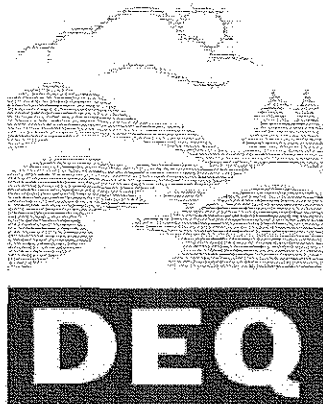


1/24/1972

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



State of Oregon
**Department of
Environmental
Quality**

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AGENDA

Environmental Quality Commission Meeting

January 24, 1972

Second Floor Auditorium, Public Service Building

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

9:00 a.m.

- A. Minutes of January 5 and 7, 1972 meetings
- B. Project Plans for December 1971
- ✓C. Wilderness Regulations (Formal Adoption)
- ✓D. Statewide Clean Air Implementation Plan (Formal Adoption)
- ✓E. State Department of Forestry, Slash Management Program, Report (Approval)
- F. Wigwam Waste Burners (Status Report)
- G. Edward Hines Lumber Co., Hines Mill (Boiler Compliance Schedule Acceptance)
- H. Tax Credit Applications
 - (1) T-244 Lloyd A. Fry Roofing Co. (\$66,151.46)
 - (2) T-253 Grants Pass Moulding (\$25,321.14)
- I. Proposed Schedule for Hearings (Authorization)

Report released tomorrow on

Col. Shea -

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Environmental Quality Commission Meeting

January 24, 1972

Second Floor Auditorium, Public Service Building

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

9:00 a.m.

- A. Minutes of January 5 and 7, 1972 meetings (Chairman) *McMath - W*
- B. Project Plans for December 1971 (Weathersbee) *Cogan - Waterman*
- C. Wilderness Regulations (Formal Adoption) (Armstrong) *Lee Johnson -*
Harms - McMath - carried
- D. Statewide Clean Air Implementation Plan (Formal Adoption) (Odeff)
Harms - Cogan - carried
- E. State Department of Forestry, Slash Management Program, Report (Approval) (Snyder)
Cogan - Waterman - carried
- F. Wigwam Waste Burners (Status Report) (Phillips)
Waterman - McMath - carried
- G. Edward Hines Lumber Co., Hines Mill (Boiler Compliance Schedule Acceptance) (Burkitt)
Waterman - Cogan - carried
- ✓ H. Tax Credit Applications (Sawyer)
 - (1) T-244 Lloyd A. Fry Roofing Co. (\$66,151.46)
 - (2) T-253 Grants Pass Moulding (\$25,321.14)
- I. Proposed Schedule for Hearings (Authorization) (Director)
LBD - tribute to voters in approving Cij. tax

Waterman - Resolution - DEQ supports

cont. R & D to reduce visibility impairment -
 re. fine particulates - 2nd - carried
 LBD - to be included as part of Impl. Program -
 Intent - to print by Wed & in mail by
 Wed. note. Permission of EQC to appoint a Citizens
 Advisory Group re. Study around rec. area -
 report within 6 mo. Harms - EQC concensus.

MINUTES OF THE THIRTY-FIRST MEETING
of the
Oregon Environmental Quality Commission
January 24, 1972

The thirty-first regular meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 9:00 a.m., Monday, January 24, 1972, 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, Edward C. Harms, Jr., George A. McMath and Storrs S. Waterman. None was absent.

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; F. Glenn Odell, Harold H. Burkitt and T.M. Phillips, Associate Engineers; R. Bruce Snyder, Meteorologist; Richard Armstrong, Federal Air Quality Control Assignee; Barbara Seymour, Information Director and A.B. Silver, Legal Counsel.

MINUTES OF JANUARY 5 AND 7, 1972 MEETING AND HEARINGS

It was MOVED by Mr. McMath, seconded by Mr. Waterman and carried that the minutes of the thirtieth regular meeting of the Commission held in Portland on January 5, 1972 and of the public hearings held in Medford and Eugene on January 7, 1972 be approved as prepared.

PROJECT PLANS FOR DECEMBER 1971

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that the actions taken by the Department during the month of December 1971 regarding the following 27 municipal sewerage, 2 industrial waste, and 12 air quality control projects be approved:

Water Pollution Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
<u>Municipal Projects (27)</u>			
12/1/71	Keizer S & D	Koala Way sewer	Prov. app.
12/6/71	Portland	Linnton interceptor, Unit 2, Phase II	Prov. app.

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12/6/71	Portland	Linnton interceptor, Unit 2, Phase II	Prov. app.

Water Pollution Control - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
12/7/71	USA	Change Order No. 4 (Aloha plant)	Approved
12/8/71	Riverview Heights	Crittenden Loop sewer line replacement	Prov. app.
12/8/71	Klamath Falls	Change Orders 1 through 7 (marina sewer)	Approved
12/10/71	Medford	Change Orders 32 through 41 (sewage treatment plant)	Approved
12/10/71	Tualatin	Burlington-Northern sewer lateral	Prov. app.
12/13/71	USA	Farmington Apartments sewers	Prov. app.
12/14/71	Gresham	T & C Shopping Center sewer extension	Prov. app.
12/16/71	Grants Pass	Sewage treatment plant modifications (3.9 mgd)	Prov. app.
12/16/71	Myrtle Point	Sewage treatment plant modifications (0.36 mgd)	Prov. app.
12/20/71	Multnomah County Service Dist. No. 1	Hollyview Unit No. 2 sewers	Prov. app.
12/20/71	Klamath Falls	Change Order No. 8 (marina sewer)	Approved
12/27/71	St. Helens	Change Order No. W-4 (Railroad Addition sewers)	Approved
12/27/71	Hillsboro	Change Order No. 2 (interceptor)	Approved
12/27/71	Hillsboro	Change Order No. 15 (sewage treatment plant)	Approved
12/27/71	Deschutes County	Redmond Air Center sewerage report	Approved
12/28/71	USA	Knollwest Subdivision (sewers)	Prov. app.
12/28/71	USA	Crosscreek Subdivision (sewers)	Prov. app.
12/28/71	USA	Windjammer Subdivision (sewers)	Prov. app.
12/28/71	USA	Blossom Park Subdivision (sewers)	Prov. app.
12/28/71	USA	Lawndale No. 2 (sewers)	Prov. app.
12/28/71	USA	Longacres Park, Phase II (sewers)	Prov. app.
12/28/71	USA	Hyland Hills No. 7 (sewers)	Prov. app.
12/28/71	USA	Elm Street by-pass sewer (Beaverton)	Prov. app.
12/28/71	USA	S.W. 92nd Ave. sewer ext.	Prov. app.
12/29/71	Canby	Brownmore Addition (sewers)	Prov. app.

Water Pollution Control - continued

Industrial Projects (2)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
12/13/71	The Dalles	Harvey Aluminum, primary sludge handling facilities	Prov. app.
12/15/71	St. Paul	McKillip Brothers Meat, secondary treatment -- land disposal system	Prov. app.

Air Quality Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
12/2/71	Deschutes Co.	Nosler Bullets, Inc. Installation of fume control system for acid pickling and chromic acid bright dip process	Approved
12/8/71	Coos County	Weyerhaeuser Company Documentation of compliance with Board Products Regulations for plywood plant	Approved
12/8/71	Coos County	Weyerhaeuser Company Review of compliance program for particleboard plant	Add. inf. req.
12/10/71	Columbia County	Boise-Cascade Corporation Plans and specifications for non-condensable system	Approved
12/13/71	Deschutes County	Central Oregon Fir Schedule for WWB phase out by May 1, 1972	Approved
12/15/71	Union County	Boise-Cascade Corporation Schedule of compliance with Board Products Regulations for particleboard plant	Approved
12/20/71	Douglas County	Robert Dollar Company Plans and specifications for decorative bark plant furnace	Approved
12/21/71	Lake County	Mazama Timber Company Proposal to relocate WWB	Add. inf. req.
12/21/71	Deschutes County	Brooks-Willamette Corporation Plans to relocate three cyclone exhausts in raw materials storage building	Approved
12/21/71	Umatilla County	United States Gypsum Company Review of company position that facility is in compliance with Board Products Regulations	No action

Air Quality Control - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
12/22/71	Curry County	South Coast Lumber Co. Plans and specifications for WWB modification	Approved
12/23/71	Multnomah Co.	Goose Hollow Student Housing Project Review of Environmental Impact Statement	No Comments

PROPOSED WILDERNESS REGULATIONS

Mr. Armstrong presented the Department's report and the proposed revised and amended Environmental Standards for Wilderness Areas. He said that the proposed standards which were the basis of the public hearing held on December 6, 1971 have since been amended to reflect consideration of the public testimony received at and subsequent to that hearing, that they now pertain only to some 820,000 acres of wilderness areas and not to other natural scenic and recreational areas, that they set forth the environmental policy and criteria for wilderness areas, and that they require permits for all activities, except emergency and recreational activities, which might be expected to violate this policy and the basic criteria. By permit an activity may emit air contaminants causing greater than 5% opacity but not greater than 10% opacity and may cause a noise level 50 feet from the source greater than 50 dbA but not greater than 75 dbA at such distance.

Attorney General Lee Johnson was present and stated that he had assisted the Department's staff in revising the standards to make them more workable. He and Director L.B. Day both recommended that the proposed standards as revised be approved.

Mr. Harms submitted detailed comments and replies to the statements made by the several witnesses who had opposed or criticized the proposed standards at the December 6 hearing.

It was then MOVED by Mr. Harms, seconded by Mr. McMath and unanimously carried that the proposed Environmental Standards for Wilderness Areas as revised be adopted.

A copy of said standards as adopted is attached to and made a part of these minutes.

Chairman McPhillips commended the staff most highly for the excellent work done in developing the standards.

A letter dated January 11, 1972, had been received from the Northwest Steelheaders Council of Trout Unlimited, William A. Luch, President, giving full support to the standards.

The Commission members authorized the Director to appoint a Citizens' Advisory Committee to assist the Department in studying the need for and in developing proposed environmental standards for buffer zones adjacent to Wilderness Areas.

STATEWIDE CLEAN AIR IMPLEMENTATION PLAN

Mr. Odell stated that the testimony presented at and subsequent to the public hearings held in Portland on January 5 and in Medford and Eugene on January 7 had been given full consideration and that based thereon some 190 pages of amendments had been prepared to the Clean Air Act Implementation Plan. He said more than 450 persons attended the 3 hearings with 39 presenting oral testimony and an additional 16 submitting written statements. Of the 38 post-hearing amendments he discussed the 6 major ones which included (1) Provisions for Citizen Participation, (2) Requirement of Highest and Best Practicable Treatment, (3) Regional Responsibilities over Parking Facilities and Highways in Urban Areas, (4) Changes in Requirements Pertaining to Sulfur Content in Fuels, (5) Veneer Drier Emission Limitations, and (6) Air Quality Surveillance.

Director L.B. Day recommended the adoption of the Implementation Plan with all the amendments referred to by Mr. Odell.

After a brief discussion by the Commission members it was MOVED by Mr. Harms, seconded by Mr. Cogan and unanimously carried that the proposed Clean Air Implementation Plan including all proposed new rules contained therein and all addenda and amendments pertaining thereto as prepared by the staff be adopted and the required number of copies of the same be forwarded to the Governor for signature for submittal prior to January 30, 1972 to the Environmental Protection Agency.

It was then MOVED by Mr. Waterman, seconded by Mr. Cogan and unanimously carried that the following resolution be adopted and a copy sent to EPA:

RESOLUTION OF THE ENVIRONMENTAL QUALITY COMMISSION
RELATING TO FINE PARTICLES AND AIR POLLUTION RESEARCH

The Environmental Quality Commission is the State agency with broad responsibilities for implementing the State policy on air pollution, which as set forth in ORS 449.765 is "to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall welfare of the state." Given this public policy, and given the unique climate and topography of Oregon, the needs of the State of Oregon for the establishment of air quality standards and rules relating to control of air contaminants may precede Federal requirements.

The Commission further takes note of the fact that degradation of the visual quality of the atmosphere represents an air pollution problem of great concern to the people of Oregon.

Although the present air pollution control program of the State is largely directed toward the control of emissions of particulate matter, which is considered to be the major cause of visibility reduction, this effort is not specifically designed and oriented to effect improvements in visibility. The present state of scientific knowledge regarding the nature of visibility reduction and the degree to which various sources contribute to it is insufficient to allow a more direct regulatory approach.

NOW THEREFORE BE IT RESOLVED:

The Environmental Quality Commission fully supports and encourages research directed toward the development of ambient air and emission standards, based on available measurements and control technology, for air contaminants that are responsible for degradation of the visual quality of the atmosphere; and further authorizes the staff of the Department of Environmental Quality to provide its full support to such research, consistent with the demands and needs of the overall state program.

AND BE IT FURTHER RESOLVED:

Based on such research, the Environmental Quality Commission shall adopt necessary additional rules and regulations, in advance of Federal requirements if necessary, for the control of fine particulate matter and

other contaminants in order to carry out the policy objectives of ORS 449.765.

Dated this 24th day of January, 1972

Chairman, Environmental Quality
Commission

A copy of the Implementation Plan as approved has been made a part of the Department's permanent files in this matter.

STATE DEPARTMENT OF FORESTRY'S SMOKE MANAGEMENT PLAN

Mr. Snyder reported that as required by Chapter 297, Oregon Laws 1971, the State Forester in cooperation with DEQ and other concerned agencies and groups had developed an improved smoke management plan for application to the problems of prescribed slash burning on all forest lands in Oregon. He said the proposed plan had been approved by the State Board of Forestry on January 5, 1972. He said it is the opinion of the DEQ staff that the operational portion of the plan provides the flexibility needed to protect air quality and that therefore the Director of DEQ recommends that said plan be approved by the EQC. He emphasized that it pertains to all forest lands including federal, state and private.

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that the State Department of Forestry's Smoke Management Plan be approved.

Chairman McPhillips commended State Forester J.E. Schroeder and his department for their cooperative efforts in developing this plan.

A copy of said plan as approved has been made a part of DEQ's permanent files in this matter.

WIGWAM WASTE BURNERS

Mr. Phillips reviewed the status of the Department's program for control of atmospheric emissions from wigwam waste burners. He reported that of the 219 such burners under the jurisdiction of DEQ, 111 have been phased out of operation and that of the 108 still in use 20 have been modified, 21 are scheduled to be modified, 34 are scheduled to be phased out and 33 are still without any kind of schedule. He pointed out that of the latter 33, 12 are located in the Southwest AQC Region, 7 in the North

Coast, 5 in the Central and 9 in the Eastern AQC Region. He said that it has been concluded that for those burners for which no schedules have been developed there is need to change from the voluntary cooperative program to enforcement under a specific permit program.

It was MOVED by Mr. Waterman, seconded by Mr. McMath and carried that the following 5 recommendations submitted by the staff in this matter be approved:

1. It is recommended that the EQC provide comments, guidance, or recommendations to the Department regarding the remaining wigwam waste burners operating under DEQ jurisdiction without specific compliance schedules.
2. It is recommended that a permit system be established for all operators of wigwam waste burners as soon as the permit system can be initiated.
3. It is recommended that "Show Cause Hearings" be authorized for the following companies to establish an Order requiring compliance with the visible emission regulation, OAR Chapter 340, Section 21-015, either through phase-out or modification of the wigwam waste burner.

<u>Company</u>	<u>City</u>	<u>County</u>
Arago Cedar Products	Myrtle Creek	Coos
Spangler Wood Products	Myrtle Point	Douglas
South Fork Lumber	Anlauf	Douglas
Green Valley Lumber	Myrtle Point	Douglas
Fountain Lumber	Talent	Jackson
Bellview Moulding	Ashland	Jackson
Jefferson Plywood	Madras	Jefferson
M & Y Lumber	Selma	Josephine
Modoc Veneer	Modoc Point	Klamath
Aalsea Veneer	Waldport	Lincoln
Ronde Valley	Union	Union

4. It is recommended that Civil Penalties action be initiated against Mt. Pitt Lumber Company at Central Point in Jackson County if further violations of OAR, Chapter 340, Section 21-015, are noted.

5. It is recommended that the Department continue negotiations with the following companies:

<u>Company</u>	<u>City</u>	<u>County</u>
Ellingson Lumber Co.	Unity	Baker
Ellingson Lumber Co.	Baker	Baker
Ellingson Lumber Co.	Halfway	Baker
Paint Rock Cedar	Worndon	Klamath
Dalles City Dump	The Dalles	Wasco
Warm Springs Forest Products	Warm Springs	Jefferson

EDWARD HINES LUMBER COMPANY, HINES MILL

Mr. Burkitt presented the department's memorandum report regarding the air pollution problem caused by the Edward Hines Lumber Company power plant at the mill in Hines, Oregon.

It was MOVED by Mr. Waterman, seconded by Mr. Cogan and carried that as recommended by the Director the compliance schedule submitted by Edward Hines Lumber Company for upgrading its power house at Hines so that it will comply with air quality requirements be accepted with the following conditions:

- a. The reduction in steam flow as made possible by the revisions underway at the power house be completed by July, 1972.
- b. The results of the stack emission tests and the company evaluation of the stack emission tests be supplied to the Department during October, 1972.
- c. The stack emission testing will be done in a manner approved by the Department.
- d. Should the test emission data reveal that additional modifications to the boiler house are required, the company shall provide a tentative schedule and outline of the proposed further modifications at the time the emission data and evaluation is supplied to the Department.

TAX CREDIT APPLICATIONS

Mr. Sawyer presented the Department's evaluations and recommendations concerning the 2 tax credit applications covered by the following motions:

Disregarding past history and in the absence of compelling legal argument concerning previous litigation in the case, it was with reluctance MOVED by Mr. Harms, seconded by Mr. Cogan and carried that a Pollution Control Tax Credit Certificate bearing the cost of \$66,151.46 be issued to the Lloyd A. Fry Roofing Company for the facility claimed in Application No. T-244, with more than 80% of the cost allocated to pollution control. Note: The Director made no recommendations in this matter because of the prior prolonged litigation with CWAPA.

It was MOVED by Mr. McMath, seconded by Mr. Waterman and carried that a Pollution Control Tax Credit Certificate bearing the cost of \$25,321.14 be issued to the Grants Pass Moulding Company for the facility claimed in Application No. T-253 with more than 80% of the cost allocated to pollution control.

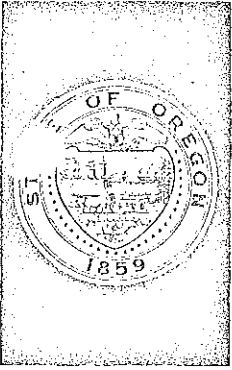
SCHEDULE OF HEARINGS

It was MOVED by Mr. McMath, seconded by Mr. Cogan and carried that the following proposed schedule of hearings be approved.

- A. 10:00 a.m., February 25, 1972, at Regularly Scheduled EQC Meeting
- (1) Proposed PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF LICENSES FOR THE DISPOSAL OF ENVIRONMENTALLY HAZARDOUS WASTES, pursuant to Chapter 699 Oregon Laws, 1971 (HB1931).
 - (2) Proposed REGULATIONS PERTAINING TO SOLID WASTE MANAGEMENT, pursuant to Chapter 648 Oregon Laws 1971 (HB 1051).
 - (3) Proposed PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF PERMITS (General).
 - (4) Proposed REGULATIONS PERTAINING TO WASTE DISCHARGE PERMITS, pursuant to ORS 449.083.
- B. 2:00 p.m., February 25, 1972 EQC Meeting
- (1) Proposed NITROGEN STANDARDS (proposed amendment to rule 41-025 of Sub-division 1, Div. 4, Chapter 340, OAR.)
- C. In addition to the above regulations to be considered at the February 25 EQC meeting, authorization is requested for a hearing to be held before a hearings officer at an appropriate time to be established by the director for adopting new ADMINISTRATIVE PROCEDURES for the Department.

Director Day paid tribute and extended thanks to the voters for their approval of the cigarette tax measure at the special state-wide election on January 18, 1972.

There being no further business the meeting was adjourned at 10:30 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

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. B, January 24, 1972, EQC Meeting

Project Plans for December, 1971

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

Water Quality Control

1. Twenty-seven (27) domestic sewage projects were reviewed:
 - a) Provisional approval was given to:
 - 17 plans for sewer extensions
 - 2 plans for sewage treatment works improvements
 - b) 8 contract modifications were approved without conditions
2. Two (2) project plans for industrial waste facilities were given provisional approval.

Air Quality Control

1. Twelve (12) project plans, reports or proposals were received and reviewed:
 - a) 4 schedule of compliance with Particle Board Regulations
 - (1) 2 approved
 - (2) 1 additional information requested
 - (3) 1 no action (action deferred)
 - b) 3 Wigwam burner proposals
 - (1) 2 approved
 - (2) 1 additional information requested

c. Five (5) industrial AQC proposals other than the above were reviewed:

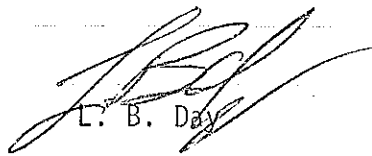
- (1) 4 approved
- (2) 1 no comments

Solid Waste Disposal

No project plans, reports or proposals were reviewed during December.

