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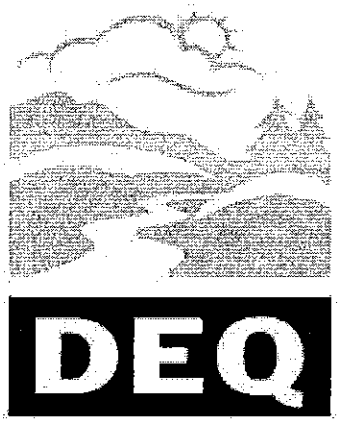
5/29/1973

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

AGENDA

Environmental Quality Commission Meeting

May 29, 1973

Public Service Bldg., Second Floor Auditorium

920 S.W. 6th Avenue, Portland

9:00 a.m.

A. Minutes of April 30, 1973 EQC Meeting

B. Project Plans for April 1973

C. Boise Cascade Corp., Salem (Continuation of April 30 hearing re: issuance of Air Contaminant Discharge Permit)

D. Petition requesting EQC establish Lead Standards for urban freeways

10:00 a.m.

E. PUBLIC HEARING to consider adoption of Portland Transportation Control Strategy as amendments to Oregon's Clean Air Implementation Plan

F. Water Quality Standards (Continuation of April 30 hearing re: proposed amendments to OAR Chapter 340, Div. 4, Sub-div. 1)

2:00 p.m.

G. PUBLIC HEARING pursuant to ORS 449.905 to consider continued capability of CWAPA to conduct uniform AQC Program

H. National Pollution Discharge Elimination System (NPDES) (Promulgation of emergency rules to meet EPA requirements for state authorization)

I. Chem-Nuclear Systems, Inc. (Status report on application to establish environmentally hazardous waste disposal site in Gilliam County near Arlington)

J. Parking Facilities (Approval for construction)

a) Washington Square Shopping Center, Progress
b) Pacific Northwest Bell Office Bldg., Portland

K. CWAPA Variances (Confirmation by EQC)

a) Bonneville Power Administration (Slash burning along Trojan-Allston Transmission Line right-of-way)
b) Simpson Timber Co., Portland (9 months variance from CWAPA particulate standard)

L. Tax Credits

3:30 p.m.

M. Whiteson Sanitary Landfill, Yamhill County (Application for permit to establish a sanitary landfill)

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Environmental Quality Commission Meeting

PLEASE SIGN 29 May 1973

Name	Address	Organization
Phil Stuntz	P.O. Box 2089 Salem Ore 97308	Boise Cascade
C.J. Tabletman	"	" "
Ted Fies	Portland	OGC
[illegible]	1234 S.W. Morrison	EPA/Oregon
Bill Adl	401 YEON Bldg	Weyerhaeuser
Everett Peckman	2301 N Columbia Blvd.	Simpson Timber Co
[illegible]	222 SW Morrison Portland	Federal Highway Admin
W.V. Nichols	Sundial Road Tarantale	Reynolds Metals
Jack D. Mossa	1505 Std Plaza Portland	Chem Nuclear Systems
Anita J. Frankel	1200 6th ave Seattle, Wa 98101	EPA
Harold McKenzie	2035 SW 58 Portland 97221	H.W McKENZIE & Assoc.
Jan McConnachie	505 Madison St Seattle	Washington Square Inn
RE Hatchard	1010 NE Couch	CWAPA
Nancy Pierson	Coalition for Clean air 4334 S.W. Washouga	Coalition
Mary Pedersen	3333 NW Johnson	NWDA 817 NW 23RD AVE.
Maynard D. Jensen	Jackson Tower	Attorney for Employees - Local 88
J. Armstrong	Salem Oregon	Chemeketa Region
[illegible]	" "	" "

PLEASE SIGN

Name	Address	Organization
ROGER EMMONS	4645 18TH PL. S. SALEM	O.S.S.I.
MRS. BOESIGER SR	R.R. #1 Box 168	C.T.S.S.Y.R.
Gary Messer R.S.	208 W. 24TH, McMinnville	Yamhill Co. Sanitarian
Mr. Vernal Forest	R1 Box 171	McMinnville
Mrs Pauline Forest	R1 Box 171	McMinnville
Viola M. Crawford	Rt 1 - Box 210 McMinnville	C.T.S.S.Y.R.
Richard Reara	Rt 1 Box 208 McMinnville	McMinnville
John W Crawford	Rt 1 Box 210 McMinnville	CTSSYR
Jeri Boese	Rt 1 Box 168 Mac	" "
Chris Boese	Rt 1 Box 168 Mac	" "
Eloise Butler	Rt 1 Box 211 Mac	" "
Mrs. Katherine Jenck	Rt. 1, Box 170 Mac	"

MINUTES OF THE FORTY-SIXTH MEETING
of the
Oregon Environmental Quality Commission
May 29, 1973

The forty-sixth meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 9:00 a.m. on Tuesday, May 29, 1973 in the Second Floor Auditorium, Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. Commission members present included B.A. McPhillips, Chairman, Paul E. Bragdon, Dr. Morris K. Crothers and Dr. Grace S. Phinney. Arnold M. Cogan was unable to attend because of other commitments.

Participating staff members were Diarmuid F. O'Scannlain, Director; E.J. Weathersbee and K.H. Spies, Deputy Directors; Harold M. Patterson, Harold L. Sawyer and E.A. Schmidt, Division Administrators; Harold H. Burkitt and M.J. Downs, Air Quality Control Engineers; C. Kent Ashbaker, Water Quality Control Engineer; P.H. Wicks, Environmentally Hazardous Wastes Engineer; L.D. Brannock, Meteorologist; and Ray P. Underwood and Rob Haskins, Legal Counsel.

MINUTES OF APRIL 30, 1973 COMMISSION MEETING

It was MOVED by Dr. Crothers, seconded by Mr. Bragdon and carried that the minutes of the forty-fifth meeting of the Commission held in Salem on Monday April 30, 1973 be approved as prepared and distributed.

PROJECT PLANS FOR APRIL 1973

It was MOVED by Dr. Phinney, seconded by Dr. Crothers and carried that the actions taken by the Department during the month of April 1973 as reported by Mr. Weathersbee regarding the following 61 domestic sewerage, 15 industrial waste, 15 air quality control, and 5 solid waste management projects be approved:

Water Quality Control

Date	Location	Project	Action
Municipal Projects (61)			
4-3-73	Eastside	E. Jane Kegel sewer ext.	Prov. app.
4-3-73	USA (Fanno)	Weitzel Court Subd. sewer	Prov. app.
4-3-73	Baker	N.E. sanitary sewer	Prov. app.
4-3-73	Hillsboro (Rock Cr.)	Sequoia Park Subd. sewers	Prov. app.
4-3-73	Salem (Willow Lake)	Kashmir Subd. sewers	Prov. app.
4-3-73	Sandy	Marcy Acres Subd. sewers	Prov. app.
4-3-73	Salem (Willow Lake)	JoAnne Estates Subd. sewers	Prov. app.
4-3-73	Gresham	June Heights Subd. sewers	Prov. app.

Municipal Projects (61) continued

Date	Location	Project	Action
4-3-73	Yamhill	Hauswirths Second Addn. sewers	Prov. app.
4-3-73	Gresham	Linneman Hills Subd. sewers	Prov. app.
4-3-73	Pendleton	Grecian Heights, Phase 3 sewers	Prov. app.
4-5-73	Salem (Willow Lake)	Santana #4 Subd. sewers	Prov. app.
4-5-73	Springfield	Stalick's International project sewers	Prov. app.
4-5-73	John Day	Charolais Heights Subd. sewer	Prov. app.
4-6-73	Gresham	Lookingglass Subd. sewers	Prov. app.
4-6-73	Keizer Sewer Dist.	Lawndale Subd., Phase 2, sewers	Prov. app.
4-6-73	Coos Bay	Coos Bay No. 1 sewage treatment plant and No. 2 pump sta. Expand and upgrade of 2.66 MGD activated sludge	Prov. app.
4-9-73	Multnomah County	Inverness sewer project 5C-2	Prov. app.
4-9-73	Lake Oswego	Maple St. sewer, LID 149	Prov. app.
4-13-73	Winchester Bay SD	Sewage collection, pumping and 0.160 MGD activated sludge sewage treatment plant	Prov. app.
4-16-73	Waldport	Change Order #3 to sewage treatment plant contract	Approved
4-17-73	Echo	Sewage collection system & 6.9 acre sewage lagoon with disinfection & summer storage	Prov. app.
4-17-73	USA (King City)	Summerfield Subd. sewers, Phase 1	Prov. app.
4-17-73	USA (King City)	Los Paseos Mobile Homes sewers	Prov. app.
4-18-73	USA (Forest Grove)	19th Pl. & University Pk. san. sewers	Prov. app.
4-19-73	Pendleton	Bonbright interchange sewer	Prov. app.
4-23-73	Clackamas County Service Dist. I	Change Order No. 1 to sewage treatment plant contract	Approved
4-25-73	Deschutes County	Black Butte sewers: Rock Ridge Cabin sites; South Meadow Addn.; Rock Ridge Addn. & Rock Ridge 1st Addn. Phase 2 revised plans	Prov. app.
4-25-73	Tillamook County	North Tillamook County San. Auth. sewage collection & treatment--27-acre sewage lagoon designed for 0.703 MGD	Prov. app.
4-25-73	Salem (Willow Lake)	Vick Ave., Doakes Ferry Rd. sewer	Prov. app.
4-27-73	USA (Metzger)	S.W. 79th sewer extension	Prov. app.
4-27-73	Albany	6 Change Orders--S.E. interceptor	Approved
4-27-73	Talent	Gagnes Subd. sewers	Prov. app.

Municipal Projects (61) continued

Date	Location	Project	Action
4-27-73	Salem (Willow Lake)	April Addn. Subd. sewers	Prov. app.
4-27-73	Tualatin	Change Order #1, sewage treatment plant expansion	Approved
4-27-73	Clackamas County Service Dist. I	Change Orders #3, Phase 1 and 1, Phase 3 to interceptor project	Approved
4-27-73	West Linn (Bolton)	River Park Subd. sewers	Prov. app.
4-27-73	Portland	S.W. Oak St. relieving sewer	Prov. app.
4-27-73	Umatilla	Change Order #2, sewage treatment plant contract	Approved
4-27-73	Sunriver	Forest Park III and Mt. Village East II sewers	Prov. app.
4-30-73	Central Point	Sierra Vista Subd. #2 sewers	Prov. app.
4-30-73	Salem (Willow Lake)	Laurel Springs Subd., Parkdale #9 Subd. sewers	Prov. app.
4-30-73	Wilsonville	Charbonneau, Units I through IV sewers	Prov. app.
4-30-73	Oak Lodge San. Dist.	Echo Forest Subd. sewers	Prov. app.
4-30-73	Springfield	Rawson Park, Naylor 3rd Addn. & Beverly Park Subd. sewers	Prov. app.
4-30-73	Gresham	Quemado Hills Subd. sewers	Prov. app.

Industrial Projects (15)

Date	Location	Project	Action
4-2-73	Lincoln	Berend Faber Farm, animal waste facilities	Prov. app.
4-3-73	Portland	Union Oil Company of California, oily water treatment facilities	Prov. app.
4-3-73	Silverton	Snyder Pork Farm, animal waste facilities	Prov. app.
4-4-73	Tillamook	Tillamook County Creamery Association, waste water treatment facilities	Prov. app.
4-5-73	Scappoose	Glacier Sand & Gravel, gravel wash water recirculation system	Prov. app.
4-9-73	Dayton	Gray and Company, cherry brining and processing plant	Prov. app.
4-11-73	The Dalles	Marvin Markman Farm, animal waste facilities	Prov. app.
4-11-73	Corvallis	OSU, Agricultural Experiment Station, animal disease research isolation facility	Prov. app.
4-11-73	The Dalles	Allen Tom Farm, animal waste facilities	Prov. app.

Industrial Projects (15) continued

Date	Location	Project	Action
4-12-73	Vaughn	International Paper Co., waste water control facilities	Prov. app.
4-13-73	McMinnville	O.C. French Dairy, animal waste facilities	Prov. app.
4-16-73	Powell Butte	Bernard Johnson Farm, animal waste facilities	Prov. app.
4-16-73	Powell Butte	Noral Simmons Farm, animal waste facilities	Prov. app.
4-18-73	Malheur County	Standard Oil Co. of California, drilling mud disposal facilities	Prov. app.
4-25-73	North Portland	Burlington Northern, modification of gravity oil/water separator	Prov. app.

Air Quality Control

Date	Location	Project	Action
4-3-73	Coos	Georgia-Pacific Corporation Coos Bay plant. Revised plans and specifications for emission control system.	Approved
4-4-73	Josephine	Fourply, Inc., Grants Pass, Ore. Installation of wood fired furnace and veneer drier heating and fume incineration system.	Approved
4-6-73		Federal Highway Administration EIS on noise standards and procedures.	Not required
4-5-73	Coos	Alder Manufacturing, Inc., Myrtle Point. Installation of sawmill and planing mill.	Approved
4-9-73	Marion	Boise Cascade, Salem, Oregon Seventh digester.	Approved
4-13-73	Douglas	Roseburg Lumber Co. Green plant. Modification of two (2) veneer driers.	Approved
4-13-73	Coos	Roseburg Lumber Co. Coquille plant. Installation of one (1) new veneer drier and modification of five (5) existing veneer driers.	Approved
4-13-73	Douglas	Roseburg Lumber Co. Riddle plant Installation of one (1) new veneer drier and modification of one (1) existing veneer drier.	Approved
4-13-73	Douglas	Roseburg Lumber Co., Dillard plant. Installation of one (1) new veneer drier and modification of five (5) existing veneer driers.	Approved

Air Quality Control - continued

Date	Location	Project	Action
4-17-73	Douglas	Bohemia, Inc., Bolon Island plant Reedsport. Installation of new planing mill.	Approved
4-18-73		Draft EIS Use of Off-road vehicles	Approved
4-20-73	Jackson	Carolina Pacific Plywood Co., Inc. White City plant. Installation of a new Moore Oregon veneer drier.	Approved
4-23-73	Douglas	Draft EIS Garden Valley Road at I-5, Roseburg	Req. add. noise info.
4-24-73	Jackson	Carolina Pacific Plywood Co., Inc. White City plant. Installation of wood fired veneer drier heating and exhaust gas incineration system.	Approved
4-27-73	Clatsop	Crown Zellerbach - Wauna Secondary strong black liquor oxidation system.	Approved
4-30-73	Multnomah	Lloyd Corporation Parking structure for 428 vehicles	App. upon conditions

Solid Waste Management

Date	Location	Project	Action
4-11-73		EPA Proposed Sanitary Landfill Guidelines	Reviewed
4-12-73	Grant County	Prairie City Sanitary Landfill (New garbage sanitary landfill)	Prov. app.
4-17-73	Clackamas Co.	Hoodview Transfer Station (New garbage transfer station)	Approved
4-18-73	Coos Co.	Elkside Landfill, Bohemia Inc. (Operational Plan for existing wood waste landfill)	Prov. app.
4-25-73	Marion Co.	Brown Island Sanitary Landfill (Revised operational plan for existing landfill)	Not app.
4-26-73	Clackamas Co.	LaVelle Construction Co. Sanitary Landfill. (New sanitary landfill for demolition wastes only)	Prov. app.
4-26-73	Chemeketa Region	Chemeketa Solid Waste Management Plan. (Phase I report)	Reviewed
4-26-73	Wasco Co.	Northern Wasco County Landfill (Proposed operational plan for conversion to sanitary landfill)	Review & comment

BOISE CASCADE CORP., SALEM

The hearing regarding the issuance of a proposed Air Contaminant Discharge Permit for the Boise Cascade Corp. pulp mill at Salem was continued from the April 30, 1973 Commission meeting.

Mr. Burkitt presented the staff report which evaluated the testimony received at the April 30 hearing and, based on that evaluation, contained the Director's recommendation that the Air Contaminant Discharge Permit as proposed and revised at the April 30, 1973 meeting be granted for the Boise Cascade Corporation's pulp and paper mill at Salem with the following additonal changes:

1. Condition 1. b. (Sulfite pulp mill SO_2 emissions after July 1, 1974): Change "5,000 pounds per day as a monthly average" to "5,500 pounds per day as a monthly average."
2. Section C, Condition 6: After the words "pulp and paper production facilities" insert the words "which may affect atmospheric conditions."

Mr. C.J. Fahlstrom, Resident Mill Manager, was present and stated that the company is not objecting at this time to the proposed permit conditions but wants the Department and Commission to be aware of the fact that in connection with meeting the 20% opacity standard in Condition 4b of Section A for particulate emissions from the recovery system a problem remains to be resolved as operating experience occurs and technology is developed. He said that it may later be necessary for the company to contest this requirement if the problem cannot be resolved.

In response to a question from the Commission, Mr. Fahlstrom stated that he cannot at this time visualize any possibility of increase in pulp production that would increase atmospheric emissions.

Mr. Burkitt mentioned the requirements for controlling ammonia emissions which had been added to the proposed permit conditions at the April 30, 1973 hearing.

It was MOVED by Dr. Crothers, seconded by Mr. Bragdon and carried that as recommended by the Director the proposed Air Contaminant Discharge Permit with the aforementioned changes be approved for the Boise Cascade Corporation's Salem pulp and paper mill.

PETITION REQUESTING LEAD STANDARDS FOR URBAN FREEWAYS

Mr. Downs presented the staff report which had been prepared in connection with the petition received on May 2, 1973 from the Committee to End Urban Freeways (ENUF), four environmental groups, and ten citizens requesting that EQC promulgate certain rules and regulations regarding atmospheric lead and urban freeways. The staff report contained background information, a general discussion of the subject and the Director's recommendation in the matter. Attached to the report was information extracted from EPA's Position on Health Effects of Airborne Lead, November 29, 1972.

Mr. Downs also mentioned letters which had been received from State Senator Betty Roberts, Model Cities Agency Acting Director Andrew Raubeson, and Attorney Charles J. Merten. In addition he said a petition signed by some 100 persons had been received asking that a particular proposed service station not be allowed to be built because of the alleged possibility of its contributing to the lead problem.

Dr. Crothers commented that there is no question that lead along freeways can be a hazard. He asked if new cars will be required to use low lead gas. (Note: EPA has not yet reached a final decision on the use of lead in gasoline.) He also asked if DEQ would have enough personnel to make the necessary investigations. Mr. O'Scannlain said that DEQ does not have enough staff to do many of the tasks required of it but seems to get them done anyway. He also pointed out that special studies of the lead problem are currently being made by the Oregon Graduate Center and others. He said that if a public hearing in this matter were authorized it could probably be held in about 3 or 4 months.

It was MOVED by Dr. Crothers, seconded by Mr. Bragdon and carried that as recommended by the Director the Commission authorize a public hearing on the petition submitted by the Committee to End Needless Urban Freeways, et al, at a time and place to be determined by the Director.

PROPOSED AMENDMENTS TO WATER QUALITY STANDARDS

Mr. Sawyer reported that the staff had reviewed and evaluated the testimony received at and subsequent to the April 30, 1973 public hearing held by the Commission regarding Proposed Amendments to Oregon Administrative Rules, Chapter 340, Division 4, Subdivision 1, Water Quality Standards. He said that written communications regarding the proposed amendments had been received from the Department's legal counsel and the Bureau of Sports Fisheries and Wildlife, and

that based on an evaluation of all the testimony the Department does not consider it desirable to make any changes in upper temperature limits at this time or to increase from 105% to 110% the saturation limit for total dissolved gases. (Note: The states of Idaho and Washington have both indicated that they will adopt a total dissolved gases saturation limit of 110% as recommended by EPA.)

Mr. Sawyer suggested that the proposed amendments as considered at the April 30, 1973 meeting be further amended such that subsection 3(a) of rule 41-023 will read as follows: "May define the limits of the mixing zone in terms of distance from the point of the wastewater discharge or the area or volume of the receiving water, or any combination thereof."

It was MOVED by Dr. Phinney, seconded by Dr. Crothers and carried that as recommended by the Director and including the further change suggested by Mr. Sawyer the proposed amendments to Oregon's Water Quality Standards be adopted.

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

TAX CREDIT APPLICATIONS

Mr. Sawyer presented the Department's evaluations and recommendations regarding the 12 tax credit applications covered by the following motion:

It was MOVED by Mr. Bragdon, seconded by Dr. Phinney and carried that as recommended by the Director Pollution Control Facility Tax Credit Certificates be issued to the following applicants for facilities claimed in the respective applications and with 80% or more of the listed costs being allocable to pollution control:

Appl. No.	Applicant	Cost
T-410	Weyerhaeuser Co., Springfield	$ 1,858.00
T-422	Boise Cascade Corp., Elgin	64,075.15
T-427	Oregon Portland Cement, Lake Oswego	9,152.09
T-428	Oregon Fir Supply Co., Idanha	250,459.51
T-437	Western Kraft Corp., Albany	54,651.40
T-438	Western Kraft Corp., Albany	25,411.39
T-439	Western Kraft Corp., Albany	67,158.32
T-440	Menasha Corp., North Bend	3,569.22
T-447	Menasha Corp., North Bend	6,822.75
T-455	Consolidated Pine, Inc., Prineville	65,607.59
T-464	Boise Cascade Corp., St. Helens	492,648.00
T-465	Lakeview Lumber Products Co., Lakeview	36,565.60

PUBLIC HEARING RE PORTLAND TRANSPORTATION CONTROL STRATEGY

Proper notice having been given as required by statute and administrative rules the public hearing for adoption of the Portland Transportation Control Strategy, an amendment to the Oregon Clean Air Act Implementation Plan, was called to order by the Chairman at 10:00 a.m. Tuesday, May 29, 1973, in the Second Floor Auditorium, Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. All Commission members except Arnold M. Cogan were in attendance.

Mr. Downs reviewed the 18-page May 16, 1973 report prepared by the Department staff in this matter. He presented background information, discussed the proposed strategy section by section, and submitted the recommendation of the Director. He said the Citizens Advisory Committee has given its support to the program.

There was no further testimony presented at the hearing; therefore, it was MOVED by Dr. Crothers, seconded by Mr. Bragdon and carried that as recommended by the Director an order be adopted making the Portland Transportation Control Strategy an amendment to the Oregon Clean Air Act Implementation Plan but with item 1, line 2, on page 11 of the staff report being amended by deleting after the word "replace" the comma and the words, "on a one-for-one basis, curb".

A copy of the May 16, 1973 staff report has been made a part of the Department's permanent files in this matter.

The hearing was adjourned by the Chairman at 10:40 a.m.

SIMPSON TIMBER COMPANY VARIANCE GRANTED BY CWAPA

Mr. Brannock presented the Department's evaluation of the variance granted on April 27, 1973 by CWAPA to the Simpson Timber Company for the period May 1, 1973 to January 31, 1974 to allow the company time to install a proposed scrubber for reduction of certain atmospheric emission from its exterior plywood products plant located in north Portland.

Mr. Everett Reichman was present to represent the company.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that as recommended by the Director the CWAPA variance No. 73-3 granted to Simpson Timber Company be approved.

CWAPA VARIANCE NO. 73-2 TO BPA

Mr. Brannock reviewed the staff's analysis and evaluation of Variance No. 73-2 granted on April 27, 1973 by CWAPA to the Bonneville Power Administration for disposal of certain land clearing debris by burning in a portable air curtain combustor under specified conditions.

It was MOVED by Dr. Phinney, seconded by Dr. Crothers and carried that as recommended by the Director the CWAPA variance No. 73-2 granted to BPA be approved.

CHEM-NUCLEAR SYSTEMS (Status Report)

Mr. Wicks presented a 6-page staff report dated May 22, 1973 on the status of Chem-Nuclear Systems' application and plans for operation of an environmentally hazardous wastes disposal site at Arlington, Oregon. This matter had been the subject of a public hearing before the EQC at Arlington on September 5, 1972 and preliminary action had been taken by the Commission on November 30, 1972, to consider the site for disposal of such wastes exclusive of radioactive wastes. In a letter dated May 21, 1973 the company President Bruce W. Johnson had notified DEQ that its analysis of the economic feasibility of such an operation excluding rad wastes had been delayed due to the illness of Dr. Henry C. Schultze of their staff but that they now hoped it could be completed in the very near future.

Mr. John Mosser, Attorney, was present to represent the company. He reported that the pesticide wastes from Rhodia Corporation (Chipman Chemical) are now being disposed of in the state of Washington so the economic feasibility of the Arlington site is not as clear cut as previously thought. He confirmed that Dr. Schultze is expected to be in Oregon the first part of June to make the study. He requested that the Director's recommendation No. 1 contained in the report presented by Mr. Wicks be changed to allow the company to receive one more shipment of rad waste from the U.S. Navy which had been contracted for by the company some time ago but which will very likely not be received before the June 30, 1973 deadline. He assured the Commission that the company will remove all the rad wastes stored at the Arlington site if it later develops that the site cannot be approved for disposal of such wastes.

After further discussion with Mr. Mosser regarding the financial stability of the company, the size of the shipment of rad wastes expected from the U.S. Navy, and the type and sources of other rad wastes received by the company it

was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that (1) the State Health Division be requested to modify Chem-Nuclear's existing license for storage of radioactive wastes at Arlington to preclude shipment of additional wastes into the site after June 30, 1973 except for the one shipment from the U.S. Navy for which the company has already contracted and (2) the matter of Chem-Nuclear's application be brought before the Commission for consideration of denial if the company does not actively pursue its application and does not provide the Department by August 15, 1973 with the results of its economic evaluation of chemical waste disposal only.

The one shipment of rad wastes from the Navy can therefore be received after the June 30, 1973 deadline.

Mr. Bragdon abstained from voting on this matter because Reed College has a contract with Chem-Nuclear for disposal of some of its rad wastes.

WASHINGTON SQUARE SHOPPING CENTER PARKING FACILITIES

Mr. Downs reviewed the 12-page staff report dated May 24, 1973 covering the proposed Washington Square Shopping Center's 5,219-space parking facility at Progress, Oregon. This matter had been referred to the Department by CWAPA in a letter received by DEQ on April 25, 1973. He said that based on an evaluation of the proposal it was concluded by the Department that the project would have a substantial and undesirable effect on air quality, water quality and noise levels, and therefore the recommendations of the Director are as follows:

I. That the Commission issue an order prohibiting construction of the 5,219-space parking facility proposed by Washington Square, Inc. in its application of November 17, 1972.

II. Notwithstanding issuance of such order, that the Commission authorize Washington Square, Inc. to file a revised application, subject to Department review and approval, which provides the following:

1. A detailed mass transit plan and implementation schedule for maximizing mass transit use at Washington Square Shopping Center. The goal of the transit plan would be to minimize degradation of air quality caused by Washington Square to the maximum extent possible and in the shortest time possible. Such a plan should include the following features as a minimum:

a. Transit patronage goals to be achieved by specific dates through 1990 and levels of service related to increasing population density.
b. Neighborhood feeder bus service to and from Washington Square for the surrounding residential areas and specifically Beaverton and Tigard residential areas.
c. A high-speed transit facility linking Washington Square to downtown Portland.
d. Institution of parking fees at Washington Square and reductions in availability of parking as transit patronage improves.

2. Projected ambient noise levels on residential property as described by the L_{10} and L_{50}, with and without the Washington Square Shopping Center.
3. Noise level specifications for proposed mechanical equipment to be used at Washington Square.
4. Measures taken to control noise from the mechanical equipment described in 3.
5. Provisions for preventing trash sediments and oily wastes from being washed into area drainage ways.
6. Provisions to ensure the nondegradation of Fanno Creek water quality by this facility.

Mr. Frank Orrico, President, was present to represent the developer of the project. When asked why they were so late in getting their proposal to DEQ he replied that initially they thought their project had been started before EQC had adopted the regulations pertaining to parking structures and therefore would not be subject to such rules. Later they submitted the proposal to CWAPA and expected that approval by that agency would be sufficient. He said they had the same desire as the Commission to protect the quality of the environment and would do everything possible to comply with the state's requirements. He pointed out that two major department stores are scheduled to open in August, some others in November and the entire center is to be in full operation by 1974 and that any delay in constructing the parking facilities would seriously affect the project.

After further discussion it was MOVED by Dr. Phinney, seconded by Dr. Crothers and carried that the Director's recommendations in this matter be approved and an order issued prohibiting construction of the parking facility until a revised application has been submitted and approved.

(Note: Action in this matter had been deferred until after the noon recess because Mr. Orrico was not present in the forenoon. Mr. Bragdon was not present in the afternoon.)

PACIFIC NORTHWEST BELL OFFICE BUILDING PARKING FACILITIES

The staff report pertaining to the proposed Pacific Northwest Bell office building and 302-space two-level underground parking facility to be constructed in the South Auditorium Urban Renewal Area in Portland was presented by Mr. Downs.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that as recommended by the Director the Pacific Northwest Bell 302-space parking facility be approved for construction according to the plans and specifications submitted by the applicant subject to the following conditions: (1) At least 20 parking spaces be allocated for noncommuter type motor pool vehicles. (2) Plans for the parking garage exhaust be submitted to and approved by CWAPA as required by Title 21 of the Authority's rules.

The meeting was recessed at 11:50 a.m. and reconvened at 1:30 p.m. Mr. Bragdon was unable to be present for the afternoon session.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

Mr. Ashbaker presented the staff report dated May 22, 1973 containing the Director's recommendation that certain emergency regulations be adopted by the EQC so that the Department's submittal to EPA for authorization to process NPDES permits can be completed without further delay. The proposed emergency regulations would add a new Section 14-007 to OAR Chapter 340, Division 1, Subdivision 4 and would completely revise or replace Sections 45-005 through 45-030 of OAR Chapter 340, Division 4, Subdivision 5.

The proposed emergency regulations attached to the staff report were reviewed briefly by Mr. Ashbaker. He submitted the following additional changes:

(1) Revise Subsection (5)(c) of Section 45-015 to read as follows:

> "Comply with applicable federal and state requirements, effluent standards and limitations including but not limited to those contained in or promulgated pursuant to Sections 204, 301, 302, 304,

306, 307, 402 and 403 of the Federal Act, and applicable federal and state water quality standards;"

(2) In the last sentence of Subsection (6) of Section 45-035 after the word "inspection" insert the words "and copying".

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the Commission adopt the proposed emergency regulations with the changes submitted by Mr. Ashbaker, such emergency regulations to become effective upon the signing by the Governor of HB2436.

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

PUBLIC HEARING RE: CWAPA

Proper notice having been given as required by statute and administrative rules the public hearing in the matter of the proposed assumption by the EQC of the administration and enforcement of the air quality control program in the territory of the Columbia-Willamette Regional Air Pollution Authority was called to order by the Chairman at 2:20 p.m. on Tuesday, May 29, 1973, in the Second Floor Auditorium of the Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. The Commission members present included B.A. McPhillips, Chairman; Dr. Morris K. Crothers, and Dr. Grace S. Phinney.

Mr. O'Scannlain explained the problem caused by the refusal of Washington County to pay its share of the region's administration costs, discussed possible alternative solutions, reviewed the actions taken to date, and made specific recommendations. The Director recommended that:

1. The Environmental Quality Commission find in accordance with ORS 449.905 that the air quality control program of CWAPA is inadequate in that it fails to make provision for continued air pollution control services to all areas served by it, and that CWAPA is unable to take the necessary corrective measures, and therefore that EQC shall take over administration and enforcement of the air quality control program in CWAPA's territory effective July 1, 1973.
2. The Commission further find that air pollution control services in CWAPA's territory will be best served by:
   a. a transfer of all CWAPA staff positions, consistent with applicable state civil service and personnel regulations to the Department of Environmental Quality.

b. the transfer of all CWAPA assets to the Department.

c. ratification and affirmance of all existing CWAPA rules, permits, compliance schedules and contracts.

d. prior to such transfer, an audit of CWAPA's accounts, the results of which audit shall be communicated to the Commission at its next meeting.

e. the Director taking all actions necessary to effect an orderly transfer to the Department of Environmental Quality of all CWAPA plans and programs as fully as possible without any break in continuity, effective July 1, 1973.

Portland City Commissioner Mildred Schwab and Multnomah County Commissioner Ben Padrow, both CWAPA members, appeared and requested that they be given additional time to determine whether or not their two agencies would be willing to finance the full cost of CWAPA's activities so that the regional authority could continue to operate on a four-county basis and under local control. They admitted that they had not discussed their proposal with the other members of their respective commissions and therefore asked for the opportunity to do so.

Mr. Maurice B. Sussman, Attorney, was present and said he represented the Multnomah County employees who are members of Labor Union Local No. 88. He wanted to be assured that the rights of the union members who are employed by CWAPA would be fully protected if the administration of the regional program were taken over by the State.

Mr. Fay Richmond, an employee of CWAPA, and a Union member, was present and said that there are at least 6 other CWAPA employees who are also members of the Labor Union.

Mrs. Nancy Stevens, representative of the Coalition for Clean Air, expressed concern as to what arrangements would be made for local control and to whom appeals could be made.

There being no other witnesses who asked to be heard it was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the Director's recommendations in this matter be approved unless in fact a commitment is received by June 10, 1973 from Multnomah County and the city of Portland that they will pay the assessments previously levied against the other counties.

The hearing in this matter was adjourned by the Chairman at 3:10 p.m.

WHITESON SANITARY LANDFILL, YAMHILL COUNTY

At 3:30 p.m. an informal hearing regarding the proposed operation of the Whiteson Sanitary Landfill on a site located adjacent to the South Yamhill River, 2-1/2 miles west of Whiteson and 6 miles south of McMinnville, was opened by the Chairman.

Mr. Schmidt presented the staff report dated May 21, 1973 which reviewed the background of this matter and discussed the several factors involved. He said that the Whiteson site is the most acceptable location for a regional sanitary landfill that has been found in Yamhill County since a search began in 1969. He pointed out, however, that one private residence, owned by Mrs. Mary Butler, would be significantly affected by the increased traffic to and from the disposal site.

Mr. Schmidt stated that it is the recommendation of the Director that Yamhill County's application to establish and operate a sanitary landfill at the Whiteson location be approved subject to all standard sanitary landfill operational conditions and the following additional special conditions:

1. Initial operation shall be in the upper terrace trench area with commencement of filling in the floodplain not to take place in less than one year from issuance of the permit, and after written notice from the Department has been given, contingent upon demonstrated ability to operate in accordance with the permit and with the approved plans and without adverse environmental effects.
2. The floodplain fill dike shall be constructed in strict conformance with the recommendations of the Corps of Engineers and its configuration shall be smoothly rounded to minimize any erosive effects of floodwaters.
3. Landfilling in the floodplain below 135' elevation shall be limited to the period of May 1 to October 15 of each year and shall be effectively covered and closed prior to the October 15 date.
4. Surface drainage waters and the upper perched groundwater table upgradient of the disposal site shall be effectively intercepted and diverted around the site via a combination of open ditching and french drain.

5. Surface leachate and all surface waters containing significant quantities of leachate shall be intercepted, prevented from entering public waters and irrigated on high ground areas.
6. Groundwater monitoring wells shall be provided in accordance with recommendations of the State Engineer's office. Site screening shall be provided and maintained and these and all other proposed facilities and appurtenances shall be provided and operative prior to use of the site, except that landfilling in the upper trench area may commence prior to completion of facilities proposed for the floodplain area.
7. Prior to use of the site, Yamhill County shall investigate the potential nuisances of traffic by the Butler residence and submit a proposed plan for minimizing such nuisances at that location. Alternatives to investigate may include acquisition of the property and/or alteration or rerouting of the access road.

A draft of the proposed permit was attached to the staff report.

Mr. Ezra Koch, City Sanitary Service, McMinnville, was present and said he has been in the solid waste disposal business for 35 years and that he had helped the county in the search for a solid waste disposal site. He requested that the conditions in the proposed permit, pertaining particularly to the dike and access road construction, be only recommendations rather than absolute requirements. He was advised that this could not be done.

Mrs. Mary Butler whose residence is the closest one to the disposal site was the next person to make a statement. She objected strongly to the proposed operation. She said she had lived there for 17 years and would soon have her home paid for. She expressed concern that the noise created by the truck and other traffic past her home would make it impossible for her to continue to live there and she did not know of any other place where she might relocate her home.

Miss Elouise Butler, daughter of Mary Butler, also testified strongly in opposition to the proposed disposal site. She claimed there is no complete assurance that there will be no leachate or seepage problem. She also expressed concern about possible soil erosion.

Mr. John Platt, representative of the Oregon Environmental Council, commented that he had not had sufficient time to review thoroughly the proposed permit and the local conditions involved.

Mr. James M. Boese, Jr., resident of the area, appeared and spoke against the project. He read into the record a letter dated March 19, 1973 from George E. Otte, Soil Scientist, addressed to Richard Lucht, Yamhill County Public Works Director. A copy of this letter was also attached to the staff report read by Mr. Schmidt.

Mrs. Pauline Forrest, another resident of the area in the vicinity of the South Yamhill River, also spoke in opposition to the proposed site. She expressed concern about possible soil erosion and water pollution.

Mr. Roger Emmons, Executive Director of the Oregon Sanitary Service Institute, supported the proposed site. He discussed the requirement for proper engineering, construction, operation and maintenance. He said that this proposal is not just a recent thought or just a convenient site but that it is the result of a thorough search which started in 1969.

Mrs. Katherine French who lives 4 miles east of the proposed site on property which has 40 acres out of the flood plain and 60 acres in the flood plain said she is worried about health hazards caused by high flood waters from the South Yamhill River.

Mr. Jack Armstrong, Director of the Chemeketa Solid Waste Management Region spoke in favor of the Whiteson site. He stated that their regional plan calls for 4 sites, that this is one of them and that it will replace two existing sites which are scheduled to be closed in August or September of this year.

Mr. John Crawford, land owner adjacent to the site, claimed that the elevations used in designing the proposed development are in error. He also expressed concern about possible contamination of his domestic water supply which is from a well 90' deep and which extends 40 feet below the level of the river.

Mr. James Boese, Sr., said they have a petition signed by 600 persons opposing the site. He claimed that leachate from a sanitary land fill can cause disease, that leachate would drain into the South Yamhill River from

the proposed site and that as a consequence the river would be polluted and unfit for swimming. He claimed further that other more suitable sites could be found in the county away from any river. He and other residents of the area who had testified claimed that they had not received sufficient notice of this meeting to permit them to prepare adequately for it.

Mr. Richard Lucht, Public Works Administrator for Yamhill County, was present to represent the applicant and supported the proposed project.

Mr. Orville Bernards, Yamhill County Commissioner, also spoke in favor of the Whiteson site.

No other persons asked to be heard in this matter.

Dr. Crothers complimented all of the witnesses for the manner in which they presented their statements.

It was pointed out that the county would need the Whiteson site as soon as it could be developed and that it would probably take about 60 days after approval of a permit to make it usable.

After evaluating the facts contained in the staff report and the testimony submitted at this meeting and after concluding that sufficient notice had been given, it was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the Director's recommendation in this matter be approved unless within 10 days the director receives written information which casts significant doubt on the validity of his recommendation.

There being no further business the meeting of the Commission was adjourned by the Chairman at 5:05 p.m.

ADOPTED MAY 29, 1973

AMENDMENTS TO OREGON ADMINISTRATIVE RULES

CHAPTER 340, DIVISION 4, SUBDIVISION 1

Section I. Items 41-023 and 41-024 shall be added to OAR 340, Division 4, Subdivision 1

41-023 MIXING ZONES

(1) The Department may suspend the applicability of all or part of the water quality standards set forth in this subdivision, except those standards relating to aesthetic conditions, within a defined immediate mixing zone of very limited size adjacent to or surrounding the point of wastewater discharge.

(2) The sole method of establishing such a mixing zone shall be by the Department defining same in a waste discharge permit.

(3) In establishing a mixing zone in a waste discharge permit the Department:

(a) May define the limits of the mixing zone in terms of distance from the point of the wastewater discharge or the area or volume of the receiving water or any combination thereof,

(b) May set other less restrictive water quality standards to be applicable in the mixing zone in lieu of the suspended standards; and

(c) Shall limit the mixing zone to that which in all probability, will

(i) not interfere with any biological community or population of any important species to a degree which is damaging to the ecosystem; and

(ii) not adversely affect any other beneficial use disproportionately.

41-024 TESTING METHODS

The analytical testing methods for determining compliance with the water quality standards contained in this subdivision shall be in accordance with the most recent edition of Standard Methods for the Examination of Water and Waste Water published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, unless the Department has published an applicable superseding method, in which case testing shall be in accordance with the superseding method; provided however that testing in accordance with an alternative method shall comply with this section if the Department has published the method or has approved the method in writing.

Section II. OAR 340-41-025 (9) and (12) are to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(9) Any measurable increase in temperature when the receiving water temperatures are 64° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 63.5° F. or less; or more than 2° F. increase due to all sources combined when receiving water temperatures are 62° F. or less.

(12) The concentration of total dissolved gas relative to atmospheric pressure at the point of sample collection to exceed one hundred and five percent (105%) of saturation, except when stream flow exceeds the 10-year, 7-day average.

Section III OAR 340-41-040 (4) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature. Any measurable increase when river temperatures are 72° F. or [above] greater, or more than 0.5° F. increase due to single-source discharge when receiving

water temperatures are 71.5° F. or less, or more than 2° F. [cumulative] increase due to all sources combined when river temperatures are 70° F. or less.

Section IV. OAR 340-41-045 (4)(a) and (b) are to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature

(a) (Multnomah channel and main stem Willamette River from mouth to Newberg, river mile 50). Any measurable increase when river temperatures are 70° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 69.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are 68° F. or less.

(b) (Main stem Willamette River from Newberg to confluence of Coast and Middle Forks, river mile 187). Any measurable increase when river temperatures are 64° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 63.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are 62° F. or less.

Section V. OAR 340-41-050 (5) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(5) Temperature. Any measurable increase when river temperatures are 68° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 67.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are 66° F. or less.

Section VI. OAR 340-41-055 (4) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature. Any measurable increase when river temperatures are 68° F. or [above,] greater; or more than 0.5° F.

increase due to a single-source discharge when receiving water temperatures are 67.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are 66° F. or less.

Section VII. OAR 340-41-060 (4) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature. Any measurable increase when river temperatures are 68° F. or [above,] greater; or more than 0.5° F. due to a single-source discharge when receiving waters are 67.5° F. or less or more than 2° F. increase due to all sources combined when river temperatures are 66° F. or less.

Section VIII. OAR 340-41-065 is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature. Any measurable increase when river temperatures are [70°] 68° F. or [above] greater; or more than 0.5° F. increase due to a single-source discharge when receiving waters are 67.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are [68°] 66° F. or less.

Section IX. OAR 340-41-080 (e) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(e) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less or or more than 2° F. increase[s] due to all sources combined when stream temperatures are 56° F. or less, except for short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Section X. OAR 340-41-085 (e) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(e) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F. increase[s] due to all sources combined when stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Section XI. OAR 340-41-090 (e) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(e) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F. increase[s] due to all sources combined when stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Section XII. OAR 340-41-095 (d)(A) and (B) are to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(d) Temperature.

(A) In Salmonid fish spawning areas, any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F.

increase[s] due to all sources combined when stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate essential uses or activities where temperatures in excess of this standard are unavoidable.

(B) In all other basin areas, any measurable increases when stream temperatures are 68° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 67.5° F. or less; or more than 4° F. increase due to all sources combined when river temperatures are 64° F. or less.

Section XIII. OAR 340-41-100 (e) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(e) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F. increase due to all sources combined when stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Section XIV. OAR 340-41-105 (c) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(c) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F. increase[s] due to all sources combined when

stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Proposed Amendments to

OAR Chapter 340, Division 1,

Subdivision 4

A new paragraph, which reads as follows, shall be added to OAR Chapter 340, Division 1, Subdivision 4, between Sections 14-005 and 14-010.

14-007 EXCEPTION

The procedures prescribed in this Subdivision do not apply to the issuance, denial, modification and revocation of National Pollutant Discharge Elimination System (NPDES) permits issued pursuant to the Federal Water Pollution Control Act Amendments of 1972 and acts amendatory thereof or supplemental thereto. The procedures for processing and issuance of NPDES permits are prescribed in OAR Chapter 340, Sections 45-005 through 45-065.

Proposed Amendments to

OAR Chapter 340, Division 4, Subdivision 5

Sections 45-005 through 45-030 of OAR 340 Division 4, Subdivision 5 are hereby repealed and the following are enacted in lieu thereof:

45-005 PURPOSE

The purpose of these regulations is to prescribe limitations on discharge of wastes and the requirements and procedures for obtaining waste discharge permits from the Department.

45-010 DEFINITIONS, AS USED IN THESE REGULATIONS UNLESS OTHERWISE REQUIRED BY CONTEXT:

(1) "Commission" means the Environmental Quality Commission.

(2) "Department" means Department of Environmental Quality.

(3) "Director" means the Director of the Department of Environmental Quality.

(4) "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.

(5) "Disposal system" means a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works, disposal wells and other systems.

(6) "Federal Act" means Public Law 92-500, known as the Federal Water Pollution Control Act Amendments of 1972 and acts amendatory thereof or supplemental thereto.

(7) "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.

(8) "NPDES permit" means a waste discharge permit issued in accordance with requirements and procedures of the National Pollutant Discharge Elimination System authorized by the Federal Act and of OAR Chapter 340, Sections 45-005 through 45-065.

