

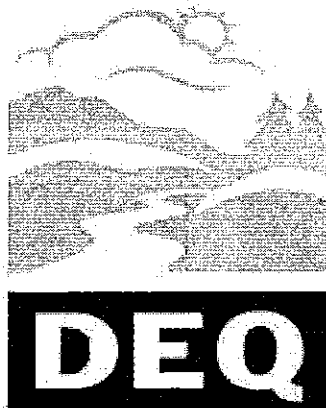
**9/17/1971**

**OREGON**

**ENVIRONMENTAL QUALITY**

**COMMISSION MEETING**

**MATERIALS**



State of Oregon  
**Department of  
Environmental  
Quality**

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AGENDA

ENVIRONMENTAL QUALITY COMMISSION MEETING

September 17, 1971

Central Elementary School, 975 Irving Street, Astoria, Oregon

9:30 a.m.

- A. Comments from the public
- B. Minutes of August 13, 1971 meeting
- C. Project Plans for August 1971

10:00 a.m.

- D. Public Hearing re: City of Astoria sewage disposal
- E. Proposed regulations for sulphite pulp mills
- F. Requests for Emergency Board Approval
  - (1) Increase DEQ federal fund expenditure limitation by \$28,684 for Environmentally Hazardous Wastes Study grant
  - (2) \$492,800 state grant and loan to MSD for solid waste disposal advance planning \*
- G. Authorization for future public hearings
  - (1) Civil Penalties Regulations
  - (2) Animal Feed Lot Regulations
  - (3) Recreational Forest Areas Regulations
  - (4) Administrative Procedures Regulations
- H. Allocation of state funds to Regional AP Authorities
- I. Brooks-Scanlon Inc., Bend AQC Proposal
- J. Variances granted by Regions
  - (1) MWVAPA - Three Pack Shingle Co., Foster
  - (2) CWAPA - Shell Oil Co., Portland  
Beaver Lumber Co., Clatskanie  
Harris Stud Mills, Boring
- K. Double Dee Lumber Co., Central Point - variance request
- L. Nordic Veneers, Inc., Roseburg - compliance schedule
- M. Oregon Calcite Corp. - status report
- N. Tax Credits
  - (1) T-188 Pacific Carbide, Portland (\$139,108.38)
- O. Huntington sewage treatment
- P. Slash Smoke Management Plan

\* This item is to be deferred until the October meeting to allow more time for study and review.

HMP

MINUTES OF THE TWENTY-SEVENTH MEETING  
of the  
Oregon Environmental Quality Commission  
September 17, 1971

The twenty-seventh regular meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 9:30 a.m. Friday, September 17, 1971, in the auditorium of the Central Elementary School, 975 Irving Street, Astoria, Oregon. Members present were B.A. McPhillips, Chairman, Arnold M. Cogan, Edward C. Harms, Jr., George A. McMath and Storrs S. Waterman.

Participating staff members were L.B. Day, Director; E.J. Weathersbee and K.H. Spies, Deputy Directors; Harold M. Patterson, Air Quality Control Division Director; Harold L. Sawyer, Chief Engineer; Fred M. Bolton, Field Services Division Director; Glen D. Carter, Water Quality Analyst; Harold H. Burkitt, F. Glenn Odell, T.M. Phillips and C.A. Ayer, Associate Engineers, and Arnold B. Silver, Legal Counsel.

COMMENTS FROM THE PUBLIC

Although invited to do so by the Chairman no member of the audience offered to make any statement or comment regarding any subject not listed on the agenda but relating to environmental matters.

MINUTES OF PREVIOUS MEETING

It was MOVED by Mr. McMath, seconded by Mr. Waterman and carried that the minutes of the twenty-sixth meeting of the Commission held in Portland on August 13, 1971 be approved as prepared.

PROJECT PLANS FOR AUGUST 1971

It was MOVED by Mr. McMath, seconded by Mr. Waterman and carried that the actions taken by the staff during the month of August 1971 regarding the following 42 municipal sewerage, one industrial waste, 3 solid waste management and 15 air quality control projects be approved:

Water Pollution Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8/2/71	Willow Island	Treatment plant for trailer pk.	Prov. app.
8/3/71	Multnomah County (E)	Portland Meadows Apts. (STP)	Prov. app.
8/3/71	Somerset West	Rock Club CC #2	Prov. app.
8/3/71	Somerset West	Parkview #6	Prov. app.
8/9/71	Deschutes County	Rimrock West development	Comments
8/12/71	St. Helens	Change Orders #7 and 8	Approved
8/12/71	Reynolds Metals	Upgrade of sewage treat. plant	Prov. app.
8/12/71	USA	Four sewer projects	Prov. app.
8/12/71	Malin	Change Order #6	Approved
8/13/71	USA (Aloha)	Knollwest Subdivision	Prov. app.
8/16/71	Portland Mobile Home Court	Treatment plant modifications	Prov. app.
8/17/71	Bear Creek Valley San. Auth.	Royals Oaks Manor sewer	Prov. app.
8/17/71	Chiloquin	STP measuring device (flow)	Prov. app.
8/17/71	Springfield	"S" Street sewers	Prov. app.
8/17/71	Green San. Dist.	Sunnyslope Addition #5	Prov. app.
8/17/71	Ashland	Mistletoe Road sewer	Prov. app.
8/18/71	Kezier SD #1	McCleod Park Subdivision	Prov. app.
8/18/71	Clackamas County Service Dist. #1	Hartnell Estates #3	Prov. app.
8/18/71	Oak Lodge SD #2	Putnam Village Subd.	Prov. app.
8/18/71	Oregon City	Rivercrest Park #4	Prov. app.
8/18/71	Wilsonville	Sewage treatment plant	Prov. app.
8/18/71	Roseburg	Lynwood Terrace #3	Prov. app.
8/18/71	USA (Sunset Valley)	STP modifications	Comments
8/19/71	Tri-City San. Dist.	STP proposal	Comments
8/19/71	Lane County	Driftwood Shores (Heceta Beach) STP	Comments
8/19/71	Clackamas County Service Dist. #1	Change Orders #1 and 2	Approved
8/20/71	Corvallis	Southwest Area san. sewers	Prov. app.
8/20/71	Coquille	STP modifications	Prov. app.
8/23/71	Dundee	Canyon Drive san. sewer (rev.)	Prov. app.
8/23/71	Gresham	NE Oregon-NE 181st Ave. sewer	Prov. app.
8/23/71	Oak Lodge SD #2	Lateral 2A-6-3-1	Prov. app.
8/23/71	Canby	Memorial Drive sewer	Prov. app.
8/23/71	West Linn	Maple Terrace sewer	Prov. app.
8/23/71	Gladstone	Forest Park Subd.-Unit 1-sewers	Prov. app.
8/23/71	Oregon City	Two projects (Hilltop Acres Subd. and LID #32)	Prov. app.
8/23/71	Clackamas County Service Dist. #1	Interceptor sewers-Phase I	Prov. app.
8/23/71	Gladstone	Columbia Avenue sewer	Prov. app.
8/24/71	Marion County	Illahe Hills-lagoon mod.	Prov. app.
8/24/71	Douglas County	Del-View Subdivision sewers and subsurface	Prov. app.

Water Pollution Control (cont.)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8/26/71	Salem	Collette Subd. sewers	Prov. app.
8/26/71	Neskowin	Taho Development	Comments
8/30/71	Dundee	Change Order B-10	Approved

Industrial Projects (1)

8/3/71	Portland	Standard Oil Company of California Western Operations Portland Airport Facility jet refueling plans and permit	Prov. app.
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Air Quality Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8/2/71	Grant County	Hines Lumber Company Proposal to modify WWWB	Req. changes & add. infor.
8/6/71	Josephine County	Oregon Calcite Corp. Proposal to construct pilot calcining plant	Req. add. inf.
8/10/71	Grant County	G.L. Pine Company Proposal to phase-out WWB by August 4, 1971	Approved
8/10/71	Douglas County	Georgia Pacific Corp. Request for 30 day delay on submission of plans for WWB modification at Sutherlin	Granted
8/17/71	Jefferson County	Brightwood Corporation Request for 90 day extension to complete WWB phase-out	Granted
8/17/71	Curry County	U.S. Plywood Corporation Submission of compliance schedule for Board Products Regulations	Approved
8/19/71	Douglas County	Drain Plywood Company Plans to relocate sanderdust collection system	Approved
8/20/71	Josephine County	Cabax Mills, Kerby operations Plans to modify WWB	Plans returned- no engineers stamp
8/20/71	Klamath County	Boise Cascade Corporation Plans to modify WWB	Requested corrected plans
8/20/71	Jackson County	Carolina Pacific, Inc. Proposal to phase-out WWB by December 31, 1971	Req. add. inf.
8/23/71	Douglas County	Hardwoods, Inc. Request extension for preparation of plans to 12/1/71	Granted

Air Quality Control - (cont.)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8/25/71	Jackson County	Lawyer Veneer Company Statement of compliance with Board Products Regulations	Approved
8/25/71	Baker County	Ellingson Lumber Company Plans for WWB modification	Approved
8/26/71	Grant County	San Juan Lumber Company Proposal to phase-out WWB by November 15, 1971	Approved
8/26/71	Deschutes County	Brooks-Scanlon, Inc. Plans for modifying power house boiler operations	Req. add. inf.

Solid Waste Disposal

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8/5/71	Umatilla County	Milton-Freewater Sanitary Landfill	Prov. app.
8/6/71	Multnomah County	Auckland Slash Disposal Site	Prov. app.
8/25/71	Columbia County	Santosh Operational Report	Prov. app.

HEARINGS OFFICER

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that Mr. Sherman Washburn of the State Health Division be designated as Hearings Officer for the Commission.

TAX CREDIT APPLICATION

Mr. Sawyer presented the staff's evaluation and recommendation regarding the tax credit application No. T-188 submitted by Pacific Carbide and Alloys Company of Portland, Oregon. This application had been previously considered at the June 4, 1971 Commission meeting in Sunriver.

It was MOVED by Mr. Waterman, seconded by Mr. Harms and carried that as recommended by the staff a pollution control facility tax credit certificate be issued to the Pacific Carbide & Alloys Company bearing the actual cost of \$139,108.38 for the facility claimed in application No. T-188.

EMPIRE LITE-ROCK

Mr. Bolton presented a staff report dated September 16, 1971 covering the status of progress made by the Empire Lite-Rock Company for controlling surface drainage at its quarry near Timber so as to prevent excessive turbidity

in the downstream waters of Castor Creek and the Nehalem River. He said he concurred with the conclusions of the company's consultants expressed in their letter of September 2, 1971.

It was pointed out that a new kiln is to be installed by the company in another 6 to 8 months and it will have facilities for controlling atmospheric emissions as required by the Columbia Willamette Air Pollution Authority.

No further action by the Commission regarding this matter which had been reviewed in detail at the August meeting was considered necessary at this time.

OREGON CALCITE CORPORATION

Mr. Burkitt presented a staff report dated September 9, 1971 covering developments that occurred since the previous Commission meeting regarding the Oregon Calcite Corporation's proposed project in Josephine County.

It was MOVED by Mr. Harms, seconded by Mr. Cogan and carried that an order to prohibit construction be issued to Oregon Calcite Corporation, Division of California Time Petroleum, Inc. for the installation of any equipment having emissions to the atmosphere, and further that the Corporation be notified that it is the intent of the Department of Environmental Quality to deny the company's application for a waste discharge permit.

REQUEST FOR EMERGENCY BOARD APPROVAL

It was MOVED by Mr. Waterman, seconded by Mr. McMath and carried that the State Emergency Board be requested to grant permission to the Department to make application to EPA for a federal grant in the amount of \$28,684 to help finance the development of a state-wide plan for management of environmentally hazardous wastes, the provision of technical planning assistance to local governmental units, and the development of solid waste rules and regulations, and be requested further to increase by \$28,684 the Department's limitation on expenditure of federal funds for the 1971-73 biennium.

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that action on the request submitted by the Metropolitan Service District for a state planning grant for solid waste disposal be postponed and that it not be referred to the State Emergency Board until the Department has had ample time to make a thorough analysis of the district's proposal.

ALLOCATION OF STATE FUNDS TO REGIONAL AP AUTHORITIES

Mr. Patterson presented the staff's report dated September 9, 1971 containing recommendations regarding the requests submitted by the three regions for state funds to assist them in financing operation of their air quality control programs.

It was MOVED by Mr. Waterman, seconded by Mr. Cogan and carried that the Commission approve the allocation of state funds in the amount of \$105,117 for the period July 1, 1971 through June 30, 1972 to the three regions as follows:

Columbia-Willamette Air Pollution Authority	\$53,769
Lane Regional Air Pollution Authority	28,832
Mid-Willamette Valley Air Pollution Authority	<u>22,516</u>
	\$105,117

INTRODUCTION OF NEW DIRECTOR

The Chairman then introduced Mr. L.B. Day who had been appointed by the Commission on September 13, 1971 as the new director of the Department of Environmental Quality.

RESOLUTION RE: K.H. SPIES

Mr. Harms read a resolution expressing appreciation to Mr. Spies for the contribution that he has made during the past 3 decades toward protecting Oregon's environment against pollution.

It was MOVED by Mr. Harms, seconded and carried that the resolution be adopted by the Commission.

PUBLIC HEARING RE: CITY OF ASTORIA SEWAGE DISPOSAL

The public hearing in the matter of sewage disposal for the city of Astoria was opened by the Chairman and Mayor Harry Steinback was asked to present a statement for the city. The Mayor then read a 5-page statement outlining the position of the city relative to the site which had been selected for the city's proposed lagoon system of sewage disposal. He also read a letter from the Bumble Bee Seafood Company pointing out the reasons for changing the site from the one which had been initially selected by the city's consulting engineers.



Following his presentation the Mayor was asked several questions by the Commission members regarding the city's plans for future use of the filled area immediately adjacent to the lagoon site. It was stated that the entire area under consideration has been zoned by the city as industrial property. It was further disclosed that the State Land Division claims ownership of part of the area.

Mr. Bill Wooten, engineer for Bumble Bee Seafood Company, testified that the site proposed by the city is more than one mile from their fresh and frozen food cold storage plant whereas the site proposed by the U.S. Department of Interior would be only 4,200 feet from their plant. He testified further that the Scandinavian plant built in the latter part of the 1800's and owned by Bumble Bee is used only as a fish receiving station and that no processing is performed there. Consequently its proximity to the lagoon system is not a critical matter.

Mr. Howard L. Hendricks, President of the Astoria Area Chamber of Commerce, read a brief statement for that organization supporting the site proposed by the city.

Mr. Bolton presented a staff report dated September 17, 1971, regarding this matter. He also supported the city's site.

Mr. William S. Cox, Director of the Division of State Lands was the next person to testify. He read a brief statement for that agency. He claimed that the state owns the submerged tidelands and therefore is involved in both sites.

Mr. Irv Jones read a one page statement from the Fish Commission of Oregon and the Oregon State Game Commission. He said that although they do not advocate reducing estuary areas they do not oppose the city's project. When questioned by the EQC members he failed to give specific answers or to express a definite opinion regarding the probable effects of the proposed project on the fishery resources of the area. Mr. McMath asked if it was not a fact that the area in question represented only 30 acres out of a total of 15,000 acres of Columbia River estuary.

Mr. Duncan Law, Astoria City Councilman for the 4th Ward which is the area that includes the lagoon site, read a prepared statement supporting the city's proposal.

Mr. Robert Burd, representative of the U.S. Environmental Protection Agency with offices in Seattle, read a prepared statement for that agency. He recommended that (1) the lagoon design be revised and the flow through the series of ponds be reversed and (2) another site selection committee be appointed to determine the most desirable boundaries for the project.

Mr. Dale Curry, Astoria City Manager, spoke briefly and said that the city is extremely anxious to get the project underway and that in his opinion the argument over the site selection is "nit picking."

A man from the audience who said he is a resident of the Alderbrook area adjacent to the site said he wants it located as far east as possible. The final witness was a lady from the audience who bitterly opposed the alternative site.

Letters received from the U.S. Department of Interior and the U.S. Army Engineers regarding this matter were entered in the record by the Chairman. There being no other witnesses who wished to be heard the hearing was recessed at 11:40 a.m. and reconvened at 1:20 p.m.

Copies of the statements read by or received from Mayor Harry M. Steinbock, Howard L. Hendricks, Fred M. Bolton, William S. Cox, Irv Jones, Duncan Law, Robert Burd, L.B. Day for the Department of Interior and Colonel Paul D. Triem for the Army Engineers have been made a part of the Department's permanent files in this matter.

A motion was made by Mr. McMath and seconded by Mr. Cogan that the lagoon site be adjusted to the west as far as possible but with full consideration for maximum protection of the adjacent residential properties, that the polishing pond be located at the west end, and that the remainder of the fill area be reserved for public park or recreational use. Mr. McMath and Mr. Cogan voted in favor and the other three members voted against the motion.

It was then MOVED by Mr. Harms, seconded by Mr. Waterman and carried by a vote of 4 to 1 that the Commission approve the site proposed by the city of Astoria and adopt the staff's recommendation or report and at the same time advise the city of Astoria that the Commission would look favorably on a site moved somewhat to the west if that becomes necessary to satisfy the other affected agencies which must approve the project, and further that the city be requested to study the reversing of the order of the lagoon cells and to retain the remaining fill site for public recreation use in the event the lagoon is not moved.

The latter point was an amendment to the main motion and was proposed by Mr. Cogan and seconded by Mr. Harms. Mr. Cogan was the one who voted against the amended motion.

SULFITE PULP MILL REGULATIONS

Mr. Ayer reviewed a staff memorandum report dated September 9, 1971 which covered the testimony received at and since the public hearing held before the Commission in this matter on July 23, 1971. He recommended amendments to Sections E 5(d) and F 6 of the proposed regulations for sulfite pulp mills and that with those amendments the proposed regulations be adopted.

Mr. Day pointed out that the U.S. Environmental Protection Agency suggested a SO<sub>2</sub> limit of 20 pounds per ton of pulp produced whereas the DEQ proposal was 22 pounds per ton. He therefore recommended that the 20 pound limit be adopted.

It was MOVED by Mr. McMath, seconded by Mr. Cogan and carried that the regulations as proposed by the staff and reviewed at the public hearing on July 23, 1971 be adopted with the amendments to Sections E 5(d) and F 6 as proposed by Mr. Ayer and with the further amendment that the SO<sub>2</sub> limit be 20 pounds per ton of pulp produced.

A copy of the regulations as adopted is attached to and made a part of these minutes.

AUTHORIZATION FOR FUTURE PUBLIC HEARINGS

Proposed Civil Penalties regulations having been drafted by the staff and discussed by Mr. Weathersbee, it was MOVED by Mr. Harms, seconded by Mr. Waterman and carried that the Director be authorized to hold a public hearing in this matter at a convenient time.

Mr. Weathersbee referred to the proposed regulations which had been drafted some time ago pertaining to construction and operation of animal feed lots. It was MOVED by Mr. Harms, seconded by Mr. Waterman and carried that the Director be authorized to call a hearing in this matter in accordance with staff recommendations and that if he deems appropriate the hearing be held before a hearings officer.

Mr. Odell discussed two preliminary drafts of proposed regulations for recreational forest areas which had been requested by the Commission at the previous meeting.

It was MOVED by Mr. Cogan, seconded by Mr. McMath and carried that the staff prepare for consideration at the October meeting of the Commission a regulation or standard which incorporates features of both versions and which provides standards as well as a permit system for all appropriate recreational areas including state and federal forest areas, national parks and monuments and areas covered under the wilderness and wild rivers acts.

Mr. Silver discussed the new Administrative Procedures regulations proposed by the Attorney General. It was MOVED by Mr. McMath, seconded by Mr. Waterman and carried that a public hearing be held in this matter as soon as the Director is satisfied that the new Administrative Rules are ready for adoption.

BROOKS SCANLON INC. AOC PROPOSAL

Mr. Phillips presented a staff memorandum report dated September 8, 1971 outlining the proposal of the Brooks-Scanlon Inc. for abating the air pollution caused by operation of its power boilers at Bend. He recommended that the proposal be accepted with the addition that on completion in March 1972 the company be required to conduct stack emission tests for each boiler under conditions of normal operations and to report the results to the Department by not later than April 30, 1972.

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that the recommendations of the staff be approved by the Commission and that a suitable news release of this action be made in the Bend area for the information of the residents of that community.

VARIANCES GRANTED BY REGIONS

Mr. Odell presented the staff evaluation of a variance granted by MWVAPA to the Three Pack Shingle Company of Foster and of the three variances granted by CWAPA to the Shell Oil Company of Portland, the Beaver Lumber Company of Clatskanie and the Harris Stud Mills of Boring. The staff report regarding these variances was dated September 8, 1971.

It was MOVED by Mr. Waterman, seconded by Mr. Harms and carried that the Commission accept and/or approve these variances.

Mr. Cogan suggested that the staff develop proposed administrative procedures for the reviewing of variances granted in the future by regional authorities.

DOUBLE DEE LUMBER COMPANY, Central Point

Mr. Phillips presented the staff report and recommendations dated September 9, 1971 regarding the variance requested by the Double Dee Lumber Company of Central Point for the temporary use of a wigwam burner at the Steve Wilson Mill No. 2.

It was MOVED by Mr. Harms, seconded by Mr. McMath and carried that the staff recommendations in this matter be approved and the company permitted to operate the wigwam burner under the conditions specified in the staff's recommendations.

NORDIC PLYWOOD, INC.

Mr. Phillips presented the staff report dated September 10, 1971 concerning the request of the Nordic Plywood Corporation for approval of its plan to phase out of operation or to modify its wigwam burners at Sutherlin, Roseburg and Modoc Point. He said that the company had recently agreed to comply with the Department's deadline. It was MOVED by Mr. Harms, seconded by Mr. Waterman and carried that the staff report in this matter be filed.

HUNTINGTON STATUS REPORT

A brief status report prepared by Mr. Van Domelen was presented by Mr. Spies concerning the progress being made by the city of Huntington in the matter of financing the installation of chlorination facilities at the city's sewage treatment works.

Because the project is finally progressing satisfactorily no further action in this matter was considered necessary by the Commission at this time.

SLASH SMOKE MANAGEMENT PROGRAM

At the recommendation of Mr. Patterson it was MOVED by Mr. Harms, seconded by Mr. Waterman and carried that the Commission give its concurrence to the Interim Slash Smoke Management Plan and regulation approved by the State Board of Forestry.

There being no further business the meeting adjourned at 2:40 p.m.

Copies of all staff reports referred to in these minutes have been made a part of the Department's permanent files.

The date for the next meeting of the Commission was set for October 29, 1971 in Portland.

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY CONTROL DIVISION

REGULATIONS FOR  
SULFITE PULP MILLS

As Adopted September 17, 1971

A. DEFINITIONS:

1. Acid Plant - The facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery furnace.
2. Average Daily Emission - Total weight of sulfur oxides emitted in each month divided by the number of days of production that month.
3. Average Daily Production - Air dry tons of unbleached pulp produced in a month, divided by the number of days of production in that month.
4. Blow System - Includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.
5. Continual Monitoring - Sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels, ambient air levels, or concentrations on a continuous basis.
6. Department - The Department of Environmental Quality.
7. Other Sources - Means sources of sulfur oxide emissions including but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling of condensate liquids or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those mentioned in emission standard limitations (Section C).
8. Particulate Matter - A small discrete mass of solid matter, including the solids dissolved or suspended in liquid droplets but not including uncombined water.
9. Recovery System - The process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.

10. Sulfite Mill or Mill - A pulp mill producing cellulose pulp using a cooking liquor consisting of sulfurous acid and/or a bisulfite salt.
11. Sulfur Oxides - Sulfur dioxide, sulfur trioxide and other sulfur oxides.
12. Total Reduced Sulfur (TRS) - Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and other organic sulfides present.

10. Sulfite Mill or Mill - A pulp mill producing cellulose pulp using a cooking liquor consisting of sulfurous acid and/or a bisulfite salt.

B. STATEMENT OF PURPOSE:

It is the policy of the Commission:

1. To require, in accordance with a specific program and timetable for each operating mill, the highest and best practicable treatment and control of emissions from sulfite mills through the utilization of technically feasible equipment, devices and procedures;
2. To require the evaluation of improved and effective measuring techniques for sulfur oxides, total reduced sulfur, particulates and other emissions from sulfite mills;
3. To require effective measuring and reporting of emissions and reporting of other data pertinent to emissions. The Department will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission standards and air quality standards, and to determine compliance therewith;
4. To encourage and assist the sulfite pulping industry to conduct a research and technological development program designed to progressively reduce sulfite mill emissions, in accordance with a definite program with specific objectives;
5. To establish standards deemed to be technically feasible, reasonably attainable, and necessary for the attaining of satisfactory air quality with the intent of revising the standards as new information and better technology are developed.

C. MINIMUM EMISSION STANDARDS:

1. Notwithstanding the specific emission limits set forth in this section, The Department of Environmental Quality may, after notice and hearing, establish more restrictive emission limits and compliance schedules for mills located in recognized problem areas, for new mills, for mills expanding existing facilities, for mills installing substantial modifications of existing facilities which result in increased emissions; or for mills in areas where it is shown ambient air standards are exceeded.



2. The total average daily emissions from a sulfite pulp mill shall not exceed 20 pounds of sulfur dioxide per ton of air dried unbleached pulp produced and in addition:
  - (a) the blow system emissions shall not exceed 0.2 pounds of sulfur dioxide per minute per ton of unbleached pulp (charged to digester) on a 15 minute average.
  - (b) Emissions from the recovery system, acid plant and other sources, shall not exceed 800 ppm of sulfur dioxide as an hourly average.
3. Mills of less than 110 ton of air dried unbleached pulp per day may be exempted from the limitations of subsection 2 above provided:
  - a) That the schedule of compliance required by Section D demonstrates that a minimum of 50% collection efficiency will be maintained and that compliance will be achieved within 1 year.
  - b) That the schedule of compliance required by Section D demonstrates that a minimum of 80% collection efficiency for SO<sub>2</sub> will be maintained and compliance will be achieved no later than December 31, 1975.
  - c) That an approved program continually monitors ambient air to demonstrate compliance with State and Federal ambient air standards, and that a five (5) minute concentration of 0.8 ppm of sulfur dioxide is not exceeded.
4. The total emission of particulate matter from the recovery furnace stacks shall not exceed four (4) pounds per air dried ton of unbleached pulp produced.

D. COMPLIANCE SCHEDULE:

Each mill shall proceed promptly with a program to bring all sources into compliance with this regulation, but in no instance shall the compliance be achieved later than July 1, 1974 (except as provided in C, 3(b)). A proposed schedule of compliance with this regulation shall be submitted within one hundred and twenty (120) days following the adoption of this regulation, or as otherwise determined by the Environmental Quality Commission. After receipt of the proposed schedule the Department shall adopt an approved compliance schedule. The proposed schedule shall include:

1. A description of the program to determine the sulfur dioxide emissions from all sources.

2. The dates when specific steps of the program will be completed, including but not limited to:
  - a. Engineering study
  - b. Purchase of equipment
  - c. Erection of equipment
  - d. Equipment placed in normal operation (full compliance with regulation)
3. A description of each step in the program, including but not limited to:
  - a. Engineering studies including alternative control procedures to be considered and a comprehensive time schedule for their evaluation.
  - b. Performance characteristics and estimated efficiencies of control devices.
  - c. Justification for the time schedule requested.
  - d. Reduction in emissions resulting from each completed step.

The approval of a compliance schedule by the Department shall be based upon a showing that the mill is proceeding with all due speed to meet all requirements of this regulation.

**E. MONITORING AND REPORTING:**

1. Each mill shall submit, within sixty (60) days of the date of adoption, a detailed sampling and testing program and time schedule for approval by the Department.
2. The monitoring equipment shall be capable of determining compliance with the emission limits established by these regulations, and shall be capable of continual sampling and recording of concentrations of sulfur dioxide contaminants from the recovery system.
3. Each mill shall sample the recovery system, blow system, and acid plant for sulfur dioxide emissions on a regularly scheduled basis.
4. Each mill shall sample the recovery furnace stacks for particulate on a regularly scheduled basis.
5. Unless otherwise authorized, data shall be reported by each mill at the end of each calendar month as follows:
  - a. Average daily emissions of sulfur dioxides expressed as pounds of

- sulfur dioxide per ton of pulp produced from the blow system, recovery system, and acid plant.
- b. The daily average and peak concentrations of sulfur dioxides expressed in pounds per hour and expressed in ppm of sulfur dioxide and the number of hours each day that the concentration exceeds 500 ppm.
  - c. The average daily production of unbleached pulp and the maximum daily production.
  - d. Mills operating under the provisions of Section C3 shall report the results of their ambient monitoring monthly.
6. Each mill shall furnish upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Unless otherwise prescribed, each mill shall report immediately to the Department abnormal mill operations which adversely affect the emission of air contaminants.
  7. All measurements shall be made in accordance with techniques approved by the Department. Interim procedures may be approved for use prior to completion of the studies required by Section F.

F. SPECIAL STUDIES:

Special studies of the nature described below and having prior approval of the Department shall be conducted at each mill or through cooperation among mills. The proposed program and timetable shall be submitted to the Department within 90 days of adoption of this regulation.

1. Develop and recommend satisfactory measuring technique for particulates from recovery furnace stacks.
2. Evaluate and report the emission and control methods of sulfur dioxide from other sources within the mill.
3. Evaluate and report the emission of sulfur trioxide from recovery furnace and acid plants.
4. Evaluate as required by local conditions emissions of TRS.
5. Develop and recommend satisfactory continual monitoring techniques for SO<sub>2</sub> emissions from recovery systems and blow pit vents.

6. Bleach plant contaminant emissions shall be measured and reported to the Department within one year of the effective date of this regulation. The report shall include a description of the processes and chemicals used, and shall report the emissions in terms of total emission flow rate, concentration, and mass emission rates, including but not necessarily limited to chlorine- and sulfur-containing gases.

G. EXCEPTIONS:

These regulations do not apply to open burning or power boiler operations conducted at sulfite pulp mills unless such boilers are an integral part of the sulfite process or recovery system.

H. PUBLIC HEARING:

A public hearing may be held by the Department not later than December 31, 1973, in order to review current technology and adequacy of these regulations.

I. NOTICE OF CONSTRUCTION AND SUBMISSION OF PLANS AND SPECIFICATIONS:

1. Prior to the construction, installation, or establishment of a sulfite mill, a notice of construction shall be submitted to the Department as required by OAR 340, Sections 20-020 and 20-030.
2. Addition to, or enlargement, or placement of a sulfite mill or any major alternation therein shall be construed as construction, installation, or establishment.

PROJECT PLANS

Water Pollution Control

During the month of August 1971 the following project plans and specifications and/or reports were reviewed by the staff. The disposition of each project is shown, pending ratification by the Environmental Quality Commission.

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
<u>Municipal Projects (42)</u>			
8-2-71	Willow Island	Treatment plant for trailer pk.	Prov. approval
8-3-71	Multnomah County (E)	Portland Meadows Apts. (STP)	Prov. approval
8-3-71	Somerset West	Rock Club CC #2	Prov. approval
8-3-71	Somerset West	Parkview #6	Prov. approval
8-9-71	Deschutes County	Rimrock West development	Comments
8-12-71	St. Helens	Change Orders #7 and 8	Approved
8-12-71	Reynolds Metals	Upgrade of sewage treat. plant	Prov. approval
8-12-71	USA	Four sewer projects	Prov. approval
8-12-71	Malin	Change Order #6	Approved
8-13-71	USA (Aloha)	Knollwest Subdivision	Prov. approval
8-17-71	Portland Mobile Home Court	Treatment plant modifications	Prov. approval
8-17-71	Bear Creek Valley San. Auth.	Royal Oaks Manor sewer	Prov. approval
8-17-71	Chiloquin	STP measuring device (flow)	Prov. approval
8-17-71	Springfield	"S" Street sewers	Prov. approval
8-17-71	Green San. Dist.	Sunnyslope Addition #5	Prov. approval
8-17-71	Ashland	Mistletoe Road sewer	Prov. approval
8-18-71	Keizer SD #1	McCleod Park Subdivision	Prov. approval

Water Pollution Control (Cont.)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-18-71	Clackamas County Service Dist. #1	Hartnell Estates #3	Prov. approval
8-18-71	Oak Lodge SD #2	Putnam Village Subd.	Prov. approval
8-18-71	Oregon City	Rivercrest Park #4	Prov. approval
8-18-71	Wilsonville	Sewage treatment plant	Prov. approval
8-18-71	Roseburg	Lynwood Terrace #3	Prov. approval
8-18-71	USA (Sunset Valley)	STP modifications	Comments
8-19-71	Tri-City San. Dist.	STP proposal	Comments
8-19-71	Lane County	Driftwood Shores (Heceta Beach) STP	Comments
8-19-71	Clackamas County Service Dist. #1	Change Orders #1 and 2	Approved
8-20-71	Corvallis	Southwest Area san. sewers	Prov. approval
8-20-71	Coquille	STP modifications	Prov. approval
8-23-71	Dundee	Canyon Drive san. sewer (rev.)	Prov. approval
8-23-71	Gresham	NE Oregon-NE 181st Ave. sewer	Prov. approval
8-23-71	Oak Lodge SD #2	Lateral 2A-6-3-1	Prov. approval
8-23-71	Canby	Memorial Drive sewer	Prov. approval
8-23-71	West Linn	Maple Terrace sewer	Prov. approval
8-23-71	Gladstone	Forest Park Subd.-Unit 1-sewers	Prov. approval
8-23-71	Oregon City	Two projects (Hilltop Acres Subd. and LID #32)	Prov. approval
8-23-71	Clackamas County Service Dist. #1	Interceptor sewers-Phase I	Prov. approval
8-23-71	Gladstone	Columbia Avenue sewer	Prov. approval
8-24-71	Marion County	Illahe Hills-lagoon mod.	Prov. approval
8-24-71	Douglas County	Del-View Subdivision sewers and subsurface	Prov. approval

Water Pollution Control (Cont.)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-26-71	Salem	Collette Subd. sewers	Prov. approval
8-26-71	Neskowin	Taho development	Comments
8-30-71	Dundee	Change Order B-10	Approved

Industrial Projects (1)

8-3-71	Portland	Standard Oil Company of California Western Operations Portland Airport Facility jet refueling plans and permit	Prov. approval
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PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL  
DIVISION FOR AUGUST, 1971.

The following project plans or reports were received and processed by the Air Quality Control Division for the month of August, 1971:

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
2	Grant County	<u>Hines Lumber Company</u> Proposal to modify WWWB	Requested changes and additional information
6	Josephine County	<u>Oregon Calcite Corporation</u> Proposal to construct pilot calcining plant	Requested additional information
10	Grant County	<u>G. L. Pine Company</u> Proposal to phase-out WWB by August 4, 1971	Approved
	Douglas County	<u>Georgia Pacific Corp.</u> Request for 30 day delay on submission of plans for WWB modifica- tion at Sutherlin	Granted
17	Jefferson County	<u>Brightwood Corporation</u> Request for 90 day extension to complete WWB phase-out	Granted
	Curry County	<u>U. S. Plywood Corporation</u> Submission of compliance schedule for Board Products Regulations	Approved
19	Douglas County	<u>Drain Plywood Company</u> Plans to relocate sanderdust collection system	Approved
20	Josephine County	<u>Cabax Mills, Kerby opera- tions</u> Plans to modify WWB	Plans returned - no engineers stamp
	Klamath County	<u>Boise Cascade Corporation</u> Plans to modify WWB	Requested corrected plans



PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL  
DIVISION FOR AUGUST, 1971:

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
20	Jackson County	<u>Carolina Pacific, Inc.</u> Proposal to phase-out WWB by December 31, 1971	Requested additional information
23	Douglas County	<u>Hardwoods, Inc.</u> Request extension for preparation of plans to December 1, 1971	Granted
25	Jackson County	<u>Lawyer Veneer Company</u> Statement of compliance with Board Products Regulations	Approved
	Baker County	<u>Ellingson Lumber Company</u> Plans for WWB modifica- tion.	Approved
26	Grant County	<u>San Juan Lumber Company</u> Proposal to phase-out WWB by November 15, 1971	Approved
	Deschutes County	<u>Brooks-Scanlon, Inc.,</u> Plans for modifying power house boiler operations	Requested additional information

IN SUMMARY, THE AIR QUALITY CONTROL STAFF:

1. Approved two (2) wigwam waste burner phase-out programs.
2. Approved one (1) wigwam waste burner modification project.
3. Requested additional information regarding six (6) projects.
4. Granted three (3) time extensions for plan preparations.
5. Approved three (3) programs relative to the Board Products Regulations.

PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL  
DIVISION FOR AUGUST, 1971.

The following project plans or reports were received and processed by the Air Quality Control Division for the month of August, 1971:

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PROJECT PLANS

SOLID WASTE MANAGEMENT

During the month of August, 1971, the following project plans and specifications and/or reports were reviewed by the staff. The disposition of each project is shown, pending ratification by the Environmental Quality Commission.

