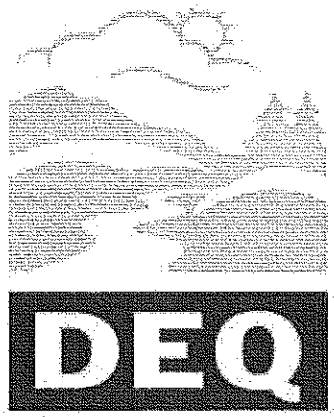
EQCMeeting1of1DOC19720225

2/25/1972

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of Environmental Quality

AGENDA

Environmental Quality Commission Meeting

February 25, 1972

Second Floor Auditorium, Public Service Building

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

9:00 a.m.

A. Minutes of January 24, 1972 Meeting

B. Project Plans for January 1972

C. Oregon CUP Award Program

D. University of Oregon Medical School Parking Structure

10:00 a.m.

E. Hearing re: Proposed (General) PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION & REVOCATION OF PERMITS

F. Hearing re: Proposed REGULATIONS PERTAINING TO WASTE DISCHARGE PERMITS

G. Hearing re: Proposed REGULATIONS PERTAINING TO SOLID WASTE MANAGEMENT

H. Hearing re: Proposed PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF LICENSES FOR THE DISPOSAL OF ENVIRONMENTALLY HAZARDOUS WASTES

I. International Paper Co., Gardiner

2:00 p.m.

J. Hearing re: Proposed NITROGEN STANDARDS

K. Tax Credit Applications

1.	T-248	Monarch Shingle Co.	($18,513.38)
2.	T-261	Brooks Willamette Corp.	($14,090.44)
3.	T-263	Brooks Willamette Corp.	($60,830.53)
4.	T-266	Pacific Carbide & Alloys Co.	($21,825.48)
5.	T-294	Fred Messerle & Sons Inc.	(Revoke Cert. #126 and reissue to new owner)
6.	T-295	Fred Messerle & Sons Inc.	(Revoke Cert. #136 and reissue to new owner)

L. Metler Bros., Klamath Falls - Hearings Officer's Report

AGENDA

Environmental Quality Commission Meeting

February 25, 1972

Second Floor Auditorium, Public Service Building

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

9:00 a.m.

A. Minutes of January 24, 1972 Meeting

B. Project Plans for January 1972

C. Oregon CUP Award Program

D. University of Oregon Medical School Parking Structure

10:00 a.m.

E. Hearing re: Proposed (General) PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION & REVOCATION OF PERMITS

F. Hearing re: Proposed REGULATIONS PERTAINING TO WASTE DISCHARGE PERMITS

G. Hearing re: Proposed REGULATIONS PERTAINING TO SOLID WASTE MANAGEMENT

H. Hearing re: Proposed PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF LICENSES FOR THE DISPOSAL OF ENVIRONMENTALLY HAZARDOUS WASTES

I. International Paper Co., Gardiner

2:00 p.m.

J. Hearing re: Proposed NITROGEN STANDARDS

K. Tax Credit Applications

1.	T-248	Monarch Shingle Co.	($18,513.38)
2.	T-261	Brooks Willamette Corp.	($14,090.44)
3.	T-263	Brooks Willamette Corp.	($60,830.53)
4.	T-266	Pacific Carbide & Alloys Co.	($21,825.48)
5.	T-294	Fred Messerle & Sons Inc.	(Revoke Cert. #126 and reissue to new owner)
6.	T-295	Fred Messerle & Sons Inc.	(Revoke Cert. #136 and reissue to new owner)

L. Metler Bros., Klamath Falls - Hearings Officer's Report

M. Informal Consideration and Scheduling of March 24 Formal Hearing on Water Quality Implementation Plan

MINUTES OF THE THIRTY-SECOND MEETING

of the

Oregon Environmental Quality Commission

February 25, 1972

The thirty-second regular meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 9:00 a.m., Friday, February 25, 1972, in the Second Floor Auditorium, Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. All members were present including B.A. McPhillips, Chairman, Arnold M. Cogan, Edward C. Harms, Jr., George A. McMath and Storrs S. Waterman.

Participating staff members were L.B. Day, Director; E.J. Weathersbee and K.H. Spies, Deputy Directors; Harold M. Patterson, Air Quality Control Division Director; Harold L. Sawyer, Water Quality Control Division Director; E.A. Schmidt, Solid Waste Management Division Director; Barbara J. Seymour, Information Director; Ron C. Householder and C.A. Ayer, Associate Engineers; Edison L. Quan, Aquatic Biologist; and A.B. Silver and R. Haskins, Legal Counsel.

MINUTES OF JANUARY 24, 1972 MEETING

It was MOVED by Mr. Waterman, seconded by Mr. Cogan and carried that the minutes of the thirty-first meeting of the Commission held in Portland on January 24, 1972 be approved as prepared.

PROJECT PLANS FOR JANUARY 1972

It was MOVED by Mr. McMath, seconded by Mr. Waterman and carried that the actions taken by the Department during the month of January 1972 as summarized by Mr. Weathersbee regarding the following 48 municipal sewerage, 2 industrial waste, 14 air quality control and 2 solid waste disposal projects be approved:

Water Pollution Control

Date	Location	Project	Action
Municipal Projects (48)			
1/3/72	Lake Oswego	Upper Drive (LID 133-1)	Prov. app.
1/3/72	Lake Oswego	Fairway Road interceptor (W.O. 3840)	Prov. app.
1/3/72	Gladstone	Maywood Terrace (sewers)	Prov. app.
1/3/72	John Day	Forest Service Center Ext.	Prov. app.
1/3/72	McMinnville	Michelbook 3rd Addn. (sewers)	Prov. app.
1/3/72	Stayton	North Slope Addition (sewers)	Prov. app.
1/3/72	Junction City	Industrial Park lift station and force main	Prov. app.

Water Pollution Control - continued

Date	Location	Project	Action
Municipal Projects (48) cont.			
1/3/72	Eugene	(1) Larch Street, and (2) Willhi St. (250 ft. north) (both sewer projects)	Prov. app.
1/3/72	Portland	(1) N. Basin Avenue, and (2) S.W. Clemell Ave. and S.W. Sherwood Place (sewer extensions)	Prov. app.
1/3/72	Lincoln City	Lakewood Properties sewer ext.	Prov. app.
1/3/72	Gresham	S.E. Fifth St. sanitary sewer	Prov. app.
1/3/72	Gresham	Mt. Shadows Phase II sewers	Prov. app.
1/3/72	USA	(1) Hyland Hills No. 8, and (2) Plat 71-002 (Sunset) (sanitary sewers)	Prov. app.
1/3/72	Springfield	4100 Block Commercial Avenue sewer	Prov. app.
1/3/72	Ashland	Hwy. 66 sewer extension	Prov. app.
1/3/72	Keizer S.D. #1	Pruitt & Cooley Subd. sewers	Prov. app.
1/3/72	Woodburn	Evergreen Road sewer	Prov. app.
1/10/72	Troutdale	Beaver Creek interceptor and pump station	Prov. app.
1/10/72	Portland	S.W. Maplecrest Court and Drive (sewers)	Prov. app.
1/10/72	McMinnville	Southgate Mobile Home Village system	Prov. app.
1/10/72	Dundee	Dundee Terrace Subd. (sewers)	Prov. app.
1/10/72	Dundee	Dogwood Ave. sanitary sewer	Prov. app.
1/10/72	Bay City	Outfall revision	Prov. app.
1/14/72	Lincoln City	Campbell-Yost-Grube sewer siphon project	Prov. app.
1/14/72	Unity	Community sewerage study	Concurrence
1/14/72	Gladstone	Shawn Oaks Subd. sewers	Prov. app.
1/14/72	Unity	Unity Ranger Station sewerage report	Concurrence
1/17/72	Sandy	Sewage treat. plant, 0.5 mgd	Prov. app.
1/17/72	Rockaway	Sewage treatment plant sludge pump replacement	Prov. app.
1/17/72	McMinnville	Change Order No. 3 (sewage treatment plant)	Approved
1/18/72	Canby	Sandy Acres Subd. (sewers)	Prov. app.
1/18/72	St. Helens	Change Order No. G-6 (secondary)	Approved
1/18/72	Portland	Portland Meadows Apts. pump system	Prov. app.
1/18/72	Portland	N.W. St. Helens Road and Doane Ave. (sewers)	Prov. app.
1/18/72	Jefferson	(1) Colcord Acres Subd. (2) Armors Addition	Not app.

Water Pollution Control - continued

Date	Location	Project	Action
Municipal Projects (48) cont.			
1/19/72	The Dalles	Change Orders #4 and 5 Contract No. 1	Prov. app.
1/19/72	The Dalles	Change Orders #2-24 inc. Contract No. 2	Prov. app.
1/19/72	Sunriver	Meadow Houses West sewers	Prov. app.
1/19/72	Oak Lodge San.Dist.	Shadybrook II Subd. sewers	Prov. app.
1/25/72	Gresham	Pepperridge Subd. (sewers)	Prov. app.
1/25/72	Gresham	Carroll Ranch Subd. (sewers)	Prov. app.
1/25/72	Salem	Foothills Phase II (sewers)	Prov. app.
1/28/72	Harbeck-Fruitdale	Axtell and Swarthout extensions	Not app.
1/31/72	Wood Village	Treehill Park (sewers)	Not app.
1/31/72	McMinnville	Lafayette Avenue interceptor	Prov. app.
1/31/72	Dallas	Archie Meadows sewers	Prov. app.
1/31/72	USA (Tigard)	Hollytree Subd. sewers	Prov. app.
1/31/72	Douglas County	Steamboat Ranger Station sewerage proposal	Not app.
Industrial Projects (2)			
1/11/72	Portland	Time Oil Company oil separator system and collection	Prov. app.
1/31/72	Tillamook	Publishers Paper Company oil separator and screen	Prov. app.

Air Quality Control

Date	Location	Project	Action
1/3/72	Baker County	Ellingson Lumber Co. Proposal to submit compliance program for WWBs at Baker, Unity and Halfway by Mar. 31, 1972	Approved
1/4/72	Hood River County	U.S. Plywood- Champion Papers Plans and specifications for WWB modifications to be completed by January 17, 1972	Approved
1/4/72	Lake County	Eastern Oregon Pine Plans to modify WWB	Add. inf. req.
1/4/72	Douglas County	International Paper Co. Proposal to comply with 1975 Kraft Mill Emission Limits, OAR, 340, Sections 25-155 through 25-195	Action pending
1/12/72	Lincoln County	Toledo Shingle Co. Proposal to phase-out WWB by March 31, 1972, through utilization	Approved

Air Quality Control - continued

Date	Location	Project	Action
1/12/72	Wasco County	The Dalles General Hospital Proposal for expanding hospital facilities under Hill-Burton Grant program	Req. compliance schedule
1/13/72	Douglas County	Green Valley Lumber Co. Proposal to phase-out WWB by March 6, 1972, through utilization	Approved
1/13/72	Lincoln County	Georgia Pacific Corporation Proposal to comply with 1975 Kraft Mill Emission Limits, OAR, 340, Sections 25-155 through 25-195	Action pending
1/17/72	Wasco County	Harvey Aluminum, Inc. Plans and specifications for electrostatic precipitators to meet opacity limits of 20% OAR, 340, Section 25-265	Approved
1/17/72	Klamath County	Boise Cascade Corporation Plans to modify WWB	Add. inf. req.
1/17/72	Coos County	Weyerhaeuser Company Compliance schedule for particleboard division, under OAR, 340, Section 25-320	Approved
1/24/72	Deschutes County	Brooks-Willamette Corporation Plans for scrubbers to control emissions from Heil Driers under OAR, 340, Section 25-320	Add. inf. req.
1/28/72	Jackson County	Fir Ply Company Plans and specificatons to modify WWB at Fir Ply #2 by March 1, 1972	Approved
1/28/72	Heppner County	Kinzua Corporation Expansion of veneer plant and installation of pneumatic conveyors	Add. inf. req.

Solid Waste Division

Date	Location	Project	Action
1/18/72	Multnomah Co.	Schnitzer Investment Co.	Not app.
1/21/72	Multnomah Co.	Sherrod Land Clearing Disposal Site	Not app.

OREGON CUP AWARD PROGRAM

Mrs. Seymour discussed the proposed Oregon Cleaning Up Pollution Award (CUP) Program which had been outlined in a Department memorandum dated February 16, 1972. She reviewed the background and the specific details of the proposal and submitted three amendments to the original draft of the proposed rules.

After a discussion by the Commission members of the proposed program and rules Mr. Day paid special credit to the Portland State University Art Students who had done the art work and to others who had assisted with the development of the program.

It was MOVED by Mr. Harms, seconded by Mr. Cogan and carried that the proposed program and rules with amendments as suggested be adopted.

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

UNIVERSITY OF OREGON MEDICAL SCHOOL PARKING STRUCTURE

Mr. Householder reviewed the background in this matter. He pointed out that as a result of a public hearing held on October 29, 1971 the Commission had authorized the Director to take action to delay construction of the proposed Medical School parking structure until assurance could be given that it would be compatible with comprehensive planning for the area.

He said that in the meantime the matter had been fully investigated, an impact statement had been prepared by the State System of Higher Education, officials of the System had agreed to continue to work closely with the Portland Planning Commission, and that as a result the Department Director recommends that the Commission rescind its earlier action and grant approval for construction to begin.

In response to a question by Mr. McMath, Mr. Householder stated that no specific air quality monitoring had been undertaken in the vicinity of the site of the proposed parking structure.

Mr. Patrick J. Reynolds, Dental School Faculty member, presented a statement for a group of dental students. He said they want the study that was conducted by the System of Higher Education remade because they are of the opinion the questions were not properly presented, they claim there will be a worsening of the problem during the 10 months to one year of construction, they

want more consideration given to mass transit, and they object to the conclusions of the study and to the questions asked. He also submitted a brief statement of his own opposing the project.

When asked by Mr. Cogan if the statement which he had just read had been submitted to the School Faculty he said it had not. Mr. Harms said the Commission has had some of the same concerns expressed by the students but in view of the circumstances he agrees with the recommendation of the Director.

Vice Chancellor J.I. Hunderup was present and confirmed the information and findings previously submitted by the System of Higher Education.

It was MOVED by Mr. Harms, seconded by Mr. Waterman and carried that the Commission adopt the Director's recommendation which was read in full by Mr. Harms as follows:

> "In view of the current acute need for additional parking at the Medical School area, and in view of the commitment by the System of Higher Education to work closely with the Portland Planning Commission and other agencies responsible for planning within the Portland metropolitan area, I recommend that the Commission now rescind its earlier action regarding this proposed parking facility at the Medical School and grant approval for construction to begin. This recommendation however should in no way be considered as a lessening of Department concern that total transportation planning for the area be environmentally sound and compatible with metropolitan transportation planning."

TAX CREDIT APPLICATIONS

Mr. Sawyer presented the Department's evaluations and recommendations concerning the 6 tax credit applications covered by the following motions:

It was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that as recommended by the Director Pollution Control Facility Tax Credit Certificates be issued to the Monarch Shingle Company of North Portland for the facility claimed in Tax Application T-248 and costing $18,513.38, to the Brooks Willamette Corporation of Bend for the facility claimed in Tax Application T-261 and costing $14,090.44, to the Brooks Willamette Corporation of Bend for the facility claimed in Tax Application T-263 and costing $60,830.53, and to the Pacific Carbide and Alloys Company of Portland for the facility claimed in Tax Application T-266 and costing $21,825.48, with each certificate showing

that 80% or more of such costs be allocated to pollution control.

It was MOVED by Mr. Harms, seconded by Mr. Waterman and carried that Tax Credit Certificates Nos. 126 and 136 previously issued to Fred Messerle and Sons, a partnership, be revoked effective January 1, 1972 and that new certificates be issued for the same facilities to the Fred Messerle & Sons, Inc. based on Applications T-294 and T-295, respectively.

PUBLIC HEARINGS REGARDING PROPOSED ADOPTION OF REGULATIONS

Proper notice having been given as required by law and administrative rules public hearings for consideration of the adoption of the following 4 sets of regulations were called to order at 10:00 a.m. by the Chairman with all members in attendance:

I. Proposed (General) Procedures for Issuance, Denial, Modification & Revocation of Permits

Mr. Sawyer presented the Department's statement dated February 16, 1972, supporting the adoption of these proposed rules. Such rules, if adopted, would be made a part of OAR Chapter 340, Division 1, Subdivision 4 and would be for the purpose of prescribing uniform procedures for obtaining permits from the Department as prescribed by ORS 449.083; Chapter 406, O.L. 1971; and Chapter 648, O.L. 1971.

Mr. Waterman expressed concern about the provision in proposed Rule D (4)(b) for public hearings to gather facts regarding applications submitted.

Mr. Tom Donaca was present and submitted a statement for AOI. He also expressed concern about D(4)(b). He objected to Rule H pertaining to modification of a permit. He said the permittee should be assured that his permit would not be modified for frivolous reasons.

Mr. Roger Emmons, Attorney for the Oregon Sanitary Service, Inc., was the next person to testify. He reiterated the comments made by Mr. Donaca regarding Rule H. In addition he commented regarding the rules pertaining to termination of permits, renewal of permits and to statutory requirement that applications be acted on within 60 days of receipt by the department.

Mr. Clarence Sherman, Marion County Sanitarian and representative of the Oregon Environmental Health Association, said the county sanitarians want to be in on the planning of sanitary facilities and asked that the regulations be amended to require approval or disapproval of local health departments.

Mr. Mel Gordon, Multnomah County Commissioner, asked for clarification of Rule D(5) relative to duration of a temporary permit and of Rule F relative to notification for renewal.

Mr. Harms suggested that the wording at the top of page 5 regarding the need for the department to institute modification of an existing permit be reviewed.

There being no other persons present who wished to make a statement the hearing on these proposed rules was adjourned with the understanding that the record would remain open for 10 days to allow the submission of additional written testimony and that the final adoption of such rules be set for the March 24, 1972 meeting of the Commission.

II. Proposed Regulations Pertaining to Waste Discharge Permits

Mr. Sawyer presented the Department's statement dated February 16, 1972, supporting the adoption of these proposed rules.

Mr. Waterman questioned the wording in C(2)(d)(4) pertaining to stream temperature.

Mr. Tom Donaca of AOI stated that in B(10) and D(1)(c) the words "toxic wastes" should refer to field conditions.

There being no one else who wished to make a statement regarding these proposed rules the hearing was adjourned by the Chairman with the understanding that the record would remain open for 10 days to allow the submission of additional written testimony and that the final adoption of such rules be set for the March 24, 1972 meeting of the Commission.

In response to a question from the Director, Mr. Donaca said he thinks that public agencies should subscribe to permit requirements the same as private individuals or corporations but he did not comment on state permits for dams constructed by the Corps of Engineers.

III. Proposed Regulations Pertaining to Solid Waste Management

Mr. Schmidt presented the staff report dated February 18, 1972 pertaining to these proposed regulations. He reviewed briefly the major points covered by them and pointed out that page 29 had inadvertently been omitted from the initial mailing.

Mr. Cogan inquired as to who would prepare the regional plans referred to in Rule F(3) and how they would be accomplished. Mr. Schmidt replied that guidelines are to be prepared.

County Commissioner Mel Gordon asked if sanitary landfills would be possible after July 1, 1972 and particularly in western Oregon. Mr. Day replied that they will if they fit into regional plans and meet other requirements. He pointed out that Federal Agency officials feel sanitary landfills are the most economical application at the present time until new techniques are developed. Chairman McPhillips commented that sanitary landfills are an outmoded technique but will have to be used in certain circumstances.

