

10/5/1967

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.

State Sanitary Authority Meeting

10:00 a.m., October 5, 1967

Room 36, State Office Building, Portland

- A. Project Plans for September
- B. Wigwam Burner Regulations
- C. Application of Mid-Willamette Valley Air Pollution Authority
- D. Review of Proposed Application Form for Tax Benefits and Preliminary Report on Waste Discharge Permit Program
- E. Wah Chang - Progress Report
- F. Minimum Requirements for Asphalt Paving Plants
- G. S - Albany
- H. Interim Report on Lower Willamette River Water Quality

MINUTES OF THE 119th MEETING  
of the  
Oregon State Sanitary Authority  
October 5, 1967

The 119th meeting of the Oregon State Sanitary Authority was opened by Chairman John Mosser, at 10:00 a.m. in Room 36, State Office Building, Portland, Oregon. All members were present as follows: John Mosser, Chairman; B.A. McPhillips, Edward C. Harms, Jr., Herman P. Meierjürgen and Storrs Waterman, Members. Staff members present included Kenneth H. Spies, Secretary; Ely J. Weathersbee, Deputy State Sanitary Engineer; Harold Patterson and Harold Milliken, Assistant Chief Sanitary Engineers; Warren C. Westgarth, Director of Laboratories; Joseph A. Jensen, Fred Bolton, Leo Baton, and C.K. Ashbaker, District Engineers; Glen Carter and John Sainsbury, Aquatic Biologists; R.B. Snyder, Meteorologist; Harold Sawyer and Patrick Curran, Senior Sanitary Engineers; Harold McKenzie, Lloyd Cox, Dale Nunamaker, Ron Householder, Fredric Skirvin, and C.A. Ayer, Associate Sanitary Engineers; Don McHarness, Roger Sherwood and Richard Reiter, Assistant Engineers; James R. Sheetz, Assistant District Engineer; and Leonard Pearlman, Legal Advisor.

PROJECT PLANS

It was MOVED by Mr. McPhillips, seconded by Mr. Waterman, and carried that the actions taken by the staff on the following 16 project plans for water pollution control and 2 project plans for air quality control during the month of September 1967, be approved:

Water Pollution Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9/1/67	Lebanon	Hansard Avenue sewer	Prov. app.
9/11/67	McMinnville	Wallace Road sewer	Prov. app.
9/11/67	Uplands S.D.	Emergency bypass pump station #3	Prov. app.
9/14/67	Canby	N. Grants sewer	Prov. app.
9/14/67	Gladstone	Donna-Lynn & Birchwood Terrace sewers	Prov. app.
9/15/67	Vernonia	East Avenue & D Street sewer	Prov. app.
9/20/67	Gresham	S.E. First Street sewer	Prov. app.
9/20/67	Springfield	Projects S-71-67, S-25-G-67	Prov. app.
9/20/67	Beaverton	Madeleine Apartments sewer	Prov. app.
9/25/67	Springfield	Laksoner Park Project S.P.-23	Prov. app.
9/25/67	Klamath Falls	1st Addn. Kelene Gardens sewer	Prov. app.
9/27/67	McMinnville	Windwood Subd. 24th Street sewer	Prov. app.
9/27/67	Forest Grove	Spring Garden Way Sewer	Prov. app.
9/27/67	Springfield	Orchid Lane Cascade Heights sewer	Prov. app.
9/27/67	Springfield	Island Park Professional Center	Prov. app.
9/27/67	Gresham	Pump station - S.E. First Street	Prov. app.

Air Quality Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9/12/67	Albany	Wah Chang Corp. Scrubber on Hafnium Reduction and Pure Chlorination	Cond. App.
9/20/67	Multnomah Co.	A-1 Sandblasting Dust Collection System	Cond. App.

WIGWAM BURNER REGULATIONS

Mr. H.W. McKenzie gave the staff report on the wigwam waste burner regulations. He pointed out that the hearing on the proposed revisions to the existing regulations had been held by Mr. Marion Lamb on August 11, 1967.

The Chairman asked if the adoption of these revised regulations at the same time repealed all of the detailed requirements that are in the present regulations on wigwam waste burners. Mr. McKenzie said that was correct but that they retained the paragraph which requires approval by the Sanitary Authority of plans and specifications for construction of new wigwam burners.

It was MOVED by Mr. Harms, seconded by Mr. McPhillips and carried that the wigwam waste burner regulations be revised and adopted as follows:

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

(2) "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 wastes.

(3) "Continuous-flow conveying methods" means methods which transport materials at uniform rates of flow, or at the rates generated by the production process.

24-010 WIGWAM WASTE BURNERS - PURPOSE. Section 24-010 through Section 24-020 are adopted for the purpose of controlling, preventing or reducing 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 WIGWAM WASTE BURNER USE RESTRICTED. No person shall use a wigwam waste burner for the incineration of other than production process wood wastes. Such wood wastes shall be transported to the burner by continuous-flow conveying methods.

APPLICATION OF MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

Mr. Patterson read the staff memorandum dated September 25, 1967, pertaining to the application of the Mid-Willamette Valley Air Pollution Authority for authorization to operate as a Regional Air Quality Control

Authority. A copy of said memorandum has been made a part of the Authority's permanent files.

The Chairman asked if the salaries shown in the budget included in the application correspond to the salaries in state service for comparable positions. He said he did not want to get into a salary competition in this area.

Mr. Patterson responded that he would check with Howard G. Smith but as he recalled it the salaries were comparable to the state salary ranges.

Mr. McPhillips inquired if the necessary equipment was included in the budget to which Mr. Patterson stated that part of it was.

Mr. Patterson then stated that on page 3, item 2 of the staff memorandum the words "mobile sources" was not intended to include such portable equipment as asphalt plants, incinerators and similar facilities as they are to be under the jurisdiction of the regional authority.

The Chairman then referred to Section 4 of SB 36 (Chapter 425, Oregon Laws 1967) and asked Mr. Pearlman if he thought the Sanitary Authority could assign only certain functions under the statutes mentioned in that section or would it have to assign all the functions covered by them.

Mr. Pearlman stated that it seemed to him the context of Chapter 425 indicates that the regional authority would have all the powers under those sections once they are vested with the authority to act.

The Chairman then asked if jurisdiction over motor vehicles were reserved by the Sanitary Authority if that meant that all jurisdiction would be reserved or could the Authority merely reserve jurisdiction to set standards for control of emissions from motor vehicles.

Mr. Pearlman stated that the Sanitary Authority may assume and retain control over any class of air contamination source if it finds such control beyond the reasonable capability of the regional authorities.

The Chairman asked why aluminum mills were reserved and something like Wah Chang was not. He asked what the basis was for leaving out particular sources and including certain others.

Mr. Patterson stated that this had been discussed with representatives of the Mid-Willamette Air Pollution Authority and they felt that they had the staff and capability to monitor and to effectively control the Wah Chang operations. He stated further that Wah Chang has submitted a proposal for a comprehensive survey of emissions and is furnishing data to the Sanitary Authority, that they have submitted plans and specifications for additional scrubbers on some of their equipment, and that the Authority staff had made an individual decision on this particular matter to turn it over to Mid-Willamette Valley Air Pollution Authority because it was thought they would be able to provide the surveillance necessary to monitor it and see that the program was effectively carried out.

The Chairman then asked why field burning was included in the reservations.

Mr. Patterson replied that it was proposed that field burning control be reserved by the Sanitary Authority because it affects more than one region and information has to be received from the U.S. Weather Bureau and passed on to the State Fire Marshal who in turn submits the information to the various fire districts, counties and agencies.

It was MOVED by Mr. Mosser, seconded by Mr. Waterman, and carried that the Authority accept the recommendation of the staff that the Mid-Willamette

Valley Air Pollution Authority application be approved effective October 6, 1967, and the staff be directed to advise the Mid-Willamette Valley Air Pollution Authority to function pursuant to the provisions of Chapter 425, Oregon Laws, 1967, and items 2 and 5 of the staff memorandum dated September 25, 1967.

The Chairman then stated that in regard to regulations on motor vehicles, he did not feel it should be up to the Sanitary Authority to enforce them. He thought that responsibility should belong to the local Authority.

Howard Smith, Director of Mid-Willamette Valley Air Pollution Authority, then introduced the following members of his board who were present at the meeting: Mr. H.B. Hildebrand, Chairman from Polk County; Mr. Melvin S. Hawkins from Benton County; Mr. Floyd D. Jenks from Linn County; Mr. Harry Carson, Jr. from Marion County; Mr. M. Majors from Yamhill County; and Councilman John W. Buck from Corvallis. Councilman LaVerne Hemmer, the member representing Salem, was not at the meeting.

The Chairman welcomed them to the meeting. He than asked if there were any applications from Lane County and the Portland metropolitan area.

Mr. Patterson stated that no formal applications had been received, but that he knew that Portland Regional Air Pollution Authority has been working toward this and hoped to submit an application before the deadline of January 1, 1968.

REVIEW OF PROPOSED APPLICATION FORM FOR TAX BENEFITS AND PRELIMINARY REPORT ON WASTE DISCHARGE PERMIT PROGRAM

Mr. Harold L. Sawyer presented a memorandum report dated October 5, 1967 and which has been made a part of the permanent files in this matter.

The Chairman said that there was some doubt in his mind as to whether land is eligible for tax exemption, as it was his opinion that land would not enter into the expenditure of funds for a facility.



The Chairman said another question he had in mind is that the Tax Commission does not get a formal notice of what is going on until they get a certificate of exemption.

Mr. Sawyer stated that in reviewing the tax procedures with the tax people they did not indicate any desire to be notified.

Mr. Tom Donaca from Associated Oregon Industries raised the question in part 2, page 2, C-4 of the application, which states "A report which gives an itemized breakdown of the actual costs of the facility and bears the certification of an independent public accountant or certified public accountant that the costs therein are true and correct representations, etc.", as to whether or not it had to be an independent certified public accountant and is there statutory authority for this requirement. Secondly, Mr. Donaca questioned that startup costs were not considered to be actual costs. He thought in some cases it might be an actual cost and in others it might not be.

The Chairman said that he thought in many cases the cost of operation of these facilities would exceed the cost of installation and that the Legislature had not given any credit for cost of operation but it had for installation. He thought this was a fair statement on the part of the staff, but that it would not stop anyone from contending that this isn't an operating or startup cost in that sense, but that it is part of installation of the equipment.

The Chairman then asked if the Tax Commission had authority as the statute is drawn to audit the certification of costs.

Mr. Frank Butler from the State Tax Commission was present and said that the Commission had not gone into it in any legal study, but that it

was their understanding the bill did not permit the Commission to go behind the Authority's certification of costs.

The Chairman stated that he thought the Tax Commission's audit staff should have a chance to comment prior to the issuance of the certificate, since they would not have a chance to go behind it once it is issued, and that it was his opinion the Commission is the logical one to do any checking of this type.

With regard to the other question by Mr. Donaca, the Chairman said that at this time he thought it best to leave it an independent certified public accountant or public accountant, and if satisfactory relationships with the Tax Commission could be developed, this may be dropped as time goes on.

It was MOVED by Mr. Meierjurgan, seconded by Mr. Harms, and carried that approval of the printing of the application forms be given, subject to the adjustments in procedures and to investigate whether or not land is eligible for tax credit. Copies of the forms as approved are attached to and made a part of these minutes.

Mr. Sawyer then gave a brief summary of the waste discharge permit program, said summary having been made a part of the permanent files in this matter. In this summary he said that no "temporary" permit should be issued. In cases where construction or installation of treatment or control facilities is required in order to meet discharge standards, a reasonable schedule for completion of work should be incorporated into the permit.

The Chairman said some permits would be temporary since all applications cannot possibly be processed immediately. He said he thought it would perhaps be better to take a preliminary look at all the applications and set those

aside for immediate review which might have some doubt about them. The staff would not have to then send out a revocation later.

Mr. Sawyer said some of the initial applications would be staggered, some being for one year and some for two years, and that the staff could go ahead and issue permits as rapidly as possible with no particular problem. However, the ones that the staff would have to request a schedule on might take a bit longer.

The Chairman said he thought it would be better to send everybody a permit with a definite termination date on it.

Mr. Sawyer stated that when the Sanitary Authority fails to act in 60 days, the permit is temporary until such time as the Authority does act.

After further discussion, it was MOVED by Mr. Harms, seconded by Mr. McPhillips and carried that the staff be authorized to prepare final application forms and make these available to the applicants by October 25, 1967, and that some permit be issued to all sources by January 1, 1968, if at all possible.

#### WAH CHANG - PROGRESS REPORT

Mr. Lloyd O. Cox presented a progress report on this matter, a copy of which has been made a part of the Authority's permanent files.

Mr. Cox commented that in the past the staff has worked closely with Mr. Nielsen and his technical staff from Wah Chang, but due to the fact that management is not backing their technical people, there is nothing they can do.

The Chairman asked how soon a show cause hearing could be held.

Mr. Pearlman said 20 days from the date of issue of the notice, and that it could be held before a meeting of the Authority or before a hearings officer.

It was MOVED by Mr. McPhillips, seconded by Mr. Meierjurgan and carried that a show cause order be issued, making it returnable as rapidly as possible at a hearing before the Authority.

MINIMUM REQUIREMENTS FOR PAVING PLANTS

Mr. Patterson gave a staff report on asphalt paving plants, a copy of which has been made a permanent part of the Authority's permanent files.

Mr. C.A. Ayer then explained the problems caused by operation of these plants.

After considerable discussion, it was MOVED by Mr. Mosser, seconded by Mr. Harms and carried that Mr. Spies be authorized and directed first to notify industry that the Authority contemplates adopting prior to the start of the construction season next year, certain requirements pertaining to their operations, second to ask them to consult on design and the drafting of such regulations, and third as soon as the regulations have been drafted, to bring them to the Authority members for preliminary approval at which time a hearing will be scheduled.

S-ALBANY

A memorandum report dated October 5, 1967, which has been made a part of the permanent files in this matter was presented by Mr. Harold E. Milliken, Assistant Chief Sanitary Engineer. The staff asked that the city of Albany be allowed to expand its collection system to pick up the two loads mentioned in the report.

The Chairman said he did not think it was necessary that the city's proceeding should be contingent upon their receiving grants and that their situation requires they should move ahead and arrange local financing if necessary.

Mr. Weathersbee said what the staff intends to do is to make it very clear that the Authority will give the city permission to go ahead and add loads only if the city will agree to start construction of the needed sewage treatment facilities now with their own funds.

It was MOVED by Mr. Harms, seconded by Mr. McPhillips, and carried that the staff recommendations be approved as follows:

That the city of Albany be allowed to expand its collection system to pick up the above mentioned existing loads and to plan for future expansion to be coordinated with the completion of the sewage treatment plant improvements now being planned, provided that the city will proceed with its construction project as rapidly as possible in anticipation of receiving a federal and state grant from funds which will be appropriated next fiscal year.

It was further agreed that the Oregon State Sanitary Authority specifically assure the city that it will retain its present priority position for the next fiscal year so that it will be assured of funds as long as federal appropriations continue to be made and that the Oregon State Sanitary Authority staff be directed to discuss the financial situation with the city to determine if construction can be commenced at an early date.

INTERIM REPORT ON LOWER WILLAMETTE RIVER WATER QUALITY

The Secretary presented an interim report on the 1967 water quality conditions in the lower Willamette River dated October 4, 1967, a copy of which has been made a part of the permanent files.

Mr. Sherm Washburn showed a short film on Publishers Paper Company's new installation.

The Chairman said he would like the staff to schedule some meetings with the sulphite pulp industry for the Sanitary Authority members. It was his feeling there would be problems as far as waste discharge permits are concerned and these difficulties should be discussed with the company officials. He mentioned the alternative of putting water over the falls as a condition of their discharge permit.

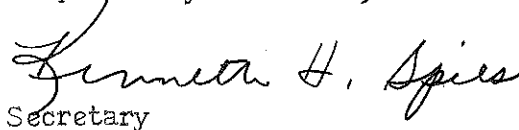
The Chairman also asked that the staff investigate the possibility of establishing remote monitoring stations. The Secretary said there had been an item in the budget for two continuous automatic monitoring stations, but these had to be deleted because of the reductions made by the Administration and the Legislature. The Federal Government operates three continuous monitoring stations and the Authority uses their data from these stations. He said the advantage of these stations is that they give a continuous record, whereas the staff now gets only a grab sample at each station each day.

PERSONNEL

The Secretary stated that there were 7 new positions authorized for Air Quality Control, and 14 in Water Pollution Control under general funds and 3 under Federal funds. He gave a brief summary of the changes that have taken place in the Division of Sanitation and Engineering and introduced those new members of the staff who were present.

There being no further business, the meeting adjourned at 12:45 p.m.

Respectfully submitted,

  
Secretary

A. Project Plans McPhillips - Waterman

B. Wigwam Burner Regulations

It was MOVED by Mr. Harms, seconded by Mr. McPhillips and carried that the final range of these regulations as proposed be adopted:

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

(2) "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 wastes.

(3) "Continuous-flow conveying methods" means methods which transport materials at uniform rates of flow, or at the rates generated by the production process.

24-010 WIGWAM WASTE BURNERS - PURPOSE. Section 24-010 through Section 24-020 are adopted for the purpose of controlling, preventing or reducing 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 SA prior to construction.

24-020 WIGWAM WASTE BURNER USE RESTRICTED. No person shall use a wigwam waste burner for the incineration of other than production process wood wastes. Such wood wastes shall be transported to the burner by continuous-flow conveying methods.

C. Application of Mid-Willamette Valley APA

It was MOVED by Mr. Messer, seconded by Mr. Waterman, and carried that the Mid-Willamette Valley Air pollution Authority Application be approved effective October 6, 1967, and the staff be directed to advise the

Mid-Willamette Valley APA to function pursuant to the provisions of Chapter 425 Oregon Laws 1967, and items 2 and 5 of this memorandum as recommended by the staff.

D. Application form for tax benefits

It was MOVED by Mr. Meierjurgan, seconded by Mr. Harms, and carried that approval of the printing of the forms be given, subject to the adjustments in procedures and to investigate whether or not land is eligible for tax credit.

It was MOVED by Mr. Harms, seconded by Mr. McPhillips and carried that the staff be authorized to prepare final application forms and make these available to the applicants by October 25, 1967, and that some permit be issued to all sources by January 1, 1968, if at all possible.

E. Wah Chang

It was MOVED by Mr. McPhillips, seconded by Mr. Meierjurgan and carried that the show cause order be issued, making it returnable as rapidly as possible at a hearing before the Authority.

F. Minimum requirements for asphalt paving plants

It was MOVED by Mr. Mosser, seconded by Mr. Harms and carried that the staff of the Authority be authorized and directed to notify industry that adoption of certain requirements is contemplated prior to start of the construction season next year, to ask industry to consult on design and drafting of regulations and as soon as regulations are drafted, bring to the staff for preliminary approval at which time the staff will assign it for a hearing. The requirements are:

- 1) Develop regulations requiring submission of plans and specifications and approval for control facilities before starting operation.



- 2) Develop an emission limitation in pounds per hour based upon size of operation or process weight, and develop guidelines for meeting these requirements for all plants located within one mile of habitation and minimum controls for other plants.
- 3) That when the drafts are completed they be forwarded to the Association of General Contractors and invite them to comment on the regulations and to assist in development of a regulation to solve the problems caused by the source.
- 4) Notify Association of General Contractors of the intent of the SA to adopt regulations by July 1, 1968.
- 5) Report back to SA in 3 months of progress made.

G. S - Albany

It was MOVED by Mr. Harms, seconded by Mr. McPhillips, and carried that the staff recommendations be approved as follows:

That the city of Albany be allowed to expand its collection system to pick up the above mentioned existing leads and to plan for future expansion to be coordinated with the completion of the sewage treatment plant improvements now being planned, ~~provided~~ provided that the city will proceed with its construction project as rapidly as possible in anticipation of receiving a federal and state grant from funds which will be appropriated next fiscal year.

It is further recommended that the OSSA specifically assure the city that it will retain its present priority position for the next fiscal year so that it will be assured of funds as long as federal appropriations continue to be made and that the OSSA staff be directed to discuss the financial situation with the city to determine if construction can be commenced at an early date.

Project Plans

During the month of September 1957, the following 16 sets of work plans and engineering reports were completed and the location labels indicated by the Urban Quality Control Division:

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Label</u>
9/1/57	Whitson	Hansen's Avenue street	100-1-100
9/11/57	Madisonville	Wallace Road street	100-1-100
9/11/57	Highlands Sub.	Emergency bypass pipe installation	100-1-100
9/14/57	Greay	H. Grants street	100-1-100
9/14/57	Madison	Donna-Lynn and Almondwood Park street	100-1-100
9/15/57	Veranda	East Avenue & 1 Street street	100-1-100
9/20/57	Madison	S.E. First Street street	100-1-100
9/20/57	Springfield	Projects 9-11-57, 9-25-57	100-1-100
9/20/57	Quarter	Madison's Apartment street	100-1-100
9/25/57	Springfield	Lambert Park Project 9-11-57	100-1-100
9/25/57	Veranda Falls	1st Addn. 4th Street street	100-1-100
9/27/57	Madisonville	Windwood Sub. 1st Street street	100-1-100
9/27/57	Forest Grove	Spring Garden Way street	100-1-100
9/27/57	Springfield	Ochrid Lane opposite Redfield street	100-1-100
9/27/57	Springfield	Island Park Recreation Center	100-1-100
9/27/57	Greensboro	Deep Station - S.E. First Street	100-1-100

1581-412  
9/30/57-75

PROJECT PLANS AND REPORTS

The following plans or reports were received and processed by the Air Quality Control staff during the month of September, 1967.

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
12	Albany	Wah Chang Corp. Scrubber on Hafnium Reduction and Pure Chlorination	Conditional Approval
20	Maitnomah Co.	A-1 Sandblasting Dust Collection System	Conditional Approval

STAFF REPORT

TO: STATE SANITARY AUTHORITY MEMBERS

Dated September 22, 1967

Mr. John Mosser, Chairman  
Mr. Herman P. Meierjurgan, Member  
Mr. B. A. McPhillips, Member

Mr. Edward C. Harms, Member  
Mr. Storrs Waterman, Member

FROM: AIR QUALITY CONTROL STAFF

SUBJECT: REVISION OF WIGWAM WASTE BURNER REGULATIONS

BACKGROUND

At the July 10 meeting of the Authority, the staff presented a proposed draft of changes to the regulations covering wigwam waste burner construction and operation. By action of the Authority, the proposed changes were accepted, and the staff authorized to proceed with arrangements for a public hearing in accordance with OAR 449.790, "Hearings on Standards".

THE HEARING

The Hearing was convened at 1:00 p.m., August 11 in Room 36 of the State Office Building, with Mr. Marion Lamb presiding as Hearings Officer.

The only testimony received at the hearing was a written statement presented by Mr. Tom Donaca of Associated Oregon Industries, and Mr. L. E. Chapman of Bohemia Lumber Co., Inc., who presented the statement of the Forest Industry Wigwam Burner Committee of Associated Oregon Industries. The testimony supported the proposed revisions, but suggested that the wording of Section 24-020 be changed to establish the fact that "continuous conveying methods" related only to hours of plant operation and not to a 24-hour schedule. The wording suggested by Associated Oregon Industries would read as follows:

"No person shall use a wigwam waste burner for the incineration of other than production process wood wastes. Such wood wastes shall be transported to the burner by continuous flow conveying methods during plant operation periods."

The Hearings Officer stated that he considered this to be a constructive, useful suggestion and recommended that the wording proposed by the Associated Oregon Industries be adopted.

DISCUSSION:

It is the opinion of the staff that the wording as proposed by Associated Oregon Industries would have the undesirable effect of precluding transport of refuse from a storage facility at hours not related to the production process. This concept is basic to that of a pooled facility serving more than one mill, or to that of an oversized burner operated periodically to assure an adequate fuel feed rate during hours of burner operation.

Since the hearing, the staff has continued studies and discussions with Associated Oregon Industries and has developed wording for the revised regulation which we feel satisfies the present needs of our wigwam waste burner program and which has the concurrence of Associated Oregon Industries.

The principal objection of Associated Oregon Industries, as stated at the hearing, was that the term "continuous-flow conveying methods" could be interpreted as requiring continuous, 24 hour-a-day operation. This possibility has been circumvented by defining the term under 24-005 DEFINITIONS.

#### THE FINAL DRAFT

The complete revised text of OAR Chapter 334, Division 2, Subdivision 4, CONSTRUCTION AND OPERATION OF WIGWAM WASTE BURNERS, as now proposed, would read as follows:

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

(2) "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 wastes.

(3) "Continuous-flow conveying methods" means methods which transport materials at uniform rates of flow, or at the rates generated by the production process.