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
August 5	Umatilla County	Milton-Freewater Sanitary Landfill	Prov. approval
August 6	Multnomah County	Auckland Slash Disposal Site	Prov. Approval
August 25	Columbia County	Santosh Operational Report	Prov. Approval

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION

B. A. McPhillips, Chairman      E. C. Harms, Jr., Member  
Storrs S. Waterman, Member      George A. McMath, Member  
Arnold M. Cogan, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : September 9, 1971 for Meeting of September 17, 1971

SUBJECT : ADOPTION OF SULFITE MILL EMISSION REGULATIONS

At the public hearing on July 23, 1971, the Environmental Quality Commission amended Section B1 of the draft regulation by substituting "highest and best practicable" for the proposed "best practicable and reasonable". The Commission also voted to hold the record open for a month and that final action be taken at the September, 1971 meeting. A copy of the minutes of that hearing is attached.

The testimony offered during the hearing may be summarized as follows:

1. From the Regional Authorities:

- a. Particulate Matter. The Regions felt that the definition, in including only solid matter, was too restrictive and not in conformance to a Federal definition. The staff feels that the definition is justified as applying to a specific part of the emissions for which controls can be provided. Emissions not covered, as far as is known at this time, will be liquid aerosols derived from sulfur trioxide. To what degree they are present, and whether they are an ambient problem, will be determined by the special studies provision of the regulation. Control, if necessary probably will be achieved as much through altering furnace operations as through addition of stack controls. The limit on particulate matter discharged, 4 lbs/ton of pulp, will require treatment equivalent to that at kraft mills.
- b. Immediate designation of Recognized Problem Areas. Both Columbia-Willamette Air Pollution Authority and Mid-Willamette Valley Air Pollution Authority wanted mills in their areas (Publishers Paper Company at Oregon City and Boise Cascade at Salem) to be designated as recognized problem areas and to impose more restrictive standards on them, including a requirement that tall stacks be built.

The staff opinion is that the two companies involved are aware of being in problem areas. Approval of their compliance proposals and schedules will take their locations into account. Imposition of more restrictive limits would require a public hearing separate from adopting

this proposed regulation, and would be scheduled, if necessary, after adoption of this regulation. The staff also feels that tall stacks are a last resort for pollution abatement. It is far more desirable to reduce emission rates.

With respect to the two mills, it should be pointed out that the ambient data that exist for Oregon City, qualitative though they are, indicate that the digester emissions are the major, perhaps sole source of ambient problems. At Salem, of course, the recovery furnace is not yet operational, so that the digesters are the only source of ambient problems. The 22 lb SO<sub>2</sub>/ton, a plant-site limit, will be difficult enough to meet from a recovery furnace alone. Digester emissions will have to be reduced virtually to zero in order to comply with the total limit.

- c. Suggested Lower Limits. One Authority suggested 9 lb SO<sub>2</sub>/ton, the other suggested 500 ppm as tighter limits, reflecting highest and best. The 500 ppm is in the regulation more by implication than by specific limit, in that monitoring and reporting emissions over that level are required, and a limit of 800 ppm (1 hour average) not to be exceeded is imposed. To prevent exceeding 800 ppm, an average of roughly 500 ppm will have to be maintained. The 800 ppm- 1 hour average combination is written to allow for concentrations reached during upsets and the time to correct these conditions. The 9 lb/ton does not appear attainable at this time. When it is attainable for existing mills, the standards can be tightened.
  - d. Compliance Date. The Regions protested that July 1, 1974 is too long a time for compliance. The governing factor in each compliance schedule will be demonstration that the schedule is no longer than absolutely necessary.
  - e. Ambient Monitoring. One Region suggested compelling the mills to do ambient monitoring, to include a plan for reducing emissions during episodes. Planning for episodes, however, will be a part of the implementation plans required by Environmental Protection Agency. It will, of course, be a function of the control agencies to declare the presence of an episode and to initiate the appropriate response to reduce emissions. It is anticipated that factors other than monitored contaminant levels will be used for detecting and predicting episodes.
2. The Oregon/Washington Coalition for Clean Air reported that its technical committee had reviewed the regulation, finding it reasonable and attainable and that therefore the Coalition supported the regulation.

3. Mr. Richard Taylor, representing the Oregon TB and Respiratory Health Association recommended that the regulation be adopted.
4. The Salem City Council; Mr. David Vargas, resident of Salem; Mrs. Mabel Shiffer, Executive Director of the Willamette TB and Health Association, all requested that the highest and best technology be required of the sulfite mills.
5. Mr. Donald J. Benson, Executive Secretary of the Northwest Pulp and Paper Association, and Mr. Jim Fahlstrom, Resident Manager of Boise-Cascade's Salem plant, testified that 22 lb SO<sub>2</sub>/ton of pulp might not be attainable, and both of them recommended that a limit of 30 lb SO<sub>2</sub>/ton be adopted instead.
6. Mr. Fred Wert stated that he had made a study of Boise Cascade-Salem, and that he believed it was technologically and economically feasible to meet emission standards much more strict than those proposed by the DEQ staff. Upon the invitation of the EQC, he promised to submit evidence supporting his contention. On July 20, 1971, Mr. Wert was sent a letter repeating the request for data. No reply has been received.

Since the hearing, the following has taken place:

1. Information from the Swedish equivalent of EPA has been received, forwarded through the U. S. Environmental Protection Agency, that the Swedish standard for sulfite mills is 10 kg SO<sub>2</sub>/metric ton, equal to 20 lb SO<sub>2</sub>/English ton.
2. The EPA has published, in the Federal Register (Volume 36, No. 158, p. 15496) an opinion that 9 lb SO<sub>2</sub>/ton is possible for new mills, but that for technological and "economic reasons", 20 lb SO<sub>2</sub>/ton is more feasible for existing mills. This is not a minimum requirement for approval of implementation plans.
3. Oregon Environmental Council submitted a letter requesting more citizen participation in drafting regulations.

The Washington Department of Ecology has been preparing a regulation essentially identical to the one under consideration here. There are two differences of interest, one a provision that "small" mills which establish a monitoring program (as under Section C3(c) must report the results monthly, the other difference - a provision in the Special Studies section for inventorying bleach plant effluents. There is some consideration being given to the question of trading water pollution for air pollution, which could be embodied in their regulation, but a final decision on that point has not been made by the Department.

### Discussion of New Information

The "9 lb SO<sub>2</sub>/ton" published by EPA is based on the performance of one mill - Finch Pruyn at Glens Falls, New York. As explained on page 15 of the background report "Sulfite Pulping - Emissions and Control", control of SO<sub>2</sub> at ammonia-based mills is a compromise between controlling SO<sub>2</sub> and generating a particulate fume, which apparently is happening at Finch Pruyn. The options afforded by this compromise do not exist at magnesium-based mills, due to scaling problems when higher efficiencies are attempted. For these reasons, the DEQ staff does not believe the 9 lb/ton to be a feasible or possible limit for all mills at this time.

The 22 lb/ton in the proposed regulation is derived from the staff conclusion that recovery furnace controls should be capable of meeting a limit of 20 lb SO<sub>2</sub>/ton, with a limit on all other sources of 2 lb SO<sub>2</sub>/ton, to yield a plant-site limit of 22 lb SO<sub>2</sub>/ton.

The two amendments in Washington's draft appear well worth considering. The requirement that ambient monitoring be reported encodes an assumption that such monitoring would be reported, to show that the mill emissions are not violating ambient standards.

The DEQ staff has no information to suggest that bleach plant emissions are a problem, since bleaching is done with solutions of a few percent concentration. An inventory would either confirm that no problem exists, or, if emissions were significant, provide the basis for adopting appropriate limits.

### Recommendations

1. The staff recommends adoption of the following amendments:  
E5(d): Mills operating under the provisions of Section 3C shall report the results of their ambient monitoring monthly.

F6: Bleach plant contaminant emissions shall be measured and reported to the Department within one year of the effective date of this regulation. The report shall include a description of the process and chemicals used, and shall report the emissions in terms of total emission flow rate, concentration, and mass emission rate, including but not necessarily limited to chlorine and sulfur containing gases.

2. With these amendments, the staff recommends adopting the proposed regulation.

A copy of the proposed regulation is attached hereto.



DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY CONTROL DIVISION

Proposed Regulations  
for  
SULFITE PULP MILLS

A. DEFINITIONS:

1. Acid Plant - The facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery furnace.
2. Average Daily Emission - Total weight of sulfur oxides emitted in each month divided by the number of days of production that month.
3. Average Daily Production - Air dry tons of unbleached pulp produced in a month, divided by the number of days of production in that month.
4. Blow System - Includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.
5. Continual Monitoring - Sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels, ambient air levels, or concentrations on a continuous basis.
6. Department - The Department of Environmental Quality.
7. Other Sources - Means sources of sulfur oxide emissions including but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling of condensate liquids or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those mentioned in emission standard limitations (Section C).
8. Particulate Matter - A small discrete mass of solid matter, including the solids dissolved or suspended in liquid droplets but not including uncombined water.
9. Recovery System - The process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.

9/9/71

10. Sulfite Mill or Mill - A pulp mill producing cellulose pulp using a cooking liquor consisting of sulfurous acid and/or a bisulfite salt.
11. Sulfur Oxides - Sulfur dioxide, sulfur trioxide and other sulfur oxides.
12. Total Reduced Sulfur (TRS) - Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and other organic sulfides present.

B. STATEMENT OF PURPOSE:

It is the policy of the Commission:

1. To require, in accordance with a specific program and timetable for each operating mill, the highest and best practicable treatment and control of emissions from sulfite mills through the utilization of technically feasible equipment, devices and procedures;
2. To require the evaluation of improved and effective measuring techniques for sulfur oxides, total reduced sulfur, particulates and other emissions from sulfite mills;
3. To require effective measuring and reporting of emissions and reporting of other data pertinent to emissions. The Department will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission standards and air quality standards, and to determine compliance therewith;
4. To encourage and assist the sulfite pulping industry to conduct a research and technological development program designed to progressively reduce sulfite mill emissions, in accordance with a definite program with specific objectives;
5. To establish standards deemed to be technically feasible, reasonably attainable, and necessary for the attaining of satisfactory air quality with the intent of revising the standards as new information and better technology are developed.

C. MINIMUM EMISSION STANDARDS:

1. Notwithstanding the specific emission limits set forth in this section, The Department of Environmental Quality may, after notice and hearing, establish more restrictive emission limits and compliance schedules for mills located in recognized problem areas, for new mills, for mills expanding existing facilities, for mills installing substantial modifications of existing facilities which result in increased emissions; or for mills in areas where it is shown ambient air standards are exceeded.

2. The total average daily emissions from a sulfite pulp mill shall not exceed 22 pounds of sulfur dioxide per ton of air dried unbleached pulp produced and in addition:
  - (a) the blow system emissions shall not exceed 0.2 pounds of sulfur dioxide per minute per ton of unbleached pulp (charged to digester) on a 15 minute average.
  - (b) Emissions from the recovery system, acid plant and other sources, shall not exceed 800 ppm of sulfur dioxide as an hourly average.
3. Mills of less than 110 ton of air dried unbleached pulp per day may be exempted from the limitations of subsection 2 above provided:
  - a) That the schedule of compliance required by Section D demonstrates that a minimum of 50% collection efficiency will be maintained and that compliance will be achieved within 1 year.
  - b) That the schedule of compliance required by Section D demonstrates that a minimum of 80% collection efficiency for SO<sub>2</sub> will be maintained and compliance will be achieved no later than December 31, 1975.
  - c) That an approved program continually monitors ambient air to demonstrate compliance with State and Federal ambient air standards, and that a five (5) minute concentration of 0.8 ppm of sulfur dioxide is not exceeded.
4. The total emission of particulate matter from the recovery furnace stacks shall not exceed four (4) pounds per air dried ton of unbleached pulp produced.

D. COMPLIANCE SCHEDULE:

Each mill shall proceed promptly with a program to bring all sources into compliance with this regulation, but in no instance shall the compliance be achieved later than July 1, 1974 (except as provided in C, 3(b)). A proposed schedule of compliance with this regulation shall be submitted within one hundred and twenty (120) days following the adoption of this regulation, or as otherwise determined by the Environmental Quality Commission. After receipt of the proposed schedule the Department shall adopt an approved compliance schedule. The proposed schedule shall include:

1. A description of the program to determine the sulfur dioxide emissions from all sources.

2. The dates when specific steps of the program will be completed, including but not limited to:
  - a. Engineering study
  - b. Purchase of equipment
  - c. Erection of equipment
  - d. Equipment placed in normal operation (full compliance with regulation)
3. A description of each step in the program, including but not limited to:
  - a. Engineering studies including alternative control procedures to be considered and a comprehensive time schedule for their evaluation.
  - b. Performance characteristics and estimated efficiencies of control devices.
  - c. Justification for the time schedule requested.
  - d. Reduction in emissions resulting from each completed step.

The approval of a compliance schedule by the Department shall be based upon a showing that the mill is proceeding with all due speed to meet all requirements of this regulation.

E. MONITORING AND REPORTING:

1. Each mill shall submit, within sixty (60) days of the date of adoption, a detailed sampling and testing program and time schedule for approval by the Department.
2. The monitoring equipment shall be capable of determining compliance with the emission limits established by these regulations, and shall be capable of continual sampling and recording of concentrations of sulfur dioxide contaminants from the recovery system.
3. Each mill shall sample the recovery system, blow system, and acid plant for sulfur dioxide emissions on a regularly scheduled basis.
4. Each mill shall sample the recovery furnace stacks for particulate on a regularly scheduled basis.
5. Unless otherwise authorized, data shall be reported by each mill at the end of each calendar month as follows:
  - a. Average daily emissions of sulfur dioxides expressed as pounds of

sulfur dioxide per ton of pulp produced from the blow system, recovery system, and acid plant.

- b. The daily average and peak concentrations of sulfur dioxides expressed in pounds per hour and expressed in ppm of sulfur dioxide and the number of hours each day that the concentration exceeds 500 ppm.
- c. The average daily production of unbleached pulp and the maximum daily production.

AMENDMENT - d. Mills operating under the provisions of Section 3C shall report the results of their ambient monitoring monthly.

6. Each mill shall furnish upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Unless otherwise prescribed, each mill shall report immediately to the Department abnormal mill operations which adversely affect the emission of air contaminants.
7. All measurements shall be made in accordance with techniques approved by the Department. Interim procedures may be approved for use prior to completion of the studies required by Section F.

F. SPECIAL STUDIES:

Special studies of the nature described below and having prior approval of the Department shall be conducted at each mill or through cooperation among mills. The proposed program and timetable shall be submitted to the Department within 90 days of adoption of this regulation.

1. Develop and recommend satisfactory measuring technique for particulates from recovery furnace stacks.
2. Evaluate and report the emission and control methods of sulfur dioxide from other sources within the mill.
3. Evaluate and report the emission of sulfur trioxide from recovery furnace and acid plants.
4. Evaluate as required by local conditions emissions of TRS.
5. Develop and recommend satisfactory continual monitoring techniques for SO<sub>2</sub> emissions from recovery systems and blow pit vents.

AMENDMENT - 6. Bleach plant contaminant emissions shall be measured and reported to the Department within one year of the effective date of this regulation. The report shall include a description of the processes and chemicals used, and shall report the emissions in terms of total emission flow rate, concentration, and mass emission rates, including but not necessarily limited to chlorine- and sulfur-containing gases.

G. EXCEPTIONS:

These regulations do not apply to open burning or power boiler operations conducted at sulfite pulp mills unless such boilers are an integral part of the sulfite process or recovery system.

H. PUBLIC HEARING:

A public hearing may be held by the Department not later than December 31, 1973, in order to review current technology and adequacy of these regulations.

I. NOTICE OF CONSTRUCTION AND SUBMISSION OF PLANS AND SPECIFICATIONS:

1. Prior to the construction, installation, or establishment of a sulfite mill, a notice of construction shall be submitted to the Department as required by OAR 340, Sections 20-020 and 20-030.
2. Addition to, or enlargement, or placement of a sulfite mill or any major alternation therein shall be construed as construction, installation, or establishment.

PUBLIC HEARING RE: SULFITE PULP MILL REGULATIONS

Proper notice having been given as required by statute and administrative rules, the public hearing in the matter regarding the proposed adoption of regulations for sulfite pulp mills was called to order by the Chairman at 2:05 p.m. on July 23, 1971, in Room 20, State Capitol, Salem, Oregon. All members of the Commission were present.

Mr. F.G. Odell presented a staff memorandum report dated July 22, 1971, covering the levels of sulfur dioxide at the Marion County Court House sampling station as measured by the Mid-Willamette Valley Air Pollution Authority during an 8-month period ending June 30, 1971. The report stated that national ambient air standards for SO<sub>2</sub> as promulgated by EPA were not exceeded at the station located 20 feet above ground level and some 500 yards from the Boise Cascade sulfite pulp mill.

Mr. C.A. Ayer reviewed comments from CWAPA regarding the proposed regulations as set forth in the DEQ staff memorandum dated July 16, 1971. He mentioned that both the Boise Cascade pulp mill at Salem and the Publishers Paper Company pulp mill at Oregon City are located in problem areas, that federal agency representatives had indicated their acceptance of the proposed regulations, and that 22 lbs/ton of pulp produced is thought to be about the best that can be accomplished with present technology.

Mr. James W. Tindall, Councilman, was present and read a resolution adopted by the Salem City Council on July 12, 1971 to the effect that DEQ be encouraged to establish regulations on emissions from sulfite mills that will employ the highest and best technology in the proper treatment of sulfite emissions and that it is the continuing desire of the City Council to improve the livability of this community through improved handling of sulfite emissions. He said the City Council over the years had received numerous complaints and petitions regarding the SO<sub>2</sub> emission from the Boise Cascade pulp mill.

Mr. Jim Fahlstrom, Resident Manager for the Boise Cascade Sulfite Pulp Mill in Salem, read a prepared statement for that company. He said they would do everything possible to meet the proposed standards, if adopted, but he could not predict with absolute certainty that they could meet the 22 lbs/ton standard. He recommended that the standard be raised to 30 lbs. of SO<sub>2</sub> per ton of pulp produced.

Mr. Richard M. Taylor, representative of the Oregon TB and Respiratory Disease Association, stated he thinks the regulations are reasonable and attainable. He recommended their adoption. He also read a letter dated

July 23, 1971 signed by Elizabeth Wieting, Chairman of the Oregon/Washington Coalition for Clean Air, protesting that more citizen participation had not been invited in the drafting of the proposed regulations. In a letter dated July 22, 1971 addressed to Mr. Spies she had stated that the Technical Committee of the Coalition had reviewed the proposed regulations and had found them to be reasonable and attainable and therefore she stated that they had the full support of the Coalition.

Mr. Donald J. Benson, Executive Secretary of the Northwest Pulp and Paper Association, read a prepared statement for that organization. He said that the 22 lbs. limit might not be achievable and, like Mr. Fahlstrom, he recommended a standard of 30 lbs/ton. He pointed out that the SO<sub>2</sub> problem at sulfite pulp mills had been greatly increased by the fact that the mills now had to employ chemical recovery in order to meet water quality requirements.

Mrs. Mabel Shiffer, Executive Director of the Willamette TB and Respiratory Disease Association, presented a prepared statement in which she emphasized the necessity of providing a margin of safety in the setting of SO<sub>2</sub> emission standards. She asked that the Commission require the highest and best treatment to the control of emissions from sulfite pulp mills.

Mr. Fred Wert, a Willamette University student, claimed he had made a study of the Boise Cascade mill at Salem and was convinced that it is technically and economically feasible to meet emission standards much stricter than those proposed by DEQ. He promised to submit evidence that would support his contention.

Mr. David Vargas, Professional Engineer and resident of Salem, asked that EQC adopt the most stringent regulations possible. He claimed that many people are affected by irritating gases. He said he wants faster and more complete control over such sources of air pollution.

It was MOVED by Mr. Cogan, seconded by Mr. McMath and carried that the record of this hearing be kept open for a month and that final action by the Commission be scheduled for the September 1971 meeting.

It was MOVED by Mr. McMath, seconded by Mr. Harms and carried that in section B(1) of the proposed regulations the words "best practicable and reasonable" be replaced with the words "highest and best practicable."



Copies of (1) the proposed regulations dated April 30, 1971, (2) the staff memorandum pertaining to them dated May 3, 1971, (3) the 38-page background report prepared by the staff, (4) the July 22, 1971 staff memorandum pertaining to SO<sub>2</sub> levels measured in Salem, (5) a letter dated July 16, 1971 from Publishers Paper Company, (6) the July 16, 1971 staff memorandum regarding comments by CWAPA, (7) a letter dated July 17, 1971 from the Mid-Willamette Valley Air Pollution Authority, (8) Resolution No. 71-200 adopted by the Salem City Council on July 12, 1971, (9) statement by Jim Fahlstrom of Boise Cascade, (10) letters dated July 22 and July 23, 1971 from Elizabeth Wieting for the Oregon/Washington Coalition of Clean Air, (11) statement by Donald J. Benson for the Northwest Pulp and Paper Assn., (12) statement by Mabel Shiffer and (13) letter dated July 5, 1971 from Mrs. Deane Scarborough with signatures of 63 persons objecting to the SO<sub>2</sub> emissions at Salem have been made a part of the Department's permanent files in this matter.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**RECEIVED**  
SEP 10 1971

ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101

September 9, 1971

**AIR QUALITY CONTROL**

Mr. Harold Patterson  
Oregon State Department of Environmental Quality  
Air Quality Control Division  
1400 S.W. 5th Avenue  
Portland, Oregon 97201

Dear Mr. Patterson:

In July you submitted a copy of Oregon's proposed regulations for sulfite pulp mills for our review. After reading the proposed regulations and after consulting with Mr. James Durham from our North Carolina headquarters, Mr. B. C. Eusebio gave verbal comments to Messrs. Hal Burkitt and Clint Ayer of your staff during a meeting in your office in Portland on July 14, 1971. This letter is to confirm Mr. Eusebio's comments.

The "Background Report for Sulfite Mill Regulations" prepared by your Department shows that considerable time and effort was spent in developing the proposed regulations for sulfite mills. It reflects an in-depth evaluation of emission data and existing control technology. In addition, it takes into consideration the estimated impact of control on the environment.

As you know, section 3.5 of appendix B of the Federal Register (Vol. 36, No. 158) published on Saturday, August 14, 1971, states that total sulfite pulp mill emissions of sulfur oxides (calculated as sulfur dioxide) from blow pits, washer vents, storage tanks, digester relief, and recovery system can be reduced to 9 pounds per air-dried ton (4.5 kg/metric ton) of pulp produced. It is noted, however, that for sulfite mills with existing recovery systems, a sulfur oxides emission limitation of 20 pounds per air-dried ton (9 kg/metric ton) of pulp may be more reasonable due to economic considerations.

It is important to note that chemical recovery systems can be designed for lower emissions than will be required by your proposed regulations. Thus, if the primary national ambient air quality standards for sulfur oxides are not met within the time frame prescribed by law with the proposed regulations for sulfite pulp plants, it might be necessary to tighten the regulations for both new and existing sulfite pulp installations.

Sincerely yours,



Leonard A. Miller  
Regional Air Pollution  
Control Director

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION  
B. A. McPhillips, Chairman E. C. Harms, Jr., Member  
Storrs S. Waterman, Member George A. McMath, Member  
Arnold M. Cogan, Member

FROM : KENNETH H. SPIES

DATE : September 9, 1971 for the September 17, 1971 Meeting

SUBJECT: CIVIL PENALTIES

Oregon Laws 1971, Chapter 420 (HB 1504) authorizes the adoption of Civil Penalties for violation of laws relating to air and water pollution and solid waste management. Attached is a copy of O.L. 1971 Chapter 420 for your reference.

The Department, after consultation with the Regions, has developed the attached rule and schedules of civil penalties for consideration of the Commission, and requests authorization to hold a public hearing relative to the adoption of the rule and schedule.

Relating to pollution; providing penalties; and declaring an emergency.

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

**SECTION 1.** Section 2 of this Act is added to and made a part of ORS chapter 449.

**SECTION 2.** (1) Any person who:

(a) Violates the terms or conditions of a waste discharge permit issued pursuant to ORS 449.083; or of any other permit required by law and issued by the Department of Environmental Quality or a regional air quality control authority; or

(b) Violates ORS 449.079, 449.083, 449.103, 449.105, 449.107, 449.109, 449.150, 449.210 to 449.220, 449.320, 449.395 or 449.400; or

(c) Violates any rule, regulation or standard or general order of the Department of Environmental Quality entered or adopted under ORS 449.031, 449.036, 449.111, 449.702, 449.707, 449.712, 449.785, 449.790 and 449.800, or violates any rule, regulation or standard of a regional authority adopted pursuant to ORS 449.890 or 449.895; provided, however, that the provisions of this section do not apply to violation of motor vehicle emission standards; or

(d) Violates any rule or regulation or final order of the Environmental Quality Commission pertaining to the disposal, collection or storage of solid waste as defined by ORS 459.010; or

(e) Violates any final order of the Environmental Quality Commission or regional air quality control authority entered after due notice and hearing pursuant to the applicable provisions of ORS chapter 183,

shall incur, in addition to any other penalty provided by law, a civil penalty not to exceed the amount of \$500 a day for each violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be a separate and distinct violation.

(2) (a) A civil penalty or penalties for violation of paragraphs (a) to (d) of subsection (1) of this section shall not be imposed until the person incurring the penalty or penalties shall have received five days' advance notice in writing from the Department of Environmental Quality or the regional air quality control authority specifying the violation and stating that a penalty will be imposed if a violation continues or occurs after the five-day period, or unless the person incurring the penalty shall otherwise have received actual notice of the violation not less than five days prior to the violation for which a penalty is imposed.

(b) No advance notice shall be required, however, where the air contamination source would normally not be in existence for five days, including but not limited to open burning or where the air contamination source might leave or be removed from the jurisdiction of the Department of Environmental Quality or regional air quality control authority, including but not limited to ships.

(3) (a) The Environmental Quality Commission after consultation with the regional air quality control authorities is authorized to classify violations under this section and to adopt a schedule or schedules establishing the amount of civil penalty due for the particular violation not to exceed \$500 per day. The schedule and classification shall be adopted after public hearing pursuant to ORS chapter 183 and filed with the Secretary of State. The schedule and classification may be amended from time to time in the same manner as for its adoption.

(b) In adopting the schedule or schedules and classification prescribed by this subsection the Environmental Quality Commission and regional air quality control authorities shall consider the following factors:

(A) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any waste control deficiencies and to abate pollution.

(B) Any prior violations of statutes, rules, standards, orders and permits pertaining to air and water quality and solid waste disposal.

(C) The economic and financial conditions of the person incurring a penalty.

(4) Subject to the advance notice provisions of subsection (2) of this section any penalty provided in this 1971 Act shall become due and payable when the person incurring the penalty receives a notice in writing by certified mail from the Director of the Department of Environmental Quality, or from the director of a regional air quality control authority, if the violation occurs within its territory. The notice referred to in this subsection shall include:

- (a) A reference to the particular sections of the statute, rule, standard, order or permit involved;
  - (b) A short and plain statement of the matters asserted or charged;
  - (c) A statement of the amount of the penalty or penalties imposed;
- and
- (d) A statement of the party's right to request a hearing.

(5) The person to whom the notice is addressed shall have 20 days from the date of mailing of the notice in which to make written application for a hearing before the Environmental Quality Commission or before the board of directors of a regional air quality control authority. The penalty provided for in this section may be remitted or mitigated upon such terms and conditions as the Environmental Quality Commission or regional authority in its discretion considers proper and when deemed necessary to protect the public health, safety or welfare. All hearings under this section shall be conducted pursuant to the applicable provisions of ORS chapter 183.

(6) The final order of the commission or regional authority under this 1971 Act shall, unless the amount of the penalty is paid within 10 days after the order becomes final, constitute a judgment and may be filed with the county clerk in any county of this state. The clerk shall thereupon record the name of the person incurring the penalty and the amount of the penalty in the judgment docket. The penalty provided in the order so docketed shall become a lien upon the title to any interest in real property owned by the person against whom the order is entered, and execution may be issued upon the order in the same manner as execution upon a judgment of a court of record.

(7) All penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund, or in the event the penalty is recovered by a regional air quality control authority, it shall be paid into the county treasury of the county in which the violation occurred.

**SECTION 3.** Section 4 of this Act is added to and made a part of ORS chapter 449.

**SECTION 4.** (1) (a) Notwithstanding any other provisions of law to the contrary, whenever it appears to the Environmental Quality Commission that the air contamination or pollution of waters in any area of the state is presenting an imminent and substantial endangerment to the health of persons, at the direction of the Governor the commission shall, without the necessity of prior administrative procedures or hearing, enter an order to the person or persons responsible for the air contamination or pollution of waters requiring the person or persons to cease and desist from the action causing the air contamination or pollution of waters. Such order shall be effective for a period not to exceed 10 days and may be renewed thereafter by order of the Governor.

(b) The state and local police shall cooperate in the enforcement of any order issued pursuant to paragraph (a) of this subsection and shall require no further authority or warrant in executing and enforcing such an order.

(2) If any person fails to comply with an order issued pursuant to subsection (1) of this section, the circuit court in which the source of air contamination or pollution of waters is located shall compel compliance with the order in the same manner as with an order of that court.

**SECTION 5.** This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

Approved by the Governor June 20, 1971.

Filed in the office of Secretary of State June 21, 1971.

PROPOSED  
CIVIL PENALTIES FOR VIOLATIONS OF LAWS RELATING  
TO  
AIR AND WATER POLLUTION AND SOLID WASTE MANAGEMENT

I. INTRODUCTION:

Under Chapter 420, Oregon Laws 1971, any person who violates certain statutes administered by either the Department of Environmental Quality or Regional Air Quality Authorities, or violates rules or permits adopted or issued by these agencies pertaining to the control of air or water pollution or solid waste management shall, in accordance with conditions prescribed by the Department of Environmental Quality, incur a civil penalty not to exceed \$500 a day for each violation. Each and every violation is a separate and distinct offense and in case of continuing violations, every day's continuance is a separate and distinct violation. The Act provides that after considering three factors set forth therein, the Environmental Quality Commission is authorized to classify violations and adopt a schedule establishing the amount of civil penalty due for the particular violation. These three factors are: (1) the past history of a person incurring a penalty in taking steps to correct waste control deficiencies and abate pollution; (2) prior violations of law or permits pertaining to pollution control; (3) the economic and financial conditions of the person incurring a penalty. Additionally, the Department of Environmental Quality and Regional Authorities will attempt to consider these same factors in assessing the amount of a civil penalty for a particular violation within the framework of the schedule adopted by the Environmental Quality Commission.

Oregon Revised Statutes Chapter 449 require that the Department of Environmental Quality endeavor to encourage and develop the voluntary cooperation of individuals, local governments, agriculture and industry in restoring and maintaining the quality of the environment. Therefore, the schedule of civil penalties established by this regulation shall be imposed in those cases in which a violator is determined by the Department to be unresponsive and uncooperative in preventing, abating or controlling pollution or where repeated or continuing violations occur due to willful acts or failure to act, negligence or lack of adequate controls or surveillance.

II. NOTICE PROVISIONS:

All written notices required by the Act will be served by certified mail upon those persons designated by Oregon Revised Statutes 15.080 and Oregon Revised Statutes Chapter 57, or as otherwise provided by law.

### III. CLASSIFICATION AND SCHEDULE FOR VIOLATION OF AIR QUALITY STATUTES, RULES, PERMITS AND ORDERS

#### Type of Violation

1. Non-compliance with procedural or other requirements of ORS 449.702, 449.707, and 449.712 or of rules and regulations promulgated under 449.702, 449.707, 449.712, 449.785, 449.790, 449.800, or ORS 449.875, where damage to public resource or hazard to public health and safety is not directly involved, such as but not limited to:
  - a) Failure to establish testing facilities or to submit samplings and testing data when requested as provided by ORS 449.702 or provided by rules adopted pursuant to ORS 449.702.
  - b) Failure to register or re-register a source of air contaminant as provided by ORS 449.707 or as provided by rules adopted pursuant to ORS 449.707.
  - c) Failure to submit notice of construction as provided by ORS 449.712 or as provided by rules adopted pursuant to ORS 449.712.
2. Continuing emission or a practice in violation of emission standards and/or rules adopted pursuant to ORS 449.785, ORS 449.800, ORS 449.890 or ORS 449.895, including but not limited to:
  - a) Violation of open burning rules pertaining to residential units serving four families or less.
  - b) Violation of open burning rules pertaining to residential units serving more than four families.

#### Schedule of Civil Penalties

1. \$25 to \$100 per day, after 5 days notice, the actual amount dependent upon:
  - a) Past history of pollution control efforts.
  - b) Prior violations.
  - c) Economic and financial conditions of person incurring a penalty.
  - d) Opportunity and degree of difficulty to comply.
  - e) Magnitude and seriousness of violation.
2. The penalties for the types of violation listed are subject to 5 days notice except for 2 (c), 2 (e), and 2 (g), the actual amount dependent upon (a) to (e) in schedule 1 preceding:
  - a) \$25 to \$250
  - b) \$25 to \$500

Type of ViolationSchedule of Civil Penalties

- |   |  |
|---|--|
| c) Violation of open burning rules pertaining to non-residential sources.   | c) \$25 to \$500   |
| d) Violation of rules pertaining to visible emissions (except ships).   | d) \$25 to \$500   |
| e) Violation of rules pertaining to visible emissions from ships.   | e) \$50 to \$500   |
| f) Violation of rules pertaining to non-visible emission standards including but not limited to particulate matter weight standards, particulate size standard, particulate matter emission standards, sulfur dioxide, and odors. | f) \$25 to \$500   |
| g) Violation of rules pertaining to emissions from portable hot mix asphalt plants or other sources which might leave or be removed from jurisdiction.  | g) \$50 to \$500   |
| h) Violation of a rule or permit condition not otherwise classified in this schedule.   | h) \$25 to \$500   |
| 3. Violation of a Final Order of the Environmental Quality Commission or Regional Authority issued pursuant to ORS 449.815 and ORS 449.895.   | 3. \$100 to \$500 per day, without prior notice, the actual amount dependent upon (a) to (e) in schedule 1 preceeding. |



IV. CLASSIFICATION AND SCHEDULE FOR VIOLATION OF WATER QUALITY CONTROL STATUTES, RULES, PERMITS AND ORDERS

Type of Violation

1. Non-compliance with procedural or other requirements of ORS 449.079, 449.083, 449.103, 449.105, 449.107, 449.109, 449.150, 449.320, 449.395 and 449.400; or of rules and regulations promulgated under 449.081, 449.086, and 449.111; or of waste discharge permits issued under authority of ORS 449.083, where damage to a public resource or hazard to public health and safety is not directly involved, such as but not limited to:
  - a) Failure to obtain a waste discharge permit in violation of ORS 449.083.
  - b) Failure to submit plans and specifications in violation of ORS 449.395.
  - c) Failure to post and maintain a bond in violation of ORS 449.400.
  - d) Failure to submit data, reports or other information or failure to comply with implementation schedules in violation of specific rules and regulations or specific conditions of a waste discharge permit.
  - e) Violation of specific discharge limits or waste control requirements of a waste discharge permit.

Schedule of Civil Penalties

1. \$25 to \$100 per day, after 5 days notice, the actual amount dependent upon:
  - a) Past history of pollution control efforts.
  - b) Prior violations.
  - c) Economic and financial conditions of person incurring a penalty.
  - d) Opportunity and degree of difficulty to comply.
  - e) Magnitude and seriousness of violation.

2. Continuing discharges or activities in violation of ORS 449.079, 449.083, 449.103, 449.105, 449.107, 449.109, 449.150, 449.320, or OAR Chapter 340, Division 4 or specific conditions of a waste discharge permit where:
    - a) Water quality standards are violated or are directly threatened.
    - b) Damage to a resource occurs or is directly threatened.
    - c) Hazard to public health or safety occurs or is directly threatened.
  3. Violation of a Final Order of the Environmental Quality Commission:
    - a) Past history of pollution control efforts.
    - b) Prior violations.
    - c) Economic and financial conditions of person incurring a penalty.
    - d) Opportunity and degree of difficulty to comply.
    - e) Magnitude and seriousness of violation.
2. \$100 to \$500 per day, after 5 days notice, the actual amount dependent upon:
    - a) Past history of pollution control efforts.
    - b) Prior violations.
    - c) Economic and financial conditions of person incurring a penalty.
    - d) Opportunity and degree of difficulty to comply.
    - e) Magnitude and seriousness of violation.
  3. \$100 to \$500 per day, without prior notice, the actual amount dependent upon:
    - a) Past history of pollution control efforts.
    - b) Prior violations.
    - c) Economic and financial conditions of person incurring a penalty.
    - d) Opportunity and degree of difficulty to comply.
    - e) Magnitude and seriousness of violation.

V. CLASSIFICATION AND SCHEDULE FOR VIOLATION OF SOLID WASTE MANAGEMENT STATUTES, RULES, PERMITS AND ORDERS

Type of Violation

1. Non-compliance with procedural or other requirements of Chapters 648 and 699, Oregon Laws 1971 or rules and regulations promulgated or solid waste disposal permits or environmentally hazardous waste licenses issued thereunder; where damage to a public resource or hazard to public health and safety is not directly involved, such as but not limited to:
  - a) Failure to obtain a solid waste disposal permit or environmentally hazardous waste license.
  - b) Violation of specific operational or waste disposal requirements of a solid waste disposal permit or environmentally hazardous waste license.
  - c) Failure to submit data, reports, plans and specifications or other information or failure to comply with implementation schedules in violation of specific rules and regulations or specific conditions of a solid waste disposal permit or an environmentally hazardous waste license.
  - d) Failure to post and maintain a bond or liability insurance in violation of Chapter 699, Oregon Laws 1971.