Dr. Fred Cooper, Professional Engineer, was the next person to make a statement. He raised questions about Rule G(2), page 9; Rule H, page 14; I(3), page 19; M(2), page 29; and N(5)(a), page 31.

Mr. John K. McDonald of Clark and Groff, Consulting Engineer, presented a long list of items which he recommended be changed or reconsidered, including the definition of "hazardous wastes" on page 2, definition for "special wastes", B(22)(b) on page 4, policy that state be required to find suitable sites, H(3)(c) on page 11 should be deleted, requirement for impervious dikes in section H(3)(f) on page 12 is too restrictive, H(4)(e) needs clarification, are truck washing facilities needed, salvage requirements on pages 16, 19 and 23, and others.

Mr. David Yett of Columbia Landfill, Inc. said he thinks that in general the proposed rules are workable and practicable but that they should require a performance bond of perhaps $100,000 to guarantee control of fires and to cover abandonment. He suggested further that the 1/4 mile limitation in H(3)(a) on page 11 should be liberalized and that the 300-gallon requirement in H(3)(1) on page 13 should be substantially increased. He expressed concern about hospital wastes included in H(3)(m) on page 13. He agreed fully with H(4)(a) on page 14.

In response to a question by Mr. Waterman he expressed the opinion that a reasonable period of time for maintenance of a completed fill would be variable but maybe 2 years for demolition wastes.

Mr. James Caufield, Consulting Engineer, suggested that G(2) on page 9 be amended by putting a period after the word "registration" in line 2 and deleting the remainder of the paragraph. He recommended that it be required that all plans and specifications for disposal sites be prepared by registered professional engineers as did Dr. Fred Cooper and John K. McDonald. In H(3)(1) on page 13 he suggested that the words "Where practicable" be deleted.

Mr. Cogan said he agreed with the suggestion for amendment of G(2) on page 9.

Mr. Kendall Wood, representative of the State Board of Engineering Examiners, pointed out that ORS 672.010 mentioned in G(2) had been repealed by the State Legislature and has since been replaced by ORS 672.005.

Mr. C. Robert Keeney, representative of the Professional Engineers of Oregon read a prepared statement which also objected to the present wording of G(2). He suggested that any projects not considered as professional engineering be fully defined.

Mr. John Anderson, representative of the Marion, Polk, Yamhill, Linn and Benton County Regional Planning Committee, expressed concern that more time is needed to develop alternate solutions, to make studies, and to develop financing programs. He commented on responsibility for compliance with the rules and suggested that there be plenty of flexibility to allow for development of new ideas.

Mr. Clarence Sherman submitted a statement asking that health agency approval be required for all disposal sites.

Mr. Roger Emmons also submitted a written statement and in addition commented about the performance bond suggested by Mr. Yett. He said it would be very expensive, particularly for the small operator. He asked that the 75 pound limit in M(2)(a) on page 30 be reduced to 60 pounds and that guidelines be provided for hazardous wastes.

Mr. Tom Donaca was concerned about the time schedule included in the proposed regulations and suggested that conditional permits be granted for periods ranging from 6 to 18 months. In E(2)(c) he thought regional agencies should be included.

Mr. Lyle Smith, Public Works Director for Klamath County, said he thinks the proposed rules are somewhat vague. He concurred with the statement made by John Anderson and commented that in Klamath County seven of their 14 disposal sites are located on federal lands and will have to be replaced by 1974.

Mr. Burton C. Wilson, Jr., Washington County Commissioner, read a letter and submitted a prepared statement which suggested numerous revisions to the proposed rules. He questioned the need for regional approaches to solid waste management problems.

In answer to a question by Mr. Waterman it was indicated that it would be legal to require performance bonds. Mr. Day stated that regional planning is a necessity.

There being no one else present who offered to make a statement this hearing was adjourned by the Chairman with the understanding that the record be kept open for another 10 days to allow time for submission of additional written testimony and for review of the statements submitted thus far, the final adoption of such rules to be tentatively scheduled for the March 24, 1972 Commission meeting.

The following written statements or letters have been entered in the record of this hearing:

(1) Letter dated February 22, 1972 from Frederick C. Cooper, P.E., 5505 S.E. Milwaukie Ave., Portland, Oregon 97202.

(2) Statement dated February 25, 1972 by John K. McDonald, 10116 S.E. Stanley Ave., Portland, Oregon.

(3) Letter dated February 25, 1972 from James D. Caufield, Consulting Engineer, 1500 S.W. 1st Ave., Portland, Oregon 97201.

(4) Letter dated February 25, 1972 from State Board of Engineering Examiners, 201 Commerce Building, Salem, Oregon 97310.

(5) Undated letter from C.S. Sherman for Oregon Environmental Health Assn.

(6) Statement dated February 25, 1972 from Roger Emmons, Counsel for Oregon Sanitary Service Institute.

(7) Letter and statement dated February 25, 1972 from Washington County Board of Commissioners.

(8) Letter dated February 8, 1972 from Roger Heyden, Benton County Sanitarian.

(9) Letter dated February 18, 1972 from James L. Apperson, Portland City Engineer.

(10) Letter dated February 25, 1972 from Robert D. Jackman for OEHA.

The meeting was then recessed at 12:10 p.m. and reconvened at 1:30 p.m.

IV. Proposed Procedures for Issuance, Denial, Modification and Revocation of Licenses for the Disposal of Environmentally Hazardous Wastes

Mr. Schmidt discussed the background and presented the factual analysis for these proposed regulations as outlined in the department memorandum dated February 17, 1972. He also suggested certain amendments to the proposed rules including the addition of words "establish or" after word "shall" in Section C, sub-section 2, and the addition of a new Section D entitled "Necessity for a Disposal Site."

Mr. John Mosser, Attorney, was present and stated that the time schedule required by the proposed rules will be a problem because it will be extremely difficult to meet initially. He stressed the need for an early definition of environmentally hazardous wastes.

Mr. Larry Williams of the Oregon Environmental Council stated they are particularly concerned about radioactive wastes and the possibility of Oregon's becoming a disposal site for such wastes from other states.

Mr. Tom Donaca of AOI had no specific comments to make regarding these proposed rules.

Mr. Marcus K. Ward, Lake County District Attorney, asked that Sub-section F.1. on page 5 require notification be sent also to "County agencies and bodies" and that Sub-section F.3. on page 6 be amended by adding "Such notice shall include direct written notice to such agencies and bodies mentioned in sub-section (1) above."

Mr. Larry Wilkinson, Consulting Engineer, expressed concern about the broad definition of the word "disposal" and its relation to the requirement that the disposal site must be owned by the state.

There being no further testimony in this matter the hearing was adjourned by the Chairman with the understanding that the record would be kept open for 10 days to allow submission of additional written statements

and that final adoption of the rules be set for the March 24, 1972 meeting of the Commission.

Letters dated February 22, 1972 from Dr. Edward Press, State Public Health Officer, and February 24, 1972 from Chris L. Wheeler, State Engineer, were entered in the record of the hearing.

INTERNATIONAL PAPER CO., Gardiner

Mr. Ayer read the department's memorandum report dated February 17, 1972, pertaining to the proposals of the International Paper Company to provide effective control of the atmospheric emissions and liquid discharges from the kraft pulp mill at Gardiner.

He said the Director recommends that the company's proposal for air quality control be approved subject to review and approval of detailed plans and specifications for the proposed furnace and smelt dissolving tank vent and with the understanding that the proposal will include:

1. Installation of a new low-odor 420T/day recovery furnace.
2. Removal from service of an existing 110 T/day recovery furnace.
3. Operation of an existing furnace with TRS emissions controlled by the entire existing black liquor oxidation system, limited furnace loading and other means, and, if necessary improvement in particulate control on the existing smelt tank vent.
4. Limitation of pulp production to not more than 640 T/day.
5. Installation of one electrostatic precipitator to limit particulate emissions from both furnaces to less than 4 lb/ton of pulp.
6. TRS emissions in the combined recovery furnace stack are not to exceed a maximum daily average of 5 ppm or less, exclusive of start-up or shut-down.
7. If the company fails to meet the TRS limitation of a maximum daily average of 5 ppm or less, as specified in item 6, the company shall proceed immediately with the installation of a new low-odor recovery furnace system to replace the then existing conventional recovery unit.

Note: The latter item was not a part of the memorandum report dated February 17, 1972 but was added by the Director at this meeting.

With regard to the company proposal for water quality control the Director had recommended its approval.

Mr. Dave Bailey was present to represent the company. He asked for a little additional time to consider item 7 of the Director's recommendation regarding air quality control because he had not been previously advised of it. He then conferred with Mr. Patterson and later in the meeting revised wording was proposed.

At that time it was MOVED by Mr. Waterman, seconded by Mr. McMath and carried that the Director's recommendations in this matter be approved but with item 7 revised to read "Should International Paper Company fail to meet the TRS limitation of a maximum daily average of 5 ppm or less, as outlined in item 6, the company will take necessary action to meet the 5 ppm limit subject to approval of the Environmental Quality Commission."

PUBLIC HEARING RE: PROPOSED NITROGEN STANDARDS

Proper notice having been given as required by state law and administrative rules, the public hearing for considering the adoption of a proposed amendment to the state's water quality standards covering dissolved nitrogen was called to order by the Chairman at 2:30 p.m. All Commission members were present.

Mr. Quan presented the Department's memorandum report dated February 25, 1972, covering the proposed standard, its purpose and justification.

Mr. Spies emphasized the urgentneed for early action to control nitrogen supersaturation pointing out that the sub-lethal as well as lethal effects must be taken into account. He said it is planned that implementation would be effected through the state's waste discharge permit program.

In response to a question by the Director, Mr. Quan stated that the new turbine generators being installed at The Dalles dam would each produce an estimated net revenue of about $4,000,000 per year compared to an average construction cost of less than 7 million dollars.

Mr. Stewart Janes, 4700 Aldercrest Road, Milwaukie and representative of OSPIRG, stressed the urgency of the problem, the need for more research and the need for interstate cooperation. He supported the proposed standard.

Mr. George Hansen of the Washington Department of Ecology reported on a workshop held on February 18, 1972 with representatives of federal and state agencies and power companies from Washington, Oregon and Idaho regarding this matter. He said the state of Washington is proposing that the dissolved nitrogen concentration due to non-natural causes be limited to 110% of saturation at the point of sample collection, that all hydroelectric water control project owners submit by July 1, 1972 their conceptual programs including time schedules and proposed monitoring programs, and that all necessary controls be effected by April 1975. He said he does not consider a 105% standard supportable at this time.

Dr. Robert Zeller of the U.S. Environmental Protection Agency (EPA) recommended that the maximum allowable concentration of dissolved nitrogen in the Columbia and Snake Rivers be set at 110% of saturation. He discussed the need for an effective regional monitoring program and for expanded research and development studies to relate the dissolved gas partial pressure data to effects on fish. He stated that they hope to have three research studies funded in FY 1973 and completed in FY 1974.

Mr. Dan Petke, also of EPA, stated that the standard must be specific on several points such as when and where and how shall concentrations be monitored and reported, who will do what and when. He said EPA has prepared a draft of a proposed standard for dissolved nitrogen setting the limit at 110% of saturation and covering applicability, methods of measurement, and plan of implementation and enforcement. He stated the standard or criteria must be met uniformly, that the three states must have identical or compatible standards, that they must be fully coordinated regionally, that both federal and private ownership is involved and that Executive Order 11507 requires compliance with state standards by federal installations.

He said further that EPA will be pleased to work with the 3 states and pointed out that the states must formally submit their proposals to EPA for approval.

At this point in the hearing Mr. Harms had to leave and so it was MOVED by Mr. Harms, seconded by Mr. McMath and carried that the record in this matter be kept open for another 10 days and that final adoption be set for the March 24, 1972 meeting of the Commission.

Dr. T. Eugene Kruse, Director of the Oregon Fish Commission, then read a prepared joint statement for the Fish and Game Commissions which recommended that the standard be set at 110% of saturation and that no stricter standard be adopted for at least 18 months to allow time for completion of research studies now underway.

Mr. Larry Williams read a prepared statement for the Oregon Environmental Council strongly supporting the department's proposed dissolved nitrogen standard.

Mr. Bill M. Bakke of the Columbia Group Sierra Club testified in support of the proposed standard.

Mr. Frank Amato, representing the Northwest Steelheaders Council of Trout Unlimited, asked that the limit be set at 105% of saturation.

The following documents, statements or letters have been entered in the record of this hearing:

(1) Washington Department of Ecology Proposed Water Quality Standard Concerning Dissolved Nitrogen Gas Saturation. (2 pages)
(2) Statement by Robert W. Zeller, Ph.D., EPA, dated February 25, 1972.(6 pages)
(3) Statement by Daniel L. Petke, EPA, dated February 25, 1972.(15 pages)
(4) Statement of Fish Commission of Oregon and Oregon State Game Commission dated February 25, 1972. (6 pages)
(5) Statement submitted by Oregon Environmental Council. (2 pages)
(6) Statements submitted by Frank W. Amato for Northwest Steelheaders Council of Trout Unlimited. (2 pages)
(7) Statement of Izaak Walton League of America, Inc. dated February 25, 1972. (3 pages)
(8) Letter from Idaho Fish and Game Department dated February 24, 1972. (2 pages)
(9) Statement of Columbia River Fishermen's Protective Union. (2 pages)
(10) Preliminary Summary of Testimony by OSPIRG. (3 pages)
(11) Letter dated February 16, 1972 from William A. Luch, President, Northwest Steelheaders Council of Trout Unlimited. (1 page)

There being no further testimony the hearing in this matter was adjourned by the Chairman at 4:25 p.m.

Note: The proceedings of all 5 hearings conducted by the Commission on this date were recorded on tape.

METLER BROTHERS, Klamath Falls

Mr. Day reported on the public hearing that was held in the matter of Jeld-Wen Corporation's operating a wigwam burner at its plant in Klamath County. The corporation had purchased the plant from the Metler Brothers in about December 1970.

Based on the findings of the hearing the Director recommended that an order be entered requiring the corporation to cease the use of its wigwam burner by March 1, 1972 and to not operate it thereafter.

Mr. H.F. Smith, Attorney, was present to represent the company. He asked that the Commission either grant a variance for continued operation of the burner or submit the matter to further hearing.

Mr. McPhillips said a further hearing would accomplish nothing.

Mr. Day stated that if the March 1 deadline is too soon he would accept April 1.

After further discussion it was MOVED by Mr. Cogan, seconded by Mr. Waterman and carried that the entering of an order in this matter be deferred until the March 24, 1972 meeting of the Commission.

Mr. Silver explained to Mr. Smith that this action gives the company 30 days to complete its investigation as to the reasonableness of the order and if the company is dissatisfied with the proposed order it can appear at the March meeting and object. He pointed out further that the Commission at that time can either confirm or revise the order whichever they find appropriate but that they would intend to make a final decision at that meeting.

WATER QUALITY IMPLEMENTATION PLAN

Mr. Day informed the members that at the March 24, 1972 Commission meeting the staff would present an up-dated or revised water quality implementation plan for public hearing and approval by the Commission. If approved by the Commission it will be transmitted by the Governor to the U.S. Environmental Protection Agency for approval by the federal government. He said that EPA will also be requested to accept and formally approve Oregon's waste discharge permits as fulfilling the requirements for federal discharge permits.

There being no further business the meeting was adjourned at 4:55 p.m.

Rules for Oregon Cup

"Cleaning Up Pollution" Award

NATURE OF AWARD:

Oregon CUP Awards may be made to any industry, organization, institution, corporation, governmental unit, or individual for outstanding efforts in preventing or cleaning up pollution in Oregon. Awards to industries shall be made for specified periods of time. Special awards may be made to individuals or to nonprofit institutions or organizations for research which makes a significant addition to existing knowledge in environmental protection; such special awards shall be made one time only and without limitation as to duration.

DURATION OF INDUSTRIAL AWARDS:

Initial awards shall be valid for the remainder of the calendar year in which the award is made and for the full calendar year immediately following, but may be revoked by the Environmental Quality Commission during the valid period if after a public hearing the Commission finds that the recipient is unqualified to retain the award.

PRELIMINARY SCREENING OF NOMINEES:

A screening committee shall be established for preliminary consideration of nominations for the Oregon CUP Award. The committee shall consist of nine members selected by the Environmental Quality Commission: Two members shall be selected from a list of names submitted by environmental groups; two members shall be selected from a list of names submitted by industries or industrial organizations; two members shall be selected from a list of names submitted by organized labor; and three members shall be selected to represent the public. Members of the screening committee shall serve two-year overlapping terms and shall not be subject to consecutive reappointment. For initial appointment, names of prospective committee members shall be submitted to the EQC by interested organizations as soon as practicable following adoption of these rules. Four members shall serve until July 1, 1973, and five members shall serve until July 1, 1974, with duration of appointment to be decided by lot among the nine members appointed by the EQC. For all subsequent years, names of prospective committee members shall be submitted to the EQC by interested organizations not later than March 1 of each year for appointment effective the following July 1.

Upon appointment, each screening committee member shall submit a complete statement of his financial interests. No screening committee member shall be eligible to vote on an award nomination involving any company in which he has a financial interest.

At its first meeting following appointment of members, the screening committee shall elect a chairman and a secretary and shall be considered an organization for purposes of ORS 649.010 - 649.060.

NOMINATIONS AND GRANTING OF AWARDS:

Any individual or group including members of the screening committee itself may submit to the screening committee at any time the name of an industry, corporation, organization, governmental unit, or individual for consideration for the Oregon CUP Award, or application may be made to the screening committee by prospective nominees themselves. Nominations shall be accompanied by information as to the contribution the nominee has made to cleaning up pollution in Oregon.

The screening committee shall meet as often as necessary but not less than twice a year to consider nominations for initial awards or renewals. Nominations which have been favorably acted upon by the screening committee shall be submitted to the Department of Environmental Quality with the information upon which the screening committee's decision was based. The Director of the Department of Enviornmental Quality shall forward these nominations to the Environmental Quality Commission along with his recommendation. The Environmental Quality Commission shall make the final decision on the granting or renewal of the Oregon CUP Award.

REQUIREMENTS FOR NOMINEES:

Following favorable action by the screening committee and prior to final decision by the Environmental Quality Commission, nominees shall be notified that they are under consideration for the Oregon CUP Award and given an opportunity to express their interest in receiving the award. Nominees who wish to receive the award shall agree to display the Oregon CUP insignia on their products only during the period for which the award is valid and to notify the Environmental Quality Commission of any change in conditions which might affect their eligibility for retention or renewal of the award.

RENEWAL OF AWARDS:

Recipients wishing to be considered for renewal of Oregon CUP Awards shall submit applications to the screening committee not later than June 30 preceding expiration of the award. The application shall include an agreement regarding display of the insignia as described under "Requirements for Nominees" along with pertinent information regarding the applicant's activities related to cleaning up pollution or prevention of pollution during the period of the award. The screening committee shall submit recommendations on renewal applications to the DEQ within 45 days following the deadline for renewal of applications and shall be acted upon by the Environmental Quality Commission within 90 days following the deadline for the renewal of applications.

FRAUDULENT USE OF OREGON CUP AWARD INSIGNIA PROHIBITED:

No person shall display the Oregon CUP Award insignia or any facsimile thereof on any product or commodity unless entitled to do so by means of selection by the Environmental Quality Commission for the period during which the insignia is displayed.

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, February 25, 1972, EQC Meeting

Project Plans for January, 1972

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

Water Quality Control

1. Forty Eight (48) domestic sewerage works projects were reviewed:
   a) Provisional approval was given to:
      30 plans for sewer extension
      3 plans for interceptors
      2 plans for lift stations
      1 plan for outfall sewer
      2 plans for sewage treatment works
   b) Approval was given to:
      2 engineering reports
      4 contract modifications
   c) Projects not approved included:
      3 sewer extensions
      1 sewerage system
2. Two (2) industrial waste projects were reviewed and granted provisional approval.