Directors Recommendation

It is recommended that the Commission give its confirming approval to staff action on project plans for the month of December 1971.


L. B. Day

PROJECT PLANS

Water Quality Division

During the month of December, 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 (27)</u>			
12/1/71	Keizer S & D	Koala Way sewer	Prov. approval
12/6/71	Portland	Linnton interceptor, Unit 2, Phase II	Prov. approval
12/7/71	USA	Change Order No. 4 (Aloha plant)	Approved
12/8/71	Riverview Heights	Crittenden Loop sewer line replacement	Prov. approval
12/8/71	Klamath Falls	Change Orders 1 through 7 (marina sewer)	Approved
12/10/71	Medford	Change Orders 32 through 41 (sewage treatment plant)	Approved
12/10/71	Tualatin	Burlington-Northern sewer lateral	Prov. approval
12/13/71	USA	Farmington Apartments sewers	Prov. approval
12/14/71	Gresham	T & C Shopping Center sewer extension	Prov. approval
12/16/71	Grants Pass	Sewage treatment plant modifications (3.9 mgd)	Prov. approval
12/16/71	Myrtle Point	Sewage treatment plant modifications (0.36 mgd)	Prov. approval
12/20/71	Multnomah County Service Dist. No. 1	Hollyview Unit No. 2 sewers	Prov. approval

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
12/20/71	Klamath Falls	Change Order No. 8 (marina sewer)	Approved
12/27/71	St. Helens	Change Order No. W-4 (Railroad Addition sewers)	Approved
12/27/71	Hillsboro	Change Order No. 2 (interceptor)	Approved
12/27/71	Hillsboro	Change Order No. 15 (sewage treatment plant)	Approved
12/27/71	Deschutes County	Redmond Air Center sewerage report	Approved
12/28/71	USA	Knollwest Subdivision (sewers)	Prov. approval
12/28/71	USA	Crosscreek Subdivision (sewers)	Prov. approval
12/28/71	USA	Windjammer Subdivision (sewers)	Prov. approval
12/28/71	USA	Blossom Park Subdivision (sewers)	Prov. approval
12/28/71	USA	Lawndale No. 2 (sewers)	Prov. approval
12/28/71	USA	Longacres Park, Phase II, (sewers)	Prov. approval
12/28/71	USA	Hyland Hills No. 7 (sewers)	Prov. approval
12/28/71	USA	Elm Street by-pass sewer (Beaverton)	Prov. approval
12/28/71	USA	S.W. 92nd Avenue sewer extension	Prov. approval
12/29/71	Canby	Brownmore Addition (sewers)	Prov. approval

Industrial Projects (2)

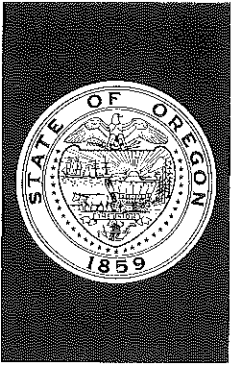
12/13/71	The Dalles	Harvey Aluminum, primary sludge handling facilities	Prov. approval
12/15/71	St. Paul	McKillip Brothers Meat, secondary treatment -- land disposal system	Prov. approval

P - 10 PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL DIVISION FOR
DECEMBER, 1971

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>	<u>ACTION</u>
2	Deschutes Co.	<u>Nosler Bullets, Inc.</u> Installation of fume control system for acid pickling and chromic acid bright dip process	Approved
8	Coos County	<u>Weyerhaeuser Company</u> Documentation of compliance with Board Products Regulations for plywood plant	Approved
8	Coos County	<u>Weyerhaeuser Company</u> Review of compliance program for particleboard plant	Additional information requested
10	Columbia Co.	<u>Boise-Cascade Corporation</u> Plans and specifications for non-condensable system	Approved
13	Deschutes Co.	<u>Central Oregon Fir</u> Schedule for WWB phase out by May 1, 1972	Approved
15	Union County	<u>Boise-Cascade Corporation</u> Schedule of compliance with Board Products Regulations for particleboard plant	Approved
20	Douglas Co.	<u>Robert Dollar Company</u> Plans and specifications for decorative bark plant furnace	Approved
21	Lake County	<u>Mazama Timber Company</u> Proposal to relocate WWB	Additional information requested
21	Deschutes Co.	<u>Brooks-Willamette Corporation</u> Plans to relocate three cyclone exhausts in raw materials storage building	Approved
21	Umatilla Co.	<u>United States Gypsum Company</u> Review of company position that facility is in compliance with Board Products Regulations	No action

PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL DIVISION FOR
DECEMBER, 1971 (Cont.)

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>	<u>ACTION</u>
22	Curry County	<u>South Coast Lumber Company</u> Plans and specifications for WWB modification	Approved
23	Multnomah Co.	<u>Goose Hollow Student Housing</u> <u>Project</u> Review of Environmental Impact Statement	No comments



DEPARTMENT OF ENVIRONMENTAL QUALITY

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

TOM McCALL
GOVERNOR

L. B. DAY
Director

ENVIRONMENTAL QUALITY
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ARNOLD M. COGAN
Portland

Memorandum

To: ENVIRONMENTAL QUALITY COMMISSION MEMBERS

From: Director

Subject: Agenda Item C, January 24, 1972 EQC Meeting

Amended Proposed Environmental Standards for
Wilderness Areas

Background:

At the December 6, 1971 meeting of the Environmental Quality Commission, a public hearing was held to present testimony on the Proposed Standards of Natural Scenic and Recreational Areas. Based upon that testimony, the Department divided the Standards into two separate regulations as concerned with Class "A (Wilderness) and Class "B" area. During the week of January 10, 1972, the Department distributed a revised version of these Standards pertaining to Wilderness Areas to all interested parties. Since that time the Department has further amended these Standards based upon the recommendations of the Attorney General. These additional modifications have altered the impact of these Standards in two ways.

1. The scope of regulated activities has been expanded to include activities in addition to mining. All activities with the exception of emergency and recreational activities will be required to apply for a permit prior to commencing any activity which is expected to violate the environmental policy and criteria of Sections I and IV.
2. The environmental criteria as set forth have now been proposed in two parts.
 - A. The initial criteria as presented in Section IV, Sub-section 1, has established maximum allowable levels of air contaminants, water pollutants, or noise emissions. Any activity which is not expected to violate these criteria is not required to apply for a permit.
 - B. Any activity which is expected to violate the criteria set forth in sub-section 1 is required to secure a permit. The maximum allowable emissions for such activities are set forth in sub-section 2.

Further explanation of the modifications is presented in the factual analysis. The Department intends to continue investigations into the environmental standards for Class "B areas and to propose a regulation for adoption at a later date.

Factual Analysis:

- A. In Section III, "Emission Permit Requirements", the exceptions from the permit requirements and environmental standards have been limited to emergency or recreational activities. This omits the exemption of wilderness management activities as previously proposed. This is due to the fact that wilderness management activities could conceivably include road construction. All other wilderness management activities are not expected to be in conflict with these standards.
- B. In Section IV, Environmental Standards, the standards are proposed in two subsections. The first subsection specifies the general environmental standards to be maintained in wilderness areas. There are no permit requirements established for any activity complying with these standards. These general and more stringent air, water, and noise standards have been modified as follows:
1. Air contamination has been limited to emissions of not greater than 5% opacity.
 2. The levels of water pollution have been modified to include sub-section iv upon the recommendation of the Environmental Protection Agency.
 3. The maximum permissible noise emission has been restricted to levels not greater than 50 dbA at a distance of 50 feet from any source.

Sub-section 2 presents the maximum levels of air contamination and noise emission allowable via a permit. The maximum levels permitted under this sub-section are as follows:

1. Air contamination has been limited to emissions of not greater than 10% opacity.
2. The maximum permissible noise emission has been restricted to levels not greater than 75 dbA at a distance of 50 feet from any source.

Table I presents a summary of noise levels from mining operations. However, these levels should be interpreted as merely indicative because of the limited amount of data gathered.

- C. Section V, Penalties, was added upon legal advice.
- D. Section VI, National Emergency, and Section VII, New Wilderness Areas, was added upon the advice of public testimony.

Conclusions:

The amended proposed environmental standards for wilderness areas has been amended to reflect consideration of the public testimony concerning this issue.

Director's Recommendation:

It is recommended that the Amended Environmental Standards for Wilderness Areas as presented be adopted at this time.

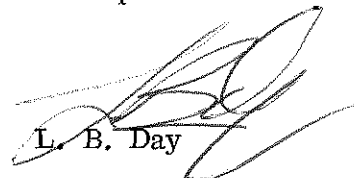

L. B. Day

TABLE I

Noise Levels of Mining Activities*
Data from U. S. Bureau of Mines

<u>Estimated Level at 50 ft.</u>	<u>Mining Operation</u>
60 dbA**	Bagging Plant
60 dbA**	Certain Mills
60 dbA**	Compressor
67 dbA	Quiet Self-Powered Shovel
72 dbA	Quiet Bull-Dozer
75 dbA	Construction Compressors
79 dbA	Jack-Hammer with Silencer
81 dbA	Rotary Drill
82 dbA	Self-Powered Shovel (Talc)
86 dbA	D-9 Cat
89 dbA	Fan (Industrial)
90 dbA	Jack-Hammer
96 dbA	Air Lance
98 dbA	Jumbo Drill
108 dbA	Stopper Drill
Approx 120 dbA	Dynamite

* All values are calculated to the 50 ft. value from the operator's position level. Spherical spreading is assumed at a rate of 6 db per doubling of distance.

** These levels are based on measured values within the mills and theoretical noise reduction from an acoustically sound enclosure. This is possible because these operations are immobile. However, the cost of such an enclosure is very high.

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY CONTROL DIVISION

January 20, 1972

AMENDED PROPOSED
ENVIRONMENTAL STANDARDS FOR WILDERNESS AREAS

1. STATEMENT OF POLICY

Wilderness areas represent a natural resource of unique importance. Congress has protected such areas by enacting the Wilderness Act, P.L. 88-577, 16 U.S.C., Sec. 1131, et seq. Those wilderness areas located within the geographical limits of the State are a major part of the cultural heritage of the citizens of Oregon and are a key element in developing and maintaining tourism and recreation as a viable industry. Thus, the environment of wilderness areas is deserving of the highest level of protection and safeguarding by the State in order to preserve Oregon's unique primitive and natural land areas. The Wilderness Act allows certain activities in wilderness areas. Most of these have minimal present impact on the environment. However, mining and some other activities allowed by the Wilderness Act pose a serious threat of substantial harm to the unique environment of wilderness areas.

Therefore, it is declared to be the policy and purpose of the Department of Environmental Quality to maintain the environment of wilderness areas essentially in a pristine state and as free from air, water, and noise pollution as it practically possible and to permit its alteration only in a manner compatible with recreational use and the enjoyment of the scenic beauty and splendor of these lands by the citizens of Oregon and of the United States.

II. DEFINITIONS

As used in these rules, unless otherwise required by context:

1. "Commission" means the Environmental Quality Commission.
2. "Department" means the Department of Environmental Quality.
3. "Opacity" means the degree to which emissions reduce the transmission of light or obscure the view of an object in the background.
4. "Wilderness Area" means an area designated as wilderness by the Congress of the United States pursuant to Public Law 88-577, 16 U. S. C., Sec. 1131, et seq.
5. "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.

III. EMISSION PERMIT REQUIREMENTS

After the effective date of these rules.

1. No person shall commence or initiate any activity other than emergency or recreational in a wilderness area which causes the emission of air contaminants, water pollutants or noise in excess of the standards set forth in Section IV, subsection (1) of these rules without first applying for and receiving a permit from the Department.
2. The permit shall be in addition to and not in lieu of other permit requirements of federal, state or local governments.
3. Application for the permit shall be made on form supplied by the Department. The application shall be made no less than 90 days prior to the proposed date of commencing the activity.

4. An application for a permit may be considered at a public hearing before the Commission or its authorized representative. At least 20 days' notice of the hearing shall be provided to the applicant and to any other interested person who has requested notice.
5. The Commission shall consider the testimony, data and views presented at the public hearing and either approve or disapprove a permit for the proposed activity according to its evaluation of whether the air, water and noise emissions from the activity are consistent with the policy and environmental standards as set forth in Sections I and IV of these rules.
6. Any permit issued for an activity within a wilderness shall be properly conditioned to achieve the policy objectives and environmental standards of Sections I and IV of these rules and may be modified by the Department after a hearing before the Commission or its authorized representative.

IV. ENVIRONMENTAL STANDARDS

1. Except as provided in subsection 2 of this section, no person engaged in an activity other than emergency or recreational within a wilderness area shall:
 - A. Cause, suffer, allow, or permit any emission of air contaminants greater than 5% opacity.
 - B. Discharge any waste into any waters or conduct any activity which causes or is likely to cause:
 - i. Any measurable increase in color, turbidity, temperature or bacterial contamination;
 - ii. Any measurable decrease in dissolved oxygen;
 - iii. Any change in hydrogen ion concentration (pH); or
 - iv. Any toxic effect on natural biota.

C. Cause, suffer, allow or permit the emission of noise from any source or sources which noise causes the maximum ambient sound pressure level to exceed 50 dbA at any point at least 50 feet from any source.

2. Subject to the permit requirements of Section III, the Department may permit the emission of air contaminants greater than 5% opacity, but not to exceed 10% opacity and noise from any source or sources causing the maximum ambient sound pressure level to exceed 50 dbA at any point at least 50 feet from any source, but not to exceed 75 dbA at such distance.

V. PENALTIES

In addition to and not in lieu of any other judicial redress, a person violating these rules shall be subject to criminal prosecution as provided by Oregon Law.

VI. NATIONAL EMERGENCY

The Governor of Oregon may suspend these rules for the duration of any national emergency.

VII. NEW WILDERNESS AREAS

These rules shall not apply to any wilderness area established after January 1, 1972 by the United States until a public hearing on the possible application of these or other rules thereto shall have first been held by the Commission.

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY CONTROL DIVISION

Adopted January 24, 1972

ENVIRONMENTAL STANDARDS FOR WILDERNESS AREAS

1. STATEMENT OF POLICY

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2. The permit shall be in addition to and not in lieu of other permit requirements of federal, state or local governments.
3. Application for the permit shall be made on form supplied by the Department. The application shall be made no less than 90 days prior to the proposed date of commencing the activity.

4. An application for a permit may be considered at a public hearing before the Commission or its authorized representative. At least 20 days' notice of the hearing shall be provided to the applicant and to any other interested person who has requested notice.
5. The Commission shall consider the testimony, data and views presented at the public hearing and either approve or disapprove a permit for the proposed activity according to its evaluation of whether the air, water and noise emissions from the activity are consistent with the policy and environmental standards as set forth in Sections I and IV of these rules.
6. Any permit issued for an activity within a wilderness shall be properly conditioned to achieve the policy objectives and environmental standards of Sections I and IV of these rules and may be modified by the Department after a hearing before the Commission or its authorized representative.

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 - ii. Any measurable decrease in dissolved oxygen;
 - iii. Any change in hydrogen ion concentration (pH); or
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- C. Cause, suffer, allow or permit the emission of noise from any source or sources which noise causes the maximum ambient sound pressure level to exceed 50 dbA at any point at least 50 feet from any source.
2. Subject to the permit requirements of Section III, the Department may permit the emission of air contaminants greater than 5% opacity, but not to exceed 10% opacity and noise from any source or sources causing the maximum ambient sound pressure level to exceed 50 dbA at any point at least 50 feet from any source, but not to exceed 75 dbA at such distance.

V. PENALTIES

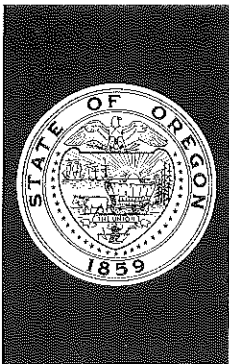
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Memorandum

To: ENVIRONMENTAL QUALITY COMMISSION MEMBERS

From: Director

Subject: Agenda Item D, January 24, 1972 EQC Meeting

Clean Air Act Implementation Plan

Background:

Public hearings were held on the proposed Implementation Plan in Portland on January 5th and in Eugene and Medford on January 7. A total of over 450 persons attended the hearings, of whom 39 presented oral testimony. An additional 16 persons presented written statements.

A summary of the hearings records has previously been mailed to the Commission Members, together with copies of the written statements.

Subsequent to the hearings, the staff has made a full review of the testimony and revised the Plan accordingly. An extensive set of post-hearing amendments was distributed to all holders of the Plan document on January 19 and 20.

Factual Analysis:

A brief summary of the post-hearing amendments, which number 38 and comprise almost 200 pages of corrections, insertions, and additions, is attached. Among the revisions, the following are worthy of additional explanation and comment.

1. Citizen Participation

Primarily in response to testimony received from citizen groups, a new section, titled "Revisions and Public Participation", has been added to the Plan. The new section identifies major areas of the Plan which will require future updating or revisions; states the criteria for holding of public hearings on revisions; and describes in general terms the Department's intent to provide for significant input by commercial, civic, and citizen groups prior to finalizing any major revision of the Plan.

2. Highest and Best Practicable Treatment

An additional new rule has been added to the Plan which enunciates in regulatory form the Commission's general policy that the "highest and best practicable treatment and control shall in every case be provided". The language of the rule is more or less analogous to an existing water quality regulation.

For new sources located in areas with existing good air quality, the new rule provides further that "the degree of treatment and control provided shall be such that degradation of existing air quality is minimized to the greatest extent possible".

This addition to the Implementation Plan has been made primarily in response to testimony received from citizen's groups requesting an affirmative policy on non-degradation. It should be noted, however, that the concept of highest and best practicable treatment has been a Commission policy of long standing, and has been specifically incorporated into nearly all specific industrial emission standards adopted since 1969. The new rule is also fully compatible with the basic public policy of the State of Oregon, as set forth in ORS 449.765, i.e., "to restore and maintain the quality of the air resources of the State in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the State".

3. Parking Facilities and Highways in Urban Areas

The regional air pollution authorities have been given the responsibility for receiving notices of intended construction of applicable facilities, requesting plans and impact statements, and making an addition recommendation. The final responsibility for approving or denying the request, however, remains with DEQ. This change has been made in response to testimony of the regional authorities.

Another change lowers the minimum size of parking facilities to be reviewed, from 100 vehicles to 50, and includes all multi-level lots. Although this change was specifically recommended by one citizens' group (Sensible Transportation Options for People), a survey of building permits issued for parking facilities in the City

of Portland during 1970 and 1971 has independently demonstrated the advisability of this change. During this 2-year period, only 2 permits were issued for lots in excess of 100 car capacity, while only 8 were in the 50-100 range. Of these, the only 3 which would have definitely been worthy of the closest scrutiny provided for in the proposed rule were in the 50-100 car range.

4. Sulfur Content of Fuels

In response to industry testimony, and with the concurrence of the regional authorities, the date for compliance with the 1.75% sulfur limitation on heavy industrial fuel oils has been changed from 1973 to 1974. This will allow additional time to weigh the impact on fuel supplies, and also allow the industry time to effect a more orderly changeover to low-sulfur fuels.

Other changes have exempted mobile sources, including ships, railroads, and diesel motor vehicles, from the fuel requirements; and have exempted sources which provide equivalent sulfur dioxide control.

5. Veneer Driers

The maximum allowable concentration of particulate matter (0.05 gr/scf) has been deleted, primarily as a result of a large amount of new data submitted by the American Plywood Association on January 10, 1972. This new test results essentially confirmed the industry's hearing testimony to the effect that the 0.05 gr/scf limit would have been considerably more stringent than the 20% opacity limitation on visible emissions.

It is the intent of the Department to further evaluate veneer drier emissions while concurrently undertaking a vigorous compliance program based on the visible emission standard. An appropriate mass emission standard will be added later when the necessary information is available.

6. Air Quality Surveillance

As indicated by the staff at the hearing, the air quality monitoring section of the Plan has been substantially rewritten to incorporate most existing and planned activities of the regional authorities. Full responsibility for operating sampling programs in regional areas, with the exception of certain specialized laboratory analyses and operation of the Portland CAM Station, has been given to the regional staffs.

The revised surveillance system is believed to be fully acceptable to the regional authorities and the Environmental Protection Agency.

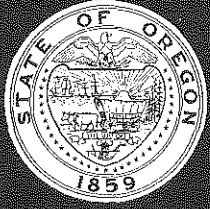
Conclusions:

Significant amendments to the proposed Implementation Plan have been made as a result of the public hearings testimony. The amended Plan is believed to be acceptable to the Environmental Protection Agency. More importantly, I believe it is a sound blueprint for a continuing statewide program to achieve clean air for the people of Oregon.

Director's Recommendation

I recommend that the proposed Implementation Plan, and all proposed new rules contained within it, be approved as amended.


L. B. Day



DEPARTMENT OF ENVIRONMENTAL QUALITY

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Portland

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. B, January 24, 1972, EQC Meeting
Project Plans for December, 1971

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

Water Quality Control

1. Twenty-seven (27) domestic sewage projects were reviewed:
 - a) Provisional approval was given to:
 - 17 plans for sewer extensions
 - 2 plans for sewage treatment works improvements
 - b) 8 contract modifications were approved without conditions
2. Two (2) project plans for industrial waste facilities were given provisional approval.