Schedule of Civil Penalties

1. \$25 to \$100 per day, after 5 days notice the actual amount dependent upon:
  - a) Past history of pollution control efforts.
  - b) Prior violations.
  - c) Economic and financial conditions of person incurring a penalty.
  - d) Opportunity and degree of difficulty to comply.
  - e) Magnitude and seriousness of violation.

2. Continuing non-compliance activities in violation of Chapter 648 and 699, Oregon Laws 1971 or OAR Chapter 340, Division 6 and 7 or specific conditions of a solid waste disposal permit or environmentally hazardous waste license where:
  - a) Water quality or air quality standards are violated or are directly threatened.
  - b) Damage to a resource occurs or is directly threatened.
  - c) Hazard to public health or safety occurs or is directly threatened.

3. Violation of a Final Order of the Environmental Quality Commission:

2. \$100 to \$500 per day, after 5 days notice, the actual amount dependent upon:
  - a) Past history of pollution control efforts.
  - b) Prior violations.
  - c) Economic and financial conditions of person incurring a penalty.
  - d) Opportunity and degree of difficulty to comply.
  - e) Magnitude and seriousness of violation.
3. \$100 to \$500 per day, without prior notice the actual amount dependent upon:
  - a) Past history of pollution control efforts.
  - b) Prior violations.
  - c) Economic and financial conditions of person incurring a penalty.
  - d) Opportunity and degree of difficulty to comply.
  - e) Magnitude and seriousness of violation.

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION

B. A. McPhillips, Chairman      E. C. Harms, Jr., Member  
Storrs S. Waterman, Member      George A. McMath, Member  
Arnold M. Cogan, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : September 10, 1971 for Meeting of September 17, 1971

SUBJECT : PROPOSED ENVIRONMENTAL STANDARDS FOR RECREATIONAL  
FOREST AREAS

In accordance with directions of the Commission at the August 13 meeting, the staff has drafted proposed standards for recreational forest areas, defined as areas in and around National Parks, National Monuments, Wilderness Areas, Wild River Areas, and possibly Scenic Rivers Area.

Attached for your consideration are two drafts of versions each taking a somewhat different regulatory approach. These drafts have been prepared with a minimal amount of contact with Forest Service and other officials who should have major input to final development. It is the staff's hope that the Commission will consider the two approaches presented here and express its preference so that the staff can then take the preferred regulation to the appropriate state and federal agencies, conservationists, and industrial groups for comment and final development of the regulation prior to public hearing.

Description and comparison of the two approaches are as follows:

1. Both include a statement of policy which sets forth the basic environmental policy for these areas, and specifies the intent of the Commission to regulate only commercial and industrial activities, rather than all activities including recreational (in recognition of DEQ's enforcement capabilities).
2. Both versions include air, water, and noise pollution. Version 2 also includes land, scenic values, vegetation, and animal life within its purview.
3. Version 1 sets forth specific quantitative standards for air, water and noise within two different classifications of areas. National Parks and Monument areas are given somewhat less stringent standards than Wilderness Areas and Wild River Areas. The standards could prohibit most modern mining practices in both classifications of areas.

4. Version 2 has no specific objective standards, but requires an EQC permit to establish any new commercial activity in a recreational forest area. General criteria for acceptance are set forth, and public hearings are required for all permit applications.
5. Version 1 exempts "forestry and logging" from the regulated activities around National Parks and Monuments, based on the idea that these practices are adequately regulated by existing rules of the EQC and other agencies. Version 2 includes logging.

In order to prepare a consensus draft for presentation outside the Department, the staff would appreciate the Commission's response to the following questions, as well as any additional direction the Commission may care to make:

1. Does the statement of policy adequately reflect the Commission's intent?
2. Is the objective standard approach or the permit approach preferable (Version 1 or Version 2)?
3. Should logging be included?
4. Is the scope of the regulation sufficiently broad?

Maps and lists of man made features in proximity to some of the areas considered are also attached for your information.

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY CONTROL DIVISION

September 10, 1971

ENVIRONMENTAL STANDARDS FOR RECREATIONAL FOREST AREAS

I. DEFINITIONS: As used in this regulation unless otherwise required by context:

1. "Scenic Rivers Area": means \_\_\_\_\_.
2. "National Park" and "National Monument" mean areas so designated by the Congress of the United States. Within the State of Oregon such areas include the Crater Lake National Park and the Oregon Caves National Monument, exclusively.
3. "Wilderness Area" means any area so designated by the Congress of the United States pursuant to Public Law 88.577.
4. "Wild Rivers Area" means any area so designated by the Congress of the United States pursuant to Public Law \_\_\_\_\_.
5. "Recreational Forest Areas" means areas within National Forests and also within, or within 5 miles of the boundaries of National Parks and National Monuments; or within the boundaries of Wilderness Areas, Wild River Areas, and Scenic River Areas.

II. STATEMENT OF POLICY:

Recreational forest areas represents a natural resource of unique importance to the State of Oregon. As a major part of the cultural heritage of citizens of the state, and as a key element in developing and maintaining tourism and recreation as a viable industry, the environment of recreational forest areas is deserving of the highest level of protection. Therefore, it is hereby declared to be the policy of the Environmental Quality Commission to control industrial and commercial activities in these areas such that:

1. The environment of Wilderness Areas and Wild River Areas shall be maintained essentially in a pristine state and as free from air, water, land and noise pollution as is possible given the types of recreational uses permitted in wilderness areas under State and Federal law and regulations.

2. The environment of all other recreational forest areas shall be altered from the natural state to the minimum degree compatible with reasonable recreational and forest management practices. All other practices shall be conducted in such a manner that environmental degradation is virtually imperceptible to persons using the area for recreational purposes.

### III. PERMIT REQUIREMENTS AND CRITERIA FOR APPROVAL:

1. After the effective date of this regulation, no person shall commence any new commercial activity related to mining, manufacturing, logging or agricultural practices other than stock grazing, in any recreational forest area without first securing a permit from the Environmental Quality Commission. This permit shall not be in lieu of other permits or requirements of other federal, state or local agencies.
2. Application for a permit to conduct a commercial activity shall be made on forms supplied by the Department of Environmental Quality. Said application shall be made no less than 90 days prior to the proposed date of commencing construction or establishment of the activity.
3. All applications for permits required under this section shall be considered at a public hearing before the Environmental Quality Commission. At least 20 days public notice for said hearing shall be provided to the applicant and to all interested parties requesting to be provided notice of such hearings.
4. The Commission shall consider the testimony presented at public hearing and shall either approve or disapprove a permit for the proposed activity according to the Commission's evaluation of the degree to which the activity is consistent with the policy of the Commission as set forth in Section II of this regulation. In determining whether to approve a permit, the following consequences of an activity may be considered generally incompatible with said policy:
  - a. Emission of air contaminants visible or otherwise perceptible to persons using the area for recreational areas.
  - b. Degradation of water quality of any stream, river or lake.
  - c. Creation of noise which may be perceptible to persons using the area for recreational purposes.
  - d. Significant damage to or alteration of the natural state of the air, water, land, scenic values, vegetation or animal life of the area.



DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY CONTROL DIVISION

September 10, 1971

ENVIRONMENTAL STANDARDS FOR RECREATIONAL FOREST AREAS

I. DEFINITIONS: As used in this regulation unless otherwise required by context:

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3. "Wilderness Area" means any area so designated by the Congress of the United States pursuant to Public Law 88, 577.
4. "Wild Rivers Area" means any area so designated by the Congress of the United States pursuant to Public Law \_\_\_\_\_.
5. "Recreational Forest Areas" means areas within National Forests and also within, or within 5 miles of the boundaries of National Parks and National Monuments; or within the boundaries of Wilderness Areas, Wild River Areas, and Scenic River Areas.
6. "Sound Pressure Level" means the intensity of a sound, measured in decibels (dbA) using a sound level meter having a reference pressure of 0.0002 dynes/square centimeter, <sup>at</sup> the "A" frequency weighting work.
7. "Ambient Sound Pressure Level" means the total sound pressure level in a given environment, usually being a composite of sounds from many <sup>Sources</sup> ~~sounds~~ far and near.
8. "Natural Background Noise Level" means the sound pressure level at a given location that results solely from natural phenomena.

## II. STATEMENT OF POLICY:

Recreational forest areas represents a natural resource of unique importance to the State of Oregon. As a major part of the cultural heritage of citizens of the state, and as a key element in developing and maintaining tourism and recreation as a viable industry, the environment of recreational forest areas is deserving of the highest level of protection. Therefore, it is hereby declared to be the policy of the Environmental Quality Commission to control industrial and commercial activities in these areas such that:

1. The environment of Wilderness Areas and Wild River Areas shall be maintained essentially in a pristine state and as free from air, water, land and noise pollution as is possible given the types of recreational uses permitted in wilderness areas under State and Federal law and regulations.
2. The environment of all other recreational forest areas shall be altered from the natural state to the minimum degree compatible with reasonable recreational and forest management practices. All other practices shall be conducted in such a manner that environmental degradation is virtually imperceptible to persons using the area for recreational purposes.

## III. NATIONAL PARKS AND MONUMENTS

In or within five (5) miles of the boundaries of any National Park or National Monument, no person shall:

1. Cause, suffer, allow or permit the emission of visible or malodorous air contaminants from any equipment or activity related to any mining or manufacturing enterprise other than forestry or logging.
2. Discharge any industrial waste to surface or ground waters.
3. Discharge any waste or conduct any activity related to any mining or manufacturing enterprise other than forestry or logging, which waste or activity causes or is likely to cause:
  - a) a measurable increase in turbidity or temperature;
  - b) any measurable decrease in dissolved oxygen;
  - c) or any change in pH (hydrogen ion concentration) of any waters of the state.

4. Cause, suffer, allow or permit the emission of noise from any equipment or activity related to any mining or manufacturing enterprise other than forestry or logging, which noise causes the ambient sound pressure level to exceed the natural background noise level by 5 dbA at any point 1,000 feet or further from the noise source.

#### IV. WILDERNESS AND WILD RIVERS AREAS

1. Within the boundaries of any Wilderness Area or Wild River Area, no person shall:
  - a) Cause, suffer, allow or permit the emission of air contaminants, in any amount; or for whatever duration, from any stationary or mobile mechanical device not related to emergency activities.
  - b) Discharge any sewage or industrial waste into any surface or ground waters, or conduct any activity which causes or is likely to cause:
    - (i) a measurable increase in turbidity or temperature;
    - (ii) any measurable decrease in dissolved oxygen;
    - (iii) or any change in pH (hydrogen ion concentration) of any waters of the state.
  - c) Cause, suffer, allow or permit the emission of noise from any earthbound mechanical device not related to emergency activities or recreational activities allowed under the laws and regulations of the Federal Government, which noise causes the ambient sound pressure level to exceed the natural background noise level by 5 dbA at any point at any point 300 feet or further from the noise source.

~~MINES~~ FEATURES ADJACENT  
to  
OREGON CAVES NATIONAL MONUMENT

1 mile:

Road to Caves  
Trails (hiking)  
Campsites

5 miles:

Abandoned mines	W.	Yeager Mine
		Edmonds
		Tip Top
		Rainbow
	W-SW	Luethye
		Bolan Creek
	S-W	Kester mine
		Bolan Mine
	S.	Grizzly
	N-W	Little Jim
		Gen Quartz
		Gold Pan Placer
	+ others	Marked but unnamed

Cabins  
Campsites  
Jeep Trail  
Guard Station  
Gauging Station

10 miles:

Ranches

Guard Station

Hard Surface Road #46

Williams Roads

Bristol Quarry--NE

~~Sawmills - 2 near Holland on map - not registered with Ted.~~

Towns - Holland, Bridgview

California Border

20 miles:

Towns - less than 1,000

O'Brian

Cave Junction

Kerby

Selma

Wonder

Wilderville

Murphy

Provolt

Williams

Applegate

McKee Bridge

Steamboat

Hard Surface Roads - 199-238

2 landing strips

~~ADJACENT~~ FEATURES ADJACENT

to

CRATER LAKE NATIONAL PARK

1 mile:

Highways 62, 232, 209

20 miles:

Ranches

Mine - closed

Towns - Chinihals

Kirk

Klamath Agency

Chiloquin

Paunina

Chemult

5 mile:

Trails

Highway 138

So. Pacific RR

Cottier St. Park

Landing Strip

Lumber camps

Highway 62

Lakes (3)

Trails

Toketee USFS Station

10 mile:

Ranches

Cabins

Guard Station

Highway 230 & 97

Towns - Union Creek

Ft. Klamath

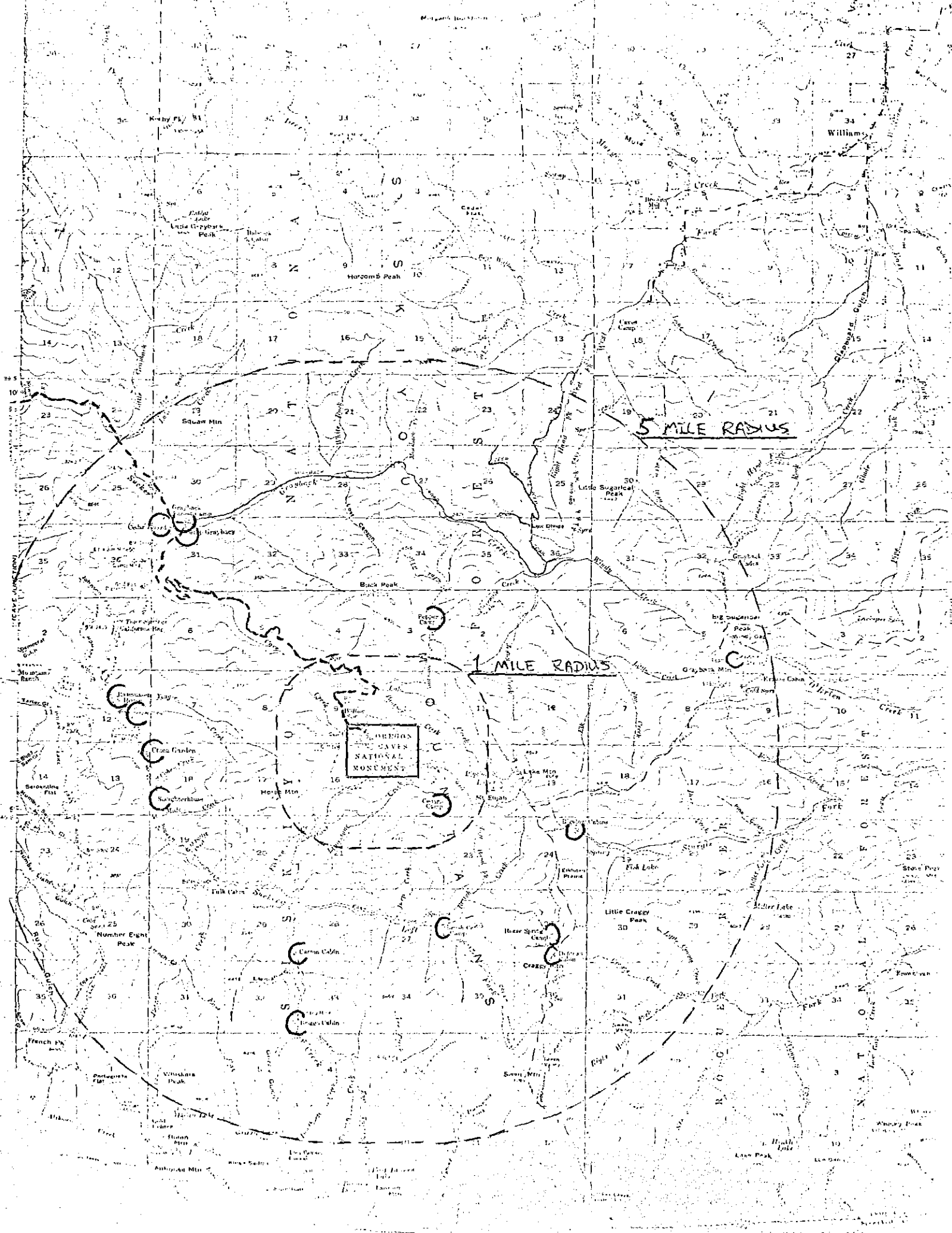
Lenz

Diamond Lake

Diamond Lake Jet

Beaver Marsh

FAA Airport



Kenny Pt Bl

Williams

Horsem's Peak

5 MILE RADIUS

1 MILE RADIUS

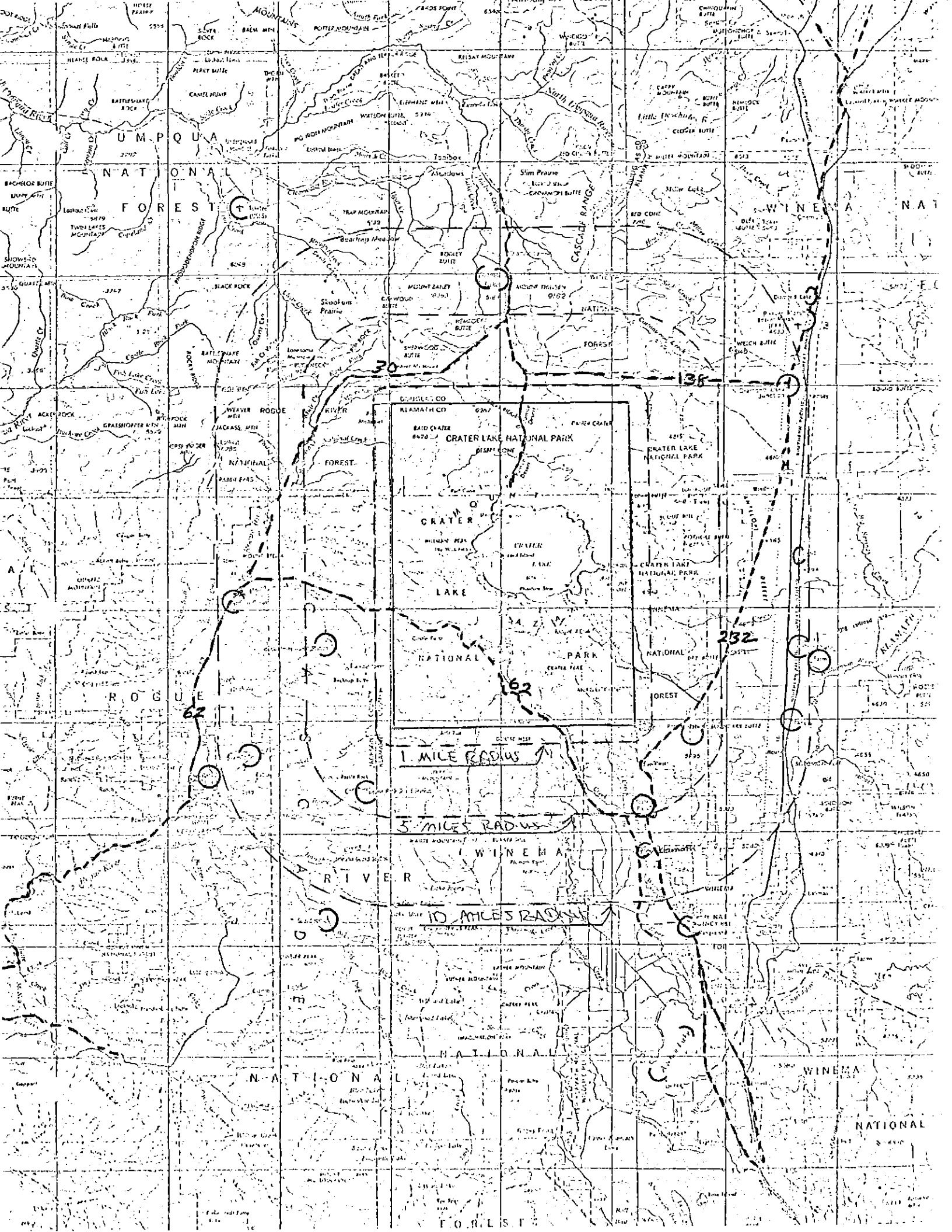
OREGON CAVES NATIONAL MONUMENT

Number Eight Peak

Little Crazy Peak

French Pt

Miller Lake



30

138

62

252

1 MILE RADIUS

3 MILES RADIUS

10 MILES RADIUS

CLATSOP CO

DELAWARE CO

CRATER LAKE NATIONAL PARK

BAIRD CRATER

CRATER LAKE NATIONAL PARK

CRATER LAKE

CRATER LAKE NATIONAL PARK

NATIONAL PARK

CRATER LAKE NATIONAL PARK

NATIONAL FOREST

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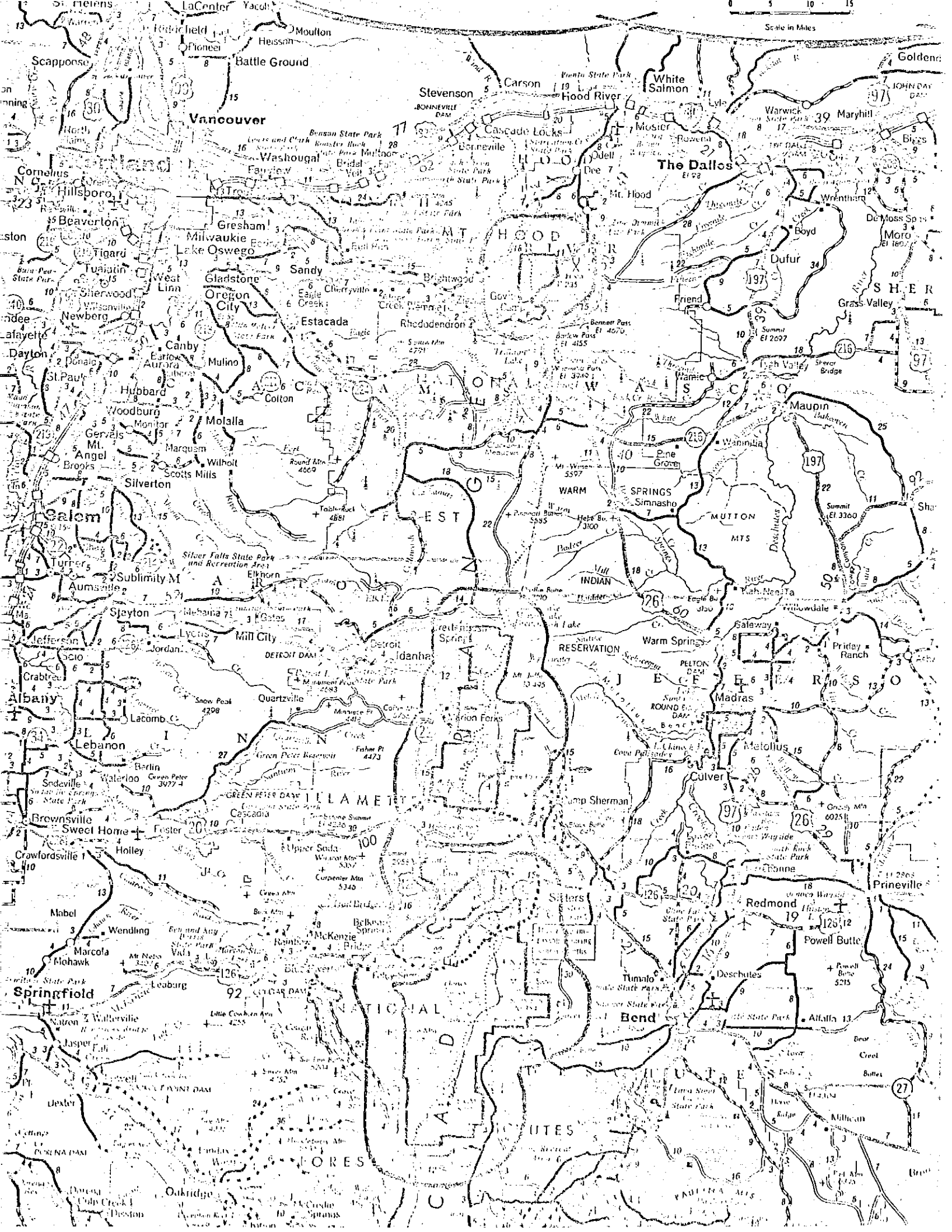
CRATER LAKE NATIONAL PARK

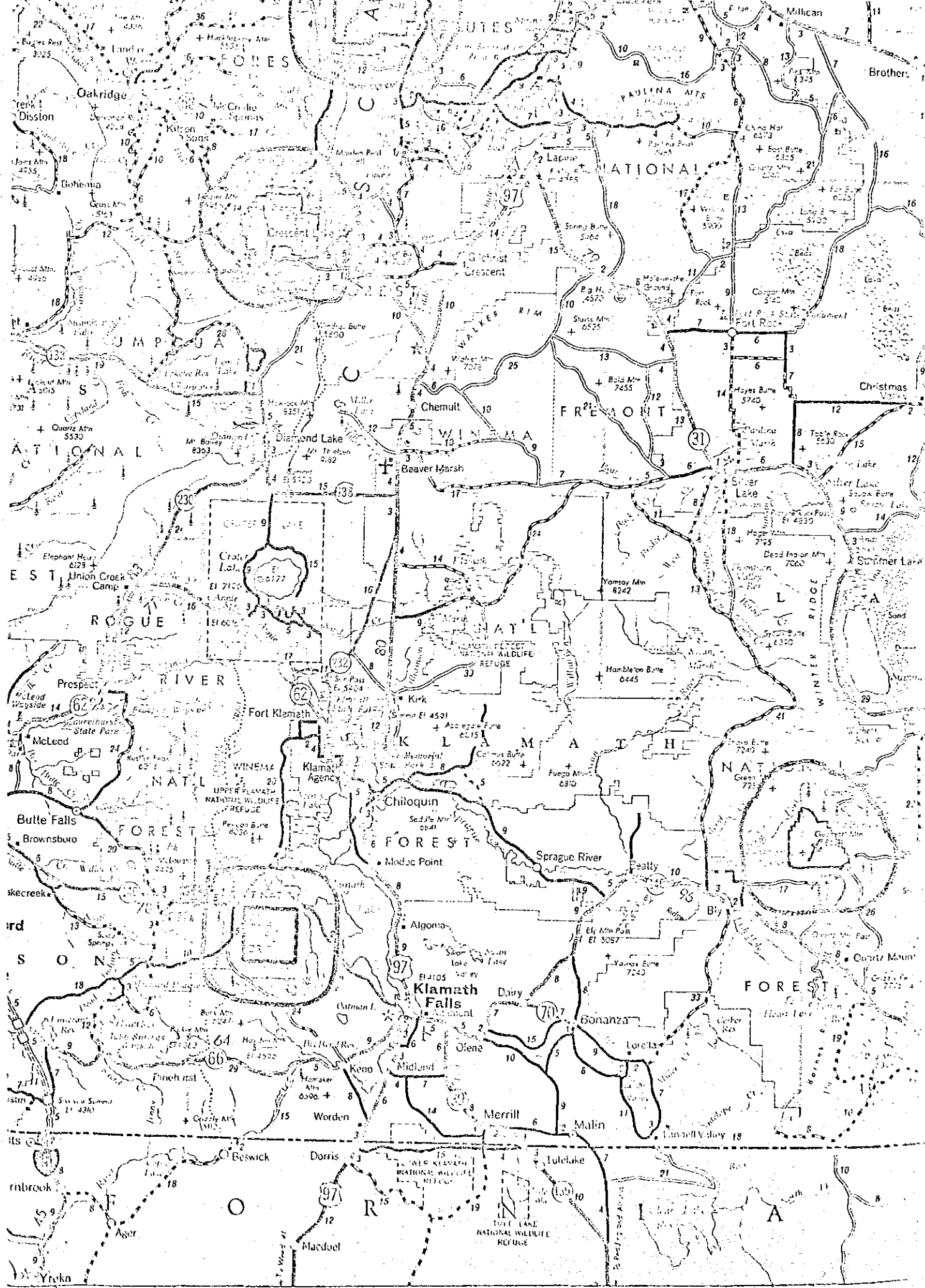
NATIONAL FOREST

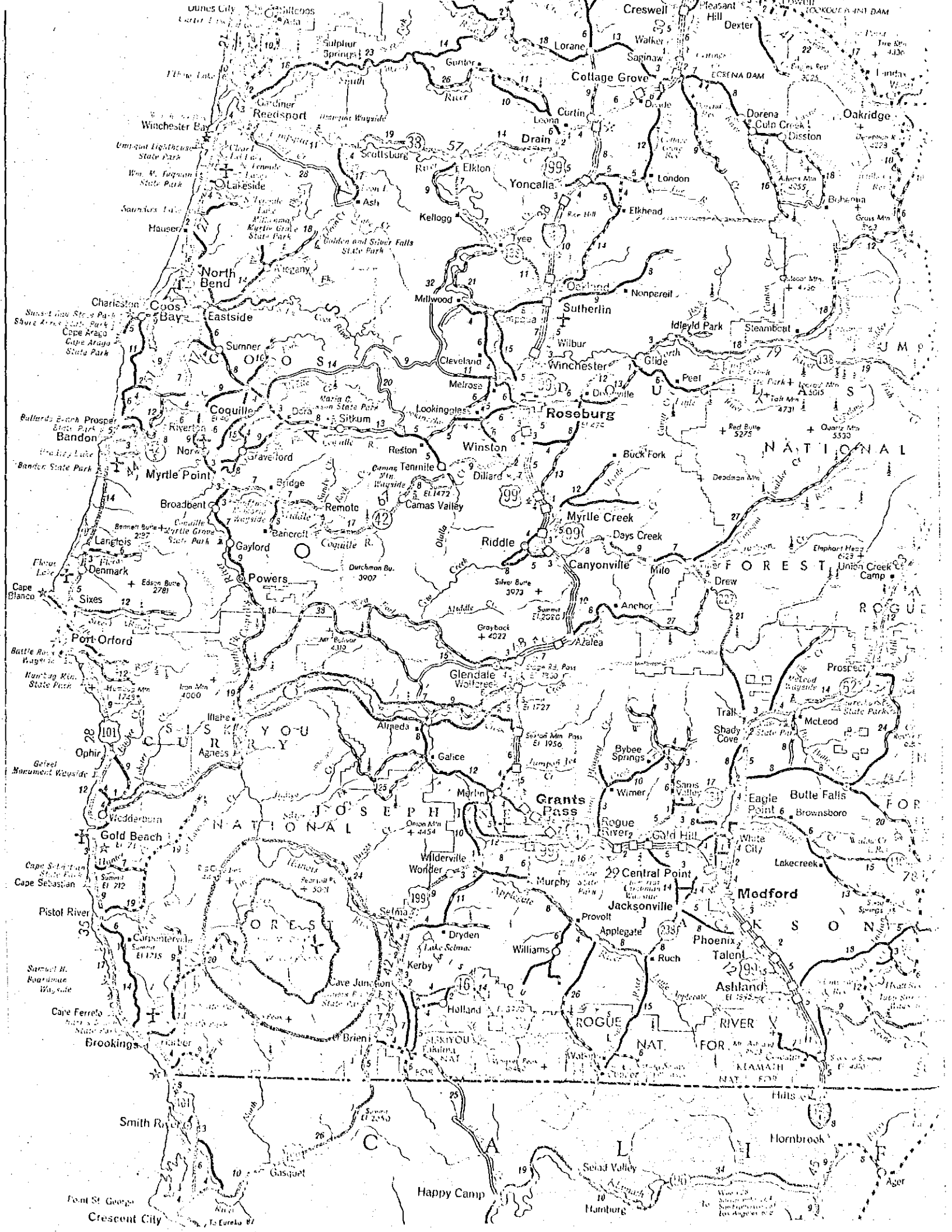
CRATER LAKE NATIONAL PARK

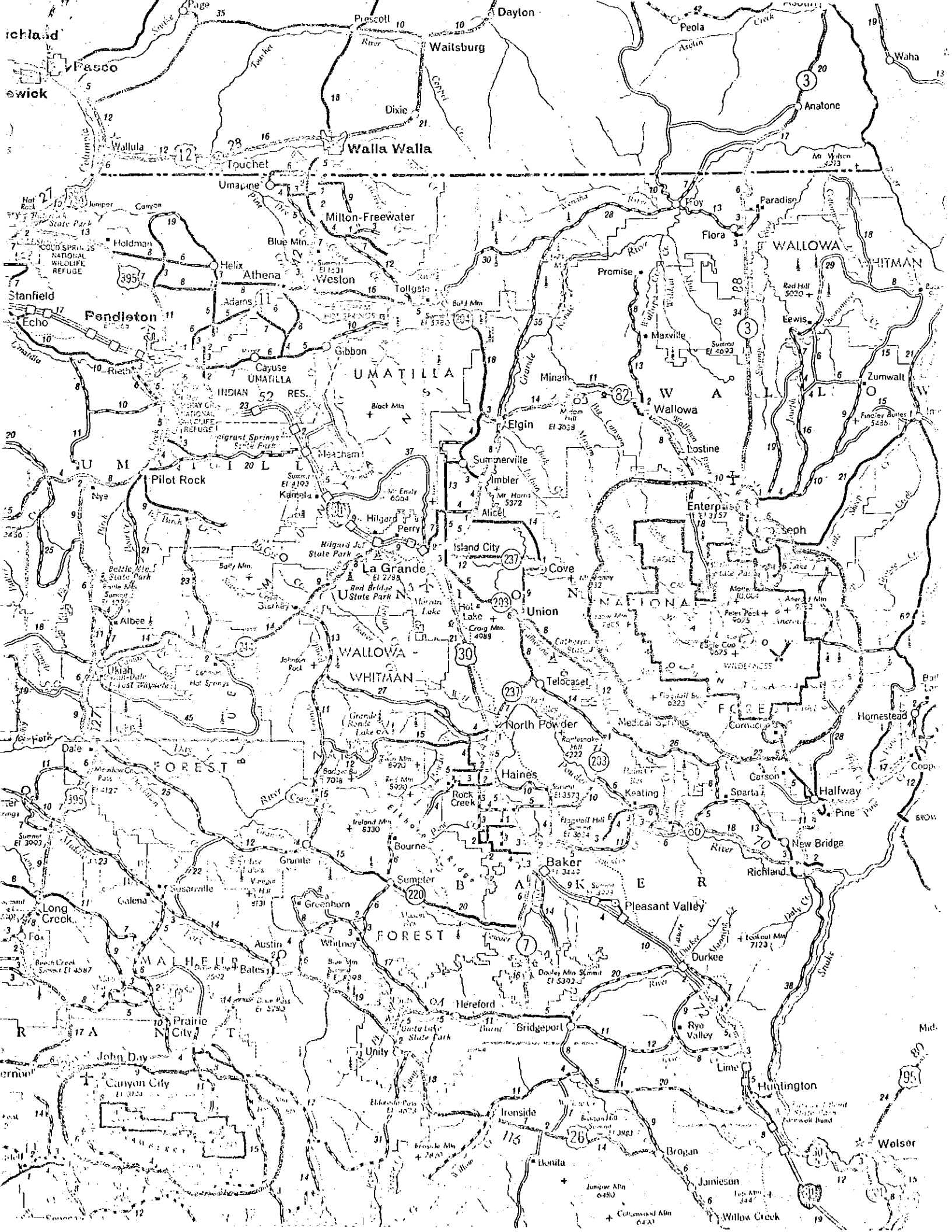
NATIONAL FOREST











DEPARTMENT OF ENVIRONMENTAL QUALITY

Regulations Pertaining to  
Location, Construction, Operation, and Maintenance  
of Confined Animal Feeding or Holding Operations

July 1971

Statutory Authority: ORS 449.081; 449.082; 449.086 and Chapter 648 Oregon Laws 1971 (HB 1051)

I. PURPOSE

It is the purpose of these regulations to protect the quality of the environment and public health in Oregon by requiring application of the best practicable waste control technology relative to location, construction, operation and maintenance of confined animal feeding or holding facilities and operations.

II. DEFINITIONS - Unless the context requires otherwise, as used in these regulations:

1. "Department" means the Oregon Department of Environmental Quality.
2. "Confined feeding or holding operation" means the concentrated confined feeding or holding of animals or poultry, including but not limited to horse, cattle, sheep or swine feeding, dairy confinement areas, slaughterhouse or shipping terminal holding pens, poultry and egg production facilities and fur farms, in buildings or in pens or lots where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather or where the concentration of animals has destroyed the vegetative cover and the natural infiltrative capacity of the soil.
3. "Person" means the state, any individual, public or private corporation, political subdivision, governmental agency, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity whatsoever.
4. "Waste control facility" means all or any part of a system or systems used in connection with a confined feeding or holding operation for the
  - (a) control of drainage,
  - (b) collection, retention, treatment and disposal of liquid wastes or contaminated drainage waters, or
  - (c) collection, handling, storage, treatment or processing and disposing of manure.

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

### III. NEW, MODIFIED OR EXPANDED FACILITIES AND OPERATIONS

A person constructing or commencing to operate a confined feeding or holding operation or waste control facility, or substantially modifying or expanding an existing confined feeding and holding operation or waste-control facility shall first submit detailed plans and specifications for said facility and operation and other necessary information to the Department and obtain approval of the proposed facility and operation from the Department in writing.