TELEPHONE: (503) 229-5696

Air Quality Control

1. Fourteen (14) project plans, reports or proposals were received and reviewed:
   a) 1 schedule of compliance with Particle Board Regulations
      1) 1 approved
   b) 7 wigwam burner proposals
      1) 5 approved
      2) 2 additional information requested
   c) 6 industrial AQC proposals other than WWB and particle board compliance schedules were reviewed
      1) 2 action pending (kraft mill emission limits)
      2) 4 additional information requested

Solid Waste Disposal

1. Two (2) project plans were reviewed:
      1) 2 not approved

Director's Recommendation

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

L. B. Day

PROJECT PLANS

Water Quality Division

During the month of January, 1972, 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.

Date	Location	Project	Action
Municipal Projects (48)			
1/3/72	Lake Oswego	Upper Drive (LID 133-1)	Prov. approval
1/3/72	Lake Oswego	Fairway Road interceptor (W. O. 3840)	Prov. approval
1/3/72	Gladstone	Maywood Terrace (sewers)	Prov. approval
1/3/72	John Day	Forest Service Center Ext.	Prov. approval
1/3/72	McMinnville	Michelbook 3rd Addn. (sewers)	Prov. approval
1/3/72	Stayton	North Slope Addition (sewers)	Prov. approval
1/3/72	Junction City	Industrial Park lift station and force main	Prov. approval
1/3/72	Eugene	(1) Larch Street, and (2) Willhi St. (250 ft. north) (both sewer projects)	Prov. approval
1/3/72	Portland	(1) N. Basin Avenue, and (2) S.W. Clemell Ave. and S.W. Sherwood Place (sewer extensions)	Prov. approval
1/3/72	Lincoln City	Lakewood Properties sewer ext.	Prov. approval
1/3/72	Gresham	S.E. Fifth St. sanitary sewer	Prov. approval
1/3/72	Gresham	Mt. Shadows Phase II sewers	Prov. approval
1/3/72	USA	(1) Hyland Hills No. 8, and (2) Plat 71-002 (Sunset) (sanitary sewers)	Prov. approval

Date	Location	Project	Action
1/3/72	Springfield	4100 Block Commercial Avenue sewer	Prov. approval
1/3/72	Ashland	Hwy. 66 sewer extension	Prov. approval
1/3/72	Keizer S.D. #1	Pruitt & Cooley Subd. sewers	Prov. approval
1/3/72	Woodburn	Evergreen Road sewer	Prov. approval
1/10/72	Troutdale	Beaver Creek interceptor and pump station	Prov. approval
1/10/72	Portland	S. W. Maplecrest Court and Drive (sewers)	Prov. approval
1/10/72	McMinnville	Southgate Mobile Home Village system	Prov. approval
1/10/72	Dundee	Dundee Terrace Subd. (sewers)	Prov. approval
1/10/72	Dundee	Dogwood Ave. sanitary sewer	Prov. approval
1/10/72	Bay City	Outfall revision	Prov. approval
1/14/72	Lincoln City	Campbell-Yost-Grube sewer siphon project	Prov. approval
1/14/72	Unity	Community sewerage study	Concurrence
1/14/72	Gladstone	Shawn Oaks Subd. sewers	Prov. approval
1/14/72	Unity	Unity Ranger Station sewerage report	Concurrence
1/17/72	Sandy	Sewage treat. plant, 0.5 mgd	Prov. approval
1/17/72	Rockaway	Sewage treatment plant sludge pump replacement	Prov. approval
1/17/72	McMinnville	Change Order No. 3 (sewage treatment plant)	Approved
1/18/72	Canby	Sandy Acres Subd. (sewers)	Prov. approval
1/18/72	St. Helens	Change Order No. G-6 (secondary)	Approved
1/18/72	Portland	Portland Meadows Apts. pump system	Prov. approval

Date	Location	Project	Action
1/18/72	Portland	N. W. St. Helens Road and Doane Avenue (sewers)	Prov. approval
1/18/72	Jefferson	(1) Colcord Acres Subd. (2) Armors Addition	Not approved
1/19/72	The Dalles	Change Orders #4 and 5 Contract No. 1	Prov. approval
1/19/72	The Dalles	Change Orders #2-24 inc. Contract No. 2	Prov. approval
1/19/72	Sunriver	Meadow Houses West sewers	Prov. approval
1/19/72	Oak Lodge San. Dist.	Shadybrook II Subd. sewers	Prov. approval
1/25/72	Gresham	Pepperidge Subd. (sewers)	Prov. approval
1/25/72	Gresham	Carroll Ranch Subd. (sewers)	Prov. approval
1/25/72	Salem	Foothills Phase II (sewers)	Prov. approval
1/28/72	Harbeck-Fruitdale	Axtell and Swarthout extensions	Not approved
1/31/72	Wood Village	Treehill Park (sewers)	Not approved
1/31/72	McMinnville	Lafayette Avenue interceptor	Prov. approval
1/31/72	Dallas	Archie Meadows sewers	Prov. approval
1/31/72	USA (Tigard)	Hollytree Subd. sewers	Prov. approval
1/31/72	Douglas County	Steamboat Ranger Station sewerage proposal	Not approved

Industrial Projects (2)

1/11/72	Portland	Time Oil Company oil separator system and collection	Prov. approval
1/31/72	Tillamook	Publishers Paper Company oil separator and screen	Prov. approval

AP - 10. PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL DIVISION FOR JANUARY, 1972.

DATE	LOCATION	PROJECT	ACTION
3	Baker County	Ellingson Lumber Co. Proposal to submit compliance program for WWBs at Baker, Unity and Halfway by Mar. 31, 1972	Approved
4	Hood River County	U. S. Plywood - Champion Papers Plans and specifications for WWB modifications to be completed by January 17, 1972	Approved
	Lake County	Eastern Oregon Pine Plans to modify WWB	Additional information requested
	Douglas County	International Paper Company Proposal to comply with 1975 Kraft Mill Emission Limits, OAR, 340, Sections 25-155 through 25-195	Action pending
12	Lincoln County	Toledo Shingle Company Proposal to phase-out WWB by March 31, 1972, through utilization	Approved
	Wasco County	The Dalles General Hospital Proposal for expanding hospital facilities under Hill-Burton Grant program	Requested compliance schedule
13	Douglas County	Green Valley Lumber Company Proposal to phase-out WWB by March 6, 1972, through utilization	Approved
13	Lincoln County	Georgia Pacific Corporation Proposal to comply with 1975 Kraft Mill Emission Limits, OAR, 340, Sections 25-155 through 25-195	Action pending
17	Wasco County	Harvey Aluminum, Inc. Plans and specifications for electrostatic precipitators to meet opacity limits of 20%, OAR, 340, Section 25-265	Approved

PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL DIVISION FOR JANUARY, 1972 (Cont.)

DATE	LOCATION	PROJECT	ACTION
17	Klamath County	Boise Cascade Corporation Plans to modify WWB	Additional information requested
	Coos County	Weyerhaeuser Company Compliance schedule for particle-board division, under OAR, 340, Section 25-320	Approved
24	Deschutes County	Brooks-Willamette Corporation Plans for scrubbers to control emissions from Heil Driers under OAR, 340, Section 25-320	Additional information requested
28	Jackson County	Fir Ply Company Plans and specifications to modify WWB at Fir Ply #2 by March 1, 1972	Approved
	Heppner County	Kinzua Corporation Expansion of veneer plant and installation of pneumatic conveyors	Additional information requested

PROJECT PLANS

SOLID WASTE MANAGEMENT DIVISION

During the month of January, 1972, the following project plans and specifications and/or reports were reviewed by the staff. The disposition of each project is shown, pending confirmation by the Environmental Quality Commission.

Date	Location	Project	Action
Jan. 18	Multnomah Co.	Schnitzer Investment Co.	Not approved
Jan. 21	Multnomah Co.	Sherrod Land Clearing Disposal Site	Not approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

TOM McCALL
GOVERNOR

L. B. DAY
Director

Memorandum

To: ENVIRONMENTAL QUALITY COMMISSION MEMBERS

From: Director

Subject: Agenda Item C, February 25, 1972 EQC Meeting

Oregon Cleaning Up Pollution Award

The Department proposes to establish an award program that will offer an economic advantage to industries that make a particular effort to prevent or clean up pollution in Oregon. Recipients of the award would be authorized to use a special symbol on their products so that consumers could readily identify companies that are "Environmental Good Guys." Special categories would be provided for individuals, government units, and research organizations in addition to the industrial category.

Background:

The Department has recognized for some time that there is a need to offer recognition to industries

TELEPHONE: (503) 229-5696

that do a good job on pollution problems in addition to enforcing standards on those who don't voluntarily comply. This kind of commendation can encourage voluntary compliance.

The Department has already provided public recognition to the Oregon livestock industry and two companies: Stimson Lumber of Forest Grove and Albany Plywood, division of Boise-Cascade. In each case, a letter was written to the company or organization president and news releases were sent to newspapers, radio, and television stations. The media have made good use of this information but there is very little lasting benefit to the company from a one-time effort.

The public wants to get involved in environmental protection. The Department gets a number of calls from individuals and groups asking how they can help in the work of this agency. There are relatively few direct ways to get involved other than limiting automobile use and picking up litter. The degree of public concern already indicated suggests that the public would welcome and respond to a program such as the one proposed.

Providing a competitive advantage to companies that make a positive effort to clean up pollution could supplement the existing tax credit program and help to offset the cost of anti-pollution equipment. Ultimately, such a program could offer encouragement to "clean" industries to settle in Oregon and try for the award so that they could gain this economic advantage.

Specific Proposal

The Department proposes an award to be known as the Oregon CUP Award. CUP is an acronym for Cleaning Up Pollution. Recipients of the award would be given an actual loving cup which could be displayed in their offices. The award symbol would be inscribed on the cup, and a separate medallion would be presented indicating the subsequent dates for which the award was presented.

The proposed rules and regulations attached cover specific procedures for selection of recipients and presentation of awards. DEQ has worked with the Graphic Arts Department of Portland State University on development of the symbol and a student at the University of Oregon School of Journalism, as a masters degree project, is planning a promotional campaign to familiarize the public with the awards program. Help is available from the Department of Economic Development which has an

interest in the program because it will encourage industries willing to comply with environmental requirements to come to Oregon.

Director's Recommendation

It is recommended that the Commission adopt the proposed awards program and that DEQ staff be directed to use all available means to acquaint the public with the program and its importance to the individual.

L. B. Day

BJS:ko, 2/16/72

Attachment

AMENDMENT TO PROPOSED RULES FOR OREGON CUP

(CLEANING UP POLLUTION) AWARD

1. On page 1, under "Preliminary Screening of Nominees," change "seven" in line 3 to "nine"; delete lines 5 through 9 and substitute the following: (revisions underlined)

   Two members shall be selected from a list of names submitted by environmental groups; two members shall be selected from a list of names submitted by industries or industrial organizations; two members shall be selected from a list of names submitted by organized labor; and three members shall be selected to represent the public.

2. On page 2, line 1, change "three" to "five"; in line three, change "seven" to "nine."

3. Under "Nominations and Granting of Awards," on page 2, following "Any individual or group," insert "including members of the screening committee itself,".

PROPOSED RULES FOR OREGON CUP

"CLEANING UP POLLUTION" AWARD

NATURE OF AWARD:

Oregon CUP Awards may be made to any industry, organization, institution, corporation, governmental unit, or individual for outstanding efforts in preventing or cleaning up pollution in Oregon. Awards to industries shall be made for specified periods of time. Special awards may be made to individuals or to nonprofit institutions or organizations for research which makes a significant addition to existing knowledge in environmental protection; such special awards shall be made one time only and without limitation as to duration.

DURATION OF INDUSTRIAL AWARDS:

Initial awards shall be valid for the remainder of the calendar year in which the award is made and for the full calendar year immediately following, but may be revoked by the Environmental Quality Commission during the valid period if after a public hearing the Commission finds that the recipient is unqualified to retain the award.

PRELIMINARY SCREENING OF NOMINEES:

A screening committee shall be established for preliminary consideration of nominations for the Oregon CUP Award. The committee shall consist of seven members selected by the Environmental Quality Commission: Three members shall be selected from a list of names submitted by environmental groups; three members shall be selected from a list of names submitted by industries or industrial organizations; one member shall be selected from a list of names submitted by organized labor. Members of the screening committee shall serve two-year overlapping terms and shall not be subject to consecutive reappointment. For initial appointment, names of prospective committee members shall be submitted to the EQC by interested organizations as soon as practicable following adoption of these rules. Four members shall

serve until July 1, 1973, and three members shall serve until July 1, 1974, with duration of appointment to be decided by lot among the seven members appointed by the EQC. For all subsequent years, names of prospective committee members shall be submitted to the EQC by interested organizations not later than March 1 of each year for appointment effective the following July 1.

Upon appointment, each screening committee member shall submit a complete statement of his financial interests. No screening committee member shall be eligible to vote on an award nomination involving any company in which he has a financial interest.

At its first meeting following appointment of members, the screening committee shall elect a chairman and a secretary and shall be considered an organization for purposes of ORS 649.010 - 649.060.

NOMINATIONS AND GRANTING OF AWARDS:

Any individual or group may submit to the screening committee at any time the name of an industry, corporation, organization, governmental unit, or individual for consideration for the Oregon CUP Award, or application may be made to the screening committee by prospective nominees themselves. Nominations shall be accompanied by information as to the contribution the nominee has made to cleaning up pollution in Oregon.

The screening committee shall meet as often as necessary but not less than twice a year to consider nominations for initial awards or renewals. Nominations which have been favorably acted upon by the screening committee shall be submitted to the Department of Environmental Quality with the information upon which the screening committee's decision was based. The Director of the Department of Environmental Quality shall forward these nominations to the Environmental Quality Commission along with his recommendation. The Environmental Quality Commission shall make the final decision on the granting or renewal of the Oregon CUP Award.

REQUIREMENTS FOR NOMINEES:

Following favorable action by the screening committee and prior to final decision by the Environmental Quality Commission, nominees shall be notified that they are under consideration for the Oregon CUP Award and given an opportunity to express their interest in receiving the award. Nominees who wish to receive the award shall agree to display the Oregon CUP insignia on their products only during the period for which the award is valid and to notify the Environmental Quality Commission of any change in conditions which might affect their eligibility for retention or renewal of the award.

RENEWAL OF AWARDS:

Recipients wishing to be considered for renewal of Oregon CUP Awards shall submit applications to the screening committee not later than June 30 preceeding expiration of the award. The application shall include an agreement regarding display of the insignia as described under "Requirements for Nominees" along with pertinent information regarding the applicant's activities related to cleaning up pollution or prevention of pollution during the period of the award. The screening committee shall submit recommendations on renewal applications to the DEQ within 45 days following the deadline for renewal of applications and shall be acted upon by the Environmental Quality Commission within 90 days following the deadline for the renewal of applications.

FRAUDULENT USE OF OREGON CUP AWARD INSIGNIA PROHIBITED:

No person shall display the Oregon CUP Award insignia or any facsimile thereof on any product or commodity unless entitled to do so by means of selection by the Environmental Quality Commission for the period during which the insignia is displayed.

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

To: Environmental Quality Commission

From: Director

Subject: Agenda Item D, February 25, 1972 EQC Meeting

University of Oregon Medical and Dental Schools Proposed Parking Structure

Background:

At the Public Hearing on October 29, 1971, the Commission received a report from the Director on the environmental impact of motor vehicles in metropolitan areas and specifically in the Portland Metropolitan area. A primary purpose of the Hearing was to consider the impact of parking structures in Portland, and testimony was received regarding the proposed Benjamin Franklin parking facility and the proposed University of Oregon Medical and Dental Schools parking structure.

Following the Hearing, the Commission authorized the Director to take action to delay construction of both the Benjamin Franklin and the Medical School parking facilities until assurance could be given that these structures were compatible with comprehensive planning for the area. Since the Hearing, a considerable amount of correspondence and several meetings have taken place, including very cooperative action by the City of Portland.

These exchanges culminated in the attached information packet

TELEPHONE: (503) 229-5696

on the parking structure which has been prepared by the Oregon State System of Higher Education.

Analysis of the Problem:

As stated in the October 29th reports, the essence of the problem under consideration is that too many motor vehicles in a congested area result in environmental problems and that there is currently no effective alternative to private vehicle usage in the area which would result in a significant beneficial impact on air quality.

The Medical School complex is currently congested because of minimum alternative roadways leading to and from the area, traffic on these roadways, and inadequate parking facilities. Current mass transportation in the area simply cannot be considered as an effective alternative to private vehicle usage, although increased use of car pooling by the faculty and students could show considerable benefits. However, to simply continue building additional facilities without regard to total transportation planning for the area is environmentally detrimental.

Conclusions:

1. There is currently an acute need for additional parking at the Medical School complex.
2. The Medical School area is currently congested with roadways leading to and from the area.
3. The current mass transportation system cannot be considered as a viable alternative to private vehicle usage to the area at this time.

4. Increased car pooling by the faculty and students could have a beneficial impact and should be encouraged.
5. The information packet does contain an impact statement as requested by the Department of Environmental Quality.
6. The System of Higher Education has studied, and rejected, as the information packet relates, various alternatives to this parking facility.
7. An effective alternative to the private automobile must be developed to meet future needs.
8. A commitment has been made that Higher Education officials will continue to work closely with the Portland Planning Commission and other agencies responsible for planning within the metropolitan area.

Director's Recommendation

In view of the current acute need for additional parking at the Medical School area, and in view of the commitment by the System of Higher Education to work closely with the Portland Planning Commission and other agencies responsible for planning within the Portland metropolitan area, I recommend that the Commission now rescind its earlier action regarding this proposed parking facility at the Medical School and grant approval for construction to begin. This recommendation however should in no way be considered as a lessening of Department concern that total transportation planning for the area be environmental sound and compatible with metropolitan transportation planning.

L. B. Day

RCH 2/17/72

OREGON STATE SYSTEM OF HIGHER EDUCATION
OFFICE OF FACILITIES PLANNING
P.O. Box 3175
EUGENE, OREGON 97403

OFFICE OF THE VICE CHANCELLOR

TELEPHONE
(503) 686-4159

February 14, 1972

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

Subject: Parking Structure No. 2, University of Oregon Medical and Dental Schools

Dear Mr. Day:

In support of the request to be presented to the Environmental Quality Commission on February 25 concerning the construction of the proposed Parking Structure No. 2 at the University of Oregon Medical and Dental Schools, we believe the information included below and within various attachments will be helpful to you.

Background Information

The existing parking facilities at the University of Oregon Medical and Dental Schools, most of which are surface parking lots, are completely inadequate to accommodate the students, staff, patients, and general public who must utilize the facilities of these two institutions. Furthermore, they are several hundred spaces short of meeting current code requirements of the City of Portland. When the City Zoning Commission previously authorized the construction of the Women's Residence Hall, the Teaching Hospital Addition, and the Basic Science Classroom and Laboratory Building, assurances were provided by the institution that the additional parking facilities were programmed for construction, subject to legislative authorization.