(9) "Navigable waters" means waters of the United States, including territorial seas.

(10) "Person" means the United States and agencies thereof, any state, any individual, public or private corporation, political subdivision, governmental agency, municipality, copartnership, association, firm, trust, estate or any other legal entity whatever.

(11) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(12) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(13) "Pre-treatment" means the waste treatment which might take place prior to discharging to a sewerage system including but not limited to pH adjustment, oil and grease removal, screening and detoxification.

(14) "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.

(15) "Regional Administrator" means the regional administrator of Region X of the U. S. Environmental Protection Agency.

(16) "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 (7) and (23) of this section, shall also be considered "sewage" within the meaning of these regulations.

(17) "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

(18) "State" means the State of Oregon.

(19) "State permit" means a waste discharge permit issued by the Department in accordance with the procedures of OAR Chapter 340, Sections 14-005 14-050 and which is not an NPDES permit.

(20) "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 in the environment.

(21) "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.

(22) "Waste discharge permit" means a written permit issued by the Department in accordance with the procedures of OAR Chapter 340, Sections 14-005 through 14-050 or 45-005 through 45-065.

(23) "Wastes" means sewage, industrial wastes and all other liquid, gaseous, solid, radioactive or other substances which will or may cause pollution or tend to cause pollution of any waters of the state.

45-015 PERMIT REQUIRED.

(1) Without first obtaining a state permit from the Director, no person shall:

(a) Discharge any wastes into the waters of the state from any industrial or commercial establishment or activity or any disposal system.

(b) Construct, install, modify, or operate any disposal system or part thereof or any extension or addition thereto.

(c) Increase in volume or strength any wastes in excess of the permissive discharges specified under an existing state permit.

(d) Construct, install, operate or conduct any industrial, commerical or other establishment or activity or any extension or modification thereof or addition thereto, the operation or conduct of which would cause an increase in the discharge of wastes into the waters of the state or which would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized.

(e) Construct or use any new outlet for the discharge of any wastes into the waters of the state.

(2) Without first obtaining an NPDES permit, no person shall discharge pollutants from a point source into navigable waters.

(3) Any person who has a valid NPDES permit shall be considered to be in compliance with the requirements of Subsection (1) of this section. No state permit for the discharge is required.

(4) Although not exempted from complying with all applicable laws, rules and regulations regarding water pollution, persons discharging wastes into a sewerage system are specifically exempted from requirements to obtain a state or NPDES permit, provided the owner of such sewerage system has a valid state or NPDES permit. 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. Notwithstanding the responsibility of the owner of such sewerage systems, each user of the sewerage system shall comply with applicable toxic and pretreatment standards and the recording, reporting, monitoring, entry, inspection and sampling requirements of the commission and the Federal Act and federal regulations and guidelines issued pursuant thereto.

(5) Each person who is required by Subsection (1) or (2) of this section to obtain a state or NPDES permit shall:

(a) Make prompt application to the Department therefor;

(b) Fulfill each and every term and condition of any state or NPDES permit issued to such person;

(c) Comply with applicable federal and state requirements, effluent standards and limitations including but not limited to those contained in or promulgated pursuant to Sections 204, 301, 302, 304, 306, 307, 402 and 403 of the Federal Act, and applicable federal and state water quality standards;

(d) Comply with the Department's requirements for recording, reporting, monitoring, entry, inspection and sampling, and make no false statements, representations or certifications in any form, notice, report or document required thereby.

45-020 NON-PERMITTED DISCHARGES

Discharge of the following wastes into any navigable or public waters shall not be permitted:

(1) Radioactive, chemical, or biological warfare agent or highlevel radioactive waste.

(2) Any point source discharge which the Secretary of the Army acting through the Chief of Engineers finds would substantially impair anchorage and navigation.

(3) Any point source discharge to navigable waters which the Regional Administrator has objected to in writing.

(4) Any point source discharge which is in conflict with an areawide waste treatment and management plan or amendment thereto which has been adopted in accordance with Section 208 of the Federal Act.

45-025 PROCEDURES FOR OBTAINING STATE PERMITS

Except for the procedures for application for and issuance of NPDES permits on point sources to navigable waters of the United States, submission and processing of applications for state permits and issuance, renewal, denial, transfer, modification and suspension or revocation of state permits shall be in accordance with the procedures set forth in OAR Chapter 340, sections 14-005 through 14-050.

45-030 APPLICATION FOR NPDES PERMIT

(1) Any person wishing to obtain a new, modified or renewal NPDES permit from the Department shall submit a written application on a form provided by the Department. Applications must be submitted at least 180 days before an NPDES permit is needed. All application forms must be completed in full and signed by the applicant or his legally authorized representative. 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 or unsigned 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) If the Department later 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.

(5) An application which has been filed with the U. S. Army Corps of Engineers in accordance with section 13 of the Federal Refuse Act or an NPDES application which has been filed with the U. S. Environmental Protection Agency will be accepted as an application filed under this section provided the application is complete and the information on the application is still current.

45-035 ISSUANCE OF NPDES PERMITS

(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 provisions of all applicable statutes, rules, regulations and effluent guidelines of the State of Oregon and the U. S. Environmental Protection Agency.

(2) The Department shall formulate and prepare a tentative determination to issue or deny an NPDES permit for the discharge described in the application. If the tentative determination is to issue an NPDES permit, then a proposed NPDES permit shall be drafted which includes at least the following:
   (a) Proposed effluent limitations,
   (b) Proposed schedule of compliance, if necessary,
   (c) And other special conditions.

(3) In order to inform potentially interested persons of the proposed discharge and of the tentative determination to issue an NPDES permit, a public notice announcement shall be prepared and circulated in a manner approved by the Director. The notice shall encourage comments by interested individuals or agencies and shall tell of the availability of fact sheets, proposed NPDES permits, applications and other related documents available for public

inspection. The Director shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit written views and comments. All comments submitted during the 30-day comment period shall be considered in the formulation of a final determination.

(4) For every discharge which has a total volume of more than 500,000 gallons on any day of the year, the Department shall prepare a fact sheet which contains the following:
   (a) A sketch or detailed description of the location of the discharge;
   (b) A quantitative description of the discharge;
   (c) The tentative determination required under section 45-035 (2);
   (d) An identification of the receiving stream with respect to beneficial uses, water quality standards, and effluent standards;
   (e) A description of the procedures to be followed for finalizing the permit; and,
   (f) Procedures for requesting a public hearing and other procedures by which the public may participate.

(5) After the public notice has been drafted and the fact sheet and proposed NPDES permit provisions have been prepared by the Department, they will be forwarded to the applicant for review and comment. All comments must be submitted in writing within 14 days after mailing of the proposed materials if such comments are to receive consideration prior to final action on the application.

(6) After the 14-day applicant review period has elapsed, the public notice and fact sheet shall be circulated in a manner prescribed by the Director. The fact sheet, proposed NPDES permit provisions, application and other supporting documents will be available for public inspection and copying.

(7) In the interest of further public participation the Director may, at his discretion, require a public hearing before the Commission or authorized representative before a final determination on the NPDES permit is made.

(8) At the conclusion of the public involvement period, the Director shall make a final determination as soon as practicable and promptly notify the applicant thereof in writing. If the Director determines that the NPDES permit should be denied, notification shall be in accordance with section 45-050. If conditions of the NPDES 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 NPDES permit issued shall be attached to the notification.

(9) If the applicant is dissatisfied with the conditions or limitations of any NPDES permit issued by the Director, 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 NPDES permit. Any hearing held shall be conducted pursuant to the regulations of the Department.

45-040 RENEWAL OR REISSUANCE OF NPDES PERMITS

The procedures for issuance of an NPDES permit shall apply to renewal of an NPDES Permit.

45-045 TRANSFER OF AN NPDES PERMIT

No NPDES permit shall be transferred to a third party without prior written approval from the Director. Such approval may be granted by the Director where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the NPDES permit and the rules of the Commission.

45-050 DENIAL OF AN NPDES PERMIT

If the Director proposes to deny issuance of an NPDES permit, he 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.

45-055 MODIFICATION OF AN NPDES PERMIT

In the event that it becomes necessary for the Department to institute modification of an NPDES permit due to changing conditions or standards, receipt of additional information or any other reason pursuant to applicable statutes, the Department shall notify the permittee by registered or certified mail of its intent to modify the NPDES 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 NPDES permit shall be forwarded to the permittee as soon as the modification becomes effective. The existing NPDES permit shall remain in effect until the modified NPDES permit is issued.

45-060 SUSPENSION OR REVOCATION OF AN NPDES PERMIT

(1) In the event that it becomes necessary for the Director to suspend or revoke an NPDES permit due to non-compliance with the terms of the NPDES permit, unapproved changes in operation, false information submitted in the application or any other cause, the Director shall notify the permittee by registered or certified mail of his intent to suspend or revoke the NPDES 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, pursuant to applicable statutes, suspend or revoke an NPDES 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.

45-065 OTHER REQUIREMENTS

Prior to commencing construction on any waste collection, treatment, disposal or discharge facilities for which a permit is required by section 45-015, 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.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. B, EQC Meeting, May 29, 1973

Project Plans for April, 1973

During the month of April, 1973, staff action was taken relative to plans, specifications and reports as follows:

Water Quality Control

1. Sixty-one (61) domestic sewerage projects were reviewed:
   a) Forty-eight (48) project proposals were conditionally approved:
      42 plans for sewer extensions
      4 plans for sewage treatment works improvements
      2 plans for sewage lift stations
   b) Thirteen (13) Contract modifications were approved without conditions for:
      4 sewage treatment plant projects
      8 sewer plans
2. Fifteen (15) project plans for industrial waste treatment facilities were given provisional approval:
   a) 7 Animal waste facilities
   b) 2 Oily water treatment facilities
      Union Oil Co., Portland
      Burlington Northern RR, Portland
   c) 6 Miscellaneous Treatment Facilities
      Standard Oil, Malheur County (Drilling mud disposal)
      International Paper, Vaughn (Papermill wastewater control)
      OSU, Corvallis (Animal Disease Research Isolation)
      Gray & Co., Dayton (Cherry brining and processing)
      Glacier Sand & Gravel, Scappoose (Gravel Wash Water)
      Tillamook County Creamery, Tillamook (Creamery waste)

Air Quality Control

1. Fifteen (15) project plans, reports or proposals were reviewed:

   a) Approval given to:

      6 Veneer drier projects

         Roseburg Lbr Co. (Riddle, Dillard and Green plant, Doug. Co.)

         Roseburg Lbr. Co.(Coquille plant, Coos Co.)

         Carolina Pacific Plywood Co., Inc.(White City, Jackson Co.)

         Carolina Pacific Plywood Co., Inc.(White City, Jackson Co.)

      2 planing and sawmill installations

         Alder Mfg., Myrtle Point, Coos Co.

         Bohemia, Inc., Bolon Island plant Reedsport, Douglas Co.

      5 Miscellaneous projects

         Georgia Pacific emission control, Coos Co.
         Fourply drier heating & incineration, Josephine Co.
         Boise Cascade, 7th digester, Marion Co.
         Crown Zellerbach, oxidation system, Wauna
         Draft EIS, Use of Off-Road Vehicles

   b) Approved with conditions

         Lloyd Corporation, Multnomah Co., Parking structure for 428 vehicles

   c) Requested Additional Noise Information

         Draft EIS, Garden Valley Road at I-5, Roseburg, Doug. Co.

Solid Waste Disposal

1. Five (5) Project plans were reviewed:

   a) Approval given:

      1 transfer station (Hoodview)(Garbage)

   b) Provisional approval given:

      3 Landfill projects

         Prairie City (Garbage)

         Elkside, Bohemia Inc. (Wood Waste)

         LaVelle Construction (Demolition)

   c) Not approved:

         Brown Island Sanitary Landfill (Revised Operational Plan for existing landfill)

   Also reviewed:

      EPA Proposed Sanitary Landfill Guidelines

      Chemeketa SWM Plan (Phase 1 Report)

      Northern Wasco County Landfill (Proposed Operational Plan)

Director's Recommendation

It is recommended that the Commission give its confirming approval to staff action on project plans for the month of April, 1973.

DIARMUID F. O'SCANNLAIN

EJW 5/21/73
Attached

PROJECT PLANS

Water Quality Division

During the month of April 1973, 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 (61)			
4-3-73	Eastside	E. Jane Kegel sewer ext.	Prov. approval
4-3-73	USA (Fanno)	Weitzel Court Subd. sewer	Prov. approval
4-3-73	Baker	N.E. sanitary sewer	Prov. approval
4-3-73	Hillsboro (Rock Cr.)	Sequoia Park Subd. sewers	Prov. approval
4-3-73	Salem (Willow Lake)	Kashmir Subd. sewers	Prov. approval
4-3-73	Sandy	Marcy Acres Subd. sewers	Prov. approval
4-3-73	Salem (Willow Lake)	JoAnne Estates Subd. sewers	Prov. approval
4-3-73	Gresham	June Heights Subd. sewers	Prov. approval
4-3-73	Yamhill	Hauswirths Second Addn. sewers	Prov. approval
4-3-73	Gresham	Linneman Hills Subd. sewers	Prov. approval
4-3-73	Pendleton	Grecian Heights, Phase 3, sewers	Prov. approval
4-5-73	Salem (Willow Lake)	Santana #4 Subd. sewers	Prov. approval
4-5-73	Springfield	Stalick's International project sewers	Prov. approval
4-5-73	John Day	Charolais Heights Subd. sewer	Prov. approval
4-6-73	Gresham	Lookingglass Subd. sewers	Prov. approval
4-6-73	Keizer Sewer Dist.	Lawndale Subd., Phase 2, sewers	Prov. approval
4-6-73	Coos Bay	Coos Bay No. 1 sewage treatment plant and No. 2 pump sta. Expand and upgrade of 2.66 MGD activated sludge	Prov. approval
4-9-73	Multnomah County	Inverness sewer project 5C-2	Prov. approval
4-9-73	Lake Oswego	Maple St. sewer, LID 149	Prov. approval
4-13-73	Winchester Bay SD	Sewage collection, pumping and 0.160 MGD activated sludge sewage treatment plant	Prov. approval

Date	Location	Project	Action
4-16-73	Waldport	Change Order #3 to sewage treatment plant contract	Approved
4-17-73	Echo	Sewage collection system & 6.9-acre sewage lagoon with disinfection & summer storage	Prov. approval
4-17-73	USA (King City)	Summerfield Subd. sewers, Phase 1	Prov. approval
4-17-73	USA (King City)	Los Paseos Mobile Homes sewers	Prov. approval
4-18-73	USA (Forest Grove)	19th Pl. & University Pk. san. sewers	Prov. approval
4-19-73	Pendleton	Bonbright interchange sewer	Prov. approval
4-23-73	Clackamas County Service Dist. I	Change Order No. 1 to sewage treatment plant contract	Approved
4-25-73	Deschutes County	Black Butte sewers: Rock Ridge Cabin sites; South Meadow Addn.; Rock Ridge Addn. & Rock Ridge 1st Addn. Phase 2 revised plans	Prov. approval
4-25-73	Tillamook County	North Tillamook County San. Auth. sewage collection & treatment--27-acre sewage lagoon designed for 0.703 MGD	Prov. approval
4-25-73	Salem (Willow Lake)	Vick Ave., Doakes Ferry Rd. sewer	Prov. approval
4-27-73	USA (Metzger)	S.W. 79th sewer extension	Prov. approval
4-27-73	Albany	6 Change Orders--S.E. interceptor	Approved
4-27-73	Talent	Gagnes Subd. sewers	Prov. approval
4-27-73	Salem (Willow Lake)	April Addn. Subd. sewers	Prov. approval
4-27-73	Tualatin	Change Order #1, sewage treatment plant expansion	Approved
4-27-73	Clackamas County Service Dist. I	Change Orders #3, Phase 1 and 1, Phase 3 to interceptor project	Approved
4-27-73	West Linn (Bolton)	River Park Subd. sewers	Prov. approval
4-27-73	Portland	S.W. Oak St. relieving sewer	Prov. approval
4-27-73	Umatilla	Change Order #2, sewage treatment plant contract	Approved
4-27-73	Sunriver	Forest Park III and Mt. Village East II sewers	Prov. approval

Date	Location	Project	Action
4-30-73	Central Point	Sierra Vista Subd. #2 sewers	Prov. approval
4-30-73	Salem (Willow Lake)	Laurel Springs Subd., Parkdale #9 Subd. sewers	Prov. approval
4-30-73	Wilsonville	Charbonneau, Units I through IV sewers	Prov. approval
4-30-73	Oak Lodge San. Dist.	Echo Forest Subd. sewers	Prov. approval
4-30-73	Springfield	Rawson Park, Naylor 3rd Addn. & Beverly Park Subd. sewers	Prov. approval
4-30-73	Gresham	Quemado Hills Subd. sewers	Prov. approval

Water Pollution Control

Industrial Projects (15)

Date	Location	Project	Action
4/2/73	Lincoln	Berend Faber Farm, animal waste facilities	Prov. Approval
4/3/73	Portland	Union Oil Company of California, oily water treatment facilities	Prov. Approval
4/3/73	Silverton	Snyder Pork Farm, animal waste facilities	Prov. Approval
4/4/73	Tillamook	Tillamook County Creamery Association, waste water treatment facilities	Prov. Approval
4/5/73	Scappoose	Glacier Sand & Gravel, gravel wash water recirculation system	Prov. Approval
4/9/73	Dayton	Gray and Company, cherry brining and processing plant	Prov. Approval
4/11/73	The Dalles	Marvin Markman Farm, animal waste facilities	Prov. Approval
4/11/73	Corvallis	OSU, Agricultural Experiment Station, animal disease research isolation facility	Prov. Approval
4/11/73	The Dalles	Allen Tom Farm, animal waste facilities	Prov. Approval
4/12/73	Vaughn	International Paper Co., waste water control facilities	Prov. Approval
4/13/73	McMinnville	O. C. French Dairy, animal waste facilities	Prov. Approval
4/16/73	Powell Butte	Bernard Johnson Farm, animal waste facilities	Prov. Approval
4/16/73	Powell Butte	Noral Simmons Farm, animal waste facilities	Prov. Approval
4/18/73	Malheur County	Standard Oil Co. of California, drilling mud disposal facilities	Prov. Approval
4/25/73	North Portland	Burlington Northern, modification of gravity oil/water separator	Prov. Approval

AP-9 PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL DIVISION FOR APRIL, 1973.

DATE	LOCATION	PROJECT	ACTION
3	Coos	Georgia-Pacific Corporation Coos Bay plant. Revised plans and specifications for emission control system.	Approved
4	Josephine	Fourply, Inc., Grants Pass, Oregon Installation of wood fired furnace and veneer drier heating and fume incineration system.	Approved
6		Federal Highway Administration EIS on noise standards and procedures.	Not Required
5	Coos	Alder Manufacturing, Inc., Myrtle Point. Installation of sawmill and planing mill.	Approved
9	Marion	Boise Cascade, Salem, Oregon Seventh digester.	Approved
13	Douglas	Roseburg Lumber Co. Green plant. Modification of two (2) veneer driers.	Approved
13	Coos	Roseburg Lumber Co. Coquille plant. Installation of one (1) new veneer drier and modification of five (5) existing veneer driers.	Approved
13	Douglas	Roseburg Lumber Co. Riddle plant Installation of one (1) new veneer drier and modification of one (1) existing veneer drier.	Approved
13	Douglas	Roseburg Lumber Co., Dillard plant Installation of one (1) new veneer drier and modification of five (5) existing veneer driers.	Approved

AP-9 PROJECT PLANS, REPORTS, PROPOSALS FOR AIR QUALITY CONTROL DIVISION FOR APRIL, 1973 (Continued)

DATE	LOCATION	PROJECT	ACTION
17	Douglas	Bohemia, Inc., Bolon Island plant Reedsport. Installation of new planing mill.	Approved
18		Draft EIS Use of Off-Road Vehicles	Approved
20	Jackson	Carolina Pacific Plywood Co., Inc. White City plant. Installation of a new Moore Oregon veneer drier.	Approved
23	Douglas	Draft EIS Garden Valley Road at I-5, Roseburg	Requested Additional Noise Info.
24	Jackson	Carolina Pacific Plywood Co., Inc. White City plant. Installation of wood fired veneer drier heating and exhaust gas incineration system.	Approved
27	Clatsop	Crown Zellerbach - Wauna Secondary strong black liquor oxidation system.	Approved
30	Multnomah	Lloyd Corporation Parking structure for 428 vehicles	Approved upon conditions

PROJECT PLANS

SOLID WASTE MANAGEMENT DIVISION

During the month of April 1973, 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
11		EPA Proposed Sanitary Landfill Guidelines	Reviewed
12	Grant County	Prairie City Sanitary Landfill (New Garbage Sanitary Landfill)	Prov. Approval
17	Clackamas Co.	Hoodview Transfer Station (New Garbage Transfer Station)	Approved
18	Coos Co.	Elkside Landfill, Bohemia Inc. (Operational Plan for Existing-Wood Waste Landfill)	Prov. Approval
25	Marion Co.	Brown Island Sanitary Landfill (Revised Operational Plan for Existing Landfill)	Not Approved
26	Clackamas Co.	LaVelle Construction Co. Sanitary Landfill (New Sanitary Landfill for Demolition Wastes only)	Prov. Approval
26	Chemeketa Region	Chemeketa Solid Waste Management Plan (Phase I Report)	Reviewed
26	Wasco Co.	Northern Wasco County Landfill (Proposed Operational Plan for Conversion to Sanitary Landfill)	Review & Comments

DEPARTMENT OF ENVIRONMENTAL QUALITY

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TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. C, for EQC Meeting on May 29, 1973

Boise Cascade, Salem, Air Contaminant Discharge Permit

Background

At the April 30, 1973, regular meeting of the Environmental Quality Commission, a Public Hearing was held regarding issuance of an Air Contaminant Discharge Permit to the Boise Cascade, Salem, pulp mill. No comments were received from the public, but the company had three objections, that the average production used for setting limits of average monthly SO_2 emissions was too low, that allowable opacity of the emissions plume was too restrictive, and that Section C, Condition 6, would prevent the company from making any change whatever in the mill facilities even if atmospheric emissions were in no way affected.

The company felt it should be allowed average emissions of 6,200 pounds of SO_2 per day, based on average production capacity of 310 ADT/day and a maximum production of 330 air-dried unbleached tons per day. Questions were also raised by the company regarding applying 20% opacity to the recovery furnace plume instead of 40% comparable to that for hog-fuel boilers.

The Department proposed to issue a permit limiting average SO_2 emissions after July 1, 1974 to 5000 lbs/day based on a historical average production of 250 tons/day of air-dried unbleached pulp and a maximum SO_2 emission of 6200 lbs/day based on a maximum productive capacity of 310 ADT of pulp per day. The proposed permit also limited the recovery furnace stack emissions to 20% opacity.

The staff met with representatives of Boise Cascade on May 2, 1973, to review production records. Those records indicate that for 3 months prior to July 1972, when the recovery system started up, the capacity of the mill on an average monthly basis was approximately 275 air-dried tons per day of unbleached pulp. The Department had determined the average productive capacity of the mill at 250 ADT/day by averaging production data submitted over a two-year period. Production data submitted with routine monitoring reports have indicated that the maximum daily production is 310 tons.

The company agreed to drop its objections to the 20% opacity limitation and the Department agreed to require prior approval from the Department for only those alterations, modifications or expansions that may affect atmospheric emissions.

Conclusions

Based on a more detailed analysis of production data it is now agreed by the company and the Department that emission limits after July 1, 1974 should be based on an average rated production of 275 ADT/day and a maximum rated production of 310 ADT/day.

Director's Recommendation

The Director recommends that Boise Cascade Corporation be granted an Air Contaminant Discharge Permit for its Salem mill with the following changes in the proposed permit considered on April 30, 1973:

1. Condition 1.b. (Sulfite pulp mill SO_2 emissions after July 1, 1974): Change "5,000 pounds per day as a monthly average" to "5,500 pounds per day as a monthly average."

2. Section C, Condition 6: After "pulp and paper production facilities. . ." add the words "which may affect atmospheric emissions."

DIARMUID F. O'SCANNLAIN

CAA:vt
5/23/73

PROPOSED AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS

Prepared by the Staff of the
DEPARTMENT OF ENVIRONMENTAL QUALITY

Recommended Expiration Date: 12/31/74

APPLICANT:

BOISE CASCADE CORPORATION
Paper Group
Salem, OR 97301

REFERENCE INFORMATION

File Number 24-4171
Appl. No.: 0012 Received: 11/1/72
OTHER AIR Contaminant Sources at this Site:

Source	SIC	Permit No.

Source(s) Permitted to Discharge Air Contaminants:

NAME OF AIR CONTAMINANT SOURCE	STANDARD INDUSTRY CODE AS LISTED
SULFITE PULP AND PAPER	2621
TORULA YEAST MANUFACTURE	2821

Permitted Activities

Until such time as this permit expires or is modified or revoked, BOISE CASCADE CORPORATION is herewith permitted to discharge treated exhaust gases containing air contaminants in conformance with the requirements, limitations, and conditions of this permit from its 310 ton per day (pulp capacity) sulfite pulp and paper mill consisting of pulp and paper making facilities, and steam generating boiler facilities, including those processes and activities directly related or associated thereto located at Salem, Oregon.

Divisions of Permit Specifications

Revised
April 19, 1973

SECTION A - SULFITE PULP AND PAPER

Performance Standards and Emission Limits

The permittee shall at all times maintain and operate all air contaminant generating processes and all contaminant control equipment at full efficiency and effectiveness, such that the emissions of air contaminants are kept at the lowest practicable levels, and in addition:

1. After July 1, 1974, sulfur dioxide (SO_2) emissions from the sulfite pulp mill (including the recovery system) shall not exceed the following:

   a. 800 ppm as an hourly average,

   b. 5,500 pounds per day as a monthly average, or

   c. Twenty (20) pounds per unbleached, air-dried ton (adt) or 6,200 pounds per day as a maximum daily emission

2. Until completion of this digester pump-out system the recovery furnace SO_2 emissions shall not exceed the following:

   a. 800 ppm as an hourly average,

   b. 400 ppm as a monthly average,

   c. Eighteen (18) pounds per ton or 4,500 pounds per day as a monthly average, or

   d. Eighteen (18) pounds per ton or 5,580 pounds per day

3. Blow pit vent SO_2 emissions shall be kept to the lowest practicable levels at all times.

4. As soon as practicable but not later than July 1, 1974, the recovery system particulate emissions shall not exceed the following:

   a. Four (4) pounds per adt of pulp produced, or

   b. An opacity equal to or greater than twenty percent (20%) for an aggregated time or more than three (3) minutes in any one (1) hour exclusive of uncombined moisure.

5. Emissions from the steam-generating boilers, fired by natural gas and alternatively residual fuel oil, shall not exceed:

a. Two-tenths (0.2) grain per standard cubic foot, at twelve percent (12%) carbon dioxide (CO_2) or at fifty percent (50%) excess air,

b. An opacity equal to or greater than twenty percent (20%) for an aggregated time of more than three (3) minutes in any one (1) hour, or

c. One thousand (1,000) ppm of sulfur dioxide (SO_2).

6. The use of residual fuel oil containing more than two and one-half percent (2.5%) sulfur by weight is prohibited.

7. The use of residual fuel oil containing more than one and three-quarters percent (1.75%) sulfur by weight is prohibited after July 1, 1974.

Compliance Demonstration Schedule

8. Permittee shall continue the installation of blow pit vent SO_2 emission controls, as approved by the Department of Environmental Quality, according to the following schedule:

a. Purchase orders for remaining components and for all site preparation and erection work as issued, shall be confirmed in writing by no later than May 15, 1973,

b. Construction shall be completed by no later than December 31, 1973,

c. In the event that the company is unable to demonstrate compliance by December 31, 1973, the company shall submit reports to the Department on not less than a monthly basis relative to the problems encountered and the procedures and time schedules implemented to solve those problems,

d. Compliance shall be demonstrated as soon as possible after the installation is completed, but in no case later than July 1, 1974, and

e. The permittee shall notify the Department of Environmental Quality in writing within fourteen (14) days of the completion of each of these conditions, and further, shall submit an interim progress report by not later than August 1, 1973, describing the construction status for installing the components of the blow-pit vent control system.

9. By no later than August 1, 1973, the permittee shall determine and submit a report to the Department of Environmental Quality summarizing the mechanism and location of particulate formation in the recovery system, and the minimizing of emissions possible through operating-parameter optimization.

10. The permittee shall effectively monitor the operation and maintenance of the sulfite pulp and paper production and control facilities. A record of all such data shall be maintained and submitted to the Department of Environmental Quality within fifteen (15) days after the end of each calendar month unless requested in writing by the Department to submit this data at some other frequency. Unless otherwise agreed to in writing the information collected and submitted shall be in accordance with the testing, monitoring and reporting procedures on file at the Department of Environmental Quality or in conformance with recognized applicable standard methods approved in advance by the Department, and shall include, but not necessarily be limited to, the following parameters and monitoring frequencies:

	Parameter	Minimum Monitoring Frequency
a.	Digester blow pit vent sulfur dioxide emissions	Once per week until completion of digester pump-out system
b.	Recovery system sulfur dioxide emissions	Continually monitored
c.	Recovery furnace particulate emissions	Three (3) times per month
d.	Production of unbleached pulp	Summarized monthly from production records

11. The final monthly report required in condition 10. submitted during any calendar year shall also include quantities and types of fuels used during that calendar year.

12. The Department shall be promptly notified of any upset condition in accordance with OAR, Chapter 340, "Upset Conditons" which may cause or tend to cause any detectable increase in atmospheric emissions. Such notice shall include the reason for the upset and indicate the precautions taken to prevent a recurrence.

SECTION B - TORULA YEAST MANUFACTURING

Permitted Activities

Until such time as this permit expires or is modified or revoked, BOISE CASCADE CORPORATION is herewith permitted to discharge treated exhaust gases containing air contaminants in conformance with the requirements, limitations, and conditions of this permit from its 1,400 pound per hour (dry basis) Torula Yeast Plant (14,500 pound/hour spent sulfite liquor input) consisting of fermeters, separators, wash tanks, pasteurizer, spray dryer with exhaust cyclones and scrubber, and packing station exhaust baghouse collector located at Salem, Oregon.

Performance Standards and Emission Limits

The permittee shall at all times maintain and operate all air contaminant generating control equipment at full efficiency and effectiveness, such that the emission of air contaminants are kept at the lowest practicable levels, and in addition:

1. Particulate emissions from the plant shall not:

   a. Exceed 0.1 grain per standard cubic foot of exhaust gas from any single source, or

   b. Exceed 12.8 pounds per hour of particulates from all emission sources in the plant at a production rate of 1,400 pounds per hour.

2. Air contaminant emissions from any single source of emission shall not be as dark or darker in shade as that designated as number one (No. 1) on the Ringelmann Chart or equal to or greater than twenty (20%) percent opacity for a period of more than three (3) minutes in any (1) hour.

Monitoring and Reporting

3. The permittee shall effectively monitor the operation and maintenance of the Torula Yeast production and control facilities. A record of all such data shall be maintained and made available upon request by the Department of Environmental Quality or the Mid-Willamettee Valley Air Pollution Authority (Regional Authority). Unless otherwise agreed to in writing the information collected and submitted shall be in accordance with testing, monitoring and reporting procedures on file at the Department of Environmental Quality or Regional Authority, or in conformance with recognized applicable standard methods approved in advance by the Department and Regional Authority.

4. At the end of each calendar year a report shall be submitted including annual production and operating hours to both the Department of Environmental Quality and the Mid-Willamette Valley Air Pollution Authority (MWVAPA).

5. Any scheduled maintenance of operating or emission control equipment which would result in any violation of this permit shall be reported at least twenty-four (24) hours in advance to the Department of Environmental Quality and the Mid-Willamette Valley Air Pollution Authority (MWVAPA).

6. Any upsets or breakdowns which result in any violations of this permit shall be reported within one (1) hour to the Department of Environmental Quality and the Mid-Willamette Valley Air Pollution Authority (MWVAPA).

SECTION C - GENERAL REQUIREMENTS

Emergency Reduction Plan

1. The company shall establish and maintain a "Preplanned Abatement Strategy", filed with and approved by the Department of Environmental Quality, and implemented in response to Air Pollution Alerts, Warnings, and Emergencies as they are Declared and Terminated by the Department of Environmental Quality, or Mid-Willamette Air Pollution Authority (Regional Authority).

Prohibited Activities

2. No open burning shall be conducted at the plant site.

3. Permittee is prohibited from causing or allowing discharges of air contaminants from sources not covered by this permit so as to cause the plant site to exceed the standards fixed by this permit or rules of the Department of Environmental Quality.

Special Conditions

4. (NOTICE CONDITION) All solid wastes or residues shall be disposed of in manners and at locations approved by the Department of Environmental Quality.

5. The permittee shall allow Department of Environmental Quality representatives access to the plant site and record storage areas at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise to conduct all necessary functions related to this permit.

6. No alteration, modification, or expansion of the subject sulfite pulp and paper production facilities which may affect atmospheric emissions shall be made without prior notice to and approval by the Department of Environmental Quality.

7. The permittee will be required to make application for a new permit if a substantial modification, alteration, addition or enlargement is proposed which would have a significant impact on air contaminant emission increases or reductions at the plant site.

8. The Annual Compliance Determination Fee shall be submitted to the Department of Environmental Quality according to the following schedule:

Amount Due	Date Due
$175.00	December 1, 1973

9. This permit is subject to revocation for cause, as provided by law, including:

   a. Misrepresentation of any material fact or lact of full disclosure in the application including any exhibits thereto, or in any other additional information requested or supplied in conjunction therewith;

   b. Violation of any of the requirements, limitations or conditions contained herein; or

   c. Any material change in quantity or character of air contaminants emitted to the atmosphere.

Boise Cascade

Paper Group

P.O. Box 2089
Salem, Oregon 97308
(503) 362-2421

14 May 1973

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

Attention: Mr. D. F. O'Scannlain
Director

Re: Boise Cascade Corporation
Salem Sulfite Pulp Mill

Gentlemen

In order to minimize future conflict, we wish to review our understandings of the status of matters relating to air contaminate discharges from this mill. These understandings are based upon our meeting with the staff of DEQ subsequent to our exchange of correspondence relating to the seventh digester and subsequent to the hearing held April 30, 1973 before the Environmental Quality Commission in Salem.

We understand that the staff, the Commission, and Boise Cascade are agreed that it is not intended that there be any limitation imposed as such on the production of the mill. We realize that the Department retains control over changes in the mill that would increase SO_2 emissions due to pulp production, which now stands at approximately 275 air-dried tons per day on a monthly average basis. This is the basis for the limitation of SO_2 emissions to 5,500 pounds per day on a monthly average basis, as will be specified in condition 1(b) of the Air Discharge Permit that will be issued shortly.

We also understand the position of the Department and the Commission to be that the Company's obligation is to operate its mill so as to minimize air contaminate discharges and to stay within the emission limitations specified in the permit. The Department and the Commission intend to regulate the operation through the application of these criteria and not through the restriction of production as such. We take this as superseding the statement made in your letter dated April 11, 1973, in which you authorized installation of a seventh digester

on the condition that it would not increase production of sulfite pulp above the present level, which was understated in that letter to be 250 air-dried unbleached tons per day.

We assume that at its next meeting the Commission will act upon a Department recommendation that an air discharge permit be issued for the Boise Cascade mill in accordance with the Department memorandum submitted to the April 30, 1973 Commission's hearing with the following changes:

1. Condition 1-b of Section A will be changed to read "5,500 pounds per day as a monthly average." (A reference to 20 pounds per unbleached air-dried ton may also be included as in 1-c.)

2. Condition 6 of Section C will be revised to limit its application to matters affecting atmospheric conditions.

Boise Cascade does not intend to raise any other objections or request any other changes in the proposed permit beyond those above.

Boise Cascade feels that the permit, as it will now be issued, fairly reflects the prevailing circumstances and sets out a reasonable application of the law and regulations to Boise's operations within a logical compliance schedule. We intend to make every effort to meet or exceed the expectations invisioned in the permit and the compliance schedule and trust that this will provide a sound basis for cooperation between Boise Cascade, the Department and the Commission in the future in the interests of minimizing the environmental impact of the Salem operations.

Very truly yours

C. J. Fahlstrom

C. J. Fahlstrom
Resident Manager

CJF/dt

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5395

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. D , May 29, 1973 EQC Meeting

Petition from Committee to End Needless Urban Freeways, et. al., to the Environmental Quality Commission to Adopt Ambient Air Standards for Lead Along Urban Freeways

Background

On May 2, 1973, the Department received a petition from the Committee to End Needless Urban Freeways (ENUF), four environmental groups, and ten citizens requesting the Environmental Quality Commission to promulgate certain rules and regulations regarding atmospheric lead and urban freeways. A copy of the petition is attached.

Part I of the petition proposes a rule requiring that any person wishing to construct any roadway, within any urban area of Oregon, shall first provide the EQC with reasonable assurances supported by factual data that the operation of the roadway will not violate the regulations of the Commission regarding air purity standards along roadways.

Part II of the petition proposes two ambient air standards for lead along roadways which would apply to roadways constructed after January 1, 1974.

Other sections of the petition deal with information on lead in the atmosphere, legal authority and the petitioners.

The Attorney General's Office has reviewed the petition, at the request of the Department, and has set forth the legal responsibilities of the Commission, regarding such petitions, in a letter dated May 7, 1973. A copy of this letter is attached.

In summary, the Attorney General's letter states that under ORS 183.390 the Commission has the option of denying the petition within 30 days following receipt of the petition. If the Commission does not deny the petition, it must within the same 30 days commence rulemaking procedures in accordance with ORS 183.335.

Discussion

The promulgation of ambient air standards for lead and rules requiring Commission approval prior to construction of roadways are within the powers of the Commission. In fact, the Commission has established ambient air standards for particulates, sulfur dioxide, carbon monoxide, photochemical oxidants, hydrocarbons and nitrogen dioxide. Further, the Commission has adopted OAR, Chapter 340, Sections 20-050 through 20-070 Parking Facilities and Highways in Urban Areas which requires Commission review and approval, based on ambient air standards, prior to the construction of any freeway or expressway in the major urban areas of Oregon.

Thus, the issues raised by the petition are confined to the following questions:

1. From a public health standpoint, does the need exist in Oregon to establish an ambient air standard for lead particulate?

2. Is enough data available to allow the Commission to establish a meaningful and enforceable ambient air standard for lead particulate?

3. Should the provisions of OAR, Chapter 340, Sections 20-050 through 20-070 be expanded to include all roadways?

The Department does not, at this time, have adequate information or data to satisfactorily answer all the questions posed above. All pertinent data and opinions available from the Environmental Protection Agency, other states, Oregon agencies and the Department's files are being gathered by the Department for review. A study by Multnomah County and Oregon Graduate Center is presently underway in Portland which may provide information to help answer question Number 1 above. In addition, the Department may find it necessary to undertake an ambient air lead sampling program relating specifically to the effects of arterials and freeways on ambient lead concentrations. A summary of the information and data currently available to the Department and outline of the lead study currently underway in Portland are provided as an attachment to this report.

Conclusion

A preliminary review of the information and data available to the Department indicates that the justification exists for the Commission to hold a public hearing on the petition submitted by the Committee to End Needless Urban Freeways.

However, adequate lead time is necessary to allow the Department to fully evaluate the data available and the data which will be forth-

coming in the next few months from studies currently underway or anticipated.

At the proposed public hearing, the Department either would recommend that the Commission deny the petition or would present proposed rules and regulations for the Commission to consider for adoption.

Director's Recommendation

The Director recommends that the Commission authorize a public hearing on the petition submitted by the Committee to End Needless Urban Freeways, et. al., at a time and place to be determined by the Director.

DIARMUID F. O'SCANNLAIN

MJD:c

5/17/73

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

COMMITTEE TO END NEEDLESS URBAN FREEWAYS; COALITION FOR CLEAN AIR; OREGON ENVIRONMENTAL COUNCIL; SENSIBLE TRANSPORTATION OPTIONS FOR PEOPLE; COLUMBIA GROUP OF THE PACIFIC NORTHWEST CHAPTER OF THE SIERRA CLUB; LOUIS and RUTH BRENT; DONALD and VAL COBB; CLIFFORD and JUDI ALLEN; JERRY and HELEN VIRNIG; and MIKE and LESLIE HOFFMAN, Petitioners.	PETITION FOR PROMULGATION OF RULES AND REGULATIONS

The petitioners, hereinafter described, hereby request that the following rules and regulations be forthwith adopted and promulgated by the Environmental Quality Commission:

I.

ROADWAY RULES

1. No person or persons, including state or local agencies, departments, commissions, boards, or governments shall construct, within any urban area of this state, any roadway, without first providing the EQC with reasonable assurances, supported by factual data, that the operation of said roadway, will not violate the regulations of the EQC regarding air purity standards along roadways.

2. Upon receipt of such assurances, the EQC will, based upon the supporting data, the expertise of the DEQ, and such further information, including public comment, as it might desire, make its own independent judgment as to whether the operation of such roadway will violate the regulations of the EQC regarding air purity along roadways. No such roadway

shall be constructed without an affirmative determination by the EQC that said regulations will not be violated by the operation of such roadway.

3. For the purposes of these rules:

(a) "roadway" means any road, highway, expressway, or freeway providing surface transit

(b) "operation of a roadway " means the functional use of a roadway by motor vehicles, other vehicles, or other means of surface transit

(c) "urban area" means (1) any city with a population in excess of 50,000; and (2) the metropolitan area of any city and the adjoining area within five miles of its boundaries, if the total combined area has a population in excess of 50,000.

II.

REGULATIONS FOR AIR PURITY ALONG ROADWAYS

In addition to any other applicable rule, regulation, or standard, any roadway or segment thereof constructed after January 1, 1974 in any urban area of this state shall be so designed and constructed that for the following fifteen years of operation:

1. The ambient air concentration of lead at points six feet immediately above the midline of said roadway shall not exceed levels which may pose a hazard to human health for the users thereof; and

2. The ambient air concentration of lead at any point within 1000 feet of the edge of said roadway shall not exceed two micrograms per cubic meter averaged on a monthly basis.

III.

FACTS SUPPORTING PETITION

Petitioners allege the following to be fact:

1. Lead is hazardous to human health when ingested or breathed;

2. Adult human beings have an average intake of lead from food and drink, which are relatively unavaoidable sources, of 320 micrograms per day; about 10% of this amount, or 32 micrograms per day, are retained in the body;

3. Approximately 184,316 tons of lead per year are emitted into the air above the continential United States. Of this amount, approximately 181,000 tons are produced by gasoline combusion. Most of said combusion occurs in the engines of motor vehicles.

4. Of the lead inhaled from the ambient air during the breathing process, approximately 37% is absorbed by the body.

5. The concentration of lead in soils within 100 feet of roadways has been found to be 250-280 times that occurring naturally.

6. Urban area residents have, today, high concentrations of lead in their bodies in relation to suburban and rural residents;

7. Ambient air concentrations of lead in excess of two micrograms per cubic meter pose a threat to human health.

8. Recent discoveries by local health authorities in Portland, Oregon indicate that children who live along freeways in Portland have abnormally high, and potentially hazardous, levels of lead in their bodies, and that no apparent cause for the same exists other than inhalation of lead from the ambient air along said freeways.

9. The federal government has not taken effective measures to reduce the lead level of gasoline so as to reduce the ambient air concentration of lead below two micrograms per cubic meter. Contrary to popular belief, neither the EPA nor any other federal agency has banned, or has proposed to ban, lead from gasoline. EPA has proposed regulations which, commencing January 1, 1975 and ending January 1, 1978, will reduce the lead content in gasoline from its present levels to 1.25 grams per gallon. Even with such reductions, however, mathematical calculations for planned roadways in Portland, Oregon result in lead concentrations in excess of two micrograms per cubic meter along said roadways.

10. The only practicable and effective way to protect residents living within 1000 feet of roadways from the hazard of lead poisoning is to design, construct, and operate roadways so as not to exceed an ambient air lead concentration of two micrograms per cubic meter averaged on a monthly basis.

11. No agency of the State of Oregon has to-date adopted ambient air stan dards of lead concentration.

IV.

PROPOSITIONS OF LAW

Petitioners will rely upon the following legal propositions:

1. They are interested persons and/or represent interested persons within tne meaning of ORS 183.390 and 34 OAR 11-015.

2. It is the policy of the State of Oregon to abate the sources and levels of air pollution which existed on

August 9, 1971, and to prevent air pollution that is new in relation to that date. ORS 449.770.

3. The Oregon Legislature has found that emissions of pollutants from motor vehicles is a significant cause of air pollution in many portions of the state and that the control and elimination of such pollutants are of prime importance for the protection and preservation of the public health, safety, and well-being. ORS 449.951.

4. The EQC may regulate, limit, control, or prohibit motor vehicle operation and traffic as necessary for the control of air pollution which presents imminent and substantial danger to the health of persons. ORS 449.747.

5. The EQC may adopt air purity standards for any geographical area of the state. ORS 449.760 (7), 449.785, 449.800.

6. The EQC may classify air contamination sources according to levels and types of emissions and other characteristics which cause or tend to cause or contribute to air pollution; and may require its prior approval for the construction of air contamination sources. ORS 449.707(1), 449.712.