1. Plans and specifications and other information to be submitted shall constitute a complete, descriptive proposal and should include, to the extent that such information is pertinent and available, the following:
  - (a) Location map showing ownership, zoning and use of adjacent lands and location of the proposed confined feeding or holding facility or operation in relation to residences and domestic water supply sources.
  - (b) Topographic map of the proposed site showing the natural drainage pattern and the proposed surface water diversion and area and roof drainage control system or systems.
  - (c) Climatological data for the proposed site describing normal annual and seasonal precipitation quantities and patterns, evaporation rates and prevailing winds.
  - (d) Information regarding the occurrence of usable groundwaters and typical soil types in the area of the proposed side and disposal areas.
  - (e) Estimated maximum numbers and types of animals to be confined at the site at any one time and estimated volume of wastes to be collected and disposed of.

- (f) Detailed plans and specifications and procedures for wastewater and manure collection, handling, retention, storage, treatment and disposal systems.
  - (g) Details of feed preparation, storage, handling and use and proposed methods and facilities for controlling wastes that are likely to result therefrom.
  - (h) Any additional information which the Department may reasonably require to enable it to pass intelligently upon the effects of the proposed confined feeding or holding operation upon environmental quality.
2. Receipt of applications and a preliminary evaluation of completeness shall be made within 14 days to all applicants. Written notice of approval or disapproval will be issued by the Department to the applicant within 45 days of receipt of complete plans and specifications. Any notice of disapproval will contain itemized deficiencies.
  3. New or substantially modified or expanded facilities or operations shall be constructed in accordance with plans and specifications as approved in writing by the Department.

#### IV. CONSTRUCTION, OPERATION AND MAINTENANCE REQUIREMENTS

All waste control facilities and confined feeding and holding operations shall be designed, constructed, maintained, and operated in accordance with the following:

1. All confinement areas, manure handling and accumulation areas and disposal areas and facilities shall be located, constructed, and operated such that manure, contaminated drainage waters or other wastes do not enter the waters of the state at any time, except as may be permitted by the conditions of a specific waste discharge permit issued in accordance with ORS 449.083.
2. Unless it can be demonstrated that contaminated drainage can be effectively controlled by other means, or unless a specific written variance is obtained from the Department as provided in Section V, the design, construction, operation and maintenance of confined feeding and holding operations and waste control facilities shall be in conformance with the attached "Guidelines for the Design and Operation of Animal Waste Control Facilities."

V. VARIANCES FROM SPECIFIED REQUIREMENTS

1. The Department may by specific written variance waive certain requirements of these regulations when size of operation, location and topography, operation procedures, or other special conditions indicate that the purpose of these regulations can be achieved without strict adherence to all of the requirements.
2. The Department may, in accordance with a specific compliance schedule, grant reasonable time for existing confined feeding or holding operations to comply with these regulations.

VI. ADVISORY COMMITTEE

At the request of the animal industry, provision is made for a 12-man committee to serve in an advisory capacity to the Department of Environmental Quality on problems related to the location, construction, operation and maintenance of confined animal feeding and holding operations. The advisory committee will include one member each from:

1. Oregon Horsemen's Association
2. Oregon Dairymen's Association
3. Oregon Sheep Growers Association
4. Oregon Purebred Swine Growers Association
5. Oregon State Fur Breeders Association
6. Oregon State Department of Agriculture
7. Department of Animal Science, Oregon State University
8. Western Oregon Livestock Association

and two each from:

1. Oregon Cattlemen's Association (Producer representative and feeder representative)
2. Oregon Poultry Council (Oregon Turkey Improvement Association representative and Oregon Poultry and Hatchery Association representative)

Each member will be appointed by the presiding officer of the organization he represents and will serve at the pleasure of that organization. The State of Oregon shall not be liable for any of the expenses of the advisory committee or its individual members.

7/16/71



DEPARTMENT OF ENVIRONMENTAL QUALITY

Guidelines for the Design and Operation of Animal  
Waste Control Facilities

July 1971

The guidelines contained in this section are recommendations for design and operation of animal waste control facilities and are intended to supplement "Regulations Pertaining to Location, Construction, Operation and Maintenance of Confined Animal Feeding or Holding Operations." They convey many of the criteria considered by the Department of Environmental Quality to conform to best practicable design and operation practices. Alternative methods of control will be acceptable if they can be shown to provide fully equivalent control. Compliance with these guidelines will in most instances constitute satisfactory performance of the design and operation functions to which the "Regulations..." apply. Any disapproval of submitted plans, or requirement to improve facilities or their operation, by the Department, will be, insofar as possible, referenced to applicable guidelines or appropriate sections of the "Regulations."

I. Drainage and Waste Volume Control

- A. Roof drainage and uncontaminated surface drainage should be diverted such that it is not allowed to flow through confinement areas or enter waste water holding lagoons, sumps or tanks, unless it can be demonstrated by detailed design and proven operational practices that wastes and contaminated drainage waters can be effectively controlled by other means.
- B. Where large winter use confinement areas are exposed to heavy rainfall, and wastewater storage and disposal capacities are limited, such areas should be covered to minimize wastewater volume.
- C. Waste collection systems utilizing water for flushing manure from floors should minimize water use, and washwater reuse practices should be employed wherever possible.
- D. Animal drinking water and atmospheric control sprays should be managed such that drainage through contaminated areas is minimized.

## II. Collection and Storage Facilities

### A. Liquid Manure Systems

1. When waste holding lagoons are used to accumulate manure and contaminated drainage waters they should have sufficient usable capacity to contain the maximum accumulated rainfall and manure runoff from the entire collection area for the maximum expected period of accumulation.  
(As a generalized rule of thumb for design, ponds with capacity equal to 1/2 the average annual rainfall over the entire collection area will usually provide adequate operating and reserve capacity to catch 1 in 10 year peak storm runoff from a feedlot.)
2. Waste holding lagoons and collection sumps should be constructed to provide for at least annual removal of accumulated solids to maintain effective storage capacity.
3. Earth dikes should be constructed of good quality soil material, well compacted during construction, with sideslopes consistent with accepted earthfill practices for the materials used and stabilized with vegetation recommended by the Agricultural Extension Service, immediately following construction.
4. Waste holding lagoons or collection sumps with earth dikes should be constructed with overflow relief structures to prevent a washout in the event of failure in other parts of the system.
5. Where unusually windy conditions prevail, or surface aeration equipment is used, dikes should be protected to prevent erosion.
6. Reinforced concrete manure holding tanks should be constructed in accordance with, or at least equivalent to, specifications for steel placement and concrete quality contained in a design which has been prepared by or has been reviewed and found acceptable by a qualified structural engineer.
7. Where seasonal groundwater levels rise above the bottom of a below-ground-level tank, drain tile should be laid at the base of the tank before it is backfilled.

B. Solids Handling Systems

1. Manure solids should be collected, stored, and utilized or disposed of with a minimum of water (or rainfall) addition, in a manner which will prevent water pollution and minimize the production of flies and odors.
2. Where large accumulations of manure are stored during winter months, contaminated drainage collection and holding or disposal facilities should be provided.

III. Conveyance Facilities and Practices

- A. Liquid manure irrigation systems should have delivery mains buried wherever practicable to minimize the amount of pipe exposed to the hazards of surface damage and failure.
- B. Trucks or tank wagons carrying manure or manure slurry on public roads should be of water tight construction and sufficiently closed or baffled to prevent spillage of any kind.
- C. Manure slurry delivery pipelines crossing streams or gullies should be permanently placed with adequate protection from streamflow hazards and/or braced to prevent excessive bending stress in the pipe.

IV. Disposal Facilities and Practices

A. Liquid Manure Disposal

1. When slurry is spread by tank wagon or truck, a predetermined plan of uniform coverage should be established and adhered to. Under no circumstances should a tank be drained when not in motion across suitable receiving land.
2. Liquid manure irrigation systems should be operated according to a predetermined plan of rotation to insure uniform coverage and prevent prolonged ponding or surface runoff from excessive applications. Leaks and sprinkler head malfunctions should be repaired immediately.
3. The selection of equipment for land disposal should be based upon land configuration, labor requirement, and long term dependability of the system and its components.

4. Adequate land should be provided on a year-round basis for effective assimilation of all manure slurry applied, regardless of the method of application used. Land with poor vertical drainage characteristics, high water table, or steep slopes should not be selected for use in a year-round plan of manure disposal.
5. The vegetative cover on disposal land should be harvested or grazed regularly to prevent thatch accumulations of mature grasses and weeds.
6. Livestock should not be permitted to graze the disposal area during periods of saturated soil conditions.
7. Seepage basins should not be used except where it can be demonstrated that groundwater pollution will not result.

B. Solids Disposal

1. Field spreading of manure should be uniform in distribution and limited in quantity to the capacity of the land to retain it.
2. Manure should not be stored or deposited where it can be washed into the surface drainage.
3. Manure solids should not be used as a fill or land raising material where they will pollute ground or surface waters.
4. All dead animals should be promptly collected and disposed of in an approved manner.

V. Incidental Control Practices

- A. The application of manure or manure slurry to land areas should be accomplished when air movement is least likely to carry objectionable odors to residential or recreational areas.
- B. New confined feeding or holding facilities should not be located where prevailing winds are likely to carry odors into residential or recreational areas. Attention should also be given to expansion of suburban areas and the stability of local zoning restrictions in locating new operations or substantially expanding existing operations.

VI. Sources of Qualified Assistance for Design of Facilities

A. Where drainage control, structural or mechanical facilities are sufficiently large or complex to require specialized professional design, the DEQ may require that detailed plans and specifications be prepared by a qualified engineer for approval prior to construction.

B. Appropriate design services are available through:

1. USDA - Soil Conservation Service
2. USDA - OSU Extension Service and associated plan services.
3. Various equipment manufacturers.
4. Independent consulting engineers.

Useful design information is often available through:

1. County extension offices and Agricultural Experiment Stations.
2. Department of Environmental Quality engineering staff.
3. OSU Departments of Agricultural Engineering and Animal Science
4. Certain power companies and irrigation districts
5. Climatological data reporting services (OSU and state climatologist)
6. Other livestock operations which have waste control facilities in operation
7. Various livestock production associations
8. Soil and Water Conservation District offices.

C. Where long range operational planning appears necessary to development of a workable waste control and disposal system, the DEQ may request that special planning assistance be obtained from OSU and recommendations therefrom be included in the proposal submitted.

D. Any dam or dike in excess of ten feet in height, or any impoundment volume in excess of 9.2 acre feet is required by state laws to be designed by a qualified engineer and approved by the office of the State Engineer.

A copy of "Rules and Regulations of the State Engineer", published annually, should be obtained prior to designing a facility of this type.

E. Approval by the DEQ of a confined feeding or holding operation does not relieve the applicant from his obligation to comply with other pertinent federal, state or local statutes, regulations or ordinances.

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION  
       B. A. McPhillips, Chairman           E. C. Harms, Jr., Member  
       Storrs S. Waterman, Member       George A. McMath, Member  
       Arnold M. Cogan, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : September 9, 1971 for the September 17, 1971 Meeting

SUBJECT: ALLOCATION OF STATE FUNDS TO REGIONAL AUTHORITIES

The biennial appropriation of funds to Oregon's Air Quality Control Regions by the 1971 Legislative Assembly included "support to Regional Air Quality Programs be reduced to double the 1970-71 level plus 6% per year or \$216,167-- a reduction of \$34,906.

The appropriation of funds falls short of meeting projected expenditures for the total biennium, and this has been discussed with the Regions at Coordinating Committee meetings. The current requests are therefore made in light of that restriction and represent slightly less than one-half the biennium appropriation.

Attached are letters of requests from each Region and appropriate grant award statements from the Federal Government.

1. State Grant Requests 1971-72 Fiscal Year

Columbia-Willamette Air Pollution Authority	\$ 53,769
Lane Regional Air Pollution Authority	28,832
Mid-Willamette Valley Air Pollution Authority	<u>22,516</u>
Total	\$105,117

2. As a matter of information, projected program needs for the second half of the biennium or fiscal year 1972-73 were submitted as follows:

Columbia-Willamette Air Pollution Authority	\$ 75,000
Lane Regional Air Pollution Authority	33,917
Mid-Willamette Valley Air Pollution Authority	<u>22,667</u>
Total	\$131,584

RECOMMENDATION:

State funds be approved for allocation to Air Quality Control Regions in the amount of \$105,117 for the period of July 1, 1971 through June 30, 1972 as shown in Item 1 above.

Attachments

# COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY

PORTLAND, OREGON 97232

PHONE (503) 233-7176

JUL 15 1971

## AIR QUALITY CONTROL

14 July 1971

Department of Environmental Quality  
1400 S. W. 5th Avenue  
Portland, Oregon 97201

Attn: H. M. Patterson, Director  
Air Quality Control Division

Subj: Request for State Grant Funds

### BOARD OF DIRECTORS

Francis J. Ivancie, Chairman  
City of Portland

Fred Stefani, Vice-Chairman  
Clackamas County

Burton C. Wilson, Jr.  
Washington County

Ben Padrow  
Multnomah County

A.J. Ahlborn  
Columbia County

Richard E. Hatchard  
Program Director

Gentlemen:

Request is hereby made for State grant funds in the amount of \$53,769 for support of the program of this Authority for the period 1 July 1971 through 30 June 1972.

The amount requested is as shown as a revenue resource in the 1971-72 budget included as Appendix I-12 in the application for Federal Grant 71C-4006RE. This budget was subsequently adopted by the Board of Directors, 18 June 1971.

The amount requested is 50% of the estimated and authorized total combined expenditures of the participating counties.

For the Board of Directors.

Very truly yours,



R. E. Hatchard  
Program Director

REH:jld

ENVIRONMENTAL PROTECTION AGENCY

Air Pollution Control Office

DURHAM, NORTH CAROLINA 27701

NOTICE OF AIR POLLUTION CONTROL PROGRAM

GRANT AWARDED  ORIGINAL  AMENDED

IMPORTANT - Refer to this No. in all correspondence

GRANT NO.  
71C-4006RE

DATE  
JUN 11 1971

A GRANT in support of your Air Pollution Control Program, in the amount indicated below, has been approved, as authorized by section 105 of the Clean Air Act, as amended (P.L. 90-148). This award is subject to the Regulations governing grants to air pollution control programs (42 C.F.R. Part 56, as revised), to the Terms and Conditions on the reverse of this Notice, and to other terms and conditions, if any, noted under Remarks of this Notice.

TYPE OF GRANT <input type="checkbox"/> INITIAL <input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> RETENTION		TYPE OF SUPPORT <input type="checkbox"/> DEVELOPMENT <input type="checkbox"/> IMPROVEMENT <input checked="" type="checkbox"/> ESTABLISHMENT	
BUDGET PERIOD COVERED BY THIS AWARD FROM July 1, 1971 THROUGH June 30, 1972		FUTURE SUPPORT (Subject to the availability of funds and satisfactory program development, Federal funds have been committed, in the amounts shown below, for future support of the program.) SECOND YEAR \$ _____ THIRD YEAR \$ _____	
TOTAL SUPPORT PERIOD FROM July 1, 1969 THROUGH June 30, 1972		PAYEE (Check will be drawn as follows:)	
GRANTEE AGENCY Columbia-Willamette Air Pollution Authority 1010 N.E. Couch Street Portland, Oregon 97232		Multnomah County Accounting Division Columbia-Willamette Air Pollution Authority 1010 N.E. Couch St., Portland, Ore. 97232	

BUDGET SUMMARY FOR BUDGET PERIOD COVERED BY THIS AWARD

PROGRAM BUDGET BUDGET CATEGORY	NON-FEDERAL PROGRAM FUNDS			FEDERAL PROGRAM FUNDS	TOTAL PROGRAM FUNDS
	ELIGIBLE NON-RECURRENT	OTHER THAN NON-RECURRENT	TOTAL		
PERSONNEL	\$ ---	\$ 136,808	\$ 136,808	\$ 257,697	\$ 394,505
EQUIPMENT		3,039	3,039	9,116	12,155
SUPPLIES		3,589	3,589	10,766	14,355
TRAVEL		3,411	3,411	10,234	13,645
CONSULTATION AND SERVICES		4,176	4,176	12,524	16,700
ALTERATIONS AND RENOVATIONS		100	100	300	400
TUITION		300	300	900	1,200
PUBLICATION COSTS		125	125	375	500
OTHER		12,260	12,260	36,779	49,039
<b>TOTAL</b>	\$ ---	\$ 163,808	\$ 163,808	\$ 338,691	\$ 502,499

IMPORTANT!

\$50,911.00

of the total non-Federal program budget as shown above have been designated non-matchable costs. Pursuant to grant regulations (42 C.F.R. Part 456, 56.5(g)), non-matchable costs of the program may not be less in any year than the total non-Federal recurrent expenditures were for the applicant's air pollution control program in the applicant's fiscal year immediately preceding the beginning of the support period. Only non-Federal funds in excess of the non-matchable costs may be matched in any year.

TOTAL GRANT AWARD		\$ 338,691	SIGNATURE <i>Leonard A. Miller</i>	
APPROPRIATION NO. 6810100	ALLOWANCE NO. 1-1211		NAME AND TITLE Leonard A. Miller Regional Air Pollution Control Director Region X	
PHS PAY LIST NO. APC-170-71	OBJECT CLASSIFICATION 41.51			
APPLICATION NO. 10-011	LOCATION CODE			

(See other side)

NAPCA(DUR) 15B  
2-70

NIH TRANSACTION NO. 03-089026

NIH VENDOR CODE 786961



## TERMS AND CONDITIONS

This award is subject to the Terms and Conditions hereon as well as to the Regulations governing grants for air pollution control programs (42 C.F.R. Part 456, as revised) and policies and procedures of the Environmental Protection Agency in the Policy Statement covering Air Pollution Control Program Grants.

### A. Use of Program Funds

Program funds, which include the non-Federal as well as the Federal program funds shown on the Notice, may be used for those costs specifically incurred for the approved program. These funds are to be expended for the purpose stated in the approved grant application and for those items enumerated in the approved budget. The program funds may be expended and/or obligated only during the budget period covered by this award.

### B. Prior Approval Items

#### 1. Budget transfers

To facilitate program operation, transfers may be made among budget categories without prior approval, except that, prior approval of the Environmental Protection Agency is required where:

a. Transfer of non-Federal funds would substantially alter the scope or purpose for which the grant award is made.

b. Expenditures of Federal funds would result in a cumulative increase in the grand total of any budget category of more than 25 percent or \$1,000, whichever is greater.

c. An expenditure of Federal funds would be made in a budget category for which no funds were approved.

The grantee shall submit with justification any request for approval of a budget change as outlined above. Where any transfer or substantial budget change would result in and reflect a significant change in the scope or nature of the approved program, the grantee is required to submit an application for a program revision.

#### 2. Other items

In addition, prior approval is required where:

a. Any item of equipment costing in excess of \$1,000 which was not specifically enumerated in the approved grant application, and which is wholly or partly supported by Federal funds, is to be purchased.

### Professional

b. Services are to be performed as a part of the program by contract. Any such proposed contract must be submitted for review prior to its execution. The grantee is required to obtain and keep available assurance from the contractor of compliance with Title VI of the Civil Rights Act of 1964 and regulations of the Department of Health, Education, and Welfare (45 C.F.R. Part 80), when services are provided as a part of the program through an approved contract.

### C. Matching Requirements

The grantee is required to obtain the necessary non-Federal program funds for the entire grant period and to expend such funds so that appropriate non-Federal/Federal matching ratio requirements are assured.

### D. Submission of Reports

The grantee is required to submit an annual expenditure report (NAPCA Form Hq. 39) within 90 days after the end of the budget period, unless otherwise instructed.

### E. Fiscal Audit

The grantee will keep such records so as to facilitate an effective audit. All program expenditures, Federal as well as non-Federal, are subject to review and audit by the Environmental Protection Agency and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of verifying the accuracy and propriety of charges.

### F. Balance of Grant Funds

Any unencumbered balance of Federal grant funds of one dollar (\$1.00) or more at the end of the grant period, as reflected in the annual expenditure report, constitutes a debt to the Federal government. Any unobligated balance will normally be applied as an offset to future payments for succeeding grants to the agency, unless otherwise instructed.

### G. Adjustment of Award

The Environmental Protection Agency may amend this award at any time with proper notification to the grantee.

H. This award is subject to the condition that the grantee obtains the required non-Federal funds for the entire support period.

I. Support beyond this award period will be considered in light of the nature of the implementation plan to be developed for the Air Quality Control Region of which this agency is a part, designated under provisions of the Clean Air Act.



# LANE REGIONAL AIR POLLUTION AUTHORITY

ROUTE 1, BOX 739  
PHONE (503) 689-3221

EUGENE, OREGON 97402

September 1, 1971

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED  
SEP 2 1971

## AIR QUALITY CONTROL

Mr. Harold M. Patterson  
Air Quality Control  
Department of Environmental Quality  
1400 S. W. Fifth Avenue  
Portland, Oregon 97201

Re: 1971-1972 Lane Regional Air Pollution Authority Budget

Dear Mr. Patterson:

In our letter of February 24, 1971, we estimated a requirement of \$28,832.00 in State funds to provide support for our projected fiscal 1971-1972 program grant application in the total amount of \$174,991.00.

The Environmental Protection Agency as well as your agency, has approved our grant application in the projected amounts, which include total local funds of \$86,497.00, consisting of \$57,665.00 from the region and \$28,832.00 from the State. A copy of the EPA letter and grant award is attached.

It is therefore requested that State funds be made available to this agency in the amount of \$28,832.00 for the fiscal period July 1, 1971 through June 30, 1972, in support of our NAPCA Grant No. 71B-4003RI.

Sincerely,

A handwritten signature in cursive script, appearing to read "Verner J. Adkison".

Verner J. Adkison, Director  
Lane Regional Air Pollution Authority

VJA/mw  
Encl.

**ENVIRONMENTAL PROTECTION AGENCY**  
**Air Pollution Control Office**  
 DURHAM, NORTH CAROLINA 27701  
**NOTICE OF AIR POLLUTION CONTROL PROGRAM**  
**GRANT AWARDED**  ORIGINAL  AMENDED

IMP...ANT - Refer to this No. in  
 all correspondence

GRANT NO. **71B-4003RI**

DATE **June 17, 1971**

A GRANT in support of your Air Pollution Control Program, in the amount indicated below, has been approved, as authorized by section 105 of the Clean Air Act, as amended (P.L. 90-148). This award is subject to the Regulations governing grants to air pollution control programs (42 C.F.R. Part 56, as revised), to the Terms and Conditions on the reverse of this Notice, and to other terms and conditions, if any, noted under Remarks of this Notice.

TYPE OF GRANT <input type="checkbox"/> INITIAL <input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> RETENTION		TYPE OF SUPPORT <input type="checkbox"/> DEVELOPMENT <input checked="" type="checkbox"/> IMPROVEMENT <input type="checkbox"/> ESTABLISHMENT	
BUDGET PERIOD COVERED BY THIS AWARD FROM <u>July 1, 1971</u> THROUGH <u>June 30, 1972</u>		FUTURE SUPPORT (Subject to the availability of funds and satisfactory program development, Federal funds have been committed, in the amounts shown below, for future support of the program.) SECOND YEAR \$ ----- THIRD YEAR \$ -----	
TOTAL SUPPORT PERIOD FROM <u>July 1, 1970</u> THROUGH <u>June 30, 1973</u>			
GRANTEE AGENCY Lane Regional Air Pollution Authority Route 1, Box 739 Eugene, Oregon 97402		PAYEE (Check will be drawn as follows): Lane Regional Air Pollution Authority Route 1, Box 739 Eugene, Oregon 97402	

**BUDGET SUMMARY FOR BUDGET PERIOD COVERED BY THIS AWARD**

PROGRAM BUDGET BUDGET CATEGORY	NON-FEDERAL PROGRAM FUNDS			FEDERAL PROGRAM FUNDS	TOTAL PROGRAM FUNDS
	ELIGIBLE NON-RECURRENT	OTHER THAN NON-RECURRENT	TOTAL		
PERSONNEL	\$	\$ 45,578	\$ 45,578	\$ 67,168	\$ 112,746
EQUIPMENT		11,155	11,155	10,145	21,300
SUPPLIES		3,505	3,505	1,165	4,670
TRAVEL		3,325	3,325	1,275	4,600
CONSULTATION AND SERVICES		8,200	8,200	4,500	12,700
ALTERATIONS AND RENOVATIONS		-----	-----	-----	-----
TUITION		-----	-----	-----	-----
PUBLICATION COSTS		50	50	100	150
OTHER		14,685	14,685	4,140	18,825
<b>TOTAL</b>	<b>\$</b>	<b>\$ 86,498</b>	<b>\$ 86,498</b>	<b>\$ 88,493</b>	<b>\$ 174,991</b>

IMPORTANT!

**\$ 57,000.00**

of the total non-

Federal program budget as shown above have been designated non-matchable costs. Pursuant to grant regulations (42 C.F.R. Part 456, 56.5(g)), non-matchable costs of the program may not be less in any year than the total non-Federal recurrent expenditures were for the applicant's air pollution control program in the applicant's fiscal year immediately preceding the beginning of the support period. Only non-Federal funds in excess of the non-matchable costs may be matched in any year.

TOTAL GRANT AWARD \$ <b>88,493</b>		SIGNATURE <i>Leonard A. Miller</i>	
APPROPRIATION NO. <b>6810100</b>	ALLOWANCE NO. <b>1-1211</b>	NAME AND TITLE	
HS PAY LIST NO. <b>APC-185-71</b>	OBJECT CLASSIFICATION <b>41.51</b>	Leonard A. Miller Regional Air Pollution Control Director Region X	
APPLICATION NO. <b>10-008</b>	LOCATION CODE		

(See other side)

NIH TRANSACTION NO. **02-089370**

NAPCA(DUR) 158  
2-70

NIH VENDOR CODE **783724**

## TERMS AND CONDITIONS

award is subject to the Terms and Conditions hereon as well as to the Regulations governing grants for air pollution control programs (42 C.F.R. Part 456, as revised) and policies and procedures of the Environmental Protection Agency in the Policy Statement covering Air Pollution Control Program Grants.

### A. Use of Program Funds

Program funds, which include the non-Federal as well as the Federal program funds shown on the Notice, may be used for those costs specifically incurred for the approved program. These funds are to be expended for the purpose stated in the approved grant application and for those items enumerated in the approved budget. The program funds may be expended and/or obligated only during the budget period covered by this award.

### B. Prior Approval Items

#### 1. Budget transfers

To facilitate program operation, transfers may be made among budget categories without prior approval, except that, prior approval of the Environmental Protection Agency is required where:

a. Transfer of non-Federal funds would substantially alter the scope or purpose for which the grant award is made.

b. Expenditures of Federal funds would result in a cumulative increase in the grand total of any budget category of more than 25 percent or \$1,000, whichever is greater.

c. An expenditure of Federal funds would be made in a budget category for which no funds were approved.

The grantee shall submit with justification any request for approval of a budget change as outlined above. Where any transfer or substantial budget change would result in and reflect a significant change in the scope or nature of the approved program, the grantee is required to submit an application for a program revision.

#### 2. Other items

In addition, prior approval is required where:

a. Any item of equipment costing in excess of \$1,000 which was not specifically enumerated in the approved grant application, and which is wholly or partly supported by Federal funds, is to be purchased.

### Professional

b. Services are to be performed as a part of the program by contract. Any such proposed contract must be submitted for review prior to its execution. The grantee is required to obtain and keep available assurance from the contractor of compliance with Title VI of the Civil Rights Act of 1964 and regulations of the Department of Health, Education, and Welfare (45 C.F.R. Part 80), when services are provided as a part of the program through an approved contract.

### C. Matching Requirements

The grantee is required to obtain the necessary non-Federal program funds for the entire grant period and to expend such funds so that appropriate non-Federal/Federal matching ratio requirements are assured.

### D. Submission of Reports

The grantee is required to submit an annual expenditure report (NAPCA Form Hq. 37) within 90 days after the end of the budget period, unless otherwise instructed.

### E. Fiscal Audit

The grantee will keep such records so as to facilitate an effective audit. All program expenditures, Federal as well as non-Federal, are subject to review and audit by the Environmental Protection Agency and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of verifying the accuracy and propriety of charges.

### F. Balance of Grant Funds

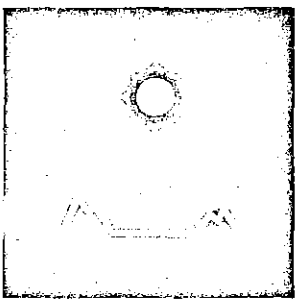
Any unencumbered balance of Federal grant funds of one dollar (\$1.00) or more at the end of the grant period, as reflected in the annual expenditure report, constitutes a debt to the Federal government. Any unobligated balance will normally be applied as an offset to future payments for succeeding grants to the agency, unless otherwise instructed.

### G. Adjustment of Award

The Environmental Protection Agency may amend this award at any time with proper notification to the grantee.

H. This award is subject to the condition that the grantee obtains the required non-Federal funds for the entire support period.

I. Support beyond this award period will be considered in light of the nature of the Implementation Plan to be developed for the Air Quality Control Region of which this agency is a part, designated under provisions of the Clean Air Act.



# MID WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

2585 STATE STREET / SALEM, OREGON 97301 / TELEPHONE AC 503 / 581-1715

August 3, 1971

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED  
AUG - 4 1971

Harold M. Patterson, Director  
Air Quality Control Division  
Department of Environmental Quality  
1400 S.W. Fifth  
Portland, Ore. 97201

AIR QUALITY CONTROL

Dear Mr. Patterson:

The Mid-Willamette Valley Air Pollution Authority requests the Environmental Quality Control Commission to reserve state matching funds in the amount of \$22,516 for the fiscal year 1971-72.

Enclosed is an adopted budget resource summary for the Authority during this same fiscal time period. Also enclosed is a copy of the memo regarding state assistance to the Authority presented to the Joint Subcommittee on July 12, 1971. If there are any questions on this, please contact me.

We would appreciate your prompt consideration of this request.

Sincerely yours,

*Michael D. Roach* /st

Michael D. Roach  
Director

MDR/st

encl.

Air Pollution Control Office  
 DURHAM, NORTH CAROLINA 27701  
**NOTICE OF AIR POLLUTION CONTROL PROGRAM**  
 GRANT AWARDED  ORIGINAL  AMENDED

GRANT NO.  
 71D-4004RE  
 DATE  
 JUN 7 1971

A GRANT in support of your Air Pollution Control Program, in the amount indicated below, has been approved, as authorized by section 105 of the Clean Air Act, as amended (P.L. 90-148). This award is subject to the Regulations governing grants to air pollution control programs (42 C.F.R. Part 56, as revised), to the Terms and Conditions on the reverse of this Notice, and to other terms and conditions, if any, noted under Remarks of this Notice.

TYPE OF GRANT <input type="checkbox"/> INITIAL <input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> RETENTION		TYPE OF SUPPORT <input type="checkbox"/> DEVELOPMENT <input type="checkbox"/> IMPROVEMENT <input checked="" type="checkbox"/> ESTABLISHMENT	
BUDGET PERIOD COVERED BY THIS AWARD FROM 7/1/71 THROUGH 6/30/72		FUTURE SUPPORT (Subject to the availability of funds and satisfactory program development, Federal funds have been committed, in the amounts shown below, for future support of the program.) SECOND YEAR \$ _____ THIRD YEAR \$ _____	
TOTAL SUPPORT PERIOD FROM 7/1/68 THROUGH 6/30/72		PAYEE (Check will be drawn as follows): Michael D. Roach, Director, Mid-Willamette Valley Air Pollution Authority, 2585 State St. Salem, Oregon 97301	
GRANTEE AGENCY Mid-Willamette Valley Air Pollution Authority, 2585 State St., Salem, OR 97301			

BUDGET SUMMARY FOR BUDGET PERIOD COVERED BY THIS AWARD

PROGRAM BUDGET BUDGET CATEGORY	NON-FEDERAL PROGRAM FUNDS			FEDERAL PROGRAM FUNDS	TOTAL PROGRAM FUNDS
	ELIGIBLE NON-RECURRENT	OTHER THAN NON-RECURRENT	TOTAL		
PERSONNEL	\$ --	\$ 38,639	\$ 38,639	\$ 72,300	\$ 110,939
EQUIPMENT		5,120	5,120	---	5,120
SUPPLIES		1,875	1,875	3,495	5,370
TRAVEL		2,059	2,059	3,841	5,900
CONSULTATION AND SERVICES		13,100	13,100	---	13,100
ALTERATIONS AND RENOVATIONS		300	300	---	300
TUITION		400	400	---	400
PUBLICATION COSTS		500	500	---	500
OTHER		5,556	5,556	10,364	15,920
<b>TOTAL</b>	\$ --	\$ 67,549	\$ 67,549	\$ 90,000	\$ 157,549

IMPORTANT!

\$ 21,325.00

of the total non-Federal program budget as shown above have been designated non-matchable costs. Pursuant to grant regulations (42 C.F.R. Part 456, 56.5(g)), non-matchable costs of the program may not be less in any year than the total non-Federal recurrent expenditures were for the applicant's air pollution control program in the applicant's fiscal year immediately preceding the beginning of the support period. Only non-Federal funds in excess of the non-matchable costs may be matched in any year.

TOTAL GRANT AWARD		\$ 90,000	SIGNATURE <i>Leonard A. Miller</i>	
APPROPRIATION NO. 6810100	ALLOWANCE NO. 1-1211	NAME AND TITLE Leonard A. Miller Regional Air Pollution Control Director Region X		
FMS PAY LIST NO. APC-162-71	OBJECT CLASSIFICATION 41.51			
APPLICATION NO. 10-007	LOCATION CODE			

(See other side)  
 HAPCA(DUR) 158  
 2-70

NIH TRANSACTION NO. 04-088919  
 NIH VENDOR CODE 784955

## TERMS AND CONDITIONS

This award is subject to the Terms and Conditions hereon as well as to the Regulations governing grants for air pollution control programs (42 C.F.R. Part 456, as revised) and policies and procedures of the Environmental Protection Agency in the Policy Statement covering Air Pollution Control Program Grants.

### A. Use of Program Funds

Program funds, which include the non-Federal as well as the Federal program funds shown on the Notice, may be used for those costs specifically incurred for the approved program. These funds are to be expended for the purpose stated in the approved grant application and for those items enumerated in the approved budget. The program funds may be expended and/or obligated only during the budget period covered by this award.

### B. Prior Approval Items

#### 1. Budget transfers

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a. Transfer of non-Federal funds would substantially alter the scope or purpose for which the grant award is made.

b. Expenditures of Federal funds would result in a cumulative increase in the grand total of any budget category of more than 25 percent or \$1,000, whichever is greater.

c. An expenditure of Federal funds would be made in a budget category for which no funds were approved.

The grantee shall submit with justification any request for approval of a budget change as outlined above. Where any transfer or substantial budget change would result in and reflect a significant change in the scope or nature of the approved program, the grantee is required to submit an application for a program revision.

#### 2. Other items

In addition, prior approval is required where:

a. Any item of equipment costing in excess of \$1,000 which was not specifically enumerated in the approved grant application, and which is wholly or partly supported by Federal funds, is to be purchased.

### Professional

b. Services are to be performed as a part of the program by contract. Any such proposed contract must be submitted for review prior to its execution. The grantee is required to obtain and keep available assurance from the contractor of compliance with Title VI of the Civil Rights Act of 1964 and regulations of the Department of Health, Education, and Welfare (45 C.F.R. Part 80), when services are provided as a part of the program through an approved contract.

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The grantee is required to obtain the necessary non-Federal program funds for the entire grant period and to expend such funds so that appropriate non-Federal/Federal matching ratio requirements are assured.

### D. Submission of Reports

The grantee is required to submit an annual expenditure report (NAPCA Form Hq. 39) within 90 days after the end of the budget period, unless otherwise instructed.

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The grantee will keep such records so as to facilitate an effective audit. All program expenditures, Federal as well as non-Federal, are subject to review and audit by the Environmental Protection Agency and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of verifying the accuracy and propriety of charges.

### F. Balance of Grant Funds

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### G. Adjustment of Award

The Environmental Protection Agency may amend this award at any time with proper notification to the grantee.

H. This award is subject to the condition that the grantee obtains the required non-Federal funds for the entire support period.

I. Support beyond this award period will be considered in the light of the nature of the implementation plan to be developed for the Air Quality Control Region of which this agency is a part, designated under provisions of the Clean Air Act.

J. This award extends the establishment support period one additional year to June 30, 1972.

AIR POLLUTION FUND RESOURCES (Supplemental)  
 For the Fiscal Year 1971 - 1972  
 Beginning July 1, 1971

Mid-Willamette Valley Air Pollution Authority  
 Benton, Linn, Marion, Polk, Yamhill

RESOURCES

<u>County</u>	<u>Population*</u>	<u>%</u>	<u>Counties' Cost</u>	<u>Offset. 1970-71</u>	<u>State @ 50%</u>	<u>Non Federal</u>	<u>Federal</u>	<u>Total Fund</u>
Benton	53,776	15.3	<del>\$ 5,214</del> (6469)	\$	\$	\$	\$	\$
Linn	71,914	20.4	<del>8,286</del> (8626)					
Marion	151,309	42.9	<del>17,424</del> (18139)					
Polk	35,349	10.0	<del>4,062</del> (4228)					
Yamhill	<u>40,213</u>	<u>11.4</u>	<u>4,680</u> (4821)					
TOTALS	352,561	100.0	<del>\$40,616</del> (\$42,283)	\$2,750	<del>\$21,683</del> (\$22,516)	<del>\$65,049</del> (\$67,549)	\$90,000	<del>\$155,044</del> (\$157,544)

PER CAPITA COSTS

Counties = 12.3 Cents (12.8 Cents)  
 State = 6.2 Cents ( 6.4 Cents)  
 Federal = 25.5 Cents (25.5 Cents)  
 Total = 44.0 Cents 44,7 Cents

\* From "Report on Final Population Counts" PC (VI)-39, the U.S. Bureau of Census. Based on April 1, 1970 Census counts.