24-010 WIGWAM WASTE BURNERS - PURPOSE. Section 24-010 through Section 24-020 are adopted for the purpose of controlling, preventing or reducing 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 WIGWAM WASTE BURNER USE RESTRICTED. No person shall use a wigwam waste burner for the incineration of other than production process wood wastes. Such wood wastes shall be transported to the burner by continuous-flow conveying methods.

#### CHANGES ITEMIZED

The changes (amendments, repeal, new provisions) to the present regulations which would result in the above text are as follows:

Amend OAR Chapter 334, Section 24-005 to read as follows:

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

(2) "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 wastes.

(3) "Continuous-flow conveying methods" means methods which transport materials at uniform rates of flow, or at the rates generated by the production process.

Amend OAR Chapter 334, Section 24-010 to read as follows:

24-010 WIGWAM WASTE BURNERS - PURPOSE. Section 24-010 through Section 24-020 are adopted for the purpose of controlling, preventing, or reducing air pollution or public nuisance caused by smoke, gases and particulate matter discharged into the air from wigwam waste burners.

Repeal OAR Chapter 334, Section 24-020, and adopt in lieu thereof the following:

24-020 WIGWAM WASTE BURNER USE RESTRICTED. No person shall use a wigwam waste burner for the incineration of other than production process wood wastes transported to the burner by continuous-flow conveying methods.

Delete OAR Chapter 334, Section 24-025

NOTE:

Section 24-015 WIGWAM WASTE BURNER CONSTRUCTION PROHIBITED is to be retained in its same wording.

Section 24-025 VARIANCE, has expired and is thus redundant.

Copies of the following are attached for your reference:

- (a) Present regulation "CONSTRUCTION AND OPERATION OF WIGWAM WASTE BURNERS"
- (b) Memorandum to Kenneth H. Spies from Marion Lamb, Hearings Officer, dated 8/16/67.
- (c) Testimony of Associated Oregon Industries presented at the public hearing.
- (d) Staff report dated July 10<sup>th</sup>.

STAFF REPORT

TO : Members of the State Sanitary Authority  
FROM : Air Quality Control Staff  
DATE : July 10, 1967  
SUBJECT: Revisions to Wigwam Waste Burner Regulations

DISCUSSION

At the April 25 meeting of the Authority, a motion was adopted to the effect that, a) the current regulation governing construction and operation of wigwam waste burners be rescinded excepting that portion which requires that new wigwam waste burners must be approved by the Sanitary Authority before installation, and b) that the staff prepare a new regulation prohibiting intermittent or casual use of wigwam burners.

Attached is a proposed draft of the changes to the existing regulation which would be necessary to accomplish the above purposes, together with a draft of the regulations as they would appear after application of these changes.

The regulation restricting wigwam burner use appears as a replacement for Section 24-020, and is designed to restrict intermittent or casual use by prohibiting "other than" proper operation. It has been found relatively simple to state how a burner is to be used in contrast to the complexity of describing all the possibilities as to how it is not to be used.

Under the provisions of the revised regulations as proposed, all wigwam waste burners would be subject to OAR Chapter 334, pertaining to air pollution, which includes limitations of smoke discharge, particle fallout rate and suspended particulate matter. These would be applicable in proceeding to attain correction of the most serious wigwam waste burner generated air pollution problems, as instructed by the April 25 motion of the Authority.

RECOMMENDATION

The staff recommends that the proposed changes to OAR, Sections 24-005 through 24-025 be adopted, and that the staff be authorized to proceed with arrangements for a public hearing in accordance with OAR 449.790, "Hearings on Standards".



Proposed Changes (Amendment, Repeal, New Provisions)  
Wigwam Waste Burner Rules and Regulations  
Oregon Administrative Rules Chapter 334,  
Division 2, Subdivision 4,  
Sections 24-005 to and Including 24-025

Amend OAR Chapter 334, Section 24-005 to read as follows:

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

(2) "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 wastes.

Amend OAR Chapter 334, Section 24-010 to read as follows:

24-010 WIGWAM WASTE BURNERS - PURPOSE. Section 24-010 through Section 24-020 are adopted for the purpose of controlling, preventing, or reducing air pollution or public nuisance caused by smoke, gases and particulate matter discharged into the air from wigwam waste burners.

Repeal OAR Chapter 334, Section 24-020, and adopt in lieu thereof the following:

24-020 WIGWAM WASTE BURNER USE RESTRICTED. No person shall use a wigwam waste burner for the incineration of other than production process wood wastes transported to the burner by continuous-flow conveying methods.

Repeal OAR Chapter 334, Section 24-025

OAR Chapter 334, Division 2, Subdivision 4  
Construction and Operation  
of Wigwam Waste Burners

NOTE: The following tentative draft is proposed as the complete text of Subdivision 4, as it would appear after the foregoing repeal, amendments, and new provisions are applied.

AS PROPOSED

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

(2) "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 wastes.

24-010 WIGWAM WASTE BURNERS - PURPOSE. Section 24-010 through Section 24-020 are adopted for the purpose of controlling, preventing or reducing 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 WIGWAM WASTE BURNER USE RESTRICTED. No person shall use a wigwam waste burner for the incineration of other than production process wood wastes transported to the burner by continuous-flow conveying methods.

## 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

fatter.

(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.

# Office Memorandum • OREGON STATE BOARD OF HEALTH

To : Mr. Kenneth H. Spies, Secretary <sup>KHS</sup> Sanitary Authority of the State of Oregon Date: August 16, 1967

From : Marion Lamb, Hearings Officer

Subject: Hearing Conducted on Proposed Revision of Oregon Administrative Rules, Chapter 334, Division 2, Sub-Division 4, Sections 24-005 to and including 24-025

The hearing was convened at 1:00 p.m., August 11, 1967, in Room 36 of the State Office Building, 1400 S. W. Fifth Avenue, Portland, Oregon.

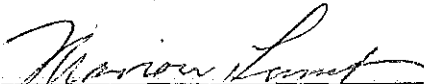
Mr. Tom Donaca, of the Association of Oregon Industries, and Mr. L. E. Chapman, of Bohemia Lumber Company, Inc., appeared to present a written statement concerning the proposed revisions, which represents the opinion of the Forest Industries Wigwam Burner Committee.

This statement supports the proposed rule and further suggests that Section 24-020 should be clarified to establish the fact that "continuous conveying methods" relate only to the times of plant operation and not to a 24-hour schedule. They suggest this could best be achieved by rewriting the rule as follows:

"No person shall use a wigwam waste burner for the incineration of other than production process wood wastes. Such wood wastes shall be transported to the burner by continuous flow conveying methods during plant operation periods."

It is the opinion of the Hearings Officer that this is a constructive, useful suggestion.

It is respectfully recommended that the proposed rules be adopted as presented, with the above-noted change in Definition 24-020.

  
Marion Lamb, Hearings Officer

ML:jw

cc: Mr. Denman

Sanitation & Engineering  
Oregon State Board of Health

RECEIVED

AUG 17 1967

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

TESTIMONY ON PROPOSED REVISIONS IN OAR  
CHAPTER 334 RELATING TO WIGWAM BURNERS

Presented by: The Forest Industries  
Wigwam Burner Committee

August 11, 1967

We are here today representing the Forest Industries Wigwam Burner Committee whose membership consists of four associations which represent forest products manufacturers. They are: Western Wood Products Assn., Western Forest Industries Assn., The American Plywood Association and Associated Oregon Industries, Inc. This type of representation should provide some indication of the interest that the industry has in the matter covered by these proposed rules.

The forest products industry recognizes the rationale for the proposed repeal of the existing construction and operation requirements and the variance procedure. At this time we are unable to gauge the ability of the industry to meet the air quality standards to which the industry will become subject by the adoption of the new rules, but the industry will endeavor to meet the air quality standards required. We further pledge our assistance to the Sanitary Authority and its staff in their efforts to advise the industry of the meaning of the new rules.

As to the proposed new rules we suggest that rule 24-020 could be clarified by some additional wording with regard to "continuous conveying methods" to make it clear that these are related only to times of plant operation and not on a 24-hour basis. This could be achieved by rewriting the rule as follows:

"No person shall use a wigwam waste burner for the incineration of other than production process wood wastes. Such wood wastes shall be transported to the burner by continuous flow conveying methods during plant operation periods."

We recommend this language as a substitute for the rule as proposed.

In conclusion, we call your attention to H.B. 1376 of the 1967 legislature which provides for a study, and funding of the study, on air and water pollution of the forest industries. This study is to be made by the Forest Research Laboratory at Oregon State University. The primary emphasis of the bill, and the study, is to find some solutions for the wigwam burner situation. We have every expectation that the study will conclude there are technically and economically feasible methods available to reduce emissions from wigwam burners. We therefore believe the Sanitary Authority should at that time adopt new rules in conformance with these findings for the construction and operation of wigwam burners.

If, however, this study should conclude that there is no complete and practical solution to bring all wigwam burners into full compliance with the rules on air quality, but that significant reductions in emissions could be made by the adoption of the Forest Research Laboratory proposals, we would recommend that the Sanitary Authority again give consideration to some form of variance.

Under no circumstances should the variance procedure used previously for wigwam burners be considered. Rather than a blanket variance, any future variance, if needed, should be granted only after the

operator of the wigwam burner has complied with the proposals of the Forest Research Laboratory. We believe this would provide a more meaningful administrative and enforcement approach to the matter from the standpoint of the Sanitary Authority and would require the operator to provide meaningful reductions in emissions to qualify.

Thank you for the opportunity of appearing today.

R. D. Barker  
Barker-Willamette Lumber Co.

L. E. Chapman  
Bohemia Lumber Co., Inc.

Russ Hogue  
Medford Corporation

Charles Kreider  
Brooks-Scanlon, Inc.

S. V. McQueen  
Kogap Lumber Ind.

W. A. Schneider  
Schneider Lumber Co.

John Snyder  
Pope & Talbot, Inc.

Fred Sohn  
Sun Studs, Inc.

L. L. Stewart  
Bohemia Lumber Co.

Homer White  
Menasha Corporation



MEMORANDUM

TO : Sanitary Authority Members  
Mr. John Mosser, Chairman      Mr. Edward C. Harms, Jr.  
Mr. Herman P. Meierjurgan      Mr. Storrs Waterman  
Mr. B. A. McPhillips

FROM : Air Quality Control

DATE : September 25, 1967

SUBJECT: Application of Mid-Willamette Valley Air Pollution Authority,  
a Regional Authority, for Authorization to Operate as a  
Regional Air Quality Control Authority.

At the July 10, 1967 meeting of the Sanitary Authority held in Salem, the Mid-Willamette Valley Air Pollution Authority, pursuant to the provisions of Chapter 425 Oregon Laws 1967, (Senate Bill 36), made application to the Sanitary Authority for recognition as a Regional Air Pollution Control Authority for the counties of Benton, Linn, Marion, Polk, and Yamhill, all in the state of Oregon.

With the initial letter of application dated July 10, 1967, exhibits were attached as follows:

- (a) Exhibit 1: Copies of Resolutions adopted by each of the five County Boards of Commissioners.
- (b) Exhibit 2: Certified copy of Agreement to form the Mid-Willamette Valley Air Pollution Authority.
- (c) Exhibit 3: Certified copy of Chapter 425 Oregon Laws 1967, and notice of filing of Mid-Willamette Valley Air Pollution Authority Agreement with the Secretary of State.
- (d) Exhibit 4: A copy of the letter from Charles D. Yaffee, Chief of Program Grants, authorized under the Federal Clean Air Act, approving the Mid-Willamette Valley Air Pollution Authority Grant Application for the period July 1, 1967 through June 30, 1968.
- (e) Exhibit 5: A copy of the Mid-Willamette Valley Air Pollution Authority Budget for the 1967-68 fiscal year.

The staff completed a review of the application and exhibits and under advice of legal counsel requested a revision to the resolution. Revised documents were subsequently received.

Attached are the pertinent letters and also supporting documents which are considered to conform with the requirements of Chapter 425 Oregon Laws 1967, as follows:

Item 1. Correspondence concerning Application.

- (a) Original letter of application dated July 10, 1967.
- (b) Staff letter of review to Mid-Willamette Valley Air Pollution Authority dated August 2, 1967.
- (c) Letter from Mid-Willamette Valley Air Pollution Authority submitting additional documents dated August 24, 1967.
- (d) Letter from Mid-Willamette Valley Air Pollution Authority concerning retention of jurisdiction of certain sources dated September 1, 1967.

Item 2. Copies of ratified resolutions with attached copy of the agreement by each of the five participating counties, as submitted by August 2, 1967 letter.

Item 3. Exhibit 3 as originally submitted, including certified copy of Chapter 425 Oregon Laws 1967, and letter of July 12, 1967 from the Secretary of State's office acknowledging filing of Agreement and Resolutions. Letter from the Secretary of State dated August 15, 1967, acknowledging filing of amended agreement and resolution.

Item 4. Exhibit 4 as originally submitted includes correspondence from Charles D. Yaffey approving Federal grant to Mid-Willamette Valley Air Pollution Authority.

Item 5. Exhibit 5 as originally submitted is the budget of Mid-Willamette Valley Air Pollution Authority.

STAFF COMMENTS:

Attached is an outline prepared by the staff of the relationship of the Sanitary Authority under Chapter 425 Oregon Laws 1967, to the Regional Programs. Also attached is a copy of Chapter 425 Oregon Laws 1967, and a sketch showing projected regional program development.

1. Under Section 4 of the 1967 act the subsections pertaining to the Sanitary Authority are as follows:

(a) Determine the adequacy of finances:

Submission: Total 1967-68 budget	\$89,392
Source of funds	
Federal	67,044
Local (counties)	14,899
State	7,449

Comment: The staff concludes the finances are reasonably adequate for the initiation of a control program. It is recommended that as early as possible equipment for base line gaseous contaminant measurement be ordered.

(b) Determine the reasonableness of boundaries:

Comment: The boundaries are reasonably consistent for an air quality control program. (See attachment)

2. Upon initiation of the regional program, the region shall have exclusive jurisdiction within the region, except that Section 12 of the act allows the Sanitary Authority to retain control over any air contamination source.

Comment: The staff recommends that in relation to the Mid-Willamette Valley Air Pollution Authority the Sanitary Authority shall retain control over pulp and paper mills, aluminum plants, nuclear power plants, mobile sources (motor vehicles, trains, and ships), and agricultural field burning.

3. Under Section 19 of the act, the Sanitary Authority is to make a determination regarding

- (a) Adequacy and effectiveness of the air quality control program.
- (b) Geographic and demographic factors.
- (c) Particular problem.

Comment: It is the staff's conclusion that this section pertains to an ongoing control program and application for state funds. Since the application of the Mid-Willamette Valley Air Pollution Authority is for the initiation of a control program this section is irrelevant but will be considered in succeeding requests for funds.

4. The Federal Application of Mid-Willamette Valley Air Pollution Authority for grant monies under the Federal Clean Air Act (PL 89-206) is on file with the Sanitary Authority. (Satisfies Section 19, Sub-section (3)).

5. Additional suggested actions to be taken by the Sanitary Authority relating to Sections 4, 5, and 10.

- (a) Authorize the Mid-Willamette Valley Air Pollution Authority to exercise functions vested in the Sanitary Authority.
- (b) Request that all standards adopted by the Mid-Willamette Valley Air Pollution Authority be submitted to the Sanitary Authority.
- (c) Request Regional Authority to enforce all rules, regulations, and orders of the Sanitary Authority.
- (d) Notify Mid-Willamette Valley Air Pollution Authority of date of control program initiation.
- (e) Delegate the Mid-Willamette Valley Air Pollution Authority the authority to grant variances.

- (f) Advise the Mid-Willamette Valley Air Pollution Authority of the retention of class or classes of sources under Section 12 of the act.
- (g) Certify to the Secretary of State claim for state and when submitted.

RECOMMENDATION OF THE STAFF:

The Mid-Willamette Valley Air Pollution Authority Application be approved effective October 5, 1967, and the staff be directed to advise the Mid-Willamette Valley Air Pollution Authority to function pursuant to the provisions of Chapter 425 Oregon Laws 1967, and items 2 and 5 of this memorandum.

CHAPTER 425 O. L. 1967, SENATE BILL 36

Relationship to Sanitary Authority

ORS 449.765 as amended

Section 4. (1)

Regional Air Quality Control Authority may be formed  
contiguous territory  
having population of at least 130,000  
consisting of 2 or more counties, or 2 or more cities, or  
any combination, or county and city or cities.

If Sanitary Authority finds that

- (a) adequate financing is planned
- (b) boundaries of proposed region include territory reasonably included within a regional authority for purposes of air quality control
- (2) When authorized to do so by the Sanitary Authority shall exercise function vested in the Sanitary Authority by ORS 449.780 (Power and Duties), ORS 449.785 (Standards of Quality and Purity), ORS 449.800 (Rules and Regulations, Enforcement),  
except to alter areas  
exercise functions throughout region (i.e. within and without cities)  
Must submit to Sanitary Authority for its approval, all quality and purity of air standards adopted by the regional authority prior to enforcing any such standards.
- (3) Regional authority shall enforce rules, regulations and orders of the Sanitary Authority insofar as it is required to do so by the Sanitary Authority.

Section 5. (3)

From and after the date of notice from Sanitary Authority  
that regional authority meets requirements of subsection  
(1) of Section 4 the regional authority shall exercise  
its functions.

Section 6. (1) Covers membership

(2) Terms

Section 7. (1-3) Body corporate, etc.

Section 8. (1) Receive and expend funds

(2) Require registration

(3) Adopt rules

- Section 9. (1) Advisory Committee  
(2) Advisory Committee membership a-c  
(3) Advisory Committee meetings, etc.
- Section 10 (1) ... The Sanitary Authority shall delegate authority to grant variances to a regional authority and the Sanitary Authority shall not grant similar authority to any city or county within the territory of the regional authority.  
(2)  
(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 a variance granted for more than 1 year the Sanitary Authority may order the regional authority to reduce. Implication variance for at least 1 year.
- Section 11. (1) If regional authority fails to form an adequate regional control program (reasonable time) or if the Sanitary Authority has reason to believe program is administered inconsistent with the requirements of ORS 449.760 to ORS 449.830 or administration lacking in uniformity. The Sanitary Authority shall conduct a hearing on the matter after not less than 30 days notice to regional authority.  
(2) If Sanitary Authority determines above are true, it may require that necessary corrective measures be undertaken within reasonable period of time.  
(3) If regional authority fails to take necessary corrective measure within time required, Sanitary Authority shall undertake program of administration and enforcement. The program of the Sanitary Authority supersedes all rules, regulations, standards, and orders of the region.  
(4) If in judgment of the Sanitary Authority a region able to requalify, the Sanitary Authority shall restore and not exercise functions.
- 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.
- Section 13. (1 & 2) Territory change if, etc.  
(3) The Sanitary Authority approves the expansion
- Section 14. Relating to dissolving region. However, all rules, regulations, etc., shall continue in effect until superseded by action of the Sanitary Authority.

- Section 15. Violation (misdemeanor)
- Section 16. Rules, etc., adoption, hearing requirement.
- Section 17. Following hearing.
- Section 18. The Sanitary Authority shall provide to regional authorities and to local air quality programs, etc., technical consultation and services in order to facilitate administration of this 1967 Act and to avoid duplication of facilities and personnel. Services and consultation may be provided from Sanitary Authority funds or under agreement between the parties.
- Section 19. (1) Fund
- (a) Any local control program meeting the rules and regulations of the Sanitary Authority (not more than one unit of government) eligible for 30% of locally funded annual operating cost.
  - (b) Any regional control program (by more than one unit of government) shall be eligible for 50% of locally funded annual operating cost.
- (2) Applications made to the Sanitary Authority and determination of the Sanitary Authority as to
- (a) Adequacy and effectiveness of the air quality control program.
  - (b) Geographic and demographic factors.
  - (c) Particular problems.
- (3) In order to qualify for state aid must submit all applications for federal aid to Sanitary Authority before submitting to federal government.
- (4) When certified by the Sanitary Authority, claims for state aid presented to Secretary of State for payment.
- Section 20. (1) After July 1, 1967, no contract programs established under ORS 449.830
- (2) After January 1, 1968, no city or county exercise powers under ORS 449.830 except as regional.
- (3) Existing ordinance or resolution.
- Section 21. Appropriation July 1, 1967, \$95,888.
- Section 22. Emergency clause July 1, 1967.

SENATE BILL 36

INCLUDING PREVIOUS AMENDMENTS

By Senate, March 30, 1967

By Senate, May 15, 1967

HOUSE AMENDMENTS TO SENATE BILL 36

---

May 26, 1967

Concurrence by the Senate to House Amendments and final passage

June 1, 1967

Signed by the Governor, June 19, 1967

---

NOTE: Matter underscored in an amended section is new; matter ~~/bracketed/~~ is existing law to be omitted; complete new sections begin with SECTION.



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 city legislative body.

(3) "Participating city" or "Participating county" means a city or county or part of a county, or combination thereof, described in section 4 of this 1967 Act that has joined with other eligible cities or counties or parts of counties to form a regional air quality control authority.

(4) "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:

449.765. (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, a regional air quality control authority may be formed of contiguous territory having a population of at least 130,000 and consisting of two or more counties or parts of counties, two or more cities, or any combination thereof, or any county and a city or cities within the county if the Sanitary Authority finds that:

(a) Adequate financing is planned by the participating governments; and

(b) The boundaries of the proposed region include territory reasonably included within a regional authority for purposes of air quality control.

(2) When authorized to do so by the Sanitary Authority, a regional air quality control authority formed under this section shall exercise the functions vested in the Sanitary Authority by ORS 449.780, 449.785, and 449.800 except to establish or alter areas 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 is participating in the regional authority. However, no regional authority is authorized to adopt any rule, or standard that is less

strict than 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 and the regional authority's jurisdiction shall be exclusive, except as provided in section 11 or 12 of this 1967 Act. The regional authority shall enforce rules, regulations, and orders of the Sanitary Authority in so far 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 subsection (1) 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 located within a participating county 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 des-

ignated 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 terminate 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 carrying out 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.

(3) Adopt rules necessary to carry out its functions under section 4 of this 1967 Act.

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 appointed for a term of one year 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. The Sanitary Authority shall delegate authority to grant variances to a regional authority and the Sanitary Authority shall not grant similar authority to any city or county within the territory of the regional authority.

(2) In granting variances the regional authority is subject to ORS 449.810.

(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.

SECTION 13. The territory of a regional authority may be expanded, in the manner provided for forming regions under sections 4 and 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 adopts 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 adopted pursuant to section 8 of this 1967 Act or any final order of a regional air quality control authority entered under section 17 of this 1967 Act is a misdemeanor and 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. Each day of violation constitutes a separate offense.

SECTION 16. (1) In adopting rules and standards, the regional authority shall first hold a public hearing at which interested persons shall be allowed to appear or to present written statements concerning proposed rules 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 of the regional authority.

(3) All hearings shall be conducted by the board of directors.

SECTION 17. (1) After hearing, the board of directors of a regional authority may enter an order against a party to enforce any rule.

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

(3) If measures taken to prevent or correct air pollution or air contamination that violates the rule 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 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 449.830 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. (1) After the effective date of this Act no county or city shall contract with any other city or county for the establishment of an air pollution program as provided in ORS 449.830.

(2) After January 1, 1968, no county or city shall exercise any of the powers conferred by ORS 449.830, but nothing in this Act is intended to repeal ordinances, resolutions, rules or regulations of said city or county existing on January 1, 1968, except as they may be superseded by rules of a regional authority having jurisdiction over the city or county.