7. Pursuant to ORS 449.712 and 449.760, the EQC has designated freeways and expressways in urban areas as air contamination sources. 340 OAR 20-050, 20-055.

8. The highest and best practicable treatment and control of pollutants from air contamination sources constructed after June 1, 1970 is required. 340 OAR 20-001.

V.

PETITIONERS

The petitioners are:

1. COMMITTEE TO END NEEDLESS URBAN FREEWAYS (ENUF),

a nonprofit, unincorporated association whose members are residents of Multnomah County, Oregon and who live in the path of, and/or near thereto, the proposed I-205 freeway. The projected lead concentrations near said proposed freeway exceed two micrograms per cubic meter averaged on a quarterly basis.

2. COALITION FOR CLEAN AIR, is an association whose members live in urban areas of the States of Oregon and Washington. Said organization has as one of its primary purposes the control and abatement of air pollution within the State of Oregon.

3. THE OREGON ENVIRONMENTAL COUNCIL, an Oregon nonprofit corporation, and whose purpose is the protection and enhancement of Oregon's environment, including the quality of its air. The OEC has 2,000 individual members, many of whom live in urban areas of the state.

4. SENSIBLE TRANSPORTATION OPTIONS FOR PEOPLE (STOP), a nonprofit Oregon organization whose primary purpose is to advance a balanced transportation system for the people of Oregon and to provide alternative modes of transit to the automobile for the reason that, inter alia, the automobile is a major source of air pollution in this state. Many of STOP's members live in urban areas of the State and near proposed roadways therein.

5. THE COLUMBIA GROUP OF THE PACIFIC NORTHWEST CHAPTER OF THE SIERRA CLUB, an unincorporated association of persons who, inter alia, seek to preserve the quality of life

of the state and a livable urban environment. Many of the Chapter's members live in urban areas of the State.

6. LOUIS and RUTH BRENT, husband and wife, residents of Multnomah County, Oregon, who live at 9937 N. E. Alton, within 250 feet of the proposed I-205 freeway.

7. DONALD and VAL COBB, husband and wife, residents of Multnomah County, Oregon, who live at 3910 N. E. 99th, within 250 feet of the proposed I-205 freeway.

8. CLIFFORD and JUDI ALLEN, husband and wife, residents of Multnomah County, Oregon, who live at 4007 N. E. 99th, within 500 feet of the proposed I-205 freeway.

9. JERRY and HELEN VIRNIG, husband and wife, residents of Multnomah County, Oregon, who live at 9529 N. E. Campaign, within 500 feet of the proposed I-205 freeway.

10. MIKE and LESLIE HOFFMAN, husband and wife, residents of Multnomah County, Oregon, who live at 9444 N. E. Mason Street, within 1000 feet of the proposed I-205 freeway.

CHARLES J. MERTEN
Attorney for Petitioners

MARMADUKE, ASCHENBRENNER, MERTEN & SALTVEIT
Suite 213, 1008 S. W. Sixth Avenue
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VIRGIL D. MILLS
REGISTRAR OF CHARITABLE TRUSTS

May 7, 1973

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAY 8 1973
OFFICE OF THE DIRECTOR

Mr. Diarmuid O'Scannlain, Director
Department of Environmental Quality
Terminal Sales Building
1234 S.W. Morrison
Portland, Oregon 97205

Re: Petition from Committee to End Needless Urban Freeways, et al., to the Environmental Quality Commission to Adopt Rules for Freeway Construction Approval and Air Purity along Roadways

Dear Mr. O'Scannlain:

By memorandum of May 3, 1973, Jack Weathersbee stated that you would like a legal analysis of the petition and a recommendation of how and when the department should respond.

Part I of the petition, a copy of which is enclosed, proposes a rule requiring that any person wishing to construct, within any urban area of Oregon, any roadway, shall first provide the Environmental Quality Commission with reasonable assurances supported by factual data that the operation of said roadway will not violate the regulations of the Commission regarding air purity standards along roadways. Part II of the petition proposes two specific standards of air purity along roadways which would apply to roadways constructed after January 1, 1974, in any urban area of Oregon. The standards relate to the ambient air concentration of lead:

(1) At any point 6 feet immediately above the midline of the roadway not to be in excess of levels which may pose a hazard to human health for the users of the roadway;

(2) At any point within 1,000 feet of the edge of the roadway shall not exceed two micrograms per cubic meter averaged on a monthly basis.

Part III of the petition alleges facts, particularly relating to lead in the atmosphere, in support of the proposed rules. Part IV of the petition sets out propositions of law and citations in support thereof to the Oregon statutes and Administrative Rules. Part V of the petition describes the petitioners who are represented by Charles J. Merten of Marmaduke, Aschenbrenner, Merten & Saltveit.

The petition is said to be filed pursuant to ORS 183.390 and Chapter 340, OAR, § 11-015. ORS 183.390 provides as follows:

> "An interested person may petition an agency requesting the promulgation, amendment or repeal of a rule. The Attorney General shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition. Not later than 30 days after the date of submission of a petition, the agency either shall deny the petition in writing or shall initiate rulemaking proceedings in accordance with ORS 183.335."

Section 11-015 provides that a hearing may be instituted by the Department upon petition by any interested person for the promulgation of any rule by the Department. Subsequent sections of 340 OAR provide the procedure for setting the hearing, giving notice thereof and conducting the hearing. These procedural rules were adopted in 1959 and have not been modified to conform in all respects to the Administrative Procedure Act, as amended in 1971, and to the Attorney General's Model Rules promulgated thereafter. However, to the extent that the present Department rules are consistent with the Oregon Administrative Procedure Act, they are to be followed.

ORS 183.390 gives the Commission the option of denying the petition in writing within 30 days following the receipt of the petition by the Department. If the Commission should decide to deny the petition, it should do so by promulgating an order giving the reasons for the denial. If the Commission does not deny the petition, it must within the same 30 days commence rulemaking procedures in accordance with ORS 183.335. It would do so by giving notice of a hearing to be held on the petition. The notice would be given not less than 20 days prior to the hearing by publication in the Secretary of State's Bulletin. The hearing, of course, could be held some time after the 30-day period referred to above, provided the hearing is authorized prior to the end of said 30-day period.

Unless the Commission is of the view that no benefit could result from an airing of the petition proposals, the Commission should initiate within the said 30-day period the rulemaking proceedings referred to above. The Commission could make its choice at its May 29 meeting, which I understand would be within the 30-day period referred to above.

Please let me know if you have further questions about this matter.

Very truly yours,

LEE JOHNSON
Attorney General

Ray Underwood

Raymond P. Underwood
Chief Counsel
Portland Office

RPU:ej

Summary of Lead Information and Data Currently Available to Department

May 17, 1973

1. The California Air Resources Board has adopted an ambient air standard for lead particulate. The standard is 1.5 ug/m^3 measured as a 30-day average by High Volume Sampling. The Air Resources Board is forwarding the background information and data, upon which the standard is based, to the Department.

2. A summary of EPA's findings and recommendations regarding the health effects of airborne lead is attached.

3. The Columbia-Willamette Air Pollution Authority operates ten High Volume Sampling sites in the Portland area. Samples from these sites are analyzed monthly for lead particulate. None of the sites are specific to any major arterial or freeway. CWAPA is forwarding a summary of this data to the Department.

4. The Department has 15 High Volume Sampling sites located throughout the State of Oregon. Samples from these sites are analyzed monthly for lead particulate. None of the sites are specific to any major arterial or freeway. The staff is presently summarizing this data.

5. A consultant for the Oregon State Highway Division has monitored lead particulate by High Volume Sampling in close proximity to major arterials and freeways in Portland. The OSHD is forwarding this data to the Department.

6. The Oregon Graduate Center, in cooperation with the Multnomah County Health Department, under a contract with OSHD is presently

monitoring airborne lead particulate next to the Minnesota and Banfield Freeways in Portland. They are also sampling the lead content of road dust, house dust and drinking water in areas where the Multnomah County Health Department has found elevated blood lead levels in children. The purpose of this study is to determine the contribution of automobile emitted lead particulate to the elevated blood lead levels. The study is scheduled for completion in approximately four months.

7. Multnomah County Health Department, under a grant from the U. S. Public Health Service is presently conducting a study to determine the extent of elevated blood lead levels in children in Portland. Children are tested for elevated blood lead levels by a finger prick test. When this test indicates elevated blood lead levels, the children are retested by drawing blood from the arm and analysis by atomic absorption. In addition, the child's house is tested for lead content of interior paint. A completion date has not been established for this study.

EPA Findings and Recommendations

Extracted From

EPA's Position on the Health Effects

of Airborne Lead, November 29, 1972

VII. FINDINGS AND RECOMMENDATIONS

Findings

1. Lead is a known toxic substance for which no beneficial biological role has yet been demonstrated.

2. Experimental evidence suggests that the least measurable quantities of lead within cells are capable of affecting cellular metabolism and that these effects are a function of lead concentration. For example, inhibition of the enzyme delta aminolevulinic acid dehydrase in the peripheral blood of man is a function of blood lead concentration even at blood lead levels well below those generally considered excessive (40ug/100g and above). Inhibition of this enzyme is not believed to be physiologically significant until blood leads have reached 40ug/100g. However, this effect has been noted in children as well as adults, although its true significance is at present unknown. Since ALAD inhibition by lead in peripheral blood of suckling rats correlates well with ALAD inhibition in the brains of these animals, this suggests that a similar phenomenon might also occur in young children. Recent associations of behavioral disturbances among children with increased lead exposure, but at blood lead levels presently not believed excessive (below 40ug/100g), raises the question whether lead inhibition of enzymes in the central nervous system of children might be a possible contributing factor in the etiology of these disturbances.

3. Susceptibility to lead may possibly be increased among young children as compared to adults. New born babies conceivably are potentially most vulnerable to lead. Exposure of the developing central nervous system in utero, to lead, an established neurotoxic agent, should be

kept at a minimum. The conservative position favors a reasonable safety factor between what is considered a safe blood lead level in children and what is considered an acceptable exposure among the newborn.

4. Considerable difficulty exists in defining a single safe blood lead level protective of everyone in the population. Variable responsiveness to lead probably exists among different age groups and even within age categories. In this context, available scientific evidence supports the following guidelines defining excessive lead exposures. Blood lead levels above these guidelines in individuals do not necessarily indicate that clinical disease is actually present. These guidelines reflect a judgmental decision with regard to which levels of lead exposure may be associated with a greater possible occurrence of adverse clinical and/or subclinical effects.

a. Blood lead levels of 40ug/100g or above in adults are considered evidence of excessive lead exposure.

b. For expectant mothers the upper acceptable blood lead level should probably be no more than 30ug/100g. Low calcium diets have been shown in experimental situations to increase gastrointestinal lead absorption as well as lead storage in the soft tissues. Since there is a requirement for more calcium than usual during pregnancy, this factor may be important with respect to determining acceptable lead exposures for expectant mothers.

c. A safe blood lead level protective of all children is no more than 40ug/100g.

d. Blood lead levels of 30ug/100g or above in newborn babies obtained from umbilical cord blood should be considered evidence that excessive lead exposure has probably occurred to the fetus in utero.

5. Though food and water usually account for more lead exposure than airborne lead among the general population, airborne lead levels around $2ug/m^3$ have been demonstrated to contribute to blood leads in adults. These same air levels are associated with blood lead elevations in children perhaps reflecting the dustfall lead exposure mechanism.

6. Though lead paint is considered to be the prime causal factor in childhood lead poisoning, other environmental sources such as air lead and lead which settles out from the air to contaminate dirt and dust are also capable of contributing to this problem. Large percentages of children are known to ingest non-food objects including dirt and dust. For these children, possible ingestion of lead contaminated dirt and dust should be viewed as potentially harmful.

7. Levels of lead in street dirt and house dust in urban areas have been found to be far greater than those considered safe in paint by the Food and Drug Administration. Evidence exists to indicate that the presence of lead in gasoline contributes to high levels of lead in dust and dirt found in areas and homes which are located near busy roadways.

8. Individuals within groups may often be excessively exposed to lead even though average lead exposures for the group are well within normal limits. On this basis, although average blood lead levels among urban populations are well within normal limits, considerable numbers of

individual urban residents are found to have blood lead levels exceeding 40ug/100g.

a. Small increases in average blood lead levels found among adult residents in urban compared to suburban areas may well account for the relatively large number of individual urban adults found to be excessively exposed to lead. Recent surveys of adult populations indicate that approximately 1-2% of urban females and 3-5% of urban males probably have blood lead levels of 40ug/100g and above. Residence in areas where air lead levels are greatest is consistently associated with this finding. Approximately 5-10% of women residing in urban areas have blood lead levels of 30ug/100g and above, a level which in expectant mothers should be considered a potential hazard to newborn babies.

b. Excessive lead exposures among children have approached what many consider an "epidemic" proportion. Extensive surveys involving over one quarter of a million children, document that approximately 25% of children tested have abnormally elevated blood leads of 40ug/100g and above. Although these adversely affected children are often residents of homes coated with lead based paints, lead in the air and consequently in the dust and dirt present additional sources of exposure which may contribute to and aggravate this problem.

c. Recent preliminary data suggest that excessive lead exposure may already be occurring before birth among babies born to mothers living in urban environments. Significant numbers of babies born in the central city may have umbilical cord blood lead levels well above 30ug/100g, and even approaching 40ug/100g, a level close to those at which clinical symptoms of lead poisoning in children have been observed. Exposure of

expectant mothers to airborne lead in urban environments could be an important factor contributing to these blood lead elevations.

9. Over 90% of airborne lead emissions are a result of combustion of gasoline containing lead additives.

Recommendations

These results cast doubt on the adequacy of the previous position taken by EPA that achievement of a $2ug/m^3$ air lead goal would assure a reasonably complete degree of public health protection. This is especially true in view of the possibility (a) that blood lead levels at or above 30ug/100g in mothers might contribute to similar blood lead levels among their newborn babies and (b) that air lead levels around $2ug/m^3$ may be associated with potentially harmful levels of lead in dirt and dust. On this basis, further air lead reductions below $2ug/m^3$ would seem indicated.

Though none of the above findings viewed individually and in the context of possible experimental error can be taken as conclusive evidence that airborne lead by itself is a current public health problem, considered together, they do suggest that airborne lead is contributing to excessive total lead exposures among the general urban population. Every effort should, therefore, be made to reduce all preventable lead exposures, including airborne lead, to the fullest extent possible.

DEPARTMENT OF ENVIRONMENTAL QUALITY

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TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E , May 29, 1973, EQC Meeting

Public Hearing for Adoption of Portland Transportation Control Strategy, an Amendment to the Oregon Clean Air Act Implementation Plan

Background

On January 24, 1972, the Environmental Quality Commission adopted the Clean Air Act Implementation Plan for Oregon. The Plan delineates the means by which the State of Oregon intends to attain and maintain compliance with Federal ambient air standards by May 31, 1975.

The control strategy for motor vehicle related contaminants (carbon monoxide, nitrogen oxides, hydrocarbons and photochemical oxidants) was outlined in the Plan in general terms with the commitment to develop and submit the details of the strategies to the Environmental Protection Agency by September 1, 1972. This delay in composition of the final control strategy was deemed necessary to provide the agencies involved enough lead time to develop an effective strategy that would not have an adverse impact upon downtown Portland.

At a February 10, 1972, meeting with staff members of the Department and Columbia-Willamette Air Pollution Authority, the City of Portland expressed its intention to assume responsibility for the development and implementation of the transportation control strategies.

From February through July of 1972, staff members of CWAPA and Commissioner Anderson's office developed a draft transportation control strategy plan. In a memo dated July 18, 1972, Commissioner Anderson presented the draft plan to the City Council and general public for review.

At a public meeting held August 1, 1972, a Citizen's Review Group composed of business and environmental organizations generally criticized the draft transportation control strategy and requested substantial revisions.

On August 10, 1972, the City of Portland held a Clean Air Conference to establish a work program for revision of the draft transportation control strategy. A Clean Air Implementation Plan Work Group, composed of members of the Citizen's Review Group and representatives of affected public agencies, was established to prepare a revised transportation control strategy for presentation to the City Council and DEQ by October 10, 1972.

Additionally, the Portland Chamber of Commerce formed a task force to develop recommendations for a transportation control strategy to be presented to the City prior to October 10, 1972.

In a letter dated October 4, 1972, the Chamber of Commerce set forth its recommendations to the City for the transportation control strategy. Much of the Chamber plan was incorporated into the final City draft plan.

In a letter dated October 10, 1972, the City of Portland submitted its draft transportation control strategy to the Department. On October 12, 1972, the Portland City Council held a public hearing on this plan and subsequently adopted Resolution No. 31146 which states in part, "....now, therefore, be it resolved that the Portland City Council adopts as a guideline policy the attached Transportation Control Strategy to Achieve Air Quality Standards in Downtown Portland."

At the October 25, 1972, EQC meeting, the Commisssion heard testimony on the City's plan and adopted the transportation control strategy as submitted. The Commission further adopted interim guidelines for review of parking facilities and requested the Director to establish a permanent citizen and technical committee to monitor the impact and effectiveness of the control strategy.

In a letter dated October 26, 1972, Governor McCall submitted the transportation control strategy to EPA as part of Oregon's Clean Air Act Implementation Plan.

During November, 1972, the Director established a Citizens Advisory Committee onthe Portland Transportation Control Strategy as requested by the Commission. The Committee is composed of twenty Portland businessmen, environmentalists and interested citizens. In addition, the Committee has nine non-voting members who serve as technical advisors representing affected public agencies. The Committee held its initial meeting November 29, 1972, and has been meeting approximately every other week through the present time.

On December 20, 1972, the Department received a letter from the Environmental Protection Agency outlining that agency's preliminary review of the transportation control strategy. The letter pointed out certain deficiencies in the control strategy which would have to be corrected before approval would be forthcoming from EPA. The EPA comments fell into four general categories:

1. Legal Authority.
2. Administrative and enforcement procedures.
3. Monitoring procedures.
4. Resources.

In the ensuing months, the Department with the advice of its Citizens Advisory Committee and in cooperation with the City of Portland and Tri-Met attempted to correct the deficiencies in the control strategy identified by EPA.

On January 31, 1973, a Circuit Court Order was issued directing EPA to take the following action on all State transportation control strategies:

1. April 15, 1973 - final date for States to submit transportation control strategies to EPA.

2. June 15, 1973 - the Administrator of EPA must approve or disapprove portions of State transportation control strategies.

3. August 15, 1973 - if a State transportation control strategies or portion thereof is disapproved the EPA must promulgate rules to provide an adequate plan.

On April 12, 1973, the Portland City Council held a public hearing to consider proposed revisions to the Transportation Control Strategy to Achieve Air Quality Standards in Downtown Portland. The Council adopted Resolution No. 31216 which modified the control strategy to remove the deficiencies outlined by EPA in their December 20, 1972, letter.

In a letter dated April 13, 1973, Tri-Met submitted a mass transportation improvement plan to the Department to accomplish the transit goals set forth in the Transportation Control Strategy to Achieve Air Quality Standards in Downtown Portland.

On April 16, 1973, the Portland Transportation Control Strategy was submitted to EPA under a cover letter signed by Governor McCall. The Region X office of EPA is reviewing the control strategy and is scheduled to make its recommendations to the Administrator of EPA by May 15, 1973.

The public hearing scheduled today on the Portland Transportation Control Strategy is being held to satisfy EPA legal requirements for public hearings on transportation control strategies.

Discussion

The Portland Transportation Control Strategy is a program developed by the City of Portland, Tri-County Metropolitan Transit District and Department of Environmental Quality to achieve and maintain compliance with national ambient air standards for motor vehicle related air contaminants in downtown Portland by May 31, 1975.

The ambient air standards for which the Transportation Control Strategy is intended to achieve and maintain compliance are those standards promulgated by the Environmental Protection Agency for carbon monoxide, hydrocarbons, photochemical oxidants and nitrogen dioxide. The Department has determined that compliance with the carbon monoxide standard will also ensure compliance with the other standards.

The measures comprising the Portland Transportation Control Strategy may be classified as follows:

1. Federal Motor Vehicle Control Program.
2. Mandatory Motor Vehicle Inspection and Maintenance Program.
3. Traffic Flow Improvements.
4. Public Transportation Improvements.
5. Reorganization and Management of Parking Supply.
6. Other Measures.

In addition, the Transportation Control Strategy includes sections describing the adequacy of the strategy to achieve compliance with the standards, monitoring the effectiveness of the strategy and maintaining compliance with the standards.

A summary of each section of the Portland Transportation Control Strategy is presented below:

Section 1. Federal Motor Vehicle Control Program

Federal regulation of air contaminant emissions from new automobiles has been programmed to reduce emissions of carbon mono-

xide, hydrocarbons, and oxides of nitrogen through promulgation of increasingly more stringent standards for control of these emissions. The Clean Air Act Amendments of 1970 require that carbon monoxide and hydrocarbon emission standards for 1975 model autos be set at 10% of the allowable emissions from 1970 model cars.

This program is being implemented by the Environmental Protection Agency. Oregon is pre-empted by federal law from establishing emission standards for new automobiles.

Projections of the effect of the Federal Motor Vehicle Control Program upon air quality in Portland indicates that a 29% reduction in carbon monoxide emissions and a 31% reduction in hydrocarbon emissions from 1970 levels will be attained by 1975.

The recent decision by EPA to delay compliance with the 1975 standards for one year and establishment of interim standards has reduced the effectiveness of the Federal Motor Vehicle Control Program by approximately 3%.

Section 2. Motor Vehicle Inspection/Maintenance Program

The Department has developed the basic concepts and outline of a motor vehicle inspection/maintenance program, and is presently engaged in the development of specific design elements for this program. The program is consistent with Oregon laws and is to be implemented initially in Clackamas, Columbia, Multnomah, and Washington counties in the Portland metropolitan area.

The motor vehicle inspection/maintenance program is intended to achieve a 20% reduction in 1975 carbon monoxide emission rates and a 25% reduction in 1975 hydrocarbon emission rates.

The Department has included within the inspection/maintenance program design provisions for monitoring the effectiveness of the inspection/maintenance procedures. If it is determined that the emission reduction benefits projected through inspection/maintenance procedures alone are not being achieved, pre-emission controlled vehicles may then be required to comply with criteria necessitating the use of retrofit systems. The combined inspection/maintenance and retrofit program would then provide the desired emission reductions.

Section 3. Traffic Flow Improvements

Traffic flow improvements are measures designed to reduce congestion in downtown Portland and increase the average speed of automobiles using the downtown street grid, thereby reducing carbon monoxide and hydrocarbon emissions.

The Portland Bureau of Traffic Engineering has determined that the traffic flow improvements which would have the greatest positive impact upon reducing emissions in downtown Portland are operation of a computerized traffic signalization system and removal of curb parking on portions of selected downtown streets experiencing traffic congestion.

The City of Portland has committed itself to implementing these traffic flow improvements prior to January, 1975.

Section 4. Public Transportation Improvements

Improvements in the public transportation system, operated in the Portland metropolitan area by Tri-Met, will be undertaken by that

agency in cooperation with the cities and counties of the metropolitan area, Columbia Region Association of Governments, Oregon Department of Transportation and the DEQ to achieve the following goals by June, 1975:

1. Increase daily revenue passenger ridership to and from downtown Portland by 50% over the 1970 daily ridership (increase from 50,000 to 75,000 riders/day).

2. Develop and operate a downtown loop shuttle system to serve 5,000 revenue passengers daily.

The basic assumption of the public transportation improvements is that they will decrease the annual rate of growth of downtown destined automobile trips, thereby reducing carbon monoxide and hydrocarbon emissions, while maintaining or enhancing access to and mobility within downtown Portland.

The Tri-Met Transit Improvement Plan prepared for the Transportation Control Strategy can be summarized as follows:

Phase I: Existing and Pilot Programs

1. Acquisition of 120 new buses.

2. Implementation of service improvements.

3. Construction and operation of seven suburban park-and-ride stations with exclusive bus lanes and/or express buses.

4. Development and operation of supplemental park-and-ride stations using existing parking lots with express bus service.

5. Aggressive marketing program.

6. Transit Mall on Fifth and Sixth Avenues.

7. Three line experiment.

8. Installation of 800 bus shelters.

9. Employee/merchant programs.

   a. Shop and Ride.

   b. Staggered work hours.

   c. Employee's fare subsidization.

10. Remodeling of headquarters/maintenance facilities.

Phase II: Additional Programs and Downtown Shuttle System

1. Acquisition of 80 new buses.

2. Downtown shuttle system.

3. Intercept park-and-ride system with shuttle service to downtown.

In addition, the City of Portland is committed to initiate development and financing of the East-West Transit Mall recommended in the Downtown Plan on S. W. Morrison or nearby streets by 1975.

Section 5. Reorganization and Management of Parking Supply

Measures designed to reorganize and manage the supply of parking in downtown Portland have two basic objectives:

1. To ensure that a balance is maintained between the availability of parking downtown, increased use of mass transit and the growth of automobile trips destined for downtown.

2. To reorganize the parking supply into an identifiable system to decrease automobile travel expended searching for parking spaces, thereby reducing emissions.

Ideally, the City of Portland should be the agency to manage the downtown parking supply. However, the City has not, as of this

writing, provided the Department with a plan for so doing. Thus, it is incumbent upon the Department, under procedures established in OAR, Chapter 340, Sections 20-050 through 20-070 Parking Facilities and Highways in Urban Areas, to manage the supply of parking such that the goals of the Transportation Control Strategy are met.

The Department has used the guidelines developed by its Citizens Advisory Committee for management of parking supply as the basis of the parking facilities review guidelines. The Department guidelines for review of parking facilities in downtown Portland may be summarized as follows:

1. Allow the construction of short-term parking, if the new parking facility is to replace, on a one-for-one basis, curb parking which is removed in accordance with the Downtown Plan and Transportation Control Strategy. This replacement parking shall be a part of the Downtown Plan approved by the City Council.

2. Allow the construction of new parking in conjunction with the construction of new developments in downtown Portland, based upon Tables 5.6 and 5.7 in the Transportation Control Strategy which relate the amount of parking allowed to the increased transit patronage projected for 1975.

3. Other parking facilities proposed for construction will not be approved.

Reorganization of parking in downtown Portland into an identifiable system is one of the goals of the Downtown Plan. The City of Portland will implement the following measures:

1. The City Council amended the Planning and Zoning Code removing the minimum requirement for off-street parking in the Downtown Plan Review Area.

2. Increase the basic short-term meter rate from 20¢ to 30¢ per hour.

3. Replace long-term meters with short-term meters in downtown area.

4. Initiate a study to determine if the City has authority and need to regulate commercial off-street parking.

5. Close Park and Ninth Avenues to through automobile traffic.

6. Acquire the Meier and Frank parking block for redevelopment as a major central city square.

7. Provide a public system of color coded directional signs to parking facilities.

8. Develop first phase parking structure (600-800 spaces) in vicinity of Fourth and Morrison.

Section 6. Other Measures.

The City of Portland has included additional measures in the Transportation Control Strategy which will serve to supplement the measures delineated in the other sections and provide further consistency with the Downtown Plan. These include:

1. The City has requested a grant from UMTA for a Car Pool Pilot Project and Feasibility Study.

2. The Council has stated that the Mayor should request the business and government community to create a strong committee to establish a staggered work hours program.

3. The Council has stated that the City should, in a leadership role, adopt a policy of encouraging alternatives to the auto in the conduct of business.

Section 7. Adequacy of the Transportation Control Strategy

The objective of this section is to demonstrate the adequacy of the Transportation Control Strategy to attain and maintain compliance with national ambient air standards for carbon monoxide, hydrocarbons, photochemical oxidants and nitrogen dioxide in downtown Portland.

EPA has agreed with the Department's analysis and conclusions, presented in the Clean Air Act Implementation Plan, that the achievement of a 43% reduction in projected 1975 carbon monoxide emissions will result in compliance with the carbon monoxide standards and concurrently with the standards for hydrocarbons, photochemical oxidants and nitrogen dioxide in downtown Portland.

Briefly, the Implementation Plan states that a 43% reduction in projected 1975 carbon monoxide emissions at the Department's Continuous Air Monitoring Station (CAMS), in addition to the emission reductions expected from the Federal Motor Vehicle Control Program, will be required to achieve compliance with national ambient air standards.

The motor vehicle inspection/maintenance program is projected to reduce carbon monoxide emissions by 20% in 1975. This leaves a

23% reduction (43%-20% = 23%) to be achieved by implementation of various transportation control strategies.

The Department has developed a methodology which relates traffic volumes and average speeds to projected air quality based upon long-term monitoring data from the CAMS and other downtown monitoring sites. Using this methodology, the Department was able to predict the effectiveness of the various transportation control strategies in reducing carbon monoxide emissions for each block in downtown Portland. It was found that the effectiveness of the transportation control strategies varied according to the characteristics of street traffic from block to block in the downtown area. Generally, the effectiveness of the traffic flow improvements ranged from 7% to 15% and the public transportation improvements from 3% to 8%. The results of the application of this methodology indicates that the Portland Transportation Control Strategy will be adequate to achieve compliance with national standards by 1975.

It should be noted that the Transportation Control Strategy, summarized in this staff report, is a plan for achieving and maintaining compliance with air quality standards in downtown Portland where specific automobile related air pollution problems have been adequately identified and recorded by long-term ambient air monitoring.

This does not preclude the possibility that, at a later date, if reliable long-term sampling data in other areas of the city or metropolitan area indicate motor vehicle air pollution problems exist or persist, additional transportation control measures may be necessary for these other areas.

Section 8. Monitoring the Effectiveness of the Transportation Control Strategy

Monitoring the effectiveness of the Transportation Control Strategy will be accomplished as follows:

1. Ambient air quality monitoring of carbon monoxide, hydrocarbons, photochemical oxidants and oxides of nitrogen will be provided on a continuous basis by the Department and CWAPA.

2. Daily monitoring of traffic volumes and speeds in downtown Portland will be provided on a continuing basis by the Portland Traffic Bureau.

3. Tri-Met will monitor revenue passenger trips to and from downtown Portland daily with estimates of total passenger trips provided monthly on a continuing basis.

4. The DEQ Citizens Advisory Committee will monitor the effectiveness and implementation of the Strategy and advise the Department and City Council on necessary revisions.

Section 9. Maintaining Compliance with National Ambient Air Standards

The Department recognizes that maintaining compliance with air quality standards cannot be assured by simply projecting the effects the transportation control measures over long periods of time. It is also necessary that procedures be established for the review of new sources of automobile related air contaminant emissions to prevent the development of these sources where such development would interfere with maintaining compliance with ambient air standards.

Procedures for the review of automobile related air contaminant sources were established as an integral part of the Clean Air Act Implementation Plan with the adoption of OAR, Chapter 340, Sections 20=050 through 20-070 Parking Facilities and Highways in Urban Areas. This rule requires Department review and approval prior to the establishment, construction or modification of any parking facility for 50 or more motor vehicles or any freeway or expressway in the Portland, Salem and Eugene-Springfield metropolitan areas.

However, experience gained by the Department in implementing this rule has shown that in its present form it is not necessarily adequate to ensure maintenance of the air quality standards. This is true in the case of parking facilities because analysis of the air quality impact of individual facilities shows their individual impact to be insignificant except in a few exceptional cases. However, when viewed from the concept of a total system of many parking facilities existing in a downtown area, for example, the air quality impact is very significant.

The Department has determined that the best way to insure maintenance of ambient air standards for motor vehicle related contaminants is to have land use, transportation and parking plans prepared which will not result in violations of the standards by providing for air quality analysis of alternative plan concepts during the planning process.

The Department has received permission from the EQC to hold a public hearing, at a time and place to be designated, regarding

proposed modifications to the Parking Facilities and Highways rule. The Department is proposing to modify this rule to require transportation and parking plans, which are consistent with locally adopted land use plans, to be developed, adopted and submitted to the Department by the local governmental agencies comprising the Portland, Salem and Eugene-Springfield metropolitan areas. These plans shall be submitted with an air quality and noise analysis and upon review and approval by the EQC will provide the basis for review and approval of parking facilities and highways proposed for construction in the three metropolitan areas.

The Department staff is presently working on the proposed rule modifications and expects to complete them by August, 1973.

Conclusion

The Portland Transportation Control Strategy, as submitted to EPA on April 16, 1973, is adequate to achieve and maintain compliance with national ambient air quality standards by May 31, 1975.

The successful implementation of the Control Strategy will require the cooperative efforts of several diverse public agencies in the Portland metropolitan area. These agencies include the City of Portland, Tri-Met, Oregon Department of Transportation, Columbia Region Association of Governments, Multnomah County, Clackamas County, Washington County, the cities in the metropolitan area and Columbia-Willamette Air Pollution Authority. It would be desirable that the

public agencies listed abbve, which have not been directly involved in the preparation of the Transportation Control Strategy, be requested to review the Strategy and take whatever action they deem necessary to participate in implementation of the plan.

Director's Recommendation

The Director recommends that the Commission take public testimony on the Portland Transportation Control Strategy and after considering the testimony and making whatever revisions are deemed necessary issue an order making the Portland Transportation Control Strategy an amendment to the Oregon Clean Air Act Implementation Plan.

DIARMUID F. O'SCANNLAIN

MJD:c

5/16/73

DEPARTMENT OF ENVIRONMENTAL QUALITY

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TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. F , May 29, 1973, EQC Meeting

Proposed Amendments to Oregon Administrative Rules, Chapter 340, Division 4, Subdivision 1.

The staff has reviewed the testimony received at the public hearing held on April 30, 1973, by the Commission regarding the Proposed Amendments to Oregon Administrative Rules, Chapter 340, Division 4, Subdivision 1. Also, written communications regarding proposed standards revisions were received from the Department's legal counsel and from the Bureau of Sports Fisheries and Wildlife.

Based on an evaluation of the testimony and additional information further clarifying amendments are proposed. The proposed revised standards are attached to this report.

The Bureau of Sports Fisheries and Wildlife recommended that the upper temperature limit above which no measurable increases are permitted be lowered to 58° F. for fresh waters and to 55° F. for marine waters. Oregon's present standard for marine waters allows no significant increase above background. The upper limit of temperature established for freshwater streams has been based on historic record of natural temperatures.

The Department does not consider it desirable to make any changes in upper temperature limits at this time. Standards are presently being more

fully evaluated as a part of the River Basin planning process. More extensive revisions of existing standards are expected as a result of the planning process within the next two years.

At the hearing, substantial testimony dealt with the proposed standard for total dissolved gases. The staff was directed to evaluate the testimony and to prepare a report. This report is attached. It is the conclusion of the Department that research information available is not sufficiently complete to show that a total dissolved gas concentration of 110% of saturation would be adequate to protect all life stages of salmonid fishes. Therefore, the attached draft of the proposed revised standards maintains the 105% saturation standard.

Director's Recommendation

It is recommended that the proposed revised Water Quality Standards as contained in the attached draft be adopted.

DIARMUID F. O'SCANNLAIN

ELQ 5/21/73

Section I. Items 41-023 and 41-024 shall be added to OAR 340, Division 4, Subdivision 1.

41-023 [GENERAL CONSIDERATIONS] MIXING ZONES

[The following general guidelines shall be applicable to the water quality standards set forth in this subdivision:]

(1) The Department may suspend the applicability of all or part of [The] the water quality standards [herein established,] set forth in this subdivision, except [for the esthetic values,] those standards relating to aesthetic conditions, [shall not apply] within a defined immediate mixing [zones] zone of very limited size adjacent to or surrounding the point of a wastewater discharge.

(2) The sole method of establishing such a mixing zone shall be by the Department defining same in a waste discharge permit.

(3) In establishing a mixing zone in a waste discharge permit the Department:

(a) May define the limits of the mixing zone in terms of [The] the [total] area [and/] or volume or both of [a] the receiving water; [assigned to a mixing zone shall be as described in a valid discharge permit]

(b) May set other less restrictive water quality standards to be applicable in the mixing zone in lieu of the suspended standards; and

(c) [limited] Shall limit the mixing zone to that which in all probability, will

[1] (i) not interfere with any biological [communities] community or [populations] population of any important species to a degree which is damaging to the ecosystem; and

[2] (ii) not [diminish] adversely affect any other beneficial [uses] use disproportionately.

41-024 TESTING METHODS

[2] The analytical testing methods for determining compliance with the water quality [these] standards contained in this subdivision shall be in accordance with the most recent edition of Standard Methods for the Examination of Water and Waste Water published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation,[and other or superseding methods published by the Department following consultation with adjacent states and concurrence of the Environmental Protection Agency.] unless the Department has published an applicable superseding method, in which case testing shall be in accordance with the superseding method; provided however that testing in accordance with an alternative method shall comply with this section if the Department has published the method or has approved the method in writing.

Section II. OAR 340-41-025 (9) and (12) are to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(9) Any measurable increase in temperature when the receiving water temperatures are 64° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 63.5° F. or less; or more than 2° F. increase due to all sources combined when receiving water temperatures are 62° F. or less.

(12) The concentration of total dissolved gas relative to atmospheric pressure at the point of sample collection to exceed one hundred and five percent (105%) of saturation, except when stream flow exceeds the 10-year, 7-day average.

Section III OAR 340-41-040 (4) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature. Any measurable increase when river temperatures are 72° F. or [above] greater, or more than 0.5° F. increase due to single-source discharge when receiving

water temperatures are 71.5° F. or less, or more than 2° F. [cumulative] increase due to all sources combined when river temperatures are 70° F. or less.

Section IV. OAR 340-41-045 (4)(a) and (b) are to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature

(a) (Multnomah channel and main stem Willamette River from mouth to Newberg, river mile 50). Any measurable increase when river temperatures are 70° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 69.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are 68° F. or less.

(b) (Main stem Willamette River from Newberg to confluence of Coast and Middle Forks, river mile 187). Any measurable increase when river temperatures are 64° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 63.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are 62° F. or less.

Section V. OAR 340-41-050 (5) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(5) Temperature. Any measurable increase when river temperatures are 68° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 67.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are 66° F. or less.

Section VI. OAR 340-41-055 (4) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature. Any measurable increase when river temperatures are 68° F. or [above,] greater; or more than 0.5° F.

increase due to a single-source discharge when receiving water temperatures are 67.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are 66° F. or less.

Section VII. OAR 340-41-060 (4) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature. Any measurable increase when river temperatures are 68° F. or [above,] greater; or more than 0.5° F. due to a single-source discharge when receiving waters are 67.5° F. or less or more than 2° F. increase due to all sources combined when river temperatures are 66° F. or less.

Section VIII. OAR 340-41-065 is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(4) Temperature. Any measurable increase when river temperatures are [70°] 68° F. or [above] greater; or more than 0.5° F. increase due to a single-source discharge when receiving waters are 67.5° F. or less; or more than 2° F. increase due to all sources combined when river temperatures are [68°] 66° F. or less.

Section IX. OAR 340-41-080 (e) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(e) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less or or more than 2° F. increase[s] due to all sources combined when stream temperatures are 56° F. or less, except for short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Section X. OAR 340-41-085 (e) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(e) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F. increase[s] due to all sources combined when stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Section XI. OAR 340-41-090 (e) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(e) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F. increase[s] due to all sources combined when stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Section XII. OAR 340-41-095 (d)(A) and (B) are to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(d) Temperature.

(A) In Salmonid fish spawning areas, any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F.

increase[s] due to all sources combined when stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate essential uses or activities where temperatures in excess of this standard are unavoidable.

(B) In all other basin areas, any measurable increases when stream temperatures are 68° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 67.5° F. or less; or more than 4° F. increase due to all sources combined when river temperatures are 64° F. or less.

Section XIII. OAR 340-41-100 (e) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(e) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F. increase due to all sources combined when stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

Section XIV. OAR 340-41-105 (c) is to be amended as follows (additions are underlined, deletions are enclosed in brackets):

(c) Temperature. Any measurable increases when stream temperatures are 58° F. or [above,] greater; or more than 0.5° F. increase due to a single-source discharge when receiving water temperatures are 57.5° F. or less; or more than 2° F. increase[s] due to all sources combined when

stream temperatures are 56° F. or less, except for certain short-term activities which may be specifically authorized by the Department of Environmental Quality under such conditions as it may prescribe and which are necessary to accommodate legitimate uses or activities where temperatures in excess of this standard are unavoidable.

MEMORANDUM

To: Environmental Quality Commission Date: May 22, 1973

From: Director

Subject: The Total Dissolved Gas Standard

Numerous observations of supersaturated dissolved nitrogen concentrations in the Columbia River were noted by the National Marine Fisheries Service beginning in 1966. These high dissolved nitrogen readings since 1966 have been related to freshet flow conditions causing excess waters to discharge over the hydroelectric project spillways on the Columbia River system.

Mortality of juvenile and adult salmonids were estimated to be high as a result of the supersaturated dissolved nitrogen levels. Population estimates of juvenile chinook in the Salmon River at Whitebird, Idaho, and those arriving at Ice Harbor Dam on the Snake River indicated that about 70% of the chinook migrants were lost between these two points in 1970 (Ebel, 1971). An estimate of downstream migrating juvenile steelhead originating from Dworshak Hatchery indicated a 15% loss to Ice Harbor Dam on the Snake River and about a 90% loss to McNary Dam in 1971 (Ebel, 1971). 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). Based upon the estimated losses of salmonid fishes attributed to supersaturated dissolved nitrogen, the Environmental Protection Agency (EPA) in 1971 projected that the Snake and Upper Columbia River runs of salmonids could be greatly reduced within a three-year period if the efforts to alleviate the problem are only partially successful (EPA,1971). Thus, EPA recommended that the states of Idaho, Washington and Oregon establish a dissolved nitrogen standard of 110% of saturation.

Both Washington and Idaho adopted a dissolved nitrogen standard of 110% in 1972. In March, 1972, the Environmental Quality Commission adopted a dissolved nitrogen standard of 105% because several pieces of literature indicated that the gas bubble disease could develop in fishes at levels above 105%. This in-stream standard was considered to be a level which would assuredly protect fish and other aquatic organisms throughout the

water column in the rivers, especially those that spend all or part of their life stages near the water surfaces. Testimony was presented in which fisheries researchers expressed the opinion that previous bioassays conducted in shallow waters did not reflect the conditions under which salmonid fishes remained in the Columbia River system. It is known, however, that adult salmonids must rise near the water surface to enter into and to negotiate fish ladders. Wild stocks of naturally reared juvenile salmonids have been observed to spend considerable time near the water surface in streams tributary to the Columbia River, and it is assumed that these juvenile fishes behave in the same manner in the main stem Columbia River.

One aspect of the recent and on-going studies conducted by NMFS relative to the effects of total dissolved gases on juvenile salmonids suggest that the threshold level begins at about 110%. Preliminary studies by the EPA Western Fish Toxicology Laboratory in Corvallis suggest that the adult salmonids may be more sensitive to the dissolved gas phenomenon than the juvenile salmonids. Some preliminary results indicate that adult female silver salmon are much more susceptible to gas bubble disease than the adult males or young-of-the-year juveniles. Temperature is another factor that appears to influence the development of gas bubble disease in fish. For example, the mortality of adult sockeye salmon and year-old rainbow at 18° C. was observed to be over twice that at 10° C. The results of the above preliminary observations have not been published for evaluation, but they do point out that the most sensitive life stages of the salmonid species may not have been adequately evaluated to date.

It is recognized that the solution to the dissolved gas phenomenon in the Columbia River system is difficult. Currently, the Corps of Engineers, guided by the state and federal fisheries agencies, have agreed to install three deflectors on the Bonneville spillway to determine the possible effects such structural modifications may have on adult salmonids. It was felt by all concerned agencies that any attempts to modify the existing structures needed adequate studies to insure that the modifications would not produce more harmful effects than the dissolved gas problem alone. The Idaho Power Company is conferring with the Corps of Engineers and Bonneville Power Administration to determine if these two federal agencies would cooperate

in allowing them greater flexibility in reservoir regulations to take greater advantage of the storage capacity in Brownlee reservoir during the year of high freshet flows. The company is also investigating the feasibility of adding a fifth power generating unit at the Brownlee power plant which would increase the hydraulic capacity of the plant by 20,000 cfs or more.

It is understood that Idaho Power Company can meet the 105% dissolved gases standard at its lower Snake River projects by installing a fifth generator and regulating reservoir operation to minimize dissolved gas supersaturation.

It is also possible that the Columbia River projects may be able to more than meet the 110% Dissolved Gas Standard by river flow regulation to minimize dissolved gas supersaturation after the Canadian storage projects become fully operational.

Conclusions

Based upon the above it is concluded:

1. That the research information available is not sufficiently complete to show that a total dissolved gas concentration of 110% of saturation would be adequate to protect all life stages of salmonid fishes.
2. That the 105% of saturation standard should be implemented to the extent practicable with due consideration of the overall fishery management problem.
3. That corrective measures and decisions to reduce dissolved gas supersaturation such as flip lips on spillways, slotted gates, etc., should not be installed, except on a demonstration basis, until adequate research and demonstration and overall effects on fish are accomplished.