The capital outlay program which the 1971 Legislature approved for the State Board of Higher Education included an expenditure limitation of $2,540,000 for the construction of the proposed Parking Structure No. 2, anticipating an estimated capacity of approximately 800 cars. Plans and specifications for the project were prepared by Engineers Rose' & Breedlove, Inc., and Stevens, Thompson & Runyan, Inc., a joint venture. A copy of the Engineers' brochure describing the physical characteristics of the project was forwarded to you with our letter of November 24, 1971. On the recommendation of the Chancellor and the Board, and with the endorsement of the Executive Department, the State Emergency Board on September 24, 1971, unanimously approved the expenditure of funds for the parking structure. Subsequently, arrangements were made with Teeples & Thatcher, Inc., general work contractors for the

Teaching Hospital Addition and Alterations, to install a fourth elevator and to modify the control equipment on other elevators within the Hospital in order to provide express service between the first and tenth floors for personnel utilizing the existing and the proposed additional parking facilities. This work is now being accomplished as part of the Parking Structure No. 2 project, financed from proceeds from the sale of self-liquidating bonds authorized under the provisions of Article XI-F(1) of the Oregon Constitution.

As indicated previously, the planning for the structure was also reviewed with the appropriate agencies of the City of Portland, and the City Planning Commission concurred in the construction of the facilities. You have been provided with information directly from the Planning Commission confirming such action.

You will recall that on December 8, 1971, following an exchange of correspondence, a meeting was held in your office to discuss the project. At that time, Mr. John Mosser, a member of the State Board of Higher Education, indicated substantial agreement with your concept of limiting the number of automobiles which must be accommodated in metropolitan areas. He mentioned specifically the recent action of the Board and the City of Portland cooperating in the vacation of many streets within the area of development of Portland State University, including the removal of on-street parking there. He also mentioned the street closures in progress or planned at the University of Oregon, Eugene, and at Oregon College of Education, Monmouth. Furthermore, Mr. Mosser indicated that the Board is interested in cooperating with the general goals and objectives of the Department of Environmental Quality with respect to the use of automobiles, but emphasized the special problems that warranted the immediate construction of the proposed parking facilities at the Medical and Dental Schools. It was also mentioned that the legislature had forced an increase in estimated fee income for patients at the Medical School, thus requiring maximum service and acceptability of accommodations by the public. Mr. Mosser also mentioned the requirement to serve the staff and the public at all hours of the day and night when public transportation would not be available and stated that alternatives to meet transportation and parking requirements, other than through the construction of this structure, were not feasible from an economic standpoint. He made specific reference to difficulties which persons such as the late Bill Bass, former Legislative Fiscal Officer, had had in trying to find a place to park during frequent trips from areas outside of the Portland area to the Medical School for treatment. Furthermore, he said, it would be unreasonable to expect thos who are sick, or doctors on limited time schedules, to rely upon public transportation for access to the facilities on the campus. Many of these doctors volunteer their services to the institution on a part-time basis and need to return to their private practice promptly after assisting in the instructional program. He noted that only 7 out of about 1,000 Medical School students were granted parking privileges on the campus at the present time and that this had created substantial congestion on streets adjacent to the campus, imposing difficulties for emergency vehicles and causing severe public relations problems with the residents of the area. He urged that the Board be permitted to proceed with the contract for the Parking Structure No. 2.

Bids for the construction of the facilities were received in Portland on December 28. Unfortunately, they exceeded the Engineers' estimates. Based upon authorization granted by the State Board of Higher Education on January 24, and with

the concurrence of the other bidders, negotiations have been undertaken with the low bidder in an effort to reduce the scope of the project and effect reductions in the direct construction costs. As modified, the proposed structure will consist of five levels having a total capacity of approximately 656 spaces (as compared with the estimated capacity of 791 mentioned in our prior correspondence with you). Since the bids received on December 28 are valid for a sixty-day period, a contract award will need to be made, if possible, immediately following the scheduled meeting of the Environmental Quality Commission on February 25, 1972.

The following tabulation summarizes the parking capacities at the University of Oregon Medical and Dental Schools at present and as proposed upon the completion of the new Parking Structure No. 2:

	Capacities		
	Present	Proposed	Increase
Patients and visitors	457	690	233*
Employees	1,453	1,620	167
Students	80	273	193
Loading zones and contractor personnel	118	36	(82)
Totals	2,108	2,619	511#

* Includes increase of 200 spaces for UOMS-UODS patients and visitors expected to be provided in proposed Parking Structure No. 2.

The net increase of 511 represents the difference between the 656 spaces in the proposed structure and 145 surface spaces now available on the site.

Details of the distribution of these parking spaces are included within Attachment D.

Impact of the Structure

To describe the impact of the proposed Parking Structure No. 2, as requested by your letter of January 4, 1972, institutional officials have prepared a three-page statement which is included and marked Attachment A. This statement gives effect to site considerations, traffic and parking conditions, seismographic considerations, sewer conditions, pollution considerations and esthetic considerations. They have obtained letters from officials of the Tri County Metropolitan Transportation District of Oregon (TRI-MET) and the Columbia Region Association of Governments (CRAG).

These letters are included as Attachments B and C.

Considerations of Alternatives

Before formulating the program for the construction of a multi-level parking facility, consideration was given to various other alternatives, including the development of additional surface parking, additional shuttle bus operations (both from other areas of the campus and from peripheral locations several miles from the campus), and for greater emphasis on the use of mass transit systems. Students and staff members have been encouraged to form car pools in order to minimize the number of cars coming to the campus. Because of the topography of the campus, with steep slopes, there are no further opportunities for additional surface parking lots of

any size. The spoil from various campus building projects has been utilized to create some of the existing lots, but there is no way feasible to increase their capacities. Economic considerations preclude shuttle bus service from outlying areas, although this alternative was explored carefully. Even at Portland State University, where substantially larger numbers of students are enrolled, the income from its shuttle bus operations currently is not sufficient to cover the direct costs. Inquiries were made concerning the possible rental of large areas in several outlying locations and also concerning charges for the use of busses owned and operated by TRI-MET and independent transportation companies. The minimum cost of such a program would be about $1.00 per day per patron.

Furthermore, many of the students and staff members at the Medical School must use their cars for visits to other health facilities throughout the Portland metropolitan area as part of the instructional program. This is particularly true of students and staff of the School of Nursing.

Based upon preliminary studies which have been confirmed by a recent survey, it is apparent that in order to solve a major portion of the parking problems on the campus, the proposed facilities must be constructed.

There is enclosed, marked Attachment E, a "Summary of Transportation and Parking Survey Covering Medical School and Dental School Staff and Students." This survey was conducted during the month of January 1972 and confirms the need for the spaces to be provided within the proposed new Parking Structure No. 2. A tabulation of the results of the survey, analyzed between responses from the staff and the students of both the Medical School and the Dental School, is included as Attachment F.

Similarly, a survey was made recently of patient and visitor parking on the campus. The results of that survey are included within Attachment G.

Cooperation with Metropolitan Planning Agencies, Including Transportation Studies

Institutional officials have been and will continue working closely with the Portland Planning Commission and other agencies responsible for planning within the metropolitan area. As noted from the enclosures, there have been discussions with officials of TRI-MET and CRAG concerning public transportation systems. There have also been discussions with City officials concerning the obvious need for improved access to the campus in view of the heavy traffic congestion in the area, particularly at the intersection of Sam Jackson Park Road and Terwilliger Boulevard. We are particularly sensitive to the need to assure immediate access to the campus by emergency vehicles.

Summary and Recommendation

In order to meet a portion of the critical need for parking spaces to accommodate students, staff, patients and general public who must utilize the facilities of the University of Oregon Medical and Dental Schools, the State Board of Higher

Education has obtained legislative authorization for the construction of a multi-level parking structure to be located near the Teaching Hospital and the Dental School Building. Although the capacity of approximately 656 spaces to be provided within the initial phase of construction will be less than the number required to comply with City of Portland codes, it will provide substantial relief from the current situation. Structural capacity is being provided for future vertical expansion of three floor levels when and if such additional capacity is required and approved for construction.

As noted above, a number of things need to be accomplished to solve the parking problem on the campus. The administration of the institutions is encouraging students and staff to use public transportation to the extent that it is available, or to utilize car pools. Shuttle busses are being operated to transport people between the two major sections of the campus. The operation of charter busses between the campus and distant peripheral parking lots does not appear to be economically feasible at this time. In order to provide relief to the current situation of congestion, which will increase upon the completion of the Teaching Hospital Addition now under construction, it is imperative that we proceed with the construction of Parking Structure No. 2.

It is respectfully requested that the Environmental Quality Commission release the "moratorium" imposed on October 29, 1971. We plan to attend the meeting of the Commission on February 25 to support this request and to respond to any questions which you or members of the Commission may have.

Very truly yours,

J. I. Hunderup

J. I. Hunderup
Vice Chancellor

JIH:jkg

Enclosures

cc: Dr. R. E. Lieuallen
Rose' & Breedlove, Inc., and
Stevens, Thompson & Runyan, Inc.

Attachment A

UNIVERSITY OF OREGON MEDICAL AND DENTAL SCHOOL

PARKING STRUCTURE NO. 2

IMPACT STATEMENT

Site Considerations. The need for the construction of a second parking structure on the campus of the University of Oregon Medical and Dental Schools has been realized since 1963 when the first facility was planned. The general characteristics, including location, size, and capacity of Parking Structure No. 2, were finalized in 1967 when the project was included in the long range master plan for the Medical and Dental School campus. The plan formed a part of the six-year Capital Expansion and Improvement Programs, which were submitted to the State Board of Higher Education each biennium since 1966. The plan was also used to obtain the necessary approval of the City of Portland Planning and Zoning Commission for construction of the Basic Science Classroom-Laboratory Building and the Addition to the Medical School Hospital and for future expansion of the Dental School.

The final selection of the site over several other locations was based on several factors. Of first and primary importance was the proximity and the relatively easy enclosed access to all existing and planned facilities on the north campus. Secondly, much of the site is filled with material excavated from the original Hospital and Dental School sites, and is thus marginal for development of major additions to the Hospital and Dental School. The easterly portion of the area was considered as a location for the projected addition to the Dental School but was rejected because the building area thus added would be too remote from the clinical facilities that needed expansion. (The State Board of Higher Education has approved the schematic design phase of planning for major expansion of the Dental School on the south and east sides of the existing building, thus providing a much more satisfactory solution than would be possible on the site of the proposed parking structure.) Future expansion of the Medical School Hospital is envisioned to the west of the present building, rather than to the south on this site, in order to more adequately utilize central services provided in the existing structure and eliminate the need of an inter-communication bridge over Campus Drive.

Traffic and Parking Conditions. It has been apparent during the past twenty-year expansion of the campus that the traffic in the vicinity is not affected by the availability of parking. Instead, the parking demand is directly proportional to the expansion and addition of campus programs. The construction of Parking Structure No. 2 will not have any major effect on the number of vehicles coming to the campus. These vehicle loads generated by faculty, staff, students, and public will continue to expand as has been demonstrated during the past twenty years, assuming no drastic reduction in the programs and methods of delivery of health care, or unless a vastly improved public transportation system is provided. The possibility of a reduction in programs and the care of patients is doubtful in view of the rapidly expanding demand for health care for the public. The possibility of the development of a transit system that will adequately serve the campus because of its location and needs is extremely remote, as is indicated by copies of letters from CRAG and TRI-MET that are attached.

The capacity of the parking structure was primarily dictated by the code requirements of the Planning and Zoning Commission, and by economic considerations. Conditions on the campus demonstrate that these are minimal for actual needs. While the number of spaces in the structure is not as great as desired, it is believed that the structure will provide sufficient additional capacity to satisfy the parking requirements on the north campus until such time as further additions are made to the Hospital, Dental School, and Outpatient Clinic. The foundations and structural elements of the proposed structure have been designed to expand the facility by three additional decks, making an eventual total of eight, thus providing for additional parking to meet future demands.

Seismic Considerations. While there is geologic evidence that a major fault exists near the toe of the Portland Hills, the exact location and the general characteristics of the fracture zone are not known. The active fault zone could be any distance from the site of the proposed structure. The design of the foundations was based on field investigations completed by Shannon and Wilson, Soil Mechanics and Foundation Engineers. The firm, having provided similar studies for all major buildings developed on the campus since 1960, is completely qualified and capable of providing the foundation design criteria upon which to engineer the foundations for a structure of the size and magnitude of Parking Structure No. 2. The investigations evaluated characteristics of the rock and soil in the site and the engineers provided recommendations to insure against subsidence and foundation failure. In accordance with their recommendations, a tie-back wall consisting of "H" beams and precast concrete lagging members will be installed as an integral part of Parking Structure No. 2. This feature will provide additional support to the steep slope north of this site on which the Medical School Hospital is located.

Sewer Conditions. The University of Oregon Medical and Dental School campus is served by two City of Portland combination trunk sewer mains. Approximately forty percent of the Medical School facilities are served by the Marquam Trunk Sewer. Parking Structure No. 2 will be served by the Woods Street Gulch Sewer which serves the Dental School and the remaining Medical School facilities. Since the storm water run off from Parking Structure No. 2 would not be appreciably greater than that generated by the surface parking area presently located on the site, the main is considered adequate for the planned facility.

Advice from the City Engineering Office indicates that separation of the sanitary and storm sewer systems in the vicinity of the campus will not occur for several years. The University of Oregon Medical and Dental Schools expect to coordinate and cooperate completely with the City of Portland in the improvements to the sewer services when such work is undertaken in the vicinity of the campus. Preparatory to implementing this program, the University of Oregon Medical chool recently commissioned Cornell, Howland, Hayes and Merryfield to undertake an engineering study and prepare a report with recommendations upon which to base planning for future expansion, extension and improvements to all of the campus utility systems. This study has now been completed and the report has been received and is being reviewed. Provision has been made to separate the sanitary and storm water from all buildings recently erected and those planned for the future on the campus in preparation for connection to separate outfall systems when they are installed by the City. The sewer connection from Parking Structure No. 2 has been designed in accordance with this plan.

Pollution Considerations. As indicated in the discussion of traffic and parking, the construction of Parking Structure No. 2 will have little or no effect on the number of vehicles coming to the campus daily. Since the available parking is limited, a considerable number of the drivers of these vehicles now circulate through the campus searching for a parking space. The problem of air pollution is thus aggravated to a major extent since pollutant generation is materially greater from automobiles in motion and particularly at slow speeds. It is therefore desirable to provide sufficient parking as close to the location of greatest need as possible. The site of Parking Structure No. 2 definitely satisfies this requirement.

Esthetic Considerations. The site is presently occupied by a surface parking lot and a steep semi-landscaped slope along the north side of the area. The Dental School has installed three large trailer units in the south east corner of the site to provide additional faculty and staff offices. Due to the steepness of the north bank, the landscaping was minimal and the subsequent maintenance has been limited to a once-a-year program.

The plans for Parking Structure No. 2 include provision of planting beds along the entire east and south sides of the building sufficient to allow planting sizable shrubs and vines to enhance the general appearance. Planter tubs are also to be provided to the top deck. A landscaped deck is to be created as a part of the entry ramp to the top deck, which is the location where the parking structure will be closest to the Dental School. This will provide a partial screening of the view of the Hospital loading dock from the west side of the Dental School. In reality, the final esthetic characteristics of the general area west of the Dental School and south of the Medical School Hospital will be materially improved by development of Parking Structure No. 2.

Attachment B

TRI COUNTY
METROPOLITAN
TRANSPORTATION
DISTRICT
OF OREGON

TRI-MET

4314 SE 17TH AVENUE
PORTLAND, OREGON 97202
(503) 233-3511

FACILITIES PLANNING	
FILE NO.	
DIRECTOR	
FILE	

10 January 1971

Mr. A.J. Clemons
3181 S.W. Jackson Park Rd.
Portland, Oregon 97201

Dear Mr. Clemons,

Your situation at the Medical School seems to contain some typical, classical elements that no one yet knows how to handle...too many cars in too small a space with no viable prospect for change. I have tentatively explored one solution at the request of the Oregon Regional Medical Association people. It revolved around Federal funding to create a daily shuttle service from two eastside locations aimed at ferrying patients back and forth in an attempt to cut down on the number of broken appointments. We finally scrapped it because there could be no built-in guarantee of continuance based on Federal money, no matter how successful and effective it might become. Programs that lack the capacity to develop ultimate self-sufficiency and must always rely heavily or totally on outside money may end by creating more problems than they solve.

Then we cast about for a local answer and got buried up to our necks in agencies and bureaucracies, each with its own bus, each with its own program for transporting certain people, each with its own ideas and ambitions about what ought to be done and how. So we headed for the nearest high ground to regroup. That's where we are now while a "special transportation needs" study grinds out some data on the possibilities of better coordinating all these existing buses into a central operation under the umbrella of Tri-Met or someone else more suitable. Returns from the study are expected by the first part of February.

I don't think public transportation can do much right now to cope directly with the Hill's parking crunch. The core of the problem is more psychological than operational. People in our area treasure their cars and will not freely surrender them unless we can offer powerful inducements for cheaper, faster, easier transit. We can't - not yet. We are impotent to pry drivers away from the wheel until they let go of it or lose their grip through tightened operating restrictions. Our experience contradicts the easy assumption that people will ride buses as readily as they drive cars if only the buses can be made reasonably available. This is not true here or in most other places in our country. We are a nation addicted and hypnotized by four wheels, horsepower, and private mobility. I would be remiss were I not to underscore again this distressing bit of common knowledge. It is a condition deeper and more durable than we imagine.

So I have probably told you nothing you didn't know already. Our major expense in running buses lies in the salaries paid to our drivers. This fact limits Tri-Met's ability to offer special service tailored to particular needs. Those who require such service quickly learn the cost of contracting with Tri-Met can be prohibitively high. It's not going to drop any lower without some significant adjustments internally designed to permit parttime drivers to work in certain capacities in order to reduce operating expenses. This development appears to be a long way off. Obviously it could lend a degree of versatility to Tri-Met that we currently lack and certainly want.

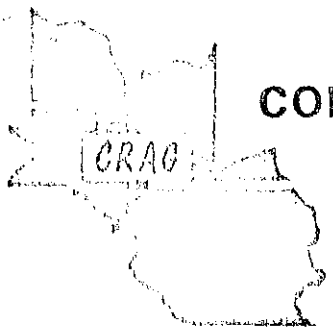
In any case, Mr. Clemons, I will be happy to pursue the matter of transportation with you at your convenience. Please let me know if I can be of any further help. Good luck.

Sincerely,

Jud Blakely

Jud Blakely
Ass't. to the General Manager

Attachment C



COLUMBIA REGION ASSOCIATION of GOVERNMENTS

6400 S.W. CANYON COURT

PORTLAND, OREGON 97221

(503) 297-3726

FACILITIES PLANNING
FILE NO.
FILE

January 20, 1972

Mr. A. J. Clemons
Director, Facilities Planning
University of Oregon Medical School
3181 SW Sam Jackson Park Road
Portland, Oregon 97201

Dear Mr. Clemons:

Pursuant to our discussion yesterday regarding the current Mass Transit Planning Program of CRAG, I wish to record my view on this program and its potential affects upon the University's Medical School.

CRAG's Mass Transit Planning Study is being undertaken jointly with Tri-Met by the consulting firm of DeLeuw, Cather and Company. The study work program is divided into two parts, Part I "The Immediate Bus Improvement Plan" (within the next five years), and Part II "The 1990 Master Transit Plan." Part I has been completed and Tri-Met is proceeding with implementation of some of the consultant's recommendations. Part II is approximately 50 percent complete and not finalized at this point.

The recommendations contained in Part I are aimed at practical objectives which Tri-Met can achieve to halt the annual decline of transit ridership and provide an improved transit service.

To accomplish this goal the following steps have been recommended: relacement of obsolete equipment, improvement and extension of routes, increased bus frequency, improvement of the informational and marketing programs, provision of waiting shelters for patrons convenience, improvement of transit operations in the downtown area by introduction of exclusive bus lanes, and the establishment of Park-and-Ride facilities in outlying suburban areas. Considering the current level of funding and the time required to put some of the proposed programs into operation, I feel the program is a fairly ambitious one for Tri-Met to accomplish within the next five years.

