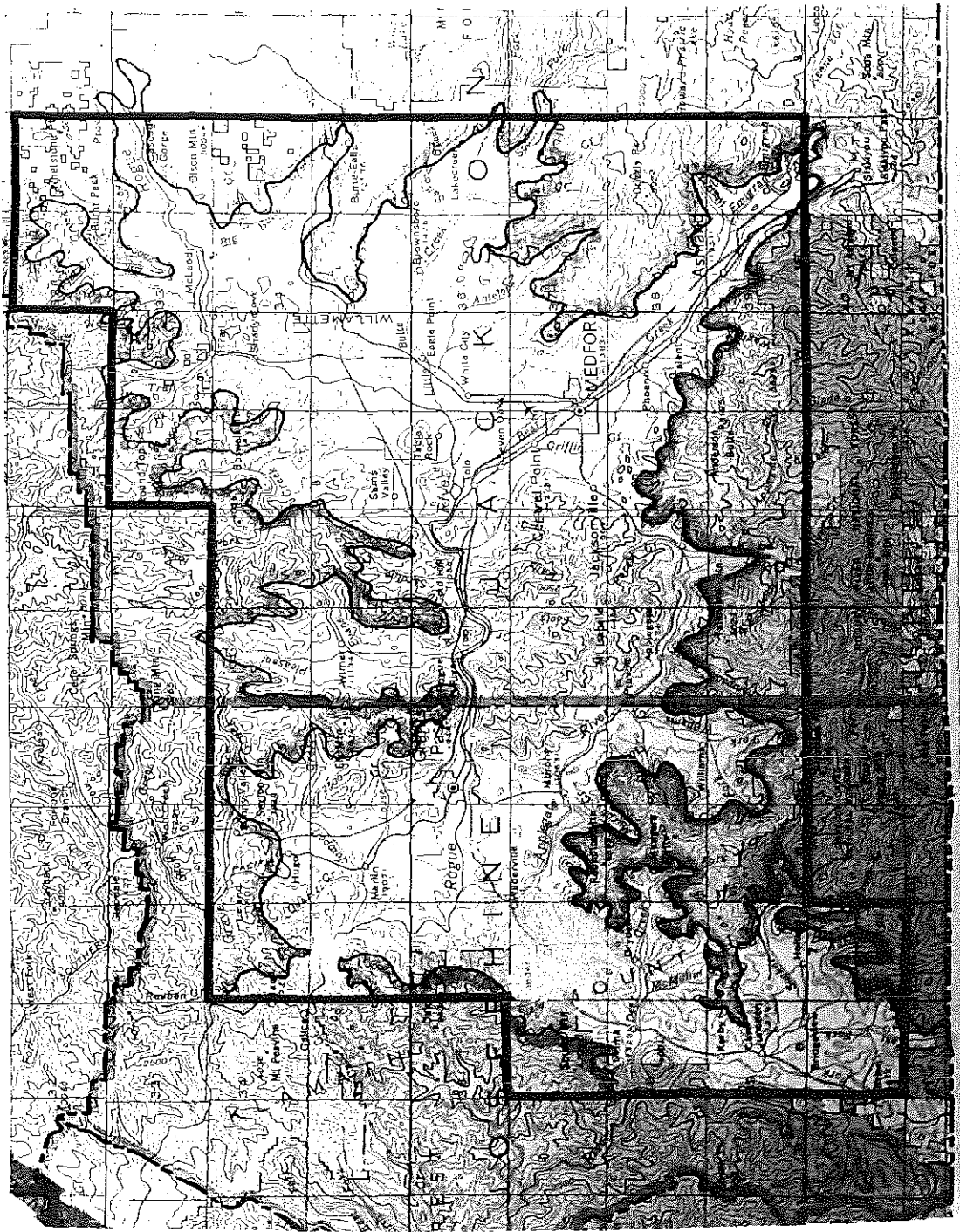


FIGURE 2
The Rogue Airshed
Critical Area

Subdivision 4

CONSTRUCTION AND OPERATION
OF WIGWAM WASTE BURNERS

[ED. NOTE: Unless otherwise specified, sections 24-005 through 24-025 of this Chapter of the Oregon Administrative Rules Compilation were adopted by the State Sanitary Authority, June 24, 1965 and filed with the Secretary of State, July 6, 1965 as Administrative Order SA 22.]

24-005 DEFINITIONS. (1) "Approved" means approved in writing by the Sanitary Authority staff.

(2) "Auxiliary Fuel" means any carbonaceous material which is readily combustible (includes planer ends, slabs and sidings).

(3) "Overfire Air" means air introduced directly into the waste burner in the upper burning area around the refuse or fuel pile.

(4) "Underfire Air" means air introduced into the waste burner under the fuel pile.

(5) "Wigwam Waste Burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for incineration of wood wastes.

24-010 WIGWAM WASTE BURNERS - PURPOSE. Section 24-010 through Section 24-025 are adopted for the purpose of preventing or eliminating air pollution or public nuisance caused by smoke, gases and particulate matter discharged into the air from wigwam waste burners.

24-015 WIGWAM WASTE BURNER CONSTRUCTION PROHIBITED. Construction of wigwam waste burners is hereby prohibited after July 1, 1965, unless plans and specifications have been submitted to and approved by the Sanitary Authority prior to construction.

24-020 COMPLIANCE. All existing Wigwam waste burners shall comply by January 1, 1966, with the following:

(1) Adjustment of forced draft underfire air shall be by variable speed blower or fans, dampers or by-passes or by other approved means.

(2) The introduction of overfire air shall be principally by adjustable tangential air inlets located near the base of the wigwam waste burner or by other approved means.

(3) A thermocouple and pyrometer or other approved temperature measurement device shall be installed and maintained. The thermocouple shall be installed on the burner at a location six inches above and near the center of the horizontal screen or at another approved location.

(4) During burner operation the burner exit temperatures shall be maintained as high as possible so as to maintain efficient combustion.

(5) A daily written log of the waste burner operation shall be maintained to determine optimum patterns of operation for various fuel and atmospheric conditions. The log shall include, but not be limited to, the time of day, draft settings, exit gas temperature, type of fuel and atmospheric conditions. The log or a copy shall be submitted to the Sanitary Authority within ten days upon request.

(6) Auxiliary fuel shall be used as necessary during start up and during periods of poor combustion to maintain exit temperatures required under subsection (4). Rubber products, asphaltic materials or materials which cause smoke discharge in violation of Section 21-011 or emissions of air contaminants in violation of Section 21-016 or Section 21-021 shall not be used as auxiliary fuels.

(7) Light fuels or wastes shall be introduced into the burning area in such a manner as to minimize their escape from the burner.

24-025 VARIANCE. (1) Waste burners operating within the modifications and criteria of Section 24-020 are granted a variance for one year from the effective date of these rules from compliance with Section 21-011 Smoke Discharge, Section 21-016 Particle Fallout Rate and Section 21-021 Suspended Particulate

Matter.

(2) Wigwam waste burners located in sparsely populated areas of the state where their potential for causing an air pol-

lution problem in the immediate or surrounding area is slight, may be granted variances from the provisions of Section 24-020 pursuant to ORS 449.810.

Lane County Community Health Council

P.O. BOX 909 * EUGENE, OREGON 97401 * PHONE (503) 344-4504

December 19, 1966

State Sanitary Authority
Portland, Oregon

Gentlemen:

The Lane County Community Health Council is deeply Concerned about the growing health hazard created by the ever increasing air and water pollution in our area.

Speaking from a personal view point, I must say that the odor from our local pulp plant is beyond the point of public tolerance. For the past five years I have lived at 892 Lariat Drive in Eugene, which is in the Oakway district. In my judgement the pulp stench in our neighborhood this winter would be comparable to that across the highway from the Albany pulp plant. In past years the odor seemed prevalent mostly after dark and one only had to close his windows to avoid it. This winter however, there have been many days when the air reeks and it gives one a touch of nausea even to go outside to work in the yard.

This foul smelling air could possibly effect our health and most certainly makes our neighborhood a less desirable place to live and thus reduces the resale value of every home in the area.

It is our hope that the State Sanitary Authority will take decisive action in the near future to eliminate this outrageous threat to our health, wellbeing and economy.

Yours truly,



Roderic W. Gillilan, O.D.

Chairman
Lane County Community Health Council

Water Pollution Control
Oregon State Board of Health

RECEIVED

DEC 20 1966

DNF TEMP PERM

OREGON STATE SANITARY AUTHORITY

Air Quality Control

December 20, 1966

TO: Members of the State Sanitary Authority

SUBJECT: Weyerhaeuser Company

The staff has continued to monitor by odor survey and measurement of H₂S levels by the AISI hydrogen sulfide tape sampler.

Hydrogen Sulfide Levels:

No hydrogen sulfide samples collected have been recorded as exceeding 10 ppb.

Samples collected during the approximate period November 22 to December 7 and 14 at the Cross and Defoor sampling points seem to show a significant grouping rise as compared to previous periods. While these levels may not be significant alone, it is reasonable to estimate that odorous constituents such as mercaptans, also increased.

Odor Surveys:

Odor surveys were conducted in the Springfield area during 1965 and 1966. Using observations made July 16 to September 2, 1965, with observations made July 8 to September 2, 1966, it was found 1966 values were significantly higher than those in 1965 at the 95% confidence level (there is only one chance in 20 that the difference between the two years could be chance alone.) Prevailing wind directions during the two periods were comparable.

Additional statistical tests comparing zero odor observations with observations greater than zero for the July 16 to September 2, 1965, and the July 8 to September 2, 1966, showed that the 1966 values were

significantly higher than in 1965 at the 99% level of confidence. (Only 1 chance in 100 that difference between two years could be chance alone.) This indicates that there has been a 36% increase in the frequency of odor occurrence between the two partial years.

SUMMARY OF SAMPLING FOR HYDROGEN SULFIDE
in the
EUGENE-SPRINGFIELD AREA, WEYERHAEUSER COMPANY

(Using Continuous AISI Impregnated Tape Sampler)

DECEMBER 19, 1966

<u>Eugene City Hall</u> 6.8 miles W 4-5 to 4-12-66			<u>Sprfld Fire Sta.</u> 0.7 mile SSE 2-10 to 4-12-66		<u>John Jaqua</u> 3 miles NW 3-1 to 4-7-66		<u>Filter Plant</u> 1.4 miles NW 2-28 to 4-5-66		<u>Texaco Station</u> 1.2 miles SE 3-22 to 4-12-66	
		%		%		%		%		%
No. Samples	0	162	449	98.1	73	100	332	98.8	95	56.5
No. "	<1 ppb	1	9	1.9	0	0.0	4	1.2	57	33.9
No. "	1 to 9.9 ppb	4	0	0.0	0	0.0	0	0.0	16	9.5
No. "	>10 ppb	0	0	0.0	0	0.0	0	0.0	0	0.0
Total Samples		<u>167</u>	<u>458</u>		<u>73</u>		<u>336</u>		<u>168</u>	

<u>Myers</u> .7 miles N 3-22 to 4-7-66			<u>Myers (Cont.)</u> .7 mile West 4-12 to 7-26-66		<u>Cross</u> 0.8 mile West 3-11 to 7-13-66		<u>Cross (Cont.)</u> .8 mile West 11-23 to 12-7-66	
		%		%		%		%
No. Samples	0	145	1022	99.7	1480	97.0	13	11.9
No. "	<1 ppb	70	3	.3	38	2.4	63	57.7
No. "	1 to 9.9 ppb	15	0	0.0	8	.5	33	30.2
No. "	>10 ppb	0	0	0.0	0	0.0	0	0.0
Total Samples		<u>230</u>	<u>1025</u>		<u>1526</u>		<u>109</u>	

<u>Defoor</u> .9 mile ESE 3-11 to 7-26-66			<u>Defoor (Cont.)</u> .9 mile ESE 7-26 to 8-15-66 & 9-2 to 11-4-66		<u>Defoor (Cont.)</u> .9 mile ESE 11-22 to 12-14-66	
		%		%		%
No. Samples	0	1467	174	38.3	69	39.2
No. "	<1 ppb	276	258	56.8	87	49.4
No. "	1 to 9.9 ppb	87	22	4.8	20	11.4
No. "	>10 ppb	0	0	0.0	0	0.0
Total Samples		<u>1830</u>	<u>454</u>		<u>176</u>	

REFERENCES FOR H₂S AND ORGANIC SULFIDE

THRESHOLD LEVELS AND EFFECTS FROM PUBLISHED LITERATURE

I Odor Perception Levels

<u>Compound</u>	<u>Threshold</u>	<u>Description</u>	<u>References</u>
H ₂ S	1-80 ppb	Rotten eggs	1 (a), 2, 7
Methyl Mercaptan	41 ppb		7
Dimethyl Sulfide	3.7-430 ppb		7
n-Propyl Mercaptan	1.6 ppb		7
Organic Sulfides (mercaptans)	0.3-40 ppb	Decayed cabbage or onion, skunk	2, 3, 7

Note: The literature on organic sulfides is scanty. Most authorities agree they are perceptible at concentrations a tenth that of H₂S.

Their odors are described as like rotten vegetables, skunk, or just unpleasant or nauseating.

Ref 1 (a) states sensitive people may detect H₂S and organic sulfides down to 1 ppb.

II Levels of Record

The best discussion is in reference 1 (c). Measurements reported there were made during a study of air pollution in the Lewiston, Idaho--Clarkston, Washington area. The measurements were specific for hydrogen sulfide, and the levels were:

0-2 ppb	70-90% of the time in commercial and restricted parts of the cities.
3-9 ppb	28% Lewiston commercial district 7% Residential district above Lewiston
≥ 10 ppb	3.7% Lewiston commercial district 0.5% Residential district
The average was around	2 ppb
Daily maximum was	14.4 ppb
2-hour maximum	51 ppb

The principle source was a kraft mill about 1 mile from Lewiston, and two miles from Clarkston. The levels measured are near the low limit of published minimum odor perception levels. Unfortunately, levels of organic sulfides were not specifically measured. The levels of all odorous gases together were enough to generate vigorous complaints and eventually an official request from the Clarkston mayor for a Public Health Service study of the problem.