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5301

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item G, for May 29, 1973, EQC Meeting

Columbia Willamette Air Pollution Authority - Assumption of Administration and Enforcement of Air Quality Control Program by EQC

Problem

Columbia Willamette Air Pollution Authority (CWAPA) has notified DEQ that it will discontinue its services to Washington County as of July 1, 1973, due to Washington County's failure to pay its share of air pollution control costs for the past two years. Attempts to resolve the problem through informal negotiations have so far been unsuccessful. The background of this problem is detailed in a staff recommendation presented at the April 2, 1973, EQC meeting, a copy of which is attached.

Pursuant to ORS 449.905, and having given 30 days notice to the Regional Authority, this hearing is being conducted to determine whether the air quality control program of the Columbia Willamette Air Pollution Authority is inadequate or is being administered in a manner inconsistent with the requirements of ORS 449.702 to 449.717,

449.727 to 449.741, 449.760 to 449.830, 449.850 to 449.920 and 449.949 to 449.965, or is being administered in a manner lacking uniformity throughout the territory of the regional authority.

Alternatives for Solution

Pursuant to ORS 449.905, if after hearing, the EQC determines that the regional authority has failed to establish an adequate program or that the program in force is being administered improperly, it may require that necessary corrective measures be undertaken within a reasonable period of time.

The obvious corrective measure to be taken in this instance is the payment of the required fees by Washington County. Washington County has been adamant in its refusal to make such payment. DEQ has attempted informally to persuade the remaining members of CWAPA to reform as a regional authority without the participation of Washington County, with DEQ taking over enforcement of the air quality control program in Washington County.

Pursuant to ORS 449.905(3), if the regional authority fails to take necessary corrective measures, the EQC must take over administration and enforcement of the air quality control program in CWAPA's territory. The statute provides that in this instance the program instituted by the EQC will supersede all rules, regulations,

standards and orders of the regional authority.

Actions to Date

At the April 2, 1973, EQC meeting, it was the Director's recommendation that CWAPA take the necessary steps to dissolve and reform without Washington County, leaving DEQ thereafter responsible for air quality control services in Washington County. It was the Director's opinion that such a course of action would be preferrable to a formal hearing proceeding under ORS 449.905 and would be the least detrimental to the well being of the Regional Air Pollution Authority.

Pursuant to authorization from the EQC at that meeting, the Director did in fact attempt to assist the members of CWAPA in dissolving and reforming without Washington County. However, Clackamas County indicated that it will not participate in such a proposed new regional authority. The participation of Columbia County is also doubtful.

On Friday, May 25th, the Director received a notice from CWAPA that its Board had approved a memorandum "CWAPA Merger with DEQ" dated May 23, 1973, recommending a merger of CWAPA with DEQ in accordance with five conditions set forth therein.

In the light of the developments to date including the fact that two and probably three counties do not wish to remain in CWAPA, and in light of the Board

memorandum recognizing these facts, it must be concluded that air quality control programs are being administered in a manner lacking uniformity throughout the territory of the regional authority and consequently the program of the regional authority is inadequate.

The Director has been kept well informed by Mr. Hatchard, the program director of CWAPA, with respect to possible continuation of the staff and programs of CWAPA. It is the Director's very strong recommendation that a solution be found which will prevent deterioration of air pollution control efforts in the Portland metropolitan area. Therefore, in addition to making the necessary findings under ORS 449.905, the Director strongly urges that he be authorized to take whatever actions are necessary to insure the retention of the CWAPA staff by arranging their transfer, consistent with state civil service and personnel regulations, to the Department of Environmental Quality. Certain preliminary inquiries and conditional notices have been given to various state officials in anticipation of this likelihood. There is no reason to believe that any additional state funding will be required to accomplish such a transfer. While there are certain details with respect to civil service regulations and pension rights and fringe benefits as well as differing salary levels which must be adjusted, it is the Director's judgment that such matters can be worked out on a reasonably acceptable

basis.

In any event, the Director strongly recommends that a smooth transition of air pollution control efforts in the CWAPA area be made by utilizing existing staff, rules, regulations, permits and compliance schedules to the maximum extent possible.

Director's Recommendation

The Director recommends:

1. The Environmental Quality Commission find in accordance with ORS 449.905 that the air quality control program of CWAPA is inadequate in that it fails to make provision for continued air pollution control services to all areas served by it, and that CWAPA is unable to take the necessary corrective measures, and therefore that EQC shall take over administration and enforcement of the air quality control program in CWAPA's territory effective July 1, 1973.
2. The Commission further find that air pollution control services in CWAPA's territory will be best served by:
   a. a transfer of all CWAPA staff positions, consistent with applicable state civil service and personnel regulations to the Department of Environmental Quality.

b. the transfer of all CWAPA assets to the Department.

c. ratification and affirmance of all existing CWAPA rules, permits, compliance schedules and contracts.

d. prior to such transfer, an audit of CWAPA's accounts, the results of which audit shall be communicated to the Commission at its next meeting.

e. the Director taking all actions necessary to effect an orderly transfer to the Department of Environmental Quality of all CWAPA plans and programs as fully as possible without any break in continuity, effective July 1, 1973.

DIARMUID F. O'SCANNLAIN

DFO'S:cm

5/25/73

Attachments

1. Director's report to EQC dated April 2, 1973.
2. EQC Resolution of April 2, 1973.
3. Director's letter to Washington County dated April 2, 1973.
4. Letter from Eldon Hout, Chairman, Washington County Board of Commissioners, April 19, 1973.
5. Director's letter to remaining CWAPA members dated April 20, 1973.
6. Letter from Board of County Commissioners, Clackamas County, April 23, 1973.
7. Letter from Fred Stefani, Chairman, CWAPA, April 27, 1973.
8. Notice for Public Hearing before the EQC, Dated April 30, 1973.
9. Letter dated May 10, 1973 to the Honorable William Holstrom and Philip Lang, Joint Committee on Ways and Means.
10. Letter from R. E. Hatchard, Program Director, CWAPA, May 25, 1973, together with Memorandum dated May 23, 1973, entitled "CWAPA Merger with DEQ."

ATTACHMENT 1

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5301

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item C , for April 2, 1973, EQC Meeting

Columbia Willamette Air Pollution Authority - Discontinuance of Air Pollution Control Services to Washington County.

Problem

Columbia Willamette Air Pollution Authority (CWAPA) has notified the Department of Environmental Quality that it will discontinue its services to Washington County on April 1, 1973, unless Washington County pays its share of air pollution control costs for the past two years.

Because DEQ has ultimate responsibility by law for statewide control of air pollution, and for assuring that regional authorities maintain uniform programs, an informal hearing on the problem has been scheduled. If the matter cannot be resolved informally, EQC may need to decide how air pollution controls in Washington County are to be enforced.

Alternatives for Solution

1. Washington County could resolve the problem by accepting

responsibility for payment of its share of CWAPA costs.

2. CWAPA could continue to serve Washington County without payment.

3. CWAPA could dissolve and reform without Washington County per ORS 449.900, leaving DEQ responsible for air quality control services in Washington County.

4. If none of the above occurs, EQC could conclude that the air quality control program in the Columbia Willamette Region was "being administered in a manner lacking uniformity throughout the territory of the regional authority." Under ORS 449.905, EQC would then be required to conduct a formal hearing on the matter after 30 days notice to CWAPA, and "require that necessary corrective measures be undertaken within a reasonable period of time." If CWAPA failed to take the necessary corrective measures within the time required, EQC would become the administrative and enforcement body for the region, superseding the regional authority.

Background

Under Oregon Law (ORS 449.850 to 449.920) Regional Air Pollution Authorities are authorized to operate when formed of contiguous territory, having a population of 130,000 and consisting of two or more units of local government, if the Environmental Quality Commission finds that:

1. Adequate financing is planned and,

2. The boundaries are reasonable for air quality control purposes.

When authorized by the EQC, the region formed exercises the air quality control functions in the same manner that the DEQ would if no regional authority was formed. The statutes provide that the regional rules and standards must be as strict (or more strict) than those of the EQC and further that the EQC and a regional authority shall not exercise the same functions in the same territory.

Three regional authorities have been authorized under these statutes since 1967 and are now operating in Oregon. These are:

Columbia Willamette Air Pollution Authority (CWAPA)

Mid-Willamette Air Pollution Authority (MWVAPA)

Lane Regional Air Pollution Authority (LRAPA)

The Columbia Willamette Air Pollution Authority is composed of the territories of Clackamas, Columbia, Multnomah, and Washington Counties.

The original agreement between members for formation of the CWAPA was signed on November 15, 1967 by Clackamas, Columbia and Multnomah Counties and the City of Portland and authorization was granted by the EQC at its December 28, 1967 meeting. Washington County joined CWAPA approximately two years later and signed a similar agreement executed by all members and dated December 30, 1969, with authorization granted by the EQC at its January 30, 1970 meeting.

The attached directory shows the regional boundaries, Board Members, Advisory Councils, and staffs of Regional and State Air Quality Control programs.

Actions to Date

A resolution adopted by the EQC October 29, 1971, urged Washington County to continue participation in the region. A copy of that resolution is attached.

In a letter to the Director on February 12, 1973, CWAPA reviewed its status with Washington County and efforts to resolve the issue of Washington County's participation in CWAPA. The CWAPA letter requested the EQC to carry out its responsibility under ORS 449.765(1)(c) "to facilitate cooperation among units of local governments in establishing and supporting Air Quality Control programs." The letter further advised DEQ that after April 1, 1973 "air pollution services provided to Washington County will be discontinued by CWAPA unless payment is received for at least the first one-half of the current contribution of $18,440 ($9,220)." A copy of that letter is attached.

A copy of DEQ's letter scheduling the informal hearing for April 2, 1973 (attached) was sent to the Honorable Burton Wilson, Washington County Commissioner who represents the county on the CWAPA Board of Directors. The county, through a telephone call to the Department, (memo attached) advised DEQ on March 20, 1973, that it would not be represented at the informal hearing on April 2, 1973.

During February and March of 1973, the Director has had numerous telephone conversations and some informal visits with members of CWAPA relative to the Washington County matter. These contacts were efforts to resolve the issue and avoid formal, including legal, action.

Recommendation

Because many efforts over many months have exhausted the alternatives for settling the Washington County issue, and because CWAPA has had to provide services to Washington County for which it has not been paid by the county, it is the Director's recommendation that this matter now be promptly resolved. Assuming Washington County is not about to accept responsibility for its share of CWAPA's costs, and assuming CWAPA does not intend to continue to serve Washington County without payment, action by the EQC under the appropriate Oregon statutes is now appropriate.

It is the Director's recommendation that CWAPA take the necessary steps to dissolve and reform without Washington County per ORS 449.900. DEQ, then and thereafter, would be responsible for air quality control services in Washington County.

The Director is of the opinion that this recommendation, rather than a formal hearing to establish that the region is "being administered in a manner lacking uniformity throughout the territory of the regional authority," is the least detrimental to the well being of the Regional Air Pollution Authority Program.

Finally, the Director wishes to reiterate a point made many times: it has not been nor is it now the Director's or the Department's desire to administer directly the air quality control services for Washington County. With CWAPA reformed as a three county authority, and Washington County removed from participation in CWAPA, DEQ will have no alternative under Oregon statutes but to enforce air quality controls directly

in the Washington County area.

DIARMUID F. O'SCANNLAIN

Attachments

1. Resolution adopted by the EQC at its October 29, 1971 meeting.
2. Letter dated February 12, 1973 from Honorable Fred Stefani, Chairman of CWAPA, to D. F. O'Scannlain.
3. Letter dated March 7, 1973 from D. F. O'Scannlain to Commissioner Stefani.
4. DEQ memo on call from Washington County on March 20, 1973.

ATTACHMENT 2

RESOLUTION ADOPTED BY

ENVIRONMENTAL QUALITY COMMISSION

April 2, 1973

"After further discussion it was MOVED by Mr. Cogan, seconded by Mr. McPhillips and carried that unless in the meantime some other alternative solution is found to maintain CWAPA on its present basis, CWAPA be directed to dissolve and reform on a 3-county basis without Washington County within 60 days from the date of this meeting and that in such case responsibility for air pollution control in Washington County be taken over by DEQ."

DEPARTMENT OF ENVIRONMENTAL QUALITY

ATTACHMENT 3

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5301

April 2, 1973

Honorable Eldon Hout
Chairman
Washington County Board of
Commissioners
Washington County Courthouse
2nd & Main
Hillsboro, Oregon

Dear Commissioner Hout:

The Environmental Quality Commission today adopted a resolution that Columbia Willamette Air Pollution Authority (CWAPA) "take the necessary steps to dissolve and reform without Washington County per ORS 449.900. DEQ, then and thereafter, would be responsible for air quality control services in Washington County." The resolution also provided, however, that the effective date of the reorganization should be deferred 60 days to provide additional opportunity for Washington County to reconsider its position.

I would like to come to Washington County to meet with either you personally or the entire Board of Commissioners to explain the alternatives that may be available. I believe I can fairly summarize the advantages and disadvantages of continued membership in CWAPA as compared to service directly by the DEQ.

Please let me know what time and place would be most convenient to you.

Sincerely,

DIARMUID F. O'SCANNLAIN
Director

DFO'S:cm

cc: Honorable Fred Stefani
Honorable A. J. Ahlborn
Honorable Ben Padrow
Honorable Mildred Schwab
Honorable Burton C. Wilson, Jr.
Mr. R. E. Hatchard

ATTACHMENT 4

WASHINGTON COUNTY

ADMINISTRATION BUILDING — 150 N. FIRST AVENUE
HILLSBORO, OREGON 97123
(503) 648-8681

BOARD OF COMMISSIONERS
ELDON HOUT, Chairman
VIRGINIA DAGG
WILLIAM MASTERS
ROD ROTH
BURTON C. WILSON, JR.

Room 418

April 19, 1973

Diarmuid F. O'Scannlain
Director
Department of Environmental
Quality
1234 S.W. Morrison
Portland, Oregon

Dear Mr. O'Scannlain:

Pursuant to your letter of April 2 and subsequent conversations, let me outline the position of Washington County regarding membership in the Columbia Willamette Air Pollution Authority.

The Board of Commissioners has formally adopted a position favoring the assumption of air quality control authority by the State. This position is based on the following reasons: 1) Under present conditions the Department of Environmental Quality is already responsible for a number of air pollution abatement programs, e.g. automobile pollution, pulp and water industries, aluminum plants, nuclear plants, agricultural burning; 2) DEQ already serves as a conduit for federal funds and a review agency for local and regional programs; 3) The Environmental Protection Agency recognizes only States as enforcement agencies and requires reporting on a state wide basis; 4) DEQ coordinates other pollution abatement programs.

Washington County feels that the avoidance of duplicated services in air pollution and close coordination of the total environmental effort is in the public interest and best accomplished by vesting the air pollution authority in the DEQ.

The complexities of inter-regional and even inter-state coordination seem to far outweigh the value of local control which is minimal at best in a unifunctional regional authority, without day to day supervision, and dealing with costly technical matters.

The cost of an effective program cannot be ignored. Washington County withdrew from CWAPA due in part to the upward spiral of costs and the limited growth of revenues

at the county level given the 6% limitation. Additionally it was felt that this program should not be financed by property tax revenues. Clean air is a general benefit and should be financed on as broad a base as possible, such as the state income tax.

For these reasons the Washington County Board of Commissioners has no interest in rejoining CWAPA and favors H.B. 2339 abolishing regional air pollution control authorities and transferring authority to the DEQ.

Those with short memory seem to forget that Washington County has been a leader in the fight for clean air. In 1968 Washington County, alone in the state, had a county ordinace and county program for clean air. To receive additional federal funing in the area and with the full assurance that Washington County could withdraw at any time and believing that a larger geographic base was needed, the County joined CWAPA. Our continued review and evaluation has led us to the conclusion that the single purpose regional agency for air pollution control is as obsolete as our county ordinance.

State and local governments have always been laboratories of experimentation. Unlike the federal government when an agency becomes obsolete, we in Oregon terminate it and find other solutions. CWAPA can be retained by those jurisdictions desiring it, but Washington County is quite content to have DEQ responsible for air quality control services in the county, the region and the state.

We look forward to a continuation of the amicable working relationships already established with the Department and stand ready to assist you as best we can in this new endeavor, should it come about.

Thank you for your personal courtesy on this issue which seems to have become unduly politicized.

Sincerely,

ELDON HOUT
Chairman, Washington County
Board of Commissioners

ATTACHMENT 5

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5301

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

April 20, 1973

Identical letter to:

Honorable Fred Foshaug, Board of Columbia County Commissioners
Honorable M. James Gleason, Board of Multnomah County Commissioners
Honorable Neil Goldschmidt, Mayor, City of Portland

Honorable Thomas D. Telford
Chairman
Board of County Commissioners
Clackamas County
Clackamas County Courthouse
Oregon City, Oregon

Dear Commissioner Telford:

Attached is a copy of final notification which the Department of Environmental Quality received from the Chairman of the Washington County Board of Commissioners, indicating its final decision with respect to membership in the Columbia Willamette Air Pollution Authority.

As you may already be aware, the Environmental Quality Commission has resolved that should Washington County no longer participate, that CWAPA be dissolved and reformed as a three-county agency. Under the circumstances I would appreciate it if you could notify me what the intentions of your County Board of Commissioners would be with respect to such reorganization.

Since I would like to be in a position to provide our Commission with an interim report at the April 30 meeting, I would appreciate it if you could give me some tentative indication prior to that time.

Very truly yours,

DIARMUID F. O'SCANNLAIN
Director

DFO'S:cm
Enclosure

cc: Members, Environmental Quality Commission
Board of Directors, CWAPA

ATTACHMENT 6

COUNTY OF CLACKAMAS

BOARD OF COMMISSIONERS

OREGON CITY, OREGON 97045

655-8581

April 23, 1973

Mr. Diarmuid F. O'Scannlain
Director
Department of Environmental Quality
1234 S. W. Morrison Street
Portland, Oregon 97205

Dear Mr. O'Scannlain:

Thank you for your letter of April 20th regarding the dissolution of CWAPA should Washington County no longer participate.

If CWAPA reforms as a "Three-County" agency, the County of Clackamas would refrain from joining and recommends that the duties of CWAPA be taken over by the State Department of Environmental Quality.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Thomas D. Telford
Chairman

Robert Schumacher
Commissioner

Fred Stefani
Commissioner

TDT/ls

ATTACHMENT 7

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY
1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

27 April 1973

Diarmuid O'Scannlain, Director
Department of Environmental Quality
1234 S.W. Morrison Street
Portland, Oregon 97205

Dear Mr. O'Scannlain:

In our letter of 23 March 1973, the Board of Directors of Columbia-Willamette Air Pollution Authority indicated it would continue to provide program services in Washington County until 1 May 1973.

During the 27 April 1973 meeting, the Board considered the actions taken by the Environmental Quality Commission following the informal hearing held on 2 April 1973. The Board instructed its Program Director to continue to provide program services until 1 July 1973 to determine the actions taken by the 1973 Legislature and the actions taken by the participating jurisdictions in Columbia-Willamette Air Pollution Authority.

Sincerely,

Fred Stefani

Fred Stefani, Chairman
CWAPA Board of Directors

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 1973
OFFICE OF THE DIRECTOR

FS:rhj

ATTACHMENT 8

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

In the Matter of the Proposed Assumption by the Environmental Quality Commission of Administration and Enforcement of the Air Quality Control Program in the Territory of the Columbia-Willamette Regional Air Pollution Authority.	)	NOTICE OF HEARING PURSUANT TO ORS 449.905

TO: The Columbia-Willamette Air Pollution Authority

You and each of you will please take notice that on May 29, 1973, at 2 p.m., in the auditorium of the Public Service Building, 920 S. W. 6th Avenue, Portland, Oregon, the Environmental Quality Commission will conduct a hearing pursuant to ORS 449.905 to determine whether the air quality control program of the Columbia-Willamette Air Pollution Authority now in force is being administered inconsistent with the requirements of ORS 449.702 to 449.717, 449.727 to 449.741, 449.760 to 449.830, 449.850 to 449.920 and 449.949 to 449.965, or is being administered in a manner lacking uniformity throughout the territory of the regional authority, so as to necessitate the administration and enforcement by the Commission of the air quality control program in the territory of said regional authority.

The Chairman of the Environmental Quality Commission will preside over and conduct the hearing.

DATED this 30th day of April, 1973.

DIARMUID F. O'SCANNLAIN, Director
Department of Environmental Quality

Copies: Governing Bodies of Multnomah County
Clackamas County
Columbia County
Washington County
City of Portland

ATTACHMENT 9

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5301

May 10, 1973

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

The Honorable William Holstrom, Co-Chairman
The Honorable Philip Lang, Co-Chairman
Joint Committee on Ways and Means
Salem, Oregon 97310

Gentlemen:

As you are aware, there is a significant possibility that the Columbia Willamette Air Pollution Authority (CWAPA) may be dissolved. I am very concerned that adequate provisions be made to retain the excellent CWAPA staff without any deterioration to air quality enforcement in the Portland area. Fortunately, existing federal funding sources are fully transferable to DEQ. Presently budgeted general and other funds will be sufficient to absorb CWAPA into DEQ without increased general fund support beyond the Governor's recommendations.

In anticipation of this possibility, I have developed a supplemental budget for your consideration which is attached.

Sincerely,

DIARMUID F. O'SCANNLAIN
Director

WEG:ahe
Attachment (1)

ATTACHMENT 10

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY
1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

25 May 1973

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAY 25 1973
OFFICE OF THE DIRECTOR

Mr. Diarmuid O'Scannlain, Director
Department of Environmental Quality
1234 S.W. Morrison
Portland, Oregon 97205

Dear Mr. O'Scannlain:

During the special meeting held on 24 May 1973, the Board of Directors of CWAPA approved the memorandum, "CWAPA Merger with D.E.Q.", dated 23 May. The Board directed that a copy be transmitted to the Environmental Quality Commission for consideration during the scheduled 29 May public hearing.

Sincerely yours,

R. E. Hatchard
Program Director

REH:sm

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY
1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

23 May 1973

MEMORANDUM

TO: The Board of Directors

FROM: R. E. Hatchard, Program Director

SUBJECT: CWAPA Merger with DEQ

Dear Board Members:

The Environmental Quality Commission has set a public hearing for May 29, 1973 to determine if CWAPA is being administered in a manner inconsistent with the ORS Chapter 449. It appears that due to lack of payment by Washington County that services will not be supplied by CWAPA to Washington County after 1 July 1973. The Department of Environmental Quality has replied that it will provide the required services to Washington County in accordance with provisions of 449.905. The other CWAPA participating jurisdictions have indicated that: 1) Washington County is an integral part of the regional air pollution authority and should not be administered separately; 2) if the State provides acceptable services to Washington County at no local cost to Washington County, it creates an extremely difficult situation with reference to the continuation of the local contributions from the counties of Columbia, Clackamas and Multnomah.

The participating jurisdictions believe instead that a merger of the Columbia-Willamette air pollution program with the Department of Environmental Quality should be arranged with the following conditions:

1. The regional program will continue to function similar to its current coordination with local related programs, but organized as a DEQ region, effective July 1, 1973.

2. In order to assist in accomplishing this objective, the CWAPA Board requests that a similar name of the agency be continued, such as the Columbia-Willamette Pollution Control Region; that its present office location be continued; that the existing rules be continued under the provisions of 449.785 (1) and (2); that the Advisory Committee representing the interest areas of public health, community planning, general public, industry and agriculture be continued.

3. That the CWAPA staff continue employment in their current positions, salaries and fringe benefits for a period of nine months unless the employee waives this condition.

4. That CWAPA's office equipment, sampling and laboratory equipment and data acquisition system owned by the agency be made available to DEQ without additional payment. The approximate inventory is $350,000.

5. CWAPA Program Director be directed to develop the administrative transition with DEQ Director Diarmuid O'Scannlain.

Very truly yours,

R. E. Hatchard

REH:jl

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5301

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

Subject: Agenda Item No. H , May 29, 1973, EQC Meeting

National Pollutant Discharge Elimination System (NPDES)
(Promulgation of emergency rules to meet EPA requirements for state authorization)

Background

1. On October 18, 1972, the Federal Water Pollution Control Act was amended by the adoption of Public Law 92-500 (hereinafter called the Act).
2. The Act requires that all persons discharging pollutants to public waters have a National Pollutant Discharge Elimination System (NPDES) permit. This permit program is to be administered by the U. S. Environmental Protection Agency except in those states where authority to issue NPDES permits has been or will be transferred to a state agency.
3. It is the intent of the Director to proceed as rapidly as possible to acquire NPDES permit issuing authority from EPA. If the Department does not receive the authority to issue NPDES permits in the very near future it will mean that EPA will be obligated to start issuing NPDES permits in Oregon and therefore a duplicative permit program will be initiated. The other thing that could possibly happen is that Oregon dischargers would not be issued NPDES permits

within the time limitation required by the Act and therefore be subject to prosecution for failure to have a permit.

4. The Act requires that all point source dischargers to navigable waters file an NPDES permit application by April 16, 1973. Since the Department does not have authority to receive NPDES applications, they are being received by the EPA regional office at this time.
5. A discharge for which an application has been appropriately filed in accordance with the provisions of the Act will not be considered in violation of the Act until December 31, 1974, if administrative disposition of the application has not been completed by that time. It is therefore important that permits on all existing discharges be issued prior to that date if at all possible.
6. Although the Director has submitted a preliminary request for authority to issue NPDES permits, there are some additional items which must be submitted before EPA will start processing the request. One of the most significant items to be submitted is an Attorney General's statement which confirms the authority of the Department to carry out the provisions of the Act. All authorities cited by the Attorney General as authority adequate to meet the requirements of section 402(b) of the Act must be in the form of lawfully promulgated state statutes and regulations and shall be in full force and effect at the time the Attorney General signs the Attorney General's statement.
7. House Bills 2436 and 2437 which provide the basic authority for the NPDES permit program have recently been passed. House Bill 2436 enables the Commission to adopt rules and regulations for administering the NPDES permit program.

8. Once the program submittal, including the Attorney General's statement, is accepted by EPA as being substantially complete, they have 90 days to approve or disapprove the program and grant authority to the Director to issue NPDES permits. During the 90-day period, EPA will circulate public notice and hold a public hearing on the Director's request for authority to issue NPDES permits.

Evaluation

1. There are about 900 dischargers in Oregon which will require NPDES permits.
2. The permit application processing procedures are very cumbersome in order to provide the public involvement required by the Act. Therefore, the task of processing all applications and issuing NPDES permits prior to the December 31, 1974 deadline will be very difficult even if the Director already had authority to issue NPDES permits.
3. It is very important that the Department's permit program submittal to EPA be finalized as soon as possible in order to provide the maximum amount of time between now and December 31, 1974 for the issuance of NPDES permits.
4. Any discharger who does not have an NPDES permit by December 31, 1974, will be subject to prosecution. This could be an extreme hardship on Oregon dischargers and could cause some industries to shut down until an NPDES permit could be processed.

Conclusions

1. If the Director is not granted authority to issue NPDES permits in the near future, it will be impossible to process

all applications by December 31, 1974. This could have a severe economic impact on Oregon if industries had to shut down to avoid prosecution.

2. Waiting to adopt rules and regulations in accordance with standard promulgation procedures will unduly delay finalizing the completion of the Attorney General's statement.
3. Emergency regulations could be adopted for a period of 120 days which would allow the submission of the Attorney General's statement and completion of the program submittal. During the time EPA was reviewing the Department's program submittal, formal regulations could be adopted.

Director's Recommendation

It is recommended that the Commission adopt the attached set of emergency regulations so that the Director can immediately complete his submittal to EPA for authorization to process NPDES permits. It is further recommended that the Director be authorized to hold a public hearing as soon as possible in order to promulgate permanent rules and modify existing rules where necessary.

DIARMUID F. O'SCANNLAIN

CKA:ak
May 22, 1973

Proposed Amendments to

OAR Chapter 340, Division 1,

Subdivision 4

A new paragraph, which reads as follows, shall be added to OAR Chapter 340, Division 1, Subdivision 4, between Sections 14-005 and 14-010.

14-007 EXCEPTION

The procedures prescribed in this Subdivision do not apply to the issuance, denial, modification and revocation of National Pollutant Discharge Elimination System (NPDES) permits issued pursuant to the Federal Water Pollution Control Act Amendments of 1972 and acts amendatory thereof or supplemental thereto. The procedures for processing and issuance of NPDES permits are prescribed in OAR Chapter 340, Sections 45-005 through 45-065.

Proposed Amendments to

OAR Chapter 340, Division 4, Subdivision 5

Sections 45-005 through 45-030 of OAR 340 Division 4, Subdivision 5 are hereby repealed and the following are enacted in lieu thereof:

45-005 PURPOSE

The purpose of these regulations is to prescribe limitations on discharge of wastes and the requirements and procedures for obtaining waste discharge permits from the Department.

45-010 DEFINITIONS, AS USED IN THESE REGULATIONS UNLESS OTHERWISE REQUIRED BY CONTEXT:

(1) "Commission" means the Environmental Quality Commission.

(2) "Department" means Department of Environmental Quality.

(3) "Director" means the Director of the Department of Environmental Quality.

(4) "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.

(5) "Disposal system" means a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works, disposal wells and other systems.

(6) "Federal Act" means Public Law 92-500, known as the Federal Water Pollution Control Act Amendments of 1972 and acts amendatory thereof or supplemental thereto.

(7) "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.

(8) "NPDES permit" means a waste discharge permit issued in accordance with requirements and procedures of the National Pollutant Discharge Elimination System authorized by the Federal Act and of OAR Chapter 340, Sections 45-005 through 45-065.

(9) "Navigable waters" means waters of the United States, including territorial seas.

(10) "Person" means the United States and agencies thereof, any state, any individual, public or private corporation, political subdivision, governmental agency, municipality, copartnership, association, firm, trust, estate or any other legal entity whatever.

(11) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(12) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(13) "Pre-treatment" means the waste treatment which might take place prior to discharging to a sewerage system including but not limited to pH adjustment, oil and grease removal, screening and detoxification.

(14) "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.

(15) "Regional Administrator" means the regional administrator of Region X of the U. S. Environmental Protection Agency.

(16) "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 (7) and (23) of this section, shall also be considered "sewage" within the meaning of these regulations.

(17) "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

(18) "State" means the State of Oregon.

(19) "State permit" means a waste discharge permit issued by the Department in accordance with the procedures of OAR Chapter 340, Sections 14-005 14-050 and which is not an NPDES permit.

(20) "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 in the environment.

(21) "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.

(22) "Waste discharge permit" means a written permit issued by the Department in accordance with the procedures of OAR Chapter 340, Sections 14-005 through 14-050 or 45-005 through 45-065.

(23) "Wastes" means sewage, industrial wastes and all other liquid, gaseous, solid, radioactive or other substances which will or may cause pollution or tend to cause pollution of any waters of the state.

45-015 PERMIT REQUIRED.

(1) Without first obtaining a state permit from the Director, no person shall:

(a) Discharge any wastes into the waters of the state from any industrial or commercial establishment or activity or any disposal system.

(b) Construct, install, modify, or operate any disposal system or part thereof or any extension or addition thereto.

(c) Increase in volume or strength any wastes in excess of the permissive discharges specified under an existing state permit.

(d) Construct, install, operate or conduct any industrial, commerical or other establishment or activity or any extension or modification thereof or addition thereto, the operation or conduct of which would cause an increase in the discharge of wastes into the waters of the state or which would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized.

(e) Construct or use any new outlet for the discharge of any wastes into the waters of the state.

(2) Without first obtaining an NPDES permit, no person shall discharge pollutants from a point source into navigable waters.

(3) Any person who has a valid NPDES permit shall be considered to be in compliance with the requirements of Subsection (1) of this section. No state permit for the discharge is required.

(4) Although not exempted from complying with all applicable laws, rules and regulations regarding water pollution, persons discharging wastes into a sewerage system are specifically exempted from requirements to obtain a state or NPDES permit, provided the owner of such sewerage system has a valid state or NPDES permit. 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. Notwithstanding the responsibility of the owner of such sewerage systems, each user of the sewerage system shall comply with applicable toxic and pretreatment standards and the recording, reporting, monitoring, entry, inspection and sampling requirements of the commission and the Federal Act and federal regulations and guidelines issued pursuant thereto.

(5) Each person who is required by Subsection (1) or (2) of this section to obtain a state or NPDES permit shall:

(a) Make prompt application to the Department therefor;

(b) Fulfill each and every term and condition of any state or NPDES permit issued to such person.

(c) Comply with applicable federal and state effluent standards and limitations and applicable federal and state water quality standards; including but not limited to those established or promulgated pursuant to Sect. 204, 301, 302-304, 306, 307, 402 + 403 of the federal act

(d) Comply with the Department's requirements for recording, reporting, monitoring, entry, inspection and sampling, and make no false statements, representations or certifications in any form, notice, report or document required thereby.

45-020 NON-PERMITTED DISCHARGES

Discharge of the following wastes into any navigable or public waters shall not be permitted:

(1) Radioactive, chemical, or biological warfare agent or highlevel radioactive waste.

(2) Any point source discharge which the Secretary of the Army acting through the Chief of Engineers finds would substantially impair anchorage and navigation.

(3) Any point source discharge to navigable waters which the Regional Administrator has objected to in writing.

(4) Any point source discharge which is in conflict with an areawide waste treatment and management plan or amendment thereto which has been adopted in accordance with Section 208 of the Federal Act.

45-025 PROCEDURES FOR OBTAINING STATE PERMITS

Except for the procedures for application for and issuance of NPDES permits on point sources to navigable waters of the United States, submission and processing of applications for state permits and issuance, renewal, denial, transfer, modification and suspension or revocation of state permits shall be in accordance with the procedures set forth in OAR Chapter 340, sections 14-005 through 14-050.

45-030 APPLICATION FOR NPDES PERMIT

(1) Any person wishing to obtain a new, modified or renewal NPDES permit from the Department shall submit a written application on a form provided by the Department. Applications must be submitted at least 180 days before an NPDES permit is needed. All application forms must be completed in full and signed by the applicant or his legally authorized representative. 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 or unsigned 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) If the Department later 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.

(5) An application which has been filed with the U. S. Army Corps of Engineers in accordance with section 13 of the Federal Refuse Act or an NPDES application which has been filed with the U. S. Environmental Protection Agency will be accepted as an application filed under this section provided the application is complete and the information on the application is still current.

45-035 ISSUANCE OF NPDES PERMITS

(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 provisions of all applicable statutes, rules, regulations and effluent guidelines of the State of Oregon and the U. S. Environmental Protection Agency.

(2) The Department shall formulate and prepare a tentative determination to issue or deny an NPDES permit for the discharge described in the application. If the tentative determination is to issue an NPDES permit, then a proposed NPDES permit shall be drafted which includes at least the following:
   (a) Proposed effluent limitations,
   (b) Proposed schedule of compliance, if necessary,
   (c) And other special conditions.

(3) In order to inform potentially interested persons of the proposed discharge and of the tentative determination to issue an NPDES permit, a public notice announcement shall be prepared and circulated in a manner approved by the Director. The notice shall encourage comments by interested individuals or agencies and shall tell of the availability of fact sheets, proposed NPDES permits, applications and other related documents available for public

inspection. The Director shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit written views and comments. All comments submitted during the 30-day comment period shall be considered in the formulation of a final determination.

(4) For every discharge which has a total volume of more than 500,000 gallons on any day of the year, the Department shall prepare a fact sheet which contains the following:

(a) A sketch or detailed description of the location of the discharge;

(b) A quantitative description of the discharge;

(c) The tentative determination required under section 45-035 (2);

(d) An identification of the receiving stream with respect to beneficial uses, water quality standards, and effluent standards;

(e) A description of the procedures to be followed for finalizing the permit; and,

(f) Procedures for requesting a public hearing and other procedures by which the public may participate.

(5) After the public notice has been drafted and the fact sheet and proposed NPDES permit provisions have been prepared by the Department, they will be forwarded to the applicant for review and comment. All comments must be submitted in writing within 14 days after mailing of the proposed materials if such comments are to receive consideration prior to final action on the application.

(6) After the 14-day applicant review period has elapsed, the public notice and fact sheet shall be circulated in a manner prescribed by the Director. The fact sheet, proposed NPDES permit provisions, application and other supporting documents will be available for public inspection. * copying.

(7) In the interest of further public participation the Director may, at his discretion, require a public hearing before the Commission or authorized representative before a final determination on the NPDES permit is made.

(8) At the conclusion of the public involvement period, the Director shall make a final determination as soon as practicable and promptly notify the applicant thereof in writing. If the Director determines that the NPDES permit should be denied, notification shall be in accordance with section 45-050. If conditions of the NPDES 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 NPDES permit issued shall be attached to the notification.

(9) If the applicant is dissatisfied with the conditions or limitations of any NPDES permit issued by the Director, 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 NPDES permit. Any hearing held shall be conducted pursuant to the regulations of the Department.

45-040 RENEWAL OR REISSUANCE OF NPDES PERMITS

The procedures for issuance of an NPDES permit shall apply to renewal of an NPDES Permit.

45-045 TRANSFER OF AN NPDES PERMIT

No NPDES permit shall be transferred to a third party without prior written approval from the Director. Such approval may be granted by the Director where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the NPDES permit and the rules of the Commission.

45-050 DENIAL OF AN NPDES PERMIT

If the Director proposes to deny issuance of an NPDES permit, he 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.

45-055 MODIFICATION OF AN NPDES PERMIT

In the event that it becomes necessary for the Department to institute modification of an NPDES permit due to changing conditions or standards, receipt of additional information or any other reason pursuant to applicable statutes, the Department shall notify the permittee by registered or certified mail of its intent to modify the NPDES 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 NPDES permit shall be forwarded to the permittee as soon as the modification becomes effective. The existing NPDES permit shall remain in effect until the modified NPDES permit is issued.

45-060 SUSPENSION OR REVOCATION OF AN NPDES PERMIT

(1) In the event that it becomes necessary for the Director to suspend or revoke an NPDES permit due to non-compliance with the terms of the NPDES permit, unapproved changes in operation, false information submitted in the application or any other cause, the Director shall notify the permittee by registered or certified mail of his intent to suspend or revoke the NPDES 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, pursuant to applicable statutes, suspend or revoke an NPDES 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.

45-065 OTHER REQUIREMENTS

Prior to commencing construction on any waste collection, treatment, disposal or discharge facilities for which a permit is required by section 45-015, 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.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item I, May 29, 1973 EQC Meeting

Chem-Nuclear Systems, Inc. Application to Establish a Hazardous Waste Disposal Site in Gilliam County near Arlington, Oregon (Staff Report)

Background

In August 1970, Chem-Nuclear Systems received a license from the State Health Division for storage of radioactive wastes at their Arlington site. The intent of this license was to permit waste storage at the site for an interim period during which Chem-Nuclear proposed to investigate the suitability of the site for disposal of radioactive wastes by burial.

In February 1971, Chem-Nuclear applied to the State Health Division for a license to bury radioactive wastes at the site. Shortly thereafter, the 1971 Oregon Legislature passed House Bill 1931 which transferred authority for disposal of radioactive and other environmentally hazardous wastes from the Health Division to this Department. As a result of this transfer of responsibility, the Health Division did not act on the company's February 1971 license application, and the storage license issued in August 1970 has remained in effect.

Subsequently in March 1972, the Commission adopted rules pertaining to license applications for environmentally hazardous waste disposal sites. Chem-Nuclear then submitted an application to the Department for a license to dispose of both radioactive and chemical wastes at the Arlington site in June 1972, in accordance with the rules of the Department.

At the request of the Department, the Commission held a public hearing at Arlington on September 5, 1972 to receive public and expert testimony related to the proposed Chem-Nuclear Arlington disposal site. Later at the November 30, 1972 Commission meeting, the Department presented a staff report outlining the Department's evaluation, conclusions and recommendations for further action concerning Chem-Nuclear's application and the proposed disposal site. In this regard, the November 30 staff report presented the following conclusions:

1. A site within the State for disposal of radioactive wastes is not justified at this time. In the future if disposal of radioactive wastes from Oregon is not permitted at existing disposal sites located in other states, then the Department and Commission could take action to ensure proper disposal at that time without creating any undue hazard.
2. A facility and site for disposal of hazardous chemical wastes is needed at this time to handle non-radioactive environmentally hazardous wastes. Further consideration of Chem-Nuclear's proposal will require submission of fully detailed engineering plans for the proposed facility.
3. The site which has been proposed by Chem-Nuclear would be suitable for disposal of environmentally hazardous wastes if adequate safeguards are provided and the site is operated and monitored under a properly conditioned license.

On the basis of these conclusions, the November 30, 1972 report recommended that the Commission authorize the Department to take the following action:

1. Notify Chem-Nuclear Services, Inc. that henceforth, consideration of its license application by the Department will preclude radioactive wastes (pursuant to OAR, Chapter 340, Section 62-035 (4)).
2. Request the State Health Division to amend Chem-Nuclear's existing radioactive materials handling license so that storage of radioactive wastes at the Arlington site will not be permitted after a specified date.

3. Proceed with processing Chem-Nuclear's application for licensing the proposed disposal facility for non-radioactive chemical wastes only.
4. Subject to receipt of additional detailed information and acceptable engineering plans from Chem-Nuclear, draft a proposed license which would specify the types and volumes of wastes and disposal methods to be permitted and the necessary safeguards to be provided at the disposal facility.
5. Condition said license to require formal application and public hearing to amend the initial license before disposing of any additional wastes or constructing new disposal facilities which are not included as part of the initial license.
6. Make any finally proposed license available to the public and schedule a public hearing no less than 30 days thereafter for the purpose of receiving public and expert comment upon the specific conditions of the proposed license prior to its issue.

After discussion of these recommendations by the Commission and comment by Chem-Nuclear representatives, the Commission passed a motion to accept these recommendations with the condition that the company is found to be financially responsible and that recommendations 1, 2, and 3 be reconsidered if the company could demonstrate that the operation is not feasible if radioactive wastes are eliminated.

Factual Analysis

Since the time of the November 30, 1972 Commission meeting, the Department has determined the amount of the proposed bond for the case of chemical waste disposal only. Chem-Nuclear has been informed of the amount and the conditions of this bond in a letter from the Department on January 30, 1973. A copy of this letter is attached for reference. Total amount of this proposed bond is $120,000. It is also proposed that one-half of the bond amount, or $60,000, would be required at the time of the initial license issue and that the remaining $60,000 could be paid into the bond account in equal annual installments over a ten year period. It should be noted that the bond amount and conditions would be subject to Commission approval.

Subsequently, representatives of the company (Mr. Bruce Johnson and Mr. John Mosser) met with the Director and staff on February 15, 1973 for general discussion of their license application and their economic evaluation of the proposed site for disposal of chemical wastes only. During this meeting, Chem-Nuclear representatives requested additional time for the economic evaluations, to which the Department concurred. Shortly thereafter, a letter dated February 19, 1973 from Chem-Nuclear was received by the Department indicating that approximately six to ten weeks from that date would be required for the company's economic evaluation of the proposed site for chemical waste disposal. Since receipt of that February 19 letter, the Department has received no written communication from the company with respect to the company's intention of proceeding with the license application or of the results of their economic evaluation. As of May 1, 1973 a ten week period had elapsed since the February 19 letter. Accordingly, on May 11, 1973 the Department sent a letter to the company indicating that because of lack of any response from the company since February 19, this matter would be brought before the Commission.

On May 18, 1973, in response to the Department's May 11, 1973 letter, Chem-Nuclear verbally informed the Department that they intend to pursue their application, but that the economic evaluation of chemical waste disposal only has not been completed due to illness of the company's chief chemist.

Under the license issued by the State Health Division in August 1970, and which is still in effect, Chem-Nuclear is authorized to store up to 10,000 curies of radioactive materials at the Arlington site. According to the company's December 1972 inventory, approximately eleven hundred 55 gallon drums of low-level radioactive wastes containing 23 curies of miscellaneous radioactive wastes were stored at the site at that time. It had been the Department's understanding that no additional wastes had been brought into the site since December 1972. However, recent conversations with Chem-Nuclear representatives indicate that two shipments, totalling 550 cubic feet, of ion exchange resins contaminated with radioisotopes have been brought into the site in 1973 and another

shipment of these resins into the site is scheduled for early June this year. These resins are understood to originate from the U. S. Navy in Pearl Harbor, Hawaii.

It should also be noted that the State Health Division inspects the site quarterly and the company maintains daily surveillance over the site. In a May 11, 1973 letter to the Department, the State Health Division recommended that this waste material either be removed from the site to an approved disposal site or that burial at the site be authorized by the Department to protect against possible loss of integrity of the waste storage drums.

Conclusions

On the basis of the facts stated above the following conclusions have been reached:

1. Chem-Nuclear has not given a timely response to the Department as to the results of the economic evaluation of disposal of only chemical wastes at the Arlington site.
2. No additional radioactive wastes should be brought into the Arlington site until final action is taken by the Commission to approve or deny Chem-Nuclear's license application.
3. Because of possible loss of storage drum integrity, continued storage of radioactive wastes presently at the Arlington site should not be permitted beyond a specific period, unless Chem-Nuclear actively pursues its pending license application.

Director's Recommendation

It is the Director's recommendation that the Commission authorize and direct the Department to:

1. Request the State Health Division to modify Chem-Nuclear's existing license for storage of radioactive wastes at Arlington to preclude shipment of additional wastes into the site after June 30, 1973.
2. Bring the matter of Chem-Nuclear's application before the Commission for consideration of denial of the application if Chem-Nuclear does not actively pursue its application and

does not provide the Department with the results of its economic evaluation of chemical waste disposal only, by August 15, 1973.