\*\* ( ) As approved by the Budget Committee on February 16, 1971.



TO : Joint Sub-Committee  
 FROM: Mid-Willamette Valley Air Pollution Authority  
 DATE: July 12, 1971  
 SUBJ: State Assistance to MWVAPA

The following summary is a review of present and future projected funds for Mid-Willamette Valley Air Pollution Authority and Ways & Means Actions impact.

	<u>1970-71</u> <u>Budgeted</u>	<u>1971-72</u> <u>Budgeted</u>	<u>1972-73</u> <u>Budgeted</u>
Total Budget	\$151,733	\$157,549	\$170,000
Federal Funds	90,000	90,000	102,000*
Local Funds	41,155	45,033	45,333
State Funds (50%)	20,578	22,516	22,667
Ways & Means Limit (6%)	<u>---</u>	<u>21,813</u>	<u>23,122</u>
Difference (Limit - Request)	---	- 703	+ 455

\* (Based on 60% matching maintenance grant)

Based upon the above review, Mid-Willamette Valley Air Pollution Authority can not find sufficient justification to go to the Emergency Board either of the two years of the biennium even though MWVAPA recognizes it will take monies to develop and administer the permit system and civil penalties authorized by the 56th Legislative Assembly. Mid-Willamette Valley Air Pollution Authority proposes to use any monies collected from permit fees to offset local contributions.

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION

B. A. McPhillips, Chairman  
Storrs S. Waterman, Member  
Arnold M. Cogan, Member

E. C. Harms, Jr., Member  
George A. McMath, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : September 8, 1971 for September 17, 1971 Meeting

SUBJECT: BROOKS-SCANLON, INC. CONTROL PROGRAM

The problems relative to air pollution at Brooks-Scanlon, Inc. are boiler emissions, both visible and particulate. These visible and fly ash emissions create air quality problems in the Bend area.

The company has completed the work as proposed to the Commission at the June 4, 1971 meeting. From this study the company has developed a proposal to solve these emission problems. A copy of their proposal is attached.


A staff review of the proposal and discussions with company personnel have been completed. The proposal includes three basic areas:

1. Reduce steam demand to under 100,000 lb/hr total steam flow, or to a maximum of 50,000 lb/each boiler by generating less electricity, modifying the deaerator system, and using electric instead of steam pumps. This will lower the steam load on the two (2) boilers to a point that the previous sampling tests indicated as within compliance with current grain loading standards for existing hog-fuel fired boilers.
2. Level steam demand by installing modulating steam valves on the dry kilns. This will control the peak demands on the boilers and assist in controlling the "puffing" effect of the boilers.
3. Modify hog fuel feed system by installing a secondary feed system to increase reliability. This will stabilize the fuel feed rate and provide for a more uniform steam generation.

The company expects to have the physical modifications complete by December 31, 1971. The electric utility will have the additional transformer capacity installed in January, 1972, at which time the company expects to shut down the old boiler plant. The company is requesting until March 31, 1972, to complete the above proposal, allowing some time for delays and conversion problems.

#### RECOMMENDATION


It is the recommendation of the staff that the proposal presented by Brooks-Scanlon, Inc., be accepted by the Commission, with the addition that on completion in March, 1972 the company shall conduct stack emission tests from each boiler under conditions of normal operations and report the results to the Department by not later than April 30, 1972.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 24 1971

August 24, 1971

*BT, HMP*AIR QUALITY CONTROL

Environmental Quality Commission  
State Office Building  
1400 S. W. 5th Avenue  
Portland, Oregon 97201

Attention: H. H. Burkitt, Chief   
Engineering Services Section

Dear Hal:

Confirming our telephone conversation this afternoon, we have studied in depth the following alternative solutions to our boiler plant emission problems:

1. New gas-fired package boiler.
2. Gas-fired burners in existing boilers
  - a. using firm natural gas
  - b. using interruptable natural gas with propane standby
  - c. using firm propane gas
3. Oil-fired burners in existing boilers.
  - a. bunker C
  - b. diesel
4. Sander dust auxiliary fuel in existing boilers.
5. Auxiliary hog fuel feed system.
6. Reduction of process steam requirement in combination with any of the above.
7. Additional electrical purchases to reduce steam usage.

Firm natural gas is not available on a standby basis and interruptable gas is subject to extended periods of nonavailability. Currently hog fuel is available and we believe will be available in the foreseeable future, if we reduce our plant steam demand to approximately 100,000 lbs. per hour.

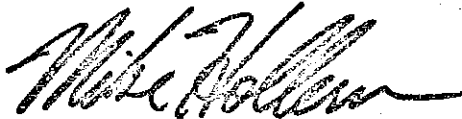
We propose to reduce the steam load on the boilers to 100,000 lbs. per hour or less in order to meet the plant demands and hold the smoke and particulate emissions within the required standards with the new boilers. We will do this as follows:

1. Reduce the steam to the condenser from 30,000 lbs. per hour to 10,000 lbs. per hour by generating a lesser amount and purchasing substantially more electrical energy from Pacific Power and Light.
2. Move the deaerator and use the electrical feedwater pump for normal operation. This will reduce steam demand by an additional 10,500 lbs. per hour.
3. Convert the dry kilns to modulating control, which will lower the peak demands on the boilers.
4. Install an alternate hog fuel feed system and other equipment to increase the reliability of operation of the boilers.

The capital costs of this whole program will be approximately \$300,000. We estimate savings of the four men in the old power house, \$40,000 annually, but increased electrical energy purchases will more than offset this savings. We expect to complete the physical modifications by December 31, 1971. Pacific Power and Light Company advises us they will have transformer capacity in place in January 1972 to handle our increased purchases of electricity. We would hope to shut down the old boilers in January 1972, but allowing for some time loss in this tight schedule, we ask the Commission to permit operation of our old boilers until March 31, 1972, after which date they would not be used. Our two "new" boilers would then operate in compliance with DEQ standards.

We would be pleased to meet with you to discuss any aspect of this proposal in greater detail.

Sincerely,



Michael P. Hollern  
President

MPH/sh

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION  
B. A. McPhillips, Chairman      George A. McMath, Member  
Storrs S. Waterman, Member      E. C. Harms, Jr., Member  
Arnold M. Cogan, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : September 8, 1971 for the September 17, 1971 Meeting

SUBJECT : VARIANCES GRANTED BY REGIONAL AUTHORITIES

MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

One variance has been submitted by the Mid-Willamette Valley Air Pollution Authority, granting Three Pack Shingle Company an 18 day period ending September 5, 1971, in which to operate a previously phased-out burner.

Inasmuch as the variance period has expired, and the mill permanently closed, the staff recommends the variance be accepted and filed.

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY

The staff also recommends that three (3) variances of the CWAPA be accepted and filed. These variances are:

1. Shell Oil Co., Willbridge Plant, Portland -

Variance granted through September 15, 1971 for operation of plant during period of installation of a new control system on asphalt blowing stills to replace an old system which broke down in August, 1971.

2. Beaver Lumber Co., Clatskanie -

Variance granted for wigwam burner operation until January 1, 1972. Beaver Lumber Co. is a small cedar mill located on an island in the Columbia River and has unusual problems in finding alternatives to their present burner. Consultants have been hired but firm schedule of compliance has not been submitted. It is expected that the CWAPA staff will attempt to secure such a schedule before the variance period is up.

3. Harris Stud Mills, Boring -

Variance granted for wigwam burner operation through January 31, 1972, with written progress report due by October 14, 1971. Harris Stud Mills, previously operating on a variance ending June 30, 1971, ran into problems in securing financing for a chipper system and was unable to meet its deadline. According to CWAPA staff, the company has acted in good faith, is proceeding toward a solution of the financial problems, and is expected to meet the January 31, 1972 phase-out date.

PARTICIPATING COUNTIES:

BENTON  
LINN  
MARION  
POLK  
YAMHILL

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

2585 State Street - Salem, Oregon 97301  
Telephone 581-1715

RECEIVED  
AUG 24 1971

AIR QUALITY CONTROL

TO : ENVIRONMENTAL QUALITY COMMISSION  
FROM : Mid-Willamette Valley Air Pollution Authority  
DATE : August 23, 1971  
SUBJ : REPORT ON VARIANCE GRANTED TO THREE-PACK SHINGLE CO.

On June 18, 1971 a variance was granted to Three-Pack Single to operate a wigwam burner until July 30, 1971. For a period of three weeks, from July 30 until August 23, this mill and this wigwam did not operate and were in compliance with the regulations of this Authority.

At the August 17 regular monthly meeting of the Board of Directors Mr. Walter Kaufman, owner of Three-Pack Shingle Co., asked for a variance to operate his wigwam for the period August 23 to September 5 so that he could process the small volume of cedar logs he still had on hand before he closed down his mill permanently. This variance was granted for the reasons explained on the attached "Order Granting Variance".

Attachment:  
Variance, Aug. 19, 1971

BEFORE THE BOARD OF DIRECTORS OF THE  
MID-WILLAMETTE VALLEY AIR POLLUTION AUTHORITY

In the Matter of the Application )  
for a Variance of ) ORDER GRANTING VARIANCE  
THREE PACK SHINGLE CO. )

This matter came on regularly before the Mid-Willamette Valley Air Pollution Authority on the 17th day of August, 1971, upon the application of Walt Kaufman dba Three Pack Shingle Co. of Foster, Oregon, for a limited variance from the emission standards of the Authority in the operation of its wigwam waste burner.

It appearing to the Board and the Board finds that a variance was heretofore granted by this Board on June 18, 1971, permitting such operation to July 30, 1971. That the applicant has ceased his operation and has not utilized the wigwam waste burner since that date. The applicant presently has on hand a number of logs which he wishes to process before final closing of his mill and he has no other means of disposal of wood wastes, and the said wigwam waste burner will not be utilized for burning of wood wastes after the time allowed by this variance. And the Board further finds that the conditions of ORS 449.810(1) have been met and by reason of said circumstances strict compliance with the rules of the Authority would be burdensome and impractical, Now Therefore,

On motion duly made, seconded and passed it was resolved by the Board as follows:

IT IS HEREBY ORDERED that the application for variance by Three Pack Shingle Co. is hereby granted commencing with date of this order, to and including the 5th day of September, 1971.

IT IS FURTHER ORDERED that a copy of this order shall

be forthwith filed with the Environmental Quality Control  
Commission pursuant to ORS 449.860.

DATED this 19 day of August, 1971.

MID-WILLAMETTE VALLEY AIR  
POLLUTION AUTHORITY

By *Fanny Carson*  
Chairman

ATTEST:

*Michael D. Roach*  
Director



To: AMM

# COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY

1010 N. E. COUCH STREET

PORTLAND, OREGON 97232

PHONE (503) 233-7176

2 September 1971

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
SEP 7 - 1971

Environmental Quality Commission  
1400 Southwest 5th Avenue  
Portland, Oregon 97201

**OFFICE OF THE DIRECTOR**

Attention: Mr. K. H. Spies, Director  
Department of Environmental Quality

BOARD OF DIRECTORS  
Francis J. Ivancie, Chairman  
City of Portland  
Fred Stefani, Vice-Chairman  
Clackamas County  
Burton C. Wilson, Jr.  
Washington County  
Ben Padrow  
Multnomah County  
A.J. Ahlborn  
Columbia County  
Richard E. Hatchard  
Program Director

Gentlemen:

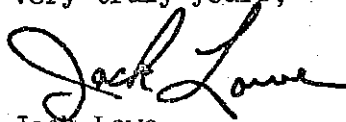
Please be informed that at the 20 August 1971 meeting, it was the order of the Board of Directors that variances be granted as follows:

- 1) Shell Oil Company, Willbridge Plant, 5880 NW St. Helens Road, Portland.
  - a. Enclosure 1. Variance No. 39
  - b. Enclosure 2. Minutes of Board of Directors meeting, 20 August 1971 see page 3
- 2) Beaver Lumber Company of Clatskanie, Inc.
  - a. Enclosure 3. Variance No. 27 (extension)
  - b. Enclosure 4. Minutes of Advisory Committee meeting, 5 August 1971 see page 1
  - c. Enclosure 2. See page 1
  - d. Enclosure 5. Staff Report
- 3) Walter E. Koch dba Harris Stud Mill, Boring, Oregon
  - a. Enclosure 7. Variance No. 28 (extension)
  - b. Enclosure 4. See page 2
  - c. Enclosure 2. See page 1
  - d. Enclosure 6. Staff Report

The variances and supporting material are submitted for your review in accordance with the provisions of ORS 449.880.

For the Program Director.

Very truly yours,



Jack Lowe  
Administrative Director

JL:jl  
Enclosures

Enclosure 1.

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY  
1010 N.E. Couch Street, Portland, Oregon 97232

IN THE MATTER OF	)	VARIANCE	No. 39
	)		
VARIANCE TO	)	INCLUDING	
	)		
SHELL OIL COMPANY	)	FINDINGS AND ORDER	
a Corporation	)		

FINDINGS

I

On 19 August 1971, it was reported verbally by a Phil Bryant of Shell Oil Company to Wayne Hanson, Deputy Program Director, the existing thermal incinerator for control of air contaminants from the asphalt blowing stills at the Willbridge Plant had suddenly become mechanically inoperative.

II

On behalf of Shell Oil Company, Phil Bryant verbally petitioned for a variance to operate the asphalt blowing stills without air pollution control equipment through 15 September 1971 when a previously approved new air pollution control system for the asphalt blowing stills will be installed and operating.

III

During the period until the new control system can be installed and put in operation, Shell Oil Company will use all practical means to keep the old system in operation to minimize the emissions from the asphalt blowing stills and that if said operation results in public nuisance, the asphalt blowing still operation will be terminated.

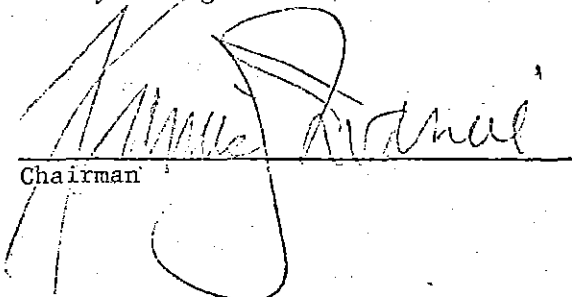
ORDER

NOW THEREFORE, it is hereby ordered that a variance be granted to Shell Oil Company to operate the asphalt blowing stills at the Willbridge plant, 5880 N.W. St. Helens Road, Portland, Oregon in violation of emission standards contained in Columbia-Willamette Air Pollution Authority Rules for a period to and including 15 September 1971 subject to the following conditions:

1. The Company will use all practical means to keep the present control system operable during the variance period.
2. In the event operation of the asphalt blowing stills during the variance period results in a public nuisance as determined by Columbia-Willamette Air Pollution Authority Program Director or Deputy Program Director, the Company


shall, upon notification from the Program Director or his Deputy, forthwith terminate operation of the blowing stills.

Entered at Portland, Oregon the 20th day of August 1971.



Chairman

Certified a True Copy



Jack Lowe, Administrative Director

Enclosed 2

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY  
1010 NE Couch Street, Portland, Oregon 97232

BOARD OF DIRECTORS MEETING  
9:30 a.m., Friday, 20 August 1971  
Portland Water Service Building

Present:

Board of Directors: Francis J. Ivancie, Chairman  
Fred Stefani, Vice Chairman  
A. J. Ahlborn  
Ben Padrow

Staff: R. E. Hatchard, Program Director  
Wayne Hanson, Deputy Program Director  
Emory Crofoot, General Counsel  
Jack Lowe, Administrative Director

Minutes

The meeting was called to order by Chairman Ivancie and the minutes of the 16 July 1971 meeting were approved as recorded.

Request for Variance - Beaver Lumber Company

Walter Nutting, Advisory Committee Vice-Chairman, reported that the Committee had reviewed this variance extension request at their 5 August 1971 meeting and recommends that the Board of Directors grant a variance to Beaver Lumber Company to operate their wigwam burner in violation of Authority rules until 1 January 1972 at which time they will come before the Advisory Committee and Board of Directors with a specific proposal for compliance or a request for a variance extension.

It is the staff recommendation, as outlined in a memorandum dated 26 July 1971 previously sent to the Board of Directors, that a variance be granted until 30 June 1972 with the condition that a firm date of compliance be submitted by 1 January 1972. Mr. Hatchard pointed out that though the staff recommendation differs from that of the Advisory Committee, the staff feels the Advisory Committee recommendation should be adopted.

After some discussion, Commissioner Padrow moved, Commissioner Stefani seconded the motion and the motion carried to adopt the recommendation of the Advisory Committee and grant a variance extension to Beaver Lumber Company until 1 January 1972.

Request for Variance - Harris Stud Mill

Mr. Nutting reported that the Advisory Committee had considered this variance extension request and it is their recommendation that a variance extension be granted to Harris Stud Mill to operate their wigwam burner in violation of Authority rules until 1 March 1972, with the condition that progress reports be submitted to the Committee prior to the 2 September and 4 November meetings.

Mr. Hanson stated that the staff recommended in a memorandum report dated 23 July 1971 that a variance be granted until 31 December 1971. The Advisory Committee had lengthened the variance extension time because of financial problems of the Company. Mr. Bud Koch of Harris Stud Mill was present and stated that firm financing has been obtained by his company and requested the variance extension be until 31 January 1972.

After discussion, Commissioner Stefani moved, Commissioner Ahlborn seconded and the motion carried to grant a variance extension to Harris Stud Mill to operate their wigwam burner in violation of Authority rules until 31 January 1972, with a progress report to be submitted by Harris Stud Mill in time for consideration by the Board of Directors at their 15 October 1971 meeting.

#### Emergency Action Plan

Mr. Hatchard reviewed an Interim Emergency Action Plan drafted by the staff, copies of which had previously been sent to the Board members. He pointed out that the present interim action plan applies only to carbon monoxide. This draft proposal before the Board now includes carbon monoxide levels, suspended particulate, sulfur dioxide, oxidants and the combination of sulfur dioxide and particulates. He explained that the color code is white, indicating normal condition; yellow indicating a forecast of air stagnation; blue indicating an alert condition; orange indicating a warning and red indicating an emergency condition. The proposed interim action plan follows the guidelines of the Environmental Protection Agency for a national emergency action plan. Mr. Hatchard pointed out for each of the various stages, there are specific actions which will be undertaken by the Authority, and notification of the public. In answer to Commissioner Padrow's inquiry, Mr. Hatchard stated that the Advisory Committee will be considering this proposal at their 2 September 1971 meeting. Commissioner Padrow also suggested public hearings might be in order on this plan.

Mr. Hatchard pointed out that the 1971 Legislature passed bills authorizing traffic control for air pollution purposes, and the traffic control plans should be worked out with the Environmental Quality Commission. The Board then instructed the staff to draft a letter to the Environmental Quality Commission for the Board asking that development of traffic control and other aspects of the interim emergency action plan be started between the Authority and the Commission.

#### Civil Penalties - Staff Report

Mr. Hatchard referred to the proposed civil penalties schedule, copies of which had been mailed to the Board. Civil penalties have been authorized by the 1971 Legislature and a schedule will be considered and adopted by the Environmental Quality Commission after public hearing. Mr. Hatchard added that this penalty schedule is one of the most important additions to the effectiveness of the air pollution prevention and control program. Cooperation and conciliation are still an essential part of enforcement actions, but the ability to impose penalties will make enforcement much faster.

Mr. Crofoot briefly explained the details of the civil penalty schedule, pointing out that before a penalty is imposed, the history of cooperation of the violator will be considered, record of past violations and the apparent financial status of the violator. He outlined the procedures which will be used in applying this schedule of penalties.

Commissioner Padrow moved, Commissioner Stefani seconded and the motion carried to advise the Environmental Quality Commission that the Board of Directors of CWAPA has reviewed this schedule and recommends that it be placed on the agenda for 17 September public hearing and adopted.

#### Authorization for Training Courses

Copies of a memorandum of 11 August 1971 setting forth recommended training for Authority personnel were previously mailed to the Board for their consideration. Mr. Hatchard stated as part of the Authority's continuing program to upgrade and improve the technical training and capabilities of the agency, authorization is requested for participation by staff personnel as set forth in the memorandum. He added that no expenditure will be approved until the current question of Washington County's participation in the Authority is settled. Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to authorize training as set forth in the 11 August 1971 memorandum, within available funds.

#### Other Matters

##### Shell Oil Company - Willbridge Plant, NW Portland

Mr. Hanson reported that this company has had difficulties with their thermal incinerator and has been diligent in reporting breakdown conditions as required by our rules. They are in the process of installing a new unit, which has been approved by the engineering staff, which will correct these problems. Mr. Hanson stated the company has requested and the staff recommends approval of a variance from the emission standards and the emergency breakdown requirements of the Authority until 15 September 1971 when their new unit will be installed. Mr. Hanson added that if nuisance conditions arise or there are public complaints, the company has agreed to shut down the asphalt blowing operation.

Commissioner Padrow moved, Commissioner Stefani seconded and the motion carried to grant a variance to Shell Oil Company to operate its asphalt blowing operation in violation of the Authority rules until 15 September 1971 providing no public nuisance conditions are created.

#### Advisory Committee Reports

Mr. Hanson reported that the public meetings held by the Sub-committee on open burning have been completed and the full Advisory Committee will be preparing their recommendations to be presented to the Board at their 17 September meeting. Mr. Nutting pointed out that the Sub-committee gained the opinion from these hearings that the rural residents are in favor of some open burning. The people in more populated areas and areas where solid waste disposal problems were not as pressing, seem to be in favor of no burning.

Mr. Nutting reported that the Sub-committee on rules revision which will deal with incorporating legislative changes and other changes in Authority rules will be meeting soon. The Sub-committee on Variances recommended that all variances be reviewed by the Advisory Committee and that the Sub-committee become a permanent committee available to consider in more detail any difficult variance request prior to its consideration by the full Advisory Committee.

Coalition for Clean Air

Mr. Bill Hutchinson, representing the Oregon-Washington Coalition for Clean Air, stated his purpose in attending this meeting had to do with the request submitted by his group to the Portland City Council asking that the Council negotiate with the Department of Environmental Quality to establish a schedule for achieving compliance with national air quality standards and that they develop an action plan for traffic regulation during air pollution episodes. He stated that this request had been referred to CWAPA and he was asking CWAPA to refer it back to the City Council for initiative on these matters and a policy statement.

Mr. Hatchard stated that the referral from the City Council was responded to with the draft Interim Emergency Action Plan presented at this meeting today. This will be implemented in cooperation with the Environmental Quality Commission. The action plans for traffic control will be developed with the assistance and cooperation of the City of Portland Traffic Engineers office and Bureau of Police as well as affected departments of Multnomah County government.

Mr. Crofoot pointed out that since the City of Portland is a participating body of the regional air pollution authority, they cannot initiate air pollution actions or adopt air pollution ordinances except through the regional authority.

Mr. Hutchinson requested that the City Council adopt a resolution dealing with implementation of Federal air quality standards and emergency action plans. Mrs. Nancy Stevens also of the Coalition group, added that the resolution should include definite aims and plans for the future.

Chairman Ivancie stated that the General Counsel had advised that state statutes prevent municipalities within the boundaries of regional authorities from adopting ordinances or other actions dealing with air pollution. However, Commissioner Ivancie expressed the opinion that the City Council of Portland probably would adopt a resolution encouraging citizens to use bus transportation to the core area of the city.

Commissioner Padrow said the Multnomah County Board of Commissioners would also favor such a resolution since it involves the whole region.

Mr. Hutchinson said the Coalition would present a resolution for consideration.

The meeting was adjourned at 11:00 a.m.

Enclosure 3.

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY  
1010 N.E. Couch Street, Portland, Oregon 97232

IN THE MATTER OF	)	VARIANCE	
	)	(Extension)	
VARIANCE TO	)		
	)	INCLUDING	No. 27
BEAVER LUMBER CO. OF CLATSKANIE, INC.	)		
a Corporation	)	FINDINGS AND ORDER	

FINDINGS

I

At its regular meeting, 18 January 1971, the Board of Directors granted a variance to Beaver Lumber Co. of Clatskanie, Inc. to operate a wigwam waste burner at Clatskanie, Oregon in violation of emission standards contained in Rules of Columbia-Willamette Air Pollution Authority for a period of time not beyond 30 June 1971.

II

During the period of the variance, Beaver Lumber Co. of Clatskanie, Inc. has retained professional firms to assist in the development of methods for disposal of wood wastes from the mill other than by burning. Several methods, none of which proves feasible, were investigated.

III

The petition requested a variance extension for a period of one year to and including 30 June 1972.

IV

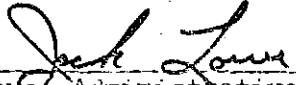
The Advisory Committee recommended that because of the difficulty of the petitioner in developing alternative means of disposing of the wood waste from the mill, the variance previously granted be extended through 31 December 1971.

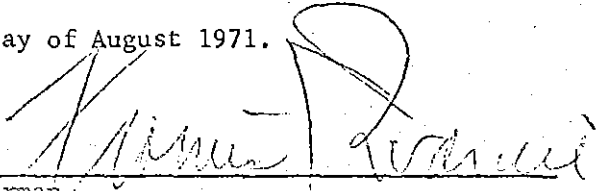
ORDER

NOW THEREFORE, it is hereby ordered that the variance previously granted Beaver Lumber Co. of Clatskanie, Inc. to operate a wigwam waste burner at Clatskanie, Oregon in violation of emission standards contained in Rules of Columbia-Willamette Air Pollution Authority be extended for the period through 31 December 1971.

Entered at Portland, Oregon the 20th day of August 1971.

Certified a True Copy

  
 \_\_\_\_\_  
 Jack Lowe, Administrative Director

  
 \_\_\_\_\_  
 Chairman



ADVISORY COMMITTEE MEETING  
3:00 p.m., Thursday, 5 August 1971  
Portland Water Service Building

Present:

Advisory Committee:

Darrel Johnson, Chairman  
Walter Nutting, Vice-Chairman  
Elaine Cogan  
Jason Bailey  
John Donnelly, M. D.  
Anthony Federici  
Fritz Fleischer  
Charles Haney  
Stephen McCarthy  
Thomas L. Meador, M. D.  
Hollister Stolte, M. D.  
Ed Winter

Staff:

R. E. Hatchard, Program Director  
Wayne Hanson, Deputy Program Dir.  
Jack Lowe, Administrative Director

Minutes

The meeting was called to order by Darrel Johnson, Chairman, and the minutes of the 1 July 1971 meeting were approved as recorded.

Variance Request - Beaver Lumber Company, Clatskanie, Oregon

Wayne Hanson reviewed a memorandum dated 26 July 1971 previously mailed to the Committee members which explained the reasons for the variance request. The staff recommendation is that a variance be granted until 30 June 1972 with the condition that a firm date of compliance be submitted to the Authority by 1 January 1972.

Mr. Jim Luxford, Manager of the mill, Mr. Harold McKenzie, consulting engineer retained by the mill and the accountant for the mill explained the research that had been done to find a method whereby the mill might operate in compliance with Authority rules, and various methods of compliance that has been investigated. They stated that there is no economically feasible way of operating the mill in compliance with Authority rules at the present time. They added that they will continue to seek other solutions.

Members of the Committee questioned Mr. Hanson and the mill representatives concerning the situation. Mr. Hanson pointed out that the staff felt the mill had a record of good faith and had made serious attempts to comply. He added also that at the present time there are only four or five wigwam burners left operating in the region, and this number would soon be reduced to two or three.

Mr. Luxford pointed out that the life expectancy of this mill could be as little as five years and that the mill is in a relatively unpopulated area and the Authority has received no complaints on its operation.

After considerable discussion, Mrs. Cogan moved, Dr. Donnelly seconded and the motion passed to recommend to the Board of Directors that a variance be granted to Beaver Lumber Company until 1 January 1972 at which time they will come before the Committee with a specific proposal for compliance or a request for a variance extension.

#### Variance Request - Harris Stud Mill, Boring, Oregon

Copies of a staff report dated 23 July 1971 concerning this variance request had been previously mailed to the Committee members. Mr. Hanson stated that Mr. Koch of Harris Stud Mill is sincere and diligent in his efforts to complete the necessary arrangements which will enable him to eliminate his wigwam waste burner. Mr. Norm Peterson, consulting engineer retained by the mill, stated that a specific plan has been developed and financial arrangements are expected to be firm in a week's time and the installation complete by 31 December 1971.

After discussion, Mr. Nutting moved, Mr. Haney seconded and the motion carried to recommend a variance be granted to Harris Stud Mill to operate their wigwam burner in violation of Authority rules until 1 March 1972, with the condition that progress reports be submitted to the Committee prior to the 2 September and 4 November meetings.

#### Reports of Sub-Committees

Mr. Stephen McCarthy, Chairman, reported that the Sub-Committee on Rules Revision would be meeting in the near future to consider staff reports on rules revisions concerning operating permits and emergency episode planning, both of which arise out of legislative changes. He added that he will be asking at least two additional Committee members to join Mr. Jason Bailey and himself on this sub-committee.

Mr. Ed Winter in the absence of Mr. Whitehead, Chairman, reported that the Variance Sub-Committee had met and recommends the adoption by the Committee of a policy statement. This statement includes the following items: (1) that all variance requests be referred to the Advisory Committee for a recommendation prior to consideration by the Board of Directors; (2) the whole Committee will hear the request, with the staff presenting necessary background information, technical information and staff recommendation; (3) any variance request which has a technical character or a policy implication warranting special review shall be reviewed by a variance sub-committee prior to submission to the Advisory Committee. This sub-committee review may be initiated by either the chairman of the Advisory Committee or by action of the Committee itself. Appointments to the sub-committee shall be made jointly by the Chairman of the Advisory Committee and the Chairman of the Variance Sub-committee. Copies of this policy statement and general procedures for staff processing of variance requests previously approved by the Advisory Committee will be submitted to each member of the Committee.

After discussion, Mr. Nutting moved, Mr. McCarthy seconded and the motion carried to accept the report of the Variance Sub-committee. As this sub-committee was temporary, Chairman Johnson appointed Carleton Whitehead to serve as Chairman of a Standing Sub-Committee on Variances.

Mr. Charles Haney, Chairman, reported that the Sub-Committee on Open Burning had been meeting regularly and had conducted two public meetings thus far. The meeting in Multnomah County drew 15 citizens and the meeting in Clackamas County drew 48 citizens. Two more public meetings are scheduled; 10 August in Columbia County and 18 August in Washington County. Mr. Haney stated that the dominant opinion of the people attending these meetings thus far was to allow some controlled open burning. The sub-committee will consider the information gained at these public meetings along with discussions with fire chiefs in making a recommendation to the full Committee concerning possible rule changes on open burning.

Walter Nutting was designated by Chairman Johnson to present the Advisory Committee's report at the 20 August Board of Directors meeting.

The meeting was adjourned at 4:50 p.m.

Enclosure 3

# COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY

1010 N. E. COUCH STREET

PORTLAND, OREGON 97232

PHONE (503) 233-7176

26 July 1971

MEMORANDUM

TO: The Board of Directors

FROM: R. E. Hatchard, Program Director

SUBJECT: Variance Request - Beaver Lumber Company  
Clatskanie, Oregon

BOARD OF DIRECTORS

Francis J. Ivancie, Chairman  
City of Portland

Fred Stefani, Vice-Chairman  
Clackamas County

Burton C. Wilson, Jr.  
Washington County

Ben Padrow  
Multnomah County

A.J. Ahlborn  
Columbia County

Richard E. Hatchard  
Program Director

Gentlemen:

At the January 1971 Board of Directors meeting the Beaver Lumber Company was granted a variance to operate its wigwam waste burner until 30 June 1971 under the condition that on or before 15 April 1971, a written report be submitted to the Authority setting forth with specificity, the program to be employed to make said burner comply with the Authority rules.

In a letter dated 12 April 1971, Mr. Jim Luxford, Manager, informed this office that Beaver Lumber Company had retained a professional engineer to develop an alternative method of disposal and were awaiting his report.

Subsequently, Mr. Luxford informed us in a letter dated 24 June that his engineering study was now completed and based upon the results, requested a one year variance extension. The following is a summary of the conclusions of the engineering report, "Feasibility Study, Cedar Residue Utilization or Disposal at Beaver Lumber Company of Clatskanie, Inc." prepared by Harold W. McKenzie, Professional Engineer, which provides the basis for the variance request.

1. Due to the physical location of the burner, the costs of modification would be inordinately high;
2. Due to the nature and varying quantities of the residue, modification of the wigwam burner would be extremely difficult, if not impossible;
3. Based upon an evaluation by the Department of Environmental Quality on 7 May 1971, it was determined that under existing water conditions disposal of mill residues as landfill on company property northeast of the plant must be discarded as an alternative solution;
4. Sale of the material as hogged fuel would require an investment in facilities of approximately \$114,000. The economic feasibility of this alternative was studied by Goebel, Jarrard and Company, and in a report dated

24 June 1971 concluded that the cost of transport to the nearest available customer, which incidentally will not commit himself to a firm long-term contract, would exceed income from its sale by approximately \$80.00 per day. Therefore, they stated this is not an economically feasible investment to consider.

Beaver Lumber Company has been formally notified of the date, time and location of the Advisory Committee and Board of Directors meetings and invited to attend.

Staff Recommendation

In reviewing this request, the staff does not disagree with the basis for the variance request. We recognize that due to the physical location of the mill, compliance would be burdensome. However, we are concerned that no firm compliance program has been adopted, nor a final date of compliance submitted. In considering equities, the staff is aware of similar operations where compliance has been attained at costs in excess of \$100,000 and as required by the Board of Directors another mill in Clatskanie has eliminated use of their waste burner and attained compliance. Further, in view of a recently granted variance for an additional six months to a mill in Vernonia, it is the staff recommendation that a variance be granted until 30 June 1972 with the condition that a firm date of compliance be submitted to the Authority by 1 January 1972.

Respectfully submitted,

  
R. E. Hatchard.

REH:jl

**BEAVER** *Lumber Company*

CLATSKANIE, OREGON  
BOX 547 TELEPHONE 1495

June 24, 1971

Columbia Willamette Air Pollution Authority  
1010 N. E. Couch Street  
Portland, Oregon 97232

Gentlemen:

Attached are reports of Harold McKenzie, Consulting Engineer, and Goebel, Jarrard and Company, Certified Public Accountants covering their studies of methods for disposal of our mill residues as alternatives to use of the wigwam burner.

You will note that only one possible market for the materials has been found, and that this alternative is not economically feasible for the reasons listed in Mr. Jarrard's report.

The alternative of disposal as landfill on property which we own adjacent to the plant has also been investigated but is not feasible on advice of the State Department of Environmental Quality (see copy of their letter attached), due to the possibility of creating a water pollution problem.

As discussed in previous correspondence, cedar residues present greater difficulties in utilization or disposal than the residues from other wood species. As the two alternatives which appeared to offer the most promise have been found to be unfeasible, we must request additional time in which to find some other solution before we will be able to discontinue use of the wigwam burner.

**RECEIVED**  
JUN 28 1971

COLUMBIA - WILLAMETTE  
AIR POLLUTION AUTHORITY

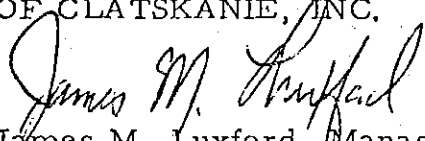
June 24, 1971

We therefore request a one year extension of variance as provided under Section 9.1 of the Rules of the Columbia Willamette Air Pollution Authority, "...due to special circumstances which would render compliance unreasonable, burdensome, or impractical due to special conditions or cause, or because the effect of air pollution is minimal in comparison with the effect of abatement,... or because no other alternative facility or method of handling is yet available."

We respectfully request your favorable consideration.

Very truly yours,

BEAVER LUMBER COMPANY  
OF CLATSKANIE, INC.

  
James M. Luxford, Manager

JML:km

Attachments:

- a. Report of Harold W. McKenzie, P.E.
- b. Report of Fred W. Jarrard, C.P.A.
- c. Letter from Fred M. Bolton, District Engineer,  
Department of Environmental Quality.
- d. Letter from Beaver Lumber Company, to Columbia  
Willamette Air Pollution Authority, January 15, 1971.

