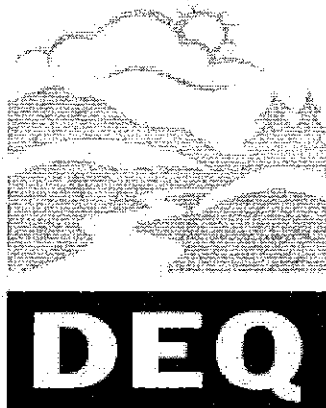


12/6/1971

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



**State of Oregon
Department of
Environmental
Quality**

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AGENDA

Environmental Quality Commission Meeting

December 6, 1971

Second Floor Auditorium, Public Service Building

920 S.W. 6th Avenue, Portland, Oregon

9:30 a.m.

- A. Comments by Attorney General
- B. Minutes of October 29, 1971 Meeting
- C. Project Plans for October 1971

10:00 a.m.

- D. Public Hearing re: Animal Waste Control Regulations

2:00 p.m.

- E. Public Hearing re: Scenic and Recreational Areas Regulations
- F. Unified Sewerage Agency - Lower Tualatin River Sewage Treatment Plant
- G. Formal Adoption of Civil Penalties Regulations
- H. Steve Wilson Lumber Co., Trail, Oregon - authorization for hearing
- I. Proposed Meetings Schedule

7:00 p.m.

- J. Metropolitan Service District Application
- K. Impact on DEQ Operations If Revenue Measures Fail



DEPARTMENT OF ENVIRONMENTAL QUALITY

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

November 11, 1971

TOM McCALL
GOVERNOR
L. B. Day
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

Memorandum

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

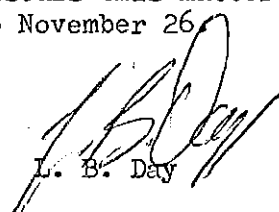
From: Director

Subject: Cancellation of November Environmental Quality
Commission Meeting - Recommendation of Mr. McPhillips
and Mr. Day

Since the main piece of business for the November meeting was the Metropolitan Service District application, and the fact that the staff needs additional time to work on this application, the November Environmental Quality Commission Meeting has been cancelled.

Formal consideration of the Metropolitan Service District application is now planned for the December 6 Environmental Quality Commission Meeting, prior to appearance in support of this application before the Emergency Board on December 16.

I will probably discuss this matter personally and informally with you prior to November 26.


L. B. Day

LBD:mm

cc: Mr. E. J. Weathersbee
Mr. K. H. Spies
Mr. H. M. Patterson

MINUTES OF THE TWENTY-NINTH MEETING
of the
Oregon Environmental Quality Commission
December 6, 1971

The twenty-ninth regular meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 9:40 a.m., Monday, December 6, 1971, in the Second Floor Auditorium, Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. Members present were B.A. McPhillips, Chairman, Arnold M. Cogan, George A. McMath and Storrs S. Waterman. Mr. Edward C. Harms, Jr., was unable to attend because of other business.

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, Water Quality Control Division Director; E.A. Schmidt, Solid Waste Division Director; F. Glenn Odell, T.M. Phillips and Paul H. Rath, Associate Engineers; and Ray P. Underwood and A.B. Silver, Legal Counsel.

IMPACT ON DEQ BUDGET IF REVENUE MEASURES FAIL

The Director informed the Commission members that if the voters defeat both the cigarette tax and the income tax measures Oregon's environmental programs will be crippled. He said that some 15 positions might have to be sacrificed, including layoffs of some jobs presently filled, that no effective controls could be established on noise pollution or motor vehicle pollution, that many complaints from the public would go unanswered, that water quality would deteriorate, and that the Federal Clean Air Act requirements could not be met. He outlined the effects on the specific programs of air quality control, water quality control, solid waste management, laboratories and field services.

It was MOVED by Mr. McMath, seconded by Mr. Waterman and carried that as recommended by the Director the Commission give its unqualified support of efforts to prevent loss of state revenues essential to continuation of the entire DEQ program and the protection of environmental quality for Oregon citizens.

COMMENTS BY ATTORNEY GENERAL

Attorney General Lee Johnson had been requested to submit an opinion regarding the authority of the Commission to adopt certain proposed regulations pertaining to Scenic and Recreational Areas. He appeared before the Commission and stated that he had reviewed the proposed regulations and that he had concluded that (1) the state of Oregon has the right to regulate mining even on federal lands which come under the Federal Wilderness Act, (2) the state of Oregon has an equal, and even greater interest than the Federal Government in preserving wilderness areas in their pristine state free from air, water, land and noise pollution, (3) the Federal Government by virtue of its ownership over the wilderness land does not have exclusive jurisdiction and stands in no different position than any other landowner in Oregon, and (4) the Federal Government by virtue of the regulatory scheme embodied in the Wilderness Act has not pre-empted the state from any regulation of these lands.

He therefore recommended that the Commission adopt regulations regulating scenic and recreational areas. He suggested that the regulations for wilderness areas be separate from those for other scenic and recreational areas and he submitted a proposed draft of the former.

The Chairman thanked the Attorney General for his opinion and for taking the time to appear before the Commission.

MINUTES OF OCTOBER 29, 1971 MEETING

It was MOVED by Mr. Waterman, seconded by Mr. Cogan and carried that the minutes of the twenty-eighth regular meeting of the Commission held in Portland on October 29, 1971 be approved as prepared.

PROJECT PLANS FOR OCTOBER 1971

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that the actions taken by the Department during the month of October regarding the following 28 municipal sewerage, 1 industrial waste and 19 air quality control projects be approved:

Water Quality Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
<u>Municipal Projects (28)</u>			
10/5/71	La Grande	East Side interceptor and pump station	Prov. app.
10/5/71	Lane County	Driftwood Shores sewage treatment plant (0.06 mgd aerobic digestion plant with discharge on outgoing tide)	Prov. app.
10/7/71	USA	Longacre Park Phase I	Prov. app.
10/7/71	Gresham	Hood Northwest development	Prov. app.
10/7/71	Brookings	Beachview project	Prov. app.
10/7/71	Bandon	Elmira Avenue	Prov. app.
10/7/71	Prairie City	Hall Avenue	Prov. app.
10/7/71	Portland	S.W. 39th Ave. & Cullen Blvd.	Prov. app.
10/8/71	Newberg	Tenth Street sewers	Prov. app.
10/15/71	Woodburn	Sewage treatment plant and interceptors (0.55 mgd lagoon with 180 day storage)	Prov. app.
10/15/71	Salem	Battlecreek Common Phase II	Prov. app.
10/19/71	Keizer S.D. #1	Clearview Court	Prov. app.
10/20/71	USA	Change Orders #1 and 4 Johnson Creek interceptor	Approved
10/22/71	Klamath Falls	Moore Park Marina sewer	Prov. app.
10/22/71	Troutdale	Frontage Road sewer LID 2-71	Prov. app.
10/26/71	Sheridan	Sewage treatment plant improvements (0.3 mgd lagoon with 180 day storage)	Prov. app.
10/26/71	Aumsville	Addendum No. 1 to sewage treatment plant	Approved
10/26/71	Inn at Otter Crest	Sewage treatment plant (0.125 mgd aerobic digestion plant with ocean outfall)	Prov. app.
10/27/71	Hood River	Westside interceptor	Prov. app.
10/27/71	Dayton	Barks Addition sewer	Prov. app.
10/27/71	USA	Shelania & Greencroft Subd.	Prov. app.
10/27/71	Klamath Falls	Change Orders 2 through 14 sewage treatment plant	Approved
10/27/71	Klamath Falls	Change Orders 2 through 8 Westside interceptor	Approved
10/27/71	Klamath Falls	Change Orders 1 through 6 Eastside interceptor	Approved
10/27/71	Klamath Falls	Change Orders 1 and 2 pumping station	Approved
10/27/71	McMinnville	Sewage project 1971-11	Prov. app.
10/27/71	Salem	Wallace Rd. & Brush College Rd.	Prov. app.
10/29/71	La Grande	Sunny Hill Acres #1	Prov. app.

Water Quality Control - continued

Industrial Projects (1)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
10/15/71	White City	White City Plywood Veneer dryer wash water recirculation system	Approved

Air Quality Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
10/1/71	Klamath County	Boise Cascade Corporation Beaver Marsh, WWB modification	Approved
10/5/71	Klamath County	Gilchrist Timber Company Proposal to phase out WWB by August 1, 1972	Approved
10/5/71	Douglas County	Roseburg Shingle Company Plans and specifications for modification of WWB	Approved
10/6/71	Hood River County	Hanel Lumber Company Plans and specifications for modification of WWB	Approved
10/7/71	Douglas County	Georgia Pacific Corporation Plans and specifications for modification of WWB	Approved
10/7/71	Wasco County	Mountain Fir Lumber Co. Mt. Hood Division WWB modification	Approved
10/8/71	Douglas County	Robert Dollar Company Plans to relocate sanderdust handling system	Approved
10/8/71	Douglas County	D.R. Johnson Lumber Company Request to delay submission of WWB modification plans until 1/1/72	Approved
10/11/71	Jackson County	Mt. Pitt Lumber Company Proposal to phase-out WWB by October 18, 1971	Approved
10/12/71	Wallowa County	Wallowa County Grain Growers Dust control system at the grain elevator	Approved
10/12/71	Umatilla County	Lamb-Weston, Inc. Plans and specifications for incinerator for potato fryer grease vapors	Approved
10/13/71	Multnomah County	Reynolds Metals Company Plans and specifications for two (2) baghouses for the two (2) rodding room furnaces	Approved

Air Quality Control - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
10/14/71	Josephine County	S H & W Lumber Company Plans and specifications for modification of WWB	Not Approved Add. inf. req.
10/19/71	Columbia County	Boise Cascade Corp. Proposal to amend the plans for control of smelt tank vents	Approved
10/20/71	Grant County	Edward Hines Lumber Co. Plans and specifications for modification of WWB	Preliminary Approval
10/26/71	Wasco County	Tygh Valley Lumber Co. Plans and specifications for modification of WWB	Approved
10/27/71	Jackson County	Rogue Valley Plywood, Inc. Plans to install sanderdust flare	Approved
10/28/71	Lake County	Lakeview Lumber Co. Proposal to phase-out WWB by May 15, 1972	Approved
10/28/71	Lake County	Lakeview Lumber Co. Plans and specifications for modification of WWB	Approved

At this point Mr. McMath had to leave in order to attend another meeting.

PUBLIC HEARING RE: ANIMAL WASTE CONTROL

Proper notice having been given as required by statutes and administrative rules the public hearing in the matter of adoption of proposed regulations pertaining to the Location, Construction, Operation and Maintenance of Confined Animal Feeding or Holding Operations was called to order by Chairman McPhillips at 10:00 a.m. in the Second Floor Auditorium, Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. Other members present were Arnold M. Cogan and Storrs S. Waterman.

Mr. Rath presented the Department's report dated November 12, 1971, reviewed the proposed regulations and guidelines and recommended their adoption.

Mr. Bill Johns, representing the Oregon Cattle Feeders Assn., said his organization had participated in the drafting of the regulations and recommended their adoption.

Mr. C.M. Otley, representing the Oregon Cattleman's Assn., was present and also endorsed the proposed regulations.

Mr. George Landrith of the Western Oregon Livestock Assn. stated his organization had adopted a resolution supporting the proposed regulations.

Mr. Newton Hansen of the Oregon Poultry Council said both his group and the Oregon Broiler Growers Assn., a \$15 million industry, supported the proposed regulations.

Mr. George Adams, representing the Eugene Chapter of the Sierra Club, said his organization felt that the proposed regulations would not pertain to existing animal feed lot operations and, in effect, would function in the same manner as a "grandfather clause". He said they also thought that environmentalists should be included in the membership of the Advisory Committee specified in Section VI of the proposed regulations.

Mr. Weathersbee pointed out that the proposed regulations as drafted do pertain to existing operations as well as to new or modified operations. Both the Chairman and the Director assured Mr. Adams that existing operations would be fully covered by the regulations and that it will be the intent of the Commission and Department to enforce the regulations against such operations.

A letter dated December 2, 1971, from the Tillamook Soil and Water Conservation District supporting the proposed regulations was entered in the record.

There being no other persons present who indicated they wished to be heard the hearing was recessed at 10:25 a.m. to be reconvened at 11:00 a.m., Mountain Standard Time, on December 7, 1971, in the Moore Hotel, Ontario, Oregon.

UNIFIED SEWERAGE AGENCY-LOWER TUALATIN RIVER SEWAGE TREATMENT PLANT

By letter dated November 12, 1971, the Unified Sewerage Agency (USA) of Washington County had requested approval of the Commission to increase the size of its proposed Lower Tualatin River sewage treatment plant to 20 MGD. At its meeting on April 2, 1971, the Commission had tentatively approved a 16 MGD plant.

Mr. Sawyer reviewed the department's report dated November 24, 1971, regarding this matter and recommended that the requested increase be authorized.

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that the Director's recommendation to authorize an increase in the USA's Lower Tualatin River sewage treatment plant capacity from 16 to 20 million gallons per day be approved.

FORMAL ADOPTION OF CIVIL PENALTIES REGULATIONS

As previously authorized by the Commission, a public hearing was held by the Director on November 11, 1971, commencing at 10:00 a.m. in Room 36, State Office Building, 1400 S.W. Fifth Avenue, Portland, Oregon, to consider adoption of proposed Rules Relating to Civil Penalties for Violation of Air and Water Pollution Control Laws and Statutes Pertaining to Solid Waste Management.

He reviewed his report dated November 24, 1971, pertaining to the hearing and recommended that the proposed rules be adopted with the schedule for air quality violations in Part III-2 being modified as suggested by Mr. Cecil Quesseth to read as follows:

"The penalties for the types of violation listed are subject to 5 day's notice except for 2(a), 2(b), 2(c) and 2(g). The actual amount dependent upon (a) to (c) in schedule 1 preceding."

It was MOVED by Mr. Waterman, seconded by Mr. Cogan and carried that the proposed Rules Relating to Civil Penalties for Violation of Air and Water Pollution Control Laws and Statutes Pertaining to Solid Waste Management be adopted with the modification to Part III-2 suggested by Mr. Quesseth and recommended by the Director.

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

STEVE WILSON LUMBER CO., TRAIL, OREGON

Mr. Phillips reviewed the department's report regarding this matter and presented the Director's recommendations.

It was MOVED by Mr. Waterman, seconded by Mr. Cogan and carried that the Department be authorized to schedule a public hearing for the purpose of requiring the Steve Wilson Lumber Company to show cause why the Commission should not enter an order requiring the Company to submit an orderly program of compliance with the regulations and requirements pertaining to wigwam waste burners for its mill at Trail, Oregon.

PROPOSED MEETINGS SCHEDULE

The following schedule of meetings and hearings proposed by the Director was accepted by the members:

Dec. 7	11:00 a.m.	Hearing - Animal Waste Control Regs	Ontario
Dec. 15	Noon	Joint meeting with AQC Regions	Sweetbrier
Jan. 5	10:00 a.m.	Hearing - Air Quality Implementation Plan	Portland*
Jan. 7	1:30 p.m.	Hearing - Air Quality Implementation Plan	Medford
Jan 28	9:30 a.m.	EQC Meeting	Portland*
Feb. 25	9:30 a.m.	EQC Meeting & Hearing - SWD Regs	Portland*
Mar. 17	10:00 a.m.	Hearing - Oil Spill Control Regs	Portland*
Mar. 24	9:30 a.m.	EQC Meeting	Portland*

* At Public Service Building, Second Floor Auditorium

OREGON'S AQC IMPLEMENTATION PLAN

The Director announced that the Department had completed the preparation of its draft of the Implementation Plan which is required under the provisions of the Federal Clean Air Act of 1970 and which must be adopted by the Commission and submitted to EPA by not later than January 30, 1972. He said copies of the plan are available for distribution and can be purchased from the Department at a cost of \$64 per copy. Complimentary copies have been sent to interested agencies, associations and organizations.

PUBLIC HEARING RE: SCENIC & RECREATIONAL AREAS REGULATIONS

Proper notice having been given as required by statutes and administrative rules the public hearing in the matter of adoption of proposed regulations relating to Environmental Standards for Natural Scenic and Recreational Areas was called to order by Chairman McPhillips at 2:00 p.m. in the Second Floor Auditorium, Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. Other members present were Arnold M. Cogan and Storrs S. Waterman.

Mr. Odell summarized the Department's report and analysis of the proposed regulations. He read the statement of policy and discussed at length the definitions, including particularly "Mining and Manufacturing Industry". He pointed out that the Class A Wilderness Areas involve some 819,000 acres and the Class B areas located in or within 1/2 mile of federal recreational sites or special interest areas involve another 1.3 million acres. He submitted amendments to Section II, Definitions, Sub-section 5g, Sub-section 5i,

Sub-section 5h, Sub-section 7 and Sub-section 9, and to Section IV, Environmental Standards, Sub-section 1a and Sub-section 1c.

Mr. Ward Armstrong, Natural Resources Director for Associated Oregon Industries, read an 8-page written statement for that organization in opposition to the proposed rules. He claimed that they in effect constitute zoning without proper legal authority, that they prohibit rather than regulate, that by establishing buffer zones they extend boundaries of wilderness and scenic areas without Congressional and legislative review, and that they raise serious legal and constitutional questions. In addition to his statement he also asked that his letter of November 29, 1971 addressed to Mr. Day be entered in the record, which was done.

Mr. Leslie C. Richards, Consulting Mining Engineer, expressed opposition to the rules because of their probable effect on the mining industry. He stated that mineral deposits are where you find them and therefore there should not be a complete prohibition of mining in wilderness areas.

Mr. Forest Cooper, legal counsel for Klamath County, urged the Commission to give more consideration before adopting such rules. He suggested that the Commission meet and talk to the people in the local areas that would be most affected, that the Commission not make any quick decision and that instead it move forward carefully and cautiously. He claimed that the authority of the Commission comes 50% from the statutes and 50% from public opinion.

Mr. Richard E. Thoms, speaking for himself, criticized the proposed rules. He claimed that the buffer zone boundaries are arbitrary, that the rules discriminate against certain industries, and that they constitute piece meal legislation.

Mr. Dean Prater, representative of Crown Zellerbach Corporation, read a 2-1/2 page statement. He asked for a clarification of the exemptions pertaining to forestry and logging, specifically regarding log dumping, storage, transportation, and other related activities. He supported the proposed amendment defining "Forestry or Logging."

Mr. William H. Taubeneck, Professor of Geology at Oregon State University, criticized the proposed rules. He claimed they are rather impractical and poorly conceived and that there was a lack of scientific input in their drafting. He claimed further that at the present time there are no major mining-environmental problems in the proposed Class A and Class B areas. He said OSU hopes to develop valid information regarding environmental aspects of mining and he suggested that adoption of any rules be postponed until such information is available. His oral testimony was later supplemented by letter dated December 7, 1971.

Mr. Robert C. Rand of the Northwest Timber Association was the next person to present a written statement. He said his organization opposes the buffer zone concept and considers the rules to be discriminatory. He opposed the rules in their entirety.

Mr. William G. Dady, mining and petroleum engineer, presented an oral statement. He indirectly opposed the rules by pointing out the advantages of the multiple use concept, by emphasizing the importance of jobs and by mentioning only the economic advantages of resource development.

Mr. William B. Murray, attorney for LaPine Pumice Co., said he thinks the proposed rules are unconstitutional and that more consideration must be given to the economic value of mineral resources. He argued that mining claims are vested rights and are property rights. He pleaded for more freedom for the mining industry claiming that political risks have already become too burdensome for the industry. He said further that adoption of rules should not be done as a witch hunt, under emotion and hysteria.

Mrs. Allen Boyden of 4075 S.W. Greenleaf Drive, Portland, Oregon and owner of property in the wilderness section of the Rogue River submitted a one-page statement complaining about excessive noise created by large powerful jet boats on the river.

Mr. A.G. Heizenrader, representative of the Oregon Concrete and Aggregate Producers Assn., Inc., objected to the proposed rules claiming that they are discriminatory and impractical. He referred to HB 3013 passed by the 1971

Legislature (Chapter 719, O.L. 1971) which among other things declares that (a) the extraction of minerals by surface mining operations is a basic and essential activity making an important contribution to the economic well-being of the state and nation, (b) surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and specifications therefor must vary accordingly, (c) that reclamation of surface-mined lands as provided by this Act will allow the mining of valuable minerals in a manner designed for the protection and subsequent beneficial use of the mined and reclaimed lands.

He argued therefore that HB 3013 will give adequate protection to the wilderness and scenic recreation areas and the proposed rules are not needed.

Mr. T. Wayne Miles, President of U.S. Pumice Company, presented a 7-page statement in support of their proposal to mine pumice from the Rock Mesa section of the Three Sisters Wilderness area. He said to permit logging operations and to prohibit mining in a given area constitutes an obvious discrimination.

Mr. Jim Miller of LaPine Pumice said mineral resources are most generally found in wilderness areas and their development should not be prohibited.

Mr. Harold E.L. Barton representing the Bohemia Mine Owners Association submitted copies of 3 resolutions adopted by the association on November 20, 1969, May 6, 1970 and September 15, 1971, respectively. He claimed that the proposed regulations constitute another step to over-rule the old mining laws, that Congress fully intended that mining be continued in the wilderness areas, that the multiple-use concept should be promoted, and that the proposed rules would result in anarchy.

Mr. Larry Williams, Executive Director of the Oregon Environmental Council, read a 3-page statement which endorsed fully the proposed rules and urged their adoption.

Mr. Fayette Bristol, Chairman of the Governing Board of the Dept. of Geology and Mineral Industries, read a short statement condemning the proposed rules. He claimed they are absurd and that their purpose appears to be to eliminate mining in Oregon. He suggested that they not be adopted at least until a study can be made of their impact on the state of Oregon.

Mr. Bruce Powers submitted but did not read a 2-page letter statement signed by Archie D. Craft, State Director, Bureau of Land Management. The letter stated that the objectives of the proposed rules are worthy but the standards may be in conflict with Federal jurisdiction on Federal lands, particularly with respect to mining activities.

Mr. Lloyd G. Gillmore submitted a 4-page prepared statement signed by Robert H. Torheim, Acting Regional Forester, U.S. Forest Service. The statement indicated that the portions of the proposed standards pertaining to mining may be invalid because they conflict with Federal law and constitute an unauthorized "taking" of private property.

Ms. Eleanor Heller, representing the Mazamas, a mountaineering club of 2,450 members, read a short statement endorsing the proposed rules and favoring strict control of mining operations in Oregon.

Mr. A.J. Heitkemper, representative of the Union Pacific Railroad, stated the proposed rules might possibly be in conflict with federal regulations regarding transportation and asked for an additional 2 weeks to review the matter.

He was advised by Chairman McPhillips that the record of the hearing would be kept open for 10 days.

Mr. J.G. Okers said he had a question but would submit it in writing.

Mr. Cliff Everett, Consulting Geologist, claimed that many mineral resources are discovered by small prospectors and that they need to be encouraged rather than prohibited from prospecting.

A telegram from John Kemp of 2310 Trillium St., Eugene, and President of Friends of the Three Sisters Wilderness, Inc. supporting adoption of the proposed regulations was entered in the record by Chairman McPhillips.

Mr. Tom Guilbert, representative of Oregon Students Public Interest Research Group (OSPIRG), testified that his organization is checking into the legality of the proposed regulations. He stated that there are 50,000 students that could help enforce the rules if the department does not have enough staff to handle it. He later submitted a copy of his prepared statement.

Mr. Parks Walker, District Forester for the Western Wood Products Association, presented a 3-page statement objecting to the proposed rules. He said consideration must be given to economic impacts and to possible effects on the social and business climate of a locality and the state.

Miss Diane Twedt, a senior geology student from Portland State University, testified that the proposed regulations in her opinion would kill all mining in Oregon. She stated that the mining industry now appreciates the need to protect the environment.

Mr. Clint Haight, a prospector who has had mining claims since 1932, expressed concern that the proposed rules would prohibit all mining in Oregon.

A letter dated November 30, 1971 from Secretary of State Clay Myers objecting to the regulations was entered in the record.

There being no other persons who wished to testify the hearing was adjourned at 5:15 p.m. with the understanding that the record would be kept open for another 10 days.

Copies of the proposed rules and amendments reviewed at the hearing by Mr. Odell and of the written statements submitted by (1) Ward Armstrong for the Associated Oregon Industries (plus letter dated November 29, 1971), (2) Dean Prater of Crown Zellerbach Corp., (3) Robert Rand of Northwest Timber Association, (4) Mrs. Allen Boyden, (5) T. Wayne Miles of U.S. Pumice Company, (6) Harold E. L. Barton (3 resolutions of Bohemia Mine Owners Association), (7) Larry Williams of Oregon Environmental Council, (8) Fayette I. Bristol of Geology and Mineral Industries Governing Board, (9) Bruce Powers (letter from Archie D. Craft) of Bureau of Land Management, (10) Lloyd Gillmore (for Robert H. Torheim) of U.S. Forest Service, (11) Eleanor Heller of Mazamas, (12) John Kemp (telegram) of Friends of Three Sisters Wilderness, Inc., (13) Thomas Guilbert of OSPIRG, (14) Parks Walker of Western Wood Products Association and (15) Clay Myers, Secretary of State (letter) have been made a part of the official record of this hearing.

In addition, the following statements or letters received since the hearing have also been made a part of the official record:

- (a) December 7, 1971 letter from William H. Taubeneck, Professor of Geology, OSU.
- (b) December 8, 1971 letter from Eleanor Heller, Conservation Committee Chairman, Mazamas.
- (c) December 3, 1971 letter from W. Howard Gray, Public Lands Committee Chairman, American Mining Congress.
- (d) December 6, 1971 letter from R.E. Hatchard, Program Director, Columbia Willamette Air Pollution Authority.
- (e) December 3, 1971 letter and statement from L. Edward Perry, Acting Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Dept. of Interior.
- (f) December 1, 1971 letter from Claude H. Hall, County Judge, Wallowa County.
- (g) December 5, 1971 letter from Mike Freed, Assistant Professor, and David W. Harmon, Instructor, Dept. of Recreation, OSU.
- (h) December 7, 1971 letter from John W. Broome, Member of OCCDC.
- (i) December 2, 1971 letter from J.E. Schroeder, State Forester.
- (j) December 3, 1971 letter from Cecil H. Quesseth, Attorney, Mid-Willamette Valley Air Pollution Authority.
- (k) December 3, 1971 letter from Leverett B. Curtis, 361 U Street, Springfield, Oregon
- (l) December 13, 1971 letter from James A. Bonfonti, Research Assistant, University of Oregon, Eugene.
- (m) December 13, 1971 letter from Eileen Klein, 3192 Emerald Place, Eugene.
- (n) December 14, 1971 letter from William J. Holly, President, Alcona Mining, Inc., 366 So. 79th, Springfield, Oregon.
- (o) December 14, 1971 letter from Jerome Diethelm, Head, Department of Landscape Architecture, University of Oregon, Eugene.
- (p) December 14, 1971 letter from Allard J. Heitkemper, Asst. General Attorney, Union Pacific Railroad Co., 628 Pittock Block, Portland.
- (q) December 15, 1971 letter from George Reed, Executive Director, Oregon Wildlife Federation, 811 S.W. 6th Ave., Portland.