Air Quality Control

1. Twelve (12) project plans, reports or proposals were received and reviewed:
 - a) 4 schedule of compliance with Particle Board Regulations
 - (1) 2 approved
 - (2) 1 additional information requested
 - (3) 1 no action (action deferred)
 - b) 3 Wigwam burner proposals
 - (1) 2 approved
 - (2) 1 additional information requested

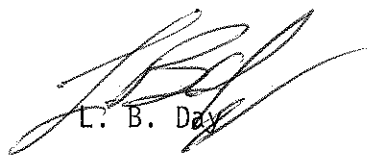
- c. Five (5) industrial AQC proposals other than the above were reviewed:
- (1) 4 approved
 - (2) 1 no comments

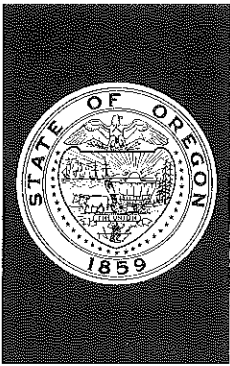
Solid Waste Disposal

No project plans, reports or proposals were reviewed during December.

Directors Recommendation

It is recommended that the Commission give its confirming approval to staff action on project plans for the month of December 1971.


L. B. Day



DEPARTMENT OF ENVIRONMENTAL QUALITY

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Memorandum

To: ENVIRONMENTAL QUALITY COMMISSION

From: Director

Subject: Agenda Item E, January 24, 1972 EQC Meeting
Commission Action on Smoke Management Plan

Background:

As the result of changes made in the Forest Laws by the 1971 Oregon Legislature, the State Forester has been given the responsibility for generating a smoke management plan for application to the problems of prescribed burning on forest lands in Oregon. The Forester was to develop the plan in cooperation with the agencies and groups affected (one of which is DEQ). Further, after the plan had been devised, it had to be approved by both the Board of Forestry and the Environmental Quality Commission before it could be put into effect. The plan in its final form was approved on January 5 by the State Board of Forestry, and is being presented to you for your consideration and action.

Analysis:

The plan as presented is a considerably cleaned-up version of the existing smoke management plan, which will terminate January 31

of this year. The basic concept is one of daily control of the timing, location and amount of material fired, to assure minimum effect on the people of the State. Meteorological considerations are the most important of the control criteria.

Forestry Department representatives and DEQ staff members met on three occasions to work on the plan, and the staff reviewed the final draft before the plan came to a Public Hearing before a Forestry Department hearings officer on November 23.

A DEQ staff member was present at that Hearing.

The main provisions of the plan are briefly summarized below:

Plan Objective:

The plan's stated objective is to "keep smoke resulting from burning on forest lands from being carried to or accumulating in designated areas or other areas sensitive to smoke."

Control:

1. The State Forester is responsible for coordination and control of the plan, which applies to all forest land throughout the State.
2. The Forester, in consultation with DEQ/EQC has established "designated areas", which are principal population centers. These are the "designated areas" referred to in the plan's objective.
3. Recreation areas are to be considered as designated areas during heavy use periods.

Administration:

1. The Field Administrator in each district is charged with managing smoke in his area according to the plan.
2. Burning cutoff can be accomplished by local determination of degenerating air quality, by the State Forester acting on information available to him, or by the State Forester after contact by the DEQ. Burning cutoff can be accomplished before adverse smoke effects become obvious.

Reporting:

1. The State Forester will specify the format to be used for daily reporting of forest burning activities, and times these reports are to be made. Wild fires will be reported.

Burning Restrictions:

1. Burning in any area is regulated under considerations of smoke drift direction, atmospheric stability, and distance upwind from designated area. Allowable burning amounts, i.e., tons of fuel per area per day, increase with upwind distance.
2. Provisions for rapid mop-up are made when adverse weather effects occur during burning operations.

Final Report:

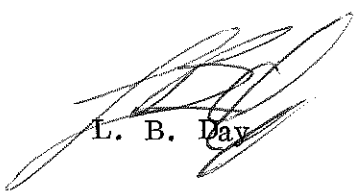
The State Forester will analyze and evaluate the effectiveness of the plan on an annual basis, and make a report based on these analyses.

Conclusions:

1. The Department had necessary input to the development of the Slash Smoke Management Plan.
2. The plan provides environmental regulations on forest burning not previously available.
3. The operational portion of the plan provides the flexibility needed to protect air quality.
4. Should the Department see that the plan is failing to adequately protect air quality in any area, it has a mechanism to stop further burning.

Director's Recommendations:

The Director recommends the approval of the State Forestry smoke management plan as submitted.


L. B. Day



FORESTRY DEPARTMENT

OFFICE OF STATE FORESTER

P. O. BOX 2289 • SALEM, OREGON • 97310 • PHONE 378-2560

January 7, 1972

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

Dear L. B.:

The Oregon State Board of Forestry, at its regular meeting on January 5, 1972, unanimously approved the attached Smoke Management Plan.

This plan was developed by the State Forestry Department in cooperation with other fire control agencies, landowners, and organizations, and is presented herewith for approval by the Department of Environmental Quality as required by law.

After the initial development stages, this plan was jointly reviewed by Forestry and Department of Environmental Quality staffs. Considerable revision and editing as suggested by the DEQ were made.

This plan was the subject of a public hearing on November 23, 1971. No one appeared in opposition to the plan nor has there been any testimony filed with the forester in opposition as a result of the hearing and circularization of the plan, however some minor changes were made following the hearing. These changes were cleared with the DEQ by phone, and a transcript of the public hearing has been provided.

Also enclosed for reference is a copy of Rule OAR 42-041, which relates to the requirement of burning permits within restricted areas.

The plan is the result of a cooperative effort of many, including the staffs of the Department of Environmental Quality and the Forestry Department, and I wish to take this means to express my sincere appreciation for this effort.

Very truly yours,

J. E. Schroeder
State Forester

JES:ab
Encl.

1-7-72

1-1-03-110

SMOKE MANAGEMENT PLAN

Approved by Oregon State Board of Forestry, January 5, 1972

OBJECTIVE:

To keep smoke resulting from burning on forest lands from being carried to or accumulating in designated areas (Exhibit 1) or other areas sensitive to smoke.

DEFINITIONS:

Deep mixed layer - extends from the surface to 1,000 feet or more above the designated area ceiling.

Smoke drift away - occurs where projected smoke plume will not intersect a designated area boundary downwind from the fire.

Smoke drift toward - occurs when the projected smoke plume will intersect a designated area boundary downwind from the fire or when wind direction is indeterminate due to wind speed less than 5 mph at smoke vent height.

Smoke vent height - level, in the vicinity of the fire, at which the smoke ceases to rise and moves horizontally with the wind at that level.

Stable layer of air - a layer of air having a temperature lapse rate of less than dry adiabatic (approximately 5.5 degrees F per 1,000 feet) thereby retarding either upward or downward mixing of smoke.

Tons available fuel - an estimate of the tons of fuel that will be consumed by fire at the given time and place. Low volume is less than 75 tons per acre, medium volume 75 to 150 tons per acre, and high volume over 150 tons per acre.

Residual smoke - smoke produced after the initial fire has passed through the fuel.

Field administrator - a forest officer who has the direct responsibility for administering burning permits on a unit of forest land within the boundaries of an official fire district.

Restricted area - that area delineated in Exhibit 1 for which permits to burn on forest land are required year round, pursuant to Rule OAR 43-041.

Designated area - those areas delineated in Exhibit 1 as principle population centers.

Heavy use - unusual concentrations of people using forest land for recreational purposes during holidays, special events, etc.

Major recreation area - areas of the state subjected to concentrations of people for recreational purposes.

CONTROL:

The State Forester is responsible for the coordination and control of the smoke management plan. The plan applies state-wide with full inter-agency cooperation with the U. S. Forest Service, Bureau of Land Management, Bureau of Indian Affairs, private forest industry and the Department of Environmental Quality.

Certain "designated areas" are established in consultation with the Environmental Quality Commission. The major objective of smoke control efforts will be to keep smoke from forest land burning out of these designated areas (Exhibit 1).

During periods of heavy use, major recreation areas in the State shall be provided the same consideration as "designated areas".

ADMINISTRATION:

Each Field Administrator issuing burning permits under this plan will manage the prescribed burning on forest land in connection with the management of other aspects of the environment in order to maintain a satisfactory atmospheric environment in designated areas (Exhibit 1). Likewise this effort may be applied in special situations where local conditions warrant and that are not defined as designated areas but nevertheless are sensitive to smoke. Accomplishment will entail a consideration of weather forecasts, acreages involved, amounts of material to be burned, evaluation of potential smoke column vent height, direction and speed of smoke drift, residual smoke, mixing characteristics of the atmosphere, and distance from the designated area of each burning operation. Designated areas are outlined and vertical extents or ceilings are indicated in Exhibit 1.

Each Field Administrator will evaluate down-wind conditions prior to implementation of burning plans. When a field administrator determines that visibility in a designated area, or other area sensitive to smoke is already seriously reduced or would likely become so with additional burning, or upon notice from the State Forester through the Division of Fire Control, or upon notice from the State Forester following consultation with the Department of Environmental Quality that air in the entire state or portion thereof is, or would likely become adversely affected by smoke, the affected field administrator will terminate burning. Upon termination, any burning already under way will be completed, residual burning will be mopped up as soon as practical, and no additional burning will be attempted until approval has been received from the State Forester.

REPORTS:

Field Administrators will report daily at such times and in such manner as required by the State Forester covering their daily burning operations. Any wildfire that has the potential for smoke input into a designated area will be reported immediately to the State Forester's office.

KEY TO SMOKE DRIFT RESTRICTIONS:

1. Smoke drift away from designated area
 - a. No specific acreage limitation will be placed on prescribed burning when smoke drift is away from designated area. Burning should be done to best accomplish maximum vent height and to minimize nuisance effect on any segment of the public.
2. Smoke drift toward designated area
 - a. Smoke plume height below designated area ceiling. Includes smoke that for reasons of fire intensity, location, or weather, will remain below the designated area ceiling. Also included are fires that vent into layers of air, regardless of elevation, that provide a downslope trajectory into a designated area.
 - (1) Upwind distance less than 10 miles outside designated areas. No new prescribed fires will be ignited.
 - (2) Upwind distance 10-30 miles outside designated area boundary. Burning limited to 1,500 tons per 150,000 acres on any one day.
 - (3) Upwind distances 30-60 miles outside designated area boundary. Burning limited to 3,000 tons per 150,000 acres on any one day.
 - (4) Upwind distances more than 60 miles beyond designated area boundary. No acreage restriction unless otherwise advised by the Forester.

- b. Smoke will be mixed through deep layer at designated area. This section includes smoke that will be dispersed from the surface through a deep mixed layer when it reaches the designated area boundary.
 - (1) Upwind distance less than 10 miles from designated area boundary. Burning limited to 3,000 tons per 150,000 acres on any one day.
 - (2) Upwind distance 10-30 miles from designated area boundary. Burning limited to 4,500 tons per 150,000 acres on any one day.
 - (3) Upwind distances 30-60 miles outside designated area boundary. Burning limited to 9,000 tons per 150,000 acres on any one day.
 - (4) Upwind distances more than 60 miles beyond designated area boundary. No acreage restriction unless otherwise advised by the forester.

- c. Smoke above a stable layer over the designated area. Smoke in this group will remain above the designated area, separated from it by a stable layer of air.
 - (1) Upwind distance less than 10 miles outside designated area. Burning limited to 6,000 tons per 150,000 acres on any one day.
 - (2) Upwind distance 10-30 miles outside designated area. Burning limited to 9,000 tons per 150,000 acres on any one day.
 - (3) Upwind distances 30-60 miles outside designated area. Burning limited to 18,000 tons per 150,000 acres on any one day.
 - (4) Upwind distances more than 60 miles beyond designated area boundary. No acreage restriction unless otherwise advised by the forester.

- d. Smoke vented into precipitation cloud system. When smoke can be vented to a height above the cloud base from which precipitation is falling, there will be no restrictions to burning.

3. Changing conditions

When changing weather conditions, adverse to the Smoke Management objective, occur during burning operations, aggressive mop-up will be initiated as soon as practical.

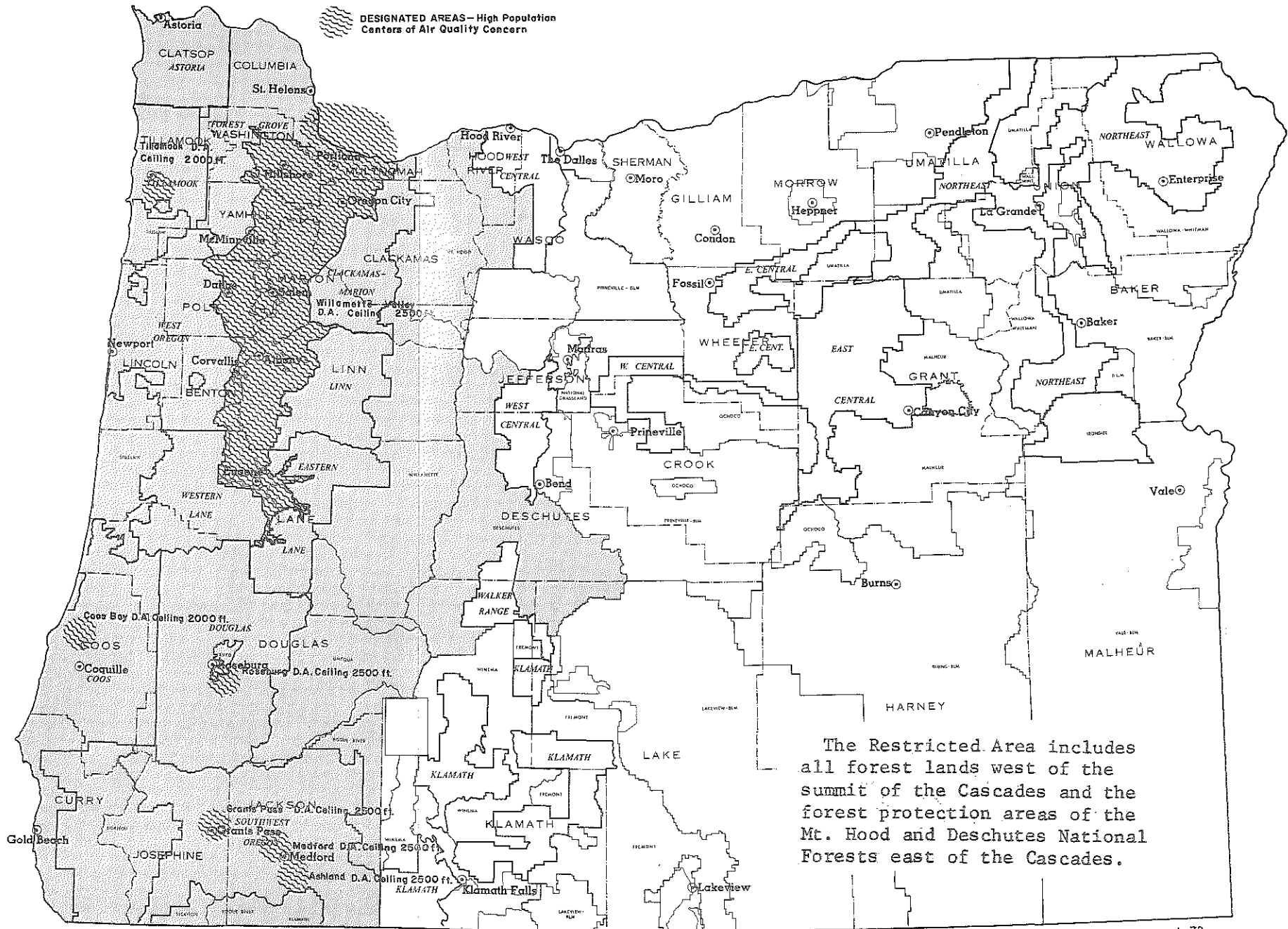
ANALYSIS AND EVALUATION:

The State Forester will be responsible for the annual analysis and evaluation of state-wide burning operations under this Plan. Copies of the summaries will be provided to all interested parties.

LEGEND

RESTRICTED AREA - Burning Permits Required Year Round as per O.A.R. 43-041

DESIGNATED AREAS - High Population Centers of Air Quality Concern



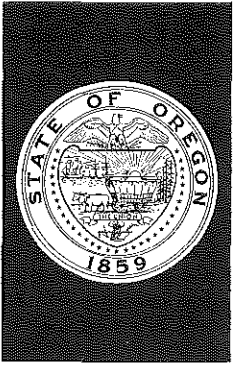
The Restricted Area includes all forest lands west of the summit of the Cascades and the forest protection areas of the Mt. Hood and Deschutes National Forests east of the Cascades.

EXHIBIT I

1-7-72

Oregon Administrative Rule 43-041 - Pursuant to Chapter 297, Oregon Laws, 1971, burning on forest land within the boundaries of a forest protection district and lying within a restricted area as set forth in the plan for managing smoke, on file with the Secretary of State on the date of October 1, 1971, shall be subject to the following conditions:

1. A permit to burn from the forester shall be required for all slash burning during any time of the year within the restricted area as set forth in Exhibit 1 of the above referenced plan.
2. A permit to burn from the Forester shall be required for all burning on forest land during any time of the year in areas within Columbia, Washington, Yamhill, Polk, Benton, Lane, Linn, Clackamas, Marion, and Multnomah counties, which the Forester determines to be in the public interest to require such burning.



DEPARTMENT OF ENVIRONMENTAL QUALITY

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

TOM McCALL
GOVERNOR

L. B. DAY
Director

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Portland

Memorandum

To: ENVIRONMENTAL QUALITY COMMISSION

From: Director

Subject: Agenda Item No. F, January 24, 1972, EQC Meeting
Review of Wigwam Waste Burner Control Program

Background:

The prolonged efforts to abate or reduce visible emissions from the 219 wigwam waste burners under the jurisdiction of the Air Quality Control Division of the Department of Environmental Quality has progressed to the point where a change in efforts should be considered. With few exceptions the wigwam waste burner program has proceeded to achieve Department goals of significantly reducing air pollution, and visibility and fallout complaints on a cooperative basis with those mills concerned.

Further progress in the wigwam waste burner program at a reasonable pace has become impossible as a result of the inability of most of the remaining mills being able to develop compliance schedules. This inability to develop a program ranges from refusal of the individual company to comply and inconclusive legal proceedings, to technical and financial restrictions.

Currently, there are thirty-three (33) wigwam waste burners under DEQ jurisdiction without any definite schedule of compliance. This includes those for which public hearing dates have been set or for which orders were issued. These are discussed individually by County later in this report.

Of these thirty-three (33) wigwam waste burners without compliance schedules, the following classifications have been made for the purposes of this discussion only, by the staff.

Classification A:

Twenty-two (22) of the thirty-three wigwam waste burners fall into this classification and are located in areas of significant public exposure and where air quality problems exist. Because of these problems compliance programs should be accelerated.

1. At this time, the Department would consider it possible to negotiate reasonable and timely compliance schedules with six (6) of the twenty-two wigwam waste burners at mills in this classification.
2. Four (4) of the twenty-two (22) wigwam waste burners in this classification have had show cause hearings authorized, held or orders entered as a result of the hearing.
3. At this time it is recommended that Civil Penalties action be initiated against one sawmill if further violations are noted.
4. At this time, the Department has been unable to develop reasonable and timely compliance programs with the remaining eleven (11)

mills in this category through voluntary cooperation, as required under the provisions of ORS 449.781 (1).

Classification B:

Of the remaining eleven (11) wigwam waste burners, all are located in areas of the State where their emissions do not materially contribute to either local or area air quality problems. These are predominately small mills, operating on intermittent schedules, for which no ready solution is known.

In order to deal with individual problems effectively, while continuing to emphasize the policy of the Commission to phase-out the wigwam waste burner wherever practical, and in the cases where phase-out cannot be attained on a reasonable and timely schedule to require modification of the wigwam waste burner, the Department would propose the application of highest and best practical control for these sources in remote areas, through the use of a permit system. This would allow development of compliance schedules, and/or programs tailored to each mill through the permit system.

Statutory provisions require the permit program to be initiated on a class or source category basis. As soon as the permit regulation, which is now being drafted by the Department is completed and adopted, it is proposed to establish wigwam waste burners as a source category. All modified wigwam waste burners and those remaining unmodified wigwam burners existing at that time would be under the permit system.

The following is a general break-down of the wigwam waste burners:

Classification A:

1. The six (6) wigwam waste burners where negotiated schedules are deemed possible include:

Ellingson Lumber Company	Unity, Baker County
Ellingson Lumber Company	Halfway, Baker County
Ellingson Lumber Company	Baker, Baker County
Paint Rock Cedar Company	Wordon, Klamath County
City Dump	The Dalles, Wasco County
Warm Springs Forest Products	Warm Springs, Jefferson Co.

2. The four (4) wigwam waste burners where hearings have been authorized, held or ordered enter as a result of such hearing include:

Rogge Lumber Sales	Bandon, Coos County
Rogge Lumber Sales	Port Orford, Curry County
Steve Wilson Co.	Trail, Jackson County
Metler Bros.	Klamath Falls, Klamath Co.