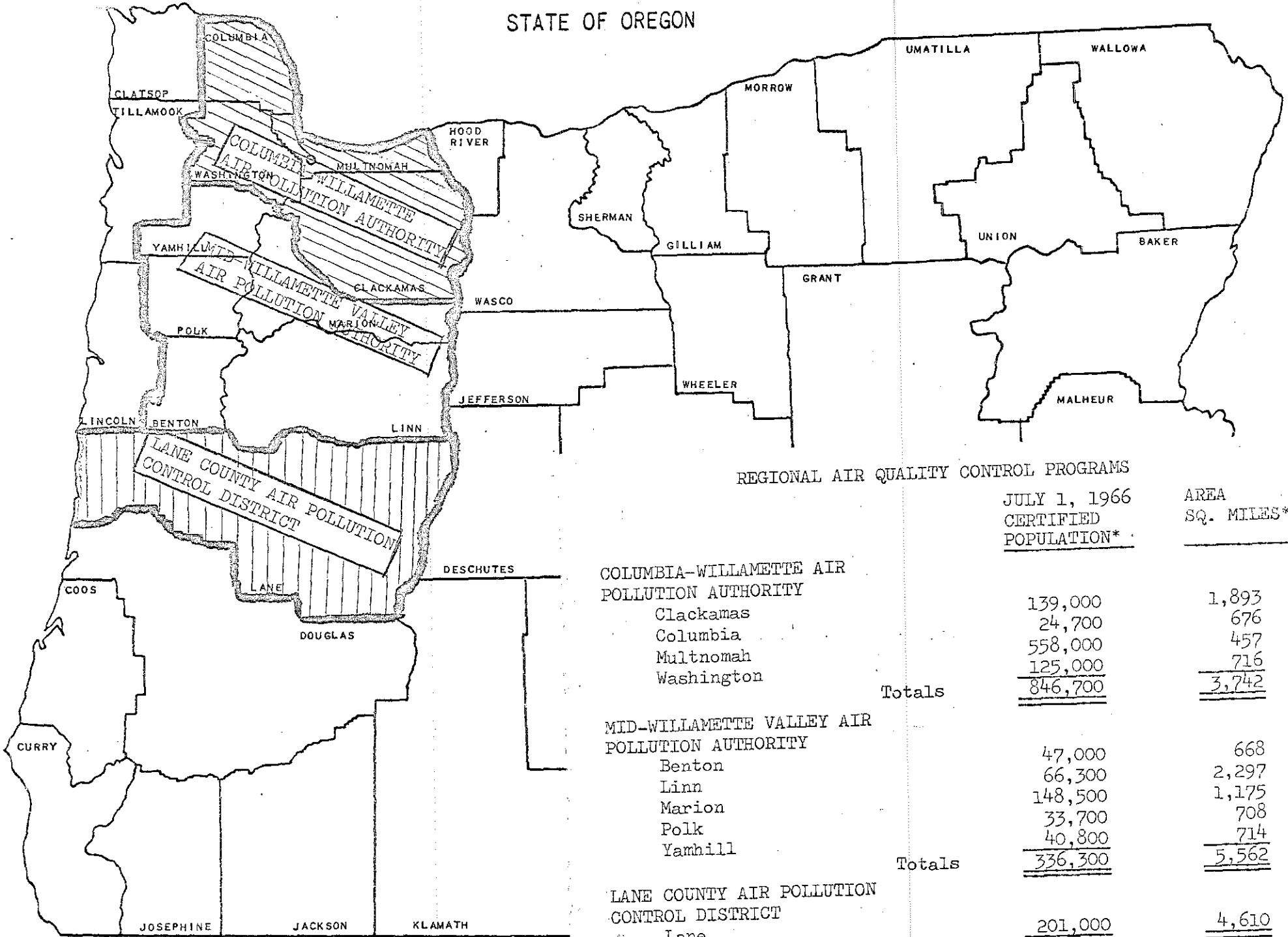
(3) Nothing in this Act shall bar the prosecution of or punishment for violation of any ordinance or resolution, which violation was committed when such ordinance or resolution was in effect.

SECTION 21. 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, 1967, out of the General Fund, the sum of \$95,888 to enable the Sanitary Authority to carry out the provisions of section 19 of this Act.

SECTION 22. 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.

---

# STATE OF OREGON



## REGIONAL AIR QUALITY CONTROL PROGRAMS

	JULY 1, 1966 CERTIFIED POPULATION*	AREA SQ. MILES*
<b>COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY</b>		
Clackamas	139,000	1,893
Columbia	24,700	676
Multnomah	558,000	457
Washington	125,000	716
<b>Totals</b>	<u>846,700</u>	<u>3,742</u>
<b>MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY</b>		
Benton	47,000	668
Linn	66,300	2,297
Marion	148,500	1,175
Polk	33,700	708
Yamhill	40,800	714
<b>Totals</b>	<u>336,300</u>	<u>5,562</u>
<b>LANE COUNTY AIR POLLUTION CONTROL DISTRICT</b>		
Lane	201,000	4,610

\*Source: 1967-68 Oregon Blue Book

PARTICIPATING COUNTIES:

BENTON  
LINN  
MARION  
POLK  
YAMHILL

MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY  
ROOM 4, 255 CHURCH STREET N.E. -- TELEPHONE 581-1715  
SALEM, OREGON 97301

July 10, 1967

Chairman and Members of the  
Oregon State Sanitary Authority  
State of Oregon

Gentlemen:

The Board of the Mid-Willamette Valley Air Pollution Authority by evidence of this letter and supporting exhibits makes application to the Sanitary Authority for recognition as a Regional Air Pollution Control Program for the Counties of Benton, Linn, Marion, Polk, and Yamhill, all in the State of Oregon.

And in further compliance with Chapter 425, Oregon Laws, 1967, a certified copy of the Agreement to form this regional authority is being filed with the Secretary of the State of Oregon.

The Mid-Willamette Valley Air Pollution Authority of the above named counties was first formed by Agreement April 29, 1965, by authorization of Oregon Revised Statutes 449.830 and Oregon Revised Statutes 190.010 to 190.110 for the purpose of a study and survey of the air quality within the boundaries of these five counties. Federal assistance for this study was provided under the authority of the Clean Air Act through the U. S. Department of Public Health Service for the fiscal years of 1965-66 and 1966-67.

A report of our findings in this matter and the projected need for control with the anticipated growth of industry and population has been published and presented to the Board of the Authority and on December 10, 1966, the Board voted unanimously to reform the region into an enforcement program if enabling legislation for the formation of regional programs was passed by the legislature and signed into law by July 1, 1967.

We wish to present as Exhibits 1 and 2, copies of the Resolutions adopted by each of the five County Boards of Commissioners or County Courts, and a certified copy of the Agreement to form the Mid-Willamette Valley Air Pollution Authority pursuant to Chapter 425, Oregon Laws, 1967, for filing with the Sanitary Authority; and for the principal place of business to remain at 255 Church Street, N. E., Salem, Oregon. Additional Exhibits 3, 4, and 5 consist of a certified copy of Chapter 425, Oregon Laws, 1967; a copy of the letter signed by Mr. Charles D. Yaffe, Chief of Program and Survey Grants, National Center for Air Pollution Control, U. S. Public Health Service, Washington, D. C., approving our application for federal assistance for the coming fiscal year, July 1, 1967, through June 30, 1968; and a copy of the Mid-Willamette Valley Air Pollution Authority's Budget adopted for the

Chairman and Members of the  
Oregon State Sanitary Authority  
Page 2

1967-68 fiscal year showing the local funds, state matching funds as provided in Chapter 425, Oregon Laws, 1967, and the federal grant, all of which have been approved by the Chief of Air Quality Control of the State Sanitary Authority.

The Board of the Authority is comprised of one member of the County Court or Board of Commissioners of each of the participating counties, and a Mayor or member of the City Council of the cities of Corvallis and Salem, both having populations in excess of 25,000, and for the present year will hold membership on the Board as non-participating cities.

The Administrative and Technical Staff for this fiscal year will consist of the Director-Administrator, two Engineers, one Supervising Sanitarian, one Chemist, one Administrative Secretary, and one Clerk-Typist, all being full time employees. In addition, we will have the services of an Engineer Consultant, Meteorologist Consultant, and an Attorney to serve the Staff and to act as advisor to the Board.

With this letter of transmittal and filing of necessary documents, we respectfully request recognition and approval of the State Sanitary Authority as a legally organized Regional Authority.

Respectfully submitted,



H. B. Hildebrand, Chairman  
Mid-Willamette Valley  
Air Pollution Authority

HBH:ik

15

August 2, 1967

Mr. Howard Smith  
Mid Willamette Valley Air Pollution Authority  
255 Church Street, N. E.  
Salem, Oregon

Dear Mr. Smith:

Our Legal Counsel has reviewed the supporting documents submitted with your application as required under Chapter 425, Oregon Laws 1967, pertaining to regional air quality programs, and finds that the resolutions adopted by participating counties do not conform to the requirement in Section 5 (1) of the Bill, that the participants (cities or counties), the principle places of business, and the boundaries of the Authority be designated. Each of the resolutions should state further the participating counties.

Because failure to follow the terms of the statute could be raised, it is requested that certified copies of the resolutions adopted by the participating counties, and which follow the requirements outlined in the statute be submitted. Inasmuch as the agreement has already been effected, the resolution might be phrased in the form of a ratification.

We shall look forward to the receipt of these documents.

Very truly yours,

H. M. Patterson  
Chief, Air Quality Control

HMP:h

PARTICIPATING COUNTIES:

BENTON  
LINN  
MARION  
POLK  
YAMHILL

MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY  
ROOM 4, 255 CHURCH STREET N.E. -- TELEPHONE 581-1715  
SALEM, OREGON 97301

August 24, 1967

Mr. Kenneth H. Spies  
Secretary, Oregon State Sanitary  
Authority  
968 State Office Building  
1400 S. W. 5th Avenue  
Portland, Oregon 97201

Division of  
Sanitation & Engineering  
Oregon State Board of Health

RECEIVED

AUG 24 1967

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

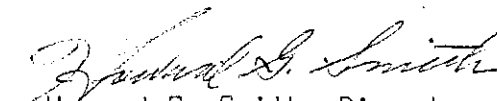
Dear Mr. Spies:

In response to Mr. H. M. Patterson's letter of August 2, 1967, requesting additional information and documents in the formation of the Mid-Willamette Valley Air Pollution Authority as required by Chapter 425 1967 Session Laws of the State of Oregon; the following named documents are submitted for your approval: ratified resolutions with an attached copy of the agreement by each of the five participating counties consisting of Benton, Linn, Marion, Polk, and Yamhill, all within the State of Oregon, and naming the principal place of business of the Authority and including the boundaries of the region. Also a transcript from the Council meeting minutes of the Cities of Salem and Corvallis, Oregon as non-participating cities within the region but having membership rights to the board, and including the appointment of a member of that governing body to represent said cities on the Board of the Authority.

The ratified resolutions of the separate counties with attached agreements have been filed with the Secretary of State and a copy of a letter of acknowledgement from the Department of State is hereby included.

We hope that this fulfills the requirements of Section 5 of Chapter 425 1967 Session Laws of the State of Oregon and by this letter we respectfully request filing with the State Sanitary Authority as part of the previous exhibits of July 10, 1967.

Very truly yours

  
Howard G. Smith, Director  
Mid-Willamette Valley  
Air Pollution Authority

HGS:jw  
cc: H. B. Hildebrand

PARTICIPATING COUNTIES:

BENTON  
LINN  
MARION  
POLK  
YAMHILL

MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY  
ROOM 4, 255 CHURCH STREET N.E. - TELEPHONE 581-1715  
SALEM, OREGON 97301

September 1, 1967

Mr. Harold M. Patterson, Chief  
Air Quality Control  
1400 S. W. 5th Avenue  
State Office Building, Room 968  
Portland, Oregon 97201

Dear Mr. Patterson:

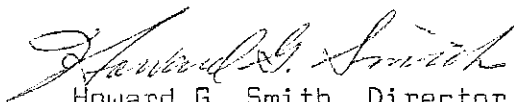
This letter is in response to your inquiry on the consensus of the Board of the Mid-Willamette Valley Air Pollution Authority regarding your staff recommendation that the State Sanitary Authority retain jurisdiction of pulp paper mills throughout the State of Oregon as provided for in Chapter 425 Oregon Laws 1967 session.

Our Chairman, Commissioner Hildebrand and members of the Board have agreed that at this stage of our development and the state-wide concern of the effects of air and water pollution from pulp paper mills, primary jurisdiction should be retained by the Oregon State Sanitary Authority.

Perhaps after a few years, when our program has been proven to be effective and our capabilities and technical knowledge have progressed to a point to which we can provide all services to the needs of our district, the State Sanitary Authority may wish to reconsider their position. In the mean-time we offer our full cooperation and assistance in any way that would benefit the State Sanitary Authority in the program to reduce the pollution loading from these mills within our region.

We would appreciate being kept informed of the various mills progress so that we may be able to inform our citizens of the up-grading of air quality in said mills. We greatly appreciate the assistance and cooperation of the staff of the Authority during our past study and survey program and in helping us to make a transition into a program of control and prevention of air pollution.

Very truly yours,

  
Howard G. Smith, Director  
Mid-Willamette Valley  
Air Pollution Authority

HGS:ik

cc: H. B. Hildebrand



IN THE COUNTY COURT FOR THE STATE OF OREGON  
Formation of the Mid-Willamette Valley Air Pollution Authority

FOR THE COUNTY OF BENTON  
a copy of which is being returned, as per the same hereby  
is ratified and approved.

**RESOLUTION**

1. That the regional Authority, so named, shall continue  
to be known as the Mid-Willamette Valley Air Pollution Authority.

WHEREAS, a resolution was adopted by the County Court  
of Benton County on the 5th day of July, 1967, resolving that  
Benton County actively participate in the Mid-Willamette Valley  
Air Pollution Authority as authorized by Chapter 425 Oregon Laws  
1967, and that Melvin S. Hawkins act as representative and be  
authorized to execute the necessary agreement for participation  
therein, and

WHEREAS, an agreement was made and entered into on the  
6th day of July, 1967, by and between Marion County, Polk County,  
Benton County, Linn County and Yamhill County for the formation  
of the Mid-Willamette Valley Air Pollution Authority pursuant to  
Chapter 425 Oregon Laws 1967, and

WHEREAS, it is deemed necessary and desirable to ratify  
and confirm the action heretofore taken by the County Court for  
Benton County and to clarify the intent and purpose of the prior  
resolution, now therefore,

IT IS HEREBY RESOLVED by the County Court of Benton

County as follows:

1. That the agreement of July 6, 1967, by and between  
Marion, Polk, Benton, Linn and Yamhill Counties pertaining to the

STATE OF OREGON  
COUNTY OF BENTON  
I, FRANK A. [Signature]  
Clerk of the County Court  
do hereby certify that the  
above is a true and correct  
copy of the original record  
and keeping.

[Signature]  
[Signature]  
[Signature]  
[Signature]

formation of the Mid-Willamette Valley Air Pollution Authority a copy of which is hereto attached, be and the same hereby is ratified and approved.

2. That the regional authority so formed shall continue to be known as the Mid-Willamette Valley Air Pollution Authority.

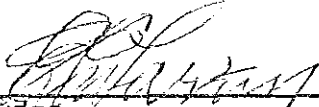
3. That the participating counties shall be as set forth in the said agreement of July 6, 1967.

4. That the principal place of business of the Mid-Willamette Valley Air Pollution Authority shall be in Salem, Oregon, at 255 Church Street, N. E., or at such other place in the said City that shall be designated by the Authority.


5. The boundaries of the said regional Authority shall constitute and include Marion, Polk, Benton, Linn and Yamhill Counties in the State of Oregon.

IT IS FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to and filed with the Secretary of the State Sanitary Authority and the Secretary of State.

DATED and ADOPTED at Corvallis, Oregon, this 10<sup>th</sup> day of August, 1967.

  
\_\_\_\_\_  
Judge

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

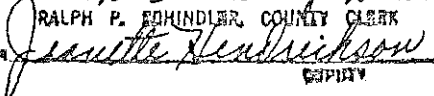
STATE OF OREGON )  
COUNTY OF BENTON )

I, RALPH P. SCHINDLER, COUNTY CLERK OF BENTON COUNTY, OREGON, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE ORIGINAL THEREOF, OR THE RECORD THEREOF, NOW IN MY CHARGE AND KEEPING.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND

AFFIXED THE SEAL OF THE County  
COURT THIS 10<sup>th</sup> DAY OF August 1967

RALPH P. SCHINDLER, COUNTY CLERK

  
\_\_\_\_\_  
Jeannette Hendrickson  
CLERK

## AGREEMENT

### MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

THIS AGREEMENT, made and entered into this 6th day of July, 1967, by and between MARION COUNTY, POLK COUNTY, BENTON COUNTY, LINN COUNTY and YAMHILL COUNTY, all in the State of Oregon.

#### WITNESSETH:

WHEREAS, an agreement was entered into between the parties hereto on the 29th day of April, 1965, for the purpose of establishing a Mid-Willamette Valley Air Pollution Authority pursuant to ORS 449.830 and ORS 190.010 to 190.110 pursuant to which studies and surveys of air quality have been conducted by the Mid-Willamette Valley Air Pollution Authority; and

WHEREAS, the 1967 legislature duly enacted Chapter 425, Oregon Laws 1967 (being SB 36 enacted June 1, 1967, signed by the Governor June 19, 1967,) which law implements the powers of a regional air pollution authority and,

WHEREAS, it is deemed necessary and desirable by the signatory counties to modify and amend the original agreement so as to comply with the foregoing statute, now therefore,

IT IS MUTUALLY AGREED BY THE SIGNATORY PARTIES as follows:

#### ARTICLE I. AUTHORITY

This agreement is promulgated for the purpose of amending the agreement of April 29, 1965, between the signatory counties and to re-organize the Mid-Willamette Valley Air Pollution Authority to comply with and to conform to the provisions and requirements of Chapter 425, Oregon Laws 1967 (SB 36) entitled "An Act relating to regional air quality control; creating new provisions; amending ORS 449.765; providing penalties; appropriating money; and declaring an emergency." and

The authority hereby established shall continue to be known as the Mid-Willamette Valley Air Pollution Authority, and the boundaries thereof shall comprise and consist of Marion, Polk, Benton, Linn and Yamhill Counties, State of Oregon.

#### ARTICLE II. PURPOSE AND INTENT

Air Pollution is affected by the weather, topography, population, transportation, agricultural and industrial development, which factors vary greatly from area to area and cause problems of control and prevention to be primarily regional in nature. The rapid unprecedented growth of the counties to this agreement and the urbanization and industrial development attendant thereto is resulting in mounting dangers to public health and welfare, a deterioration of property and the development of hazards to air and ground transportation. It is, therefore, the primary intent of this Agreement to aid in effectuating

the public policies of the State of Oregon by establishing standards for the promotion of the purity of the air and to promulgate and enforce uniform ordinances and regulations.

### ARTICLE III. DEFINITIONS

The following terms as used in this Agreement are herewith defined:

"Authority" shall mean the Mid-Willamette Valley Air Pollution Authority as established by this Agreement.

"Board" shall mean the governing body of the Authority.

"Participating County" shall mean a signatory county to this Agreement carrying out an air pollution control program under this Agreement.

### ARTICLE IV. ESTABLISHMENT

1. The Mid-Willamette Valley Air Pollution Authority is hereby established by this Agreement to be administered by a board of seven members.

2. The membership of the board shall consist of:

a. One county Judge or Commissioner from each county to be designated by the Board of County Commissioners of each signatory county.

b. One member of the governing body of the City of Salem and the City of Corvallis.

c. Additional board members shall be appointed upon entry of additional counties or cities into the Authority as participating cities or counties pursuant to Section 6, Chapter 425, Oregon Laws 1967. (SB 36)

d. Each such member of the board shall continue to hold the position, subject to the pleasure of the governing body by which he was designated. The term of any member shall terminate when he is no longer a member of the governing body by which he was designated.

3. The board shall appoint one of its members as chairman to serve a two-year term, and who shall be eligible for reappointment for one succeeding term. A majority of the board shall constitute a quorum for the transaction of business and may act for the board. Each member of the board shall receive the actual necessary expenses incurred by him in such performance, to be paid from the funds of the Authority. The board may appoint staff personnel within budget limits and shall determine the salaries and pay the same, together with any other proper indebtedness from Authority funds. All employees appointed by the board shall be deemed to be employees of the Authority and not of any county.

### ARTICLE V. GENERAL POWERS

For the purpose of carrying out an air pollution control program, the board shall have the power:

(1) To establish an air pollution control office and one or more sub-offices as needed, in one or more of the counties and to provide for the staffing thereof.

(2) To appoint an air pollution control officer; to define his duties and fix his compensation.

(3) To initiate studies and investigations relative to air pollution.

(4) To promulgate uniform ordinances and resolutions.

(5) To receive grants, gifts and donations in the name of the Authority.

(6) To take title to real or personal property in the name of the Authority necessarily required in connection with an air pollution program to be held in trust for the benefit of the signatory counties.

(7) To apply to and receive funds from the State or the Federal Government and from public and private agencies for the purpose of carrying out the objectives of the Authority in conducting a regional air pollution program.

(8) To initiate contracts for technical, laboratory and such other assistance as required.

(9) To establish rules, procedures and conditions consistent with statute whereby adjoining counties and cities located within the participating counties, may make application for participating membership.

(10) To adopt and enforce air quality standards and regulations when authorized to do so by the State Sanitary Authority - by law.

(11) To exercise such other powers and duties as prescribed in or granted by Chapter 425, 1967. (SB 36)

#### ARTICLE VI. FINANCE

All funds, including fees and revenue, coming into the possession of either the governing board, the Authority, or any county, in connection with the carrying out of a regional air pollution program shall be immediately deposited with the County Treasurer of Marion County, Oregon, to be kept separate from all other funds of said county in trust for the use and benefit of the signatory counties. Funds so placed on deposit with the Marion County Treasurer shall be withdrawn only in accordance with procedures established by the board.

A proposed budget for the Authority shall be submitted by March 1st of each year to the participating counties in order that the same may be reviewed and approved by each governing body. Before the 15th day of April of each year, the governing board of the Authority shall estimate and determine the amount of money required by the Authority for the purpose of carrying out a regional air pollution program for the ensuing fiscal year beginning July 1st and shall apportion this amount as a charge to each signatory county in a proportion to be determined by the relative population of the several counties as shown by the last official State Census. Upon approval of its budget committee, each county thereafter shall include within its budget for the ensuing fiscal year, such amount as will equal the respective proportionate share charged thereto, and thereafter shall pay the same to the Treasurer of Marion County, Oregon, for credit to the account of the Authority, not later than December 1st of the said ensuing fiscal year.

#### ARTICLE VII. ADVISORY COUNCIL

(1) There is hereby established an Advisory Committee or Council to aid, inform, recommend, and assist the Board in accomplishing the objectives of the air pollution control program 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 council shall consist of 17 members appointed for a term of one year and shall consist of persons appointed by the Board:

- (a) One lay citizen from each county.
- (b) One representative from industry in each county.
- (c) One representative of agriculture in each county.
- (d) One technical representative from public health agencies within the region.
- (e) One technical representative from community planning within the region.

(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 at least once each six months and at such other times as may be agreed upon by a majority of the members thereof or at the direction of the Authority.

#### ARTICLE VIII. ENFORCEMENT

The Authority shall proceed with a program of the enforcement of the laws relating to air quality control of the State of Oregon commencing July 1, 1967.

ARTICLE IX. DISSOLUTION AND TERMINATION

The regional Authority formed pursuant to this Agreement and Chapter 425, 1967 (SB 36) may be dissolved by written consent of the governing bodies of all participating counties. 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 Mid-Willamette Valley Air Pollution Authority shall continue in effect until superceded by action of the Sanitary Authority.

ARTICLE X. AMENDMENTS

Amendments to this Agreement, consistent with law, may be made by unanimous written consent of all participating counties.

ARTICLE XI. RECORDING AND FILING

It is further understood and agreed that a certified copy of this agreement shall be filed with the Secretary of State and the Secretary of the State Sanitary Authority for the purpose of showing compliance with the 1967 Act above referred to.

ARTICLE XII. EFFECTIVE DATE AND PURPOSE

It is finally agreed that this Agreement shall be effective this 6th day of July, 1967, and to the extent that its provisions conflict with the agreement of 29 April, 1965, the provisions herein shall control but prior rules, regulations or orders consistent with law shall continue in effect.

IN WITNESS WHEREOF, pursuant to resolution duly adopted by the governing body, each named county has caused this contract to be executed by its duly appointed representative and the seal of the county to be affixed thereto on the date first above written.

POLK COUNTY

s/ H. B. Hildebrand

ATTEST: s/ Betty Adams  
County Clerk

BENTON COUNTY

s/ Melvin S. Hawkins

ATTEST: s/ Ralph P. Schindler  
County Clerk

MARION COUNTY

s/ Harry Carson, Jr.

ATTEST: s/ T. Harold Tomlinson

LINN COUNTY

s/ Floyd D. Jenks

ATTEST: s/ Don M. Penfold  
County Clerk

YAMHILL COUNTY

s/ Morris Majors

ATTEST: s/ Jack Beeler  
County Clerk

IN THE COUNTY COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF LINN

RESOLUTION

WHEREAS, a resolution was adopted by the County Court of Linn County on the 5th day of July, 1967, resolving that Linn County actively participate in the Mid-Willamette Valley Air Pollution Authority as authorized by Chapter 425 Oregon Laws 1967, and that Floyd D. Jenks act as representative and be authorized to execute the necessary agreement for participation therein, and

WHEREAS, an agreement was made and entered into on the 6th day of July, 1967, by and between Marion County, Polk County, Benton County, Linn County and Yamhill County for the formation of the Mid-Willamette Valley Air Pollution Authority pursuant to Chapter 425 Oregon Laws 1967, and

WHEREAS, it is deemed necessary and desirable to ratify and confirm the action heretofore taken by the County Court for Linn County and to clarify the intent and purpose of the prior resolution, now therefore,

IT IS HEREBY RESOLVED by the County Court of Linn County as follows:

1. That the agreement of July 6, 1967, by and between Marion, Polk, Benton, Linn and Yamhill Counties pertaining to the



formation of the Mid-Willamette Valley Air Pollution Authority a copy of which is hereto attached, be and the same hereby is ratified and approved.