- (r) December 15, 1971 letter from Douglas R. Hofstadter, 25 E. 32nd Ave., Eugene, Oregon 97405
- (s) December 15, 1971 letter from Fran Greenlee, Secretary, PURE, 409 East Greenwood Ave., Suite 1, Bend
- (t) December 15, 1971 letter from Thomas G. Guilbert, Acting Director, OSPIRG, P. O. Box 1364, Portland
- (u) December 15, 1971 letter from John L. Hammond, 418 S.W. Hamilton, Portland.
- (v) December 15, 1971 letter from Peter Rimbey, Dept. of Physics, University of Oregon, Eugene.
- (w) December 15, 1971 letter from R. E. Kischel, Supervisor of Real Property, Douglas County, Oregon.

The 29th meeting of the Commission was reconvened at 7:00 p.m. in the Second Floor Auditorium of the Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. Members present were B. A. McPhillips, Chairman, Arnold M. Cogan and Storrs S. Waterman.

METROPOLITAN SERVICE DISTRICT APPLICATION

Mr. Schmidt presented the department's report, analysis and recommendations regarding the application submitted by the Metropolitan Service District (MSD) for state assistance in financing a 15-month planning effort to develop solutions to the immediate and long range solid waste management problems of Multnomah, Washington and Clackamas Counties. Copies of the following had been furnished the Commission members and have been made a part of the department's official files in this matter: (1) DEQ Director's Report dated November 24, 1971, (2) DEQ letter of November 24, 1971 to State Emergency Board, (MSD request and budget), (4) MSD's proposed planning program and supplements, (5) Pre-requisites to advancement of funds, and (6) Proposed form of agreement for loan of \$439,250.

Mr. Eldon Hout, Washington County Commissioner and chairman of MSD, appeared before the EQC in support of the application. He proposed that item 3 on page 3 of the proposed loan agreement under General Covenants and Conditions be amended by substituting "One Hundred Thousand Dollars" in place of "Twenty-Five Thousand Dollars" and by adding the phrase "provided, however, that if the District shall make all payments when due under Schedule F up to and including the payment due April 1, 1978, then the restrictions in this paragraph shall be terminated."

Mr. Mel Gordon, Multnomah County Commissioner said he supports the Chairman's statement. He pointed out the possibility of private enterprises being able to participate in the development of solutions to the district's solid waste problems. He reported that some 17 firms had expressed an interest in the matter.

Mr. Herb Hardy, Attorney for the district, supported the application and offered to answer any questions concerning it.

Mr. Cliff Schiel, Chairman of the Metropolitan Disposal Commission, Inc., an organization of private waste collectors, referred to the state policy on solid waste management adopted by EQC on July 23, 1971. He requested that no consideration be given to incineration as a possible solution to the waste disposal problem in the Portland area. He claimed that private enterprise can provide the solutions. He mentioned the experimental project which is being conducted by the Boeing Corp. on lands leased from the state near Boardman and said it is expected to show that ground garbage and sewage sludge can be disposed of in that area by using such wastes as soil conditioner and stabilizer. Glass, metals, newsprint and corrugated cardboard would be salvaged for re-use. He disagreed that there is any crisis at the present time and he expressed fear that MSD threatens the very existence of the local salvage industry.

In answer to a question from Director Day he admitted that the regional approach would have definite advantages.

Ms. Merrie Buel of 1906 N.E. Stanton, Portland, reported on the findings of the Northeast Recycling Pilot Project which has been underway recently to see if people will separate recyclable materials from their garbage. A copy of her report has been made a part of the department's official files. She stated that the project thus far has indicated that solutions to the solid waste problem are within the region's grasp and deserve full support from the general public and all levels of government. She urged support of the district's application for financial assistance.

Mrs. Barbara Lucas, representative of the League of Women Voters, thought that the public should be kept better informed regarding the district's plans and that the people should know how the disposal system or systems will be financed. She asked that the Citizens Advisory Committee be set up immediately.

Mr. Sam Arback said he has operated a local appliance salvage business for 25 years and that as far as he is concerned there is no problem in disposing of household appliances. He claimed there are at least 6 different companies or agencies that will pick up such materials.

Mr. Carl R. Miller, member of Local 220, Sanitary Service Industry, reported on the Union's efforts as part of the Northeast Recycling Pilot Project discussed earlier by Merrie Buel. He expressed the opinion that recycling of wastes (glass, metal, etc.) is not profitable and that such materials represent only 1% of the total volume. He thought the amount of loan requested by MSD was much greater than necessary. He commended the city of Portland on the improved condition of its solid waste disposal site.

Mr. Stan Terry, Solid Waste Collector, also thought the district was asking for too much money to help finance its 15-month study.

Mr. Manny Glanz, a commercial and industrial waste hauler, talked in favor of using solid wastes for land reclamation.

Mr. Henry Wunsch, Recording Secretary of Union Local 220, stated he did not think the district needed any money. He was opposed to the application.

Mr. Walter Reese of Northwest Papers claimed that the paper mills will put in the necessary equipment for recycling newsprint whenever they can be assured of an adequate supply of such wastes.

Mr. Larry Wilkinson, Consulting Engineer, expressed the opinion that the Citizens Advisory Committee to be appointed by MSD should include representation from the salvage industry. He was the last person in the audience who wished to make a statement regarding the MSD application and proposed planning program.

Director Day then commended both the MSD representatives and the DEQ staff for the work done in preparing the application and in developing the

planning proposal. He said he did not recommend amending the proposed agreement between MSD and DEQ as suggested by Mr. Hout but thought it would be satisfactory to provide authority for EQC to increase the amount designated in item 3 of the General Covenants and Conditions whenever conditions warranted an increase.

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that as recommended by the Director (1) the staff be instructed to support MSD's funding request before the State Emergency Board at the Board's next regular meeting, (2) any contract entered into between DEQ and MSD provide for close fiscal control with quarterly disbursements made to MSD contingent upon quarterly status reports which demonstrate substantial progress and compliance with both the proposed ESI Task Schedule and MSD's proposed Action Program, (3) prior to initiation of the study MSD appoint a suitable Citizens Advisory Committee, (4) DEQ be compensated in funds, loan of personnel or services for administrative costs connected with the loan to MSD and (5) item 3 of the General Covenants and Conditions of the proposed loan agreement be amended to permit the EQC to increase the limit of additional indebtedness that the district could incur to more than \$25,000 if so requested by MSD and if EQC considers an increase is warranted.

There being no further business the meeting was adjourned at 9:00 p.m.

MOTION

Citizen concern about protecting the environment and citizen pressures for action to assure sound administration of environmental controls have never been stronger than in Oregon today. If vitally important services are paralyzed by lack of funds, some of the resulting environmental damage may be irreversible.

Therefore, the Environmental Quality Commission, as a part of its responsibility to the citizens of Oregon, hereby declares its unqualified support of both the cigarette tax and income tax programs adopted by the 1971 legislature, and instructs the staff to disseminate full information to Oregon citizens on the effect of loss of revenues from these sources upon Oregon's environment.

Passed by Environmental Quality Commission 12/6/71.

November 19, 1971

ENVIRONMENTAL QUALITY COMMISSION
1234 S.W. Morrison Street
Portland, Oregon 97205

M E E T I N G N O T I C E

There will be a regular meeting of the Environmental Quality Commission on Monday, December 6, 1971, beginning at 9:30 a.m. in the Second Floor Auditorium of the Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon.

Beginning at 10:00 a.m. there will be a public hearing regarding Animal Waste Control Regulations.

At 2:00 p.m. there will be a hearing on Natural Scenic Recreational Areas Regulations.

At 7:00 p.m. there will be a hearing on the application of MSD for a state loan.

L.B. Day
Director

Barbara Seymour

229-5696

Department of Environmental Quality
1234 S.W. Morrison
Portland, Oregon 97205

For Immediate Release

The Environmental Quality Commission expects a record-length meeting Monday.

On the agenda are public hearings at 10:00 a.m. on proposed regulations for animal waste controls; at 2:00 p.m. on regulations for scenic and recreation areas; and at 7:00 p.m. on an application by the Portland-area Metropolitan Service District for funding of its solid waste program.

Also to be presented will be a staff report on what will happen to the State's Environmental Quality Programs if the cigarette tax and income tax freeze both fail; a proposal for increasing the capacity of the Lower Tualatin River Sewage Treatment Plant, and proposed regulations on civil penalties for polluters, now ready for final Commission action.

Proposed animal waste regulations would assure that manure couldn't be discharged into public waters. Any plans for new or changed animal feedlot facilities would require DEQ approval before construction could begin. The recommendations

Page 2
Department of Environmental Quality

For Immediate Release

include guidelines developed with the help of industry representatives to help cattlemen meet DEQ requirements.

Regulations for scenic and recreation areas would spell out stringent requirements that would have to be met by anyone contemplating mining or manufacturing activities in scenic or wilderness areas. Department spokesmen doubt that any industry could operate within the standard, so the net effect could be to outlaw mining or manufacturing on 5.8 per cent of Oregon land.

The Metropolitan Service District proposal would provide funds for solid waste management throughout the tri-county area metropolitan Portland comprises. Areawide programs could provide a national model for recycling and salvage of waste materials.

The meeting will begin at 9:00 a.m.



DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM McCALL
GOVERNOR

L. B. DAY
Director

ENVIRONMENTAL QUALITY
COMMISSION

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Chairman, McMinnville

EDWARD C. HARMS, JR.
Springfield

STORRS S. WATERMAN
Portland

GEORGE A. McMATH
Portland

ARNOLD M. COGAN
Portland

Memorandum

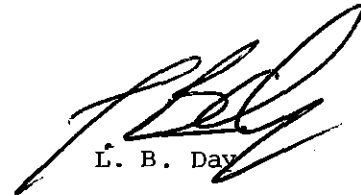
To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. A, December 6, 1971, EQC Meeting

Comments by Attorney General

These comments will be available at the December 6,
1971, EQC Meeting.



L. B. Day

LBD/11-26-71



DEPARTMENT OF ENVIRONMENTAL QUALITY

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GEORGE A. McMATH
Portland

ARNOLD M. COGAN
Portland

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. C, December 6, 1971, EQC Meeting

Project Plans for October, 1971.

During the month of October, staff action was taken relative to plans, specifications and reports as follows:

Water Quality Control

1. Twenty-eight domestic sewage projects were reviewed.
 - a) Provisional approval was given to:
 - 17 plans for sewer extensions
 - 4 plans for sewage treatment works improvements
 - 1 plan for a sewage lift station
 - b) 6 contract modifications were approved without conditions
2. One (1) project plan for an industrial waste wash water recirculation system was approved.

Air Quality Control

1. Eighteen (18) proposals relative to WWB modification or phase-out were received and reviewed:
 - 9 were approved
 - 1 was not approved
 - 2 comments were requested
2. Six (6) industrial APC proposals other than WWB's were reviewed:
 - 6 were approved


L. B. Day

PROJECT PLANS

Water Quality Control

During the month of October 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 (28)</u>			
10-5-71	La Grande	East Side interceptor and pump station	Prov. approval
10-5-71	Lane County	Driftwood Shores sewage treatment plant (0.06 mgd aerobic digestion plant with discharge on outgoing tide)	Prov. approval
10-7-71	USA	Longacre Park Phase I	Prov. approval
10-7-71	Gresham	Hood Northwest development	Prov. approval
10-7-71	Brookings	Beachview project	Prov. approval
10-7-71	Bandon	Elmira Avenue	Prov. approval
10-7-71	Prairie City	Hall Avenue	Prov. approval
10-7-71	Portland	S. W. 39th Ave. & Cullen Blvd.	Prov. approval
10-8-71	Newberg	Tenth Street sewers	Prov. approval
10-15-71	Woodburn	Sewage treatment plant and interceptors (0.55 mgd lagoon with 180 day storage)	Prov. approval
10-15-71	Salem	Battlecreek Common Phase II	Prov. approval
10-19-71	Keizer S.D. #1	Clearview Court	Prov. approval
10-20-71	USA	Change Orders #1 and 4 Johnson Creek interceptor	Approved
10-22-71	Klamath Falls	Moore Park Marina sewer	Prov. approval

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
10-22-71	Troutdale	Frontage Road sewer LID 2-71	Prov. approval
10-26-71	Sheridan	Sewage treatment plant improvements (0.3 mgd lagoon with 180 day storage)	Prov. approval
10-26-71	Aumsville	Addendum No. 1 to sewage treatment plant	Approved
10-26-71	Inn at Otter Crest	Sewage treatment plant (0.125 mgd aerobic digestion plant with ocean outfall)	Prov. approval
10-27-71	Hood River	Westside interceptor	Prov. approval
10-27-71	Dayton	Barks Addition sewer	Prov. approval
10-27-71	USA	Shelania & Greencroft Subd.	Prov. approval
10-27-71	Klamath Falls	Change Orders 2 through 14 sewage treatment plant	Approved
10-27-71	Klamath Falls	Change Orders 2 through 8 Westside interceptor	Approved
10-27-71	Klamath Falls	Change Orders 1 through 6 Eastside interceptor	Approved
10-27-71	Klamath Falls	Change Orders 1 and 2 pumping station	Approved
10-27-71	McMinnville	Sewage project 1971-11	Prov. approval
10-27-71	Salem	Wallace Rd. & Brush College Rd.	Prov. approval
10-29-71	La Grande	Sunny Hill Acres #1	Prov. approval

Industrial Projects (1)

10-15-71	White City	White City Plywood Veneer dryer wash water recirculation system	Approved
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AP-10 PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL DIVISION
FOR OCTOBER, 1971

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
1	Klamath County	<u>Boise Cascade Corporation</u> Beaver Marsh, WWB modification	Approved
5	Klamath County	<u>Gilchrist Timber Company</u> Proposal to phase out WWB by August 1, 1972	Approved
	Douglas County	<u>Roseburg Shingle Company</u> Plans and specifications for modification of WWB	Approved
6	Hood River County	<u>Hanel Lumber Company</u> Plans and specifications for modification of WWB	Approved
7	Douglas County	<u>Georgia Pacific Corporation</u> Plans and specifications for modification of WWB	Approved
	Wasco County	<u>Mountain Fir Lumber Co.</u> Mt. Hood Division WWB modification	Approved
8	Douglas County	<u>Robert Dollar Company</u> Plans to relocate sanderdust handling system	Approved
	Douglas County	<u>D. R. Johnson Lumber Company</u> Request to delay submission of WWB modification plans until Jan. 1, 1972	Approved
11	Jackson County	<u>Mt. Pitt Lumber Company</u> Proposal to phase-out WWB by October 18, 1971	Approved
12	Wallowa County	<u>Wallowa County Grain Growers</u> Dust control system at the grain elevator	Approved
	Umatilla County	<u>Lamb-Weston, Inc.</u> Plans and specifications for incinerator for potato fryer grease vapors	Approved

PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL DIVISION
FOR OCTOBER 1971 (Continued)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
13	Multnomah County	<u>Reynolds Metals Company</u> Plans and specifications for two(2) baghouses for the two (2) rodding room furnaces	Approved
14	Josephine County	<u>S H & W Lumber Company</u> Plans and specifications for modification of WWB	Not Approved Additional information requested
19	Columbia	<u>Boise Cascade Corporation</u> Proposal to amend the plans for control of smelt tank vents	Approved
20	Grant County	<u>Edward Hines Lumber Company</u> Plans and specifications for modification of WWB	Preliminary Approval
26	Wasco County	<u>Tygh Valley Lumber Company</u> Plans and specifications for modification of WWB	Approved
27	Jackson County	<u>Rogue Valley Plywood, Inc.</u> Plans to install sanderdust flare	Approved
28	Lake County	<u>Lakeview Lumber Company</u> Proposal to phase-out WWB by May 15, 1972.	Approved
		<u>Lakeview Lumber Company</u> Plans and specifications for modification of WWB	Approved

In summary, the Air Quality Control Staff:

1. Approved WWB phase-out proposals	3
2. Approved WWB plans and specifications for modification	6
3. Granted preliminary approval for WWB modification	1
4. Denied approval to modify WWB. Requested additional information and the resubmission of plans and specifications	1
5. Approved request for time extension for submission of WWB compliance program	1
6. Granted approval to other misc. control programs	6

Total Actions

18



DEPARTMENT OF ENVIRONMENTAL QUALITY

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

TOM McCALL
GOVERNOR

November 12, 1971

KENNETH H. SPIES
Director

Memorandum

ENVIRONMENTAL QUALITY
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Portland

To: Environmental Quality Commission
From: Director
Subject: December 6, 1971 - Public Hearing for Adoption of Regulations Pertaining to Location, Construction, Operation, and Maintenance of Confined Animal Feeding or Holding Operations, Agenda Item No. D, EQC Meeting

Background

In recent years, the trend in animal production has been toward concentration of large numbers of animals into confined areas or units to improve efficiency of operations. This concentration of animals has resulted in accumulation of manure that generally requires removal from or redistribution within the confinement area. The removed material has brought about the problem of utilization or disposal, and the material retained in confinement areas is mounded, causing drainage to accumulate and escape during rainfall or snowmelt conditions. The disposal of manure and contaminated drainage from confined animal feeding or holding operations without polluting the waters of the state has become a cost item for most operations.

In order to inform the industry of water quality control requirements as they apply to confined animal operations, and to distribute a partial list of acceptable practices, the staff initiated formulation of regulations. The first draft of regulations for the control of animal waste was completed by the staff in April, 1970.

Initial review by the livestock industry brought about the formation of a committee of representatives to negotiate revisions with DEQ staff. Considerable uncertainty developed

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November 12, 1971

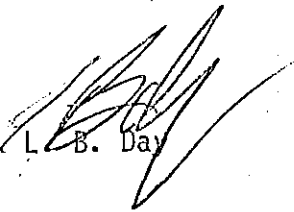
"Guidelines..." are a collection of information intended to supplement the "Regulations..." by providing a partial list of acceptable practices and sources of qualified assistance. The guidelines should be helpful primarily in conceptual design and operation rather than providing criteria for detailed design. The guidelines and criteria to be used in evaluation of plans submitted are based upon "highest and best practicable" control as required by General Water Quality Standards. Each situation will be evaluated individually according to information submitted and conditions observed at the site.

Conclusions

The regulations and guidelines being proposed for the control of manure, contaminated drainage, and other wastes from confined animal feeding and holding operations have been duly publicized and considered by representatives of the livestock industry. Within the present framework of the law, the regulations proposed are comprehensive, and applicable to any accumulation of animal waste or contaminated drainage which may pose a threat to water quality.

Director's Recommendations

It is recommended that the proposed regulations and guidelines pertaining to control of manure, contaminated drainage, and other wastes from confined animal feeding and holding operations be adopted by the EQC following consideration of testimony received as a result of the scheduled hearings.



L. B. Day

LBD:ko
cc Mr. E. J. Weathersbee
Mr. K. H. Spies

Section III of the regulations requires submittal and approval by the DEQ of a complete descriptive proposal including plans and specifications prior to construction or initial operation of a confined feeding or holding operation or waste control facility. This requirement applies to new, modified, or expanded facilities, including the installation of control facilities and practices to correct problems at existing operations. A partial list of necessary considerations in preparation of an acceptable proposal is included in the text of this section. There is a specific requirement that all construction be in accordance with approved plans and specifications.

Section IV outlines the basic requirements for design, construction, operation, and maintenance of waste control facilities and practices:

1. That all confinement areas, manure handling and accumulation areas, and disposal areas 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 waste discharge permit.
2. That design, construction, operation, and maintenance of confined feeding and holding operations and waste control facilities be in conformance with "Guidelines for the Design and Operation of Animal Waste Control Facilities," unless it can be demonstrated that contaminated drainage can be controlled by other means, or unless a written variance is obtained from the DEQ.

Section V provides for a specific written variance to be issued by the DEQ to permit the purpose of the regulations to be achieved without strict adherence to all of the requirements in those instances where some of the requirements may not be necessary or warranted. Provision is also made for establishment of reasonable time schedules for existing confined feeding or holding operations to comply with the regulations.

Section VI has been included at the request of the industry to provide for an Advisory Committee. The size and composition of this committee has been established by industry representatives who have worked with the staff in arriving at the present draft.

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November 12, 1971

regarding the inclusion of reference to odor control practices, and resolution of these matters did not occur until the close of the 1971 legislative session. Final agreement of the present draft of the "Regulations..." and "Guidelines..." and tentative scheduling of this hearing occurred on July 26, 1971. During the fourteen-month period of review and negotiation, there were a total of five formal meetings intended to iron out differences and many invitations for the staff to speak to industry association and local group meetings.

The present draft of the regulations has been widely distributed by the livestock industry through its many organizations and by the OSU Agricultural Extension Service. Many industry-oriented publications have carried feature articles on the basic elements of the regulations and guidelines in recent months, and local newspaper articles have made references to them periodically for more than a year. The livestock industry is increasingly aware of pollution control requirements as a result of the combined efforts of many associations, publications, agencies, and individuals who have taken an interest. Most of the unfavorable response to the regulations and guidelines has resulted from misunderstanding of the actual intent and provisions of the regulations.

Factual Analysis

The purpose of the proposed regulations and guidelines is 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.

Particular effort has been applied to the definition of a "confined feeding or holding operation" such that large and small operations of all types which may cause a potential water quality problem will be included by the same requirements. "Waste control facility" has been defined with specific application to collection, handling, storage, and disposal of manure and contaminated drainage.

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 site 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.

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 drainagewaters 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.



DEPARTMENT OF ENVIRONMENTAL QUALITY

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Director

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Memorandum

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, December 6, 1971, EQC Meeting

Proposed Environmental Standards for Natural Scenic and
Recreational Areas

Background:

1. At its October 29, 1971 meeting, the Environmental Quality Commission authorized a public hearing on proposed Environmental Standards for Natural Scenic and Recreational Areas.

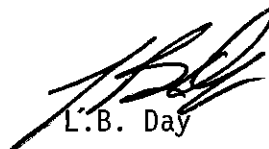
Factual Analysis:

In preparation for the public hearing the staff has:

- A. Solicited response from all known interested individuals and agencies.
 - B. Investigated most Natural Scenic and Recreational Areas for existing sources that may be in violation of the proposed standards. An initial list is expected for the December 6 meeting.
 - C. Continued investigations into the scope of regulation.
 - D. Answered inquiries concerning this regulation.
2. The attached list of recommended amendments has been compiled. An explanation follows each amendment.

Director's Recommendations:

It is recommended that this regulation be adopted as amended.


L.B. Day

DRA/11-24-71

RECOMMENDED AMENDMENTS TO THE PROPOSED
ENVIRONMENTAL STANDARDS FOR NATURAL SCENIC AND RECREATIONAL AREAS

1. On page 2 under Section II, Definitions, Sub-section 5g, change to read as follows:
 - g. Any Public Domain Lands area as administered by the Federal Bureau of Sport Fisheries, Wildlife Refuge Division.
2. On page 3 under Section II, Definitions add Sub-section 5i as follows:
 - i. Any area in or within 1/2 mile of any Forest Park as designated by the State Forester.
3. Add the following State Park to the list contained in Section II Definitions, Sub-section 5H.
 37. Succor Creek State Park Malheur
4. On page 3, Section II, Definitions, Sub-section 7 change to read as follows:
 7. "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, and the "A" frequency weighting network.
5. On page 4 under Section IV, Environmental Standards, Sub-section 1a, add the following:
 - 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, wilderness management activities, or recreational activities allowed under the laws and regulations of the ^{State or} Federal Government.
6. On page 4, Section IV, Environmental Standards, change Sub-section 1c to read as follows:
 - c. Cause, suffer, allow, or permit the emission of noise from any mechanical device not related to emergency activities, wilderness management activities, or recreational activities allowed under the laws and regulations of the State or Federal Government, which

noise causes the peak sound pressure level (ceiling value) to exceed 70 dbA at a distance of 10 feet from the source.

7. On page 3, under Section II, Definitions, add Sub-section 9 as follows:

9. "Forestry or Logging" is any activity necessary for the cultivation of forest lands or removal of timber. Activities included under forestry and logging include, but are not limited to: logging, disposal of slash residues, reforestation and other silviculture activities, fire hazard reduction and fire abatement, and construction and maintenance of forest roads. Rock quarrying and crushing for construction of forest roads may be included as forestry and logging activities, provided the product is used exclusively for forest management and the siting and production of such activities are adequately regulated for environmental protection purposes, by an appropriate public management agency. Forestry and logging does not include production of lumber, board products, or pulp chips other than those produced at a logging site by use of residue utilizers, whole-log chippers or similar mobile equipment.

TABLE I

INITIAL INVENTORY OF INDUSTRY WITHIN NATURAL SCENIC AND RECREATIONAL AREAS

<u>Category</u>	<u>Area</u>	<u>Source</u>	<u>Status</u>	<u>Number</u>
NATIONAL FOREST	Deschutes-Three Sisters	Rock Mesa Mine	Proposed	1
	Umatilla-Indian Rock	Gold Mine	Dormant	1
	Umpqua-Bohemia	Mining	Dormant	Several
	Deschutes-Newberry Crater	Pumice Mine	Active	1
	Rogue River	Hot Mix Plants	Active	2
	Siskyou-on Rogue	Sawmill	Active	1
	Siskyou	Hot Mix Plant	Active	1
	Wallowa-Whitman	Placer Mining	Active	5
	Wallowa-Whitman	Lime Quarry	Active	1
	Wallowa-Whitman	Building Stone Quarry	Active	1
	Deschutes-Willamette Pass	Rock Crushing & Quarrying	Active	Several
	Mt. Hood			
	Rogue River			
	Siskyou			
	Willamette			
Winema				
WILDLIFE REGUGES	Brookings	Lumber Mill	Active	1
STATE PARKS	Fort Stevens	Box Factory	Active	1
	Cape Lookout	Rock Quarry (County)	Active	1
	Wallowa Lake	Rock Quarry (private)	Active	1
	Cove Palisades	Cinder Quarry (private)	Active	1
BUREAU OF LAND MANAGEMENT	Alsea Falls	Rock Quarry	Active	1
SCENIC WATERWAYS	Rogue River	Gravel Pit	Active	1

TABLE II

SUMMARY OF ENVIRONMENTAL STANDARDS FOR
NATURAL SCENIC AND RECREATIONAL AREAS

<u>Standards Applicable to Mining and Manufacturing</u>	<u>Class "A" Wilderness</u>	<u>Class "B"</u>
Air Quality	No emissions allowed from any mechanical device	No visible or malodorous emissions**
Water Quality	No discharge; no degradation	No degradation**
Noise	No mechanical device louder than 70 dbA at 10 feet (equivalent to vacuum cleaner)	No stationary activity louder than 80 dbA at 10 feet** (equivalent to automobile traffic on highway)
Permit Requirement	Permit required for all activities except logging. Public Hearing required for approval of permits.	
<u>Standards Applicable to Other Activities</u>		
Air Quality	No emissions allowed from any mechanical device*	General air quality standards apply
Water Quality	No discharge; no degradation	General water quality standards apply
Noise	No mechanical device louder than 70 dbA at 10 feet*	No regulation
Permit Requirement	No permit required	No permit required

* Exempted for emergency activities, wilderness management activities, or recreational activities allowed under the laws and regulations of the Federal Government.