III Occupation Health Consideration, Toxic Effects

The American Council of Industrial Hygienists has allowed H_2S at 10 ppm for eight hours as a threshold limit concentration. This would² presumably be for healthy humans who would be exposed for only eight hours per day. Obviously, levels in ambient air must be lower to prevent nuisance levels and levels injurious to the health of the very young and very old, and to people already suffering respiratory diseases.

Reference 3 has a table as follows:

<u>H_2S ppm</u>	<u>Local Effects</u>	<u>Systemic Effects</u>
10 ppm	Threshold	Threshold
50	Irritant to conjunctival & corneal epithelium	
50-100	Eye & respiratory tract irritation in one hour	
100-150		Slight systemic symptoms after several hours
150	Olfactory nerve paralysis	Fatal in 8-48 hours
200	Pulmonary edema after long exposure	Nervous system depression
250-350		Fatal in 4-8 hours
350-450		Fatal in 1-4 hours
500-600		Excitement, headache, dizziness, unconsciousness, death in 1/2-1 hr.
600-700		Rapid collapse, death in 2-15 min.
700-2000		Cessation of respiration, rapidly fatal

Note: 10 ppm, the threshold exposure, is 10,000 ppb, 200 times the maximum measured in Lewiston.

The organic sulfides are less toxic, and by factors of 20-140 (4).

IV Paint Damage

Reference 1, pp 73 and 118 states that blackening of paint by H_2S depends on several factors, the least of which is the concentration of H_2S . The concentration only affects the rate of blackening, but any concentration will, in time, blacken paint if other conditions are present. These are:

1. The paint must contain lead pigments.
2. The paint film must be wet, regardless of humidity.

IV Paint Damage (Continued)

3. The surface should be weathered (presumably discontinuous), at least not glossy.

Note that the type of lead pigment is not important, and that the blackening varies directly with the amount of lead present. (See also reference 8)

V Silver Tarnishing

Reference 1, pp 108-117, contains a description of experiments with silver tarnishing, of electroplated samples, in the Lewiston, Idaho--Clarkston, Washington area. Normal ambient temperatures in that region (monthly averages from November to April, the time of the study reported in this reference, ranged from 32 to 53°F) had practically no effect on the tarnish rate, and the critical level of humidity for silver to tarnish, if it exists at all, is very low.

A short period of high H₂S concentration can have a drastic effect on silver, tarnishing it so badly it becomes almost insensitive to lower levels. The mechanism is one of forming an almost impervious film of silver sulfide. The reference notes that an atmosphere conducive to silver tarnishing would probably be similarly conducive to accelerated corrosion of other metals and alloys, notably iron and steel.

In reference to both of the foregoing sections, the OSSA's Air Quality section has noted that where gaseous sulfide levels are high enough to be a continuing odor nuisance, (about 10 ppb) often there is also paint damage to the extent that the life of a coat of paint is decreased by a half or more, and that metal corrosion (automobile trim and even panels, metal window and door sashes) also is accelerated.

VI Standard Adopted by State Laws

Two states, New York and California, have written limits on allowable H₂S in their standards. New York (5) has set 0.10 ppm (100 ppb) for 1 hour as the ambient air quality objective. California (6) has defined these levels:

"Adverse"	"Serious"	"Emergency"
Sensory irritation possible	Alteration in bodily function, likely to lead to chronic disease.	Acute sickness, death in sensitive people.
0.1 ppm for 1 hour	5 ppm-Interfere with appetites of sensitive people. Loss of smell at 100 ppm for exposure to 15 min.	Several hundred ppm- Acute sickness and death, neurotoxicity.

References:

1. A study of Air Pollution in the Interstate Region of Lewiston Idaho and Clarkston, Washington. Public Health Service, Division of Air Pollution. 1964.
 - a. Page 73, Quoting Wright, R. H., "The Reduction of Odors from Kraft Pulp Mills". Technical Bulletin #27. British Columbia Research Council, Vancouver, Canada. 1961;and others.
 - b. Ibid, Page 75.
 - c. Ibid, PP 74-92
2. Dudley, H. G. and J. M. Dalla-Valle. A Study of the Odors Generated in the Manufacturing of Kraft Paper. Technical Association Papers 22: 312-315, 1939.
3. American Association for the Advancement of Science. Air Conservation, 1965. Page 69.
4. Bergstrom, H. Pollution of Water and Air by Sulfate Mills. Pulp and Paper Magazine of Canada. 54: 135-140, November 1953.
5. New York State Air Pollution Control Board.
6. California Administrative Code.
7. Manufacturing Chemists Association. Air Pollution Manual, 1952. Chapter 5, pp 16-17 (Table III).

OSBH - AQC
4/13/66 - 50

OREGON STATE SANITARY AUTHORITY

Air Quality Control

To : Members of the State Sanitary Authority

Subject: Harvey Aluminum (Inc.)
Request for Dismissal of Complaint

Date : December 20, 1966

Background on Control Systems:

Harvey Aluminum Company operates a 300 cell Soderberg type aluminum reduction plant. The two control systems are installed; (1) cell fume scrubbers and (2) roof monitor control system.

- (1) The cell system includes a hood and enclosed burner and exhaust system to evacuate dust and gases through a multiclone, humidifier, and scrubbing tower. Each control serves 15 cells and the total 20 control units exhaust approximately 4500-6800 cfm each.
- (2) The roof monitor control system treats building emission and space ventilation by a system of vinyl cloth and water sprays. The total area of the roof monitor is 49,000 square feet so that the exhaust may be from 2 to 3 million cubic feet per cell building roof.

The cell control system has been reasonably consistent with a measurable efficiency. The roof monitor control system which has had a higher emission is difficult to accurately measure because a difference in velocity of 1 ft. per minute means a 50,000 cfm difference.

Review of Authority Actions:

At the January 26, 1961 Sanitary Authority meeting a motion was made and carried that Harvey Aluminum (Inc.) be cited to appear at the next meeting of the Sanitary Authority and show cause why an order should not be ordered requiring Harvey Aluminum to abate the nuisance they were creating by the discharge of excessive amounts of fluoride into the air.

At a subsequent meeting (3-2-66) a Hearings Officer was appointed, the Wasco County Fruit and Produce League intervened, and Harvey Aluminum (Inc.) was allowed more time to prepare their case. Subsequently, Harvey Aluminum agreed to perform certain tests and submit the data to the Authority for evaluation (4-4-61) and it was moved that the public hearing be continued. The matter of Harvey Aluminum was taken up at subsequent Authority meetings. (5-17-61, 6-28-61, 9-20-61, and 1-11-62.)

At the February 8, 1962 Sanitary Authority meeting a motion was adopted that Harvey Aluminum (Inc.) be advised that when the installation of the roof monitor fluoride removal systems had been completed and field tests show that the concentration of fluorides in the area of The Dalles have been reduced to an acceptable limit, the Authority would entertain a motion that the proceedings be dismissed after notice to all parties.

The matter of Harvey Aluminum (Inc.) was the subject of staff reports and meetings and a motion to send notice to reconvene the hearings (6-24-63) was deferred pending the outcome of private litigation.

Current:

A letter dated November 11, 1966 from Maxwell H. Elliott, counsel for Harvey Aluminum was received stating an intent to request dismissal of said show-cause proceedings at the next regular meeting of the Sanitary Authority.

The staff has had time to only briefly review the data submitted. A cursory review indicates emissions equal to or less than previously available data and staff ambient air samplings during 1966 comparable to 1965 and lower than any time since December 1962-January 1963 sampling period.

The staff requests additional time to review the data submitted and make further evaluations before submitting recommendations.

Summary of Fluoride Sampling at The Dalles

The Klindt farm located approximately 2,000 feet East of Harvey Aluminum Company has been used as a monitoring station for several years. The following represents a summary of the sampling results at this station for 6-hour sampling periods:

	<u>No. of samples</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Median</u>	<u>Average</u>
8-29-60 to 10-17-60	98	96.4 ppb	5.9 ppb	15.7 ppb	21.0 ppb

Roof monitor installations were reported complete in five aluminum reduction cell buildings November 1962.

12-19-62 to 1-9-63	81	15.1	0.9	3.1	4.4
3-7-63 to 3-21-63	46	57.0	7.6	13.1	18.3
6-6-63 to 6-11-63	20	67	14	38.0	38.1
4-15-64 to 4-30-64	59	36.4	9.7	17.0	18.78
6-25-64 to 8-19-64	184	85.0	9.5	23.8	28.1
4-5-65 to 6-12-65	255	44.0	1.7	10.6	12.3
6-22-66 to 10-5-66	382	33.3	0	5.5	7.8

The Bailey residence was used as a sampling station during 1965. The station is located 3 3/4 miles South of the Harvey Aluminum Company. The last ten samples were for 12-hr. periods.

4-16-65 to 6-12-65	206	3.2	<0.1 ppb	0.4 ppb	0.5 ppb
4-28-66 to 9-28-66	509	3.8	0. ppb	0.5 ppb	0.5 ppb

MEASURE SUMMARY

Requires that property tax relief be withheld from taxpayers in municipalities that are under order of the Sanitary Authority or a court to construct sewerage facilities and have not complied with order.

A BILL FOR
AN ACT

Relating to sewerage facilities.

Be It Enacted by the People of the State of Oregon:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Municipality" means a city or special district having responsibility for construction of sewerage facilities.

(2) "Sewerage facilities" includes sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial wastes, garbage or other wastes.

Section 2. The millage relief to which the taxpayers of a municipality would be entitled under ORS 310.730 shall be withheld from such taxpayers in any fiscal year in which the municipality has in effect against it, notwithstanding the pendency of an appeal therefrom, on March 15 of such year:

(1) A final order of the Sanitary Authority of the State of Oregon requiring the municipality to construct or otherwise provide sewerage facilities with which the municipality has failed to comply; or

(2) An injunction or court order to abate public nuisance, arising out of the failure of the sewerage facilities of the municipality to comply with the laws of this state.

Section 3. Taxes equal to the amount of revenue represented by the millage relief withheld from the taxpayers of the municipality under section 1 of this Act shall be collected by the county in which the municipality is located from such taxpayers.

Section 4. The amount of revenue to which a county would be entitled under ORS 310.740 if millage relief were not withheld pursuant to section 1 of this Act shall be reduced by the amount represented by the millage relief withheld. The undistributed amount shall remain in the Local Property Tax Relief Account for distribution in the following fiscal year.

MEASURE SUMMARY

Requires agricultural and land clearing operations to conform to the air pollution laws by eliminating the statutory exemption of these operations.

Authorizes the Sanitary Authority or its authorized representative to grant permits authorizing non-conforming agricultural operations under such conditions as the Sanitary Authority may impose, considering alternative methods of operation, weather conditions and such other factors affecting air quality as may be necessary.

COMMITTEE COMMENT

This draft would require that all agricultural and land clearing operations conform to the air pollution laws and rules of the Sanitary Authority except as they may be exempted in whole or part by a variance and except as agricultural operations only may be exempted conditionally under a permit issued by the Sanitary Authority or its authorized representative. In granting the permit the Sanitary Authority is given wider discretion than in its variance determination.

Matter underscored in an amended section is new; matter [bracketed] is existing law to be omitted.

Rough Draft
3/24/66
76

A BILL FOR
AN ACT

Relating to air pollution; creating new provisions; and amending ORS 449.775.

Be It Enacted by the People of the State of Oregon:

Section 1. Section 2 of this Act is added to and made a part of ORS 449.760 to 449.830.

Section 2. (1) As used in this section, "agricultural operations" means the growing and harvesting of crops and the raising of fowls or animals and the use of equipment in the growth of crops or the raising of fowls or animals.

(2) In addition to or in lieu of variances authorized by ORS 449.810, the Sanitary Authority or its authorized representative may grant permits authorizing agricultural operations. In issuing the permits, the Sanitary Authority or its authorized representative shall consider the feasibility of alternative methods of agricultural operations which would not necessitate permits or variances, weather conditions and such other factors affecting air quality as may be necessary to protect public health and safety. Permits shall be issued subject to such conditions as the Sanitary Authority may impose by rule.

Section 3. ORS 449.775 is amended to read:

449.775. The provisions of ORS 449.760 to 449.830 do not apply to:

[(1) Agricultural operations and the growing or harvesting of crops and the raising of fowls or animals;]

[(2) Use of equipment in agricultural operations in the growth of crops or the raising of fowls or animals;]

[(3)] (1) Barbecue equipment or outdoor fireplaces used in connection with any residence;

[(4) Land clearing operations or land grading;]

[(5)] (2) Incinerators and heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families; or

[(6)] (3) Fires set or permitted by any public officer, board, council or commission when such fire is set or permission given in the performance of such duty of the officer for the purpose of weed abatement, the prevention or elimination of a fire hazard, or the instruction of employes in the methods of fire fighting, which is in the opinion of such officer necessary, or from fires set pursuant to permit for the purpose of instruction of employes of private industrial concerns in methods of fire fighting, or ^{for} civil defense instruction.

MEASURE SUMMARY

Authorizes the establishment by contiguous counties or cities, or both, of regional air quality control authorities which, when its rules and standards are approved by the State Sanitary Authority, exercises the functions of the State Sanitary Authority in the region and the authority withdraws, subject to retaining control over certain types of pollution sources.

Authorizes regional authorities to apply for and receive Federal funds and to acquire registration of certain air pollution sources.

Requires the appointment of an advisory committee to advise the regional authority.