3. The Mt. Pitt Lumber Co. in Jackson County is projected for Civil Penalty action.
4. The remaining eleven (11) of the twenty-two (22) wigwam waste burners where the compliance programs should be accelerated are located as follows: Eight (8) are located in the Southwest Air Quality Region, two (2) are in the Central Air Quality Region; and one (1) is in the Eastern Oregon Quality Region. Again, most are small mills, but each is in an area of significant public exposure and where air quality problems exist.

Here it is considered advisable to develop legally enforceable compliance schedules for companies on a short term time schedule. Because of the urgent need for compliance, it is considered likely that several of these mills may not be able to achieve compliance and to continue to operate.

<u>Company</u>	<u>City</u>	<u>County</u>
Arago Cedar	Myrtle Creek	Coos
Spangler Wood	Myrtle Point	Douglas
South Fork Lumber	Anlauf	Douglas
Green Valley Lumber	Myrtle Point	Douglas
Fountain Lumber	Talent	Jackson
Bellview Moulding	Ashland	Jackson
Jefferson Plywood	Madras	Jefferson
M & Y Lumber Co.	Selma	Josephine
Modoc Veneer	Modoc Point	Klamath
Alsea Veneer	Waldport	Lincoln
Ronde Valley	Union	Union

Classification B:

Eleven (11) of the wigwam waste burners do not contribute materially either to local or area air quality problems. Six (6) of these wigwam waste burners are located at cedar mills in Tillamook or Clatsop Counties. These are small mills operating on intermittent schedules, for which no ready market exists for their residues. Two (2) of these six cedar mills are near the City of Tillamook. The remainder in Tillamook County are quite isolated. The mill in Clatsop County is located at the Astoria airport. This mill could be required to phase-out the use of the wigwam waste burner when the local dump is relocated and converted to a sanitary land fill. The wigwam burner in Coos County is operated by an arrow shaft manufacturer, and if allowed time

to develop a program, can eventually phase out this source through utilization. There are four (4) isolated mills in the eastern part of the State. It is considered advisable to develop a legal enforceable compliance program for those eleven (11) mills, but within their ability to finance the necessary equipment so as to comply with the regulations.

<u>Company</u>	<u>City</u>	<u>County</u>
Valley Ridge Co.	Astoria	Clatsop
Rose City Archery	Powers	Coos
Delbert Taton Co.	Prairie City	Grant
Miami Shingle	Nehalem	Tillamook
Cook Creek Shingle	Nehalem	Tillamook
Midway Shake	Tillamook	Tillamook
Hodgdon Shingle	Tillamook	Tillamook
C-B Shingle	Nehalem	Tillamook
Peacock Lumber	Alicel	Union
Starner Lumber	Lostine	Wallowa
Heppner Lumber	Spray	Wheeler

Factual Analysis:

1. There are 219 wigwam waste burners under DEQ jurisdiction.
2. There are 108 wigwam waste burners currently in use under DEQ jurisdiction.
3. There have been 20 wigwam waste burners modified to date.
4. There are 21 wigwam waste burners with modification schedules.
5. There are 34 wigwam waste burners with phase-out schedules.
6. There are 33 wigwam waste burners without defined schedules of compliance.

Of the burners without definite compliance schedules, a fairly uniform geographic distribution has developed as shown below:

<u>Region</u>	<u>No. of burners without compl. sched.</u>	<u>Total Number of burners</u>
Southwest	12	124
North Coast	7	22
Central	5	45
Eastern	<u>9</u>	<u>28</u>
Total	33	219

Conclusions:

1. A basic change from the voluntary cooperative program is now needed for most of the remaining wigwam waste burners without definite schedules.
2. The Department proposes to initiate a permit system to deal with the wigwam waste burner emission problems individually at each mill. Until the permit system is operational, the wigwam waste burner program would continue as it is currently conducted with those specific actions as indicated in this report.
3. A number of hearings need to be authorized to require companies to establish compliance within a definite time period.
4. Legal action through the Civil Penalties Act should be used in one case to enforce compliance with an accepted program if violations continue.
5. The action recommended in some instances may result in the shut-down of some mills.

Recommendations:

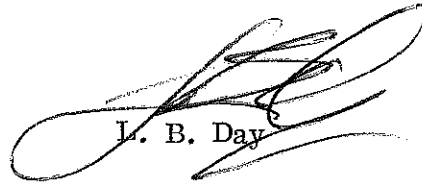
1. It is recommended that the EQC provide comments, guidance, or recommendations to the Department regarding the remaining wigwam waste burners operating under DEQ jurisdiction without specific compliance schedules.
2. It is recommended that a permit system be established for all operators of wigwam waste burners as soon as the permit system can be initiated.
3. It is recommended that "Show Cause Hearings" be authorized for the following companies to establish an Order requiring compliance with the visible emission regulation, OAR Chapter 340, Section 21-015, either through phase-out or modification of the wigwam waste burner.

<u>Company</u>	<u>City</u>	<u>County</u>
Arago Cedar Products	Myrtle Creek	Coos
Spangler Wood Products	Myrtle Point	Douglas
South Fork Lumber	Anlauf	Douglas
Green Valley Lumber	Myrtle Point	Douglas
Fountain Lumber	Talent	Jackson
Bellview Moulding	Ashland	Jackson
Jefferson Plywood	Madras	Jefferson
M & Y Lumber	Selma	Josephine
Modoc Veneer	Modoc Point	Klamath
Alesa Veneer	Waldport	Lincoln
Ronde Valley	Union	Union

4. It is recommended that Civil Penalties action be initiated against Mt. Pitt Lumber Co. at Central Point in Jackson County if further violations of OAR, Chapter 340, Section 21-015, are noted.

5. It is recommended that the Department continue negotiations with the following companies:

<u>Company</u>	<u>City</u>	<u>County</u>
Ellingson Lumber Co.	Unity	Baker
Ellingson Lumber Co.	Baker	Baker
Ellingson Lumber Co.	Halfway	Baker
Paint Rock Cedar	Wardon	Klamath
Dalles City Dump	The Dalles	Wasco
Warm Springs Forest Prods.	Warm Springs	Jefferson



L. B. Day

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY CONTROL DIVISION

DETAILED STATUS REPORT OF REMAINING
WIGWAM WASTE BURNERS UNDER DEQ JURISDICTION

January 12, 1972

Baker County:

Ellingson Lumber Company: This company operates three (3) sawmills, each with a wigwam waste burner. These mills are located in downtown Baker, in Halfway and in Unity. The company has requested a time delay until March 31, 1972, before submitting a detailed compliance program for these three (3) mills. The company has indicated that the Baker mill will be given emphasis on the compliance program. It is recommended the request of the company be accepted. If at that time the company cannot present timely compliance programs, individual action will be taken. (Continued negotiations.)

Clatsop County:

Valley Ridge Co.: The company operates one (1) wigwam waste burner at their plant at the Clatsop County Airport. This is a small cedar processing operation that uses the burner only on a part-time basis. The company has indicated the cost of hauling the residues away would make this operation uneconomical. It is recommended that a permit to operate the wigwam burner be issued to this company. Included on the permit would be the limitation of using the burner not more than two (2) times per week as well as the requirement to present a schedule of compliance by not later than August 1, 1972, with compliance achieved by not later than December 1, 1972. (Permit)

Coos County:

Rogge Lumber Sales: The company operates two (2) mills near Bandon, each with a wigwam waste burner. A Public Hearing has been held and the Environmental Quality Commission has adopted the Hearings Officer's recommendations in the form of an Order requiring compliance.

Arago Cedar Products: The company operates one (1) wigwam waste burner in a rural area near Myrtle Point. The company has stated that the burner would be removed from service by August 1, 1971. Now the company has requested to use the burner, as is, until their log supply is exhausted, which is estimated to take up to two (2) years. It is recommended that the company be required to phase-out the use of their wigwam waste burner. A possible disposal of the residues would be on company owned land. It is requested that the District Engineer review the proposed sites relative to water quality and solid waste. The use of the land disposal should be restricted to the time required to utilize the present log supply or not more than two (2) years. (Hearing Requested.)

Rose City Archery: The company operates one (1) small wigwam waste burner at Powers. It is recommended that a permit to operate the wigwam waste burner be issued to this company. Included in the permit would be the limitation of no increase in burning, i.e. no additional or longer shifts, no increased mill capacity, as well as the requirement to present a schedule of compliance by not later than August 1, 1972, with compliance achieved by not later than December 1, 1972. (Permit.)

Curry County:

Rogge Lumber Sales: The company operates one (1) wigwam waste burner near Port Orford. A Public Hearing has been held and the Environmental Quality Commission has adopted the Hearings Officer's recommendation in the form of an Order requiring compliance.

Douglas County:

Spangler Wood Products: The company operates one (1) small wigwam waste burner in a residential area near Dillard. This is a small company manufacturing box parts. The company has installed facilities to collect and sell sawdust to the nearby particleboard plant. It is recommended that this company be required to phase out the use of the wigwam waste burner by no later than July 1, 1972. Possible disposal for these residues could be by hogging and sale to the nearby particleboard plant. (Hearing Requested.)

South Fork Lumber Co.: The company operates one (1) wigwam waste burner adjacent to Interstate 5 at Anlauf. The mill is operated on an intermittent schedule about 50% of the available time and the company has stated that the installation of equipment to comply with the air quality regulations is not feasible for their small operation. It is recommended that the company be required to establish a schedule of compliance with visible emission standards by March 1, 1972, and achieve compliance by June 1, 1972. (This could put this small private company out of business.) (Hearing Requested.)

Green Valley Lumber Co.: The company operates one (1) wigwam waste burner in Myrtle Creek. The burner has been quite inactive until the last few months, but is currently burning clean-up materials from around the mill. It is recommended that the company be required to phase-out the use of the wigwam burner by March 1, 1972. (Hearing Requested.)

Grant County:

Delbert Taton Mill: The company operates one (1) wigwam waste burner in the vicinity of Prairie City. This small mill does not operate on a continuous basis. It is recommended that a permit be issued to the company to operate the wigwam waste burner. Included on the permit would be the limitation of no increase in burning, i.e. no additional or longer shifts, no increased capacity, as well as the requirement to present a schedule of compliance by no later than August 1, 1972, with compliance achieved by no later than December 1, 1972. (This mill may now be shut down.) (Permit)

Jackson County:

Mt. Pitt Lumber Company: The company operates one (1) wigwam waste burner in Central Point. Twice the company has written the Department that the burner has been removed from service. Observations reveal the burner is in operation. It is recommended that the company be required to phase-out the use of the wigwam waste burner immediately. An official Notice of Intent to apply Civil Penalties should be sent this company at the earliest possible date. (Legal Action.)

Fountain Lumber Co.: The company operates one (1) wigwam waste burner at Phoenix. This is a small one-man mill. It is recommended that the company be required to phase out the use of the wigwam waste burner and to present a schedule of compliance by April 1, 1972, with compliance achieved by July 1, 1972. (Hearing Requested.)

Bellview Moulding Mill: The company operates one (1) wigwam waste burner in Ashland. This small moulding company (two employees) uses considerable cedar and as such does not have a market for residues as do most moulding plants. It is recommended that the company be required to phase out the use of the wigwam waste burner and to present a schedule of compliance by May 1, 1972, and to achieve compliance by August 1, 1972. (Hearing Requested)

Steve Wilson Company: The company operates one (1) wigwam waste burner near Trail. A Public Hearing is scheduled for January 26, 1972, to establish an Order requiring a schedule of compliance. (Hearing Authorized.)

Jefferson County:

Jefferson Plywood: The company operates one (1) wigwam burner at Madras. This mill is operated from the Indian Reservation. It is recommended that the company be required to establish a schedule of compliance by March 1, 1972, and to achieve compliance by June 1, 1972. (Hearing Requested.)

Warm Springs Forest Industries: The company operates one (1) wigwam waste burner at this mill at Warm Springs on the Indian Reservation. The company has discussed a comprehensive program to include the correction of the bad boiler stacks. It is recommended that the Department work with the Bureau of Indian Affairs to establish a program to achieve compliance with visible emission standards by no later than April 1, 1972. (Continued Negotiations.)

Josephine County:

M & Y Lumber Company: The company operates one (1) wigwam waste burner at Selma. This small operation is considering the installation of a barker and necessary chipping facilities, but has taken no action. It is recommended that the company be required to establish a schedule of compliance by March 1, 1972 and to achieve compliance by June 1, 1972. (Hearing Requested.)

Klamath County:

Metler Brothers: This company, which is owned by Jeld-Wen, Inc., operates one (1) wigwam waste burner in Klamath Falls. A Hearing has been authorized and is scheduled for January 19, 1972 to establish an Order requiring the company to develop a reasonable and timely schedule of compliance. (Hearing Scheduled.)

Modoc Veneer: This company, which is owned by Nordic Plywood, operates one (1) wigwam waste burner near Modoc Point. The plant was shut-down and only recently resumed operation without establishing a program to achieve compliance with visible emission standards. It is recommended that the company be required to complete the program previously initiated and outlined at the EQC meeting in Astoria. and to achieve compliance with visible emission standards by June 1, 1972. (Hearing Requested.)

Paint Rock Cedar Company: This company operates one (1) wigwam waste burner at Worden. The company has stated that a program to achieve compliance will be submitted by January 1, 1972. No further action is recommended until their program is reviewed. (Continued Negotiations.)

Lincoln County:

Alsea Veneer Co.: This company operates one (1) wigwam waste burner at Waldport. The company submitted a preliminary proposal to modify the wigwam waste burner, but when more information was requested all action appeared to stop. It is recommended that the company be required to modify the wigwam waste burner. The plans and specifications should be required by March 1, 1972, and compliance achieved by no later than June 1, 1972. (Hearing Requested.)

Tillamook County:

Miami Shingle and Shake Co.: This company operates one (1) wigwam waste burner near Nehalem. The company made tentative efforts to investigate a modification program, but has now stopped all action. It is recommended that a permit to operate the wigwam waste burner be issued to the company. Included on the permit would be the limitation of no increased burning, i. e. no additional or longer shifts, no increased capacity, as well as the requirement to present a schedule of compliance by no later than December 1, 1972. (Permit.)

Cook Creek Shake and Shingle Co.: This company operates one (1) wigwam waste burner near Nehalem. The company immediately complained to the State Representative when a schedule of compliance was requested. It is recommended that a permit to operate the wigwam waste burner be issued to this company. Included on the permit would be the limitation of no increase in burning, no additional or longer shifts nor increased capacity, as well as the requirement to present a schedule of compliance by August 1, 1972, with compliance achieved by no later than December 1, 1972. (Permit.)

Midway Shake: The company operates one (1) wigwam waste burner at the Tillamook Industrial Park. The company participated in the discussions when an attempt was made by the Department to establish a single consolidated burner on the Industrial Park. No action has been observed since the various companies decided to proceed on an individual basis. It is recommended that a permit to operate the wigwam waste burner be issued to this company. Included on the permit would be the limitation of no increase in burning, no additional or longer shifts nor increased capacity, as well as the requirement to present a schedule of compliance by no later than April 1, 1972, and achieve compliance by no later than June 1, 1972. (Permit.)

Hodgden Shingle & Shake: The company operates one (1) wigwam waste burner in Tillamook. The company proposed to phase out the burner, but when questions were asked regarding the disposal of these residues, they have deferred all further action. It is recommended that a permit to operate the wigwam waste burner be issued to this company. Included on the permit would be the limitation of no increase in burning, no additional or longer shifts nor increased capacity, as well as the requirement to present a schedule of compliance by no later than April 1, 1972, and achieve compliance by no later than June 1, 1972. (Permit.)

C. B. Shingle: The company operates one (1) small 14 foot wigwam waste burner near Nehalem. The company has discussed the possibility of an air screen type, pit incinerator, to reduce visible emissions, but has taken no action. It is recommended that a permit to operate the wigwam burner be issued to the company. Included on the permit would be the limitation of no increase in burning, no additional or longer shifts nor increased capacity, as well as the requirement to present a schedule of compliance by August 1, 1972, with compliance achieved by no later than December 1, 1972. (Permit.)

Union County:

Ronde Valley Lumber: The company operates one (1) wigwam waste burner in Union. It is recommended that the Company be required to establish a program to achieve compliance with visible emission standards by March 1, 1972, and to achieve compliance by June 1, 1972. (Hearing Requested.)

Peacock Lumber: The company operates one (1) wigwam waste burner in Alicel. It is recommended that a permit to operate the wigwam waste burner be issued to the company. Included on the permit would be the limitation of no increased burning, i.e. no additional or longer shifts nor increased capacity, as well as the requirement to present a schedule of compliance by May 1, 1972, with compliance to be achieved by August 1, 1972. (This is a seven (7) man operation.) (Permit.)

Wallowa County:

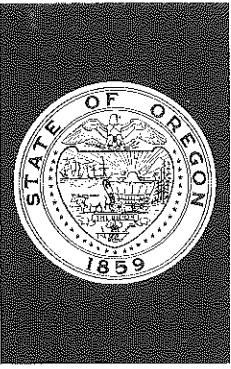
Starner Lumber Company: This company operates one (1) wigwam waste burner at Lostine. This small company has stated that it cannot afford any extensive burner modification. It only operates on a part-time basis during the winter. It is recommended that a permit to operate the wigwam waste burner be issued to this company. Included on the permit would be the limitation of no increase in burning, i.e. no additional or longer shifts nor increased capacity, as well as the requirement to present a schedule of compliance by August 1, 1972, with compliance to be achieved by December 1, 1972. (This could force this mill out of business.) (Permit.)

Wasco County:

The Dalles City Dump: One (1) wigwam waste burner is operated at the city dump. It is recommended that the Department work with the city to establish a program to achieve compliance by removing the burner from service. (Continued Negotiations.)

Wheeler County:

Heppner Lumber Company: The company operates one (1) wigwam waste burner at Spray. The company has stated that any expense required on the burner toward compliance would shut down the mill. It is recommended that a permit to operate the wigwam waste burner be issued to this company. Included on the permit would be the limitation of no increased burning, i.e. no additional or longer shifts nor increased capacity, as well as the requirement to present a schedule of compliance by May 1, 1972, with compliance to be achieved by August 1, 1972. (Permit.)



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 | January 24, 1972, EQC Meeting

Edward Hines Lumber Company, Hines, Harney County,
Boiler Compliance Program

Background:

Edward Hines Lumber Company operate sawmills at Hines, Mt. Vernon and Seneca. The emission source under consideration at this time is the boiler plant at the Hines mill. The wigwam burner at Seneca and Hines are out of service and a modification plan and schedule of compliance has been submitted for the wigwam burner at Mt. Vernon.

On June 9, 1971, the Department contacted the company to request a schedule of compliance to meet current emission standards. The company boiler operations were exceeding the allowable emissions under Oregon Administrative Rules, Chapter 340, Section 21-015 (Visible Air Contaminant Limitation) and Section 21-020 (Fuel Burning Equipment Limitations). The company responded on June 17, 1971. On August 31, 1971, a meeting was held with Mr. Paul Ehinger, Vice President, to review the emission problems, the work currently in progress, and to establish a firm compliance schedule. Further correspondence resulted in a second meeting on November 17, 1971. At this time the company submitted a progress report for the work currently underway in the power house. On December 2, 1971, the

company submitted a proposal to achieve compliance. (A copy of the letter is attached.)

Factual Analysis:

1. The company is currently engaged in a program to upgrade the power house operation. The program includes the replacement of three (3) small, antiquated steam turbine generators with one (1) newly rebuilt turbine requiring only one-third the steam per kilowatt of output, the installation of superheater tubes in one boiler, the improvement of boiler controls, the installation of a smoke density recorder and the improvement of the fuel feed system.
2. The company is committed to a schedule of modification and testing, and has agreed that should this not achieve full compliance, they will continue the program as required to achieve total compliance.

Conclusions:

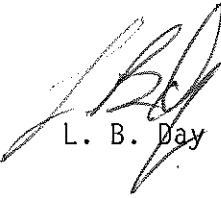
1. The company has entered into an extensive program to improve the boiler operation and has indicated the willingness to continue the work to achieve total compliance.

Director's Recommendations:

As the company is engaged in the upgrading of the power house at Hines and in view of their efforts to cooperate with the Department, the following recommendations are made:

1. The compliance schedule as proposed by Edward Hines Lumber Company be accepted as follows:
 - a. The reduction in steam flow as made possible by the revisions underway at the power house be completed by July, 1972.
 - b. The results of the stack emission tests and the company evaluation of the stack emission tests be supplied to the Department during October, 1972.

- c. The stack emission testing will be done in a manner approved by the Department.
- d. Should the test emission data reveal that additional modifications to the boiler house are required, the company shall provide a tentative schedule and outline of the proposed further modifications at the time the emission data and evaluation is supplied to the Department.



L. B. Day

TMP:
Attached

ESTABLISHED 1892



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
DEC 6 1971

EDWARD HINES LUMBER CO.