** Exempted for forestry and logging.

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DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY CONTROL DIVISION
November 3, 1971

PROPOSED
ENVIRONMENTAL STANDARDS FOR NATURAL SCENIC AND RECREATIONAL AREAS

I. STATEMENT OF POLICY:

1. Natural scenic and recreational areas represent 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 natural scenic and recreational areas is deserving of the highest level of protection.

Therefore, it is hereby declared to be the policy of the Environmental Quality Commission to regulate industrial and commercial activities in these areas such that:

1. The environment of Wilderness 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 natural scenic and recreational 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.

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

1. "Wilderness" means any area so designated by the Congress of the United States pursuant to Public Law 88.577.
2. "Wild and Scenic Rivers" means any area so designated by the Congress of the United States pursuant to Public Law 90.542.
3. "Scenic Waterway" means a river or a segment of river, and related adjacent land, that has been designated as such in accordance with ORS 390.805 to 390.925.

4. "Class A Natural Scenic and Recreational Area" is any Wilderness.
5. "Class B Natural Scenic and Recreational Area" is any area specified by the following list:
 - a. Any area in, or within 1/2 mile of lands administered by the U. S. Forest Service or Bureau of Land Management and designated by the Federal Government as a recreational site or special interest area; or within any Forest Service or Bureau of Land Management lands designated as a landscape management zone.
 - b. Any area within one mile of Wilderness.
 - c. Any Wild and Scenic River or Scenic Water Way.
 - d. Any area in or within 5 miles of Oregon Caves National Monument or Crater Lake National Park.
 - e. Any area in or within 1/2 mile of Fort Clatsop National Memorial.
 - f. Any area in or within 1/2 mile of any Registered Natural Landmark as designated or declared eligible by the Secretary of the Interior.
 - g. Any Public Domain Lands as administered by the Federal Bureau of Sport Fisheries, Wildlife Refuge Division.
 - h. Any area in or within 1/2 mile of the following State Parks:

<u>Name</u>	<u>County</u>
1. Boiler Bay State Wayside	Lincoln
2. Cape Arago State Park	Coos
3. Cape Lookout State Park	Tillamook
4. Cape Sebastian State Park	Curry
5. Cascadia State Park	Linn
6. Champoeg State Park	Marion
7. Collier Memorial State Park	Klamath
8. Crown Point State Park	Multnomah
9. Deschutes River State Recreation Area	Sherman, Wasco
10. Detroit Lake State Park	Marion
11. Ecola State Park	Clatsop
12. Emigrant Springs State Park	Umatilla
13. Floras Lake State Park	Curry
14. Fort Stevens State Park	Clatsop
15. Fort Rock State Park	Lake
16. Hat Rock State Park	Umatilla

17.	Humbug Mountain State Park	Curry
18.	Jessie M. Honeyman Memorial Park	Lane
19.	Lapine State Recreation Area	Deschutes
20.	Lava River Caves State Park	Deschutes
21.	Loeb State Park	Curry
22.	Neptune State Park	Lane
23.	Oswald West State Park	Clatsop, Tillamook
24.	Otter Crest State Wayside	Lincoln
25.	Otter Point State Wayside	Curry
26.	Painted Hills State Park	Wheeler
27.	Rooster Rock State Park	Multnomah
28.	Samuel H. Boardman State Park	Curry
29.	Shore Acres State Park	Coos
30.	Silver Falls State Park	Marion
31.	Smith Rock State Park	Deschutes
32.	Sunset Bay State Park	Coos
33.	The Cove Palisades State Park	Jefferson
34.	Thomas Condon-John Day Fossil Beds State Park	Grant, Wheeler
35.	Umpqua Lighthouse State Park	Douglas
36.	Wallowa Lake State Park	Wallowa

6. "Mining and Manufacturing Industry" is an industry, private or public, classified as such by the Standard Industrial Classification Manual of the Federal Bureau of the Budget.
7. "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, and the "A" frequency weighting work.
8. "Ambient Sound Pressure Level" means the total sound pressure level in a given environment, usually being a composite of sounds from many sources, far and near.

III. PERMIT REQUIREMENTS AND CRITERIA FOR APPROVAL:

1. After the effective date of this regulation, no person shall initiate any new mining or manufacturing activity other than forestry or logging in any Class "A" or Class "B" Natural Scenic and Recreational 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 an activity subject to the provisions of this section 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 I, and with the Environmental Standards as set forth in Section IV of this regulation.
5. In addition to all new mining and manufacturing activities, the Commission may also require permits for any activity being, or proposed to be, conducted in a Class "A" or Class "B" Natural Scenic and Recreational Area in the event such activity has an actual or potential significant environmental impact.

IV. ENVIRONMENTAL STANDARDS:

1. Wilderness

Within the boundaries of Class "A" Natural Scenic and Recreational Areas, 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, temperature, or bacterial contamination;
 - 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 mechanical device not related to emergency activities or recreational activities allowed

under the laws and regulations of the Federal Government, which noise causes the peak ambient sound pressure level (ceiling value) to exceed 70 dbA at a distance of 10 feet from the source.

2. Other Natural Scenic and Recreational Areas:

Within the boundaries of Class "B" Natural Scenic and Recreational areas, no person shall:

- a. Cause, suffer, allow or permit the emission of visible or malodorous air contaminants from any equipment or activity related to any mining or manufacturing industry other than forestry or logging.
- b. Discharge any industrial waste into any surface or ground waters 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:
 - i) a measurable increase in turbidity, temperature, or bacterial contamination;
 - ii) any measurable decrease in dissolved oxygen;
 - iii) or any change in pH (hydrogen ion concentration) of any waters of the state.

Activities related to forestry or logging shall be conducted in such a manner that applicable state water quality standards are not violated.

- c. Cause, suffer, allow or permit the emission of noise from any stationary equipment or activity related to any mining or manufacturing industry other than forestry or logging, which noise causes the peak ambient sound pressure level (ceiling value) to exceed 80 dbA at a distance of 10 feet from the source.
- d. Exempted from the provisions of this subsection are motor vehicles operating upon permanent State, Federal or County highways.
- e. Mining and manufacturing industrial activities commenced prior to the adoption of this regulation may be exempted from the standards as set forth in sub-sections a, b, or c of this section, provided that compliance with other applicable air, water and noise standards is achieved.

V. REGIONAL AIR POLLUTION AUTHORITIES:

1. Regional air pollution authorities established pursuant to ORS 449.855 are authorized to enforce Section IV, Subsections 1 (a) and 2 (a), of this regulation in Class A and Class B Natural Scenic and Recreational Areas within the boundaries of a regional authority.
2. Permits required under Section III of this regulation are in addition to any air emission permits required by a regional authority. In considering permits required under Section III, however, the Environmental Quality Commission shall endeavor to assure consistency between state and regional permit conditions.

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY CONTROL DIVISION
November 3, 1971

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ENVIRONMENTAL STANDARDS FOR NATURAL SCENIC AND RECREATIONAL AREAS

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Therefore, it is hereby declared to be the policy of the Environmental Quality Commission to regulate industrial and commercial activities in these areas such that:

1. The environment of Wilderness 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 natural scenic and recreational 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.

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

1. "Wilderness" means any area so designated by the Congress of the United States pursuant to Public Law 88.577.
2. "Wild and Scenic Rivers" means any area so designated by the Congress of the United States pursuant to Public Law 90.542.
3. "Scenic Waterway" means a river or a segment of river, and related adjacent land, that has been designated as such in accordance with ORS 390.805 to 390.925.

4. "Class A Natural Scenic and Recreational Area" is any Wilderness.
5. "Class B Natural Scenic and Recreational Area" is any area specified by the following list:
 - a. Any area in, or within 1/2 mile of lands administered by the U. S. Forest Service or Bureau of Land Management and designated by the Federal Government as a recreational site or special interest area; or within any Forest Service or Bureau of Land Management lands designated as a landscape management zone.
 - b. Any area within one mile of Wilderness.
 - c. Any Wild and Scenic River or Scenic Water Way.
 - d. Any area in or within 5 miles of Oregon Caves National Monument or Crater Lake National Park.
 - e. Any area in or within 1/2 mile of Fort Clatsop National Memorial.
 - f. Any area in or within 1/2 mile of any Registered Natural Landmark as designated or declared eligible by the Secretary of the Interior.
 - g. Any Public Domain Lands as administered by the Federal Bureau of Sport Fisheries, Wildlife Refuge Division.
 - h. Any area in or within 1/2 mile of the following State Parks:

<u>Name</u>	<u>County</u>
1. Boiler Bay State Wayside	Lincoln
2. Cape Arago State Park	Coos
3. Cape Lookout State Park	Tillamook
4. Cape Sebastian State Park	Curry
5. Cascadia State Park	Linn
6. Champoeg State Park	Marion
7. Collier Memorial State Park	Klamath
8. Crown Point State Park	Multnomah
9. Deschutes River State Recreation Area	Sherman, Wasco
10. Detroit Lake State Park	Marion
11. Ecola State Park	Clatsop
12. Emigrant Springs State Park	Umatilla
13. Floras Lake State Park	Curry
14. Fort Stevens State Park	Clatsop
15. Fort Rock State Park	Lake
16. Hat Rock State Park	Umatilla

17.	Humbug Mountain State Park	Curry
18.	Jessie M. Honeyman Memorial Park	Lane
19.	Lapine State Recreation Area	Deschutes
20.	Lava River Caves State Park	Deschutes
21.	Loeb State Park	Curry
22.	Neptune State Park	Lane
23.	Oswald West State Park	Clatsop, Tillamook
24.	Otter Crest State Wayside	Lincoln
25.	Otter Point State Wayside	Curry
26.	Painted Hills State Park	Wheeler
27.	Rooster Rock State Park	Multnomah
28.	Samuel H. Boardman State Park	Curry
29.	Shore Acres State Park	Coos
30.	Silver Falls State Park	Marion
31.	Smith Rock State Park	Deschutes
32.	Sunset Bay State Park	Coos
33.	The Cove Palisades State Park	Jefferson
34.	Thomas Condon-John Day Fossil Beds State Park	Grant, Wheeler
35.	Umpqua Lighthouse State Park	Douglas
36.	Wallowa Lake State Park	Wallowa

6. "Mining and Manufacturing Industry" is an industry, private or public, classified as such by the Standard Industrial Classification Manual of the Federal Bureau of the Budget.
7. "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, and the "A" frequency weighting work.
8. "Ambient Sound Pressure Level" means the total sound pressure level in a given environment, usually being a composite of sounds from many sources, far and near.

III. PERMIT REQUIREMENTS AND CRITERIA FOR APPROVAL:

1. After the effective date of this regulation, no person shall initiate any new mining or manufacturing activity other than forestry or logging in any Class "A" or Class "B" Natural Scenic and Recreational 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 an activity subject to the provisions of this section 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 I, and with the Environmental Standards as set forth in Section IV of this regulation.
5. In addition to all new mining and manufacturing activities, the Commission may also require permits for any activity being, or proposed to be, conducted in a Class "A" or Class "B" Natural Scenic and Recreational Area in the event such activity has an actual or potential significant environmental impact.

IV. ENVIRONMENTAL STANDARDS:

1. Wilderness

Within the boundaries of Class "A" Natural Scenic and Recreational Areas, 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, temperature, or bacterial contamination;
 - 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 mechanical device not related to emergency activities or recreational activities allowed

under the laws and regulations of the Federal Government, which noise causes the peak ambient sound pressure level (ceiling value) to exceed 70 dbA at a distance of 10 feet from the source.

2. Other Natural Scenic and Recreational Areas:

Within the boundaries of Class "B" Natural Scenic and Recreational areas, no person shall:

- a. Cause, suffer, allow or permit the emission of visible or malodorous air contaminants from any equipment or activity related to any mining or manufacturing industry other than forestry or logging.
- b. Discharge any industrial waste into any surface or ground waters 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:
 - i) a measurable increase in turbidity, temperature, or bacterial contamination;
 - ii) any measurable decrease in dissolved oxygen;
 - iii) or any change in pH (hydrogen ion concentration) of any waters of the state.

Activities related to forestry or logging shall be conducted in such a manner that applicable state water quality standards are not violated.

- c. Cause, suffer, allow or permit the emission of noise from any stationary equipment or activity related to any mining or manufacturing industry other than forestry or logging, which noise causes the peak ambient sound pressure level (ceiling value) to exceed 80 dbA at a distance of 10 feet from the source.
- d. Exempted from the provisions of this subsection are motor vehicles operating upon permanent State, Federal or County highways.
- e. Mining and manufacturing industrial activities commenced prior to the adoption of this regulation may be exempted from the standards as set forth in sub-sections a, b, or c of this section, provided that compliance with other applicable air, water and noise standards is achieved.

V. REGIONAL AIR POLLUTION AUTHORITIES:

1. Regional air pollution authorities established pursuant to ORS 449.855 are authorized to enforce Section IV, Subsections 1 (a) and 2 (a), of this regulation in Class A and Class B Natural Scenic and Recreational Areas within the boundaries of a regional authority.
2. Permits required under Section III of this regulation are in addition to any air emission permits required by a regional authority. In considering permits required under Section III, however, the Environmental Quality Commission shall endeavor to assure consistency between state and regional permit conditions.



DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM McCALL
GOVERNOR

L. B. DAY
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

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. F, December 6, 1971, EQC Meeting
Unified Sewerage Agency - Lower Tualatin River
Sewage Treatment Plant

BACKGROUND

The Unified Sewerage Agency has been implemented as the action entity to build and operate the water pollution control facilities in a major portion of the Tualatin Basin. This agency was formed by a vote in February 1970 and funded by a positive vote for a \$36 million bond issue in April 1970. Since formation the Agency has been staffed and is performing a very creditable job of consolidating the fragmented operations that were inherited, and moving ahead in the implementation of the Master Plan for Water and Sewerage for the Tualatin Basin prepared in January 1969.

The master plan, as adopted, contemplated the need for a 16 MGD regional treatment plant for first stage construction in the lower portion of the Tualatin Basin. A location for this facility was chosen and the matter considered by the Environmental Quality Commission at the April 2, 1971, meeting when a 16 MGD tertiary plant was conditionally approved.

Subject: Agenda Item No. F, December 6, 1971, EQC Meeting
Unified Sewerage Agency - Lower Tualatin River
Sewage Treatment Plant

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The engineers were authorized to proceed with design to ensure a completion of the facility by early 1974. This initial consideration was based upon data prepared in the 1969 master plan and the best available at the time. However with the development of more specific design data the agency has a better feel for actual need and has determined that the initial plant construction should be based upon a larger design figure than was originally proposed and approved. The agency has therefore requested a reexamination of this matter by its letter dated November 12, 1971, (copy attached) and approval for construction of a 20 MGD plant immediately rather than a 16 MGD plant.

FACTUAL ANALYSIS

At the time of preparation in late 1968 USA's consulting engineer used the best data then available to estimate future needs for sewerage service in the Tualatin Basin. Since the preparation of the report more finite data has been developed. For instance, sewage flows were estimated to be at the rate of 7.8 MGD during 1970 in this sub-basin. Actual measurements have shown that the 1970 flows averaged 9.3 MGD. Based upon these measurements the projected flows will be 16.8 MGD in 1980 and 20.0 MGD in 1985. On the basis of population being served by existing facilities, it was estimated in the 1968 report that there would be approximately 65,000 PE to be served in the sub-basin by 1970. However, actual census has shown that 78,000 PE are served. It should be pointed out that total population is running near projection. The agency believes that several factors have contributed to these increases. These are:

1. Existing buildings not previously served by community facilities have connected more rapidly than expected.
2. New dwellings have been almost totally connected to the sewer systems.

Subject: Agenda Item No. F, December 6, 1971, EQC Meeting
Unified Sewerage Agency - Lower Tualatin River
Sewage Treatment Plant

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3. The initial data from some of the former districts were not totally accurate, and a more detailed analysis now gives a more confident approach.

At any rate, the present design review shows that enlarging the previously approved proposal is justified. This justification is most apparent in the fact that the 16 MGD plant would be nearly at capacity in the year 1979 and increasing this initial capacity to 20 MGD would push the service period out to 1985. The basic advantage here, in addition to extending the initial life of the first phase facility, is that it would permit a staggered schedule for major projects that require a large outlay of money. The approved master plan calls for building the Rock Creek plant, a second major facility, during 1978-79, and USA would understandably prefer not to have both of these large projects underway at the same time.

Regarding the dilution flows from the Trask River, the staff has contacted the State Engineer's Office and determined that a final application has been requested that will cover the storage of these waters. We have been assured that this is only a routine matter and that no hang-up is foreseen, the 12 cfs (8 MGD) dilution flows should be available this coming summer.

This will require action on the part of the Environmental Quality Commission since it is a variance of the previously approved plan which stated that the authorization applied only to the initial 16 MGD design capacity.

Subject: Agenda Item No. F, December 6, 1971, EQC Meeting
Unified Sewerage Agency - Lower Tualatin River
Sewage Treatment Plant

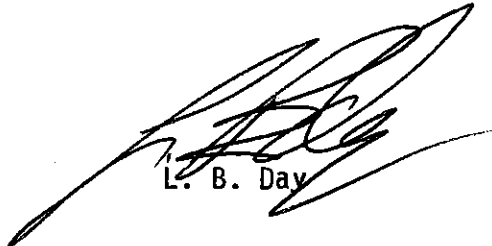
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CONCLUSIONS

1. Authorization was granted for the immediate construction of a 16 MGD plant near the confluence of Fanno Creek and the Tualatin River at the April 2, 1971, Environmental Quality Commission meeting.
2. Updated design data shows that this treatment plant should initially be constructed with a capacity of 20.0 MGD in order to provide a service capability until 1985.
3. Increasing the design capacity for this plant is consistent with good engineering judgment, and will also enable the agency to plan for a better, more orderly construction program for the future.

DIRECTOR'S RECOMMENDATION

In light of the facts surrounding the request made by the Unified Sewerage Agency, it is the Director's recommendation that the agency's request to increase its lower Tualatin River sewage treatment plant from 16 MGD to 20 MGD be authorized. The change in the previous authorization would be in the initial design capacity, only, and all other aspects of the authorization outlined in the letter of April 6, 1971, would remain the same. A copy of the letter of April 6, 1971, is attached.



L. B. Day

JAJ/11-24-71

April 6, 1971

Unified Sewerage Agency
326 N. E. Lincoln Street
Hillsboro, Oregon 97123

Re: S - Unified Sewerage Agency

Attention: Mr. Daniel O. Potter

Gentlemen:

On Friday, April 2, 1971, Mr. Daniel O. Potter appeared before the Environmental Quality Commission to request a variance in the Special Water Quality Standards for the Tualatin Basin with respect to treatment plant effluent dilution requirements.

This pertains to the proposal to construct the 16 mgd Tualatin sewage treatment plant of the Unified Sewerage Agency, that is planned to be located on the Tualatin River, near the mouth of Fanno Creek. Discharge of treated effluent into the main stem of the Tualatin River initially at a rate of approximately 8 mgd has been proposed at this location. By the time the treatment plant has reached full design capacity, dilution requirements are expected to be fully met from the Scoggins Creek Reservoir project.

The request was granted approval by the EQC, subject to the following provisions:

1. That the authorization applied only to the initial 16 mgd design capacity.
2. That the approval was contingent upon the Water Resources Board approving the flow augmentation of 12 cfs (8 mgd) from the Trask River project.
3. That the following treatment standards be adhered to.

Unified Sewerage Agency
April 6, 1971
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- a. Effluent BOD not to exceed 5 mg/l.
 - b. Effluent SS not to exceed 5 mg/l.
 - c. Phosphate reduction.
 - d. Effluent MPN not to exceed 100.
 - e. Positive protection against by-passing untreated or inadequately treated sewage.
 - f. DO in the effluent as required to not cause depression of DO in the receiving stream to less than 6 ppm by mixing the effluent with the receiving water.
4. That items c and e (above) be interpreted as follows:
- a. The requirement for phosphate reduction be established at a minimum of 85% removal.
 - b. That positive protection against by-passing of raw or inadequately treated sewage consider both the ability to sustain vital treatment plant functions during periods of prolonged power outage, and that an effluent (or sewage) holding basin be provided to insure continuous attainment of the treatment standards established.

You must apply for and obtain a waste discharge permit and submit detailed plans and specifications for review and approval prior to starting construction.

Very truly yours,

Kenneth H. Spies, Director
Department of Environmental Quality

JAJ:ljb

cc: Mr. Fred Bolton
State Water Resources Board

UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

326 N. E. Lincoln St.
HILLSBORO, OREGON 97123
(503) 648-8621

BOARD OF DIRECTORS
BURTON C. WILSON JR., Chairman
JOHN C. ANICKER
LYELL GARDNER
ELDON HOUT
WILLIAM MASTERS

DANIEL O. POTTER
General Manager

November 12, 1971

Mr. L. B. Day, Director
Department of Environmental Quality
P. O. Box 231
Portland, Oregon 97207

Dear Mr. Day:

The Unified Sewerage Agency of Washington County is continuing to work toward the implementation of the Master Plan of Development to provide sewer service to the Tualatin Basin and, specifically, for the Tualatin Treatment plant which is proposed to serve the Fanno Creek Basin and the lower Tualatin River areas. The basic engineering and master plan to serve the Fanno Creek Basin contemplated that the sewage treatment would be provided by a 16 MGD plant to secondary (20-20) standards, which at the time of the study was the requirement for discharge of sewage effluents in the Tualatin Basin. Since that time the standards have been increased, and the Agency is now prepared to build a sewage treatment facility to meet the current tertiary requirements on a maximum discharge of 5 mg./L of BOD and suspended solids.

The firm of Stevens, Thompson & Runyan, Inc., has been commissioned to prepare the necessary plans and specifications for the construction of the Tualatin River sewage treatment plant, and recently they and the Agency staff have completed a re-evaluation of the population, sewage flow, and projections of both population and sewage flow for the present and future. These projections indicate some divergence from the original Master Plan in terms of the sewage flow anticipated for the year 1970 as it would relate to the actual flow for 1970. The studies do not indicate any major differential in terms of population in the Fanno Creek Basin. The following tables indicate the flows and population with projections currently anticipated by the Agency in the Fanno Creek Basin:

Flows (in MGD)	1970 Master Plan	Actual 1970	Projected 1980	Projected 1985
Nov.-April		11.3	20.0	23.5
May-October		7.3	13.6	16.5
Average	7.8	9.3	16.8	20.0

<u>Population</u>	<u>1970 Master Plan</u>	<u>Actual 1970</u>	<u>Projected 1980</u>	<u>Projected 1985</u>
Basin total	83,000	82,000	126,000	148,000
Residential connected	55,000	67,000	116,000	138,000
Industrial-commercial	10,000	11,000	27,000	36,000
Total equivalent	65,000	78,000	143,000	174,000

Based on the above information, it would appear that there could have been all or some portion of three forces at work since the Master Plan of Development was made. These forces are:

1. The unconnected dwellings and businesses have connected more rapidly than expected.
2. New dwellings have been almost totally connected to the sewer system.
3. The initial data from some of the former sanitary districts were not totally accurate.

As the above table clearly indicates, the Master Plan of Development anticipated a flow of 7.8 MGD for 1970, while the actual flow to the several plants in the basin is 9.3 MGD. Also, the Master Plan anticipated a total equivalent population of 65,000 in 1970 while the actual equivalent population is 78,000 in 1970.

Using these criteria, it becomes apparent that a 16 MGD plant will not handle the projected load anticipated at the Tualatin River treatment plant beyond approximately 1979 to 1980 and that a plant expansion would be necessary at this point in time.

The Master Plan of Development also indicates that a second major sewage treatment plant is to be on line in 1979, being the Rock Creek plant; and the Agency is seriously concerned as to its financial capability to construct the first phase of the Rock Creek plant either on a simultaneous or back-to-back basis with the second phase of the Tualatin River plant. To overcome this problem, it is the Agency's desire that we increase the life span of the Tualatin River plant from a five-to six-year basis to approximately 10 years and that the Tualatin River plant be increased in size from a 16 MGD plant to a 20 MGD plant to meet this criterion.

The Agency has heretofore requested a variance from the special water quality standards for the Tualatin River Basin with respect to treatment plant effluent dilution requirements; and based on the April 2, 1971 meeting of the Environmental Quality Commission, authorization was granted for a 16 MGD design capacity subject to approval of the Water Resources Board for flow augmentation from the Trask River project of 8 MGD and also subject to specific treatment standards for the plant itself which were contained in a letter of April 6, 1971 from the Department of Environmental Quality. The Agency would at this time request

Mr. L. B. Day

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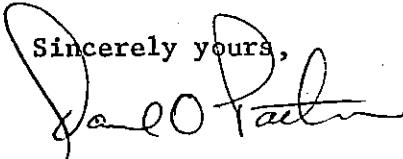
November 12, 1971

a variance from the special water quality standards for the Tualatin River Basin with respect to treatment plant effluent dilution requirements and respectfully requests that it be authorized to construct a plant to a 20 MGD design capacity subject to the several treatment standards as prescribed in your letter of April 6, 1971. You should also be made aware that the Water Resources Board has approved the flow augmentation from the Trask River project and that the City of Hillsboro, who is the owner of the Trask River project, and the Agency are prepared to enter into a contract for such flow augmentation as soon as final approval has been had from the office of the State Engineer to allow such diversion. You should also know that the Agency is working with the Bureau of Reclamation for the acquisition of the maximum waters obtainable from the Tualatin project (Scoggins Dam) and further has agreed to purchase additional waters from the City of Beaverton, which were initially reserved to them from the Tualatin project, and is anticipating the acquisition of further waters from this and other sources. The Agency clearly recognizes its requirement to provide adequate water flow in the Tualatin River to meet the requirements of the special water quality standards for the Tualatin Basin.