DIARMUID F. O'SCANNLAIN

PHW:mm
5/22/73
Attachment (1)

January 30, 1973

Chem-Nuclear Systems, Inc.
P. O. Box 1666
Bellevue, Washington 98009

Dear Sirs:

Further to our letter of December 6, 1972, proposed bonding requirements have been determined for your proposed environmentally hazardous waste disposal site near Arlington, Oregon.

The bond amount presented below is applicable to the case for disposal of non-radioactive wastes only. The proposed cash bond amount, as required by ORS 459.530 to cover any costs of closing the site and monitoring it or providing for its security after closure, is as follows:

1.	Permanent site closure	11,000
2.	Short term monitoring and security	20,000
3.	Long term monitoring and security	89,000
	Total cash bond	$120,000

One-half of the total $120,000 bond amount, or $60,000 would be required to be deposited initially with the State if a license for the proposed site is issued. The remaining $60,000 would be provided by ten annual payments of $6000 each, beginning one year after license issue. Item 1, permanent site closure, has been estimated by deleting the portions related to radioactive wastes from the $12,500 site closure costs presented in your application. Item 2, short term monitoring and security, has been determined on the basis of three years intensive monitoring and security immediately following site closure. This short term monitoring would be provided by the Department at a cost of approximately $6800 per year. Item 3, long term monitoring and security, has been determined by dividing long term monitoring and security costs of $3560 per year by four percent interest rate.

In addition to the bond as outlined above, an annual license fee is required by ORS 459.610 to provide for surveillance and monitoring of the site during operation. Based on estimated monitoring costs, this annual license fee is expected to be on the order of $6000. With regard to interest income from the cash bond, such income would accumulate in the bond account and that which is in excess of inflationary increases may be returned to you. The adequacy of the bond amount and conditions and disposition of interest income would be reviewed and revised if necessary at intervals of two to five years.

It should be noted that the above cash bond requirements, if acceptable to you, would still have to be approved by the Environmental Quality Commission.

It is requested that you notify us, as soon as practicable, whether you wish the Department to continue consideration of your application for disposal of non-radioactive chemical wastes only. If further consideration is desired, please provide Mr. Robert L. Haskins with an economic analysis of the proposed operation, as requested in our December 6, 1972 letter.

Sincerely,

E. J. Weathersbee
Acting Director

PHW:dh
cc: Environmental Quality Commission Members
cc: Mr. R. L. Haskins
cc: Mr. John D. Mosser

Chemical only site NOT economically feasible.

CHEM
NUCLEAR
SYSTEMS
INC.

P. O. Box 1866
Bellevue, Washington 98009

May 21, 1973

Mr. E. J. Weathersby, Deputy Director
Department of Environmental Quality
1234 S. W. Morrison Street
Portland, Oregon 92075

Dear Mr. Weathersby:

This is in reply to your recent letter regarding our pollution control center at Arlington.

We are still very much interested in pursuing our application for a chemical disposal site at Arlington and we are hopeful that we will have all of the information needed to make that decision within 90 days. I am aware that I told you earlier that we would be in a position to make our decision on chemicals by this time, however, a number of unforeseen developments have occurred which have made my earlier estimate unworkable.

In February, we undertook a Management re-organization in which one of our major objectives was to make available Dr. Henry C. Schultze for our chemical studies and decisions within the Company. Unfortunately, during our re-organization, Dr. Schultze underwent major surgery and just recently has returned to an active roll in the Company. It is now our plan to have Dr. Schultze in Oregon in early June to undertake an intensive survey of the available chemical business to determine whether or not it is feasible to proceed with a chemical only site at Arlington.

Following the November meeting of the Environmental Quality Commission, we stopped receipt of radwaste for storage at Arlington except for one contract with the U. S. Navy under which we are obliged to receive the material. If the Commission should decide that our radwaste should be removed from Arlington, we would, of course, comply even though we are advised by Counsel that under the Oregon law the removal could not be required unless there was another licensed site in the State of Oregon. If the Commission requested us to remove the nuclear material, we would do so as promptly as possible.

The November action of the Commission specified that the Commission would reconsider our application for a nuclear waste site if it was indicated that a chemical only site was economically impractical, thus, we believe that a request to remove the nuclear material is premature and would impose a substantial and perhaps unnecessary economic burden on the Company.

Be assured that we are anxious to establish a pollution control center at Arlington and that we are also anxious to work with the Department and the Commission in making sure that it is a model for the rest of the Country.

Very truly yours,

Bruce W. Johnson,
President

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5301

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.J(a) May 29, 1973, EQC Meeting

Proposed Washington Square Shopping Center 5,219-Space Parking Facility, Progress

Background

On April 25, 1973, the Department received a letter from the Columbia-Willamette Air Pollution Authority delineating their analysis of and recommendation for the proposed Washington Square Shopping Center 5,219-space parking facility to be constructed near Progress, Oregon. A copy of the CWAPA report is attached.

Washington Square, Inc. is presently constructing an enclosed shopping mall on a 107 acre site shown in Figure 1, attached. The complex will house 6 major department stores and 96 other store units. It will have in excess of 1,000,000 square feet of gross leasable area.

The 5,219-space parking facility will be at surface level encircling the mall. All of the spaces are intended for short-term shopper parking.

The surrounding terrain is rapidly developing in terms of residential, commercial and industrial uses. North and east of the site are low density residential areas and small commercial centers. South and west of the site are the Beaverton-Tigard Expressway, an

industrial park, agricultural lands and some residential areas.

Acquistion of property for the Washington Square Shopping Center began in mid-1968 and was completed in late 1971. The property was rezoned by Washington County on November 25, 1968. An additional tract was rezoned October 6, 1971. Grading and underground work were started April 20, 1972. The Department's Parking Facilities and Higways rule became effective March 1, 1972. The center is scheduled to open in August, 1973.

The Washington County zoning ordinance requires a minimum of 2,800 parking spaces for this facility.

Discussion

The Department has reviewed the environmental impact statement submitted with the developer's application and CWAPA's analysis and recommendations.

CWAPA recommends that the Commission approve construction of the parking facility with the condition that prior to opening the shopping facility, an acceptable plan is submitted to maximize use of available mass transit to the facility. In addition, long range plans should be submitted for possible future additonal mass transit service including alloted parking spaces and bus routing.

The Department is in general agreement with the CWAPA analysis, however, a more detailed analysis has been performed to detail the total environmental impact of the Washington Square Shopping Center and parking facility.

A. Effect on Air Quality:

The Washington Square project will cause a significant degradation in existing air quality in the Progress area. Vehicular emissions and ambient concentrations of carbon monoxide will increase in the range of 30-50% for the period 1971 thru 1975. This is in marked contrast with downtown Portland where a 60% reduction in carbon monoxide emissions is projected for the period 1970 thru 1975.

The CWAPA and Department analysis of air quality impact indicates that present ambient air quality standards will not be exceeded in the vicinity of Washington Square except for the possibility that the carbon monoxide standards may be exceeded for short periods of time under unusual weather and/or traffic conditions.

There is a very real danger that if the residential/commercial development induced by the Washington Square project is more rapid than projected, the resulting traffic volumes on access roads would significantly lower operating speeds resulting in violations of the carbon monoxide standards.

B. Effect on Noise Levels:

The impact of noise on residential property resulting from the Washington Square Shopping Center has two important considerations. First, according to the environmental impact statement, the ambient noise level increase from traffic using the facility will exceed proposed Department standards for highway noise on residential property adjacent to Greenburg Road, the Golden Key Apartments and at the McKay and Whitford Park Schools.

Second, the noise from mechanical equipment such as air conditioners, cooling towers, blowers and early morning service and maintenance equipment may create a noise problem for neighboring residential areas.

The full impact of the Washington Square Shopping Center on noise levels cannot be determined at this time due to the lack of certain critical data. The following additional information is necessary for a complete study:

1. Projected ambient noise levels on residential property as described by the L_{10} and L_{50}, (noise levels exceeded 10% and 50% of the time, respectively) with and without the Washington Square Shopping Center.
2. Noise level specifications for proposed mechanical equipment to be used at the shopping center.
3. Measures taken to control noise from the mechanical equipment described in 2.

C. Effect on Water Quality:

The impact of the Washington Square project on surface runoff into Fanno Creek is not expected to be significant except in the case of coliform organisms where the possibility exists of violating Department standards. No practical method has been developed as yet for treating all runoffs.

The impact of surface runoff on Fanno Creek from the Washington Square project, the residential/commercial development which will be stimulated by the project, and other development projected for this area will be of such significance that upgrading this creek to an

acceptable level of water quality will not be possible under current technology.

D. Effect on Transportation System:

The Washington Square project has been designed for shopping by automobile. It has been located in a relatively low population density area on an expressway midway between two rapidly developing cities (Tigard and Beaverton) with abundant parking and very poor access by mass tansit. It will generate approximately 32,000 auto trips daily in 1975.

The location chosen for Washington Square does not permit its use as a major transit node because of the low density development and poor access to downtown Portland. A more favorable location, from a transportation viewpoint, would have allowed the facility to serve as a mass transit park-and-ride station and major transit transfer station for suburban west Portland. For example, location of Washington Square in Beaverton would allow it to be used for the major park-and-ride station planned for that city. Further, it could have served as the focal point for neighborhood feeder bus service to the Beaverton suburbs and subsequent transfer to and from buses destined for downtown Portland.

The location chosen for major retail centers, such as Washington Square, has a significant impact upon the ability of mass transit to provide an alternative to the automobile. At the present time, 30 percent of all shopping trips to downtown Portland are made by transit. The location of Washington Square away from present bus lines in an area where bus service cannot be concentrated effectively, as it could be

in Beaverton, means that only an insignificant number of Washington Square patrons will use transit for shopping. Further, 37 percent of the people who shop in downtown Portland are employed downtown; i.e. they walk to the store. Washington Square is not near any major office developments, such as are being developed in Beaverton, which would allow large numbers of shoppers the option of walking and shopping. The result is that nearly all shopping at Washington Square will be done by automobile. An equal sized shopping area in downtown Portland would only require approximately 1200 parking spaces.

The Washington Square project will induce substantial increases in automobile traffic on access roads. This increased traffic will require immediate expansion and improvements to Hall Blvd., Scholls-Ferry Road and Greenburg Road. While most of the costs of these immediate road improvements are being borne by the developers, the residential/commercial development stimulated by the project will hasten the day when major improvements will have to be made to these roads with gas tax funds. A more suitable location, with good transit service, could have reduced the improvements necessary and assuming future use of gas revenues for mass transit would result in more revenues available for development of a balanced transportation system.

In summary, the site chosen for Washington Square will have a substantial negative impact upon efforts to develop a balanced transportation system for the Portland metropolitan area and for Washington County in particular.

E. Economic Impact:

According to information supplied by consultants to Washington Square, Inc., a regional shopping center the size of Washington Square requires a population of approximately 150,000 in the trade area for proper support. Due to the relatively low population density in the vicinity of Washington Square, this facility will have to draw shopping trips from a large area resulting in many long vehicle trips. In fact, according to present population data, Washington Square will have to draw shopping trips from essentially all of the Portland metropolitan area west of the Willamette River in order to have a base population of 150,000.

The resulting economic impact upon retail sales in downtown Portland, where transit service is presently good, could be devastating. This raises the question of whether the retail capacity of west Portland is not being over-developed by the construction of a shopping facility the size of Washington Square.

Further, the Washington Square developers are preparing final plans for the construction of another regional shopping center, approximately the same size as Washington Square, in the east Portland area near 181st Avenue and the Banfield Freeway.

Conclusions

1. Effect on Air Quality:

   a. The Washington Square project will cause a significant degradation of existing air quality in the Progress area due to increased automobile traffic associated with the facility. Present ambient air standards are not projected to be exceeded

except under unusual weather and/or traffic conditions.

2. Effect on Noise Levels:

   a. Noise levels resulting from increased traffic using the Washington Square project will exceed proposed Department standards for highway noise on residential property.

   b. Noise levels resulting from equipment at the Washington Square project may create a noise problem for neighboring residential areas.

   c. Additional information is required to complete an analysis of the noise impact of the Washington Square project and develop abatement measures.

3. Effect on Water Quality:

   a. The impact of Washington Square on surface runoff to Fanno Creek may be significant only in the case of coliform organisms where the possiblity exists of exceeding Department standards.

   b. The impact of Washington Square and associated developments on surface runoff to Fanno Creek will negate the work expended to upgrade the creek to aceeptable water quality standards due to the inability, under current technology, to satisfactorily treat all urban runoffs.

4. Effect on Transportation:

   a. The location chosen for the Washington Square project will have a severe negative impact upon efforts to develop a balanced transportation system for the Portland metropolitan area and Washington county in particular.

5. Economic Impact:

a. The Washington Square Shopping Center will have a significant negative economic impact on downtown Portland retail sales with secondary impacts on the mass transit system. Retail over-development of the west Portland metropolitan area may occur.

b. The construction of another equal-sized shopping center in the east Portland metropolitan area is already in the late planning stages.

In summary, the Washington Square Shopping Center and the associated urban sprawl have substantial effects on air quality, water quality and noise levels. All of these impacts could be minimized by proper land use management and location of such facilities in a pattern conducive to development of a balanced transportation system for the Portland metropolitan area. The fact that the Washington Square project is in the final construction phase rather than the planning phase makes any substantive positive change in the facility difficult.

Under the provisions of OAR, Chapter 340, Section 20-001 new air contaminant sources must be provided with the highest and best practicable treatment and control available, such that the degradation of existing air quality is minimized to the greatest extent possible. In the case of Washington Square, minimum air quality degradation can best be attained through maximum use of mass transit.

Maximizing the use of mass transit at Washington Square could be achieved by:

1. Providing neighborhood feeder bus service to and from Washington Square for the surrounding residential areas and the Beaverton and Tigard residential areas.

2. Providing a high-speed transit facility linking Washington Square with downtown Portland.

3. Institution of parking fees at Washington Square and reductions in availability of parking as transit use improves.

The implementation of these and other measures to complement Tri-Met's present plan to re-route two bus lines through Washington Square could minimize the degradation of air quality. Washington Square, Inc. does not, at this time, have any plans to supplement the minimal transit service which will be provided by Tri-Met.

Director's Recommendation

The Director recommends:

I. That the Commission issue an order prohibiting construction of the 5,219-space parking facility proposed by Washington Square, Inc. in its application of November 17, 1972.

II. Notwithstanding issuance of such order, that the Commission authorize Washington Square, Inc. to file a revised application, subject to Department review and approval, which provides the following:

1. A detailed mass transit plan and implementation schedule for maximizing mass transit use at Washington Square Shopping Center. The goal of the transit plan would be to minimize degradation of air quality caused by Washington Square to the maximum extent possible and in the shortest time possible. Such a plan should include the following features as a minimum:

   a. Transit patronage goals to be achieved by specific dates through 1990 and levels of service related to increasing population density.

   b. Neighborhood feeder bus service to and from Washington Square for the surrounding residential areas and specifically Beaverton and Tigard residential areas.

   c. A high-speed transit facility linking Washington Square to downtown Portland.

   d. Institution of parking fees at Washington Square and reductions in availability of parking as transit patronage improves.

2. Projected ambient noise levels on residential property as described by the L_{10} and L_{50}, with and without the Washington Square Shopping Center.

3. Noise level specifications for proposed mechanical equipment to be used at Washington Square.

4. Measures taken to control noise from the mechanical equipment described in 3.

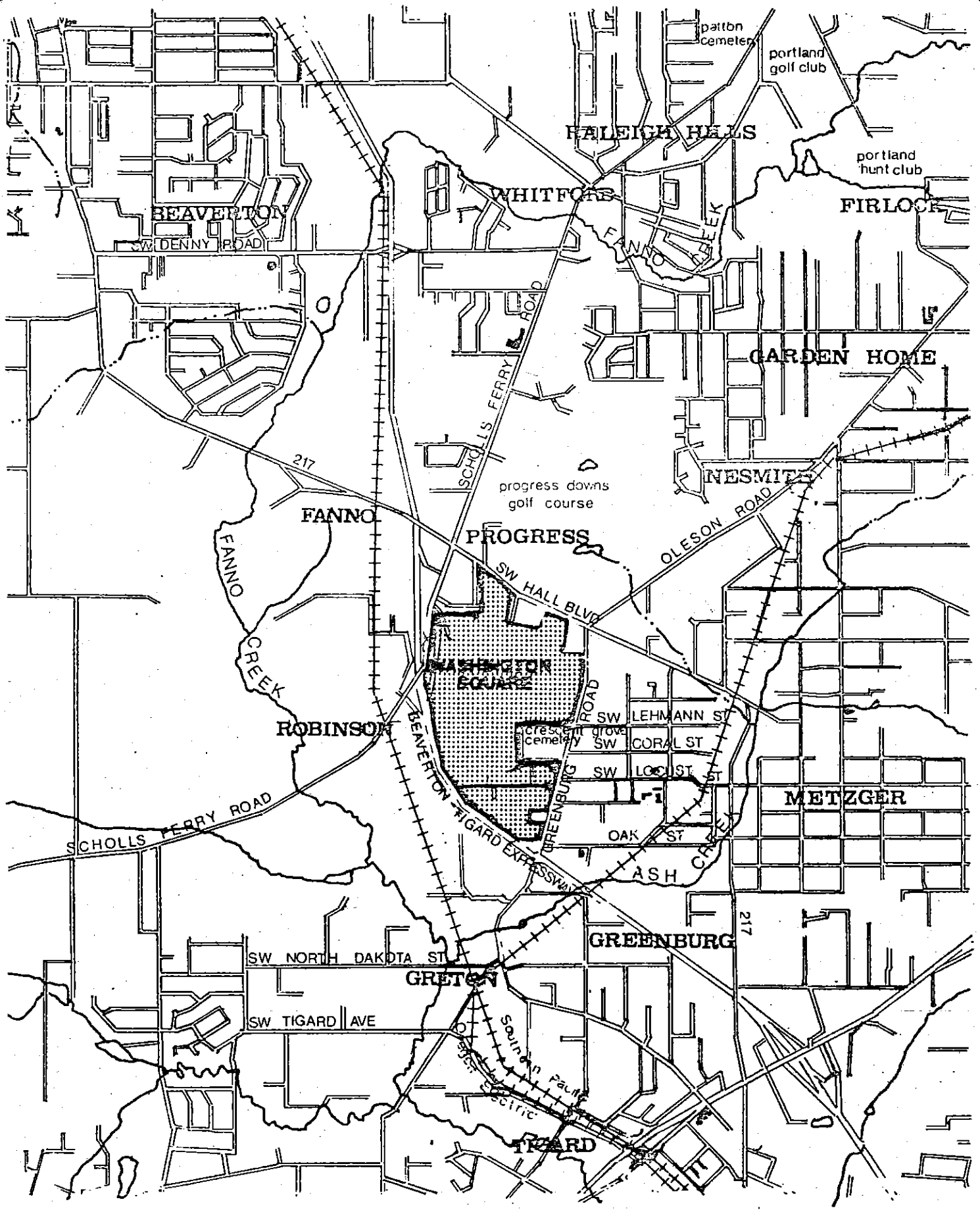
5. Provisions for preventing trash sediments and oily wastes from being washed into area drainage ways.

6. Provisions to ensure the nondegradation of Fanno Creek water quality by this facility.

DIARMUID F. O'SCANNLAIN

MJD:sbc

5/24/73



north

scale: 1" = 2000

WASHINGTON SQUARE VICINITY MAP

FIGURE 1

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY
1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

19 April 1973

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 25 1973
AIR QUALITY CONTROL

H. M. Patterson, Administrator
Air Quality Control
Department of Environmental Quality
1234 Southwest Morrison
Portland, Oregon 97205

Re: Washington Square Shopping Center Parking Facility

Dear Mr. Patterson:

On 1 December 1972 Washington Square, Inc. filed a notice to construct a 5,219 space parking facility near Progress, Oregon. The parking facility is to serve the needs of the proposed 100+ store Washington Square Shopping Center.

On 5 December 1972 CWAPA requested an environmental impact statement for the proposed facility and on 7 December 1972, followed this with a supplemental request to investigate the feasibility of mass transit service to the shopping center and potential for use of the facility as a park and ride site for Tri-Met.

On 23 January 1973 an environmental impact statement was received. The impact statement was judged deficient in the areas of projecting air quality along major highways leading to Washington Square and in exploring the feasibility of mass transit service to the Center.

On 14 February 1973 Washington Square, Inc. was requested to supply additional information regarding the deficiencies noted in the impact statement. An addendum to the Washington Square Environmental Impact Statement has been received and reviewed.

Following are the conclusions CWAPA has arrived at after review of all information regarding the project.

1. The proposed facility will significantly increase air pollution in a now relatively rural area. Auto traffic will increase by as much as a factor of 10 on some of the near-by arterial streets (Greenburg Road 2500 to 20,900 vehicles per day). Traffic on the Beaverton-Tigard freeway will rise from approximately 20,000 to over 55,000 vehicles per day in 1990 with nearly half this traffic volume attributed to Washington Square Shopping Center. Carbon monoxide air quality may be expected to degrade nearly a factor of three by 1990 compared to 1971 due to the significant increase in traffic.

2. Carbon monoxide air quality standards may be exceeded in 1975 or thereafter near certain high traffic density areas leading to Washington Square Shopping Center.

Although the line source diffusion model in the addendum to the impact statement does not project carbon monoxide air quality standards to be exceeded, it should be noted that the calculations are based on constant vehicle speeds equal to posted limits. Concern has been expressed to CWAPA by the staff of the Washington County Planning Department regarding the adequacy of secondary roads such as 2-lane Greenburg Road to handle the projected traffic volume. Most likely average speeds will be much less than posted even with improvements in near-by roadways. A reduction in speed from an assumed 25 mph posted speed to a 12 mph average speed under heavy traffic conditions would nearly double carbon monoxide emissions, and as such, could result in violation of ambient air standards.

3. Mass transit service should be an integral part of the shopping center, but no firm commitments have been made by Tri-Met to service the facility, nor has any plan for future park and ride facilities or bus shelters been devised.

Because of the significant deterioration of air quality due to projected increase in motor vehicle emissions in the vicinity and the potential for violation of carbon monoxide air quality standards, CWAPA believes that every effort should be made to keep vehicular emissions in the vicinity of Washington Square to a minimum. Mass transit service would at least provide a potential for meeting this goal.

The Washington County Planning staff has indicated that Washington Square Shopping Center will serve the needs as the regional shopping center for Washington County through 1990. The facility with 5,000+ parking spaces is probably the largest parking facility in the county and thus with freeway access (Route 217) it is anticipated to draw shoppers via motor vehicles from all parts of the county and neighboring counties of Multnomah and Clackamas great distances, especially if Route 217 is extended as planned to Lake Oswego. With the potential of even greater motor vehicle traffic than originally projected and with the facility representing a hub for Washington County retail activities, it is even more apparent that mass transit should be provided in an attempt to minimize air quality impact. Washington Square, Inc. has indicated their willingness to negotiate with Tri-Met for mass transit service, but as of now, nothing has been solidified for the facility which is scheduled to be operational in August 1973.

Presently, Tri-Met operates four bus route (#43, #45, #46 and #56) all of which pass within one-half mile or terminate near the proposed Washington Square Shopping Center. All routes travel to downtown Portland. It would appear at least superficially that with the willingness of Washington Square, Inc., the proposed shopping center could be used as a significant bus terminal and could provide mass transit service to the facility as well as park and ride service to downtown Portland, all with slight shifting of Tri-Met operational plans and little, if any, additional equipment or facility expenditures.

Recommendations

Although we recognize the parking facility is necessary for the shopping center presently being constructed, based on the information received by our agency, approval should only be granted if the following conditions are satisfied:

Prior to opening the shopping facility, an acceptable plan is submitted to maximize use of available mass transit to the facility. This plan should include bus schedules and routing through the facility, space allocation for bus shelters if necessary, areas of the parking facility which may be utilized by those wishing to use the center as a commuter park and ride station to downtown Portland. In addition, long range plans should be submitted for possible future additional mass transit service including allotted parking spaces and bus routing.

Very truly yours,

R. E. Hatchard
Program Director

REH:jl
cc: Washington County Planning Department
Washington Square, Inc.

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

PARKING FACILITY
NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

To Construct or Modify an Air Contaminant Source

NOTE: An Approval to Construct must be obtained prior to construction. The Columbia-Willamette Air Pollution Authority will review the application and will send its recommendations to the D.E.Q. for their final action to approve or deny the project. An environmental impact statement or other information may be requested within 30 days of receipt of this N-C.

Business Name: WASHINGTON SQUARE SHOPPING CENTER Phone:

Address of Premises: Greenburg Rd at State Highway 217 (Oregon) City: Washington County Zip:

Nature of Business: Shopping Center

Responsible Person to Contact: Theodore P. Becker Title: Project Manager

Other Person Who May Be Contacted: E. A. Harrington Title: Asst. Project Manager

Corporation [XXX] Partnership [ ] Individual [ ] Government Agency [ ]

Legal Owner's Address: 505 Madison Street City: Seattle Zip: 98104

Description of Parking Facility and its Intended Use. (Please include 2 copies of Plot Plan showing parking space location and access to streets or roadways):

Surface parking for employees and customers (5219 spaces)

Estimated Cost: Parking Facility Only: $ 1,500,000

Estimated Construction Date: Present Estimated Operation Date August 1, 1973

Name of Applicant or Owner of Business: Washington Square, Inc.

Title: Vice President Phone: (213) 8791261

Signature: Richard F. Brewer Date: 11/17/72
Richard F. Brewer

Applicability: This Notice of Construction Requirement Pertains

1. To areas within five miles of the municiple boundary of any city having a population of 50,000 or greater.
2. Any parking facility used for temporary storage of 50 or more-motor vehicles or having two or more levels of parking for motor vehicles.

Date Received 1 Dec 72 Grid N/C P-45

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5267

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

Memorandum

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.J(b), May 29, 1973, EQC Meeting

Proposed Pacific Northwest Bell Office Building and 302-Space Two-level Underground Parking Facility

Background

On May 8, 1973, the Department received a letter from the Columbia-Willamette Air Pollution Authority delineating their analysis of and recommendation for the proposed Pacific Northwest Bell 302-space two-level underground parking facility. A copy of the CWAPA letter and supporting information is attached.

Pacific Northwest Bell proposes to construct new office and parking facilities in a two-phase program on a site in the South Auditorium Urban Renewal Area next to their present office building near S. W. Fourth Street.

The existing PNB facilities on the project site include 117,000 gross square feet of offices occupied by 620 employees and a 228-space at grade parking facility. This parking facility will be removed during construction of phase one.

The first phase to be completed during 1975 would add office space (94,920 gross square feet) for 229 additional employees and provide 302 underground parking spaces. This will result in 74

additional parking spaces at the site (302-228=74). The proposed construction of the 302-space underground parking facility is the subject of this staff report.

The second phase is planned for completion in 1980. It will add 120,980 gross square feet of office space for 479 additional employees. 173 additional parking spaces will also be provided. This facility may be considered at a later date if PNB makes application for construction after its plans have been finalized. It is only mentioned here because the underground parking facility to be constructed during phase one will contain space for expansion to a 475-space facility (302+173=475). This additional space will be partitioned off and not be used for parking until such time as phase two is approved and completed.

The 302-space parking facility satisfies the Portland Development Commission requirement that a minimum of one space per 700 gross square feet of office space be provided.

Operation of the parking facility will be under contract to an independent operator who will charge for parking. Approximately 20 spaces will be reserved for PNB motor pool automobiles and preference in allocation of spaces will be given to PNB employees. Primary use of the facility will be for long-term commuter parking.

Analysis

The environmental impact statement submitted with the PNB application and the CWAPA analysis of the parking facility indicate that the project will not adversely effect air quality.

An analysis of the parking supply in relation to the Department's October 25, 1972, and April 15, 1973 parking criteria for downtown Portland established in the Portland Transportation Control Strategy indicates that the proposed phase one parking facility meets the maximum DEQ parking criteria.

Further, the analysis of the noise levels presented in the environmental impact statement indicates that the project will not have an adverse impact upon noise levels.

Based upon this information, the Columbia-Willamette Air Pollution Authority recommended that the Department approve construction of the 475-space parking facility subject to the following conditions:

1. No more than 302 of the 475 parking spaces will be utilized until completion of the phase two development.

2. At least 20 parking spaces be allocated for noncommuter type motor pool vehicles.

3. Plans for the parking garage exhaust are submitted to and approved by CWAPA.

The Department is in general agreement with the CWAPA analysis; however, approval of the full 475-space parking facility should not be given at this time for the following reasons:

1. There is no guarantee that phase two will ever be completed, thus leaving a surplus of 173 parking spaces. It would be difficult for the Department to ensure that these spaces were not used for parking indefinitely.

2. Substantial changes in mass transit patronage may take place between now and 1980 which could reduce the amount of parking needed when phase two is completed in 1980.

For these reasons, the decision regarding approval of the construction of the 173 additional parking spaces planned for phase two should be delayed until phase two is ready for construction (approximately 1977-1978).

Director's Recommendation

The Director recommends that the Pacific Northwest Bell 302-space parking facility be approved for construction according to the plans and specifications submitted by the applicant subject to the following conditions:

1. At least 20 parking spaces be allocated for noncommuter type motor pool vehicles.

2. Plans for the parking garage exhaust are submitted to and approved by CWAPA as required by Title 21 of the Authority's rules.

DIARMUID F. O'SCANNLAIN
Director

MJD:c

5/14/73

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY
1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

4 May 1973

H. M. Patterson, Administrator
Air Quality Control Division
Department of Environmental Quality
1234 SW Morrison Street
Portland, Oregon 97205

Dear Mr. Patterson:

On 23 March 1973 Pacific Northwest Bell submitted a notice of construction for a 475-space two-level parking facility to be located near 4th Avenue and SW Hall Street in the Portland CBD.

Background

Pacific Northwest Bell Telephone Company presently occupies an office facility at 4th and SW Hall. This facility accommodates 620 employees (120,000 gross square feet) and has parking space for 228 vehicles. Pacific Northwest Bell plans on expanding their present facility in two phases. The first phase to be completed during 1975 would add space (94,920 gross square feet) for 229 additional employees. The second phase projected for completion in 1980 would add space (120,980 gross square feet) for 479 additional employees. Pacific Northwest Bell plans to build a two-level 475-space underground parking facility in conjunction with the first phase development. This parking facility would replace the existing 228-space surface parking lot. It is the intention of Pacific Northwest Bell to utilize 302 of the 475 parking spaces for vehicle parking until such time as the second phase office facility is constructed.

Analysis

A review has been made of the impact statement and other information pertaining to the project. It has been concluded that the parking facility will not adversely effect air quality and that it appears consistant with planning objectives of the downtown plan.

An analysis of the parking supply in relation to existing DEQ parking criteria for the CBD illustrated on page 12 of the impact statement indicates the parking supply at design capacity under phase I development would exceed DEQ criteria by 7% (19 spaces) and at design capacity under phase II development would exceed DEQ criteria by 7% (32 spaces). This analysis was performed assuming the entire Pacific Northwest Bell Development as a new facility.

It is CWAPA's interpretation of DEQ parking criteria stated in DEQ staff report of 25 October 1972 regarding Portland's transportation control strategy that DEQ parking criteria is applicable only to the new portion of developments. This interpretation appears to be supported by DEQ's definition of new development (page 5.9 Portland Transportation Control Strategy, dated April 13, 1973) which defines new development as a new structure which results in additional gross square feet of flow area in downtown Portland.

An analysis of Pacific Northwest Bell's parking supply in relation to present DEQ criteria and that proposed in the April 13, 1973 version of Portland's Transportation Control Strategy considering only the new additions to the Pacific Northwest Bell facility is presented below:

	Phase I Construction	Phase II Construction
Additional gross square feet	94,920	120,980
Additional Employees	229	479
Additional Parking (B)	74	173
Parking - Present DEQ Criteria (Max. long term)	76	160
Parking - Proposed DEQ Criteria (Max.) (A)	76 long term 16 short term	160 long term 34 short term

(A) Planning Zone 296
(B) 20 spaces of total parking supply would be dedicated to motor pool vehicles

Pacific Northwest Bell has indicated that 20 spaces of the proposed parking facility would be utilized for motor pool automobiles. If this type of parking is considered short term, then the above analysis would indicate that the proposed Phase I and II development parking would meet present and proposed maximum DEQ parking criteria.

It is therefore recommended that DEQ approve 475-space parking facility proposed by Pacific Northwest Bell subject to the following conditions:

1. No more than 302 of the 475 parking spaces will be utilized until completion of the Phase II development.

2. At least 20 parking spaces be allocated for noncommuter type motor pool vehicles.

3. Plans for the parking garage exhaust are submitted and approved by CWAPA. (present location of exhaust in park area may not be an acceptable location.)

Very truly yours,

R. E. Hatchard
Program Director

REH:jkj

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY
1010 NE Couch St., Portland, Oregon 97232
Telephone: 233-7176

Date 5/1/73

From JK

To P.N.W. Bell - Parking Facility

Received requested information from D. Odell regarding p. 2 of impact statement.
It was clarified that the phase II parking spaces. (173) would not be utilized for vehicular parking until structures for phase II are complete and operational

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

→ JK

PARKING FACILITY
NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

To Construct or Modify an Air Contaminant Source

NOTE: An Approval to Construct must be obtained prior to construction. The Columbia-Willamette Air Pollution Authority will review the application and will send its recommendations to the D.E.Q. for their final action to approve or deny the project. An environmental impact statement or other information may be requested within 30 days of receipt of this N-C.

Business Name: Pacific Northwest Bell Telephone Company Phone: 226-9716

Address of Premises: 421 S. W. Oak City: Portland Zip: 97204

Nature of Business: Public Utility

Responsible Person to Contact: Paul M. Sweeney Title: Building Engineer

Other Person Who May Be Contacted: SRG Partnership Title: Consultant

Corporation [X] Partnership [ ] Individual [ ] Government Agency [ ]

Legal Owner's Address: 421 S. W. Oak City: Portland Zip: 97204

Description of Parking Facility and its Intended Use. (Please include 2 copies of Plot Plan showing parking space location and access to streets or roadways): Two underground levels of parking for long term commuters.

Estimated Cost: Parking Facility Only: $ 2,276,000

Estimated Construction Date: June, 1973 Estimated Operation Date March, 1975

Name of Applicant or Owner of Business: Paul M. Sweeney

Title: Building Engineer Phone: 226-9716

Signature: Paul M. Sweeney Date: 3/23/73

Applicability: This Notice of Construction Requirement Pertains

1. To areas within five miles of the municiple boundary of any city having a population of 50,000 or greater.
2. Any parking facility used for temporary storage of 50 or more motor vehicles or having two or more levels of parking for motor vehicles.

RECEIVED
Date Received MAR 23 1973
COLUMBIA - WILLAMETTE
AIR POLLUTION AUTHORITY

Grid _____ N/C P-58

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5395

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K(a)EQC Meeting, May 29, 1973

CWAPA Variance No. 73-2; Bonneville Power Administration, Open Burning

Background

The Bonneville Power Administration is in the process of contracting for the construction of approximately 9.4 miles of transmission line connecting the Portland General Electric Trojan site and BPA's Allston substation in Columbia County. For most of its length the transmission line passes through forest land. Approximately 5.75 miles of this line lies within areas of Columbia County where open burning of land clearing debris is prohibited by CWAPA rule, Title 33-015. The clearing of the transmission line corridor will create a slash residue disposal problem. Of the alternative disposal methods considered, the least damaging to the environment was judged to be burning in a portable air curtain combustor.

A variance for an incinerator operation was issued to BPA by CWAPA on April 27, 1973, subject to the folloiwng conditions:

1. The period of the Variance shall begin on July 1, 1973, and end on June 30, 1974.

2. The portable air curtain combustor or combustors or other method of controlled burning of the land clearing debris must be approved by the Columbia-Willamette Air Pollution Authority staff prior to the awarding of the land clearing contract by Bonneville Power Administration.

3. The Authority shall be notified not less than 14 days in advance of initiation of burning.

4. All burning will cease when notified by the Authority staff of air pollution "alert", "warning" or "emergency" conditions existing as described in Chapter 5, Title 51 of the Columbia-Willamette Air Pollution Authority Rules.

5. Burning must be conducted in accordance with all applicable fire department regulations.

6. Upon completion of the burning, Bonneville Power Administration will submit a report to the Authority describing the approximate amount of material disposed of, cost of such disposal and the burning time involved.

The variance and reference materials have been forwarded for the Director's review and Commission action.

Analysis

The variance granted meets all of the Department review criteria. The proposed use of an air curtain combustor is consistent with Department recommendations for slash disposal methods. The portable air

curtain combustor is capable of providing relatively smoke-free slash disposal. The variance is properly conditioned and will protect the air quality.

Director's Recommendation

The Director recommends that CWAPA variance 73-2 to Bonneville Power Administration be approved.

DIARMUID F. O'SCANNLAIN

LDB:c

5/22/73

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY
1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

8 May 1973

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

Attention: Mr. Dairmuid O'Scannlain, Director

Subject: CWAPA Variance No. 73-2
Bonneville Power Administration

Gentlemen:

Please find enclosed a copy of CWAPA Variance No. 73-2 which we request be reviewed by your Department and presented to the Environmental Quality Commission for their approval. Also enclosed to assist in your review are the following documents:

a. CWAPA Staff Memorandum, 30 March 1973
b. Minutes, CWAPA Advisory Committee, 5 April 1973
c. Minutes, CWAPA Board of Directors, 27 April 1973

Very truly yours,

R. E. Hatchard
Program Director

REH:jls
Enclosures

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

In the Matter of:	)	No. 73-2
	)	
BONNEVILLE POWER ADMINISTRATION	)	VARIANCE INCLUDING
	)	
(Trojan-Allston #1 230 KV Transmission Line)	)	FINDINGS AND CONCLUSIONS

FINDINGS

I

On 16 March 1973 in a prearranged conference between the staff of the petitioner and staff of this agency, the agency was advised that the petitioner would on or about 1 May 1973 issue an invitation for bids for clearing the right-of-way of the proposed Trojan-Allston #1 230 KV Transmission Line in Columbia County and at approximately 5-3/4 miles of said transmission line and right-of-way clearing therefor is in an area of Columbia-Willamette Air Pollution Authority where open burning of land clearing debris is prohibited.

II

To require the hauling of the land clearing debris in either its original form or as chips from the chipper would seriously shorten the life of the already very limited Columbia County landfill sites.

III

The land clearing debris to be generated in these approximate 5-3/4 miles within the no burn area of Columbia-Willamette Air Pollution Authority could be disposed of in a portable air curtain combustor with minimum adverse effect on the environment.

CONCLUSIONS

I

To require strict compliance by the petitioner and its contractor with the Rules of Columbia-Willamette Air Pollution Authority pertaining to burning of land clearing debris would be unreasonable and impractical due to the physical conditions of the unavailability of a disposal site for the land clearing debris.

II

Pursuant to the provisions of ORS 449.880 and Columbia-Willamette Air Pollution Authority Rules, Title 23, Columbia-Willamette Air Pollution Authority has the power to grant the requested variance and said variance should be granted for a limited period of time subject to certain conditions hereinafter set forth. Based upon the foregoing findings and conclusions, the Board of Directors makes the following:

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that a VARIANCE from the provisions of Rule 33-020(1) be granted to Bonneville Power Administration and its contractor to permit the use of a portable air curtain combustor for the burning of land clearing debris generated from approximately 5-3/4 miles of land clearing in Columbia County for the Trojan-Allston #1 230 KV Transmission Line subject to the following conditions:

1. The period of the Variance shall begin on 1 July 1973 and end on 30 June 1974.

2. The portable air curtain combustor or combustors or other method of controlled burning of the land clearing debris must be approved by the Columbia-Willamette Air Pollution Authority staff prior to the awarding of the land clearing contract by Bonneville Power Administration.

3. The Authority shall be notified not less than 14 days in advance of initiation of burning.

4. All burning will cease when notified by the Authority staff of air pollution "alert", "warning" or "emergency" conditions existing as described in Chapter 5, Title 51 of the Columbia-Willamette Air Pollution Authority Rules.

5. Burning must be conducted in accordance with all applicable fire department regulations.

6. Upon completion of the burning, Bonneville Power Administration will submit a report to the Authority describing the approximate amount of material disposed of, cost of such disposal and the burning time involved.

Entered at Portland, Oregon the 27th day of April 1973.

Chairman

Certified a True Copy

Jack Lowe
Administrative Director

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY

1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

30 March 1973

MEMORANDUM

TO: Board of Directors

FROM: R. E. Hatchard, Program Director

SUBJECT: Variance Request - Bonneville Power Administration
Trojan-Allston #1 230 KV Transmission Line

Bonneville Power Administration is preparing to release specifications for clearing the Trojan-Allston #1 230 KV transmission line in Columbia County on approximately 1 May 1973.

On 16 March 1973 the CWAPA staff met with the BPA staff to discuss the method of disposal for the landclearing debris from the construction of this line which will run from the Trojan Nuclear Power Plant to the Allston Substation. The attached map shows the path of the line which extends for approximately 9.4 miles through a densely forested area of low population. Approximately 150 acres is to be cleared.

Approximately 5-3/4 miles of this line is within an area of the CWAPA region where open burning of landclearing debris is prohibited. The alternatives available for disposing of the debris are as follows:

1. Prohibit open burning -- in accordance with its environmental policy, BPA will be salvaging all marketable timber and could prohibit open burning in the restricted area. However, considering the overall environmental impact, it is our mutual staff opinion the hauling of the vast amount of debris generated will seriously affect the life of the already limited Columbia County landfill sites.

2. Chipping -- a proven, although costly method; difficulty has arisen in acquiring permission from landowners to deposit chips on-site. To haul chips could also over-tax the available landfill sites.

Considering the location and all environmental aspects, some type of controlled burning such as the following methods may be desirable:

1. Open pit incineration -- utilizes open subterranean pits and forced air ducts to enhance combustion. If properly designed and operated, open pit incineration can greatly reduce emissions. However, this method is not acceptable to Bonneville Power Administration at this location.

2. Portable air curtain combustion -- a portable bin which also utilizes forced air ducts to enhance combustion; does not require pits, but moves with the clearing crew.

The CWAPA staff has not observed the latter type of disposal method; however, other air pollution authorities report rapid disposal of material with essentially no visible emissions.

The staff believes this type of disposal should be evaluated as it may prove acceptable where open burning is the only alternative.

Therefore, the staff recommends a variance from CWAPA Rules 32 and 33 be granted to the Bonneville Power Administration which will allow the incorporation of portable incineration in their forthcoming bid specifications, with the following conditions:

1. The variance be granted for the period 1 July 1973 - 1 July 1974 for the specific site described.

2. The method of controlled burning must be approved by the CWAPA staff prior to the awarding of the BPA contract.

3. The Authority shall be notified upon initiation of burning.

4. All burning will cease when notified by the Authority staff of air pollution "Alert", "Warning" or "Emergency" condition existing as described in Chapter 5, Title 51 of the CWAPA Rules.

5. Burning must be conducted in accordance with all applicable fire department regulations.

6. Upon completion of the burning, BPA will submit a report to the Authority describing the approximate amount of material disposed of, cost and burning time involved.

R. E. Hatchard

REH:tbj

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

ADVISORY COMMITTEE MEETING
3:00 p.m., Thursday, 5 April 1973
Auditorium, Portland Water Service Building

Present:

Advisory Committee: Darrel Johnson, Chairman
Walt Nutting, Vice-Chairman
Jack Cassidy
Bob Dow
John Donnelly, M. D.
Walter Goss, M. D.
Betty Merten
Nancy Rushmer
Ed Winter
Buckley Vaughn, representing Hollister Stolte, M. D.

page 2

Staff: R. E. Hatchard, Program Director
Wayne Hanson, Deputy Program Director
Jack Lowe, Administrative Director
George Voss, Public Information Director

Minutes

The meeting was called to order by Chairman Johnson and the minutes of the 15 March 1973 meeting were approved as submitted.

Variance Request - Simpson Chemicals Division

Wayne Hanson reviewed a request from Simpson Chemicals Division for a variance from the emission standards of the CWAPA Rules to allow the company time to develop a process change or time to construct, install and test an air pollution control device of Simpson's own design. He explained the chemical process involved and various aspects of the possible control systems. He then stated it was the recommendation of the staff that a variance be granted Simpson Chemicals Division from Rule 21-010(1) and Title 32 of the Authority Rules for a period 1 May 1973 to February 1974, subject to certain conditions as outlined in the staff report dated 4 April 1973.

Mr. Nutting reported that the Variance Sub-committee had considered this variance request and was in agreement with the staff report.

Mr. Robert Babcock of Simpson stated his company was quite optimistic that the new process change would be developed and would be successful in eliminating visible and particulate emissions from their operation. He stated if this were not the case, however, Simpson Chemical Division would install a control system that would bring the company into compliance with CWAPA Rules.

After discussion, Mr. Nutting moved, Mr. Winter seconded and the motion carried to recommend to the Board of Directors that the variance request of Simpson Chemicals Division be granted as outlined in the staff report of 4 April 1973.