Authorizes regional authorities to grant variances as so permitted to do so by the State Sanitary Authority, subject to review by the authority.

Authorizes the State Sanitary Authority to withdraw authority from regional programs which are inadequate.

Establishes administrative procedures for enforcement of air pollution laws, rules and orders.

A BILL FOR
AN ACT

Relating to regional air quality control; creating new provisions;
amending ORS 449.765; providing penalties; appropriating
money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. Sections 2 to 19 of this Act are added to and
made a part of ORS 449.760 to 449.830.

Section 2. As used in sections 2 to 19 of this 1967 Act,
unless the context requires otherwise:

(1) "Board of directors" means the board of a regional
air quality control authority functioning under ORS 449.760
to 449.830.

(2) "Governing body" means the county court or board of
county commissioners or the city council or city legislative body.

(3) "Regional authority" means a regional air quality control
authority established under the provisions of ORS 449.760 to 449.830.

Section 3. ORS 449.765 is amended to read:

(1) In the interest of the public health and welfare of
the people, it is declared to be the public policy of the State of
Oregon:

(a) To maintain such a reasonable degree of purity of the
air resources of the state to the end that the least possible
injury should be done to human, plant or animal life or to property

and to maintain public enjoyment of the state's natural resources and consistent with the economic and industrial well-being of the state.

(b) To provide for a coordinated statewide program of air quality control and to allocate between the state and the units of local government responsibility for such control.

(c) To facilitate cooperation among units of local government in establishing and supporting air quality control programs.

(2) The program for the control of air pollution under ORS 449.760 to 449.830 shall be undertaken in a progressive manner, and each of its successive objectives shall be sought to be accomplished by a maximum of cooperation and conciliation among all the parties concerned.

Section 4. (1) Notwithstanding the provisions of any law or charter to the contrary, and in addition to the means of cooperation authorized by ORS 449.830, two or more contiguous counties, or two or more contiguous cities, or any contiguous combination thereof, the combined territory of which has a population of 50,000 or more, may join together to form a regional air quality control authority if:

(a) The combined territory constitutes all or part of an area of the state for which the Sanitary Authority has established standards of quality and purity of air pursuant to ORS 449.785; or

(b) The combined territory is not within or is only partly within an area for which standards have been established or lies in more than one area but the Sanitary Authority approves the formation.

(2) When authorized to do so by the Sanitary Authority, a regional air quality control authority formed under this section may exercise the functions vested in the Sanitary Authority by ORS 449.780 and 449.785 except to establish or alter areas and ORS 449.830, in so far as such functions are applicable to the conditions and situations of the territory within the regional authority and shall carry out these functions in the same manner provided for the Sanitary Authority to carry out the same functions. Such functions may be exercised over both incorporated and unincorporated areas within the territory of the regional authority, regardless of whether the governing body of a city within the territory of the region participating in the regional authority. However, no regional authority is authorized to adopt any rule, regulation or standard that conflicts with any rule, regulation or standard of the Sanitary Authority. In addition, the regional authority must submit to the Sanitary Authority for its approval, all quality and purity of air standards adopted by the regional authority prior to enforcing any such standards.

(3) When a regional air quality control authority is exercising functions under subsection (2) of this section, the Sanitary Authority shall not exercise the same functions in the same territory except as provided in section 11 or 12 of this 1967 Act. The regional authority shall enforce rules, regulations, standards and orders of the Sanitary Authority insofar as it is required to do so by the Sanitary Authority.

Section 5. (1) Ordinances and resolutions adopted by cities and counties in forming a regional authority shall specify the name of the regional authority and shall set forth the participating

cities and counties, the principal places of business, and the boundaries of the regional authority.

(2) A certified copy of the ordinance or resolution of each city or county calling for the formation of a regional authority shall be filed with the Secretary of State and with the Secretary of the Sanitary Authority.

(3) From and after the date of notice from the Sanitary Authority that the regional authority meets the requirements of paragraph (a) of subsection (1) of section 4 of this 1967 Act or of notice of approval by the Sanitary Authority, if the regional authority does not meet such requirements, and after the approval required by subsection (2) of section 4 of this 1967 Act, the regional authority shall exercise its functions.

Section 6. (1) The board of directors of a regional air quality control authority shall consist of:

(a) One member of the governing body of each participating county, to be designated by the governing body of the county.

(b) One member of the governing body of each participating city and of each nonparticipating city of 25,000 or more population to be designated by the governing body of the city.

(c) One additional member, if the board would otherwise consist of an even number of members, to be selected by members designated under paragraphs (a) and (b) of this subsection, such member also to be a member of the governing body of a participating city or county.

(2) A member under paragraphs (a) and (b) of subsection (1) of this section shall hold office at the pleasure of the governing body by which he was designated. The member selected under paragraph (c) of subsection (1) of this section, if any, shall serve for a term of two years. The term of any member shall termi-

nate at any time when he is no longer a member of the governing body of the city or county by which he was designated or, if appointed under paragraph (c) of subsection (1) of this section, when he is no longer a member of the governing body of a participating city or county.

Section 7. The regional air quality control authority is a body corporate, having perpetual succession and may:

(1) Sue and be sued except that it shall not be sued in a tort action unless otherwise provided by law.

(2) Adopt a seal.

(3) Acquire and hold real and other property necessary or incident to the exercise of its functions and sell or otherwise dispose of such property.

Section 8. In addition to its functions under subsection (2) of section 4 of this 1967 Act, the board of directors of a regional air quality control authority may:

(1) Apply to and receive funds from the state, from the Federal Government and from public and private agencies and expend such funds for the purposes of air pollution control, studies and research and enter into agreements with this state or the Federal Government for carrying out the purposes of this 1967 Act.

(2) When necessary for the administration of this 1967 Act, require registration of each person who is responsible for the emission of air contaminants under such rules as the board may adopt, set, collect and expend fees for such registration, the fee not to exceed \$10 for each registration, the fee to be expended by the regional authority in carrying out its functions.

Section 9. (1) The board of directors of the regional authority shall appoint an advisory committee to advise the board in matters pertaining to the region and particularly as to methods and procedures for the protection of public health and welfare and of property from the adverse effects of air pollution.

(2) The advisory committee shall consist of at least seven members with at least one representative from each of the following groups within the region:

- (a) Public health agencies;
- (b) Agriculture;
- (c) Industry;
- (d) Community planning; and
- (e) The general public.

(3) The advisory committee shall select a chairman and vice-chairman and such other officers as it considers necessary. Members shall serve without compensation, but may be allowed actual and necessary expenses incurred in the discharge of their duties. The committee shall meet as frequently as it or the board of directors consider necessary.

Section 10. (1) A regional air quality control authority shall be considered the legislative body of a local unit of government for purposes of subsection (2) of ORS 449.810. However, if the Sanitary Authority delegates authority to grant variances to a regional authority, the Sanitary Authority shall not grant similar authority to any city or county within the territory of the regional authority.

(2) If authority to grant variances is delegated to a regional authority, in granting variances the regional authority is subject to ORS 449.815.

(3) A copy of each variance granted by a regional authority shall be filed with the Sanitary Authority within 15 days after it is granted. The Sanitary Authority shall review the variance and the reasons therefor within 120 days of receipt of the copy. If the Sanitary Authority determines that a variance should not be renewed, it shall direct the regional authority to deny any application for renewal. If the variance was granted for a period of more than one year, the Sanitary Authority may order the regional authority to reduce the period for which the variance was granted, but in no case shall such reduction cause the variance to be valid for less than one year.

Section 11. (1) If a regional air quality control authority fails to establish, within a reasonable time after formation of the regional authority, an air quality control program that, in the judgment of the Sanitary Authority, is adequate, or if the Sanitary Authority has reason to believe that an air quality control program in force in the territory of a regional authority is being administered in a manner inconsistent with the requirements of ORS 449.760 to 449.830 or is being administered in a manner lacking uniformity throughout the territory of the regional authority, the Sanitary Authority shall conduct a hearing on the matter, after not less than 30 days notice to the regional authority.

(2) If, after such hearing, the Sanitary Authority determines that the regional authority has failed to establish an adequate

program or that the program in force is being administered improperly, it may require that necessary corrective measures be undertaken within a reasonable period of time.

(3) If the regional authority fails to take the necessary corrective measures within the time required, the Sanitary Authority shall undertake a program of administration and enforcement of the air quality control program in the territory of the regional authority. The program instituted by the Sanitary Authority shall supersede all rules, regulations, standards and orders of the regional authority.

(4) If, in the judgment of the Sanitary Authority, a regional authority is able to requalify to exercise the functions authorized in section 4 of this 1967 Act, the Sanitary Authority shall restore those functions to the regional authority and shall not exercise the same functions in the territory of the regional authority.

Section 12. The Sanitary Authority may assume and retain control over any class of air contamination source if it finds that such control is beyond the reasonable capabilities of the regional authorities because of the complexity or magnitude of the source. In making such a finding, the Sanitary Authority shall consider the nature of the sources involved or the relationship of such sources to the size of the communities in which they are located. :

Section 13. The territory of a regional authority may be expanded, in the manner provided for forming regions under section 5 of this 1967 Act, by inclusion of an additional contiguous county or city if:

(1) All of the governing bodies of the participating counties and cities adopt ordinances or resolutions authorizing the inclusion of the additional territory; and

(2) The governing body of the proposed county or city accepts such ordinance or resolution as would be required to form a regional authority; and

(3) The Sanitary Authority approves the expansion.

Section 14. Any regional authority formed under the provisions of this 1967 Act may be dissolved by written consent of the governing bodies of all participating counties and cities. Upon dissolution, any assets remaining after payment of all debts shall be divided among the participating counties and cities in direct proportion to the total amount contributed by each. However, all rules, regulations, standards and orders of the regional authority shall continue in effect until superseded by action of the Sanitary Authority.

Section 15. Violation of any rule, regulation, standard or final order of a regional air quality control authority is a misdemeanor and each day of continued violation shall be considered a separate offense.

Section 16. (1) In adopting rules, regulations and standards, the regional authority shall first hold a public meeting at which residents of the territory within the jurisdiction of the regional authority may be allowed to appear or to present written statements concerning proposed rules, regulations and standards. Notice shall be given as provided in ORS 449.790.

(2) After due notice and a hearing, orders may be entered against parties found in violation of a rule, regulation or standard of the regional authority.

(3) All hearings shall be conducted by the board of directors or by a hearings officer designated by the board, who shall be a person technically qualified to conduct such hearings and who shall make recommendations to the board.

Section 17. (1) The board of directors of a regional authority may enter an order against a party to enforce any rule, regulation or standard of the regional authority, directing the party to prevent or correct the air pollution or air contamination that violates the rule, regulation or standard.

(2) If the hearing is conducted by a hearings officer or if, for any reason, a majority of the board has not heard or read the evidence in any case under subsection (1) of this section, no final order shall be entered until a proposal for the order, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded each party adversely affected by the proposal to file exceptions and present argument to the full board, the members of which shall in such cases personally consider the whole record or such portions thereof as may be cited by the parties.

(3) Any person aggrieved by the final order of the board of directors may appeal that decision in the manner provided in ORS 449.805.

(4) If measures taken to prevent or correct air pollution or air contamination that violates the rule, regulation or standard of the regional authority are not taken in accordance with the order of the authority, the regional authority may institute or cause to be instituted in the name of the regional authority a suit for injunction to prevent any further or continued violation of the rule, regulation, standard or order.

Section 18. The Sanitary Authority shall provide to regional authorities and to local air control programs operated by units of local government, either singly or jointly, technical consultation

and services in order to facilitate the administration of this 1967 Act and to avoid the duplication of facilities and personnel. The consultation and services may be provided either from funds appropriated to the Sanitary Authority or under agreements between the parties on a reimbursable basis.

Section 19. (1) Subject to the availability of funds therefor:

(a) Any local air quality control program meeting the rules and regulations of the Sanitary Authority and operated by not more than one unit of local government shall be eligible for state aid in an amount not to exceed 30 percent of the locally funded annual operating cost thereof, not including any federal funds to which the program may be entitled.

(b) Any air quality control program exercising functions authorized by section 4 of this 1967 Act or under ORS 449.630 and operated by more than one unit of local government shall be eligible for state aid in an amount not to exceed 50 percent of the locally funded annual operating cost thereof, not including any federal funds to which the program may be entitled.

(2) Applications for state funds shall be made to the Sanitary Authority and funds shall be made available under subsections (1) and (2) of this section according to the determination of the Sanitary Authority as to:

(a) Adequacy and effectiveness of the air quality control program.

(b) Geographic and demographic factors in the territory under the program.

(c) Particular problems of the territory under the program.

(3) In order to qualify for any state aid and subject to the availability of funds therefor, the local unit of government operating a program under subsection (1) of this section and any regional authority exercising functions under section 4 of this 1967 Act or combined units of local government cooperating under ORS 449.830 must submit all applications for federal financial assistance to the Sanitary Authority before submitting them to the Federal Government.

(4) When certified by the Sanitary Authority, claims for state aid shall be presented to the Secretary of State for payment in the manner that other claims against the state are paid.

Section 20. In addition to and not in lieu of other appropriations, there is appropriated to the State Board of Health for the biennium beginning July 1, 1965, out of the General Fund, the sum of \$165,000 to enable the Sanitary Authority to carry out the provisions of section 19 of this Act.

Section 21. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect July 1, 1967.

MEASURE SUMMARY

Revises definitions for water pollution statutes.

Prohibits waste discharge after January 1, 1968, without permit
issued by Sanitary Authority.

Requires permit for various alteration in existing facilities.

Authorizes Sanitary Authority to summarily abate pollution or
threatened pollution.

Authorizes recovery for damage for fish and wildlife and habitat
thereof.

Extends other abatement powers of Sanitary Authority.

Revises certain specific prohibitions to conform to general
prohibition.

Provides penalties.

A BILL FOR

AN ACT

Relating to water pollution; creating new provisions; amending
ORS 449.070, 449.075, 449.077, 449.080, 449.086, 449.095,
449.100, 449.105, 449.150, 449.535, 449.580 and 449.990;
repealing ORS 449.110, 449.115, 449.545, 449.567, 449.570
and 449.575; and providing penalties.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 449.070 is amended to read:

449.070. In so far as ORS 449.015 to ~~449.060~~, 449.080,
449.088, 449.090, 449.092, 449.095, 449.097, 449.100 and
449.390 to 449.400] 449.150 and ORS 449.390 to ORS 449.400
are inconsistent with any other law, ORS 449.015 to ~~449.060~~,
449.080, 449.088, 449.090, 449.092, 449.095, 449.097, 449.100]
449.150 and 449.390 to 449.400 shall be controlling.

Section 2. ORS 449.075 is amended to read:

449.075. As used in the laws relating to water pollution,
unless the context requires otherwise:

(1) "Person" [or "persons"] means the state, any individual,
public or private corporation, political subdivision, governmental
agency, municipality, industry, copartnership, association, firm,
trust, estate or any other legal entity whatsoever.

(2) "Water" or "waters of the state" [shall be construed to] include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(3) "Sewage" means the water-carried human or animal waste from residence, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. The admixture with sewage as above defined of industrial wastes or [other] wastes, as defined in subsections (4) and (5) of this section, shall also be considered "sewage" within the meaning of this chapter.

(4) "Industrial waste" means any liquid, gaseous, radioactive or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources [which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards adopted as provided herein].

(5) [Other waste] means garbage, refuse, decayed wood, sawdust, shavings, bark, cement, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals and all other discarded matter whether or not in sewage or industrial waste, caused or permitted by any person to reach the waters of the state which may cause or might reasonably be expected to

cause pollution of the waters of the state in contravention of the standards adopted as provided herein.]

"Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which will or may cause pollution or tend to cause pollution of any waters of the state.

(6) "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

[(6)] (7) "Standard" or "standards" means such measure of quality or purity for any waters in relation to their reasonable and necessary use as may be established by the Sanitary Authority pursuant to this chapter.

(8) "Pollution" means such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state which will or may, either by itself or in connection with any other substance, create a public nuisance or which will or may render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

(9) "Disposal system" means a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works, disposal wells and other systems.

(10) "Treatment works" means any plant or other works, used for the purpose of treating, stabilizing or holding wastes.

Section 3. Sections 4 to 8 of this Act are added to and made a part of ORS 449.015 to 449.150.

Section 4. (1) Without a waste discharge permit issued under section 8 of this 1967 Act and subject to the conditions thereof, on and after January 1, 1968, no person shall:

(a) Cause pollution of any waters of the state or place or cause any wastes to be placed in a location where such wastes are likely to escape or be carried into the waters of the state by any means.

(b) Discharge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established for such waters by the Sanitary Authority.

(2) No person shall violate the conditions of any waste discharge permit issued to such person.

(3) Violation of subsection (1) or (2) of this section is a public nuisance.

Section 5. (1) Where the injury, death, contamination or destruction of fish or other wildlife or injury or destruction of fish or wildlife habitat results from pollution or from any violation of the conditions set forth in any permit or of the orders, rules or regulations of the Sanitary Authority of the State of Oregon, the person responsible therefor shall be liable to the state in any amount reasonably necessary to restock or replace such fish or wildlife and to restore such habitat.

(2) In addition to the penalties provided for by law, the state may seek recovery of such damages in any court of competent jurisdiction in this state if the person responsible under subsection (1) of this section fails or refuses to pay for the restocking or replenishing of such fish or wildlife or restoring of such habitat within a period of 60 days from the date of written demand therefor.

(3) Any action or suit for the recovery of damages shall be brought in the name of the State of Oregon upon relation of the Sanitary Authority or the Attorney General. Amounts recovered under this section shall be paid to the state agency having jurisdiction over the fish or wildlife or habitat for which damages were recovered.

Section 6. (1) Whenever, in the opinion of the Sanitary Authority, any person violates or is about to violate the provisions of this chapter or fails to control the polluting content or waste discharged or to be discharged into any waters of the state and if such discharge or threatened discharge is causing or is likely to cause irreparable damage, or if the public health or welfare requires, the Sanitary Authority may issue a temporary order requiring that such existing or threatened waste disposal or waste discharge be stopped immediately and terminated pending a hearing.

(2) The order may be served personally on the person to whom it is directed or may be served by registered mail in which case service shall be deemed to have been effected upon the date of delivery as shown on the registered mail return receipt. The Sanitary Authority must hold a hearing on the temporary order within 15 days of the entry of the order.

(3) A temporary order issued pursuant to this section shall remain in effect not more than 20 days subsequent to the holding of the hearing unless sooner affirmed, modified or revoked by the Sanitary Authority. No temporary order shall be stayed, modified or vacated by any court except when a final decision is rendered by the court after a trial on the merits of the case or unless otherwise settled by the party litigants.

Section 7. Nothing in ORS 449.015 to 449.150 shall prevent the maintenance of actions or suits relating to private or public nuisances brought by any person or by the state on relation of any person without prior order of the Sanitary Authority.

Section 8. (1) Without first obtaining a permit from the Sanitary Authority, no person shall:

(a) Discharge any wastes into the waters of the state.

(b) Construct, install, modify or operate any sewerage system, disposal system, treatment works, or part thereof or any extension or addition thereto.

(c) Increase in volume or strength any wastes in excess of the permissive discharges specified under an existing permit.

(d) Construct, install or operate any industrial, commercial or other establishment or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes into the waters of this state or which would otherwise alter the physical, chemical or biological properties of any waters of this state in any manner not already lawfully authorized.

(e) Construct or use any new outlet for the discharge of any wastes into the waters of the state.

(2) The Sanitary Authority may issue, deny, suspend or modify, or revoke permits under such conditions or according to such rules, regulations and standards as it may prescribe for the prevention, reduction or abatement of pollution.

(3) Applications for permit shall be made on forms prescribed by the Sanitary Authority and any permit issued by the Sanitary Authority shall specify its duration and the conditions for conformance with the provisions of ORS 449.015 to 449.150 and the rules and regulations promulgated pursuant thereto and for compliance with standards of water quality and purity if such standards have been established for the particular waters of the state wherein the wastes for which the permit is sought will be discharged. The Sanitary Authority under such conditions as it may prescribe may require the submission of plans, specifications, and such other information as it deems necessary to carry out the provisions of ORS 449.015 to 449.150 and the rules, regulations and standards adopted pursuant to the provisions thereof.

(4) Except as provided in section 5 of this 1967 Act, the Sanitary Authority shall give written notice of its intention to deny, suspend, modify or revoke any permit issued pursuant to this section. Such notice shall be in writing and shall be sent by registered mail to the last-known address of the applicant. The person to whom the notice is addressed shall have 20 days from the date of the mailing of such notice in which to demand a hearing by the Sanitary Authority or its authorized representative and such hearing shall be conducted pursuant to the provisions of ORS chapter 183.

Section 9. ORS 449.077 is amended to read:

449.077. [(1) In the interest of the public welfare, safety, peace and morals of the people, it is declared to be the public policy of the State of Oregon to:]

[(a) Maintain reasonable standards of purity of the water of all rivers, streams, lakes, watersheds and the coastal areas of the state consistent with the protection and conservation of the public health, recreational enjoyment of the people, the economic and industrial development of the state, and for the protection of human life and property and conservation of plant, aquatic and animal life.]

[(b) Foster and encourage the cooperation of the people, industries, incorporated cities and towns and counties in preventing and controlling the pollution of those waters.]

(1) Whereas the pollution of the waters of this state constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and whereas the problem of water pollution in this state is closely related to the problem of water pollution in adjoining states, it is hereby declared to be the public policy of the state to conserve the waters of the state and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, municipal, recreational and other legitimate beneficial uses; to provide that no waste be discharged into any waters of this state without first receiving the necessary treatment or other corrective action to protect the legitimate beneficial uses of such waters; to provide for the prevention, abatement and control of new or existing water pollution; and to cooperate with other agencies of the state, agencies of other states and the Federal Government in carrying out these objectives.

(2) This chapter shall be liberally construed for the accomplishment of these purposes.

Section 10. ORS 449.080 is amended to read:

449.080. The Sanitary Authority:

(1) Shall encourage voluntary cooperation by the people, municipalities, counties, industries, agriculture, and other pursuits, in restoring and preserving the quality and purity of waters of this state in accordance with standards established by the Sanitary Authority, as set forth in this chapter.

(2) May formulate, in accordance with any applicable provisions of ORS chapter 183, and from time to time amend or cancel rules and regulations pertaining to minimum requirements for disposal of [sewage and industrial] wastes, minimum requirements for operation and maintenance of [sewage] sewerage systems, [and waste] treatment works and disposal [facilities] systems and matters relating to procedure of the authority with respect to hearings, filing of reports, issuance of permits, and all other matters pertaining to the prevention and control of pollution of waters of this state.

(3) May establish, modify or amend standards of quality and purity of the various waters of this state as provided in this chapter. Such standards shall be consistent with policies and programs for the use and control of water resources of the state adopted by the State Water Resources Board pursuant to the provisions of ORS 536.210 to 536.550.

(4) May conduct and prepare, independently and in cooperation with others, studies, investigations, research and programs pertaining to the quality and purity of waters of this state or to the treatment and disposal of [sewage, industrial waste or other] wastes [which may be causes of pollution].

(5) May enforce compliance with the laws of Oregon and with final orders of the Sanitary Authority relating to pollution of waters of this state.

[(6)] May, when found necessary by the Sanitary Authority for the administration of this chapter, issue, modify or deny permits under such conditions as may be prescribed for the prevention, reduction or abatement of pollution, for the discharge of sewage, industrial waste or other wastes or for the installation or operation of disposal systems or parts thereof. Any permit issued by the Sanitary Authority shall specify its duration and the conditions for conformance with the standards of water quality and purity established pursuant to this chapter.]

[(7)] (6) Shall advise, consult and cooperate with other agencies of the state, political subdivisions, industries, other states, the Federal Government and with affected groups, in furtherance of the purposes set forth in ORS 449.077.

[(8)] (7) May employ personnel, including specialists, consultants and hearings officers, purchase materials and supplies, and enter into contracts necessary to carry out the purposes set forth in ORS 449.077.

[(9)] (8) May settle or compromise in its discretion with the approval of the Attorney General, any action, suit or cause of action or suit for the recovery of a penalty or abatement of a nuisance as it may deem advantageous to the state.

[(10)] (9) May perform such other and further acts as may be necessary, proper or desirable to carry out effectively the duties, powers and responsibilities of the authority prescribed in this chapter.

Section 11. ORS 449.086 is amended to read:

449.086. (1) The Sanitary Authority is authorized and empowered to establish standards of quality and purity of the waters of this state in accordance with the public policy of the State of Oregon as set forth in ORS 449.077, and in establishing such standards, consideration shall be given the following factors:

(a) The extent, if any, to which floating solids may be permitted in the water;

(b) The extent, if any, to which suspended solids, settleable solids, colloids or a combination of solids with other substances suspended in water may be permitted;

(c) The extent, if any, to which organisms of the coliform group, and other bacteriological organisms or virus may be permitted in the waters;

(d) The extent of the oxygen demand which may be permitted in the receiving waters;

(e) The minimum dissolved oxygen content of the waters that shall be maintained;

(f) The limits of other physical, chemical, biological or radiological properties that may be necessary for preserving the purity of the waters of the state;

(g) The extent to which any substance must be excluded from the waters for the protection and preservation of public health; and

(h) The value of stability and the public rights to rely upon standards as adopted for a reasonable period of time to permit institutions, municipalities, commerce, industries and others to plan, schedule, finance and operate improvements in an orderly and practical manner.

(2) The adoption, alteration, modification or repeal of the standards of quality and purity above prescribed shall be made by the authority only after public hearing on due notice, subject to the limitations thereon elsewhere set forth in this chapter.

(3) Notices of public hearing for the adoption, alteration, modification or repeal of standards of quality and purity thereof shall specify the time, date and place of hearing, and the waters concerning which standards are sought to be adopted. Copies of said notice shall be published at least twice in a newspaper regularly published or circulated in the county or counties bordering or through which the waters, for which standards are sought to be adopted, flow; the first of which publications shall be not more than 30 days nor less than 20 days before the date fixed for such hearing, and copies of said notice shall be mailed at least 20 days before such hearing to the chief executive officer of each municipal corporation or county bordering or through which said waters for which standards are sought to be adopted, flow, and to such other persons as the authority may find appropriate.

(4) Any person responsible for complying with the standards of water quality or purity established under this chapter shall determine, subject to the approval of the Sanitary Authority, the means, methods, processes, equipment and operation to meet said standards.

(5) The standards of quality and purity thereof shall, before becoming effective, be filed with the Secretary of State, in accordance with ORS chapter 183.

Section 12. ORS 449.095 is amended to read:

449.095. [The discharge into the waters set forth in ORS 449.077 of any sewage or other waste which is or may become detrimental or injurious

to human, plant, animal or aquatic life, or the recreational enjoyment of the people, by any person, firm, association or corporation, whether public, municipal or private, or by any state-owned institution or industry,] Pollution of any of the waters of this state is declared to be not a reasonable or natural use of such waters [,] and contrary to the public policy of the State of Oregon, as set forth in ORS 449.077 [, and to be a public nuisance]. In order to carry out this public policy, action shall be taken as provided in this chapter to prevent new pollution and abate existing pollution, and to that end to foster and encourage the cooperation of the people, industry, incorporated cities and towns and counties, in preventing, controlling and reducing pollution of the waters of the state, and to require the use of all available and reasonable methods, in so far as said methods are necessary to achieve the purposes of this chapter and conform to the standards of water quality and purity established thereunder.