We, therefore, respectfully request that consideration be given to the construction of a 20 MGD plant by your department and by the Environmental Quality Commission at the earliest time possible to enable the Agency to proceed with the design and construction of this plant which we expect to have on line under our critical time schedule on March 1, 1974.

I should be happy to discuss this further with you or with representatives on your staff and to make a presentation to the Environmental Quality Commission at an appropriate time.

Sincerely yours,



Daniel O. Potter

DOP:ed



DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM McCALL
GOVERNOR

L. B. DAY
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

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. G, December 6, 1971, EQC Meeting

Proposed Rules Relating to Civil Penalties for Violation of Air and Water Pollution Control Laws and Statutes Pertaining to Solid Waste Management

Pursuant to notice published in the Secretary of State's Bulletin and additionally given coverage in local news media and furnished to other interested persons, a public hearing was conducted by myself on November 11, 1971, commencing at 10:00 a.m., Room 36, State Office Building, 1400 S.W. Fifth Avenue, Portland, Oregon, to consider adoption of the above entitled rules.

After a Department of Environmental Quality staff presentation by Glenn Odell, four witnesses presented oral testimony, and two of these witnesses submitted a written statement. The witnesses were Charles Merten, representing himself and Oregon Environmental Council; Emory Crofoot, counsel for Columbia Willamette Air Pollution Authority; Mary Ann Donnell, Coalition for Clean Air; and Cecil Quesseth, counsel for Mid-Willamette Air Pollution Authority.

All testimony given was extremely favorable to the proposed rules and urged prompt adoption. Two witnesses suggested certain changes in the rules:

1. Mr. Merten suggested deleting the entire second paragraph of "I. Introduction" and substituting Section 2 (3)(b) of Chapter 420, Oregon Laws 1971. In essence, Mr. Merten states the present language imposes a new criteria for the Department to consider

Memorandum to
Environmental Quality Commission
Page 2
Dec 6, 1971, EQC Meeting

prior to imposing any penalty. This new criteria is cooperation. His point is that cooperation of an alleged polluter is important only as to the amount of the penalty and not whether it will be imposed at all.

As you know, Chapter 420, Oregon Laws 1971, is added to and made a part of ORS Chapter 449. ORS 449.082(1) and (3) and ORS 449.095 require the Department to seek the cooperation of persons in abating water pollution. The same requirements are stated in ORS 449.765(2), 449.770 and 449.781(1) for air pollution. Since Chapter 420 is added to Chapter 449, I would assume the same requirements are applicable to this new Act. If Mr. Merten's suggestion was followed literally, the Department would continuously be using the "club" approach, with no regard given to individual circumstances or problems.

This does not mean the Department will not levy a penalty; it only means each particular factual situation will be analyzed and evaluated. I would accordingly recommend not adopting this suggestion.

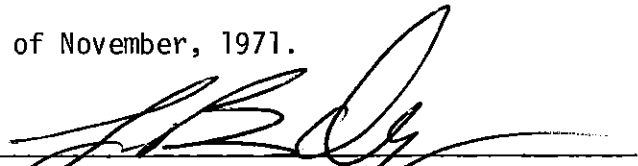
2. Mr. Queseth recommends not requiring a five-day warning notice for open burning violations regarding residential units; 2 (a), (b), and non-residential sources, 2 (c). I agree with this suggestion because numerous open burning violations will not continue beyond the five-day warning period and either will move, or be abated during this time. Accordingly, I recommend modifying the schedule for air quality violations in Part III - 2 to read:

"The penalties for the types of violation listed are subject to 5 days' notice except for 2(a), 2(b), 2(c) and 2(g). The actual amount dependent upon (a) to (c) in schedule 1 proceeding."

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Page 3
Dec. 6, 1971, EQC Meeting

Attached herewith are copies of the correspondence introduced at the hearing.

Dated this 24th day of November, 1971.



L. B. Day, Director, Department of
Environmental Quality, and Hearings
Officer

ABS/11-24-71

Marmaduke, Aschenbrenner, Merten & Saltveit
Attorneys at Law

Salmon Street Terminal Bldg.
Suite 213 • 1008 S.W. Sixth Ave.
Portland, Oregon 97204
(503) 227-3157

Don H. Marmaduke
L. A. Aschenbrenner
Charles J. Merten
Noreen K. Saltveit

November 1, 1971

Environmental Quality Commission
P. O. Box 231
Portland, Oregon 97207

Re: Proposed Civil Penalties for Violation
of Laws Relating to Air and Water
Pollution and Solid Waste Management

Gentlemen:

I strongly object to the last paragraph of Section 1 of the above proposed rules, which paragraph states: "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 continued violations occur due to willful acts or failure to act, negligence or lack of adequate controls or surveillance."

By including this paragraph in the proposed rules, I believe that the Environmental Quality Commission and the Department of Environmental Quality would be adding an element of leniency not allowed by the Legislature in adopting Oregon Laws 1971, Chapter 420. Subsection 3 of Section 2 of that Act states that in adopting its schedules and classifications provided by the Act the EQC "shall consider the following factors" and then lists the only three factors which may be considered. None of those factors include whether or not a person has been "unresponsive and uncooperative" in preventing pollution. To me, it is quite obvious that these words contained in your regulations are substantially different than the language of the statute which states "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." A person may be responsive and cooperative and yet still not be taking "all feasible steps" to abate pollution.

Each month, persons are before your Commission expressly stating that they are against pollution, that they are taking all feasible steps to prevent the pollution they are engendering but nevertheless arguing with you and your staff as to time tables, the necessity of certain types of equipment, or otherwise seeking to delay compliance with your request. If the paragraph that I object to in your proposed regulations

EQC
Page 2
November 1, 1971

is left in, polluters will be able to make an effective argument that no penalty may attach to them so long as they show some responsiveness and cooperation in controlling their pollution notwithstanding the fact that your staff or the Commission might in fact conclude under the statutory language that they are not taking all feasible steps and procedures necessary or appropriate to correct waste control deficiencies and to abate pollution. There is no reason to build into your regulations the ability of polluters to argue with you over the question of whether their steps to abate pollution are all that is feasible. That is a determination for the Commission to make under the statutory language.

Furthermore, and more fundamentally, it is my opinion that the environmental legislation enacted in 1971, and in particular Chapter 420 of Oregon Laws 1971, clearly supercedes the method of approach taken in ORS Chapter 449 when it was originally adopted. The public, through the Legislature, has determined that the method of voluntary cooperation is not sufficient, in and of itself, to protect Oregon's environment. The very enactment of Chapter 420 of Oregon Laws 1971 is a specific statement that the State is going to be much tougher on polluters than in the past. I believe it is a fatal mistake, both legally and psychologically, to build into your regulations the old policy set forth in the original sections of Chapter 449.

In my opinion, the objected to paragraph should be deleted in its entirety and the exact wording of subsection 3 (b) of Section 2 of the Act should be substituted in lieu thereof.

Yours very truly,



Charles J. Merten

CJM:sp

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E C E I V E D

NOV 02 1971

OFFICE OF THE DIRECTOR

COALITION
FOR
CLEAN
AIR

OREGON / WASHINGTON • 830 MEDICAL ARTS BUILDING • PORTLAND, OREGON 97205
PHONE (503) 224-5145

November 11, 1971

Statement before Oregon's State Dept. of Environmental Quality regarding Civil Penalties for violations of laws relating to air, water, and solid waste.

My name is Mary Ann Donnell and I represent the Board and Executive Committee of the Coalition for Clean Air.

Mr. Chairman and members of the Board for the State Dept. of Environmental Quality: the board and executive committee of the Coalition for Clean Air support the Dept. of Environmental Quality in the Classification and Schedule for violations of Air Quality Statutes, Rules Permits and Orders authorized by Oregon Laws 1971, chapter 420 in HB 1504.

In speaking only to the air quality schedule, we feel the reduction in time in dealing with violations will assist the state in meeting the standards set forth in the Amendments to the Clean Air Act of 1970. The saving in time and personnel should enable the department to function more efficiently in these matters. We will observe their use with interest and endorse their acceptance at this time.

Mary Ann Donnell, chairman
1240 S.W. Hillcroft
Portland, Oregon, 97225
646-3973

This statement was delivered to the Department office on November 11 1971, after the formal hearing was adjourned.



ASSOCIATED OREGON INDUSTRIES

*The Voice of
Oregon's Business
and Industry*

2187 S.W. MAIN STREET

PORTLAND, OREGON 97205

227-5636

IVAN CONGLETON, EXECUTIVE VICE PRESIDENT

October 7, 1971

TO: AQI ENVIRONMENTAL QUALITY COMMITTEE

FROM: TOM DONACA

Gentlemen:

Enclosed is a copy of the proposed regulation dealing with civil penalties which law was passed by the 1971 legislature in HB 1504 (Chapter 420, Oregon Laws of 1971).

This regulation has been set for hearing before a hearing officer Nov. 11, 1971, 10:00 a.m., Room 36, State Office Building, Portland, Oregon.

There is no question that this law and regulation are a significant new enforcement tool in the arsenal of the Dept. of Environmental Quality and regional air quality authorities. Heretofore enforcement was limited to criminal penalties and injunctive relief. The Department has noted, with some justification, that they were actually powerless to utilize the criminal sanctions because the attorney general, their attorney, does not generally have criminal jurisdiction. Therefore, criminal enforcement was solely in the hands of the local district attorney. The desire and ability of the various district attorneys regarding pollution violations has varied greatly. On the other hand, injunctive relief, is a civil proceeding within the power of the attorney general to prosecute. However, in most cases, this remedy has been deemed too severe for the alleged violation or proper standards were not adopted on which a proceeding could be undertaken successfully.

With the new law and regulation, the Dept. of Environmental Quality and the regional air pollution authority will be empowered to levy a civil penalty directly on you. You will be given notice of your appeal rights, both to Environmental Quality Commission and subsequently to the courts. Unfortunately, civil penalties are in addition to, and not in lieu of, existing criminal and injunctive authority.

It is important to note this language in the Introduction, last paragraph, "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." This statement tends to indicate that civil penalties will not be used in the case of all violations, but only where the enumerated circumstances warrant.

The law itself follows the theory of the State of Washington Civil Penalty Law originally passed in 1967 but with these significant differences:

- (a) The Washington penalty is \$100 per day for water quality violations and up to \$250 per day for air quality violations and there is no provision for solid waste violations; while Oregon provides up to \$500 per day for air, water and solid waste violations.
- (b) The Oregon law generally provides for five days advance notice of violation and operates only prospectively while the Washington law makes no provision for advance notice and apparently can be applied to past as well as present violations.

2...

- (c) Under Washington law, their attorney general may sue the violator to collect any unpaid penalty; while the Oregon law provides that failure to pay a penalty authorized by a final order of the Environmental Quality Commission or regional air quality authority, within 10 days, constitutes a judgment and when docketed becomes a lien on the real property of the person owing the unpaid penalty.

The proposed rule appears to follow the intent of the legislature. We suggest that Section II, Notice provisions would be strengthened by spelling out more completely the notice provisions of the statute. These are:

- (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 penalty or penalties imposed; and
- (d) A statement of the party's right to request a hearing (the person may request a hearing within 20 days of mailing of the notice of violation by the agency).

We also believe the EQC should clarify when any penalty is due. The law is unclear, but we believe that while any penalty may be payable when notice of violation is received; it should not be due until 20 days later when the right to request an administrative hearing is exhausted; or if such a hearing is requested, then 10 days after the final order of the administrative body.

One item about solid waste should be noted; that a solid waste disposal site may not be established after July 1, 1971, without a permit from the Environmental Quality Commission nor after July 1, 1972, operate, maintain or substantially alter, expand or improve a disposal site without a permit. Disposal sites may be excluded, under regulations of the EQC where the nature and volume of wastes are not likely to create a nuisance or air or water pollution problem. A disposal site is exempt if it is subject to control under the terms of a water quality permit or is used by the owner to dispose of soil, rock, concrete or other similar nondecomposable material. Many of you may be operating disposal sites potentially covered under this Act and you should be surveying your situation with regard to the need for obtaining the required permits.

I would appreciate your comments on the proposed regulation. If a great deal of criticism develops, a meeting of the full Environmental Quality Committee or a special subcommittee of that committee will be formed to consolidate our position for presentation at the public hearing.

Please advise me by Oct. 22, 1971, of any criticism you have regarding this regulation. If you need any additional information on the content of the underlying law or the ORS or Chapter numbers referred to in the proposed regulation, please contact me.

Sincerely,

THOMAS C. DONACA
Counsel

TCD/mg
Encl:

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

AN ACT

[HB 1504]

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 449.033; 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, 449.033, 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, 449.033, 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.

9-9-71

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 preceeding:
 - 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:
- Water quality standards are violated or are directly threatened.
 - Damage to a resource occurs or is directly threatened.
 - 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:
- Past history of pollution control efforts.
 - Prior violations.
 - Economic and financial conditions of person incurring a penalty.
 - Opportunity and degree of difficulty to comply.
 - Magnitude and seriousness of violation.
3. \$100 to \$500 per day, without prior notice, the actual amount dependent upon:
- Past history of pollution control efforts.
 - Prior violations.
 - Economic and financial conditions of person incurring a penalty.
 - Opportunity and degree of difficulty to comply.
 - 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.



DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM McCALL
GOVERNOR

L. B. DAY
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

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. H, December 6, 1971, EQC Meeting
Steve Wilson Lumber Company - Trail - Jackson County

Background - The Steve Wilson Lumber Company operates sawmills in Tolo and at Trail. The emission source under discussion at this time is a wigwam waste burner at Trail. The wigwam burner at the Tolo mill is out of service.

On January 20, 1971 the Department contacted the Steve Wilson Company to establish a schedule of compliance for the wigwam waste burner.

On April 12, 1971 the company advised the Department that the mill was shut down and if started, the wigwam burner would be modified to achieve compliance.

The wigwam waste burner has been observed in operation and in violation with current emission standards on September 23, 1971 and October 21, 1971. Notice by the Department, on one occasion by certified mail, has failed to produce any response from the company. Several telephone calls also failed to contact the company.

Factual Analysis

This company after notifying the Department that the wigwam waste burner would be modified should the plant be reactivated, did start up and has continued to use the burner in violation with current emission standards.

Agenda Item No. H
Steve Wilson Lumber Co.
Trail, Jackson County

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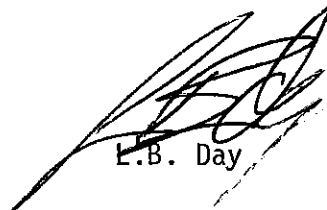
December 6, 1971
EQC Meeting

Conclusions

1. The emission from the wigwam waste burner is operating in violation with OAR Chapter 340 Section 21-015.
2. The company after agreeing to modify the burner has continued to use the wigwam waste burner and has not established any schedule of compliance.

Director's Recommendations

1. Since the company has failed to abide with their own program for the abatement of the excessive wigwam burner emissions, it is recommended that the Department be authorized to schedule a public hearing for the purpose of requiring the company to show cause why the Environmental Quality Commission should not enter an order requiring the company to submit an orderly program of compliance.



L.B. Day

TMP/11-24-71



DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM McCALL
GOVERNOR

L. B. DAY
Director

Memorandum

ENVIRONMENTAL QUALITY
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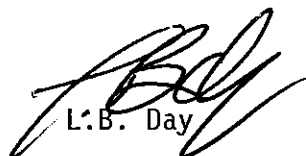
STORRS S. WATERMAN
Portland

GEORGE A. McMATH
Portland

ARNOLD M. COGAN
Portland

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. I, December 6, 1971, EQC Meeting
Schedule for Public Hearings and Meetings

The attached tentative schedule for public hearings
and EQC meetings is proposed for your consideration and approval.


L.B. Day

EJW:11/26/71

Schedule of Public Hearings and Environmental Quality Commission Meetings

<u>Date</u>	<u>Subject</u>	<u>Place</u>	<u>Hearings Officer or Body</u>
Dec. 7 (Tues) 11:am	Hearing-Animal Waste Control Regs	Moore Hotel, Ontario	Director
Jan. 5 (Wed.) 10:am	Hearing-Air Quality Implementation Plan (to comply with Fed. Clean Air Act)	Pub. Serv. Bldg. Aud. Portland	Env. Qual. Commission
Jan. 7 (Fri.) 1:30pm	Hearing-Air Qual. Implementation Plan	Medford, Jackson Co. Court-house Auditorium	Director (1)
Jan. 28(Fri.) 9:30 am	EQC Meeting	Pub. Serv. Bldg. Aud.	Env. Qual. Commission
(2) Feb. 25(Fri.) 9:30 am	EQC Meeting and Hearing re: Solid Waste Disposal Regs (HB 1051)	Pub. Service Bldg. Aud. Portland	Env. Qual. Commission
Mar. 17 (Fri.) 10:00 am	Hearing-Oil Spill Control Regs (HB 1301)	Pub. Service Bldg. Aud.	Director (1)
Mar. 24 (Fri.) 9:30 am	EQC Meeting	Pub. Serv. Bldg. Aud.	Env. Qual. Commission

(1) Or other authorized Hearings Officer

(2) This date was changed from Feb. 18 to Feb. 25 to avoid conflict with scheduled CWAPA Meeting.



DEPARTMENT OF ENVIRONMENTAL QUALITY

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TOM McCALL
GOVERNOR

L. B. DAY
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STORRS S. WATERMAN
Portland

GEORGE A. McMATH
Portland

ARNOLD M. COGAN
Portland

Memorandum

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J, December 6, 1971, EQC Meeting
Metropolitan Service District

SOLID WASTE IS EITHER A POTENTIAL SOURCE OF USABLE RAW MATERIAL OR A CRUCIAL DISPOSAL PROBLEM. THE PORTLAND METROPOLITAN SERVICE DISTRICT CAN DEVELOP A MEANS OF USING MATERIALS NOW SEEN AS WASTE MATTER, AND AT THE SAME TIME OFFER A REGIONAL APPROACH TO PROBLEMS IN SOLID WASTE MANAGEMENT IN THE PORTLAND METROPOLITAN AREA WHICH ARE NOW REACHING CRISIS PROPORTIONS.

FUNDS NECESSARY TO ACCOMPLISH THIS ARE AVAILABLE WITHOUT A NEW STATE BOND SALE. A REQUEST TO THE STATE EMERGENCY BOARD FOR FUNDING REQUIRES DEQ SUPPORT.

ANALYSIS OF THE PROBLEM

At the present time, most areas covered by the Portland Metropolitan Service District are without adequate facilities for handling solid waste. Air quality control burning bans are squeezing the public and promiscuous dumping is rampant.

Washington County now has no solid waste disposal facilities available to the public at all. Multnomah and Clackamas Counties each have one disposal site, but the Multnomah site, owned and operated by the City of Portland, is destined for closure July 1, 1975, by legislative mandate.

Waste disposal problems, both immediate and long range, are critical.

Memorandum to
EQC
December 6, 1971
Metropolitan Service
District

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Planning Toward a Solution: Solutions to the immediate critical solid waste disposal needs in the District and dealing with long-range solid waste problems will require a 15-month planning effort which MSD proposes to carry out with the assistance of Engineering Science, Inc. (ESI). This plan will emphasize recycling and reuse concepts of solid waste management. MSD is already negotiating tentative agreements for marketing of waste paper and glass, and is proposing user charge ordinances with fees related to the difficulty of disposal of individual items. A detailed schedule for engineering task completion has been prepared by ESI and an action program schedule is proposed by MSD, including a "memorandum of understanding" with the City of Portland under which MSD would assume control and operation of the City of Portland disposal site.

Financing: State pollution control bond funds are available for financing solid waste facility construction and for planning of the regional system. MSD is requesting a total loan of \$439,250. A maximum of \$350,000 is proposed for engineering services and the remaining \$89,250 for MSD planning and coordination activities. User fees, charges, and assessments are offered in security of the requested loan.

Monetary Controls: If the MSD funding request is granted, DEQ staff proposes close monetary control through quarterly disbursement of funds. A quarterly disbursement would be advanced only after receipt of a satisfactory quarterly status report prepared by MSD outlining progress made and tasks completed in accord with planning and action schedules approved by the DEQ. Disbursement of funds could be terminated at any time MSD is not in substantial compliance with the schedules.

Memorandum to
EQC
December 6, 1971
Metropolitan Service
District

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Representation: A citizens advisory committee is proposed as an integral part of MSD activities. All cities and counties within the District boundaries are represented on the MSD board and CRAG supports the District's regional planning proposal.

BACKGROUND

By law, the MSD is authorized to provide regional solutions for sewerage, solid and liquid waste disposal control of surface water and public transportation. The Portland Metropolitan Service District was created by a vote of the people May 26, 1970, to serve the major populated areas of Multnomah, Washington, and Clackamas Counties.

The MSD Board agreed October 29, 1970, that its first major task should be creation of a regional system for solid waste disposal. MSD worked actively with the 1971 Legislature to assure the availability of funds.

After receiving proposals from 10 leading consulting firms, MSD selected Engineering Science, Inc. and retained them to draft interim and long-range solid waste management programs, contingent on availability of State funding. The program proposals were prepared in accord with criteria developed by a MSD technical subcommittee composed of public works directors of the MSD member agencies.

MSD submitted its initial State pollution control funding request and proposed budget to the DEQ on September 2, 1971. Supplementary information, developed with the assistance of DEQ, includes revised budget and an action program to meet immediate critical solid waste disposal needs.

Memorandum to
EQC
December 6, 1971
Metropolitan Service
District

- 4 -

Conclusions: The Portland metropolitan area has critical solid waste management problems, both immediate and long range.

2. The Metropolitan Service District proposes to study and solve these problems on a regional basis, emphasizing recycling, reuse and resources recovery wherever possible. The regional approach represents legislative intent as expressed in House Bill 1051.

3. MSD proposes to provide interim solutions, within the first six months of the project, for the immediate critical solid waste disposal need in Washington County.

4. MSD has regional support through the elected officials which make up the MSD Board and CRAG.

5. The MSD proposal appears to be developed to the fullest extent that is reasonably possible at this time.

6. There are adequate State Pollution Control Bond Funds available to fund MSD's request without initiating a new state bond sale.

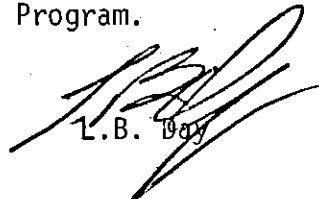
DIRECTOR'S RECOMMENDATIONS

The Portland Metropolitan Service District is in a position to plan for, develop and implement a program of solid waste management which could provide leadership to the entire State of Oregon and the nation as a whole.

It is therefore recommended that:

1. The EQC instruct the staff to support MSD's funding request before the State Emergency Board at the Board's next regular meeting.

2. Any contract entered into between DEQ and MSD provide for close fiscal control with quarterly disbursements made to MSD contingent upon quarterly status reports which demonstrate substantial progress and compliance with both the proposed ESI Task Schedule and MSD's proposed Action Program.


L.B. Day

TO : MEMBERS OF THE ENVIRONMENTAL QUALITY COMMISSION
FROM : DIRECTOR
SUBJECT: December , 1971 EQC Agenda Item

BACKGROUND

The Portland Metropolitan Service District was created by a vote of the people May 26, 1970, to establish regional services for the major populated areas of Multnomah, Washington, and Clackamas Counties. The MSD is authorized by law to provide regional solutions for sewerage, solid and liquid waste disposal, control of surface water and public transportation.

On October 29, 1970, the MSD Board accepted a sub-committee proposal to make the creation of a regional system for solid waste disposal its initial major task. MSD worked actively with the 1971 Legislature to make state pollution control bond funds available for financing solid waste facility construction and also for the planning which must precede implementation of a successful regional system. During the summer of 1971, a professional consulting engineering firm was tentatively retained to investigate and determine interim and long range solid waste management programs, if state funding was made available to MSD. Engineering Science, Inc., was chosen, on the basis of proposals submitted by 10 leading consulting firms. The proposals were prepared in accordance with criteria developed by an MSD technical sub-committee composed of public works directors of MSD member agencies.

An initial state pollution control funding request and proposed budget was submitted to the DEQ by MSD September 2, 1971. With the assistance of DEQ, MSD has developed and submitted considerable supplementary information, including a revised budget and action program to meet immediate critical solid waste disposal needs within the District.

ANALYSIS

At the present time there are no solid waste disposal facilities available to the public in Washington County. There is one disposal site for putrescible wastes in each of Multnomah and Clackamas Counties. The Multnomah County site, owned and operated by the City of Portland is destined for closure July 1, 1975, by legislative mandate. Most areas of the MSD are without adequate solid waste handling facilities, air quality control burning bans are squeezing the public and promiscuous dumping is rampant.

MSD is proposing to carry out a 15 month planning effort, with the assistance of Engineering Science, Inc. (ESI), to develop and implement solutions to the critical immediate solid waste disposal needs within the District, as well as to determine the most practicable comprehensive long range plan for handling all solid wastes generated within the District.

A detailed schedule for engineering task completion has been prepared by ESI and an action program schedule is proposed by MSD. The relative planning tasks and efforts of MSD and ESI have been delineated and a Citizens Advisory Committee is proposed to become an integral part of MSD's activities. All cities and counties within the District boundaries are represented on the MSD Board and CRAG supports the District's regional planning proposal.

MSD strongly supports recycling and reuse concepts of solid waste management and is already negotiating tentative agreements for marketing of waste paper and glass. User charge ordinances with fees related to the difficulty of disposal of individual items are proposed. A "Memorandum of Understanding" has been developed with the City of Portland for MSD to assume control and operation of the City of Portland disposal site.

MSD is requesting a total loan of \$439,250.00. A maximum of \$350,000 is proposed for ESI engineering services and the remaining \$89,250 for MSD planning and coordination activities. User fees, charges and assessments are offered in security of the requested loan.

If the MSD funding request is granted, the DEQ staff proposes close monetary control through quarterly disbursement of funds. A quarterly disbursement would be advanced only after receipt of a satisfactory quarterly status report, prepared by MSD, outlining progress made and tasks completed in accordance with the planning and action schedules originally approved by the EQC. Disbursement of funds could be terminated at any time that MSD is not substantially in compliance with the schedules.

CONCLUSIONS

1. The Portland metropolitan area has critical immediate and long term solid waste management problems which can be most successfully dealt with on a regional basis.
2. The MSD proposes to study and solve the Metropolitan Portland solid waste management problems on a regional basis, utilizing recycling, reuse, and resources recovery techniques wherever possible.
3. The MSD proposal carries out the intent of the Legislature as expressed in HB 1051 to promote regional solid waste planning and resource recovery.
4. The MSD recognizes the immediate critical solid waste disposal needs in Washington County and proposes to provide interim solutions within the first six months of the project.

5. MSD has regional support through the elected officials which make up the MSD Board and CRAG.
6. The MSD proposal appears to be developed to the fullest extent that is reasonably possible at this time.
7. There are adequate State Pollution Control Bond Funds available to fund MSD's request ~~fully~~, without initiating a new state bond sale.

DIRECTOR'S RECOMMENDATIONS

In view of the above conclusions, it becomes apparent that the Portland Metropolitan Service District is in a position to plan for, develop and implement a program of solid waste management which could provide leadership to the entire State of Oregon and the nation as a whole.

It is therefore recommended that:

1. The EQC instruct the staff to support MSD's funding request before the State Emergency Board at the Board's next regular meeting.
2. Any contract entered into between DEQ and MSD provide for close fiscal control with quarterly disbursements made to MSD contingent upon quarterly status reports which demonstrate substantial progress and compliance with both the proposed ESI Task Schedule and MSD's proposed Action Program.

DEPARTMENT OF ENVIRONMENTAL QUALITY

SUBJECT: PORTLAND METROPOLITAN SERVICE DISTRICT (MSD)
Request for Solid Waste Planning Loan from Pollution Control Fund

CONTENTS:

SECTION A DEQ FINDINGS

Letter of Transmittal from DEQ
DEQ Analysis of MSD Request

SECTION B MSD REQUEST AND BUDGET

MSD Planning Budget, Dated September 2, 1971
MSD Revised Planning Budget, Dated November 8, 1971
Budgetary Allocations by Work Tasks

SECTION C PROPOSED PLANNING PROGRAM

MSD Action Program and Schedule
Engineering Science, Inc. (ESI) Plan Development Schedule
ESI Plan Task Outline
ESI Plan Task Descriptions

SECTION D PLANNING PROGRAM SUPPLEMENTS

City of Portland Memorandum of Understanding, Re: Portland Landfill
Letter of Intent from Owen-Illinois, Inc.

SECTION E PREREQUISITES TO ADVANCEMENT OF FUNDS

Record of Election Forming MSD
Resolution Establishing MSD Governing Body
Record of MSD Board Authorizing Agreement with ESI
Record of MSD Board Approval
Record of CRAG Approval
Legal Opinion of Authority to Incur and Repay Indebtedness

SECTION F PROPOSED FORM OF AGREEMENT

Example Agreement
Proposed Loan Repayment Schedule

SECTION A

DEQ FINDINGS



DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM McCALL
GOVERNOR

November 24, 1971

L. B. DAY
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

The Honorable John Burns, Co-Chairman
The Honorable Robert Smith, Co-Chairman
State Emergency Board
State Capitol Building
Salem, Oregon 97310

Gentlemen:

It is respectfully requested pursuant to the provisions of ORS 449.685, section 1, paragraph (e) as amended by section 3, Chapter 662, Oregon Laws 1971 (enrolled HB 1185) and of section 3 (c), Chapter 551, Oregon Laws 1971 (enrolled HB 2066) that the Environmental Quality Commission be authorized to make a loan in an amount not to exceed the sum of \$439,250.00 to the Metropolitan Service District (MSD) for the development of plans for solid waste disposal facilities for the Portland metropolitan area. Such loan would be from funds obtained from state bonds sold under the provisions of Article XI-H of the constitution of the State of Oregon and of ORS 449.672.

It is proposed that the plans will include (1) the development of engineering and operational criteria for a regional solid waste disposal system to meet the immediate and long range needs of the area, emphasizing where possible the reuse, reclamation and recycling of wastes, and (2) the development of a financial program to accommodate the engineering and operational plans. MSD intends to retain Engineering Science, Inc., a nationally known consulting firm with expertise in solid waste management, to develop these plans.

MSD intends further to implement a planned interim action program including an early resolution of the critical Washington County solid waste disposal problem, recycling of glass and paper and development of methods for disposing of special wastes such as tires, waste oils, greases and chemical solvents and sludges.

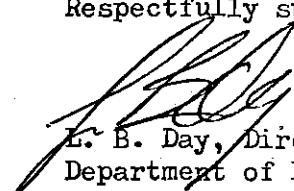
The Honorable John Burns
The Honorable Robert Smith
November 24, 1971
Page 2

The district proposes to impose solid waste user charges sufficient to cover amortization of the loan and establish a sinking fund for capital construction.

The DEQ has developed an agreement with MSD which would provide for close fiscal control through quarterly loan disbursements. A quarterly disbursement would be advanced only after receipt and review of an MSD quarterly status report showing progress and substantial compliance with schedules of performance which are incorporated into the agreement. The DEQ could terminate any disbursement installments upon its determination that the MSD planning effort is not progressing satisfactorily.

These planning funds are urgently needed by MSD in order to develop plans at the earliest possible date so as to effectively deal with the critical and complex problem of solid waste disposal in the Portland metropolitan area, a problem which can be best solved on a regional basis.

Respectfully submitted,



L. B. Day, Director
Department of Environmental Quality

EAS:mmm

SECTION B

MSD REQUEST AND BUDGET

CAKE, JAUREGUY, HARDY, BUTTLER & MCEWEN

ATTORNEYS AT LAW

1408 STANDARD PLAZA

PORTLAND, OREGON 97204

226-7321

RALPH H. CAKE
NICHOLAS JAUREGUY
HERBERT C. HARDY
JOHN H. BUTTLER
DONALD W. MCEWEN
ROBERT L. WEISS
JONATHAN U. NEWMAN
JOHN R. FAUST, JR.
JOSEPH J. HANNA, JR.
DEAN P. GISVOLD
GEORGE C. REINMILLER
ROBERT D. RANKIN
THOMAS L. GALLAGHER, JR.
VICTOR W. VANKOTEN

November 8, 1971

Mr. L. B. Day, Director
Department of Environmental Quality
1400 S. W. Fifth Avenue
Portland, Oregon 97204

Re: Metropolitan Service District

Dear Mr. Day:

Enclosed are three copies of the following supplemental materials requested by your department relative to the application by MSD for state pollution control bond funds.

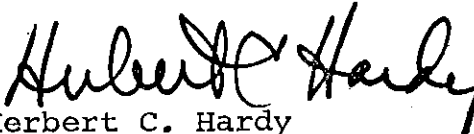
1. Proposed schedule for completing the tasks outlined in the Engineering Science study, together with a revised task outline and task description.
2. Breakdown of the projected engineering plan costs (\$350,000).
3. Proposed planning budget.
4. Action program of MSD

CRAG will review the MSD proposal at its next regularly scheduled meeting. A report of their action and a copy of the minutes of the Board of MSD reflecting approval of the enclosed material will also be forwarded to your department.

In the original planning budget, the administration costs were carried through for all of 1973. These costs should have continued only for the balance of the study during 1973, or three months. Thus, the amount of the requested loan should be reduced to \$439,250.00.

Very truly yours,

CAKE, JAUREGUY, HARDY,
BUTTLER & MCEWEN


Herbert C. Hardy

cc: Mr. Homer Chandler

TASK RESOURCE ALLOCATION
SOLID WASTE MANAGEMENT PROGRAM
METROPOLITAN SERVICE DISTRICT

Task	Budgetary Allocations			
	ESI		MSD	
	Man Months	Dollars	Man Months	Dollars
A. Administration of Project	8.0	44,600	6.5	19,300
B. Preparation of Federal Grants Applications	*	*	*	*
C. Development of Objectives and Criteria	2.7	14,700	1.0	2,900
D. Development of Interim Solid Waste Management Programs	5.1	27,500	3.0	8,900
E. Characterization of Demography and Land Use	3.1	13,800	2.0	6,000
F. Characterization of Existing Facilities and Solid Wastes	3.6	16,300	2.0	6,000
G. Development of Evaluation Methodology	4.0	19,400	1.5	4,400
H. Characterization of Environmental Factors	4.3	21,700	1.5	4,400
I. Evaluation of Financial Resources	4.0	21,500	1.5	4,400
J. Identification of Waste Management Legislation	1.6	8,300	0.5	1,500
K. Development of Candidate Systems	9.9	49,300	1.5	4,400
L. Evaluation of Candidate Systems	8.9	45,300	4.5	13,400
M. Specification of Selected System	7.6	37,400	3.0	8,900
N. Preparation of Final Report	<u>5.2</u>	<u>30,200</u>	<u>1.5</u>	<u>4,400</u>
	68.0	350,000	30.0	89,300

* Included in Task A

Engineering-Science, Inc.
18 October 1971

PROPOSED PLANNING BUDGET

LOAN

\$439,250.00

EXPENDITURES: (1972)

Consulting Engineering Firm (ESI)	\$200,000.00
Director, MSD (1/2 salary for planning)	12,500.00
Secretary (1/2 salary for planning)	3,500.00
Engineer	20,000.00
Payroll costs - 15%	5,400.00
Office space (1/2)	5,000.00
Office expense (1/2)	5,000.00
Citizen participation in the planning process	5,000.00
Legal	7,500.00
Contingencies	7,500.00
	<u>\$271,400.00</u>

EXPENDITURES: (1973)

Consulting Engineering Firm (ESI)	\$150,000.00
Director, MSD	3,125.00
Secretary	875.00
Engineer	5,000.00
Payroll Costs	1,350.00
Office space	1,250.00
Office expense	1,250.00
Citizen participation in the planning process	1,250.00
Legal	1,875.00
Contingencies	1,875.00
	<u>\$167,850.00</u>

\$439,250.00

METROPOLITAN SERVICE DISTRICT

September 2, 1971

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E C E I V E D

SEP 3 - 1971

OFFICE OF THE DIRECTOR

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

Attention: Mr. Kenneth Spies, Director

Re: Request for pollution control funds
by the Metropolitan Service District

Gentlemen:

The Metropolitan Service District (MSD) requests a grant and loan in the sum of \$492,800.00 from the State Pollution Control Bonding Funds. The funds will be used by MSD to develop plans for a solid waste disposal system for the Portland metropolitan area. These plans will include: (1) the development of engineering and operational criteria for a solid waste disposal system to meet the immediate and long range needs of the area, emphasizing where possible the re-use, reclamation and recycling of wastes; and (2) the development of a financial program to accommodate the engineering and operational plans. This will include assistance in the preparation of applications for federal grants. MSD intends to retain Engineering-Science, Inc. (ESI), a nationally known consulting firm with expertise in solid waste matters, to develop these plans for MSD.

The directors of MSD voted at a recent meeting to ask for solid waste proposals from private industry. ESI has agreed to establish the criteria for such a request to private industry, to evaluate any proposals submitted, and to integrate feasible proposals where possible with the ultimate plans. This may reduce the cost of the planning project.

MSD will retire the loan with part of the revenues received from (1) operation of the Portland Sanitary Landfill, and (2) imposition and collection of user charges. MSD and the City of Portland have developed a Memorandum of Understanding, a copy of which is attached, with regard to MSD taking over the operation of the Portland Sanitary Landfill. Recent rate increases have made the Portland Sanitary Landfill self-sustaining.

MSD intends to initiate ordinances to establish user charges for disposal of hard-to-dispose-of solid waste items. For example, a user charge may be placed on tires because it has been estimated that there are 4,500,000 discarded tires in the MSD area which have not been disposed of. According to the Motor

September 2, 1971

Vehicle Division there were 624,716 vehicle registrations for Multnomah, Clackamas and Washington Counties in 1970. The registrations include passenger vehicles, trucks, buses, trailers, recreational vehicles and motorcycles. The Portland Sanitary Landfill at this time will not accept tires. MSD intends to dispose of the tires by first grinding or cutting them up into smaller pieces and depositing them in the Sanitary Landfill until such time as a feasible method of re-use or recycling is available.

Similar user charges may be placed on other hard-to-dispose-of items such as plastics, lubricating oils and greases, and appliances.

MSD is also exploring the recycling possibilities of glass, paper and tin. MSD has received commitments from some manufacturers using these items to buy them back.

The need for funds is most urgent because:

1. The 1971 Oregon Legislature passed House Bill 3012 which in effect phases out the operation of the Portland Sanitary Landfill by 1975. This will deprive the metropolitan area of the largest of three disposal sites for garbage.
2. The Oregon Legislature passed House Bill 1931, which will further regulate disposal and handling of "hazardous" waste. The Portland metropolitan area, with its concentration of industry, generates waste in large volumes for which there is no known method of disposal.
3. It is the stated policy of this Commission, which has been approved by the Governor of the State of Oregon and the Board of Directors of MSD to phase out present methods of disposal.
4. Washington County does not presently have a public disposal site and will possibly close its private site after January, 1973.

These planning funds are most urgently needed by MSD to meet the deadline imposed on the residents of the metropolitan area and to consolidate the action by the involved governments of three counties and the incorporated cities within the counties as it pertains to solid waste problems.

The following budget is proposed for the use of state funds if granted.

PROPOSED BUDGET

State Funds-1972

Grant and Loan \$492,800.00

Expenditures:

Consulting Engineering Firm (ESI)	\$200,000.00 *
Director, MSD (1/2 salary for planning)	12,500.00
Secretary (1/2 salary for planning)	3,500.00
Engineer	20,000.00
Payroll costs - 15%	5,400.00
Office space (1/2)	5,000.00
Office expense (1/2)	5,000.00
Citizen participation in the planning process	5,000.00
Legal	7,500.00
Contingencies	7,500.00
	\$271,400.00

* The balance of the consultant's contract of not more than \$150,000.00 (it may be less depending on the degree of integration of private industry proposals into the plans) will be paid in 1973. The other expenditures will remain the same.

The following budget is the entire budget proposed for the MSD during 1972. It is based on the most up-to-date information available to MSD at this time. However, as feasible methods of recycling, re-use and reclamation become available, the budget is likely to change.

Metropolitan Service District
 Proposed Budget 1972

Income

User charges	\$ 2,000,000
State loan and grant **	492,800
Disposal site income	850,000
Total income	\$ 3,342,800

Expenditures

Director of MSD	25,000
Secretary	7,000
Engineer	20,000
Payroll costs - 15%	7,800
Office space	10,000
Office expense	10,000

Environmental Quality Commission

Page 4

September 2, 1971

Consulting engineering firm (1st year)	200,000
Citizen participation in planning, public information services, development and publication of informational activities	50,000
Legal, accounting and auditing services	50,000
Disposal site:	
Lease with City of Portland	120,000 ***
Personnel contract with City of Portland	325,000
Operation and maintenance	400,000
Equipment replacement	100,000
Hard-to-dispose-of Items:	
Tire reduction	350,000
Reduction of other items	100,000
Collection and administration of user charges	350,000
Disposal	100,000
Expenditures	<u>\$ 2,225,800</u>
(Delayed collection of user charges, amortization of loan, and sinking fund for capital construc- tion)	<u>1,118,000</u>
	<u>\$ 3,342,800</u>

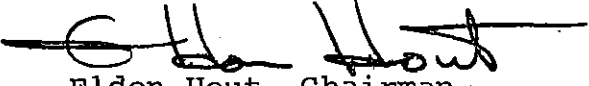
** MSD intends to apply for federal funding for this planning project and any federal funds received will reduce accordingly the State involvement. Federal funds require a one-fourth match, which would necessitate a minimum State involvement of approximately \$123,000, assuming a planning cost of \$492,800.

*** This figure is not a final figure and is subject to negotiation with the City of Portland.

Very truly yours,

METROPOLITAN SERVICE DISTRICT

By


Eldon Hout, Chairman

cc: Board Members
Mr. H. C. Hardy

SECTION C

PROPOSED PLANNING PROGRAM

To: Oregon Environmental
Quality Commission

ACTION PROGRAM OF
METROPOLITAN SERVICE DISTRICT
Approved by the Metropolitan Service District
Board of Directors on November 5, 1971

The Metropolitan Service District (District) is operated by a Board of Directors consisting of one elected official from each of the three counties of Clackamas, Multnomah and Washington and four from the cities in the three-county area. During its 15 months of existence the District has had no funds, no employees, and no offices. The several counties and cities, together with Columbia Regional Association of Governments (CRAG) have, where possible, loaned the services of some of their employees for short periods to the District. The District's legal counsel has worked on a credit basis.

I

Past Activities

During that period the Board has taken the following actions:

- (a) Had the county engineers review the status of solid waste in the three counties and give their general recommendations for solid waste disposal.
- (b) Had a committee of county and city engineers prepare an invitation to bid for planning services, review the proposals received and recommend three proposals for consideration

by the Board. The Board reviewed the three proposals and selected Engineering Sciences, Inc. (ESI) to conduct the study.

- (c) Worked with the state legislature on a program of solid waste planning and construction financing with the state pollution bond funds voted by the people in May, 1970, plus reviewing, appearing and asking for amendments to a large number of bills introduced in the 1971 legislature which affected the District.
- (d) Worked with Publishers Paper Company and Owens-Illinois on preliminary plans for sale of used newspapers and segregated glass to the respective companies.
- (e) Worked with the Environmental Quality Commission (EQC) on the policy to be followed in handling solid waste.
- (f) Had its legal counsel researching possible user charges and special services charges, including both factual and legal problems.
- (g) Worked with EQC on preparation of request to Emergency Board for planning funds.
- (h) Worked on a program mutually agreeable to the City of Portland and the District for use of Portland's sanitary land fill for

all three counties until the entire solid waste plan is developed.

- (i) Adopted a policy which authorized the planning consultant to establish criteria on which private enterprise will base their solid waste management proposals and to call for those proposals at the time which would correspond with the solid waste management study.

II

Proposed Future Activities

1. BY DECEMBER 1, 1971: To obtain from Publishers Paper Co. and Owens-Illinois Co. and any other companies letters of intent that they are interested in handling all segregated glass or all dry newspapers gathered in the District on a basis acceptable to the District and themselves for the purchase of used newspapers and glass. (Any paper contract will require new manufacturing facilities to meet EQC's standards on air and water pollution, and this can only be done if the District is able to deliver to a paper company a guaranteed amount of paper on a continuous basis.)
2. BY DECEMBER 1, 1971: The District will formally offer to the Sanitary Collectors the opportunity to provide a home collection system of home-segregated solid waste items such as glass, paper, cans, etc.
3. BY DECEMBER 31, 1971: It is anticipated that the District will have received a loan from the State of Oregon which

will enable us to sign a firm agreement for planning services with ESI. If the loan is forthcoming, the following additional future action will be taken.

4. BY JANUARY 15, 1972: A Citizens Advisory Committee will be appointed for the purposes of reviewing recommendations of the planning consultant and proposed actions of the District's Board, and giving advice to the Board. The Committee may include, but shall not be limited to, representations of the following groups which are listed in alphabetical order:

- (a) Adjoining counties or adjoining Metropolitan Service Districts, if formed;
- (b) Agriculture;
- (c) Demolition Waste Industry;
- (d) Environmental organizations;
- (e) Industry - general;
- (f) Labor - general;
- (g) League of Women Voters and other civic organizations;
- (h) Legislators;
- (i) Public at large;
- (j) Sanitary Service Industry; and
- (k) Sludge and septic tank servicing industry.

This Committee would meet regularly commencing as soon as proposals for specific District action are forthcoming from the consultants or Board.

5. BY APRIL 1, 1972: The District will have ready for consideration by its Citizens Advisory Committee and for public hearings the first of the User Charge Ordinances which will relate to items which require special facilities for disposal, such as tires, plastics, kitchen appliances, lubricating oils and others. Following such consideration and hearings and conditioned upon the receipt of necessary information from the ESI's research, some of such User Charges may be put into force and effect by July 1, 1972.

6. BY JULY 1, 1972: The District hopes to provide some interim alternative solutions to the particularly critical problems of solid waste disposal in parts of Washington County. During the first six months ESI will devote considerable attention to this problem.

7. BY JULY 1, 1972: The District hopes to be able to start a home garbage separation system to salvage glass, paper and other products on a basis which will substantially relieve the cooperating family from any cost for the collection. This will, of course, depend on the following:

- (a) Substantial cooperation by most families; and
- (b) Long term contracts by purchasers of segregated items.

In this connection, a young citizens group has conducted a recent survey of about 1,500 residents in Northeast Portland. Ninety-six percent of the people contacted indicated they would segregate cans and bottles if it did not increase collection costs.

8. BY SEPTEMBER 1, 1972: The District expects to have sufficient information and recommendations from the consultants to begin implementation of a transfer system from sanitary transfer stations strategically located in the three counties to the ultimate disposition site. This will, of course, necessarily entail a firm decision and accompanying agreements as to the location of the ultimate disposition site.

III

Conclusion

We have used our best efforts to arrive at the foregoing realistic timetables. We expect to do everything within our power to meet those timetables but our efforts will, of course depend upon:

1. Immediate and proper funding from the State of Oregon; and
2. The ability of the consultants to obtain the necessary information and to make the necessary recommendations called for in the above specified individual items.

Respectfully submitted,

METROPOLITAN SERVICE DISTRICT

By its Board of Directors this

5th day of November, 1971.

SCHEDULE

SOLID WASTE MANAGEMENT PROGRAM
METROPOLITAN SERVICE DISTRICT

TASK NO.	TITLE	PROJECT MONTHS (1972-1973)															LEVEL OF EFFORT	
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	ES	MSD
A	ADMINISTRATION OF PROJECT	—————															12	21
B	PREPARATION OF FEDERAL GRANTS APPLICATIONS	-----															*	*
C	DEVELOPMENT OF OBJECTIVES AND CRITERIA	-----															4	3
D	DEVELOPMENT OF INTERIM SOLID WASTE MANAGEMENT PROGRAMS	-----															7	10
E	CHARACTERIZATION OF DEMOGRAPHY AND LAND USE	-----															5	7
F	CHARACTERIZATION OF EXISTING FACILITIES AND SOLID WASTES	-----															5	7
G	DEVELOPMENT OF EVALUATION METHODOLOGY	-----															6	5
H	CHARACTERIZATION OF ENVIRONMENTAL FACTORS	-----															6	5
I	EVALUATION OF FINANCIAL RESOURCES	-----															6	5
J	IDENTIFICATION OF WASTE MANAGEMENT LEGISLATION	-----															2	2
K	DEVELOPMENT OF CANDIDATE SYSTEMS	-----															15	5
L	EVALUATION OF CANDIDATE SYSTEMS	-----															13	15
M	SPECIFICATION OF SELECTED SYSTEM	-----															11	10
N	PREPARATION OF FINAL REPORT	-----															8	5
*Included in Task A.																	100	100

TASK OUTLINE
SOLID WASTE MANAGEMENT PROGRAM
METROPOLITAN SERVICE DISTRICT

<u>Task</u>	<u>Subtask</u>	<u>Title</u>	<u>Percentage Participation</u>	
			<u>ESI</u>	<u>MSD</u>
A		ADMINISTRATION OF PROJECT	55	45
	A1	Develop Detailed Work Plan		
	A2	Establish Project Management and Control Procedures		
	A3	Administer and Coordinate Project		
	A4	Prepare Project Documentation		
	A5	Review Local Reports and Planning Documents		
	A6	Report Project Status and Performance		
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	C1	Define Solid Waste Management System Goals and Objectives		
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D		DEVELOPMENT OF INTERIM SOLID WASTE MANAGEMENT PROGRAMS	63	37
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<u>Task</u>	<u>Subtask</u>	<u>Title</u>	<u>Percentage Participation</u>	
			<u>ESI</u>	<u>MSD</u>
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G		DEVELOPMENT OF EVALUATION METHODOLOGY	73	27
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<u>Task</u>	<u>Subtask</u>	<u>Title</u>	<u>Percentage Participation</u>	
			<u>ESI</u>	<u>MSD</u>
	K7	Identify Ownership Options		
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	M7	Prepare Data Management Program		
	M8	Specify Interagency Agreement and Private Sector Contract Requirements		
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TASK DESCRIPTION
SOLID WASTE MANAGEMENT PROGRAM
METROPOLITAN SERVICE DISTRICT

TASK A. ADMINISTRATION OF PROJECT

Subtask A1. Develop Detailed Work Plan

Upon initiation of the program, a detailed work plan will be prepared which sets forth specific work tasks, work schedules, personnel assignments, and budgetary allocations. The plan will be developed in full accord with the MSD, and will delineate its participation in the conduct of the Program.

Subtask A2. Establish Project Management and Control Procedures

A project control system will be established and utilized throughout the project to develop scheduling and other information. This procedure will permit efficient allocation of manpower, facilities, and expenditures, and will assure the timely and successful completion of this comprehensive program.

Subtask A3. Administer and Coordinate Project

This subtask, continuing throughout the duration of the study, will provide the administrative support, review, and coordinating activities necessary to the successful completion of the study. Liaison between the various entities will be provided and requests for reviews and approvals of interim findings will be performed under this subtask.

Subtask A4. Prepare Project Documentation

Necessary progress and task reports will be issued during the course of the project under this subtask. These reports will be utilized in compiling the final report and for use in reviewing project progress and performance.

Subtask A5. Review Local Reports and Planning Documents

All available planning documents and reports relating to solid waste management systems or operations in the MSD area will be reviewed and analyzed to take advantage of past work and accomplishments and to avoid any repetition of effort. The two engineering reports prepared for the

City of Portland, the report on Washington County, the report on Clackamas County, and the report by the Columbia Region Association of Governments are examples of existing documents that will be utilized.

Subtask A6. Report Project Status and Performance

Project status and performance will be presented in accordance with requests from MSD. The form of the presentations will be determined, and may include regular reports to and appearances before appropriate MSD committees.

TASK B. PREPARATION OF FEDERAL GRANTS APPLICATIONS

Subtask B1. Prepare Applications for Federal Grants

Applications for Federal grants to assist in support of certain aspects of the project will be prepared. These applications will be concerned with expansion or enhancement of the project and with demonstrations of solid waste handling hardware and/or new management techniques. If funded, these applications could lead toward development of information on processing and recycling solid wastes, defining new and advanced solid waste transportation systems, or new transfer techniques to reduce system operational costs and to permit usage of transfer facilities by the general public.

Subtask B2. Submit and Follow-up Applications

Upon receipt of all review comments from MSD on draft applications, final applications will be prepared and submitted to the appropriate Federal agency. The MSD will be assisted in follow-up activities to ensure the most favorable atmosphere for review, which will include preparation of responses to any questions which may be raised by the reviewing agency, and coordination with Federal agencies at Washington, D.C. and at Cincinnati, Ohio.

TASK C. DEVELOPMENT OF OBJECTIVES AND CRITERIA

Subtask C1. Define Solid Waste Management System Goals and Objectives

A concise and comprehensive statement of the general and specific goals and objectives for the solid waste management system will be prepared. The objectives will relate to the short-term and long-term needs

and desires of the community, and will consider system cost, system performance, environmental impact of the system, system acceptance and implementation, and other relevant factors. Assumptions involved in the development of these objectives and the implications of alternative sets of objectives will be analyzed and reviewed with MSD prior to selection of system objectives.

Subtask C2. Define Project Objectives

General objectives of the project will be delineated that best attain the pre-determined set of goals and objectives specified for the solid waste management system. Specific objectives that can be translated into a detailed work plan will be defined. Objectives will be stated that deal with solution of immediate problems, development of the data base, development of evaluation methodology, evaluation of financial and legislative factors, development of criteria for candidate systems, and specification of the selected system.

Subtask C3. Define Project Boundaries and Constraints

The system boundary for the study area will be identified and the implications of the defined boundary and relevant constraints assessed. Factors that will be considered include: the geographical extent of the study; jurisdictional, legal, and regulatory boundaries; the appropriate planning horizon; and interregional, regional-State and regional-Federal interactions or constraints which may affect the MSD.

Subtask C4. Develop Criteria for Private Sector Response

Proposals for the partial or total handling and disposal of solid wastes in the MSD by private industry will be evaluated as a part of this project. To assure that private sector responses can be readily and meaningfully incorporated into the evaluation procedure utilized in the project, and to assure an equitable and fair appraisal, guidelines and criteria for proposal submittals will be prepared.

Subtask C5. Define Data Requirements

The data base needed to successfully complete the project will be determined. Existing data sources will be cataloged, and on-going data

collection programs will be examined. Based upon the difference between the projected data needs and the existing data, specific requirements for the conduct of a data collection program will be developed.

Subtask C6. Establish Data Management System

A data management system will be designed with the primary objective of expedient and economic data processing. Included in the system will be procedures to create data files, edit and update data files, convert or interpolate raw data into usable data forms, and storage, retrieval and display of data. The design criteria for the data management system will be derived from the project objectives and data management requirements for efficient implementation and management of solid waste management systems.

TASK D. DEVELOPMENT OF INTERIM SOLID WASTE MANAGEMENT PROGRAMS

Subtask D1. Identify Immediate Problems

Elements of components of the existing solid waste management system requiring immediate attention and interim solution will be identified. For example, if the determination of the need, location, and capacity of a refuse transfer station in Washington County cannot be delayed until it would come under consideration in the normal conduct of the project, it will be identified for immediate consideration and solution.

Subtask D2. Develop Interim Action Programs

Programs will be developed and presented that offer interim, and perhaps final, solution to the identified immediate problems. Sufficient detail will be provided in the programs to permit early review, approval, and implementation by appropriate agencies.

Subtask D3. Develop Waste Segregation Programs

A program for the segregation of household refuse into recoverable components will be developed within the envisioned constraints of potential solid waste management systems. Requirements for the segregation of newsprint, and possibly bottles and cans, from the remainder of the solid wastes will be prepared. The effects of segregation practices on the individual and the overall costs and effectiveness of the waste management system will be delineated.

Subtask D4. Develop User Charge Program

A user charge program will be developed to help offset the handling and disposal costs associated with difficult solid waste materials, such as tires, hazardous wastes, and major appliances.

Subtask D5. Prepare Interim Action Program Report

Documentation of the interim action programs will be prepared for review and appropriate action by MSD.

TASK E. CHARACTERIZATION OF DEMOGRAPHY AND LAND USE

Subtask E1. Review Existing Data and Planning Documents

All existing applicable planning and related reports and data will be collated and reviewed. It is expected that considerable present and future land-use, demographic, and economic data are available from State, county, and CRAG demographic studies as well as other public and private sources such as banking institutions, public utilities, industrial surveys, and U.S. Census Reports.

Subtask E2. Determine Present Population and Land Use

Present population, distribution of population, land use, and economic factors as related to the development of the solid waste management program will be determined. Existing studies and data will be evaluated, modified, and refined as appropriate to provide current population characteristics. Estimates of land required for the major categories of urban, agricultural, and resource uses will be prepared. The extent and character of existing urban developments in the study area will be reviewed in terms of directions of urbanization, patterns of land occupancy, decentralization of industry and services, merging of urban areas, relationship of urban expansion to governmental organization, impact of transportation facilities and services, and impact of urban growth on natural resources.

Subtask E3. Estimate Future Population and Land Use

Past trends and patterns of population growth will be analyzed, existing population forecasts will be evaluated, and design population

forecasts will be performed. Zones of solid waste significance will be demarked and projected to reflect expected future conditions. Population data will be allocated to expected patterns of future land use.

TASK F. CHARACTERIZATION OF EXISTING FACILITIES AND SOLID WASTES

Subtask F1. Determine Characteristics of Existing Facilities

The present solid waste management facilities, equipment, costs, and operating policies and procedures associated with the existing systems will be inventoried. Information will be compiled on storage and collection practices, routing of collection equipment and general transportation, weighing programs, transfer stations, processing procedures, disposal methods and locations, and existing organizational, operational, and jurisdictional structures.

Subtask F2. Review Existing Waste Characteristics Data

Available data on the nature, type, and rate of generation of solid waste will be collated and reviewed for adequacy and completeness. Characteristics to be determined are present quantity, composition, and geographical distribution of all solid wastes generated within the MSD area, including household refuse, construction and demolition wastes, agricultural wastes, commercial and industrial wastes, sewage sludge, hazardous wastes, and difficult wastes such as tires and major appliances.

Subtask F3. Determine Additional Data Needs

Additional data needs will be determined by comparing the scope, detail, and accuracy of the collated available data with the corresponding requirements for the development and evaluation of candidate system solutions which will be considered in this project.

Subtask F4. Develop and Conduct Data Acquisition Program

A program for acquiring data to reduce or eliminate identified data deficiencies will be developed and conducted.

Subtask F5. Determine Present Solid Waste Characteristics

Detailed data on the existing composition, characteristics, quantity, and distribution of solid wastes in the MSD area will be classified, tabulated, and summarized.

Subtask F6. Project Future Solid Waste Characteristics

Production of solid wastes within the MSD area by type, source, quantity, and location will be projected to the planning horizon of the project. The projections will include quantitative information concerning municipal, agricultural, industrial, and commercial refuse.

TASK G. DEVELOPMENT OF EVALUATION METHODOLOGY

Subtask G1. Establish Evaluation and Selection Criteria

Criteria will be established for the evaluation and selection of solid waste management systems to determine to what degree objectives have been accomplished and to identify the preferred or best system. Measures of system performance will be defined, and will relate to the quality of service provided and the extent to which a system surpasses or does not meet anticipated future standards. Costs will be measured in terms of present worth of capital and operating costs for individual candidate systems.

Subtask G2. Develop Systems Evaluation Procedure

Procedures will be developed to evaluate all aspects of candidate systems and to rank the systems in order of preference or utility based upon the evaluation and selection criteria. The procedures will incorporate ecological, socio-economic, and political factors in the evaluation process, in addition to the traditional technical and economic considerations.

Subtask G3. Develop Systems Optimization Techniques

Models which simulate solid waste transport, transfer, and disposal operations will be used, if applicable, to optimize the selected solid waste management system. Models dealing specifically with sanitary landfill systems and locations, incineration alternatives, and transfer facility locations and operations are available and will be modified to fit the conditions of the MSD.

TASK H. CHARACTERIZATION OF ENVIRONMENTAL FACTORS

Subtask H1. Determine Environmental Characteristics

Available data relative to the topographical, geological, hydrological, and climatological conditions in the MSD area will be acquired and reviewed. Principal data sources will include U.S. Geological Survey, U.S. Department of Agriculture, U.S. Weather Bureau, U.S. Department of Commerce, Federal Water Survey, Oregon Department of Environmental Quality, and various other State, county, and local agencies, as well as available consulting engineer's studies and reports.

Subtask H2. Define Environmental Constraints on System

The physiographical, geological, meteorological, groundwater, and surface water characteristics of the MSD area will be defined. Natural resources of environmental importance such as recreational areas and parks, as well as conservation programs, will be considered. Regulations concerning water, air, and land pollution and other constraints affecting solid waste management in the study area will be reviewed relative to collection, processing, and disposal systems.

Subtask H3. Develop Environmental Impact Assessment Methodology

A comprehensive evaluation methodology which includes a measure of the degree to which a solid waste management system will enhance or degrade the environment will be developed. Because various systems may interact differently with the environment, choice between various systems and practices, irrespective of cost, cannot be properly and adequately made without weighing the relative importance of the environmental effects.

The potential environmental impact of candidate solid waste management systems in terms of their respective contribution to air, water, visual, noise, odor, and land pollution will be identified.

TASK I. EVALUATION OF FINANCIAL RESOURCES

Subtask I1. Review Existing Financial Data

Existing financial data will be acquired and reviewed, including existing schedules of rates and charges, operating characteristics of existing systems and financial data and terms of franchised operations.

Special review will be made of studies performed for subareas of the MSD area.

Subtask I2. Identify Revenue Sources

Existing and potential revenue sources will be identified and the relative magnitude of each source estimated. Both traditional and possible new revenue sources, such as point-of-purchase surcharges and offset revenue from recycling and salvage will be considered. Data on existing property taxes and user charges will also be compiled.

Subtask I3. Explore Federal Support Potentials

Applicability of existing Federal grants, loans, and demonstration programs will be described and evaluated on the basis of qualification and possible use for operating or capital funds.

Subtask I4. Determine Funding Capacity

Bonded debt, assessed valuation, bonding capacity, overlapping debt, and total outstanding debt for each governmental entity will be reviewed. Debt ratios will be calculated and compared. Estimates of the self-supporting debt capacity under various revenue financing methods will be estimated.

Subtask I5. Delineate Financing Options

Available options for the financing of solid waste management systems will be described. This would include the use of general obligation and revenue bonds, the application for State and Federal grants and loans, and the use of nonprofit corporation and private lease-leaseback financing methods. Available financing will be related to perspective revenues and revenue sources.

TASK J. IDENTIFICATION OF WASTE MANAGEMENT LEGISLATION

Subtask J1. Review Existing Legislation

Existing laws, enforcement procedures, and interacting governmental relationships which bear on solid waste management will be delineated and examined. Statutes and ordinances in the MSD area that relate to solid waste management will be identified. These laws and statutes will be

classified and tabulated according to level of jurisdiction, i.e., Federal, State, regional, county, or municipal.

Subtask J2. Identify Conflicting Legislation

Areas of conflicting legislation, statutes, and ordinances and the nature of the conflicts will be identified. In addition, complementary statutes and ordinances will be delineated.

Subtask J3. Delineate Legal Options

Legal options for the financing, implementation, administration, and operation of solid waste management systems will be delineated. Legislation required to permit new methods of long-term financing for new or advanced forms of solid waste management within the MSD area will also be specified.

TASK K. DEVELOPMENT OF CANDIDATE SYSTEMS

Subtask K1. Delineate Waste Management System Elements

Physical elements of waste management systems or systems components such as storage, collection, transportation, processing, resource recovery, and disposal will be delineated. Components based on both present technology and promising advanced concepts will be incorporated into the delineation.

Subtask K2. Review Private Sector Responses

Formal proposals from the private sector to provide partial or complete solid waste management systems will be reviewed for incorporation, wherever possible, into the development of candidate systems.

Subtask K3. Conceptualize Candidate Systems

A number of candidate solid waste management systems that appear feasible for the MSD area will be synthesized for subsequent evaluation. Special emphasis will be placed on systems that match the solid waste assimilative capacity of the area and that reflect the attitudes and desires of the populace.

Subtask K4. Estimate System Costs

Basic unit cost data will be estimated to determine overall costs of all candidate waste management systems. ENR indices will be used to account for inflationary factors and engineering cost estimates will be made for advanced equipment and facilities.

Subtask K5. Delineate Environmental Effects

Beneficial and detrimental environmental effects associated with each of the candidate waste management systems will be delineated for use in the evaluation process.

Subtask K6. Delineate Administrative, Legislative, and Jurisdictional Requirements

Administrative, legislative, and jurisdictional requirements for each of the candidate solid waste management systems will be delineated.

Subtask K7. Identify Ownership Options

For each candidate solid waste management system, alternatives for public and private operation of the facilities and the permanent role and administrative staff requirements of the MSD under the various alternatives will be identified.

Subtask K8. Delineate Implementation Factors

The nature, scope, and sequence of actions which would be required for implementing each of the candidate systems will be delineated for use in subsequent evaluation.

TASK L. EVALUATION OF CANDIDATE SYSTEMS

Subtask L1. Apply Evaluation Criteria to Systems

The specified evaluation criteria will be applied to all candidate management systems, enabling a meaningful and comparable analysis of the multifaceted aspects and features of each candidate system.

Subtask L2. Perform System Evaluation

Candidate management systems will be evaluated and ranked on the basis of the applied evaluation criteria.

Subtask L3. Select Solid Waste Management System

On the basis of the foregoing evaluation and by the application of specified selection criteria, the system or systems that best satisfy the objectives set forth for the solid waste management system will be recommended for selection by the MSD.

Subtask L4. Optimize Selected System

Upon selection of the solid waste management system, appropriate elements or operations will be further analyzed and refined to produce a more cost-effective system. Various techniques, including digital computer applications, will be employed to effect the best combination and utilization of system components.

TASK M. SPECIFICATION OF SELECTED SYSTEM

Subtask M1. Define Solid Waste Management System Specifications

A complete and detailed specification of the selected solid waste management system will be prepared. It will include for the entire MSD area descriptions of storage facilities, collection equipment and frequencies, and resource recovery, processing, and disposal facilities. General locations of major facilities and installations will be indicated.

Subtask M2. Prepare Implementation Schedules

Detailed descriptions of required time-phased development schedules for the selected solid waste management system will be prepared. A schedule of priorities for particular facilities and structures that must be acquired throughout the implementation period will be developed.

Subtask M3. Prepare Budgetary Requirements

Estimated costs for each phase of the implementation schedule for the selected solid waste management system will be prepared. Annual cost estimates will be presented for fixed expenditures and recurring costs during the planning horizon of the project.

Subtask M4. Specify Legislative Requirements

If new legislation is required to enable the implementation and operation of the selected solid waste management system, it will be delineated for consideration.

Subtask M5. Prepare Financing Plans

The revenue sources and methods for financing the implementation and operation of the selected solid waste management system will be specified and a financing plan prepared.

Subtask M6. Prepare Management and Operations Plans

Detailed plans for the operation and administration of the selected solid waste management system or systems will be prepared. Necessary monitoring programs for all phases of the operation, including the continuing assessment of the environmental impact, will be designed. Specific responsibilities of the MSD and other cognizant agencies or private parties participating in the solid waste management system will be defined.

Subtask M7. Prepare Data Management Program

Based upon the data management system utilized in the project and the requirements for the operation and monitoring, a plan for managing the additional data will be developed. Methods of data processing, data storage and data retrieval that best meet the on-going needs of the MSD will be detailed.

Subtask M8. Specify Interagency Agreement and Private Sector Contract Requirements

Intergovernmental and private sector agreements, contracts, or other cooperative arrangements as might be required to implement, operate, and regulate the selected solid waste management system will be specified.

TASK N. PREPARATION OF FINAL REPORT

A final report, including a full presentation of findings, conclusions, recommendations, and supporting appendices will be prepared and

submitted. The report will constitute a complete and detailed documentation of all information relevant to interpretation of all features of the selected solid waste management system. It will include detailed narrative descriptions, detailed cost estimates, supporting data, maps and drawings indicating location and details of selected facilities, and other materials developed for use in the formulation and evaluation of candidate systems. It will include managerial and financial features of the systems. Specific recommendations for possible complementary legislation which may be required to implement and support the selected solid waste management system will be presented.

SECTION D

PLANNING PROGRAM SUPPLEMENTS

MEMORANDUM OF UNDERSTANDING

To: Board of Directors
Metropolitan Service District

Date: August 24, 1971

From: Terry D. Schrunk
Mayor

Subject: City Policy Regarding Sanitary Landfill Facilities and Operation

It is understood that the Metropolitan Service District is in the process of planning and applying for financial resources for solid waste management. In this regard, it is important that the District be aware of the City of Portland's position regarding a long range solution to the metropolitan solid waste problem. The City Council stresses the City is interested in seeing a metropolitan approach followed in the solid waste field. The City possesses, in its solid waste facilities, resources that have been developed by the taxpayers of this City. It is the City Council's desire that this resource be protected to the extent that a commitment by the City to share in the metropolitan solution to the solid waste problem will provide assurance that disposal solutions beyond the capabilities of our own resources will be provided. To this end, we would specifically want to include the following elements in any type of agreement between the City and the Metropolitan Service District regarding the District's management of a metropolitan solid waste program.

1. The Metropolitan Service District identify a long range plan for metropolitan solid waste disposal beyond the life expectancy of the City of Portland's disposal facility capabilities.
2. That any agreement between the District and the City have termination provisions in the event the District is unable to perform and that the operation of the solid waste program revert back to the City.
3. In the event the City and the District should enter into a contractual relationship for the operation of the City's sanitary landfill that reimbursement to the City be sufficient to cover the City's investments.
4. Any arrangements for the management of the City's solid waste facilities adequately protect existing City personnel.

OWENS-ILLINOIS

PORTLAND PLANT

P. O. BOX 20067 ① PORTLAND, ORE. 97220

GLASS CONTAINER DIVISION
PACIFIC REGION

October 29, 1971

Mr. Herbert C. Hardy
Coke-Caureguy, Hardy, Butler and McEwen
1408 Standard Plaza
Portland, Oregon

Dear Mr. Hardy:

LETTER OF INTENT

-between-

METROPOLITAN SERVICE DISTRICT

-and-

OWENS-ILLINOIS, INC.

The Portland glass container plant of Owens-Illinois, Inc. will accept from Metropolitan Service District or their designated agent(s) (MSD) deliveries of waste container glass up to a volume of 145 tons per day on a 5-day/week or 105 tons per day on a 7-day/week basis, delivered to an area of the plant premises or other local location of our designation, and dependent upon our ability to handle and recycle this volume.

During unusual production curtailments, such as labor stoppages or substantial reduction in sales volume, Owens-Illinois, Inc. will have the right to reduce the volume of waste glass it accepts anywhere from the above stated quantity down to zero in the case of plant shutdown and the like.

Glass delivered by M.S.D. must meet the following specifications:

1. Only container glass will be accepted.
2. Must be separated by color--clear, brown, and green.
3. Metal free.
4. Reasonably clean and free of foreign material.

Mr. Herbert C. Hardy

-2-

October 29, 1971

Owens-Illinois will pay M.S.D. or their designated agent(s) \$15.00 per ton F.O.B. our Portland plant or other local locations of our designation for glass meeting the above specifications in volumes within agreed upon limits. Further, M.S.D. will assume the entire cost and full responsibility for removing and disposing of any glass which it delivers which does not meet the above standards.

In keeping with the spirit of recycling waste glass on a nation-wide basis, Owens-Illinois will give consultation to M.S.D. in arriving at solutions to problems dealing with segregation, collection, and returning the materials to industry.

If this letter of intent meets with your approval, please let me know and I will have our legal department prepare a more formal agreement.

Very truly yours,



K. H. LEMKE
Plant Manager
Portland Plant

bp

SECTION E

PREREQUISITES TO ADVANCEMENT OF FUNDS

CAKE, JAUREGUY, HARDY, BUTTLER & McEWEN

ATTORNEYS AT LAW

1408 STANDARD PLAZA

PORTLAND, OREGON 97204

226-7321

November 30, 1971

RALPH H. CAKE
NICHOLAS JAUREGUY
HERBERT C. HARDY
JOHN H. BUTTLER
DONALD W. McEWEN,
ROBERT L. WEISS
JONATHAN U. NEWMAN
JOHN R. FAUST, JR.
JOSEPH J. HANNA, JR.
DEAN P. GISVOLD
GEORGE C. REINMILLER
ROBERT D. RANKIN
THOMAS L. GALLAGHER, JR.
VICTOR W. VANKOTEN

Mr. L. B. Day, Director
Department of Environmental Quality
1234 S. W. Morrison
Portland, Oregon 97205

Re: Metropolitan Service District

Dear Mr. Day:

You have requested the Metropolitan Service District to provide you with certain documentary material prior to the time the proposed Agreement between the Department and the District will become effective. The items requested by you are:

1. A duplicate original of the record of election forming the District as filed with the Secretary of State;
2. Evidence of the establishment of its governing body and its officers;
3. Evidence of the District's governing body authorizing the loan agreement and authorizing an agreement with its consulting engineering firm; and
4. An opinion of the District's legal counsel regarding the authority of the District to incur and repay the indebtedness provided for therein.

Insofar as it is now possible to do so, we are submitting the following material with respect to the above four items. The following paragraphs with Arabic numerals refer to your four requests above. Where more than one document is in answer to that request, it is designated by a letter.

1. Attached is a xerox copy of the official certificate of Clay Myers relating to the election results establishing the Metropolitan Service District from the Board of County Commissioners of Multnomah County.

2. To satisfy this requirement, we are submitting to you herewith a copy of the appointments of the existing Directors of

Mr. L. B. Day
November 30, 1971
Page Two

the Metropolitan Service District. There are two on Commissioner Schumacher of Clackamas County because the first appointment was for six months.

There is no document yet for Mr. Mohr and will not be until Monday, December 7, 1971 when the necessary City Commissioners have returned from the League of Oregon Cities Convention. We have been assured by Mr. Chandler of CRAG that he will get that certificate in by Tuesday of next week. As soon as we have it, we will forward the same to you. In addition to the appointment of each of the Board members, there is a copy of the minutes of the Board of Directors' meeting dated February 12, 1971 which under number 1 shows that Commissioner Hout was elected Chairman of the Board of Directors and Commissioner Anderson was elected Vice Chairman.

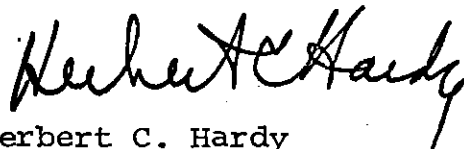
3. The District's governing body will not act on the "loan agreement" nor on the contract with the "consulting engineering firm" until December 3, 1971. Neither the loan agreement nor the agreement with the consulting engineering firm will be signed until those documents can be submitted for signature, but we will provide you with evidence of the District's authorization of both agreements if it is made on December 3rd as we expect it to be.

4. A copy of this firm's opinion to the Board of Directors of Metropolitan Service District to incur and repay the indebtedness is attached. It is to be noted that the Board of Directors has not received this as of yet nor are they obliged to accept it until the meeting on December 3rd.

While you did not request us to furnish you with certain other material, we felt that you should have a copy of the minutes of November 5, 1971 in which the Board adopted the proposed scope of work, the Metropolitan Service District Action Program and the budget as amended, with instructions to forward them to you. We assume that you already have these three items.

Very truly yours,

CAKE, JAUREGUY, HARDY,
BUTTLER & McEWEN



Herbert C. Hardy

HCH/sb
Encls

CERTIFICATE

State of Oregon

OFFICE OF THE SECRETARY OF STATE



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

I CERTIFY that the attached is a true and complete copy of a certified copy of an Order Proclaiming Election Results and Establishing a Metropolitan Service District within the areas of the Counties of Multnomah, Washington and Clackamas.

I FURTHER CERTIFY that the attached document was filed in this office at 8:36 a.m., January 18, 1970.

I FURTHER CERTIFY that I am the legal custodian of the subject document and all supporting documentation attached thereto.



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

Done at the Capitol at Salem, Oregon, this
23rd day of November, A. D. 1971.
CLAY MYERS, Secretary of State

By:

A handwritten signature in cursive script, appearing to read "James H. ...".
Assistant Secretary of State

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

10
7/11

In the Matter of the Establishment)
of a METROPOLITAN SERVICE DISTRICT.) ORDER PROCLAIMING ELECTION
Within Areas of the Counties of) RESULTS AND ESTABLISHING A
MULTNOMAH, WASHINGTON and CLACKAMAS,) METROPOLITAN SERVICE
Under the METROPOLITAN SERVICE) DISTRICT
DISTRICT ACT of July 1, 1969.)

The above-entitled matter is before the Board pursuant to the provisions of ORS 268.010 - 268.990 to consider the results of a Special Election held on May 26, 1970, on a proposal for the establishment of a Metropolitan Service District within a designated area of Multnomah, Washington and Clackamas Counties, which said election was held at the State-wide Primary Election on said date pursuant to an order of the Board of County Commissioners fixing the date and time for said election, all as more particularly shown by that certain order of the Board made and entered on the 11th day of December, 1969, and entered in Commissioners' Journal 117 at Page 175; and

It appearing to the Board that said election was held at the time and at the place and at the date heretofore designated by the Board and that thereafter, pursuant to a canvass of the votes cast at said Special Election by the county clerks and registrars of election of the Counties of Multnomah, Washington and Clackamas, and duly certified and reported as required by law to said county clerks and registrars of election; and

It further appearing to the Board that pursuant to the official certification of the respective clerks and registrars of election of said counties heretofore filed with the Board of County Commissioners that 98,142 votes were cast in favor of the establishment of the Metropolitan Service District and 85,394 votes were cast against the said formation; and

It further appearing to the Board that in all respects said election appears to be regular, legal and valid and that a majority of the votes cast did favor the formation of the Metropolitan Service District within the geographical areas heretofore designated by the Board; and the Board being fully advised in the premises, it is therefore

ORDERED that at a duly called Special Election held on May 26, 1970, to consider the question as to whether a Metropolitan Service District should be formed within the Counties of Multnomah, Washington and Clackamas, State of Oregon, in accordance with the provisions of ORS 268.010 - 268.990, 98,142 votes were cast in favor of the formation of said district, and 85,394 votes were cast against said formation; and it is

FURTHER ORDERED that the Board does find that a majority of those voting on said proposal approved the formation of a

Page 1 - Order Proclaiming Election Results
and Establishing a Metropolitan Service
District.

Metropolitan Service District and the respective certificates of the Registrars of Elections and County Clerks of Multnomah, Washington and Clackamas Counties certifying to the vote and the result of said elections in their respective counties be and the same is hereby accepted and placed of record in the files of said District; and it is

FURTHER ORDERED that as a result of said election and a proclamation of the results thereof that the METROPOLITAN SERVICE DISTRICT be and the same is hereby declared formed and established, all in accordance with the provisions of ORS 268.010 - 268.990, and shall be hereafter known as the METROPOLITAN SERVICE DISTRICT, and the boundaries of said District shall be as described in that certain order heretofore entered herein fixing the time and date for said Special Election, entered in Commissioners' Journal 117, at Page 175, on the 11th day of December, 1969.

June 4, 1970

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

M. JAMES GLEASON

By _____
Chairman

L. W. AYLSWORTH

By _____
Commissioner

DAVID ECCLES

By _____
Commissioner

DONALD E. CLARK

By _____
Commissioner

MEL GORDON

By _____
Commissioner

(S E A L)

APPROVED AS TO FORM:

GEORGE VAN HOOMESSEL
District Attorney for
Multnomah County, Oregon

By _____
Willis A. Host
Chief Civil Deputy

State of Oregon
County of Multnomah

} ss

I, Albert B. Green, Director, Department of Judicial Administration of Multnomah County, Oregon, do hereby certify that the foregoing copy of _____ Order _____ has been compared by me with the original, as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Board of County Commissioners this _____ day of _____ June _____, A. D., 1970.



RECEIVED
WASHINGTON COUNTY JAN 21 1971

COURTHOUSE—SECOND & MAIN STREETS
HILLSBORO, OREGON 97123

COLUMBIA REGION ASSN.
OF GOVERNMENTS

BOARD OF COMMISSIONERS

WILLIAM MASTERS, Chairman
JOHN C. ANICKER
LYELL GARDNER
ELDON HOUT
BURTON C. WILSON JR.

January 14, 1971

RICHARD MILBRODT
COUNTY ADMINISTRATIVE OFFICER
ROOM 209
(503) 648-8676

Homer Chandler, Executive Director
Columbia Region Association of Governments
429 S. W. Fourth
Portland, Oregon

Dear Homer:

This is to advise you that by minute order no. 70-731, the Washington County Board of Commissioners appointed Eldon Hout as the representative from Washington County to serve on the Metropolitan Service District governing board and also on the Columbia Region Association of Government's Executive Committee for one additional term. A copy of this minute order is attached. If you have any questions, please let me know.

Very truly yours,

Richard Milbrodt,
Washington County Administrative Officer

RM/lw

attachments: 1

I hereby certify that this within is
true copy of the original record.
Dan R. Jewell
of Attorney's Office

December 16, 1970

Roger Thomssen, Director of Records & Elections

County Administrative Officer

Continuance of Board Memberships for all Statutory Appointments
Minute Order No. 70-731

The Board of Commissioners, at their regular meeting of December 15, 1970, by minute order no. 70-731, authorized the continuance of board memberships on all boards and commissions which are required by law. The continuation is to be effective for the term of the appointment as defined by law.

RM/lw



CITY OF TIGARD

P. O. Box 23557
12420 S. W. Main
Tigard, Oregon 97223

RECEIVED
JAN 21 1971

COLUMBIA REGION ASSN.
OF GOVERNMENTS

January 19, 1971

Homer Chandler
Executive Secretary
Columbia Region Association of Governments
429 S. W. 4th
Portland, Oregon 97204

Dear Homer,

This letter is to confirm the caucus of mayors of Washington County cities for the purpose of electing representatives to the board of the Metropolitan Service District and CRAG, respectively.

The caucus was held Thursday evening, January 14th, in Tigard. Being the host, I was endowed with the responsibility of providing you and others concerned with the results of the caucus.

The Cities of Beaverton, King City, Hillsboro, North Plains, and Tigard were represented with their respective mayors. The City of Forest Grove was represented by proxy delegated to the Mayor of Hillsboro.

On the matter of selection of a representative for the Metropolitan Service District Board, Mayor Carroll of King City nominated Harold Ruecker. The nomination was seconded by Mayor Larsen of Tigard and a unanimous ballot was cast in favor of Mayor Ruecker as our Washington County cities representative.

Mayor Larsen of Tigard nominated William Young, Beaverton Councilman, as the Washington County cities representative to the CRAG Executive Board. The nomination was seconded by Mayor Ruecker and a unanimous ballot cast.

In behalf of all of the cities of Washington County, we look forward to a continuing fine relationship with CRAG and an expanded effort to communicate CRAG's effort to our respective jurisdictions.

I hereby certify that the within is
a true copy of the original thereof.

Dean P. Jewell
of Attorneys for ~~the~~ *MSD*

Sincerely,

Steve
Stephen M. Telfer
City Administrator

SMT:jp
cc: Mayors, Wash. County



COUNTY COMMISSIONERS
 M. JAMES GLEASON, Chairman
 L. W. AYLSWORTH
 BEN PADROW
 DONALD E. CLARK
 MEL GORDON

Multnomah County Oregon

BOARD OF COUNTY COMMISSIONERS

(503) 227-8411 ■ ROOM 605, COUNTY COURT HOUSE ■ PORTLAND, OREGON ■ 97204

January 28, 1971

Commissioner Mel Gordon
 Court House

Metropolitan Service District ✓
 429 S.W. Fourth Avenue - Suite 500
 Portland, Oregon 97204
 Attn: Mr. Homer Chandler, Secretary ✓

Dear Sirs:

Be it remembered, that at a meeting of the Board of County Commissioners held January 28, 1971, the following action was taken:

In the matter of the appointment of)
 Commissioner Mel Gordon to the Metropolitan)
 Service District.

It is unanimously so ORDERED.

Yours very truly,

BOARD OF COUNTY COMMISSIONERS

By Alonzo Blacker
 Clerk of board

nr

I hereby certify that the within is
 a true copy of the original document.
Dean P. Givard
 of Attorney for
 MSD

RESOLUTION

CITY OF GRESHAM
RECEIVED
AM APR 1 1971
11A

On Thursday, the 18th day of
February, 1971, the undersigned Mayors of
the County of Multnomah, Oregon, met at a joint
convention of Mayors and selected Mr. Sid Bartels,
Councilman
~~XXXXXX~~ of Gresham, Oregon, as their representative
to the governing body of the Metropolitan Service District.

Written notice of the convention was mailed to
the mayors of the following cities: Fairview, Oregon; Maywood
Park, Oregon; Troutdale, Oregon; Wood Village, Oregon (mailings origin-
ated at Gresham, Oregon).

being all of the cities (as that term is defined by
ORS 221.010 and 174.100(2) within the boundaries of the
Metropolitan Service District and within Multnomah
County more than five (5) days prior to the time set for
the convention. Present at said meeting were the under-
signed Mayors representing a majority of the cities within
the boundaries of the Metropolitan Service District and
within Multnomah County.

Dated this 18th day of February, 1971.

Fairview, Oregon . . . : Oren H. Olin - Oren Olin, Mayor
Wood Village, Oregon . . : Bruce B. Boldt - Bruce B. Boldt, Mayor
Maywood Park, Ore. . . : Selma Turney - Selma Turney, Councilwoman
Troutdale, Oregon . . . : Glen Otto - Glen Otto, Mayor
Gresham, Oregon . . . : Alan Fisher - Alan Fisher, Mayor

I hereby certify that the within is
a true copy of the original thereof.
Dean P. Gwald
City Attorney for Metropolitan Service District

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the matter of the re-appointment
of ROBERT SCHUMACHER as representative
of Clackamas County to the Metropolitan
Service District

Order No. 71-62

This matter coming on at this time and it
appearing to the Board of County Commissioners that by Order No. 70-475, dated
June 15, 1970, Robert Schumacher has been serving as representative of Clackamas
County for Clackamas County on the Metropolitan Service District, and

It further appearing to the Board that a
representative should be appointed to represent Clackamas County on this afore-
mentioned Service District, in the best interest of Clackamas County, now therefore

IT IS HEREBY ORDERED that Robert Schumacher,
County Commissioner, be and he is hereby appointed as representative to the
Metropolitan District for Clackamas County for a period of six months from date
of this Order.

DATED this 20th day of January, 1971.

Sued Stefanie
Commissioner

Robert Schumacher
Chairman

BCC

Thomas D. Telford
Commissioner

I hereby certify that the within is
a true copy of the original thereof.
Dean P. Givord
of Attorneys for Clackamas County MSO

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the matter of the re-appointment of
ROBERT SCHUMACHER as representative of
Clackamas County to the Metropolitan
Service District.

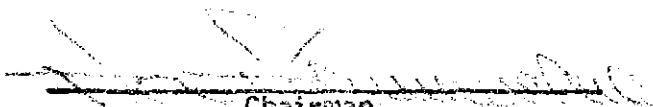
ORDER NO. 71-1098

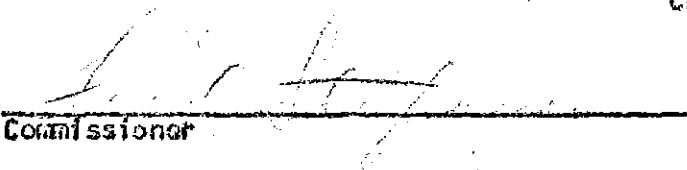
This matter coming on at this time and it
appearing to the Board of County Commissioners that by Order No. 70-475, dated
June 15, 1970, Robert Schumacher was appointed to serve as representative for
Clackamas County on the Metropolitan Service District, and

It further appearing to the Board that a
representative should be appointed on the aforementioned Service District in the best
interests of Clackamas County, now therefore

IT IS HEREBY ORDERED that Robert Schumacher
County Commissioner, be and he is hereby appointed as representative to the Metropoli-
tan Service District until December 31, 1971, or until his successor is duly qualified
and appointed.

DATED this 19th day of July, 1971.


Chairman


Commissioner

OCC


Commissioner

OFFICE OF CITY AUDITOR



RECEIVED
GEORGE YERKOVICH
CITY AUDITOR
JAN 18 1971

CITY OF PORTLAND
OREGON

COLLEGE REGION ASS'N.
OF GOVERNMENTS

January 15, 1971

Metropolitan Service District
429 S. W. Fourth Avenue
Portland, Oregon 97204

Gentlemen:

Enclosed is a copy of Resolution No. 30848, adopted by the Council January 14, 1971, authorizing the Commissioner of Public Works to represent the City in Metropolitan Service District Affairs.

Yours very truly,

George Yerovich
Auditor of the City of Portland

EC:dks
Encl.

I hereby certify that this within is
a true copy of the original thereof.
Dean P. Givold
Of Attorneys for *MSD*

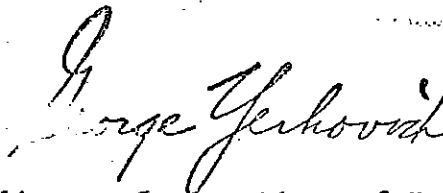
RESOLUTION NO. 30848

WHEREAS, the CRAG constitution and the Metropolitan Service District statute provide that the City representative to CRAG and the Metropolitan Service District will be appointed by the governing body of the City, and

WHEREAS, the Mayor has assigned the duties of representative to CRAG and representative to the Metropolitan Service District to the Commissioner in charge of Public Works; now, therefore,

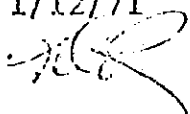
BE IT RESOLVED that the Commissioner of Public Works is hereby appointed by the governing body of the City of Portland to represent the City in all matters before CRAG and the Metropolitan Service District in their respective current terms.

Adopted by the Council JAN 14 1971



Auditor of the City of Portland

Commissioner Anderson
DCJ:at
1/12/71



METROPOLITAN SERVICE DISTRICT
BOARD OF DIRECTOR'S MEETING MINUTES
OF
FEBRUARY 12, 1971

ATTENDANCE

Eldon Hout, Chairman
Robert Schumacher
Lloyd Anderson
Gus Mohr
Harold Ruecker
Mel Gordon
Sidney Bartels
Homer C. Chandler, Executive Director
Herbert Hardy, Attorney

There being a quorum present, the Board took action on the following items of business:

I. ORGANIZATION OF THE BOARD

A. AMENDMENT TO BYLAWS

Mr. Anderson moved that the MSD bylaws be amended by creating the position of Vice Chairman. Mr. Ruecker seconded the motion; motion carried unanimously.

B. NOMINATIONS

(1) Office of Chairman

Mr. Ruecker nominated Eldon Hout; Mr. Mohr seconded the nomination. There being no further nominations, Mr. Ruecker moved that Mr. Hout be selected by acclamation; Mr. Anderson seconded; Mr. Hout chosen by a unanimous vote.

(2) Office of Vice Chairman

Mr. Ruecker nominated Mr. Anderson; Mr. Gordon moved the close of nominations and that a unanimous ballot be cast for Mr. Anderson. Motion seconded by Mr. Bartels; motion unanimously approved.

II. FINANCIAL REPORT

A. USER FEES

Mr. Hardy discussed the ability of the District to assess user charges on disposal of items such as tires, appliances, oil, and others. His opinion is that such a practice is legal and should be adopted by MSD. (Opinion will be shortly forwarded to all Board members.)

B. STATE BONDS

Mr. Hardy urged the Board to develop a work program outlining the type of solid wastes disposal system it will operate and that this program should be used in the District's attempts to secure legislative support of using State Bond money for developing solid waste systems

C. HOUSE BILL 1051

Mr. Hardy requested that the Board take action to amend House Bill 1051 so that the MSD will not come under its provisions. Mr. Anderson moved a legislative committee be created to follow-up with this request. Mr. Schumacher seconded the motion; motion carried unanimously.

Mr. Chandler was instructed to develop, with the Advisory Committee, a preliminary plan showing a landfill and transfer station system and cost estimates. This report is to be presented at the February 19, 1971, Board meeting.

There being no further business, the meeting adjourned at 2:45 p.m.

METROPOLITAN SERVICE DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
NOVEMBER 5, 1971

ATTENDANCE

Eldon Hout, Chairman
Harold Ruecker
Mel Gordon
Sid Bartels
Gus Mohr
Robert Schumacher
Lloyd Anderson
Homer C. Chandler, Executive Director
Herb Hardy, Legal Counsel

There being a quorum present, the Board considered the following:

I. MINUTES OF PREVIOUS MEETINGS

Minutes of meetings October 22, September 10, August 20,
and August 26 were amended and approved as amended.

II. SOLID WASTE PLANNING REPORT

Mr. Hardy presented to the Board the following documents:

- (1) The Scope of Work for the development of a solid waste management program.
- (2) A proposed Budget to finance the solid waste study and an Action Program setting forth the steps that MSD will follow in presenting to the public a plan for the disposal of solid wastes collected from the household and commercial establishments.

I hereby certify that the within is
a true copy of the original thereof.
Sean P. Givold
of Attorneys for MSD

Mr. Hardy stated that these documents have been developed in concert with representatives of the State Environmental Quality Commission and the consulting firm of Engineering Science, Inc. If these documents are now approved, they will be presented to the Department of Environmental Quality in the month of November and to the Oregon State Emergency Board along with the application for a loan to assist in financing the study.

Mr. Schumacher moved that the Board adopt the proposed Scope of Work; the Action Program; and the Budget as amended in the discussions concerning these documents and that they be forwarded to the Department of Environmental Quality and to the Emergency Board. Mr. Bartels seconded the motion; the motion carried with Mr. Gordon abstaining.

ESI Contract: Mr. Hardy stated that his firm has been reviewing the proposed contract between Engineering Science, Inc., and the Metropolitan Service District. It is their opinion that, at the present time, there needs to be some changes made.

Mr. Chandler stated that he feels there needs to be inserted into the proposed contract the following:

- (a) A statement to the affect that, when the expenditure on the study reaches 75% of the contract figure, the Board should review what has been done before the contractor is allowed to go further.
- (b) That, if at any time before the end of the study the Board determines the contract should be terminated, all data, information, maps, and documents developed by the contractor will become the property of MSD.

Mr. Hardy stated that these would be included in his review and that a revised document will be presented to the Board at their next meeting.

III. STORM DRAINAGE LEGAL OPINION

Mr. Hardy stated that, as requested by the Board, he has reviewed the legal opinion given by the City Attorney's Office of the City of Portland concerning MSD's responsibility in developing storm drainage and flood control programs. Mr. Hardy stated that he will put his opinion in writing and forward it to the Board, but in essence his opinion will state that MSD does have responsibility for storm waters and flood control programs if it chooses to exercise its authority. Further, MSD's responsibility and authority is not limited by local control over storm drainage programs; and that before MSD enters into a storm drainage program, it will be necessary to establish a means for financing this type of service.

Mr. Chandler asked how the MSD Board should react to the request made by the Oregon State Highway Division that MSD accept responsibility and authorize changes in the Johnson Creek channel so that it will be compatible with the design of Interstate Highway 205.

Mr. Hardy stated that it was his opinion that, inasmuch as the District has not established a financial means of accepting the responsibility, the District should not at this time become involved in the Johnson Creek Channel improvements.

In light of Mr. Hardy's legal opinion, Mr. Anderson moved that the Board request the City of Portland to accept responsibility for the straightening of the Johnson Creek in connection with the Interstate 205. Mr. Mohr seconded the motion; motion carried unanimously.

There being no further business, the meeting adjourned at 3:35 p.m.

CERTIFICATION OF MINUTES

This is a true copy of the minutes of the Metropolitan Service Board meeting of November 5, 1971.


Executive Director

SECTION E

PREREQUISITES TO ADVANCEMENT OF FUNDS

CAKE, JAUREGUY, HARDY, BUTTLER & MCEWEN

ATTORNEYS AT LAW

1400 STANDARD PLAZA

PORTLAND, OREGON 97204

226-7321

November 30, 1971

RALPH H. CAKE
NICHOLAS JAUREGUY
HERBERT C. HARDY
JOHN H. BUTTLER
DONALD W. MCEWEN
ROBERT L. WEISS
JONATHAN U. NEWMAN
JOHN R. FAUST, JR.
JOSEPH J. HANNA, JR.
DEAN P. GISVOLD
GEORGE C. REINMILLER
ROBERT D. RANKIN
THOMAS L. GALLAGHER, JR.
VICTOR W. VANKOTEN

Mr. L. B. Day, Director
Department of Environmental Quality
1234 S. W. Morrison
Portland, Oregon 97205

Re: Metropolitan Service District

Dear Mr. Day:

You have requested the Metropolitan Service District to provide you with certain documentary material prior to the time the proposed Agreement between the Department and the District will become effective. The items requested by you are:

1. A duplicate original of the record of election forming the District as filed with the Secretary of State;
2. Evidence of the establishment of its governing body and its officers;
3. Evidence of the District's governing body authorizing the loan agreement and authorizing an agreement with its consulting engineering firm; and
4. An opinion of the District's legal counsel regarding the authority of the District to incur and repay the indebtedness provided for therein.

Insofar as it is now possible to do so, we are submitting the following material with respect to the above four items. The following paragraphs with Arabic numerals refer to your four requests above. Where more than one document is in answer to that request, it is designated by a letter.

1. Attached is a xerox copy of the official certificate of Clay Myers relating to the election results establishing the Metropolitan Service District from the Board of County Commissioners of Multnomah County.

2. To satisfy this requirement, we are submitting to you herewith a copy of the appointments of the existing Directors of

Mr. L. B. Day
November 30, 1971
Page Two

the Metropolitan Service District. There are two on Commissioner Schumacher of Clackamas County because the first appointment was for six months.

There is no document yet for Mr. Mohr and will not be until Monday, December 7, 1971 when the necessary City Commissioners have returned from the League of Oregon Cities Convention. We have been assured by Mr. Chandler of CRAG that he will get that certificate in by Tuesday of next week. As soon as we have it, we will forward the same to you. In addition to the appointment of each of the Board members, there is a copy of the minutes of the Board of Directors' meeting dated February 12, 1971 which under number 1 shows that Commissioner Hout was elected Chairman of the Board of Directors and Commissioner Anderson was elected Vice Chairman.

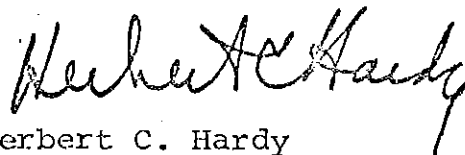
3. The District's governing body will not act on the "loan agreement" nor on the contract with the "consulting engineering firm" until December 3, 1971. Neither the loan agreement nor the agreement with the consulting engineering firm will be signed until those documents can be submitted for signature, but we will provide you with evidence of the District's authorization of both agreements if it is made on December 3rd as we expect it to be.

4. A copy of this firm's opinion to the Board of Directors of Metropolitan Service District to incur and repay the indebtedness is attached. It is to be noted that the Board of Directors has not received this as of yet nor are they obliged to accept it until the meeting on December 3rd.

While you did not request us to furnish you with certain other material, we felt that you should have a copy of the minutes of November 5, 1971 in which the Board adopted the proposed scope of work, the Metropolitan Service District Action Program and the budget as amended, with instructions to forward them to you. We assume that you already have these three items.

Very truly yours,

CAKE, JAUREGUY, HARDY,
BUTTLER & McEWEN



Herbert C. Hardy

HCH/sb
Encls

CERTIFICATE

State of Oregon

OFFICE OF THE SECRETARY OF STATE



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

I CERTIFY that the attached is a true and complete copy of a certified copy of an Order Proclaiming Election Results and Establishing a Metropolitan Service District within the areas of the Counties of Multnomah, Washington and Clackamas.

I FURTHER CERTIFY that the attached document was filed in this office at 8:36 a.m., January 18, 1970.

I FURTHER CERTIFY that I am the legal custodian of the subject document and all supporting documentation attached thereto.



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

Done at the Capitol at Salem, Oregon, this

23rd day of November, A. D. 1971.
CLAY MYERS, Secretary of State

By:

A handwritten signature in dark ink, appearing to read "James H. ...".
Assistant Secretary of State

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

In the Matter of the Establishment)
of a METROPOLITAN SERVICE DISTRICT.) ORDER PROCLAIMING ELECTION
Within Areas of the Counties of) RESULTS AND ESTABLISHING A
MULTNOMAH, WASHINGTON and CLACKAMAS,) METROPOLITAN SERVICE
Under the METROPOLITAN SERVICE) DISTRICT
DISTRICT ACT of July 1, 1969.)

The above-entitled matter is before the Board pursuant to the provisions of ORS 268.010 - 268.990 to consider the results of a Special Election held on May 26, 1970, on a proposal for the establishment of a Metropolitan Service District within a designated area of Multnomah, Washington and Clackamas Counties, which said election was held at the State-wide Primary Election on said date pursuant to an order of the Board of County Commissioners fixing the date and time for said election, all as more particularly shown by that certain order of the Board made and entered on the 11th day of December, 1969, and entered in Commissioners' Journal 117 at Page 175; and

It appearing to the Board that said election was held at the time and at the place and at the date heretofore designated by the Board and that thereafter, pursuant to a canvass of the votes cast at said Special Election by the county clerks and registrars of election of the Counties of Multnomah, Washington and Clackamas, and duly certified and reported as required by law to said county clerks and registrars of election; and

It further appearing to the Board that pursuant to the official certification of the respective clerks and registrars of election of said counties heretofore filed with the Board of County Commissioners that 98,142 votes were cast in favor of the establishment of the Metropolitan Service District and 85,394 votes were cast against the said formation; and

It further appearing to the Board that in all respects said election appears to be regular, legal and valid and that a majority of the votes cast did favor the formation of the Metropolitan Service District within the geographical areas heretofore designated by the Board; and the Board being fully advised in the premises, it is therefore

ORDERED that at a duly called Special Election held on May 26, 1970, to consider the question as to whether a Metropolitan Service District should be formed within the Counties of Multnomah, Washington and Clackamas, State of Oregon, in accordance with the provisions of ORS 268.010 - 268.990, 98,142 votes were cast in favor of the formation of said district, and 85,394 votes were cast against said formation; and it is

FURTHER ORDERED that the Board does find that a majority of those voting on said proposal approved the formation of a

Metropolitan Service District and the respective certificates of the Registrars of Election and County Clerks of Multnomah, Washington and Clackamas Counties certifying to the vote and the result of said elections in their respective counties be and the same is hereby accepted and placed of record in the files of said District, and it is

FURTHER ORDERED that as a result of said election and a proclamation of the results thereof that the METROPOLITAN SERVICE DISTRICT be and the same is hereby declared formed and established, all in accordance with the provisions of ORS 268.010 - 268.990, and shall be hereafter known as the METROPOLITAN SERVICE DISTRICT, and the boundaries of said District shall be as described in that certain order heretofore entered herein fixing the time and date for said Special Election, entered in Commissioners' Journal 117, at Page 175, on the 11th day of December, 1969.

June 4, 1970

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

M. JAMES GLEASON

By

Chairman

L. W. AYLSWORTH

By

Commissioner

DAVID ECCLES

By

Commissioner

DONALD E. CLARK

By

Commissioner

MEL GORDON

By

Commissioner

(S E A L)

APPROVED AS TO FORM:

GEORGE VAN BOONESSE
District Attorney for
Multnomah County, Oregon

By WILLIS A. KOST
Willis A. Kost
Chief Civil Deputy

State of Oregon
County of Multnomah

} ss

I, Albert B. Green, Director, Department of Judicial Administration of Multnomah County, Oregon, do hereby certify that the foregoing copy of Order has been compared by me with the original, as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Board of County Commissioners this 4th day of June, A. D., 1970.



RECEIVED
WASHINGTON COUNTY JAN 21 1971

COURTHOUSE—SECOND & MAIN STREETS
HILLSBORO, OREGON 97123

COLUMBIA REGION ASSN.
OF GOVERNMENTS

BOARD OF COMMISSIONERS

WILLIAM MASTERS, Chairman
JOHN C. ANICKER
LYELL GARDNER
ELDON HOUT
BURTON C. WILSON JR.

January 14, 1971

RICHARD MILBRODT
COUNTY ADMINISTRATIVE OFFICER
ROOM 209
(503) 648-8676

Homer Chandler, Executive Director
Columbia Region Association of Governments
429 S. W. Fourth
Portland, Oregon

Dear Homer:

This is to advise you that by minute order no. 70-731, the Washington County Board of Commissioners appointed Eldon Hout as the representative from Washington County to serve on the Metropolitan Service District governing board and also on the Columbia Region Association of Government's Executive Committee for one additional term. A copy of this minute order is attached. If you have any questions, please let me know.

Very truly yours,

Dick
Richard Milbrodt,
Washington County Administrative Officer

RM/lw

attachments: 1

I hereby certify that the within is
a true copy of the original file of
Don R. Jewell
of Hillsboro, Oregon

December 16, 1970

Roger Thomssen, Director of Records & Elections

County Administrative Officer

Continuance of Board Memberships for all Statutory Appointments
Minute Order No. 70-731

The Board of Commissioners, at their regular meeting of December 15, 1970, by minute order no. 70-731, authorized the continuance of board memberships on all boards and commissions which are required by law. The continuation is to be effective for the term of the appointment as defined by law.

RM/lw



CITY OF TIGARD

RECEIVED
JAN 21 1971

P. O. Box 23557
12420 S. W. Main
Tigard, Oregon 97223

COLUMBIA REGION ASSN.
OF GOVERNMENTS

January 19, 1971

Homer Chandler
Executive Secretary
Columbia Region Association of Governments
429 S. W. 4th
Portland, Oregon 97204

Dear Homer,

This letter is to confirm the caucus of mayors of Washington County cities for the purpose of electing representatives to the board of the Metropolitan Service District and CRAG, respectively.

The caucus was held Thursday evening, January 14th, in Tigard. Being the host, I was endowed with the responsibility of providing you and others concerned with the results of the caucus.

The Cities of Beaverton, King City, Hillsboro, North Plains, and Tigard were represented with their respective mayors. The City of Forest Grove was represented by proxy delegated to the Mayor of Hillsboro.

On the matter of selection of a representative for the Metropolitan Service District Board, Mayor Carroll of King City nominated Harold Ruecker. The nomination was seconded by Mayor Larsen of Tigard and a unanimous ballot was cast in favor of Mayor Ruecker as our Washington County cities representative.

Mayor Larsen of Tigard nominated William Young, Beaverton Councilman, as the Washington County cities representative to the CRAG Executive Board. The nomination was seconded by Mayor Ruecker and a unanimous ballot cast.

In behalf of all of the cities of Washington County, we look forward to a continuing fine relationship with CRAG and an expanded effort to communicate CRAG's effort to our respective jurisdictions.

I hereby certify that the within is
a true copy of the original thereof.

Dean P. Jewell
City Administrator
MSD

Sincerely,

Stephen M. Telfer
Stephen M. Telfer
City Administrator

SMT:jp
cc: Mayors, Wash. County



COUNTY COMMISSIONERS
 M. JAMES GLEASON, Chairman
 L. W. AYLSWORTH
 BEN PADROW
 DONALD E. CLARK
 MEL GORDON

Multnomah County Oregon

BOARD OF COUNTY COMMISSIONERS

(503) 227-6411 ■ ROOM 605, COUNTY COURT HOUSE ■ PORTLAND, OREGON ■ 97204

January 28, 1971

Commissioner Mel Gordon
 Court House

Metropolitan Service District ✓
 429 S.W. Fourth Avenue - Suite 500
 Portland, Oregon 97204
 Attn: Mr. Homer Chandler, Secretary ✓

Dear Sirs:

Be it remembered, that at a meeting of the Board of County Commissioners held January 28, 1971, the following action was taken:

In the matter of the appointment of)
 Commissioner Mel Gordon to the Metropolitan)
 Service District.

It is unanimously so ORDERED.

Yours very truly,

BOARD OF COUNTY COMMISSIONERS

BY *Donna L. Becken*
 Clerk of board

nr

I hereby certify that this is a true and correct copy of the original as the same appears in the minutes of the Board of Commissioners of Multnomah County, Oregon.
Dean P. Givins
 Clerk of Multnomah County
 MSD

CITY OF GRESHAM
RECEIVED
APR 1 1971
113

RESOLUTION

On Thursday, the 18th day of
February, 1971, the undersigned Mayors of
the County of Multnomah, Oregon, met at a joint
convention of Mayors and selected Mr. Sid Bartels,
Councillman ~~Mayor~~ of Gresham, Oregon, as their representative
to the governing body of the Metropolitan Service District.

Written notice of the convention was mailed to
the mayors of the following cities: Fairview, Oregon; Maywood
Park, Oregon; Troutdale, Oregon; Wood Village, Oregon (mailings origin-
ated at Gresham, Oregon).

being all of the cities (as that term is defined by
ORS 221.010 and 174.100(2) within the boundaries of the
Metropolitan Service District and within Multnomah
County more than five (5) days prior to the time set for
the convention. Present at said meeting were the under-
signed Mayors representing a majority of the cities within
the boundaries of the Metropolitan Service District and
within Multnomah County.

Dated this 18th day of February, 1971.

- Fairview, Oregon . . . : Oren K. Olin - Oren Olin, Mayor
- Wood Village, Oregon . . : Bruce B. Boldt - Bruce B. Boldt, Mayor
- Maywood Park, Ore. . . : Selma Turney - Selma Turney, Councilwoman
- Troutdale, Oregon . . . : Glen Otto - Glen Otto, Mayor
- Gresham, Oregon . . . : Alan Fisher - Alan Fisher, Mayor

I hereby certify that the within is
a true copy of the original thereof.
Dean P. Givens
City Attorney for the Metropolitan Service District

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the matter of the re-appointment
of ROBERT SCHUMACHER as representative
of Clackamas County to the Metropolitan
Service District

Order No. 71-62

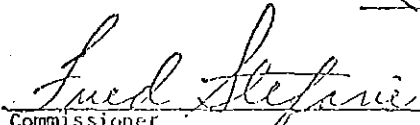
This matter coming on at this time and it
appearing to the Board of County Commissioners that by Order No. 70-475, dated
June 15, 1970, Robert Schumacher has been serving as representative of Clackamas
County for Clackamas County on the Metropolitan Service District, and

It further appearing to the Board that a
representative should be appointed to represent Clackamas County on this afore-
mentioned Service District, in the best interest of Clackamas County, now therefore

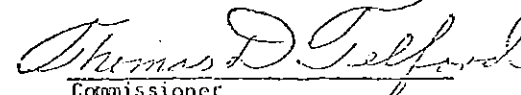
IT IS HEREBY ORDERED that Robert Schumacher,
County Commissioner, be and he is hereby appointed as representative to the
Metropolitan District for Clackamas County for a period of six months from date
of this Order.

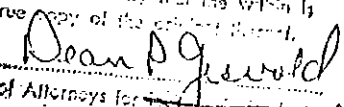
DATED this 20th day of January, 1971.


Chairman


Commissioner

BCC


Commissioner

I hereby certify that the within is
a true copy of the original record.

Attorneys for MSD

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the matter of the re-appointment of
ROBERT SCHUMACHER as representative of
Clackamas County to the Metropolitan
Service District.

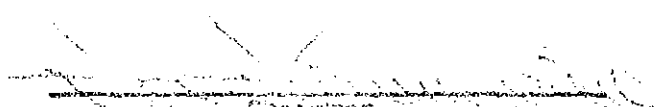
ORDER NO. 71-1093

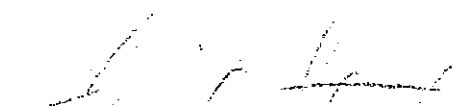
This matter coming on at this time and it
appearing to the Board of County Commissioners that by Order No. 70-075, dated
June 15, 1970, Robert Schumacher was appointed to serve as representative for
Clackamas County on the Metropolitan Service District, and

It further appearing to the Board that a
representative should be appointed on the aforementioned Service District in the best
interests of Clackamas County, now therefore

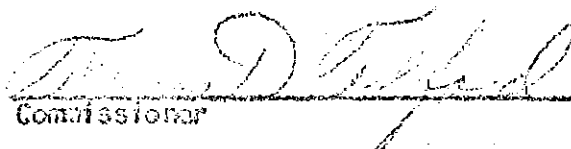
IT IS HEREBY ORDERED that Robert Schumacher
County Commissioner, be and he is hereby appointed as representative to the Metropoli-
tan Service District until December 31, 1971, or until his successor is duly qualified
and appointed.

DATED this 19th day of July, 1971.


Chairman


Commissioner

SEC


Commissioner

OFFICE OF CITY AUDITOR



RECEIVED
GEORGE YERKOVICH
CITY AUDITOR
JAN 18 1971

CITY OF PORTLAND
OREGON

COLUMBIA REGION ASS'N.
OF GOVERNMENTS

January 15, 1971

Metropolitan Service District
429 S. W. Fourth Avenue
Portland, Oregon 97204

Gentlemen:

Enclosed is a copy of Resolution No. 30348, adopted by the Council January 14, 1971, authorizing the Commissioner of Public Works to represent the City in Metropolitan Service District Affairs.

Yours very truly,

George Yerovich
Auditor of the City of Portland

EC:dks
Encl.

I hereby certify that the within is
a true copy of the original thereof.
Dean G. Jewell
of Attorneys for *MSD*

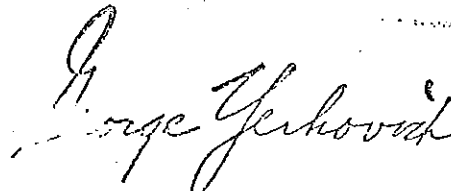
RESOLUTION NO. 30848

WHEREAS, the CRAG constitution and the Metropolitan Service District statute provide that the City representative to CRAG and the Metropolitan Service District will be appointed by the governing body of the City, and

WHEREAS, the Mayor has assigned the duties of representative to CRAG and representative to the Metropolitan Service District to the Commissioner in charge of Public Works; now, therefore,

BE IT RESOLVED that the Commissioner of Public Works is hereby appointed by the governing body of the City of Portland to represent the City in all matters before CRAG and the Metropolitan Service District in their respective current terms.

Adopted by the Council JAN 14 1971

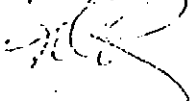


Auditor of the City of Portland

Commissioner Anderson

DCJ:at

1/12/71



METROPOLITAN SERVICE DISTRICT
BOARD OF DIRECTOR'S MEETING MINUTES
OF
FEBRUARY 12, 1971

ATTENDANCE

Eldon Hout, Chairman
Robert Schumacher
Lloyd Anderson
Gus Mohr
Harold Ruecker
Mel Gordon
Sidney Bartels
Homer C. Chandler, Executive Director
Herbert Hardy, Attorney

There being a quorum present, the Board took action on the following items of business:

I. ORGANIZATION OF THE BOARD

A. AMENDMENT TO BYLAWS

Mr. Anderson moved that the MSD bylaws be amended by creating the position of Vice Chairman. Mr. Ruecker seconded the motion; motion carried unanimously.

B. NOMINATIONS

(1) Office of Chairman

Mr. Ruecker nominated Eldon Hout; Mr. Mohr seconded the nomination. There being no further nominations, Mr. Ruecker moved that Mr. Hout be selected by acclamation; Mr. Anderson seconded; Mr. Hout chosen by a unanimous vote.

(2) Office of Vice Chairman

Mr. Ruecker nominated Mr. Anderson; Mr. Gordon moved the close of nominations and that a unanimous ballot be cast for Mr. Anderson. Motion seconded by Mr. Bartels; motion unanimously approved.

II. FINANCIAL REPORT

A. USER FEES

Mr. Hardy discussed the ability of the District to assess user charges on disposal of items such as tires, appliances, oil, and others. His opinion is that such a practice is legal and should be adopted by MSD. (Opinion will be shortly forwarded to all Board members.)

B. STATE BONDS

Mr. Hardy urged the Board to develop a work program outlining the type of solid wastes disposal system it will operate and that this program should be used in the District's attempts to secure legislative support of using State Bond money for developing solid waste systems

C. HOUSE BILL 1051

Mr. Hardy requested that the Board take action to amend House Bill 1051 so that the MSD will not come under its provisions. Mr. Anderson moved a legislative committee be created to follow-up with this request. Mr. Schumacher seconded the motion; motion carried unanimously.

Mr. Chandler was instructed to develop, with the Advisory Committee, a preliminary plan showing a landfill and transfer station system and cost estimates. This report is to be presented at the February 19, 1971, Board meeting.

There being no further business, the meeting adjourned at 2:45 p.m.

METROPOLITAN SERVICE DISTRICT
BOARD OF DIRECTORS MEETING MINUTES

NOVEMBER 5, 1971

ATTENDANCE

Eldon Hout, Chairman
Harold Ruecker
Mel Gordon
Sid Bartels
Gus Mohr
Robert Schumacher
Lloyd Anderson
Homer C. Chandler, Executive Director
Herb Hardy, Legal Counsel

There being a quorum present, the Board considered the following:

I. MINUTES OF PREVIOUS MEETINGS

Minutes of meetings October 22, September 10, August 20, and August 26 were amended and approved as amended.

II. SOLID WASTE PLANNING REPORT

Mr. Hardy presented to the Board the following documents:

- (1) The Scope of Work for the development of a solid waste management program.
- (2) A proposed Budget to finance the solid waste study and an Action Program setting forth the steps that MSD will follow in presenting to the public a plan for the disposal of solid wastes collected from the household and commercial establishments.

I hereby certify that the within is
a true copy of the original thereof.
Dean P. Gwold
of Attorneys for MSD

Mr. Hardy stated that these documents have been developed in concert with representatives of the State Environmental Quality Commission and the consulting firm of Engineering Science, Inc. If these documents are now approved, they will be presented to the Department of Environmental Quality in the month of November and to the Oregon State Emergency Board along with the application for a loan to assist in financing the study.

Mr. Schumacher moved that the Board adopt the proposed Scope of Work; the Action Program; and the Budget as amended in the discussions concerning these documents and that they be forwarded to the Department of Environmental Quality and to the Emergency Board. Mr. Bartels seconded the motion; the motion carried with Mr. Gordon abstaining.

ESI Contract: Mr. Hardy stated that his firm has been reviewing the proposed contract between Engineering Science, Inc., and the Metropolitan Service District. It is their opinion that, at the present time, there needs to be some changes made.

Mr. Chandler stated that he feels there needs to be inserted into the proposed contract the following:

- (a) A statement to the effect that, when the expenditure on the study reaches 75% of the contract figure, the Board should review what has been done before the contractor is allowed to go further.
- (b) That, if at any time before the end of the study the Board determines the contract should be terminated, all data, information, maps, and documents developed by the contractor will become the property of MSD.

Mr. Hardy stated that these would be included in his review and that a revised document will be presented to the Board at their next meeting.

III. STORM DRAINAGE LEGAL OPINION

Mr. Hardy stated that, as requested by the Board, he has reviewed the legal opinion given by the City Attorney's Office of the City of Portland concerning MSD's responsibility in developing storm drainage and flood control programs. Mr. Hardy stated that he will put his opinion in writing and forward it to the Board, but in essence his opinion will state that MSD does have responsibility for storm waters and flood control programs if it chooses to exercise its authority. Further, MSD's responsibility and authority is not limited by local control over storm drainage programs; and that before MSD enters into a storm drainage program, it will be necessary to establish a means for financing this type of service.

Mr. Chandler asked how the MSD Board should react to the request made by the Oregon State Highway Division that MSD accept responsibility and authorize changes in the Johnson Creek channel so that it will be compatible with the design of Interstate Highway 205.

Mr. Hardy stated that it was his opinion that, inasmuch as the District has not established a financial means of accepting the responsibility, the District should not at this time become involved in the Johnson Creek Channel improvements.

In light of Mr. Hardy's legal opinion, Mr. Anderson moved that the Board request the City of Portland to accept responsibility for the straightening of the Johnson Creek in connection with the Interstate 205. Mr. Mohr seconded the motion; motion carried unanimously.

There being no further business, the meeting adjourned at 3:35 p.m.

CERTIFICATION OF MINUTES

This is a true copy of the minutes of the Metropolitan Service Board meeting of November 5, 1971.


Executive Director

SECTION F

PROPOSED FORM OF AGREEMENT

LOAN AGREEMENT BETWEEN
DEPARTMENT OF ENVIRONMENTAL QUALITY
AND
METROPOLITAN SERVICE DISTRICT

This agreement, made this _____ day of _____, 1971, by the State of Oregon acting by and through the Department of Environmental Quality, herein called Department, and Metropolitan Service District, a municipal corporation, herein called District.

WITNESSETH AND RECITALS

The District desires to plan for facilities for the disposal of solid wastes within an area lawfully within its jurisdiction to serve, and it is desirable for the District to raise a part of the costs of such undertaking by borrowing funds from the Department, pursuant to Article XI-H of the Constitution of Oregon and its implementing Acts. The Department intends to assist the District in its proposed planning project by loaning to it funds necessary to aid in financing the undertaking.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, it is agreed:

AMOUNT OF LOAN

The Department will loan to the District the sum of Four Hundred Thirty-Nine Thousand Two Hundred Fifty Dollars (\$439,250.00) and District will repay to the Department said sum as hereinafter set forth.

METHOD OF DISBURSEMENT OF FUNDS

1. The Department will advance to District, upon execution of this agreement, the sum of Fifty Thousand Dollars (\$50,000.00). Thereafter disbursement of the balance of the principal amount loaned will be advanced quarterly as provided herein.

2. The District shall, in order to receive a quarterly disbursement, submit to the Department, not less than twenty (20) days prior thereto, the following: (a) a voucher stating the amounts

expended in the solid waste planning program pursuant to the planning budget attached hereto as Exhibit A; and (b) a status report prepared by the District's consulting engineer outlining the progress made and specific tasks completed toward accomplishment of the plans set forth in Exhibit B attached; and (c) a status report prepared by the District outlining the progress made and specific tasks completed toward accomplishment of the action program of the District set forth in Exhibit C attached. All exhibits referred to as attached are by this reference incorporated herein. The Department may terminate any disbursement installments upon its determination that the District is not substantially complying with the schedule and its failure to comply was not excusable.

REPAYMENT SCHEDULE - INTEREST

1. The principal sum loaned to the District shall carry interest at the rate of ____%.
2. Interest shall accrue on the initial advancement of funds and on each quarterly installment disbursement from the date of the initial advancement and the date of each quarterly installment disbursement made to the District.
3. The District shall pay to the Department all total interest accrued up to April 1, 1974, on the initial advancement and installment disbursements no later than April 15, 1974.
4. Thereafter, beginning April 1, 1975, the District shall pay annually to the Department installment payments in accordance with Schedule D attached hereto.

SECURITY PLEDGE

1. The District agrees to impose user charges, fees and assessments related to its solid waste management programs and to pledge to the Department a percentage thereof not less than necessary to make timely repayment of the loan which is the subject of this agreement.

2. The District shall submit its written pledge to the Department within sixty (60) days after a request is made to it from the Director of the Department. In the event any pledged revenues shall be reduced in amount or cease to exist the Department can request a pledge of new or increased District solid waste revenues which may be available.

LITIGATION

In the event of litigation brought by or against the District affecting its formation, authority or powers to assess and collect revenues or performing its functions, the Department may hold disbursements until the questions are resolved by a final judgment, decree or order of dismissal.

GENERAL COVENANTS AND CONDITIONS

1. To submit to the Department a copy of the final agreement between it and its consulting engineering firm, together with all amendments thereto that may thereafter be made.

2. To maintain complete financial books and records relating to the development and accomplishment of its solid waste management plan and program and to cause said financial books and records to be audited annually and copies of the audit furnished to the Department, and to cause said financial books and records to be audited at such other times as determined by the Department, and to permit reasonable inspection thereof by Department officers, employes and agents.

3. To refrain from borrowing money or incurring any additional indebtedness in excess of Twenty-Five Thousand Dollars (\$25,000.00) from any source without first obtaining the prior written consent of the Department.

4. When requested by the Department, to establish a reserve trust account in a bank insured by the federal government and to deposit therein sufficient revenues to meet its annual installment

payments of principal and interest.

5. To pay such reasonable attorney fees, costs and disbursements in the event the Department seeks judicial redress to enforce the terms and provisions of this agreement.

6. That time is the essence of this agreement and a breach of any covenant therein is a breach of the whole agreement.

7. It is understood and agreed that the development and execution of a solid waste plan for the metropolitan area of the District will be a pioneering venture of the parties hereto and either party may from time to time request of the other amendments or changes in this agreement for the purpose of accomplishing a viable program.

COVENANT OF AUTHORITY

The District covenants with the Department that the District has legal authority to enter into this agreement and incur and repay the indebtedness provided for herein.

This agreement consists of four (4) pages and is executed in triplicate the day and date above written.

DEPARTMENT OF ENVIRONMENTAL
QUALITY

METROPOLITAN SERVICE DISTRICT

By _____

By _____

Title: _____

Title: _____

SECTION F

Proposed Loan Repayment Schedule - Metropolitan Service District

Year Ending April 1	Interest Rate	Due April 1		
		Interest	Principal	Total
1974		*		*
1975	6	20,482.00	16,750.00	37,232.00
1976	6	19,477.00	18,000.00	37,477.00
1977	6	18,397.00	19,000.00	37,397.00
1978	6	17,257.00	20,000.00	37,257.00
1979	5.5	16,057.00	21,500.00	37,557.00
1980	4	14,874.50	22,500.00	37,374.50
1981	4	13,974.50	23,500.00	37,474.50
1982	4.1	13,034.50	24,500.00	37,534.50
1983	4.2	12,030.00	25,500.00	37,530.00
1984	4.3	10,959.00	26,500.00	37,459.00
1985	4.5	9,819.50	27,500.00	37,319.50
1986	4.6	8,582.00	29,000.00	37,582.00
1987	4.6	7,248.00	30,000.00	37,248.00
1988	4.7	5,868.00	31,500.00	37,368.00
1989	4.75	4,387.50	33,000.00	37,387.50
1990	4	2,820.00	34,500.00	37,320.00
1991	4	<u>1,440.00</u>	<u>36,000.00</u>	<u>37,440.00</u>
		196,707.50	439,250.00	635,957.50

* Interest for the first 3 years will be computed, for the actual periods of time from the issuance of installment payments, at the effective interest rate.

Effective interest rate - Pollution Control Bonds 4.4932



DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM McCALL
GOVERNOR

L. B. DAY
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

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Impact on DEQ Operations if Revenue Measures Fail
Agenda Item No. K, December 6, 1971, EQC Meeting

CRIPPLING OF OREGON'S ENVIRONMENTAL PROGRAMS WILL BE THE INEVITABLE RESULT IF VOTERS DEFEAT BOTH THE CIGARETTE TAX AND INCOME TAX MEASURES. IN JEOPARDY IS SOME \$633,000: \$210,000 CUT FROM DEQ'S OPERATING BUDGET AND \$423,000 PRESENTLY HELD IN RESERVE TO IMPLEMENT NEW PROGRAMS DEEMED ESSENTIAL BY THE FISCALLY CONSCIENTIOUS 1971 LEGISLATURE: NO EFFECTIVE CONTROLS COULD BE ESTABLISHED ON NOISE POLLUTION OR MOTOR VEHICLE POLLUTION; COMPLAINTS FROM THE PUBLIC WOULD GO UNANSWERED; WATER QUALITY WOULD DETERIORATE; FEDERAL CLEAN AIR ACT REQUIREMENTS COULD NOT BE MET.

Staff Reductions:

Fifteen positions would be abolished, including layoffs on some jobs presently filled. Losses would include highly skilled technicians: 7 engineers, 1 chemist and 4 laboratory technicians and trainees, plus a badly needed clerk and a program executive.

Air Quality:

DEQ will largely have to rely on industry's tests to see whether pollution sources comply with standards; DEQ's own testing

capability will be removed. Sixty-four wigwam waste burners, 49 board products plants and numerous boilers, mostly in the Southwest Region, will operate without DEQ having any effective control as to compliance with regulations. New programs related to land use planning, vital to sound development in the Rogue and Willamette Valleys, will be forestalled. Data processing services which would have helped coordinate DEQ and Regional air quality control efforts, will be delayed at least a year.

Water Quality:

Control of water pollution will be dangerously delayed as construction grant applications await staff to process them. Cities will lose needed help on sewage plant operations and inspections. Oregon communities will be denied vital federal grants after July 1, 1973 because basin plans will be impossible to complete.

Solid Waste:

DEQ's capability for developing regional solid waste planning, essential to control of rapidly mounting waste problems, will be significantly reduced.

Laboratories:

Investigation of dangerous air pollutants including cancer-producing gases, pesticides and hydrocarbons will be alarmingly delayed. Coordination between the laboratory and related outside functions will be lost. Vital correspondence will be curtailed. The laboratory, already operating at only 50% of intended levels, would be cut by nearly one-third.

Field Services

Dropping of one assistant district engineer from field staff now on the job will mean loss of 120 sewage treatment plant

inspections, 135 industrial waste investigations, 90 stream surveys to investigate water quality complaints, 60 environmental sanitation surveys, 75 solid waste site inspections and 150 meeting sessions in which DEQ's district staff work with local officials and industries to ward off problems in early stages before they reach critical proportions.

New Programs Unimplemented

The 1971 Legislature ordered DEQ to control noise pollution, increasingly recognized as a source of hearing loss and nervous disorders. The proposed program was to be a model for the entire nation. No staff will be available for noise control.

Automobiles are a major source of air pollution, noise and congestion with serious impact on the entire pattern and quality of urban life. Badly needed are standards to curb the proliferation of parking lots and freeways which threaten to turn green fields into a floor of concrete. Control of air pollution from motor vehicles, essential to meeting Federal Clean Air Act deadlines, requires vehicle inspection stations to get polluters off the road. DEQ now has one part-time staff member to deal with this complex range of problems affecting virtually every family in Oregon. No new staff can be added.

Summary and Conclusions

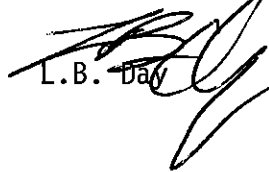
Oregonians, through their legislators, have expressed their abiding concern about Oregon's environmental future. Legislative intent to assure protection of Oregon's air, water and land will be violated if funds are not available to carry it out. Loss of revenues from cigarette tax and income tax will cut nearly two-thirds of a million dollars from programs intended to guard Oregon against environmental depredation. The result will not only be the aborting of urgent new programs but the ravaging of existing ones.

Memorandum to
EQC Members

- 4 -

Director's Recommendations:

It is recommended that the Commission go on record in wholehearted support of efforts to prevent loss of state revenues essential to continuation of the entire DEQ program and the protection of environmental quality for Oregon citizens.


L.B. Day

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Voter defeat of cigarette and income tax measures would "cut the guts out of environmental protection," L.B. Day declared today.

Outlining to the Environmental Quality Commission just what the dual revenue loss could do to Oregon's air and water, Environmental Quality Director Day said his department would be "hopelessly crippled" by the anticipated cutting of some two-thirds of a million dollars from his budget. The \$633,000 sum includes a \$423,000 reserve fund set aside for new programs ordered by the Legislature that the Department hasn't yet had a chance to implement.

Day said the new programs would be aborted and existing ones rendered ineffective.

"Water quality will deteriorate," he predicted. "Complaints from the public will go unanswered. Federal Clean Air Act requirements can't be met."

Fifteen positions would have to be abolished if funds are lost, Day announced, including some staff now on the job.

(Note: Program impact details are attached.)