DICK MAGRUDER  
RT. 2, BOX 36  
CLATSKANIE, OREGON 97010  
COLUMBIA COUNTY



MEMBER:  
ELECTIONS AND REAPPORTIONMENT  
NATURAL RESOURCES  
WELFARE TASK FORCE

HOUSE OF REPRESENTATIVES  
SALEM, OREGON  
97310

July 8, 1971

Mr. Francis Ivancie  
Chairman, Board of Directors  
Columbia-Willamette Air Pollution Authority  
1010 N. E. Couch  
Portland, Oregon

ROUTING	
To	Noted by
From:	
Action:	

Dear Mr. Ivancie:

During the past legislative session I spoke with Emory Crofoot, general counsel for the Authority, about my concerns regarding the Beaver Lumber Company's cedar mill in Clatskanie. As you are aware, they have been unable to reach a technologically sound basis for elimination of their wigwam burner. They are attempting to develop an acceptable alternative. You are better aware of the problem than I so I will not attempt to summarize any details.

It is my personal opinion that the mill does not create a serious pollution problem in our area. It is a small, antiquated operation with a limited period remaining for operation.

Mr. Luxford of the firm informs me he has requested an additional variance. It would seem appropriate, under the circumstances, that this variance be granted.

I would appreciate receiving any information regarding this situation and hope that the Authority will see fit to grant the variance.

Sincerely,

*Dick Magruder*  
Dick Magruder

DM:ns

cc: A. J. Ahlborn, Columbia County Commissioner  
Emory J. Crofoot

RECEIVED  
JUL 12 1971  
COLUMBIA - WILLAMETTE  
AIR POLLUTION AUTHORITY



*Enclosure 6*

# COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY

1010 N. E. COUCH STREET

PORTLAND, OREGON 97232

PHONE (503) 233-7176

MEMORANDUM

23 July 1971

TO: Board of Directors

FROM: R. E. Hatchard, Program Director

SUBJECT: Variance Request - Harris Stud Mill, Boring, Oregon

BOARD OF DIRECTORS

Francis J. Ivancie, Chairman  
City of Portland

Fred Stefani, Vice-Chairman  
Clackamas County

Burton C. Wilson, Jr.  
Washington County

Ben Padrow  
Multnomah County

A.J. Ahlborn  
Columbia County

Richard E. Hatchard  
Program Director

At the January 1971 CWAPA Board of Directors meeting, the Harris Stud Mill was granted a variance to operate its wigwam waste burner until 30 June 1971 under the condition that on or before 15 April 1971, a written report be submitted to the Authority setting forth with specificity, the program to be employed to make said burner comply with the Authority Rules.

In accordance with the variance condition, Mr. Walter Koch submitted the attached compliance program to eliminate his burner. However, in a letter dated 29 June 1971, which is also attached, the Harris Stud Mill requested an extension of time, specifically six months, in order to obtain financing for the equipment and installation required to eliminate the burner.

Mr. Koch has been notified of the date, time and location of this meeting and invited to attend.

Staff Recommendations

It is the staff opinion Mr. Koch is sincere and diligent in his efforts to complete the necessary arrangements which will enable him to eliminate his wigwam waste burner. With the aid of a consulting engineering firm, he has developed a specific plan and in addition has nearly completed financial arrangements necessary for the procurement of equipment.

In light of Mr. Koch's continuing efforts and the circumstances he has encountered which are beyond his control, it is the staff opinion that the Harris Stud Mill be granted an extension of their variance until 31 December 1971.

Should the variance be granted, the staff recommends the Harris Stud Mill be required to submit a report of progress on or before 1 October 1971.

*REH*  
R. E. Hatchard J.

REH:dc  
Attachments

**An Agency to Control Air Pollution through Inter-Governmental Cooperation**



PHONE 503  
222-4559

April 6, 1971

Harris Stud Mill  
Box 55  
Boring, Oregon 97009

Attention: Mr. W. E. Koch, Jr.

Subject: Barker-Chipper Installation

Gentlemen:

The following is our estimate of Material and Installation Costs for the Barker-Chipper Installation as required to eliminate the present refuse burner.

ITEM	MATERIAL	LABOR
Main Mill Conveyor	\$4400	\$1460
Chipper Infeed Belt and Chute	3600	900
Chipper, Drive and Pipe	10750	800
Screen	4100	400
Chip Conveying System	2500	1000
Sawdust Conveying System	2500	1000
Shaving Conveying System (modify)	1120	1400
Bins	18000	3000
Log Infeed Deck	6100	2000
Log Conveyor	8000	1250
Deck Saw (on hand)	300	400
Barker	15000	2000
Bark Conveyor	3500	900
Bark Hog	11000	2400
Surge Conveyor	2600	800
Bark Conveying System	13000	5000

RECEIVED  
APR 15 1971

COLUMBIA - WILLAMETTE  
AIR POLLUTION AUTHORITY



proven quality machinery / experienced professional engineers

ROUTING	
To	By
WCH	WCH
9/8	7/8
10/5	11/5
Account	

ITEM	MATERIAL	LABOR
Concrete Foundations	\$ 1,600	\$ 1,600
Structural Machinery Supports	700	400
Electrical	2,320	2,320
Engineering Fees		11,000
Administrative overhead		8,000
	<u>\$ 111,090</u>	<u>\$ 48,030</u>
TOTAL - - - - -		\$159,120.00

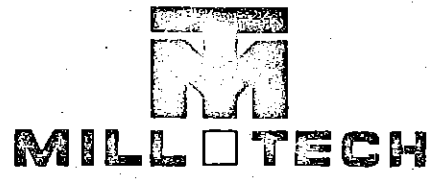
Sincerely yours,

MILL-TECH

*Norman B. Peterson*  
Norman B. Peterson

Ref: Dwgs 210D, 211D

1201 S.W. 12th Avenue  
Portland, Oregon 97205  
1201 SW 12th Ave



PHONE 503  
~~222-4659~~  
222-1766

June 29, 1971

Columbia-Willamette Air Pollution Authority  
1010 N. E. Couch Street  
Portland, Oregon 97232

Attention: Mr. Wayne Hanson  
Control Director

Subject: Harris Stud Mill  
Boring, Oregon

Gentlemen:

The purpose of this letter is to request a 6 month extension of the variance granted to the subject mill in connection with the shut-down of the refuse burner. This request for an extension of time is necessary due to the difficulty experienced in obtaining financing for the equipment and installation required to eliminate the refuse burner.

This letter confirms the details of your recent telephone conversation with Mr. Walter E. Koch, Jr.

Sincerely yours,

MILL-TECH

*Norman B. Peterson*  
Norman B. Peterson

NBP/dm

RECEIVED  
JUL 1 1971

COLUMBIA - WILLAMETTE  
AIR POLLUTION AUTHORITY



proven quality machinery / experienced professional engineers

ROUTING	
To	Rec'd by
WH	J-
TS	
From:	
Action:	

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY  
1010 N.E. Couch Street, Portland, Oregon 97232

IN THE MATTER OF	)	VARIANCE	
	)	(Extension)	
VARIANCE TO	)		
	)	INCLUDING	No. 28
WALTER E. KOCH, dba HARRIS STUD MILL	)	FINDINGS AND ORDER	

FINDINGS

I

At the regular meeting, 18 January 1971, the Board of Directors granted a variance to Walter E. Koch, dba, Harris Stud Mill to operate a wigwam waste burner at Boring, Oregon in violation of emission standards contained in Columbia-Willamette Air Pollution Authority Rules for a period not beyond 30 June 1971.

II

By letter dated 23 June 1971, Walter E. Koch petitioned for an extension of said variance through 31 December 1971 on the ground it was difficult to obtain financing for the chipper system to be installed to process the wood waste from the mill.

III

The Advisory Committee recommended a variance extension through 29 February 1972.

IV

An extension of the variance should be granted to permit the orderly development of financial arrangements to cover the cost of the chipper system.

ORDER

NOW THEREFORE, it is hereby ordered the variance granted Walter E. Koch, dba, Harris Stud Mill, to operate a wigwam waste burner at Boring, Oregon in violation of emission standards contained in Columbia-Willamette Air Pollution Authority Rules through 30 June 1971 is hereby extended through 31 January 1972 and it is hereby further ordered that the Walter E. Koch file a written progress report to Columbia-Willamette Air Pollution Authority on or before 14 October 1971.

Entered at Portland, Oregon the 20th day of August 1971.

Certified a True Copy

Jack Lowe  
Jack Lowe, Administrative Director

Walter E. Koch  
Chairman

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION

B. A. McPhillips, Chairman  
Storrs S. Waterman, Member  
Arnold M. Cogan, Member

E. C. Harms, Jr., Member  
George A. McMath, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : September 9, 1971 for the September 17, 1971 Meeting

SUBJECT : DOUBLE DEE LUMBER COMPANY

The company has been operating a sawmill northwest of Central Point in the Tolo area. The emission sources at this mill were a wigwam waste burner and a hog fuel boiler. The mill has been progressing on a compliance schedule to phase-out the wigwam waste burner.

On August 29, 1971 the mill burned. The company is planning to rebuild the mill.

On September 7, 1971, the company met with the staff to request that they be granted approval to operate the Steve Wilson #2 mill located approximately 1/2 miles north of their burned mill during the interval while they are rebuilding. A copy of the lease with Steve Wilson is attached.

The company is requesting approval to reactivate the wigwam waste burner at this mill which has been inoperative for approximately one year. This facility would be used for four month (until December 31, 1971) or until their mill is rebuilt, whichever first occurs.

The company has made every effort to reduce the amount of residues to be burned. All bark and chips are to be sold, and all sawdust will be hauled to the Double Dee site for boiler fuel.

RECOMMENDATIONS:

It is the recommendation of the staff that the Double Dee Lumber Company's request to operate the Steve Wilson Tolo Mill #2 be approved by the Commission subject to the following conditions.

1. The use of the wigwam burner at the Steve Wilson Mill #2 be limited to trim and edgings. No bark, sawdust or wood chips will be burned.
2. The burner operation will terminate upon completion of the rebuilding of the mill at the Double Dee site or on December 31, 1971, whichever first occurs.
3. The mill reconstructed at the Double Dee site will be so planned that the wigwam waste burner will not be used, unless modified in accordance with the criteria as developed by the Forest Research Laboratory at Oregon State University.

4. Plans and specifications for all emission sources will be submitted to the Department for approval prior to construction.
5. The reconstructed mill shall comply with current emission standards when put into service, on or before December 31, 1971.

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this 1st day of September, 1971 by and between STEVE WILSON CO., an Oregon corporation, hereinafter called "Lessor" and DOUBLE DEE LUMBER CO., an Oregon corporation, hereinafter called "Lessee," WITNESSETH:

RECITALS:

1. Lessor is the owner of certain real property near Tolo in Jackson County, Oregon, upon which there is situated, among other property and mills, a small sawmill known to the parties as Tolo Mill #2, comprised of certain equipment described in Exhibit A attached hereto and by this reference made a part hereof.

2. Said real property and all of the mills and equipment situated thereon are subject to a security interest now held by J. L. DeArmond, Margaret DeArmond, and David DeArmond, trustees for the shareholders of Double Dee Lumber Co., Inc., Table Rock Lumber Company and Tolo Lumber Dryers, Inc., dissolved Oregon corporations, to secure indebtedness due from lessor to the said trustees in the sum of \$86,331.38, together with interest thereon at the rate of 7% per annum from the 15th day of August, 1971.

3. Lessee is the owner of certain real property near Tolo, Oregon, on which there was situate a sawmill and other appurtenant equipment hereinafter referred to as "lessee's Tolo mill site" and the sawmill situate thereon has been destroyed by fire.

4. The parties desire to provide for the lease of Tolo Mill #2 to lessee upon the terms and conditions herein-after contained and for the application of certain of the proceeds of said lease to the said indebtedness due from lessor to the said trustees.



NOW, THEREFORE, lessor does hereby lease unto lessee and lessee does hereby hire from lessor the personal property and equipment comprising Tolo Mill#2 described in Exhibit A hereto and the real property upon which the same is situate, together with right of ingress and egress and with sufficient space around the same including the pond used in connection with said sawmill, necessary for the convenient use and operation of said sawmill upon the following terms and conditions:

1. Term - The term of this lease shall commence on the 1st day of September, 1971, and shall terminate on the 31st day of December, 1971, unless the same shall be extended as hereinafter provided.

2. Rental - Lessee shall pay to lessor as rental for said property the sum of \$4.00 per thousand board feet for all logs processed in said mill under the terms of this lease. Said rental shall be calculated upon the basis of the net scale of logs so processed. The logs shall be scaled as they are removed from the pond and deck and immediately before they are delivered to the carriage for sawing.

3. Chips - In addition to the rental herein reserved, lessor shall be entitled to all chips produced from logs or the product thereof processed in said sawmill by lessee, and the proceeds of the sale thereof.

4. Log Barking and Handling - Lessor shall, at lessor's expense, bark and deliver to the pond serving the sawmill which is the subject of this lease, or to a convenient cold deck, all logs of lessee delivered to the leased premises during the term of this lease.

5. Log Moving - Upon the request of lessee, lessor shall furnish a log truck and driver for the purpose of moving lessee's certain logs from lessee's Tolo mill site to the premises which are the subject of this lease, and lessee shall pay to lessor the sum of \$15.00 per hour for such log truck

with driver.

6. Lumber Delivery - In further consideration of the rental reserved hereunder in paragraph 2 hereof, lessor agrees to deliver lumber manufactured by lessee at said sawmill to lessee's Tolo mill site or to White City, Oregon, as lessee shall, from time to time, direct.

7. Waste Disposal - Lessee agrees that it will remove or otherwise dispose of all waste products (except bark and chips) developed in connection with lessee's operations hereunder. Lessor agrees that lessee may use the burner appurtenant to said sawmill for the purpose of disposing of such waste if, but only if, lessee shall secure a permit so to do from the Department of Environmental Quality of the State of Oregon. In this connection, the parties understand that an order has heretofore been entered by said agency prohibiting the use of said burner.

8. Sinker Removal - Lessor agrees that lessee may have the use of certain of lessor's equipment situate on lessor's premises as may be necessary or convenient for the removal of sinkers which may develop in the pond to be used by lessee hereunder if, as, and when such equipment is not otherwise required by lessor.

9. Insurance - The property which is the subject of this lease, together with certain other property of lessor is insured under the terms of an insurance policy which runs for a term in excess of the term of this lease. Lessor shall procure an endorsement to the insurance policy presently covering the property which is the subject of this lease, causing lessee to be named an additional named insured thereunder, and lessee shall pay any additional premium charged in connection with said endorsement. In addition, lessee shall pay to lessor

that portion of the insurance premium charged for said policy calculated by multiplying the amount of the total premium for the term embracing the term of this lease by a fraction, the numerator of which is the product of the term of this lease and the insured value of the property which is the subject of this lease and the denominator of which is the product of the total value insured by said policy and the term of said policy.

10. Mutual Waiver of Subrogation and Release -

Lessor agrees that lessee shall have no liability to the lessor, or lessor's insurers on account of any damage to the leased property caused by insured casualty, whether the same shall be the result of the negligence of lessee, its agents, employees or otherwise, and lessee agrees that lessor shall have no liability to lessee for damage to lessee's property brought upon the leased premises or over which lessor assumes control pursuant to the terms of this lease arising out of insured casualty, whether caused by the negligence of lessor, its agents or servants or otherwise.

11. Sale of Mixed Chips - The parties understand that some of the chips which may be developed from lessee's operations hereunder may be more advantageously marketed under lessee's contract for the sale of chips to Weyerhaeuser and it is therefore agreed that lessee shall permit lessor at its expense to deliver for lessee's account under lessee's contract with Weyerhaeuser such of the chips developed in lessee's operation as lessor may desire and as may conform to the terms of lessee's contract with Weyerhaeuser and lessee shall promptly remit to the trustees all sums paid or payable by Weyerhaeuser to lessee on account of the delivery of such chips.

12. Maintenance and Repair - Lessee shall maintain

and keep the property which is the subject of this lease and other property which may come under the dominion of lessee in a good and servicable state of repair all at lessee's sole expense and shall, upon the termination of this lease, deliver the same to lessor in as good condition as the same now is, reasonable wear and tear and damage by insured casualty alone excepted.

13. Power Service - The parties understand that electric power is furnished to the leased premises and to the other operations of lessor adjacent thereto through a common meter and it is therefore agreed that the charges incurred for electric service to the premises shall be equitably prorated between the parties in such proportion as power is consumed by them.

14. Subordination of Lessee's Interest - Lessor has given an option to the Rogue Development Corporation for the purchase of the leased property, along with other property of lessor which contemplates a lease from Rogue Development Corporation to lessor contemporaneously with such sale, and which also contemplates that Rogue Development Corporation will hypothecate said property as security for loans to said Rogue Development Corporation by financing institutions and/or the Economic Development Administration. Lessee agrees that it will subordinate its interest arising by virtue of the terms of this lease to any security interest in the leased property given by Rogue Development Corporation to any financial institution or other entity financing the said purchase by Rogue Development Corporation from lessor, and that in the event that said transaction is consummated, lessee shall be deemed a sub-lessee from lessor with respect to the leased property.

15. Option to Extend - If lessee shall have faithfully performed all of its obligations hereunder and shall not be in default in the terms of this lease, lessee shall have the option to extend this lease for a term not to exceed an additional 4 months all upon the same terms and conditions as are herein contained by giving written notice to lessor addressed to it at 8705 Crater Lake Highway, White City, Oregon, on or before the 15th day of December, 1971 to the effect that lessee desires to exercise this option and specifying the extended term hereof.

16. Records - Lessee agrees that lessor, or its authorized representative shall have the right at reasonable times and places to examine the books and records of lessee for the purpose of verifying the volume of logs processed hereunder. In addition, lessee shall furnish to lessor in writing a weekly report of logs processed hereunder.

17. Assignment of Rent - Lessor does hereby assign all rental and chip payments falling due hereunder under the terms of paragraphs 2 & 11 hereof to J. L. DeArmond, Margaret DeArmond and David DeArmond, trustees of said dissolved corporations, and authorizes and directs lessee to make payment of all such sums to said trustees for application upon the indebtedness due from lessor to said trustees.

18. Indemnity - Lessee agrees to keep and hold lessor harmless of and from any loss, damage or liability arising out of lessee's activities hereunder.

19. Rental Payments - Sums falling due under paragraph 2 hereof shall be payable on account of logs processed between the 1st and the 15th day of each month on the 20th day of each month and between the 15th and the end of any month on the 5th day of the next succeeding month.

All other sums due hereunder shall be payable upon billing therefor, or upon the ascertainment of the amount thereof.

20. Attorneys Fees - In the event suit or action is instituted by either party to this agreement with respect to any of the rights or obligations hereby created, the party prevailing in such suit or action, shall be entitled to recover, in addition to costs allowed by law, such additional sum as the court may adjudge reasonable as such party's attorney's fees in such suit or action, and it is further understood and agreed that the provisions of this paragraph shall include and extend to attorneys' fees on appeal in the event such litigation is appealed.

21. Lessee's Right to Terminate - This lease has been executed by lessee on the assumption that the Department of Environmental Quality will issue to lessee a permit to use the burner mentioned in paragraph 7 hereof. If lessee is unable to secure such permit, it shall have the right to cancel and terminate this agreement. Any cancellation, however, must be by notice in writing to lessor 10 days from the date hereof.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their duly authorized officers the day and year first above written.

STEVE WILSON CO.

By Steve Wilson  
President

"lessor"

DOUBLE BEE LUMBER CO.

By Robert M. Ford  
President

"lessee"

## TOLO MILL 2

Burner conveyor - 290' 1x6" passing link conveyor chain, 7½HP West. gearhead motor, serial #11V541G.

Burner conveyor - 265' #78 Portalloy chain, 5HP GE gearhead motor, serial #VB 13226.

Sawdust bin conveyor - 45' #78 Portalloy chain, 3HP GE gearhead motor, serial #XGJ3501.

Burner - 55' diam. 60' high to screen.

Blowers - underfire - 20" (no name) 5HP West. motor, serial #390EM4676, 24" (no name) 10HP West. motor, serial #3-4V8565, 30" portable (no name) 10HP West. motor, serial #51V712.

Log haul - 1st section - 180' 1½"x8" passing link chain, 10HP Master motor - 2nd section - 140' #82 Portalloy chain, 5HP West. gearhead motor.

Log kickers - 3 arms, 8"x2" air cylinders.

Deck saw - Kliever 6' bar, 5HP motor.

Sawdust conveyor from deck saw - 40' #82 Portalloy chain, 1HP GE gearhead motor.

Sinker deck - 100' #82 Portalloy chain, 5HP GE gearhead motor.

Fire pump - 75HP GE 6", serial #OH6910195.

Log deck - 140' #82 Portalloy chain, 5HP West. gearhead motor, serial #64F407.

Loader chains - 50' #120 R.C., 3HP GE motor, serial #NM.

Log stop & loaders - 3 arms, 10"x16" air cylinders.

Carriage - (no name or serial no.), Salem Equipment Co. automatic set-works, #13-61-559, 10HP Century motor, serial #1A10142.

Carriage feed works - Tyrone Berry model SMA 230, serial #A0435, 10HP Fairbanks Morse motor, serial #584366. (1 spare motor).

Band Mill - Klamath Machine 6', 150HP Allis Chalmers motor, serial #2K12206-1.

Main roll case - 36' long 24" wide, 3HP West. gearhead motor, serial #6406.

Edger conveyor - 30' #78 Portalloy chain, 5HP West. motor, serial #13632.

Transfer to edger - 35' #62 Mal. chain, 1HP West. motor, serial #1EM63909.

Edger - Klamath Machine model 33, 5"x48", 75HP GE motor, serial #4400391.

Edger feed rolls - 2HP GE gearhead motor.

Main mill conveyor - 150' #82 Portalloy chain, 5HP GE gearhead motor.

Chipper head for headrig - 30HP Allis Chalmers motor, serial #1868661.

Chain conveyor to chipper - 35' #78 Portalloy chain, 1½HP West. gearhead motor.

Transfer behind edger to trimmer - 75' #H130 roof top chain, 1HP GE gearhead motor.

Trimmer - 16' 2 saw, push/pull, company made, 15HP West. motor, serial #1-6V533M, 1HP GE gearhead feed motor, serial #CJ093.

EXHIBIT B

Resaw conveyor - 55' #78 Portallloy chain, 2HP GE gearhead motor.

Belt to chipper - 75'x16", 7½HP GE motor, serial #UY84146, Dodge size 4 gear reducer.

Chipper - Black Clawson model 48-6KF, serial #2860, 200HP GE motor, serial #SKJ508005.

Conveyor from chipper to surge bin - 60' #110 box link conveyor chain, 3HP West. gearhead motor, serial #6603.

Chip return to conveyor - 40'x4" rubber belt, 2HP Baumiller motor, serial #DOB423.

Surge bin - 8'x10'x8' El Jay, 3HP GE motor, serial #Y, Dodge size 3 gear reducer.

Shaker screens - 4'x8' El Jay, 3HP GE motor, serial #TY.

Conveyor under shakers - 45' #H78 Mal. chain, 1½ HP West. gearhead motor, serial #6413.

Chip blower - 8" Rader Pneumatic, 25HP GE motor, serial #UY72603.

Chip feeder - 14"x18" Rader Pneumatic, serial #1297, 2HP GE motor, serial #UY, Falk #3 gear reducer.

Pipe to chip bin - 75'x6".

Pipe to chip cars - 300'x6".

Welder - GE 200 amp, serial #1926914.

- 2 Compressors- Ingersol Rand Class 1-R, serial #30023, 100HP Allis Chalmers motor, serial #426D-129-8104-2; Fuller Type C135-135H, serial #8401, 200HP Conz motor.

Frost unit - Model P-777, serial #P68911.

Filing room - Armstrong #4RH grinder, serial #2158, Armstrong #21H grinder, serial #2589, Armstrong #16 circle saw grinder, serial #2268, Armstrong stretcher rolls, serial #3750, Acme circle saw grinder.

Shop - Kellogg American compressor, model B462A 12/68, serial #606395, Lincoln welder, 200 amp. type SA200, serial #A165196.

1-30 unit, 2-20unit Peerless storage bins.

Resaw - Yates V60 60", 75HP GE motor, serial #5F11962; Feed 3HP GE #AB; roll case - 7rolls 24"x26"; incline chain to resaw - 3HP Link Belt gear drive, 200' #130 camel back chain.

Green chain - 5HP West. gear drive #63F368, 460' #78 roll top chain, steel dip vat, 96' #78 roll top chain, roll case from chain to resaw, 3HP Allis Chalmers motor, 10 rolls 24"x30', 210' #78 roll top chain, 2HP Linkbelt gear drive #TF1974, 2HP gear drive.

EXHIBIT B



TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION

B. A. McPhillips, Chairman  
Storrs S. Waterman, Member  
Arnold M. Cogan, Member

E. C. Harms, Jr., Member  
George A. McMath, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : September 10, 1971 for Meeting of September 17, 1971

SUBJECT : NORDIC PLYWOOD, INC. REQUEST FOR PHASE-OUT PLAN APPROVAL

### BACKGROUND

The company operates three (3) mills in Oregon; one each at Sutherlin, Roseburg and Modoc Point. The emission sources at each of these mills is a wigwam waste burner.

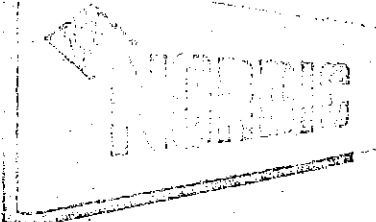
Correspondence between the Department and the company, attempting to establish a compliance schedule, has been conducted for over a year.

The company has proposed a schedule of compliance, which calls for the phase-out of the Sutherlin wigwam burner by December 31, 1971, and the modification of the wigwam burners at Roseburg and Modoc Point in 1972.

The Department approved the phase-out schedule of the Sutherlin wigwam burner, but requested a more timely schedule of modification for the other burners, feeling that April 30, 1972 for the Roseburg wigwam burner modification and August 31, 1972 for the Modoc Point wigwam burner modification were too extended.

### SUMMARY

The company and the Department staff have not been able to negotiate further because the company position is one of economics. Mr. J. A. Adams, President of Nordic Plywood, Inc. has indicated that the proposed schedule is the most timely the company can afford and has requested to speak directly to you in order to request acceptance of the proposed schedule.



# NORDIC PLYWOOD, INC

TECO QUALITY TESTED

TELEPHONE 503-459-2232

TWX 503-559-0522

• P. O. BOX 718

SUTHERLIN, OREGON 97479

September 6, 1971

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED  
SEP 8 1971

AIR QUALITY CONTROL

Department of Environmental Quality  
State Office Building  
1400 S. W. 5th Avenue  
Portland, Oregon 97201

Attn: Mr. T. M. Phillips

Dear Mr. Phillips:

In answer to your letter of August 25, 1971, first, I'm sorry for the "foul up" in regards to the burner at Sutherlin. We do plan to phase this burner out.

With regards to the burners at Roseburg, and Modoc Point, I do not see how we can modify any sooner due to our much talked about financial problem. The phase out dates planned I feel can be met conservatively, and this is why I used them. I do not wish to say I can do something and then have to go back to the board for request for further extension. Therefore, I would like to make arrangements to go before the Environmental Quality Commission September 17, 1971, in Astoria, Oregon.

Enclosed also, is our plan to phase out the burner at Sutherlin, Oregon.

Sincerely,

NORDIC PLYWOOD, INC.

*J. A. Adams*  
J. A. Adams  
President

JAAAdams/dh

Encl:  
c:

SUTHERLIN WIGWAM BURNER  
"Phase-out Plan"

At present, the following material is being burned in the wigwam burner at the Sutherlin plant:

1. Plywood saw trim.
2. Dry waste veneers from dryers.
3. Dry waste veneer with glue spread from plywood lay-up operation.
4. Dry veneer shavings from Edge-gluer and Mor-panel machine in veneer preparation department.

In our plan, the following will be done:

1. Install 32' lamb knife.  
Hog to hog up waste materials #1-2-3 previously mentioned.
2. Install 20-unit Carothers storage bin to store materials #1-2-3-4.
3. Install adequate blow-pipe system to transfer and divert waste material #1-2-3-4 to storage bin.

Proposed costs from Carothers Sheet Metal is approx. \$20,000 and will eliminate all burning presently done in wigwam burner.

All waste material from Hog and waste material #4 will be sold to Roseburg Lumber Company for \$1.75/BDU which will be used in their new particle board plant. Arrangements have been made where they will begin taking material approx. December 1, 1971, or sooner.

NORDIC PLYWOOD, INC.  
J. A. Adams  
President

file  
August 25, 1971

Nordic Plywood, Inc.  
P. O. Box 718  
Sutherlin, Oregon 97479

Attn: Mr. J. A. Adams

Gentlemen:

Your letter of August 10, 1971, supplying the additional information regarding the modification of the wigwam waste burners at Roseburg, Sutherlin and Modoc Point has been received.

In this letter you mentioned that the wigwam waste burner at the Sutherlin operations will be phased-out. However, you attached a completed "Notice of Construction and Application for Approval" form for modification of this burner. Since both your letter and our recent conversations have indicated the intent to phase-out this burner, no action will be taken on this application for approval to modify.

Consequently, conditional approval is hereby granted for phase-out of the Sutherlin wigwam waste burner prior to December 31, 1971, subject to the submission of adequate documentation as to an acceptable utilization program for these residues. Your program for this project should be submitted in detail to this office for final determination prior to September 8, 1971.

The plans and specifications submitted for the wigwam waste burners at Roseburg and Modoc Point are satisfactory. No approval can be given for either of these proposals because of the extremely long delay proposed for accomplishment of the work. To allow one year before your burner modifications are completed is neither reasonable nor timely.

While the Department can appreciate the financial impact of these modifications to a company, your mills are currently operating wigwam waste burners in violation of current emission standards.

Nordic Plywood, Inc.

August 25, 1971

Page 2

If you feel that your time schedule for modifying the wigwam waste burners at the Roseburg and Modoc Point operations represents the most expedient means available that your resources will allow, then arrangements can be made for you to appear in support of your schedule before the Environmental Quality Commission at the September 17, 1971, meeting in Astoria, Oregon. You should be advised, however, that the staff will recommend a more timely schedule for completion of these two projects in keeping with the Department control program and in fairness to the other mill operators who have faced the same hardships in order to maintain a "Livable Oregon".

Your reply outlining a more timely schedule or requesting appearance before the Commission must reach this office prior to September 8, 1971, in order to schedule the matter on the agenda.

If you have any questions regarding this matter, please feel free to call.

Very truly yours,

T. M. Phillips,  
Associate Engineer  
Air Quality Control Division

TMP:h

cc: District Office

cc: F. M. Bolton

# NORTHERN PLYWOOD COMPANY

RECEIVED  
TECO QUALITY TESTED  
AUG 18 1971

TELEPHONE AC503 459-2232

TWX 503-559-0522

P. O. BOX 718

SUTHERLIN, OREGON 97479

August 10, 1971

## AIR QUALITY CONTROL

Department Of Environmental Quality  
1400 S. W. 5th Avenue  
Portland, Oregon 97201

Attn: Mr. T. M. Phillips

Re: Modification of wigwam waste burners;  
Sutherlin, Roseburg and Modoc Point.

Dear Mr. Phillips:

First, I would like to extend my thanks for your visit and our acquaintance recently. I enjoyed our discussion very much, and sorry it wasn't longer.

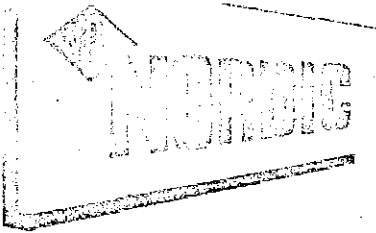
In regards to the above burner modifications, I talked with Mr. Earl Wing this morning and have the following information for the burners at the Sutherlin and Roseburg plants. Please refer to your letter of June 2, 1971:

1. What is the elevation of the auxiliary fuel ports?  
18" above floor level and 2' at burner shell.
2. What is the elevation of the secondary air inlets?  
60" above floor level.
3. What is the open area of the under fire grates?  
This involves nine - Stutz fire ring grates.
4. Question concerning pyrometer.  
A Honeywell temp. recorder is used with a range of  
0°F - 1200°F.

Concerning Modoc, please refer also to letter of June 2, 1971:

1. Question concerning air velocity with present under fire system.  
A different fan will be used other than present fan.  
Fan specs. will be the following:  
Size - 21"  
RPM - 1750  
Static Pressure - 5"  
CFM - 3,000

I hope all the above information will answer your questions concerning burner modifications.



# NORDIC PLYWOOD, INC.

TECO QUALITY TESTED

TELEPHONE 503-459-2232

TWX 503-559-0522

P. O. BOX 718

SUTHERLIN, OREGON 97479

(Page 2)

Attn: Mr. T. M. Phillips

August 10, 1971

As I've mentioned in previous correspondence, Nordic Plywood has been affected very seriously financially over the past two years due to the very depressed wood products industry. Also, due to the death of J. R. Adams, the company is in the process of re-organization which in itself, has been very time consuming. Nordic, being a closely held company, has had to make some big adjustments after his death, and the transitions have not been easy.

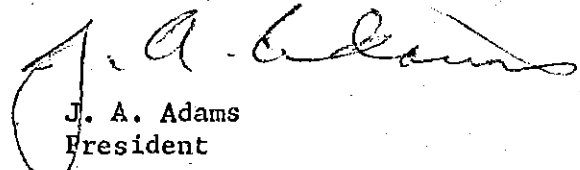
The program we have outlined for the three plants, which involves burner modification, and machinery installations to accommodate these changes, will cost the company in excess of \$100,000. For Nordic to finance this solely is impossible. We are at present trying to find financing for our organization, which will include our burner modification program.

At this writing, we hope to have the Sutherlin burner phased out by December 31, 1971. For the Roseburg and Modoc plants, we must ask for an extension past the year and deadline. With proper financing, we feel we can modify at Roseburg by April 30, 1972, and at Modoc Point by August 31, 1972.

Again, I want to thank you for your effort and patience concerning our situation.

Sincerely,

NORDIC PLYWOOD, INC.

  
J. A. Adams  
President

JAAAdams:dh

c:

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY CONTROL DIVISION  
1400 S. W. 5th Avenue  
Portland, Oregon 97201  
Telephone: 229-5630

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 18 1971  
AIR QUALITY CONTROL

NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

To Construct, Install, Establish or Alter an Air Contaminant Source and/or Control Facility  
(As Required by ORS 449.712)

Business Name: Nordic Plywood, Inc. Phone: 459-2232  
Address of Premises: 411 West Central City: Sutherlin Zip: 97479  
Nature of Business: Plywood Lay-up Plant  
Responsible Person to Contact: J. A. Adams Title: President  
Other Person Who May be Contacted: Jerry Clark Title: \_\_\_\_\_  
Corporation  Partnership  Individual  Government Agency   
Present Legal Owner: J. R. Adams' Estate, J. A. Adams & R. J. Adams  
Legal Owner's Address: \_\_\_\_\_ City: Sutherlin Zip: 97479

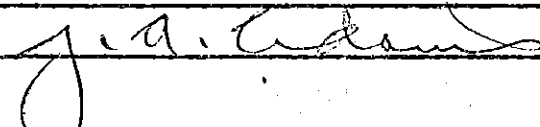
Description of Proposed Construction (Air Contamination Source): \_\_\_\_\_  
Modification of wigwam burner

Description of Air Pollution Control Equipment: Under Fire System, Over Fire System,  
Ignition & Controlling System & Damper System

List Air Contaminant(s) which will be produced and/or controlled: \_\_\_\_\_  
Smoke

Estimated Cost: Basic Air Contaminant Source Equipment: \$ \_\_\_\_\_  
Air Pollution Control Equipment: \$ 28,000.00

Estimated Installation Date: Nov. 1, 1971 Estimated Operation Date: Dec. 15, 1971

Name of Applicant or Owner of Business: J. A. Adams  
Title: President Phone: 459-2232  
Signature:  Date: 8/17/71

NOTE: A Notice of Approval must be received from this Department prior to commencing construction. Further technical information may be requested within 30 days of Notice of Construction receipt in order to evaluate whether the proposed construction is capable of complying with applicable Rules and Regulations.

-----  
(Department Use Below This Line)

Date Rec'd \_\_\_\_\_ EI \_\_\_\_\_ SIC \_\_\_\_\_ Grid \_\_\_\_\_ N/C 32

Date Notification to Technical Service \_\_\_\_\_



DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY CONTROL DIVISION  
1400 S. W. 5th Avenue  
Portland, Oregon 97201  
Telephone: 229-5630

NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

To Construct, Install, Establish or Alter an Air Contaminant Source and/or Control Facility  
(As Required by ORS 449.712)

Business Name: Nordic Veneers, Inc. Phone: 459-2232

Address of Premises: Diamond Lake Blvd. City: Roseburg Zip: 97470

Nature of Business: Green End

Responsible Person to Contact: J. A. Adams Title: President

Other Person Who May be Contacted: Wm. L. Stewart Title: Plant Supt.

Corporation  Partnership  Individual  Government Agency

Present Legal Owner: J. A. Adams' Estate, J. A. Adams & R. J. Adams

Legal Owner's Address: \_\_\_\_\_ City: Sutherlin Zip: 97479

Description of Proposed Construction (Air Contamination Source: \_\_\_\_\_  
Modification of Wigwam Burner, (including burner repair)

Description of Air Pollution Control Equipment: Under Fire System, Over Fire System,  
Ignition & Controlling System & Damper System

List Air Contaminant(s) which will be produced and/or controlled: \_\_\_\_\_  
Smoke

Estimated Cost: Basic Air Contaminant Source Equipment: \$ \_\_\_\_\_  
Air Pollution Control Equipment: \$ \_\_\_\_\_ 29,000.00

Estimated Installation Date: Feb. 1972 Estimated Operation Date: April, 1972

Name of Applicant or Owner of Business: J. A. Adams

Title: President Phone: 459-2232

Signature: J. A. Adams Date: 8/17/71

NOTE: A Notice of Approval must be received from this Department prior to commencing construction. Further technical information may be requested within 30 days of Notice of Construction receipt in order to evaluate whether the proposed construction is capable of complying with applicable Rules and Regulations.

(Department Use Below This Line)

Date Rec'd \_\_\_\_\_ EI \_\_\_\_\_ SIC \_\_\_\_\_ Grid \_\_\_\_\_ N/C 33

Date Notification to Technical Service \_\_\_\_\_

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY CONTROL DIVISION  
1400 S. W. 5th Avenue  
Portland, Oregon 97201  
Telephone: 229-5630

NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

To Construct, Install, Establish or Alter an Air Contaminant Source and/or Control Facility  
(As Required by ORS 449.712)

Business Name: Modoc Veneer Company Phone: 459-2232

Address of Premises: Star Route, Box 53, Modoc Point City: Chiloquin Zip: \_\_\_\_\_

Nature of Business: Green End

Responsible Person to Contact: J. A. Adams Title: President

Other Person Who May be Contacted: Byron Wong Title: Office Mgr.

Corporation  Partnership  Individual  Government Agency

Present Legal Owner: J. A. Adams' Estate, J. A. Adams & R. J. Adams

Legal Owner's Address: \_\_\_\_\_ City: Sutherlin Zip: 97479

Description of Proposed Construction (Air Contamination Source): \_\_\_\_\_

Modification of Wigwam Burner

Description of Air Pollution Control Equipment: Under Fire Blower, Over Fire System,

Ignition & Controlling System & Damper System

List Air Contaminant(s) which will be produced and/or controlled: Smoke

Estimated Cost: Basic Air Contaminant Source Equipment: \$ \_\_\_\_\_

Air Pollution Control Equipment: \$ \_\_\_\_\_ 28,000.00

Estimated Installation Date: June 1972 Estimated Operation Date: August 1972

Name of Applicant or Owner of Business: J. A. Adams

Title: President Phone: 459-2232

Signature:  Date: 8/17/71

NOTE: A Notice of Approval must be received from this Department prior to commencing construction. Further technical information may be requested within 30 days of Notice of Construction receipt in order to evaluate whether the proposed construction is capable of complying with applicable Rules and Regulations.

(Department Use Below This Line)

De Rec'd \_\_\_\_\_ EI \_\_\_\_\_ SIC \_\_\_\_\_ Grid \_\_\_\_\_ N/C 34

Date Notification to Technical Service \_\_\_\_\_



# NORDIC PLYWOOD, INC.

TECO QUALITY TESTED

TELEPHONE 503-459-2232

TWX 503-559-0522

• P. O. BOX 718

SUTHERLIN, OREGON 97479

September 13, 1971

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Department of Environmental Quality  
State Office Building  
1400 S. W. 5th Avenue  
Portland, Oregon 97201

RECEIVED  
SEP 14 1971

AIR QUALITY CONTROL

Attn: Mr. T. M. Phillips

Dear Mr. Phillips:

In confirming our telephone conversation of September 10, 1971, concerning the burner at Roseburg, we have found after further investigation of financing, we will be able to modify the burner at Roseburg by December 31, 1971.

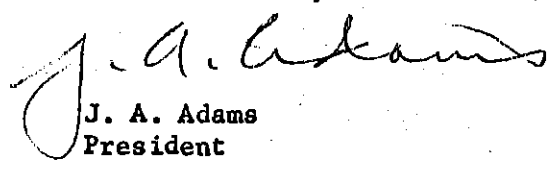
This means then, that by December 31, 1971, we will eliminate burning at Sutherlin, and modify the Roseburg burner to meet State regulations.

The Modoc plant is not operating and have no plans to re-open in the near future.

Thanks again for your cooperation.

Sincerely,

NORDIC PLYWOOD, INC.

  
J. A. Adams  
President

JAAadams:dh

c:

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION

B. A. McPhillips, Chairman      E. C. Harms, Jr., Member  
Storrs S. Waterman, Member      George A. McMath, Member  
Arnold M. Cogan, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : September 9, 1971 for Meeting of September 17, 1971

SUBJECT : OREGON CALCITE CORPORATION, Division of California Time  
Petroleum, Inc.

Since the last meeting of the Environmental Quality Commission several things have come to light which bear significantly upon the "Notice of Construction and Application for Approval" of plans to commence the operation of a pilot plant adjacent to the north boundary of the Oregon Caves National Monument.

Most important is the fact that in a press release issued by Mr. Archie D. Craft, the Oregon Director of the Bureau of Land Management, which stated that all mining claims in this area near the Oregon Caves National Monument were withdrawn "from appropriation and use of all kinds under the public land laws, including the mineral laws", in 1907. Apparently, this was done in preparation for the creation of the National Monument in 1909.

As of this date, the staff has not received any further plans and specifications regarding the installation of equipment with emissions to the atmosphere as requested in the Status Report presented at the last meeting. In correspondence previously submitted to the Commission by Mr. K. H. Spies dated August 31, 1971, Mr. John H. Bennett, Vice-president of Oregon Calcite Corporation, Division of California Time Petroleum, Inc. stated that because of various delaying tactics all activities of the company would be shut-down until this organization comes up with a definite statement of requirements.

RECOMMENDATIONS:

Because of the recent development pointing out that these claims are not available for commercial exploration, and since the company has not furnished any additional data as previously requested, the staff would recommend that the Environmental Quality Commission issue an Order to Prohibit Construction to Oregon Calcite Corporation, Division of California Time Petroleum, Inc. for the installation of any equipment with emissions to the atmosphere of the State at this site.

This Order would be authorized under the provisions of Section 20-030 of OAR, Chapter 340, wherein approvable plans and specifications have not been received.

In addition, authorization is requested to notify the company of the intent of the Department to deny the Waste Discharge Permit requested by application number 1395 (filed August 5, 1971) for the reason that the information submitted on proposed facilities for control, treatment and disposal of liquid wastes is inadequate.

## Obscure 1907 Interior decision voids mining at Oregon Caves

By TODD ENGDahl  
of The Oregonian staff

An obscure 1907 administrative decision appears to have stopped Oregon Calcite Corporation's limestone mining plans in the Oregon Caves National Monument area and ended the environmental controversy which arose from those plans.

The Bureau of Land Management announced Friday that mining claims filed on Siskiyou National Forest lands near the Oregon Caves are null and void. Archie Craft, BLM Oregon director, said that four sections of land were withdrawn from use of all kinds — including mining — under public land laws by decision of the Secretary of the Interior in 1907. The Oregon Caves National Monument was established in 1909.

The BLM will notify all affected mining claimants that claims filed after Aug. 12, 1907, are null and void.

Only last Wednesday William Ruckelshaus, administrator of the Environmental Protection Agency, told Gov. Tom McCall that no authority existed to prevent Oregon Calcite from mining in the area.

Ruckelshaus said an 1872 mining law protected the exploration and exploitation of valid mining claims.

McCall, who had protested the proposed limestone mining, said Friday, "I am tremendously pleased with this turn of events. The threat of substantial environmental damage which Oregon Calcite's operation posed has now been thwarted. . . . It is my hope that further examination of the records will negate other claims which may exist in the area and

that requests for withdrawals of other public lands to protect the caves will be fashioned forthwith."

Ruckelshaus could not be reached in Washington, D.C., for comment.

Officials of California Time Petroleum, Inc., Oregon Calcite's parent company, had not been notified of the BLM's finding Friday afternoon, and declined to comment until they had a chance to study the decision.

L. B. Day, regional administrator for the Department of the Interior, stressed that the 1907 action does make the claim completely void, although he cautioned that it is subject to appeal.

Day said his department was originally told that the claims could possibly be void by a newspaper reporter in

Grants Pass, but that it took the BLM more than two and one half weeks to track down the 1907 decision.

Commenting on the discovery, Day said, "I'm delighted. It sets up a better buffer zone for the Oregon Caves. I wasn't enamored with the idea of a mining operation so close to the monument."

Day said further investigation is being done to determine if additional land in the area can be withdrawn to protect the caves.

When informed by The Oregonian of the BLM finding, Larry Williams, executive director of the Oregon Environmental Council commented, "We were saved by the skin of our teeth. How often we'll be this lucky in Oregon to be saved from indiscriminate mining, I don't know."

# Reporter's Probe Triggered Halt to Oregon Caves Mining

9/18/71  
Ore States Union

GRANTS PASS, Ore. (AP) -- Jim Petersen says he's glad the Bureau of Land Management has straightened out its records.

Otherwise, he said, someone might have "spent a million dollars" on calcite mining operations near the Oregon Caves National Monument in southern Oregon.

Petersen is the courthouse reporter for the Grants Pass Courier. He said Saturday he is the person who suggested to the federal agency that the site of the mining had been withdrawn from public entry years ago.

He said he thinks the prospector who filed the original mining claim and the California company that planned the new mining operation are "getting a raw deal" because of investment losses through no fault of their own.

The prospector is F.W. "Jiggs" Morris who filed the original claims on the limestone deposit in 1954 and says he spent \$100,000 in an attempt at production in 1962-63.

California Time Petroleum, Inc., bought a major interest in the Morris claims and its subsidiary, Oregon Calcite Corp., announced plans and began development work toward expanded limestone mining operations.

The administration of Gov. Tom McCall objected, saying the mining would mar the environment next to the national monument.

But government agencies were powerless to halt the operation until the BLM said Friday it had searched the records and discovered that the mining claims are on land that was

withdrawn from public entry in 1907.

Petersen said someone in the Grants Pass area suggested weeks ago that the land might have been withdrawn. He said he started thinking that "it might become a very sticky situation" if the facts weren't discovered until the operation had developed into major proportions.

So he called a BLM attorney in Portland, Roger Dierking, who began the legal search of the records which eventually spread to Washington D.C., and involved a number of federal agencies.

Petersen said it took weeks to doublecheck to see if the 1907 withdrawal might have been superseded by another order.

Petersen said his conversations with officials of the Department of the Interior showed the need for administrative changes so that cross checks on records can be made more easily.

## Oregon Caves Area Mining Ban Is Hailed

9/18/71

(Story also on page 1.)

Gov. Tom McCall says he is "tremendously pleased" that mining on the borders of the Oregon Caves national monument has been prohibited.

"The threat of substantial environmental damage which Oregon calcite's operation posed has now been thwarted," McCall said.

Archie D. Craft, Oregon director of the Bureau of Land Management, said earlier that the land on which Oregon Calcite

planned to mine had been withdrawn from all uses by an administrative order issued in 1907.

The company planned to mine limestone. McCall said it was an "unnecessary mineral exploitation."

He added, "It is my hope that further examination of the records will negate other claims which may exist in the area and that requests for withdrawals of other public lands to protect the Oregon Caves will be fashioned forthwith."

# Oregon Caves Mining Claims Declared Void

9/4/71  
PORTLAND (AP) -- Mining claims near the Oregon Caves National Monument have been declared void by the federal Bureau of Land Management.

The bureau's Oregon director, Archie D. Craft, said this will prohibit limestone mining in the area by the Oregon Calcite Corp.

The company, a subsidiary of California Time Petroleum Corp., had planned to begin mining operations this fall. However, the company president announced earlier this week that no operations of any kind would take place until the Oregon Department of Environmental Quality established definite guidelines for pollution control.

The company has done some preliminary work, including blasting.

Some of the limestone claims are adjacent to the Oregon Caves National Monument. Gov. Tom McCall had asked the Federal Environmental Protection Agency to require the Forest Service to make an environmental impact statement.

## Earlier Ruling

But agency administrator William Ruckelshaus said the claims were protected by the 1872 mining law and neither the Department of the Interior nor the Agriculture Department could do anything about it.

But Craft said intensive research revealed that four sections of land in the Siskiyou National Forest were withdrawn "from appropriation and use of all kinds under the public land laws," in 1907. The Oregon Caves Monument was established in 1909 in the center of the withdrawn area but the original 1907 withdrawal still stands, Craft said.

Regional Forester Rexford Resler of the U.S. Forest Service now has provided the Bureau of Land Management with the names of all known mining claimants in the area requesting that they be notified that any claims filed after Aug. 12, 1907, are null and void, Craft said.

## BLM Responsible

The Bureau of Land Management is responsible for administering the mining laws on all

federal lands, in cooperation with the agency having jurisdiction of the land.

L. B. Day, Northwest coordinator for the Department of Interior, said a further investigation will be undertaken to determine whether the Forest Service and the Bureau of Land Management should request additional withdrawals of land in that area to protect the Oregon Caves.

Day said other mining claims near the caves are on file.

In reporting the discovery that the Oregon Calcite Corp. claims are invalid, Day said, "I'm delighted. It sets up a better buffer zone for the Oregon Caves."

He added, however, that since withdrawal of the land from any use is an administrative order, it is subject to appeal.

(Related story on page 15.)





To: Environmental Quality Commission Members      Date: September 2, 1971  
From: K.H. Spies  
Subject: Correspondence re: Oregon Calcite Corporation

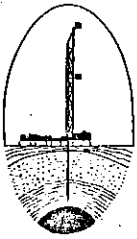
Attached for your information are copies of correspondence regarding the Oregon Calcite Corporation matter.

The letter from Ruckelshaus to Governor McCall indicates that we will get no assistance from the feds. The letter from Mr. Bennett is most interesting. The company has not yet submitted revised plans and in view of Mr. Bennett's letter maybe they do not intend to submit them until they hear further from us. Any suggestions?

Copies of your motion regarding the U.S. Pumice Company matter have been sent to the Oregon Congressional delegation and to the company.

A handwritten signature, possibly "K.H. Spies", written in dark ink.

Attached



## CALIFORNIA TIME PETROLEUM, INC.

CENTURY "21" CENTER - SUITE 819  
1880 CENTURY PARK EAST • CENTURY CITY  
LOS ANGELES, CALIFORNIA 90067  
(213) 277-7723

August 31, 1971

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**R E C E I V E D**

SEP 1 - 1971

**OFFICE OF THE DIRECTOR**

Mr. Kenneth H. Spies, Director  
Department of Environmental Quality  
1400 S.W. Fifth Avenue  
Portland, Oregon 97201

Dear Mr. Spies:

I am in receipt of your letter, dated August 18, 1971, regarding the results of Environmental Quality Commissions' meeting held in Portland on August 13, 1971.

We have been preparing the requested, modified plans and specifications for the control of emissions as per staff recommendations which were discussed after the Commission meeting with Messrs. Booher and Eggertsen.

I discovered, however, in talking yesterday with our Mr. Booher at Grants Pass that Mr. Burkitt, Chief, Engineering Services Section, has imposed some additional requirements and again raised the subject of the "Environmental Impact Statement."

Since the EPA doesn't know whether or not it has jurisdiction and the Forest Service says the "Environmental Impact Statement" is not required, it appears to me that the real issues stem from the emotional outburst of Governor McCall as quoted in THE OREGONIAN, Thursday, August 12th.

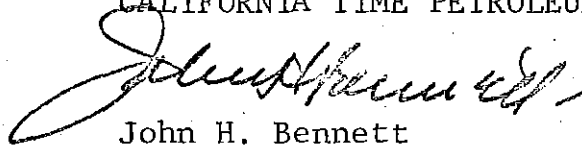
I can only assume that various delaying tactics will continue. With that thought in mind, I am shutting down all activity of the Oregon Calcite Corporation until your organization comes up with a definitive statement of requirements that are economically feasible and will allow Oregon Calcite Corporation to complete

its pilot operation for the limited time required and serve the best economic and environmental interests of the State of Oregon.

We are looking forward to an early reply.

Sincerely,

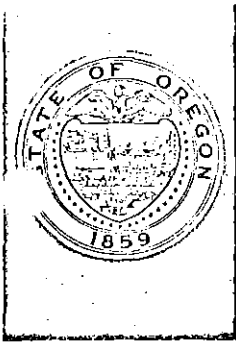
CALIFORNIA TIME PETROLEUM, INC.

A handwritten signature in cursive script, appearing to read "John H. Bennett".

John H. Bennett  
Vice President

JHB:s

Copy - Governor Tom McCall  
United Press International, Portland  
Associated Press, Portland  
H. H. Burkitt



## DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OFFICE BUILDING • 1400 S.W. 5th AVENUE • PORTLAND, OREGON • 97201

August 18, 1971

TOM McCALL  
GOVERNOR

KENNETH H. SPIES  
Director

ENVIRONMENTAL QUALITY  
COMMISSION

B. A. McPHILLIPS  
Chairman, McMinnville

EDWARD C. HARMS, JR.  
Springfield

STORRS S. WATERMAN  
Portland

GEORGE A. McMATH  
Portland

ARNOLD M. COGAN  
Portland

California Time Petroleum, Inc.  
Oregon Calcite Corporation Division  
Century "21", Suite 819  
880 Century Park East  
Century City  
Los Angeles, California 90067

Attn: Mr. John H. Bennett, Vice-President

Gentlemen:

This is to advise you that the Environmental Quality Commission adopted the following motion at the meeting held in Portland on Friday, August 13, 1971, "...that we (the Commission) withhold approval of this project pending preparation of an adequate Environmental Impact Statement". Since this Department has sixty (60) days for the review of plans and specifications, this matter will probably come before the Commission again at the September 17, 1971, meeting to be held in Astoria, Oregon.

In the interim, it is requested that you prepare and submit for review all necessary modified plans and specifications for the control of emissions, as per staff recommendations, which were discussed after the Commission meeting with Messrs. Booker and Eggertsen, for the pilot plant operation.

Because of this action, you are requested to cease any further construction activities at the claim site adjacent to the Oregon Caves National Monument.

Very truly yours,

Kenneth H. Spies, Director  
Department of Environmental Quality

KHS:HHB:h

cc: District Office

Mailing Address: P.O. Box 231, Portland, Oregon 97207 — Telephone: (503) 229-5696

cc: Gov. McCall  
Sen. Packwood

ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 26 1971

OFFICE OF THE  
ADMINISTRATOR

Honorable Tom McCall  
Governor of the State of Oregon  
State Capitol  
Salem, Oregon 97310

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**R E C E I V E D**  
SEP 1 - 1971

OFFICE OF THE DIRECTOR

Dear Governor McCall:

Thank you for your letter of August 11, 1971, regarding proposed mining operations in Siskiyou National Forest by the Oregon Calcite Corporation. You cite the significant degradation to aesthetic and other environmental values which could be caused by large-scale mining operations in this area, and the need for a thorough assessment of the environmental impact prior to beginning any such operation.

We share fully your concern about the adverse environmental consequences of this mining project. Our Seattle Regional Office has written to the Regional Forester in Portland, Oregon, about our desire to review an environmental impact statement on this project. We have also spoken with the Council on Environmental Quality about the need for a full investigation of the environmental impact of mining operations in this area.

Although no written reply has been received from the Forest Service as yet, we understand from conversations with the regional staff that the Forest Service has not developed an impact statement under the National Environmental Policy Act on this mining operation because no Federal action appears to be required in connection with the exploitation of this mining claim. Exploration and exploitation of valid mining claims on public lands are protected by the Mining Law of 1872, and Forest Service jurisdiction extends only to the national forest lands surrounding the boundaries of the claim. The Forest Service has the authority to control the means of access to a claim and the location of access roads. It has used this authority to

require environmental impact statements on some proposed mining operations. In this case, however, there is an existing road, and no access road permit appears to be needed.

You listed two creeks, tributaries of the Illinois River, which may be affected by drainage from mining operations. Our Seattle office investigated those waters to determine whether they are navigable waterways subject to regulation under the Refuse Act (a Corps of Engineers discharge permit would constitute a Federal action to which the National Environmental Policy Act would apply). Their investigation indicated that those creeks are not navigable.

We will continue to urge the Forest Service to file an environmental impact statement on the Oregon Calcite Corporation mining project. The Forest Service has already assured us that any mining activities on this claim will be monitored closely, and that EPA will be notified immediately should there be any signs of adverse air or water quality impact. We would then work closely with Oregon State officials to initiate pollution abatement action.

We are deeply concerned, however, that no Federal agency appears to have the authority to prevent environmental degradation from mining on public lands. Unregulated exploitation of mineral resources on public lands, protected by the Mining Law of 1872, poses an intolerable threat to protection of the environment in many areas of outstanding value. Environmental issues of this type have emerged in several national forests and other areas. We have expressed to the Council on Environmental Quality and to the Departments of Agriculture and Interior our strong support for improved regulatory authority which will permit Federal land management agencies to exercise the necessary controls over mining activity on public lands to protect the environment -- including the authority to prevent mining operations from taking place in cases where there would be undue destruction of environmental values.

You have noted in your letter that several State controls on the mining activity are possible, and we are gratified by the strong position you have taken to require evaluation of the

environmental impact prior to State action. Several States have recently enacted legislation to require environmental impact statements to be filed on State actions, and we urge you to consider similar action in Oregon. This would assure that the rigorous analysis of environmental consequences and alternatives embodied in the 102 impact statement process is extended to actions covered by State regulatory or other authority, even if Federal jurisdiction is unclear as is the case with the mining operations proposed by Oregon Calcite Corporation.

You may be assured that we will cooperate in any way we can to protect environmental values from the destruction which large-scale mining operations entail.

Sincerely yours,



William D. Ruckelshaus  
Administrator



State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Environmental Quality Commission Members      Date: September 2, 1971  
From: Department of Environmental Quality Staff      For 9-17-71 Meeting  
Subject: Pacific Carbide & Alloys Company - Tax Application No. T-188

At its meeting on June 4, 1971, the Environmental Quality Commission adopted the staff recommendation to defer action on Pacific Carbide & Alloys Company's application for certification of a scrubber system until proposed facilities for handling scrubber water were completed and demonstrated adequate.

Facilities were completed July 1, 1971 and have been determined to be adequate by the DEQ staff.

Therefore, the attached memo and recommendation is submitted for approval.

mb

Attachment



TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION

B. A. McPhillips, Chairman  
Storrs S. Waterman, Member  
Arnold M. Cogan, Member

E. C. Harms, Jr., Member  
George A. McMath, Member

FROM : AIR QUALITY CONTROL DIVISION

DATE : May 24, 1971 for Meeting of June 4, 1971 - Deferred until Sept. 17, 1971

SUBJECT: APPLICATION FOR CERTIFICATION OF POLLUTION CONTROL FACILITY FOR  
TAX RELIEF PURPOSES NO. T-188.

1. Applicant: Pacific Carbide & Alloys Company      Mr. T. J. Waters,  
9901 North Hurst Street      Vice-President  
P. O. Box 17008      Phone: 289-1186  
Portland, Oregon 97217

The applicant produces calcium carbide in an arc furnace from the starting materials lime and coke.

2. The facility claimed in this application is described to consist of furnace hooding, ducting, venturi scrubber, a fan, discharge stack, water supply, drains, electrical motors and services, instrument, foundations and structures. The facility was completed October 1, 1970. Preliminary operation commenced April 27, 1970.
3. The total cost of the facility is \$139,108.38. An accountant's certification of this figure is attached.
4. Staff Review:

Prior to the installation of the claimed facility, emissions from the calcium carbide furnace were passed through a spray chamber. The spray chamber which is still used when the claimed facility is inoperable, did not meet the requirements of the Columbia-Willamette Air Pollution Authority. The venturi scrubber system was installed at the request of and after review and approval by CWAPA. (See attached letter from CWAPA.)

According to tests made by the company, the facility meets the applicable CWAPA process weight and grain loading limitations. Although the system suffers from frequent upsets and breakdowns, it does serve to reduce atmospheric emissions. The installation of additional equipment is planned to improve the servicability of the control system.

The scrubber water is routed through a settling pond system and discharged into the Columbia Slough.

The staff findings indicate that the principal purpose for installing the claimed facility was to reduce atmospheric contamination and that 100% of its cost is allocable to pollution control.

5. Staff Recommendation:

The staff recommends that a "Pollution Control Certificate" bearing the actual cost of \$139,108.38 be issued for the facility claimed in Application No. T-188.

**HASKINS & SELLS**

CERTIFIED PUBLIC ACCOUNTANTS

STANDARD PLAZA  
PORTLAND, OREGON 97204

December 29, 1970

Pacific Carbide & Alloys Co.,  
P. O. Box 17008,  
Portland, Oregon 97217.

Attention: Mr. T. J. Waters

Dear Sirs:

In accordance with your request, we have examined the accompanying schedule of pollution control facility costs for the fifteen months ended December 31, 1970. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the accompanying schedule presents fairly the costs of the facilities described therein.

Yours truly,

*Haskins & Sells*

PACIFIC CARBIDE & ALLOYS CO.

SCHEDULE OF POLLUTION CONTROL FACILITY COSTS  
FOR THE FIFTEEN MONTHS ENDED DECEMBER 31, 1970

1. Foundations, Transformer House, Blacktop.....	\$ 6,435.17
2. Water, Sprays, Pumps, Sludge Line and Well, Air Line.....	14,831.01
3. Electrical, Service, not including Motors.....	12,932.79
4. Hood and Ducting, Duct Vent Fan, Platform.....	4,798.76
5. Venturi and Separator, 400 H.P. Motor and Starter.....	75,096.53
6. 1-1320L25 Buffalo Centrifugal Fan.....	20,424.51
7. Instruments, Metalurgical Studies, and Calibration.....	<u>4,589.61</u>
TOTAL.....	<u>\$139,108.38</u>

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88 T-188

# COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY

1010 N. E. COUCH STREET

PORTLAND, OREGON 97232

PHONE (503) 233-7176

10 March 1971

Department of Environmental Quality  
Air Quality Control Division  
1400 S.W. Fifth Avenue  
Portland, Oregon 97201

Attention: Mr. Fredrick A. Skirvin

DEPARTMENT OF ENVIRONMENTAL QUALITY  
State of Oregon  
**RECEIVED**  
MAR 12 1971  
AIR QUALITY CONTROL  
*[Handwritten Signature]*

### BOARD OF DIRECTORS

- Francis J. Ivancie, Chairman  
City of Portland
- Richard Stefani, Vice-Chairman  
Clackamas County
- Barton C. Wilson, Jr.  
Washington County
- Ben Padrow  
Multnomah County
- A.J. Ahlborn  
Columbia County
- Richard E. Hatchard  
Program Director

Gentlemen:

This is in reference to your 17 February 1971 letter regarding the Oregon State tax relief application of Pacific Carbide and Alloys Company. In answer to your specific questions, this Agency did require installation of the pollution control facility in order to bring this source into compliance with applicable rules. This Agency reviewed plans of the equipment prior to construction and the facility was constructed in accordance with approved plans. The company did consider various types of control equipment prior to making their final choice which was based on achieving compliance with applicable rules at a reasonable cost.

Recent visual observations of the stack emissions by our staff indicate that compliance is being achieved with opacity standards and recent stack tests by the Pacific Carbide and Alloys Company confirm compliance with process weight regulations. The control facility has however experienced considerable breakdown time resulting in excessive furnace emissions for periods on occasion in excess of 24 hours. It is expected that this breakdown condition will be eliminated in the near future by installation of further equipment which will consist of a new fan and water separator which will be connected in parallel with the existing fan and stack to provide immediate change over from one to another when operating conditions warrant.

Should you require any further information on this matter, please do not hesitate to contact this Agency.

Very truly yours,

*John F. Kowalczyk*  
John F. Kowalczyk  
Technical Director

JFK:dc



**FORESTRY  
DEPARTMENT**

**OFFICE OF STATE FORESTER**

P. O. BOX 2289    ◦    SALEM, OREGON    ◦    97310    ◦    PHONE 378-2560

September 10, 1971

Department of Environmental Quality  
P. O. Box 231  
Portland, Oregon 97207

Attention: Mr. Harold Patteron

Gentlemen:

Re: Our recent telephone conversations relating to the implementation of the smoke management plan for the balance of this year.

I believe the presentation made to the Board of Forestry on this problem (copy enclosed) fairly well sums up what we need to do in order to give our current smoke management plan legal stature.

We seek, by this letter, concurrence of this plan by the Department of Environmental Quality in order that we may have a properly filed plan pursuant to Chapter 297, Oregon Laws, 1971. Without such a plan on file, the Department of Forestry will have no legal basis for requiring permits to burn on forest land after the fire season is officially terminated this fall.

Enclosed you will find copies of:

1. The current smoke management plan for which approval is requested.
2. Copy of the proposed rule to be filed to carry out the plan.
3. Copy of the "Presentation to the Board of Forestry, September 8, 1971.

Very truly yours,

J. E. Schroeder, State Forester

gb  
Enclosures

**FORESTRY  
DEPARTMENT****OFFICE OF STATE FORESTER**

2600 STATE STREET ◦ SALEM, OREGON ◦ 97310 ◦ Phone 378-2560

## MEMORANDUM

**SUBJECT:** SLASH SMOKE MANAGEMENT PLAN**To:** Distribution F2**From:** Prevention Section**Date:** September 11, 1969

The following Slash Smoke Management Plan provides you with guidelines to preserve air quality in slash disposal operations. The plan is based on the belief that smoke from slash burning can be regulated and managed so as to minimize its penetration into populated areas because:

1. The high energy of a slash fire produces a high rise convective column.
2. Most slash is remote from and at elevations higher than principal populated areas.
3. Smoke rise and its dispersion depend on weather conditions.
4. Weather situations are variable and include identifiable conditions under which high rising smoke columns can disperse.
5. Fire weather forecasters can predict the weather conditions that determine slash smoke behavior, i.e., stability conditions that pertain to elevation of venting, wind speed, and direction.

**OBJECTIVE:**

To keep slash smoke from accumulating in designated areas (Exhibit 1) or other areas sensitive to smoke.

**COORDINATION:**

Bureau of Indian Affairs, private forest industry and the Department of Environmental Quality. The plan applies state-wide with full interagency cooperation.

#### CONTROL:

In order to effectively control forest land burning so as to minimize the amount of smoke penetration in populated areas, restricted areas are established in the State of Oregon as delineated and set forth in Exhibit 1 attached to and made a part of this plan. Any burning on forest land within the restricted areas shall be pursuant to Chapter 297, Oregon Law, 1971.

#### ADMINISTRATION:

Each District Forester will provide slash smoke management to maintain a satisfactory environment in Designated Areas (Exhibit 1). Likewise, this effort will be applied for other areas that are not defined as Designated Areas but nevertheless are sensitive to smoke. Since this system employs completely new procedures, each segment is on trial. District Foresters are encouraged to suggest other procedural concepts to meet the above objectives. Accomplishment of this objective will entail a consideration of slash acreages involved, amounts of slash, evaluation of potential smoke column vent height, direction and speed of smoke drift, mixing characteristics of the atmosphere, and distance from the Designated Area of each burning operation. Designated Areas are outlined and vertical extents or ceilings are indicated in Exhibit 1.

When slash is within 60 miles of designated area, the specific elements of "Smoke Drift Restrictions" and the more general elements of "Air Quality Firing Considerations" below will apply. If outside the 60-mile limit, only the more general "Air Quality Fire Considerations" apply. Each District Forester will evaluate and apply these elements.

When a District Forester determines that visibility in a designated area, or other area sensitive to smoke is already seriously reduced or would likely so become with additional slash burning smoke, or upon notice from the State Forester through the Division of Fire Control that air in the entire state or portion thereof is, or would likely become, overloaded with smoke, the affected District Forester will terminate slash burning. Upon termination, any burning already underway will be completed, residual burning will be mopped up as soon as practical, and no additional burning will be attempted until smoke in the affected area becomes sufficiently dispersed.

#### REPORTS:

Field forces will report by 9:00 a.m. on the current day's planned burning, estimate of second day's burning, and the previous day's accomplished



burning. Report will provide (1) for the current day's planned burning - the number of acres and tonnage by section, township, and range of each burn; (2) for estimated second day's burning - the number of acres; and (3) for previous day's accomplished burning - number of acres, tonnage, section, township and range.

**DEFINITIONS:**

Deep mixed layer - extends from the surface to 1,000 feet or more above the Designated Area ceiling.

Smoke drift away - occurs where projected smoke plume will not intersect a Designated Area boundary within 60 miles downwind from the fire.

Smoke drift toward - occurs when the projected smoke plume will intersect a Designated Area boundary within 60 miles downwind from the fire or when within 60 miles and wind direction is indeterminate due to wind speed less than 5 mph at smoke vent height.

Smoke vent height - level, in the vicinity of the fire, at which the smoke ceases to rise and moves horizontally with the wind at that level.

Stable layer of air - a layer of air having a temperature lapse rate of less than dry adiabatic (approximately 5.5 degrees F per 1,000 feet) thereby retarding either upward or downward mixing of smoke.

Tons available fuel - an estimate of the tons of fuel that will be consumed by fire at the given time and place. Low volume is less than 75 tons per acre, medium volume 75 to 150 tons per acre, and high volume over 150 tons per acre.

**KEY TO SLASH SMOKE DRIFT RESTRICTIONS:**

1. Smoke Drift Away from Designated Area

- a. No specific acreage limitation will be placed on prescribed burning when smoke drift is away from designated area. Burning should be done to best accomplish maximum vent height and to minimize nuisance effect on any segment of the public. Reference section on "Air Quality Firing Considerations."

2. Smoke Drift Toward Designated Area

- a. Smoke plume height below designated area ceiling. Includes smoke that, for reasons of fire intensity, location, or weather, will remain below the designated area ceiling (Exhibit 2). Also included are fires that vent into layers of air, regardless of elevation, that provide a downslope trajectory into a designated area.

- (1) Upwind distance less than 10 miles outside designated area. No new prescribed fires will be ignited. Residual fires will be mopped up as soon as practical.
  - (2) Upwind distance 10-30 miles outside designated area boundary. Burning limited to 1,500 tons per 150,000 acres at any one time. Any burning area in excess of that acreage will be mopped up as soon as practical.
  - (3) Upwind distance 30-60 miles outside designated area boundary. Burning limited to 3,000 tons per 150,000 acres at any one time.
  - (4) Upwind distance more than 60 miles outside designated area boundary. No acreage restrictions.
- b. Smoke will be mixed through deep layer at designated area. This section includes smoke that will be dispersed from the surface through a deep mixed layer when it reaches the designated area boundary (Exhibit 3).
- (1) Upwind distance less than 10 miles from designated area boundary. Burning limited to 3,000 tons per 150,000 acres at any one time.
  - (2) Upwind distance 10-30 miles from designated area boundary. Burning limited to 4,500 tons per 150,000 acres at any one time.
  - (3) Upwind distance 30-60 miles outside designated area boundary. Burning limited to 9,000 tons per 150,000 acres at any one time.
  - (4) Upwind distance more than 60 miles beyond designated area boundary. No acreage restriction.
- c. Smoke above a stable layer over the designated area. Smoke in this group will remain above the designated area, separated from it by a stable layer of air (Exhibit 4).
- (1) Upwind distance less than 10 miles outside designated area. Burning limited to 6,000 tons per 150,000 acres at any one time.
  - (2) Upwind distance 10-30 miles outside designated area. Burning limited to 9,000 tons per 150,000 acres at any one time.
  - (3) Upwind distance 30-60 miles outside designated area. Burning limited to 18,000 tons per 150,000 acres at any one time.
  - (4) Upwind distance more than 60 miles beyond designated area boundary. No acreage restrictions.

- d. Smoke vented into precipitation cloud system. When smoke can be vented to a height above the cloud base from which precipitation is falling, there will be no restrictions to burning (Exhibit 5).

#### AIR QUALITY FIRING CONSIDERATIONS:

Comprehensive firing techniques must be applied during all slash burning operations to facilitate smoke dispersion, regardless of where the slash is located with reference to a designated area. These considerations pertain to time of ignition, condition of slash and rate of burning.

1. Plan Time of Ignition. Selection of correct time to burn will assist in achieving air quality objectives. The two primary objectives are: (1) vent most of the smoke to high elevations and (2) minimize the amount of drift smoke from residual fires that enter designated areas or even other areas that are somewhat sensitive to smoke but not classified as designated areas.
  - a. If burning can be completed in less than 12 hours. Where slash can be completely burned in less than 12 hours, give priority to the starting of burning in the morning. Daytime burning will provide higher smoke plumes, better dispersion, thus remove most smoke from the area.
    - (2) If burning will require more than 12 hours for completion. Where slash burning will require more than 12 hours for completion of burning, burning should usually be started in the evening. The reason is that high fire intensity during the first several hours will somewhat compensate for the normally poorer nighttime smoke dispersion. Subsequently, during the next day when fire intensity is low, the usual daytime surface atmospheric instability will be available to disperse the smoke from the residual low intensity fire.
2. Burn Cured Material Where Possible. Burning of cured material is favored, because (1) higher heat energy with related tall convection column can be developed, (2) cured material produces less smoke per unit volume of slash than does green material, and (3) the medium size and larger fuels can be more effectively burned when cured and thus more satisfactorily remove the fire hazard.
3. Fire Rapidly. The objective is to develop maximum heat energy per unit time in order to vent the smoke to the highest elevation possible. Slash units should be fired as rapidly as safety and other management considerations will permit.
4. Use Intense Burning in Stable Air. In stable air, and when fuel amount, arrangement and condition are such that a high rate of heat energy will be released, smoke dispersion can become adequate if the top of the layer of stable air is no more than 1,500 feet above slash. If slash is more than 1,500 feet below the top surface of the stable air, burning should usually be delayed until conditions improve. The degree of fire intensity required for the smoke plume to penetrate the stable air layer is related directly to the depth of stable layer above the slash.

5. Burn Whenever Slash is Above Stable Air. Even with light winds, providing the direction is favorable, prescribed burning at elevations above the stable air layer usually results in good smoke dispersion. This is so even at night. This condition is illustrated by Exhibits 6 and 7. Whenever the stable air layer is below the elevation of slash, and other conditions are favorable for satisfactory accomplishment, burning should be done.
6. Achieve an Aesthetic Appearance. Night burning is encouraged where other considerations will permit. Night burning has the advantage of making the smoke plume invisible, and should be used where a daytime smoke plume would disturb an aesthetic appearance.

RELATED METEOROLOGICAL INFORMATION:

1. Atmospheric Stability Characteristics - The Stable Layer. At night a relatively cool and stable layer of air usually covers lower elevations (Exhibit 6). The basic characteristics of the stable layer are:
  - a. Thickness of the stable layer may range from a few hundred to a few thousand feet.
  - b. Over the period of an entire season, thickness of the stable air will vary over a wide range, but in the absence of air mass changes, thickness tends to persist from one night to the next.
  - c. There is little or no vertical air motion in the stable layer except for shallow downslope winds along sloping ground.
  - d. Winds in this layer are usually light.
  - e. Winds above it are usually stronger.
  - f. Smoke dispersion is usually poor, especially from fires deep in this stable layer.
2. Atmospheric Stability Characteristics - the Heated Unstable Layer. On sunny days, an unstable air layer starts to form at the earth's surface shortly after sunrise. This unstable layer usually increases in depth through midafternoon, while thickness of the stable layer is decreased (Exhibit 7).

Characteristics of the unstable layer are:

- a. On sunny days in midsummer this unstable layer may become 4,000 feet or more thick by midafternoon in valleys and more over the mountains. Thickness of the heated layer is less during cloudy days and the cool seasons.
- b. Temperatures in this heated layer decrease at the rate of 5 -  $\frac{1}{2}$  degrees F per 1,000 feet of elevation.
- c. Vertical air currents are numerous.
- d. Smoke will readily disperse in this layer.

- e. Upslope breezes occur on sunny slopes.
  - f. Air layers above the heated air remain little changed from nighttime conditions.
3. Atmospheric Stability - Fall Season. During the fall season, prolonged stable atmospheric conditions frequently develop. Conditions at night are shown in Exhibit 6. Typical daytime characteristics are illustrated in Exhibit 8 and described as follows:
- a. A thick stable air layer persists and daytime solar heating is insufficient to form a deep unstable layer near the ground.
  - b. The heated layer near the ground rarely exceeds 1,000 feet and the thickness decreases as winter approaches.
  - c. Smoke dispersion in the lower valleys is dependent on favorable winds without which poor dispersion usually occurs. Dispersion of smoke from fires at high elevations may be good, however.
4. Identifying Location of the Stable Layer. The weather forecast is the preferred information source for identifying the location of the stable layer. Supplemental information can be obtained by visual observations. The presence of a stable layer is indicated by a haze layer. The haze layer is usually most evident during morning hours (Exhibit 9).

The greater daytime heating that occurs over mountainous terrain frequently creates unstable atmospheric conditions in that area. Therefore, on warm sunny days, the stable layers that are visible over large valleys, may not exist over mountainous terrain, or may be considerably reduced.

5. Finding Depth of Heated Layer. Depth of the heated layer may be approximated by the fire-weather forecaster. However, local indicators can also be used to some extent. For example, a warm summer day with good visibility will probably produce a heated layer 5,000 feet deep or more. Elevation of the top of either cumulus or strato-cumulus type clouds also indicate height of the heated unstable air.



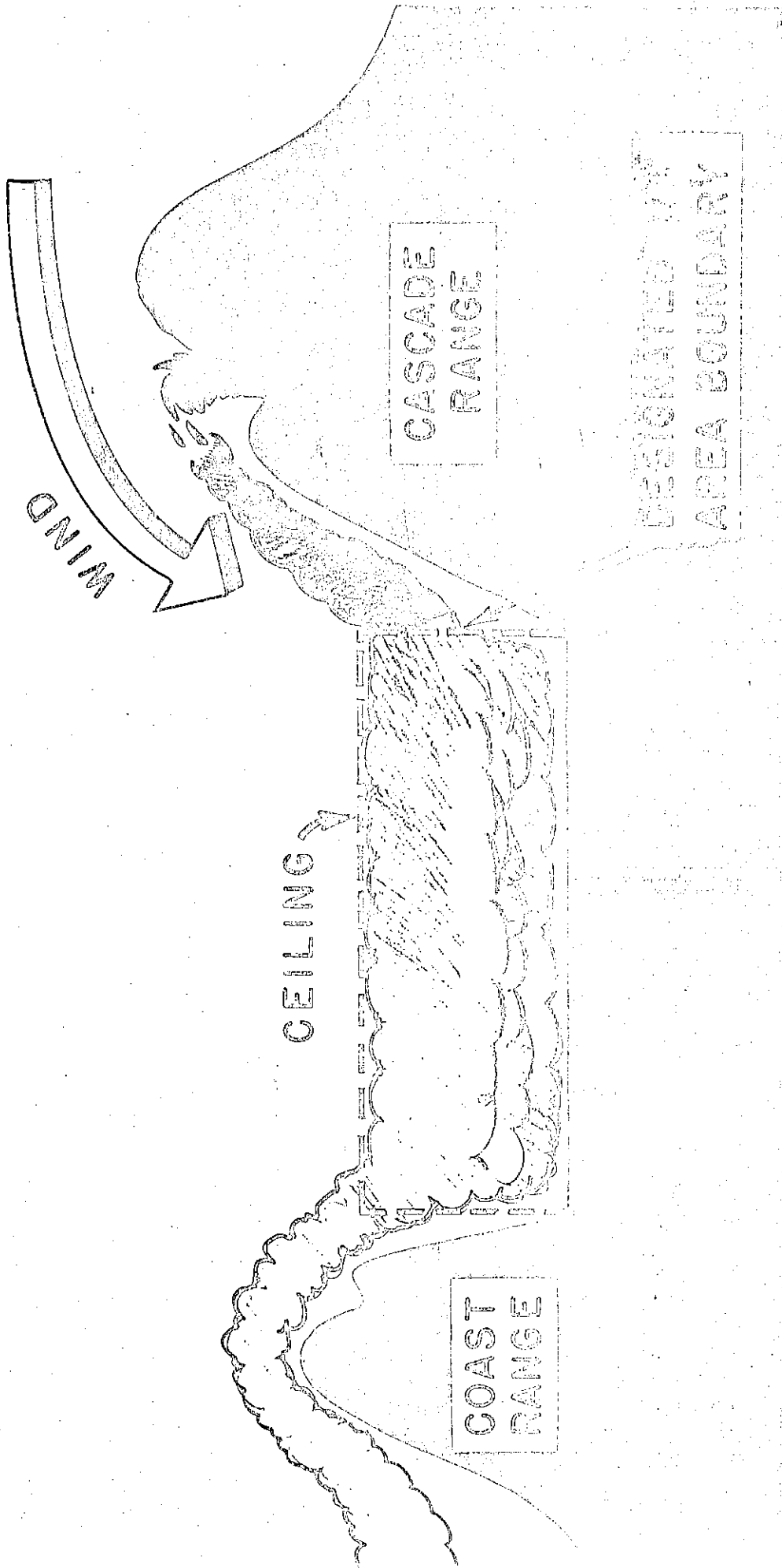


EXHIBIT 2: SMOKE WILL REMAIN BELOW DESIGNATED AREA CEILING ..... EAST WIND

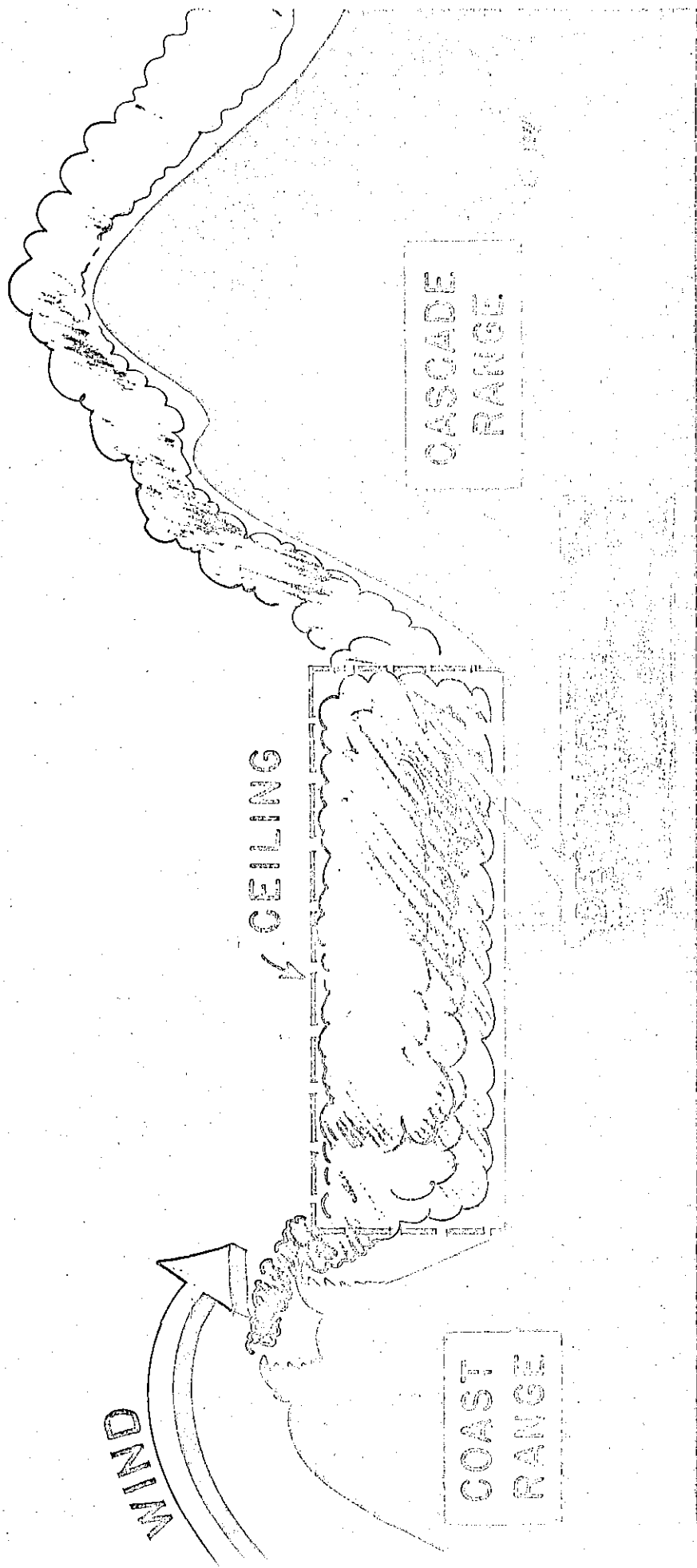
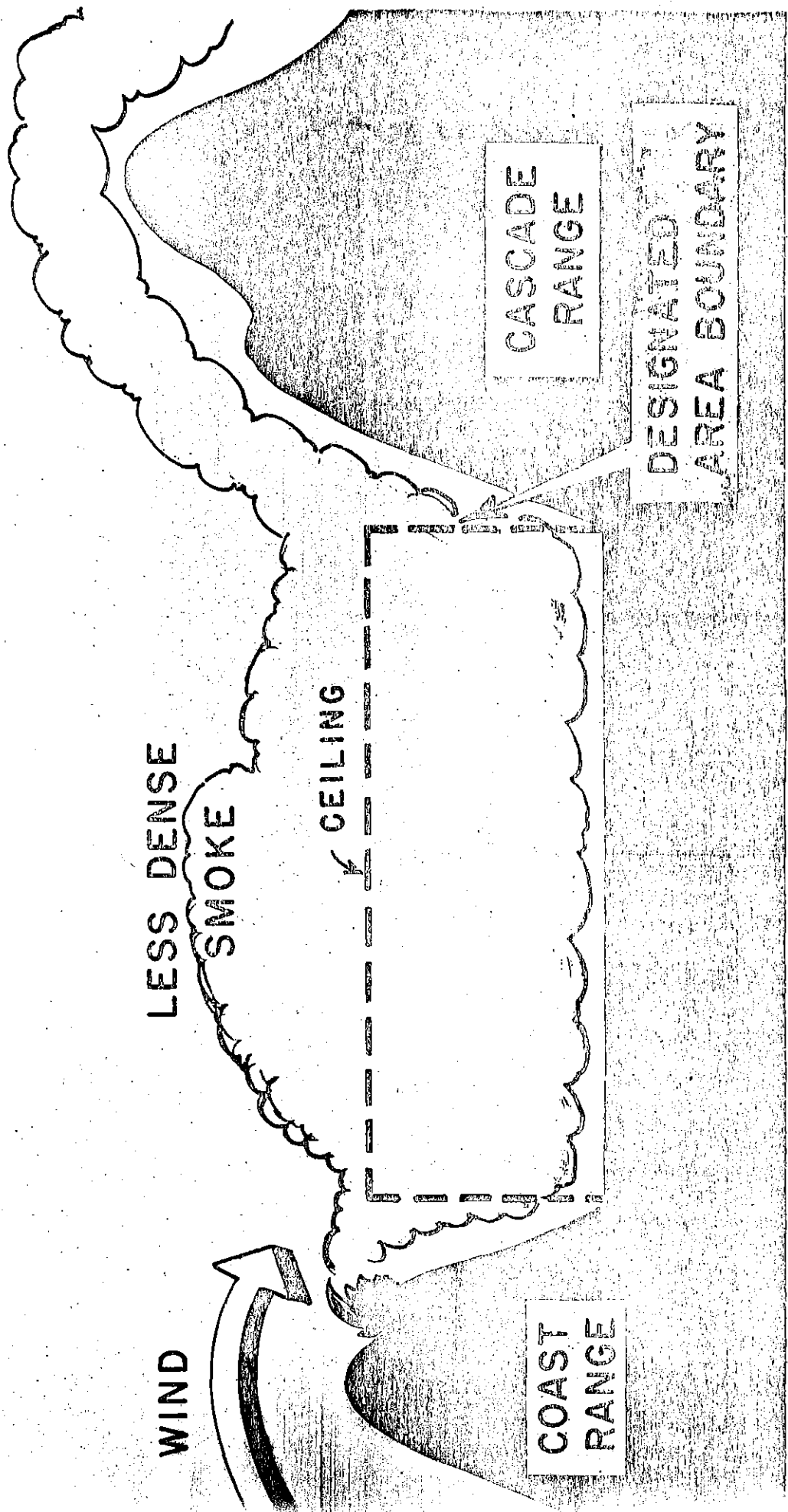


EXHIBIT 2. SMOKE WILL REMAIN BELOW DESIGNATED AREA CEILING ..... WEST WIND





HIBIT 3: SMOKE MIXED THROUGH DEEP LAYER AT DESIGNATED AREA.

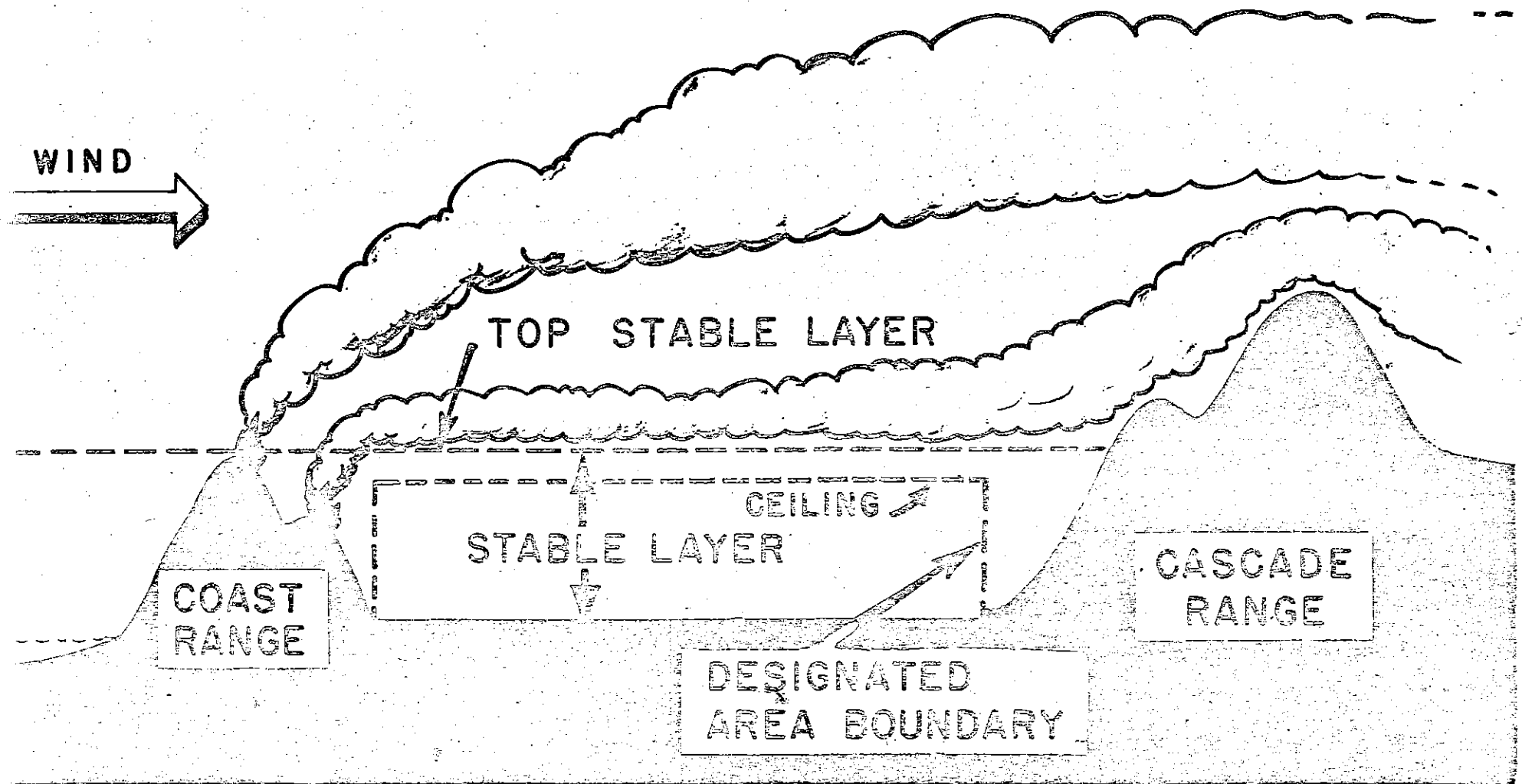


EXHIBIT 4. SMOKE REMAINS ABOVE A STABLE LAYER OVER DESIGNATED AREA.

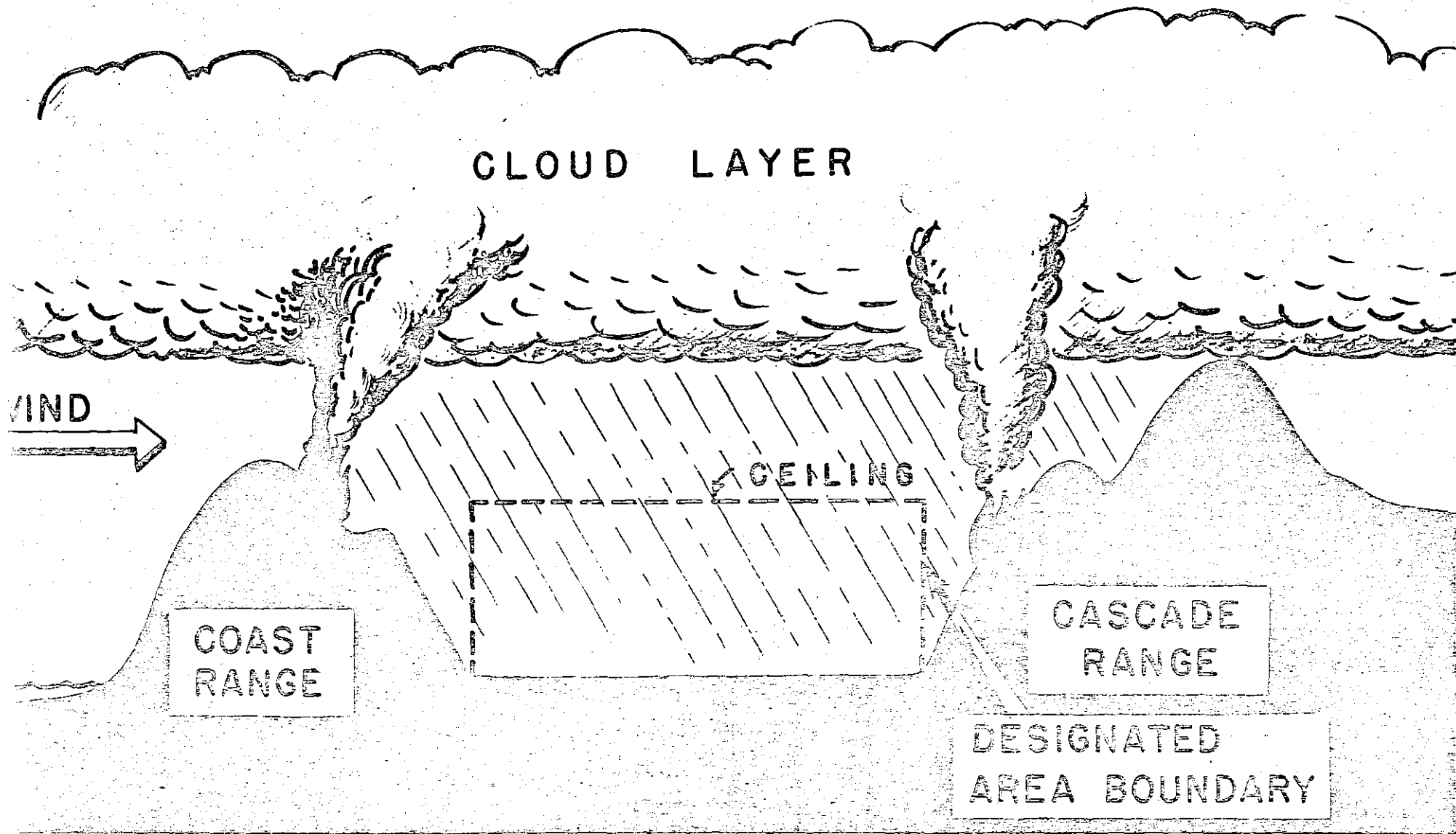


EXHIBIT 5. UNRESTRICTED BURNING WHEN SMOKE VENTED ABOVE CLOUD BASE FROM WHICH PRECIPITATION IS FALLING.

WARMER DRIER AIR  
SLIGHTLY STABLE



UNIT BELOW  
TOP OF STABLE  
LAYER

COAST  
RANGE

STABLE LAYER

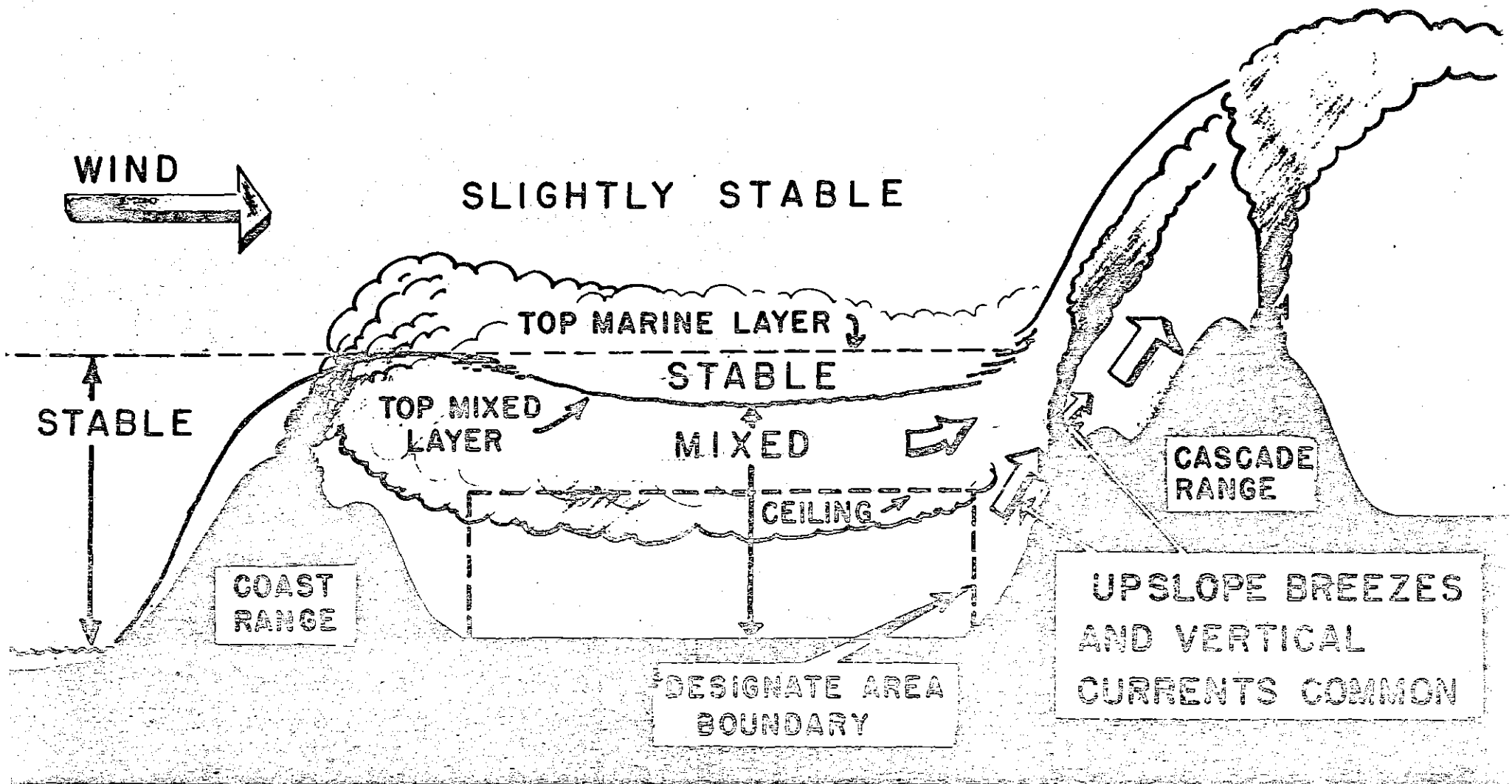
CEILING

CASCADE  
RANGE

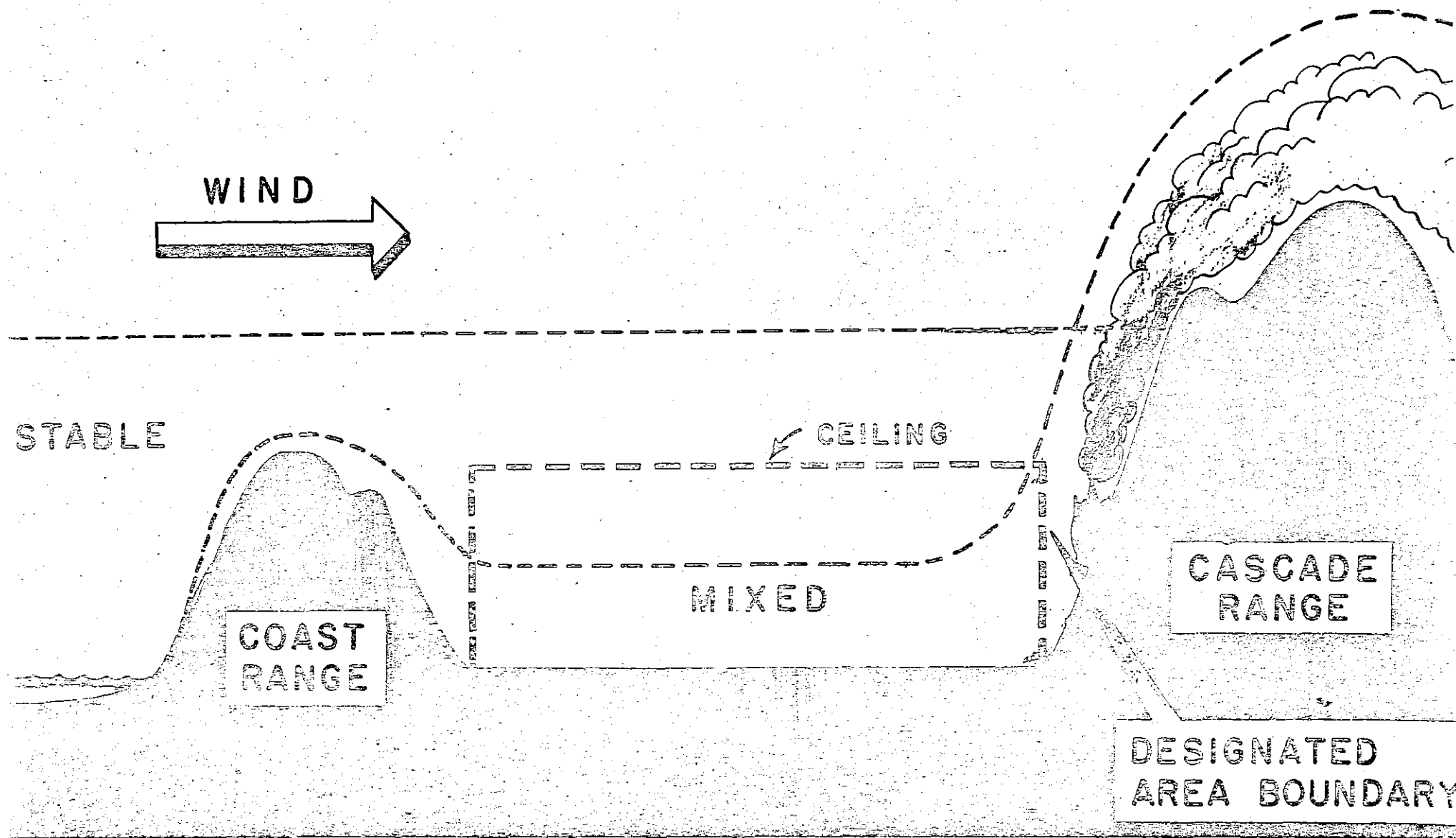
UNITS ABOVE  
STABLE  
LAYER

DESIGNATED  
AIR QUALITY

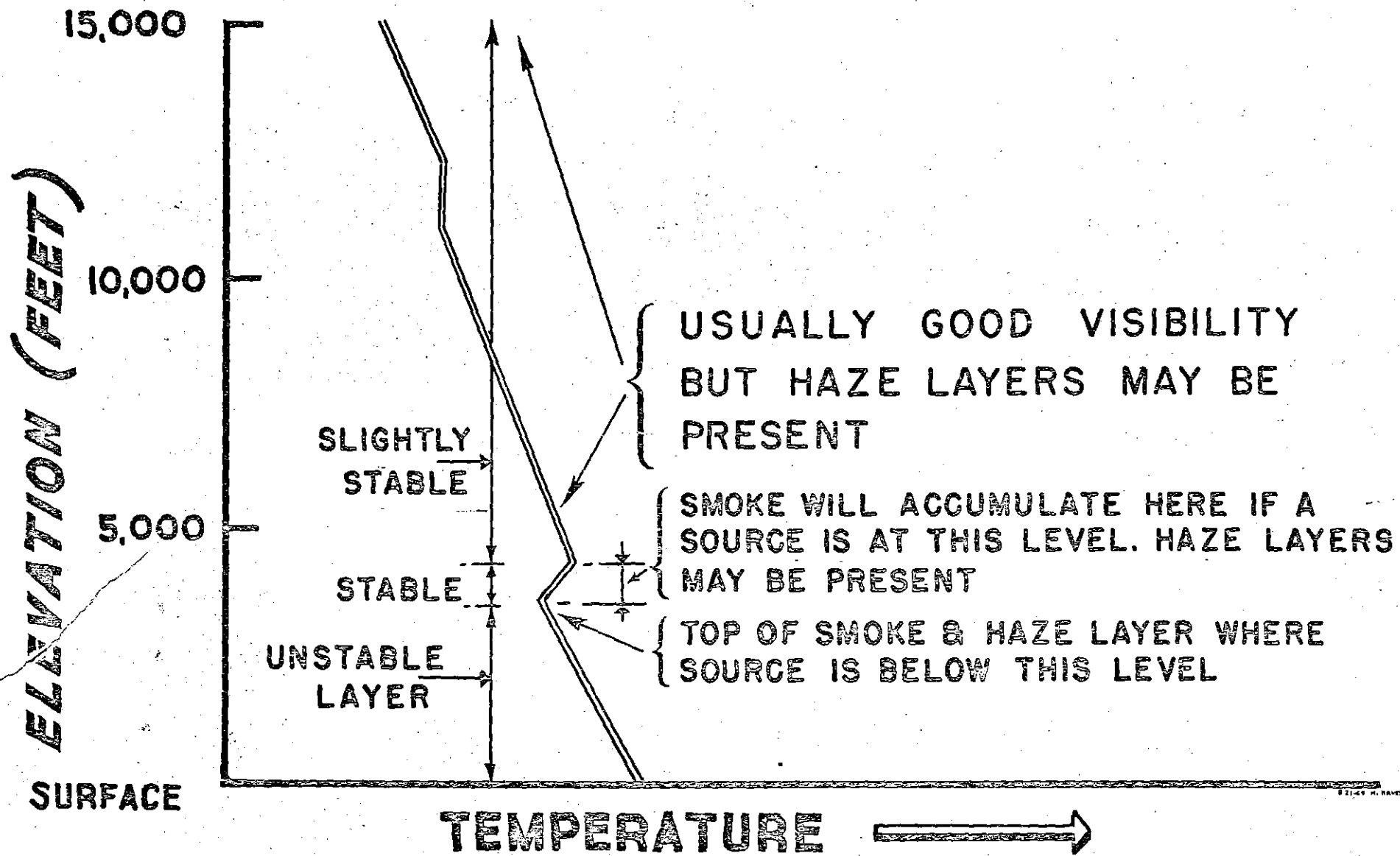
EXHIBIT 6. NIGHT AND EARLY MORNING  
ATMOSPHERIC CONDITION



**EXHIBIT 7. LATE SUMMER AFTERNOON HEATED UNSTABLE LAYER NEAR EARTH'S SURFACE.**



**EXHIBIT 8. FALL SEASON...USUAL SUNNY AFTERNOON  
ATMOSPHERIC CONDITIONS**



ATMOSPHERIC TEMPERATURE - ELEVATION VARIATION

EXHIBIT 9. A HAZE LAYER INDICATES THE PRESENCE OF A STABLE LAYER...USUALLY THE LEVEL OF

September 10, 1971

Proposed rule to implement the smoke management plan to be filed under the emergency clause for a period not to exceed 120 days following termination of the 1971 closed season.

Pursuant to Chapter 297, Oregon Laws, 1971, burning on forest land within the boundaries of a forest protection district and lying within a restricted area as set forth in the plan for managing smoke, on file with the Secretary of State on the date of \_\_\_\_\_ shall be subject to the following conditions:

1. A permit to burn shall be required for all slash burning during any time of the year within the restricted area set forth in Exhibit 1 of the above references plan.
2. A permit to burn shall be required for all burning on forest land during anytime of the year within Columbia, Washington, Yamhill, Polk, Benton, Lane, Linn, Clackamas and Multnomah counties.



SMOKE MANAGEMENT PROGRAM (Fall, 1971)

It has been recently brought to our attention that to properly implement the smoke management plan, we must not only follow the procedures in our own statutes (Chapter 477), we must also follow the procedures set forth in Oregon's new Administrative Procedures Act.

Mainly, the additional requirement not contained in Chapter 477 is the requirement of a public hearing on the Plan.

Inasmuch as DEQ has suggested changes in the basic smoke management plan and as these changes have to be circulated to all agencies and industry for concurrence, and since the plan has to be approved by DEQ and the Forester; and further, since such plan before filing has to have a hearing, DEQ, fire control agencies and OFPA representatives agreed that there was insufficient time to implement the plan for the balance of this year, and that the revised plan and rules should be prepared and implemented through the proper procedure in time for the 1972 burning program.

When agreement was reached to prepare the modified plan for 1972, it was also agreed to operate for the interim period under the existing plan and statute that provided for year long burning permits.

Herein lies the problem: in passing the new law, the Legislature repealed the former law requiring permits during the off season for air quality reasons, and until a smoke management plan is filed we have no plan or procedure nor authority to write permits as the new law requires that rules be promulgated to regulate burning for implementing the smoke management program.

There is a solution however, for the new Administrative Procedures Act allows for temporary filings under emergency clauses. After consultation with the Attorney General, we plan then to file, under the emergency clause, the current smoke management plan along with a rule authorizing permit issuance (as has been in practice the past year). This emergency procedure can be accomplished without hearing and is limited to 120 days from date of filing.

This will enable the Department to carry on the current smoke management plan and permit requirement until the new plan and rules are properly implemented.