It is anticipated that the above described program will at the most, halt the present decline in transit ridership and raise it from the current level of 18 million riders per year to 22 million per year by 1976 (an increase of 22 percent over a five year period, or an average annual increase of 4.4 percent.) However, much more significant than the total system-wide ridership is the impact this program will have on Downtown Portland.

Today 80 percent of the transit riders travel is related to Downtown Portland (either to, from, or within the Downtown Area). Most of the transit transfers take place in Downtown Portland. Thus, improved transit service to, from, or within the downtown area has a major impact on the total transit system.

In 1960 only 19 percent of the people entering Downtown Portland came by bus. This figure was even further reduced by 1970, to 15 percent. However, in 1970 during the peak period, the percent traveling by bus was 25 percent. With the proposed improvements to the transit system it is hoped the decline in bus ridership can be stopped and the trend reversed to the 1960 level.

The affects of improved transit service within the next 5 years on the University Medical School will probably be negligible. I say this because of the location of the school and the fact that most persons traveling by transit to the university will be required to transfer in the Downtown Area. The improved downtown transit mall will improve transfer conditions but the fact still remains that there is no direct service to the school from areas other than downtown. Travel by bus system will still be very much as it is today.

As you have described the various types of people and differences in individual needs at the medical school, I can say I am not too hopeful that transit can serve very much of your travel desires. As I view your problem there are three general types of movement; 1) travel to and from work during the peak periods, by staff, faculty and students; 2) travel during the day to other medical facilities by faculty, students, and interns; and 3) travel during the day by patients and visitors. Because of the nature of travel for types 1) and 2), it is doubtful if a large percentage of these people could use the transit system in its present or proposed form. Type 3 travel would be restricted to visitors and the "more healthy" patients that were well enough to travel by bus. Thus, for the majority traveling to the medical school regularly scheduled mass transit in its present form is not likely to attract many riders. Only specialized service meeting a specific type of need is likely to improve transit conditions for the school, and even then, will most likely need to be subsidized.

We at CRAG recognize the need for an improved mass transit service for installations such as yours, and also the needs of the people for improved mobility. We also are cognizant of the costs and practicality of providing better transit service within our existing methods of financing and implementation system.

I hope I have not sounded as though there is no hope for transit but many changes need to be brought about before we can really be assured that transit will serve a better role than it is at present. I'm afraid too many people are saying --"Yes, we need a better transit system! ! -- For the other fellow and not me."

Sincerely,

G. A. Wood

G. A. Wood
Mass Transit Coordinator

GAW:gh
cc:

Revised 2/8/72

University of Oregon Medical School and Dental School

COMPARISON OF PRESENT DISTRIBUTION OF PARKING SPACE AND PROPOSED DISTRIBUTION AFTER COMPLETION OF PARKING STRUCTURE NO. 2

	Present Distribution						Distribution After Completion of Parking Structure 2.				
Lot No.	Total Spaces	Employees	Patients and Visitors	Students	Loading Zones	Assigned to Contractors	Total Spaces	Employees	Patients and Visitors	Students	Loading Zones
Medical School - North Campus											
1	198	148	3		12	35	198	183	3		12
2	112	112					112	62		50	
Parking Structure 1	295	96	199				295	96	199		
4	23		23				23		23		
5	19		19				19		19		
6	38	36			2		38	36			2
7	285	228			10	47	160	105		25	10
10	9	6	2		1		9	6	2		1
15	11	4		7			11	4		7	
Parking Structure 2	—	—	—	—	—	—	573	398	175	—	—
Sub-total	990	630	246	7	25	82	1,418	890	421	82	25
Dental School - North Campus											
7	363	171	115	73	4		363	171	115	73	4
Parking Structure 2	—	—	—	—	—		83	40	25	18	—
Sub-total	363	171	115	73	4		446	211	140	91	4
North Campus Totals	1,353	801	361	80	29	82	1,864	1,101	561	173	29
Medical School - South Campus											
30	30	23	6		1		30	23	6		1
31	387	320	67				387	187	100	100	
32	82	54	23		5		82	54	23		5
33	221	221					221	221			
34	35	34			1		35	34	—	—	1
Sub-total	755	652	96		7		755	519	129	100	7
Grand Total	2,108	1,453	457	80	36	82	2,619	1,620	690	273	36
Medical School	1,745	1,282	342	7	32	82	2,173	1,409	550	182	32
Dental School	363	171	115	73	4	—	446	211	140	91	4

Attachment D

Attachment E

SUMMARY OF TRANSPORTATION AND PARKING SURVEY

COVERING MEDICAL SCHOOL AND DENTAL SCHOOL

STAFF AND STUDENTS

January 1972

During the month of January 1972, a questionnaire was prepared and distributed to all employees and students of the Medical School and Dental School to obtain up-to-date data on their transportation and parking habits and to determine reactions to alternatives which might reduce the number of cars coming to the campus. The response to the survey has been excellent, with approximately 60% of the Medical School and Dental School staff returning questionnaires. For students, the return was 45% for the Medical School and 73% for the Dental School.

Attached is a detailed tabulation of the responses to each question, showing the data separately for the Medical School and the Dental School, and also for staff and students. The answers to each question are summarized below, with explanatory comment.

In reviewing this material, it should be kept in mind that the tabulations shown do not represent a total picture of the situation, since the response from campus personnel to the questionnaire was somewhat less than 100%, as indicated above. However, because of the rather high percentage of response, it is reasonable to assume that the answers given represent a valid cross section of the opinion of all staff members and students.

1. Place of residence and distance from home to campus.

As is to be expected, employees and students reside in all areas of the city and surrounding locations, with many living at considerable distances from the campus. For example, of those responding to the questionnaire, 139 live more than 15 miles from the campus, and 47 live more than 25 miles away. There appears to be no heavy concentration in any particular area. A substantial number of staff and students live in areas where no public transportation is available.

Following is a summary of the data:

Distance from home to campus	No. of Staff	No. of Students	Total No.	Per Cent
0 - 1 mile	135	258	393	18%
2 - 5 miles	441	210	651	30%
6 - 10 miles	572	148	720	34%
11 - 15 miles	218	46	264	12%
16 - 25 miles	71	21	92	4%
Over 25 miles	38	9	47	2%
Total	1,475	692	2,167	100%

2. Method of travel to campus.

The survey shows that the great majority of employees and students come to the campus by automobile, most by driving their own cars. A summary of the method of travel used by the respondents is shown below:

	No. of Staff	No. of Students	Total No.	Per Cent
Drive car	1,138	347	1,485	67%
Ride with someone else	131	115	246	11%
Public transportation	104	8	112	5%
Walk	120	231	351	16%
Other	10	11	21	1%
Total	1,503	712	2,215	100%

3. Travel time to campus.

The travel time of staff and students to the campus is summarized below:

	No. of Staff & Students	Per Cent
0 - 10 minutes	611	29%
11 - 20 minutes	876	42%
21 - 30 minutes	376	18%
Over 30 minutes	243	11%
Total	2,106	100%

Note: The above data (Items 1 - 3) were obtained from all employees and students. Beginning with Question 4, the information was provided only by those who drive cars to the campus.

4. Place where employees and students park their cars on campus.

The survey responses show that staff and students park their cars at the following locations on the campus:

Area	No. of Staff & Students	Per Cent
Employee or student lots	1,096	75%
Patient and visitor lots	54	3%
On adjacent streets	315	22%
Total	1,465	100%

An analysis of the data reveals some interesting comparisons as between the Medical School and the Dental School and between staff and students:

- Only 74% of Medical School staff park in lots reserved for employees, compared to 100% of the Dental School staff.

- 91 students of the Medical School and 17 students of the Dental School indicate that they park on adjacent streets. The difference is

accounted for by the fact that the Dental School allocates 73 spaces on the north campus to students and the Medical School 7.

5. Normal working hours of employees.

This information was gathered to determine the possibility of grouping employees for shuttle bus or car-pooling plans. The summarized data are shown below:

Normal Starting Time	Medical School	Dental School	Total	Per Cent
6:30 - 7:00 a.m.	158	-	158	13%
7:30 a.m.	61	6	67	5%
7:45 a.m.	16	-	16	2%
8:00 a.m.	241	3	244	19%
8:30 - 9:00 a.m.	269	147	416	33%
Variable	344	4	348	28%
Total	1,089	160	1,249	100%

In view of the variations in working schedules shown above, together with the fact that a considerable number of staff have need to use their cars for other purposes than going to and from work (See No. 7 below) it does not appear that a sufficient number of employees could be found to make a busing operation successful.

6. Normal class hours for students.

Although this information has not been summarized in the attached tabulation, the survey data reveals that there is a wide variation in the times that students arrive at and leave the campus. This is particularly true of medical students and less true of dental students and students in nursing. Again, such variations would make it difficult to establish a workable busing program.

7. Use of car during the day.

Approximately 47% of all staff and students driving cars to the campus report that they have need to use their cars during the day for purposes other than going to and from work. Reasons given include business travel, shopping, dropping off and/or picking up spouses or children, and a variety of others.

Response to question: Do you have need to use your car during the day?

Answer	No. of Staff	No. of Students	Total No.	Per Cent
Yes	569	118	687	47%
No	516	259	775	53%
Total	1,085	377	1,462	100%

8. Possible alternatives to driving cars to campus.

A major portion of the survey was devoted to obtaining opinions from staff and students now driving cars to the campus as to whether they would be willing to consider alternative methods of transportation to and from the campus. Three such alternatives have been suggested, as explained below:

Alternative A. Parking in peripheral parking lots and riding bus to campus.

This proposal contemplates that the Medical School would rent parking areas in four locations approximately three to five miles from the campus, one in the northeast part of Portland, one in southeast, one in Milwaukie, and one in Beaverton. Staff and students residing in these areas could then park their cars in such lots and ride special busses to the campus. Time of trips would be on a regular basis, once in the morning to the campus and once in the late afternoon from the campus. Based upon quotations obtained for the rental of parking lots and the cost of bus service, it is estimated that the charge which would need to be made for this service would be $1.00 for each round trip.

The response from staff and students, both Medical School and Dental School, was overwhelmingly against this proposal. Only 149 expressed themselves as being in favor of it and this would not be a sufficient number to proceed with such a plan. The chief reason given for opposing the proposal was that it was too expensive. Other reasons given were equally valid, including (1) variation in working hours for employees and in class hours for students, (2) the extra time this plan would require, and (3) the need of the individual to use his car during the day for other purposes than just going to and from campus.

The response to this suggested alternative makes it clear that it is not a feasible one.

Alternative B. Use of public transportation.

The suggestion that public transportation be considered as an alternative to driving their cars elicited about the same degree of negative response from staff and students as did Alternative A. There were 185 favorable responses and 1,058 negative ones. However, many of those in favor felt that there would need to be improvements in fares or schedules, or both, to make such a plan attractive. Chief reasons given by those opposing the suggestion were the time factor and the expense. Others indicated that bus service was inconvenient, or required too many transfers, or that they had need to use their cars during the day.

The conclusion that public transportation within the foreseeable future is not a realistic alternative to driving cars to the Medical School and Dental School campus is reinforced by the letters sent to the Medical School by TRI-MET and the Columbia Region Association of Governments. Both letters indicate that no planning is now under way or even contemplated in the area of public transportation in Portland which would noticeably improve bus service to the Medical School and Dental School campus, or reduce the cost of such service.

Alternative C. Car Pooling.

The third alternative which has been proposed for reducing the number of cars coming to the campus is to extend the use of car pooling among staff and students. A considerable amount of this already exists, and the responses indicate that at least 321 staff and students now driving cars to the campus bring other staff and students in their cars. A number of those now participating in the program and a number of others not now participating have expressed interest in extending the program. However, there are obvious discrepancies in the returns from the Dental School which make it impossible to provide accurate data on the subject of car pooling. For example, 119 Dental School staff and students report that they ride to the campus in someone else's car, including other staff and students but also including riding with spouses who drop the individuals off at the Dental School each day. However, under the car pooling question, the responses show that 156 Dental School students and staff are bringing a total of 420 individuals to the campus. There is sufficient disparity in these figures to cast doubt on the validity of the response with respect to car pooling.

General Comments

The above summary and the attached tabulation provides some new and valuable information relative to the extent of parking problems of the Medical School and Dental School staff and students. After reviewing the survey data, including comments offered by many of those who participated in the survey, the following observations are pertinent:

The survey clearly confirms the need for additional parking space on the campus and is therefore supportive of the proposal to build Parking Structure No. 2.

The congestion created by the use of streets adjoining the campus for parking creates resentment from residents of the area and impairs access of emergency vehicles. It is imperative that additional parking facilities be provided on campus to relieve this deplorable situation.

The foregoing data refers only to staff and students of the Medical School and Dental School. The other major segment of the parking problem concerns parking for patients and visitors. A separate study has been made of the number of patients and visitors parking on the campus and a report of the study accompanies this document.

February 14, 1972

PARKING SURVEY
UNIVERSITY OF OREGON MEDICAL SCHOOL-UNIVERSITY OF OREGON DENTAL SCHOOL
JANUARY, 1972

	Medical School			Dental School			
	Staff	Students	Subtotal	Staff	Students	Subtotal	Total
1. Number of Forms Tabulated	1,295	401	1,696	214	306	520	2,216
2. Full-Time Employees	1,216	--	1,216	159	--	159	1,375
Part-Time Employees	79	--	79	53	--	53	132
3. Distance From Home to Work							
0-1 Miles	121	183	304	14	75	89	393
2-5 Miles	390	111	501	51	99	150	651
6-10 Miles	483	60	543	89	88	177	720
11-15 Miles	182	25	207	36	21	57	264
16-25 Miles	63	8	71	8	13	21	92
Over 25 Miles	27	8	35	11	1	12	47
4. Method of Travel to Campus							
Drive Car	962	187	1,149	176	160	336	1,485
Ride with Employee or Student	48	1	49	9	84	93	142
Ride with Other	64	14	78	10	16	26	104
Public Transportation	97	8	105	7	--	7	112
Walk	109	166	275	11	65	76	351
Other	9	10	19	1	1	2	21
5. Travel Time to Campus							
0-10 Minutes	296	203	499	36	76	112	611
11-20 Minutes	559	118	677	88	111	199	876
21-30 Minutes	252	38	290	49	37	86	376
Over 30 Minutes	175	25	200	27	16	43	243
6. Place Where Car is Parked on Campus							
Employee or Student Lot	691	83	774	172	150	322	1,096
Meters (Public Parking)	31	3	34	--	1	1	35
50¢ Lot	9	10	19	--	--	--	19
Street Adjacent to Campus	207	91	298	--	17	17	315
7. Beginning Hour of Work for Staff							
6:30-7:00 a.m.	158	--	158	--	--	--	158
7:30 a.m.	61	--	61	6	--	6	67
7:45 a.m.	16	--	16	--	--	--	16
8:00 a.m.	241	--	241	3	--	3	244
8:30-9:00 a.m.	269	--	269	147	--	147	416
8. Employees with Variable Work Schedules	344	--	344	4	--	4	348

Attachment F

	Medical School			Dental School			
	Staff	Students	Subtotal	Staff	Students	Subtotal	Total
9. Response to Question: Do you have need to use your car during the day for purposes other than going to and from campus?							
Yes	442	70	512	127	48	175	687
No	467	117	584	49	142	191	775
10. Alternative A. Response to Question: Would you be interested in parking your car each day at a lot rented by the Medical School located 3 to 5 miles from the campus and on your regular route to campus, and then ride a special bus to and from the campus at regular times in the morning and afternoon at a round trip cost of about $1.00?							
Yes	86	19	105	26	18	44	149
No	874	168	1,042	150	194	344	1,386
11. Reason for "No" Answer to No. 10							
Too Expensive	330	102	432	56	172	228	660
Work or Class Schedule Does Not Permit	259	43	302	41	11	52	354
Distance to Rented Lot	86	16	102	11	8	19	121
Need to Use Car During Day	176	13	189	35	11	46	235
Other	135	16	151	29	11	40	191
12. Alternative B. Response to Question: Would you be willing to use public transportation rather than driving your car to campus?							
Yes	96	26	122	23	40	63	185
No	734	117	851	98	109	207	1,058
13. Reason for "No" Answer to No. 12.							
Bus Travel Takes Too Much Time	298	46	344	37	48	85	429
Live Too Far From Bus Line	41	5	46	6	6	12	58
Need to Use Car During Day	137	9	146	20	8	28	174
Inconvenient	211	40	251	33	41	74	325
Too Expensive and Other Reasons	90	16	106	9	19	28	134
14. Alternative C. Car Pooling Response to Question: Do you now regularly bring passengers to the campus in your car?							
Yes	115	50	165	19	137	156	321
No	842	137	979	166	43	209	1,188
15. If Answer to No. 14 is "Yes," How Many Passengers Do You Bring?							
1	90	22	112	13	26	39	151
2	9	23	32	6	33	39	71
3	9	5	14	--	39	39	53
4	1	2	3	--	34	34	37
5	1	--	1	--	10	10	11

	Medical School			Dental School			
	Staff	Students	Subtotal	Staff	Students	Subtotal	Total
16. Response to Question: Would you be willing to bring additional passengers in your car?							
Yes	35	26	61	11	50	61	122
No	80	24	104	8	87	95	199
17. Response to Question: Do you know of employees or students who could ride with you?							
Yes	84	24	108	5	23	28	136
No	840	163	1,003	165	160	325	1,328
18. Response to Question: Would you be willing to leave your car at home and ride to and from campus with another employee or student?							
Yes	40	24	64	2	10	12	76
No	68	4	72	2	6	8	80

February 14, 1972

Attachment G

UNIVERSITY OF OREGON MEDICAL SCHOOL AND

UNIVERSITY OF OREGON DENTAL SCHOOL

PATIENT AND VISITOR PARKING

The Medical School and Dental School currently allocate a total of 457 parking spaces on the campus for patient and visitor parking. Most of these spaces are controlled by meters, with a charge of 10¢ per hour, but 67 spaces are in a gate-controlled lot on the south campus with a charge of 50¢ for all-day parking.

An actual count for a period of a week during the past month discloses the fact that on the average there are approximately 800 patients and visitors per day using these spaces. It is estimated that 75% of this group are patients going to the Outpatient Clinic, the Dental School, and the Crippled Children's Division. It should also be mentioned that the above figure of 800 patients and visitors does not represent the total number coming to the campus each day. A considerable additional number park on streets adjacent to the campus or park in employee parking lots where they are subject to fines for illegal parking.

The study also shows that an average of approximately 200 employees and students each day, mostly Medical School personnel, park in the lots set aside on the north campus for patients and visitors. This of course contributes to the current shortage of space in these lots at certain times of the day, since a substantial number of such students and employees arrive early and leave late. There appears to be no feasible method of keeping students and employees out of these lots and, in fact, it would probably be illegal to do so. This problem reinforces the argument for building more parking space on the north campus so that employees and students can have space assigned to them and thereby not take space intended for visitors and patients. It should be noted that a full-time employee parking regularly in a metered space would pay approximately $18.00 per month for such parking, whereas the current charge for most employee parking lots is $7.00 per month. There is not a sufficient number of spaces available to issue permits to all staff members who request them.

A tabulation is enclosed showing the average daily parking in each of the major public lots on the campus.