Variance Request - Bonneville Power Administration

Mr. Hanson stated that Bonneville Power Administration will be clearing a 9.4 mile line for the Trojan-Allston #1 Transmission Line in Columbia County. After meeting with BPA to discuss methods of disposing of the land clearing debris, the staff recommends a variance from CWAPA Rules 32 and 33 be granted to BPA which will allow the incorporation of portable incineration equipment in the bid specifications for clearing this land. Mr. Hanson pointed out that if burning were prohibited, the vast amount of debris generated and hauled away would seriously affect the life of the already limited Columbia County landfill sites. Difficulty has arisen in acquiring permission from landowners to deposit large amounts of chipped material on site; to haul chips could also over-tax the available landfill sites; and problems of fire hazard and water pollution are present in deposited chipped material. Therefore, the staff believes controlled combusion, such as a portable air curtain burner, would be the best method of disposal. By this method, visible emission standards of the CWAPA Rules will be met.

Mr. Winter reported that the Variance Sub-Committee had considered this variance request and is in agreement with the staff report.

Mr. Harry Hurless, Bonneville Power Administration, explained further the various environmental aspects of the project that BPA has considered. He explained they will do the job in any way that results in the least impact to the environment. He answered questions from the Advisory Committee concerning other past projects of this nature.

After considerable discussion, Mr. Winter moved, Mr. Nutting seconded and the motion carried to recommend to the Board of Directors that a variance from CWAPA Rules 32 and 33 be granted to the Bonneville Power Administration to allow the incorporation of portable incineration equipment in their forthcoming bid specifications, with specific conditions as outlined in the 30 March 1973 memorandum to the Board of Directors.

Legislation

Mr. Hatchard briefly reviewed the status of proposed legislation. HB 2203, which would require regional air quality authorities to comply with applicable provisions of the local budget law and require participating counties and cities to pay the regional authority the support amounts determined through the budget process, has had one hearing and may be heard again soon. HB 2329, which would abolish regional air pollution authorities, has not had a hearing yet, but will no doubt be heard after the hearing on SB 77, a topical revision of Chapter 449, ORS, which is scheduled for 13 April 1973. The Advisory Committee discussed replies they had received from correspondence with legislators concerning HB 2329, and what further correspondence or testimony could be made to oppose this bill. It was agreed the staff will notify the Advisory Committee members as to possible action they can take to oppose this bill.

Federal Grant Application - 1973-74

Mr. Hatchard distributed copies of the preliminary draft of the Federal Grant Application for fiscal year 1973-74 for the Advisory Committee's consideration. He stated this will be the first year of Program Maintenance type of support, 3 federal dollars to 2 local dollars. He reviewed some aspects of the document and stated that the Board will be considering the grant application at its 20 April meeting.

DEQ Proposed Regulations on Highways and Parking Facilities

Mr. Hatchard stated that lengthy negotiations have been carried on with the land use agencies and other regional air authorities to bring to the Environmental Quality Commission the best proposed revisions for the Proposed Regulations on Highways and Parking Facilities. The changes to be proposed are: 1) the guidelines must be a part of the regulations; 2) there must be local input to the guidelines and approval of the guidelines by local agencies; 3) some necessary changes in existing codes must be made; 4) the regulations should provide for review and amendments to the transportation and parking plan. Mr. Hatchard stated these proposed changes have been sent to the Department of Environmental Quality and a hearing will be held in the near future.

Other Matters

Dr. Goss briefly reviewed the recent study done by Multnomah County on lead in the Portland area. He stated that the Oregon Graduate Center has been funded to continue studies concerning lead, particularly in blood levels of young children. Copies of two recent publications on lead were distributed to the Committee members.

The meeting was adjourned at 4:45 p.m.

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

BOARD OF DIRECTORS MEETING
9:30 a.m., Friday, 27 April 1973
Auditorium, Portland Water Service Bldg.

page 3

Present:

Board of Directors:	Fred Stefani, Chairman A. J. Ahlborn Mildred Schwab Ben Padrow
Staff:	R. E. Hatchard, Program Director Wayne Hanson, Deputy Program Director Jack Lowe, Administrative Director Cecil Quesseth, Legal Counsel Mid-Willamette Valley Air Pollution Authority George Voss, Public Information Director John Kowalczyk, Technical Director
Others:	H. H. Phillips, Portland General Electric Joseph Williams, Portland General Electric Arthur J. Porter, Portland General Electric Roger Colburn, Public Utilities Commission Gary Sandberg, Department of Environmental Quality William Martson, NW Environmental Defense Center Larry Williams, Oregon Environmental Council Al Scheel, North Portland Community Center Dick Gitschlag, Linnton Community Center J. E. Kordic, Harborton Area Resident

MINUTES

The meeting was called to order by Chairman Stefani and the minutes of the meeting of 16 March 1973 were approved as submitted.

ENFORCEMENT

Pacific Building Materials, 3510 SW Bond, Portland

Mr. Hanson reported that a schedule of compliance has been negotiated with Pacific Building Materials to bring emissions from their transit concrete plant, central mix concrete plant and sand and gravel plant into compliance with CWAPA Rules. The two-phase order requires that the plant be in compliance no later than 1 September 1973. The staff recommends that the order be entered.

After discussion, Commission Padrow moved, Commissioner Ahlborn seconded and the motion carried to accept the Consent and adopt the Order in the matter of Pacific Building Materials.

Armour and Company, N. Columbia Blvd and Tyndall, Portland

Mr. Hanson stated that a schedule of compliance has been negotiated with Armour and Company to bring emissions from the meat processing plant into compliance with CWAPA rules by 1 August 1974. It is the staff recommendation that the Consent be accepted and the Order be adopted.

After discussion, Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to accept the Consent and adopt the Order in the matter of Armour and Company.

PUBLIC HEARINGS - COMPLIANCE SCHEDULES

Mr. Hatchard stated the hearings are necessary to meet federal requirements that a public hearing be held on each compliance schedule as part of the Oregon Implementation Plan.

Chairman Stefani announced it was the time and place for the public hearings, public notice having previously been published, and stated that compliance schedules from Pacific Building Materials and Armour and Company are being considered at public hearings at this meeting.

Chairman Stefani called for comments from the representatives of these companies or from members of the public. There were no comments or statements.

PUBLIC HEARING - DEQ REGULATIONS ON PARKING FACILITIES AND MAJOR HIGHWAYS IN URBAN AREAS

Mr. Hatchard stated that further revisions and changes of these regulations are being considered by the Department of Environmental Quality, and recommended that this public hearing be continued until the 18 May 1973 Board of Directors meeting.

VARIANCE REQUESTS

Simpson Chemicals Division

Mr. Hanson stated that Simpson Chemicals Division has requested a variance from the emission standards of the CWAPA Rules to allow the company time to develop a process change or time to construct, install and test an air pollution control device of Simpson's own design. Mr. Hanson stated that the Advisory Committee considered this variance request at length at their 5 April 1973 meeting, and concurred with the staff recommendation that the request be granted.

After discussion, Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to grant a variance to Simpson Chemicals Division from Rule 21-010(1) and Title 32 of the Authority Rules for a period 1 May 1973 to February 1974 subject to certain conditions as outlined in the staff report dated 4 April 1973.

Mr. Hanson stated that it is the staff recommendation that a variance be granted to Bonneville Power Administration from CWAPA Rules 32 and 33 which would allow the incorporation of portable incineration equipment into the bid specifications for clearing the Trojan-Allston #1 Transmission Line in Columbia County. Mr. Hanson stated this recommendation is being made because of the fact that if burning were prohibited, the large quantity of debris generated and hauled away would seriously affect the life of the already limited Columbia County landfill sites. Also because of fire hazard and water pollution problems present, the staff believes controlled combustion would be a better method of disposal.

Mr. Hanson stated that the Advisory Committee at their 5 April 1973 meeting had considered this variance request at length, and concurred with the staff recommendation.

After discussion, Commissioner Ahlborn moved, Commissioner Padrow seconded and the motion carried to grant Bonneville Power Administration a variance from CWAPA Rules 32 and 33 to allow the incorporation of portable incineration equipment in their forthcoming bid specifications for clearing the Trojan-Allston #1 Transmission Line in Columbia County, with specific conditions as outlined in the 30 March 1973 memorandum to the Board of Directors.

In answer to Commissioner Ahlborn's inquiry, Mr. Hanson stated that a variance request from Mr. Seawright in Columbia County has been received by the staff and will be presented to the Advisory Committee at their next meeting, and to the Board of Directors at their 18 May 1973 meeting.

FEDERAL GRANT APPLICATION - Fiscal Year 1973-74

Copies of the preliminary draft of the Federal Grant Application for fiscal year 1973-74 had been previously mailed to the Board of Directors and copies distributed at this meeting for their consideration. Mr. Hatchard reviewed some aspects of the document and stated this will be the first year of Program Maintenance type of support, 3 federal dollars to 2 local dollars. He recommended that the Board approve the grant application and authorize the Chairman to sign the document.

Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to approve the grant application and authorize the Chairman to sign the document.

PUBLIC HEARING - PGE COMBUSTION TURBINE POWER PLANT, HARBORTON

Chairman Stefani opened the public hearing, and in answer to Commissioner Padrow's inquiry, stated this is to be an information meeting only and no final action was expected to be taken by the Board at this meeting.

Mr. H. H. Phillips, attorney for Portland General Electric, stated that PGE had been working with the CWAPA staff since 1970 on this combustion turbine installation, and is in general agreement with most of the conditions which the staff recommends for the permit. The permit must be approved by the CWAPA staff before construction and operation of the combustion turbine facility may proceed.

He stated the testimony of PGE will show the company has the best equipment technologically available. The plant will operate to the maximum degree possible on natural gas. After the Trojan Power Plant is in operation, the Harborton plant will be used for peak operation only. Harborton will produce the volume of electricity necessary for 100,000 average homes. Mr. Phillips introduced Mr. Joseph Williams, Vice-President in charge of Engineering and Construction for PGE.

Mr. Williams stated the Harborton site is the best possible for this plant and there is no equipment that can do a better job. He reviewed the factors considered during the site selection and the reasons the combustion turbines were chosen for this power plant. He stated that the installation is designed to minimize the impact on air quality, and changes will be made in the operation of the plant to incorporate any new technology developed. He emphasized the importance of PGE meeting the construction schedule in order to be able to meet the power demands of the near future. A copy of a prepared statement submitted by Mr. Williams is available at the CWAPA office.

Mr. Arthur Porter, Senior Vice President of PGE, discussed the declining ability of hydro-electric power generating sources to adequately meet the power needs of the 1970's. Bonneville Power Administration is currently supplying PGE with power, and when the current contract expires in August 1973, BPA will no longer be in a position to supply PGE with power, and the power needs must be met with combustion turbine installations. He added that the situation is compounded this year because the low run off will be insufficient to adequately fill many reservoirs on the Columbia River and its tributaries. Mr. Porter reviewed efforts made by his company to locate other sources of power; however, he stated the situation was still critical; unless PGE is able to install and operate the combustion turbines at Harborton by 1 September 1973, the only alternative will be power curtailment.

Mr. Porter stated that PGE is negotiating with NW Natural Gas Company for a supply of natural gas sufficient to operate the turbine plant, except in very cold weather and times when natural gas is not available; then fuel oil must be used. He reviewed other sources of power planned to provide the energy requirements until the Trojan Power Plant is completed in mid-1975. At this time he added, the turbine plants will probably be used for peaking times only. A copy of a prepared statement submitted by Mr. Porter is available at the CWAPA office.

Commissioner Padrow asked, if Harborton were not constructed, how serious would be the energy load curtailment? Mr. Porter stated there is a bill before this session of the Oregon Legislature which would outline in what order power would be curtailed to industry, institutions, residential users, etc. He added that Harborton in operation would supply about 10% of the energy requirements of the Portland area.

Mr. Roger Colburn, Public Utilities Commission, stated that a hearing was held by the Public Utilities Commission on the Harborton Turbine Plant in November 1972. He briefly reviewed the need for power and the type of power available, and stated that the operation of the Harborton combustion turbine plant in August 1973 was necessary to insure the availability of reliable electric power within the PGE service area. A copy of a prepared statement submitted by Mr. Colburn is available at the CWAPA office.

John Kowalczyk, CWAPA Technical Director, reviewed a staff memorandum dated 24 April 1973, copies of which were distributed to the Board of Directors. He discussed the background of the investigation and conclusions reached by the CWAPA staff concerning the combustion turbine installation. He stated that a significant amount of particulate, sulfur dioxide and oxides of nitrogen emissions will be added in the Portland area from the operation of this combustion turbine plant. Depending on meteorological conditions, a significant decrease in visibility will also occur.

Mr. Kowalczyk stated it is the recommendation of the staff that PGE be granted an operating permit for the Harborton combustion turbine plant for one year, subject to specific conditions as outlined in the staff memorandum of 24 April 1973. A copy of the staff memorandum is available at the CWAPA office.

Mr. Gary Sandberg, Chief, Noise Control, Department of Environmental Quality, reported on the investigations of his office concerning the noise pollution which will result from the operation of the combustion turbine plant. With the aid of equipment set up in the hearing room, he gave examples of noise levels which will result when the plant is in operation. He stated DEQ Noise Pollution Division was recommending approval of the turbine installation subject to PGE installing additional noise reduction equipment to bring the noise levels down to 46 DBA at nearby residential property. A copy of the DEQ report is available at the CWAPA office.

Mr. William Martson, attorney for the Northwest Environmental Defense Center, presented a petition to the Board of Directors asking that at least one additional public hearing be held on this proposed installation, and that the meeting be held at night. He stated many citizens who wish to present their views are unable to do so because of work commitments and could only attend night meetings. Also he stressed that his group has had insufficient time to properly evaluate the data concerning this proposed installation.

After some discussion, it was agreed by the Board of Directors that a continuation of this public hearing will be held at 7:30 p.m., Monday, 7 May 1973 at a place to be announced.

Mr. Larry Williams, Oregon Environmental Council, urged the Commissioners to look carefully at issuance of the permit. He stated it has been the experience of his group with PGE that they only comply with the law where they are carefully watched. He suggested they look carefully at the contract for natural gas, when they will use natural gas, and when PGE will be allowed to violate air quality standards. He stated a procedure should be set up concerning the determination of whether the production of electricity is more important than meeting air quality standards during emergency times.

Commissioner Padrow requested that Mr. Hatchard have available by the 7 May 1973 meeting a rough draft concerning procedures to be followed when air quality standards may not be met by PGE's combustion turbine facility.

Mr. Al Scheel, North Portland Citizens Committee, stated he was a resident of the North Portland area, and the citizens of the area are very concerned about the proposed installation, and suggested that perhaps the hearing be held in the North Portland area.

Mr. Joe Kordic, a resident of the Harborton area, stated the residents of this area are unaware of the air quality impact, and are very concerned about the noise levels.

Mr. Richard Gitchlag, representing the Linnton Community Center, stated his group also was very concerned about the proposed installation.

Commissioner Padrow stressed the utmost importance of doing everything possible to insure that all interested citizens and affected individuals are notified of the hearing on 7 May 1973.

Prepared statements were submitted by Ronald L. Kathren, Health Physicist, PGE, and Bruce Snyder, Meteorologist, PGE. Copies are available at the CWAPA office.

OTHER MATTERS

Permit Fees

Mr. Hatchard explained Resolution 21 and recommended that the Board adopt this resolution which authorizes the Program Director to expend specified amounts of money for the purpose of carrying out the administration of the air contaminant discharge permit program during fiscal 1972-73.

Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to adopt Resolution 21.

Mr. Padrow stated that the Authority staff has been following the regulations of the state concerning issuance of permits and collection of permit fees. However, difficulty has arisen regarding the schools, who have not budgeted for these permit fees,

Mr. Hatchard stated that the staff is recommending adoption of Resolution No. 22, Resolution Requesting the Director of the Department of Environmental Quality to Convene the Coordinating Committee to Consider the Permit Fees Assigned to Fuel Burning Equipment Source (cc) and (uu). This resolution would provide that the schools supply the information requested in the permit form, but not submit a fee. The resolution would also provide for possible rule changes concerning the permit regulation.

After discussion, Commissioner Alhborn moved, Commissioner Padrow seconded and the motion carried to adopt Resolution No. 22.

Columbia County Open Burning

Mr. Hatchard stated that due to a continuing problem existing in Columbia County in the development of adequate disposal facilities and alternatives for the disposal of vegetation material from residences and land clearing operations, the staff recommends that authorization be granted by the

Board to prepare proposed rule changes which would allow domestic open burning in all areas of Columbia County, as outlined in the 19 April 1973 letter to A. J. Ahlborn. These changes would make the rules consistent with EQC regulations.

Commissioner Ahlborn moved, Commissioner Padrow seconded and the motion carried to authorize the staff to draft rule revisions as outlined in the 19 April 1973 letter to A. J. Ahlborn.

The meeting was adjourned at 12:00 p.m.

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5395

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No.K(b) EQC Meeting, May 29, 1973

CWAPA Variance No. 73-3; Simpson Timber Co., Particulate Emissions

Background

The Chemicals Division of Simpson Timber Company operates a processing plant at 2301 N. Columbia Boulevard, Portland, Oregon. One of the products of this plant is a resin impregnated paper sheet called "medium density overlay" (MDO) which is intended to be applied to plywood to produce special surface texture effects. The specific proprietary process is alleged to use a resin which is unique to the overlay process and is without an extensive technology background from which to develop emission control procedures. Control technology is being developed at the Portland Plant.

Particulate emissions result from drying the impregnated sheet which distills the resin solvent and some of the resin material. The vaporized resin later condenses into a smoke-like aerosol which

forms larger cohesive particles of condensed resin. The venturi-type scrubber which is commonly used for control of inert particulate emissions is not suited to the control emissions from the MDO process because the sticky nature of the resin droplets would quickly clog the scrubber.

Simpson Timber Company is proposing to bring the emissions within compliance by one of two methods. These are:

1. Modify the resin material so that it is not so readily volatile.

2. Install a scrubber of Simpson's own design which has shown promise at one of their California facilities.

In a letter dated March 29, 1973, Simpson Timber Company requested a variance from CWAPA Rule 21-010(1) and the emission standards of CWAPA Rules Title 32.

The requested variance was granted by CWAPA on April 27, 1973, subject to the following conditions:

1. The Variance shall be for the period May 1, 1973, to January 31, 1974.

2. On or before November 1, 1973, Simpson Timber Co., Chemicals Division, will have completed installation of the proposed scrubber unless compliance with Columbia-Willamette Air Pollution Authority Rules has otherwise been demonstrated.

3. On or before January 1, 1974, Simpson Timber Co., Chemicals Division, shall have conducted a source test for emissions from the proposed scrubber. Test procedures and methods are to be approved by the authority prior to testing and results submitted to the authority prior to February 1, 1974.

4. In the event the source test results reveal non-compliance with the authority rules, on or before March 1, 1974, Simpson Timber Co., Chemicals Division, will submit plans and specifications for a control system that is capable of compliance with Columbia-Willamette Air Pollution Authority Rules.

5. During the variance period, unless compliance has been otherwise demonstrated, the No. 2 treater, processing medium density overlay shall not exceed a production rate of 60 feet per minute.

6. Upon notification by the authority staff of an air pollution "alert", "warning" or "emergency" condition existing as described in Chapter V, Title 51 of Columbia-Willamette Air Pollution Authority Rules, Simpson Timber Co., Chemicals Division will cease operation of the medium density overlay process.

The variance and reference materials have been forwarded for the Director's review and Commission action.

Analysis

The variance as granted meets all the review requirements of the Department. The variance is reasonable and is properly conditioned to protect the air quality.

Source tests conducted by the petitioner on December 5 and 6 indicate that while operating at a machine speed of 80 feet/minute, the particulate emissions were 4.59 lbs/hour. The allowed emissions by the EQC rule would be about 4.25 lbs/hour. Emissions per process weight unit are expected to be less at the 60 feet/minute production

rate. At the slower speed the allowable emission by EQC rules is about 3.63 lbs/hour. The actual emission rate is expected to be close to this figure.

The effort required of Simpson Timber Company under the conditions of this variance is part of a multifaceted effort by the Company to control environmental discharges from their MDO process.

The Company has shown a cooperative attitude and good faith effort to control water discharges as requested by the Department's Field Services Division. The Company is accumulating its aqueous wastes at the present time but is developing appropriate means of either reusing the waste or reducing the phenolic content so that it may be discharged to the city sewer. If the Simpson designed scrubber is installed it would use the waste water reducing the volume of waste to be handled by other means.

Director's Recommendation

The Director recommends that CWAPA variance 73-3 to Simpson Timber Company be approved.

DIARMUID F. O'SCANNLAIN

LDB:c

5/22/73

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY
1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

8 May 1973

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

Attention: Mr. Dairmuid O'Scannlain, Director

Subject: CWAPA Variance No. 73-3
Simpson Timber Company

Gentlemen:

Please find enclosed a copy of CWAPA Variance No. 73-3 which we request be reviewed by your Department and presented to the Environmental Quality Commission for their approval. Also enclosed to assist in your review are the following documents:

a. Letter, Simpson, 29 March 1973
b. CWAPA Staff Memorandum, 4 April 1973
c. Minutes, CWAPA Advisory Committee, 5 April 1973
d. Minutes, CWAPA Board of Directors, 27 April 1973

Very truly yours,

R. E. Hatchard
Program Director

REH:jls
Enclosures

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

In the matter of:	)	No. 73-3
	)	
SIMPSON TIMBER CO.	)	VARIANCE
	)	
a Corporation	)	INCLUDING FINDINGS AND CONCLUSIONS

FINDINGS

I

By letter dated 29 March 1973, Simpson Timber Co. Chemicals Division by E. J. Reichman, Process Control Engineer, has petitioned for a Variance from Columbia-Willamette Air Pollution Authority Rule 21-010 (1) and the emission standards contained in Title 32 of said Rules as related to a control system and operation of No. 2 treater of the MDO process. The requested Variance is for a period of eight months.

II

Simpson Timber Co. is in the process of developing a new resin for medium density overlay bonding to fir plywood to provide a check free, smooth surface that is particularly suited for painting.

III

Application of the newly developed resin in the medium density overlay process causes an emission of materials that cannot be controlled by conventional methods except incineration which would cost not less than $80,000 for the original installation with matching high operating costs.

IV

Simpson Timber Co. is in the process of developing a control system which, if successful, would be economically feasible both from the standpoint of original installation costs and operation costs.

CONCLUSIONS

I

To require Simpson Timber Co. to strictly comply with the Rules of the Columbia-Willamette Air Pollution Authority by installing an extremely expensive control system with a high operating cost for a short period time would be unreasonable and burdensome.

II

Pursuant to the provisions of ORS 449.880 and Columbia-Willamette Air Pollution Authority Rules, Title 23, Columbia-Willamette Air Pollution Authority has the power to grant the requested Variance and said Variance should be granted for a limited period of time subject to certain conditions hereinafter set forth based on the foregoing Findings and Conclusions, the Board of Directors makes the following:

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that a VARIANCE from the provisions of Rule 21-010 (1) and the emission standards contained in Title 32, Columbia-Willamette Air Pollution Authority Rules, be granted to Simpson Timber Co., a Corporation, to permit the operation of the medium density overlay process No. 2 Treater for a limited period of time subject to the following conditions:

1. The Variance shall be for the period 1 May 1973 to 31 January 1974.

2. On or before 1 November 1973, Simpson Timber Co., Chemicals Division, will have completed installation of the proposed scrubber unless compliance with Columbia-Willamette Air Pollution Authority Rules has otherwise been demonstrated.

3. On or before 1 January 1974, Simpson Timber Co., Chemicals Division, shall have conducted a source test for emissions from the proposed scrubber. Test procedures and methods are to be approved by the authority prior to testing and results submitted to the authority prior to 1 February 1974.

4. In the event the source test results reveal non-compliance with the authority rules, on or before 1 March 1974 Simpson Timber Co., Chemicals Division, will submit plans and specifications for a control system that is capable of compliance with Columbia-Willamette Air Pollution Authority Rules.

5. During the variance period, unless compliance has been otherwise demonstrated, the No. 2 treater processing medium density overlay shall not exceed a production rate of 60 feet per minute.

6. Upon notification by the authority staff of an air pollution "Alert", "Warning" or "Emergency" condition existing as described in Chapter V, Title 51 of Columbia-Willamette Air Pollution Authority Rules, Simpson Timber Co., Chemicals Division will cease operation of the medium density overlay process.

Entered at Portland, Oregon the 27th day of April 1973.

Chairman

Certified a True Copy

Jack Lowe
Administrative Director

Simpson

CHEMICALS DIVISION 2301 North Columbia Boulevard
Portland, Oregon 97217 • 503-289-1111

March 29, 1973

ROUTING	
To	Noted by
[illegible]	✓
[illegible]	✓
[illegible]	[illegible]
From:	
Action:	

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

Attention: Mr. Wayne Hansen

Request for variance
Simpson Timber Company
Number 2 Treater

Gentlemen:

Pursuant to Title 23 of the Rules of the Columbia-Willamette Air Pollution Authority, Simpson Timber Company, Chemical Division, 2301 N. Columbia Boulevard, hereby requests a specific variance from Rule 23-010 (1) and the emissions standards of Title 32 for a period of eight months from the date of the variance, to allow for construction, installation, and testing of a watermist scrubber of Simpson's own design.

Reasons justifying a grant of the requested variance include the following:

(1) Circumstances render strict compliance unreasonable, burdensome, and impractical due to special physical conditions and causes; and

(2) No satisfactory proven alternative facility for controling the violative emissions is now available.

SPECIAL CIRCUMSTANCES

Simpson's violations of CWAPA's 20% opacity limitation on visible emissions have occurred only on their No. 2 treater when a newly developed proprietary product was being produced. This product is a medium density overlay that is subsequently bonded

to fir plywood to provide a check free, smooth surface that is particularly suited for painting. This product is replacing a long established material that has a very pollutive effluent and may have to be discontinued. The overlay plywood product is economically very important in the fir plywood industry and Simpson's research to overcome the limitations of the resin system is continuing.

The offending ingredient in Simpson's emission is partially polymerized phenol and formaldehyde that is boiled off when the impregnated sheet is strongly heated to consummate polymerization of a special nitrogen catalysed resin. This resin imparts some particularly desirable properties in the medium density overlay product and Simpson is currently spending approximately $100,000 annually to improve the resin and eliminate its undesirable properties. Elimination of the visible emissions is only one aspect of the need for resin improvement. The same vaporization of resin that creates a plume also fouls the ports and ducts in the dryer interior, causing frequent costly shut downs for cleaning. Simpson's research efforts have produced the only successful medium density overlay by the impregnation process, other resins that can be cured without visible emissions are known, so there is reason for optimism that the current need for control is temporary.

Familiarity with the volatile phenol-formaldehyde polymers leads to the conclusion that only a novel approach would be successful and practical in capturing the mist that causes a visible plume. Conventional scrubbers would be impractical because the gases cannot be cooled. To do so would result in the deposition of a heavy viscous material on the cooling surfaces. This deposit would be quickly converted to a hard flint like material that would be firmly attached to any cool surfaces.

ALTERNATIVE CONTROL FACILITIES

Simpson recognizes the need for control facilities during the period before the smoke-less resin is developed. This variance is necessary only to permit Simpson's use of a control facility which does not have a proven track record.

There are two proven methods for controling emissions, scrubbing and incineration. An incinerator installation for the quantity of gases being emitted is conservatively estimated at $80,000.

The cost of operating the incinerator matches its very high initial cost. If fired by propane, that cost is prohibitive. Firing by natural gas is unsound at a time of serious gas shortages and rationing. Additionally, the incineration of the nitrogen catalyzed resin may produce nitrous oxide.

The Venturi-type scrubber is designed and suited for use with relatively inert, non-adhering, particulates whose characteristics require a high-pressure filtration system. The emissions from the MDO process are cohesive in nature. Once condensed, the droplets would clog the Venturi's filtration system. The use of an alcohol solvent to clean the filters would be unacceptably dangerous at the temperatures necessary for the operation.

The nature of the resin droplets permits effective emission control by creating condensation before exit from the plume. Once condensed, the droplets settle within a very short period. No extensive pressurized water filtration system such as that provided by the expensive Venturi-type scrubber is required. Once the droplets are settled and siphoned off, there is no benefit to incineration.

Simpson has developed a scrubber of its own design. The cost of this design ($12,000 - $15,000) is far below that necessitated by the more elaborate Venturi scrubber or gas-fired incinerator. A prototype has seen apparent success at one of Simpson's California facilities.

Cost is only a minor reason for requesting a variance. The Simpson designed scrubber operates on the principal of adiabatic cooling. This principal is expected to cause precipitation of the resin particulates in an environment that will result in the resin separating and falling out of the gas train. The resin is incompatable with water, so it is anticipated that small drops of resin can be caused to settle out of the scrubber and then removed for disposal. If the resin won't settle freely from the shower water it would be possible to use caustic in the shower system and solubilize the resin for removal from the system.

CONCLUSION

Despite the absence of definitive data, Simpson desires to attempt use of the control facility of its design before being required to install the much more expensive facilities.

Simpson has strong basis for its conclusion that its design will be effective. The characteristics of the emission from the No. 2 treater are such that success of either incineration or high-pressure water filtration is speculative. Simpson will provide CWAPA with the results of a monitored stack-test at the close of the variance period. A grant of the requested variance is in compliance with the CWAPA's public policy.

A technical evaluation of Simpson's proposal, together with requested additional information, is attached.

Very truly yours,

SIMPSON TIMBER COMPANY

E. J. Reichman

E. J. Reichman
Process Control Engineer

ER/njp

COLUMBIA-WILLAMETTE AIR POLLUTION AUTHORITY

1010 N.E. COUCH STREET PORTLAND, OREGON 97232 PHONE (503) 233-7176

4 April 1973

MEMORANDUM

TO: Board of Directors

FROM: R. E. Hatchard, Program Director

SUBJECT: Variance Request - Simpson Chemicals Division

Ladies and Gentlemen:

In the attached letter dated 20 March 1973, Simpson Chemicals Division, 2301 N. Columbia Blvd., Portland, Oregon requested a variance of CWAPA Rule 21-010(1), Authority to Construct and Title 32, Emission Standards. The purpose of the variance is to allow the company nine months to develop a process change or time to construct, install and test a watermist scrubber of Simpson's own design.

Background

Simpson Chemicals Division is attempting to manufacture a new product known as medium density overlay which is to be used in the plywood industry to provide plywood with a check free surface particularly suited for painting.

At its present stage of development, the emissions from the No. 2 treater caused by resins present in the MDO process are in excess of the authority's visible emission and particulate standards. Simpson's ultimate goal is to develop a new resin which will not result in emissions in excess of the authority rules. However, in the interim while their research progresses, the company may install a watermist scrubber of their own design to attain compliance with the authority rules. The company is optimistic a suitable resin can be developed during the variance period and not necessitate the installation of control equipment. Simpson is spending $100,000 toward the necessary research. However, the company recognizes the need for a control facility should further research time be required.

For the following reasons, Simpson has proposed a watermist scrubber of their own design:

1. Due to the chemical nature of the material to be collected, Simpson is confident their scrubber will attain compliance, whereas a conventional scrubber would clog and require constant maintenance.

2. Due to the expected short life of any control system installed, because of the anticipated process change, an afterburner system costing upwards of $80,000 compared to the Simpson scrubber $12,000 to $15,000 would be economically infeasible.

Due to a lack of definitive data concerning the proposed scrubber and its ability to collect the material in question, the authority staff is unable to conduct the required plan and engineering review. Our past experience with similar low efficiency scrubbers would normally indicate compliance is not achievable. It is our staff opinion the scrubber steam plume will make determination of compliance of visible emissions difficult. Consequently, as a condition of the variance, our authority is requiring a source test be conducted. In the event Simpson is unable to make the necessary process change and the proposed scrubber is unable to comply with authority rules, a condition of the Variance requires the installation of an acceptable control system.

Staff Review

The authority staff has thoroughly reviewed the request with respect to the variance rule. It is the opinion of the authority staff satisfactory information has been submitted by Simpson Chemicals Division that demonstrates that strict compliance with such rule, regulation or order is inappropriate due to circumstances which would render strict compliance unreasonable, burdensome and impractical due to special physical conditions and causes.

Staff Recommendation

It is the authority staff recommendation a variance from the authority rules, Rule 21-010(1) and Title 32 be granted to Simpson Chemicals Division with the following conditions:

1. The variance shall be for the period 1 May 1973 to February 1974.

2. On or before 1 November 1973, Simpson Chemicals will have completed installation of the proposed scrubber unless compliance has otherwise been demonstrated.

3. On or before 1 January 1974 Simpson Chemicals shall have conducted a source test for emissions from the proposed scrubber. Test procedures and methods are to be approved by the authority prior to testing and results submitted to the authority prior to 1 February 1974.

4. In the event the source test results reveal non-compliance with the authority rules, on or before 1 March 1974 Simpson Chemical will submit plans and specifications for a control system that is capable of compliance.

5. During the variance period, unless compliance has been otherwise demonstrated, the No. 2 treater processing MDO shall not exceed a production rate of 60 feet per minute.

6. Upon notification by the authority staff of an alert, warning or emergency condition, Simpson Chemicals Division will cease operation of the MDO process.

Respectfully submitted,

R. E. Hatchard
Program Director

REH:tbs
Attachment

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

ADVISORY COMMITTEE MEETING
3:00 p.m., Thursday, 5 April 1973
Auditorium, Portland Water Service Building

Present:

Advisory Committee: Darrel Johnson, Chairman
Walt Nutting, Vice-Chairman
Jack Cassidy
Bob Dow
John Donnelly, M. D.
Walter Goss, M. D.
Betty Merten
Nancy Rushmer
Ed Winter
Buckley Vaughn, representing Hollister Stolte, M. D.

Staff: R. E. Hatchard, Program Director
Wayne Hanson, Deputy Program Director
Jack Lowe, Administrative Director
George Voss, Public Information Director

Minutes

The meeting was called to order by Chairman Johnson and the minutes of the 15 March 1973 meeting were approved as submitted.

Variance Request - Simpson Chemicals Division

Wayne Hanson reviewed a request from Simpson Chemicals Division for a variance from the emission standards of the CWAPA Rules to allow the company time to develop a process change or time to construct, install and test an air pollution control device of Simpson's own design. He explained the chemical process involved and various aspects of the possible control systems. He then stated it was the recommendation of the staff that a variance be granted Simpson Chemicals Division from Rule 21-010(1) and Title 32 of the Authority Rules for a period 1 May 1973 to February 1974, subject to certain conditions as outlined in the staff report dated 4 April 1973.

Mr. Nutting reported that the Variance Sub-committee had considered this variance request and was in agreement with the staff report.

Mr. Robert Babcock of Simpson stated his company was quite optimistic that the new process change would be developed and would be successful in eliminating visible and particulate emissions from their operation. He stated if this were not the case, however, Simpson Chemical Division would install a control system that would bring the company into compliance with CWAPA Rules.

After discussion, Mr. Nutting moved, Mr. Winter seconded and the motion carried to recommend to the Board of Directors that the variance request of Simpson Chemicals Division be granted as outlined in the staff report of 4 April 1973.

Variance Request - Bonneville Power Administration

Mr. Hanson stated that Bonneville Power Administration will be clearing a 9.4 mile line for the Trojan-Allston #1 Transmission Line in Columbia County. After meeting with BPA to discuss methods of disposing of the land clearing debris, the staff recommends a variance from CWAPA Rules 32 and 33 be granted to BPA which will allow the incorporation of portable incineration equipment in the bid specifications for clearing this land. Mr. Hanson pointed out that if burning were prohibited, the vast amount of debris generated and hauled away would seriously affect the life of the already limited Columbia County landfill sites. Difficulty has arisen in acquiring permission from landowners to deposit large amounts of chipped material on site; to haul chips could also over-tax the available landfill sites; and problems of fire hazard and water pollution are present in deposited chipped material. Therefore, the staff believes controlled combusion, such as a portable air curtain burner, would be the best method of disposal. By this method, visible emission standards of the CWAPA Rules will be met.

Mr. Winter reported that the Variance Sub-Committee had considered this variance request and is in agreement with the staff report.

Mr. Harry Hurless, Bonneville Power Administration, explained further the various environmental aspects of the project that BPA has considered. He explained they will do the job in any way that results in the least impact to the environment. He answered questions from the Advisory Committee concerning other past projects of this nature.

After considerable discussion, Mr. Winter moved, Mr. Nutting seconded and the motion carried to recommend to the Board of Directors that a variance from CWAPA Rules 32 and 33 be granted to the Bonneville Power Administration to allow the incorporation of portable incineration equipment in their forthcoming bid specifications, with specific conditions as outlined in the 30 March 1973 memorandum to the Board of Directors.

Legislation

Mr. Hatchard briefly reviewed the status of proposed legislation. HB 2203, which would require regional air quality authorities to comply with applicable provisions of the local budget law and require participating counties and cities to pay the regional authority the support amounts determined through the budget process, has had one hearing and may be heard again soon. HB 2329, which would abolish regional air pollution authorities, has not had a hearing yet, but will no doubt be heard after the hearing on SB 77, a topical revision of Chapter 449, ORS, which is scheduled for 13 April 1973. The Advisory Committee discussed replies they had received from correspondence with legislators concerning HB 2329, and what further correspondence or testimony could be made to oppose this bill. It was agreed the staff will notify the Advisory Committee members as to possible action they can take to oppose this bill.

Federal Grant Application - 1973-74

Mr. Hatchard distributed copies of the preliminary draft of the Federal Grant Application for fiscal year 1973-74 for the Advisory Committee's consideration. He stated this will be the first year of Program Maintenance type of support, 3 federal dollars to 2 local dollars. He reviewed some aspects of the document and stated that the Board will be considering the grant application at its 20 April meeting.

DEQ Proposed Regulations on Highways and Parking Facilities

Mr. Hatchard stated that lengthy negotiations have been carried on with the land use agencies and other regional air authorities to bring to the Environmental Quality Commission the best proposed revisions for the Proposed Regulations on Highways and Parking Facilities. The changes to be proposed are: 1) the guidelines must be a part of the regulations; 2) there must be local input to the guidelines and approval of the guidelines by local agencies; 3) some necessary changes in existing codes must be made; 4) the regulations should provide for review and amendments to the transportation and parking plan. Mr. Hatchard stated these proposed changes have been sent to the Department of Environmental Quality and a hearing will be held in the near future.

Other Matters

Dr. Goss briefly reviewed the recent study done by Multnomah County on lead in the Portland area. He stated that the Oregon Graduate Center has been funded to continue studies concerning lead, particularly in blood levels of young children. Copies of two recent publications on lead were distributed to the Committee members.

The meeting was adjourned at 4:45 p.m.

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

BOARD OF DIRECTORS MEETING
9:30 a.m., Friday, 27 April 1973
Auditorium, Portland Water Service Bldg.

Present:

Board of Directors: Fred Stefani, Chairman
A. J. Ahlborn
Mildred Schwab
Ben Padrow

page 2

Staff: R. E. Hatchard, Program Director
Wayne Hanson, Deputy Program Director
Jack Lowe, Administrative Director
Cecil Quesseth, Legal Counsel
Mid-Willamette Valley Air Pollution Authority
George Voss, Public Information Director
John Kowalczyk, Technical Director

Others: H. H. Phillips, Portland General Electric
Joseph Williams, Portland General Electric
Arthur J. Porter, Portland General Electric
Roger Colburn, Public Utilities Commission
Gary Sandberg, Department of Environmental Quality
William Martson, NW Environmental Defense Center
Larry Williams, Oregon Environmental Council
Al Scheel, North Portland Community Center
Dick Gitschlag, Linnton Community Center
J. E. Kordic, Harborton Area Resident

MINUTES

The meeting was called to order by Chairman Stefani and the minutes of the meeting of 16 March 1973 were approved as submitted.

ENFORCEMENT

Pacific Building Materials, 3510 SW Bond, Portland

Mr. Hanson reported that a schedule of compliance has been negotiated with Pacific Building Materials to bring emissions from their transit concrete plant, central mix concrete plant and sand and gravel plant into compliance with CWAPA Rules. The two-phase order requires that the plant be in compliance no later than 1 September 1973. The staff recommends that the order be entered.

After discussion, Commission Padrow moved, Commissioner Ahlborn seconded and the motion carried to accept the Consent and adopt the Order in the matter of Pacific Building Materials.

Armour and Company, N. Columbia Blvd and Tyndall, Portland

Mr. Hanson stated that a schedule of compliance has been negotiated with Armour and Company to bring emissions from the meat processing plant into compliance with CWAPA rules by 1 August 1974. It is the staff recommendation that the Consent be accepted and the Order be adopted.

After discussion, Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to accept the Consent and adopt the Order in the matter of Armour and Company.

PUBLIC HEARINGS - COMPLIANCE SCHEDULES

Mr. Hatchard stated the hearings are necessary to meet federal requirements that a public hearing be held on each compliance schedule as part of the Oregon Implementation Plan.

Chairman Stefani announced it was the time and place for the public hearings, public notice having previously been published, and stated that compliance schedules from Pacific Building Materials and Armour and Company are being considered at public hearings at this meeting.

Chairman Stefani called for comments from the representatives of these companies or from members of the public. There were no comments or statements.

PUBLIC HEARING - DEQ REGULATIONS ON PARKING FACILITIES AND MAJOR HIGHWAYS IN URBAN AREAS

Mr. Hatchard stated that further revisions and changes of these regulations are being considered by the Department of Environmental Quality, and recommended that this public hearing be continued until the 18 May 1973 Board of Directors meeting.

VARIANCE REQUESTS

Simpson Chemicals Division

Mr. Hanson stated that Simpson Chemicals Division has requested a variance from the emission standards of the CWAPA Rules to allow the company time to develop a process change or time to construct, install and test an air pollution control device of Simpson's own design. Mr. Hanson stated that the Advisory Committee considered this variance request at length at their 5 April 1973 meeting, and concurred with the staff recommendation that the request be granted.

After discussion, Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to grant a variance to Simpson Chemicals Division from Rule 21-010(1) and Title 32 of the Authority Rules for a period 1 May 1973 to February 1974 subject to certain conditions as outlined in the staff report dated 4 April 1973.

Bonneville Power Administration

Mr. Hanson stated that it is the staff recommendation that a variance be granted to Bonneville Power Administration from CWAPA Rules 32 and 33 which would allow the incorporation of portable incineration equipment into the bid specifications for clearing the Trojan-Allston #1 Transmission Line in Columbia County. Mr. Hanson stated this recommendation is being made because of the fact that if burning were prohibited, the large quantity of debris generated and hauled away would seriously affect the life of the already limited Columbia County landfill sites. Also because of fire hazard and water pollution problems present, the staff believes controlled combustion would be a better method of disposal.

Mr. Hanson stated that the Advisory Committee at their 5 April 1973 meeting had considered this variance request at length, and concurred with the staff recommendation.

After discussion, Commissioner Ahlborn moved, Commissioner Padrow seconded and the motion carried to grant Bonneville Power Administration a variance from CWAPA Rules 32 and 33 to allow the incorporation of portable incineration equipment in their forthcoming bid specifications for clearing the Trojan-Allston #1 Transmission Line in Columbia County, with specific conditions as outlined in the 30 March 1973 memorandum to the Board of Directors.

In answer to Commissioner Ahlborn's inquiry, Mr. Hanson stated that a variance request from Mr. Seawright in Columbia County has been received by the staff and will be presented to the Advisory Committee at their next meeting, and to the Board of Directors at their 18 May 1973 meeting.

FEDERAL GRANT APPLICATION - Fiscal Year 1973-74

Copies of the preliminary draft of the Federal Grant Application for fiscal year 1973-74 had been previously mailed to the Board of Directors and copies distributed at this meeting for their consideration. Mr. Hatchard reviewed some aspects of the document and stated this will be the first year of Program Maintenance type of support, 3 federal dollars to 2 local dollars. He recommended that the Board approve the grant application and authorize the Chairman to sign the document.

Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to approve the grant application and authorize the Chairman to sign the document.

PUBLIC HEARING - PGE COMBUSTION TURBINE POWER PLANT, HARBORTON

Chairman Stefani opened the public hearing, and in answer to Commissioner Padrow's inquiry, stated this is to be an information meeting only and no final action was expected to be taken by the Board at this meeting.

Mr. H. H. Phillips, attorney for Portland General Electric, stated that PGE had been working with the CWAPA staff since 1970 on this combustion turbine installation, and is in general agreement with most of the conditions which the staff recommends for the permit. The permit must be approved by the CWAPA staff before construction and operation of the combustion turbine facility may proceed.

He stated the testimony of PGE will show the company has the best equipment technologically available. The plant will operate to the maximum degree possible on natural gas. After the Trojan Power Plant is in operation, the Harborton plant will be used for peak operation only. Harborton will produce the volume of electricity necessary for 100,000 average homes. Mr. Phillips introduced Mr. Joseph Williams, Vice-President in charge of Engineering and Construction for PGE.

Mr. Williams stated the Harborton site is the best possible for this plant and there is no equipment that can do a better job. He reviewed the factors considered during the site selection and the reasons the combustion turbines were chosen for this power plant. He stated that the installation is designed to minimize the impact on air quality, and changes will be made in the operation of the plant to incorporate any new technology developed. He emphasized the importance of PGE meeting the construction schedule in order to be able to meet the power demands of the near future. A copy of a prepared statement submitted by Mr. Williams is available at the CWAPA office.