2. That the regional authority so formed shall continue to be known as the Mid-Willamette Valley Air Pollution Authority.

3. That the participating counties shall be as set forth in the said agreement of July 6, 1967.

4. That the principal place of business of the Mid-Willamette Valley Air Pollution Authority shall be in Salem, Oregon, at 255 Church Street, N. E., or at such other place in the said City that shall be designated by the Authority.

5. The boundaries of the said regional Authority shall constitute and include Marion, Polk, Benton, Linn and Yamhill Counties in the State of Oregon.

IT IS FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to and filed with the Secretary of the State Sanitary Authority and the Secretary of State.

DATED and ADOPTED at Albany, Oregon, this 10<sup>th</sup> day of August, 1967.

8-10-67

I hereby certify this copy to be a true, full and correct copy of the original now on record in my office.

D. M. Penfold  
County Clerk

J. E. F.  
Deputy

Wayne C. McLean  
Judge

Fred T. Jakes  
Commissioner

Burt L. ...  
Commissioner

## AGREEMENT

### MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

THIS AGREEMENT, made and entered into this 16th day of July, 1967, by and between MARION COUNTY, POLK COUNTY, BENTON COUNTY, LINN COUNTY and YAMHILL COUNTY, all in the State of Oregon.

#### WITNESSETH:

WHEREAS, an agreement was entered into between the parties hereto on the 29th day of April, 1965, for the purpose of establishing a Mid-Willamette Valley Air Pollution Authority pursuant to ORS 449.830 and ORS 190.010 to 190.110 pursuant to which studies and surveys of air quality have been conducted by the Mid-Willamette Valley Air Pollution Authority; and

WHEREAS, the 1967 legislature duly enacted Chapter 425, Oregon Laws 1967 (being SB 36 enacted June 1, 1967, signed by the Governor June 19, 1967,) which law implements the powers of a regional air pollution authority and,

WHEREAS, it is deemed necessary and desirable by the signatory counties to modify and amend the original agreement so as to comply with the foregoing statute, now therefore,

IT IS MUTUALLY AGREED BY THE SIGNATORY PARTIES as follows:

#### ARTICLE I. AUTHORITY

This agreement is promulgated for the purpose of amending the agreement of April 29, 1965, between the signatory counties and to re-organize the Mid-Willamette Valley Air Pollution Authority to comply with and to conform to the provisions and requirements of Chapter 425, Oregon Laws 1967 (SB 36) entitled "An Act relating to regional air quality control; creating new provisions; amending ORS 449.765; providing penalties; appropriating money; and declaring an emergency." and

The authority hereby established shall continue to be known as the Mid-Willamette Valley Air Pollution Authority, and the boundaries thereof shall comprise and consist of Marion, Polk, Benton, Linn and Yamhill Counties, State of Oregon.

#### ARTICLE II. PURPOSE AND INTENT

Air Pollution is affected by the weather, topography, population, transportation, agricultural and industrial development, which factors vary greatly from area to area and cause problems of control and prevention to be primarily regional in nature. The rapid unprecedented growth of the counties to this agreement and the urbanization and industrial development attendant thereto is resulting in mounting dangers to public health and welfare, a deterioration of property and the development of hazards to air and ground transportation. It is, therefore, the primary intent of this Agreement to aid in effectuating

the public policies of the State of Oregon by establishing standards for the promotion of the purity of the air and to promulgate and enforce uniform ordinances and regulations.

### ARTICLE III. DEFINITIONS

The following terms as used in this Agreement are herewith defined:

"Authority" shall mean the Mid-Willamette Valley Air Pollution Authority as established by this Agreement.

"Board" shall mean the governing body of the Authority.

"Participating County" shall mean a signatory county to this Agreement carrying out an air pollution control program under this Agreement.

### ARTICLE IV. ESTABLISHMENT

1. The Mid-Willamette Valley Air Pollution Authority is hereby established by this Agreement to be administered by a board of seven members.

2. The membership of the board shall consist of:

a. One county Judge or Commissioner from each county to be designated by the Board of County Commissioners of each signatory county.

b. One member of the governing body of the City of Salem and the City of Corvallis.

c. Additional board members shall be appointed upon entry of additional counties or cities into the Authority as participating cities or counties pursuant to Section 6, Chapter 425, Oregon Laws 1967. (SB 36)

d. Each such member of the board shall continue to hold the position, subject to the pleasure of the governing body by which he was designated. The term of any member shall terminate when he is no longer a member of the governing body by which he was designated.

3. The board shall appoint one of its members as chairman to serve a two-year term, and who shall be eligible for reappointment for one succeeding term. A majority of the board shall constitute a quorum for the transaction of business and may act for the board. Each member of the board shall receive the actual necessary expenses incurred by him in such performance, to be paid from the funds of the Authority. The board may appoint staff personnel within budget limits and shall determine the salaries and pay the same, together with any other proper indebtedness from Authority funds. All employees appointed by the board shall be deemed to be employees of the Authority and not of any county.

### ARTICLE V. GENERAL POWERS

For the purpose of carrying out an air pollution control program, the board shall have the power:

(1) To establish an air pollution control office and one or more sub-offices as needed, in one or more of the counties and to provide for the staffing thereof.

(2) To appoint an air pollution control officer; to define his duties and fix his compensation.

(3) To initiate studies and investigations relative to air pollution.

(4) To promulgate uniform ordinances and resolutions.

(5) To receive grants, gifts and donations in the name of the Authority.

(6) To take title to real or personal property in the name of the Authority necessarily required in connection with an air pollution program to be held in trust for the benefit of the signatory counties.

(7) To apply to and receive funds from the State or the Federal Government and from public and private agencies for the purpose of carrying out the objectives of the Authority in conducting a regional air pollution program.

(8) To initiate contracts for technical, laboratory and such other assistance as required.

(9) To establish rules, procedures and conditions consistent with statute whereby adjoining counties and cities located within the participating counties, may make application for participating membership.

(10) To adopt and enforce air quality standards and regulations when authorized to do so by the State Sanitary Authority - by law.

(11) To exercise such other powers and duties as prescribed in or granted by Chapter 425, 1967. (SB 36)

#### ARTICLE VI. FINANCE

All funds, including fees and revenue, coming into the possession of either the governing board, the Authority, or any county, in connection with the carrying out of a regional air pollution program shall be immediately deposited with the County Treasurer of Marion County, Oregon, to be kept separate from all other funds of said county in trust for the use and benefit of the signatory counties. Funds so placed on deposit with the Marion County Treasurer shall be withdrawn only in accordance with procedures established by the board.

A proposed budget for the Authority shall be submitted by March 1st of each year to the participating counties in order that the same may be reviewed and approved by each governing body. Before the 15th day of April of each year, the governing board of the Authority shall estimate and determine the amount of money required by the Authority for the purpose of carrying out a regional air pollution program for the ensuing fiscal year beginning July 1st and shall apportion this amount as a charge to each signatory county in a proportion to be determined by the relative population of the several counties as shown by the last official State Census. Upon approval of its budget committee, each county thereafter shall include within its budget for the ensuing fiscal year, such amount as will equal the respective proportionate share charged thereto, and thereafter shall pay the same to the Treasurer of Marion County, Oregon, for credit to the account of the Authority, not later than December 1st of the said ensuing fiscal year.

#### ARTICLE VII. ADVISORY COUNCIL

(1) There is hereby established an Advisory Committee or Council to aid, inform, recommend, and assist the Board in accomplishing the objectives of the air pollution control program 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 council shall consist of 17 members appointed for a term of one year and shall consist of persons appointed by the Board:

- (a) One lay citizen from each county.
- (b) One representative from industry in each county.
- (c) One representative of agriculture in each county.
- (d) One technical representative from public health agencies within the region.
- (e) One technical representative from community planning within the region.

(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 at least once each six months and at such other times as may be agreed upon by a majority of the members thereof or at the direction of the Authority.

#### ARTICLE VIII. ENFORCEMENT

The Authority shall proceed with a program of the enforcement of the laws relating to air quality control of the State of Oregon commencing July 1, 1967.

ARTICLE IX. DISSOLUTION AND TERMINATION

The regional Authority formed pursuant to this Agreement and Chapter 425, 1967 (SB 36) may be dissolved by written consent of the governing bodies of all participating counties. 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 Mid-Willamette Valley Air Pollution Authority shall continue in effect until superceded by action of the Sanitary Authority.

ARTICLE X. AMENDMENTS

Amendments to this Agreement, consistent with law, may be made by unanimous written consent of all participating counties.

ARTICLE XI. RECORDING AND FILING

It is further understood and agreed that a certified copy of this agreement shall be filed with the Secretary of State and the Secretary of the State Sanitary Authority for the purpose of showing compliance with the 1967 Act above referred to.

ARTICLE XII. EFFECTIVE DATE AND PURPOSE

It is finally agreed that this Agreement shall be effective this 6th day of July, 1967, and to the extent that its provisions conflict with the agreement of 29 April, 1965, the provisions herein shall control but prior rules, regulations or orders consistent with law shall continue in effect.

IN WITNESS WHEREOF, pursuant to resolution duly adopted by the governing body, each named county has caused this contract to be executed by its duly appointed representative and the seal of the county to be affixed thereto on the date first above written.

POLK COUNTY

s/ H. B. Hildebrand

ATTEST: s/ Betty Adams  
County Clerk

BENTON COUNTY

s/ Melvin S. Hawkins

ATTEST: s/ Ralph P. Schindler  
County Clerk

MARION COUNTY

s/ Harry Carson, Jr.

ATTEST: s/ T. Harold Tomlinson

LINN COUNTY

s/ Floyd D. Jenks

ATTEST: s/ Don M. Penfold  
County Clerk

YAMHILL COUNTY

s/ Morris Majors

ATTEST: s/ Jack Beeler  
County Clerk

BEFORE THE BOARD OF COMMISSIONERS FOR THE STATE OF OREGON  
FOR THE COUNTY OF MARION

RESOLUTION

FILED  
MARION COUNTY, OREGON  
1967 JUL 11 PM 12 06  
T. HAROLD TOMLINSON  
COUNTY CLERK  
BY K. J. [Signature] DEPUTY

WHEREAS, a resolution was adopted by the Board of Commissioners of Marion County on the 5th day of July, 1967, resolving that Marion County actively participate in the Mid-Willamette Valley Air Pollution Authority as authorized by Chapter 425 Oregon Laws 1967, and that Harry Carson, Jr. act as representative and be authorized to execute the necessary agreement for participation therein, and

WHEREAS, an agreement was made and entered into on the 6th day of July, 1967, by and between Marion County, Polk County, Benton County, Linn County, and Yamhill County for the formation of the Mid-Willamette Valley Air Pollution Authority pursuant to Chapter 425 Oregon Laws 1967, and

WHEREAS, it is deemed necessary and desirable to ratify and confirm the action heretofore taken by the Board of Commissioners for Marion County and to clarify the intent and purpose of the prior resolution, now therefore,

IT IS HEREBY RESOLVED by the Board of Commissioners of Marion County as follows:

1. That the agreement of July 6, 1967, by and between Marion, Polk, Benton, Linn, and Yamhill Counties pertaining to

CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
T. HAROLD TOMLINSON, County Clerk  
By [Signature] DEPUTY

the formation of the Mid-Willamette Valley Air Pollution Authority a copy of which is hereto attached, be and the same hereby is ratified and approved.

2. That the regional authority so formed shall continue to be known as the Mid-Willamette Valley Air Pollution Authority.

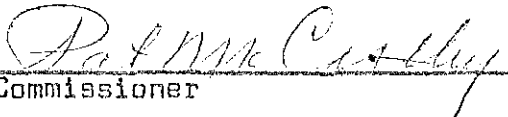
3. That the participating counties shall be as set forth in the said agreement of July 6, 1967.

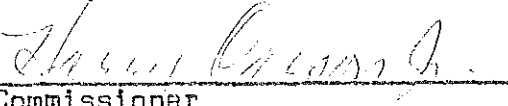
4. That the principal place of business of the Mid-Willamette Valley Air Pollution Authority shall be in Salem, Oregon, at 255 Church Street, N. E., or at such other place in the said City that shall be designated by the Authority.

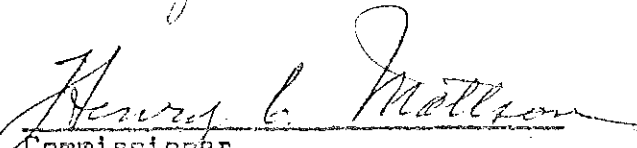
5. The boundaries of the said regional Authority shall constitute and include Marion, Polk, Benton, Linn, and Yamhill Counties in the State of Oregon.

IT IS FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to and filed with the Secretary of the State Sanitary Authority and the Secretary of State.

DATED and ADOPTED at Salem, Oregon, this 11<sup>th</sup> day of August, 1967.

  
Commissioner

  
Commissioner

  
Commissioner



## AGREEMENT

### MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

THIS AGREEMENT, made and entered into this 6th day of July, 1967, by and between MARION COUNTY, POLK COUNTY, BENTON COUNTY, LINN COUNTY and YAMHILL COUNTY, all in the State of Oregon.

#### WITNESSETH:

WHEREAS, an agreement was entered into between the parties hereto on the 29th day of April, 1965, for the purpose of establishing a Mid-Willamette Valley Air Pollution Authority pursuant to ORS 449.830 and ORS 190.010 to 190.110 pursuant to which studies and surveys of air quality have been conducted by the Mid-Willamette Valley Air Pollution Authority; and

WHEREAS, the 1967 legislature duly enacted Chapter 425, Oregon Laws 1967 (being SB 36 enacted June 1, 1967, signed by the Governor June 19, 1967,) which law implements the powers of a regional air pollution authority and,

WHEREAS, it is deemed necessary and desirable by the signatory counties to modify and amend the original agreement so as to comply with the foregoing statute, now therefore,

IT IS MUTUALLY AGREED BY THE SIGNATORY PARTIES as follows:

#### ARTICLE I. AUTHORITY

This agreement is promulgated for the purpose of amending the agreement of April 29, 1965, between the signatory counties and to re-organize the Mid-Willamette Valley Air Pollution Authority to comply with and to conform to the provisions and requirements of Chapter 425, Oregon Laws 1967 (SB 36) entitled "An Act relating to regional air quality control; creating new provisions; amending ORS 449.765; providing penalties; appropriating money; and declaring an emergency." and

The authority hereby established shall continue to be known as the Mid-Willamette Valley Air Pollution Authority, and the boundaries thereof shall comprise and consist of Marion, Polk, Benton, Linn and Yamhill Counties, State of Oregon.

#### ARTICLE II. PURPOSE AND INTENT

Air Pollution is affected by the weather, topography, population, transportation, agricultural and industrial development, which factors vary greatly from area to area and cause problems of control and prevention to be primarily regional in nature. The rapid unprecedented growth of the counties to this agreement and the urbanization and industrial development attendant thereto is resulting in mounting dangers to public health and welfare, a deterioration of property and the development of hazards to air and ground transportation. It is, therefore, the primary intent of this Agreement to aid in effectuating

the public policies of the State of Oregon by establishing standards for the promotion of the purity of the air and to promulgate and enforce uniform ordinances and regulations.

### ARTICLE III. DEFINITIONS

The following terms as used in this Agreement are herewith defined:

"Authority" shall mean the Mid-Willamette Valley Air Pollution Authority as established by this Agreement.

"Board" shall mean the governing body of the Authority.

"Participating County" shall mean a signatory county to this Agreement carrying out an air pollution control program under this Agreement.

### ARTICLE IV. ESTABLISHMENT

1. The Mid-Willamette Valley Air Pollution Authority is hereby established by this Agreement to be administered by a board of seven members.

2. The membership of the board shall consist of:

a. One county Judge or Commissioner from each county to be designated by the Board of County Commissioners of each signatory county.

b. One member of the governing body of the City of Salem and the City of Corvallis.

c. Additional board members shall be appointed upon entry of additional counties or cities into the Authority as participating cities or counties pursuant to Section 6, Chapter 425, Oregon Laws 1967. (SB 36)

d. Each such member of the board shall continue to hold the position, subject to the pleasure of the governing body by which he was designated. The term of any member shall terminate when he is no longer a member of the governing body by which he was designated.

3. The board shall appoint one of its members as chairman to serve a two-year term, and who shall be eligible for reappointment for one succeeding term. A majority of the board shall constitute a quorum for the transaction of business and may act for the board. Each member of the board shall receive the actual necessary expenses incurred by him in such performance, to be paid from the funds of the Authority. The board may appoint staff personnel within budget limits and shall determine the salaries and pay the same, together with any other proper indebtedness from Authority funds. All employees appointed by the board shall be deemed to be employees of the Authority and not of any county.

### ARTICLE V. GENERAL POWERS

For the purpose of carrying out an air pollution control program, the board shall have the power:

(1) To establish an air pollution control office and one or more sub-offices as needed, in one or more of the counties and to provide for the staffing thereof.

(2) To appoint an air pollution control officer; to define his duties and fix his compensation.

(3) To initiate studies and investigations relative to air pollution.

(4) To promulgate uniform ordinances and resolutions.

(5) To receive grants, gifts and donations in the name of the Authority.

(6) To take title to real or personal property in the name of the Authority necessarily required in connection with an air pollution program to be held in trust for the benefit of the signatory counties.

(7) To apply to and receive funds from the State or the Federal Government and from public and private agencies for the purpose of carrying out the objectives of the Authority in conducting a regional air pollution program.

(8) To initiate contracts for technical, laboratory and such other assistance as required.

(9) To establish rules, procedures and conditions consistent with statute whereby adjoining counties and cities located within the participating counties, may make application for participating membership.

(10) To adopt and enforce air quality standards and regulations when authorized to do so by the State Sanitary Authority - by law.

(11) To exercise such other powers and duties as prescribed in or granted by Chapter 425, 1967. (SB 36)

#### ARTICLE VI. FINANCE

All funds, including fees and revenue, coming into the possession of either the governing board, the Authority, or any county, in connection with the carrying out of a regional air pollution program shall be immediately deposited with the County Treasurer of Marion County, Oregon, to be kept separate from all other funds of said county in trust for the use and benefit of the signatory counties. Funds so placed on deposit with the Marion County Treasurer shall be withdrawn only in accordance with procedures established by the board.

A proposed budget for the Authority shall be submitted by March 1st of each year to the participating counties in order that the same may be reviewed and approved by each governing body. Before the 15th day of April of each year, the governing board of the Authority shall estimate and determine the amount of money required by the Authority for the purpose of carrying out a regional air pollution program for the ensuing fiscal year beginning July 1st and shall apportion this amount as a charge to each signatory county in a proportion to be determined by the relative population of the several counties as shown by the last official State Census. Upon approval of its budget committee, each county thereafter shall include within its budget for the ensuing fiscal year, such amount as will equal the respective proportionate share charged thereto, and thereafter shall pay the same to the Treasurer of Marion County, Oregon, for credit to the account of the Authority, not later than December 1st of the said ensuing fiscal year.

#### ARTICLE VII. ADVISORY COUNCIL

(1) There is hereby established an Advisory Committee or Council to aid, inform, recommend, and assist the Board in accomplishing the objectives of the air pollution control program 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 council shall consist of 17 members appointed for a term of one year and shall consist of persons appointed by the Board:

- (a) One lay citizen from each county.
- (b) One representative from industry in each county.
- (c) One representative of agriculture in each county.
- (d) One technical representative from public health agencies within the region.
- (e) One technical representative from community planning within the region.

(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 at least once each six months and at such other times as may be agreed upon by a majority of the members thereof or at the direction of the Authority.

#### ARTICLE VIII. ENFORCEMENT

The Authority shall proceed with a program of the enforcement of the laws relating to air quality control of the State of Oregon commencing July 1, 1967.

ARTICLE IX. DISSOLUTION AND TERMINATION

The regional Authority formed pursuant to this Agreement and Chapter 425, 1967 (SB 36) may be dissolved by written consent of the governing bodies of all participating counties. 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 Mid-Willamette Valley Air Pollution Authority shall continue in effect until superceded by action of the Sanitary Authority.

ARTICLE X. AMENDMENTS

Amendments to this Agreement, consistent with law, may be made by unanimous written consent of all participating counties.

ARTICLE XI. RECORDING AND FILING

It is further understood and agreed that a certified copy of this agreement shall be filed with the Secretary of State and the Secretary of the State Sanitary Authority for the purpose of showing compliance with the 1967 Act above referred to.

ARTICLE XII. EFFECTIVE DATE AND PURPOSE

It is finally agreed that this Agreement shall be effective this 10th day of July, 1967, and to the extent that its provisions conflict with the agreement of 29 April, 1965, the provisions herein shall control but prior rules, regulations or orders consistent with law shall continue in effect.

IN WITNESS WHEREOF, pursuant to resolution duly adopted by the governing body, each named county has caused this contract to be executed by its duly appointed representative and the seal of the county to be affixed thereto on the date first above written.

POLK COUNTY

s/ H. B. Hildebrand

ATTEST: s/ Betty Adams  
County Clerk

BENTON COUNTY

s/ Melvin S. Hawkins

ATTEST: s/ Ralph P. Schindler  
County Clerk

MARION COUNTY

s/ Harry Carson, Jr.

ATTEST: s/ T. Harold Tomlinson

LINN COUNTY

s/ Floyd D. Jenks

ATTEST: s/ Dan M. Penfold  
County Clerk

YAMHILL COUNTY

s/ Morris Majors

ATTEST: s/ Jack Beeler  
County Clerk

BEFORE THE BOARD OF COMMISSIONERS FOR THE STATE OF OREGON  
FOR THE COUNTY OF POLK

FILED  
POLK COUNTY OREGON

RESOLUTION

Aug 11 10:29 AM 1967  
Betty Adams, County Clerk  
By B. A. Deputy

WHEREAS, a resolution was adopted by the Board of Commissioners of Polk County on the 5th day of July, 1967, resolving that Polk County actively participate in the Mid-Willamette Valley Air Pollution Authority as authorized by Chapter 425 Oregon Laws 1967, and that Henry B. Hildebrand act as representative and be authorized to execute the necessary agreement for participation therein, and

WHEREAS, an agreement was made and entered into on the 6th day of July, 1967, by and between Marion County, Polk County, Benton County, Linn County and Yamhill County for the formation of the Mid-Willamette Valley Air Pollution Authority pursuant to Chapter 425 Oregon Laws 1967, and

WHEREAS, it is deemed necessary and desirable to ratify and confirm the action heretofore taken by the Board of Commissioners for Polk County and to clarify the intent and purpose of the prior resolution, now therefore,

IT IS HEREBY RESOLVED by the Board of Commissioners of Polk County as follows:

1. That the agreement of July 6, 1967, by and between Marion, Polk, Benton, Linn and Yamhill Counties pertaining to

the formation of the Mid-Willamette Valley Air Pollution Authority a copy of which is hereto attached, be and the same hereby is ratified and approved.

2. That the regional authority so formed shall continue to be known as the Mid-Willamette Valley Air Pollution Authority.

3. That the participating counties shall be as set forth in the said agreement of July 6, 1967.

4. That the principal place of business of the Mid-Willamette Valley Air Pollution Authority shall be in Salem, Oregon, at 255 Church Street, N. E., or at such other place in the said City that shall be designated by the Authority.

5. The boundaries of the said regional Authority shall constitute and include Marion, Polk, Benton, Linn and Yamhill Counties in the State of Oregon.

IT IS FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to and filed with the Secretary of the State Sanitary Authority and the Secretary of State.

DATED and ADOPTED at Dallas, Oregon, this 11 day of August, 1967.

H B Holibrand  
Commissioner

Clifford R. Jones  
Commissioner

Clinton DeLoe  
Commissioner

CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
BETTY ADAMS, County Clerk  
By B Adams Deputy

AGREEMENT

MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

THIS AGREEMENT, made and entered into this 10th day of July, 1967, by and between MARION COUNTY, POLK COUNTY, BENTON COUNTY, LINN COUNTY and YAMHILL COUNTY, all in the State of Oregon.