February 14, 1972

Medical School and Dental School

Daily Average Number of Individuals Parking in Public Parking Lots on Campus
(Based on Actual Count for One Week in January, 1972)

Lot Number	Capacity	Daily Average Parking					
		Patients	Patient Visitors	Students	Employees	Other*	Total
North Campus							
2nd Floor, Parking Structure	99	125	45	30	52	20	272
3rd Floor, Parking Structure	100	155	39	20	45	26	285
4	23	39	16	2	10	2	69
5	19	16	9	2	8	4	39
7	115	223	5	27	10	21	286
Sub-total, north campus	356**	558	114	81	125	73	951
South Campus							
Gate lot (50¢)	67	24	2	22	15	-	63
32 (CCD)	23	32	1	11	9	13	66
Sub-total, south campus	90#	56	3	33	24	13	129
Total	446	614	117	114	149	86	1,080

* Includes representatives of commercial firms and others who have business with Medical School and Dental School staff. It also very likely includes additional employees and students who did not so identify themselves when the survey was made.

** Excludes 3 spaces in Lot 1 and 2 spaces in Lot 10.

\# Excludes 6 spaces in Lot 30.

February 14, 1972

PORTLAND CITY PLANNING COMMISSION

424 S.W. MAIN STREET
PORTLAND, OREGON 97204
228-6141 EXT. 296

February 17, 1972

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

Dear Mr. Day:

Subsequent to our letter of December 17, 1971 Mr. J. I. Hunderup, Vice Chancellor of the Oregon State System of Higher Education, has advised us that a more positive statement by the Portland City Planning Commission regarding the impact of the proposed University of Oregon Medical School Parking Structure is desired.

Our letter of December 17 did state that this structure fulfilled the parking requirements previously held in abeyance for three structures recently built on the campus. It therefore seems logical to assume that the visual impact of the additional space to park vehicles generated by the larger occupant load of these buildings is satisfactorily met.

This facility does not in any way conflict with the Comprehensive Development Plan for the City of Portland adopted by the Planning Commission in 1966. The current state of the Downtown Plan does not include any consideration of the area south of the Stadium Freeway.

It should also be pointed out that the Planning Commission's approval of this facility on May 11, 1971 involved considerable discourse regarding the location, relationship to other buildings, traffic flow, visual pollution, sight line considerations and pedestrian flow. All of these factors were considered as being better solved by placing the building in the bottom of the canyon in the horseshoe of Campus Drive, south of the Medical School General Hospital and west of the Dental School.

Summarizing the above information, the Planning Commission feels that the construction of this facility is:

(1) Located in an area of minimum interference and impact to other buildings on the campus and surrounding properties.

(2) Able to reduce the circulation time now required to find parking space, thereby reducing the emission problem.

In effect, the Planning Commission sees no other possibility of solving the parking problem at the University of Oregon Medical and Dental Schools in the foreseeable future other than constructing this facility.

We believe that this case points up a problem that will be continuing between our two agencies unless we can find an equitable solution. The Planning Commission invites you to meet with us for discussion so we may both work in the public interest.

Sincerely yours,

C. Ralph Walstrom
Chairman

V

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

February 16, 1972

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. E, February 25, 1972 EQC Meeting

Hearing re: Proposed PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION & REVOCATION OF PERMITS

Background

On December 19, 1969 the Environmental Quality Commission adopted regulations pertaining to waste discharge permits. These regulations were adopted after two years' experience in issuance of permits and have served well for more than two years since adoption.

Legislative action in 1971 gave the Department two additional permit programs--one for solid waste disposal sites and one for air contaminant sources. The statutory construction of the three permit programs is basically similar; however some significant differences occur. The Department evaluated each of the statutory sections and concluded that a single set of procedures governing the issuance, denial, modification and revocation of permits could be developed. This has been done and these procedures are proposed for adoption as administrative rules. These procedures would replace existing waste discharge permit issuing procedures.

Discussion

The Department has attempted in the proposed rules to present a clear, logical procedure for issuance of permits. Briefly, the proposed rules provide the following:

A. Statement of purpose.

B. Applicable definitions.

C. Description of type of permits, duration of permits and methods for automatic termination of permits.

TELEPHONE: (503) 229-5696

D. Application submission and handling procedures.

1) General submittal instructions.
2) Provision for return of incomplete applications.
3) Acceptance of complete applications for filing.
4) Preliminary review of filed application to determine adequacy within 15 days.

a) Procedure for requesting additional information.
b) Procedure for holding a fact gathering hearing if determined to be necessary.
c) Notification of applicant that application is complete for processing with processing to be complete in 45 days.

5) Provision for temporary permit if processing is not complete in 45 days.
6) Provision for taking final action on application if permit is not required.

E. Procedures for issuance of permits.

1) Recommendations to be prepared by the Department.
2) Proposed provisions to be mailed to applicant for review and comment within 14 days.
3) Department to consider comments and make decision whether to issue permit.
4) Notification of applicant of Department action.
5) Procedure for appeal of Department action.

F. Special procedures for renewal of permit.
(Permit does not expire if renewal application is filed and not acted upon.)

G. Procedures for denial of permit.

H. Procedures for Department instituted modification of permit.
(Permittee can submit application if he desires modification.)

I. Procedures for suspension or revocation of a permit.

1) General procedures for non-emergency situations.
2) Special procedures for immediate revocation in emergency situations (as provided by administrative procedures act).

J. Procedures for issuance of special short-term permits for unexpected or emergency situations.

Notice of this hearing has been given and copies of the proposed rules have been sent to people of known interest. At this time, the Department would propose one amendment to the proposed rules. On page 5, paragraph I (Suspension or revocation of permit), the word "sustained" in line 2 of sub paragraph 1) should be deleted.

Director's Recommendation

It is the Director's recommendation that the record of this hearing remain open for 10 days to allow the submission of additional written testimony and that the final adoption of rules be set for the March 24, 1972 meeting of the Commission.

L. B. Day

HLS:mjb

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 nature of 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 A 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 issuance of 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 and shall state the grounds for the request. 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 and shall state the grounds for the request. 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 and shall state the grounds for the request. 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 and shall state the grounds for the request. 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

February 16, 1972

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item F, February 25, 1972 EQC Meeting

Hearing re: Proposed REGULATIONS PERTAINING TO WASTE DISCHARGE PERMITS

Background

Existing waste discharge permit regulations were adopted on December 19, 1969. With the proposal under agenda item E to adopt general permit issuance procedures for all permits, it becomes necessary to revoke the procedural aspects of the existing permit regulations.

In the interest of simplicity, the Department proposes to revoke the existing rules OAR 340-45.005 through 45.060 in their entirety and reenact with some modification those portions which pertain only and specifically to waste discharge permits issued under ORS 449.083.

Discussion

Briefly, the regulations proposed for adoption provide the following:

A. Statement of purpose.

B. Applicable definitions.

C. Permit requirements.

   1) Activities for which permit is required.
   2) Exemptions from permit requirements.

D. Identification of non-permitted discharges.

E. Procedures for obtaining permits (reference to general procedural rules).

TELEPHONE: (503) 229-5696

F. Other requirements which must be met prior to construction or discharge.

There are three significant changes from prior regulations:

1) The statutory provision exempting privately owned domestic sewage systems serving less than 25 families from the requirement to obtain a permit has been removed from the regulations. The Department will propose at the next legislative session that this exemption be removed from the statute.

2) A paragraph has been added to exempt small uncontaminated cooling water discharges from permit requirements providing certain conditions are met. In many cases dischargers have installed waste water reuse and control systems which eliminate all contaminated discharges leaving only small volumes of boiler blowdown water or condenser or bearing cooling water to be discharged with no adverse effect on water quality. Therefore this exemption is proposed in order to reduce the workload associated with processing these for permits.

3) Section F has been added to clearly notify permittee's of other requirements which must be met in addition to the permit requirement.

There is one change in the draft of proposed regulations which the Department proposes at this time. The definition for "person" on page 1, item B. 2) is proposed for modification by specifically including the United States as follows:

"Person" means the United States, the state, any individual..."

The definition in the statute is sufficiently broad to include the U. S. This change is proposed as a clarification of interpretation.

Director's Recommendation

It is the Director's recommendation that the record of this hearing remain open for 10 days to allow the submission of additional written testimony and that the final adoption of rules be set for the March 24, 1972 meeting of the Commission.

L. B. Day

HLS:mjb

January 11, 1972

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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item G., February 25, 1972, EQC Meeting
Public Hearing Re: Proposed REGULATIONS PERTAINING TO SOLID WASTE MANAGEMENT

BACKGROUND

Historically, Solid Waste Management has been under the jurisdiction of the local health departments with general administration by the Oregon State Board of Health now the State Health Division through their responsibility for control of vectors, nuisances and public health hazards at dump sites. Minimal solid waste regulations were promulgated by the Health Division which are still in effect, but are far from adequate. Only in very recent times has it become widely recognized that management of solid wastes is a serious problem of rapidly growing proportions that has direct implications for air and water pollution control. With this realization, the Oregon Legislature in 1969 transferred partial solid waste authority from the State Health Division to the Department of Environmental Quality (DEQ).

The 1971 legislature completed the transition to give the DEQ total state-level authority for solid waste management by passing into law HB 1051, which is now Chapter 648, Oregon Laws 1971. This law clearly expresses the legislative intent to retain primary responsibility for solid waste management with local government units, reserving to the state those functions necessary to assure effective and efficient solid waste management programs throughout the state. The law declares in part a statewide policy to develop long-range solid waste management plans

TELEPHONE: (503) 229-5696

emphasizing the regional approach and maximizing recycling and reuse of solid wastes.

House Bill 1051 directs the Environmental Quality Commission to adopt reasonable and necessary Solid Waste Management regulations governing the storage, collection, transportation and disposal of solid waste. In accordance with this directive and the expressed legislative policies and intent, such regulations have been drafted and are now proposed for adoption by the Commission.

The present draft of the regulations has been widely distributed to local governments, state and federal agencies, private industry, associations, and all other known interested persons.

FACTUAL ANALYSIS

The basic tool provided by HB 1051 to DEQ for Solid Waste Management is the requirement that a permit must be obtained from the Department in order to establish or operate a disposal site, therefore the proposed regulations are centered around a permit issuing system. It is intended that the solid waste disposal permit system will function similar to the existing DEQ Waste Discharge Permit program for liquid wastes. Permits will contain specific conditions and provisions for operation and time schedules for compliance with appropriate statutes, regulations and other requirements.

Sections A., B. and C. of the regulations state the purpose of the regulation, define the terms used therein and state the Solid Waste Management policy of the Department.

Sections D., E., F. and G. are applicable to all disposal sites as defined by HB 1051 and outline the primary requirements to obtain a solid waste disposal permit from DEQ, describe the information which must be included in or accompany a permit application and require the submission of plans and specifications for approval by the Department prior to operating a disposal site.

Section D. provides that after July 1, 1971, a new disposal site shall not be established and after July 1, 1972 an existing disposal site shall not be operated without a valid solid waste disposal permit. The proposed regulations provide that certain private industrial or agricultural disposal sites need not obtain a permit until July 1, 1973

unless the Department determines for good sufficient reasons, that a permit is necessary for a specific site prior to that date. Disposal sites covered under a Waste Discharge Permit or an Environmental Hazardous Waste License under Chapter 699, Oregon Laws 1971 and privately used landfills for soil, rock and concrete are exempted from obtaining a solid waste permit.

Under Section E., permit applications and permits will be processed in accordance with PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF PERMITS, which are to be adopted by the Commission and included in OAR Chapter 340. Applications for permits must be accompanied by recommendations of the local health agency having jurisdiction, the local solid waste advisory committee and the local planning commission in order to be considered complete. Disposal sites existing at the time of adoption of the regulations must submit a detailed operational plan with their permit application. A feasibility study report must accompany any permit application for a new disposal site. The Department may require that a local public hearing be held regarding a proposed disposal site if there is sufficient public concern regarding the proposal.

Section F. details the contents of the feasibility study report which must be prepared for new disposal sites. The requirements of the report are quite broad, including information regarding climate, transportation, population, financing, existing solid waste practices and regional planning efforts. Technical data regarding surface and groundwater, geology control of nuisance and environmental effects, topography and other factors must be included. The intention of this report is to gain as much planning as possible before a new disposal site is proposed and to justify the need for a new site.

Under Section G. detailed plans and specifications regarding the design and construction of disposal sites and transfer stations must be submitted to and approved by the Department prior to establishing such new facilities. Plans and specifications must be prepared by a registered professional engineer, unless it is determined by the applicant that the work does not constitute "the practice of professional Engineering" as defined by ORS 672.710.

Sections H., I., J. and K. describe the guidelines by which the four most common types of solid waste disposal sites (landfills, incinerators, composting plants and sludge disposal sites) shall be designed and operated, including the contents of the detailed plans and specifications required by Section G. For all disposal sites, adequate access roads surface drainage control, blowing debris control , fire protection, fencing, and sewage disposal must be provided. In all cases, disposal sites must be operated nuisance free and without health hazards, salvaging is to be controlled and operational records may be required.

Section H. covers landfills and provides that landfilling shall be by the sanitary landfill method with daily compaction and cover of all wastes deposited unless a modified landfill with some other schedule of compaction and cover is specifically authorized by written permit. Open burning and open dumps of putrescible solid wastes are prohibited and in all cases possible, the sanitary landfill method will be required. Open burning of non-putrescible combustible wastes may be permitted if separated from the landfill area by at least 500 feet and in accordance with state and regional air pollution control regulations.

Landfill design and construction standards require that leachate be controlled, groundwater be protected, monitoring wells be established and adequate cover material, signs and site screening be provided. Regulations for proper closure of landfills are included.

Section I. requires that incinerators be operated in compliance with state and regional air pollution control regulations. Ash and residue disposal and waste water discharges must be handled in accordance with DEQ regulations, and solid waste storage must be adequately controlled.

Under Section J. a proposal to operate a composting plant must include evidence that the processed compost will be assured of utilization. Odors must be controlled, non-compostable residues must be adequately disposed of and compost offered for sale must be free of health or safety hazards.

Section K. covers sludge disposal sites and points out that septic tank pumpings are defined as solid waste by HB 1051 and must be disposed of in accordance with the proposed solid waste regulations. Disposal sites for sewage sludges resulting from a sewage treatment

facility operating under a valid Waste Discharge Permit are exempted from obtaining a solid waste permit, if the disposal site is adequately covered by the Waste Discharge Permit. Except by special approval of the Department or state or local health agency, land spreading of septic tank pumpings and raw sewage sludge will not be permitted. Unless it is "Heat-treated", sewage sludge may not be used as fertilizer on root crops or grass in public parks and may not be sold to the public without their knowledge of its origin. Digested sewage sludge may be spread on land with proper precautions and all sludge may be held in properly designed and constructed non-overflow lagoons.

Section L. details regulations for certain wastes which demonstrate special disposal problems. Open dumping of tires is prohibited and acceptable landfill methods are described. Large quantities of waste oils or oil soaked wastes, if landfilled, require special precautions to avoid fire or water pollution. Demolition landfills must be cross-sectioned into cells by earth dikes to control fires.

Section M. outlines general requirements for design and operation of transfer stations similar to the landscaping and appurtenances for incinerators.

Under Section N. solid waste must be stored and collected in a manner to not cause vector production or sustenance, health or safety hazards, odors, nuisances or water pollution. Standard garbage containers for manual pickup must not be larger than 32 gallons or be loaded to more than 75 pounds gross weight. Stored putrescible wastes must be removed for disposal within 7 days.

Under Section O. transportation of solid wastes must be accomplished without blowing, dropping, sifting or leaking onto the highway and collection vehicles shall be kept clean.

Section P. provides for exemptions from the regulations by written varience or conditional permit from the Department if the circumstances are determined to warrent special consideration.

CONCLUSIONS

The regulations being proposed for solid waste management are comprehensive and provide for an effective program to carry out the directives of HB 1051. Regulations must be adopted as soon as possible,

in view of the rapidly approaching July 1, 1972 date by which existing disposal sites and operations must apply for and obtain permits from the Department.

DIRECTOR'S RECOMMENDATIONS

It is recommended that the existing State Health Division Regulations for Storage, Collection, Transportation and Disposal of Solid Waste, Oregon Administrative Rules Chapter 333, subdividion 8 be repealed and the proposed DEQ Regulations Pertaining to Solid Waste Management be adopted following consideration of testimony as a result of the scheduled hearing.

L. B. Day

EAS:2-18-72

PRELIMINARY

January 20, 1972

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 Landill 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 or Open Dumps.

Open burning or open dumps 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 plans 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-decomposible 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.

Penality 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 seperation 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 waste-water 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 specificationa 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 treatmer

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 berried 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 combustable 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.

(2) Containers and Storage Areas.

(a) Standard Garbage Containers

Individual containers for manual pickup shall have a tightfitting lid or enclosure, hand holds or bales, be in good condition and have maximum capacity of thirty-two (32) gallons. Collectors may refuse to pick up containers of a gross weight of more than seventy-five (75) pounds.

(b) Storage Bins and Storage Vehicles

Storage bins and storage vehicles shall be leak-proof, have tight lids and covers that may be easily opened for intended use and shall have suitable fittings to facilitate removal or emptying.

Containers, storage bins or storage vehicles shall be readily washable or have liners of paper, plastic or similar materials, or both.

(c) Storage Area

Storage houses, rooms or areas shall be of rodent proof construction which are readily cleanable with proper drainage.

Storage rooms or buildings, if not refrigerated, shall be adequately vented and all openings shall be screened.

(d) Unconfined Waste

Unless special service or special equipment is provided by the

collector for handling unconfined waste, materials such as rubbish and refuse, brush, leaves, tree cuttings and other debris for manual pickup and collection shall be in securely tied bundles or in boxes, sacks, or other receptacles and solid waste so bundled shall not exceed 60 pounds in weight.

(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 N - (1).

(4) Cleaning of Storage Area.

Areas around storage containers shall be cleaned regularly so as not to create the conditions cited in Section N - (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 Vehicles 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 transportating solid waste shall be cleanable and shall be cleaned at weekly 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

Violations of these regulations shall be punishable upon conviction as provided in Section 20, Chapter 648, Oregon Laws 1971 (HB 1051).

RECOMMENDED AMENDMENTS TO THE PROPOSED

PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND

REVOCATION OF LICENSES FOR THE DISPOSAL OF

ENVIRONMENTALLY HAZARDOUS WASTES

1. On page 2, section C. LICENSE REQUIRED, Sub-Section 2., change to read as follows:

   2. No person shall establish or operate a disposal site without a license therefor issued by the Commission pursuant to Chapter 699, Oregon Laws 1971 and these regulations.

2. On page 2, re-letter Section D to E. and re-letter all following sections accordingly. Add a new Section D. to read as follows:

   D. NECESSITY FOR A DISPOSAL SITE

   Any person proposing to establish or obtain a license for a disposal site for Environmentally Hazardous Wastes shall prepare and submit to the Department a detailed report with supporting information, justifying the necessity for a disposal site as proposed, including anticipated sources of wastes, types and quantities of wastes to be disposed and the reasons for declaring and handling said wastes as Environmentally Hazardous Wastes. Justification for establishing a disposal site for Environmentally Hazardous Wastes should be submitted prior to submission of a complete and detailed application for a license to establish said site.

3. On page 4, under sub-section 3. License applications must contain or be accompanied by the following:, delete all of 3b., re-letter 3c. to 3b and re-letter all following paragraphs accordingly.

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 H. February 25, 1972, EQC Meeting Hearing
Re: Proposed PROCEDURES FOR ISSUANCE, DENIAL, MODIFICATION AND REVOCATION OF LICENSES FOR THE DISPOSAL OF ENVIRONMENTALLY HAZARDOUS WASTES

BACKGROUND

In recent years there has been a growing general concern regarding the lack of adequate controls of handling and disposal of hazardous materials. The 1971 Oregon Legislature therefore passed into law HB 1931, now Chapter 699, Oregon Laws 1971, which places the total responsibility for materials defined as Environmentally Hazardous Wastes (EHW) with the Department of Environmental Quality.

House Bill 1931 specifically defines pesticides wastes and certain radioactive wastes and their containers or recepticles to be EHW and requires that a license be obtained from the DEQ to establish or operate a disposal site for such wastes. There exists at the present time one privately owned disposal site for waste pesticides and another site for storage of low-level radioactive wastes. On the effective date of HB 1931, the pesticide site was operating under a permit from the State Department of Agriculture and the radioactive material storage site was operating under a permit issued by the State Board of Health. (State Health Division)

Section 2a, of HB 1931 provides that:

"---This Act does not apply to any person operating a disposal site on the effective date of this Act under a permit or license issued by any agency of this state until a license application therefor has been acted upon by the commission (EQC) Pursuant to this Act".

TELEPHONE: (503) 229-5696

It is the opinion of the Attorney General that in order to bring existing disposal sites for EHW under the control of DEQ and to carry out legislative intent, the Commission must first adopt procedural regulations for making application to the Department for a license to establish and operate sites to dispose of these special wastes. Accordingly, such regulations have been drafted and are now proposed for adoption by the Commission.

The present draft of the procedures has been widely distributed to local governments, state and federal agencies, private industry, associations, and all other known interested persons. There has been virtually no response or controversy raised.

FACTUAL ANALYSIS

The procedures to be followed in applying for and issuing a license for disposal of EHW are included in unusual detail in Sections 4 through 14, of HB 1931. Therefore, the procedural regulations here proposed essentially bring together in a workable order the directives spread throughout those sections of the law.

Section C. of the regulations reiterates the law in that EHW must be disposed of upon land owned by the State of Oregon and that a license must be issued by the Commission for such waste disposal. The general format of a license is also described.

Section D. lists pertinent information which must be provided in an application for a license, including technical data regarding the proposed disposal site and operational procedures, emergency measures and safeguards and supporting exhibits which demonstrate the qualifications of the applicant including financial condition and experience. Of particular importance is a requirement that the applicant prepare a report justifying the necessity for a disposal site, as well as the sources, types and quantities of wastes proposed to be handled as Environmentally Hazardous Wastes. Also required of the applicant is a $5,000 non-refundable license application fee, liability insurance, a cash bond and a fee schedule to compensate the Department for monitoring and protection of the site after closure.

Section E. requires that final detailed engineering plans and specifications for construction and operation of a disposal site be prepared by a registered professional engineer and approved by the Department prior to establishing or operating a site.

Section F. describes the Departmental Procedures for reviewing and acting upon a license application. It will be reviewed by affected state agencies and others and a public hearing is required to be held in the county in which a site is proposed to be located.

Licenses will be properly conditioned to ensure compliance with pertinent local, state and federal standards and other requirements and to adequately protect life, property and the environment. In the case of radioactive waste disposal sites, the State Division of Health must give its approval before a license can be issued.

A specific plan for monitoring and reporting and surveillance by the state will also be included in the license document.

An applicant's right to a hearing before the Commission in the case of denial of a license is outlined.

Section G. describes administrative procedures for renewal, modification, termination or expiration of a license. A licensee must make application to the Department at least 90 days prior to the expiration date of his license in order to either allow his license to expire or to renew the license.

Section F. provides for suspension or revocation of licenses and allows the Department to close summarily a disposal site by service of an order on the site superintendent, if the Department has cause to believe that there is a clear and immediate danger to the public health and safety.

CONCLUSIONS

The regulations being proposed for making application and issuing licenses for disposal of Environmentally Hazardous Wastes are substantially reiteration of procedures required by statute. They also establish a logical program for administration of licenses and provide for thorough evaluation of a proposal and applicant before allowing the establishment and operation of a disposal site for these special wastes.

It is contemplated that only one or two such disposal sites, at most, will be established in Oregon. It is proposed that the license conditions will be comprehensive, explicit and demanding.

DIRECTOR'S RECOMMENDATIONS

It is recommended that the proposed Procedures for Issuance, Denial, Modification and Revocation of Licenses for the Disposal of Environmentally Hazardous Wastes be adopted by the EQC following consideration of testimony received as a result of the scheduled hearing.

L. B. Day

EAS:2/17/72

Preliminary
January 20, 1972

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 therof 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, county bodies 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, the Affected County Governing Body & County Planning Comm. 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 commenee 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.

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

To: Environmental Quality Commission

From: Director

Subject: Agenda Item I, February 25, 1972 EQC Meeting

International Paper - Gardiner

International Paper Company has submitted a proposal for compliance with 1975 kraft mill emission limits (OAR 340, Section 25-170 1(b) and 25-170 2(a)) and particularly for compliance with emission standards relating to particulate and total reduced sulfur emission by means of installing a new recovery furnace, a new electrostatic precipitator and control modifications. The purpose of this report is to review that proposal.

The specific items of the proposal are:

1. Install a new low-odor 420 t/day recovery furnace.
2. Remove from service an old, 110 t/day recovery furnace.
3. Operate an existing 420 t/day recovery furnace in a manner that will minimize TRS emissions.
4. Control the particulate emissions from both active furnaces with a new electrostatic precipitator of an efficiency of 99.5%.

Background:

International Paper Company's Gardiner paper mill began production in 1964 of 400 T/day capacity. The mill presently averages 600 T/day of unbleached linerboard, made up of 570 T/day of virgin pulp and the balance

TELEPHONE: (503) 229-5696

of recycled kraft clippings and operates with a minimum number of complaints received by the Department.

1. Compliance Status

Following the submission of the compliance program on October 20, 1969, under the Kraft Pulp Mill Regulations, the non-condensible gas treatment was altered from absorption in black liquor to the accepted incineration method and additional sources were collected in the system by July 4, 1971. The lime kiln particulate emissions were and are reported in compliance with existing requirements. The recovery furnace particulate and TRS emissions and smelt dissolving tank particulate emissions were proposed to be controlled by methods to be developed.

The company explored improved black liquor oxidation as a method of TRS emission control. Results have been good, to the extent that TRS emissions from these furnaces are among the lowest from conventional recovery furnaces in the state. Success in retaining sulfur within the recovery system was sufficient to require changing to a non-sulfur make-up chemical, from sodium sulfate to sodium carbonate (the new system was the subject of Tax Application T-258, approved January 5, 1972).

Particulate emissions from the smelt tank dissolving vents from each furnace have been in or near compliance. Particulate emissions from the recovery furnace stacks have continued to be in excess of the 4 lb/T specified in the regulation.

At the time of the adoption of the Kraft Pulp Mill Regulations, the 1975 emission limitations were envisioned as very restrictive and a hearing was provided in the regulations for no later than July, 1973, for the purpose of

reviewing current technology and the adequacy and reasonableness of the emission limitations established by the regulation. While the particulate matter emission standard of 4 lbs/ton still appears restrictive, requiring 99.5% or better control, new recovery furnaces can operate significantly below the TRS limit of 17.5 ppm established at that time.

2. The Proposal

The company proposes to operate the new 420 T/day recovery furnace and the existing 420 T/day recovery furnace at the current production of 560 T/day, expanding to not greater than 640 T/day. (Note: The company envisions that an increase in production can be obtained by modifications to various in-plant facilities over a period of time but that an increase in production over 640 T/day would require expanding paper machine and digester capacity.)

The following is a review of current emissions and future emissions as projected by the company and calculated by the staff:

a) TRS

Present emissions

No. 1 furnace	470 T/d x 0.6 lbs S/T =	282 lbs S/day
No. 2 furnace	100 T/d x 0.4 lbs S/T =	40 lbs S/day
	Total	322 lbs S/day

Projected from No. 1 and new furnace

570 T/d x .08 lbs S/T = 46 lbs S/day

or an 86% reduction

or with current estimate of maximum increase in production

640 T/d x 0.08 = 51 lbs S/day

or an 84% reduction

*or future estimate of production based on proposed recovery capacity

840 T/d x 0.07 = 67 lbs S/day

or 79% reduction

b) Particulates

Present emissions

No. 1 furnace	470 T/d x 24 lb/T =	11,300 lbs/day
No. 2 furnace	100 T/d x 27 lb/T -	2,700 lbs/day
	Total	14,000 lbs/day
Projected: Less than	570 T/d x 4 lb/T =	2,280 lbs/day
	or a reduction of 84%	
	640 T/d x 4 lb/T =	2,560 lbs/day
	a reduction of 82%	

*or future estimate of production based on proposed recovery capacity

840 T/d x 4 lb/T = 3,360

or a 76% reduction.

Note: *This would require an increase in pulping capacity for which there are no plans at present.

The company has based furnace performance on experience within its own mills. Performance as predicted for existing 420 T/day No. 1 furnace at Gardiner was attained for a six-day period in September, 1971, during which average emissions were 4 ppm, and the average daily maximum was 9 ppm. During this period, furnace loading was kept below current average rates.

Performance predicted for the proposed new low-odor furnace has been achieved at the company's Ticonderoga, New York plant, which has an identical furnace, and is similar to the one at American Can, Halsey. This

performance was maintained with loadings of 50%, 100%, and 115% of rated capacity, which also indicates that flexibility will exist for optimizing the loads on both furnaces. Predicted particulate emissions are based on current industry experience and are highest and best practicable treatment.

All of the kraft mills have reported the results of their Special Studies, in compliance with Section 25-190 of the Kraft Mill Emission Regulation, which were an inventory of sources of SO_2 and an inventory of minor sources of TRS. These have been summarized in a DEQ report. The results of the studies indicate that if this proposal is implemented, International Paper's emissions on a plant site, pounds of sulfur per ton basis, will be comparable to current emissions from the American Can Mill at Halsey.

The proposed schedule for improvement as submitted is as follows:

Submit Engineering Concept Report to State	January, 1972
Obtain Approval; Begin Engineering	February, 1972
Start Boiler Installation	January, 1973
Start New Recovery Boiler	August, 1974
Modify Existing Recovery Boiler	December, 1974
Compliance	July, 1975

3. Location

This mill is located one mile north of Gardiner, between Hwy. 101 and the Umpqua estuary. At this location, the prevailing winds are NNW in the summer and SE in the winter, with calms 11% of the time, compared to 26% at Salem and 32% at Astoria. If this proposal is approved, upon completion of the project it may be expected that odors, if present, will rarely exist in populated areas but may be noticeable on Hwy. 101 immediately adjacent to the mill.

FACTUAL ANALYSIS:

Particulate Control: The proposed particulate control by the installation of a new electrostatic precipitator having a 99.5% efficiency and meeting the particulate emission standard of 4 lbs/ton is acceptable as highest and best practicable treatment and control currently available.

Total Reduced Sulfur: The proposal of the company is to limit the emission of TRS to a maximum daily average of 5 ppm or less from the common stack by the operation of a new recovery furnace and maintaining strict control over the existing furnace by complete black liquor oxidation appears to be highest and best practicable treatment for this combination of furnaces.

DIRECTOR'S RECOMMENDATION:

It is recommended that the company's proposal relative to atmospheric emission control be approved subject to review and approval of detailed plans and specifications for the proposed furnace and its smelt dissolving tank vent, and with the understanding that this proposal includes:

1. Installation of a new, low-odor 420 t/day recovery furnace.
2. Removing from service an existing 110 t/day recovery furnace.
3. Operating an existing furnace with TRS emissions controlled by the entire existing black liquor oxidation system, limiting furnace loading and other means, and, if necessary, improving particulate control on the existing smelt tank vent.
4. Limitation of pulp production to not greater than 640 tons/day.
5. Installation of one electrostatic precipitator to limit the particulate emissions from both furnaces to less than 4 lb/ton of pulp.
6. TRS emissions in the combined recovery furnace stack are not to exceed a maximum daily average of 5 ppm or less, exclusive of start-up or shut-down.

WATER QUALITY BACKGROUND

On December 29, 1971, a report was received from International Paper Co., Gardiner, in accordance with their present waste discharge permit.

Their existing permit expires June 30, 1974, and during the period of the permit they are required to make a study for:

1. In-plant control
2. Physical, chemical and biological methods for reducing waste strength and toxicity.

Also a program and time schedule is to be submitted prior to July 1, 1972, for providing by July 1, 1973, control facilities to meet a suspended solids of 4,000 lbs/day.

In International's December 29, 1971, report the following items were discussed:

1. Construction of a new boil-out tank on the evaporators and concentrators which will enable them to catch all boil-out liquor and pump it back to the liquor system.
2. Construction of a separate blow tank on the sawdust digester. This system will enable the company to catch the stock and put it through a first stage washer where the soda carrying liquor will be mixed with the liquor system for burning.
3. Installation of a spill collection tank that will collect spills for recycle in the decker and brown stock areas.
4. Prior to July 1, 1973, a primary clarifier will be installed. The clarifier will be designed for 15.7 MGD with an overflow rate of 800 gallons/sq. ft./day. Clarifier overflow will be pumped to the ocean and be less than 4,000 lbs/day of suspended solids.

Underflow solids will be dewatered on a vacuum filter and V-press and burned. Centrate and pressate streams will be sent back to the clarifier.

Mill sanitary wastes will be discharged to the city of Gardiner sewerage system as soon as it is completed.

DIRECTOR'S RECOMMENDATION

The preliminary design information and time schedule for the clarifier system is acceptable and approval is recommended. Items 1, 2 and 3 above, proposed for reducing liquid waste strength, are also recommended for approval for immediate construction as a part of the company's continuing program for effecting maximum practicable reduction of liquid waste strength and toxicity.

L. B. Day

CAA:PR: 2/17/72

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: L. B. Day

Date: 2/24/72

From: H. M. Patterson

Subject: International Paper Co.

Attached is a suggested additional motion prepared as a result of our discussion.

The "discussion portion" is only to give "ideas" for the Commission to ad-lib a lead-in to the motion.

INTERNATIONAL PAPER

Possible discussion by Commissioner or Director after presentation of Director's Report:

Since start-up of American Can, and the adoption of the Kraft Pulp Mill Regulation, this is the first proposal the Commission has received from the kraft industry which proposes to meet 1975 limitations and highest and best practical control of TRS emissions by the continued use of a conventional recovery furnace, in addition to a new proposed low-odor recovery furnace. I am aware that the company has, as reported by the staff, been able to demonstrate by use of improved black liquor oxidation, that the TRS emissions from the conventional furnaces are among the lowest in the State. I am also aware that the company anticipates a maximum TRS emission from the stack of 5 ppm.

I have also been advised that the staff estimates that there is an economic advantage of an estimated 1.8 million dollars in approving this proposal as opposed to installing a new low-odor recovery furnace for the full 640 ton/day capacity. Further, that should it be necessary to install a new furnace at a later date to replace the existing conventional furnace, that there would be a significant economic impact (estimated 4.4 million dollars for a 220 ton/day recovery furnace).

In accepting this proposal by International Paper, it should be clear to International Paper that the Commission expects the company to meet and exceed the proposal to minimize TRS emissions to the atmosphere and failing to meet the proposed and approved TRS emission

limits would mean the installation of an additional new low-odor recovery furnace system.

MOTION:

I would therefore recommend that an additional condition to the Director's recommendation be as follows:

The Director's recommendation pertaining to air quality be approved subject to the addition of item 7 which would read:

"7. Should International Paper Co. fail to meet the TRS limitation of a maximum daily average of 5 ppm or less, as outlined in item 6, the company shall proceed immediately with the installation of a new low-odor recovery furnace system to replace the then existing conventional recovery unit."

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. J, February 25, 1972 EQC Meeting

Proposed Nitrogen Standards

At this public hearing the Commission will consider the adoption of the following proposed amendment to Rule 41-025 of Subdivision 1, Division 4, Chapter 340, Oregon Administrative Rules: 41-025 General Water Quality Standards * * * * 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: * * * * *.

(12) The dissolved nitrogen concentration (DN) relative to the water surface (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.

Purpose

The purpose of this proposed amendment is to establish a maximum limit for dissolved nitrogen in the public waters, including both interstate and intrastate waters, of the state of Oregon.

TELEPHONE: (503) 229-5696

Justification

Observations during the last five or six years have shown that:

1. The Columbia and Snake Rivers downstream from hydroelectric dams are significantly super-saturated with dissolved atmospheric gases during periods of high spillway discharge. Studies by Ebel in 1966 and 1967 on the Columbia between Grand Coulee Dam and the Astoria estuary showed that dissolved nitrogen levels varied with flow of water over spillways of dams. The dissolved nitrogen levels were normal (near 100% saturation) in the fall and winter when no water was spilled and high (above 135% saturation) in the spring and summer when large volumes of water were spilled.

   During spill tests in March, 1966, at Bonneville Dam, levels of dissolved nitrogen reached 125% saturation, whereas the levels in the forebay and below turbines remained at 100% (EPA report).

   Studies in 1968 tended to confirm the findings in 1966-67, that during periods of spill the nitrogen levels increased. Surveillance results of the Columbia and lower Snake Rivers by the National Marine Fisheries Service in 1970 and 1971, confirmed those of previous years, that during periods of spill, DN levels remained high, extending from below Grand Coulee to the Astoria estuary (EPA report).

2. Nitrogen supersaturation levels above 105 percent produce symptoms of gas bubble disease in fish, and levels above 120 percent are lethal.

The reported levels of supersaturated dissolved nitrogen considered to be either detrimental or lethal to salmonid fishes are as follows:

a. Wood, 1968

(1) 103 - 104% - to fry and fingerlings

(2) 105 - 113% - to larger fingerlings

(3) 118% - to adults

b. Harvey and Cooper, 1962

106 - 120% - injury and mortalities to sockeye alevins and fry

c. Shirahata (1966)

< 110% - to Rainbow fry

d. EPA report, 1971

(1) 110% - 120% is considered unsatisfactory by some researchers.

(2) Levels greater than 120% have been agreed upon by researchers to be lethal.

3. The spilling of large amounts of water at many main Columbia and Snake River dams causes high supersaturation of dissolved nitrogen in the waters which results in extremely heavy mortality to young and adult salmon, steelhead and other species.

a. Observations of adult salmon having gas-bubble disease occurred at John Day Dam in 1968 during the first year of operation of the fish facilities when no turbine generating units were operational and all discharge was over the spillway. Three separate upstream migration delays were recorded in 1968, two at John Day and one at The Dalles Dam. The highest count

of dead salmon observed after a delay at John Day Dam involved 13 sockeye and 365 chinook on July 29. The Oregon Fish Commission estimated the loss between Bonneville and McNary Dams at over 20,000 summer chinook salmon. High nitrogen concentrations were implicated in this loss. The EPA report indicated that the gas-bubble disease may have been responsible for a 57% below average number of spring chinook reaching the Snake River spawning grounds in 1968 in spite of a record high number of adults passing from the Columbia into the Snake River. (EPA report)

b. Population estimates of juvenile chinook in the Salmon River at Whitebird, Idaho, and those arriving at Ice Harbor Dam indicated that about 70% of the migrating chinook were lost between these two points in 1970. (Ebel, 1971)

c. An estimate for downstream migrant juvenile steelhead from Dworshak Hatchery indicated a 15% loss to Ice Harbor Dam and about a 90% loss to McNary Dam in 1971. (Ebel, 1971)

d. A comprehensive study in 1970 indicated that 45% of the adult spring chinook in the Snake River were lost before they spawned and that the loss was caused by the delayed effects from exposure to supersaturation of nitrogen gas. (Ebel, 1971 quoting Mallet et al, 1971)

4. Such losses in the Columbia River system threaten the very survival of certain upriver runs of fish which have been using these waters for centuries.

"There is considerable pessimism over the current nitrogen problem and its effects on migrating salmon into the Upper Columbia and Snake Rivers. If the studies of the NMFS on the Snake River accurately portray the fate of wild migrants from that area and current efforts to alleviate the problem are only partially successful, the Snake and upper Columbia runs could be greatly reduced within a three-year period. The runs of fall chinook salmon above Priest Rapids Dam are already in jeopardy because of the failure of artificial propagation facilities (spawning channels) in that reach of the river (Meekin, 1971). Dams and reservoirs have converted the Columbia River from a flowing stream into a series of lakes (with exception of the Hanford reach) which retard the out-migration of juvenile salmonids to the ocean and thereby subject them to increased stresses including temperature, diseases, predation, and high nitrogen levels. The fate of juvenile migrants from the sizeable fall chinook population spawning in the Hanford Reservation below Priest Rapids is unknown." (EPA report, 1971)

5. Nitrogen supersaturation can occur in other streams where water is spilled at dams or in some cases at natural falls.

    a. The Oregon Fish Commission reported high levels of nitrogen as being responsible for a fish kill at the Dexter rearing station during a period of high spill at an upstream dam. (EPA report, 1971)

    b. The Oregon Fish Commission measured nitrogen supersaturation levels of 103% above the Willamette River falls and 115% below the falls on February 3, 1971. An analysis of the nitrogen content below the falls was 111% on June 4, 1971.

6. Steps can and must be taken immediately to reduce significantly the catastrophic losses and to preserve the valuable fishery resources of the Columbia River system.

a. It is now imperative that sufficient attention be focused on the nitrogen problem and its present and potential threat to the fishery and future economy of Oregon so that without further delay adequate funds will be appropriated by Congress to finance the conduct of research and the correction or modification of certain features at existing dams all of which are urgently needed for the satisfactory solution of this problem.

b. Research must be conducted to:

   (1) Define the effects of lower levels of nitrogen supersaturation on fish, with emphasis on eggs, yolk-sac fry and food organisms. Limited information indicates that certain early life stages of salmonid fishes experience stress at nitrogen supersaturation levels starting at 103 percent.

   (2) Continue development of spillway and other modifications at existing dams to reduce nitrogen supersaturation.

   (3) Develop improved techniques for getting juvenile salmonids down and adults up the Columbia and Snake Rivers with minimum mortalities during the time it takes to meet the nitrogen standards.

c. It is essential that adequate funds be provided by Congress to finance not only this needed research but also the modifications to the existing physical structures, such modifications to be consistent with the results of research and development projects.

(1) The concentrations of atmospheric gases in the river water are not increased by the passage through turbines. Turbine generator units should therefore be installed in all existing skeleton bays as rapidly as possible so that maximum flows can be passed through the turbines and the discharge over the spillways can be kept to a minimum.

(2) Studies already made have shown that diverting river flow through skeleton bays fitted with slotted bulkheads rather than discharge it over spillways helps considerably to reduce nitrogen super-saturation. Therefore, in those cases where turbine generators cannot be quickly installed, the skeleton bays should be fitted with slotted bulkheads and be used to pass as much of the flow as possible.

(3) "Flip lips" or deflectors can be constructed on the face of spillways to absorb most of the energy of spilling waters so that the waters do not plunge to the depths of the stilling basin and do not entrain large volumes of atmospheric gases. Two of these deflectors, one at Bonneville Dam and the other at Lower Monumental Dam, are currently undergoing testing to evaluate their effectiveness in reducing the entrainment of atmospheric gases in the tailrace waters below spillways.

(4) To reduce juvenile salmonid fish losses through powerhouse turbines, traveling screen deflectors should be installed at all Columbia River dams.

7. An estimate of the necessary expenditures required to reduce the nitrogen problem and to help protect the Columbia River fishery resources is as follows:

a. Funding already committed.

(1) Installation of 8 additional turbine generators at The Dalles Dam.	$53 million
(2) Installation of 9 slotted bulkheads in three lower Snake River Dams (Ice Harbor, Lower Monumental and Little Goose).	12.2 million
(3) Design and installation of test prototype deflectors (flip-lips).	0.4 million
(4) Corps of Engineers support in FY 1972 for data processing and collection, engineering, and biological research and development study needs.	0.907 million
Total	$66.507 million

b. Additional funding required to reduce the nitrogen supersaturation problem at existing dams operated by the Federal Government.

(1) Install 4 slotted bulkheads at John Day Dam.	$6 - 8 million
(2) Construction of "flip lips" on spillway bays. (Will require between 4-5 years to complete. Estimated cost per spillway bay is $300,000.)	

		No. of Spillway Bays	Estimated Cost Million Dollars
(a)	Lower Snake River Dams		
	Ice Harbor	10	$ 3.0
	Lower Monumental	8	2.4
	Little Goose	8	2.4
	Lower Granite	8	2.4
(b)	Upper Columbia Dam		
	Chief Joseph	19	5.7
	Grand Coulee	11	3.3
(c)	Lower Columbia Dams		
	Bonneville	18	5.4
	The Dalles	23	6.9
	John Day	20	6.0
	McNary	22	6.6
			$44.1 million
(3)	Install traveling screens		35 million
(4)	Estimated fishery research		6 million
		Total Corrective Cost	$93.1 million

c. There is no estimate for the necessary funding required to correct the nitrogen supersaturation problem at the 5 Public Utility Dams in the upper Columbia River (Wells, Rocky Reach, Rock Island, Wanapum, and Priest Rapids).

Summary and Conclusions

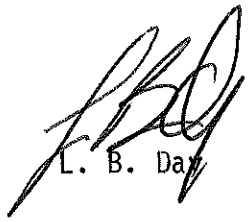
The fishery resources of the Columbia River system are being seriously threatened by supersaturation of atmospheric gases in the river water. This supersaturation of gases, including nitrogen, is caused by the discharge of large amounts of water over the spillways at hydroelectric dams during periods of high stream flow.

Steps can and must be taken without delay to solve this problem in order to protect the region's valuable fishery resources.

Director's Recommendations

It is recommended that the 110% nitrogen supersaturation standard as proposed be adopted until January 1, 1973, and that this standard be reduced to 105% of saturation after that date, unless the Commission shall by rule extend the 110% saturation limit based on forthcoming research which conclusively demonstrates that a level between 105% - 110% of saturation will not impair the physiological functions of the fishery resources.

It is recommended further that the Commission support requests to the President and Congress of the United States for authorization and appropriation of adequate funds to finance the necessary research and development and modification to existing structures, and also requests to owners and operators of the public and private dams and the power supply distribution agency to effect full coordination of operations for maximum reduction of the nitrogen problem.



L. B. Day

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

February 16, 1972

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. K, February 25, 1972 EQC Meeting

Tax Credit Applications

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

Name	Appl. No.	Claimed Facility	Claimed Cost	Recommendation
Monarch Shingle Co.	T-248	Modification of Hog	$18,513.38	Issue
Brooks Willamette	T-261	Multiclone	$14,090.44	Issue
Brooks Willamette	T-263	2 Baghouses	$60,830.53	Issue
Pacific Carbide & Alloys	T-266	Settling Pond	$21,825.48	Issue
*Fred Messerle & Sons, Inc.	T-294	Manure System	$17,221.70	Revoke Cert. 126 and reissue
*Fred Messerle & Sons, Inc.	T-295	Manure System	$12,575.74	Revoke Cert. 136 and reissue

* These facilities were previously certified. Since ownership was transferred to a corporation, the original certificates must be revoked. The corporation has applied for certification to obtain the remainder of the allowable credit.

L. B. Day

HLS:mjb
Attachments

TELEPHONE: (503) 229-5696

Appl T-248

Date 1-21-72

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Monarch Shingle Company
12411 Portland Road
North Portland, Oregon

The applicant produces cedar shingles and shakes from logs.

This application was received on September 23, 1971.

2. Description of Claimed Facility

Modification of hog installation previously certified in Certificate No. 108 (Appl. T-143) to include replacement of hog and motor with larger units together with related metal and electrical work.

The facility was completed January 13, 1971. Construction was started September 13, 1969.

Certification is claimed under the 1967 Act. The percentage claimed for pollution control is 100%.

Net claimed cost: $18,513.38 (Accountant's certification was provided.)

3. Evaluation

The wood residue from this shake and shingle manufacturing firm was burned in a wigwam waste burner until the burner was destroyed in a storm in 1968. The Columbia-Willamette Air Pollution Authority did not permit the burner to be rebuilt. The company sought an alternate means of disposal and accomplished this by a conveyor and storage system so the residues could be hauled away. For this, tax relief was granted by a Pollution Control Facility Certificate for $22,525.69. This was Application No. T-88 granted August 29, 1969. In June 1970 the company filed Application T-143 described as a hog and selected conveyors. This was granted July 24, 1970 for $31,854.58. The company has now filed Application T-248 described as a replacement hog machine, motor and related work to replace an inadequate hog. This installation is reported to cost $30,206.00. The net claimed cost of $18,513.30 was obtained by subtracting the full purchase cost of the original hog ($9,890.00) and motor ($1,802.62) from the actual facility cost.

The facility is only eligible for certification under the 1969 Act since construction started after April 30, 1969.

The hogged waste wood is presently being stockpiled on company property since no market for disposal is presently available. The company expects to be able to dispose of accumulated residues this summer. They do not expect to recover costs in any utilization program, however. If other alternatives fail, residues will be hauled to a landfill for disposal.

It is concluded that the facility operates to process wood residue for disposal by methods other than burning and that the cost allocable to pollution control should be 80% or more.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $18,513.38 with 80% or more of the cost allocated to pollution control be issued for the facility claimed in Tax Application T-248.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Brooks Willamette Corporation
Bend Division
P. O. Box 1245
Bend, Oregon

The applicant manufactures particleboard at the plant on South Hill Street, Bend.

The application was received December 15, 1971.

2. Description of Facility

The facility claimed in this application is described to be a multiclone collector complete with bin and motorized rotary discharge valve.

The facility was completed August 12, 1971. Construction was started August 2, 1971.

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

Facility cost $14,090.44 (Accountant's certification was provided).

3. Evaluation of Application

The claimed facility collects fly ash that previously escaped to the atmosphere.

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. Directors Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $14,090.44, with 80% or more of the cost allocated to pollution control, be issued for the facility claimed in Tax Application T-261.

Appl. T-263
Date 1/21/72

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Brooks Willamette Corporation
Bend Division
P. O. Box 1245
Bend, Oregon

The applicant manufactures particleboard at South Hill Street, Bend.

This application was received December 30, 1971.

2. Description of Claimed Facility

The facility claimed in this application is described to be two (2) Flex-Kleen Dust Collectors on the primary sanderdust systems.

The facility was completed November 1, 1971. Construction was started September 20, 1971.

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

Facility Cost: $60,830.53 (Accountants certification was provided).

3. Evaluation of Application

The claimed facility collects dust particles previously escaping into the atmosphere.

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

4. Directors Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $60,830.53 with 80% or more of the cost allocated to pollution control, be issued for the facility claimed in Tax Application T-263.

Appl T-266

Date 2-10-72

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Pacific Carbide & Alloys Company
Post Office Box 17008
Portland, Oregon 97217

The applicant owns and operates a lime and calcium carbide manufacturing plant located at 9901 N. Hurst Avenue in Portland, Oregon, Multnomah County.

2. Description of Claimed Facility

Settling pond (approx. 1 acre in size) together with concrete overflow weir box, concrete recycle weir box, 2 recycle pumps and associated electrical service, water supply line and recycle water line.

The facility was placed in operation on July 1, 1971 and fully completed November 10, 1971.

Certification is claimed under the 1969 Act with full cost allocated to pollution control.

Cost of claimed facility: $21,825.48. (An accountant's certification of this figure was provided.)

3. Evaluation

The pond functions to treat waste water from an air pollution scrubber which was previously certified.

The Department required installation of the facility and approved the plans prior to construction.

Storm water from contaminated plant areas is discharged to the pond for treatment.

Essentially all of the scrubber water is recirculated during dry weather periods.

The facility appears well operated and has been meeting department expectations.

4. Director's Recommendation

It is recommeded that a Pollution Control Facility Certificate be issued to Pacific Carbide and Alloys Company for the facility claimed in Application T-266, such certificate to show a total cost of $21,825.48 with 80% or more allocated to pollution control.

Appl T-294, T-295

Date 2-10-72

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Fred Messerle & Sons, Inc.
Route 3, Box 34
Coos Bay, Oregon 97420

The applicant owns and operates dairy farms designated as Coquille Farm No. 4 and Sumner Farm No. 2.

2. Description of Claimed Facilities

Liquid manure disposal systems as follows:

a) Coquille Farm No. 4; previously certified under Certificate No. 126 issued on Application T-161 on October 30, 1970. Cost - $17,221.70 (new appl. T-294).

b) Sumner Farm No. 2; previously certified under Certificate No. 136 issued on Application T-180 on March 3, 1971. Cost - $12,575.74 (new appl. T-295).

3. Evaluation

The claimed facilities were originally certified in the name of Fred Messerle & Sons (a partnership). Mr. Messerle advised us that the assets of the partnership were transferred to the corporation as of January 1, 1972 and the partnership was in effect dissolved. It is therefore necessary to revoke the existing certificates as of January 1, 1972.

The corporation has applied for recertification of the facilities to obtain the remaining allowable credit.

4. Director's Recommendation

It is recommended that:

a) Certificate No. 126 be revoked effective January 1, 1972, and that a new certificate be issued for the same facility to Fred Messerle & Sons, Incorporated, based on Application T-294.

b) Certificate No. 136 be revoked effective January 1, 1972, and that a new certificate be issued for the same facility to Fred Messerle & Sons, Incorporated, based on Application T-295.

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

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. L, February 25, 1972, EQC Meeting

Jeld-Wen (Metler Bros.) Hearings Officer's Report

Background:

Pursuant to notice, a Public Hearing was held on January 19, 1972.

Metler Bros. was purchased by Jeld-Wen on or about December 31, 1970. The Department had contacted representatives of the Metler Bros. and Jeld-Wen regarding the performance of the wigwam waste burner and advised the parties that the emissions from the wigwam waste burner violated Department rules.

The company is constructing a new plant and desired to operate the present facility until the new construction is completed, which is expected sometime after September, 1972. No wigwam waste burner would be constructed at the new location.

A market does exist for the wood residues. The company estimated the cost at approximately $13,500 for facilities to ship

TELEPHONE: (503) 229-5696

residues, whereas the Department estimated this to be on the order of $3000.

Hearings Officer's Summary

The conclusion of law is that the company has violated OAR Chapter 340, Section 21-015 and will continue to violate these rules unless it either modifies the burner or terminates its use.

It is the opinion of the Hearings Officer that alternatives are available to the company.

The Order requires the company to cease the use of its wigwam waste burner in Klamath Falls by not later than March 1, 1972.

L. B. Day

TMP 2/17/72

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY

OF THE STATE OF OREGON

In the Matter of JELD-WEN (METLER BROS.), a corporation Operating a Wigwam Waste Burner	) HEARINGS OFFICER'S REPORT INCLUDING) PROPOSED FINDINGS OF FACT, CONCLUSIONS) OF LAW AND ORDER

TO: Members of the Environmental Quality Commission

Pursuant to notice an administrative hearing was held on January 19, 1972, in Portland, Oregon, in the hearing room of the Department of Environmental Quality. Jeld-Wen was represented by H. F. Smith, attorney at law, Klamath Falls, Oregon, and the Department by Arnold B. Silver, Assistant Attorney General. At the conclusion of the hearing, I requested the Department and the corporation to submit for my consideration statements regarding various alternatives and their costs to the operation of corporation's wigwam waste burner. The statements have been received and made part of the record. From the testimony presented and the evidence offered into evidence at the hearing, together with the requested statements, I have entered the following Findings of Fact:

FINDINGS OF FACT

1. On or about December 31, 1970, Jeld-Wen, a corporation, purchased the Metler Bros. partnership. The partnership was subsequently organized into a corporation as Metler Bros. owned by Jeld-Wen. Jeld-Wen also obtained the liabilities and assets of Metler Bros. and is presently the owner and operator of a wigwam waste burner in Klamath County, Oregon.

2. The staff of the Department of Environmental Quality has contacted representatives of the old Metler Bros. firm and Jeld-Wen regarding the performance of the burner and advised that its emissions violated Department rules.

3. Witnesses testified their observations showed the emissions from the burner were as follows:

Date	Observation
March 4, 1971	No. 2 1/2 50% opacity
July 20, 1971	No. 4 80% opacity
Sept. 22, 1971	No. 4 80% opacity
Nov. 11, 1971	No. 5 100% opacity
Jan. 21, 1972	No. 4 80% opacity

4. The company is constructing a new plant which will render the use of its present wigwam waste burner unnecessary. An optimistic date for final construction of the new plant is September 1, 1972. The company did point out final construction might be later than this date.

5. In essence, the company is requesting a variance under ORS 449.810 to allow it to operate its burner in violation of Department rules until the new plant is constructed.

6. The company has a market with Weyerhaeuser Company for the sale of its production wood waste. This market still exists and the sale of the waste to Weyerhaeuser would not only be profitable to the company but would remove any reasons for operating the burner.

7. The company estimates the cost of a new 18 unit capacity trailer at $12,000 with necessary modifications for loading the trailer between $1,500 to $5,000. A total of approximately $13,500 is the lowest figure.

However, the Department staff has determined a used 11 unit capacity trailer may be purchased for approximately $2,300 with necessary modifications for loading said trailer accomplished for approximately $500. The total estimated cost of approximately $3,000 including labor makes the Department's figures well below $13,500.

8. A trailer would not only move the waste to Weyerhaeuser Company, but it would also serve as a storage bin pending shipment. The sale of the wastes to Weyerhaeuser Company would pay

for the trailer, possibly make a profit and also be available for tax purposes. To elaborate, investigation has indicated the availability and technical feasibility for the company to purchase or lease an 11 unit trailer for use as both a storage bin and as a shipping container for the waste wood residues after a normal eight hour shift.

Implementation of this program would require the cutting of a slot or opening in the base of the present flighted chain system conveying the residues to the wigwam waste burner. Suitable windbreak protection should be attached to the slot so as to prevent local particle fallout problems. By proceeding in this manner, the residues will be gravity fed into the trailer located under this opening at an estimated cost of less than $3,000. Income derived from the sale of residues and/or the resale of the trailer after the closure of this facility should off-set any investment and not result in any detrimental financial impact upon the company.

Based upon the foregoing Findings of Fact, I have entered the following Conclusions of Law:

CONCLUSIONS OF LAW

1. The company has violated OAR, Chapter 340, section 21-015.

2. The company will continue to violate these rules unless it either modifies its burner to achieve compliance with said rules or terminates the use of its burner.

OPINION

From an expenditure standpoint, the company will search for reasons why it should not terminate the use of its burner, while from the Department's viewpoint reasons will be sought why the use can be terminated. The difference in the two views is based solely upon different goals. One is to use the burner

as long as possible, the other to terminate the burner as soon as possible.

The evidence clearly shows a market exists for the sale of the company's wood wastes. The evidence also shows it is unnecessary to expend large amounts of money in order to terminate the burner's use. For example, the company based its costs upon a new 18 unit trailer. The Department based its costs, however, upon the basis of a used 11 unit trailer. The difference in costs is considerable. What is more important is the sale of the waste would more than pay for the trailer. Additionally, a trailer itself would qualify for tax benefits to the company. As a result, I cannot condone the use of a burner violating Department rules for almost another year with the present alternatives available.

Based upon the foregoing, the following order is entered:

ORDER

The company shall cease the use of its wigwam waste burner in Klamath County by March 1, 1972 and said burner shall not thereafter be operated.

Dated this 14 day of February, 1972.

L. B. Day, Hearings Officer