Section 13. ORS 449.100 is amended to read:

449.100. (1) [In lieu of penal enforcement proceedings and in all cases involving a state or local governmental agency or officer or employe thereof in the performance of their duties, proceedings] Proceedings to abate alleged public nuisances created by pollution of waters of [this] the state may be instituted at law, or in equity, in the name of the State of Oregon, upon relation of the Sanitary Authority, the Attorney General, any district attorney of any county or the city attorney of any municipality affected. The provisions of this section are in addition to and are not in lieu of any criminal prosecution or penalties resulting from pollution except that no criminal prosecution shall be brought against a state or local governmental agency or officer or employe thereof in the performance of his duties.

(2) However, notwithstanding any other provisions of law to the contrary or the provisions of ORS 449.097, the Sanitary Authority, without the necessity of prior administrative procedures or hearing and entry of an order or at any time during such administrative proceedings if such proceedings have been commenced, may institute a suit at law or in equity in the name of the State of Oregon to abate or restrain threatened or existing pollution of the waters of this state, whenever such pollution or threatened pollution creates an emergency which requires immediate action to protect the public health, safety or welfare; provided, that no temporary restraining order or temporary injunction or abatement order shall be granted unless the defendant is accorded an opportunity to be heard thereon at a time and place set by the court in an order directing the defendant to appear at such time and place, and to then and there show cause, if any he has, why a temporary restraining order or temporary injunction or abatement order should not be granted. The order to show cause, together with affidavits supporting the application for such temporary restraining order, temporary injunction or abatement order, shall be served on the defendant as a summons. The defendant may submit counter-affidavits at such time and place. The Sanitary Authority shall not be required to furnish any bond in such proceeding. Neither the Sanitary Authority nor its members or employes shall be liable for any damages defendant may sustain by reason of an injunction or restraining order or abatement order issued after such hearing.

(3) Cases filed under the provisions of this section shall be given preference on the docket over all other civil cases except those given an equal preference by statute.

Section 14. ORS 449.105 is amended to read:

449.105. (1) No person shall [put] place any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious or offensive substance [Into or in any other manner be foul, pollute or impair the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern or pond of water which is or may be used for domestic purposes or to which cattle, horses or other kind of domestic stock have access.] within one-fourth mile of any dwelling house or public highway and leave it without proper burial.

[(2) No person shall put any of the polluting substances listed in this section within one-fourth mile of any dwelling house or public highway and leave them without proper burial.]

[(3)] (2) No person, being in the possession or control of any land, shall knowingly permit or suffer any polluting substance listed in this section to remain without proper burial upon such premises, within one-fourth mile of any dwelling house or public highway whereby the substances become offensive to the occupants of such dwelling or the traveling public.

[(4)] (3) No person shall place or cause to be placed any polluting substance listed in this section into any road, street, alley, lane, lot, field, meadow or common and no owner thereof shall knowingly permit the listed substances to remain in any of the mentioned places to the injury of the health or to the annoyance of any citizen of this state. Every 24 hours after conviction for violation of this subsection during which the violator permits the polluting substances to remain is an additional offense against this subsection.

... [(5)] (4) Nothing in this section shall apply to the spreading of manure or like substance for agricultural or horticultural purposes, except that no sewage sludge shall be used for these purposes unless treated in a manner approved by the State Board of Health.

Section 15. ORS 449.150 is amended to read:

449.150. (1) After September 1, 1967, and notwithstanding any other law or regulation of this state or political subdivision thereof to the contrary, no garbage or sewage shall be discharged into or in any other manner be allowed to enter the waters of the State of Oregon from any building or structure unless such garbage or sewage has been treated or otherwise disposed of in a manner approved by the State Board of Health and the Sanitary Authority of the State of Oregon. All plumbing fixtures in buildings or structures including prior existing plumbing fixtures from which waste water or sewage is or may be discharged, shall be connected to and all waste water or sewage from such fixtures in buildings or structures shall be discharged into a sewer system, septic tank system or other disposal system approved by the State Board of Health and the Sanitary Authority of the State of Oregon.

(2) The Sanitary Authority may extend the time of compliance as set forth in subsection (1) of this section for any person, class of persons, municipalities or businesses upon such conditions as it may deem necessary to protect the public health and welfare if it is found that strict compliance would be unreasonable, unduly burdensome or impractical due to special physical conditions or cause or because no other alternative facility or method of handling is yet available.

Section 16. ORS 449.535 is amended to read:

449.535. No person shall:

(1) [Put any sewage, drainage, refuse or polluting matter, or any dead animal carcass, or part thereof, excrement, putrid, nauseous, decaying, deleterious or offensive substance which, either by itself or in connection with other matter, will corrupt or impair the quality of the water for domestic or municipal purposes, into the water of Clear Lake or the watershed supplying that lake.] Cause pollution, as defined in subsection (8) of ORS 449.075, of the watershed supplying Clear Lake by any means.

[(2) Allow any such substance to escape into, or place it in such position that it or the drainage therefrom escapes or is carried into such waters.]

[(3) In any other manner not named in this section befoul, pollute or impair the qualities of such waters for domestic or municipal purposes.]

[(4)] (2) Catch or attempt to catch any fish in the waters of Clear Lake.

[(5)] (3) Camp on any lands adjacent to Clear Lake which belong to the City of Reedsport.

[(6)] (4) Establish within the watershed described in ORS 449.540 any public campground or camping place and conduct same in any manner which will [pollute, befoul or impair the quality of the water of Clear Lake for domestic or municipal purposes.] cause pollution of Clear Lake.

Section 17. ORS 449.567 is repealed and section 18 of this Act is enacted in lieu thereof.

Section 18. Notwithstanding the provisions of ORS 449.505 to 449.580 and ORS 517.710 to 517.550, the provisions of ORS 449.015 to 449.150 shall apply and are in addition to any special provisions of ORS 449.505 to 449.580 and 517.710 to 517.550.

Section 19. ORS 449.580 is amended to read:

449.580. [(1) No person shall put or deposit in Oswego Lake, Clackamas County, or in any drain or brook flowing into that lake, any sewage, refuse, waste or any other substance which by itself, or in connection with any other matter, will corrupt or impair the quality of water in the lake for domestic or recreational purposes or place such substances in a position that they will escape or be carried into those waters by the action of the elements or otherwise.]

[(2)] (1) No person, residing on or owning property on the watershed of Oswego Lake shall flow or discharge sewage or waste water thereon unless it is passed through a system of sewage purification approved by the State Board of Health.

[(3)] (2) The continued flow and discharge of sewage or wastewater may be enjoined by any judge of the circuit court, upon application of any person.

[(4)] (3) All peace officers and health officers of Clackamas County are charged with the enforcement of this section.

Section 20. ORS 449.990 is amended to read:

449.990. (1) Violation of ORS 449.105, 449.125 to 449.135, 449.150, 449.210 to 449.220, 449.235 to 449.245, 449.325, 449.395, 449.400, [449.545 or 449.575] is a misdemeanor and is punishable, upon conviction, as provided in ORS 431.990. Violation of ORS 449.235 or 449.240 by a person managing a public water supply is a misdemeanor; provided such person does not prove to the satisfaction of the court that, in spite of reasonable effort and diligence on his part, he was prevented, directly or indirectly, by his superiors from doing his duty in this respect, in which case the superior officer concerned is guilty of a misdemeanor.

(2) Violation of ORS 449.107 is punishable, upon conviction, by a fine of not more than \$50.

[(3) Violation of ORS 449.110 or 449.115 is punishable, upon conviction, as provided in subsection (4) of ORS 496.990.]

(3) Violation of subsection (1) or (2) of section 4 of this 1967 Act or violation of subsection (1) of section 8 of this 1967 Act is punishable, upon conviction, by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Each day of such violation shall be deemed to be a separate offense.

(4) Violation of ORS 449.120 is punishable, upon conviction, by a fine not exceeding \$50 or, in lieu of payment of such fine, by imprisonment in the county jail one day for each \$2 of fine.

(5) Violation of ORS 449.225, 449.230 or 449.232 or failure to comply with any order issued by the State Board of Health under such sections by any owner or private or public official or person responsible for the operation of a public water supply, is a misdemeanor.

(6) Violation of ORS 449.250 is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment in the county jail for not more than 30 days, or both. Justice courts hereby are given concurrent jurisdiction with circuit courts of all violations of ORS 449.250.

(7) Any person who violates ORS 449.320 is guilty of creating and maintaining a nuisance and is punishable, upon conviction, by a fine of not more than \$500.

(8) Violation of paragraph (a) or (b) of subsection (1) of ORS 449.505 is punishable, upon conviction, by a fine of not more than \$250 or by imprisonment in the county jail for not more than six months, or both. Justice courts have jurisdiction over violations under this subsection.

(9) Violation of paragraph (c) of subsection (1) of ORS 449.505 is punishable, upon conviction, by a fine of not more than \$150 or by imprisonment for not more than three months, or both. Justice courts have jurisdiction over violations under this subsection.

(10) Violation of ORS 449.515 is punishable, upon conviction, by a fine of not more than \$1,000, or by imprisonment in the county jail not more than one year, or by both.

(11) Violation of ORS 449.530 by any person, firm or corporation or the responsible officers of any municipal corporation is punishable, upon conviction, by a fine of not more than \$1,000, or by imprisonment in the county jail not more than one year, or by both.

(12) Violation of subsection (1) or (4) of ORS 449.535 is punishable, upon conviction, by a fine of not more than [\$100, or by imprisonment in the county jail not more than 50 days, or by both.] \$1,000 or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Violation of ORS 449.535, subsection (2) or (3) of ORS 449.535 is punishable by a fine of not more than \$100 or by imprisonment in the county jail for not more than 60 days, or by both such fine and imprisonment.

(13) Any person who violates ORS 449.550 is guilty of creating and maintaining a nuisance and is punishable, upon conviction, by a fine of not more than \$500.

(14) Violation of ORS [449.570 or] 449.580 is punishable, upon conviction, by a fine of not more than \$100.

(15) Violation of subsection (2) of ORS 449.730 is a misdemeanor.

(16) Violation of the rules, regulations and general orders of the Sanitary Authority adopted and promulgated under the authority given the Sanitary Authority under ORS 449.080 is a misdemeanor.

(17) Violation of a specific final order after due notice and hearing by the Sanitary Authority or a condition of any permit granted by the Sanitary Authority under ORS 449.080 is a misdemeanor.

(18) Violation of any rule, regulation or final order of the Sanitary Authority issued pursuant to ORS 449.760 to 449.830 shall be a misdemeanor and each day of such violation shall be deemed a separate offense.

(19) Refusal to produce books, papers or information as required by ORS 449.760 to 449.830 shall be deemed a misdemeanor.

Section 21. ORS 449.110, 449.115, 449.545, 449.570 and 449.575 are repealed.

SEWAGE WORKS OPERATORS CERTIFICATION BILL

The following questions and answers may help to clarify some points concerning this bill.

Q. Why is it necessary for sewage treatment plant operators to be certified?

A. Certified operators must demonstrate their ability to control a process that protects our streams and rivers from domestic and industrial sewage pollution. Incompetent operation could result in a widespread health hazard to downstream water users who have no control over the employment of upstream plant personnel.

Q. In what way can an operator be certified under the law?

A. By any one of three ways.

1. An operator holding a currently valid certificate issued under the voluntary certification program will be issued a corresponding certificate upon application.
2. By successfully completing an examination.
3. By reciprocity with other states.

Q. Can an operator remain employed after passage of this bill if he does not have a voluntary certificate?

A. Yes. Section 7 provides for a limited certificate to be issued to any person employed as an operator of a plant at the time of enactment of this bill. The limited certificate will be issued upon request by the owner of a plant but only for a period of 4 years.

Q. What advantage is there to the city in having a certified operator at the sewage treatment plant?

A. The construction of a sewage treatment plant requires the outlay of a considerable amount of money. Experience shows that incompetent operation results in costly equipment maintenance often necessitating replacement before the original equipment is paid for. A competent certified operator will have demonstrated his ability to protect the city's investment.

Q. Who will administer the program?

A. The bill will be administered by the Oregon State Board of Health. An advisory council comprised of certified operators and representatives of the League of Oregon Cities will advise and make recommendations to the Board relating to the effective administration of this Act.

Q. Is it necessary for a city to hire only certified operators?

A. No. Section 8 provides for a temporary certificate to be issued to an individual not holding any certificate upon written request by the owner of a plant. A temporary certificate can be renewed for two years after which a permanent one must be obtained.

A BILL FOR

AN ACT

Relating to sewage treatment plant operators; appropriating money; and providing penalties.

Be It Enacted by the People of the State of Oregon:

Section 1. The Legislative Assembly declares that this Act is necessary to safeguard life, health and property and to protect the waters of this state.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Advisory council" means the advisory council created by section 18 of this Act.

(2) "Board" means the State Board of Health.

(3) "Certificate" means a certificate of competency as a plant operator, issued under this Act.

(4) "Person" means any persons as defined in ORS 174.100 and includes any public officer acting in his official capacity, this state and any city, county, district, municipal or public corporation, or any instrumentality thereof.

(5) "Plant operator" or "operator" means any individual who is, at any time, in responsible charge of the operation of a sewage treatment plant. "Plant operator" or "operator" does not include an individual exercising only general administrative supervision over a sewage treatment plant, such as a city engineer, public works superintendent or an individual holding a similar office.

(6) "Population equivalent" means the calculated population that would normally contribute the same amount of five-day biochemical oxygen

demand per day as that contained in a given waste flow, computed on a basis of 0.167 pounds per capita per day.

(7) "Sewage treatment plant" or "plant" means works or facilities treating or disposing of, or having capacity for treating and disposing of, the liquid wastes (including such industrial wastes, ground water, surface water and storm water as may be present, and having a population equivalent of 1,000 or more) from dwellings, business buildings, institutions and other occupied buildings.

Section 3. The board may exempt, from the provisions of this Act, the owners and operators of those plants which, because of their size, type of treatment or nature of the waste involved, are found by the board not to require supervision by a plant operator holding a certificate, in order to safeguard life, health, property or the waters of this state.

Section 4. Except as otherwise provided in section 9 of this Act, no person, after July 1, 1968, may:

(1) Employ, appoint, or approve the employment or appointment of, an individual as a plant operator:

(a) If the individual does not hold a valid certificate issued under this Act, certifying him as competent to operate the class of plant for which he is employed or appointed as operator.

(b) Contrary to the terms and conditions of the certificate held by such individual.

(2) Operate a plant of a class for the operation of which he does not hold a valid certificate, or operate a plant contrary to any of the terms and conditions of the certificate held by him.

(3) Violate any rule, regulation or order made by the board under this Act.

Section 5. Application for a plant operator's certificate shall be made under oath upon a form prescribed by the board. In addition to any other information required by the board, the applicant must present evidence satisfactory to the board that he is an individual at least 18 years of age or older and is of good moral character. Upon payment by the applicant of the fee prescribed in section 10 of this Act, the board shall issue a certificate to an applicant who:

(1) Has successfully completed an examination prescribed by the board which tests his competency to operate the class of sewage treatment plant for the operation of which he is applying for certification; or

(2) Holds a license or certificate, that is valid at the time he makes application under this section, from any other state or territory of the United States maintaining standards of certification equivalent to those in Oregon and granting equal reciprocal privileges to persons certified in Oregon, if in the judgment of the board the applicant has the necessary qualifications for certification under this Act.

Section 6. Notwithstanding section 5 of this Act, an applicant who, on the effective date of this Act, holds a valid current certificate of competency issued to him under the voluntary certification program conducted by the State Board of Health, Oregon State University and the Pacific Northwest Pollution Control Association, shall be issued a corresponding certificate under section 5 of this Act upon application accompanied by the fee prescribed in section 10 of this Act. Application for a certificate under this section must be made prior to July 1, 1968.

Section 7. Notwithstanding section 5 of this Act, the board shall issue a limited certificate, evidencing compliance with this Act, upon written request by the owner of a plant who wishes to employ as operator,

without examination, the individual who was operator of that plant on the effective date of this Act. The request shall be accompanied by the fee prescribed in section 10 of this Act. A limited certificate is valid for an individual only in the plant where he is to be employed pursuant to the request for the limited certificate and, upon annual renewal pursuant to section 11 of this Act. No limited certificate shall be valid after June 30, 1972.

Section 8. Notwithstanding section 5 of this Act, the board shall issue a temporary certificate to an individual not otherwise certified under this Act upon written request by the owner of the plant where the person is to be employed. The request shall be accompanied by the fee prescribed in section 10 of this Act. A temporary certificate is valid for an individual only in the plant where he is to be employed pursuant to the request for the temporary certificate and upon annual renewal pursuant to section 11 of this Act for a period not to exceed two years.

Section 9. (1) An individual employed or appointed as an operator of a plant, of a class for which he does not hold a certificate, or the operation of which would be contrary to the terms and conditions of his certificate, may apply for a transitory certificate for the operation of that plant. Application must be made within 10 days after his initial employment or appointment as the operator of the plant, and must be accompanied by the fee prescribed in section 10 of this Act. The application must be made under oath, and in addition to any other information required by the board, the applicant must present evidence satisfactory to the board that he has a current valid certificate issued under section 5 or 6 of this Act. No transitory certificate shall be issued authorizing the operation of any class of plant for which, in the opinion of the board, the applicant is unqualified. A transitory certificate is valid for an individual only for

the plant where he is employed at the time of the application and upon annual renewal pursuant to section 11 of this Act, for a period not to exceed three years.

(2) If application for a transitory certificate is not made within 10 days after the operator is employed or appointed as described in subsection (1) of this section, the continuation of that individual as the operator of that plant is a violation of section 4 of this Act by the individual and the person owning or maintaining the plant. If the issuance of the transitory certificate is lawfully refused, the continuation of the individual as the operator of a plant more than 30 days after the board has mailed notice of refusal to the person owning or maintaining the plant, and to the applicant, is a violation of section 4 of this Act by the individual and the person owning or maintaining the plant.

(3) Not more than one transitory certificate may be issued to the same individual during any five-year period.

Section 10. An application for a certificate under section 5, 6, 7, 8 or 9 of this Act must be accompanied by a fee of \$10. If a certificate is issued to the applicant, the application fee constitutes the first annual fee for the certificate until its expiration or renewal. If a certificate is not issued to the applicant, the board shall retain the application fee to defray the expense of processing the application.

Section 11. (1) Certificates issued under this Act expire annually on June 30. A certificate may be renewed annually for one year upon payment of a renewal fee of \$5, if an application for renewal, accompanied by the renewal fee is made to the board before July 1 of the year of expiration.

(2) A certificate that has expired because of failure to renew it may, within five years after the date of expiration, be renewed upon application to the board accompanied by a fee of \$15.

Section 12. The board may refuse to issue or renew, or may revoke or suspend a certificate for any one or more of the following causes:

(1) Gross inefficiency or incompetence on the part of the holder.

(2) Violation by the holder or applicant of any of the provisions of this Act or of any lawful rule or regulation promulgated by the board under this Act.

(3) Fraud or misrepresentation in obtaining the certificate.

Section 13. Before any certificate is revoked or suspended, or the issuance or renewal thereof refused, a public hearing shall be held by the board in compliance with ORS 183.310 to 183.510. The board may, in connection with the hearing, issue subpoenas to compel the attendance of witnesses, the giving of testimony and the production of evidence, and may administer oaths.

Section 14. (1) Any individual whose certificate has been revoked or suspended, or whose application for a certificate of renewal thereof has been refused, may, after a hearing under section 13 of this Act, obtain judicial review of the board's action pursuant to ORS 183.480.

(2) Any party to a proceeding under subsection (1) of this section may appeal from an adverse decision to the Supreme Court pursuant to ORS 183.500.

Section 15. At any time one year or more after the making of a final order of refusal, revocation or suspension under sections 12 to 14 of this Act, an individual whose certificate was revoked, or suspended for a period of more than one year, or who was refused issuance or renewal of his certificate, may make a new application to the board pursuant to this Act.

Section 16. In addition to other powers conferred on it by this Act, the board:

(1) May institute in any court of competent jurisdiction such actions or proceedings, including but not limited to actions and proceedings for injunctive relief or mandamus, as it considers necessary (a) to enforce, or prevent violation of, any provision of this Act or of any rule, regulation or order made thereunder, and (b) to enforce any subpoena or order issued under section 13 of this Act.

(2) May conduct, and cooperate with others in conducting, educational and training programs concerning sewage treatment plant operation and related subjects.

(3) May employ such personnel, incur such expenses and purchase such office supplies as it considers necessary to carry out this Act.

(4) Shall prescribe such procedures and forms as it considers necessary to carry out this Act.

(5) Shall prescribe the form and content of, and grade or have graded and determine the criteria for successful completion of, examinations given to applicants for certificates under this Act.

(6) May perform such other actions as it finds necessary to carry out this Act.

Section 17. The board may, in compliance with ORS 183.310 to 183.510, make and enforce such rules and regulations as it finds necessary to carry out the provisions and purposes of this Act. The rules and regulations shall include, but are not limited to:

(1) Sewage treatment plant classifications, and corresponding classes of certificates for the operation thereof. In establishing such classifications and classes, the board shall consider the size of the plant, the type

or degree of treatment employed, the nature of the waste involved and the prior experience and educational qualifications of the applicant.

(2) Examinations or standards, or both, for certificates issued under this Act.

Section 18. (1) The Sewage Plant Operators' Certification Advisory Council to the board shall consist of seven members, all of whom must be residents of this state, appointed as follows:

(a) Three members shall be appointed by the board from among holders of certificates issued under section 5 or 6 of this Act, for terms of three years. The terms of the members appointed under this paragraph begin on January 1 of the year for which appointment is made.

(b) Three members representing the League of Oregon Cities shall be appointed by that organization from their own membership or staff to serve at the pleasure of that organization.

(c) One member representing and appointed by the Civil Engineering Department, Oregon State University, who shall act as secretary.

(2) The advisory council shall consult with, advise and make recommendations to the board relating to the effective administration of this Act, and shall perform such other advisory duties consistent with this Act as are assigned to it by the board.

Section 19. (1) The first members of the advisory council shall be appointed within 30 days after the effective date of this Act.

(2) Notwithstanding section 18 of this Act, of the members first appointed to the advisory council under paragraph (a) of subsection (1) of section 18 of this Act; the board shall designate that:

(a) One shall serve for a term ending December 31, 1968.

(b) One shall serve for a term ending December 31, 1969.

(c) One shall serve for a term ending December 31, 1970.

Section 20. (1) Any vacancy among plant operator members of the advisory council shall be filled by appointment by the board for the unexpired term.

(2) Each member of the advisory council, shall receive his actual and necessary travel and other expenses incurred in the performance of his official duties, subject to any other applicable law regulating travel and other expenses of state officers.

(3) Meetings of the advisory council shall be held at the call of the board, but at least once each calendar year.

Section 21. (1) All moneys received by the board under this Act shall be paid into the State Treasury. The State Treasurer shall credit the moneys to the State Board of Health Account of the General Fund. The moneys in the State Board of Health Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing the provisions of this Act.

(2) This section does not prevent the expenditure of other funds of the board; the Sanitary Authority of the State of Oregon, Oregon State University or any other agency, the expenditure of which is not otherwise restricted, to accomplish the purposes of this Act.

Section 22. Violation of section 4 of this Act is punishable, upon conviction, by imprisonment in the county jail for not more than 30 days, or by a fine of not more than \$100, or both.

AIR POLLUTION

449.760 Definitions for ORS 449.760 to 449.830. Unless the context clearly indicates otherwise, as used in ORS 449.760 to 449.830:

(1) "Person" or "persons" means any individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(2) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter or any combination thereof.

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, of characteristics and of a duration which are injurious to human, plant or animal life or to property which unreasonably interfere with enjoyment of life and property throughout the state or throughout such area of the state as shall be affected thereby.

(4) "Air contamination" means the presence in the outdoor atmosphere of one or more air contaminants which contribute to a condition of air pollution.

(5) "Air contamination source" means any source at, from, or by reason of which there is emitted into the atmosphere any air contaminant, regardless of who the person may be who owns or operates the building, premises or other property in, at or on which such source is located, or the facility, equipment or other property by which the emission is caused or from which the emission comes.

(6) "Air-cleaning device" means any method, process or equipment which removes, reduces or renders less noxious air contaminants discharged into the atmosphere.

(7) "Area of the state" means any city or county or portion thereof or other geographical area of the state as may be designated by the Sanitary Authority.
[1961 c.426 §3]

(2) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, [or] particulate matter, odorous substance or any combination thereof.

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, of characteristics and of a duration which are or tend to be injurious to human, plant or animal life or to property which unreasonably interfere with enjoyment of life and property throughout the state or throughout such area of the state as shall be affected thereby.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

Note: The following definitions are added in S.B. 36 and S.B. 35:

Board of Directors (S.B. 36)
Governing body (S.B. 36)
Regional Authority (S.B. 36)
Agricultural operations (S.B. 35)

449.765 Declaration of policy on air pollution. In the interest of the public health and welfare of the people, it is declared to be the public policy of the State of Oregon to maintain such a reasonable degree of purity of the air resources of the state to the end that the least possible injury should be done to human, plant or animal life or to property and to maintain public enjoyment of the state's natural resources and consistent with the economic and industrial well-being of the state. The program for the control of air pollution under ORS 449.760 to 449.830 shall be undertaken in a progressive manner, and each of its successive objectives shall be sought to be accomplished by a maximum of cooperation and conciliation among all the parties concerned.

[1961 c.426 §1]

449.765 Declaration of policy on air pollution. In the interest of the public health and welfare of the people, it is declared to be the public policy of the State of Oregon to maintain such [a reasonable degree] levels of purity of the air resources of the state to the end that the least possible injury should be done to human, plant or animal life or to property and to maintain public enjoyment of the state's natural resources and consistent with the economic and industrial well-being of the state. The program for the control of air pollution under ORS 449.760 to 449.830 shall be undertaken in a progressive manner, and each of its successive objectives shall be sought to be accomplished by a maximum of cooperation and conciliation among all the parties concerned.

[1961 c.426 §1]

- Note: 1. 449.765 is extensively amended by S.B. 36. The same change is recommended for section (a) line 1 on page 2 of S.B. 36.
2. In S.B. 36, page 2, last two lines; it recommended 50,000 be changed to 48,000.

449.770 Purpose of ORS 449.760 to

449.830. It is the purpose of ORS 449.760 to 449.830 to safeguard the air resources of the state by controlling or abating air pollution which exists on August 9, 1961; and preventing new air pollution, under a program which shall be consistent with the declaration of policy above stated and with ORS 449.760 to 449.830.

[1961 c.426 §2]

449.775 Exceptions from application of ORS 449.760 to 449.830. The provisions of ORS 449.760 to 449.830 do not apply to:

(1) Agricultural operations and the growing or harvesting of crops and the raising of fowls or animals;

(2) Use of equipment in agricultural operations in the growth of crops or the raising of fowls or animals;

(3) Barbecue equipment or outdoor fireplaces used in connection with any residence;

(4) Land clearing operations or land grading;

(5) Incinerators and heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families; or

(6) Fires set or permitted by any public officer, board, council or commission when such fire is set or permission given in the performance of such duty of the officer for the purpose of weed abatement, the prevention or elimination of a fire hazard, or the instruction of employes in the methods of fire fighting, which is in the opinion of such officer necessary, or from fires set pursuant to permit for the purpose of instruction of employes of private industrial concerns in methods of fire fighting, or for civil defense instruction.
[1961 c.428 §5]

Note: Section amended by S.B. 35. In addition to the deletion of (1), (2), & (4) as provided by S.B. 35, it is recommended (5) be revised as follows:

(5) Incinerators and heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families [; or] , except the provisions of ORS 449.760 to 449.830 may apply to incinerators and heating equipment in areas where a regional and/or local air quality control authority has been established; or

449.780 Powers and duties of Sanitary Authority in relation to air pollution. It shall be the duty and responsibility of the Sanitary Authority to:

(1) Prepare and develop a general comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution in any area of the state in which air pollution is found already existing or in danger of existing, recognizing varying requirements for different areas of the state.

(2) Encourage voluntary cooperation by all persons concerned in controlling air pollution and air contamination.

(3) Encourage the formulation and execution of plans in conjunction with air pollution control agencies or civil associations of counties, cities, industries and other persons who severally or jointly are or may be the source of air pollution, for the prevention and abatement of pollution.

(4) Cooperate with the appropriate agencies of the United States or other cities or any interested agencies with respect to the control of air pollution and air contamination and for the formulation for submission to the Legislative Assembly of interstate air pollution control compacts or agreements.

(5) Conduct or cause to be conducted studies and research with respect to air pollution sources, control, abatement or prevention.

(6) Conduct and supervise programs of air pollution control education including the preparation and distribution of information regarding air pollution sources and control.

(7) Determine by means of field studies and sampling the degree of air pollution in the various areas of this state.

(8) Provide advisory technical consultation services to local communities.

(9) Develop and conduct demonstration programs in cooperation with local communities.

(10) Serve as the agency of the state for receipt of moneys from the Federal Government or other public or private agencies and to expend such moneys after appropriation thereof for the purposes of air pollution control, studies or research.

(11) Enforce statutes relating to air pollution.

[1961 c.426 §8]

449.785 Standards of quality and purity of air. The Sanitary Authority shall have power to:

(1) Establish areas of the state and prescribe the degree of air pollution or air contamination that may be permitted therein, as air purity standards for such areas. In determining air purity standards, the authority shall take into account the following factors:

(a) The quantity or characteristics of air contaminants or the duration of their presence in the atmosphere which may cause air pollution in the particular area of the state;

(b) Existing physical conditions and topography;

(c) Prevailing wind directions and velocities;

(d) Temperatures and temperature inversion periods, humidity, and other atmospheric conditions;

(e) Possible chemical reactions between air contaminants or between such air contaminants and air gases, moisture or sunlight;

(f) The predominant character of development of the area of the state, such as residential, highly developed industrial area, commercial or other characteristics;

(g) Availability of air-cleaning devices;

(h) Economical feasibility of air-cleaning devices;

(i) Effect on normal human health of particular air contaminants;

(j) Effect on efficiency of industrial operation resulting from use of air-cleaning devices;

(k) Extent of danger to property in the area reasonably to be expected from any particular air contaminants;

(l) Interference with reasonable enjoyment of life by persons in the area which can reasonably be expected from air contaminants;

(m) The volume of air contaminants emitted from a particular class of air contamination source;

(n) The economic and industrial development of the state and to maintain public enjoyment of the state's natural resources;

(o) Other factors which the Sanitary Authority may find applicable.

(2) Establish air quality standards for the entire state or an area of the state which shall set forth the maximum amount of air pollution permissible in various categories of air contaminants and may differentiate between different areas of the state, different air contaminants and different air contamination sources or classes thereof. Such standards may be changed from time to time by the Sanitary Authority following public hearings. Establishment of such standards shall be prerequisite to any specific order relating to air pollution in any area where research has proven that standards can be established.

[1961 c.426 §7]

(3) Establish such emission control requirements by rule or regulation or standards, as in its judgment may be necessary to prevent, abate, or control air pollution. Such requirements may be for the state as a whole or vary from area to area, as may be appropriate to facilitate accomplishment of the purposes of this act.

(4) Require by regulation that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance or conducts any operation specified by such regulation the use or operation of which may cause the issuance of air contaminants, such person shall obtain a permit to do so from the Sanitary Authority.

(5) Require from an applicant for, or holder of any permit provided for by the regulations of the Authority, such information, analyses, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

(6) Issue, deny, suspend or modify, or revoke permits under such conditions or according to such rules, regulations and standards as it may prescribe for the prevention, reduction, or abatement of pollution.

(7) Prescribe the application forms for permits issued under the provisions of this section. Any permit issued by the Sanitary Authority shall specify its duration and the conditions for conformance with the provisions of ORS 449.760 to 449.830 and the rules and regulations promulgated pursuant thereto and for compliance with standards of air quality if such standards have been established for the area of the state wherein the emissions for which the permit is sought will be discharged.

(8) Classify air contaminant sources by rule or regulation according to levels and types of emissions and other characteristics which relate to air pollution, and require reporting for any such class or classes. Classification made pursuant to this paragraph may be for the state as a whole or any designated area of the state.

(9) Provide by rule and regulation for the control of emissions from motor vehicles.

449.790 Hearings on standards. (1)

Public hearings shall be held by the Sanitary Authority or before any member or members of the authority or a hearing officer as the authority may designate, prior to the establishment of air quality standards in any area of the state and written notice of such hear-

ing shall be sent to the mayor and recorder or auditor of the city or county clerk of the county in which any area of the state is located, and notice of such hearing shall also be published in a newspaper of general circulation in said area of the state at least 20 and not more than 30 days prior to such public hearing. The authority may recess and continue such hearings as it may deem appropriate.

(2) In addition to the right to be heard at said public hearing any person shall have the right to make written objection or suggestions. The Sanitary Authority may solicit the written views of other persons as it may deem appropriate. Within 90 days after the conclusion of such public hearing, such standards shall be established by the authority. Thereafter such standards may be canceled, altered or amended from time to time following notice and hearing prior to such change or cancellation.

(3) Such standards shall be deemed general regulations of the authority and ORS chapter 183 shall apply.

[1961 c.426 §8]

449.795 Means of meeting standards.

The Sanitary Authority shall have authority to require, upon request, the submission of plans and specifications for any air-cleaning device, but any person responsible for complying with the standards of air purity established under ORS 449.760 to 449.830 shall determine, unless found by the Sanitary Authority to be inadequate, the means, methods, processes, equipment and operation to meet the established standards.

[1961 c.426 §9]

440.805 Judicial review of rules, regulations and orders. (1) Any specific order or determination or other final action by the Sanitary Authority and the validity or reasonableness of any rule, regulation or general order of the Sanitary Authority shall be subject to review and appeal as provided in ORS chapter 183.

(2) When review in accordance with ORS chapter 183 is not maintainable either because the person included was not a party to the original proceedings in which the order or determination or other action which is sought to be reviewed was taken, or for any other reason, the order or determination of the authority and the validity or reasonableness of any rule, regulation or order of the authority may nevertheless be reviewed as herein provided, by court proceedings for declaratory judgment, injunction or other suitable proceeding. Such proceeding may be brought by any one or more persons, jointly or severally, who may be aggrieved by any such rule, regulation or order or any such determination or act, whether or not the plaintiff is or was a party to the proceeding in which such rule, regulation or order was adopted by the authority or in which such determination or order of action was made or taken by the authority.

(3) Proceedings brought under the provisions of this section must be instituted within one year after the action of the authority which is sought to be reviewed shall become final and binding upon the plaintiff, his predecessor in interest or the class to which he belongs; provided, however, that the court may allow a later filing if the plaintiff was under some disability which the court deems sufficient to excuse a later filing.

[1961 c.426 §12]

449.810 Variances from rules, regulations or orders. (1) The Sanitary Authority may grant specific variances from the particular requirements of any rule, regulation or order to such specific persons or class of persons or such specific air contamination source, upon such conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with such rule, regulation or order is inappropriate because of conditions beyond the control of the persons granted such variance or because of special circumstances which would render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause, or because strict compliance would result in substantial curtailment or closing down of a business, plant or operation, or because no other alternative facility or method of handling is yet available. Such variances may be limited in time.

(2) The Sanitary Authority may delegate the power to grant such variances to legislative bodies of local units of government in any area of the state on such general conditions as it may find appropriate.

(3) In determining whether or not a variance shall be granted, in all cases the equities involved and the advantages and disadvantages to the residents and the occupation or activity, shall be weighed by the Sanitary Authority or the local governmental body.

(4) A variance granted may be revoked or modified by the grantor thereof after a public hearing held upon not less than 10 days' notice. Such notice shall be served upon all persons who the grantor knows will be subjected to greater restrictions if such variance is revoked or modified, or are likely to be affected or who have filed with such grantor a written request for such notification.

[1961 c.428 §15]

449.815 Procedure on complaint of violation. (1) In case any written substantiated complaint shall be filed with the Sanitary Authority which has cause to believe, or in case the authority itself has cause to believe, that any person is violating any rule, regulation or order which was promulgated by the authority by causing or permitting air pollution or air contamination, the Sanitary Authority shall cause an investigation thereof to be made. If it shall find after such investigation that such a violation of any rule, regulation or order of the authority exists, it shall by conference, conciliation and persuasion endeavor to the fullest extent possible to eliminate the source or cause of the air pollution or air contamination which resulted in such violation.

(2) In case of failure by conference, conciliation and persuasion to correct or remedy any source or cause of any air pollution or air contamination which resulted in a violation of any rule, regulation or order of the Sanitary Authority, the authority shall have cause to have issued and served upon the person complained against, a written notice, together with a copy of the complaint made by it or a copy of the complaint made to it, which shall specify the provisions of the rule, regulation or order of which such person is said to be in violation and a statement of the manner in and extent to which such person is said to violate it, and shall require the person so complained against to answer the charges of such complaint at a public hearing before the authority at a time not less than 15 days after the date of notice.

(3) The respondent to such complaint may file written answer thereto and may appear at such hearing in person or by representative, with or without counsel, and may submit testimony in accordance with the procedure set forth in ORS chapter 183 concerning contested cases. The Sanitary Authority at the request of any respondent to the complaint made pursuant to ORS 449.760 to 449.830, shall subpoena and compel the attendance of such witnesses as the respondent may reasonably designate, and it shall require the production of any book or paper relating to the matter under investigation at any such hearing. The burden of proof shall be upon the Sanitary Authority.

(4) After due consideration of the written and oral statements, testimony and arguments submitted, or upon default in appearance of the respondent on the return date specified in the notice given as provided above, the authority may issue and enter such specific order or make such specific determination as it shall deem appropriate under the circumstances, in accordance with the provisions of ORS chapter 183.

449.800 Rules and regulations; general enforcement of air pollution laws and regulations. The Sanitary Authority shall have power to:

(1) Formulate, adopt, promulgate, amend and repeal general rules and regulations which control, reduce or prevent air pollution in such area of the state as shall or may be affected by air pollution, and to include general provisions applicable throughout the state or various areas of the state for controlling air contamination in accordance with the policy and purposes set forth in ORS 449.760 to 449.830.

(2) Hold public hearings, conduct investigations, subpoena witnesses who shall receive the same fees and mileage as in civil actions

in the circuit court, administer oaths and affirmations, take depositions and receive such pertinent and relevant proof as it may deem necessary or proper in order that it may effectively discharge its duties and powers under ORS 449.760 to 449.830 and its responsibilities under ORS 449.760 to 449.830 to control and abate air pollution; and its members or persons it may designate may exercise such powers.

(3) Make findings of fact and determinations.

(4) Institute actions for such penalties as are hereinafter prescribed with respect to a violation of any provision of any rule or regulation or any order which it may issue under ORS 449.760 to 449.830; provided, however, that no penal action shall be instituted against the state or any agency, department or bureau thereof, or against any unit of local government, or an officer or employe of any of them, for acts or omissions or violations done in their official functions or in performance of their official duties.

(5) Institute or cause to be instituted in a court of competent jurisdiction, proceedings to compel compliance with any rules, regulations or any order or condition of any order which it may promulgate under ORS 449.760 to 449.830.

(6) Settle or compromise in its discretion with the approval of the Attorney General as it may deem advantageous to the state, any action or suit for recovery of any penalty or for compelling compliance with ORS 449.760 to 449.830.

(7) By its members or any one of them or any designated officers or agents, enter and inspect during operating hours, and after four hours' notice when requested, any property, premises or place for the purpose of investigating either an actual or suspected source of air pollution or air contamination or to ascertain compliance or noncompliance with any rule, regulation or order which it may promulgate under ORS 449.760

(2) Hold public hearings, issue orders, conduct investigations, subpoena witnesses who shall receive the same fees and mileage as in civil actions in the circuit court, administer oaths and affirmations, take depositions and receive such pertinent and relevant proof as it may deem necessary or proper in order that it may effectively discharge its duties and powers under ORS 449.760 to 449.830 and its responsibilities under ORS 449.760 to 449.830 to control and abate air pollution; and its members or persons it may designate may exercise such powers.

to 449.830. Any information relating to secret process, device or method of manufacturing or production obtained in the course of inspection or investigation shall be kept confidential and shall not be made a part of a public record of any hearing. If, on premise, samples of air or air contaminants are taken for analysis, a duplicate of the analytical report shall be furnished promptly to the person suspected of causing such air pollution or air contamination.

(8) Gain access to and require the production of books and papers pertinent to any matter investigated.

(9) Employ persons including specialists, consultants and hearing officers, purchase materials and supplies and enter into contracts necessary to carry out the purposes of ORS 449.760 to 449.830.

(10) Do any and all other acts and things not inconsistent with any provision of ORS 449.760 to 449.830 which it may deem necessary or proper for the effective enforcement of ORS 449.760 to 449.830 and the rules, regulations and orders which have been promulgated thereunder.

449.820 Enjoining and abating air pollution. (1) If measures to prevent or correct air pollution or air contamination which violate any rule, regulation or order promulgated by the Sanitary Authority, shall not be taken in accordance with the specific final order, the Sanitary Authority may institute or cause to be instituted in the name of the State of Oregon a suit for injunction to prevent any further or continued violation of such rule, regulation or specific final order and to compel compliance. The provisions of this section shall not prevent the maintenance of actions or suits relating to private or public nuisances brought by any other person, or by the state on relation of any person without prior order of the Sanitary Authority.

449.820

(4) Except as provided in sections 1 and 2, the Sanitary Authority shall give written notice of its intention to deny, suspend, modify or revoke any permit issued pursuant to sections 3 and 4 of ORS 449.775. Such notice shall be in writing and shall be sent by registered mail to the last-known address of the applicant. The person to whom the notice is addressed shall have 20 days from the date of the mailing of such notice in which to demand a hearing by the Sanitary Authority or its authorized representative and such hearing shall be conducted pursuant to the provisions of ORS chapter 183.

(2) However, notwithstanding the provisions of this section or any other provisions of law to the contrary, the Sanitary Authority, without necessity of prior administrative procedures or hearing and entry of an order or at any time during such administrative proceedings if such proceedings have been commenced, may institute a suit at law or in equity in the name of the State of Oregon to abate or restrain threatened or existing pollution of the air of this state, whenever such pollution or threatened pollution creates an emergency which requires immediate action to protect the public health, safety or welfare; provided, that no temporary restraining order or temporary injunction or abatement order shall be granted unless the defendant is accorded an opportunity to be heard thereon at a time and place set by the court in an order directing the defendant to appear at such time and place, and to then and there show cause, if any he has, why a temporary restraining order or temporary injunction or abatement order should not be granted. The order to show cause, together with affidavits supporting the application for such temporary restraining order, temporary injunction or abatement order, shall be served on the defendant as a summons. The defendant may submit counteraffidavits at such time and place. The Sanitary Authority shall not be required to furnish any bond in such proceeding. Neither the Sanitary Authority nor its members or employes shall be liable for any damages defendant may sustain by reason of an injunction or restraining order or abatement order issued after such hearing.

(3) Cases filed under the provisions of this section shall be given preference on the docket over all other civil cases except those given an equal preference by statute.

[1961 c.428 §13; 1963 c.171 §4]

449.825 Liability of violator limited.

The several liabilities which may be imposed pursuant to ORS 449.760 to 449.830 upon persons violating the provisions of any rule, regulation or order of the Sanitary Authority, shall not be so construed as to include any violation which was caused by an act of God, war, strife, riot or other condition as to which any negligence or wilful misconduct on the part of such person was not the proximate cause.

[1961 c.426 §14]

449.830 City and county air pollution ordinances. (1) The powers and duties prescribed in ORS 449.760 to 449.830 are conferred upon the Sanitary Authority of Oregon. Any county or city notwithstanding any limitation or provision of charter to the contrary, may enact ordinances or resolutions with respect to air pollution which do not conflict with the provisions of ORS 449.760 to 449.830 or the rules and regulations promulgated pursuant to its provisions and through their governing bodies may enter into and perform with other cities or counties such contracts and agreements as they may deem proper for or concerning the establishing, planning, construction, maintenance, operation and financing of an air pollution program.

(2) Counties and cities so contracting with each other may also provide, notwithstanding any limitation or provision of charter to the contrary, for a board, commission or such other body as their governing bodies may deem proper for the supervision and general management and operation of an air pollution program and may prescribe its powers and duties and fix the compensation of the members thereof.

(3) ORS 449.760 to 449.830 shall not be construed to repeal ordinances, rules or regulations of said political subdivisions existing August 9, 1961, except as they may conflict with the provisions of ORS 449.760 to 449.830. If it shall be held that the provisions of ORS 449.760 to 449.830 shall supersede any local ordinance or resolution, this shall not bar the prosecution of or punishment for violation

Amends ORS 449.990 Penalties

(20) Failure to comply with the regulations adopted pursuant to section 3 through 7 of ORS 449.785 is punishable, upon conviction, by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than one year or both such fine and imprisonment. Each day of such violation shall be deemed to be a separate offense.

PENALTIES

449.999 Penalties. (1) Violation of ORS 449.105, 449.125 to 449.135, 449.210 to 449.220, 449.235 to 449.245, 449.325, 449.395, 449.400, 449.545 or 449.575 is a misdemeanor

of any ordinance or resolution, which violation was committed when such ordinance was in full force and effect.

[1961 c.426 §4; 1963 c.171 §5]

449.999 to 449.999 [Reserved for expansion]

PENALTIES

449.999 Penalties. (1) Violation of ORS 449.105, 449.125 to 449.135, 449.210 to 449.220, 449.235 to 449.245, 449.325, 449.395, 449.400, 449.545 or 449.575 is a misdemeanor and is punishable, upon conviction, as provided in ORS 431.990. Violation of ORS 449.235 or 449.240 by a person managing a public water supply is a misdemeanor; provided such person does not prove to the satisfaction of the court that, in spite of reasonable effort and diligence on his part, he was prevented, directly or indirectly, by his superiors from doing his duty in this respect, in which case the superior officer concerned is guilty of a misdemeanor.

(2) Violation of ORS 449.107 is punishable, upon conviction, by a fine of not more than \$50.

(3) Violation of ORS 449.110 or 449.115 is punishable, upon conviction, as provided in subsection (4) of ORS 496.990.

(4) Violation of ORS 449.120 is punishable, upon conviction, by a fine not exceeding \$50 or, in lieu of payment of such fine, by imprisonment in the county jail one day for each \$2 of fine.

(5) Violation of ORS 449.225, 449.230 or 449.232 or failure to comply with any order issued by the State Board of Health under such sections by any owner or private or public official or person responsible for the operation of a public water supply, is a misdemeanor.

(6) Violation of ORS 449.250 is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment in the county jail for not more than 30 days, or both. Justice courts hereby are given concurrent jurisdiction with circuit courts of all violations of ORS 449.250.

(7) Any person who violates ORS 449.320 is guilty of creating and maintaining a nuisance and is punishable, upon conviction, by a fine of not more than \$500.

(8) Violation of paragraph (a) or (b) of subsection (1) of ORS 449.505 is punishable, upon conviction, by a fine of not more than \$250 or by imprisonment in the county jail for not more than six months, or both. Justice courts have jurisdiction over violations under this subsection.

WATERS AND AIR

§ 449.999

(9) Violation of paragraph (c) of subsection (1) of ORS 449.505 is punishable, upon conviction, by a fine of not more than \$150 or by imprisonment for not more than three months, or both. Justice courts have jurisdiction over violations under this subsection.

(10) Violation of ORS 449.515 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$1,000, or by imprisonment in the county jail not less than five days nor more than one year, or by both.

(11) Violation of ORS 449.530 by any person, firm or corporation or the responsible officers of any municipal corporation is punishable, upon conviction, by a fine of not less than \$50 nor more than \$1,000, or by imprisonment in the county jail not less than five days nor more than one year, or by both.

(12) Violation of ORS 449.535 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than five days nor more than 50 days, or by both.

(13) Any person who violates ORS 449.550 is guilty of creating and maintaining a nuisance and is punishable, upon conviction, by a fine of not less than \$50 nor more than \$500.

(14) Violation of ORS 449.570 or 449.530 is punishable, upon conviction, by a fine of not more than \$100.

(15) Violation of subsection (2) of ORS 449.730 is a misdemeanor.

(16) Violation of the rules, regulations and general orders of the Sanitary Authority adopted and promulgated under the authority given the Sanitary Authority under ORS 449.080 is a misdemeanor.

(17) Violation of a specific final order after due notice and hearing by the Sanitary Authority or a condition of any permit granted by the Sanitary Authority under ORS 449.080 is a misdemeanor.

(18) Violation of any rule, regulation or final order of the Sanitary Authority issued pursuant to ORS 449.760 to 449.830 shall be a misdemeanor and each day of such violation shall be deemed a separate offense.

(19) Refusal to produce books, papers or information as required by ORS 449.730 to 449.830 shall be deemed a misdemeanor.

[Subsection (5) enacted as 1963 c.253 §4; 1967 c.199 §6; subsection (9) enacted as 1969 c.339 §3; 1961 c.332 §3; subsections (16) and (17) enacted as 1961 c.426 §163]

SOCIETY OF AMERICAN FORESTERS



COLUMBIA RIVER SECTION
P. O. Box 1139
Coos Bay, Oregon 97420

OCT 9 1 1966

Mr. Harold Wendel, Chairman
Oregon State Sanitary Authority
P. O. Box 231
Portland, Oregon 97207

Dear Mr. Wendel:

Enclosed is a resolution adopted by the Columbia River Section,
Society of American Foresters at the 1966 Annual Meeting.

The Society of American Foresters is an organization of professionally
educated foresters; the only professional forestry society in the United
States. It is a democratic, nonpolitical, nonprofit association of over
15,500 members. Independent in its functioning and in the policies it
establishes, it cooperates with many professional, governmental, and
industrial organizations in achieving mutual objectives.

The Columbia River Section, geographically, includes all of the
state of Oregon and a portion of the state of Washington along the
Columbia River. The Section has a membership of about 1,600 foresters.

I sincerely hope you will seriously consider our views as reflected
in the enclosed resolution.

Very truly yours,

Richard W. Tindall,
Section Chairman

Sanitation & Engineering
Oregon State Board of Health
RECEIVED
OCT 11 1966

DNF	TEMP	PERM
-----	------	------

RESOLUTION

WHEREAS, the Columbia River Section of the Society of American Foresters recognizes the need for pure air as a necessity for the maintenance of Public Health and Public Welfare, and

WHEREAS, we support the efforts to reduce air pollution from all sources including vehicles, closed burning including that from homes and industry and open burning from all sources, and

WHEREAS, we believe that fire protection agencies such as local fire districts and departments and forest protection districts should continue to serve the public through continuing their authority to issue permits to burn,

NOW, THEREFORE WE RESOLVE, to support cooperation among land owners, land managers, protection organizations, the State Sanitary Authority, and weather forecasting services in order to promote and coordinate burning when weather conditions are favorable for smoke dispersal.

MEMORANDUM

To : State Sanitary Authority

Date: December 20, 1966

From : H. E. Milliken

Subject: Progress Report on Sewage Treatment Plant Construction
in the Willamette Basin

At its meetings on March 19 and June 18, 1964, the State Sanitary Authority voted to require secondary treatment of sewage with at least 85% removal of BOD and suspended solids from all sewage discharged into the Willamette River system.

This action was based on a staff report which named the communities in the following list to which please refer for a brief indication of the present status of these projects.

Seven have been improved or connected to other collection systems.

Six are under construction.

Three are completing financial arrangements.

Three small plants, two communities and one school remain with only primary treatment.

Status Report:

Communities required to provide secondary treatment by December 1, 1966.

<u>Community</u>	<u>Status</u>
Banks	Under construction
Brownsville	Completed January 24, 1966
Cal Young School	Connected to City of Eugene sewer
Corvallis	Completed October 1966
Cottage Grove	Under construction
Fir Cove*	See note below
Forest Grove	Completed January 24, 1966
Grand Ronde	Litigation in progress, but school is no longer on the system reducing load to stream
Harrisburg	Under construction
Hubbard	75% completed. Under construction
Independence	Under construction. 50% completed
Junction City	To be bid February 7, 1967
Monroe	\$95,000 bonds voted, \$20,400 grant to be authorized
Oakridge	Bonds voted and grant authorized but delayed by annexation of Willamette City
Waverley Heights	Annexed to city of Milwaukie
Veneta School	Septic tank and tile field; no discharge
Childrens Farm Home Corvallis	Tile field; no discharge
West Fir	Under construction
Weyerhaeuser Mill	Domestic sewage to Springfield sanitary sewers

*Fir Cove is comprised of one residence, three service stations and one motel of seven units. It has an Imhoff tank designed for 300 people. The loading is so light and erratic that the present treatment appears to be the most practicable. The owners have been notified that any increase in population will require that a secondary treatment plant will be built.

Although Eugene and Albany were not listed both are making improvements in sewage treatment. Eugene's is completed and Albany is being planned.

MEMORANDUM

To : State Sanitary Authority
From : Harold E. Milliken
Subject: Construction Grants

Date: December 20, 1966

When allocations of funds for 30% grants under PL 84-660 were made by the State Sanitary Authority last June, six of them were with the condition that bonds be voted to finance the communities share of the project by December 1, 1966.

Four of these communities - Amity, Keizer County Service District, Monroe, and Oakridge - have voted bonds.

Although Oakridge had made arrangements to go ahead with improving its sewage treatment plant the annexation of Willamette City to it now makes it necessary to change plans, both engineering and financial, to include the annexed area.

Cascade Locks has had a complete change in city government with much upheaval preventing taking action on a bond issue. They have approval from Economic Development Administration for a grant of \$149,650 and a loan of \$190,000. They have to vote bonds for the \$190,000 loan. Their consulting engineer, Norman Haner, has been informed that the city still desires to go ahead with the project and will hold a bond election as soon as possible.

Jefferson has found it impossible to get a federal grant for the collection system for their project and they do not have the means to proceed without it. Their financial consultant, Fred Paulus, has advised us that Jefferson will not be able to use its authorized grant of \$47,700.

Recommendations:

It is recommended that

1. Oakridge be allowed until June 1, 1967, to complete its new financial arrangements to include Willamette City.
2. Cascade Locks be allowed until March 1, 1967, to hold a bond election. If not successful the allotment will be reallocated.
3. The \$47,700 allotment for Jefferson be reallocated.