WITNESSETH:

WHEREAS, an agreement was entered into between the parties hereto on the 29th day of April, 1965, for the purpose of establishing a Mid-Willamette Valley Air Pollution Authority pursuant to ORS 449.830 and ORS 190.010 to 190.110 pursuant to which studies and surveys of air quality have been conducted by the Mid-Willamette Valley Air Pollution Authority; and

WHEREAS, the 1967 legislature duly enacted Chapter 425, Oregon Laws 1967 (being SB 36 enacted June 1, 1967, signed by the Governor June 19, 1967,) which law implements the powers of a regional air pollution authority and,

WHEREAS, it is deemed necessary and desirable by the signatory counties to modify and amend the original agreement so as to comply with the foregoing statute, now therefore,

IT IS MUTUALLY AGREED BY THE SIGNATORY PARTIES as follows:

ARTICLE I. AUTHORITY

This agreement is promulgated for the purpose of amending the agreement of April 29, 1965, between the signatory counties and to re-organize the Mid-Willamette Valley Air Pollution Authority to comply with and to conform to the provisions and requirements of Chapter 425, Oregon Laws 1967 (SB 36) entitled "An Act relating to regional air quality control; creating new provisions; amending ORS 449.765; providing penalties; appropriating money; and declaring an emergency." and

The authority hereby established shall continue to be known as the Mid-Willamette Valley Air Pollution Authority, and the boundaries thereof shall comprise and consist of Marion, Polk, Benton, Linn and Yamhill Counties, State of Oregon.

ARTICLE II. PURPOSE AND INTENT

Air Pollution is affected by the weather, topography, population, transportation, agricultural and industrial development, which factors vary greatly from area to area and cause problems of control and prevention to be primarily regional in nature. The rapid unprecedented growth of the counties to this agreement and the urbanization and industrial development attendant thereto is resulting in mounting dangers to public health and welfare, a deterioration of property and the development of hazards to air and ground transportation. It is, therefore, the primary intent of this Agreement to aid in effectuating



the public policies of the State of Oregon by establishing standards for the promotion of the purity of the air and to promulgate and enforce uniform ordinances and regulations.

### ARTICLE III. DEFINITIONS

The following terms as used in this Agreement are herewith defined:

"Authority" shall mean the Mid-Willamette Valley Air Pollution Authority as established by this Agreement.

"Board" shall mean the governing body of the Authority.

"Participating County" shall mean a signatory county to this Agreement carrying out an air pollution control program under this Agreement.

### ARTICLE IV. ESTABLISHMENT

1. The Mid-Willamette Valley Air Pollution Authority is hereby established by this Agreement to be administered by a board of seven members.

2. The membership of the board shall consist of:

a. One county Judge or Commissioner from each county to be designated by the Board of County Commissioners of each signatory county.

b. One member of the governing body of the City of Salem and the City of Corvallis.

c. Additional board members shall be appointed upon entry of additional counties or cities into the Authority as participating cities or counties pursuant to Section 6, Chapter 425, Oregon Laws 1967. (SB 36)

d. Each such member of the board shall continue to hold the position, subject to the pleasure of the governing body by which he was designated. The term of any member shall terminate when he is no longer a member of the governing body by which he was designated.

3. The board shall appoint one of its members as chairman to serve a two-year term, and who shall be eligible for reappointment for one succeeding term. A majority of the board shall constitute a quorum for the transaction of business and may act for the board. Each member of the board shall receive the actual necessary expenses incurred by him in such performance, to be paid from the funds of the Authority. The board may appoint staff personnel within budget limits and shall determine the salaries and pay the same, together with any other proper indebtedness from Authority funds. All employees appointed by the board shall be deemed to be employees of the Authority and not of any county.

### ARTICLE V. GENERAL POWERS

For the purpose of carrying out an air pollution control program, the board shall have the power:

(1) To establish an air pollution control office and one or more sub-offices as needed, in one or more of the counties and to provide for the staffing thereof.

(2) To appoint an air pollution control officer; to define his duties and fix his compensation.

(3) To initiate studies and investigations relative to air pollution.

(4) To promulgate uniform ordinances and resolutions.

(5) To receive grants, gifts and donations in the name of the Authority.

(6) To take title to real or personal property in the name of the Authority necessarily required in connection with an air pollution program to be held in trust for the benefit of the signatory counties.

(7) To apply to and receive funds from the State or the Federal Government and from public and private agencies for the purpose of carrying out the objectives of the Authority in conducting a regional air pollution program.

(8) To initiate contracts for technical, laboratory and such other assistance as required.

(9) To establish rules, procedures and conditions consistent with statute whereby adjoining counties and cities located within the participating counties, may make application for participating membership.

(10) To adopt and enforce air quality standards and regulations when authorized to do so by the State Sanitary Authority - by law.

(11) To exercise such other powers and duties as prescribed in or granted by Chapter 425, 1967. (SB 36)

#### ARTICLE VI. FINANCE

All funds, including fees and revenue, coming into the possession of either the governing board, the Authority, or any county, in connection with the carrying out of a regional air pollution program shall be immediately deposited with the County Treasurer of Marion County, Oregon, to be kept separate from all other funds of said county in trust for the use and benefit of the signatory counties. Funds so placed on deposit with the Marion County Treasurer shall be withdrawn only in accordance with procedures established by the board.

A proposed budget for the Authority shall be submitted by March 1st of each year to the participating counties in order that the same may be reviewed and approved by each governing body. Before the 15th day of April of each year, the governing board of the Authority shall estimate and determine the amount of money required by the Authority for the purpose of carrying out a regional air pollution program for the ensuing fiscal year beginning July 1st and shall apportion this amount as a charge to each signatory county in a proportion to be determined by the relative population of the several counties as shown by the last official State Census. Upon approval of its budget committee, each county thereafter shall include within its budget for the ensuing fiscal year, such amount as will equal the respective proportionate share charged thereto, and thereafter shall pay the same to the Treasurer of Marion County, Oregon, for credit to the account of the Authority, not later than December 1st of the said ensuing fiscal year.

#### ARTICLE VII. ADVISORY COUNCIL

(1) There is hereby established an Advisory Committee or Council to aid, inform, recommend, and assist the Board in accomplishing the objectives of the air pollution control program 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 council shall consist of 17 members appointed for a term of one year and shall consist of persons appointed by the Board:

- (a) One lay citizen from each county.
- (b) One representative from industry in each county.
- (c) One representative of agriculture in each county.
- (d) One technical representative from public health agencies within the region.
- (e) One technical representative from community planning within the region.

(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 at least once each six months and at such other times as may be agreed upon by a majority of the members thereof or at the direction of the Authority.

#### ARTICLE VIII. ENFORCEMENT

The Authority shall proceed with a program of the enforcement of the laws relating to air quality control of the State of Oregon commencing July 1, 1967.

ARTICLE IX. DISSOLUTION AND TERMINATION

The regional Authority formed pursuant to this Agreement and Chapter 425, 1967 (SB 36) may be dissolved by written consent of the governing bodies of all participating counties. 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 Mid-Willamette Valley Air Pollution Authority shall continue in effect until superceded by action of the Sanitary Authority.

ARTICLE X. AMENDMENTS

Amendments to this Agreement, consistent with law, may be made by unanimous written consent of all participating counties.

ARTICLE XI. RECORDING AND FILING

It is further understood and agreed that a certified copy of this agreement shall be filed with the Secretary of State and the Secretary of the State Sanitary Authority for the purpose of showing compliance with the 1967 Act above referred to.

ARTICLE XII. EFFECTIVE DATE AND PURPOSE

It is finally agreed that this Agreement shall be effective this 14th day of July, 1967, and to the extent that its provisions conflict with the agreement of 29 April, 1965, the provisions herein shall control but prior rules, regulations or orders consistent with law shall continue in effect.

IN WITNESS WHEREOF, pursuant to resolution duly adopted by the governing body, each named county has caused this contract to be executed by its duly appointed representative and the seal of the county to be affixed thereto on the date first above written.

POLK COUNTY

s/ H. B. Hildebrand

ATTEST: s/ Betty Adams  
County Clerk

BENTON COUNTY

s/ Melvin S. Hawkins

ATTEST: s/ Ralph P. Schindler  
County Clerk

MARION COUNTY

s/ Harry Carson, Jr.

ATTEST: s/ T. Harold Tomlinson

LINN COUNTY

s/ Floyd D. Jenks

ATTEST: s/ Don M. Penfold  
County Clerk

YAMHILL COUNTY

s/ Morris Majors

ATTEST: s/ Jack Beeler  
County Clerk

IN THE COUNTY COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL

FILED  
YAMHILL COUNTY, OREGON  
1967 AUG -9 AM 10:53  
JACK BEELER CO. CLERK

LaVelle Turley DEPUTY

RESOLUTION

WHEREAS, a resolution was adopted by the County Court of Yamhill County on the 5th day of July, 1967, resolving that Yamhill County actively participate in the Mid-Willamette Valley Air Pollution Authority as authorized by Chapter 425 Oregon Laws 1967, and that Morris Majors act as representative and be authorized to execute the necessary agreement for participation therein, and

WHEREAS, an agreement was made and entered into on the 6th day of July, 1967, by and between Marion County, Polk County, Benton County, Linn County and Yamhill County for the formation of the Mid-Willamette Valley Air Pollution Authority pursuant to Chapter 425 Oregon Laws 1967, and

WHEREAS, it is deemed necessary and desirable to ratify and confirm the action heretofore taken by the County Court for Yamhill County and to clarify the intent and purpose of the prior resolution, now therefore,

IT IS HEREBY RESOLVED by the County Court of Yamhill County as follows:

1. That the agreement of July 6, 1967, by and between Marion, Polk, Benton, Linn and Yamhill Counties pertaining to the

formation of the Mid-Willamette Valley Air Pollution Authority a copy of which is hereto attached, be and the same hereby is ratified and approved.

2. That the regional authority so formed shall continue to be known as the Mid-Willamette Valley Air Pollution Authority.

3. That the participating counties shall be as set forth in the said agreement of July 6, 1967.

4. That the principal place of business of the Mid-Willamette Valley Air Pollution Authority shall be in Salem, Oregon, at 255 Church Street, N. E., or at such other place in the said City that shall be designated by the Authority.

5. The boundaries of the said regional Authority shall constitute and include Marion, Polk, Benton, Linn and Yamhill Counties in the State of Oregon.

IT IS FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to and filed with the Secretary of the State Sanitary Authority and the Secretary of State.

DATED and ADOPTED at McMinnville, Oregon, this 9<sup>th</sup> day of August, 1967.

Attest

Jack Barber, Co. Clerk

Bernice E. Person  
Secretary

C. W. Feegarden  
Judge

Monis Major  
Commissioner

R. A. Schaad  
Commissioner

CERTIFICATE OF TRANSCRIPT

STATE OF OREGON, {  
County of Yamhill, } ss.

I, Jack Beeler, Clerk of the.....County.....Court of the County of Yamhill and  
State of Oregon, do hereby certify that the foregoing copy of.....  
Resolution-Mid-Willamette Valley Air Pollution Authority

has been by me compared with the original, and that it is a correct transcript therefrom  
and of the whole of such original as the same appears at my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
affixed the seal of said Court, this.....9th.....day  
of.....August....., A. D. 196 7..

JACK BEELER  
Clerk of the.....County.....Court  
By.....*Tom Hall*....., Deputy

## AGREEMENT

### MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

THIS AGREEMENT, made and entered into this 6th day of July, 1967, by and between MARION COUNTY, POLK COUNTY, BENTON COUNTY, LINN COUNTY and YAMHILL COUNTY, all in the State of Oregon.

#### WITNESSETH:

WHEREAS, an agreement was entered into between the parties hereto on the 29th day of April, 1965, for the purpose of establishing a Mid-Willamette Valley Air Pollution Authority pursuant to ORS 449.830 and ORS 190.010 to 190.110 pursuant to which studies and surveys of air quality have been conducted by the Mid-Willamette Valley Air Pollution Authority; and

WHEREAS, the 1967 legislature duly enacted Chapter 425, Oregon Laws 1967 (being SB 36 enacted June 1, 1967, signed by the Governor June 19, 1967,) which law implements the powers of a regional air pollution authority and,

WHEREAS, it is deemed necessary and desirable by the signatory counties to modify and amend the original agreement so as to comply with the foregoing statute, now therefore,

IT IS MUTUALLY AGREED BY THE SIGNATORY PARTIES as follows:

#### ARTICLE I. AUTHORITY

This agreement is promulgated for the purpose of amending the agreement of April 29, 1965, between the signatory counties and to re-organize the Mid-Willamette Valley Air Pollution Authority to comply with and to conform to the provisions and requirements of Chapter 425, Oregon Laws 1967 (SB 36) entitled "An Act relating to regional air quality control; creating new provisions; amending ORS 449.765; providing penalties; appropriating money; and declaring an emergency." and

The authority hereby established shall continue to be known as the Mid-Willamette Valley Air Pollution Authority, and the boundaries thereof shall comprise and consist of Marion, Polk, Benton, Linn and Yamhill Counties, State of Oregon.

#### ARTICLE II. PURPOSE AND INTENT

Air Pollution is affected by the weather, topography, population, transportation, agricultural and industrial development, which factors vary greatly from area to area and cause problems of control and prevention to be primarily regional in nature. The rapid unprecedented growth of the counties to this agreement and the urbanization and industrial development attendant thereto is resulting in mounting dangers to public health and welfare, a deterioration of property and the development of hazards to air and ground transportation. It is, therefore, the primary intent of this Agreement to aid in effectuating



the public policies of the State of Oregon by establishing standards for the promotion of the purity of the air and to promulgate and enforce uniform ordinances and regulations.

### ARTICLE III. DEFINITIONS

The following terms as used in this Agreement are herewith defined:

"Authority" shall mean the Mid-Willamette Valley Air Pollution Authority as established by this Agreement.

"Board" shall mean the governing body of the Authority.

"Participating County" shall mean a signatory county to this Agreement carrying out an air pollution control program under this Agreement.

### ARTICLE IV. ESTABLISHMENT

1. The Mid-Willamette Valley Air Pollution Authority is hereby established by this Agreement to be administered by a board of seven members.

2. The membership of the board shall consist of:

a. One county Judge or Commissioner from each county to be designated by the Board of County Commissioners of each signatory county.

b. One member of the governing body of the City of Salem and the City of Corvallis.

c. Additional board members shall be appointed upon entry of additional counties or cities into the Authority as participating cities or counties pursuant to Section 6, Chapter 425, Oregon Laws 1967. (SB 36)

d. Each such member of the board shall continue to hold the position, subject to the pleasure of the governing body by which he was designated. The term of any member shall terminate when he is no longer a member of the governing body by which he was designated.

3. The board shall appoint one of its members as chairman to serve a two-year term, and who shall be eligible for reappointment for one succeeding term. A majority of the board shall constitute a quorum for the transaction of business and may act for the board. Each member of the board shall receive the actual necessary expenses incurred by him in such performance, to be paid from the funds of the Authority. The board may appoint staff personnel within budget limits and shall determine the salaries and pay the same, together with any other proper indebtedness from Authority funds. All employees appointed by the board shall be deemed to be employees of the Authority and not of any county.

### ARTICLE V. GENERAL POWERS

For the purpose of carrying out an air pollution control program, the board shall have the power:

(1) To establish an air pollution control office and one or more sub-offices as needed, in one or more of the counties and to provide for the staffing thereof.

(2) To appoint an air pollution control officer; to define his duties and fix his compensation.

(3) To initiate studies and investigations relative to air pollution.

(4) To promulgate uniform ordinances and resolutions.

(5) To receive grants, gifts and donations in the name of the Authority.

(6) To take title to real or personal property in the name of the Authority necessarily required in connection with an air pollution program to be held in trust for the benefit of the signatory counties.

(7) To apply to and receive funds from the State or the Federal Government and from public and private agencies for the purpose of carrying out the objectives of the Authority in conducting a regional air pollution program.

(8) To initiate contracts for technical, laboratory and such other assistance as required.

(9) To establish rules, procedures and conditions consistent with statute whereby adjoining counties and cities located within the participating counties, may make application for participating membership.

(10) To adopt and enforce air quality standards and regulations when authorized to do so by the State Sanitary Authority - by law.

(11) To exercise such other powers and duties as prescribed in or granted by Chapter 425, 1967. (SB 36)

#### ARTICLE VI. FINANCE

All funds, including fees and revenue, coming into the possession of either the governing board, the Authority, or any county, in connection with the carrying out of a regional air pollution program shall be immediately deposited with the County Treasurer of Marion County, Oregon, to be kept separate from all other funds of said county in trust for the use and benefit of the signatory counties. Funds so placed on deposit with the Marion County Treasurer shall be withdrawn only in accordance with procedures established by the board.

A proposed budget for the Authority shall be submitted by March 1st of each year to the participating counties in order that the same may be reviewed and approved by each governing body. Before the 15th day of April of each year, the governing board of the Authority shall estimate and determine the amount of money required by the Authority for the purpose of carrying out a regional air pollution program for the ensuing fiscal year beginning July 1st and shall apportion this amount as a charge to each signatory county in a proportion to be determined by the relative population of the several counties as shown by the last official State Census. Upon approval of its budget committee, each county thereafter shall include within its budget for the ensuing fiscal year, such amount as will equal the respective proportionate share charged thereto, and thereafter shall pay the same to the Treasurer of Marion County, Oregon, for credit to the account of the Authority, not later than December 1st of the said ensuing fiscal year.

#### ARTICLE VII. ADVISORY COUNCIL

(1) There is hereby established an Advisory Committee or Council to aid, inform, recommend, and assist the Board in accomplishing the objectives of the air pollution control program 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 council shall consist of 17 members appointed for a term of one year and shall consist of persons appointed by the Board:

- (a) One lay citizen from each county.
- (b) One representative from industry in each county.
- (c) One representative of agriculture in each county.
- (d) One technical representative from public health agencies within the region.
- (e) One technical representative from community planning within the region.

(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 at least once each six months and at such other times as may be agreed upon by a majority of the members thereof or at the direction of the Authority.

#### ARTICLE VIII. ENFORCEMENT

The Authority shall proceed with a program of the enforcement of the laws relating to air quality control of the State of Oregon commencing July 1, 1967.

ARTICLE IX. DISSOLUTION AND TERMINATION

The regional Authority formed pursuant to this Agreement and Chapter 425, 1967 (SB 36) may be dissolved by written consent of the governing bodies of all participating counties. 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 Mid-Willamette Valley Air Pollution Authority shall continue in effect until superceded by action of the Sanitary Authority.

ARTICLE X. AMENDMENTS

Amendments to this Agreement, consistent with law, may be made by unanimous written consent of all participating counties.

ARTICLE XI. RECORDING AND FILING

It is further understood and agreed that a certified copy of this agreement shall be filed with the Secretary of State and the Secretary of the State Sanitary Authority for the purpose of showing compliance with the 1967 Act above referred to.

ARTICLE XII. EFFECTIVE DATE AND PURPOSE

It is finally agreed that this Agreement shall be effective this 10th day of July, 1967, and to the extent that its provisions conflict with the agreement of 29 April, 1965, the provisions herein shall control but prior rules, regulations or orders consistent with law shall continue in effect.

IN WITNESS WHEREOF, pursuant to resolution duly adopted by the governing body, each named county has caused this contract to be executed by its duly appointed representative and the seal of the county to be affixed thereto on the date first above written.

POLK COUNTY

s/ H. B. Hildebrand

ATTEST: s/ Betty Adams  
County Clerk

BENTON COUNTY

s/ Melvin S. Hawkins

ATTEST: s/ Ralph P. Schindler  
County Clerk

MARION COUNTY

s/ Harry Carson, Jr.

ATTEST: s/ T. Harold Tomlinson

LINN COUNTY

s/ Floyd D. Jenks

ATTEST: s/ Don M. Penfold  
County Clerk

YAMHILL COUNTY

s/ Morris Majors

ATTEST: s/ Jack Beeler  
County Clerk

CITY RECORDS  
AUG 23 1967  
CITY OF CORVALLIS

EXCERPT FROM THE COUNCIL MINUTES OF AUGUST 21, 1967

The regular meeting of the City Council was held in the Council Chambers on August 21, 1967, at 7:00 p.m. Upon roll call the following answered present: Mayor McGregor, presiding; Councilmen Cooney, Buck, Holcomb, Jones, Pyatt, Teel, and Walker. Councilmen Irvine and Hammond were absent. (Councilman Hammond arrived at 7:20 p.m.)

\*\*\*\*\*

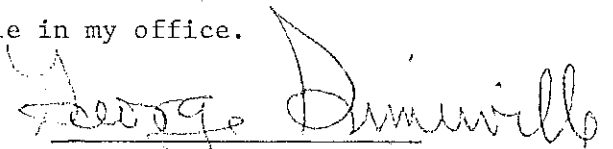
MAYOR'S REPORT

Mayor McGregor recommended that Councilman John Buck be appointed as the elected official to the Mid-Willamette Air Pollution Authority to represent the City of Corvallis. Upon motion, the City Council approved the above appointment.

\*\*\*\*\*

No further business appearing, the meeting was, upon motion adjourned.

I hereby certify that the above excerpt is a true and correct copy from the original minutes on file in my office.

  
George Simerville,  
City Recorder

TRANSCRIPT FROM THE COUNCIL MINUTES  
CITY OF SALEM, OREGON

VOL. 39,  
July 24, 1967

RECEIVED  
AUG 16 1967  
AIR POLLUT. V

Page 71

The Common Council of the City of Salem, Oregon met in REGULAR SESSION in the Council Chambers, City Hall, Salem, Oregon, Monday, July 24, 1967 at the hour of 7:30 o'clock P. M. The meeting was called to order by Mayor Miller and the Roll of the Council was called, the following members responding as follows: PRESENT: Aldermen Cannon, Gordon, Hemmer, Houck, Lee, Lindsey, Meeks, Roth, and Mr. Mayor. ABSENT: None.

NEW BUSINESS:

Page 87

Mayor Miller indicated that the newly established Mid-Willamette Valley Air Pollution Committee requires representation from the City Council and Alderman LaVerne Hemmer has been appointed to and has accepted this post.

-----  
C E R T I F I C A T I O N

STATE OF OREGON     )  
COUNTY OF MARION   ) ss  
CITY OF SALEM        )

I, Betty J. Marsh, hereby certify that I am the duly appointed, qualified and Acting Recorder of the City of Salem, Oregon; and

I further certify that the foregoing transcript from the Minute Records of the City of Salem, Oregon, Volume 39, pages 71 and 87, being the Minutes of the meeting of July 24, 1967 concerning appointment of a Council representative to the Mid-Willamette Valley Air Pollution Committee, has been prepared by me, compared with the original and is a true and correct copy of the Minute Records on this subject.

Witness my hand and the Seal of the City of Salem, Oregon, this day of August 15, 1967.

*Betty J. Marsh*  
City Recorder

CERTIFICATE

State of Oregon

OFFICE OF THE SECRETARY OF STATE



I, CLAY MYERS, Secretary of State of the State of Oregon, and Custodian of the Seal of said State, do hereby certify:

THAT the annexed copy of Chapter 425 (SB 36) Oregon Laws 1967, Regular Session, has been compared with the original filed in my office, on June 19, 1967, and the same is a full and complete copy therefrom.

I FURTHER CERTIFY THAT Chapter 425 was approved by the Governor on June 19, 1967, and in that Chapter 425 contains an emergency clause which prescribes an effective date of July 1, 1967, it will on that date become law.

I FURTHER CERTIFY THAT I am the legal custodian of the subject document.

In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the State of Oregon.

Done at the Capitol at Salem, Oregon, this  
20th day of June, A. D. 19 67.



*Clay Myers*  
Secretary of State

Enrolled

# Senate Bill 36

Sponsored by Senator ATIYEH, Representative CROTHERS, Senators BAIN, CHAPMAN, IRELAND, Representatives HARLAN, MEEK, PECK

CHAPTER ..... 425 .....

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 city legislative body.

(3) "Participating city" or "participating county" means a city or county or part of a county, or combination thereof, described in section 4 of this 1967 Act that has joined with other eligible cities or counties or parts of counties to form a regional air quality control authority.

(4) "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:

449.765. (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 state-wide 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, a regional air quality control authority may be formed



of contiguous territory having a population of at least 130,000 and consisting of two or more counties or parts of counties, two or more cities, or any combination thereof, or any county and a city or cities within the county if the Sanitary Authority finds that:

(a) Adequate financing is planned by the participating governments; and

(b) The boundaries of the proposed region include territory reasonably included within a regional authority for purposes of air quality control.

(2) When authorized to do so by the Sanitary Authority, a regional air quality control authority formed under this section shall exercise the functions vested in the Sanitary Authority by ORS 449.780, 449.785 and 449.800, except to establish or alter areas, 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 is participating in the regional authority. However, no regional authority is authorized to adopt any rule or standard that is less strict than 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 and the regional authority's jurisdiction shall be exclusive, except as provided in section 11 or 12 of this 1967 Act. The regional authority shall enforce rules, regulations and orders of the Sanitary Authority in so far 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 subsection (1) 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 located within a participating county 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 sub-

section (1) of this section, if any, shall serve for a term of two years. The term of any member shall terminate 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 carrying out 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.

(3) Adopt rules necessary to carry out its functions under section 4 of this 1967 Act.

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 appointed for a term of one year 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. The Sanitary Authority shall delegate authority to grant variances to a regional authority and the Sanitary Authority shall not grant similar authority to any city or county within the territory of the regional authority.

(2) In granting variances the regional authority is subject to ORS 449.810.

(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.

Section 13. The territory of a regional authority may be expanded, in the manner provided for forming regions under sections 4 and 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 adopts 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 adopted pursuant to section 8 of this 1967 Act or any final order of a regional air quality control authority entered under section 17 of this 1967 Act is a misdemeanor and is punishable upon conviction by a fine of not more than \$1,000, or by impris-

onment in the county jail for not more than one year, or by both. Each day of violation constitutes a separate offense.

Section 16. (1) In adopting rules and standards, the regional authority shall first hold a public hearing at which interested persons shall be allowed to appear or to present written statements concerning proposed rules 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 of the regional authority.

(3) All hearings shall be conducted by the board of directors.

Section 17. (1) After hearing, the board of directors of a regional authority may enter an order against a party to enforce any rule.

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

(3) If measures taken to prevent or correct air pollution or air contamination that violates the rule 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 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 449.830 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. (1) After the effective date of this Act no county or city shall contract with any other city or county for the establishment of an air pollution program as provided in ORS 449.830.

(2) After January 1, 1968, no county or city shall exercise any of the powers conferred by ORS 449.830, but nothing in this Act is intended to repeal ordinances, resolutions, rules or regulations of said city or county existing on January 1, 1968, except as they may be superseded by rules of a regional authority having jurisdiction over the city or county.

(3) Nothing in this Act shall bar the prosecution of or punishment for violation of any ordinance or resolution, which violation was committed when such ordinance or resolution was in effect.

Section 21. 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, 1967, out of the General Fund, the sum of \$95,888 to enable the Sanitary Authority to carry out the provisions of section 19 of this Act.

Section 22. 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.



STATE OF OREGON  
DEPARTMENT OF STATE

CLAY MYERS  
SECRETARY OF STATE

SALEM 97310

GEORGE H. BELL  
HAROLD F. PHILLIPPE  
ASSISTANTS

July 12, 1967

Mid-Willamette Valley Air Pollution Authority  
255 Church Street, NE  
Salem, Oregon 97301

Attention: Howard G. Smith, Director

Dear Mr. Smith:

This will acknowledge receiving, this date, an Agreement entered into by Marion, Polk, Benton, Linn, and Yamhill Counties - amending the agreement of April 29, 1965 between these counties, to re-organize the Mid-Willamette Valley Air Pollution Authority, to comply with State Law.

Our file number is 12021; made a part of the file which includes the Agreement filed July 13, 1965.

Also received this date, and made a part of the same file, are certified copies of Resolutions from the above-named counties, regarding their participation in the Mid-Willamette Valley Air Pollution Authority.

(signed)

(Miss) Inger J. Henrikson, Chief Clerk  
Elections Division, Public Records Section

IJH



STATE OF OREGON  
DEPARTMENT OF STATE

CLAY MYERS  
SECRETARY OF STATE

SALEM 97310

GEORGE H. BELL  
HAROLD F. PHILLIPPE  
ASSISTANTS

August 15, 1967

Mid-Willamette Valley Air Pollution Authority  
255 Church Street, NE  
Salem, Oregon 97301

Attention: Howard G. Smith, Director

Dear Mr. Smith:

This will acknowledge receiving, this date, an Agreement entered into by Marion, Polk, Benton, Linn, and Yamhill Counties - amending the agreement of April 29, 1965 between these counties, to re-organize the Mid-Willamette Valley Air Pollution Authority, to comply with State Law - and now ratified by the five counties.

Our file number is 12021; these agreements are now a part of the file which included the Agreement filed July 13, 1965.

The file also includes copies of signed Resolutions from the above-named counties, regarding their participation in the Mid-Willamette Valley Air Pollution Authority,

(signed)

*Inger J. Henrikson*  
(Miss) Inger J. Henrikson, Chief Clerk  
Elections Division  
Public Records Section

IJH



NATIONAL CENTER FOR  
AIR POLLUTION CONTROL

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
PUBLIC HEALTH SERVICE  
Washington, D.C. 20201

RECEIVED  
JUL 5 1967  
AIR POLLUTION

REFER TO: NCAPC

JUN 29 1967

Grant No.: 67A-4004RE

Mr. Henry Hildebrand  
Chairman of the Board  
Mid-Willamette Valley Air  
Pollution Authority  
Room 4, Beri Building  
255 Church Street, N.E.  
Salem, Oregon 97301

Dear Mr. Hildebrand:

I am pleased to advise you that your grant application No. 421, to develop an air pollution control program in the Mid-Willamette Valley, in the amount of \$67,044 has been approved, subject to the terms and conditions shown on the award statement.

As indicated, an initial payment equal to one-fourth of the total amount requested is being made. The check from the Treasury Department should reach you approximately two to four weeks after the initial date of the project period. If you do not receive the funds within that time, please notify the Financial Management Branch, National Institutes of Health, Building 31, Room 3B42, Bethesda, Maryland 20014. If you should have any questions, do not hesitate to call upon us at any time.

We hope and trust that this grant will effectively assist you in your goal of preventing and controlling air pollution within the area under your jurisdiction.

Sincerely yours,

Charles D. Yaffe  
Sanitary Engineer Director  
Chief, Office of Program and Survey Grants

Enclosures





"A"

MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

1967-68 BUDGET

CONTRIBUTIONS

<u>County</u>	<u>Population*</u>	<u>%</u>	<u>Counties' Cost</u>	<u>State 50%</u>	<u>Total Non-Federal</u>	<u>Federal</u>
Benton	39,165	14.1	\$ 2,102	\$1,051	\$ 3,153	\$ 9,459
Linn	58,867	21.2	3,159	1,579	4,738	14,214
Marion	120,888	43.5	6,480	3,240	9,720	29,160
Polk	26,523	9.5	1,415	707	2,122	6,366
Yamhill	<u>32,478</u>	<u>11.7</u>	<u>1,743</u>	<u>872</u>	<u>2,615</u>	<u>7,845</u>
<u>TOTALS</u>	277,921	100.0	\$14,899	\$7,449	\$22,348	\$67,044

Average per capita costs:	Counties	5.4¢
	State	2.7¢
	Federal	<u>24.2¢</u>
	Total:	32.3¢

EXPENDITURES:\*\*

I. Personnel	\$ 60,155
II. Equipment - Office and Field	5,470
III. Supplies	4,050
IV. Travel	5,000
V. Other	<u>14,717</u>
<u>TOTAL</u>	\$ 89,392

\*Based on 1960 Federal Census

\*\*See following pages for details of expenditures

I. PERSONNEL

	<u>Monthly Rate</u>	<u>Annual Cost</u>	
Director	\$ 1,030	\$12,360	
Assistant Director	810	9,720	
Engineer II	745	8,940	
Sanitarian III	715	8,580	
Chemist III	655	7,860	
Secretary, Administrative	420	5,040	
Clerk-Typist II	310	3,720	
	Sub-total	56,220	
Employer's contribution cost @ 7%		3,935	
	Total Personnel	\$60,155	\$60,155

II. EQUIPMENT

	<u>Per Item</u>	<u>Total Cost</u>	
<u>A. Automotive</u>			
1 station wagon/1965 trade-in		\$ 1,500	
<u>B. Office</u>			
2 desks, flat top, 60"X 34"metal	160	320	
2 chairs, swivel, metal	112	225	
desk sets, office accessories		250	
	Sub-total	\$ 795	
<u>C. Field</u>			
1 wind system		800	
1 recorder (wind system)		300	
6 high-vols/shelters		900	
1 high-vol calibration unit		200	
12 time totalizers	20	265	
6 time switches/accessories	22	150	
1 tape sampler H <sub>2</sub> S		345	
1 camera		100	
1 vacuum pump		115	
	Sub-total	\$ 3,175	
	Total equipment	\$ 5,470	\$ 5,470

### III. SUPPLIES

	<u>Total Cost</u>
A. <u>Office supplies</u>	
Postage, freight and express	\$ 200
Communication	1,200
Equipment service	200
Supplies, reproduction, pamphlets	650
Reports	500
Sub-total	<u>\$ 2,750</u>
B. <u>Field supplies</u>	
Chemicals, gas sampling and breakage	100
Motor repair and parts	300
Wind system repairs	100
Filters and tapes	600
Field equipment accessories (ext. cords)	200
Sub-total	<u>\$ 1,300</u>
Total Supplies	<u>\$ 4,050</u> <u>\$ 4,050</u>

### IV. TRAVEL AND TRANSPORTATION

Agency Station Wagons	
# 1 Station wagon - 1500 miles per month @ 6¢ per mile - \$90 per month	\$ 1,080
# 2 Station wagon - 1000 miles per month @ 6¢ per mile - \$60 per month	720
Agency parking rental	200
Private vehicle travel @ 8¢ per mile	1,800
Meals out of town	600
Out of district travel and meetings	600
Total Travel	<u>\$ 5,000</u> <u>\$ 5,000</u>

V. OTHER

	<u>Total Cost</u>
A. <u>Rent</u>	
Office - 900 square feet	\$ 3,348
Warehouse - 250 square feet	930
Laboratory - 400 square feet	<u>1,488</u>
Sub-total	<u>\$ 5,766</u>
B. <u>Insurance</u>	
Auto comprehensive and collision	351
Liability and property damage (non auto)	<u>100</u>
Sub-total	<u>\$ 451</u>
C. <u>Laboratory services</u>	<u>\$ 4,000</u>
D. <u>Consultant services</u>	
Meteorologist	\$ 1,000
Engineer	1,000
Attorney	<u>2,500</u>
Sub-total	<u>\$ 4,500</u>
Total Other	<u>\$14,717</u> <u>\$14,717</u>
<u>GRAND TOTAL</u>	<u>\$89,392</u>

MEMORANDUM

TO: Oregon State Sanitary Authority Members  
FROM: Harold L. Sawyer  
DATE: October 5, 1967  
SUBJECT: Implementation of Tax Relief Program Under SB 546

As you are aware, Senate Bill 546 (Chapter 592, Oregon Laws 1967), which provides tax relief to industry for the construction or installation of certain pollution control facilities was passed by the 1967 Legislature and signed into law by the Governor.

This Act requires that the industry seeking tax relief apply to the Sanitary Authority for certification of the claimed facilities.

The Act requires the Sanitary Authority to do the following:

1. Provide the applicant with an application form.
2. Act on an application before the 120th day after filing (or the application is automatically rejected).
3. Certify any facility if it (the Authority) finds that:
  - A. Application has been made on prescribed form.
  - B. The facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978.
  - C. The facility is designed for, and is being operated or will operate for the principal purpose of preventing, controlling, or reducing air or water pollution.
  - D. The facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.
4. Certify the actual cost of the facility.

5. Issue a certificate which bears the required certifications and a separate serial number for each facility.
6. Attach to the front of each certificate a copy of the notice and election requirements imposed by the Act.
7. Send the applicant written notice by registered mail if his application is rejected and provide him with a concise statement of findings and reasons for the rejection.

In order to implement this Act, your staff has prepared and forwarded to you the following documents:

1. A proposed application form which consists of 2 parts.
2. A proposed format for a certificate.
3. A proposed election notice.
4. A brief outline of proposed administrative procedures.

In the process of preparing this material, the staff has consulted with the following:

1. Mr. Tom Doneca, attorney representing Associated Oregon Industries.
2. Mr. Herb Hardy, attorney representing Cannerymen and Packers.
3. Representatives of the State Tax Commission.

In developing the proposed application form, your staff has considered it important to do the following:

1. Request only that information from the applicant which is necessary to make the required certifications (and required by the Statute).
2. Develop a single form which is sufficiently general to fit all of the anticipated situations and still provide the essential information.
3. Eliminate confusion by incorporating the instructions into the application form itself.

4. Expedite the processing of applications by allowing Part I of the two part application to be submitted for a determination of eligibility before the actual costs are known and the final part of the application is submitted.
5. Allow plans which may already be available to be submitted as part of the application as long as the claimed facilities are clearly shown and marked.
6. Obtain a certification of the itemized costs from an independent public accountant or certified public accountant.

As applications are reviewed, it is expected that questions will arise which have not been anticipated. The staff will attempt to resolve these as they appear. If additional information is needed, the applicant will be requested to provide it. As experience is gained, it will probably be desirable to modify the application form so as to obtain the essential information.

Attached to this report is a copy of a certificate format which has been proposed by representatives of the State Tax Commission. The principal difference between this certificate and the one you received earlier is the layout. We would at this time suggest that a format similar to the one submitted by the Tax Commission be selected as a matter of convenience.

The outline of proposed administrative procedures was developed to give a general idea of the steps involved in processing applications.

At the present time, requests for application forms have been received from the following firms:



Birdseye Division, General Foods Corp.	Woodburn
Frontier Leather Co.	Sherwood
Boise Cascade Corp.	St. Helens
Publishers Paper Co.	Oregon City
Publishers Paper Co.	Newberg
Weyerhaeuser Co.	Springfield
Peat, Marwick, Mitchell & Co., CPA re: Western Kraft and perhaps other clients	Portland
Columbia Steel Casting Co.	Portland

Your staff feels that forms should be made available as soon as possible and therefore requests that the proposed application form be approved for printing and immediate distribution.

Certificate No. \_\_\_\_\_

Date of Issue \_\_\_\_\_

Application No. \_\_\_\_\_

OREGON STATE SANITARY AUTHORITY  
Pollution Control Facility Certificate

Issued to: \_\_\_\_\_  
(Name of Corp., Ptnr., Individual)

as: \_\_\_\_\_  
(Owner, leasee)

Facility covered:

Location:

Description:

Actual cost:

In accordance with the provisions of Chapter 592, Oregon Laws 1967, the Oregon State Sanitary Authority hereby certifies that the facility fully described above and in application number \_\_\_\_\_ is a "pollution control facility" within the definition of said Chapter 592 and that the facility was erected, constructed or installed on or after January 1, 1967, and on or before December 31, 1978; that the facility is designed for and is being operated or will operate for the principal purpose of preventing, controlling or reducing air or water pollution and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

It is further certified that the facility was placed in operation on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Therefore, Pollution Control Facility Certificate Number \_\_\_\_\_ is issued this \_\_\_\_\_ day of \_\_\_\_\_ 19, \_\_\_\_, subject to compliance with the statutes of the state of Oregon, the regulations of the Oregon State Sanitary Authority and the following special conditions:

Signed \_\_\_\_\_  
Chairman, Oregon State Sanitary Authority

OREGON STATE SANITARY AUTHORITY

APPLICATION FOR CERTIFICATION OF POLLUTION  
CONTROL FACILITY FOR TAX RELIEF PURPOSES

PART I. Application for Determination of Eligibility

General Instructions

The applicant is instructed to carefully read the attached copy of Chapter 592, Oregon Laws 1967, before completing Parts I and II of this application.

Section 4 of Chapter 592, Oregon Laws 1967, requires that the Sanitary Authority shall certify a pollution control facility or part thereof (as defined in said Act), for tax relief purposes if it finds that the following conditions are met:

A. An application has been filed on a form provided by the Sanitary Authority as required under Section 3 of the Act.

B. The facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978. (This is construed to mean that the act of erection, construction, or installation was completed and the facility placed in operation on or after January 1, 1967, and on or before December 31, 1978.)

C. The facility is designed for, and is being operated or will operate for, the principal purpose of preventing, controlling or reducing air or water pollution.

D. The facility is necessary to satisfy the intents and purposes of ORS Chapter 449, and regulations thereunder.

The application for certification consists of two parts which may be filed separately or together. Part I may be filed in advance of Part II if the applicant wishes a preliminary determination as to whether a facility is eligible for certification. If Part I is submitted separately in advance of Part II, the applicant will be notified of the results of the preliminary determination within a reasonable time. This preliminary determination is not final and may be modified when the facility is completed and Part II of the application is submitted. If Parts I and II are submitted together, certain portions of Part I may be omitted to avoid duplication in requested information. An application is not complete until both Parts I and II have been filed.

The Sanitary Authority may request additional information at any time during the process of reviewing and evaluating the application. Such information should be submitted promptly. It is to the advantage of the applicant to submit any additional or supporting information which may aid the Sanitary Authority in evaluating and processing the application.

Please submit both Parts I and II of the application in duplicate.

The applicant named and described in Section A of Part I of this application:

hereby submits Part I of the application only and requests that a preliminary determination be made as to whether or not the facilities identified and described in the documents which are attached to and made a part of this application under Section B are eligible for certification as a pollution control facility under the provisions of Chapter 592, Oregon Laws 1967.

hereby submits Parts I and II of the application together and requests that a determination of eligibility be made together with certification of the facility as requested in Part II.

A. Name and description of applicant.

1. Official name, division identification (if any), address, and telephone number of applicant. Indicate whether the applicant is owner or lessee.

2. Name, title, address and telephone number of official to whom communications should be directed.

3. Specific location of facility. (Include county, street address, city, or provide access directions.)

B. Supporting documents (to be attached).

1. A brief narrative statement describing the industrial or commercial process including (a) products raised, produced or processed, (b) methods of production, (c) wastes produced, and (d) all facilities used for pollution control at the site which are not claimed for certification in this application is made a part of this application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages.

2. A narrative statement describing (a) the facility for which a determination of eligibility for certification is requested, (b) the purpose of pollution prevention, control or reduction served by the facility, (c) the present or proposed operating procedures, (d) the quantities of pollutants or contaminants removed by facility together with the average and maximum quantities discharged to the atmosphere or waters of the state, (e) the location and method of disposal of all wastes and components removed or recovered by the facility, (f) the name and location of any stream, lake, or other waters of the state into which wastes are discharged or the owner of any sewer system into which wastes are discharged, and (g) the date construction or installation was started or is to be started and the actual or anticipated date of completion is made a part of this application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages.

3. A copy of engineering plans which clearly identify and describe the facility for which a determination of eligibility for certification is requested is made a part of this application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages. If plans are available which also include facilities not claimed in the application, they are acceptable if clearly marked to show the facilities covered by this application. If Parts I and II of the application are filed at the same time, the as built plans required in Part II will be sufficient and those required under this section may be omitted.
  
4. A listing of all materials, machinery, and equipment incorporated or to be incorporated into and made a part of the facility presented by units or sections which can be easily related to the plans is made a part of this application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages. If Parts I and II of this application are submitted at the same time, the list required in Part II will be sufficient; the one required under this section may be omitted.
  
5. A detailed statement describing the nature and quantity together with the annual dollar value of all saleable or usable commodities recovered or reclaimed or to be recovered or reclaimed by the facility, or as a result of the facility having been installed, if any, and containing such other evidence as the applicant deems appropriate in justification of his claim that the facility for which the certification eligibility determination is sought is a "pollution control facility" within the definition of Section 2, Chapter 592, Oregon Laws 1967, is made a part of this application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages. If no saleable or usable commodities are recovered or reclaimed, please indicate so by entering the word "none" on this line \_\_\_\_\_.

As the applicant or his duly authorized representative, I certify that the information submitted in and as a part of Part I of this application is true and correct.

Applicant's Name \_\_\_\_\_

by \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Please Submit in Duplicate

Office Use Only

Appl. No. \_\_\_\_\_  
Date Rec'd. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OREGON STATE SANITARY AUTHORITY

APPLICATION FOR CERTIFICATION OF POLLUTION  
CONTROL FACILITY FOR TAX RELIEF PURPOSES

PART II. Application for Certification of Pollution Control Facility

General Instructions

The applicant is referred to the general instructions in Part I of the application. The facility must be completed and final costs known before Part II can be completed and filed.

Please submit this application in duplicate.

\_\_\_\_\_

\_\_\_\_\_

In accordance with the provisions of Chapter 592, Oregon Laws 1967, the applicant named in Section A of Part II of this application requests certification for tax relief purposes of the facility which is fully described in Part I of the application and the documents which are attached to and made a part of Part II of the application.

A. Name and description of applicant.

1. Official name, division identification (if any), address, and telephone number of applicant. Indicate whether applicant is owner or lessee.
  
  
  
  
  
  
  
  
  
  
2. Name, title, address and telephone number of official to whom communications should be directed.
  
  
  
  
  
  
  
  
  
  
3. Specific location of facility. (Include county, street address, city, or provide access directions.)

B. Erection, construction, or installation was completed on \_\_\_\_\_  
\_\_\_\_\_ (date). Operation commenced on \_\_\_\_\_ (date).

C. Supporting documents (to be attached)

1. A narrative statement describing any amendments to Section A, B-1, B-2, and B-5 of Part I of the application is made a part of the application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages. If Parts I and II are filed at the same time, this statement is not required.
2. A copy of plans and specifications which accurately show the pollution control facility, as built, for which certification is sought, is made a part of this application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages. If anything other than the facility claimed in the application is shown on the plans or described in the specifications, these documents must be clearly marked to indicate the facility claimed.
3. A detailed listing of all land, materials, machinery and equipment actually incorporated into and made a part of the facility for which certification is sought and presented by units or sections which can be easily related to the as built plans is made a part of this application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages. Materials expended in construction but not made a part of the permanent facility should not be included in this list.
4. A report which gives an itemized breakdown of the actual costs of the facility and bears the certification of an independent public accountant or certified public accountant that the costs therein are true and correct representations of the actual cost of the facility is made a part of this application and attached as exhibit \_\_\_\_\_ and consists of \_\_\_\_\_ pages. The itemized breakdown of costs should include, but not be limited to, all of the items on the list required under Subsection 3 above. Actual costs are those directly related to the acquisition and installation of the eligible facility and may include engineering fees, legal fees, overhead, and other costs directly attributable to the facility. Startup and operation costs are not considered to be actual costs.

leave it

As the applicant or his duly authorized representative, I certify that the information submitted in and as part of this complete application is true and correct.

Applicant's Name \_\_\_\_\_

by \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

OREGON STATE SANITARY AUTHORITY  
Pollution Control Facility Certificate

In accordance with the provisions of Chapter 592, Oregon Laws 1967, the Oregon State Sanitary Authority hereby certifies that the facility fully described in

Application Number: \_\_\_\_\_

Submitted by: \_\_\_\_\_

Located at: \_\_\_\_\_

and generally described to be:

is a "pollution control facility" within the definition of said Chapter 592 and that the facility was erected, constructed or installed on or after January 1, 1967, and on or before December 31, 1978; that the facility is designed for and is being operated or will operate for the principal purpose of preventing, controlling or reducing air or water pollution and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

It is further certified that the facility was placed in operation on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that the actual cost of the facility is \$\_\_\_\_\_.

Therefore, Pollution Control Facility Certificate Number \_\_\_\_\_ is issued this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, subject to compliance with the statutes of the state of Oregon, the regulations of the Oregon State Sanitary Authority and the following special conditions:

Signed \_\_\_\_\_

Title \_\_\_\_\_

Approved by the Oregon State Sanitary Authority

the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.



(Proposed)  
NOTICE OF ELECTION

As provided by Subsection 2 of Section 4 of Chapter 592, Oregon Laws 1967, a person receiving a certificate under Section 4 of said Chapter 592 shall make an irrevocable election to take the tax credit relief under Section 7 (to be made a part of ORS Chapter 316) or Section 9 (to be made a part of ORS Chapter 317) of said Chapter 592 or the ad valorem tax relief under Section 13 (to be made a part of ORS Chapter 307) of said Chapter 592\*, and shall notify the Sanitary Authority, within 60 days after the receipt of such certificate, of his election. This election shall apply to the facility or facilities certified and shall bind all subsequent transferees. Failure to make a timely notification shall make the certificate ineffective for any tax relief under this Act.

I, \_\_\_\_\_,  
holder of Pollution Control Facility Certificate No. \_\_\_\_\_  
issued to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and received by me  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, hereby notify the  
Oregon State Sanitary Authority that I have on this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, made the irrevocable election to take  
\_\_\_\_\_ relief under \_\_\_\_\_  
(Tax credit or ad valorem tax) (State appropriate  
\_\_\_\_\_ section of Oregon Law)

Certificate Holder \_\_\_\_\_

by \_\_\_\_\_

Title \_\_\_\_\_

\*After December 31, 1970, Subsection 5 of Section 13 of Chapter 592, Oregon Laws 1967, should be noted as follows:

"The exemption from ad valorem taxation provided under this section shall not be available to a taxpayer for a pollution control facility erected, constructed or installed or first put into operation after December 31, 1970, unless it was erected, constructed or installed for the prevention of pollution from a trade or business activity conducted by the taxpayer on January 1, 1967, on Oregon property owned or leased by said taxpayer on January 1, 1967. If the facility also functions to prevent pollution from operations conducted on other property owned or leased by the taxpayer the Sanitary Authority shall state in its certification of the facility the percentage of the facility used to prevent pollution from such qualifying trade or business conducted on such qualifying property. The exemption from ad valorem taxes hereunder shall be limited to such percentage of the value of the facility."

PROPOSED ADMINISTRATIVE PROCEDURES

Type of Action	Procedures of Staff or Others	Specific Action by Secretary
1. Receipt of a request for information and application forms.		<p>Send copy of Chapter 592, Oregon Laws 1967, and application form to applicant.</p> <p>Make index card for file and note date of mailing of information on back.</p> <p>Enter request and record of action in tax program log.</p>
2. Receipt of application forms	<p>A. Receipt of Part I (whether separately or together with Part II)</p> <p>Review briefly to see if complete and assign application and file number. If application form is not complete, immediately notify applicant.</p>	<p>Prepare file folder.</p> <p>Enter date of receipt and application and file number in log book and on index card for file.</p> <p>Notify applicant by mail of date of receipt and of application number to be used for all future reference and correspondence.</p>
	<p>B. Receipt of Part II</p> <p>Review to see that Part I is on file and Part II is complete.</p> <p>If application is not complete, immediately notify applicant.</p>	<p><i>Notify the Commissioner.</i></p> <p>Enter date of receipt of completed application in log book and on index card.</p> <p>Notify applicant of date of receipt of completed application.</p>
3. Review by staff	<p>A. Part I of the application</p> <p>Part I will be routed to the appropriate section for review (air quality <sup>or</sup> industrial waste). Reviewer will prepare brief report indicating portions eligible for certification and return application and report to waste discharge permit program supervisor.</p>	

Type of Action	Procedures of Staff or Others	Specific Action by Secretary
	<p>Reviewer may request additional information if it is necessary. Request should be made through waste discharge permit program supervisor. Re-view report will be checked by at least one other staff member.</p>	
	<p>After checking, applicant will be notified as to which portions are determined to be eligible based on preliminary review.</p>	<p>Type report on determination of eligibility.</p>
	<p>B. Part II of the application (completed application)</p>	
	<p>The waste discharge permit program supervisor will assign the final review and checking to appropriate staff members. They will make any inspections required and prepare a final re-view report.</p>	<p>Type draft report.</p>
<p>4. Review report and recommendation</p>	<p>The final review report and staff recommendations will be checked by appropriate staff members and will be prepared in final form. A copy along with notice of the Sanitary Authority meeting where action will be taken will be sent to the applicant and to the Sanitary Authority members if they desire to receive it.</p>	<p>Type final review report. Mail report and meeting notice to applicant.</p>
<p>5. Action of Sanitary Authority at meeting</p>	<p>The Sanitary Authority will decide to either issue a certificate or reject the application. The applicant may address the Authority if he desires.</p>	
<p>6. Issuance of certificate</p>	<p>The certificate will be prepared for the signature of the Chairman of the Authority or if the Authority so decides, for the signature of the chief of air and water quality (secretary of Authority). The certificate will bear a unique number. The certificate will also state any conditions which must be met to maintain certification.</p>	<p>Type certificate. Mail certificate together with notice of election to applicant as directed. Note in log and on index card.</p>

Type of Action	Procedures of Staff or Others	Specific Action by Secretary
7. Rejection of application	<p>If the application is rejected, notice of rejection, together with a concise statement of findings and reasons for rejection will be sent by registered or certified mail to the applicant.</p> <p>The applicant may appeal from the rejection as provided in ORS 449.090.</p>	<p>Type notice of rejection and statement of findings and mail to applicant as directed. Note action in log and on index card.</p>
8. Receipt of notice of election from applicant	<p>Check notice for timely notification.</p>	<p>Record receipt of election notice in log and on index card.</p> <p>Forward copy to appropriate tax agencies together with certificate. Attach copy of documents C-2, C-3, and C-4 from Part III of the application if sent to county assessor.</p>
9. Staff compliance inspections	<p>The staff will from time to time make inspections to determine whether or not the conditions of the certificate are being met and whether or not the facility is being operated for its intended purpose. Inspection reports will be prepared for the file.</p>	<p>Type and file reports.</p> <p>Enter in log and on index cards.</p>
10. Revocation of certificate	<p>If the staff finds that the certification was obtained by fraud or misrepresentation or that the holder has failed substantially to operate the facility for the purpose of and to the extent necessary for preventing, controlling, or reducing air or water pollution as specified in the certificate, revocation procedures as indicated in Section 5 of Chapter 592, Oregon Laws 1967, will be undertaken.</p>	

MEMORANDUM

TO: State Sanitary Authority Members  
FROM: Harold L. Sawyer  
DATE: October 5, 1967  
SUBJECT: Waste Discharge Permit Program

The staff is currently working on the development of the program to issue waste discharge permits and would like to briefly summarize its thoughts for your information and consideration.

In the development and implementation of the waste discharge permit program, the Authority is faced with both an immediate or short-ranged problem and a long-range problem. The short-ranged problem is one of developing the required administrative procedures and application forms and immediately issuing initial permits based on currently available information. The long-range problem is one of developing and refining procedures for determining discharge requirements and permit provisions which are reasonable, equitable, and adequate to protect water quality and comply with present or future water quality standards. This will require detailed information on all current waste sources and the utilization of all available techniques for forecasting future waste loads and their effect on water quality. At this time, further discussion will be limited to the immediate problem of issuing the initial permits.

Regulations

Subsection 2 of Section 6 of Chapter 426, Oregon Laws 1967, (SB 39) says, "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." The staff feels that formal regulations should be developed and adopted after experience in processing initial applications gives an indication of those points which should be specified or clarified by regulation.

### Permits

The following is the general consensus of the staff relative to the permits:

1. The maximum duration of any permit should not exceed 5 years.
2. Renewal dates should be staggered over a 5-year period so that the number of renewal applications to be processed each month is nearly constant and therefore staff work loads more nearly balanced.
3. Permit provisions should be detailed and include specific discharge standards to be met at specified times.
4. No "Temporary" permit should be issued. A discharger either has a valid permit or he doesn't. In cases where construction or installation of treatment or control facilities is required in order to meet discharge standards, a reasonable schedule for completion of work should be incorporated into the permit.
5. Permits will not be issued to industries or commercial operations which discharge their wastes to a municipal sewer system. The municipality assumes responsibility in this case.

Administrative Procedures

Upon receipt of an application, the following review procedures are contemplated:

1. Copies of the application will be forwarded to the appropriate district engineer and to either the industrial waste or municipal waste sections for review and preparation of recommended discharge requirements. If special surveys or inspections are needed, they will be scheduled. If additional information is necessary, it will be requested immediately.
2. Proposed discharge standards and permit provisions will be assembled and reviewed by the staff.
3. If it appears that the applicant cannot meet the proposed requirements, he will be notified of these proposed requirements and requested to submit a schedule for compliance within a given period of time. If no schedule is received, the staff will recommend rejection of the application for permit.
4. If the schedule is received and is reasonable, or if the applicant can meet requirements, a recommended permit will be drafted.
5. The recommended permit will be forwarded to the applicant along with a notice of the Sanitary Authority meeting where action will be taken.
6. The applicant will be notified of the action of the Authority as required.

Application Form

The following is the general consensus of the staff regarding application forms:

1. The form used to apply for an initial permit will probably not be the same as one used to apply for a renewal permit.
2. Information requested in the initial application should serve two purposes:
  - A. Provide all of the necessary information which the applicant can supply which will be used to establish initial permit requirements.
  - B. Provide additional information which will be used for purposes of establishing a complete waste inventory and planning programs.
3. There should be two different application forms. One would be for domestic wastes and the other for industrial wastes.
4. There should be four general categories of information requested on the application. These are as follows:

A. Applicant Identification

The intent of this section will be to provide information which identifies the applicant and his responsible representatives as well as the specific location of his facilities which produce and discharge wastes.

B. Source and Character of Raw Waste

The intent of this section will be to provide actual data on the quantity and quality of raw waste as well as information about the generation of the wastes which can be used for projection and planning purposes.



C. Treatment Offered and Proposed

The intent of this section will be to fully identify and describe existing pollution control measures and facilities as well as any that are proposed for installation.

D. Effluent Quantity and Quality

The intent of this section will be to specify the quantity and quality of the liquid effluents for which the applicant requests a discharge permit as well as the location and method of disposal of all other wastes or components removed by treatment units.

As of this time, the staff has not developed any proposed application forms. Specific questions will be developed and a format selected for discussion purposes as soon as possible. Proposed forms will be discussed with staff members, Associated Oregon Industries representatives, and any other interested parties who can give some assistance to the staff. Final proposed application forms will then be developed. These forms would be considered temporary and subject to change as initial experience dictates.

The intention of this brief report has been to present the current thinking of the staff to date and not to present a program plan. A specific program plan will be submitted for your approval at a later meeting. However, due to the January 1, 1968, deadline in the Act, the initial steps to implement this program should be taken immediately. Therefore, the staff requests that they be authorized to proceed immediately to develop final application forms in accordance with the previous discussion and make these available to the applicants by October 25, 1967.

PROGRESS REPORT  
WAH CHANG CORPORATION, ALBANY  
WATER POLLUTION CONTROL  
SANITARY AUTHORITY MEETING  
April 25, 1967

Purpose

The purpose of this report is to reiterate the circumstances leading to Authority action on the matter of Wah Chang Corporation, Albany, supply a brief review of previous Authority action for the benefit of our new Chairman and members, and to recommend remedial action.

By Review

The Wah Chang Corporation constructed facilities for Zirconium production in the spring of 1957. Since that time additional production facilities for other rare-earth metals have been placed in operation. Today they produce Tantalum, Hafnium, Zirconium, and do some fabricating.

On September 13, 1957, plans for waste treatment facilities were submitted to the Oregon State Sanitary Authority by Cornell, Howland, Hayes and Merryfield of Corvallis. These plans were "reviewed and granted approval with the provision that if at any time the proposed waste treatment and disposal facilities are found to be inadequate to prevent pollution of the receiving waters, the Company upon instruction from the Sanitary Authority will immediately provide such additional facilities as are necessary to abate said pollution."

A history of waste disposal problems commenced on February 21, 1958. For several years Sanitary Authority staff members reported excessive losses of solids to Truax Creek, tributary to the Willamette River, resulting from inadequate or poorly operated facilities. Biological

investigations of the receiving stream revealed that it was completely devoid of aquatic life. During this period Wah Chang made some attempt to improve solids handling, but were never completely successful.

Meetings to discuss air and water pollution problems were held on December 14, 1964, and January 18, 1965, with Wah Chang personnel. As a result of these meetings, Wah Chang agreed to conduct a series of tests to determine what toxic components, if any, were being discharged to Truax Creek. All information obtained was to be forwarded to the Sanitary Authority at monthly intervals. Wah Chang did perform some tests on their effluent; but because of lack of confidence by the Company in their results, this information was not released. On May 4, 1966, Sanitary Authority staff members conducted field bioassays on streams receiving wastes from Wah Chang's operations. The three bioassays performed produced 100% fish mortality in 5 minutes, which demonstrates the toxic effects of the wastes discharged. Live fish were observed in the log pond and in Truax Creek and Murder Creek above the Wah Chang plant.

By letter of May 27, 1966, our staff informed Wah Chang of the bioassay results previously mentioned. It was requested that monthly reports be submitted to the Sanitary Authority and that May 1, 1967, be established as a deadline for final solution of Wah Chang's water pollution problem. Only one such progress report was received on July 8, 1966.

On December 12, 1966, a letter was received from the Corporation indicating that they were proceeding with engineering and layout to accomplish adequate waste treatment and that plans would be submitted to the Sanitary Authority by January 8, 1967.

On January 13, 1967, a letter was received from Wah Chang which was in part a progress report and stated that engineering and layout plans would be submitted. The plans were not received and a request was reiterated in our letter of January 19, 1967, in which Wah Chang was informed that unless such plans were received prior to the next Authority meeting this matter would be brought before the Authority members for appropriate action.

Authority Action

Because plans were not submitted prior to February 21, 1967, the matter was heard before the Authority at its regularly scheduled meeting on that date.

The matter was presented in detail and the staff recommended that Wah Chang be instructed to submit a program and time table for completion of adequate waste control facilities within a reasonable time.

The Sanitary Authority adopted June 1, 1967, as a deadline by which the liquid effluents emanating from the Wah Chang Corporation plant must be adequately treated or disposed of in a manner so as not to create deposits and toxic conditions in Truax and Murder Creeks.

In addition the Authority adopted recommendations that (1) the Corporation immediately retain a qualified consulting firm to approach its waste disposal problem on a systematic basis with definite objectives and a specific time table for the various phases of study, design, and construction of the necessary treatment or control facilities, (2) the program objectives be developed around the requirements outlined in the Sanitary Authority's letter of January 19, 1967, to Wah Chang, (3) that the above program be submitted to the Authority for approval by not later

than April 1, 1967, and (4) in the event that Wah Chang did not satisfactorily comply with any of the above requirements, that a hearing be authorized and Wah Chang be directed to appear and show cause why an order should not be entered directing it to permanently cease and desist in polluting the public waters of Truax and Murder Creeks and the Willamette River.

On April 13, 1967, a letter was received from Mr. Ralph Nielsen, Chief Process Engineer, Wah Chang Corporation, outlining in some detail a program for treatment and/or control of their wastes and a time table for accomplishing the various phases of treatment. The program set forth a completion date of 4-5 months based on equipment deliveries and construction schedules.

At the Sanitary Authority's regularly scheduled meeting on April 25, 1967, a progress report was heard by the members on this matter. In view of the program submitted, it was recommended by the staff that the Authority extend the June 1 deadline to permit accomplishment of the program set forth. The staff's recommendation was based on the expressed willingness of Wah Chang to go ahead with the program and complete the facilities within the 4-5 month period specified.

On April 28, 1967, a letter was directed to Mr. Nielsen informing him that his report had been reviewed and in general appeared to be an acceptable approach to solving the long-standing waste disposal problem. He was also informed that the Authority had approved a time extension beyond June 1 for construction and reminded him that detailed plans and specifications for treatment facilities must be submitted for staff approval prior to starting construction.

Present Status

On June 28, 1967, Mr. Nielsen was contacted by our staff regarding the status of their program and to request once again that plans and specifications be submitted for our review. He said he would submit plans to our office within the next few days and that Cornell, Howland, Hayes and Merryfield had designed sludge holding ponds and was calling for bids for construction of the sludge holding ponds. He also felt they would make the September deadline we had set.

On August 10, 1967, plans were submitted to our office by Cornell, Howland, Hayes and Merryfield for the sludge holding ponds previously mentioned. Within a few days a verbal request over the telephone was again made for submission of engineering plans and specifications for the complete waste treatment system.

On August 29, 1967, a verbal request was again made to Mr. Nielsen for submission of plans for review.

On September 21, 1967, a letter was directed to Mr. Nielsen regarding the status of waste treatment facilities for the Wah Chang plant. He was reminded of the Authority's action in this matter, and that unless the requested information was submitted to this office prior to the meeting today that this matter would again be brought before the Authority.

On October 2, 1967, no response had been made by Wah Chang and Mr. Nielsen was contacted by telephone. He said that plans had not been prepared to date, but that he would submit a progress report.

The status of their project was reported as follows:

1. The sludge holding lagoons are under construction and should be completed soon.

2. The clarifier to be constructed for solids removal is to be made up of pre-cast concrete sections. They are awaiting delivery of these sections and forecast a completion date of November 1, 1967. However, it would not be operable at this time, as additional mechanical equipment would still have to be installed.
3. The design of the system for collection of the fluoride waste streams has been turned over to their engineering department and to Mr. Nielsen's knowledge was going to be let out on contract. However, nothing is being done at present.
4. One of the major corrections to be made was the elimination of the thiocyanate ion which is known to be highly toxic. In previous progress reports they allegedly had developed a means of destroying this ion in-process. Apparently the process where this ion is produced is proving troublesome, and may be changed completely in a year or two. Therefore, Wah Chang is reportedly hesitant to spend money for in-process changes at this time.
5. The ammonia recovery system which was to be an integral part of their treatment program has been reportedly deleted for lack of funds.

#### Summary and Recommendations

Wah Chang has had a long-standing waste disposal problem and one which has rendered Truax Creek completely devoid of aquatic life. In addition, continual losses of solids have created deposits in the creek and caused extensive discoloration of the creek bed.

Much staff time has been spent in past years in an attempt to obtain correction of this discharge. It seems apparent that this problem will

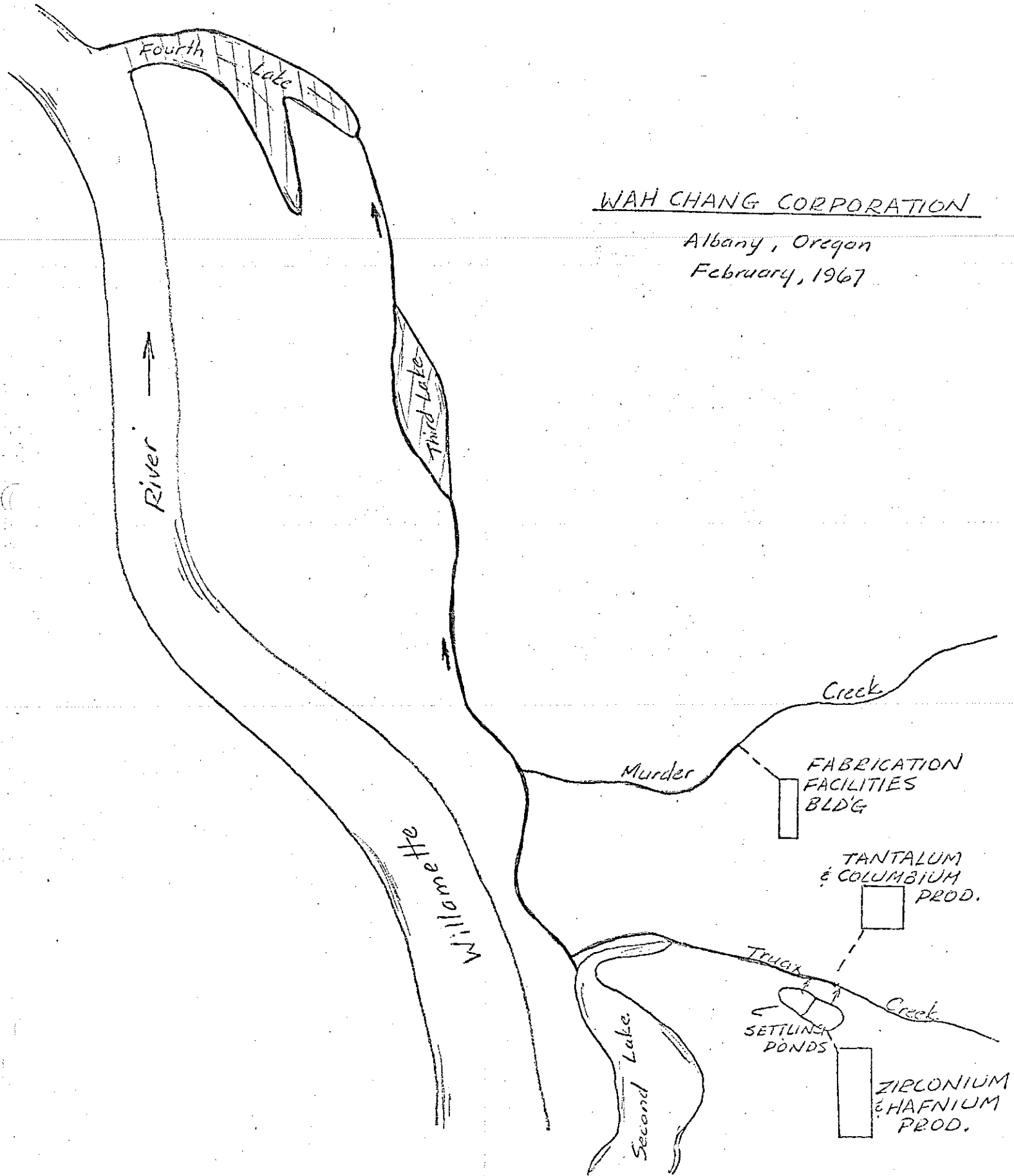
continue to a serious degree for some time to come unless Wah Chang is compelled to take immediate corrective action.

It is the recommendation of the staff that appropriate representatives (the owners) of Wah Chang be cited to appear before the Sanitary Authority and show cause why an order should not be entered directing it to immediately and permanently cease and desist polluting the public waters of Truax and Murder Creeks and the Willamette River.



"APPENDIX C"

Western Kraft  
Complex



WAH CHANG CORPORATION

Albany, Oregon

February, 1967

## ASPHALTIC CONCRETE PLANTS

The staff of the Authority would like to bring to your attention a source which it believes needs regulation. These are asphaltic concrete plants which have caused problems throughout the state. Since May of 1966, we have had complaints from 16 areas of the state, i.e. from Ontario, Hood River, Multnomah County, Coos Bay, Klamath Falls, Newport, etc.

Recognizing the problem the staff prepared an Information Bulletin in January of 1965 on this problem and information on control. While the bulletin helped, it has not solved the problem as can be seen by the previous comments.

The recommendation of the staff is that they:

- 1) Develop regulations requiring submission of plans and specifications and approval for control facilities before starting operation.
- 2) Develop an emission limitation in pounds per hour based upon size of operation or process weight, and develop guide lines for meeting these requirements for all plants located within one mile of habitation and minimum controls for other plants.
- 3) That when the drafts are completed they be forwarded to the Association of General Contractors and invite them to comment on the regulations and assist in development of a regulation to solve the problems caused by the source.
- 4) Notify Association of General Contractors of the intent of the Sanitary Authority to adopt regulations by July 1, 1968.
- 5) Report back to Sanitary Authority in 3 months of progress made.

*Understand your committee to go with you*



Oregon State Sanitary Authority  
Oregon State Board of Health  
Air Quality Control Section  
1400 S.W. 5th Ave.  
Portland, Oregon

Information Bulletin No. 2A  
Date: January 11, 1965

ASPHALTIC CONCRETE  
PAVING PLANTS

Process: The drying and heating of sand, gravel, and rock in a rotary dryer prior to elevation, screening, proportioning, and mixing with hot liquid asphalt. The process may or may not use portable equipment.

Air Pollution Sources: The air pollution problem relates to the emission of dust, fumes, organic vapors, and gases. The dust and fumes originate from: (1) the direct fired rotary dryer; (2) the hot-rock bucket elevator; (3) the screens and classifying system; (4) the aggregate storage bins; (5) the weigh hopper; and (6) the pug mill mixer. The improper combustion of oil in the dryer and normal operation of the pug mill mixer permit organic gas and vapor discharges. If the sulfur content of the oil, used as fuel for the dryer, is sufficiently high, sulfur dioxide emissions may become a local air pollution problem. Without an air pollution control system, the process itself will create air pollution if located within three quarters of a mile from any inhabited land use.

The handling and grading of aggregate, traffic in the plant yard, and traffic on unimproved access roads may cause a dust problem, particularly if rock crushing, and sand and gravel operations are conducted jointly or adjacent to the asphaltic concrete paving plants.

Complaints have been received pertaining to these area sources when located up to and including distances of 1/4 mile from residences. Noise and vibration from the plant operation itself have been known to cause complaints at distances up to and including several hundred feet, particularly during early morning hours.

1. Process Air Pollution Control:

(A) Primary Control: Most asphalt paving plants use a simple cyclone to recover fines from the dryer. This cyclone may act as a primary air pollution control device prior to a secondary control device. Other points that should be closed and negatively exhausted (ducted) to the cyclone include: (1) the lower end of the dryer where the stationary burner box attaches to the dryer; (2) the screening and classifying system; (3) the hot-rock bucket elevator; (4) the aggregate storage bins; (5) the weigh hopper; and (6) the pug mill mixer. The cold-rock bucket elevator to the dryer may also need an enclosure with subsequent ducting to the cyclone depending upon the characteristics of the sand, gravel, and rock to be used.

(B) Secondary Control: Two types of secondary control devices have proven satisfactory if designed, operated, and maintained properly. These devices include the multiple centrifugal type spray chamber and the baghouse. If either of these methods is selected, the liquid or solid waste disposal problem may require special attention. Liquid wastes will require settling or clarification if discharged to the public waters of the state and approval should be obtained from the Oregon State Sanitary Authority prior to construction of treatment facilities.

PS 200 or lighter fuel oil, or natural gas should be used as fuel for the rotary dryer if any secondary control device is to be effective in the removal of dust, fume, vapor, and gases.