PONDEROSA PINE DIVISION

HINES, OREGON 97738

AREA CODE 503 - 573-2091

AIR QUALITY CONTROL

December 2, 1971

Mr. T. M. Phillips, Engineer
Department of Environmental Quality
1400 S. W. 5th Ave.
Portland, Oregon 97201

Dear Mr. Phillips:

In line with your instructions given to us at the meeting in your office two weeks ago, here are our target dates on the work now under progress at our plant in Hines, Oregon.

We presently have the turbo-generator footing ready to accept the turbine and generator. The condensor is in place under the footing. The steel framework of the building housing this unit is being erected. We expect to have this phase covering the installation of the turbo-generator and construction of the building completed by March 1, 1972. We will by that time have completed our circulating water system to the condensor but will not be able to complete the steam inlet header system feeding the turbine until the superheater is modified on our Babcock & Wilcox boiler. This work along with the necessary electrical work should be completed by July 15, 1972. From this date on our steam demands on the boilers should be reduced by at least one third compared to the present load.

During the first few months of 1972 we expect to complete our changeover to better drum water level controls, install smoke density recorder indicators on each boiler, install better fuel feed controls to the dutch ovens, improve our fuel mixing capability as well as install additional instrumentation on the boilers. This work will all be completed by the time the new turbine is put on the line in July.

We expect to be ready to have emission checks made at our plant in Hines during September of 1972. We anticipate a substantial improvement before that time. Should these tests indicate that further modification to our boiler plant is needed, we will promptly start engineering on whatever additional

Mr. T. M. Phillips
Page 2
December 2, 1971

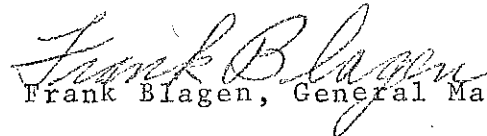
equipment that may be required so that the work can be scheduled as early as feasible.

We realize that September is quite a few months away, but because of our difficulty in obtaining delivery on our boiler equipment (on which engineering was started several months ago), it is the best we can do and still continue to operate the plant.

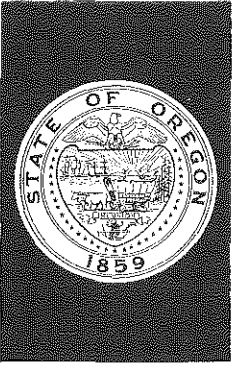
As to the use of our Wigwam burner, we have had five or six fires in it during the past year. We have now discontinued the use of it altogether.

Yours very truly,

EDWARD HINES LUMBER CO.


Frank Blagen, General Manager

FB:jmc



DEPARTMENT OF ENVIRONMENTAL QUALITY

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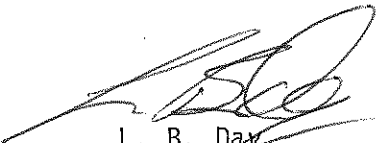
ARNOLD M. COGAN
Portland

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. H, January 24, 1972, EQC Meeting
Tax Credit Applications

Attached are review reports for 2 tax credit applications.
A capsule summary of each and the Director's recommendation
is as follows:

1. Lloyd A. Fry Roofing Company
Application No. : T-244
Description: Fume incineration system
Cost: \$66,151.46
Recommendation: None
2. Grants Pass Moulding
Application No.: T-253
Description: Hog, conveyors, bin for burner elimination
Cost: \$25,321.14
Recommendation: Issue certificate


L. B. Day

HLS:1/17/72

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant:

Lloyd A. Fry Roofing Company
5818 Archer Road
Summit, Illinois

The applicant manufactures asphalt roofing products at 3750 N. W. Yeon Avenue, Portland, Oregon.

This application was received incomplete on September 3, 1971, and was completed on December 20, 1971.

2. Description of Facility:

The facility claimed in this application is described to be an enclosure around the spray section and dip section of saturator and wet looper fitted with sliding doors for access. The fumes from the enclosure are drawn off by a fan and duct work to an incinerator unit. The incinerator is gas fired.

The facility was completed January 15, 1971. Construction was started September 1, 1970.

Certification is claimed under the 1969 Act. The percentage claimed for pollution control is 100%.

Facility Cost: \$66,151.46 (Accountant's certification was provided).

3. Evaluation of Application:

The claimed facility collects and incinerates waste in the form of vapor containing particulates. The incinerator has a residence time of 0.7 seconds at 1500°F.

Columbia-Willamette Air Pollution Authority has indicated that the claimed facility is considered to be the highest and best practical control device and is operating in full compliance with CWAPA rules.

It is concluded that the facility operates to reduce particulate emissions to the atmosphere and that the cost allocable to pollution control should be 80% or more.

4. Director's Recommendation:

In view of the prolonged litigation with Columbia-Willamette Air Pollution Authority regarding this installation, this application is presented for consideration without recommendation.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Grants Pass Moulding
P. O. Box 447
Grants Pass, Oregon 97526

The applicant operates a moulding plant in Grants Pass.

This application was received on October 28, 1971. An inspection was made of the facility on December 16, 1971.

2. Description of Claimed Facility

The facility claimed in this application is described to be a waste removal system consisting of a Jeffery conveyor, Pennisula hog, four blowers, related piping and cyclones, and a 30 unit bin.

The facility was completed on January 10, 1971.

Certification was not claimed by the company under either Act. However, certification must be made under the 1969 Act due to the 1970 starting date. The percentage claimed for pollution control is 66.7%. Facility cost - \$25,321.14 (Accountant's certification is attached).

3. Evaluation of Application

The claimed facility was installed to replace the 30 foot wigwam waste burner used to dispose of wood wastes. Since the system does contribute income, as well as reduce atmospheric emissions, only a portion can be certified under the 1969 Act. The data submitted by the company indicates that a 14.58% return on the investment before taxes as the lowest acceptable to the company. The company reports a return on investment before taxes of 3.92%, but excludes a reduction in fire insurance of \$1,075 with the removal of the burner. Also, the company omitted depreciation in their annual operating expense. Using 10 year depreciation an additional \$2,532.00 is added to the operating costs. The net result of these changes is an operating loss rather than any return on investment.

It is concluded that the facility operates to reduce atmospheric emissions and returns less than the minimum acceptable by the company. Consequently, that portion of the cost allocable to pollution control should be more than 80%.

4. Directors Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$25,321.14 be issued for the facility claimed in Tax application T-253, with more than 80% of the cost allocated to pollution control.



DEPARTMENT OF ENVIRONMENTAL QUALITY

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Portland

ARNOLD M. COGAN
Portland

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. I, January 24, 1972, EQC Meeting
Proposed Schedule for Hearings

Specific authorization is requested for hearings preparatory to adoption of proposed regulations as follows:

A. 10:00 a.m., February 25, 1972, at Regularly Scheduled EQC Meeting

- (1) Proposed PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF LICENSES FOR THE DISPOSAL OF ENVIRONMENTALLY HAZARDOUS WASTES, pursuant to Chapt. 699 Oregon Laws, 1971 (HB 1931).
- (2) Proposed REGULATIONS PERTAINING TO SOLID WASTE MANAGEMENT, pursuant to Chapt. 648 Oregon Laws 1971 (HB 1051)
- (3) Proposed PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF PERMITS (General)
- (4) Proposed REGULATIONS PERTAINING TO WASTE DISCHARGE PERMITS, pursuant to ORS 449.083.

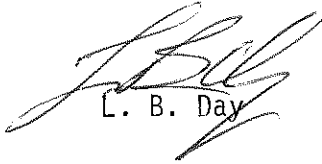
B. 2:00 p.m., February 25, 1972 EQC Meeting

- (1) Proposed NITROGEN STANDARDS (proposed amendment to rule 41-025 of Sub-division 1, Div. 4, Chapter 340, OAR.)

C. In addition to the above regulations to be considered at the February 25, EQC meeting, authorization is requested for a hearing to be held before a hearings officer at an appropriate time to be established by the director for adopting new ADMINISTRATIVE PROCEDURES for the Department.

Preliminary drafts of items A (1), (2), (3) and (4) and item B (1) are attached. A copy of the new proposed Administrative Procedures will be included in the notebooks for the January 24 meeting.

Final proposed draft copies of all of the above regulations will be given widespread public distribution approximately 30 days prior to the respective hearing dates.



L. B. Day

Attachments

EJW:1/14/72

PROPOSED
PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND
REVOCATION OF LICENSES FOR THE DISPOSAL OF
ENVIRONMENTALLY HAZARDOUS WASTES

A. PURPOSE.

The purpose of these regulations is to prescribe uniform procedures for obtaining licenses from the Department of Environmental Quality for establishing and operating environmentally hazardous waste disposal sites and facilities as prescribed by Chapter 699, Oregon Laws 1971.

B. DEFINITIONS.

As used in these regulations unless otherwise required by context:

1. "Commission" means the Environmental Quality Commission.
2. "Department" means the Department of Environmental Quality.
3. "Director" means the Director of the Department of Environmental Quality.
4. "Dispose" or "Disposal" means the discarding, treatment, recycling or decontamination of environmentally hazardous wastes or their collection, maintenance or storage at a disposal site.
5. "Disposal Site" means a geographical site in or upon which environmentally hazardous wastes are stored or otherwise disposed of in accordance with the provisions of Chapter 699, Oregon Laws 1971.
6. "License" means a written license issued by the Commission, bearing the signature of the Director, which by and pursuant to its conditions authorizes the licensee to construct, install, modify or operate specified facilities or conduct specified activities for disposal of environmentally hazardous wastes.

7. "Person" means the United States, any state, any individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.

C. LICENSE REQUIRED.

1. No person shall dispose of environmentally hazardous wastes upon any land in the state other than real property owned by the State of Oregon and designated as a disposal site pursuant to the provisions of Chapter 699, Oregon Laws 1971 and these regulations.
2. No person shall operate a disposal site without a license therefor issued by the Commission pursuant to Chapter 699, Oregon Laws 1971 and these regulations.
3. Licenses issued by the Department shall specify those activities, operations, emissions and discharges which will be permitted as well as the requirements, limitations and conditions which shall be met.
4. Licenses shall be issued to the applicant for the activities, operations, emissions or discharges of record, and shall be terminated automatically upon issuance of a new or modified license for the same operation.

D. APPLICATION FOR LICENSE

1. Any person wishing to obtain a new, modified or renewal license from the Department shall submit a minimum of eight (8) copies of a written application on forms provided by the Department. All application forms must be completed in full, signed by the applicant or his authorized representative and shall be accompanied by a minimum of eight (8) copies of all required exhibits.

2. An application for a license shall contain but not be limited to:
 - a. The name and address of the applicant and person or persons to be directly responsible for the operation of the disposal site.
 - b. A statement of financial condition of the applicant, prepared by a certified public accountant and including assets, liabilities and net worth.
 - c. The experience of the applicant in construction, management, supervision or development of disposal sites for environmentally hazardous wastes and in the handling of such substances.
 - d. The management program for the operation of the disposal site, including the person to be responsible for the operation of the disposal site and a resume of his qualifications, the proposed method of disposal, the proposed method of pretreatment or decontamination upon the disposal site, if any, and the proposed emergency measures and safeguards to be provided at such site.
 - e. A schedule and description of sources, types and quantities of material to be disposed and detailed procedures for handling and disposal of each.
 - f. A description of the size and type of facilities to be constructed upon the disposal site, including the height and type of fencing to be used, the size and construction of structures or buildings, warning signs, notices and alarms to be used, the type of drainage and waste treatment facilities and maximum capacity of such facilities, the location and source of each water supply to be used and the location and the type of fire control facilities to be provided at such site.

- g. A preliminary engineering sketch and flow chart showing proposed plans and specifications for the construction and development of the site and the waste treatment and water supply facilities, if any, to be used at such site.
 - h. The exact location and place where the applicant proposes to operate and maintain the disposal site, including the legal description of the lands included within such site.
 - i. A preliminary geologist's survey report indicating land formation, location of water resources and directions of the flows thereof and his opinion relating to possible sources of contamination of such water resources.
 - j. A proposed program for continuous monitoring and surveillance of the disposal site and for regular reporting to the Department.
3. License applications must contain or be accompanied by the following:
- a. A nonrefundable fee of \$5,000 which shall be continuously appropriated to the Department for administrative expenses.
 - b. A report and supporting information justifying the necessity for a disposal site as proposed, including anticipated sources, types and quantities of wastes to be handled.
 - c. A proposal and supporting information justifying the amounts of liability insurance proposed to protect the environment and the health, safety and welfare of the people of this state, including the names and addresses of the applicant's current or proposed insurance carriers and copies of insurance policies then in effect.
 - d. A proposal and supporting information justifying the amount of a cash bond proposed to be posted by the licensee and deemed to be sufficient to cover any costs of closing the site and monitoring it or providing for its security after closure and to secure performance of license requirements.

- e. A proposal and supporting information justifying the proposed fees to be paid to the Department, based either on the quantity and type of material accepted at the disposal site or a percentage of the fee collected for disposal or both, in amounts estimated to produce over the period of use of the site for disposal a sum sufficient to provide for any monitoring or protection of the site after closure.
4. The Department may require the submission of such other information as it deems necessary to make a decision on granting, modifying or denying a license.
5. Applications which are incomplete, unsigned or which do not contain the required exhibits, clearly identified, may be excluded from consideration by the Department at its discretion, and the applicant shall be notified in writing of the deficiencies.

E. ENGINEERING PLANS REQUIRED.

Before a disposal site or operation may be established, constructed, maintained or substantially modified, an applicant or licensee must submit to the Department final detailed engineering plans and specifications, prepared by a registered professional engineer, covering construction and operation of the disposal site and all related facilities and receive written approval of such final plans from the Department.

F. HEARINGS AND ISSUANCE OR DENIAL OF A LICENSE.

1. Upon receipt of an application, the Department shall cause copies of the application to be sent to affected state agencies, including the State Health Division, the Public Utility Commissioner, the Fish Commission of the State of Oregon, the State Game Commission and the State Engineer and to such other agencies or persons that the Department deems appropriate. Chapter 699 Oregon Laws 1971 provides

that each agency shall respond by making a recommendation as to whether the license application should be granted. If the State Health Division recommends against granting the license, the Commission must deny the license.

2. After determination that an application for a license is complete, the Department will notify the applicant of its intent to schedule a hearing or hearings and the time table and procedures to be followed. The Commission shall conduct a public hearing in the county or counties where the proposed site is located and may conduct hearings at such other places as the Department considers suitable. At the hearing the applicant may present his application and the public may appear or be represented in support of or in opposition to the application.
3. Prior to holding hearings on the license application, the Commission shall cause notice to be given in the county or counties where the proposed disposal site is located, in a manner reasonably calculated to notify interested and affected persons of the license application.
4. The Department shall make such investigation as it considers necessary and following public hearings make a recommendation to the Commission as to whether or not a license should be issued. The recommendations of the Department, including proposed license provisions and conditions if the Department recommends issuance of a license, shall be forwarded to the applicant, to members of the Commission and, at the discretion of the Department, to other interested persons for comment. All comments must be submitted in writing within fourteen (14) days after mailing of the Department's recommendations if such comments are to receive consideration prior to final action on the application.

5. After fourteen (14) days have elapsed since the date of mailing of the Department's recommendations and after reviewing the Department's recommendations the Commission shall decide whether to issue the license or not. It shall cause notice of its decision to be given to the applicant by certified mail at the address designated by him in his application.
6. If the Commission refuses to issue a license, it shall afford the license applicant an opportunity for hearing after reasonable notice, served personally or by registered or certified mail. The notice shall contain:
 - a. A statement of the party's right to hearing or a statement of the time and place of the hearing.
 - b. A statement of the authority and jurisdiction under which the hearing is to be held.
 - c. A reference to the particular sections of the statutes and rules involved.
 - d. A short and plain statement of the matters asserted or charged.

G. RENEWAL, MODIFICATION, TERMINATION OR EXPIRATION OF LICENSE.

1. An application for renewal, modification or termination of a license or to allow a license to expire shall be filed in a timely manner, but not less than ninety (90) days prior to the expiration date of the license. Procedures for issuance of a license shall apply to renewal, modification, termination or expiration of a license except that public hearings will not be held unless desired by the Commission. A license shall remain in effect until final action has been taken by the Commission on any appropriately submitted and complete application pending before the Commission.

2. In the event that the Commission finds it necessary to modify a license due to changed conditions or standards, receipt of additional information or any reason it deems would threaten public health and safety, the Department shall notify the licensee or his authorized representative by certified mail of the Commission's intent to modify the license. Such notification shall include the proposed modification and the reasons for modification. The modification shall become effective twenty (20) days from the date of mailing of such notice unless within that time the licensee requests a hearing before the Commission. Such a request for hearing shall be made in writing and shall include the reasons for such hearing. At the conclusion of any such hearing the Commission may affirm, modify or reverse the proposed modification.

H. SUSPENSION OR REVOCATION OF A LICENSE.

1. Whenever, in the judgment of the Department from the results of monitoring or surveillance of operation of any disposal site, there is reasonable cause to believe that a clear and immediate danger to the public health and safety exists from the continued operation of the site, without hearing or prior notice, the Department shall order the operation of the site halted by service of the order on the site superintendent.
2. Within twenty-four (24) hours after such order is served, the Department will appear in the appropriate circuit court to petition for such equitable relief as is required to protect the public health and safety and may commence proceedings for the revocation of the license of the disposal site if grounds therefore exist.

3. In the event that it becomes necessary for the Commission to suspend or revoke a license due to violation of any provision of Chapter 699 Oregon Laws 1971, non-compliance with these rules or the terms of the license, unapproved changes in operation, false information submitted in the application or any other cause, the Department shall schedule a public hearing and notify the licensee by certified mail of the Commission's intent to suspend or revoke the license and the timetable and procedures to be followed. Any hearing held shall be conducted pursuant to the regulations of the Department.

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
PROPOSED
REGULATIONS PERTAINING TO
SOLID WASTE MANAGEMENT

OREGON ADMINISTRATIVE RULES CHAPTER 340
DIVISION 6
SOLID WASTE MANAGEMENT

A. PURPOSE

The purpose of these regulations is to prescribe requirements, limitations, and procedures for storage, collection, transportation, and disposal of solid waste, pursuant to Chapter 648, Oregon Laws 1971 (HB 1051).

B. DEFINITIONS

As used in these regulations unless the context requires otherwise:

- (1) "Commission" means the Environmental Quality Commission.
- (2) "Composting" is the process of biochemical degradation of organic waste under controlled conditions.
- (3) "Department" means the Department of Environmental Quality.
- (4) "Digested sludge" means the concentrated sewage sludge that has decomposed under controlled conditions of pH, temperature and mixing in a digester tank.
- (5) "Director" means the Director of the Department of Environmental Quality.
- (6) "Disposal Site" means land used for the disposal or handling of solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, salvage sites, incinerators for solid waste delivered by the public or by a solid waste collection service and

composting plants; but the term does not include a facility subject to the permit requirements of ORS 449.083 or a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material, unless the site is used by the public either directly or through a solid waste collection service.

- (7) "Hazardous Solid Waste" is solid waste that may, by itself or in combination with other solid waste, be infectious, explosive, poisonous, caustic or toxic or otherwise dangerous or injurious to human, plant or animal life, but does not include Environmentally Hazardous Wastes as defined in Section 1, Chapter 699, Oregon Laws 1971 (Enrolled HB 1931).
- (8) "Heat-treated" means a process of drying or treating sewage sludge where there is an exposure of all portions of the sludge to high temperatures for a sufficient time to kill all pathogenic organisms.
- (9) "Incinerator" means a combustion device specifically designed for the reduction, by burning, of combustible solid wastes.
- (10) "Land Disposal Site" is a disposal site at which solid wastes are placed on or in the ground for disposal, such as but not limited to landfills, sludge lagoons and sludge spreading areas.
- (11) "Modified Landfill" is the disposal of solid waste by compaction in or upon the land and cover of all wastes deposited, with earth or other approved cover material at specific designated intervals, but not each operating day.
- (12) "Landfill" is a general term meaning all landfill operations such as sanitary landfills and modified landfills.
- (13) "Leachate" is liquid that has percolated through solid waste.

- (14) "Non-digested sludge" means the sewage sludge that has accumulated in a digester but due to a lack of environmental control has only partially decomposed.
- (15) "Permit" means a written permit issued by the Department, bearing the signature of the Director or his authorized representative, which by its conditions may authorize the permittee to construct, install, modify or operate specified facilities, conduct specified activities, or dispose of solid wastes in accordance with specified limitations.
- (16) "Person" means the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.
- (17) "Public Waters" 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.
- (18) "Putrescible Material" is organic material that can decompose and may give rise to foul smelling, offensive products.
- (19) "Raw Sewage Sludge" means the accumulated suspended and settleable solids of sewage deposited in tanks or basins mixed with water, to form a semi-liquid mass.
- (20) "Salvage" means separating or collecting reusable solid or liquid wastes for resale or the business of separating or collecting and reclaiming reusable solid or liquid wastes at a solid waste disposal site.

- (21) "Sanitary Landfill" is the disposal of solid waste by compaction in or upon land and cover of all wastes deposited with earth or other approved cover material at least once each operating day.
- (22) "Solid Waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure; vegetable or animal solid and semi-solid wastes, dead animals and other wastes; but the term does not include:
- (a) Environmentally hazardous wastes as defined in Section 1, Chapter 699, Oregon Laws 1971. (Enrolled HB 1931).
 - (b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.
- (23) "Transfer Station" means a fixed or mobile facility, normally used as an adjunct of a solid waste collection and disposal system, between a collection route and a disposal site, including but not limited to a large hopper, railroad gondola or barge.
- (24) "Waste" means useless or discarded materials.