Mr. Arthur Porter, Senior Vice President of PGE, discussed the declining ability of hydro-electric power generating sources to adequately meet the power needs of the 1970's. Bonneville Power Administration is currently supplying PGE with power, and when the current contract expires in August 1973, BPA will no longer be in a position to supply PGE with power, and the power needs must be met with combustion turbine installations. He added that the situation is compounded this year because the low run off will be insufficient to adequately fill many reservoirs on the Columbia River and its tributaries. Mr. Porter reviewed efforts made by his company to locate other sources of power; however, he stated the situation was still critical; unless PGE is able to install and operate the combustion turbines at Harborton by 1 September 1973, the only alternative will be power curtailment.

Mr. Porter stated that PGE is negotiating with NW Natural Gas Company for a supply of natural gas sufficient to operate the turbine plant, except in very cold weather and times when natural gas is not available; then fuel oil must be used. He reviewed other sources of power planned to provide the energy requirements until the Trojan Power Plant is completed in mid-1975. At this time he added, the turbine plants will probably be used for peaking times only. A copy of a prepared statement submitted by Mr. Porter is available at the CWAPA office.

Commissioner Padrow asked, if Harborton were not constructed, how serious would be the energy load curtailment? Mr. Porter stated there is a bill before this session of the Oregon Legislature which would outline in what order power would be curtailed to industry, institutions, residential users, etc. He added that Harborton in operation would supply about 10% of the energy requirements of the Portland area.

Mr. Roger Colburn, Public Utilities Commission, stated that a hearing was held by the Public Utilities Commission on the Harborton Turbine Plant in November 1972. He briefly reviewed the need for power and the type of power available, and stated that the operation of the Harborton combustion turbine plant in August 1973 was necessary to insure the availability of reliable electric power within the PGE service area. A copy of a prepared statement submitted by Mr. Colburn is available at the CWAPA office.

John Kowalczyk, CWAPA Technical Director, reviewed a staff memorandum dated 24 April 1973, copies of which were distributed to the Board of Directors. He discussed the background of the investigation and conclusions reached by the CWAPA staff concerning the combustion turbine installation. He stated that a significant amount of particulate, sulfur dioxide and oxides of nitrogen emissions will be added in the Portland area from the operation of this combustion turbine plant. Depending on meteorological conditions, a significant decrease in visibility will also occur.

Mr. Kowalczyk stated it is the recommendation of the staff that PGE be granted an operating permit for the Harborton combustion turbine plant for one year, subject to specific conditions as outlined in the staff memorandum of 24 April 1973. A copy of the staff memorandum is available at the CWAPA office.

Mr. Gary Sandberg, Chief, Noise Control, Department of Environmental Quality, reported on the investigations of his office concerning the noise pollution which will result from the operation of the combustion turbine plant. With the aid of equipment set up in the hearing room, he gave examples of noise levels which will result when the plant is in operation. He stated DEQ Noise Pollution Division was recommending approval of the turbine installation subject to PGE installing additional noise reduction equipment to bring the noise levels down to 46 DBA at nearby residential property. A copy of the DEQ report is available at the CWAPA office.

Mr. William Martson, attorney for the Northwest Environmental Defense Center, presented a petition to the Board of Directors asking that at least one additional public hearing be held on this proposed installation, and that the meeting be held at night. He stated many citizens who wish to present their views are unable to do so because of work commitments and could only attend night meetings. Also he stressed that his group has had insufficient time to properly evaluate the data concerning this proposed installation.

After some discussion, it was agreed by the Board of Directors that a continuation of this public hearing will be held at 7:30 p.m., Monday, 7 May 1973 at a place to be announced.

Mr. Larry Williams, Oregon Environmental Council, urged the Commissioners to look carefully at issuance of the permit. He stated it has been the experience of his group with PGE that they only comply with the law where they are carefully watched. He suggested they look carefully at the contract for natural gas, when they will use natural gas, and when PGE will be allowed to violate air quality standards. He stated a procedure should be set up concerning the determination of whether the production of electricity is more important than meeting air quality standards during emergency times.

Commissioner Padrow requested that Mr. Hatchard have available by the 7 May 1973 meeting a rough draft concerning procedures to be followed when air quality standards may not be met by PGE's combustion turbine facility.

Mr. Al Scheel, North Portland Citizens Committee, stated he was a resident of the North Portland area, and the citizens of the area are very concerned about the proposed installation, and suggested that perhaps the hearing be held in the North Portland area.

Mr. Joe Kordic, a resident of the Harborton area, stated the residents of this area are unaware of the air quality impact, and are very concerned about the noise levels.

Mr. Richard Gitchlag, representing the Linnton Community Center, stated his group also was very concerned about the proposed installation.

Commissioner Padrow stressed the utmost importance of doing everything possible to insure that all interested citizens and affected individuals are notified of the hearing on 7 May 1973.

Prepared statements were submitted by Ronald L. Kathren, Health Physicist, PGE, and Bruce Snyder, Meteorologist, PGE. Copies are available at the CWAPA office.

OTHER MATTERS

Permit Fees

Mr. Hatchard explained Resolution 21 and recommended that the Board adopt this resolution which authorizes the Program Director to expend specified amounts of money for the purpose of carrying out the administration of the air contaminant discharge permit program during fiscal 1972-73.

Commissioner Padrow moved, Commissioner Ahlborn seconded and the motion carried to adopt Resolution 21.

Mr. Padrow stated that the Authority staff has been following the regulations of the state concerning issuance of permits and collection of permit fees. However, difficulty has arisen regarding the schools, who have not budgeted for these permit fees,

Mr. Hatchard stated that the staff is recommending adoption of Resolution No. 22, Resolution Requesting the Director of the Department of Environmental Quality to Convene the Coordinating Committee to Consider the Permit Fees Assigned to Fuel Burning Equipment Source (cc) and (uu). This resolution would provide that the schools supply the information requested in the permit form, but not submit a fee. The resolution would also provide for possible rule changes concerning the permit regulation.

After discussion, Commissioner Alhborn moved, Commissioner Padrow seconded and the motion carried to adopt Resolution No. 22.

Columbia County Open Burning

Mr. Hatchard stated that due to a continuing problem existing in Columbia County in the development of adequate disposal facilities and alternatives for the disposal of vegetation material from residences and land clearing operations, the staff recommends that authorization be granted by the

Board to prepare proposed rule changes which would allow domestic open burning in all areas of Columbia County, as outlined in the 19 April 1973 letter to A. J. Ahlborn. These changes would make the rules consistent with EQC regulations.

Commissioner Ahlborn moved, Commissioner Padrow seconded and the motion carried to authorize the staff to draft rule revisions as outlined in the 19 April 1973 letter to A. J. Ahlborn.

The meeting was adjourned at 12:00 p.m.

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5301

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

To: Environmental Quality Commission

From: Director

Subject: Agenda Item L, May 29, 1973, EQC Meeting

Tax Credit Applications

Attached are review reports on 12 Tax Credit Applications. These applications and the recommendations of the Director are summarized on the attached table.

DIARMUID F. O'SCANNLAIN

WEG:ahe
Attachment

May 18, 1973

TAX CREDIT APPLICATIONS

Applicant	Appl. No.	Facility	Claimed Cost	% Allocable to Pollution Control	Director's Recommendation
Weyerhaeuser Company	T-410	Improved detector for gas chromatograph	$1,858	80% or more	Issue
Boise Cascade Corporation T & BM - Wood Products Div.	T-422	Waste water & site drainage water collection & recirculation system	64,075.15	80% or more	Issue
Oregon Portland Cement Co.	T-427	Paving of portion of plant grounds	9,152.09	80% or more	Issue
Oregon Fir Supply Co., Inc.	T-428	Elimination of wigwam waste burner	250,459.51	80% or more	Issue
Western Kraft Corporation	T-437	System for collecting non-condensible odorous gases & ducting gases to lime kiln for thermal incineration	54,651.40	80% or more	Issue
Western Kraft Corporation	T-438	Joy Turbulaire Scrubber for No. 4 Recovery Furnace smelt dissolving tank vent	25,411.39	80% or more	Issue
Western Kraft Corporation	T-439	System for collecting water vapor & discharging at a higher elevation	67,158.32	80% or more	Issue
Menasha Corporation	T-440	Theta Sensor with Sam Pak Conditioning Unit & Varian G-11A Recorder for monitoring SO_2 from acid plant absorption tower stack	3,569.22	80% or more	Issue
Menasha Corporation	T-447	Sampling platforms and E.P.A. sampling train	6,822.75	80% or more	Issue

Applicant	Appl. No.	Facility	Claimed Cost	% Allocable to Pollution Control	Director's Recommendation
Consolidated Pine, Inc.	T-455	Elimination of steam shotgun & decreasing steam load on hog fuel boiler	$65,607.59	80% or more	Issue
Boise Cascade Corporation Paper Group	T-464	Concrete sump & pump station	492,648	80% or more	Issue
Lakeview Lumber Products Co.	T-465	Modification of wigwam waste burner	36,565.60	80% or more	Issue

WEG:ahe

May 18, 1973

TAX CREDIT APPLICATIONS

Applicant	Appl. No.	Facility	Claimed Cost	% Allocable to Pollution Control	Director's Recommendation
Weyerhaeuser Company	T-410	Improved detector for gas chromatograph	$1,858	80% or more	Issue
Boise Cascade Corporation T & BM - Wood Products Div.	T-422	Waste water & site drainage water collection & recirculation system	64,075.15	80% or more	Issue
Oregon Portland Cement Co.	T-427	Paving of portion of plant grounds	9,152.09	80% or more	Issue
Oregon Fir Supply Co., Inc.	T-428	Elimination of wigwam waste burner	250,459.51	80% or more	Issue
Western Kraft Corporation	T-437	System for collecting non-condensible odorous gases & ducting gases to lime kiln for thermal incineration	54,651.40	80% or more	Issue
Western Kraft Corporation	T-438	Joy Turbulaire Scrubber for No. 4 Recovery Furnace smelt dissolving tank vent	25,411.39	80% or more	Issue
Western Kraft Corporation	T-439	System for collecting water vapor & discharging at a higher elevation	67,158.32	80% or more	Issue
Menasha Corporation	T-440	Theta Sensor with Sam Pak Conditioning Unit & Varian G-11A Recorder for monitoring SO_2 from acid plant absorption tower stack	3,569.22	80% or more	Issue
Menasha Corporation	T-447	Sampling platforms and E.P.A. sampling train	6,822.75	80% or more	Issue

Applicant	Appl. No.	Facility	Claimed Cost	% Allocable to Pollution Control	Director's Recommendation
Consolidated Pine, Inc.	T-455	Elimination of steam shotgun & decreasing steam load on hog fuel boiler	$65,607.59	80% or more	Issue
Boise Cascade Corporation Paper Group	T-464	Concrete sump & pump station	492,648	80% or more	Issue
Lakeview Lumber Products Co.	T-465	Modification of wigwam waste burner	36,565.60	80% or more	Issue

WEG:ahe

May 18, 1973

Appl T-410

Date 4/27/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Weyerhaeuser Company
785 North 42 Street
Springfield, OR

The applicant makes kraft pulp and linerboard at the above location.

2. Description of Facility

The facility is described to be an improved detector for the Environmental Laboratory's gas chromatograph.

Facility Cost: $1,858. (Ledger sheets and invoices were provided).

The facility was placed in operation in August, 1971.

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

3. Evaluation

The Environmental Laboratory does research and develops methods of controlling and measuring emissions. The facility in this application was acquired to aid those efforts by providing more sensitive and reliable measurements. It is not a tool for process control purposes, hence it is concluded that the facility was acquired for research.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $1,858. be issued for the facility claimed in Tax Application T-410 with more than 80% allocated to pollution control.

CAA:sb
4/27/73

Appl. T-422

Date 2-15-73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Boise Cascade Corporation
T & BM Wood Products Division
P. O. Box 610
La Grande, Oregon 97050

The applicant owns and operates a large plywood and stud mill in Elgin in Union County, Oregon.

2. Description of Facility

The claimed facility is a waste water and site drainage water collection and recirculation system which consists of various piping, pumps, a sump and pump station and related controls.

The claimed facility was placed in operation March 1973.

Certification is claimed under the 1969 Act with 100% allocated to pollution control.

Facility cost: $64,075.15 (Accountant's certification was submitted)

3. Evaluation of Application

Prior to the implementation of the claimed facility, log deck drainage, mill pond overflow, boiler blowdown, air compressor and hydraulic cooling waters, and veneer dryer washdown were collected at a common holding pond and pumped into an irrigation ditch. The irrigation ditch carried the waste water to an abandoned cattle feed yard from which most of the waste water drained over into a slough which was once part of the Grande Ronde River.

With the claimed facility, between April 1 and December 1, these waste waters are collected at a sump, pumped through filters, and sprinkled back on the stored logs. Excess water collected at the sump is pumped upon an adjacent hill to the old glue waste ponds. (Steam vat condensate is also pumped into those ponds.) Water from these ponds is spray irrigated on land owned by the applicant. Depending on the weather and soil conditions, the water either percolates through the soil or runs off into the slough previously mentioned. Between December 1 and April 1, the claimed facility cannot be used because most of the piping is above ground and would freeze in the cold northeastern Oregon winters. Consequently, the waste water is collected at the sump, run under a baffle to remove the floatable material and discharged to Phillips Creek. This discharge is usually quite dark, contains considerable solids, and causes complaints.

The claimed facility does significantly improve the water quality in Phillips Creek and the Grande Ronde River during the period of its operation. The addition of waste water flow separation and the elimination of the log pond overflow into the claimed facility will provide better control. A requirement to provide waste water flow separation and elimination of the log pond overflow has been included in the firm's new waste discharge permit.

Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $64,075.15 with 80% or more of the cost allocated to pollution control be issued for the facilities claimed in Tax Application No. T-422.

R. J. Nichols
ak

Appl T-427

Date 4/23/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Oregon Portland Cement Co.
111 S. E. Madison
Portland, OR 97214

The applicant owns and operates a cement plant in Lake Oswego, Oregon.

2. Description of Facility

The facility is described as paving a portion of the plant grounds.

Facility Costs: $9,152.09 (Invoices were provided).

The facility was completed on March 27, 1972.

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

3. Evaluation

The facility serves two pollution control purposes, in that it prevents generation of dust by vehiclar traffic, and also makes possible cleaning up dust spilled in production and material-transport operations. This paving is an extension of that for which certificates 39, 155, and 253 have been issued.

There is no economic return from this facility.

It is concluded that the facility is solely for pollution control.

4. Director's Recommendation

It is recommended that a pollution control facility certificate bearing the costs of $9152.09 be issued for the facility claimed in Tax Application T-427 with more than 80% allocated to pollution control.

CAA:sb
4-23-73

Appl T-428

Date 4/24/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Oregon Fir Supply Company, Inc.
P. O. Box 37
Lyons, OR 97358

The applicant operates a sawmill and planing mill located on Hwy. 22 at Idanha.

This application was received February 23, 1973. The report from the Mid-Willamette Valley Air Pollution Authority was received March 19, 1973.

2. Description of Facility

The facility claimed in this application which eliminated the wigwam waste burner is described to consist of the following:

1. Boiler plant and Lelco, Inc. boiler
2. Wellons fuel cell furnace
3. Bark conveyor and housing
4. Centrifugal pump
5. Electrical controls
6. Necessary foundations, structural steel, etc.

The facility was completed and placed in operation in June, 1972.

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

Facility Costs: $250,459.51 (Accountant's certification was provided).

3. Evaluation of Application

The report from the Mid-Willamette Valley Air Pollution Authority states that this facility was required by the Authority and that plans and specifications were approved by the Authority. The Authority inspected the facility and verified that the installation could operate within the emission limitations set by regulations after the facility was completed.

The company has certified that the annual operation of this installation will show a negative return on investment of -4.5%.

It is concluded that this facility does operate satisfactorily and did reduce smoke and particulate emissions to the atmosphere by enabling the company to phase-out operation of the wigwam waste burner. It is further concluded that the cost allocatable to pollution control should be 80% or more.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the costs of $250,459.51 with 80% or more of the costs allocated to pollution control be issued for the facility claimed in Tax Application T-428.

RAR:sb
4/24/73

Appl T-437

Date 4-19-73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Western Kraft Corporation
P. O. Box 339
Albany, OR 97321

The applicant owns and operates an unbleached kraft pulp and paper mill north of Albany, Oregon.

2. Description of Facility

The facility is described to be a system for collecting non-condensible odorous gases from the digester blow and relief, and the multiple-effect evaporator operations, and ducting those gases to the lime kiln for thermal incineration.

Facility Cost: $54,651.40 (Accountant's certificate was provided).

The facility was initially completed and placed in operation in July, 1972. Further modifications were completed in October, 1972. Certification is claimed under the 1969 Act. Percentage claimed is 100%.

3. Evaluation of Application

This facility was installed in response to the 1969 Kraft Mill Emission Regulation, which required the collection and treatment of non-condensible gases from digesters and multiple-effect evaporators by incineration in a lime kiln or equivalent treatment. The Company had been collecting the multiple-effect evaporator non-condensibles and absorbing the collected gases in black-liquor oxidation tanks. The use of the oxidation tanks was discontinued when the new recovery furnace was placed in operation. The evaporator non-condensibles are now collected in the new system which is the subject of this application.

There is some heat recovered by this system, but it is insufficient to repay even the costs of operation and maintenance. Therefore, it is concluded that the system was installed and is operated for the purpose of pollution control, as was the original intention when the system was installed.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $54,641.40 be issued for the facility claimed in Tax Application T-437 with more than 80% allocated to pollution control.

CAA:sb
4-19-73

Appl T-438

Date 4/23/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Western Kraft Corporation
P. O. Box 339
Albany, OR 97321

The applicant owns and operates an unbleached kraft pulp and paper mill north of Albany, Oregon.

2. Description

The facility is described to be a Joy Turbulaire Scrubber, Model 28, Type D, for the No. 4 Recovery Furnace smelt dissolving tank vent.

Facility Costs: $25,411.39 (Accountant's certificate was provided).

The facility was completed and placed in operation on September 14, 1972.

Certification is claimed under the 1969 Act. Percentage claimed is 100%.

3. Evaluation

The installation of a particulate control device on smelt tank vents was required by the 1969 kraft mill emission regulation. The type of control most commonly in use at that time was the demister, a mesh pad. The use of scrubbers, such as the one which is the subject of this application is a somewhat recent development necessitated by the stringency of the regulation and the difficulty of controlling the emissions of particulate from the smelt tanks associated with the new furnaces. Scrubbers, apart from being more efficient than demisters, are also more reliable in the sense of being less subject to malfunction.

The value of material collected is less than the operating costs. Therefore, it is concluded that the facility is solely for pollution control, both in intent when it was installed and in its present operation.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the costs of $25,411.39 be issued for the facility claimed in Tax Application T-438 with more than 80% allocated to pollution control.

CAA:sb
4/23/73

Appl T-439

Date 4/23/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Western Kraft Corporation
P. O. Box 339
Albany, OR 97321

The applicant owns and operates an unbleached kraft pulp and paper mill north of Albany, OR.

2. Description

The facility is described to be a system for collecting water vapor evaporated from paper at the paper machines into one vent and discharging it at a higher elevation than was formerly the case.

Facility Costs: $67,158.32 (Accountant's certification was provided).

The facility was completed and placed in operation in November, 1972.

Certification is claimed under the 1969 Act. Percentage claimed is 100%.

3. Evaluation

When Western Kraft received approval for their new furnace in April, 1969, one of the conditions of approval was that the company minimize the effects of water vapor emissions discharging them from taller stacks or by other feasible means. The facility applied for in this Tax Application is the company's response to that requirement. All of the water vapor from the dryers of No. 2 and 3 paper machines is ducted to one stack which extends 50 ft. above the roof. The vapor plume is thus given not only the additional height of discharge, but also velocity loft to increase the effective stack height.

The facility functions as designed and does conform to the condition required by the Sanitary Authority. There is no economic return. Therefore, it is concluded that this facility was installed and is operated solely for pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $67,158.32 be issued for the facility claimed in Tax Application T-439 with more than 80% allocated to pollution control.

CAA:sb
4/23/73

Appl T-440

Date 4/23/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Menasha Corporation
P. O. Box 329
North Bend, OR 97459

The applicant owns and operates a neutral sulfite semichemical pulp and paper mill at Jordan Point near North Bend, Oregon.

2. Description of Facility

The facility is described to consist of a Theta Sensor Model LS 800-AS Monitor, Serial No. 0131, with Sam Pak Conditioning Unit, Model SP-1000 and a Varian G-11A Recorder (Serial No. 2173) for monitoring SO_2 from the acid plant absorption tower stack.

Facility Costs: $3,569.22 (Accountant's certification provided).

The facility was placed in operation in June, 1972.

Certification is claimed under the 1969 Act. Percentage claimed is 100%.

3. Evaluation

Monitoring sulfur dioxide emissions is required by the Sulfite Mill Emission Regulation (OAR, Chapter 340, Section 25-370). This monitor was installed for the purpose of complying with that requirement and fills no other function. Therefore, it is concluded that this facility was installed for pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost figure of $3,569.22 be issued for the facility claimed in Tax Application T-440, with more than 80% allocated to pollution control.

CAA:sb
4/23/73

Appl T-447

Date 4/23/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Menasha Corporation
P. O. Box 329
North Bend, OR 97459

The applicant owns and operates a neutral sulfite, semichemical pulp and paper mill on Jordan Point near North Bend, Oregon.

2. Description of Facility

The facility is described to consist of sampling platforms on two hog-fuel boiler stacks and an E.P.A. sampling train.

Facility Costs: $6,822.75 (Accountants certification was provided).

The sampling platforms were completed in December, 1972 and the first samples taken in March, 1973.

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

3. Evaluation

The installation of sampling platforms and purchase of a sampling train were required by the Department. The sampling train is not useful as a process monitor. Therefore, it is concluded that the facility is solely for pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the costs of $6,822.75 be issued for the facility claimed in Tax Application T-447 with more than 80% allocated to pollution control.

CAA:sb
4/23/73

Appl T-455

Date 5/4/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Consolidated Pine, Inc.
P. O. Box 428
Prineville, OR 97754

The applicant operates a sawmill and molding facility at Prineville.

This application was received April 17, 1973.

2. Description of Claimed Facility

The facility claimed in this application, which elimated the steam shotgun and decreased the steam load on the hog fuel boiler, is described to consist of the following:

1. Electric drive sawmill carriage, Harneschfeger Ser. TG-100, Model 722603
2. Electrical control system and panel
3. Necessary foundations, structural work, etc.

The facility was completed and placed in service in September, 1972.

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

Facility Costs: $65,607.59 (Accountant's certification was provided).

3. Evaluation of Application

The claimed facility was installed in accordance with the company's compliance program for their hog fuel boilers. Plans and specifications were approved by the Department and the Department has inspected the completed installation.

This installation consists of an electrically driven log carriage that replaced the previous steam shotgun driven carriage. By eliminating the steam shotgun, the required steam demands from the boiler were reduced considerably and the company was able to attain operation of the boiler in compliance with emission limitations.

Isokinetic tests on the boiler stack emissions prior to this installation indicated that the boilers could not generate the required steam load and still operate in compliance with the emission limitations set forth in OAR, Chapter 340, Section 21-020 since particulate emissions were measured at about 0.3-0.4 gr/SCF or about 96 tons/year. Isokinetic tests conducted after this installation was completed indicated that, because of the reduced steam load required from the boiler with the elimination of the shotgun, the boilers could be operated in compliance with emission limitations since the particulate emissions were measured at about .06-.09 gr/SCF or about 30 ton/yr.

It is concluded that this installation does operate in a satisfactory manner and did reduce particulate emissions to the atmosphere by about 66 tons/year.

4. Recommendations

It is recommended that a Pollution Control Facility Certificate bearing the costs of $65,607.59 with 80% or more of the cost allocated to pollution control be issued for the facility claimed in Tax Application T-455.

RAR:sb
5/4/73

Appl. T-464

Date 4-26-73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Boise Cascade Corporation
Paper Group
St.Helens, Oregon 97051

The applicant owns and operates an 800 ton per day pulp and paper mill located at St. Helens in Columbia County, Oregon.

2. Description of Claimed Facility

The claimed facility consists of a concrete sump and pump station which pumps primary treated waste water to the aerated lagoon. The pump station consists of three Worthington pumps driven by three General Electric 250 HP electric motors and a 1500 KVA Imerial transformer. The claimed facility, in addition, consists of piping, including a diffuser for the influent to the secondary lagoon, valves, related controls, and a building which houses the transformer and the controls.

The claimed facility was placed in operation in July, 1971.

Certification is claimed under the 1969 Act with 100% allocated to pollution control.

Facility cost: $492,648 (Accountant's certification was submitted)

3. Evaluation of Application

Prior to the construction of the facility, waste water from the mill received only primary treatment after which it was discharged into the Multnomah Channel. With the claimed facility, waste water is pumped to the City of St. Helens aerated lagoon for secondary treatment prior to discharge into the the Columbia River. Investigation reveals the facility is well designed and well operated.

It is concluded that this facility was installed for pollution control.

Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $492,648 with 80% or more of the cost allocated to pollution control be issued for the facilities claimed in Tax Application No. T-464.

R. J. Nichols
ak

Appl T-465

Date 5/10/73

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Lakeview Lumber Products Co.
P. O. Box 229
Lakeview, OR 97630

The applicant operates a sawmill, planing mill and moulding plant at Lakeview, OR.

This application was received April 26, 1973.

2. Description of Claimed Facility

The facility claimed in this application is described as a modification of a wigwam waste burner and consists of the following:

1. Top damper
2. Under-fire and over-fire air systems
3. Ignition system
4. Temperature recording system
5. Automatic control system

The claimed facility was completed and put into service in September, 1972.

Certification must be made under the 1969 Act, and the percentage claimed for pollution control is 100%.

Facility Costs: $36,565.60 (Cost verification was provided).

3. Evaluation of Application

This facility was installed in accordance with an approved compliance program and approved plans and specifications.

The completed modified wigwam waste burner was demonstrated to the Department as being capable of continuous operation in compliance with OAR, Chapter 340, Section 25-020.

This modification to the wigwam waste burner has reduced emissions of particulate matter by an estimated 100 tons/year and CO emissions by 243 tons/year.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $36,565.60 with 80% or more of the cost allocated to pollution control be issued for the facility claimed in Tax Application T-465.

PJJ:sb
5/10/73

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-

TOM McCALL
GOVERNOR

DIARMUID F. O'SCANNLAIN
Director

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item M, May 29, 1973 EQC Meeting

Proposed Whiteson Sanitary Landfill Permit (Yamhill County)

Background

Yamhill County has been seeking a sanitary landfill site for solid waste disposal in the McMinnville area since 1969. During 1969-71 seven separate sites were proposed by the county and private individuals. None of these sites were found to be acceptable.

In 1971 the county purchased the subject proposed landfill site, which is located adjacent to and partially in the floodplain of the South Yamhill River, 2 1/2 miles west of Whiteson and 6 miles south of McMinnville. Through routine technical assistance activities of the Department staff, the proposed site was evaluated at that time and appeared to offer, on a preliminary basis,sufficient potential for a landfill project to warrant further investigation by the County.

Over a two year period, information and data were gathered by the County and two proposals were submitted to the Department, but none were sufficiently complete to constitute a completed application. In order to collect data concerning floodwater effects, 200' of a proposed floodplain dike was constructed and flood water elevation staff gages were installed for observation through the winter season. The staff gages enabled determination of flood elevations at the proposed site relative to the nearest U. S. Geological Survey gaging station downstream. Visual floodstage observations were made by County and DEQ staff members and others through the winters of 1971-72 and 1972-73.

Public meetings were held locally by Yamhill County on January 19, 1972 and again on March 13, 1973 to inform and receive comment from the public regarding the county's proposed landfill project at Whiteson. Strong objections were heard from local residents at both meetings. The general basis of the objections included alleged potential pollution of the South Yamhill River, potential nuisance conditions and alleged misuse of county monies to purchase the site and improve the county road to the site.

On March 19, 1973 Yamhill County submitted to the Department a completed solid waste disposal facility permit application, including detailed plans and specifications prepared by a registered professional civil engineer. The Department requested and received technical analysis, data and comments from the U. S. Corps of Engineers relative to flood levels and hazards and dike construction and from the State Engineer's Office relative to groundwater, geology, soils, leachate potential and flooding. Yamhill County received comments from the U. S. Soil Conservation Service relative to soil conditions and the engineering consulting firm of Stevens, Thompson and Runyan, Inc. made an independent evaluation on behalf of the Chemeketa Solid Waste Management Planning group. (Copies of all reports are appended)

Discussion

Yamhill County proposes a sanitary landfill operation at Whiteson with complete compaction and cover of all wastes deposited each operating day, year round. The total county-owned land involved is 41 acres, of which 28.4 acres are proposed to be filled. Six and two-tenths (6.2) acres of the area proposed to be landfilled are subject to annual flooding. An area type fill operation is proposed to be conducted in the floodplain area during the summer months and sealed up in the fall. A trench type operation is proposed to be conducted throughout the winter months on the areas above flood stages. Use of the floodplain area would allow the county to begin the fill in the most convenient and economic manner, would elevate land for an ultimate park plan,and would allow an area fill operation which is relatively more economical than trenching. Use of the floodplain area would also considerably extend the ultimate life of the landfill site.

Estimated life of the proposed site is 10-12 years with possible extension by major recycling efforts and/or by installation of mechanical shredding of refuse. The present anticipated traffic load would be 12 commercial vehicles and an average 30 private vehicles per day. The project is compatible with the developing Chemeketa Regional Plan, which recommends ultimate establishment of a transfer station in the vicinity of Whiteson for transport of solid wastes to a large regional processing center.

The Whiteson site would initially replace two existing privately operated disposal sites which cannot be practicably operated in compliance with State Solid Waste Management regulations. The Sheridan-Willamina Disposal Site is past full, is devoid of earth cover and has serious drainage problems. The High Heaven Disposal Site (McMinnville) is leaching badly, has inadequate cover material and has no where to go but higher, which will compound the existing problems.

Points to Consider in Evaluation of a Sanitary Landfill

1. Central location. (Unless transfer stations and long haul concepts are adopted and implemented)
2. Accessibility and adequacy of roads and highways.
3. Proximity of residences.
4. Year around workability and quantity of suitable cover material.
5. Potential for polluting groundwater.
6. Potential for polluting surface water.
7. Potential of nuisance conditions including blowing paper, odors, traffic congestion and general stigma.
8. Compatibility with regional plan.

The Whiteson Site

General Advantages

1. Centrally located within reasonable haul distance from major areas to be served.
2. Good access from highway 99W. County access road (County Road 34) has been recently paved to withstand truck traffic.
3. Relatively remote location. Operation would not be generally visible. Closest residences are approximately 1/2 mile distant; approximately 20 residences are located within 1 mile

radius. One house is located immediately adjacent to a 90° turn in the access road to the proposed landfill site.

4. Deep deposits of heavy clay soils at site are very slowly permeable, and will attenuate and minimize leachate production.
5. Location is down gradiant of all known uses of groundwater therefore no wells or other groundwater uses are jeoparized. Groundwater movement is slow.
6. Location lends itself to easy control of nuisance conditions.
7. Site is compatible with regional plan and assists in expediting implementation of regional plan.

General Disadvantages

1. Site is immediately adjacent to the South Yamhill River. Improper construction or operation could subject the filled area in the floodplain to washout or excess leachate production.
2. Heavy clay soils are difficult to use for cover during wet season. (Common to entire region)
3. High winter groundwater conditions (perched saturated clay zone top 6-8', common to entire region).
4. Site has a low area through the middle of it which serves as a drainage way for substantial quantities of surface waters.

The County's proposal takes into consideration and includes preventive or corrective measures for the acknowledged disadvantages of the Whiteson Site.

Drainage systems have been designed and proposed for both floodplain and upland fill areas, to intercept and divert unpolluted surface waters around the landfill. An engineered dike is proposed on one of two sides of the floodplain landfill to prevent washout of refuse. It is proposed to stockpile earth cover and shed rainfall from it to enable covering in wet weather. Ground wood-wastes may also be used for temporary intermediate cover during extreme weather conditions.

Factual Analysis

The U. S. Corps of Engineers and State Engineer's Office have agreed that the approximate height of the 1964 flood (estimated to be 100 year frequency) was 135 feet above mean sea level (MSL) at the

proposed disposal site. The levee as proposed by the county is to be constructed to 139 feet MSL. The Corps has further stated that current velocities at the Whiteson Site during the high flood was less than 2 feet per second and that the proposed levee if properly constructed and seeded to native sod producing grasses should provide adequate erosion protection up to velocities of 5 feet per second. DEQ staff observed 1.5 ft./sec. velocity during 1971-72 winter floods. The Corps also indicated that soils at the site are suitable for the construction of the levee and that filling 6.2 acres of the floodplain at the location of the proposed disposal site would have negligible effect on upstream flood levels. The Corps recommended that the entire floodplain fill be diked, except for a portion of dike at the downstream end which should remain open until the final stages of the fill, to prevent build-up of surface waters behind the dike.

Winter operation on the upper terrace area will present a challenge similar to all other disposal sites in western Oregon. The soil Conservation Service and the State Engineer's Office indicate a perched saturated zone in the upper 6-8 feet of soil. Operation of a trenched fill in this zone would present problems. Therefore, the State Engineer's Office has recommended installation of a french drain or its equivalent along the upgradient south edge of the property to cut off this source of groundwater.

A relatively significant amount of surface water drains across the upper terrace and is proposed to be diverted around the fill in a concrete pipe. It is felt that an open ditch would offer better control and could be combined with the french drain to effectively intercept groundwater upgradient of the trenches.

Daily earth cover in winter operation at the proposed site will require special stockpiling and care of cover material and occasional temporary use of ground wood-wastes for cover, however this is common to most land disposal sites.

It must be assumed that leachate will be generated at the site. In view of the heavy clay soil and slow permeability, leachate would be expected to be produced in relatively low quantities of strong solution. It would be expected to break out on the ground surface at identifiable locations where it may be collected and irrigated on high ground areas.

It would be required that all leachate and surface water carrying significant quantities of leachate be intercepted and irrigated on high ground. Groundwater monitoring wells would be required for maintaining current analysis of groundwater quality in the vicinity of the fill.

Configuration of the landfill dike perimeter should be smoothly rounded to minimize erosive effects of floodwaters.

Conclusions

1. An alternative solid waste disposal site is needed in the immediate future to replace the Sheridan-Willamina and High Heaven dumps which are contributing to serious environmental and operational problems.
2. The proposed Whiteson Site is the most acceptable location in Yamhill County for a regional sanitary landfill that has been found since a search began in 1969. The proposed site is also consistant with the Chemeketa regional Solid Waste Management Plan.
3. The proposed site offers numerous advantages including relatively remote central location, good access, good sight-screening, slowly permeable soils, no hazard to usable ground-waters and positive collection and treatment of leachate.
4. Known disadvantages of the site include seasonal high ground-water conditions, clay soil for winter cover, surface water to divert and partial operation in a floodplain. Except for the floodplain fill, these disadvantages are recognized to be common to essentially all potential landfill sites in Yamhill County. Proper construction of the proposed dike in accordance with recommendations of the Corps of Engineers could allow use of the floodplain area without causing adverse effects to public waters.
5. One residence (Butler residence) which is close to both the county road and a sharp turn at the entrance to the access road will be significantly affected by traffic approaching the proposed disposal site.

6. With certain recommended modifications the proposed facility design and operational plan is judged to be feasible, to provide adequate protection of ground and surface waters in the area, and to provide for operation of the proposed Sanitary Landfill without nuisance to the surrounding properties.
7. Year round operation of a sanitary landfill at the proposed site will require knowledgable and conscientious construction and operation on a day to day basis to develop and maintain the landfill in accordance with the proposed design and operational plan, including recommended modifications.

Recommendations

It is the Director's recommendation that Yamhill County's application to establish and operate a sanitary landfill at the Whiteson location be approved subject to all standard sanitary landfill operational conditions and the following additional special conditions:

1. Initial operation shall be in the upper terrace trench area with commencement of filling in the floodplain not to take place in less than one year from issuance of the permit, and after written notice from the Department has been given, contingent upon demonstrated ability to operate in accordance with the permit and with the approved plans and without adverse environmental effects.
2. The floodplain fill dike shall be constructed in strict conformance with the recommendations of the Corps of Engineers and its configuration shall be smoothly rounded to minimize any erosive effects of floodwaters.
3. Landfilling in the floodplain below 135' elevation shall be limited to the period of May 1 to October 15 of each year and shall be effectively covered and closed prior to the October 15 date.
4. Surface drainage waters and the upper perched groundwater table upgradient of the disposal site shall be effectively intercepted

and diverted around the site via a combination of open ditching and french drain.

5. Surface leachate and all surface waters containing significant quantities of leachate shall be intercepted, prevented from entering public waters and irrigated on high ground areas.
6. Groundwater monitoring wells shall be provided in accordance with recommendations of the State Engineer's Office. Site screening shall be provided and maintained and these and all other proposed facilities and appurtenances shall be provided and operative prior to use of the site, except that landfilling in the upper trench area may commence prior to completion of facilities proposed for the floodplain area.
7. Prior to use of the site, Yamhill County shall investigate the potential nuisances of traffic by the Butler residence and submit a proposed plan for minimizing such nuisances at that location. Alternatives to investigate may include acquisition of the property and/or alteration or re-routing of the access road.

DIARMUID F. O'SCANNLAIN

EAS:mm

5/21/73
Attachments (8)

DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P. O. BOX 2946
PORTLAND, OREGON 97208

NPPEN-PL-2

24 April 1973

Mr. E. A. Schmidt, Administrator
Solid Waste Management Division
Department of Environmental Quality
1254 S.W. Morrison Street
Portland, Oregon 97205

Dear Mr. Schmidt:

In response to your letter of 9 April and 30 March 1973, the engineering and hydraulic features of the plans for development of the proposed Whiteson Sanitary Landfill have been reviewed in this office.

Relative to the general layout of proposed work in the flood plain of South Yamhill River, that area in the northwest corner of the landfill site, it would appear desirable to extend the existing levee to inclose the flood plain section. An opening in the levee could be left at the downstream end to provide drainage. Inclosure of the disposed material would prevent erosion and washing of that material during flood periods.

The questions raised in your letter of 9 April 1973 are discussed in the order presented.

1. This office does not have a profile of the 100-year flood computed for the South Yamhill River. However, the peak stage of the December 1964 flood was recorded on the U.S. Geological Survey gage at the highway bridge near Whiteson. That peak stage was elevation 130.0 feet mean sea level (1947 adjustment). Using an estimated slope of water surface for the 3½ miles of river between the gage and the landfill site, the peak stage at the landfill was approximately elevation 135 feet mean sea level.

2. If the proposed levee slopes are covered with native grasses forming a good sod cover, there should be no erosion of those slopes. Current velocities of the South Yamhill River in the reach along the landfill site are relatively low. It is estimated that velocities during the 1964 flood

were less than 2 feet per second. Sod protection for levee embankments will provide adequate erosion protection where velocities are below 5 feet per second.

3. Soils investigation of the data furnished indicates that proposed material is satisfactory for construction of a levee, provided that the material shall be dry enough when placed or allowed to dry in each lift sufficiently that compaction equipment will not rut or deform the embankment excessively. The embankment material should be placed in 12-inch layers of uncompacted thickness, and compacted by two complete coverages with the tracks of a tractor exerting a unit track pressure of not less than 1,200 pounds per square foot, or by equivalent compaction by other methods. Moisture requirements will probably require building the levee during the summer.

Embankment slopes shown are satisfactory provided there is an opening in the levee and flood waters can build up on both sides. A 5-foot maximum differential water level would be allowable. If the levee is continuous around the low area, the inside slope should be flattened to 1 vertical on 3 horizontal.

4. Investigation of the reach of the South Yamhill River from the Highway 99W bridge near Whiteson upstream to the landfill site indicates that water levels in the reach are controlled by the constriction formed by the Whiteson bridge and its approach fills. Thus, the effect on flood stages of inclosing the 6.2 acre fill area, thus reducing the flood plain, would be negligible.

The above comments are based on a review of the plans and operational narrative furnished by Yamhill County and additional data attached to the letter from Mr. Sweet of the State Engineers Office.

We are pleased to offer the above comments and if we can be of further assistance, please let us know.

Sincerely yours,

D. H. BASGEN
Chief, Engineering Division

STATE ENGINEER

WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

April 4, 1973

File No.

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

ATTENTION: E. A. Schmidt

Subject: Proposed Whiteson Landfill

Discussion:

Hydrogeologists with this office investigated ground water conditions at the proposed site in November, 1972, see appended report. Since that time, a new operational plan for the site has been developed. At the request of the Department of Environmental Quality, the site was reexamined to determine its general geologic and hydrogeologic suitability as a landfill site in view of the revised operational plan and new information, ie. a winter in which to observe high water conditions, trench and auger samples from the area, and further field studies.

Revised Operational Plan:

Basically, the new operational plan at the site calls for a more extensive surface and shallow subsurface drainage system. It also includes a more complete dike system. The trees and brush growing between the landfill area and the river are to be left as a buffer between the dikes and the main stream of the river.

New Information:

The possibility of flooding at the proposed site was pointed out in the earlier report from this office. It has been acknowledged by the designers of the proposed site that the lower bench at the site is periodically flooded during the winter months. Figure 2, Flood Prone Areas, Oregon (U. S. Geological Survey, 1969), based on a profile developed from high water marks, includes this lower bench area.

A stream gaging station is maintained by the U. S. Geological Survey near the Whiteson Bridge, see appended data. This station is about 4 river miles, about 2 air miles, from the proposed site. The river gradient as shown on the McMinnville 7½ Quadrangle map is about 1.25 feet per mile. Assuming that the gradient is not greatly changed during flood stage, (the gradient probably decreases since this is a backwater area) there will be an elevation increase of about five feet between the gaging station and the proposed site. An examination of the appended gaging station data indicates that the gage height reached a maximum of 47.20 feet during the 1964 flood. By adding together the gage datum, stream slope, and maximum gage height (82.30' + 5.00' + 47.20' = 134.50'), an estimate of the 1964 flood level in the vicinity of the proposed site, 134.50 feet, is calculated. Comparing this data to the topographic map of the proposed site, prepared by Yamhill County, (this map is reported to be within plus or minus one foot of the mean sea level datum as shown on U. S. G. S. quadrangle maps) it can be seen that the flood high water level was about half way up the scarp between the higher and lower bench areas. In other words, apparently only the northwestern portion of the site was flooded. As a check on this extrapolation, the gage height on December 22, 1973, was reported to be 44.76 feet. Therefore, the sum of gage datum, stream slope, and gage height (82.30' + 5.00' + 44.76' = 132.06') should be about equal to the measured water level elevation at the site, on that day. The water level elevation on December 22, 1973 at the proposed site was measured at 131.7 feet, a difference of only about 0.3 feet from the calculated value (Dick Lucht, personal communication). At that time, only the northwest portion of the lower bench was under water.

Flooding of a landfill site can result in the saturation of the refuse. However, in an area underlain by materials of low permeability this is not the most critical parameter in site selection, as will be explained later in this report. The extensive dike and drainage system proposed for the site should minimize the amount of water which comes into contact with the refuse. Also, the nature of the substrata will make it possible to collect and treat any leachate generated at the site.

On the other hand, extreme flooding poses a problem as far as determining what the proposed dike system must be able to withstand in the way of erosive currents. A test section of dike was constructed prior to the winter flooding period for 1972-73. This winter, the area did not experience extreme flooding. However, the lower bench was inundated by flood waters during one period, December 22 through 24, 1972. During this flooding, there was sufficient current in the vicinity of the proposed site to move and redeposit minor amounts of fines, ie. silty and clayey material. Some of this material was deposited in the apparently quieter water between the test dike section and the brush piles in the area. Current velocities in the vicinity of the site during

flooding have been crudely measured by Bob Jackman of the D.E.Q. and Dick Lucht, Yamhill County Public Works Director. They were reported to be about 1.5 feet per second. Examination of the Hjulstrom (1939) diagram indicates that a minimum velocity of one to about ten feet per second is required to erode silt to clay sized particles. These values include a number of assumptions, but are useful in putting the measured velocity in perspective, in view of silty clayey materials at the proposed site. It should be added that the dike test section was not perceptibly effected by the flood waters during the past winter.

The suitability of the native soils for diking material and the design of the dike should be studied further. Competent staff, such as the Army Corps of Engineers, should be consulted in developing the necessary criteria for a dike system at the proposed site.

There is some question concerning the workability of the local soils during the wetter, winter, months. Through the use of a drag line, at least one operator in Clackamas County is now using similar soils. Yamhill County has proposed stock piling the soils during the summer months and removing the cover material from the stock pile as needed during the winter. This method has not yet been tried in the Willamette Valley but should be possible. Some wood wastes are also to be mixed with the cover, thereby adding to its workability and disposing of additional solid waste. From the standpoint of protecting the compacted refuse from infiltrating precipitation and/or surface runoff, the local soils have a very low hydraulic conductivity and as such should serve well.

On March 8th and 9th, 1973, Yamhill County excavated two trenches at the proposed site, see Figure 1. Auger holes were dug in the bottoms of these trenches, the holes sampled, and many samples were bagged for future testing.

Test hole A was excavated on the upper bench at an elevation of about 145 feet above mean sea level. It was dug with a backhoe to a depth of 16 feet and with an auger from there to a depth of 35 feet. The excavation encountered brown clayey silt loam and silty clay loam from the surface to a depth of 21 feet. At 21 feet blue silt clay loam was intersected, followed by dark blue clay at 30.5 feet and gritty blue clay at 32.5 to 35 feet. Samples from the lower 2.5 feet included some small shell fragments and one nearly whole gastropod shell.

Shallow water seepage caused some problems during the excavation. This water appeared to be perched in the materials exposed in the upper eight feet of the hole. The shallower soils appear to be more permeable than the deeper clay. Blocks of the brown clayey material excavated from a depth of 16 feet did not appear to be saturated with ground water.

Test hole B was excavated in the lower flood plain area at an elevation of about 130 feet above mean sea level. A backhoe was used to trench to a depth of four feet and an auger to a depth of 21 feet. From the surface to a depth of about 1.5 feet was topsoil rich in organic material; from 1.5 to 11.5 feet brown silty clay loam; 11.5 to 13 feet, blue silty clay loam; 13 to 15 feet, mottled blue clay; 15 to 19 feet, blue silty clay loam, and from 19 to 21 feet, darker blue-gray silty clay loam.

Again, shallow water seepage entered the trench in the upper three or four feet. Some of the deeper samples, from the auger hole, appeared to be saturated. This may have resulted from the surface water running down the bore hole.

Although permeability tests have not been run on the trench and auger samples, it is apparent that their hydraulic conductivities are extremely low, probably less than 0.01 feet per day. As a result, there is a very minimal amount of local ground water migrating through these clayey materials. Most of the local recharge appears to be contained within the upper several feet of silt loam and silty clay. This perched water can be cut off through French drains and/or well graded deep trenches.

A letter from George Otte of the Soil Conservation Service to Yamhill County, describing the soils in the area is appended. This letter was submitted in early 1971, and like our earlier report apparently does not take into consideration the development of the presently proposed operational plan for the site.

Hughes and Cartwright (1972) have demonstrated that in humid areas "low-permeability materials are considered the safest environment for use as waste disposal sites" and that at some of these sites "facilities for the collection and treatment of leachate may be necessary ..." Furthermore, "(1) landfill gases move more easily in unsaturated soils, and (2) leachate collection is difficult above the water table because it cannot be accomplished hydrologically." Hughes and Cartwright have investigated numerous landfills in Illinois and state that:

> "Leachate from a landfill will be attenuated by natural processes in the ground-water flow system.... as it moves away from a landfill through a silty clay till and a silty sand. At..a particular landfill (in Illinois) four orders of magnitude of change in the permeability of the materials surrounding the landfill have about the same influence on attenuation of the contaminants as a change of two orders of magnitude in the distance traveled. Locating areas of low permeability may be more practical than relying on travel distance alone for controlling leachate and, therefore,

regulations that restrict the distance a landfill must be from a point of water use or from an aquifer are of doubtful value unless they include consideration of the texture or the permeability of the intervening materials.

The decomposition of a landfill proceeds at different rates in different hydrogeologic environments. We have data from landfills 20 years old that are still producing a leachate with dissolved solids of more than 1900 mg/l (1900 ppm); this is higher than that found in some much younger landfills. There is a given amount of soluble inorganic material in a landfill, which will be leached in the course of time. In general, present regulations direct that this time be as long as possible; however, in some cases it may be advantageous to accelerate this leaching process, either naturally or artificially, to stabilize the landfill more rapidly....."

The proposed Whiteson Landfill Site meets the criteria of Hughes and Cartwright as outlined above. From the standpoint of leachate control, collection, and treatment, it is a good site. In addition to the highly impermeable substrata at the site, there is sufficient acreage on the unused portion of the bench to allow for the sprinkling of any collected leachate. The proposed Whiteson Site should pose no problem as far as ground water contamination is concerned. If the design criteria proposed by Yamhill County for its operation are strictly adhered to, including the following recommendations, and the integrity of the dike can be assured the site should prove to be a suitable sanitary landfill.

Recommendations:

(1) Install a French drain or deep trench drainage system along the up-gradient, south, edge of the proposed site in order to cut off the shallow, perched, ground water.

(2) Allow area for and plan the development of a surface collection system, eg. sump, and treatment, eg. sprinkling, method should they become necessary.

(3) Streamline the proposed dike layout in order to reduce its susceptibility to erosion.

(4) Leave as much as possible of the natural vegetation, especially brush and larger trees, in place to act as buffers or baffles to flood waters.

(5) Install two double completion monitoring wells:
   a. one on the northeast edge of the upper bench with completions at about 10 and 40 feet; and
   b. one on the northeast edge of the lower bench with completions at about 10 and 50 feet, see Figure 3 and appended diagram.

(6) Install four shallow monitoring wells:
   a. one in the west dike;
   b. one in the north-central dike area;
   c. one in the center of the upper bench; and
   d. one along the eastern property line, see Figure 3 and appended diagram.

(7) Measure the water levels in these wells monthly.

(8) Sample the monitoring wells and the production well at the site quarterly.

Bibliography:

Hughes, George M. and Keros Cartwright, 1972, Scientific and Administrative Criteria for Shallow Waste Disposal: Civil Engineering, A.S.C.E., v. 42, no. 3, p. 70-73.

Hjulstrom, Filip, 1939, Transportation of debris by moving water: in Recent Marine Sediments, edited by Parker Trask, Am. Assoc. Pet. Geol.

U. S. Geological Survey, 1969, Flood Prone Areas, Oregon: McMinnville Quadrangle.

Respectfully submitted,

H. R. Sweet

H. R. SWEET
Hydrogeologist

HRS:cjw

cc: Dick Lucht, Public Works Dir.
Yamhill County

John Anderson, Director
Chemeketa Region Solid Waste Management Program

Russ Fetrow, District Engineer
DEQ

FIGURE 1. Approximate location of proposed Whiteson Landfill Site and two deep test holes.

Mapped, edited, and published by the Geological Survey

Control by USGS, USC&GS, and State of Oregon

Topography from aerial photographs by Kelsh plotter and by planetable surveys 1957. Aerial photographs taken 1954

Polyconic projection. 1927 North American datum
10,000-foot grid based on Oregon coordinate system, north zone
1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue

Red tint indicates areas in which only landmark buildings are shown

Purple tint indicates extension of urban areas

GN MN
0°08' 2 MILS
21° 373 MILS

UTM GRID AND 1970 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

SCALE

1000 0 1000 2000

CONTOUR INTE
DASHED LINES REPRES
DATUM IS ME

THIS MAP COMPLIES WITH NATI
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVE
A FOLDER DESCRIBING TOPOGRAPHIC MAP

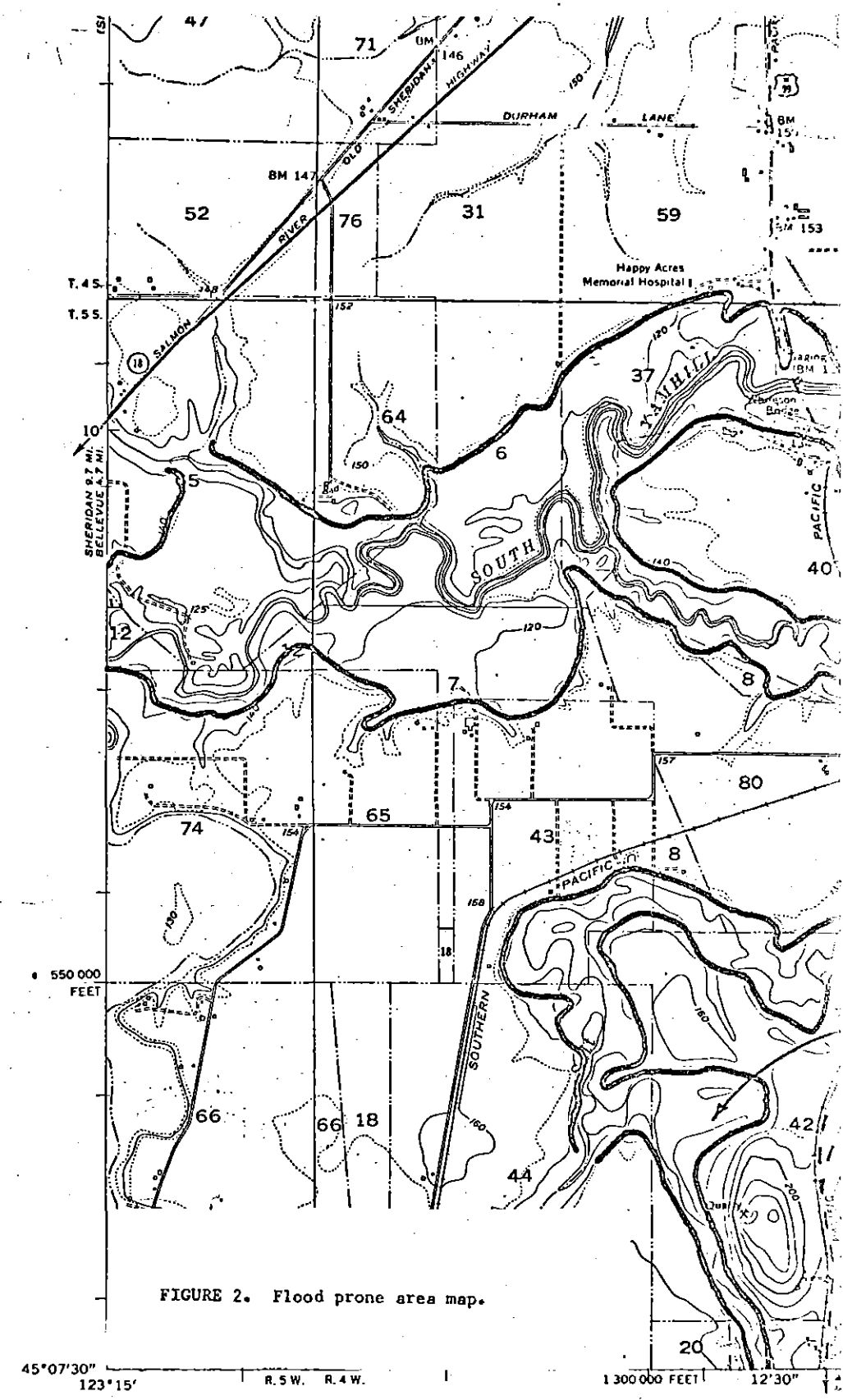


FIGURE 2. Flood prone area map.

The purpose of the flood-prone area maps is to show to administrators, planners, and engineers concerned with future land developments those areas that are occasionally flooded. The U.S. Geological Survey was requested by the 89th Congress to prepare these maps as expressed in House Document 465. The flood-prone areas have been delineated by the Geological Survey on the basis of readily available information.

Flood-prone area maps were delineated for those areas that meet the following criteria: (1) Urban areas where the upstream drainage area exceeds 25 square miles, (2) rural areas in humid regions where the upstream drainage area exceeds 100 square miles, and (3) rural areas in semiarid regions where the upstream drainage area exceeds 250 square miles.

This map indicates only areas that may be occasionally flooded, and provides no information on the frequency, depth, duration, and other details of flooding. Larger areas than those shown on the map may be inundated by less frequent floods.

Flood-hazard reports provide the detailed flood information that is needed for economic studies, for formulating zoning regulations, and for setting design criteria to minimize future flood losses. When detailed information, such as that contained in the flood-hazard reports, is required, contact the U.S. Army, Corps of Engineers; the U.S. Geological Survey; or the Tennessee Valley Authority in the areas of their jurisdiction.

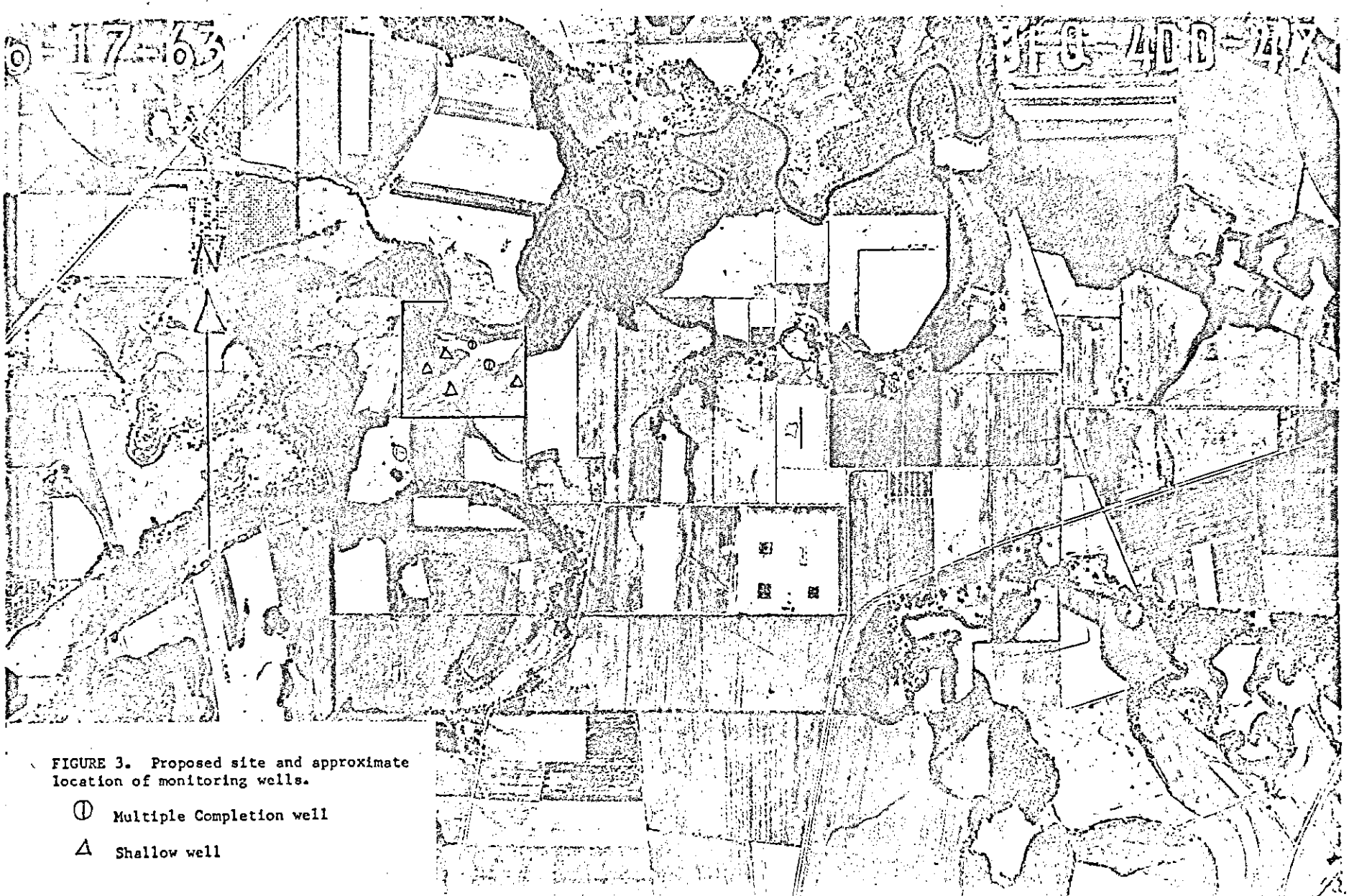


FIGURE 3. Proposed site and approximate location of monitoring wells.

Ⓘ Multiple Completion well

Δ Shallow well

November 4, 1971

Department of Environmental Quality
Solid Waste Program
720 State Office Building
Portland, Oregon 97201

ATTENTION: E. A. Schmidt

Gentlemen:

The following is the results of an investigation of ground water conditions at the proposed Yamhill County Sanitary Landfill Site conducted by this office on November 2, 1971. The investigation was made at the request of Mr. Robert Jackman of your department by telephone on October 15, 1971.

Location of Proposed Site

SW¼ NE¼, Section 12, Township 5 South, Range 5 West, W.M., Yamhill County, Oregon.

Discussion

The Yamhill County Sanitary Landfill Site was investigated by the writer on the aforementioned date. The site is proposed to be located on a low lying, gently sloping, flood-plain bench of the South Yamhill River approximately 200 feet to the south of the river channel. A dike with a maximum height of 9.5 feet and measuring 400 feet in length and 215 feet in width, is to be constructed on three sides of the landfill site enclosing about 2 acres of land. The open side of the diked area will rest against the lower slopes of an upper bench which generally extends above the 140 foot elevation contour. An area lying on the upper bench and located a short distance to the south of the lower site is proposed to be used as a possible future trench site.

The lower disposal site lies upon alluvial flood-plain deposits consisting predominantly of dark blue-gray, highly plastic, clays which display a marked fissile structure and mottled appearance where exposed by recently constructed drainage trenches. These materials

appear to be highly impermeable and are consequently poorly drained. Considerable ponding is in evidence throughout the area of the proposed lower bench location. The total thickness of the clay deposits are unknown but are estimated to be 15 to 20 feet thick. They are underlain by a series of tuffaceous marine sedimentary rocks, several hundred feet thick, consisting of interbedded siltstone, sandstone and shale.

The upper bench, the site of the possible future trench area, is also underlain by the aforementioned tuffaceous sedimentary rocks. The sedimentary rocks are, however, in this area covered by a thin veneer of homogeneous clayey silt termed the "Willamette silts." These cover materials are estimated to be 20 to 30 feet in thickness.

Ground Water

There are three wells lying within one-half mile of the lower landfill site which are used as a source of water for domestic use. These are the Rosenthal well, the Butler well and the Crawford well. (See attached map) The nearest well, the Rosenthal well, located in the NE¼ NE¼ SW¼ of said Section 12 is approximately 1200 feet to the southwest of the lower bench site and 700 feet from the future trench site. The total depth of this well is unknown. Surface elevations of all three wells are approximately 15 feet higher in elevation than the lower site and are about equal in elevation to the upper site. Static water levels could only be measured in one of the subject wells. This measurement was obtained in the Mary Butler well, located in the SW¼ NE¼ SE¼ of said Section 12. The well is reported to be 49 feet deep. The static water level was measured 22.26 feet below land surface, which represents an elevation of about 128 feet mean sea level. An additional water level measurement was obtained from the C. M. Keeton dug well located in the NW¼ NW¼ SW¼ of Section 7, Township 5 South, Range 4 West, W.M., about 2500 feet to the southeast of the lower landfill site. The static water level in this well was measured at 20.67 feet below land surface (approximate elevation of 129 feet above mean sea level).

It is believed that the ground water gradient in the report area slopes gently to the north and generally discharges into the river in the form of springs and seeps. There are no existing wells down gradient from the proposed sites between the site location and the river.

The ground water level underlying the lower bench landfill site is expected to be extremely shallow, probably within 5 or 6 feet from land surface.

Conclusions and Recommendations

Subsurface materials underlying both landfill sites are extremely fine-grained and poorly permeable. It is believed that ground water will not be adversely affected in the local existing domestic wells by use of either the lower bench site or the future trench site. It is expected however, that pollutants and leachates will readily gain access to the South Yamhill River from the lower bench site by ground water movement, by surface drainage, and possibly by flooding.

The top of the water table in the lower bench site area is extremely close to land surface. It is recommended that the exact position of the water table be determined by the use of shallow exploration holes in the area. Future landfill excavations below the present ground level should not be allowed if the bottom of such excavations do not provide at least five feet of impermeable clay material overlying the water table. Future excavations in the trench landfill site should not extend below an elevation of 135 feet mean sea level.

Flooding of the lower landfill site and possible erosion of the surrounding proposed diked area present a distinct hazard to downstream areas of the river. For this reason, the proposed future trench site appears to offer a more advantageous and less hazardous landfill location.

Very truly yours,

WILLIAM B. McCALL
Hydrogeologist

WBM:cjs

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
P. O. Box 497, Hillsboro, Oregon 97123

March 19, 1973

Mr. Richard Lucht
Director of Public Works
Yamhill County Court House
McMinnville, Oregon 97128

Dear Dick:

I have had the opportunity to think over the discussion on the Whitesen landfill site meeting at Amity last Tuesday evening, and would like to make some comments for your consideration. I have also enclosed a rough sketch of the site and some of the water management problems - the biggest item of contention the other night - as I see them.

I visualize the diversion ditch proposed along the southern and western boundaries as having the major benefit of diverting water draining onto the site from adjoining property. It will have little effect on the removal of rainwater - about 1.1 million gallons of water/acre/year - from the Woodburn and Amity soils on the site. Since these soils have slowly to very slowly permeable Willamette Silts as a substratum, much of this water will be ponded as a perched watertable or will move laterally to the drainageway as shown by the arrows on the sketch. As you probably remember, we had the backhoe dig a pit at the boundary between the Amity and Woodburn soils, and far enough into the field so that the water that squirted in was water stored in the soils on the site. What this indicates to me is that the cells on these soils are going to collect seepage water, and the operator will have to compact and daily cover in this water. I think that you should consider as part of the plans for the site a collection and pumping system to remove this accumulated rainwater that has become contaminated with leacheate and dispose of it by treatment plant, lagoons, irrigation or some such kind of system.

The soils on the floodplain have even more complex water problems. Through the years, many farmers have dug sump-type ponds in soils like the Cove series. These sumps intercept the groundwater flow and store it for irrigation water during the summer months. It would be of interest to know the river elevation south of the site where the river bends to the west in relation to the elevation of the Cove soil area. The success of these sumps to store water is based to a great extent on the underground flow as shown by the arrows on the sketch. Also, when farmers have dug a ditch along the boundary of the Cove soil and the terrace escarpment, large volumes of water have often been released, and springs formed from seepage from the terrace soils have continued to flow throughout the year. I believe that cells dug in the Cove soils would have characteristics much like a sump. With an encircling dike to keep out floodwater, seepage

water from the terrace and subterranian flow along with the rainfall would form a bowl with contained water. This water would create a pumping and disposal problem similar to those on the Woodburn and Amity soils, but of greater magnitude.

I wasn't able to examine the plans sufficiently to determine whether the clay excavated from the Cove cells was to be reused as daily cover or to be stockpiled somewhere. Since this clay is very sticky and plastic to move when wet and becomes hard blocks when dry, it will be difficult to use for daily cover. My experience with clay soils has been that they are very unstable in a vertical cut, so cell walls will swell inward and collapse.

Considerable discussion centered around the 1964 flood as being an indication of high water levels. I believe that this flood was considered to be a 50 year frequency one on most of the Willamette River tributaries. I understand that several counties are using the 100 year frequency line below which development will be restricted. If the Corps of Engineers make a study, it would be of interest to know where the 100 year line falls on this site.

These are some of the thoughts that I have had during and since the meeting last Tuesday. I would be happy to discuss them further with you if you would wish to do so.

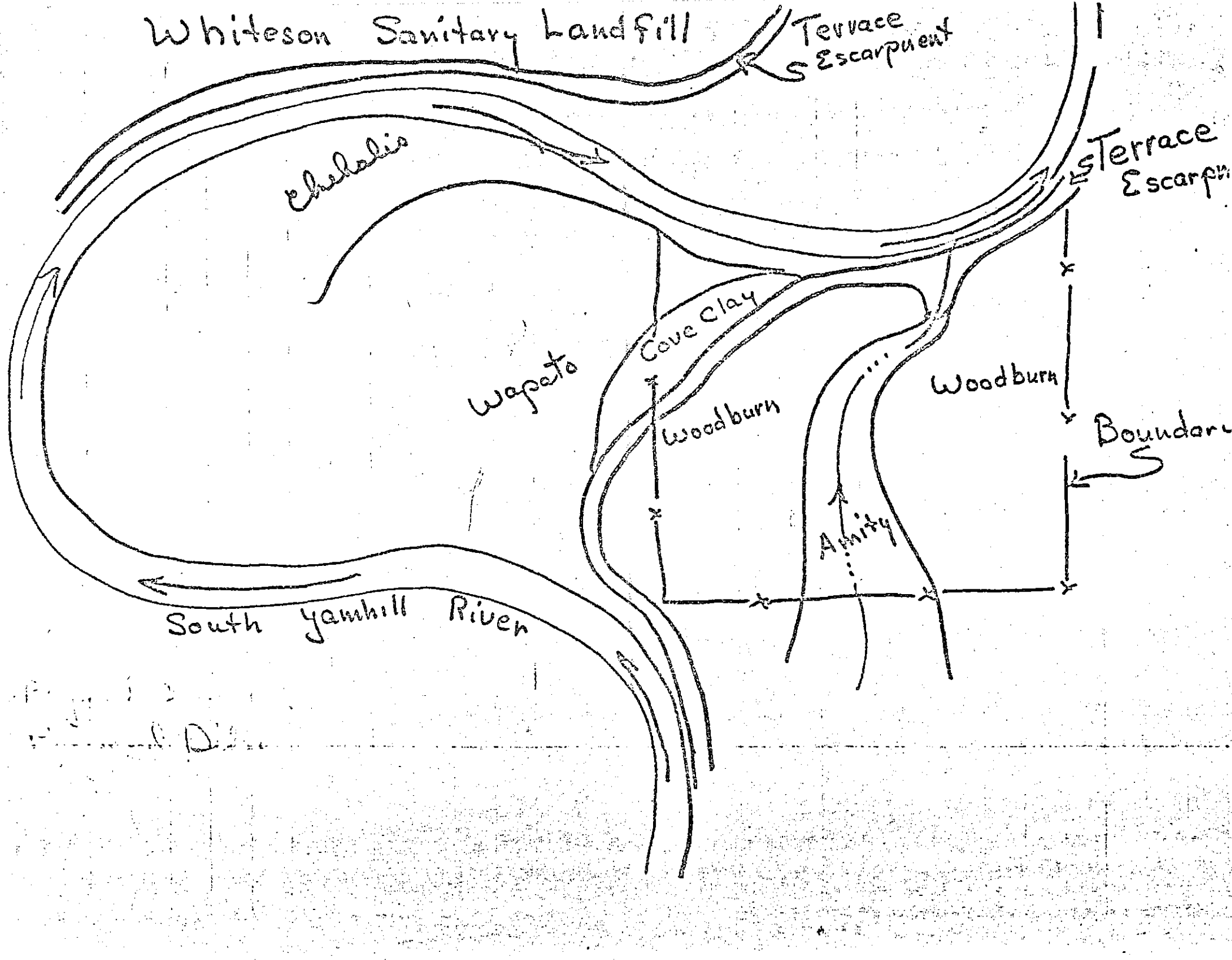
Sincerely yours,

George E. Otte

George E. Otte
Supervisory Soil Scientist

cc: Bill G. Forrest, SCS, McMinnville

attachment


Whiteson Sanitary Landfill
Terrace Escarpment
Chehalis
Terrace Escarp
Wapato
Cove clay
Woodburn
Woodburn
Woodburn
Boundary
Amity
South Yamhill River

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
257 West Main Street
Hillsboro, Oregon 97123

February 18, 1971

Mr. Don Rice
Senior Sanitarian
Yamhill County Courthouse
McMinnville, Oregon 97128

Dear Don:

Enclosed are the proposed suitability ratings and other information for the soil mapping units on the proposed sanitary landfill site west of Whiteson that was examined on February 12, 1971.

As far as I know soil criteria for evaluating soils for suitability for sanitary landfills has not been developed, as yet for Oregon, so I used criteria developed in Pennsylvania to develop the enclosed table, and have attached a copy of the Pennsylvania material.

The soil description sheets will give you background information on each soil on the site.

Generally, the major problem on the soils on the terrace is a perched watertable within 3 feet of the soil surface during winter and early spring months. This watertable would become polluted and interfere with working the soil during this wet period, also, due to the poor grading of the soil, these soils have poor bearing capacity and shear strength when wet, so extensive rocking and gravel will be necessary to be able to drive trucks up to the trenches. When wet, the silty soils will be difficult to spread over the compacted fill. Lateral movement of leachate from trenches too close to the terrace escarpment may break out on the terrace escarpment.

The floodplain soils, generally, have perched watertables at or near the surface during the winter and spring. Trenches excavated in the soils will have considerable water in them at this time. The clayey nature of the soils will make them very difficult to work when both wet and dry. The soils are covered with floodwater one or more times during the year. When diked, floodwater can boil up on the inside through subterranian channels.

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

As shown on the table all of the soils have the ability to absorb and treat leacheate. An acid soil can absorb more leacheate ions and elements than an alkaline soil. This is also true of a soil with a high cation exchange capacity. A soil with a high base saturation would already have a high content of basic ions , so it will not be albe to absorb ions as readily as a soil with low base saturation or low content of basic ions. These soils are fairly high in base saturation, thus the limited suitability.

Sincerely yours,

George E. Otte

George E. Otte,
Soil Survey Party Leader

GEO/bs

cc: Bill Forrest

Enclosure:

Stevens, Thompson & Runyan, Inc.
Engineers / Planners
5505 S.E. MILWAUKIE AVE. • BOX 02201 • PORTLAND, ORE. 97202 • TELEPHONE (503) 234-0721
1920
Portland
Seattle
Boise
Anchorage

P-916.014

March 27, 1973

Board of Commissioners
Yamhill County Courthouse
McMinnville, Oregon 97128

Attention: Commissioner Jess Howard

S.W. - Yamhill County

Re: Whiteson Sanitary Landfill

Gentlemen:

As solid waste management consultants to the Chemeketa Region, our firm has been given certain responsibilities in analyzing regional requirements for disposal facilities. One of the five regional landfills which has been selected through a lengthy program of planning and engineering investigations is the proposed Yamhill County site near Whiteson. We are directing this letter to you to specifically stress the importance of this site in the short- and long-range regional programs and reassure you to certain technical matters as to the adequacy of the site.

The regional plan includes both a short-range (three year) and a long-range (ten year) program of implementation. For the area encompassing central and southwestern Yamhill County and northern Polk County, the proposed Whiteson site should be adequate for the next 24 years. It is anticipated that because of operational scale and location, the site will be a conventional sanitary landfill for the next 8 to 10 years with the possibility of either conducting resource recovery at the site or phasing it out in lieu of a larger regional resource recovery operation after 1982. We wish to stress the fact that the site is only one element in a regional system. It is expected to be further supported by a system of regional transfer facilities which will offer greater convenience to the general public, reduce longer hauls by collectors and minimize traffic in the landfill vicinity. Such centers are planned for McMinnville, Dallas and Monmouth-Independence. Thus public convenience which is a state-wide objective in solid waste disposal will not be jeopardized but actually enhanced.

Construction and opening the site will facilitate the closure of four other sites: High Heaven, Sheridan-Willamina, Dallas and Monmouth-Independence. All sites are scheduled for closure by August 1973 and presummably will not be granted operating permits thereafter.

Turning to technical and operating features of the site development, we foresee no adverse impacts from the facility as located. Protection of surface and groundwater quality is of high concern and is feasible for the site. As added precaution a program of monitoring and observation should be instituted and could give early warning as to additional control measures. Diversion and conveyance of surface drainage away from the fill zones, diking to control annual innudation by flood waters from the Yamhill River and proposed covering methods are sufficient to prevent any serious generation of leachate. If proper setbacks from the river bank are employed, pollutants should satisfactorily attenuate in the soil zone.

The site has amenities which will eliminate most nuisances such as noise, wind-blown liter and esthetics. The paved access road will prevent dust generation.

The availability of adequate material on-site will insure daily covering and proper final closure.

All-weather access and operation appears feasible, a factor that has prevented proper operation of many older, existing sites. Proper staging of operating areas and stockpiling of excess cover material are possible for the full site.

We are satisfied that soil conditions, topography, access, environmental concerns, rainfall runoff, flooding and the proposed method of operation have been given proper attention and will result in an ideal sanitary landfill facility. The County has diligently and seriously pursued to meet the guidelines of the Department of Environmental Quality.

Under the regional planning program STR is presently developing a descriptive site plan for the Whiteson site depecting development sequences and important design features. These plans should assist in describing the proposed site, improving public awareness and providing assurances to all concerned that the type of operation proposed is in conformance with all regulatory requirements.

We would be happy to offer our assistance to the extent possible under the regional program if requests are made through the staff director of the Chemeketa Region.

Respectfully submitted,

STEVENS, THOMPSON & RUNYAN, INC.

Fredrick C. Cooper, P.E.
Supervising Engineer

FCC:lb
cc - Diarmuid O'Scannlain, DEQ
Cliff R. Jones, Commissioner, Polk County
John Anderson, Chemeketa Region

May 21, 1973

Mr. Richard Lucht
Director of Public Works
Yamhill County
Courthouse
McMinnville, Oregon 97128

Re: SW Yamhill County
Whiteson Sanitary Landfill

Dear Mr. Lucht:

Plans and specifications and your application for a Solid Waste Disposal Permit have been received by the Department of Environmental Quality and proposed solid waste disposal permit provisions have been drafted for the 28.4 acre sanitary landfill proposed to be established approximately 2½ miles west of Whiteson, Oregon, T5S, R5W, Section 12. Our records indicate the site is owned by Yamhill County and is to be operated by a contractor to the county.

You are invited to review the attached copy of the proposed permit provisions and the letter provisions stated below and submit any comments in writing to this Department within 14 days of the date of this letter. All comments received will be evaluated by this Department and final action on your application will be taken at the end of the 14 day review period.

Please note that the permit, as proposed, requires the following:

1. Initial operation in the upper terrace trench area with commencement of filling in the floodplain after one year contingent upon demonstrated ability to operate in compliance with the permit, in accordance with the approved plans and without adverse environmental effects.

2. Interception of surface leachate, and surface waters containing leachate to prevent surface leachate from entering public waters and irrigation of leachate onto the upper terrace area.
3. Brush and trees in the 150' buffer strip between the landfill area and the river are not to be disturbed or removed.
4. Landfilling in the floodplain below 135' elevation shall be limited to the period of May 1 to October 15 of each year.
5. Prior to use of the site, fire protection facilities, truck washing facilities, roadways, fencing, signs, diking, drainage ditches, French drain cutoff, caretaker facilities, monitoring wells, and all other facilities proposed in the approved plans shall be provided and operative except that use of the upper terrace trench area may commence prior to completion of facilities proposed for the floodplain area.

Plans and specifications for construction and operation of the proposed sanitary landfill are hereby approved, subject to the following provisions, issuance of a solid waste disposal permit and confirmation by the Environmental Quality Commission:

1. The following changes and requirements will be necessary in construction of the proposed floodplain dike:
   a. Prior to use of the floodplain area of the site, the proposed dike shall be constructed to 139' elevation in a manner equivalent to that recommended by the Corps of Engineers in their letter to the Department of Environmental Quality dated

April 24, 1973. The dike shall enclose the entire portion of the floodplain proposed to be filled, with the exception of the extreme northeast end which shall remain open sufficiently to allow surface water drainage and free flow of flood waters. Shortly before completion of the floodplain fill, the final northeast end of the dike shall be completed such that the floodplain fill is entirely protected by permanent dike.

b. The northwest corner of the dike shall be rounded with a natural arc of a minimum 150' radius to meet the west and north side dikes.

c. The entire dike shall be constructed as per recommendation of the U. S. Corps of Engineers with a minimum 3' horizontal to 1' vertical on the outside and 2' horizontal to 1' vertical on the landfill side.

2. The location of the proposed floodplain drainage system shall be altered so that it outlets through the temporary incomplete portion of the dike at the northeast corner of the floodplain fill.

3. The 18" concrete sewer pipe proposed along the southwest boundaries of the site for surface water diversion shall be replaced by a free flowing open drainage ditch which discharges outside the proposed floodplain dike.

4. Groundwater moving in at least the top 8' of soil at the south boundary of the site, extending from the location of the existing drainage culvert to be removed, to the west boundary of the site, shall be effectively intercepted and diverted to the west boundary drainage ditch. This shall be accomplished

by provision of open ditch, French drain or an equivalent facility.

5. Prior to use of the site two "double completion" monitoring wells and four shallow monitoring wells shall be installed in accordance with the requirements of the State Engineer's Office.

6. Site screening plantings or equivalent, sufficient to screen the landfill from easy view shall be provided and maintained along the east, west and south boundaries of the disposal site.

7. Prior to use of the site, Yamhill County shall investigate the potential nuisances of traffic by the Butler residence and submit a proposed plan for minimizing such nuisances at that location. Alternatives to investigate may include acquisition of the property and/or alteration or re-routing of the access road.

Approval of these plans must be and is conditional, dependent upon changing conditions, proper operation, and construction of the sanitary landfill in accordance with the plans submitted.

In view of these conditions, the Department reserves the right to stipulate conditions under which the sanitary landfill is operated and to require changes when circumstances so warrant.

Sincerely,

DIARMUID F. O'SCANNLAIN
Director

E. J. Weathersbee
Deputy Director

RLB:dh
Enc. (1)

PROPOSED SOLID WASTE DISPOSAL PERMIT PROVISIONS

Prepared by the Staff of the

DEPARTMENT OF ENVIRONMENTAL QUALITY

Recommended Expiration Dates: 6/1/76

APPLICANT:

Mr. Richard P. Lucht
Director of Public Works
Yamhill County
Courthouse
McMinnville, Oregon 97128

REFERENCE INFORMATION

File Code: SW - Yamhill County
Facility Name: Whiteson Sanitary Landfill
Location: T5S, R5W, Section 12
Stream at site: South Yamhill River
County: Yamhill
Owner: Yamhill County
Operator:

Until such time as this permit expires or is modified or revoked, Yamhill County is herewith permitted to establish, operate and maintain a sanitary landfill for the disposal and handling of solid wastes as defined by ORS 459.005. Whole car bodies, large dead animals, sewage sludges, septic tank pumpings, oils, chemicals, liquids, hospital wastes, explosives and other materials which may be hazardous or difficult to manage, shall not be deposited unless special provisions for such disposal are approved in writing by the Department of Environmental Quality supplementary to this permit.

e above activity must be carried out in conformance with the requirements, limitations and conditions which follow:

1. The term "disposal site" is used in this permit as defined by ORS 459.005.

2. The conditions of this permit shall be binding upon, and the permittee shall be responsible for all acts and omissions of, all contractors and agents of the permittee.

3. The disposal site shall be constructed and operated in accordance with plans which have been approved in writing by the Department of Environmental Quality.

4. Prior to use of the site, fire protection facilities, truck washing facilities, roadways, fencing, signs, diking, drainage ditches, French drain cutoff, caretaker facilities, monitoring wells, and all other facilities proposed in the approved plan shall be provided and operative except that use of the upper terrace trench area may commence prior to completion of facilities proposed for the floodplain area.

5. Brush and trees in the 150' buffer area between the dike and the river shall not be removed or disturbed.

6. The Department of Environmental Quality shall be notified in writing when the disposal site is constructed and ready to be placed into operation.

7. In the event that the permittee does not proceed with design, construction and operation of the proposed disposal site during the period of this permit, all prior approvals granted by the Department of Environmental Quality shall be considered void and no work or disposal shall be commenced until the Department has re-evaluated the proposed project in light of any changes in conditions or standards and has issued a new permit incorporating such additional or revised conditions as may be necessary.

8. Landfilling shall commence initially in the upper terrace trench area. After one year from the date of issuance of this permit and after written notice from the Department, filling may proceed in the floodplain area. This notice will be contingent upon demonstration by the permittee that the approved landfill design and operational plan is successful and does not cause significant adverse environmental effects, and upon demonstration of the disposal site operator's ability to provide continuing operation in compliance with this permit and in accordance with the approved plans.

9. All solid wastes deposited in the floodplain fill shall be confined to the smallest practicable area, compacted by the ramp method in layers not to exceed two (2) feet in depth at a slope of 3 horizontal to 1 vertical and covered with not less than six (6) inches of compacted earth or other approved cover material at the end of each operating day.

10. Landfilling below elevation 135' in the floodplain area shall be allowed only during the period of May 1 to October 15 of each year, and all deposited wastes shall be covered with a minimum of two feet of compacted earth prior to termination of landfilling on October 15.

11. Landfilling on the upper terrace shall be by the trench method. All wastes deposited shall be pushed to one end of the trench, compacted by the ramp method at a slope of 3 horizontal to 1 vertical and covered with not less than six (6) inches of compacted earth at least once each operating day.

12. Sufficient quantities of approved cover material shall be stockpiled and protected from precipitation to meet the cover requirements of this permit. When severe weather conditions make it impossible to cover with earth, ground wood wastes may be used for only temporary intermediate cover.

13. 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 groundcover and maintained to prevent cracking, erosion and ponding of water.

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

15. Cross-sectional earth diking, sufficient to stop the spread of fire between landfill cells, shall be constructed as described in the approved plans and specifications.

16. A section of undisturbed earth of sufficient width to ensure stability, but not less than four (4) feet wide, shall be maintained between successive parallel trenches.

17. A complete and adequate sod cover of native grasses shall be established and maintained on the floodplain dike system.

18. All surface water runoff shall be diverted away from the landfill and all drainage ways, natural or excavated shall be maintained to provide free flow of surface water at all times.

19. Any surface leachate or surface drainage water containing leachate shall be effectively intercepted, prevented from entering public waters and irrigated on the upper terrace area or otherwise handled in a manner approved in writing by the Department.

20. Truck washing areas shall be hard surfaced and all wash waters shall be conveyed to a catch basin, drainage and disposal system approved by the Department and Yamhill County Health Department.

21. No burning of any material shall be conducted or allowed at the disposal site. Accidental fires shall be immediately extinguished.

22. Portable blow fences shall be provided and positioned so as to minimize the occurrence of blowing debris.

23. All debris blown from or spilled by vehicles entering the site or blown from the disposal area shall be collected and properly disposed of a minimum of once each operating day.

24. Salvaging shall not interfere with optimum disposal site operation. All salvaged materials shall be removed from the disposal site at the end of each operating day or stored inside a building or structure so as to not create unsightly conditions or vector harborage.

25. Roads from public streets to the disposal site and roads within the disposal site shall be designed and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution and shall provide for all-weather passage of vehicles.

26. Signs clearly stating dumping area rules shall be posted and adequate to obtain compliance with the approved operational plan. A clearly visible and legible sign or signs shall be erected at the entrance to the disposal site which shall contain at least the following:

    Name of facility and owner
    Emergency phone number of attendant
    Restricted materials (if applicable)
    Operational hours during which wastes will be received for disposal
    Penalty for unlawful dumping

27. The landfill area shall be fenced to exclude unauthorized entry.

28. In the event that the disposal site is to be closed permanently or for an indefinite period of time during the effective period of this permit, the permittee shall provide the Department of Environmental Quality written notice at least 30 days prior to closure, of the proposed time schedule, final grading plan and closure procedures in accordance with State Regulations pertaining to landfill disposal site closure, OAR Chapter 340, Sections 61-040(4)(b) and 61-040(4)(j).

29. Disposal of sewage from on-site facilities shall be accomplished by septic tank and subsurface disposal field or in another manner approved by the Yamhill County Health Department.

30. The disposal site operation shall be in strict compliance with Oregon Administrative Rules Chapter 340, Division 6 regarding storage, collection, transportation and disposal of solid waste.

31. At all times the disposal site and all equipment and facilities shall be operated at maximum efficiency and in a manner which will minimize discharges to the air and public waters and prevent health hazards and nuisance conditions. The Department may reasonably regulate the hours of site operation as it finds necessary to ensure compliance with this requirement.

32. The Permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance and reporting functions required to insure compliance with the conditions of this permit.

33. The permittee shall effectively monitor the disposal operation and maintain records of required data to be submitted to the Department of Environmental Quality, quarterly, unless otherwise agreed to by the Department of Environmental Quality. Data collected and submitted shall include, but not necessarily be limited to, the following parameters and minimum frequencies:

Parameter	Minimum Frequency of Recording
Cubic yards of solid waste deposited	Daily
Quantities and types of special wastes handled and method of disposal	Each occurrence
No. of commercial vehicles	Daily
No. of private vehicles	Daily
Monitoring wells sampled	Quarterly
Unusual occurrences affecting disposal operation	Each occurrence

34. In the event a breakdown of equipment, flooding, fire, sliding or other occurrence causes a violation of any conditions of this permit or of Oregon Administrative Rules, Chapter 340, Division 6, the permittee shall:

    a. Immediately take action to correct the unauthorized condition or operation.

    b. Immediately notify the Department of Environmental Quality and local Health Department so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.

    c. Submit a detailed written report describing the breakdown, the quantity of waste involved, corrective action taken, steps taken to prevent a recurrence and any other pertinent information.

    Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

35. Authorized representatives of the Department of Environmental Quality and local or State Health jurisdiction shall be permitted accesss to the premises of the waste disposal facility owned and operated by the permittee at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data and carrying out other necessary functions related to this permit.

36. This permit is subject to termination if the Department of Environmental Quality finds:

    a. That it was procured by misrepresentation of any material fact or by lack of full disclosure in the application.

    b. That there has been a violation of any of the conditions contained herein.

    c. That there has been a significant change in quantity or character of solid waste or method of solid waste disposal.

37. This permit, or a photocopy thereof, shall be displayed where it can be readily referred to by operating personnel.