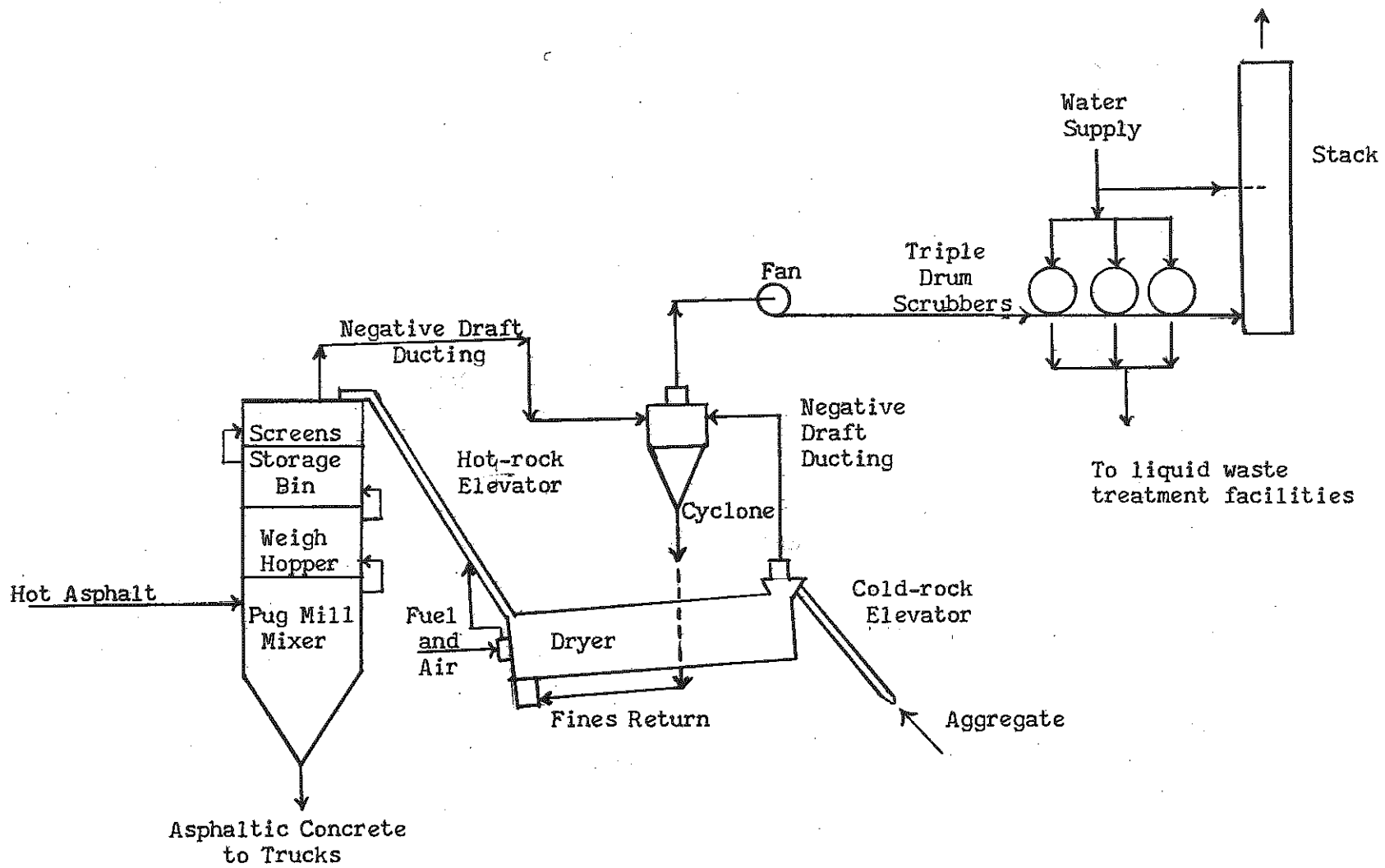
Adequate consultant services should be obtained. Plans and specifications for the ducting including fans and control equipment should be submitted for review by the Air Quality Control Section before installation work is started.

2. Area Control:

Measures to control dust in the plant area may vary from occasional to frequent wetting of exposed traffic surfaces and material stock piles to providing asphaltic traffic surfaces and installation of wind breaks.

3. General Air Pollution Statutes Apply to These Sources:

Current ambient air regulations applicable to emissions from asphaltic concrete plants are contained in Oregon Administrative Rules-Chapter 334, Section 21-011-Smoke Discharge, Section 21-016-Particle Fallout Rate, and Section 21-021-Suspended Particulate Matter.



TYPICAL ASPHALTIC CONCRETE PLANT

Schematic Diagram

Oregon State Sanitary Authority  
Oregon State Board of Health  
Air Quality Control Section  
1400 S.W. 5th Ave.  
Portland, Oregon

Information Bulletin No. 2B  
Date: January 11, 1965

ASPHALT PAVING PLANTS

Technical Addenda: (see attached schematic sketch)

A. Multiple Centrifugal Type Spray Chamber:

1. Consists of two or more internally fluted cylindrical spray chambers in which the dust-laden gases are admitted tangentially at high velocities. Each of these chambers is identical in size and has dimensions of approximately six feet in diameter by 15 feet long. Usually five to ten spray nozzles are located evenly spaced within each chamber. Water rates to the nozzles are usually in the range of 70 to 250 gpm at 50 to 100 psi and the water is generally not recirculated.
2. The best utilization of water is achieved at about six gallons of water per 1,000 standard cubic feet of air scrubbed. The efficiency of dust removal (by weight) decreases rapidly below six gallons per 1,000 scf and gradually increases in efficiency above six gallons per 1,000 scf.

B. Baghouse:

1. The baghouse filter fabric should be capable of withstanding the maximum cyclone exit temperatures.
2. The baghouse should be of a multiple compartment type capable of continuous automatic duty (24-hour service).
3. A stack wash may be necessary in addition to a baghouse if considerable vapors and gases are discharged from the pug mill mixer.

MEMORANDUM

TO: State Sanitary Authority Members  
FROM: Harold E. Milliken  
DATE: October 5, 1967  
SUBJECT: S - Albany

On Friday, August 18, H. W. Merryman, District Sanitary Engineer, inspected the area in the vicinity of Chicago, Geary and 31st Streets contiguous to the Albany city limits which the Oregon State Sanitary Authority had requested be surveyed for sanitary conditions. Due to the extremely dry weather no sewage could be found on the surface at that time, but the residents interviewed all testified to the presence of septic tank effluent on the surface when the ground is moist. Mr. Gray, a state policeman, stated that water had been standing on his property late in July. All residents of the area (six houses) have written letters intended for the Oregon State Sanitary Authority requesting permission to connect to the Albany sewerage system.

Mr. Merryman has investigated several other problems in the Albany area which could be solved by connecting discharges to the Albany sewer. These are as follows:

1. A truck servicing station at Queen and Ferry Streets which employs 19 men with a cabinet shop nearby which employs several more. No toilet facilities exist in these buildings at present.
2. Steen Brothers packing plant has a subsurface disposal system which fails and pollutes Calapooya River. Mr. Steen has expressed interest in discharging this waste into the city sewer. This would be a better solution than building a waste treatment plant which would require supervision by the Oregon State Sanitary Authority staff as well as operation by Steen Brothers.



3. A location is being sought for a new Linn-Benton Community College and officials are desirous of finding a site which has community sewerage available to it. While this building probably will not be completed for two years, lack of sewer capacity now may keep them away from Albany.

#### RECOMMENDATION

It is recommended that the city of Albany be allowed to expand its collection system to pick up the above mentioned existing loads and to plan for future expansion to be coordinated with the completion of the sewage treatment plant improvements now being planned, provided that the city will proceed with its construction project as rapidly as possible in anticipation of receiving a federal and state grant from funds which will be appropriated next fiscal year.

It is further recommended that the Oregon State Sanitary Authority specifically assure the city that it will retain its present priority position for the next fiscal year so that it will be assured of funds as long as federal appropriations continue to be made and that the Oregon State Sanitary Authority staff be directed to discuss the financial situation with the city to determine if construction can be commenced at an early date.

#### Supplementary note:

Albany has passed a bond issue of \$1,300,000

Estimated cost of project on grant application \$2,000,000

Eligible cost of project \$1,987,000

Federal grant requested - 50% - \$ 993,750

State grant - 25% - \$ 496,875

OHIO STATE CAMPAIGN AUTHORITY

1967 Water Quality Conditions In The Lower Millcreek River

(An Interim Report)

October 4, 1967

The extended period of hot and dry weather experienced in Ohio during the summer of 1967 affected substantially the water quality and particularly the oxygen resources of the lower Millcreek River.

Thanks to the release of impounded waters by the U. S. Army Engineers from upstream reservoirs the flow in the main river during most of the summer was greater than during the corresponding months of 1966. In contrast to this some of the tributary streams did not so regulate and eventually became completely dry for a short period of time.

Particularly the pollution loads discharged to the river system from pulp mills and industries were significantly less in 1967 than they were in 1966. At Sycamore and Cleveland new or improved secondary sewage treatment plants which handle large industrial waste loads were in operation as they had been completed late in 1966. The oxygen demand of the daily waste discharges from the pulp mills in the basin was, during the period of critical stream flow, as much as 70,000 pounds per day less than it had been the previous year.

But in spite of the larger stream flows and the reduced pollution loads the dissolved oxygen content of the lower river during much of the summer was somewhat less than it was in 1966. This was believed to be attributable in a large measure to the higher than normal water temperatures caused by the extended period of warm weather.

The quality of the water entering the Stearns pool was also slightly poorer than in either 1955 or 1956. This situation was probably due in part to the higher water temperature and other causes and probably caused by the thought to have been made to blow.

From, too, in the lower Portland Harbor. During operations in July and again in August resulted in an accelerated demand on the oxygen resources in the localized vicinity of Swan Island.

During the spring sport salmon fishing season numerous complaints had been received as in past years regarding excessive slime and wood fibers suspended and floating in the river below the pulp mills at Willamette Falls. This material fouls the lines and other gear of the sport fishermen.

In early June drift rafts were observed rising on the water surface in the Stearns pool. Because of their unsightly appearance and objectionable odors they, too, were the cause of several complaints. These rafts are composed primarily of decaying slime and wood fibers largely the result of pulp mill waste discharges.

However, on June 23-25 the Greenway Committee made a 160-mile boat journey down the Willamette River and was pleasantly surprised to find that in general the river at that time of year was in fairly good condition.

On September 8 a boat trip from Corvallis to Willamette by Sanitary Authority staff members also disclosed that generally the river was in good condition. Only two sources of pollution were readily noticeable and their effects were both quite localized. The first one was the city outfall sewer at Albany and the second was the seepage and waste discharge from the Boise Cascade pulp mill at Salem.

As Corvallis the river was observed to contain a large amount of suspended matter, much of which appeared to be of domestic origin. In this connection it should be noted that the impounded water in the Barker Reservoir in the Middle Fork of the Willamette River contained approximately 100 mg/l of suspended matter during much of the summer.

On August 11 the Fish and Game Commission in a joint letter addressed to the Sanitary Authority of their concern that the low DO presently maintainable in the lower Willamette would preclude the upstream migration of SSTV salmon which if it were going to occur should take place early in September. They therefore requested that steps be taken immediately to improve the quality of the water in the lower river.

At the SP & S Railroad bridge station, sampled daily by the Sanitary Authority, the DO during the latter part of August ranged from 2.0 to 3.4 ppm. At the Swan Island continuous monitoring station operated by the Federal Water Pollution Control Administration (FWPCA), and which was more directly affected by the dredging operations previously mentioned, the average daily DO values recorded for the same period ranged from 2.9 to 3.5 ppm with momentary lows of 2.0 and 2.5 ppm.

In a letter dated September 1 the Sanitary Authority asked the FWPCA to support a request to the U. S. Army Engineers that the release of impounded water from the upstream reservoirs be increased by some 1,500 to 2,000 cfs in order to improve the dissolved oxygen levels in the lower river.

Following a conference on September 5 with Federal and State Fishery and other pollution control officials and with representatives of the Connecticut Power Administration the Division Engineer of the U. S. Army Engineers agreed to increase the release of suspended solids sufficiently to maintain a flow of 7500 cfs at Salem. This necessitated an increase of approximately 1,400 cfs.

Because of the extended period of no-erosion the natural flow in the river at that time was extremely low (about 2,300 cfs at Salem). As a consequence nearly 50 percent of the river flow at Salem was already stored under water without this increase in reservoir releases. The regulated flow at Salem during the latter part of August ranged from 5,000 cfs to 6,000 cfs. During the same period in 1966 it was 3,500 to 6,000 cfs.

At the University authority meeting on September 6, 1967, further consideration was given to the request of the river and dam Commission that emergency releases be made as quickly as possible to increase the 50 percent of the river water through the Portland dam. It was pointed out at that meeting that fall chinook salmon had for several days been sighted up the Columbia River but that far none had been observed at the Willamette Falls Dam. (On September 1 and 2 more than 1,000 chinook salmon per day had been counted at the dam on the Willamette.)

Because the full benefit of the increase in stream flow would not reach the lower end of Portland harbor for a fairly number week or longer it was decided by the University members that the two pulp mills at (name) City and (name) City should be requested to start being operated for low flow conditions that weekend. (On the preceding day, September 5, the river flow at Salem was increased to 7,000 cfs but the flow in the lower river had stopped to only 2.7 pmf.)

The owners of the two pulp mills, Publishers Paper Company at Oregon City and Crown Falls-Pack Corporation at West Linn, took steps immediately to cooperate voluntarily in an attempt to improve the water quality. On September 4 they discontinued the production of hydroelectric power and practically all other use of water driven turbines so that the maximum amount of river water could be diverted over the falls instead of through the mills.

All of the pulp mills had been shut down on September 4 because of the Labor Day holiday. The PGE power plant at West Linn was also not operating because it was down for maintenance and repairs. As a consequence, most of the river flow had been diverted over the falls. It had subsequently been noted that the aeration resulting from the cascading of the water over the falls had increased the DO of the river water more than 2 ppm. Prior to the holiday shut down of the mills the DO at the first station above the falls (Sportscraft) was averaging about 6 ppm or only slightly more than at the Marine Park station above the falls. During the shut down, however, the DO level below the falls increased to a recorded maximum of 11.8 ppm at 5:55 a.m. on September 5 with the DO

immediately upstream from the falls still about 6 ppm. From these observations it was evident that a tremendous amount of dissolved oxygen could be added by keeping the river water going over the falls instead of through the mills for power production and other purposes. Both pulp mill companies and PGE themselves agreed to continue to do that.

Unfortunately, because of construction work that was underway for the State Fish Commission on new fish ladders at the falls the amount of water diverted over the falls had to be limited in order to prevent flooding of the work area. It was estimated that the amount that could be diverted over the falls was about 4,000 cfs. This later proved to be sufficient to maintain a DO of 7.4 to 8.1 ppm at Sparten with the first downstream station below the falls.

In addition to the above steps, Publishers Paper Company at Oregon City voluntarily shut down its pulp mill on Friday, September 8, and did not resume its operations until Monday, September 11. However, they continued to operate the paper mill on a limited basis by using pulp brought from their Newberg operations. By so doing they reduced their total oxygen demand on the river by an estimated 10,000 to 12,000 pounds per day. It should be noted that earlier in the summer the Oregon City mill at the request of the Authority's staff had reduced its sulfite production over 20% by taking one digester out of operation.

The Crown Zellerbach Corporation which likewise had previously reduced its sulfite pulp production did not have to shut down its sulfite mill at that time because it was able to transport all of its pulp mill wastes to its lagoon system and thereby keep them out of the river.

As a result of the decrease in oxygen demand through pulp mill shut-down, the addition of oxygen to the water through aeration at the falls, the increased river flow through release of now stored water from upstream reservoirs, and a slight drop in the water temperature because of increased cooler water, the DO in the lower Portland harbor gradually increased from the low of 2.7 ppm on September 5 and 6 to 5.1 on September 11 and to 5.6 ppm at the end of September.

On Wednesday, September 13, when the minimum DO in Portland harbor was 4.5 ppm the first fall chinook salmon of the season were observed at Willamette Falls. A total of 14 adult chinook and 1 Jack salmon were counted on that date.

The next day 92 fish were counted during a 10-hour period. By the end of September the run of chinook salmon had practically ended but in the meantime, based on estimates of the Fish Commission, more than 2500 chinook salmon had passed over the falls compared with slightly more than 1000 in 1966. By that date an estimated 3,000 or more Coho (silver) salmon had also migrated to the upstream waters of the Willamette River.

When Publishers Paper Co. announced that it would resume operations of its pulp mill on September 18 the fishery agencies expressed concern that it might interfere with the salmon run. Fortunately, however, no trouble was caused because the DO in the lower harbor was measured by both the Authority and the SNCA continued to stay above 5 ppm.

The emergency had therefore been successfully met.

Additional details are presented in the following paragraphs.

Beginning in May the DO in the lower river started its seasonal drop. At the S & S Bridge sampling station it dropped from 9.4 to 5.4 ppm with the average being 6.6 ppm. This was slightly better than in 1966 when the minimum was 5.0 and the average daily DO was 5.7 ppm. The stream flow at Salem was fairly uniform during May with the average in excess of 11,000 cfs or some 1,000 cfs greater than in May 1966. The water temperature, however, increased materially - from a minimum of 11°C. to a maximum of 18.5°C. This was the major cause of the drop in DO.



On May 22 all pulp mills were notified by the Authority to have their special waste disposal systems ready for operation by June 1. Beginning on that same date all pulp mills were requested to submit weekly reports covering their daily waste discharges to the river.

The Meyerhaeuser Company, of course, had been operating its primary and secondary waste treatment plant at its Springfield kraft mill continuously since July 1966 and the Crown Zellerbach and Western Kraft Corporations since last year had been operating their plain sedimentation basins at their Lebanon sulfite and Albany kraft pulp mills, respectively. Primary treatment had been placed in operation for the first time in April 1967 for the Publishers Paper Co. sulfite mill at Newberg. Construction of primary treatment and sludge handling facilities was about completed and scheduled to be put into full operation June 1 at the Crown Zellerbach Corporation West Linn mill. Interceptor sewers had been completed and construction of primary treatment works was proceeding at the Boise Cascade Corporation and Publishers Paper Company sulfite mills at Salem and Oregon City, respectively, with both projects scheduled to be finished during the latter part of 1967. (The Oregon City project was completed ahead of schedule in September.)

In June the flow in the Willamette decreased from 14,500 to 7,300 cfs for an average flow of about 9,500 cfs which was considerably in excess of the June 1966 flow. While the stream flow was dropping the water temperature was rising - from 15° C. to 24° C.

On June 1 the clarifier for the West Linn pulp mill went into full operation. On June 2 the Newberg mill started impounding its sulfite waste liquor and the Oregon City mill started barging its strong wastes to the Columbia River. On June 6 the West Linn mill started impounding its sulfite waste liquor at a  $\frac{1}{2}$  capacity rate and on June 7 the Salem mill which had been impounding at a reduced rate since May 14 started impounding all of its pulp mill wastes.

As a result of these actions by the pulp mills the combined oxygen demand of their waste discharge to the Willamette which previously had averaged about 520,000 pounds per day were reduced by 65% or to an average of some 182,000 pounds per day.

In spite of this reduction the DO in the lower Portland harbor dropped from a high of 6.3 to a minimum of 3.7 ppm in June. The average daily low was 4.9 ppm. These conditions were comparable to June 1966 when the minimum daily DO was 3.6 ppm and the average low was 5.1 ppm.

During July and August the U. S. Army Engineers maintained fairly uniform flow in the Willamette with the daily flow rate at Salem ranging from 5,800 to 6,500 cfs and the monthly averages some 500 to 1,000 cfs greater than in the corresponding period of 1966.

The water temperatures recorded by the Authority during July and August ranged from a low of 21° C. to a high of 25° C. (70° F. to 77° F).

The DO at the SP & S sampling station ranged from a high of 5.4 to a low of 2.6 ppm with an average low of 4.2 ppm in July. In August at the same station the range was 4.1 to 2.8 ppm with an average low of 3.3 ppm. The minimum recorded in July 1966 was 3.6 ppm and in August 1966 it was 2.5 ppm.

As a result of the dredging operations previously mentioned momentary low DO values of 1.6 ppm in July and 2.4 ppm in August and average daily lows of 2.1 in July and 2.9 ppm in August were recorded by the FWPCA at the Swan Island station.

As the summer progressed further reductions in the oxygen demand of their wastes were made by some of the pulp mills. The Western Kraft mill at Albany, for example, reduced its load during June, July and August about 50% and during the latter part of September by more than 75% by disposing of a portion of its wastes on land. The Meyerhaeuser Company likewise effected substantial reductions in its already greatly reduced loads by land disposal practices.

Because of construction work that was underway the waste discharges from the Salem pulp mill could not be measured and therefore had to be estimated for most of the summer. In June the Boise Cascade Corporation applied bentonite in an attempt to stop the leakage from its spent sulfite liquor storage lagoon. Some leakage was still evident, however, after the lagoon was again used this summer.

The Newberg mill was shut down because of market conditions from June 24 to July 18. All the mills were shut down temporarily for the July 4 and Labor Day holidays but otherwise operated generally 24 hours per day and 7 days per week.

The following is a summary of the average daily loadings discharged to the Willamette River system from the 7 pulp mills in the basin.

Average Daily Pulp Mill Loadings (1967)

<u>Month</u>	<u>#BCD/day</u>	<u>% Reduction</u>
April	515,000	- -
May	524,420	- -
June	182,110	65
July	100,490	81
August	95,000	82
Sept. (1st week)	87,700	83
Sept. (2nd week)	78,390	85

Comparison of Individual Mill Loadings

<u>Mill Location</u>	<u># BCD/day</u>		
	<u>May</u>	<u>July</u>	<u>Sept. (2nd week)</u>
Albany	9,700	6,010	2,070
Lebanon	12,000**	8,130	9,680
Newberg	106,610	11,190	14,600
Oregon City	155,600	38,100	22,660
Salon	92,200***	9,700*	9,700*
Springfield	3,170	2,130	1,710
West Linn	115,110	21,000	17,970
Total	524,420	100,490	78,390

\* Estimated

\*\* Started impounding May 18. This mill's loading in April was 110,570 #BCD/day.

A summary of the DO situation in the lower Portland harbor as shown by the Steel and SP & S Railroad bridge monitoring stations sampled daily by the Authority is as follows:

<u>Month (1967)</u>	<u>Number of days that the DO was less than</u>			
	<u>5 ppm</u>	<u>4 ppm</u>	<u>3 ppm</u>	<u>2 ppm</u>
May	0	0	0	0
June	17	7	0	0
July	27	15	3	0
August	31	30	3	0
September	13	9	2	0

It was previously stated that the quality of the water entering the Newberg pool this summer was poorer than in 1965 and 1966. This is shown by the following DO data for the Old Newberg Bridge station at river mile 50.

(Dissolved Oxygen - ppm)

<u>Year</u>	<u>July</u>			<u>August</u>		
	<u>Max.</u>	<u>Min.</u>	<u>Ave.</u>	<u>Max.</u>	<u>Min.</u>	<u>Ave.</u>
1965	8.1	6.6	7.5	7.8	6.6	7.2
1966	7.9	6.8	7.1	7.6	6.2	6.9
1967	7.7	6.0	6.7	7.0	6.0	6.6

It is expected that the installation at all pulp and paper mills of primary treatment facilities for removal of settleable solids from their liquid wastes will eventually result in the elimination of the bottom sludge deposits which presently exist downstream from their outfalls.

This in turn will further reduce the oxygen demand on the river during the critical summer and fall months and should eliminate the nuisance conditions caused by sludge rafts rising to the water surface in the summer. The removal of suspended wood fiber from the wastes discharged to the river should also reduce the sport fishermen's complaints about pollution fouling up their fishing gear. This latter problem will not be completely solved however until the winter discharges of pulp mill wastes have been reduced sufficiently to prevent excessive slime growths. This will undoubtedly require the equivalent of chemical recovery and secondary treatment for sulfite pulp mills currently scheduled for July 1972 at Salem and Newberg and earlier at Oregon City.

The discontinuance of sulfite pulp production at its West Linn mill early next year as announced recently by the Crown Zellerbach Corporation should be a major contribution toward solution of the slime problem.

The elimination of slime growths which now occur principally in the winter and spring should also reduce the oxygen demand in the summer and fall in the lower harbor because such slime growths now settle to the bottom of the Willamette instead of being carried downstream to the Columbia River.

An exceptionally well designed and constructed primary clarifier and sludge handling system was placed in operation by Publishers Paper Company at its Oregon City mill in September 1967. The facilities include dewatering, drying and incineration for final disposal of the solids removed from the paper mill effluents.

Based on the variation results obtained during September of this year it appears that by putting the river flow over the falls at Oregon City instead of through the mills and power plants as has been done in the past it should be possible with the expected reductions in pulp mill loads to maintain the dissolved oxygen at 5 ppm during the entire low stream flow period beginning next year.