C. POLICY

Whereas inadequate solid waste collection, storage, transportation, recycling and disposal practices cause nuisance conditions, potential hazards to public health and safety and pollution of the air, water and land environment, it is hereby declared to be the policy of the Department

of Environmental Quality to require effective and efficient solid waste collection and disposal service to both rural and urban areas and to promote and support comprehensive county or regional solid waste management planning, utilizing progressive solid waste management techniques, emphasizing recovery and reuse of solid wastes and insuring highest and best practicable protection of the public health and welfare and air, water and land resources.

D. PERMIT REQUIRED

- (1) Except as provided by subsections (2) and (3) of this section, after July 1, 1971, a disposal site shall not be established and after July 1, 1972, a disposal site shall not be operated, maintained or substantially altered, expanded or improved, and a change shall not be made in the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefor from the Department.
- (2) Disposal sites in existence at the time of adoption of these regulations and used only by the owner or person in control of the premises, to dispose of industrial or agricultural wastes generated by the owner or person in control of the premises, need not obtain a permit until July 1, 1973, unless the Department determines that a permit is necessary for a specific site prior to July 1, 1973, in order to adequately protect environmental quality or the public health or welfare.
- (3) The following classes of disposal sites are specifically exempted from the above requirements to obtain a permit under these regulations, but shall comply with all other provisions of these regulations and other applicable laws, rules and regulations regarding solid waste disposal:
 - (a) Disposal sites, facilities or disposal operations covered under a permit issued under ORS 449.083 or under Chapter 699, Oregon Laws 1971 (HB 1931).

- (b) A landfill site which is used only by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material.
- (4) The Department may, in accordance with a specific conditional permit and compliance schedule, grant reasonable time for existing solid waste disposal sites or facilities which were existing at the time of adoption of these regulations to comply with these regulations.

E. APPLICATIONS FOR PERMITS

- (1) Applications for permits shall be filed and permits shall be issued, denied, modified or revoked in accordance with PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF PERMITS as set forth in OAR Chapter 340, Division 1, Sub-division 4.
- (2) In order for applications for permits to be considered complete and accepted for processing they shall:
 - (a) be submitted in triplicate on forms provided by the Department and be accompanied by a like number of copies of all required exhibits.
 - (b) include recommendations of the local or state health agency having jurisdiction.
 - (c) include recommendations of the county or regional solid waste advisory committee and city or county planning commission having jurisdiction.
 - (d) include, for all existing landfill operations, a detailed site development and operational plan as required by sub-section H. (1) (b) of these regulations.
 - (e) include such other information as the Department may deem necessary to determine whether the proposed site and solid waste

disposal facilities and the operation thereof will comply with applicable requirements.

- (3) Applications for a permit to establish a disposal site shall be accompanied by a feasibility study report prepared in accordance with Section F. of these regulations unless the requirements of said feasibility study have been met by submittal of a regional or county-wide plan or other prior submittals.
- (4) If a local public hearing regarding a proposed disposal site has not been held and if, in the judgement of the Department, there is sufficient public concern regarding the proposed disposal site, the Department may as a condition of receiving and acting upon an application require that such a hearing be held by the County Board of Commissioners or County Court or other local government agency responsible for solid waste management, for the purpose of informing and receiving information from the public.

F. FEASIBILITY STUDY REPORT

A feasibility study report shall include, but not be limited to, the following:

- (1) A description of and background information on the service area including climate, topography, political entities, transportation system, major contributors to the area economy, population density and trends and projections of factors affecting solid waste management in the area.
- (2) A statement of the existing disposal practice in the service area, including types and quantities of wastes, methods of processing and disposal presently used.
- (3) The status of a regional or county-wide solid waste management plan and evidence that the proposed disposal facility is a part of or is compatible with such a plan.

- (4) Proposed method or methods to be used in processing and disposing of solid wastes, including anticipated types and quantities of solid wastes, justification of alternative disposal method selected, general design criteria, ultimate use of land disposal site, equipment to be used, projected life of the site, and proposed administration of the program.
- (5) Maps, exhibits and reports to show graphically the location and nature of the proposed project. For a land disposal facility, the geologic characteristics of each site reflecting depths and types of soil; depth to rock; depth to local and regional groundwater tables; location and logs of soil borings; down-gradient uses of groundwater; direction and flow of groundwater; historic and seasonal surface water flows and elevations; proposed surface water diversion structures, berms, ditches, access roads, residences, buildings, streams, springs, ponds, wells and existing contours and elevations. For all sites and facilities the land use and zoning in the vicinity of the proposed site; population projections; prevailing and seasonal wind characteristics; supporting data and other pertinent information shall be presented.
- (6) A proposal for protection and conservation of the air, water and land environment surrounding the disposal site, including control and/or treatment of leachate, prevention of traffic congestion and control of other discharges, emissions or activities which may result in a public health hazard, a public nuisance or environmental degradation.
- (7) A proposed fiscal program for plan implementation, including initial capital required, capital budget and bond or loan amortization if applicable.

G. DETAILED PLANS AND SPECIFICATIONS REQUIRED

- (1) Before a new disposal site or a fixed transfer station used by the public is established, constructed, maintained or operated and before an existing

disposal site or fixed transfer station is substantially altered, expanded or modified, an applicant must submit to the Department final detailed plans and specifications for construction and operation of the proposed disposal site or transfer station and all related facilities and obtain written approval of such final plans and specifications from the Department.

- (2) Plans and specifications submitted to the Department shall be prepared and stamped by a professional engineer with current Oregon registration, unless it is determined by the applicant that the work proposed does not constitute "the practice of professional engineering" as defined by ORS 672.010; in such cases the plans may be accepted as prepared by a person, other than a registered professional engineer, with special experience and knowledge in the solid waste disposal field.
- (3) A completed application for a solid waste permit may be preliminarily reviewed by the Department and the Commission prior to the preparation of final detailed plans and specifications, if requested by the applicant or desired by the Department.
- (4) Plans and specifications submitted to the Department shall be sufficiently detailed and complete to ensure that the proposed disposal site and related facilities will be constructed and operated as intended and in compliance with all pertinent state and local air, water and solid waste statutes and regulations.

H. SPECIAL RULES PERTAINING TO LANDFILLS

- (1) Detailed Plans and Specifications shall include:
 - (a) Location and design of all physical features of the site, berms, dikes, surface drainage control, access and on-site roads, water and waste water facilities, trenches, landfill lifts and cells

monitoring wells, fences, utilities, truck washing facilities, legal boundaries and property lines, land use, and existing contours and projected finish grades at not to exceed 5 foot contour intervals.

- (b) A detailed operational plan and timetable including the proposed method and sequence of site development, utilization and operation and a proposal for monitoring and reporting any environmental effects resulting therefrom.

(2) Authorized Landfill Methods

- (a) Sanitary Landfill.

Disposal of solid waste by landfilling shall be by the sanitary landfill method unless a modified landfill is specifically authorized by written permit.

- (b) Modified Landfill.

Modified landfills may be permitted if it is determined by the Department that special circumstances such as climate, geographic area, site location, nature or method of the material to be landfilled, population density or cost, justifies less than daily compaction and cover.

- (c) Open Burning.

Open burning of putrescible solid wastes shall not be permitted.

Open burning of non-putrescible combustible wastes at a disposal site at distances greater than 500 feet from the active landfill area may be permitted in accordance with plan approved and permits issued by the Department provided that such burning is permitted by rules and regulations of the air pollution control authority having jurisdiction.

(3) Landfill Design and Construction.

(a) Location.

Modified landfills shall be located a minimum of 1/4 mile from the nearest existing residence or commercial establishment other than that used by the landfill operator.

Sanitary landfills may be located closer than 1/4 mile to residences or commercial establishments in accordance with plans approved in writing by the Department.

(b) Leachate.

Leachate production shall be minimized and any leachate produced shall be collected and treated or otherwise controlled in a manner approved by the Department.

(c) Groundwater.

Areas having high groundwater tables may be restricted to landfill operations which will maintain a safe vertical distance between deposited solid waste and the maximum water table elevation.

Solid wastes other than tires, rock, dirt, brick and concrete rubble and similar non-decomposable materials shall not be deposited directly into the groundwater table or in flooded trenches or cells.

(d) Monitoring Wells.

Sites located in areas having high groundwater tables shall provide, in accordance with plans approved in writing by the Department, groundwater monitoring wells which are sufficient to detect the movement of leachate and easily capable of being pumped to obtain water samples.

Other sites may be required to provide monitoring wells if they are determined by the Department to be necessary.

(e) Drainage Control.

A disposal site shall be so located, sloped or protected that drainage will be diverted around or away from the operational area of the site.

The surface contours of the site shall be maintained such that surface water run-off will not flow into or through the fill.

(f) Dikes.

Sites for disposing of putrescible materials and which may be subject to flooding shall be protected by dikes which are constructed to be impervious to the passage of water and to prevent erosion or cutting out of the filled portions of the landfill site.

(g) Cover Material.

Adequate quantities of cover material shall be available to provide for periodic covering of deposited solid waste in accordance with the approved operational plan and permit conditions.

Final cover material must be available which will permit minimal percolation of surface water and minimum cracking of the completed fill.

(h) Access Roads.

All-weather roads shall be provided from the public highway or roads to and within the disposal site and shall be designed and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution.

(i) Fences.

Access to landfills which are not attended on a twenty-four

hour basis shall be controllable by means of gates which may be locked and the site shall be completely enclosed by a perimeter fence unless access is adequately controlled by the natural terrain features of the site.

(j) Site Screening.

Site screening shall be provided as required to effectively screen, insofar as is practicable, the active landfill area from residences and public view.

(k) Public Dumping.

Where practicable, special facilities such as a transfer station, vehicle or drop-box shall be provided to keep the public out of the active landfill area.

(l) Fire Protection.

Fire protection shall be provided in accordance with design and operational plans approved by the Department and in accordance with pertinent state and local fire regulations.

Where practicable, water under pressure shall be available at the site.

A minimum water supply of not less than 300 gallons should be provided.

(m) Special Wastes.

Dead animals, sewage sludges, septic tank pumpings, hospital wastes and other materials which may be hazardous or difficult to manage, shall be deposited at a disposal site only if special provisions for such disposal are included in the operational plan approved in writing by the Department.

(n) Signs.

Signs clearly stating dumping area rules shall be posted and adequate to obtain compliance with the approved operational plans.

A clearly visible and legible sign or signs shall be erected at the entrance to the disposal site which shall contain at least the following:

Name of facility and owner.

Emergency phone number of attendant.

Restricted materials (if applicable).

Operational hours during which wastes will be received for disposal.

Penalty for unlawful dumping.

(o) Truck Washing Facilities.

Truck washing areas if provided, shall be hard surfaced and all wash waters shall be conveyed to a catch basin, drainage and disposal system approved by the Department or state or local health agency having jurisdiction.

(p) Sewage Disposal.

Sanitary waste disposal shall be accomplished in a manner approved by the Department or state or local health agency having jurisdiction.

4. Landfill Operation.

(a) Compaction and Cover.

Solid waste deposited at a landfill site shall be spread on a slope no steeper than 3 horizontal to 1 vertical and compacted in layers not to exceed 2 feet in depth up to maximum cell

heights in accordance with the approved operational plan and covered with not less than 6 inches of compacted cover material at intervals specified in the permit.

(b) Final Cover and Grading.

A layer of not less than two (2) feet of compacted earth, in addition to intermediate cover material, shall be placed over the completed fill following the final placement of solid waste. The final cover shall be graded, seeded with appropriate ground cover and maintained to prevent cracking, erosion and the ponding of water.

(c) Exposed Solid Waste.

Unloading of solid waste on the site shall be confined to the smallest practical area and the area of exposed waste material on the active landfill face shall be kept to a minimum.

(d) Equipment.

Sufficient equipment in good operating condition and adequate to construct and operate the landfill site including placement, compaction and covering of solid wastes under all anticipated weather and soil conditions shall be available at all times with provisions for auxiliary or standby equipment as required in accordance with the approved operational plan.

(e) Accidental Burning.

All reasonable precautions, such as separation of "special wastes" and early removal of "hot spots", shall be taken to prevent accidental ignition or spontaneous combustion of solid wastes at a landfill site. Water, stockpiled earth or other means shall be available to extinguish such fires as may occur.

Hot or burning materials, or any materials likely to cause fire shall be deposited temporarily at a safe distance from the fill area and shall not be included in the landfill operation until the fire hazard is eliminated.

(f) Salvage.

Salvaging or scavenging shall be controlled so as to not interfere with optimum disposal site operation and to not create unsightly conditions or vector harborage.

All salvaged materials shall be removed from the disposal site at the end of each operating day, unless some other recycling or storage program is authorized in the operational plan approved by the Department.

Food products, hazardous materials, containers used for hazardous materials or furniture and bedding with concealed filling shall not be salvaged from a disposal site.

(g) Nuisance Conditions.

Blowing debris shall be controlled such that the entire disposal site is maintained free of litter.

Dust, malodors and noise shall be controlled to prevent air pollution or excessive noise as defined by ORS Chapter 449 and Chapter 452, Oregon Laws 1971, and rules and regulations adopted pursuant thereto.

(h) Health Hazards.

Rodent and insect control measures such as baiting and insecticide spraying shall be provided as necessary to prevent vector production and sustenance.

Any other conditions which may result in transmission of

disease to man and animals shall be controlled.

(i) Records.

The Department may require such records and reports as it considers are reasonably necessary to ensure compliance with conditions of a permit or these regulations.

(j) Closure of Landfills.

Before a landfill may be closed or abandoned to further use, all solid wastes at the disposal site shall be compacted and covered and the site finally graded and restored in a manner approved in writing by the Department.

A maintenance program for continued control of erosion, repair, and stabilization of the fill shall be provided until the completed fill has stabilized to the point where maintenance is no longer required.

I. SPECIAL RULES PERTAINING TO INCINERATION

(1) Detailed Plans and Specifications.

(a) All incineration equipment and air pollution control appurtenances thereto shall comply with air pollution control rules and regulations and emission standards of this Department or the regional air pollution control authority having jurisdiction.

(b) Detailed plans and specifications for incinerator disposal sites shall include, but not be limited to the location and physical features of the site including contours, drainage control, landscaping, fencing, access and on-site roads, solid waste handling facilities, truck washing facilities, water and wastewater facilities, ash and residue disposal and design and performance specifications of incineration equipment and

provisions for testing emissions therefrom.

(2) Incinerator Design and Construction.

(a) Ash and Residue Disposal.

Incinerator ash and residues shall be disposed in an approved landfill unless handled otherwise in accordance with a plan approved in writing by the Department.

(b) Waste Water Discharges.

There shall be no discharge of waste water to public waters except in accordance with a waste discharge permit from the Department, issued under ORS 449.083.

(c) Access Roads.

All-weather roads shall be provided from the public highways or roads to and within the disposal site and shall be designed and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution.

(d) Drainage.

An incinerator site shall be designed such that surface drainage will be diverted around or away from the operational area of the site.

(e) Fire Protection.

Fire protection shall be provided in accordance with plans approved in writing by the Department and in compliance with pertinent state and local fire regulations.

(f) Fences.

Access to the incinerator site shall be controlled by means of a complete perimeter fence and gates which may be locked.

(g) Sewage Disposal.

Sanitary waste disposal shall be accomplished in a manner approved by the Department or state or local health agency having jurisdiction.

(h) Truck Washing Facilities.

Truck washing areas, if provided, shall be hard surfaced and all wash waters shall be conveyed to a catch basin, drainage and disposal system approved by the Department or state or local health agency having jurisdiction.

(3) Incinerator Operations

(a) Storage.

All solid waste deposited at the site shall be confined to the designated dumping area.

Accumulation of solid wastes and undisposed ash residues shall be kept to minimum practical quantities.

(b) Salvage.

Salvaging shall be controlled so as to not interfere with optimum disposal operation and to not create unsightly conditions or vector harborage.

All salvaged material shall be stored in a building or enclosure until it is removed from the disposal site in accordance with a recycling program authorized in the operational plan approved in writing by the Department.

Food products, hazardous materials, containers used for hazardous materials, or furniture and bedding with concealed filling shall not be salvaged from a disposal site.

(c) Nuisance Conditions.

Blowing debris shall be controlled such that the entire disposal site is maintained free of litter.

Dust, malodors and noise shall be controlled to prevent air pollution or excessive noise as defined by ORS Chapter 449 and Chapter 452, Oregon Laws 1971, and rules and regulations adopted pursuant thereto.

(d) Health Hazards.

Rodent and insect control measures shall be provided, sufficient to prevent vector production and sustenance. Any other conditions which may result in transmission of disease to man and animals shall be controlled.

(e) Records.

The Department may require such records and reports as it considers are reasonably necessary to ensure compliance with conditions of a permit or these regulations.

J. SPECIAL RULES PERTAINING TO COMPOSTING PLANTS

(1) Detailed Plans and Specifications shall include:

- (a) Location and design of the physical features of the site and composting plant, surface drainage control, waste water facilities, fences, residue disposal, odor control and design and performance specifications of the composting equipment and detailed description of methods to be used.
- (b) A proposed plan for utilization of the processed compost including copies of signed contracts for utilization or other evidence of assured utilization of composted solid waste.

(2) Compost Plant Design and Construction.

(a) Non-Compostable Wastes.

Facilities and procedures shall be provided for handling, recycling or disposing solid waste that is non-biodegradable by composting.

(b) Odors.

The design and operational plan shall give consideration to keeping odors to lowest practicable levels. Composting operations, generally, shall not be located in odor sensitive areas.

(c) Drainage Control.

Provisions shall be made to effectively collect, treat and dispose of leachate or drainage from stored compost and the composting operation.

(d) Waste Water Discharges.

There shall be no discharge of waste water to public waters, except in accordance with a waste discharge permit from the Department, issued under ORS 449.083.

(e) Access Roads.

All-weather roads shall be provided from the public highway or roads to and within the disposal site and shall be designed and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution.

(f) Drainage.

A composting site shall be designed such that surface drainage will be diverted around or away from the operational area of the site.

(g) Fire Protection.

Fire protection shall be provided in accordance with plans approved in writing by the Department in compliance with pertinent state and local fire regulations.

(h) Fences.

Access to the composting site shall be controlled by means of a complete perimeter fence and gates which may be locked.

(i) Sewage Disposal.

Sanitary waste disposal shall be accomplished in a manner approved by the Department or state or local health agency having jurisdiction.

(j) Truck Washing Facilities.

Truck washing areas, if provided, shall be hard surfaced and all wash waters shall be conveyed to a catch basin, drainage and disposal system approved by the Department or state or local health agency having jurisdiction.

(3) Composting Plant Operation

(a) Supervision of Operation.

A composting plant shall be operated under the supervision of a responsible individual who is thoroughly familiar with the operating procedures established by the designer.

All compostable waste shall be subjected to complete processing in accordance with the equipment manufacturers operating instructions of patented process being utilized.

(b) Removal of Compost.

Compost shall be removed from the composting plant site as frequently as possible, but not later than one year after treatment

is completed.

(c) Use of Composted Solid Waste.

Composted solid waste offered for use by the general public shall contain no pathogenic organisms, shall be relatively odor-free and shall not endanger the public health or safety.

(d) Storage.

All solid waste deposited at the site shall be confined to the designated dumping area.

Accumulation of solid wastes and undisposed residues shall be kept to minimum practical quantities.

(e) Salvage.

Salvaging shall be controlled so as to not interfere with optimum disposal operation and to not create unsightly conditions or vector harborage.

All salvaged material shall be stored in a building or enclosure until it is removed from the disposal site in accordance with a recycling program authorized in the operational plan approved in writing by the Department.

K. SPECIAL RULES PERTAINING TO SLUDGE DISPOSAL SITES

(1) Permit Required.

- (a) Land used for the spreading, deposit, lagooning or disposal of sewage sludge, septic tank pumpings and other sludges is defined as a disposal site by Chapter 648, Oregon Laws 1971, and is subject to the requirements of these regulations including the requirements for obtaining a permit from the Department in accordance with Sections D and E of these regulations.

(b) Disposal of sewage sludges resulting from a sewage treatment facility that is operating under a current and valid waste discharge permit, issued under ORS 449.083, is exempted from obtaining a solid waste disposal permit provided that said sewage sludge disposal is adequately covered by specific conditions of the waste discharge permit. Such sewage sludge disposal operations and sites shall comply with all other provisions of these regulations and other laws, rules and regulations pertaining to solid waste disposal.

(2) Plans and Specifications for Sludge Disposal Sites

(a) Detailed plans and specifications for sludge disposal lagoons shall include, but not be limited to location and design of the physical features of the site, berms, dikes, surface drainage control, access and on-site roads, waste water facilities, inlet and emergency overflow structures, fences, utilities and truck washing facilities, topography with contours not to exceed 5 foot contour intervals, elevations, legal boundaries and property lines, and land use.

(b) Plans and specifications for land spreading of sludge shall include, but not be limited to surface drainage, access and on-site roads, fences, truck washing facilities, topography with contours not to exceed 5 foot contour intervals, rates and frequency of sludge application, legal boundaries and property lines and land use.

(3) Prohibited Methods of Sludge Disposal

(a) Septic tank pumpings and raw sewage sludge shall not be permitted to be disposed of by land spreading, unless it is specifically determined and approved in writing by the Department or state or

local health agency having jurisdiction, that such disposal can be conducted with assured, adequate protection of public health and safety and the environment.

(b) Except for "heat-treated" sewage sludges, sewage sludges including septic tank pumpings, raw, non-digested and digested sewage sludges, shall not be:

- Used as fertilizer on root crops, vegetables, low growing berries or fruits that may be eaten raw.
- Applied to land later than one year prior to planting where vegetables are to be grown.
- Used on grass in public parks or other areas at a time or in such a way that persons could unknowingly come in contact with it.
- Given or sold to the public without their knowledge as to its origin.

(c) Sludges shall not be deposited in landfills except in accordance with operational plans that have been submitted to and approved by the Department in accordance with Sub-Section H. (1) (b) of these regulations.

(4) Sludge Lagoon and Sludge Spreading Area Design, Construction and Operation

(a) Location.

Sludge lagoons shall be located a minimum of 1/4 mile from the nearest residence other than that of the lagoon operator or attendant.

Sludge shall not be spread on land where natural run-off could carry a residue into public waters.

If non-digested sludge is spread on land within 1/4 mile of

a residence, community or public use area, it shall be plowed under the ground, buried or otherwise incorporated into the soil within five (5) days after application.

(b) Fences.

Public access to a lagoon site shall be controlled by man-proof fencing and gates which shall be locked at all times that an attendant is not on duty.

Public access to sludge spreading areas shall be controlled by complete perimeter fencing and gates capable of being locked as necessary.

(c) Signs.

Signs shall be posted at a sludge spreading area as required.

Signs which are clearly legible and visible shall be posted on all sides of a sludge lagoon, stating the contents of the lagoon and warning of potential hazard to health.

(d) Drainage.

A sludge disposal site shall be so located, sloped or protected such that surface drainage will be diverted around or away from the operational area of the site.

(e) Type of Sludge Lagoon.

Lagoons shall be designed and constructed to be non-overflow and water tight.

(f) Lagoon Freeboard.

A minimum of 3.0 feet of dike freeboard shall be maintained above the maximum water level within a sludge lagoon unless some other minimum freeboard is specifically approved by the Department.

(g) Lagoon Emergency Spillway.

A sludge lagoon shall be provided with an emergency spillway adequate to prevent cutting-out of the dike should the water elevation overtop the dike for any reason.

(h) Sludge Removal from Lagoon.

Water or sludge shall not be pumped or otherwise removed from a lagoon except in accordance with a plan approved in writing by the Department.

(i) Monitoring Wells.

Lagoon sites located in areas having high groundwater tables or potential for contaminating usable groundwater resources may be required to provide groundwater monitoring wells in accordance with plans approved in writing by the Department. Said monitoring wells shall be sufficient to detect the movement of groundwater and easily capable of being pumped to obtain water samples.

(j) Truck Washing.

Truck washing areas, if provided, shall be hard surfaced and all wash waters shall be conveyed to a catch basin, drainage and disposal system approved by the Department or state or local health agency having jurisdiction.

(k) Records.

The Department may require such records and reports as it considers are reasonably necessary to ensure compliance with conditions of a permit or these regulations.

L. GENERAL RULES PERTAINING TO SPECIAL WASTES

(1) Agricultural Wastes.

Residues from Agricultural practices shall be recycled, utilized

for productive purposes or disposed of in a manner not to cause vector creation or sustenance, air or water pollution, public health hazards, odors or nuisance conditions.

(2) Hazardous Solid Wastes.

No hazardous solid wastes shall be deposited at any disposal site without prior written approval of the Department or state or local health department having jurisdiction.

(3) Waste Vehicle Tires.

(a) Open Dumping.

Disposal of loose waste tires by open dumping into ravines, canyons, gullies, and trenches, is prohibited.

(b) Tire Landfill.

Bulk quantities of tires which are disposed by landfilling and which are not incorporated with other wastes in a general landfill, must be baled, chipped, split, stacked by hand ricking or otherwise handled in a manner provided for by an operational plan submitted to and approved by the Department.

(c) General Landfill.

Bulk quantities of tires if incorporated in a general landfill with other wastes, shall be placed on the ground surface on the bottom of the fill and covered with earth before other wastes are placed over them.

(4) Waste Oils.

Large quantities of waste oils, greases, oil sludges or oil soaked wastes shall not be placed in any disposal site unless special provisions for handling and other special precautions are included in the approved plans and specifications and operational plan to prevent

fires and pollution of surface or groundwaters.

(5) Demolition Materials.

Due to the unusually combustible nature of demolition materials, demolition landfills or landfills incorporating large quantities of combustible materials shall be cross-sectioned into cells by earth dikes sufficient to prevent the spread of fire between cells, in accordance with engineering plans required by these regulations. Equipment shall be provided of sufficient size and design to densely compact the material to be included in the landfill.

M. TRANSFER STATIONS

(1) Plans and Specifications

Plans and specifications for a fixed or permanent transfer station shall include, but not be limited to the location and physical features of the facility including contours, surface drainage control, access and on-site roads traffic routing, landscaping, weigh stations, fences and specifications for solid waste handling equipment, truck and area washing facilities and wash water disposal, and water supply and sanitary waste disposal.

(2) Transfer Station Design, Construction and Operation

The Design, construction and operational requirements for an incinerator disposal site under Sections I (2) and (3) shall apply to a transfer station, except for Section I (2) (a.) regarding Ash and Residue.

N. STORAGE AND COLLECTION

(1) General Requirements.

(a) Storage and collection of solid waste shall be conducted in a manner to prevent:

- Vector production and sustenance.

- Conditions for transmission of diseases to man or animals.
- Hazards to service or disposal workers or to the public.
- Air pollution.
- Water pollution or allow escape of solid wastes or contaminated water to public waters.
- Objectionable odors, dust, unsightliness, aesthetically objectionable conditions or other nuisance conditions.

(3) Removal Frequency.

Putrescible solid waste shall be removed from the premises at regular intervals not to exceed 7 days. All solid waste shall be removed at regular intervals so as not to create the conditions cited in Section M - (1).

(4) Cleaning of Storage Area.

Areas around storage containers shall be cleaned regularly so as not to create the conditions cited in Section M - (1).

(5) Special Solid Wastes.

(a) Industrial Solid Wastes.

Storage of industrial solid wastes shall be in accordance with these rules and regulations. Open storage areas shall not be closer than 100 feet horizontal distance from the normal highwater mark of any public waters.

(b) Agricultural Wastes.

Storage of agricultural wastes shall not create vector production or sustenance, conditions for transmission of diseases to man or animals, water or air pollution and shall be in a manner to reduce and minimize objectionable odors, unsightliness, aesthetically objectionable and other nuisance conditions.

(c) Hazardous Wastes.

Containers for hazardous wastes shall be marked to designate the content as toxic, explosive, or otherwise hazardous in a manner designed to give adequate protection to the collector and storage site operator.

O. TRANSPORTATION

(1) Collection and Transfer Vehicle Construction and Operation.

(a) Solid waste collection and transfer vehicles and devices shall be constructed, loaded and operated so as to prevent dropping, leaking, sifting, or blowing or other escapement of solid waste from the vehicle.

(b) Collection and transfer vehicles and devices shall have a cover which is either an integral part of the vehicle or device or which is a separate cover of suitable materials with fasteners designed to secure all sides of the cover to the vehicle or device and shall be used while in transit.

(2) Cleaning Collection Vehicles.

(a) Collection and transfer vehicles or other devices used in transporting solid waste shall be cleanable and shall be cleaned at weakly intervals or more often as necessary, to prevent, odors, insects, rodents or other nuisance conditions.

(3) Waste Water.

Waste water from the cleaning process of containers of non-hazardous waste shall be disposed of in a manner approved by the Department or state or local health department having jurisdiction.

P. VARIANCES

The Commission may by specific written variance or conditional permit waive

certain requirements of these rules and regulations when circumstances of the solid waste disposal site location, operating procedures, and/or other conditions indicate that the purpose and intent of these regulations can be achieved without strict adherence to all of the requirements.

Q. VIOLATIONS To be added

PRELIMINARY

January 10, 1972

PROPOSED PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION, AND REVOCATION OF PERMITS

These regulations are to be made a part of OAR Chapter 340, Division 1, Subdivision 4.

A. PURPOSE.

The purpose of these regulations is to prescribe uniform procedures for obtaining permits from the Department of Environmental Quality as prescribed by Oregon Revised Statutes (ORS) 449.083; Chapter 406, Oregon Laws 1971; and Chapter 648, Oregon Laws 1971.

B. DEFINITIONS.

As used in these regulations unless otherwise required by context:

- 1) "Department" means Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.
- 2) "Commission" means Environmental Quality Commission.
- 3) "Director" means Director of the Department of Environmental Quality or his authorized deputies or officers.
- 4) "Permit" means a written permit issued by the Department, bearing the signature of the Director, which by its conditions may authorize the permittee to construct, install, modify, or operate specified facilities, conduct specified activities, or emit, discharge or dispose of wastes in accordance with specified limitations.

C. TYPE, DURATION, AND TERMINATION OF PERMITS.

- 1) Permits issued by the Department will specify those activities, operations, emissions, and discharges which are permitted as well as the requirements, limitations, and conditions which must be met.
- 2) The duration of permits will be variable, but shall not exceed five (5) years. The expiration date will be recorded on each permit issued. A new application must be filed with the Department to obtain renewal or modification of a permit.
- 3) Permits are issued to the official applicant of record for the activities, operations, emissions, or discharges of record, and shall be automatically terminated upon:
 - a) Sale or exchange of the activity or facility which requires a permit.

- b) Change in the activities, operations, emissions, or discharges from those of record in the last application.
- c) Issuance of a new or modified permit for the same operation.
- d) Written request of the permittee.

D. APPLICATION FOR PERMIT.

- 1) Any person wishing to obtain a new, modified, or renewal permit from the Department shall submit a written application on a form provided by the Department. Applications must be submitted at least 60 days before a permit is needed. All application forms must be completed in full, signed by the applicant or his legally authorized representative, and accompanied by the specified number of copies of all required exhibits. The name of the applicant must be the legal name of the owner of the facilities or his agent or the lessee responsible for the operation and maintenance.
- 2) Applications which are obviously incomplete, unsigned, or which do not contain the required exhibits (clearly identified) will not be accepted by the Department for filing and will be returned to the applicant for completion.
- 3) Applications which appear complete will be accepted by the Department for filing.
- 4) Within 15 days after filing, the Department will preliminarily review the application to determine the adequacy of the information submitted.
 - a) If the Department determines that additional information is needed, it will promptly request the needed information from the applicant. The application will not be considered complete for processing until the requested information is received. The application will be considered to be withdrawn if the applicant fails to submit the requested information within 90 days of the request.
 - b) If, in the opinion of the Department, a hearing is necessary to gather facts regarding the application, the Department will notify the applicant of its intent to schedule a hearing and the timetable and procedures to be followed. The application will not be considered complete for processing until the hearing is completed.

When the information in the application is deemed adequate, the applicant will be notified that this application is complete for processing. Processing will be completed within 45 days after such notification.

- 5) In the event the Department is unable to complete action on an application within 45 days after notification that the application is complete for processing, the applicant shall be deemed to have received a temporary permit, such permit to expire upon final action by the Department to grant or deny the original application. Such temporary permit does not authorize any construction, activity, operation, or discharge which will violate any of the laws, rules, or regulations of the State of Oregon or the Department of Environmental Quality.
- 6) If, upon review of an application, the Department determines that a permit is not required, the Department shall notify the applicant in writing of this determination. Such notification shall constitute final action by the Department on the application.

E. ISSUANCE OF A PERMIT.

- 1) Following determination that it is complete for processing, each application will be reviewed on its own merits. Recommendations will be developed in accordance with the provisions of all applicable statutes, rules, and regulations of the State of Oregon and the Department of Environmental Quality.
- 2) If the Department proposed to issue a permit, proposed provisions prepared by the Department will be forwarded to the applicant and other interested persons at the discretion of the Department for comment. All comments must be submitted in writing within 14 days after mailing of the proposed provisions if such comments are to receive consideration prior to final action on the application.
- 3) After 14 days have elapsed since the date of mailing of the proposed provisions, the Department may take final action on the application for a permit. The Department may adopt or modify the proposed provisions or recommend denial of a permit. In taking such action, the Department shall consider the comments received

regarding the proposed provisions and any other information obtained which may be pertinent to the application being considered.

- 4) The Department shall promptly notify the applicant in writing of the final action taken on his application. If the Department recommends denial, notification shall be in accordance with the provisions of Section G. If the conditions of the permit issued are different from the proposed provisions forwarded to the applicant for review, the notification shall include the reasons for the changes made. A copy of the permit issued shall be attached to the notification.
- 5) If the applicant is dissatisfied with the conditions or limitations of any permit issued by the Department, he may request a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director within 20 days of the date of mailing of the notification of issuance of the permit. Any hearing held shall be conducted pursuant to the regulations of the Department.

F. RENEWAL OF A PERMIT.

The procedure for issuance of a permit shall apply to renewal of a permit. If a completed application for renewal of a permit is filed with the Department in a timely manner prior to the expiration date of the permit, the permit shall not be deemed to expire until final action has been taken on the renewal application to issue or deny a permit.

G. DENIAL OF A PERMIT.

If the Department proposes to deny a permit, it shall notify the applicant by registered or certified mail of the intent to deny and the reasons for denial. The denial shall become effective 20 days from the date of mailing of such notice unless within that time the applicant requests a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director. Any hearing held shall be conducted pursuant to the regulations of the Department.

H. MODIFICATION OF A PERMIT.

In the event that it becomes necessary for the Department to institute modification of a permit due to changing conditions or standards, receipt

of additional information, or any other reason, the Department shall notify the permittee by registered or certified mail of its intent to modify the permit. Such notification shall include the proposed modification and the reasons for modification. The modification shall become effective 20 days from the date of mailing of such notice unless within that time the permittee requests a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director. Any hearing held shall be conducted pursuant to the regulations of the Department. A copy of the modified permit shall be forwarded to the permittee as soon as the modification becomes effective. The existing permit shall remain in effect until the modified permit is issued.

I. SUSPENSION OR REVOCATION OF A PERMIT.

- 1) In the event that it becomes necessary for the Department to suspend or revoke a permit due to sustained non-compliance with the terms of the permit, unapproved changes in operation, false information submitted in the application, or any other cause, the Department shall notify the permittee by registered or certified mail of its intent to suspend or revoke the permit. Such notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective 20 days from the date of mailing of such notice unless within that time the permittee requests a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director. Any hearing held shall be conducted pursuant to the regulations of the Department.
- 2) If the Department finds that there is a serious danger to the public health or safety or that irreparable damage to a resource will occur, it may suspend or revoke a permit effective immediately. Notice of such suspension or revocation must state the reasons for such action and advise the permittee that he may request a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director within 90 days of the date of suspension. Any hearing shall be conducted pursuant to the regulations of the Department.

J. SPECIAL PERMITS.

The Department may waive the procedures prescribed in Section E and issue special permits of duration not to exceed 60 days from the date of issuance for unexpected or emergency activities, operations, emissions, or discharges. Said permits shall be properly conditioned to insure adequate protection of property and preservation of public health, welfare, and resources. Application for such permits shall be in writing and may be in the form of a letter which fully describes the emergency and the proposed activities, operations, emissions, or discharges.

PROPOSED
REGULATIONS PERTAINING TO WASTE DISCHARGE PERMITS

These regulations are to be made a part of OAR Chapter 340, Division 4, Subdivision 5, and are enacted in lieu of OAR 340, Sections 45.005 through 45.060, which are hereby repealed.

A. PURPOSE.

The purpose of these regulations is to prescribe limitations on disposal and discharge of wastes and the requirements and procedures for obtaining Waste Discharge Permits pursuant to ORS 449.083.

B. DEFINITIONS.

As used in these regulations unless otherwise required by context:

- 1) "Department" means Department of Environmental Quality.
- 2) "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 whatever.
- 3) "Waste Discharge Permit" or "Permit" means a written permit issued by the Department, in accordance with the Procedures set forth in OAR Chapter 340, Section _____. (Procedures for Issuance, Denial, Modification, and Revocation of Permits.)
- 4) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substance which will or may cause pollution or tend to cause pollution of any waters of the state.
- 5) "Discharge" or "disposal" means the placement of wastes into public waters, on land, or otherwise into the environment in a manner that does or may tend to affect the quality of public waters.
- 6) "Public waters" or "waters of the state" include lakes, bays, ponds, impounding reservoirs, 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.

- 7) "Treatment" or "waste treatment" means the alteration of the quality of waste waters by physical, chemical, or biological means, or a combination thereof such that the tendency of said wastes to cause any degradation in water quality or other environmental conditions is reduced.
- 8) "Sewage" means the water-carried human or animal waste from residences, buildings, industrial establishments, or other places, together with such ground water infiltration and surface water as may be present. The mixture of sewage as above defined with wastes or industrial wastes, as defined in Subsections 4 and 9 of this section, shall also be considered "sewage" within the meaning of these regulations.
- 9) "Industrial waste" means any liquid, gaseous, radioactive, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources.
- 10) "Toxic waste" means any waste which will cause or can reasonably be expected to cause a hazard to fish or other aquatic life or to human or animal life.

C. PERMIT REQUIRED.

- 1) Without first obtaining a permit from the Department, no person shall:
 - a) Construct, install, expand, or significantly modify any factory, mill, plant, or other industrial or commercial facility which will result in a new or enlarged waste discharge to public waters.
 - b) Construct, install, or significantly modify any facilities designed or used for the treatment or disposal of wastes.
 - c) Construct or use any new outlet for wastes into public waters.
 - d) Discharge any wastes into any public waters.
 - e) Operate any facilities which function to treat or dispose of wastes.
 - f) Conduct any industrial, commercial, or agricultural operation which will or may cause or tend to cause pollution of any public waters.

- 2) Although not exempted from complying with all applicable laws, rules, and regulations regarding water pollution, the following are specifically exempted from the above requirements to obtain a permit:
 - a) Persons utilizing conventional cesspools, seepage pits, or septic tank and subsurface drainage field disposal systems for sewage and non-toxic commercial or industrial wastes, provided such system is approved by and is installed, operated, and maintained in accordance with the rules, regulations, and other requirements of the local county health department or the Oregon State Health Division.
 - b) Persons discharging wastes into a publicly owned or privately owned sewerage system, provided such system has a valid permit from the Department. In such cases, the owner of such sewerage system assumes ultimate responsibility for controlling and treating the wastes which he allows to be discharged into said system.
 - c) Gravel removal operations which are conducted in accordance with a valid removal permit issued by the Division of State Lands. Waste Discharge Permits are required for gravel washing and other processing operations where water quality is a factor.
 - d) Persons discharging uncontaminated cooling waters where the discharge meets all of the following criteria:
 - (1) The volume discharged does not exceed 20 gpm.
 - (2) The ratio of receiving stream flow to cooling water flow shall not be less than 20 to 1.
 - (3) The temperature of the cooling water does not exceed 100° F.
 - (4) The temperature of the receiving stream does not exceed 68° F.
 - (5) The discharge does not cause any aesthetically objectionable conditions.
 - e) Agricultural irrigation return waters.
 - f) Logging, land clearing, or road building.
 - g) Construction or installation of essential bridges, culverts, or other stream crossings.
- 3) Where established water quality standards may be violated by such legitimate activities as are listed in Sections 2c, 2d, 2e, 2f, and 2g above, specific written authorization shall be obtained from the Department prior to commencing such activities.

D. NON-PERMITTED DISCHARGES.

- 1) Discharge of the following wastes into any public waters shall not be permitted:
 - a) Untreated or inadequately treated sewage.
 - b) Untreated or inadequately treated or inadequately controlled commercial or industrial wastes which can be effectively treated or disposed of by other practicable means.
 - c) Toxic wastes.
- 2) In cases of preexisting untreated or inadequately treated discharges, enforcement may not be undertaken by the Department as long as the discharger is operating in accordance with a specifically approved program to provide the necessary treatment or control and as long as the continued discharge does not cause a serious hazard to the health, safety, and welfare of the public or cause irreparable damage to a resource.

E. PROCEDURES FOR OBTAINING PERMITS.

Submission and processing of applications for permits and issuance, denial, modification, and revocation of permits shall be in accordance with the Procedures set forth in OAR Chapter 340, Section _____. (Procedures for Issuance, Denial, Modification, and Revocation of Permits.)

F. OTHER REQUIREMENTS.

Prior to commencing construction on any waste collection, treatment, disposal, or discharge facilities for which a permit is required by Section C above, detailed plans and specifications must be submitted to and approved in writing by the Department as required by ORS 449.395; and, for privately owned sewerage systems, a performance bond must be filed with the Department as required by ORS 449.400.

Proposed Amendment
to
Standards of Quality for Public Waters of Oregon and Disposal
Therein of Sewage and Industrial Wastes

It is proposed that Rule 41-025 of Subdivision 1, Division 4, Chapter 340, Oregon Administrative Rules, entitled General Water Quality Standards be amended by adding item (12) so that it will then read as follows (words underlined are new language):

41-025 GENERAL WATER QUALITY STANDARDS. The following General Water Quality Standards shall apply to all waters of the state except where they are clearly superseded by Special Water Quality Standards applicable to specifically designated waters of the state. No wastes shall be discharged and no activities shall be conducted which either alone or in combination with other wastes or activities will cause in any waters of the state:

(1) The dissolved oxygen content of surface waters to be less than six (6) milligrams per liter unless specified otherwise by special standard.

(2) The hydrogen-ion concentration (pH) of the waters to be outside the range of 6.5 to 8.5 unless specified otherwise by special standard.

(3) The liberation of dissolved gases, such as carbon-dioxide, hydrogen sulfide or any other gases, in sufficient quantities to cause objectionable odors or to be deleterious to fish or other aquatic life, navigation, recreation, or other reasonable uses made of such waters.

(4) The development of fungi or other growths having a deleterious effect on stream bottoms, fish or other aquatic life, or which are injurious to health, recreation or industry.

(5) The creation of tastes or odors or toxic or other conditions that are deleterious to fish or other aquatic life or affect the potability of drinking water or the palatability of fish or shellfish.

(6) The formation of appreciable bottom or sludge deposits or the formation of any organic or inorganic deposits deleterious to fish or other aquatic life or injurious to public health, recreation or industry.

(7) Objectionable discoloration, turbidity, scum, oily sleek or floating solids, or coat the aquatic life with oil films.

(8) Bacterial pollution or other conditions deleterious to waters used for domestic purposes, livestock watering, irrigation, bathing, or shellfish propagation, or be otherwise injurious to public health.

(9) Any measurable increase in temperature when the receiving water temperatures are 64°F. or above, or more than 2°F. increase when receiving water temperatures are 62°F. or less.

(10) Aesthetic conditions offensive to the human senses of sight, taste, smell or touch.

(11) Radioisotope concentrations to exceed Maximum Permissible Concentrations (MPC's) in drinking water, edible fishes or shellfishes, wildlife, irrigated crops, livestock and dairy products or pose an external radiation hazard.

(12) The dissolved nitrogen concentration (DN) (a) from the date of adoption of this standard until January 1, 1973 to exceed 110 percent of saturation and (b) after January 1, 1973 to exceed 105 percent of saturation, unless prior to January 1, 1973 the Commission shall by rule extend the 110% saturation limit based on competent research which conclusively demonstrates that the 110% saturation limit is not injurious to the fishery resources.

LEE JOHNSON
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Mr. E. J. Weathersbee
Department of Environmental Quality
1234 S.W. Morrison Street
Portland, Oregon 97205

KASU

Re: Model Rules

Dear Jack:

I suggest several items for clarification regarding the proposed model rules for the Department:

1. XIX. Notice of Opportunity for Hearing, pages 13-14. Add after "license" in final sentence of paragraph: "The foregoing procedure shall also be followed in all other matters resulting in a contested case in addition to license hearings."

Reason: Presently the rule speaks only of licenses. The Department holds other types of hearings amounting to contested cases, which are not necessarily related to revocation or suspension of licenses.

2. II. (2) Contents of Notices, page 2. Add before "A notice" and after "(2)", "When otherwise applicable,".

Reason: The Department may in certain cases be required to hold a hearing. Water quality and air quality standards are examples.

3. XXVII. Informal Conferences, p. 18. This section is new and designed to allow the Department to hold meetings with persons regarding problems without possibly being forced into an adversary hearing. You may wish to review this section, and either enlarge or modify it.

*Under OK
to me
" EJS "*

Very truly yours,

LEE JOHNSON
Attorney General
[Signature]
Arnold B. Silver
Assistant Attorney General
and Counsel

ABS:eb
cc: Mr. Underwood
Mr. Haskins

DEPARTMENT OF ENVIRONMENTAL QUALITY

RULES OF PRACTICE AND PROCEDURE

PROCEDURE APPLICABLE TO RULE MAKING

I. Notice of Rule Making

The Department shall give notice of its intention to adopt, amend or repeal any rule not less than twenty days prior to the date of the proposed action in the bulletin published by the Secretary of State. Whenever practicable and appropriate, the Department shall also send written notice to individuals and groups and to the new news media. In addition to furnishing notice in the manner provided in this section, the Department will also comply with special statutory provisions regarding publication of notices.

II. Contents of Notices

(1) A notice of public hearing shall contain:

- (a) A description of the Department's intended action setting forth the subjects and issues involved. Where practicable and appropriate, a copy of any rule proposed to be adopted, amended or repealed shall be included.
- (b) The time and place of the public hearing and the manner in which interested persons may present their views prior to or at the hearing.
- (c) If the hearing is to be conducted by other than the Environmental Quality Commission, a designation of the person who is expected

to preside at and to conduct the hearing.

- (2) A notice of intent to act without public hearing shall contain:
 - (a) A description of the Department's intended action setting forth the subjects and issues involved. Where practicable and appropriate, a copy of any rule proposed to be adopted, amended or repealed shall be included.
 - (b) The time and place and the manner in which interested persons may present their views.
 - (c) A statement that any interested person desiring to express or submit his views at a public hearing must request the opportunity to do so.
 - (d) A designation of the person to whom a request for public hearing must be submitted and the time and place for such submission.
 - (e) A statement that if 25 or more persons request a public hearing, a public hearing will be held upon appropriate notice.

III. Conduct of Hearing

- (1) The hearing shall be conducted before the Commission, with the chairman as the presiding officer, or before any Commission member or other person designated by the Commission to be the presiding officer.
- (2) At the commencement of the hearing, the presiding

officer may require any person wishing to be heard to provide his name, address and affiliation. Additional persons may be heard at the discretion of the presiding officer. The presiding officer may provide an appropriate form for listing witnesses, which shall indicate the name of the witnesses, whether the witness favors or opposes the proposed action of the Department, and such other information as the presiding officer may deem appropriate.

- (3) At the opening of the hearing, the presiding officer shall state the purpose of the hearing.
- (4) Subject to the discretion of the presiding officer, the order of the presentation shall be:
 - (a) Statement of proponents.
 - (b) Statement of opponents.
 - (c) Statements of any other witnesses present and wishing to be heard.
- (5) The presiding officer and any member of the Commission shall have the right to question or examine any witness making a statement at the hearing. The presiding officer may, in his discretion, permit other persons to examine witnesses.
- (6) There shall be no rebuttal or additional statements given by any witness unless approved by the presiding officer. However, when such additional statement is given, the presiding officer may

allow an equal opportunity for reply.

- (7) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses present and wishing to make a statement have had an opportunity to do so.
- (8) The presiding officer shall, where practicable and appropriate, receive all physical and documentary evidence presented by witnesses. Each exhibit shall be marked and shall identify the witnesses offering it. Each exhibit shall be preserved by the Department for a period of one year or returned to the party submitting it within the discretion of the Department.
- (9) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial matter.
- (10) A verbatim oral, written or mechanical record shall be made of all the hearing proceedings, or, in the alternative, a record in the form of minutes.

IV. Presiding Officer's Report

In those instances in which the hearing was conducted before someone other than the Commission, the presiding officer shall, within a reasonable time after the hearing, provide the Commission with a written summary of statements given and exhibits received and

a report of his observations of physical experiments, demonstrations or exhibits. The presiding officer may also make recommendations, but these recommendations are not binding upon the Commission.

V. Action of Department

Following the hearing by the Commission or after receipt of the presiding officer's report and recommendations, the Department may adopt, amend or repeal rules covered by the notice of intended action.

VI. Filing of Commission Rule Change

The Commission shall file in the office of Secretary of State a copy, certified by the Director of the Department, of each rule adopted, amended or repealed by the Department.

VII. Petition to Promulgate, Amend or Repeal Rule

(1) Institution of Proceedings for Petition

An interested person may petition the Department requesting promulgation, amendment or repeal of a rule.

(2) Contents of Petition

The petition shall be in writing, signed by or on behalf of the petitioner and shall contain a detailed statement of:

- (a) The rule petitioner requests the Department to promulgate, amend or repeal. If amendment of an existing rule is sought, the rule shall be set forth in the petition in full with matter proposed to be deleted therefrom enclosed in brackets and proposed additions

thereto shown by underlining or bold face.

- (b) Ultimate facts in sufficient detail to show the reasons for adoption, amendment or repeal of the rule.
- (c) All propositions of law to be asserted by petitioner, including memorandums of points and authorities.
- (d) Sufficient facts to show how petitioner will be affected by adoption, amendment or repeal of the rule.
- (e) The name and address of petitioner and of any other persons known by petitioner to be interested in the rule sought to be adopted, amended or repealed.

(3) Filing of Petition

The petition, either in typewritten or printed form, shall be deemed filed when received by the Department at Terminal Sales Building, 1234 S.W. Morrison Street, Portland, Oregon, 97205.

(4) Upon receipt of the petition, the Department:

- (a) Shall mail a true copy of the petition, together with a copy of any applicable rules of practice, to all parties named in the petition, or to those whom the Department believes have an interest in the proceeding. Such petition shall be

deemed served on the date of mailing to the last known address of the person being served.

- (b) Shall advise petitioner that he has 15 days in which to submit written views.
- (c) May schedule oral presentation of petitioner's views if petitioner makes a request therefor and the Department wishes to hear petitioner orally.
- (d) Shall, within 60 days after the date of submission of the petition, either deny the petition or initiate rule-making proceedings in accordance with sections I through VI.

In the case of a denial of a petition to promulgate, amend or repeal a rule, the Department shall issue an order setting forth its reasons for denying the petition. The order shall be mailed to the petitioner and to all other persons upon whom a copy was served.

VIII. Temporary Rules

(1) Requirements for Making Temporary Rule Effective.

The Department may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable and appropriate, to adopt a rule without the notice otherwise required by the Oregon Administrative Procedure Act

and by these rules. In such case, the Department shall:

- (a) File a copy, certified by the Director of the Department, of the rule with the Secretary of State.
- (b) File with the Secretary of State the Department's finding that failure of the Department to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned. The findings shall be supported by a statement of specific facts and reasons.
- (c) Take practicable and appropriate measures to make the temporary rule known to the persons who may be affected by the temporary rule, including the furnishing of copies of the temporary rule to the news media.

(2) Effective Date of Temporary Rule

A temporary rule adopted in compliance with this rule becomes effective immediately upon filing with the Secretary of State or at any other date so designated therein.

(3) Duration of Temporary Rule.

A temporary rule may be effective for a period of not longer than 120 days. No temporary rule may be renewed after it has been in effect 120

days. The Department may, however, adopt an identical rule on notice in accordance with sections I through VI.

IX. Application

Sections I through VI do not apply to rules establishing an effective date for a previously effective rule or establishing a period during which a provision of a previously effective rule will apply.

PROCEDURE APPLICABLE TO DECLARATORY RULINGS

X. Institution of Proceedings for Declaratory Ruling

On petition of any interested person, the Department may, in its discretion, issue a declaratory ruling with respect to the applicability to any person, property, or state of facts of any statute or rule enforceable by the Department.

XI. Contents of Petition

The petition shall be typewritten or printed and shall contain:

- (1) The rule or statute for which petitioner seeks a declaratory ruling.
- (2) A detailed statement of the facts upon which petitioner requests the Department to issue its declaratory ruling.
- (3) Sufficient facts to show how petitioner will be affected by the requested declaratory ruling.
- (4) All propositions of law or contentions to be asserted by petitioner, including memorandum of

points and authorities.

- (5) The questions presented for decision by the Department.
- (6) The specific relief requested.
- (7) The name and address of petitioner and of all other persons known by petitioner to be interested in the requested declaratory ruling.

XII. Filing and Service

(1) Filing of Petition.

The petition shall be deemed filed when received by the Department at Terminal Sales Building, 1234 S.W. Morrison Street, Portland, Oregon, 97205.

(2) Service of Petition

After the petition has been filed, if the Department intends to issue a declaratory ruling, the Department shall mail to all parties named in the petition whom the Department has reason to believe have an interest in the proceeding:

- (a) A copy of the petition, together with a copy of or reference to the Department's rules of practice, whenever applicable.
- (b) A notice of the hearing at which the petition will be considered.

XIII. Contents of Notice of Hearing

The notice of hearing shall either set forth or attach:

- (1) A copy of the petition requesting the declaratory ruling.
- (2) The time and place of the hearing.

- (3) If the hearing is to be conducted by other than the Commission, designation of the person who is expected to preside at and to conduct the hearing.

XIV. Conduct of Hearing

- (1) Assignment to Hear Proceeding.

The hearing may be before the Director of the Department or the Commission or a member thereof or any other officer or person designated by the Department to preside at and to conduct the hearing.

- (2) Briefs and Oral Argument.

At the hearing, petitioner and any other interested party shall have the right to present oral argument. The Department may impose reasonable time limits on the time allowed for oral argument. Petitioner and other interested parties may file with the Department briefs in support of their respective positions. The Department shall fix the time and order of filing briefs.

XV. Presiding Officer's Opinion

In those instances where the hearing was conducted before someone other than the Commission, the presiding officer shall prepare an opinion in form and in content in compliance with section XVI. The Commission is not bound by such opinion.

XVI. Decision of Department

- (1) Time

Within 60 days of the close of the hearing, or where briefs are permitted to be filed subsequent to the hearing, within 60 days of the time permitted for the filing of briefs, the Department shall issue its declaratory ruling.

(2) Form and Content of Ruling.

The ruling shall be in the form of a legal opinion and shall set forth:

- (a) The facts being adjudicated by the Department.
- (b) The statute or rule being applied to those facts.
- (c) The Department's conclusion as to the applicability of the statute or rule to those facts.
- (d) The Department's conclusion as to the legal effect or result of applying the statute or rule to those facts.
- (e) The reasons relied upon by the Department to support its conclusions.

(3) Service of Ruling.

The Department shall mail its ruling to petitioner and, as practicable and applicable, to all other interested parties.

XVII. Effect of Department Ruling

A declaratory ruling issued in accordance with these rules is binding between the Department and the petitioner on the statement of facts alleged, or found to exist, unless it is altered or

set aside by a court or altered by the Department.

PROCEDURE APPLICABLE TO CONTESTED CASES

XVIII. Immediate Suspension or Refusal to Renew a License

If the Department finds a serious danger to the public health or safety and sets forth the specific reasons for such findings, the Department may suspend or refuse to renew a license without hearing, but if the licensee or permittee demands a hearing within 90 days after the date of notice to the licensee of such suspension or refusal to renew, then a hearing must be granted to the licensee as soon as practicable after such demand, and the Department shall issue an order pursuant to such hearing as required by the Administrative Procedure Act confirming, altering or revoking its earlier order. Such a hearing need not be held where the order of suspension or refusal to renew is accompanied by or is pursuant to, a citation for violation which is subject to judicial determination in any court of this state, and the order by its terms will terminate in case of final judgment in favor of the licensee or permittee.

XIX. Notice of Opportunity for Hearing

Except as provided in section XVIII before the Department shall suspend, revoke, refuse to renew or issue a license, it shall afford the licensee or the license applicant an opportunity for hearing after reasonable notice, served personally or by registered or certified mail. Notice that the Department proposes to refuse to renew a license must be served whenever practicable not later than 10 days prior to the expiration of

the license.

(1) Contents of Notice.

The notice shall contain:

- (a) A statement of the party's right to hearing or a statement of the time and place of the hearing.
- (b) A statement of the authority and jurisdiction under which the hearing is to be held.
- (c) A reference to the particular sections of the statutes and rules involved.
- (d) A short and plain statement of the matters asserted or charged.

XX. Orders When No Hearing Requested

When a party has been given an opportunity to request a hearing within a specified time and no hearing has been requested, the Department shall, based upon a prima facie case made on the record of the Department, enter an order at the expiration of the time stating the matters before it supporting the action of the Department in the case and an order to suspend or revoke a license shall be effective immediately after service of the Department's order personally or by registered or certified mail upon the licensee.

XXI. Subpoenas and Depositions

- (1) The Department shall issue subpoenas to any party to a case provided for in section XVIII or XIX upon request on good cause being shown and

upon a statement or showing of general relevancy and within reasonable scope of the evidence sought.

(2) On petition of any party to a case provided for in section XVIII or XIX, the Department may order that the testimony of any material witness may be taken by deposition in the manner prescribed by law for depositions in civil actions. The petition shall contain:

- (a) The name and address of the witness whose testimony is desired.
- (b) A showing of the materiality of his testimony.
- (c) A showing that the witness will be unable or cannot be compelled to attend.
- (d) A request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose.

XXII. Hearing

- (1) The hearing shall be conducted before the Commission, with the chairman as the presiding officer, or before any Commission member or other person designated by the Department to be the presiding officer.
- (2) At the discretion of the presiding officer, the hearing shall be conducted in the following manner:
 - (a) Statement and evidence of the Department in support of its action.

- (b) Statement and evidence of affected person disputing the Department's action.
- (c) Rebuttal testimony.
- (3) The presiding officer and the parties or their attorneys shall have the right to question or examine or cross-examine any witness.
- (4) Testimony shall be taken upon oath or affirmation of the witness from whom received. The presiding officer shall administer oaths or affirmations to witnesses.
- (5) The hearing may be continued with recesses as determined by the presiding officer.
- (6) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial matter.
- (7) The presiding officer shall, where appropriate and practicable, receive all physical and documentary evidence presented by parties and witnesses. Exhibits shall be marked and markings shall identify the person offering the exhibits. The exhibits shall be preserved by the Department as part of the record of the proceedings.

XXIII. Evidentiary Rules

The rules of evidence as an equity proceeding shall apply

to hearings before the Commission. All offered evidence not objected to shall be admitted by the presiding officer subject to his power to exclude or limit irrelevant, immaterial or unduly repetitious evidence. Evidence objected to may be admitted, excluded or received by the presiding officer with rulings on its admissibility or exclusion to be made at the time a final order is issued. Objections to evidentiary offers shall be noted in the record.

XXIV. Proposed Orders

In a case provided for in XVIII or XIX, if a majority of the members of the Commission have not heard the case or considered the record, the order of the Commission, if adverse to a party other than the Commission, shall not be made until the proposed order, including findings of fact and conclusions of law, have been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the members of the Commission, who shall in such case personally consider the whole record or such portions thereof as may be cited by the parties.

XXV. Final Orders

Every order adverse to a party to the proceeding rendered by the Department in a case provided for in section XVIII or XIX shall be in writing or stated in the record, may be accompanied by an opinion, and a final order shall be accompanied by findings of fact and conclusions of law. The findings of

fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the Department's order. The order shall state the rulings made on the admissibility of offered evidence if such rulings are not already in the record.

XXVI. Notification of Orders

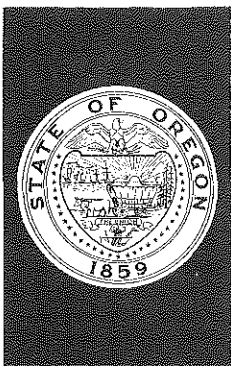
Parties to the proceeding shall be notified of a final order by delivering or mailing a copy of the order and accompanying findings and conclusions to each party or, if applicable, his attorney of record.

XXVII. Informal Conferences

Nothing in these rules shall be deemed to deny a person, an applicant or licensee an opportunity to request an appearance before the Department for an informal conference to discuss any matter administered by the Department or relating to an application or license pending or before the Department. The Department will notify the person, applicant or licensee of the time and place of the informal conference. The Department may itself also schedule an informal conference and notify the person, applicant or licensee of its time and place. The purpose of such informal conferences will be to clarify questions pertaining to requirements of the Department or conditions and terms in a license, or any other matter within the jurisdiction of the Department.

XXVIII. Applicability of Word "Department"

Unless otherwise required by context, "Department" shall mean Department of Environmental Quality, as defined by ORS 449.032.



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: Public Hearing on Implementation Plan, Portland
Additional Testimony Received

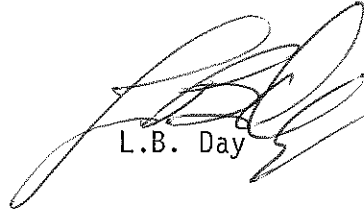
Background:

Following the public hearing on the Air Quality Implementation Plan held in Portland on January 5, 1972, additional written testimony has been received. The staff has considered this testimony in reviewing the implementation plan following the hearings in Portland, Medford, and Eugene.

The following are attached for your information and to complete the hearings record:

1. E.P.A. North Carolina Review, dated 12-30-71
2. Associated General Contractors, dated 1-11-72
3. Associated General Contractors, dated 1-5-72
4. American Institute of Merchant Shipping, 1-6-72
5. J. Barrett, interested individual
6. Columbia-Willamette Air Pollution Authority, dated 1-12-72
7. City of Portland, dated 1-11-72
8. Automobile Manufacturers Association, dated 1-11-72

9. Department of Transportation, dated 1-7-72
10. Sensible Transportation Options for People, dated 1-1-72



L.B. Day

1/14/72
HMP: