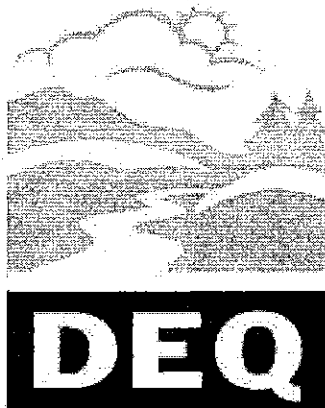


**10/22/1973**

**OREGON  
ENVIRONMENTAL QUALITY  
COMMISSION MEETING  
MATERIALS**



**State of Oregon  
Department of  
Environmental  
Quality**

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ENVIRONMENTAL QUALITY COMMISSION

Meeting of October 22, 1973

Helen McCune Junior High School, Vert Auditorium

Southwest Fourth and Dorian Avenues  
Pendleton, Oregon

A G E N D A

1:30 p.m.

- A. Minutes of September 21, 1973, EQC Meeting
- B. Project Plans for the Month of September
- C. Special Air Pollution Control Rules for Clackamas, Columbia, Multnomah and Washington Counties--Authorization for Public Hearing
- D. Authorization for Public Hearing to Amend OAR Chapter 340, Section 24-100, Regulation Pertaining to Motor Vehicle Inspection
- E. Authorization for Public Hearing to Amend OAR, Chapter 340, Sections 20-033.02 through 20-033.20, Air Contaminant Discharge Permits
- F. Report from the Director on Reorganization and Decentralization of the Department of Environmental Quality

2:00 p.m.

Public Forum

3:00 p.m.

- G. Environmental Status Report on Jefferson County
- H. Statewide Solid Waste Management Action Plan--Grant and Program Status
- I. Amendments to Emergency Rules Governing the Subsurface Disposal of Sewage
- J. Parking Facilities
  - 1. Valley River Center Parking Facility
- K. Sewerage Works Construction Grants, Consideration of Revised Criteria for Priority Ranking of Projects
- L. Tax Credit Applications

Note: Meeting may continue to Tuesday, October 23, 1973,  
beginning at 9 a.m.



Witness Registration

I wish to testify before the ENVIRONMENTAL QUALITY COMMISSION on:

Valley River Center  
\_\_\_\_\_

Charles Sease (clears)  
(signature)

Attorney for Valley River Center  
(organization)

Witness Registration

I wish to testify before the ENVIRONMENTAL QUALITY COMMISSION on:

Bly Sanitary Dist.  
Agency Item No. K  
\_\_\_\_\_

B. J. Matzen  
(signature)

A. Ity - Bly San.  
(organization)

Witness Registration

I wish to testify before the ENVIRONMENTAL QUALITY COMMISSION on:

workable sewage disposal system for out sum-  
mer home at Arthur Lakes

Harold Bowman  
(signature)

Self  
(organization)

Public Forum.

Witness Registration

I wish to testify before the ENVIRONMENTAL QUALITY COMMISSION on:

Environmental sewage

Don D Russell  
(signature)

Dept of Comm. and  
(organization) ord

Public Forum.



HOUSE OF REPRESENTATIVES  
SALEM, OREGON  
97310

I am delighted that you have taken this opportunity to come to Eastern Oregon to see and hear first hand some of the problems that are unique to our section of the country. We have become somewhat sensitive to the growing number of directives that influence our lives that come from federal and state authorities. All too often directives that make little sense in the face of local conditions and the hard realities of our free enterprise system. I hope you have time to visit first hand a great deal of Eastern Oregon. I understand that you are especially interested in the tragedy that has taken place in our forests. An on-site examination of the devastation created by the tausic moth is worth a million words.

My brother and I have been engaged for a number of years in using effluent in our farming operations. The waste from Lamb-Weston at Weston is handled by our Athena ranch. We also handle the effluent from the City of Athena. In addition ~~the~~ the effluent from our Ordnance Hog Operation is used to produce crops. Over the years we have progressed from sewage handlers to effluent managers to recycling engineers. If your time would permit I would invite you to visit both our Athena ranch and our Hermiston Hog operation to see practical systems for the handling of waste that are truly recycling systems---enabling us to use the nitrogen from waste as substantial sources of fertilizer. The potential for similar systems in the arid lands of Eastern Oregon is substantial.

Several years ago I had the opportunity to take a prolonged float trip down the Yukon River through parts of Canada and Alaska. It enabled me to see first hand a good deal of the country involved in the Alaska pipe line. I am reasonably certain that without this trip I would not have accepted the claims by the ecologists concerning the fragile plant life of the proposed route. Removal or destruction of surface plants and life in this area can only result in scars for many years unless methods can be developed to counteract the years it would take for nature to replace this plant life. I mention this because here in Eastern Oregon over much of our arid and semi-arid lands we have similar land cover problems. Once the surface is bulldozed or graded, once the delicate plant life is destroyed nature by itself has no way to protect the sandy soil from the fierce wind storms that

HOME ADDRESS  
STAFFORD HANSELL  
RT. 1, BOX 173  
HERMISTON, OREGON 97838



HOUSE OF REPRESENTATIVES  
SALEM, OREGON  
97310

periodically rip through our area. These wind storms can come at any day of any month of any years.

MINUTES OF THE FIFTIETH MEETING  
of the  
Oregon Environmental Quality Commission  
October 22, 1973

Pursuant to public notice mailed to the news media, to persons on a mailing list of the Department and to the Commission members, the fiftieth meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 1:30 p.m. on Monday, October 22, 1973, in the Vert Auditorium of the Henel McCune Junior High School, 400 S. W. Dorian Avenue, Pendleton, Oregon. The Commission members present were B. A. McPhillips, Chairman, Dr. Morris K. Crothers and Dr. Grace S. Phinney. Mr. Arnold M. Cogan, Vice Chairman, and Dr. Paul E. Bragdon were unable to attend because of other commitments.

The Department was represented by Director Diarmuid F. O'Scannlain, Deputy Director Ronald L. Myles, Fred Bolton, John E. Borden, M. J. Downs, Wayne Hanson, Ronald Householder, Harold M. Patterson, Harold L. Sawyer, Shirley Shay, James Van Domelen, Warren C. Westgarth, and Chief Legal Counsel Ray P. Underwood.

MINUTES OF THE SEPTEMBER 21, 1973 COMMISSION MEETING

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the minutes of the forty-ninth meeting of the Commission held in Portland on September 21, 1973, be approved as prepared.

PROJECT PLANS FOR THE MONTH OF SEPTEMBER 1973

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the actions taken by the Department during the month of September 1973, as reported by Mr. Myles regarding the following 73 domestic sewerage, 8 industrial waste, 24 air quality control and 6 solid waste management projects be approved:

Water Quality Control - September 1973

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
<u>Municipal Projects (73)</u>			
9-4-73	Green San. Dist.	Meadowbrook Subd. sewers	Prov. app.
9-4-73	Gresham	Sotogrande Subd. sewers	Prov. app.
9-4-73	East Salem Sewer & Drainage Dist. I	Yeakley's Addn. sewers	Prov. app.
9-5-73	Oregon Primate Research Center	Effluent irrigation piping (revised)	Prov. app.



Municipal Projects (73) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-5-73	Brookings	Harris Beach State Park pump station	Prov. app.
9-5-73	Dammasch State Hosp.	Rehabilitation Center sewers	Prov. app.
9-5-73	Klamath County	Round Lake Estates Subd. sewerage system, 3.5 acre sewage lagoon, disinfection and irrigation disposal	Prov. app.
9-6-73	Eugene	Royal Avenue sewer	Prov. app.
9-6-73	Portland	Addenda Nos.2-4, sewage treatment plant project	Approved
9-6-73	USA (Sunset)	Fire station sewer - health hazard	Prov. app.
9-6-73	Gresham	Bramblemead Subd. sewers	Prov. app.
9-10-73	Junction City	Third St. sewer & pump station	Prov. app.
9-10-73	Springfield	Sherry Park Subd. sewers	Prov. app.
9-10-73	USA (Forest Grove)	Doherty Ford sewer ext.	Prov. app.
9-10-73	Klamath Falls	West Oregon Avenue improvement unit 248	Prov. app.
9-13-73	Pendleton	Tutuilla Creek sewer	Prov. app.
9-13-73	Oak Lodge San. D.	Sanitary sewer extension	Prov. app.
9-13-73	Albany	Sanitary sewer projects (1) SS 73-10 (2) SS 73-17	Prov. app.
9-13-73	Hillsboro (Rock Cr.)	Twenty-four Maples Subd. sewers	Prov. app.
9-13-73	Gresham	Sage East Shopping Center sewer	Prov. app.
9-13-73	Springfield	Sanitary sewer projects (1) SP-125 (2) SP-126 (3) SP-128	Prov. app.
9-13-73	Gresham	Lorraine Subd. sewers	Prov. app.
9-13-73	Gresham	S.W. Towle Rd. san. sewer	Prov. app.
9-13-73	Jefferson	Tanglewood Drive sewer	Prov. app.
9-13-73	Bandon	Chicago Ave. & 12th St. sewers	Prov. app.
9-14-73	Pendleton	Bonbright Dev. - revised plans	Prov. app.
9-14-73	Oak Lodge San. D	Lucinda Estates Subd. sewers	Prov. app.
9-14-73	Hillsboro (Rock Cr.)	S.E. Cornell Rd. sewer	Prov. app.
9-14-73	North Bend	Lewis & Oak St. sewers	Prov. app.
9-14-73	Portland	Portnomah Pak Subd. sewers	Prov. app.
9-14-73	Gresham	Darling Park #2 Subd. sewers	Prov. app.
9-14-73	USA (Sherwood)	Lincoln St. & Park Row sewer	Prov. app.
9-14-73	Milwaukie	Interceptor, Schedule I	Prov. app.
9-17-73	Cedar Hills	Larry Brown, Inc. Industrial Property san. sewer	Prov. app.
9-17-73	Gresham	Shelburne Subd. sewers, Phase 2 and 3	Prov. app.
9-17-73	Gresham	Sommerwood Addn. sewers	Prov. app.
9-17-73	Lake Oswego	Gainer sewer extension and Red Fox Hills #2 Subd. sewers	Prov. app.
9-17-73	Lebanon	Laterals M-1, M-2, M-3, and Morton Place sewer	Prov. app.

Municipal Projects (73) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-19-73	Somerset West	Sewage treatment plant expansion - 31.2 acre lagoon	Prov. app.
9-21-73	Lake Oswego	Mountain Park, Phase 5-8 sewers	Prov. app.
9-25-73	North Umpqua S. D.	Sewer lateral C-8.1	Prov. app.
9-26-73	Gresham	Aldercreek Subd. sewers	Prov. app.
9-26-73	Gresham	S.E. Hood Avenue sewer	Prov. app.
9-26-73	Gresham	Crisway Place Subd. sewer	Prov. app.
9-26-73	Central Point	Debrot Way sewers	Prov. app.
9-26-73	East Salem Sewer & Drainage Dist. I	(1) Denver Ct. Subd. sewers (2) Royal Oak Estates Subd. sewers	Prov. app.
9-26-73	Bear Cr. Valley San. Auth. (Talent)	Pacific Estates Subd., Unit 1 sewers	Prov. app.
9-26-73	USA (Tigard)	Webber Studio commercial sewer	Prov. app.
9-26-73	USA (Metzger)	Carmel sanitary sewer	Prov. app.
9-26-73	Tualatin	S. W. 65th Ave. sewer	Prov. app.
9-26-73	Sandy	Sandy Heights and Marcy Acres sewers	Prov. app.
9-26-73	Salem (Wallace Rd.)	Wallace Rd., N.W. sewer	Prov. app.
9-26-73	Salem (Willow Lake)	Monarch Estates Subd. sewers	Prov. app.
9-26-73	Portland	N. Ensign Street sewer	Prov. app.
9-26-73	Portland	S.W. 40th & Marigold St. sewer	Prov. app.
9-26-73	Jefferson	Promise Addn. Subd. sewers	Prov. app.
9-26-73	Ontario	Sunset Dr. & NW 4th St. sewer	Prov. app.
9-26-73	Hillsboro (Rock Cr.)	Minter Bridge Road sewer	Prov. app.
9-26-73	Hillsboro (Rock Cr.)	Edwards Meadows #3 Subd. sewer	Prov. app.
9-26-73	Josephine County	Manzanita Roadside Rest Area experimental sewage treatment plant - 0.04 MGD advanced waste treatment with water recycle	Prov. app.
9-26-73	Salem (Willow Lake)	Hawthorne Ave. sewer	Prov. app.
9-27-73	Salem (Willow Lake)	Brentwood Subd. sewers	Prov. app.
9-27-73	Salem (Willow Lake)	South Cedar Estates sewers	Prov. app.
9-27-73	Sutherlin	Duke, Gleason & South Comstock sewers	Prov. app.

Industrial Projects (8)

8-31-73	Yamhill	Lloyd Bansen Dairy, animal waste facilities	Prov. app.
9-7-73	Canby	Globe Union, Inc., waste treatment facilities	Prov. app.
9-12-73	Sherwood	Lloyd Koch, animal waste facilities	Prov. app.
9-19-73	Roseburg	Fred Prosser, animal waste facilities	Prov. app.
9-21-73	Nyssa	The Amalgamated Sugar Co., waste water control facility improvements	Prov. app.

Industrial Projects (8) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-25-73	Forest Grove	Stimson Lumber Company, preliminary concept proposal for modification of waste water treatment and control system	Prov. app.
9-26-73	Springfield	Widing Terminal, Inc., waste water control facilities	Prov. app.
9-28-73	Eugene	Pacific Resins and Chemicals Inc., waste water treatment facilities	Prov. app.

Air Quality Control (24)

9-6-73	Jackson	Permaneer Corporation - Construction of raw material storage fence enclosure to prevent wind-blown emissions	Approved
9-10-73	Coos	Georgia-Pacific Corporation - Installation of two Clarke baghouse filter units to control cyclone emissions	Approved
9-17-73	Josephine	Mountain Fir Lumber Company - Plans and specifications for new modified wigwam waste burner	Approved
9-17-73	Coos	Moore Mill and Lumber Company - Plans and specifications for installation of new modified wigwam waste burner	Approved
9-19-73	Umatilla	Pendleton Grain Growers, Inc. - Plans and specifications for the installation of a seed processing facility	Approved
9-24-73	Jackson	Timber Products Company - Plans and specifications for construction of structure to enclose particleboard plant truck dump area	Approved
9-25-73	Baker	Baker Valley Rendering - Plans and specifications for installation of a condenser for cooker odor control	Approved
9-27-73	Lane	Weyerhaeuser Company - Plans and specifications for installation of two scrubbers to control particulate emissions from the smelt dissolving tank vent	Approved
9-28-73	Marion	Boise Cascade Corporation - Plans and specifications for the installation of a pneumatic railcar unloading system	Approved

Air Quality Control (24) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-11-73	Multnomah	The Portland Clinic Medical Building 147-space parking facility	Approved
9-12-73	Multnomah	Transcorp Apartment 97-space parking facility	Requested Mass- Transit Incentive Prog.
9-12-73	Multnomah	Moore Oregon Dry Kiln 36-space parking facility	Requested Add. Information
9-12-73	Washington	Cal-Roof Wholesale 100-space parking facility	Req. Add. Info.
9-19-73	Washington	General Telephone Co. 90-space parking facility	Req. Add. Info.
9-20-73	Washington	Greentree Business Park 150-space parking facility	App. with conditions
9-20-73	Washington	Bernard's Beaverton Mall 191-space parking facility	App. with conditions
9-24-73	Multnomah	First Baptist Church of Parkrose - 64-space parking facility	Approved
9-20-73	Washington	Tanasbourne Town Center - Phase I - 705-space parking facility	Req. Add. Info.
9-20-73	Multnomah	Portland General Electric Office Building - 401-space parking facility	Req. Add. Info.
9-21-73	Washington	Washington Square Shopping Center - 3369-space parking facility	Req. Add. Info.
9-21-73	Clackamas	Kruse Way FAS 943 4-lane urban arterial	Req. Add. Info.
9-24-73	Multnomah	Portland Adventist Hospital 685-space parking facility	App. with conditions
9-27-73	Multnomah	Red Lion Hotel - Hayden Island 678-space parking facility	App. with conditions
9-28-73	Multnomah	Oregon Steel Mills 74-space parking facility	Req. Add. Info.

Solid Waste Management (6)

9-6-73	Clackamas	Crown Zellerbach Sorting Yard (Existing IW - Log Deck Clean-up Landfill)	Approved
9-17-73	Clackamas	Rossmann's Sanitary Landfill (Existing Garbage Sanitary Landfill)	Prov. App.
9-17-73	Clackamas	Sandy Transfer Station (Addition to Existing Transfer Station)	Approved
9-26-73	Lane	Low Pass Transfer Facility (New Transfer Station)	Approved

Solid Waste Management (6) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-26-73	Lane	Walton Transfer Facility (New Transfer Station)	Approved
9-26-73	Lane	Mapleton Transfer Facility (New Transfer Station)	Approved
9-28-73	MSD Region	Action Plan Interim Progress Report	Review and Comment

SPECIAL AIR POLLUTION CONTROL RULES FOR CLACKAMAS, COLUMBIA, MULTNOMAH AND WASHINGTON COUNTIES--AUTHORIZATION FOR PUBLIC HEARING

Mr. Hanson presented the Department's request dated October 11, 1973, for authorization by the Commission for a public hearing before the Commission on adoption of portions of the former Columbia-Willamette Air Pollution Authority (CWAPA) rules as permanent rules of the Commission for Clackamas, Columbia, Washington and Multnomah Counties, pertaining to:

1. Emission standards for commercial, industrial sources
2. Prohibited practices which pertain to open burning, incinerator operation, odor control and emissions from ships
3. The definitions pertaining to the above portions.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that as recommended by the Director, the Department be authorized to set a public hearing before the Commission for November 26, 1973, in Portland, Oregon, on the proposed CWAPA rules.

AUTHORIZATION FOR PUBLIC HEARING TO AMEND OAR CHAPTER 340, SECTION 24-100, REGULATION PERTAINING TO MOTOR VEHICLE INSPECTION

Mr. Householder presented the Department's request dated October 10, 1973, for authorization by the Commission for a public hearing before the Commission to amend the regulation pertaining to county designations for motor vehicle inspection program requirements. Mr. Householder noted that on March 2, 1973, the Commission held a public hearing and adopted a rule, pursuant to ORS 481.190, which designated Clackamas, Columbia, Multnomah and Washington Counties as within the vehicle emission control inspection program approved by the Commission at its meeting on October 25, 1972. Funds for implementing the program, which was to be established on January 1, 1974, were made available by the State Emergency Board on August 15, 1973, at which time the Emergency Board also requested that Columbia County be deleted from the inspection program requirements. Amendments for consideration at the requested public hearing would remove Columbia County from the list of designated counties and extend the effective date of the rule to May 31, 1974.

Mr. O'Scannlain explained that the Department proposed to delete Columbia County not only to comply with the Emergency Board request, but also because the amount of motor vehicle pollution contributed by cars registered in Columbia County would only increase the total amount of pollution in the Portland metropolitan area by approximately one percent.

After a brief discussion, it was MOVED by Dr. Phinney, seconded by Dr. Crothers and carried that as recommended by the Director, the Department be authorized to set a public hearing before the Commission for November 26, 1973, in Portland, Oregon, on the proposed amendments to the motor vehicle inspection rule.

AUTHORIZATION FOR PUBLIC HEARING TO AMEND OAR, CHAPTER 340, SECTIONS 20-033.02 THROUGH 20-033.20, AIR CONTAMINANT DISCHARGE PERMITS

Mr. Patterson presented the Department's request dated October 10, 1973, for authorization by the Commission for a public hearing to amend the regulation pertaining to air contaminant discharge permits, for the purpose of clarifying the designated sections and to add eight new source categories to the fee schedule which would be required to obtain an air contaminant discharge permit.

It was MOVED by Dr. Phinney, seconded by Dr. Crothers and carried that as recommended by the Director, the Department be authorized to set a public hearing before the Commission for November 27, 1973, in Portland, Oregon on proposed amendments to the air contaminant discharge permit rules.

REPORT FROM THE DIRECTOR ON REORGANIZATION AND DECENTRALIZATION OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

In summarizing his report, Mr. O'Scannlain noted that the reorganization and decentralization of the Department were designed to meet objectives expressed by the Commission, the Governor's office, the Oregon Legislative Assembly, and representatives of the private and public sectors of the state, as well as to be more responsive to the environmental needs of Oregon citizens.

The Director explained that the geographic areas of the five proposed regions incorporate boundaries established for the state's administrative districts and thus maintain the integrity of the Councils of Government. Present field office staffs will be expanded to administer department programs which on January 1, 1974 will include a statewide permit system for subsurface sewage disposal.

Mr. O'Scannlain pointed out that the administration of the Midwestern Region will mark a unique approach to intergovernmental cooperation since it will be

based on an agreement with the Lane Regional Air Pollution Authority to carry out DEQ functions and at the same time preserve Lane Regional's statutory responsibilities in air quality control. Mr. Vern Adkison, Administrator of Lane Regional, has agreed to serve as administrator of the Midwestern Region as well as the Lane Regional Air Pollution Authority.

Mr. McPhillips stated that he was heartily in accord with the concept outlined by the Director, but urged that the department retain headquarters control over grass seed burning. Mr. O'Scannlain agreed and said that no change in the administration of this program was planned, although enforcement activity in the area of illegal burning would be increased by expanded staffing in the Eugene office.

Further discussion focused on the size of the regions, the fact that their boundaries did not follow river basin drainage areas or natural air sheds, and the need for public comment on the reorganization proposal. The Commissioners recommended that at an appropriate time, the Director reevaluate the boundaries after consulting with local public and governmental officials in the regions.

Mr. O'Scannlain agreed, stating that additional regions would be considered in the future, but that presently the department must work within the framework of a limited staff and the legislative mandate contained in Senate Bill 77 to work with local governments on environmental matters.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the Director be authorized to proceed with the reorganization and decentralization of the department as outlined and discussed, and to request Emergency Board approval as required.

#### PUBLIC FORUM

Mr. McPhillips pointed out that the Commission was meeting for the first time in Pendleton to give members of the general public an opportunity to voice any environmental concerns they might have directly to the Commission members. He stated that time might not allow extensive discussion of individual items, but gave assurance that appropriate followup actions would be taken on questions or problems not answered or resolved at this meeting.

Mr. McPhillips introduced State Senator Michael Thorne of Pendleton, and State Representative Stafford Hansell of Hermiston.

Representative Hansell welcomed the Commission to Pendleton and the opportunity to learn firsthand about the uniqueness of the Eastern Oregon country and

related environmental concerns. He urged thoughtful deliberation of the proposed departmental reorganization before presentation to the Emergency Board or the Legislative Assembly, commenting that such broad changes in the area of environmental protection will have long-term application and must therefore be carefully considered. Mr. Hansell briefly explained the recycling of effluent utilized in his farming operations, and concluded his comments with general statements about the importance and significance of state and federal environmental legislation.

Mr. Forrest Bowman of Pendleton was the first person to make a statement regarding the request of 25 owners of summer homes in the Anthony Lakes area for a workable sewage disposal system. Mr. Bowman explained that the U.S. Forest Service designed and installed septic tanks for some residents but that this method had now been rejected because of poor soil conditions. Since the DEQ will assume responsibility for subsurface sewage disposal on January 1, 1974, Mr. Bowman wanted personally to inform the Commissioners of the problems.

Mr. O'Scannlain suggested that Mr. Bowman provide Mr. Jackman and Mr. Van Domelen, who were present, with more detailed information.

Mr. Dan Russell, plumbing inspector for the Oregon Department of Commerce (Pendleton), discussed problems associated with the construction of a sewer line from the City of Pendleton to the Indian Agency, the plans for which were approved by the department. Mr. Russell wanted to know who was paying for the line and why it was put through a residential area of about 200 homes without outlets. He also questioned the suitability of the materials used to bear the loads on the line which was installed below the water line and under several roads.

At the Director's request, Mr. Bolton commented on Mr. Russell's concerns. He stated that the Indian Agency had contracted with the City of Pendleton for sewer service to the reservation. He explained that both he and Mr. Van Domelen had inspected the site and affirmed that the plans submitted to the department had been approved. He stated further that the installation of the intercepto~~r~~r must be done on its own merit and that hookups for Riverside residents could be made by installing a sewer system in that area. The City would like to have the Riverside area annexed to the City or form its own district and contract with the city for service. He added that DEQ has on several occasions tried to explain to Mr. Russell that the department's authority is limited to plan review



and that it is the responsibility of the project engineer to meet contract conditions and requirements.

Although invited to do so by the Chairman, no other persons asked to be heard during this part of the meeting.

#### ENVIRONMENTAL STATUS REPORT ON JEFFERSON COUNTY

Mr. Borden presented the staff report on the environmental status of Jefferson County, which had been deferred from the September 21, 1973 Commission meeting.

No action was required regarding this matter.

#### STATEWIDE SOLID WASTE MANAGEMENT ACTION PLAN--GRANT AND PROGRAM STATUS

Mr. Jackman reviewed the status of the Statewide Solid Waste Management Action Plan, noting that 22 grants for projects representing 33 counties had been funded by the department with commitments of \$1,098,978 of the \$1,129,630 statewide planning grant fund. In addition, the Port of Umpqua Commission was granted \$75,000 by the department to research the feasibility of a power recovery system utilizing combustible solid wastes including wood wastes. Final draft and adoption of the statewide action plan is estimated for the fall of 1974.

No action was required regarding this matter.

#### AMENDMENTS TO EMERGENCY RULES GOVERNING THE SUBSURFACE DISPOSAL OF SEWAGE

Mr. Jackman presented the Department's request dated October 10, 1973, for approval of amendments to the emergency rules governing the subsurface disposal of sewage, adopted by the Commission at its September 21, 1973 meeting. The amendments proposed would transfer jurisdiction from the Health Division to the department for any appeals on denials of suitability for sites for subsurface sewage disposal, with hearings officers in such matters to be provided by the Health Division. The proposed amendments were outlined in a memorandum of understanding between the two agencies signed on October 5, 1973.

In presenting the proposed amendments, Mr. Jackman added the words "qualified agents" to Subsection (4) of Section 2. (A copy of these amendments is attached as part of the official record.) He explained that the addition was needed to cover the special situation in Clackamas County where the sanitarians work under the authority of the health officer but in the employ of the Public Works Department.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the amendments as modified be adopted.

#### VALLEY RIVER CENTER PARKING FACILITY

Mr. Downs presented the department's recommendation dated October 15, 1973 concerning the Valley River Center parking facility which had first come before the Commission at its July 26, 1973 meeting in Medford. At that time the Commission voted 2 to 2 on the recommendation and subsequently adopted an order prohibiting construction of Valley River Center's request for 872 additional parking spaces based on the contention that construction of the entire 872 spaces was not justified considering the level of existing transit service and planned improvements in service and patronage incentives.

Mr. Downs stated that a revised determination of the proper amount of additional parking to be allowed at Valley River Center was made on the basis of a reevaluation of the program for transit service and patronage incentives agreed to by the Lane Transit District and Valley River Center in the light of additional data just received, and the application of Washington Square's parking ratio to Valley River Center.

Mr. Downs said that both Washington Square and Valley River Center were designed as urban regional shopping centers with equivalent parking needs. Washington Square had requested construction of 5.0 spaces per 1,000 square feet of gross leasable area assuming no transit available, compared to Valley River Center's request for 5.23 spaces per 1,000 square feet of gross leasable area with transit available. In analyzing Valley River Center's parking needs, the staff applied the Washington Square ratio. Both shopping centers had previously agreed to a reduction of five spaces for each 40 persons using transit daily to the centers. Additional information received the morning of this meeting indicated that current projected transit ridership to Valley River Center should result in a reduction of 52 spaces. Mr. Downs said that the Director's recommendation for 677 spaces should therefore be changed to 625 additional spaces.

Valley River Center was represented by Mr. Vernon Gleaves, attorney for the center, with offices at 858 Pearl Street, Eugene, Oregon. He said he would also call on Messrs. Bruce Anderson, Glen Odell and Richard Hanson for portions of Valley River Center's presentation.

Mr. Gleaves reviewed the development of Valley River Center, pointing out that when it opened in 1969, there were no parking restrictions placed on regional

shopping centers. He reminded the Commissioners that the request for 872 additional parking spaces had received the approval of the department and the Lane Regional Air Pollution Authority, and yet a tie vote of the Commission on July 26, 1973, resulted in a denial of the request. He distributed to the Commissioners copies of a letter to Mr. O'Scannlain dated August 23, 1973 from Mr. W. H. Shields, a partner in Valley River Center, demanding a hearing before the full Commission to appeal the July decision. He also distributed copies of a letter dated October 22, 1973 to the Mayor and City Manager of Eugene, from officers of the Oregon Student Public Interest Research Group, questioning the Eugene City Council's ruling in the matter of Valley River Center's zoning change application.

Mr. Bruce Anderson, also an attorney for Valley River Center, with offices at 858 Pearl Street, Eugene, Oregon, took issue with the EQC order dated July 26, 1973, on the basis that the Commission acted "unlawfully and unreasonably." Mr. Anderson contended that the citations referenced in the order did not give the Commission jurisdiction over parking facilities, but that Valley River Center applied to DEQ for a permit to construct the parking spaces because it was directed to do so by the Lane Regional Air Pollution Authority. However, in doing so, the Center preserved what it contended to be a legal error and would thus retain its right of appeal in the event the request for 872 parking spaces was again denied by the Commission.

Mr. Anderson also contended that the Commission was bound by legal standard to act only on the evidence presented to it, all of which recommended approval of the construction of the requested 872 parking spaces.

Mr. Richard Hanson, Manager of Valley River Center, stated that the Center has been a leader in promoting and implementing transit, and that even on the basis of increased transit patronage, the nationally recommended ratio of 5.5 spaces per 1,000 square feet of gross leasable area was valid. He stated that the Center must draw on a population of 400,000 in order to survive, and that the additional spaces were needed particularly for the 8-10 day period before Christmas to alleviate a serious traffic problem.

Mr. Glen Odell, Consulting Engineer with offices in Portland, Oregon, examined the Valley River Center situation with respect to the ratio to be applied and the impact of reducing the number of spaces from the established ratio. He pointed out that the difference between the 5.5 spaces recommended by the Urban Land Institute and the 5.0 ratio used by the DEQ staff was the

difference between having an overloaded parking lot for three days for a total of 10 hours, or ten days for a total of 30 hours, with a net difference of five days of over-capacity, or a net total of 20 hours. He stated that the rationale for controlling parking is to provide an incentive for shopping center developers and managers to increase bus ridership by creating a "convenience disincentive." But Mr. Odell questioned the validity of this approach since peak periods amount to only 8-10 days a year. He said the issue should rather be a determination of the number of parking spaces based on Valley River Center's efforts to promote transit ridership.

Mr. Gleaves summarized the applicant's position by reiterating that in July, the staff had recommended approval of the 872 additional spaces contingent upon the Center's promoting transit ridership. He pointed out that the comparison with Washington Square was not valid since that shopping center's application for parking facilities covered the entire area and the Center's applied only to a portion of the area. He stated again that Valley River Center has been and would continue to be a leader in promoting mass transit in the Eugene-Springfield area, but that it has been the only facility penalized because of those efforts.

Director O'Scannlain asked Mr. Ray Underwood, Assistant Attorney General and Chief Counsel to the department, to comment on the legal aspects of the applicant's arguments. Mr. Underwood said that there is sufficient legal authority under the law and the rules for the Commission's determination of whether or not construction of new air contamination sources may go forward, and that this authority is supported by an official opinion of the Attorney General for Oregon, issued prior to the adoption of the regulations, defining parking facilities as air contamination sources.

With regard to what the Commission could properly consider at the July 26, 1973 meeting, Mr. Underwood stated that the Commissioners have the duty of making policy determinations based on their wide knowledge and experience, and that this knowledge of and experience in other matters may be considered by them legally as well as the specific matters in the record. He also explained that a tie vote was the equivalent of a rejection of the recommendation, and that the substantive issue before the Commission was the reconsideration of its previous decision in view of the fuller explanation made by the applicants at this meeting.

It was MOVED by Dr. Crothers and seconded by Dr. Phinney that the Commission approve the Director's recommendation of July 26, 1973, which approved the construction of 872 additional parking spaces at Valley River Center. Those voting aye, Dr. Crothers and Dr. Phinney; Mr. McPhillips voted no for the record, stating that Mr. Cogan favored the October recommendation and that he agreed with Mr. Cogan's position. Motion carried.

SEWERAGE WORKS CONSTRUCTION GRANTS, CONSIDERATION OF REVISED CRITERIA FOR PRIORITY RANKING OF PROJECTS

Mr. Sawyer presented the department's recommendations concerning the proposed priority criteria and priority listing of projects eligible for federal sewerage works grants and for use of state pollution control bonds for sewerage works planning and construction. He made the following changes on Attachment B, "Needs Priority Ranking": insert on page 2--Applicant, City of the Dalles-East Side Interceptor; Environmental Points (A), 250; River Segment Points (B), 69; Project Type Points (D), 40, Total Points, 359. On page 3, the applicant listed as "Medford-So. Medford Int." was corrected to read "Bear Creek Valley Sanitary Authority-So. Medford.Int."

Mr. Sawyer referred to a letter from Mr. Arthur R. Johnson, City Manager of Bend, taking issue with the number of priority points established for the Bend project. Mr. Sawyer explained that the Department's records showed this project to be an interceptor needed to replace an interim pump station. Information contained in Mr. Johnson's letter indicated this was an incorrect assessment, and the department has asked for more details to clarify the matter. Mr. Sawyer proposed that should any change in the number of points be warranted, that information would be brought to the Commission at its next meeting. Mr. Sawyer said that the department expected that other projects might be similarly affected and that adjustments would be made as required.

Referring to Attachment E, "Preliminary Priority Ranking, Sewerage Works Planning Advances," Mr. Sawyer added the Foster Midway Area outside the City of Sweet Home, with planning costs of approximately \$25,000 and in the 8-point category. He said the department expected more locations to be identified and noted that the number of requests for planning advances may exceed the amount to be requested from the Emergency Board. Therefore, the scheme for ranking such projects was based on the ability to pay.

Mr. Sawyer presented the Director's recommendations with the following additions:

In recommendations 2. and 5. following the word "approved" add "subject to later revision and refinement."

Mr. O'Scannlain requested that the Commission grant the department latitude to adjust the details of the priority list in the event additional information is brought to the attention of the DEQ.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the recommendations as modified be approved.

#### BLY SANITARY DISTRICT--GRANT REQUEST

Mr. O'Scannlain asked Mr. Sawyer to comment on Bly Sanitary District's request for a hardship grant for sewerage construction, a matter related to the agenda item previously presented. Mr. Sawyer distributed copies of a staff recommendation prepared in response to the request by Bly Sanitary District for a 30 percent construction grant, sent to the Department in a letter dated September 25, 1973, from Mr. B. J. Mautzen (Klamath Falls), attorney for the district.

Mr. Sawyer noted that the sanitary district was formed to provide adequate sanitary disposal of wastes from a community which currently has septic tank and drainage field systems which are unreliable and constitute a health hazard. The district lacks approximately \$100,000 to construct sewage collection and treatment facilities, and qualifies for a hardship grant under the guidelines just adopted by the Commission. Mr. Sawyer presented the Director's recommendations as follows:

1. The Commission approve subject to Emergency Board approval, the authorization of a grant not to exceed \$100,000 from state funds as authorized by House Bill 2438 for construction of the Bly Sanitary District sewage system, such grant not to exceed 30 percent of the cost of the collection system.
2. The Department should be directed by the Commission to submit a request to the Emergency Board for approval of such a grant to the District under the previously established hardship category.

Mr. B. J. Mautzen provided further background information in support of the staff recommendation. He asked the Commission for action today so that if granted, a request for the grant could be made to the Emergency Board in November, which would give the district the authorization necessary to request an extension on the bids which were opened September 15, 1973, and which would remain firm for only 60 days.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried that the recommendation for a hardship grant be approved and submitted to the Emergency Board in November.

TAX CREDIT APPLICATIONS

It was MOVED by Dr. Crothers, 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 eight applications with the costs listed being 80 percent or more allocable to pollution control:

<u>Applicant</u>	<u>Appl. No.</u>	<u>Claimed Cost</u>
Reynolds Metals Company, Troutdale	T-299R	\$ 33,780.08
Menasha Corporation	T-452	3,925.00
Crown Zellerbach Corp., Lebanon	T-470	3,607.00
George F. Joseph & Estate of Victor H. M. Joseph dba Modoc Orchard Company	T-476	90,283.55
Simpson Timber Company, Albany	T-483	42,077.00
Bohemia, Incorporated	T-484	101,942.60
International Paper Company	T-485	685,456.49
Woolley Enterprises, Inc.	T-487	38,737.74

There being no further business the meeting adjourned at 5:30 p.m.

MINUTES OF THE FORTY-NINTH MEETING  
of the  
Oregon Environmental Quality Commission  
September 21, 1973

Pursuant to public notice mailed to the news media, to persons on a mailing list of the Department and to the Commission members, the forty-ninth meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 9:00 a.m. on Friday, September 21, 1973 in the Second Floor Auditorium of the Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon. The Commission members present were B.A. McPhillips, Chairman, Arnold M. Cogan, Dr. Morris K. Crothers and Dr. Grace S. Phinney. Paul E. Bragdon was unable to attend because of other commitments.

The Department was represented by Director Diarmuid F. O'Scannlain, Ronald L. Myles, E.J. Weathersbee, K.H. Spies, Harold L. Sawyer, Harold M. Patterson, Fred M. Bolton, H.H. Burkitt, C.K. Ashbaker, B.J. Seymour, Shirley Shay, G.K. Sandberg, M.J. Downs, F.A. Skirvin and Chief Legal Counsel, Ray P. Underwood.

MINUTES OF THE JULY 26, 1973 COMMISSION MEETING

It was MOVED by Mr. Cogan, seconded by Dr. Crothers and carried that the minutes of the forty-eighth meeting of the Commission held in Medford on July 26, 1973, be approved as prepared.

PROJECT PLANS FOR THE MONTHS OF JULY AND AUGUST, 1973

It was MOVED by Mr. Cogan, seconded by Dr. Phinney and carried that the actions taken by the Department during the months of July and August 1973 as reported by Mr. Weathersbee regarding the following 190 domestic sewerage, 17 industrial waste, 70 air quality control, and 26 solid waste management projects be approved:

Water Quality Control - July 1973

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
<u>Municipal Projects (113)</u>			
7-2-73	Eugene	2 sanitary sewer projects	Prov. app.
7-2-73	Clackamas County Service Dist. I	Cypress Knoll Subd. sewers	Prov. app.



Municipal Projects (113) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-2-73	Bunker Hill S.D.	Homecrest Addn. sewers	Prov. app.
7-2-73	Springfield	18th & "Q" Sts. san. sewers	Prov. app.
7-2-73	Bear Creek Valley San. Auth. (Talent)	Pacific Estates No. 1 Subd. sewers	Prov. app.
7-2-73	USA (Metzger)	Englewood Subd. sewers	Prov. app.
7-2-73	Oregon City	Hillendale Subd. sewers	Prov. app.
7-2-73	USA (Fanno)	Pineridge Subd. sewers	Prov. app.
7-2-73	USA (Tigard)	2 sanitary sewer projects	Prov. app.
7-2-73	USA (Metzger)	Fairway Park LID sewers	Prov. app.
7-5-73	Oregon City	Terra Verdes Subd. san. sewers	Prov. app.
7-5-73	Portland	S.E. 91st Ave. sewer ext.	Prov. app.
7-5-73	Gresham	Willowbrook Subd., Phase 1, sewers	Prov. app.
7-5-73	Gladstone	Sherwood Forest No. 3 sewers (as constructed)	Prov. app.
7-5-73	Oak Lodge S.D.	Coeur d' Robin Subd. sewers	Prov. app.
7-5-73	La Grande	Jordan East Subd. sewers	Prov. app.
7-5-73	Seaside	Sewage treatment plant Change Order 1 - 4	Approved
7-5-73	Springfield	Glen Oaks Subd. sewers	Prov. app.
7-5-73	Salem (Willow Lake)	Lakeside Addition sewers	Prov. app.
7-5-73	Bear Creek Valley San. Auth. (Talent)	Talent Patio Village sewers	Prov. app.
7-5-73	USA (Fanno)	Holloway Subd. sewers	Prov. app.
7-5-73	Lebanon	U.S. Plywood sewer	Prov. app.
7-5-73	USA (Aloha)	Blackberry Slope Subd. sewers	Prov. app.
7-5-73	Portland	S.W. 61st Ave. sewer	Prov. app.
7-5-73	Waldport	Sewage treatment plant time extension	Approved
7-5-73	Eugene	Honesuckle Lane sewer	Prov. app.
7-6-73	North Umpqua S.D.	2 projects	Prov. app.
7-6-73	Willamina	Willamina Drive sewer	Prov. app.
7-6-73	Ashland	Fox Street sewer	Prov. app.
7-6-73	East Salem Sewer & Drainage Dist. I	Briarwood Addition sewers	Prov. app.
7-6-73	Eugene	Villard & Walnut Sts. sewers	Prov. app.
7-9-73	Klamath Falls	Lynnewood Subd. sewers	Prov. app.
7-9-73	Newberg	Crestview sanitary sewer	Prov. app.
7-9-73	Mt. Angel	Elm Street san. sewer	Prov. app.
7-9-73	Keizer Sewer Dist. I	Olson Street san. sewer	Prov. app.
7-10-73	Junction City	Norman Park Subd. sewers	Prov. app.
7-10-73	Rainier	Fernhill Subd. sewers	Prov. app.
7-10-73	USA (Sunset)	Meadow Drive LID sewers	Prov. app.
7-10-73	USA (Fanno)	Knoll Center Subd. sewers	Prov. app.
7-10-73	Boardman	Faler Addition sewer	Prov. app.
7-11-73	Eugene	4 projects	Prov. app.
7-11-73	North Bend	2 projects	Prov. app.

Municipal Projects (113) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-11-73	McMinnville	Rob's Orchard Subd. sewers	Prov. app.
7-11-73	Dallas	Lalack Addition sewers	Prov. app.
7-11-73	USA (Aloha)	Windsong II Subd. sewers	Prov. app.
7-13-73	Hillsboro (Rock Cra)	Brookwood Area sewers	Prov. app.
7-16-73	Lake Oswego	Red Fox Hills #3 Subd. sewers	Prov. app.
7-16-73	Lake Oswego	Oak Knolls Subd. sewers	Prov. app.
7-16-73	Clackamas County Service Dist. I	Piazza Park Subdivision sewers	Prov. app.
7-16-73	Klamath Falls	Daggett & Shallock Streets sewers	Prov. app.
7-16-73	Klamath Falls	Gatewood Subd. sewers	Prov. app.
7-17-73	USA (Aloha)	185 St. West Phase II sewer	Prov. app.
7-17-73	Bear Creek Valley San. Auth. (Talent)	Nerton St. sewer	Prov. app.
7-17-73	Bear Creek Valley San. Auth. (Talent)	Calver Road sewer	Prov. app.
7-17-73	Bear Creek Valley San. Auth.	Orr Drive sewer	Prov. app.
7-17-73	Salem (Willow Lake)	2 projects	Prov. app.
7-17-73	Salem (West)	Hope Avenue sewer	Prov. app.
7-17-73	Salem (Willow Lake)	Jefferson St. sewer lining	Prov. app.
7-17-73	USA (Aloha)	Brooklawn Subd. sewers	Prov. app.
7-17-73	Dundee	Beach & Ash Streets sewers	Prov. app.
7-19-73	Inverness	Sheraton Motor Inn sewer	Prov. app.
7-19-73	Springfield	54th Place sewer	Prov. app.
7-19-73	USA (Forest Grove)	Activated sludge sewage treat- ment plant modification to 5.00 MGD	Prov. app.
7-20-73	McMinnville	3-mile Road sewer	Prov. app.
7-23-73	Springfield	Third Addition to Maylor Subd. sewer	Prov. app.
7-23-73	Newberg	2 projects	Prov. app.
7-23-73	Philomath	Philomath Middle School sewer	Prov. app.
7-24-73	Eastside	Pump station and force mains to Bunker Hill	Prov. app.
7-24-73	Medford	Thompson Estates Subd. sewers	Prov. app.
7-24-73	East Salem Sewer & Drainage Dist. I	Jan Ree East No. 3 Subd. sewers	Prov. app.
7-24-73	Oregon City	Oaktree Subd. sewers	Prov. app.
7-24-73	Albany	4 sewer extensions (1) Columbia Street (2) Pineway Addition (3) College Green -- 2	Prov. app.
7-24-73	McNary	Johns-Manville plant sewer	Prov. app.
7-24-73	Astoria	Maritime Dock sewer	Prov. app.

Municipal Projects (113) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-25-73	Hood River	1973 sanitary sewer project Schedules 1 and 2	Prov. app.
7-25-73	Deschutes County	Ward Construction Company project, sewage treatment plant, 0.37 MGD activated sludge treatment and effluent irrigation	Prov. app.
7-27-73	Hermiston	5 sanitary sewer projects	Prov. app.
7-27-73	Wilsonville	Carpenter-Hastay san. sewer	Prov. app.
7-27-73	Salem (Willow Lake)	Casa Del Vista Addn. sewers	Prov. app.
7-27-73	Albany	5 sanitary sewer projects	Prov. app.
7-27-73	Bear Creek Valley San. Auth.	Jay Walker Mobile Home Park	Prov. app.
7-30-73	Brookings	Change Order #6, sewage treatment plant contract	Approved
7-30-73	Yoncalla	Flow measurement facilities	Prov. app.
7-30-73	Garibaldi	Change Order #2 to sewage treatment plant contract	Approved
7-30-73	Woodburn	Woodburn Village No. 1 Trailer Subd. sewers	Prov. app.
7-30-73	Salem (Willow Lake)	Waln Creek, S.E., Phase II, sewers	Prov. app.
7-30-73	Portland	Change Order No. 5 to the sewage treat. plant contract	Approved
7-30-73	Gardiner San. Dist.	Change Order No. 1 to the pump station contract	Approved
7-30-73	St. Helens	Nutrient feed and aeration equipment additions to sewage treatment plant contract	Prov. app.
7-31-73	Arlington	Revised sewage treatment plant plans	Prov. app.
7-31-73	Newberg	ADEC Industrial Park sewer	Prov. app.

Industrial Projects (8)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-9-73	Nyssa	J.A. Albertson, animal waste facilities	Prov. app.
7-10-73	La Grande	Boise Cascade Corp., plan for monitoring ground water at La Grande Particleboard Plant	Prov. app.
7-13-73	Moro	John P. Shipley, animal waste facilities	Prov. app.
7-16-73	Portland	Willamette Hi-Grade Concrete Company, Swan Island Plant, yard and gravel wash water treatment system	Prov. app.
7-18-73	Malin	Ore-Cal Feedlots, animal waste facilities	Prov. app.

Industrial Projects (8) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-18-73	Newport	Oregon Aqua Foods, Inc., South Beach Rearing Station, waste water control facilities	Prov. app.
7-18-73	Portland	Oregon Steel Mills, Front Ave. Plant, modifications to melt shop	Prov. app.
7-19-73	St. Helens	Reichhold Chemicals, Inc., spill contingency plan	Prov. app..

Air Quality Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-2-73	Lincoln	Bio-Dry, Inc., Newport, Oregon Installation of a fish, crab and shrimp offal drier and processing facility	Approved
7-6-73	Jackson	Kogap Mfg. Co., Medford, Ore. Installation of veneer drier, Cleaver-Brooks hog fuel boiler and a lower pressure blower system with a control cyclone	Approved
7-6-73	Klamath	Klamath Iron Works, Kl. Fall, Ore. Installation of 350,000 btu oil fired furnace	Approved
7-6-73	Washington	Tigard Jr. High School-96 space parking facility	Approved
7-6-73	Washington	First State Bank of Oregon 58 space parking facility	Approved
7-6-73	Multnomah	Jantzen Beach Ice Sports Center 180 space parking facility	Approved
7-6-73	Multnomah	Sheraton Inn Airport 271 space parking facility	Approved
7-9-73	Umatilla	St. Anthony Hospital, Pendleton Oregon. Review of proposed specifications for a pathological waste incinerator	Comments submitted
7-9-73	Josephine	Tim-Ply Co., Grants Pass, Oregon Installation of an Aero-Vac baghouse filter unit to control sanderdust emissions	Approved
7-9-73	Lincoln	Georgia-Pacific Corp., Toledo, Oregon. Details of heavy black liquor oxidation, inclusion of modified kraft process in non-condensable system	Approved
7-13-73	Clackamas	Publishers Paper Co., Oregon City, Oregon. Pump-out system for digester blow pit vent control	Approved
7-13-73	Multnomah	Red Lion Hotel. 880 space parking facility	Req. add. inf.

Air Quality Control - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-17-73	Washington	Lincoln Property Co. 317-space parking facility	App. with conditions
7-17-73	Marion	Boise Cascade Corp., Salem, Oregon. Improved seal for ammonia handling system	Approved
7-18-73	Multnomah	Portland Adventist Hospital 685-space parking facility	Req. add. inf.
7-18-73	Multnomah	Homeland, Inc., Apartment 216 space parking facility	Req. add. inf.
7-18-73	Multnomah	Carter Properties, Westridge Phase Two, Office Bldg. 70 space parking facility	Req. add. inf.
7-19-73	Multnomah	Portland International Airport Air Cargo Facilities. Relocation of 83 space parking facility	Approved
7-19-73	Multnomah	Menashe 44-unit Townhouse 105 space parking facility	Approved
7-20-73	Washington	Killian Commercial Bldg. 64 space parking facility	App. with conditions
7-23-73	Multnomah	Plush Pippin, Inc., Restaurant 67 space parking facility	Approved
7-23-73	Multnomah	Northwest Natural Gas Co., Northeast Service Center 83 space parking facility	Approved
7-23-73	Multnomah	Port of Portland, Terminal No. 4. Longshoreman Parking Parking consolidation 255 space parking facility	Approved
7-23-73	Multnomah	Mt. Hood National Forest Service Office Bldg. & Technical Center 247 space parking facility	Req. add. inf.
7-23-73	Washington	Chantrey Village 63 space parking facility	App. with conditions
7-23-73	Coos	Weyerhaeuser Co., N. Bend Installation of flyash screening system for the hog fuel boilers	Approved
7-24-73	Multnomah	City of Portland Parking facility of unknown size	Req. add. inf.
7-24-73	Multnomah	Port of Portland, Portland International Airport, Rent-A-Car Facilities. Parking consolidation 192 space parking facility	Approved
7-24-73	Washington	Greentree Business Park 150 space parking facility	Req. add. inf.
7-24-73	Multnomah	St. Vincent Hospital and Medical Center. 728 space parking facility	Req. Environmental Impact Statement

Air Quality Control - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-24-73	Washington	Ko11 Business Center 662 space parking facility	Req. Env. Impact St. Approved
7-24-73	Lane	5th & Q Shopping Center 275 space parking facility	
7-24-73	Washington	Menlo Square, Condominium 90 space parking facility	Req. add. inf.
7-25-73	Coos	Roseburg Lumber Co., Coquille Plant, Coquille. Installation of 40,000 PPH Kipper & Sons hog fuel boiler	Approved
7-25-73	Washington	Deleco Corp. of Oregon 81 space add. parking facility	Req. add. inf.
7-25-73	Washington	Tanasbourne Shopping Center 825 space parking facility	Req. add. inf.
7-26-73	Washington	Habitat Sylvan Hills 1422 space parking facility	EQC approved with conditions
7-26-73	Lane	Valley River Center 872 space parking facility	EQC denied
7-26-73	Lane	Eugene Office Park 385 space parking facility	EQC req. add. inf.
7-26-73	Multnomah	Portland State University 150 space parking facility	EQC app. with conditions
7-26-73	Tillamook	Manzanita Rest Area Sludge incinerator and feed system	Approved
7-30-73	Klamath	Weyerhaeuser Co., Kl. Falls Installation of hog fuel drying system	Approved
7-30-73	Multnomah	The Fortniter, Motel 50 space parking facility	Req. add. inf.
7-31-73	Yamhill	Publishers Paper, Newberg Improved seal for condenser and scrub system for digester blow pit vent control	Approved
7-31-73	Multnomah	Portland Elementary School of Seventh-Day Adventist 87 space parking facility	Approved
7-31-73	Multnomah	Gateway BPOE Lodge No. 2411 263 space parking facility	Approved
7-31-73	Washington	Center Plaza Development Co. Professional Center and Office Bldg. 200 space parking facility	Req. add. inf.
7-31-73	Multnomah	Multnomah County Exposition Center. To pave a 2250 space parking facility	Approved
7-31-73	Marion	Vocational Rehabilitation Facility. 117 space parking facility	Approved

Solid Waste Management

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
7-5-73	Columbia County	Jelco, Inc. (Operational Plan for Powerline Land Clearing)	Approved
7-5-73	Washington County	Hillsboro Landfill (Existing Demolition Landfill-Amendment to Operational Plan)	Prov. app.
7-5-73	Columbia County	Crown Zellerbach Landfill (Operational Plan for Existing Industrial Wood Waste Disposal Site, Letter Authorization Issued)	Prov. app.
7-10-73	Lane County	Disston Disposal Site (Garbage Site Replaced by Transfer Station-Final Closure Plan)	Approved
7-10-73	Polk County	Dallas Disposal Site (Existing Garbage Site-Operational Plan)	Not approved
7-11-73	Clatsop-Tillamook Region	Action Plan Interim Progress Report	Review and Comment
7-24-73	Jackson County	Action Plan Interim Progress Report	Review and Comment
7-24-73	Clackamas County	PGE-Faraday Disposal Site (Operational Plan Existing Industrial Demolition Site Letter Authorization issued)	Prov. app.
7-26-73	Multnomah County	ESCO Corporation (Operational Plan-Existing Industrial Disposal Site-Letter Authorization Issued)	Prov. app.
7-27-73	Clackamas County	PGE Oak Grove Disposal Site (Operational Plan-Existing Industrial Garbage Disposal Site-Letter Authorization Issued)	Prov. app.
7-27-73	Umatilla County	Umapark Corporation (Operational Plan-Demolition Landfill for 2 School Buildings only - Letter Authorization Issued)	Prov. app.
7-30-73	Lane County	Action Plan - Interim Progress Report	Review & Comment

Water Quality Control - August 1973

Municipal Projects (77)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-1-73	Eugene	Urban renewal san. sewer	Prov. app.
8-1-73	Springfield	Danielle Park, First Adn. sewers	Prov. app.
8-1-73	Florence	Green Trees Subd. sewers and pumping stations	Prov. app.
8-1-73	Creswell	City park sewer	Prov. app.
8-2-73	Bend	Septic tank sludge report	Approved

Municipal Projects (77) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-2-73	McNary	Revised plans--Johns-Manville sewer	Prov. app.
8-2-73	Eugene	Shasta Gardens--Second Addn. sewer	Prov. app.
8-2-73	Sweet Home	1.20 MGD activated sludge sewage treatment plant with effluent disinfection and filtration	Prov. app.
8-2-73	Gresham	Change Order #4, Contract 2, sewage treatment plant	Approved
8-3-73	Seaside	Areas 2 and 3, East District sanitary sewers	Prov. app.
8-3-73	Gold Beach	Revised plans--sewage treatment plant project	Prov. app.
8-8-73	McMinnville	Seventh Street section--west-southwest interceptor sewer	Prov. app.
8-8-73	Bly San. Dist.	Sewerage system and sewage treatment plant--10.6 acre sewage lagoon and effluent irrigation	Prov. app.
8-8-73	Wilsonville	Eilers Bend and Hood Bend sewers	Prov. app.
8-8-73	Hood River	Sewage treatment plant expansion--3.50 MGD activated sludge plant--industrial and municipal	Prov. app.
8-8-73	Multnomah County (Inverness)	Sheraton-PIA sanitary sewer	Prov. app.
8-8-73	Wasco	Sewage treatment lagoon and percolation pond	Prov. app.
8-10-73	Rainier	Change Order #6, sewage treatment plant contract	Approved
8-10-73	Port Orford	Port interceptor project	Prov. app.
8-10-73	Seneca	Sewage collection and treatment--5.0 acre lagoon, disinfection and irrigation	Prov. app.
8-10-73	Gladstone	Lateral B-14	Prov. app.
8-10-73	St. Helens	Addendum #1, sewage treatment plant contract	Approved
8-10-73	Troutdale	Change Orders #1 and 2, West Columbia trunk sewer	Approved
8-13-73	Umatilla	Change Order #3, sewage treatment plant contract	Approved
8-13-73	Astoria	Change Order #2, Contract C, sewage treatment plant contract	Approved
8-13-73	Riverview Heights	Three-day holding pond	Prov. app.
8-15-73	Forest Grove	Lavina Drive and Sills, Plat 10 Subd. sewers	Prov. app.
8-16-73	Seneca	Addendum #2, sewage treatment plant contract	Approved



Municipal Projects (77) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-20-73	Pleasant Valley Sch.	40,000 gpd holding pond	Prov. app.
8-21-73	Sweet Home	Addendum #1, sewage treatment plant contract	Approved
8-21-73	Bay City	Change Order #B-6, sewage treatment plant contract	Approved
8-22-73	Hillsboro (Rock Cr.)	Cedar Oak Park Subd. sewer	Prov. app.
8-24-73	Ashland	Luna Vista St. sewer	Prov. app.
8-24-73	Hillsboro (Rock Cr.)	Addendum #1, sewage treatment plant contract	Approved
8-27-73	Salem (Willow Lake)	North N.D.P. area sewer	Prov. app.
8-27-73	Lake Oswego	Green Tree Slope Subd. sewers	Prov. app.
8-27-73	Keizer Sewer D. #1	Parkview Subd. sewers	Prov. app.
8-27-73	Seneca	Addendum #3, sewage treatment plant project	Approved
8-27-73	Newport	Crestview Lane sewer	Prov. app.
8-28-73	East Suburban Sanitary Dist.	Country Green Subd. sewers	Prov. app.
8-28-73	Rogue River	Addenda #1, 2 and 3, sewage treatment plant project	Approved
8-28-73	Wilsonville	Change Orders #1-4, sewer project	Approved
8-28-73	Rainier	Change Orders #4-7, sewage treatment plant project	Approved
8-28-73	USA (Sherwood)	Treehill Subd. sewers	Prov. app.
8-28-73	USA (King City)	Summerfield Townhouses, Phase I, sewers	Prov. app.
8-28-73	Coos Bay	Final plans for sewage treatment plant No. 1 expansion	Prov. app.
8-28-73	USA (Forest Grove)	Addenda #1, sewage treatment plant contract	Approved
8-28-73	Salem (West)	College Heights sewers	Prov. app.
8-28-73	Inverness	PIA project	Approved
		Change Order #4, Unit 5A-1	
		Change Order #2, Unit 5B-1	
		Change Order #2, Unit 5A-2	
8-28-73	USA (Aloha)	1. Charlene Terrace sewers 2. Cottage Grove sewers 3. Carolwood II sewers 4. Tanasbrook sewers 5. Hilldowns sewers	Prov. app.
8-28-73	USA (Aloha)	1. Augusta Lane sewers 2. Tee Jay II sewers 3. Farmington West IV sewers 4. Shadowood No. 3 sewers	Prov. app.
8-29-73	Gresham	Camelot Plat 2 Subd. sewers	Prov. app.
8-29-73	Oregon City	Arista Heights #2 Subd. sewers	Prov. app.
8-29-73	West Linn (Will.)	DeBok Road sewer	Prov. app.

Municipal Projects (77) - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-29-73	Coos Bay #1	Addenda #2-4, sewage treatment plant contract	Approved
8-29-73	Gresham	205th Avenue sewer	Prov. app.
8-29-73	USA (Metzger)	Greenway Crossing Subd. sewers	Prov. app.
8-29-73	Troutdale	Change Order Nos. 1 and 2, West Columbia sewer	Approved
8-29-73	Eugene	St. Paul's Park Subd. sewers	Prov. app.
8-29-73	USA (Metzger)	Los Pinos Subd. sewers	Prov. app.
8-29-73	Oregon City	Hillendale Phase II Subd. sewers	Prov. app.
8-30-73	St. Helens	Change Order #E-2, sewage treatment plant contract	Approved
8-30-73	Gresham	Sunderland Heights Subd. sewers	Prov. app.
8-30-73	Baker	Two sewer projects, 1973-74 Phase 2 and 3	Prov. app.
8-30-73	Salem (Willow Lake)	Hidden Lakes, Phase 1, sewers	Prov. app.
8-30-73	USA (Forest Grove)	Addendum #2, sewage treatment plant contract	Approved
8-30-73	Springfield	Northridge Subd. sewers	Prov. app.
8-30-73	Medford	Greenbrook Subd. sewers	Prov. app.
8-31-73	Roseburg	Watters Street and Beaumont Street sewers	Prov. app.

Industrial Projects (9)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-1-73	Lebanon	Pacific Power & Light Co. water treatment plant waste water control facilities	Prov. app.
8-9-73	Portland	Publishers Paper Company, Portland Division, drainage system alterations	Prov. app.
8-10-73	Klamath Falls	Thys De Hoop, animal waste facilities	Prov. app.
8-15-73	Hopmere	Kenneth Moisan, animal waste facilities	Prov. app.
8-16-73	White City	Reichhold Chemicals, Inc., Pacific Northwest Div., modified waste disposal system	Prov. app.
8-17-73	Timber	Empire-Lite Rock, water pollution abatement program	Prov. app.
8-17-73	Alicel	Loren Fleet, animal waste facilities	Prov. app.
8-17-73	La Grande	Clyde E. White, animal waste facilities	Prov. app.
8-27-73	Scottsburg	Robert Burt, animal waste facilities	Prov. app.

Air Pollution Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-1-73	Josephine	SWF Plywood Company Installation of Carter-Day baghouse filter unit to control sawdust emissions	Approved
8-2-73	Multnomah	Westridge Phase Two Office Complex - 70-space parking facility	Cond. app.
8-3-73	Washington	Edwards Industries, Inc. Apartment Complex - 218-space parking facility	Req. add. inf.
8-7-73	Washington	Greenwood Gardens Office Bldg. 244-space parking facility	Req. modifi- cations of appl.
8-7-73	Multnomah	North Pacific Lumber Co. 60-space parking facility	Req. add. inf.
8-9-73	Washington	Center Plaza Development Co. Professional Bldg. - 200-space parking facility	Cond. app.
8-15-73	Washington	Deleco Corp. of Oregon 81-space parking facility	Req. add. inf.
8-16-73	Coos	Weyerhaeuser Company Installation of sanderdust fired 3-stage rotary drum particle drier and (2) two baghouse filter units.	Approved
8-17-73	Multnomah	The Fortniter Motel 50-space parking facility	Approved
8-17-73	Washington	Menlo Square Condominium 90-space parking facility	Cond. app.
8-20-73	Multnomah	American Plaza Condominiums 289-space parking facility	Cond. app.
8-21-73	Multnomah	Mt. Hood National Forest Service Office Bldg. - 247-space parking facility	Cond. app.
8-21-73	Washington	Weigel Apartment Complex 110-space parking facility	Cond. app.
8-22-73	Washington	Greentree Business Park 150-space parking facility	Req. add. inf.
8-22-73	Washington	Tanasbrook Plat A Condominium 85-space parking facility	Req. add. inf.
8-24-73	Curry	Brookings Plywood Corp. Installation of baghouse filter unit to control sanderdust emissions	Approved
8-27-73	Multnomah	Foster Drive-in Theater 1560-space parking facility modified to 1185-space facility	Approved
8-27-73	Lane	Ramada Inns, Inc. 187-space parking facility	Approved

Air Pollution Control - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-28-73	Multnomah	Water Tower Building 80-space parking facility	Req. add. inf.
8-28-73	Lane	West 11th Twin Drive-In Theater 734-space parking facility	Approved
8-29-73	Multnomah	Silver Skate Ice Rink 112-space parking facility	Approved

Solid Waste Management

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-1-73	Lane County	Bohemia Inc.-Coberg; Letter Authorization; Short-term Wood Waste Disposal site; operational plan	Prov. app.
8-3-73	Coos County	Weyerhaeuser - North Bend; Letter Authorization; Wood Waste Disposal Site; operational plan	Prov. app.
8-6-73	Klamath County	Odessa Transfer Station; replace existing disposal site; construction and operational plan	Approved
8-6-73	Jackson County	Kogap - Medford; Letter Authorization; Wood Waste Disposal Site; operational plan	Prov. app.
8-9-73	Multnomah County	Oregon Steel Mills; letter Authorization; Foundry Waste Disposal Site; operational plan	Prov. app.
8-10-73	Jackson County	South Stage Disposal Site; existing garbage disposal site; operational plan for industrial waste sludge lagoon	Prov. app.
8-13-73	Lane County	Rattlesnake Disposal Site; existing garbage site; operational plan	Approved
8-13-73	Lane County	Veneta Disposal Site; existing garbage site; operational plan	Approved
8-15-73	Multnomah County	LaVelle & Yett Sanitary Landfill; existing demolition landfill; gas venting plans	Approved
8-16-73	Douglas County	Sun Studs, Inc.; new wood waste disposal site; construction & operational plans	Prov. app.
8-17-73	Lane County	Erbs Disposal Site; existing garbage site; closure plan	Approved
8-22-73	Clackamas County	LaVelle Sanitary Landfill; existing demolition landfill; gas venting plans	Approved

Solid Waste Management - continued

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8-29-73	Benton County	Monroe Demolition & Transfer Station; existing demolition & transfer station; operational plan	Approved
8-31-73	Josephine County	Grants Pass Sanitary Landfill; existing garbage site; operational plan	Prov. app.

Project Plans Planning

8-7-73	Wallowa County	Action Plan Interim Progress Report	Review & Comment
8-10-73	Lane County	Phase I: Preliminary Plan-Final Report	Review & Comment
8-15-73	Lane County	Phase II: Action Plan Interim Progress Report	Review & Comment
8-22-73	Central Oregon Region	Action Plan Interim Progress Report	Review & Comment
8-22-73	Klamath County	Action Plan Interim Progress Report	Review & Comment
8-22-73	Mid-Columbia Region	Action Plan Interim Progress Report	Review & Comment
8-28-73	Gilliam County	Action Plan Final Report Preliminary Draft	Review & Comment
8-31-73	Jackson County	Action Plan Interim Progress Report	Review & Comment
8-31-73	Umatilla County	Action Plan Interim Progress Report	Review & Comment

PGE HARBORTON FACILITY, STAFF REPORT AND PROPOSED PERMIT

Mr. Burkitt presented the Department's report covering the public hearing which had been held by the Commission from 9:00 a.m. to 5:30 p.m. on Monday, August 13, 1973, in Room 680 of the Multnomah County Court House, 1021 S.W. 4th Avenue, Portland, Oregon in the matter of a proposed air contaminant discharge permit for operation by Portland General Electric Company of the Harborton turbine power plant. Proper notice having been given as required by statute and administrative rules the August 13 hearing had been called to order by Vice-Chairman Arnold M. Cogan with other Commission members Dr. Morris K. Crothers and Dr. Grace S. Phinney and DEQ Director Diarmuid F. O'Scannlain present. Chairman B.A. McPhillips and Paul E. Bradon were unable to attend that hearing.

At the August 13 hearing 5 representatives of PGE had presented statements in support of the company's application for an air contaminant discharge permit, 18 persons including representatives of OEC, OSPIRG, N.W. Environmental Defense Center and other environmental groups and residents of the area spoke in opposition to the proposed permit, 4 witnesses testified in support of the proposed permit, and 3 other persons presented general statements.

The record of the August 13 hearing had been kept open for an additional 14 days for receipt of further written comments from the public. Mr. Burkitt in his report reviewed the comments which had been received during that period. He also reported on a special technical meeting held by the Department on September 6, 1973 with representatives of turbine manufacturers and others regarding the feasibility of retrofitting the existing turbines for NO<sub>x</sub> control.

Mr. Burkitt pointed out further that as a result of the testimony which had been received at the hearing several permit conditions had been modified and one new condition limiting the total annual hours of operation of the plant had been added to the proposed permit. He said that with these changes and in view of the critical need for interim electrical energy generation capacity to meet the immediate demands of the public it is the recommendation of the Director that the proposed permit be issued which provides for:

1. An overall limit on operating hours subject to approval by the Department.
2. Restriction of fuel to natural gas to the maximum extent.
3. A limitation on operating hours using distillate oil as fuel.
4. A further restriction of operation on oil to only those periods where meteorological conditions are favorable to good ventilation and good diffusion of emissions.
5. Curtailment of operations when necessary to prevent violation of air quality standards.
6. Cessation of operation at the Harborton location after the Trojan nuclear power plant becomes commercially operational or by September 1, 1975, whichever first occurs.

After a brief discussion of the Department's report and proposal by the Commission members, Chairman McPhillips announced that although the hearing record in this matter had been closed additional testimony would be received if it constituted new information.

Brief statements were then made by Howard Galbraith, Sharon Roso and Alton Scheel of the North Portland Citizens Committee, and Dr. George Tsongas of the Northwest Environmental Defense Council, all of whom had previously submitted testimony at the August 13, 1973 hearing in this matter.

Mr. Galbraith questioned the energy shortage, Ms. Roso expressed concern about the noise problem, Mr. Scheel commented on the shortage of fuel oil, and Dr. Tsongas also referred to the noise problem.

After further discussion by the Commission members it was MOVED by Dr. Crothers, seconded by Mr. Cogan and carried that the permit as proposed by the Department be issued to PGE for the Harborton plant. There was no dissenting vote.

#### APPOINTMENT OF DEPUTY DIRECTOR

It was MOVED by Dr. Crothers, seconded by Mr. Cogan and unanimously carried that the Director's appointment of Ronald L. Myles as deputy director of the Department of Environmental Quality be approved.

#### CREATION OF POSITION OF SECRETARY TO COMMISSION

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and unanimously carried that as recommended by the Director the position of Secretary to the Environmental Quality Commission be created. The duties of the position were outlined by Mr. O'Scannlain. He reported that Shirley Shay had been selected to fill the position.

#### OREGON CUP AWARD RENEWAL APPLICATIONS

The applications which had been received from the American Can Company and Publishers Paper Company for renewal of their Oregon CUP Awards were reviewed for the Commission members by B.J. Seymour.

It was MOVED by Mr. McPhillips, seconded by Mr. Cogan and unanimously carried that the Oregon CUP Awards for both the American Can Company and the Publishers Paper Company be renewed for calendar year 1974.

PUBLIC HEARING RE: PROPOSED RULES OF PROCEDURES FOR ISSUANCE OF NPDES PERMITS

Public notice having been given as required by statutes and administrative rules, the public hearing before the Environmental Quality Commission in the matter of adoption of proposed rules pertaining to the procedures for issuance of NPDES permits was called to order by the Chairman at 10:00 a.m. on Friday, September 21, 1973 in the Second Floor Auditorium of the Public Service Building, 920 S.W. 6th Avenue, Portland, Oregon with Commission members B.A. McPhillips, Dr. Morris K. Crothers, Arnold M. Cogan and Dr. Grace S. Phinney in attendance.

Mr. Ashbaker presented the Departmental report and Director's recommendations dated September 11, 1973 and discussed briefly the proposed rules of procedures which are to replace the temporary or emergency rules adopted by the Commission on May 29, 1973. He stated that with minor modifications set forth in the Departmental report the proposed permanent rules are the same as the emergency rules and it is the recommendation of the Director that they be adopted as modified.

Mr. Ashbaker then read a letter dated September 15, 1973 from Daniel H. Skerritt, Attorney, suggesting a further modification of Subsection (7) of Section 45-035, pertaining to the right of the public to request a public hearing in connection with any NPDES application.

Mr. Neil Robblee was present and made a statement for OSPIRG regarding the proposed rules. He asked that Subsection 9 of Section 45-035 be amended to permit any interested person, not just the applicant, to request a hearing in connection with a proposed NPDES permit. He further suggested that Section 45-055 be amended to provide for public notice and participation in connection with proposed modification of an existing permit.

Mr. John Neilson of OEC asked for a broadening of the requirements in Subsection (4) of Section 45-035 relative to preparation of fact sheets. He supported the changes suggested by Mr. Robblee and also commented regarding certain definitions contained in Section 45-010.

Following a brief discussion by the Commission members of the above comments the staff was directed to give immediate consideration to the points discussed and to propose possible further modifications of the rules. This was done and after the noon recess Mr. Ashbaker reported that it had been agreed with the representatives of OSPIRG and OEC that with certain further modifications to Section 45-055 the proposed rules would be acceptable. The



changes agreed upon were as follows: In the first sentence after the word "mail" insert "and shall at that time issue a public notice announcement in a manner approved by the Director"; in the third sentence after the words "authorized representative" insert "or unless the Director determines that significant public interest merits a public hearing or a change in the proposed modification"; and that the 4th sentence be changed to read "Any request for hearing by the permittee or any person shall be made in writing to the Director and shall state the grounds for the request."

With this further modification it was MOVED by Mr. Cogan, seconded by Dr. Phinney and unanimously carried that the proposed rules as amended covering the procedures for issuance of NPDES permits be adopted.

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

USA PROPOSAL FOR EXPANSION OF INTERIM TREATMENT FACILITIES

At a special meeting of the Commission held in connection with the Harborton public hearing on August 13, 1973 a motion was made by Dr. Crothers, seconded by Dr. Phinney and carried that, as a reasonable alternative to the monthly quota system originally proposed by the Department at the July 26, 1973 Commission meeting in Medford, connection quotas be established as follows for the period ending August 1, 1974:

Single family unit equivalents not to exceed:

Aloha Plant	1,200
Metzger Plant	600
Tigard Plant	200
Sherwood Plant	100 (until irrigation farm is complete)

and that commitment of connections within these quotas shall be subject to the following conditions:

1. If any treatment plant fails to perform in compliance with permit limits, commitment of additional connections to such plant may be terminated until compliance is restored.
2. In addition to monthly plant performance monitoring reports required by permit conditions, a report shall be submitted at the end of each calendar month containing the following information for each plant:

- (a) Number of single family unit equivalents served.
- (b) Number of SFU equivalents committed during the month including a listing identifying individual commitments.
- (c) Total number of SFU equivalents committed but not yet served.

The August 13, 1973 motion also authorized the Department to establish and implement quotas for the Tualatin and King City plants to insure that such plants do not become overloaded but will continue to perform in compliance with permit limits.

Subsequent to August 13, 1973, the Unified Sewerage Agency submitted to the Department a proposal for temporary expansion of existing interim treatment facilities and a request for further modification of the sewer connection quotas.

At this September 21, 1973 Commission meeting Mr. Sawyer presented the Department's report and Director's recommendations dated September 13, 1973 concerning this proposal and request.

Mr. Gregory J. Howe, Attorney, was present to represent the Washington County Land Use Council, an organization of some 200 developers. He stated that at the present time in the area in question there are lots committed for development equivalent to some 4,000 single family units whereas the existing sewerage facilities have capacity for only 2,800 and of this latter amount only 1,800 (1,200 at Aloha and 600 at Metzger) have been allowed by previous Commission action. He claimed emphatically that unless additional connections could be allowed many developers in the area would face serious financial losses.

Mr. John Mosser, Attorney for Forchuk/Wold/Peyton Builders, developers of the Habitat Sylvan Hills residential project in Washington County, also testified regarding the critical financial situation confronting the developers. He stated that unless the project which he represents can be permitted to proceed the developers may possibly lose as much as \$1-1/2 million. He said that in October of 1972 they had been allocated 711 sewer connections for this project and that assurances of the availability of this number had been received from the local authorities as late as January and March of 1973. He said that if they can now get 300 of the 711 sewer connections they can survive.

The meeting was recessed for lunch at 12:15 p.m. and reconvened at 1:35 p.m.

Mr. William Masters, Washington County Commissioner and Board of Directors member for USA, reviewed briefly the history of steps taken to provide adequate sewerage services in the Tualatin Basin by the County of Washington and the Unified Sewerage Agency. He urged EQC to authorize the allocation of the full 2,800 connections (1,900 to Aloha and 900 to Metzger) so that the developments which have already been committed can proceed to the greatest extent possible.

In response to a question from the Chairman he said the County is now in the process of developing a new land use plan and that under it they hope to limit population density and to gear the utilities and other services to the land use plan.

There was then a discussion as to how many sewer connections would actually be needed during the next two years or until the Durham sewage treatment works will be operational. Mr. Gary F. Krahmer, Acting Director of USA, was present and stated that according to his records some 4,300 connections had been requested through July 1, 1974.

Mr. Dan McGoodwin of 5733 S.W. 45th Avenue, Portland reported that since 1971 he was supposed to have permits for 28 connections for lots located in the city of Portland. He asked that any increase in additional sewer connections include his project.

Mrs. William Cookson of 10520 S.W. North Dakota Ave., Tigard said she lives across the street from the Metzger plant. She expressed grave concern about possible odors and bacterial pollution in the adjacent stream if permission were granted to expand on a temporary basis the capacity of the Metzger plant.

Dr. Joseph T. Hart, Physician and Surgeon, Hillside Pediatric Center, 6201 S.W. Capitol Highway, Portland protested against the proposed use of aerated lagoons as a means of providing increased capacity at the Metzger sewage treatment plant.

After considerable further discussion by the Commission members it was MOVED by Mr. Cogan, seconded by Dr. Crothers and unanimously carried, in response to the proposals advanced by the Unified Sewerage Agency of Washington

County and the recommendations of the Director of the Department of Environmental Quality, that:

1. The Department consider approval of specific proposals to increase the treatment capability of the existing Metzger and Aloha treatment plants based on irrigation disposal of effluent during the dry weather summer months for the added sewage load and discharge of the highly treated effluent containing less than 20 milligrams per liter BOD and 20 milligrams per liter suspended solids to the stream during the winter months subject to the following conditions:
  - (a) Flow equalization, chemical treatment, process changes, operational changes and other feasible alternative methods for increasing treatment capacity must be properly considered prior to making a choice as to the finally proposed alternative so as to minimize environmental impact.
  - (b) The county shall give adequate notice of any proposed expansion plan and give opportunity for public comment prior to submission of any finally proposed alternative to the Department.
  - (c) Land use questions must be satisfactorily resolved at the local level prior to submission of any finally proposed alternative to the Department.
  - (d) Written approval must be obtained from the Department for any specific proposal prior to construction.
2. The Director of the Department be authorized to adjust the 600 unit connection quota for the Metzger sewage treatment plant service area for the period through August 1, 1974 by releasing the additional 300 requested units.
3. The Director be authorized to adjust the 1,200 unit connection quota for the Aloha sewage treatment plant service area for the period through August 1, 1974 by releasing the additional 700 requested units.
4. The Director be authorized to establish quotas up to a maximum of 5,000 for any additional connections which may result from approved facilities which may be constructed to increase capacity

so as to insure that such facilities do not become overloaded and are continuously operated in compliance with standards.

5. The Unified Sewerage Agency shall submit the following to the Department for review:

- (a) A management, operation, and maintenance plan (which demonstrates the adequacy of the agency's management program).
- (b) Details of a connection inventory control system and monthly reports of progress relative to connection commitments and permit issuance.
- (c) A detailed plan and time schedule for implementation of further interim expansions and phase out of all interim facilities.

6. Authorization for issuance of additional connection permits shall be revoked in the event that treatment plant performance standards are not met.

In addition to the above motion the Commission also clearly expressed its disapproval of the use of package plants or aerated lagoons as a means of providing temporary expanded treatment capacity.

#### AUTHORIZATION OF PUBLIC HEARING FOR PROPOSED NOISE CONTROL RULES

Mr. Gary Sandberg presented the Department's report dated September 9, 1973 and the Director's recommendation that the Commission authorize the Department to conduct public hearings on proposed noise control rules. The proposed rules pertain to off-road recreational vehicles and motorcycles, to road vehicles, to racing events, to public roads, and to industry and commerce. They also include noise control guidelines for schools.

Mr. Sandberg said that if authorized to do so public hearings would be held in Portland, Eugene, Roseburg, Medford and Pendleton during the latter part of October and first part of November.

It was MOVED by Dr. Crothers, seconded by Mr. Cogan and unanimously carried that as recommended by the Director the Department be authorized to conduct public hearings on the proposed noise control rules.

CONTINUOUS PLANNING FOR WATER QUALITY MANAGEMENT

Mr. Sawyer reviewed the status of the Department's continuous planning process which has been developed to meet requirements of the Federal Water Pollution Control Act. He also discussed briefly the annual water strategy for FY74. It was suggested that any interested persons be invited to comment regarding both the continuous planning process and the annual strategy.

No other action was required regarding this matter.

EMERGENCY RULES FOR SUBSURFACE SEWAGE DISPOSAL

On October 5, 1973 under the provisions of Chapter 835, Oregon Laws 1973, the statutory authority of the State Health Division to promulgate rules relating to subsurface sewage disposal will terminate. The same chapter on January 1, 1974 gives new and special duties and responsibilities over subsurface sewage disposal to the Department. To effect an orderly transfer of duties and responsibilities from the Division to the Department and to cover the interim period from October 5, 1973 to January 1, 1974, it was proposed that the Commission adopt, with minor modifications, as emergency or temporary rules the rules of the State Health Division governing subsurface sewage disposal.

Mr. Sawyer presented the Department's report and reviewed briefly the proposed modifications to the Health Division's rules.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and unanimously carried that the proposed rules governing the subsurface disposal of sewage be adopted as temporary rules and further that the Director be instructed to negotiate a contract with the State Health Division for the latter to administer and enforce said temporary rules between October 5, 1973 to January 1, 1974.

NORTH ALBANY COUNTY SERVICE DISTRICT SEWERAGE PLANNING LOAN

Mr. Bolton reviewed the staff report and evaluation regarding the request of the North Albany County Service District for an advance loan of \$23,800 from the State Pollution Control Bond Funds for financing a regional sewerage study of the North Albany area.

Benton County Commissioner Jeanette Simerville was present to represent the applicant and to support the request. In response to a question from Mr. Cogan she said they have a plan to restrict or limit the growth of the area until public sewers are available. They require that each residence be located on a lot at least one-half acre in size.

It was MOVED by Mr. Cogan, seconded by Dr. Phinney and unanimously carried that as recommended by the Director the Commission authorize the use of \$23,800 of the State Pollution Control Bond Funds for the purpose of preparing a Regional Sewerage Study for the North Albany area as outlined in the loan application submitted to the Department by the North Albany County Service District of Benton County, that the Department present the loan application in the amount of \$23,800 to the State Emergency Board for funding at the earliest possible time, and further that a ban be imposed on further construction of homes or other developments in the district that would adversely affect the groundwater or other waters under control of the Commission.

ENVIRONMENTAL STATUS REPORT ON JEFFERSON COUNTY

This agenda item was deferred until a subsequent meeting of the Commission.

WASHINGTON SQUARE SHOPPING CENTER PARKING FACILITIES

Mr. Downs discussed the staff report and evaluation of the proposal by the Washington Square Shopping Center of Washington County to install a 3,369-space parking facility. He said that based on thorough consideration of all the factors involved it is the recommendation of the Director that approval be granted for construction of no more than 3,032 additional parking spaces at Washington Square, such approval to be granted as soon as an acceptable transit program can be worked out with Tri-Met, and with the following conditions:

1. The Washington Square transit system be implemented as submitted with appropriate modifications per an acceptable Tri-Met commitment.
2. Washington Square provide the Department with quarterly reports on parking lot occupancy and transit patronage for its system.
3. Washington Square, in cooperation with Washington County and Tri-Met submit a long-term transit and land-use plan in October 1974 for east Washington County and the Washington Square immediate vicinity.

4. The 3,032 parking spaces be reduced in accordance with Tri-Met estimates of ridership on its lines serving Washington Square.
5. Parking at Washington Square be reduced annually in direct proportion to existing and projected annual transit patronage.
6. Noise control program be implemented as submitted.
7. Water quality control program be implemented as submitted.

Mr. Ed Wagner, representative of Tri-Met, was present and confirmed the fact that because at its July 25, 1973 meeting the Tri-Met Board froze its operating budget for this year at the level which prevailed at that time, there will be no opportunity to expand proposed mass transit service to Washington Square.

Mr. O'Scannlain commended the developers of Washington Square for their voluntary cooperation in attempting to comply with all the special requirements established by the Department for their development at Progress.

Mr. Frank Orrico, President of Washington Square Inc., said that their request of 3,369 additional parking spaces (the original project approved at the June 29, 1973 EQC meeting included 1,997 parking spaces) had already been reduced by the appropriate amount based on the estimate of the number of persons that will be using public transit. He therefore asked that the additional reduction proposed in the Department's report not be required.

After considerable discussion it was MOVED by Dr. Crothers, seconded by Mr. Cogan and carried that the Director's recommendation in this matter be approved with the modification that the number of spaces to be allowed be determined by the Director and with the further stipulation that a program must be worked out with Tri-Met before the specific number of allowable parking spaces is determined.

#### HIGHWAYS IN URBAN AREAS

The agenda item regarding Kruse Way (I-5 to Boones Ferry Road) was deferred at the request of Clackamas County until a subsequent meeting of the Commission.

#### TAX CREDIT APPLICATIONS

It was MOVED by Mr. Cogan, seconded by Dr. Phinney and unanimously 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 9 applications with the costs listed being 80% or more allocable to pollution control:

<u>Applicant</u>	<u>Appl. No.</u>	<u>Claimed Cost</u>
Roseburg Lumber Co., Dillard	T-477	\$1,768,279.79
Boise Cascade Corp., St. Helens	T-459	26,016.00
Boise Cascade Corp., St. Helens	T-460	90,027.00
Boise Cascade Corp., St. Helens	T-462	146,652.00
Boise Cascade Corp., St. Helens	T-463	135,771.00
Boise Cascade Corp., St. Helens	T-466	140,745.00
Linnton Plywood Assn., Portland	T-474	46,175.83
Publishers Paper Co., Liberal	T-478	36,435.00
Publishers Paper Co., Portland	T-481	34,673.00

FUTURE COMMISSION MEETINGS

The Director announced that future meetings of the Commission have been tentatively scheduled as follows:

October 22, 1973 at Pendleton  
November 26, 1973 at Portland  
December 17, 1973 at Eugene

There being no further business the meeting adjourned at 5:00 p.m.

## AMENDMENTS TO OREGON ADMINISTRATIVE RULES

## 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.

AMENDMENTS TO OREGON ADMINISTRATIVE RULES

Chapter 340, Division 4, Subdivision 5

Sections 45-005 through 45-030 or 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 all navigable waters of the United States and their tributaries; interstate waters; intrastate lakes, rivers and streams which are used by interstate travelers for recreation or other purposes or from which fish or shellfish are taken and sold in interstate commerce or which are utilized for industrial purposes by industries in interstate commerce.
- (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, commercial 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 tell of public participation opportunities, 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 and copying. 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) The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to NPDES applications. If the Director determines that useful information may be produced thereby, a public hearing will be held prior to the Director's final determination.

- (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 and shall at that time issue a public notice announcement in a manner approved by the Director 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 or unless the Director determines that significant public interest merits a public hearing or a change in the proposed modification. Any request for hearing by the permittee or any person 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

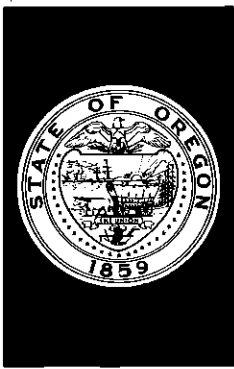
- (1) In the event that it becomes necessary for the Director to suspend or revoke an NPDES permit due to non-compliance with the terms of the NPDES permit, unapproved changes in operation, false information submitted in the application or any other cause, the Director shall

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.



## ENVIRONMENTAL QUALITY COMMISSION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5696

TOM McCALL  
GOVERNOR

October 22, 1973

B. A. McPHILLIPS  
Chairman, McMinnville

GRACE S. PHINNEY  
Corvallis

PAUL E. BRAGDON  
Portland

MORRIS K. CROTHERS  
Salem

ARNOLD M. COGAN  
Portland

—  
DIARMUID F. O'SCANNLAIN  
Director

### SUGGESTED MOTION

Agenda Item No. B

I move approval of the actions taken by the Department during the month of September 1973, as reported by staff, regarding the 73 domestic sewage, 8 industrial waste, 24 air quality control, and 6 solid waste management projects.



## DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5357

TOM McCALL  
GOVERNOR

DIARMUID F. O'SCANNLAIN  
Director

Memorandum

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item No. B, October 22, 1973, EQC Meeting

### Project Plans for September 1973

During the month of September staff action was taken relative to the attached itemized list of plans, specifications and reports as follows. These actions are summarized as follows:

#### Water Quality Control

1. Seventy three (73) domestic sewage projects were reviewed:
  - a) Provisional approval was given to:
    - 68 plans for sewer extensions
    - 3 plans for sewage treatment works improvements
    - 1 plan for a pump station
  - b) Approval without conditions was given to:
    - 1 Change Order for a sewage treatment plant project.
2. Eight (8) Industrial waste treatment plans were reviewed:
  - a) Provisional approval was given to:
    - 3 Animal Waste Facilities
    - 5 Miscellaneous projects
      - 1) Globe Union, Inc., Canby (waste treatment facility)
      - 2) The Amalgamated Sugar Co., Nyssa (waste water control facilities improvements)
      - 3) Stimson Lumber Co., Forest Grove (Preliminary concept proposal for modification of waste water treatment and control system.)
      - 4) Widing Terminal, Inc., Springfield (waste water control facilities)
      - 5) Pacific Resins and Chemicals, Inc., Eugene (waste water treatment facilities)

Air Quality Control

1. Twenty four (24) Project plans, reports or proposals were reviewed:

a) Approval was given to:

2 Wigwam Burner Installations

- 1) Mountain Fir Lumber, Josephine County
- 2) Moore Mill and Lumber Company, Coos County

2 Enclosure area projects

- 1) Permaneer Corporation, Jackson County (Construction of raw material storage fence enclosure to prevent wind-blown emissions)
- 2) Timber Products Company, Jackson County (Plans and specifications for construction of structure to enclose particleboard plant truck dump area)

2 Parking Space Facilities

- 1) The Portland Clinic, Multnomah County (147 space parking facility)
- 2) First Baptist Church of Parkrose, Multnomah County (64 space parking facility)

5 Miscellaneous projects

- 1) Georgia Pacific Corporation, Coos County (Installation of two Clarke baghouse filter units to control cyclone emissions)
- 2) Pendleton Grain Growers, Inc., Umatilla County (plans and specifications for the installation of a seed processing facility)
- 3) Baker Valley Rendering, Baker County (Plans and specifications for installation of a condenser for cooker odor control)
- 4) Weyerhaeuser Company, Lane County (Plans and specifications for installation of two scrubbers to control particulate emissions from the smelt dissolving tank vent.
- 5) Boise Cascade Corporation, Marion County (Plans and specifications for the installation of a pneumatic railcar unloading system.



b) Conditional Approval was given to

4 Parking Space Facilities

- 1) Greentree Business Park, Washington County  
(150 space parking)
- 2) Bernard's Beaverton Mall, Washington County  
(191 space parking)
- 3) Portland Adventist Hospital, Multnomah County  
(685 space parking)
- 4) Red Lion Hotel-Hayden Island, Multnomah County  
(678 space parking)

c) Additional Information was requested from:

8 Parking Space Facilities

- 1) Transcorp Apartment, Multnomah County - Requested Mass Transit Incentive Program (97 space parking)
- 2) Moore Oregon Dry Kiln, Multnomah County  
(36 space parking)
- 3) Cal-Roof Wholesale, Washington County  
(100 space parking)
- 4) General Telephone Company, Washington County  
(90 space parking)
- 5) Tanasbourne Town Center - Phase I, Washington County  
(705 space parking)
- 6) Portland General Electric Office Bldg., Multnomah County  
(401 space parking)
- 7) Washington Square Shopping Center, Washington County  
(3369 space parking)
- 8) Oregon Steel Mills, Multnomah County  
(74 space parking)

1 Miscellaneous Project

- 1) Kruse Way FAS 943, Clackamas County  
(4-lane urban arterial)

Solid Waste Disposal

1. Six (6) Project plans were reviewed:

a) Approval was given to:

4 Transfer Facilities

- 1) Sandy Transfer Station, Clackamas County (Addition)
- 2) Low Pass Transfer Facility, Lane County (New)
- 3) Walton Transfer Facility, Lane County (New)
- 4) Mapleton Transfer Facility, Lane County (New)

Solid Waste Disposal (Continued)

1 Miscellaneous Project

- 1) Crown Zellerbach Sorting Yard, Clackamas County  
(Existing IW-Log Deck Clean-up Landfill)

b) Provisional approval was given to:

1 Miscellaneous project

- 1) Rössman's Sanitary Landfill, Clackamas County  
(Existing garbage sanitary landfill)

2. One (1) Action Plan Interim Progress Report was reviewed and comments given:

a) MSD Region

Director's Recommendation

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



DIARMUID F. O'SCANNLAIN

Attachments

EJW:1b 10/12/73

PROJECT PLANS

Water Quality Division

During the month of September, 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.

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
<u>Municipal Projects (73)</u>			
9-4-73	Green San. Dist.	Meadowbrook Subd. sewers	Prov. approval
9-4-73	Gresham	Sotogrande Subd. sewers	Prov. approval
9-4-73	East Salem Sewer & Drainage Dist. I	Yeakley's Addn. sewers	Prov. approval
9-5-73	Oregon Primate Research Center	Effluent irrigation piping (revised)	Prov. approval
9-5-73	Brookings	Harris Beach State Park pump station	Prov. approval
9-5-73	Dammasch State Hosp.	Rehabilitation Center sewers	Prov. approval
9-5-73	Klamath County	Round Lake Estates Subd. sewerage system, 3.5 acre sewage lagoon, disinfection and irrigation disposal	Prov. approval
9-6-73	Eugene	Royal Avenue sewer	Prov. approval
9-6-73	Portland	Addenda Nos. 2-4, sewage treatment plant project	Approved
9-6-73	USA (Sunset)	Fire station sewer - health hazard	Prov. approval
9-6-73	Gresham	Bramblemead Subd. sewers	Prov. approval
9-10-73	Junction City	Third St. sewer & pump station	Prov. approval
9-10-73	Springfield	Sherry Park Subd. sewers	Prov. approval
9-10-73	USA (Forest Grove)	Doherty Ford sewer ext.	Prov. approval

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-10-73	Klamath Falls	West Oregon Avenue improve- ment unit 248	Prov. approval
9-13-73	Pendleton	Tutuilla Creek sewer	Prov. approval
9-13-73	Oak Lodge San. D.	Sanitary sewer extension	Prov. approval
9-13-73	Albany 3	Sanitary sewer projects (1) SS 73-10 (2) SS 73-17	Prov. approval
9-13-73	Hillsboro (Rock Cr.)	Twenty-four Maples Subd. sewers	Prov. approval
9-13-73	Gresham	Sage East Shopping Center sewer	Prov. approval
9-13-73	Springfield 3	Sanitary sewer projects (1) SP-125 (2) SP-126 (3) SP-128	Prov. approval
9-13-73	Gresham	Lorraine Subd. sewers	Prov. approval
9-13-73	Gresham	S.W. Towle Rd. san. sewer	Prov. approval
9-13-73	Jefferson	Tanglewood Drive sewer	Prov. approval
9-13-73	Bandon	Chicago Ave. & 12th St. sewers	Prov. approval
9-14-73	Pendleton	Bonbright Dev. - revised plans	Prov. approval
9-14-73	Oak Lodge San. D.	Lucinda Estates Subd. sewers	Prov. approval
9-14-73	Hillsboro (Rock Cr.)	S.E. Cornell Rd. sewer	Prov. approval
9-14-73	North Bend	Lewis & Oak St. sewers	Prov. approval
9-14-73	Portland	Portnomah Park Subd. sewers	Prov. approval
9-14-73	Gresham	Darling Park #2 Subd. sewers	Prov. approval
9-14-73	USA (Sherwood)	Lincoln St. & Park Row sewer	Prov. approval
9-14-73	Milwaukie	Interceptor, Schedule I	Prov. approval
9-17-73	Cedar Hills	Larry Brown, Inc. Industrial Property san. sewer	Prov. approval
9-17-73	Gresham	Shelburne Subd. sewers, Phase 2 and 3	Prov. approval
9-17-73	Gresham	Sommerwood Addn. sewers	Prov. approval

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-17-73	Lake Oswego	Gainer sewer extension and Red Fox Hills #2 Subd. sewers	Prov. approval
9-17-73	Lebanon	4 Laterals M-1, M-2, M-3, and Morton Place sewer	Prov. approval
9-19-73	Somerset West	Sewage treatment plant expansion - 31.2 acre lagoon	Prov. approval
9-21-73	Lake Oswego	Mountain Park, Phase 5-B sewers	Prov. approval
9-25-73	North Umpqua S. D.	Sewer lateral C-8.1	Prov. approval
9-26-73	Gresham	Aldercreek Subd. sewers	Prov. approval
9-26-73	Gresham	S.E. Hood Avenue sewer	Prov. approval
9-26-73	Gresham	Crisway Place Subd. sewer	Prov. approval
9-26-73	Central Point	Debrot Way sewers	Prov. approval
9-26-73	Cedar Hills	Art Bowman Property sewer	Prov. approval
9-26-73	East Salem Sewer & Drainage Dist. I	(1) Denver Ct. Subd. sewers (2) Royal Oak Estates Subd. sewers	Prov. approval
9-26-73	Bear Cr. Valley San. Auth. (Talent)	Pacific Estates Subd., Unit 1, sewers	Prov. approval
9-26-73	USA (Tigard)	Webber Studio commercial sewer	Prov. approval
9-26-73	USA (Metzger)	Carmel sanitary sewer	Prov. approval
9-26-73	Tualatin	S.W. 65th Ave. sewer	Prov. approval
9-26-73	Sandy	Sandy Heights and Marcy Acres sewers	Prov. approval
9-26-73	Salem (Wallace Rd.)	Wallace Rd., N.W. sewer	Prov. approval
9-26-73	Salem (Willow Lake)	Monarch Estates Subd. sewers	Prov. approval
9-26-73	Portland	N. Ensign Street sewer	Prov. approval
9-26-73	Portland	S.W. 40th & Marigold St. sewer	Prov. approval
9-26-73	Jefferson	Promise Addn. Subd. sewers	Prov. approval

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
9-26-73	Ontario	Sunset Dr. & NW 4th St. sewer	Prov. approval
9-26-73	Hillsboro (Rock Cr.)	Minter Bridge Road sewer	Prov. approval
9-26-73	Hillsboro (Rock Cr.)	Edwards Meadows #3 Subd. sewer	Prov. approval
9-26-73	Josephine County	Manzanita Roadside Rest Area experimental sewage treatment plant - 0.04 MGD advanced waste treatment with water recycle	Prov. approval
9-26-73	Salem (Willow Lake)	Hawthorne Ave. sewer	Prov. approval
9-27-73	Salem (Willow Lake)	Brentwood Subd. sewers	Prov. approval
9-27-73	Salem (Willow Lake)	South Cedar Estates sewers	Prov. approval
9-27-73	Sutherlin	Duke, Gleason & South Comstock sewers	Prov. approval

7

Water Quality Division

Industrial Projects (8)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
8/31/73	Yamhill	Lloyd Bansen Dairy, animal waste facilities	Prov. Approval
9/7/73	Canby	Globe Union, Inc., waste treatment facilities	Prov. Approval
9/12/73	Sherwood	Lloyd Koch, animal waste facilities	Prov. Approval
9/19/73	Roseburg	Fred Prosser, animal waste facilities	Prov. Approval
9/21/73	Nyssa	The Amalgamated Sugar Co., waste water control facility improvements	Prov. Approval
9/25/73	Forest Grove	Stimson Lumber Company, preliminary concept proposal for modification of waste water treatment and control system	Prov. Approval
9/26/73	Springfield	Widing Terminal, Inc., waste water control facilities	Prov. Approval
9/28/73	Eugene	Pacific Resins and Chemicals, Inc., waste water treatment facilities	Prov. Approval

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

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>	<u>ACTION</u>
6	Jackson	<u>Permaneer Corporation</u> Construction of raw material storage fence enclosure to prevent wind-blown emissions.	Approved
10	Coos	<u>Georgia Pacific Corporation</u> Installation of two (2) Clarke baghouse filter units to control cyclone emissions.	Approved
17	Josephine	<u>Mountain Fir Lumber Company</u> Plans and specifications for new modified wigwam waste burner.	Approved
17	Coos	<u>Moore Mill and Lumber Company</u> Plans and specifications for installation of new modified wigwam waste burner.	Approved
19	Umatilla	<u>Pendleton Grain Growers, Inc.</u> Plans and specifications for the installation of a seed processing facility.	Approved
24	Jackson	<u>Timber Products Company</u> Plans and specifications for construction of structure to enclose particleboard plant truck dump area.	Approved
25	Baker	<u>Baker Valley Rendering</u> Plans and specifications for installation of a condenser for cooker odor control.	Approved
27	Lane	<u>Weyerhaeuser Company</u> Plans and specifications for installation of two scrubbers to control particulate emissions from the smelt dissolving tank vent.	Approved
28	Marion	<u>Boise Cascade Corporation</u> Plans and specifications for the installation of a pneumatic railcar unloading system.	Approved



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

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>	<u>ACTION</u>
11	Multnomah	<u>The Portland Clinic</u> Medical Building 147 space parking facility	Approved
12	Multnomah	<u>Transcorp Apartment</u> 97 space parking facility	Requested Mass- Transit Incentive Program
12	Multnomah	<u>Moore Oregon Dry Kiln</u> 36 space parking facility	Requested Additional information
12	Washington	<u>Cal-Roof Wholesale</u> 100 space parking facility	Requested Additional Information
19	Washington	<u>General Telephone Co.</u> 90 space parking expansion	Requested Additional Information
20	Washington	<u>Greentree Business Park</u> 150 space parking facility	Approved with Conditions
20	Washington	<u>Bernard's Beaverton Mall</u> 191 space parking expansion	Approved with Conditions
24	Multnomah	<u>First Baptist Church of Parkrose</u> 64 space parking facility	Approved
20	Washington	<u>Tanasbourne Town Center - Phase I</u> 705 space parking facility	Requested Additional Information
20	Multnomah	<u>Portland General Electric Office Bldg.</u> 401 space parking facility	Requested Additional Information
21	Washington	<u>Washington Square Shopping Center</u> 3369 space parking facility	Requested Additional Information
21	Clackamas	<u>Kruse Way FAS 943</u> 4 lane urban arterial	Requested Additional Information
24	Multnomah	<u>Portland Adventist Hospital</u> 685 space parking facility	Approved with Conditions
27	Multnomah	<u>Red Lion Hotel - Hayden Island</u> 678 space parking facility	Approved with Conditions
28	Multnomah	<u>Oregon Steel Mills</u> 74 space parking facility	Requested Additional Information

PROJECT PLANS  
SOLID WASTE MANAGEMENT DIVISION

During the month of September 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.

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>	<u>ACTION</u>
6	Clackamas Co.	Crown Zellerback Sorting Yard (Existing IW - Log Deck Clean-up Landfill)	Approved
17	Clackamas Co.	Rossmann's Sanitary Landfill (Existing Garbage Sanitary Landfill)	Prov. Approved
17	Clackamas Co.	Sandy Transfer Station (Addition to Existing Transfer Station)	Approved
26	Lane Co.	Low Pass Transfer Facility (New Transfer Station)	Approved
26	Lane Co.	Walton Transfer Facility (New Transfer Station)	Approved
26	Lane Co.	Mapleton Transfer Facility (New Transfer Station)	Approved
<u>PLANNING PROGRAM</u>			
28	MSD Region	Action Plan Interim Progress Report	Review & Comment



## ENVIRONMENTAL QUALITY COMMISSION

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TOM McCALL  
GOVERNOR

October 22, 1973

B. A. McPHILLIPS  
Chairman, McMinnville

GRACE S. PHINNEY  
Corvallis

PAUL E. BRAGDON  
Portland

MORRIS K. CROTHERS  
Salem

ARNOLD M. COGAN  
Portland

### SUGGESTED MOTION

#### Agenda Item No. C

DIARMUID F. O'SCANNLAIN  
Director

I move approval of the Director's recommendation of today concerning Commission authorization for a public hearing by the Commission on adoption of portions of the former Columbia-Willamette Air Pollution Authority rules as permanent rules of the Commission for Clackamas, Columbia, Washington and Multnomah Counties.



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Portland

—  
DIARMUID F. O'SCANNLAIN  
Director

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. C, October 22, 1973, EQC Meeting

Special Air Pollution Control Rules for Columbia,  
Multnomah, Clackamas and Washington Counties--  
Authorization for Public Hearing

### Background

The Columbia Willamette Air Pollution Authority, formed pursuant to Chapter 425 Oregon Laws 1967, was a regional air quality control agency approved by the State Sanitary Authority effective January 1, 1968, for the counties of Multnomah, Clackamas, and Columbia, and subsequently Washington County. It was authorized to exercise air pollution and control functions vested in the former State Sanitary Authority, with the exception of air contamination sources from pulp and paper mills, aluminum reduction plants, nuclear power plants, mobile sources (motor vehicles) and agricultural field burning operations. The CWAPA was required by state law to enforce rules, regulations and orders of the EQC. Further, in accordance with the provisions of ORS 449.855, and in recognition of the higher population density, number of sources and existing air quality in the Portland/Metro area, the regional authority adopted rules, which in some cases

were more stringent than the rules of the Department. These rules, adopted in 1968 and revised in 1970 and 1972, were reviewed and approved by the Environmental Quality Commission.

On April 30, 1973, the Department announced that a public hearing would be held on May 29, 1973 in Portland, to determine whether the air quality program of the CWAPA was being administered in compliance with statutory requirements and, if not, to show cause why the CWAPA should not be dissolved and its program assumed by the Department. Following the May 29th public hearing, the EQC approved the transfer to the Department of all the CWAPA plans and programs, effective July 1, 1973. On June 29, 1973, the EQC by order confirmed its action of May 29th and adopted all presently effective CWAPA rules as temporary rules of the EQC.

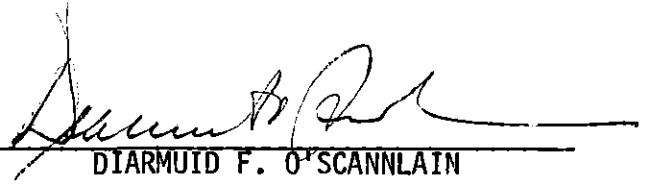
### Conclusion

To insure continuity of existing control programs, compliance schedules and enforcement in the former CWAPA territory, and adherence to the control strategy described in the State of Oregon Clean Air Act Implementation Plan, the Department proposes to adopt portions of CWAPA rules pertaining to the following subject areas as permanent rules of the EQC for the geographical area of Clackamas, Columbia, Washington and Multnomah Counties:

1. Emission standards for Commercial, industrial sources
2. Prohibited practices which pertain to open burning, incinerator operation, odor control and emissions from ships
3. Definitions.

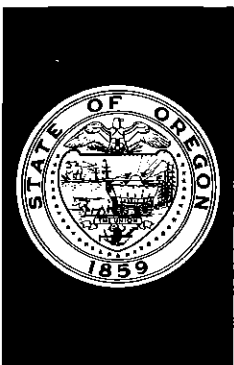
Authorization for Public Hearing

Subject to the approval of the Commission, the Department plans to conduct a public hearing on the proposed rules at the next regular meeting of the EQC, scheduled for November 26, 1973, in Portland. Following the hearing and after incorporating appropriate public testimony, the proposed rules will be presented to the Commission for adoption at the earliest possible date.



DIARMUID F. O'SCANNLAIN

WH:s  
10/11/73



## ENVIRONMENTAL QUALITY COMMISSION

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TOM McCALL  
GOVERNOR

October 22, 1973

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Portland

MORRIS K. CROTHERS  
Salem

ARNOLD M. COGAN  
Portland

### SUGGESTED MOTION

Agenda Item No. D

I move approval of the Director's recommendation of today concerning Commission authorization for a public hearing by the Commission to amend the regulation pertaining to county designations for motor vehicle inspection program requirements.

DIARMUID F. O'SCANNLAIN  
Director

*see Householder for orig. copy*



# ENVIRONMENTAL QUALITY COMMISSION

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Portland

## MEMORANDUM

To : Environmental Quality Commission

From : Director

Subject: Agenda Item No. D, October 22, 1973, EQC Meeting

Authorization for Public Hearing to Amend OAR  
Chapter 340, Section 24-100, Regulation Pertaining  
to Motor Vehicle Inspection

## Background

The Environmental Quality Commission at its meeting on October 25, 1972, reviewed and approved the basic concepts of a vehicle emission control inspection program as outlined in the Department report presented at the meeting. On March 2, 1973, the Commission held a public hearing and adopted a rule, pursuant to ORS 481.190, which designated Clackamas, Columbia, Multnomah and Washington Counties as within the inspection program area. An effective date of January 1, 1974 was established.

Legislative delays in providing funding requirements necessitate a delay in the effective date of regulatory inspections. No specific funds were actually made available for the vehicle inspection program until the State Emergency Board action of August 15, 1973, allowed the Department to expend the appropriation provided for the inspection program by the 1973 Legislative Assembly. The State Emergency Board in this action also requested that Columbia County be deleted from the inspection program requirements.

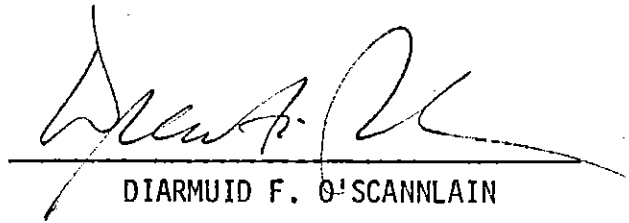
DIARMUID F. O'SCANNLAIN  
Director



The Department has prepared proposed admendments to Oregon Administrative Rules, Chapter 340, Subdivision 4, Section 24-100, which remove Columbia County from the list of counties designated by the Environmental Quality Commission as counties in which motor vehicles registered therein are subject to the vehicle inspection program requirements. These proposed admendments also extend the effective date of the rule to May 31, 1974; which is the latest date projected in the Transportation Control Strategy for the inspection program start-up.

Recommendation

It is the Director's recommendation that public testimony be heard concerning the proposed rule admendments at a public hearing in Portland on November 26, 1973, and that appropriate action be taken on these admendments after giving consideration to the testimony received.

  
DIARMUID F. O'SCANNLAIN

RCH:sb  
10/10/73

NOTICE OF PUBLIC HEARING  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OREGON

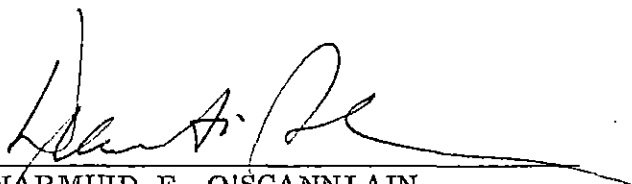
NOTICE IS HEREBY GIVEN that the Environmental Quality Commission will consider the adoption of certain amendments to Oregon Administrative Rules, Chapter 340, Subdivision 4, Section 24-100, Motor Vehicle Inspection, County Designations. These amendments remove Columbia County from the list of counties designated by the Environmental Quality Commission as counties in which motor vehicles registered therein are subject to the vehicle inspection program requirements, and extend the effective date of the rule to May 31, 1974.

Copies of the proposed amended rule are available for public inspection, or may be obtained by request, from the Department of Environmental Quality, Office of the Administrator, Air Quality Control Division, 1234 S. W. Morrison Street, Portland, Oregon, 97205.

Any interested person desiring to submit written testimony concerning the issues of fact, law or policy on this matter may do so by forwarding them to the office of the Department, Air Quality Control Division, 1234 S. W. Morrison Street, Portland, Oregon, 97205, or may appear and submit testimony or be heard orally at 11 o'clock a.m. on the 26th day of November, 1973, in the Second Floor Auditorium of the Public Service Building, 920 S. W. Sixth Avenue, Portland, Oregon.

The Environmental Quality Commission will sit as the Hearings  
Officer.

Dated this 11 day of October, 1973.

A handwritten signature in cursive script, appearing to read "Diarmuid F. O'Scannlain", written over a horizontal line.

DIARMUID F. O'SCANNLAIN  
Director

REGULATION PERTAINING TO MOTOR VEHICLE INSPECTION

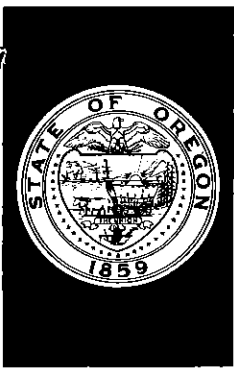
24-100 COUNTY DESIGNATIONS.

(1) Pursuant to the requirements of ORS ~~481.190~~ 449.957, Clackamas, ~~Columbia,~~ Multnomah and Washington Counties are hereby designated by the Environmental Quality Commission as counties in which all motor vehicles registered therein, unless otherwise exempted by statute or by rules subsequently adopted by the Commission, shall be equipped with a motor vehicle pollution control system ~~or~~ and shall comply with motor vehicle emission standards adopted by the Commission.

(2) The effective date of this regulation is ~~January 1, 1974~~ May 31, 1974.

= deletion

\_\_\_\_\_ = addition



## ENVIRONMENTAL QUALITY COMMISSION

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TOM McCALL  
GOVERNOR

October 22, 1973

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ARNOLD M. COGAN  
Portland

### SUGGESTED MOTION

Agenda Item No. E

—  
DIARMUID F. O'SCANNLAIN  
Director

I move approval of the Director's recommendation of today concerning Commission authorization for a public hearing by a hearing officer for the Commission to amend specified sections of the rules pertaining to air contaminant discharge permits.



## ENVIRONMENTAL QUALITY COMMISSION

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DIARMUID F. O'SCANNLAIN  
Director

### MEMORANDUM

To : Environmental Quality Commission

From : Director

Subject: Agenda Item No. E, October 22, 1973, EQC Meeting

Request for Authorization to Hold a Public Hearing  
to Amend OAR, Chapter 340, Sections 20-033.02 through  
20-033.20, Air Contaminant Discharge Permits

The Department proposes to conduct a public hearing for the purposes of amending the Air Contaminant Discharge Permit rules, and Table A attached thereto, so as to provide clarity to certain sections and to add eight (8) new source categories to Table A which would be required to obtain an Air Contaminant Discharge Permit.

The proposed revisions include the following:

1. Elimination of phase-in dates for issuance of permits.
2. Authorization to require permits for sources not included in Table A which would have uncontrolled emissions of 10 tons annually.
3. Authorization to assess fees in the amount of \$100 for the permit Application Investigation and Permit Issuance or Denial Fee, and \$50 for the Annual Compliance Determination Fee for sources which are determined by the Department to require a permit.
4. Major reorganization of Table A including the addition of new source categories.

Director's Recommendation

The Director recommends that the Department conduct a public hearing for the purposes of amending OAR, 340, Sections 20-033.02 through 20-033.20, and Table A appended thereto at 10:00 a.m. on November 27, 1973, in the Auditorium of the Public Service Building in Portland.



DARMUID F. O'SCANNLAIN

HHB:en

10/10/73

## AIR CONTAMINANT DISCHARGE PERMITS

[ED. NOTE: Unless otherwise specified, sections 20-033.02 through 20-033.20 of this chapter of the Oregon Administrative Rules Compilation were adopted by the Department of Environmental Quality July 28, 1972, and filed with the Secretary of State August 31, 1972 as DEQ 47.]

20-033.02 PURPOSE. The purpose of these regulations is to prescribe the requirements and procedures for obtaining Air Contaminant Discharge Permits pursuant to [Chapter 406, Oregon Laws 1971] ORS 449.727 to 449.739 and related statutes for stationary sources.

20-033.04 DEFINITIONS. As used in these regulations unless otherwise required by context:

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

(2) "Commission" means Environmental Quality Commission.

(3) "Person" means the United States Government and agencies thereof, a n y state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatever.

(4) "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by the Department or Regional Authority in accordance with duly adopted procedures, which by its conditions authorizes the permittee to construct, install, modify or operate specified facilities, conduct specified activities, or emit, discharge or dispose of air contaminants in accordance with specified practices, limitations or prohibitions.

(5) "Regional Authority" means the [Columbia-Willamette Air Pollution Authority,] Mid-Willamette Valley Air Pollution Authority [,] or the Lane Regional Air Pollution Authority.

[20-033.06 NOTICE POLICY. It shall be the policy of the Department of Environmental Quality and the Regional Authorities to issue public notice as to the receipt of an application within 15 days after the application is accepted for filing.

The public notice shall allow 30 days for written comment from the public and from interested S t a t e and Federal agencies.]

20-033.06 NOTICE POLICY. It shall be the policy of the Department of Environmental Quality and Regional Authority to issue public notice as to the intent to issue an Air Contaminant Discharge Permit allowing at least 30 days for written comment from the public, and from interested State and Federal agencies, prior to issuance of the permit.

20-033.08 PERMIT REQUIRED. (1) Air contaminant discharge permits shall be obtained for the air contaminant sources, including those processes and activities directly related or associated thereto which are listed in Table A, appended hereto and incorporated therein by reference [ , ] . [in accordance with the schedules set forth in subsections (2), (3), (4), and (5) of this section.]

(2) No person shall, without first obtaining a permit from the Department or Regional Authority, construct, install, establish, develop or operate any air contaminant source not listed in Table A which would emit:

- (a) 10 tons or more per year, if the source were to operate uncontrolled, of any air contaminants including, but not limited to, particulates, SO<sub>x</sub>, NO<sub>x</sub>, or hydrocarbons; or
- (b) at the discretion of the Department or Regional Authority, any malodorous odors.

(3) Any source listed in Table A may apply to the Department or Regional Authority for a special letter permit if operating a facility with no, or insignificant, air contaminant discharges. The determination of applicability of this special permit shall be made solely by the Department or Regional Authority having jurisdiction. If issued a special permit, the Application Investigation and Permit Issuing or Denying Fee and/or Annual Permit Compliance Determination Fee, provided by Section 20-033.12, may be waived by the Department or Regional Authority.



[(2) No person shall construct, install, establish develop or operate any new air contaminant source listed in Table A appended hereto without first obtaining a permit from the Department or Regional Authority.]

[(3) After January 1, 1973, no person shall operate any air contaminant source (a) through (l) as listed in Table A appended hereto, or discharge, emit or allow any air contaminant from said source except as may be authorized by a currently valid permit from the Department or Regional Authority.]

[(4) After July 1, 1973, no person shall operate any air contaminant source (m) through (hh) as listed in Table A appended hereto, or discharge, emit or allow any air contaminant from said source except as may be authorized by a currently valid permit from the Department or Regional Authority.]

[(5) After January 1, 1974, no person shall operate any air contaminant source (ii) through (uu) as listed in Table A appended hereto, or discharge, emit or allow any air contaminant from said source except as may be authorized by a currently valid permit from the Department or Regional Authority.]

20-033.10 MULTIPLE-SOURCE PERMIT. When a single site includes more than one of the air contaminant sources listed in Table A, a single permit may be issued including all sources located at the site. [Such] For uniformity such [permits] applications shall separately identify by subsection each air contaminant source included from Table A.

[Applications for multiple-source permits will not be received by the Department or Regional Authority for processing without

prior written agreement between the permit issuing agency and the applicant concerning the overall merit of issuing a multiple-source permit for the site under consideration.]

(1) When a single air contaminant source which is included in a multiple-source permit, is subject to permit modification, revocation, suspension or denial, such action by the Department or Regional Authority shall only affect that individual source without thereby affecting any other source subject to that permit.

(2) When a multiple-source permit includes air contaminant sources subject to the jurisdiction of the Department and a Regional Authority, the Department may require that it shall be the permit issuing agency. In such cases, the Department and the Regional Authority shall otherwise maintain and exercise all other aspects of their respective jurisdictions over the permittee.

20-033.12 FEES. (1) All persons required to obtain a permit shall be subject to a three-part fee consisting of a uniform non-refundable Filing Fee of \$25.00, a variable Application Investigation and Permit Issuing or Denying Fee and a variable Annual Permit Compliance Determination Fee. The amount equal to the Filing Fee and the Application Investigation and Permit Issuing or Denying Fee shall be submitted as a required part of the application. The Annual Permit Compliance Determination Fee shall be paid prior to issuance of the actual permit.

(2) The fee schedule contained in the listing of air contaminant sources listed in Table A appended hereto shall be applied to determine the variable permit fees.

(3) The Filing Fee and Application Investigation and Permit Issuing or Denying Fee shall be submitted with each application for a new permit, modified permit, or renewed permit.

(4) Modifications of existing, unexpired permits which are instituted by the Department or Regional Authority due to changing conditions or standards, receipts of additional information or any other reason pursuant to applicable statutes and do not require re-filing or review of an application or plans and specifications

shall not require submission of the Filing Fee or the Application Investigation and Permit Issuing or Denying Fee.

(5) Applications for multiple-source permits received pursuant to Section 20-003.10 shall be subject to a single \$25.00 Filing Fee. The application Investigation and Permit Issuing or Denying Fee and Annual Permit Compliance Determination Fee for multiple-source permits shall be equal to the total amounts required by the individual sources involved, as listed in Table A.

(6) At least one Annual Permit Compliance Determination Fee shall be paid prior to final issuance of a permit. Thereafter, the Annual Permit Compliance Determination Fee shall be paid at least 30 days prior to the start of each subsequent permit year. Failure to timely remit the Annual Permit Compliance Determination Fee in accordance with the above shall be considered grounds for not issuing a permit or revoking an existing permit.

(7) If a permit is issued for a period less than one (1) year, the applicable Annual Permit Compliance Determination Fee shall be equal to the full annual fee. If a permit is issued for a period greater than 12 months, the applicable Annual Permit Compliance Determination Fee shall be prorated by multiplying the Annual Permit Compliance Determination Fee by the number of months covered by the permit and dividing by twelve (12).

(8) In no case shall a permit be issued for more than five (5) years.

(9) Upon accepting an application for filing, the Filing Fee shall be considered as non-refundable.

(10) The Application Investigation and Permit Issuing or Denying Fee need not be submitted upon notice in writing by the permit issuing agency or shall be refunded when submitted with applications for modified or renewed permits if the following conditions exist:

(a) The modified or renewed permit is essentially the same as the previous permit.

(b) The source or sources included are in compliance with all conditions of the modified or renewed permit.

(11) When an air contaminant source which is in compliance with the rules of a permit issuing agency relocates or pro-

poses to relocate its operation to a site in the jurisdiction of another permit issuing agency having comparable control requirements, application may be made and approval may be given for an exemption of the Application Investigation and Permit Issuing or Denying Fee. The permit application and the request for such fee reduction shall be accompanied by (1) a copy of the permit issued for the previous location, and (2) certification that the permittee proposes to operate with the same equipment, at the same production rate, and under similar conditions at the new or proposed location. Certification by the agency previously having jurisdiction that the source was operated in compliance with all rules and regulations will be acceptable should the previous permit not indicate such compliance.

(12) If a temporary or conditional permit is issued in accordance with adopted procedures, fees submitted with the application for an air contaminant discharge permit shall be retained and be applicable to the regular permit when it is granted or denied.

(13) Sources required to obtain a permit under Section 20-033.08 (2) not included in Table A shall be subject to, in addition to the Filing Fee of \$25.00, the following fee schedule to be applied in each case by the Department based upon the anticipated cost of issuing or denying the permit, and of compliance inspections:

Schedule	Application Investigation and Permit Issuing or Denying Fee	Annual Permit Compliance Determination Fee
if low cost	\$ 25	\$ 25
if medium cost	150	100
if high cost	450	325

(14) [(13)] All fees shall be made payable to the permit issuing agency. [and shall be deposited in the State Treasury by the Department of Environmental Quality to the credit of the Department of Environmental Quality Air Emission Permit Account which is continuously appropriated for the purpose of funding the air contaminant discharge permit program covered by these regulations.]

20-033.14 PROCEDURES FOR OBTAINING PERMITS. Submission and processing of applications for permits and issuance, denial, modification, and revocation of permits shall be in accordance with duly adopted procedures of the permit issuing agency.

20-033.16 OTHER REQUIREMENTS. (1) No person shall construct, install, establish, modify or enlarge any air contaminant source listed in Table A or facilities for controlling, treating, or otherwise limiting air contaminant emissions from air contaminant sources listed in Table A without notifying the permit issuing agency as required by ORS 449.712 and rules promulgated thereunder.

(2) Prior to construction, installation, establishment, modification or enlargement of any air contaminant source listed in Table A or facilities for controlling, treating, or otherwise limiting air contaminant emissions from air contaminant sources listed in Table A, detailed plans and specifications shall be submitted to and approved in writing by the Department or Regional Authority upon request as required by ORS 449.712 and rules promulgated thereunder.

20-033.18 REGISTRATION EXEMPTION. Air contaminant sources constructed and operated under a permit issued pursuant to these regulations may be exempted from Registration as required by rules adopted pursuant to ORS 449.707.

20-033.20 PERMIT PROGRAMS FOR REGIONAL AIR POLLUTION AUTHORITIES. Subject to the provisions of this section 20-033.20, the Environmental Quality Commission authorizes each Regional Authority to issue air contaminant discharge permits for air contamination sources within its jurisdiction.

(1) A Regional Authority's permit program, including proposed permits and proposed revised permits, shall be submitted to the Environmental Quality Commission for review and approval prior to final adoption by the Regional Authority. Each permit issued by a Regional Authority shall by its conditions authorize the permittee to construct, install, modify or operate specified facilities, conduct specified activities, or emit, discharge or dispose of air contaminants in accordance with specified practices, limitations, or prohibitions.

(2) Each permit proposed to be issued or revised by a Regional Authority shall be submitted to the Department of Environmental Quality at least fourteen (14) days prior to the proposed issuance date. Within the fourteen (14) day period, the Department shall give written notice to the Regional Authority of any objection the Department has to the proposed permit or revised permit or its issuance. No permit shall be issued by a Regional Authority unless all objections thereto by

the Department shall be resolved prior to its issuance. If the Department does not make any such objection, the proposed permit or revised permit may be issued by the Regional Authority.

(3) If there is an objection by the Department regarding a proposed or revised permit, the Department shall present its objection before the Board of the Regional Authority in question prior to the issuance of a final permit.

(4) If as a result of objection by the Department regarding a proposed or revised permit, the Regional Authority is unable to meet the time provisions of either this regulation or those contained in an existing permit, the Regional Authority shall

issue a temporary permit for a period not to exceed 90 days.

(5) The Regional Authority shall give written notice to the Department of its intention to deny an application for a permit, not to renew a permit, or to revoke or suspend any existing permit.

(6) A copy of each permit issued or revised by a Regional Authority pursuant to this section shall be promptly submitted to the Department.

[(7) The Regional Authority shall prepare and submit to the Department a summary listing of air contaminant sources currently in violation of issued permits. These reports shall be made on a quarterly basis commencing April 1, 1973.]

PROPOSED CHANGES TO  
TABLE A - AIR CONTAMINANT SOURCES AND  
ASSOCIATED FEE SCHEDULE

	<u>Air Contaminant Source</u>	<u>Standard Industrial Classification Number</u>	<u>Application Investigation and Permit Issuing or Denying Fee</u>	<u>Annual Permit Compliance Determination Fee</u>
<u>1.</u>	[a] Asphalt production by distillation	2951	\$ 75	\$ 50
<u>2.</u>	[b] Asphalt blowing plants	2951	100	75
<u>3.</u>	[c] Asphaltic concrete paving plants	2951	100	100
<u>4.</u>	[d] Asphalt felts and coating	2952	150	100
<u>5.</u>	[e] Calcium carbide manufacturing	2819	225	150
<u>6.</u>	[f] Alkalies and chlorine manufacturing	2812	225	175
<u>7.</u>	[g] Nitric acid manufacturing	2819	100	75
<u>8.</u>	[h] Ammonia manufacturing	2819	200	125
<u>9.</u>	[i] Secondary lead smelting	3341	225	175
<u>10.</u>	[j] Rendering plants	2094	150	100
<u>11.</u>	[k] Coffee roasting	2095	100	75
<u>12.</u>	[l] Sulfite pulp and paper production	2611 2621 2631	300	175
	[m] [Grain mill products located in Special Control Areas]	[2041] [2042]		
	[10,000 or more T/yr.]		[250]	[150]
	[less than 10,000 T/yr.]		[50]	[50]
<u>13.</u>	<u>Flour and other grain mill products in Special Control Areas</u>	<u>2041</u>		
	<u>a. 10,000 or more T/yr.</u>		<u>250</u>	<u>150</u>
	<u>b. Less than 10,000 T/yr.</u>		<u>50</u>	<u>50</u>

Table A Continued

	<u>Air Contaminant Source</u>	<u>Standard Industrial Classification Number</u>	<u>Application Investigation and Permit Issuing or Denying Fee</u>	<u>Annual Permit Compliance Determination Fee</u>
<u>14.</u>	<u>Prepared feeds for animals and fowls in Special Control Areas.</u>	<u>2042</u>		
	a. <u>10,000 or more T/yr.</u>		\$ <u>250</u>	\$ <u>150</u>
	b. <u>Less than 10,000 T/yr.</u>		<u>50</u>	<u>50</u>
<u>15.</u>	<u>Cereal preparations in Special Control Areas.</u>	<u>2043</u>	<u>250</u>	<u>150</u>
<u>16.</u>	<u>Blended and prepared flour in Special Control Areas.</u>	<u>2045</u>		
	a. <u>10,000 or more T/yr.</u>		<u>250</u>	<u>150</u>
	b. <u>Less than 10,000 T/yr.</u>		<u>50</u>	<u>50</u>
[n]	[Grain elevators located in Special Control Areas]	[4221]		
	[20,000 or more T/yr.]		[150]	[100]
	[Less than 20,000 T/yr.]		[50]	[50]
<u>17.</u>	<u>Grain elevators - storage only located in Special Control Areas.</u>	<u>4221</u>		
	a. <u>20,000 or more T/yr.</u>		<u>150</u>	<u>100</u>
	b. <u>Less than 20,000 T/yr.</u>		<u>50</u>	<u>50</u>
<u>18.</u>	<u>Grain elevators - primarily engaged in buying and/or marketing grain - in Special Control Areas.</u>	<u>5053</u>		
	a. <u>20,000 or more T/yr.</u>		<u>300</u>	<u>225</u>
	b. <u>Less than 20,000 T/yr.</u>		<u>50</u>	<u>50</u>
<u>19.</u>	[o] <u>Redimix concrete.</u>	<u>3273</u>	<u>75</u>	<u>50</u>
<u>20.</u>	[p] <u>Plywood manufacturing</u>	<u>2432</u>	<u>150</u>	<u>100</u>
<u>21.</u>	[q] <u>Veneer manufacturing (not elsewhere included)</u>	<u>2434</u>	<u>75</u>	<u>75</u>
<u>22.</u>	[r] <u>Particleboard manufacturing</u>	<u>2492</u>	<u>300</u>	<u>150</u>
<u>23.</u>	[s] <u>Hardboard manufacturing</u>	<u>2493</u>	<u>200</u>	<u>100</u>
<u>24.</u>	[t] <u>Charcoal manufacturing</u>	<u>2861</u>	<u>200</u>	<u>100</u>
<u>25.</u>	[u] <u>Battery separator manufacturing</u>	<u>2499</u>	<u>75</u>	<u>50</u>
	[v] <u>[Furniture and fixtures 100 or more employees]</u>	[2511]	[125]	[100]
<u>26.</u>	<u>Battery manufacturing</u>	<u>3691</u>	<u>100</u>	<u>75</u>

Table A continued

	<u>Air Contaminant Source</u>	<u>Standard Industrial Classifica- tion Number</u>	<u>Application Investigation and Permit Issuing or Denying Fee</u>	<u>Annual Permit Compliance Determina- tion Fee</u>
<u>27.</u>	<u>Furniture and fixtures</u>	<u>2511</u>		
	<u>a. 100 or more employees</u>		\$ <u>125</u>	\$ <u>100</u>
	<u>b. 10 employees or more but less than 100 employees</u>		<u>75</u>	<u>50</u>
<u>28.</u>	[w] Glass manufacturing	3231	100	75
<u>29.</u>	[x] Cement manufacturing	3241	300	150
<u>30.</u>	[y] Lime manufacturing	3274	150	100
<u>31.</u>	[z] Gray iron and steel foundries	3321 3323		
	<u>a. 3,500 or more tons per year production</u>		300	150
	<u>b. Less than 3,500 tons per year production</u>		100	100
<u>32.</u>	[aa] Steel works, rolling and finishing mills	3312	300	175
	[bb] [Incinerators (not else- where included) more than 2,000 lb/hr. capacity]		[100]	[100]
<u>33.</u>	<u>Incinerators</u>			
	<u>a. Greater than 4,000 lbs/hr capacity</u>		<u>100</u>	<u>100</u>
	<u>b. 40 lb/hr to 4,000 lb/hr capacity</u>		<u>75</u>	<u>75</u>
	[cc] [Fuel burning equipment (not elsewhere included) Residual oil 5 million or more btu per hour (heat input) Wood fired 5 million or more btu per hour (heat input)]	[4961]	[100] [100]	[50] [50]

Table A.continued

	<u>Air Contaminant Source</u>	<u>Standard Industrial Classifica- tion Number</u>	<u>Application Investigation and Permit Issuing or Denying Fee</u>	<u>Annual Permit Compliance Determina- tion Fee</u>
<u>34.</u>	<u>Fuel burning equipment</u>	<u>4961*</u>		
	<u>a. Residual oil</u>			
	1) <u>250 million or more btu/hr. (heat input)</u>		\$ <u>150</u>	\$ <u>100</u>
	2) <u>5 million or more but less than 250 million btu/hr. (heat input)</u>		<u>100</u>	<u>50</u>
	3) <u>Less than 5 million btu/hr. (heat input)</u>		<u>25</u>	<u>25</u>
	<u>b. Distillate oil</u>			
	1) <u>250 million or more btu/hr. (heat input)</u>		<u>150</u>	<u>100</u>
	2) <u>5 million or more but less than 250 million btu/hr. (heat input)</u>		<u>25</u>	<u>25</u>
	<u>c. Wood fired</u>			
	1) <u>250 million or more btu/hr. (heat input)</u>		<u>150</u>	<u>100</u>
	2) <u>5 million or more but less than 250 million btu/hr. (heat input)</u>		<u>100</u>	<u>50</u>
	3) <u>Less than 5 million btu/hr. (heat input)</u>		<u>25</u>	<u>25</u>
	<u>d. Coal fired</u>			
	1) <u>250 million or more btu/hr. (heat input)</u>		<u>150</u>	<u>100</u>
	2) <u>5 million or more but less than 250 million btu/hr. (heat input)</u>		<u>100</u>	<u>50</u>
	3) <u>Less than 5 million btu/hr. (heat input)</u>		<u>25</u>	<u>25</u>

NOTE: The above fees shall be increased by 20% to cover costs of multiple device installations.

\*Not limited to fuel burning equipment generating steam for sale but excluding power generation (SIC 4911)



Table A continued

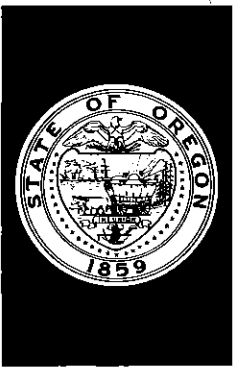
	<u>Air Contaminant Source</u>	<u>Standard Industrial Classifica- tion Number</u>	<u>Application Investigation and Permit Issuing or Denying Fee</u>	<u>Annual Permit Compliance Determina- tion Fee</u>
<u>35.</u>	[dd] Primary smelting and refin- ing of ferrous and nonfer- rous metals not elsewhere classified	3313 3339		
	<u>a.</u> 2,000 or more tons per year production		\$ 300	\$ 175
	<u>b.</u> Less than 2,000 tons per year production		100	75
<u>36.</u>	[ee] Synthetic resin manufacturing	<u>2821</u> [2831]	100	100
<u>37.</u>	[ff] Seed cleaning located in Special Control Areas (not elsewhere included)	0719	0	0
<u>38.</u>	[gg] Kraft pulp and paper production	2611 2621 2631	300	175
<u>39.</u>	[hh] Primary aluminum production	3334	300	175
<u>40.</u>	[ii] Industrial inorganic and organic chemicals manu- facturing (not elsewhere included)	2810	250	125
<u>41.</u>	[jj] Sawmill and planing	2421		
	<u>a.</u> 25,000 or more bd.ft./shift		75	50
	<u>b.</u> Less than 25,000 bd.ft./shift		25	25
	[kk] [Mill work]	[2431]	[75]	[50]
<u>42.</u>	<u>Mill work with 10 employees or more</u>	<u>2431</u>	<u>75</u>	<u>50</u>
	[ll] [Furniture and fixtures less than 100 employees]	[2511]	[75]	[50]
<u>43.</u>	[mm] Minerals, earth and rock ground or otherwise treated [(not elsewhere included)]	3295 <u>1442</u>	100	75

Table A continued

	<u>Air Contaminant Source</u>	<u>Standard Industrial Classification Number</u>	<u>Application Investigation and Permit Issuing or Denying Fee</u>	<u>Annual Permit Compliance Determination Fee</u>
<u>44.</u>	[nn] Brass and bronze foundries	3362	\$ 75	\$ 50
<u>45.</u>	[oo] Aluminum foundries (not elsewhere included)	3361	75	50
<u>46.</u>	[pp] <u>Galvanizing and pipe coating - exclude all other activities</u>	3479	75	50
<u>47.</u>	[qq] <u>Smoke houses with 5 or more employees</u>	2013	75	50
<u>48.</u>	[rr] Herbicide manufacturing	2879	225	175
<u>49.</u>	[ss] <u>Building paper and building board mills [(not elsewhere included)]</u>	2661	150	100
	[tt] [Incinerators (not elsewhere included) 2,000 to 4,000 pounds per hour capacity)]		[75]	[75]
	[uu] Fuel burning equipment (not elsewhere included)	[4961]		
	Residual oil less than 5 million btu/hr (heat input)		[25]	[25]
	Distillate oil 5 million or more btu/hr (heat input)		[25]	[25]
	Wood fired less than 5 million btu/hr (heat input)]		[25]	[25]
<u>50.</u>	<u>Hardwood mills</u>	<u>2426</u>	<u>50</u>	<u>25</u>
<u>51.</u>	<u>Shake and shingle mills</u>	<u>2429</u>	<u>50</u>	<u>25</u>
<u>52.</u>	<u>Beet sugar manufacturing</u>	<u>2063</u>	<u>150</u>	<u>100</u>
<u>53.</u>	<u>Electroplating, polishing and anodizing with 5 or more employees</u>	<u>3471</u>	<u>75</u>	<u>50</u>

Table A continued

	<u>Air Contaminant Source</u>	<u>Standard Industrial Classifica- tion Number</u>	<u>Application Investigation and Permit Issuing or Denying Fee</u>	<u>Annual Permit Compliance Determina- tion Fee</u>
<u>54.</u>	<u>Electric power generation</u>	<u>4911</u>	<u>\$ 350</u>	<u>\$ 225</u>
<u>55.</u>	<u>Gas production and/or manufacturing</u>	<u>4925</u>	<u>350</u>	<u>225</u>
<u>56.</u>	<u>Petroleum refining</u>	<u>2911</u>	<u>450</u>	<u>325</u>
<u>57.</u>	<u>Wood Preserving</u>	<u>2491</u>	<u>75</u>	<u>50</u>



## ENVIRONMENTAL QUALITY COMMISSION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5696

TOM McCALL  
GOVERNOR

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Chairman, McMinnville

GRACE S. PHINNEY  
Corvallis

PAUL E. BRAGDON  
Portland

MORRIS K. CROTHERS  
Salem

ARNOLD M. COGAN  
Portland

—  
DIARMUID F. O'SCANNLAIN  
Director

October 22, 1973

### SUGGESTED MOTION

Agenda Item No. F

I move approval of the Director's recommendation of today concerning the reorganization and decentralization of the Department of Environmental Quality.



## ENVIRONMENTAL QUALITY COMMISSION

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DIARMUID F. O'SCANNLAIN  
Director

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, October 22, 1973, EQC Meeting

Proposed Reorganization and Decentralization  
of the Department of Environmental Quality

### Background

The attachment to this memorandum, entitled "Reorganization and Decentralization," perhaps sufficiently outlines a major program designed to meet a number of objectives. Those objectives are a compendium of mandates, recommendations, and -- in some cases -- expressed wishes of the Environmental Quality Commission, the Governor's office, the Oregon Legislature, and numerous individuals and groups from both the private and public sectors of Oregon.

By and large, the thoughts and recommendations submitted to me in these past months have been consistent and compatible. Outlining the objectives, therefore, has been relatively easy. Developing a program to meet those objectives has not been easy.

With the help of a number of people, notably members

of the DEQ staff and representatives of the legislatively assigned study team from the Executive Department, an organization capable of meeting those objectives has been coming together. The scope of required change -- and the time frame in which to execute such change -- precluded anything less than reorganization.

Change is inevitably disruptive. Because this is so, it would have been better had the changes proposed to you today come quickly after my arrival. It could not -- with its dependency on legislative actions, federal actions, and with the desire to do the task well with little or no adverse effect on the sound and effective programs of this agency.

We have all paid for that delay with the insecurities and confusion that attend the awaiting of the unknown. This has been very hard on the DEQ staff; it has been very hard on me.

The results, however, should quickly heal the uncertainties of the past. Essentially, the new organization brings to quick realization what some, if not all, of you and the DEQ staff had hoped to see emerge. A beefed-up field organization, closer, better relationships with our several publics, improved coordination and communications -- these are outputs which this program, if implemented, can deliver in the coming months.

The reorganization focuses on this agency's future needs with respect to environmental demands and what might

be termed changing attitudes toward environmental quality and control. There is no doubt in my mind, and I suspect the view is shared, that we are leaving that period of time when environment seemed the be-all and end-all of public thought and concern. We are already being increasingly questioned and challenged with regard to the environmental necessities of what we do.

Fortunately, the EQC's direction and DEQ's implementation have consistently been reasoned and reasonable. We have attempted to make the new organization fully reflect that approach to Oregon's environmental problems and aspirations. Our intent is to be so close to our publics, and so open with them, that understanding and acceptance of our mission will continue to encourage and merit public support.

### Conclusions

We have moved forward in our planning and implementation only far enough to satisfy ourselves that the new DEQ structure is sound, in keeping with effective management principles, and reasonable in its approach to the objectives.

While the director has authority to organize and reorganize, as a practical matter he must clear changes of such magnitude through the Oregon Legislature, in this case, the Emergency Board. We believe, incidentally, that our recommendations with regard to personnel and

costs will fall within the provisions of the last regular session of the Legislature. We therefore anticipate Emergency Board acceptance of what we seek.

Yet before we approach the Emergency Board, we are anxious to gain your approval and acceptance of our program. We are obviously first responsible to you, our governing body. We have attempted in this proposed reorganization to meet the needs you have seen, and to increase our facility to do so.

Director's Recommendation

I therefore recommend that the Commission authorize my proceeding with the reorganization and decentralization of the DEQ consistent with the outlined objectives and directions, and approve our request to approach the Emergency Board with this proposal.

  
DIARMUID F. O'SCANNLAIN

Attachment



DEPARTMENT OF ENVIRONMENTAL QUALITY  
Reorganization and Decentralization

I. WHY THE CHANGE?

Essentially, the regionalizing of DEQ is the natural result of Oregon's environmental evolution and the need for DEQ to respond to it. While this agency has had district offices in the field, direction and decision-making has largely come from DEQ headquarters in Portland. Yet the problems in the field have become intensely regional in nature -- requiring intimate knowledge by the decision-makers of the unique characteristics of a given region.

The volume of environmental problems and programs has steadily grown. With greater participation by local governments and their designates in environmental problem solving, the need has grown for on-the-spot answers and guidance, for prompt response by DEQ, both to maintain local and regional government incentive and to meet budget, grant, and other deadlines arising in a region. Surveillance of the many projects proposed and underway requires better on-the-spot coverage.

Environmental attention must increasingly turn to the individual citizen as a major source of environmental damage. This, coupled with the individual citizen's increasing participation in all matters environmental, calls for better access to and closer participation by this agency.

The potential of regional operations has been recognized in state government -- through regional air authorities and through other state agency regionalizations. Aside from more effective coverage of our responsibilities in the State, a regional organization permits better distribution of work, more opportunities for advancement in the field, and more authority and responsibility to those most knowledgeable on the day-to-day environmental work.

II. PLANNING FOR THE CHANGE

The on-going activities of the DEQ make it obvious that there is no appropriate time, now or in the future, which would readily accommodate a restructuring of the agency. By the same token, new responsibilities -- such as subsurface sewage and motor vehicle emission inspection -- plus legislative authorization to bring on a significant increase in much needed staff make now the most expeditious time for change.

Staff, while questioning the need for change ("we can accomplish the job if we get the people we need"), the need for change now ("too much going on"), and the speed of change ("hiring and training new people takes time"), nonetheless provided a reasoned planning analysis for change.

Discussions with staff indicated fundamental points of agreement. These included: 1) that the program should result in increased field staffing; 2) that the biggest problem would be to bring the needed people on board; and 3) that shifting to a decentralized operation would require phasing-in, particularly on such major programs as permits.

E. J. Weathersbee developed and assembled a report entitled "DEQ Reorganization" (9/26/73). A synthesis of the input of several key staff members, this report became the guide for development of the program. Recommendations of the report were weighed against the Director's objectives, while implementing procedures were analyzed for potential effectiveness in meeting those goals. In this latter effort, the Director was assisted by members of a legislatively assigned study team from the Executive Department.

The result is a program somewhat different from what anyone might have initially imagined. Commitment to the staff report is on the magnitude of perhaps 85 percent. Some differences, such as the decision to create five regions by enlarging responsibilities and organization of the existing district structure -- rather than the three regions proposed by staff -- actually enhance the staff proposals.

Emphasis on staff input to the structuring of the reorganization, from the beginning, has been acknowledged as essential to the program's success. Developing mandates, changing emphases, and specific, new assignments have and will continue to come from the public, the Legislature, the Governor, and the Environmental Quality Commission. These require responsiveness of the Director. He, of course, is dependent not only on the technical competence of the DEQ staff, but on its cooperation and support. In return, he must be able to offer his staff incentives, rewards, and an "environment" which facilitates staff efforts. The new program contains these ingredients.

NOTE:

The following description points the direction in which the reorganization is being developed. Since shifting of personnel and funds requires legislative approval, the following is tentative. It reflects the nature of the changes shortly to be proposed to the Environmental Quality Commission and the Emergency Board.

### III. THE REORGANIZATION ITSELF

1. Regionalization is designed to bring the DEQ closer to the people, local and regional government, and the entire private sector. It, in effect, puts more people in the field, where the needs are. Decentralization takes this process one step further. It places authority and responsibility in the field so that decision-making can reflect local and regional conditions, so that inputs from the various publics can be more direct, and so that decisions can be more responsive and timely.

The creation of five regions, using existing district offices as the regional headquarters, forms the nucleus of the program. A regional administrator in each represents the Director on an operational basis. His assignment is to both insure the implementing of the Director's policies in the field, and to delegate to the farthest reaches of his staff that authority and responsibility necessary to meet the needs of each locale in his region. His staff in time will develop a fuller understanding of the specific ecology at work in the area -- not possible when such staffs work on a statewide basis from a central headquarters. His staff will work directly with local and regional inputs undiluted by transmission to a remote hierarchy.

Coordination between Headquarters and the Regions will initially be done through an assistant director of Enforcement at Headquarters. He will also develop the necessary continuity between Regions, assuring that the same EQC policies are being applied uniformly throughout the State. Ultimately, the need for such coordination will cease; regional administrators working in consort with the Director will be sufficient. The assistant director at that time will continue in a growing responsibility -- the insurance of compliance with statutes and permit conditions by those subject to such requirements. A small unit, Investigations and Compliance, is established to assist the Regions in this area.

The DEQ Laboratories, by nature of its work, is directly associated with the regional operations program. Major effort in this area continues to be the acquisition of a new central laboratory.

2. Three major programs become the principal support of the agency's operations. "Air Quality" and "Water Quality" as program titles, continue. The former contains Air Quality Control, Noise Control, and Motor Vehicle Control (Emission Inspection) Divisions; the latter, Water Quality Control and River Basins Divisions.

A new program heading -- "Land Quality" -- makes its debut. Under this heading are the Solid Waste and new Subsurface Sewage Divisions. This latter picks up the septic tank regulatory program from the Health Division on January 1. Funding programs to local government are being pulled together as a division under Land Quality, for better coordination and in recognition of the need to prioritize the agency's loans, grants, and bonding authority. DEQ's close association with the new Land Conservation and Development Commission prompts the creation of a Land Use Liaison Division.

Each of these programs is headed by an assistant director whose function it is to coordinate staff support of the Regions, assist the Director in the development of policies, and insure statewide environmental quality. Decentralization is perhaps better understood through noting that previously the prime decision-making activity with regard to environmental control in the field rested with such Headquarters programs. That function now rests in the Regions, freeing up the Programs for the better application of the highly specialized, highly technical skills inherent to their staffs.

3. The increased size of the DEQ and the decentralized nature of the agency call for a highly sophisticated Administration program in support. Beyond the normal administrative services, personnel, and fiscal activities of such a program are the application of management sciences, elaborate communications systems, data collecting and processing, and the swift reporting of field activities. The fifth assistant director carries these heightened administrative responsibilities. His "Operations Center" (comparable to a "war room") will provide the Director and staff with a constantly updated data display essential to those decisions remaining at the Headquarters level. Even more important, the Center will permit prompt, accurate response to emergencies in the field such as environmental upset conditions. Both federal and state programs call for many more public hearings than DEQ has required in the past. A Hearings Division will coordinate that increased responsibility.

4. "Office of the Director" embraces a group of specialists who report to the Director as special assistants. These individuals and groups bring special expertise as an essential overlay to the policy and implementation functions of the agency. Functions such as legal counsel and federal-state relations are readily understood. DEQ's Information Program is being expanded to emphasize public education on environmental matters. Obviously, the better informed Oregonians are, the more effective their input to the environmental process can be.

The Secretary to the Environmental Quality Commission, as a function, typifies the recognition of the need for

closer liaisons with those to whom the Department is responsible.

To understand the need for a special assistant for Water Policy, one simply has to look at the number of major agencies in Oregon State Government that relate to water use. DEQ impacts on all of them. DEQ is also fortunate to have on its staff one of the most widely recognized experts in this field, Ken Spies. At the request of the Governor's Office and in recognition of an importance of water policy that transcends even the DEQ's environmental responsibilities for water quality, this position is now formally recognized.

Environmental quality control is hardly applied in a vacuum; a multitude of considerations not identified as "environmental" must constantly be applied to DEQ's decision-making. Imagine, for example, making environmental decisions without regard to economic impact. Special interest groups, including those of environmentalists, increasingly provide technical input to the environmental process which require specialized research and analysis. This input involves technical specialties beyond the normal scope of environmental investigation and response. DEQ is developing a special Research and Analysis group to not only respond to such varied inputs but to anticipate them. This group symbolizes a fundamental concern of DEQ: that inherent in any environmental decision is the assurance that the decision reflects an understanding of its ramifications on all those affected.

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The attached chart summarizes the above description. It is hardly complete -- indicating nothing beyond the division level of organization and not reflecting the many essential positions that make up the DEQ. In the coming weeks and months, a fuller organization structure will be issued. Additional details with respect to phasing in specific changes will be announced shortly.

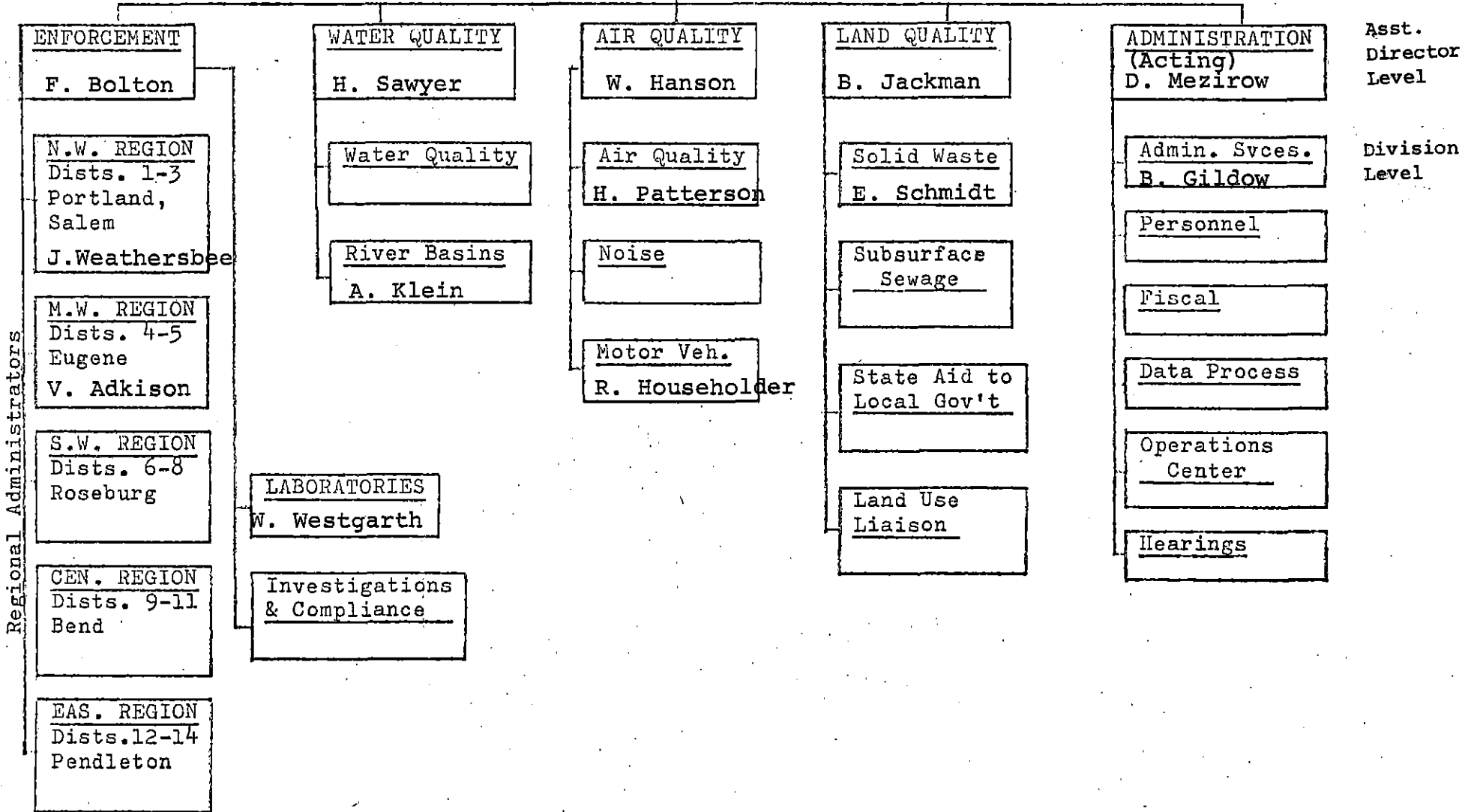
Districts noted on the chart in each Region are the State's Administrative Districts (and also represent the jurisdictions of the Councils of Government). For all DEQ Regions, the district boundaries are honored.

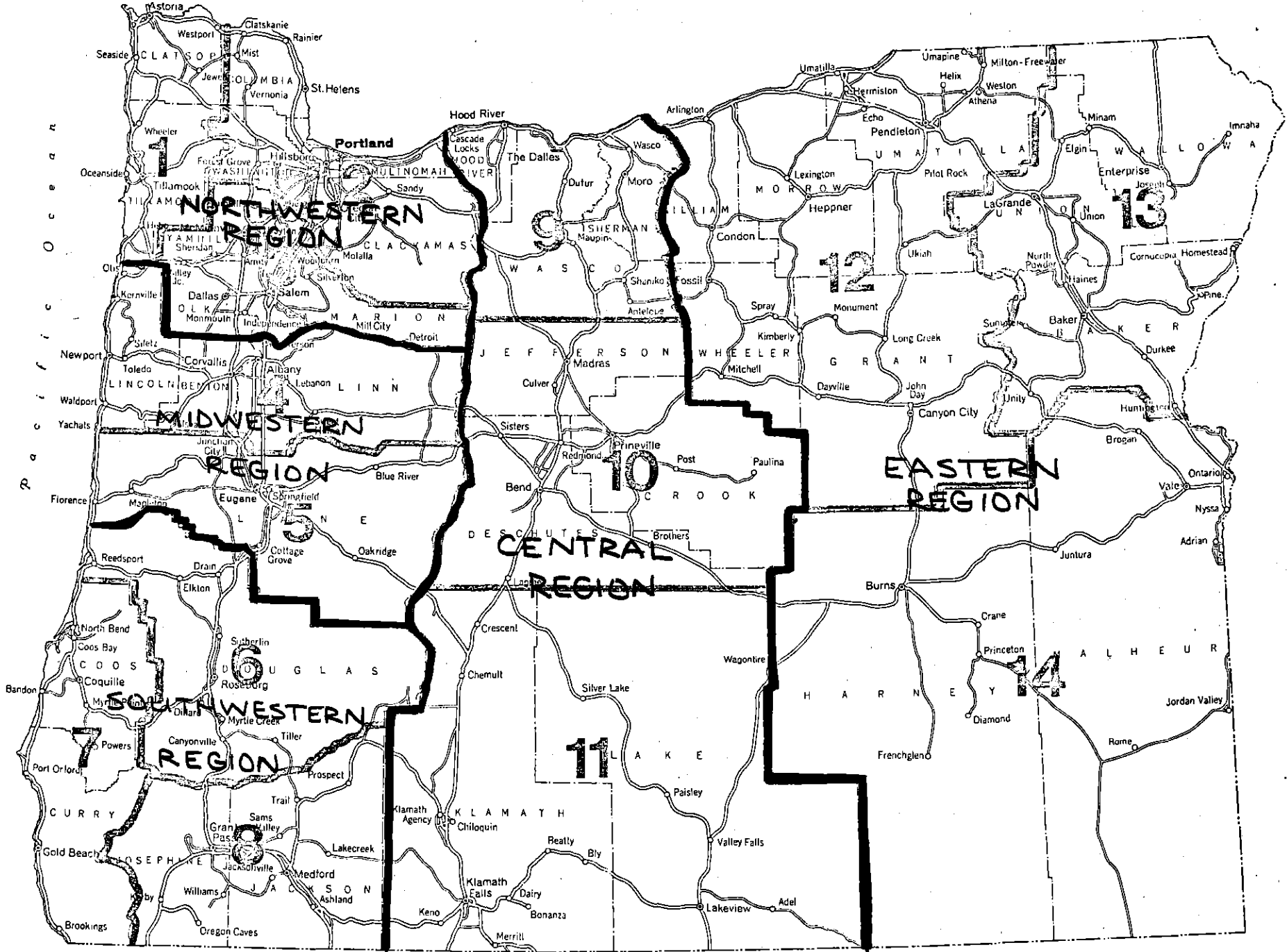
Northwestern Region is in terms of population density and environmental activity the lead region. Portland will be its headquarters; Salem remaining a district office. (As time goes on, other district offices will in all likelihood be added within the regions.) Northwestern Region is to set the pattern for the other regions (identified as Midwestern, Southwestern, Central, and Eastern). The top program man in the DEQ, E. J. Weathersbee, is the Northwestern Regional Administrator.

ENVIRONMENTAL QUALITY  
COMMISSION

DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
DIRECTOR  
DEPUTY DIRECTOR

Office of the Director  
Counsel - R. Underwood  
Sec. to EQC - Shirley Shay  
Info. & Educ. - B.J. Seymour  
Water Policy - Ken Spies  
Fed.-State Rels. - J. Vlastelicia  
Research & Analysis - Bob Gay





# State of Oregon DISTRICTS

Office of the Governor

— district boundary  
**5** district number

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WU AGCY PEN

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STRONGLY OPPOSE REORGANIZATION PROPOSAL PLACING LINN-BENTON

COUNTIES IN LANE REGIONAL URGE RECONSIDERATION OF PROPOSAL AND/OR

HEARINGS IN AFFECTED AREAS

CHARLES F KIZER

WU TXA PTL +

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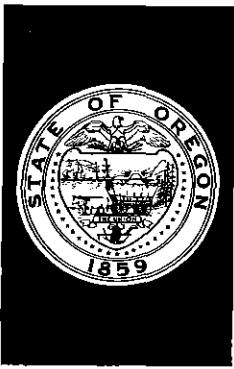
WITH LANE REGION PERMIT STUDY OF PROPOSAL WITH LOCAL TESTIMONY

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## ENVIRONMENTAL QUALITY COMMISSION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5696

TOM McCALL  
GOVERNOR

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Chairman, McMinnville

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MORRIS K. CROTHERS  
Salem

ARNOLD M. COGAN  
Portland

DIARMUID F. O'SCANNLAIN  
Director

### MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item G, EQC Meeting, October 22, 1973

Environmental Status Report on Jefferson County

### BACKGROUND

1. Because of strong evidence that development of certain areas within Jefferson County was getting ahead of water supply and sewage disposal capabilities and because land use conflicts between animal feedlot operations and subdivision locations were occurring, Jefferson County officials on December 8, 1972 requested that Governor McCall declare a moratorium on all subdivision in the county. The purpose of the proposed moratorium was to give the county time to adopt a comprehensive land use plan, a zoning ordinance, and a new subdivision ordinance. The Governor then sent letters to the Jefferson County Board of Commissioners stating his concurrence with the moratorium request and pledging state support. The Governor also instructed the State Health Division (SHD) and the Department of Environmental Quality (DEQ) to review environmental problems in Jefferson County, particularly with regard to the sewerage and subsurface disposal situation, and water supply.

2. Since the SHD presently has statutory jurisdiction over water supplies, the report prepared by DEQ deals mostly with surface and subsurface sewage disposal matters within the cities and adjacent unincorporated areas and with confined animal feedlot operations in Jefferson County. Other environmental problems, such as solid waste and air quality, are briefly considered. The county-wide sewerage situation is also reviewed. The State Health Division has prepared a separate report which deals with the adequacy of existing subsurface disposal systems and water supplies and makes recommendations for needed improvements regarding these matters.
3. Jefferson County encompasses approximately 1,800 square miles of Central Oregon lands and is bounded by Wasco, Marion, Linn, Deschutes, Crook and Wheeler counties. The stable population of the county is about 9,000, of which 3,830 people, or 42 per cent of the total population, reside in Madras, Culver, Metolius, Warm Springs, Ashwood and Camp Sherman. There was a 16.8 per cent increase in population during the 1960-1970 decade.
4. Tourist activities in the mountain and forest resort areas in the western part of the county and the Warm Springs Indian Reservation recreational areas in the northwestern part of the county account for an increase in population to approximately 11,200 during the summer months. The recent development of recreational subdivisions for skiers has caused a much lesser increase during the winter months. The trend is toward rapid local increases in both year-round and seasonal peak populations which heavily tax all water supply and sewage disposal services which are presently being provided in the county.
5. The principal industries in Jefferson County are agriculture, lumbering and recreation. Environmental problems created by agriculture and recreational activities were investigated in this status report.

6. Approximately 11 per cent of the Jefferson County stable population is presently served by the Warm Springs community sewer system and treatment facility, while the remaining 89 per cent is served by individual subsurface disposal systems (septic tanks, cesspools, pit privies and disposal wells). The percentage served by subsurface systems is increased slightly during peak population periods.
7. The average annual precipitation across the county is 10.2 inches, which occurs mostly in the winter. While the overall rainfall is light, short term high intensity storms have created some severe problems with both sewage disposal and pollution from animal feedlots. Contaminated runoff problems, however, have most often occurred during spring thawing periods. Subsurface conditions in the county consist generally of shallow soil, basaltic rock formations, perched water tables and springs, steep slopes and poor drainage characteristics, all of which are usually adverse to conventional subsurface sewage disposal. These conditions frequently have resulted in the use of sewage disposal wells in several of the more populated areas.
8. The Warm Springs Sewer System which is the only existing municipal sewerage facility in Jefferson County is scheduled for expansion during the summer of 1973; it is not considered susceptible of being expanded to serve as a regional system since the boundaries of the Warm Springs service area are well defined by steep canyon walls. However, three new municipal sewerage systems are planned for construction in the near future, namely at Madras, Metolius and Culver. Of these, only the Madras system is considered expandable to serve as a regional sewerage system.

9. The report considered the environmental status of the following areas in Jefferson County:
  - a. Madras
  - b. Warm Springs
  - c. Culver
  - d. Metolius
  - e. Camp Sherman
  - f. Other recreational areas:
    1. Olallie and Monon Lakes
    2. Suttle and Blue Lakes
    3. Lakes Simtustus and Billy Chinook
  - g. Confined animal feeding operations in rural areas.
  - h. Industrial waste discharges county wide.
  - i. Air contaminant sources county wide.
  - j. Solid waste disposal sites county wide.

#### EVALUATION

1. Conventional subsurface disposal systems for domestic sewage, consisting of a septic tank and drainfield can be found nearly anywhere in Oregon. Less common, however, are subsurface facilities consisting of a septic tank and a disposal well. A sewage disposal well, commonly termed a "drill hole" or "dry well", consists of simply a drilled hole in the earth. The depth may vary from ten feet to several hundred feet, depending upon the earth's ability to accept liquid. Thus, the drill hole approximates a water well in reverse.
2. Sewage disposal wells are commonplace in Jefferson County. This is because soil conditions suitable for drainfields are difficult to find, and because caverns and fractures in the lava terrain which will accept liquids are relatively easy to find. Such systems also require little if any maintenance. Because the proliferation of drill holes in Jefferson and other Central Oregon counties was threatening

the quality of the regional ground water, and because surface runoff was often contaminated, the State of Oregon adopted regulations to limit construction of new drill holes and to gradually phase out all drill holes with new acceptable facilities by 1980. Under this program abandoned holes are required to be sealed.

3. It was noted that recreational pressures in Jefferson County are exerted not only by attractions within the county, but also by facilities external to the county as well. For example, the Sisters recreational area including the privately owned Black Butte Ranch complex, Indian Ford, and others in Deschutes County, provide an ample supply of tourists to the Camp Sherman area. Likewise, Kah-Nee-Ta Resort on the Warm Springs Indian reservation in Wasco County contributes its share.
4. Although concentrated cattle feeding has been in existence in Oregon for many years, there seems to be a trend toward more and larger commercial feeding operations. The wastes generated at a feedlot of 5,000 head are equivalent to a town of 80,000 people in terms of the amount of Biochemical Oxygen Demand (BOD) produced. In Jefferson County most of these wastes can be handled in dry form; yet it seems to be getting more difficult to dispose of the large volumes of manure produced. In past years, these wastes were spread back on the land and plowed into the soil for soil conditioner and fertilizer. Chemical fertilizers have largely replaced manure in agricultural use because they are easier to apply and can be applied more uniformly. Manure is therefore accumulating at feedlot sites. It is being used for mounding within the pens. During spring, the upper few inches thaw, leaving a saturated mixture of manure and mud (slush) over frozen ground. If additional moisture comes during this condition, runoff is likely to occur.

CONCLUSIONS

1. Warm Springs is the only community in Jefferson County which has a sanitary sewer system and sewage treatment facilities. Madras, Culver and Metolius are in various stages of study or design with regard to sanitation facilities. Recreational growth pressures are especially great in areas other than Madras, Culver and Metolius.
2. Much of Jefferson County has potential for being developed into the new popular one-to-five acre "ranchettes," and the westernmost part of the county is vulnerable to ultimate high density recreational development.
3. Little or no sewerage planning currently exists for the intensive recreational developments. The only sewerage considerations at this time for the developments involve existing or proposed subsurface systems. Soil conditions are generally not suitable, and in no case is an adequate system available or planned.
4. The county (as of July 1973) has no adequate land use and development plan, backed up by proper implementing authority, that will assuredly produce the kind of development and overall environment in Jefferson County during the next 10, 20, and 30 years that its citizens and the citizens of Oregon want.
5. Animal feedlots have created air and water quality problems in some areas in Jefferson County. The increasing size and number of confined animal facilities are creating land use planning conflicts. Locations of animal feedlots are not being adequately regulated relative to location with respect to residential development.

REPORT RECOMMENDATIONS

1. Jefferson County, in conjunction with its land use plan, immediately adopt, implement and enforce a building code and a building permit system.
2. Jefferson County adopt a sewerage disposal policy and procedure whereby building permits would not be issued for projects that have not had prior coordinating approval of the Department of Environmental Quality for the following:
  - a. Subdivisions, condominiums, mobile home parks, and other high density developments.
  - b. Building on individual lots of less than five acres where both water supply and sewage disposal are proposed to be provided by individual systems located on the premises.
  - c. Building on individual lots of less than one acre where water supply is proposed to be provided by an approved public water supply system and where subsurface sewage disposal is proposed.
3. Jefferson County and the cities therein take the following steps to properly plan and develop a county-wide sewerage program, consistent with the county's and state's land use planning and development objectives.
  - a. Establish appropriate regional sewerage implementing authorities.
  - b. Define and formally adopt regional sewerage service area boundaries for the developing areas.
  - c. Develop detailed engineering plans for regional sewerage systems.
  - d. Adopt detailed implementation programs, time schedules, and financing schemes.

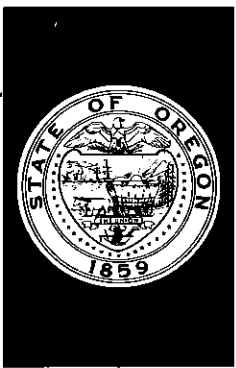


4. The State of Oregon give maximum grants and other assistance to Jefferson County and other units of local government to help them to develop and implement an adequate county-wide sewerage plan.
5. The county adopt and enforce strict zoning ordinances in areas designated by the land use and development plan to prevent the encroachment of residential, shopping, and recreational areas upon feedlots or other industries, or the encroachment of feedlots or other industries upon residential, shopping, and recreational areas. Provisions should be made for buffer zones.

DIRECTOR'S RECOMMENDATION

This Environmental Status Report for Jefferson County prepared by the Department of Environmental Quality is summarized for the information of the Commission and no recommendation for action is made at this time.

  
DIARMUID F. O'SCANNLAIN



# ENVIRONMENTAL QUALITY COMMISSION

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TOM McCALL  
GOVERNOR

## MEMORANDUM

B. A. McPHILLIPS  
Chairman, McMinnville

To: Environmental Quality Commission

GRACE S. PHINNEY  
Corvallis

From: Director

PAUL E. BRAGDON  
Portland

Subject: Agenda Item No. H, October 22, 1973, EQC Meeting

MORRIS K. CROTHERS  
Salem

Grant and Program Status: Statewide Solid Waste Management  
Action Plan

ARNOLD M. COGAN  
Portland

### Background

DIARMUID F. O'SCANNLAIN  
Director

At the April 2, 1973 meeting the EQC heard a Department report on the grant and program status of the 23 projects developing regional implementation plans for 36 counties, to be incorporated into the State Solid Waste Management Action Plan. It was reported that the State Solid Waste Management Citizens' Advisory Committee (CAC) had completed its review and recommendations on all applied for or potential projects covering the entire state and supported the proposal of the Bureau of Municipal Research and Service, University of Oregon, (Bureau) to aid the Department in its assistance to local projects statewide. These CAC grant recommendations totaled up to \$1,108,353, leaving \$21,277 (1.9%) as the unobligated general balance available for all projects' contingencies from the total \$1,129,630 statewide planning grant fund. These figures are correct and represent a \$1,000 adjustment to compensate for a miscalculation on page one of the April 2, 1973 report to the EQC.

Additionally, it was noted that 20 grant offers for projects representing 33 counties had been made by the Department, thirteen had been accepted and eleven had received the first advance of the grant.

### Present Status

Twenty-two grant offers have now been accepted, all have been funded with at least the first advance of their grants and are underway. All projects are being assisted as required and are generally proceeding on schedule in meeting original or adjusted interim progress report dates. Preliminary drafts

of Final Plans have been received from and are being reviewed regarding the Gilliam, Douglas, Morrow, and Wheeler County Projects.

Three additional projects complete the statewide picture.

1. The preliminary draft of Lake County's final plan, being developed without state grant assistance, should be completed for review in November.
2. Lincoln County has completed the final report of their federal Department of Housing and Urban Development (DHUD) funded county plan. The county is in the process of making application for a grant to finance specific supplemental planning toward implementation of a solid waste management system meeting state requirements.
3. The Port of Umpqua Commission has been granted \$75,000 by the Department to research the feasibility of a power recovery system utilizing combustible solid wastes including the tremendous quantities of wood wastes generated in Western Lane and Douglas Counties and the entirety of Coos and Curry Counties. The Department assisted the Port of Umpqua Commission in the development of this proposal which is coordinated with the overall Action Plans underway in the four counties. The Port's six month planning project began September 1, 1973.

The completion of the basic elements of all Projects except the Port of Umpqua's is on schedule for December 31, 1973. Completion and approval of Final Plan Reports, and public hearings on the adoption of the individual plans will carry well into 1974, as scheduled, concurrent with plan implementation. A working preliminary draft of the basic elements of the statewide plan should be available for use early in 1974. Final draft and adoption of the Statewide Action Plan is estimated for the fall of 1974, after adoption of the local plans and essentially much of the implementation of short range programs has occurred.

The attachment itemizes the status of statewide Action Plan grant funds disbursement.



DIARMUID F. O'SCANNLAIN

RDJ:mm  
10/11/73  
Attachment (1)

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 Statewide Solid Waste Management Action Plan  
 Pollution Control Bond Grant Funds Status

Original Funds Authorized - - - - - 1,129,630

<u>PROJECT</u>	<u>GRANT</u>
MSD-CRAG	\$325,000
Chemeketa	230,281
Lane County	154,000
Clatsop-Tillamook (August 1973 revision)	48,125
Coos-Curry Council	47,000
Central Oregon Intergovernmental Council	43,160
Douglas County	26,300
Union County	22,000
Baker County (August 1973 revision)	23,882
Jackson County	21,300
Umatilla County	20,000
Mid-Columbia Economic Development District	20,000
Morrow County	19,750
Wallowa County	16,000
Bureau of Government Research	15,000
Josephine County	15,000
Klamath County	15,000
Harney County	11,000
Grant County	9,680
Wheeler County	7,500
Gilliam County	5,000
Malheur County	4,000
Committed Grant Total =	<u>\$1,098,978</u>

Projected Adjustments

Lincoln & Lake Counties Contingency Reserve 10,000

Proposed Outstanding Grant Total =	<u>10,000</u>	-	<u>1,108,978</u>
Contingency from original funds			20,652
Funds from 1973 Legislative Assembly \$100,000		+	<u>100,000</u>
			120,652
Issued Port of Umpqua Grant 75,000		-	<u>75,000</u>
Revised Contingency Funds			45,652

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 Statewide Solid Waste Management Action Plan  
 Pollution Control Bond Grant Funds Status

Original Funds Authorized - - - - - 1,129,630

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			120,652
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## ENVIRONMENTAL QUALITY COMMISSION

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TOM McCALL  
GOVERNOR

October 22, 1973

B. A. McPHILLIPS  
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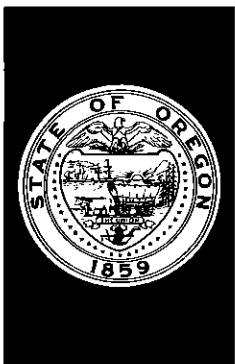
ARNOLD M. COGAN  
Portland

### SUGGESTED MOTION

Agenda Item No. 1

—  
DIARMUID F. O'SCANNLAIN  
Director

I move approval of the Director's recommendation of today concerning the proposed amendments to the Commission emergency rules governing subsurface sewage disposal with a like Commission finding of need for emergency action to amend as to originally adopt the emergency rules.



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ARNOLD M. COGAN  
Portland

DIARMUID F. O'SCANNLAIN  
Director

### Memorandum

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item No. 1, October 22, 1973, EQC Meeting

### Amendments to Emergency Rules Governing the Subsurface Disposal of Sewage

#### Background

At the September 21, 1973 meeting of the Environmental Quality Commission emergency rules governing subsurface sewage disposal were adopted by the Commission. They were subsequently filed with the Secretary of State and became effective October 5, 1973. Those emergency rules were, with minor modifications, similar to the rules which had previously been adopted by the State Health Division and had been in effect since May 15, 1973. They were adopted on an emergency or temporary basis to serve from October 5, 1973, the date on which the authority of the State Health Division to adopt subsurface sewage disposal rules expired, to January 1, 1974, when additional authority in this field is given to EQC and DEQ by Chapter 835, Oregon Law 1973, or until permanent rules are adopted by the Commission prior to the end of the temporary rules period of 120 days.

#### Evaluation

1. To facilitate the transfer of duties and responsibilities regarding subsurface sewage disposal from the State Health Division to DEQ it was proposed for DEQ to contract with

the State Health Division to have the Division during the interim period of October 5, 1973 to January 1, 1974, administer, implement and enforce the emergency rules on behalf of the Department in the same manner and to the same extent it administered, implemented and enforced its own rules prior to October 5, 1973.

2. Subsequent to adoption by the Commission of the emergency rules, the Health Division concluded that any appeals on denials of suitability of sites for subsurface sewage disposal under the Department's emergency rules should be acted on by the Department rather than by the Division, but with the latter agreeing to provide personnel to serve as hearings officers in such matters.
3. Because of this decision by the Health Division that it should not have the responsibility for acting on appeals taken under the Department's rules it was agreed that appropriate changes in certain definitions contained in the emergency rules should be made. Such changes were outlined in the Memorandum of Understanding between the two agencies signed on October 5, 1973, a copy thereof being attached hereto as Appendix A.

#### Conclusions

1. It is concluded that an orderly transfer of duties and responsibilities regarding subsurface sewage disposal can best be effected by having the Division assist in the administration and enforcement of the Department's emergency rules pursuant to the October 5, 1973 Memorandum of Understanding between the two agencies.
2. It is concluded further that as agreed to in the Memorandum of Understanding the following proposed amendments should be made in the emergency rules adopted on September 21, 1973:



(Proposed Amendments)  
DEPARTMENT OF ENVIRONMENTAL QUALITY RULES  
GOVERNING THE SUBSURFACE DISPOSAL OF SEWAGE

Section 1. The rules adopted as amended by the Department of Environmental Quality in DEQ ORDER NO. 57 (temporary) are amended as follows:

Section 2. Subsection (3) of the Section entitled "Definitions" on page 1 is amended to read:

(3) "Administrator" means the director of the Department of Environmental Quality.

Section 3. Subsection (4) of the Section entitled "Definitions" on page 1 is amended to read:

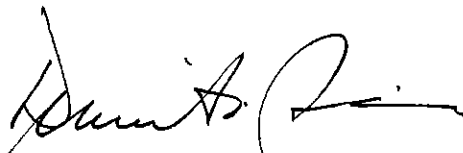
(4) "Authorized representative" means the Department of Environmental Quality's staff and the local health departments and their administrators, health officers and sanitarians.

Section 4. Subsection (15) of the Section entitled "Definitions" on page 2 is amended to read:

(15) "Division" or "State Health Division" means the Department of Environmental Quality.

Director's Recommendation

It is recommended that the above proposed amendments to the emergency rules governing subsurface sewage disposal be adopted.

  
DIARMUID F. O'SCANNLAIN

KHS:vt

10/10/73

Attachment (1)

MEMORANDUM OF UNDERSTANDING

BETWEEN THE  
HEALTH DIVISION AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
AGENCIES WITHIN THE STATE OF OREGON

Pursuant to ORS 190.003 to 190.110 and Chapter 835, Oregon Laws 1973, section 11, the Health Division, hereinafter termed "Division" and the Department of Environmental Quality, hereinafter termed "Department" enter into this Memorandum of Understanding.

RECITALS

Effective January 1, 1974, Chapter 835, Oregon Laws 1973, transfers specific duties and responsibilities for subsurface sewage disposal systems from the Division to the Department. Additionally, effective on or about October 5, 1973, the statutory authority of the Division to promulgate rules relating to subsurface sewage disposal systems will terminate. The Division and the Department desire to effect an orderly, well-managed transfer of these duties and responsibilities from one agency to the other agency to insure the continued protection of the public health, safety and welfare of the citizens of the state.

WITNESS

1. Department has adopted, effective October 5, 1973, with minor modifications, Division's former rules pertaining to subsurface sewage disposal systems as temporary rules of the Department. Department agrees to submit to the Environmental Quality Commission for adoption the amendments to said temporary rules as contained in the attachment hereto marked Exhibit 1. All further references to Department rules hereunder refer to the temporary rules as will be amended by the amendments in Exhibit 1 and the full implementation of this agreement is contingent upon such amendments being adopted.

2. Division will, on behalf of the Department, administer, implement and enforce these temporary rules in the same manner and to the same extent it administered, implemented and enforced such rules prior to the adoption of such rules by the Department, except as the procedures must be modified as a result of the rule changes described in Exhibit 1, and will supervise, guide and cooperate with local, city and district health departments regarding subsurface sewage disposal systems in the same manner and to the same extent it supervised, guided and cooperated with such agencies prior to the enactment of Chapter 835, Oregon Laws 1973; provided, however, that Department will:

- (a) administer evaluations on all new subdivisions and partitionings;
- (b) accept from Division for handling by Department:
  - (1) Requests for modifications or variances of Department rules.
  - (2) Referrals as to suitability of subdivisions for sewage disposal pursuant to ORS chapter 92.
  - (3) Submissions by manufacturers as to materials to be used in subsurface sewage disposal systems.


3. Division will make available personnel to act as hearings officers for the Department in cases before the Department of appeals on denials of suitability of sites for subsurface sewage disposal under Department rules. It is understood that the Department will issue final orders on those hearings. Division will conduct in its own name hearings on appeals from denials relating to suitability of sites for subsurface sewage disposal issued prior to October 5, 1973.

4. Division will perform this agreement without compensation therefor from the Department.

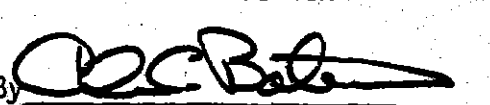
5. This Memorandum of Understanding is in effect from October 5, 1973, and will terminate January 1, 1974, except that any matter pending before the Division on that date will be concluded by the Division.

Dated this 5th day of October, 1973

DEPARTMENT OF ENVIRONMENTAL QUALITY

By   
Diarmuid O'Scannlain  
Director

STATE HEALTH DIVISION

By   
Cornelius C. Bateson  
Administrator



## ENVIRONMENTAL QUALITY COMMISSION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5696

TOM McCALL  
GOVERNOR

October 22, 1973

B. A. McPHILLIPS  
Chairman, McMinnville

GRACE S. PHINNEY  
Corvallis

PAUL E. BRAGDON  
Portland

MORRIS K. CROTHERS  
Salem

ARNOLD M. COGAN  
Portland

### SUGGESTED MOTION

Agenda Item No. J

—  
DIARMUID F. O'SCANNLAIN  
Director

I move approval of the Director's recommendation of today concerning the construction of additional parking spaces at Valley River Center, Eugene, Oregon, including the specified conditions therefor.



## ENVIRONMENTAL QUALITY COMMISSION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5696

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Portland

—  
DIARMUID F. O'SCANNLAIN  
Director

### MEMORANDUM

To: : Environmental Quality Commission

From: : Director

Subject: Agenda Item No. J, October 22, 1973, EQC Meeting

### Proposed Valley River Center, 872-Space Parking Facility Expansion

### Background

At the July 26, 1973 meeting of the EQC in Medford, the Commission considered the April 30, 1973 application and supporting information submitted by Valley River Center for construction of 872 additional parking spaces at the Valley River Center Shopping Center.

The Commission adopted an order prohibiting construction of the 872 parking spaces based upon the contention that the construction of the entire 872 spaces is not justified considering the level of existing transit service and planned improvements in service and patronage incentives. Thus, the subject of this staff report is determination of the proper amount of additional parking to be allowed at Valley River Center.

### Discussion

According to information submitted to the Department on August 7, 1973 by Valley River Center's transportation consultant; the construction of 872 additional parking spaces will provide parking in a ratio of 5.23 spaces per thousand square feet of gross leasable area (see Table 1). Valley River Center contends that this ratio is required even though the following

transit service and incentives are or will be available at the shopping center:

A. Transit Service and Patronage

1. Lane Transit District presently has two bus lines serving the center, Thurston-K-Mart and Fox Hollow-Valley River. Personnel at LTD have stated that the buses operating between the downtown area and Valley River Center presently have the most intense ridership of any in the system.
2. Lane Transit District plans significant improvements in its Valley River Center service as outlined in its letter of July 24, 1973 attached.

B. Transit Patronage Incentives

Valley River Center in its letter of July 12, 1973 attached, has developed a program to promote use of the transit system as outlined below:

1. Valley River Center advertising sections in local newspapers will provide information to show how a person may ride a bus to Valley River Center.
2. Valley River Center will meet with individual store owners to determine methods by which employees may be encouraged to ride the bus to Valley River Center.
3. Valley River Center will purchase bus tokens in bulk lots at reduced rates. Display cards will be provided in each store to inform the customers that tokens are available at reduced rates.

In comparison, the Washington Square Shopping Center requested 5.0 spaces per 1000 square feet of gross leasable area assuming no available transit service. Further, Washington Square has agreed to reduce parking at its shopping center in the ratio of 5 spaces for each 40 persons using transit daily to the center.

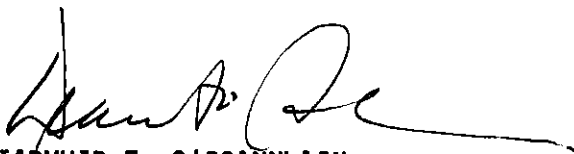
Assuming that Washington Square and Valley River Center, both designed as urban regional shopping centers, have essentially equivalent needs in terms of availability of parking, the application of Washington Square parking ratios to Valley River Center should allow the computation of the appropriate parking allocation. This assumption forms the basis of the following analysis of Valley River Center's parking needs.

Valley River Center presently has 3,619 parking spaces serving 637,300 square feet of gross leasable area (see Table 1). The proposed expansion of this shopping center will result in 859,280 square feet of gross leasable area. Applying the ratio of 5 spaces per 1000 square feet, the total allowable parking, without transit service, is 4,296 spaces ( $859,280 \times 5.0 \div 1000 = 4,296$ ). Thus, the maximum allowable expansion of parking at Valley River Center, based upon the gross leasable area proposed, should be 677 spaces ( $4296 - 3619 = 677$ ). These proposed additional spaces should be reduced in the ratio of 5 spaces for each 40 persons traveling to Valley River Center by transit. Valley River Center and Lane Transit District are in the best position to supply information on current and projected transit patronage to Valley River Center.

Director's Recommendation:

The Director recommends that the Commission authorize him to approve the construction of no more than 677 additional parking spaces at Valley River Center as soon as Valley River Center and/or Lane Transit District submit to the Department estimates of current and projected transit patronage to Valley River Center; and with the following conditions:

1. The 677 parking spaces be reduced in the ratio of 5 spaces for each 40 persons daily using public transit to work or shop at Valley River Center.
2. Plans and specifications for the revised parking facility be submitted to the Department.
3. Valley River Center develop and implement the transit patronage incentive programs outlined in its letter of July 12, 1973 attached.

  
DIARMUID F. O'SCANNLAIN

MJD:ss  
attachments  
10/15/73

# TABLE 1

F. Glen Odell  
613 Cascade Building  
Portland, Oregon 97204

August 7, 1973

## VALLEY RIVER CENTER PARKING ANALYSIS

	Existing		Expansion		Total	
	<u>GLA</u>	<u>Parking</u>	<u>GLA</u>	<u>Parking</u>	<u>GLA</u>	<u>Parking</u>
TBA and Office						
TBA	14,650	44 <sup>(1)</sup>	13,700	41 <sup>(1)</sup>	28,350	85
Office	<u>23,680</u>	<u>59</u> <sup>(2)</sup>	<u>30,430</u>	<u>75</u> <sup>(2)</sup>	<u>54,110</u>	<u>134</u>
Subtotal	38,330	103	44,130	116	82,460	219
Department Stores and Shops	598,970	3,516	177,850	756	776,820	4,272
Total	637,300	3,619	221,980	872	859,280	4,491

Note: (1) Allocated assuming a parking ratio of 3.0 space/1000 GLA (John Graham A.I.A.)

(2) Allocated assuming a parking ratio of 2.5 space/1000 GLA (minimum for City of Eugene)

### Resulting Parking Ratio; Spaces Per 1000 GLA:

	<u>Existing</u>	<u>Expansion</u>	<u>Total</u>
TBA and Office	2.79	2.63	2.66
Dept. Stores & Shops	5.86	4.26	5.50
Total	5.68	3.93	5.23





EXECUTIVE OFFICES  
EUGENE, OREGON 97401  
PHONE 342-6566

July 12, 1973

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

Dear Mr. O'Scannlain:

We have recently submitted an environmental impact study to you with regard to the expansion of Valley River Center. Our plans are to add two department stores and some smaller specialty stores in this expansion. Under existing agreements with Meier & Frank and J.C. Penney's we must provide and maintain a parking ratio of 5.66 parking stalls for each 1,000 square feet of leasable space; this requirement is part of all of our leases.

We are proposing to add 872 additional parking stalls to Valley River Center. These stalls will provide the additional parking requirements for the construction of the addition to Valley River Center. Since most of the construction shall occur on the existing parking area, we will have to replace an additional 503 parking stalls which will be eliminated by these buildings. Presently we have 3,619 parking places; the additional 872 places will provide 4,491 parking places and will provide the minimum parking required under our previous agreements. Enclosed is a layout of the expanded center.

Mr. Downs of your department called a meeting on Tuesday, July 3. Attending this meeting were members of the Lane Council of Governments; Mr. Fred Dyer, manager of the Lane Transit District, and his assistant; my partner, Mr. H.A. Andersen; our shopping center manager, Mr. Richard Hansen, and myself. Mr. Downs asked what we are doing to encourage mass transit use.

In reviewing our past association, I feel there has been a cooperative atmosphere between Lane Transit District and Valley River Center. When Valley River first opened, we encouraged Lane Transit to provide bus service to the Center. As part of this program Valley River Center purchased advertising on the buses.

Just prior to the new Transit buses being placed into use Valley River was asked to display a bus for inspection by the general public. This bus was placed in the center of the mall, and many thousands of people had the opportunity to sit in this modern bus and to have their questions answered. Each store was provided with new bus schedules for their customers' and employees' uses.

Mr. Diarmuid O'Scannlain  
Department of Environmental Quality  
Page 2  
July 12, 1973

With the additional buses the Lane Transit District was able to direct additional service to Valley River in about October, 1972. Since that time I believe the number of riders on these lines has been equal to that on any within the system.

Approximately three months ago Mr. Dyer, Mr. Hansen and Mr. Jerry Schmidt of Advertising Services, the agency handling Lane Transit District, met at Mr. Hansen's suggestion. The purpose of this meeting was to discuss more ways to increase the number of Valley River customers and employees who ride the bus.

A major problem exists in that the bus service ends at 6:00 p.m. and does not operate on Sundays. Valley River Center is open until 9:00 p.m. daily and also on Sundays. Mr. Dyer indicated that he hoped to extend service to 10:00 p.m. and on Sundays in the near future.

To further increase the number of riders we suggested that additional bus lines feed directly into Valley River before going to the downtown area so that transferring could be eliminated.

Also during this meeting there was general discussion of promotional activities that Lane Transit District and Valley River Center could initiate. It was our impression that we all agreed that when the increased scheduling occurred, we should start our campaign.

After Mr. Dyer's and Mr. Hansen's meeting, Mr. Hansen met with the Board of Directors of the Valley River Merchants Association concerning use of the transit system. This Board consists of representatives of the two major department stores plus four other small merchants. This Board indicated a strong desire to work with the Lane Transit District in this project. Since our meeting with Mr. Downs, Mr. Hansen has again met with the local management of Meier & Frank and J.C. Penney's and has discussed the concern of the D.E.Q. in the promotion of customer usage of the transit system. Both have again indicated a desire to cooperate.

In the past few days Mr. Dyer has notified us that the bus operations will be increasing to 10:00 p.m., and an additional bus line will be directed to Valley River Center.

It is to our benefit to encourage people to use the transit system. During peak periods we often do not have sufficient parking to handle the customers who desire to park in close. There are also many people who do not own automobiles who desire to shop at Valley River.

To help promote the use of the transit system we have established the following program to encourage bus ridership: first, in our advertising sections we shall provide information to show how a person may ride a bus to Valley River; this will be on a continuing basis. With the coming of extended bus service we shall meet with each store owner to encourage their employees to use this service. We know there are many employees who find the schedules and bus routes difficult for them to use. We shall seek the employees' suggestions on scheduling and bus routes and any other information that would make it easier for them to use the bus. This information shall be forwarded to the Lane Transit District.

Mr. Diarmuid O'Scannlain  
Department of Environmental Quality  
Page 2  
July 12, 1973

The Lane Transit District allows a discount on bulk purchases of bus tokens of \$1,000.00. We shall, by August 1, 1973, make an initial purchase of tokens. We shall make display cards for each store to use which will inform the customers that tokens are available at a special price.

In the past both the Lane Transit District and Valley River Center have worked together. I wish to assure you that in the future we shall continue to cooperate with the Lane Transit District to encourage bus usage.

I hope that you will act favorably on our request for the additional parking to expand our shopping center. The ratios that are set forth are the minimum ratios we must maintain if we are to expand.

Sincerely yours,

VALLEY RIVER CENTER



W. H. Shields

WHS/kpc

cc: Mr. Mike Downs, Department of Environmental Quality

Mr. Fred Dyer, Lane Transit District

Lane Regional Air Pollution Authority, Mr. Vern Adkinson



# LANE TRANSIT DISTRICT

copy

July 24, 1973

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
JUL 27 1973  
AIR QUALITY CONTROL

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

Dear Mr. O'Scannlain:

In a meeting July 3, 1973 with Mr. Downs of your department and in both prior and subsequent discussions possibilities for further cooperation between Valley River Center and Lane Transit District have been explored. It is our feeling that improvements in transit service to Valley River Center and corresponding actions by the Center's management will result in increased transit patronage. Certain problem areas have been identified. Solutions are nearing implementation in some areas. Other ideas are hereby proposed.

A significant deficiency in Lane Transit's past service has been the lack of evening service. The District cleared a major hurdle in this regard when its Budget Committee approved a '73-'74 budget calling for four additional hours of operation, Monday through Saturday. Starting September 4 it is anticipated that the last bus making all transfer connections will leave Valley River at 10:10 p.m.

The budget goes to the District's Board of Directors for adoption Thursday, July 26, 1973. In addition to evening service, the new budget provides for Sunday service beginning in April of 1974. Also included are funds for the local one-third share of the cost of purchasing twenty new 31-33 passenger buses. This program, contingent upon federal approval of two-thirds matching funds, will relegate the District's twenty 1947 diesel coaches to standby and special use, and bring the total of new buses in the fleet to forty-two.

Analysis of ridership patterns since introduction of the expanded system in October of 1972 has suggested several route realignments. One of these, to be implemented September 4, 1973, will connect a large residential neighborhood east of Coburg Road to Valley River via Cal Young Road.

Other route extensions projected as part of the District's 1975 Level of Service plan must await the arrival of additional equipment. One such extension will connect the Santa Clara area west of River Road to Valley River via Belt Line Road. This bus will also make a synchronized transfer connection with the present Santa Clara bus, creating a new node in the route network.

Mr. Diarmuid O'Scannlain  
Department of Environmental Quality  
Page 2  
July 24, 1973

Valuable contributions to the transit program can be made by Valley River's management. Widespread advertising and dissemination of route and schedule information is necessary. Space provision should be made for improved signing and posting of schedule information including a large scale full color system map. Passing on the Transit District's wholesale token discount to customers and employees will have positive results. Much more could possibly be done in this area.

The Transit District looks on the Department of Environmental Quality's concern for the transit-auto modal split with optimism for the future. Continued cooperation between the District and all the major activity centers within its service area must be maintained if we are to achieve the goal of a higher environmental liveability standard.

Sincerely,

David Rynerson  
Director of Planning

DR/ms

cc: ✓ Mr. Mike Downs, Department of Environmental Quality

Mr. Vern Adkinson, Lane Regional Air Pollution Authority

Mr. W. H. Shields, Valley River Center

Mr. Richard Hansen, Valley River Center

**BUTLER, HUSK & GLEAVES**

LAW OFFICES

EUGENE LEGAL CENTER

P. O. BOX 1147

EUGENE, OREGON 97401

TELEPHONE  
(503) 686-8833

EDWARD A. BUTLER  
RONALD W. HUSK  
VERNON D. GLEAVES  
ARLEN C. SWEARINGEN  
HAROLD D. GILLIS  
ERIC L. LARSEN  
STAN G. POTTER  
THOMAS H. HOYT  
CHARLES D. MORBERG  
THOMAS M. ALLEN  
BRUCE H. ANDERSON

September 12, 1973

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
SEP 13 1973  
**AIR QUALITY CONTROL**

Mr. M. J. Downs  
Air Quality Division  
Department of Environmental Quality  
1234 S. W. Morrison Street  
Portland, Oregon 97205

Re: Expansion of Valley River Center  
Parking Facility, Eugene, Oregon

Dear Mr. Downs:

This letter will confirm telephone conversation of September 12, 1973 concerning the demand for hearing of Valley River Center dated August 23, 1973.

It was my understanding from our conversation that the Environmental Quality Commission is scheduled to meet on September 21, 1973 and you have been advised one member of the commission will be unable to attend that meeting. Also, as I informed you, the City Council of the City of Eugene has previously approved rezoning of the subject property, under present ordinances of the City of Eugene it is necessary that a joint meeting be held between the Eugene City Council and the Eugene Planning Commission since the Council decision is contrary to the Planning Commission recommendation and that joint meeting is tentatively scheduled for September 27, 1973.

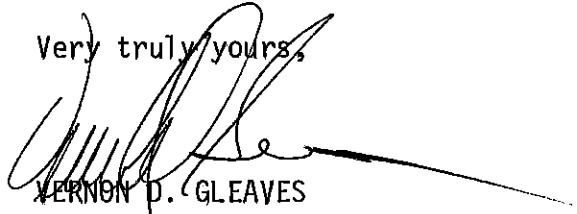
In view of the above circumstances, we would therefore respectfully request that the matter not be placed on the agenda for the September meeting of the Environmental Quality Commission and that the matter be placed on the agenda for the October 1973 meeting.

It was my understanding from our telephone conversation that the Commission had a heavy agenda for its September meeting and you did not anticipate any problem would be encountered in setting the matter over one month. If there is any question in this respect, I would ask that you im-

Mr. M. J. Downs  
September 12, 1973  
Page - 2

-mediately notify me in order that we may make such arrangements as may be necessary.

Very truly yours,

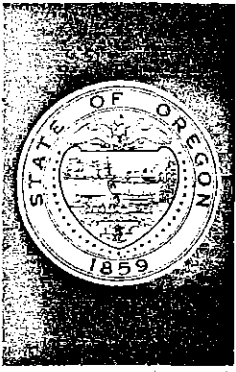


VERNON D. GLEAVES

VDG/pr

cc: Mr. E. J. Weathersbee  
Deputy Director  
Department of Environmental Quality

cc: Mr. W. H. Shields  
cc: Mr. H. A. Andersen



## DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5357

TOM McCALL  
GOVERNOR

August 1, 1973

DIARUID F. O'SCANNLAIN  
Director

**CERTIFIED MAIL**  
Return Receipt Requested

Mr. Wayne H. Shields  
Valley River Center  
P. O. Box 2570  
Eugene, OR 97402

Re: Expansion of Valley River  
Center Parking Facility,  
Eugene

Dear Mr. Shields:

At the July 26, 1973, meeting of the Environmental Quality Commission, the Commission considered the April 30, 1973, application and supporting information submitted by Valley River Center for construction of 872 additional parking spaces at the Valley River Center Shopping Center.

The Commission adopted an order prohibiting construction of the 872 parking spaces. A copy of the order is enclosed and is hereby transmitted to you. It should be noted that the order prohibiting construction is without prejudice to the right of Valley River Center to submit a revised application for less parking, corresponding to existing and projected levels of transit service in the Valley River Center area.

However, there is no reason for the Department to take action on a revised application at this time since it is our understanding that the project site is presently zoned agricultural and thereby is unavailable for commercial/retail developments.



Mr. Shields  
August 1, 1973  
Page 2

The staff of the Department is available to meet with representatives of Valley River Center to discuss in detail the reductions in parking requested by the Commission. Please contact M. J. Downs of our Air Quality Division.

Very truly yours,

DIARMUID F. O'SCANNLAIN  
Director

A handwritten signature in cursive script, appearing to read "E. J. Weathersbee", with a long horizontal flourish extending to the right.

E. J. Weathersbee  
Deputy Director

MJD:c  
Enclosure  
cc: LRAPA  
District Office

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

In the Matter of )  
Valley River Center ) ORDER  
Eugene, Oregon Parking Facility)

The EQC finds and determines, pursuant to ORS 449.712, that the proposed construction, installation or establishment of the 872-space parking facility (hereinafter called the Valley River Center Parking Facility) at a site in the City of Eugene, Lane County, Oregon, bounded by the Willamette River, Delta Freeway, and Goodpasture Island Road, by Valley River Center is not justified by reason of the fact that increased mass transit service to Valley River Center Shopping Center will reduce the number of additional parking spaces needed for the expanded shopping center.

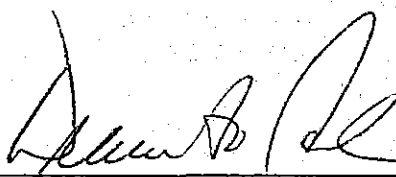
This order is based upon the fact that the Valley River Center Parking Facility is not in accordance with the provisions of ORS 449.702 to 449.717, 449.727 to 449.741, 449.760 to 449.830 and 449.949 to 449.965 and the applicable rules, standards and regulations or orders promulgated pursuant thereto, including but not limited to Sections 20-001, 20-050 to 20-070, OAR Chapter 340.

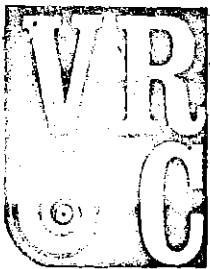
THEREFORE, the Environmental Quality Commission orders that the construction, installation or establishment of the Valley River Center Parking Facility be and is hereby prohibited; provided, however, that

this order shall be without prejudice to the right of Valley River Center to file a revised application for a smaller parking facility with the DEQ for EQC approval.

Any person against whom an order is directed may, within 20 days from the date of mailing of the order, demand a hearing. The demand shall be in writing, shall state the grounds for hearing and shall be mailed to the secretary of the EQC. The hearing shall be conducted pursuant to the applicable provisions of ORS Chapter 183.

Dated this 26th day of July, 1973.

  
DIARMUID F. O'SCANNLAIN, Director, DEQ  
For the Environmental Quality Commission



# VALLEY RIVER CENTER

CENTER LOCATION: 200 GOODPASTURE ISLAND ROAD

EXECUTIVE OFFICE — — — P.O. BOX 2570

PHONE 503-343-1616

October 16, 1973

EUGENE, OREGON 97402

Mr. M. J. Downs  
Air Quality Division  
Department of Environmental Quality  
1234 S. W. Morrison Street  
Portland, Oregon

Re: Expansion of Valley River Center  
parking facility, Eugene, Oregon

Dear Mr. Downs:

In connection with the appeal of Valley River Center from the Order of the Environmental Quality Commission dated July 26, 1973, which appeal is scheduled for hearing before the Environmental Quality Commission in Pendleton on October 22, 1973, we are hereby submitting the following facts and information for your consideration prior to the hearing:

(1) On October 8, 1973, the City Council of the City of Eugene adopted Council Bill 388 rezoning the subject property from Lane County AGT (Agricultural, Grazing and Timber Growing) to City of Eugene C-2 Commercial District with Planned Unit Development procedures. The presentation before the Council was on the basis of the public need for additional retail space of Valley River Center, primarily to accommodate a Montgomery Ward department store and necessary supporting parking. As a part of that rezoning procedure, Valley River Center will be dedicating substantial additional lands for public use to preserve the natural state of the river bank.

(2) The Environmental Impact Statement previously prepared and submitted by F. Glen O'Dell will be supplemented with additional factual information directly by Mr. O'Dell. It is my understanding that Mr. O'Dell has been in direct contact with you and will be delivering his additional information directly to you.

(3) All evidence previously submitted to you confirms that the proposed parking facility of Valley River Center will not produce sufficient impact on air quality to cause violation of present air quality standards.

(4) Valley River Center retail facilities (present and proposed) draw 30% or more of their patrons from outside the Eugene-Springfield Metropolitan Area and a far greater percentage of patrons and employees of businesses live in areas not presently served by the Lane Mass Transit Authority. The Valley River Center parking facilities provide the sole source of parking spaces as there are no other public or private parking facilities available in the area north of the Willamette River and west of Delta Highway.

(5) The Eugene-Springfield area has no uniform policy adopted to discourage use of the automobile as the primary source of transportation for retail shoppers. The City of Springfield has a program of providing free parking in the downtown area and the City of Eugene has, effective October 15, 1973, adopted a free parking program for downtown Eugene designed for the primary purpose of encouraging shopping in the core area by persons using the automobile for transportation. The Eugene program started with 2,015 free on street and off street parking spaces, lots with additional 300 spaces will be opened later and by the spring of 1974, the city expects to have 2,300 free spaces available for short term parkers. These parking facilities are supplemented by numerous public and private lots in the downtown area available on a fee basis. The preliminary report made by Richard F. Roti & Associates of Sherman Oaks, California, for the Urban Renewal Agency of the City of Eugene, indicates a need of approximately 1,793 to 2,105 additional spaces for the central business district and an assumed mass transit use of 7% obtainable by 1980. That report indicates a parking demand factor for retail use in downtown Eugene of 4.0 spaces per 1,000 square feet of leasable area, confirms that 5.5 spaces per 1,000 square feet of leasable area has been recommended by the Urban Land Institute and adopted as the parking ratio for most regional shopping centers as compared to a recommended 3.0 spaces per 1,000 square feet of floor area for central business districts. The Roti report, on page 13 thereof, indicates:

"Level of parking spaces has a definite impact on retail sales. Generally, where high levels of service are provided, sales are high, and where lower service levels exist, sales are proportionately lower.

"Retail parking demands are the most critical of all land use types. Catering to a customer requires convenient close-in parking with visual identification to the generator. Access and disbursement for the motorist-customer are

of utmost importance.

"Demands for the regional shopping center are primarily short-term whereas parking in the central business district are heavily long-term in nature. These long-term parkers generally arrive at earlier hours than the shopper, resulting in competition for close-in spaces."

The Roti study further indicates a demand of 5,306 spaces for the Eugene central business district, of which 2,586 are short-term and 2,720 are long-term. The Roti study would confirm the fact that Valley River Center has a greater need for short-term parking facilities than does a central business district.

The above is pointed out to show that there is no regional program adopted and applied uniformly in the Eugene-Springfield area to reduce the use of the automobile in the area where Valley River Center merchants must compete. To require reduced parking ratios for Valley River Center only would place Valley River Center merchants at a distinct disadvantage.

(6) Valley River Center has been and continues to be a supporter of mass transit use. Representatives of Lane Mass Transit, at a recent Eugene City Council meeting, placed Valley River Center in the same class as the City of Eugene and the Eugene Renewal Agency as a supporter of mass transit. Valley River Center has promoted use of mass transit by the following:

(a) Newspaper advertisement encouraging use of mass transit facilities.

(b) Promoted the use of mass transit by employees of merchants in the center.

(c) Worked with the Lane Mass Transit Authority in improving scheduling, adding of a third bus line to serve Valley River Center and extension of operating hours to provide service beyond the closing time of the center.

(d) Purchased mass transit tokens at discount and promoted the sale of tokens to merchants in the center.

We would point out to you that the capacity parking in the Valley River Center parking facilities occurs at peak shopping times of the year when mass transit facilities are also operating at or near capacity.

(7) Valley River Center has a reciprocal parking agreement with Valley River Inn. Valley River Inn is now open for business with 255 parking stalls, 150 rooms, a dining room seating capacity of 140 and a bar seating capacity of 125 persons. It is estimated that 600 persons are presently using the dining room facilities daily and on two weekends in early December, Valley River Inn has reservations to serve banquet meals for over 800 persons.

(8). Since the application for permit was filed with your agency and the prior hearing, Mr. O'Dell has made an actual count of existing parking spaces and we assume Mr. O'Dell will furnish the detail of his study to you. In essence, that study shows an existing ratio of 2.79 stalls per 1,000 square feet of gross leasable area for the TBA store and office facilities, 5.86 stalls for department stores and shops and an overall ratio of 5.68 stalls per 1,000 square feet of gross leasable area. The proposed expansion area would have a ratio of 2.63 for the TBA and office, 4.26 for the department stores and shops and an overall ratio of 3.93 spaces per 1,000 square feet of gross leasable area. The combined result, if the permit is issued, would be 2.66 spaces for the TBA and office space, 5.50 spaces for the department stores and shops and an overall ratio of 5.23 spaces per 1,000 square feet of gross leasable area in the center.

Economically, Valley River Center merchants cannot survive if inadequate parking facilities are a part of the center and we would submit that the Environmental Quality Commission should not single out Valley River Center and impose a penalty or hardship on Valley River Center until such time as there has been a demonstration of public acceptance of mass transit facilities and a regional policy is adopted limiting the number of spaces on a square foot of space basis applied generally to all persons similarly situated in the area. In addition, we would point out that we believe excessive air pollution would result if the parking facilities are inadequate and patrons are required to drive through the parking facilities for long periods of time while seeking an empty parking space.

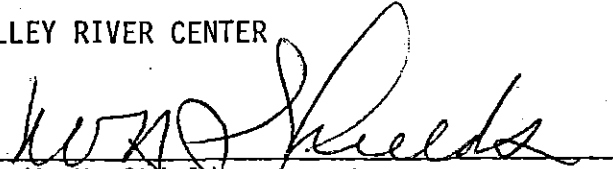
Mr. M. J. Downs  
October 16, 1973  
Page - 5

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Nothing herein contained should be considered or treated as a waiver of the legal contentions raised by Valley River Center in its notice of appeal dated August 23, 1973.

VALLEY RIVER CENTER

By

  
W. H. Shields, a partner





to the Commission our opposition to that reapplication. This proposal by Valley River has twice been rejected by the Commission and the DEQ, on July 26 and August 1. We contacted the DEQ's Portland office Friday and were told that neither Valley River nor the DEQ staff have changed their positions. Those positions are irreconcilable. Valley River claims that its contractual agreements with member stores require it to maintain a certain parking space to floor space ratio (5.6 spaces per 1000 square feet), which requires, with the construction of the proposed Montgomery Ward facility, an additional 872 parking spaces. According to staff member Mike Downs, the DEQ permits no higher ratio than 5 spaces per 1000 sq. ft. of floor space, and allows this only at shopping centers with no public transit service. Its guidelines require that 5 spaces must be subtracted for every forty daily bus-riding patrons of a shopping center. Under this formula, Valley River would be permitted no more than 577 new spaces.

If the Center partnership is indeed bound by its contractual obligations, it appears that Montgomery Wards' facility cannot be built at Valley River regardless of the zoning change approved by the City Council. Under these circumstances, the City will not have "saved" Montgomery Ward as a member of the business community, but only have created another large parcel of surplus -- and in this case, unusable -- commercially zoned land.

From the beginning of the Valley River-Wards application, it has been obvious that the zoning change was not needed for floor space or even for adequate parking space, but only to satisfy private agreements between the merchants of Valley River Center. Unless the Environmental Quality Commission reverses its standards and its staff's recommendations, and permits this expanded parking facility, the City Council of Eugene will have placed itself in the unenviable position of exacerbating one of the major problems noted in the 1990 plan.

However, even if the EQC should make an exception for the Valley River proposal, we still request a rehearing of the Council's October 8 decision. It is our contention that the "findings of fact" cited therein by the Council do not support the holdings that the proposed development conforms to the comprehensive plan, serves a public need, and serves that need better than any other area presently zoned C-2. Further, many of the listed "findings" were mere assertions unsupported by any evidence in the record, and many facts which clearly contradict the findings were ignored therein. Finally, we contend that the change of zone from County AGT to C-2 PD is a "drastic" one in the sense meant by the Supreme Court of Oregon in Fasano: "The more drastic the change, the greater will be the burden of showing that it is in conformance with the comprehensive plan..., that there is a public need for the kind of change

in question, and that the need is best met by the proposal under consideration." 507 P. 2d 29. Inasmuch as the applicant has not adequately carried any burden of proof, great or slight, it is clear that this standard of the Fasano decision was also not met.

These contentions of course require substantiation. OSPIRG stands ready to present detailed testimony in support of its contentions at a public rehearing on the zoning change application. We offer the following arguments as only a brief outline of our position.

1. The findings of fact in support of the proposition that the rezoning is compatible with the 1990 plan are incomplete and misleading. The plan also states as an explicit goal the preservation of the downtown as the vital center of the metropolitan area, and to ignore this language is to make a pretense of certainty where there is only ambiguity.

2. The "public needs" which the rezoning is said to serve -- to expand Valley River Center, to retain a Wards facility in the area, to provide jobs for new Wards employees -- are not in any sense public needs, but private economic desires of the sort which Fasano explicitly condemns as bases for rezoning decisions: "(H)aving weighed the dangers of making desirable change more difficult against the dangers of the almost irresistible pressures that can be asserted by private economic interests on local government, we believe the latter dangers are more to be feared." 507 P. 2d 30.

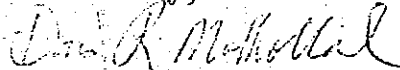
3. Having found no public need to be served by the zone change, the Council not surprisingly failed to demonstrate how a public need would best be served by rezoning rather than using land presently zoned C-2. In finding that the Valley River site would "prevent further scatterization" and help to concentrate commercial facilities in existing areas, the Council advanced irrefutable arguments in favor of keeping Wards downtown. More significant, however, is finding (c): "The evidence in these proceedings has not shown the existence of any alternative site that is suitable for the proposed rezoning and subsequent commercial development...." This language appears to assume that in the absence of an affirmative argument that some existing C-2 site is better than the proposed site, the applicant may rest on its bald assertions. Nothing could, in our opinion, be further from the holding of Fasano: "If other areas have previously been designated for the particular type of development, it must be shown why it is necessary to introduce it into an area not previously contemplated and why the property owners there should bear the burden of the departure." 507 P. 2d 30. In light of the fact that there is a huge surplus of land already zoned commercial in Eugene, the applicants have a heavy burden of proof which cannot be met by mere claims.

cc: Honorable City Council members

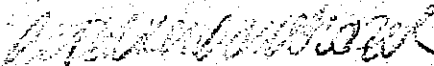
The Council is undoubtedly reluctant to reopen what has been an extended and difficult matter. However, OSPIRG is convinced that reconsideration is not only justifiable on the basis of the DCC's continued opposition and the deficiencies of the Council's decision, but is also necessary if the city is to avoid prolonged and expensive litigation which would reflect badly on the City's planning efforts. Under the Basano decision the burden of proof is upon the party seeking change. If the Council's action were to be challenged by a writ of review in Circuit Court, the City would have the burden of arguing Montgomery Wards' case. OSPIRG is barred from litigating except in its own defense. We have no knowledge of anyone who may be planning court action. We are not planning, and by our Articles of Incorporation cannot initiate legal action; but we are concerned that inadequacies of the record of the City Council's decision would undoubtedly cause that decision to be reversed upon review, and we offer this contention as a further and final basis of our petition for rehearing.

We therefore request the opportunity to discuss this matter in detail with you as soon as possible today. We request that the question of a rehearing be placed on the agenda of tomorrow's City Council meeting as the first item of business. We will make ourselves available to the council at that meeting to provide any information the council may desire.

Sincerely,



Dan Mulholland  
U of O OSPIRG Local Board Chairman



Peter Kendall Glazer  
OSPIRG State Secretary



Bob Stacey  
U of O law student



Jeffrey Kleinman  
U of O OSPIRG Local Board Vice-Chairman

cc: Honorable City Council members  
Tom Ballentine, Manager, Montgomery Ward, Eugene  
Environmental Quality Commission, Pendleton  
James Pearson, Director, Eugene Planning Commission  
David Hunt, Director, Eugene Renewal Association  
Annabel Kitzhaber, President, League of Women Voters

Western Union message dated 10-22-77  
TO: Environmental Quality Commission  
From: O S P I R G, Eugene, M III  
U. of O. Eugene

Message: Have today petitioned Eugene  
city council for reconsideration  
of Valley river rezoning decision.  
Non compliance with Fasano,  
urge rejection of Valley river  
rezoning plan. Letter to follow  
fully explaining position.

Telegram from Western Union to Environmental Quality Commission

Have today petitioned Eugene City Council for reconsideration of Valley River Re-zoning decision. Non-compliance with Fasano, urge rejection of Valley River Re-zoning Plan. Letter to follow fully explaining position.

OSPIRG  
Eugene-M111  
U of O  
Eugene, OR 97403

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*Consulting Engineer*

**Air Pollution Testing and Control**

30 N.E. Meikle Place • Portland, Oregon 97213  
(503) 232-0382

new address: 613 Cascade Building  
Portland, Oregon 97204  
telephone: 226-3921

**PARKING SUPPLY AND PUBLIC TRANSPORTATION**

**AT VALLEY RIVER CENTER**

October 22, 1973

Prepared for  
Valley River Center  
Eugene, Oregon

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PARKING SUPPLY AND PUBLIC TRANSPORTATION

AT VALLEY RIVER CENTER

October 22, 1973

Introduction

This report describes the results of a series of related studies done at Valley River Center. It attempts to draw together the various technical data into a coherent whole in order to provide a basis for decision-making by the Oregon State Environmental Quality Commission on Valley River Center's application for approval of 872 additional parking spaces to be added as part of a retail expansion.

The report further attempts to define the essential policy issues which the Environmental Quality Commission must face in considering the request, and to discuss the relationship of these issues to Valley River Center in the most objective way possible.

The studies reported herein have been conducted at the request of and with the assistance of the client, Valley River Center, because of their belief that the facts support their position.

The context within which the report has been prepared is the following: Valley River Center (VRC) has approval from the Eugene City Council to expand its retail area; the Environmental Quality Commission (EQC) has once denied by a 2-2 tie vote the parking approval; VRC has requested a rehearing on October 22; the DEQ staff report prepared for the rehearing has recommended denial of the 872 spaces but approval of 677 spaces less some undetermined number of spaces corresponding to transit usage at the Center. The following material assumes familiarity with the DEQ staff report.

### Summary

The major results of the technical studies are incorporated into the following discussion of the policy questions posed above.

1. What is the proper starting point for determining parking supply, 5.5 or 5.0 spaces per 1,000 square feet of gross leasable area?

As the technical evaluation of the authoritative Urban Land Institute Study indicates, the difference between supplying 5.5 spaces/1,000 g.l.a. and supplying 5.0 spaces/1,000 g.l.a. is that in the first case, demand can be expected to exceed supply on 3 days, for 10 hours total; while in the latter case the demand will exceed supply on 8 days for 30 hours total during a year's time.

Thus the net difference between parking ratios of 5.5 and 5.0 is 5 days, or 20 hours, during the year on which parking demand exceeds supply. It can be assumed that on these days there will be significant congestion within the parking lot, and to some extent on the public access streets.

It should be noted that the above interpretations, as well as the U.L.I. recommended standard, are based on average data from a number of centers. Clearly, there are statistical variations such that even 5.5 spaces will be inadequate for some centers, and excessive for others. Valley River Center management have expressed concern that, even at their present ratio of 5.96, and with a significant transit-riding patronage, they will experience significant over-capacity parking demand during the coming Christmas season.

a year with no parking discomfort whatever, clearly the parking limitation policy has failed to provide a consistent negative reinforcement to him.

One response to this problem could be to impose such stringent limitations on parking supply that shortages occur more often than not. This could, in effect, simulate at the shopping center a traffic and parking condition prevalent in many central business districts, and would provide at least as much incentive to transit as the downtown condition does. On the other hand, no suburban shopping center has the level of transit service that a downtown has, so the shopping center would be at a disadvantage. The economic impact would be quite adverse.

One wonders if the most rational policy regarding parking might not be to rely primarily on positive reinforcements--incentives rather than negative ones. Under such a policy the EQC's position would be to approve the amount of parking determined by the developer to be necessary--but only after he has agreed to a number of positive steps aimed at getting more people on the bus.

The DEQ staff report speaks to these positive measures - which VRC has agreed to, but also recommends a decrease in parking proportional to bus ridership. The problem with this approach, other than the peak-day problem noted above, is that it fails to account for future growth of shopping patronage. Valley River Center anticipates an annual increase of 6% to 8% in the number of customers at the Center, regardless of square footage. This means that the demand for both transit and parking will increase with time: To decrease parking supply as transit usage increases will in time lead to increasingly greater parking shortages.

To summarize, there is no way short of creating dramatic shortages in parking supply that a policy of limiting parking supply at shopping centers can have a significant impact on transit ridership.

3. To what extent should EQC actions regarding parking in Eugene be consistent with those of the Eugene City Council?

The Commission should be aware of the fact that the City of Eugene has recently established a free parking area of some 2,200 spaces in downtown Eugene. Much of the impetus for the program was to improve the competitive position of downtown retailers vis-a-vis Valley River Center. At the same time, the City Council has approved the proposed expansion of Valley River Center. These actions, taken together, suggest a policy of the City that both retail centers are to be allowed to grow, and that adequate free parking is desirable in both cases.

4. Is a policy of "squeezing" parking applicable to a shopping center which currently creates a significant level of transit usage relative to available service?

a) About 7% of VRC employees claim to use the bus on any given day.

b) Total bus trips to and from VRC averaged 836 per day over a 4-day period. Converted to substituted vehicle trips, they are equivalent to 3.5% of all VRC trips. They are equivalent to about 20% of all daily trips between VRC and locations which can be reached by bus in 30 minutes or less total travel time.

A study of VRC origin-destination results and an analysis of transit service indicates that total travel times from locations within

the Eugene-Springfield area are generally about 3 times greater by bus than by automobile. Given this fact, the present level of ridership to VRC seems quite good.

For example, if in fact 7% of the Center's estimated 1,200 employees use the bus, they represent some 140 vehicle trips that are not made. This substantially exceeds the number (104) of home-based work vehicle trips that are made from locations accessible within 30 minutes by bus.

The bus rider counts turned up another indication of significant transit usage. On several occasions, the number of people boarding or unboarding buses at VRC, exceeded the bus seating capacity. The average ridership for each of the 8 buses arriving per hour from 7 a.m. to 10 p.m. was 4 arrivals and 4 departures per bus.

Given the existing level of ridership, the question remains as to the wisdom of cutting back parking accordingly. From the viewpoint of the EQC, this would make sense only if doing so reinforced transit ridership. As the rider counts show, however, transit has its own peak hour problem, which in fact may turn out to be more severe than the one related to parking: On the afternoon of Friday, October 12, buses on one of the VRC lines ran at or above capacity for several hours; at the same time, however, peak parking demand was only about 34% of capacity. Clearly, on that occasion parking supply could be cut extensively with no effect, whereas an increase in transit ridership would have significantly overloaded some buses.

5. Is it the intent of the EQC to apply the same standards to the existing portion of an expanding center that it applies to the expansion or to an all-new facility?

In demanding that the amount of parking provided with the expansion at VRC be limited to that which will give the Center as a whole a ratio of 5.0 (or 5.5) or less, the EQC in effect is requiring (in industrial terms) retrofit of the existing plant to new-source standards.

If this is the intent of the Commission, then the issue is clearly decided. If not, then the Commission should note that the expansion parking is proposed to be provided in a ratio of 4.55 spaces per 1,000 g.l.a. of retail space, well below the existing plant ratio of 5.89 or the U.L.I. standard of 5.5.

Table 1

Valley River Center Parking Ration Analysis  
(Supercedes August 7 Analysis)

**Note:** The parking analysis dated August 7, 1973 was in error in allocating a portion of existing and proposed VRC parking to office space. According to U.L.I. Technical Bulletin 53, office space in amount of up to 20% of retail floor space can be included in a shopping center without increasing the demand for parking based on retail floor area alone. Since office space at VRC is only 7% of the retail area, it should not be included in calculating parking ratios. Only TBA and retail floor area should be included, as follows.

	TBA	Retail	Total
<b>Existing</b>			
GLA	14,650	598,970	613,620
Parking	44	3,575	3,619
Ratio, spaces/1,000 gla	3.0 <sup>(1)</sup>	5.96	5.89
<b>Expansion</b>			
GLA	13,700	177,850	191,550
Parking	41	831	872
Ratio, spaces/1,000 gla	3.0	4.67	4.55
<b>Total After Expansion</b>			
GLA	28,350	776,820	805,170
Parking	85	4,406	4,491
Ratio, spaces/1,000 gla	3.0	5.67	5.57

(1) Assumed (John Graham, A.I.A.)

### Establishment of a Base Parking Criteria

In determining the number of parking spaces required for shopping centers without appreciable transit service, the authoritative source of information is the report "Parking Requirements for Shopping Centers" (Urban Land Institute Technical Bulletin 53, 1965). This study, based on a 1964 survey of 270 shopping centers throughout the country, was planned and supervised by Alan M. Voorhees and Associates.

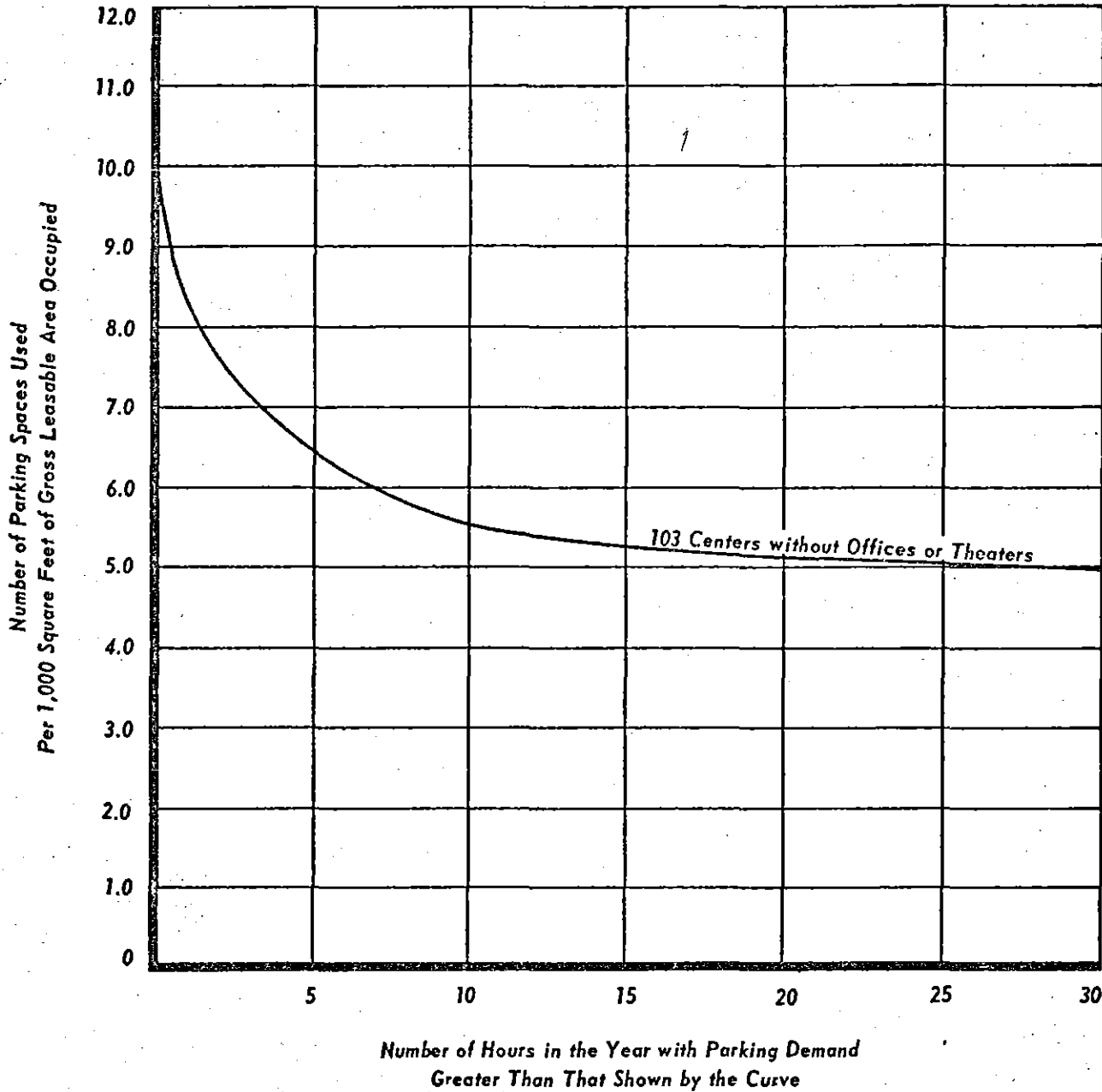
The U.L.I. survey evaluated the actual peak parking requirements of each of the 270 participating centers on each of the 12 shopping days prior to Christmas. By correlating those results with an earlier study of the relationship between parking and traffic patterns, a statistical analysis was performed which enabled the analysts to determine the number of hours during the year on which a given parking requirement would occur. The end result of the analysis is as expressed in Figure 1, reproduced from the U.L.I. report.

As Figure 1 shows, a parking requirement of 5.5 spaces per 1,000 square feet of gross leasable area (g.l.a.) was found to be equalled or exceeded 10 hours per year. A parking ration of 5.0 spaces/1,000 g.l.a. corresponds to the 30th highest hour of the year.

Relating the hourly incidence to days, the report states that the 10th highest hour occurs on the third highest day, occurring before Christmas. The 30th high hour level is equalled or exceeded on six days before Christmas, plus two other days during the year, for a total of 8 days.



Figure 2  
HOURLY PARKING REQUIREMENTS <sup>1</sup>



<sup>1</sup> Derivation of this data is explained in the Appendix.

Figure 1.  
Parking Requirement Curve  
Source: Urban Land Institute Technical Bulletin 53

Thus, a shopping center with 5.5 spaces/1,000 g.l.a. can expect to have demand exceed capacity on 3 days a year, for a total of 10 hours; while one with 5.0 spaces/1,000 g.l.a. will be overloaded 8 days a year, for 30 hours.

In addition to the days and hours on which parking demand actually exceeds capacity, clearly there will be additional days and hours during which demand is less than, but close to, capacity. These occurrences are also important in considering the traffic congestion and resulting air pollutant emissions from parking lots and access routes. As the parking lot fills up, motorists tend to do more searching for a convenient space, resulting in more internal circulation which may back up into the access points and even into the public streets.

One aspect of the parking requirement issue which the U.L.I. study appears to disagree with the subjective opinion of some shopping center operators and designers is the dependence of parking demand ratio on shopping center size. The operators and designers believe that, because of a greater volume of sales per customer, the larger center draws fewer customers and requires less parking on a floor-area basis than the smaller center. In other words, while 5.0 spaces/1,000 g.l.a. may be adequate for a center with 1,000,000 g.l.a., it would be inadequate for a facility half that size, according to the operators and designers.

The U.L.I. study, however, does not support this claim. In recommending a uniform standard of 5.5 spaces/1,000 g.l.a., it states:

The number of spaces used at the "tenth-highest hour" actually varied between 5.0 and 6.0, but there was no systematic relationship between the center size

and the parking demand; so it is recommended that a single standard of 5.5 spaces per thousand square feet be used for centers of all sizes.

There appears to be no clear industry-wide consensus on the question.

The U.I.I. study also examined the impact of office developments incorporated into shopping centers. It found that "normal hours of office operation only begin to coincide with the peak hours occurring at the \*thirtieth-highest hour\* of parking demand". Assuming a parking requirement of 2.5 spaces/1,000 g.l.a. is adequate for office uses, the study concluded that there is sufficient reserve built into the shopping center parking lot to allow a large amount of office space to be incorporated into a shopping center without increasing the parking space requirement:

This means that for every thousand square feet of gross leasable area in retail use at a shopping center an additional two hundred square feet in office use may exist without increasing parking demand for the "tenth highest hour.

Thus office space square footage should not be used in computing parking ratios, provided it is less than 20% of the retail square footage.

### Trip Origin-Destination and Transit Route Studies

#### Method:

Data were obtained from the State Highway Division for an origin-destination study done at Valley River Center on April 15-16, 1973. The OSHD results, extrapolated to average weekday trip ends, were broken down by trip type between VRC and over 200 traffic zones in the Eugene-Springfield metropolitan area. Also available from OSHD were off-peak hour travel times between VRC and each traffic zone. Travel times included an estimated access time for walking and parking.

To determine the potential diversion to transit of the OSHD-tabulated vehicle trips, the route network of the Lane Transit District (LTD) was superimposed on a traffic zone map. For each zone, an estimate was made of the percentage of the developed area lying within approximately three (3) blocks of an LTD route. This percentage was then applied to the tabulated number of trips of each type, to obtain an estimate of the number of trips capable of being served by transit routes within acceptable walking distance.

To compare transit travel times with automobile travel times, the route schedules were analyzed and the scheduled time, including transfer wait time where required, was determined for trips between VRC and the center of each zone. A uniform 10-minute access time for walking and waiting was added to the scheduled time to get an estimated total trip time.

#### Results:

The major trip categories of concern are home-based work, home-

based shopping, and non-home based trips. Table 2 presents the major results for these categories, together with total trips, for all vehicle trips and for vehicle trips capable of being served by transit.

They support the following observations or conclusions:

- (1) About 13% of all VRC-oriented trips have origins or destinations outside the Eugene-Springfield Metropolitan area.
- (2) Trips between VRC and Downtown Eugene account for 5.7% of all VRC trips.
- (3) Approximately 46% of all VRC trips have origins or destinations within reasonable walking distance of a LTD bus route.
- (4) Approximately 11% of home-based work trips, 8% of home-based shopping trips, 33% of non-home-based trips, and 15% of total VRC trips have origins or destinations within 30 minutes of VRC by bus.
- (5) Travel times by bus are generally about 3 times those by auto. Only 7% of VRC trips can be made by bus in 20 minutes or less, while about 90% can be made by automobile in the same time.

### Employee Transportation Survey

In order to determine Valley River Center employees' transportation habits, a questionnaire was prepared and distributed by Center management to the employers of the Center's 1,200 employees. A total of 326 employees of specialty shops, general office, and miscellaneous establishments (restaurants, ect.) returned the forms. Relatively few survey forms were turned in by employees of the major department stores. The sample count is thus biased by the presence of a higher proportion of office employees and fewer retail employees than exist in the total employee population at Valley River Center.

The major results of the survey, expressed as a percentage of respondents, are shown in Table 3. The items which stand out are the following:

1. 89% of respondents stated they usually travel to work by automobile, while 10% said they usually ride the bus.
2. Over 20% of respondents stated they occasionally ride the bus to work, with 12.6% riding at least once per week. Only 4.2% claimed to ride the bus every day. On any given day it is estimated that about 7% of the employees use the bus.
3. In response to the question "If you don't usually ride the bus, what changes or improvements would encourage you to ride the bus?", most respondents made comments relating to convenience, travel time, and the problem of having to transfer.

### Transit Trip Count

To determine the actual number of persons using public transportation to get to and from Valley River Center, counts were made of bus passengers boarding and unboarding at all three bus stops at the Center. The counts were made from 7 a.m. to 10 p.m. from Wednesday, October 10 through Friday, October 12, and from 7 a.m. to 6 p.m. on Saturday, October 13.

The hourly trip counts of combined arrivals and departures are shown in Table 3. They show a very significant level of transit ridership by shoppers. For example, transit trips during the hours of 12-6 p.m. on October 12 averaged 158 per hour. This indicates an average one-way ridership of 79 per hour, or about 10 persons arriving on each of the eight buses entering the center each hour. (Valley River Center lies on the outbound and inbound legs of two lines, each of which operates buses on a 30-minute headway.) During this time there were 4 occasions on which the number of passengers boarding the bus at Valley River exceeded the bus seating capacity (31), while there were 16 occasions on which the number of persons arriving or departing on a particular bus was 20 or more.

Overall, the number of transit trips made during the 4-day period averaged 835 trips per day. The number of vehicle attractions which these trips can be said to replace is estimated as follows:

$$835 \text{ person trips} \times \frac{1 \text{ auto trip}}{1.74 \text{ person trips}} \times \frac{1 \text{ auto}}{2 \text{ trips}} = 240 \text{ autos}$$

Thus, the presence of existing transit service can be said to reduce the number of automobiles entering Valley River Center by 240 per day on the average. The range of reduced attractions, based on the observed low and high passenger counts, is from 120 to 360 vehicles per day.

Parking Lot Occupancy

Valley River Center personnel conducted car counts in the parking lot during a four day period from Wednesday, October 10 through Saturday, October 13. Patronage during this period was probably somewhat higher than normal for October, with a special "moonlight sale" being held on Thursday evening, and with Friday being a school holiday in Eugene.

In the course of conducting the counts it became apparent that the area of the shopping center parking lot nearest to the Valley River Inn was being used for motel parking. Car counts for this area of shared parking were segregated from the totals in order to determine the amount of parking spill-over from the hotel to the shopping center.

The results of the tabulation are as follows:

Day and Time	Total Count	Hotel-Shared
Wednesday, October 10 1 p.m.	1,330	86
7 p.m.	1,001	83
Thursday, October 11 1 p.m.	1,324	48
7 p.m.	2,707	53
Friday, October 12 1 p.m.	1,238	80
7 p.m.	1,563	68
Saturday, October 13 2 p.m.	1,921	88
Average 1 p.m.	1,453	76
7 p.m.	1,757	68

As a percentage of the parking area's total capacity of 3,619 spaces, the tabulated counts can be expressed as follows:



	<u>Total</u>	<u>Hotel-Shared</u>
Average 1 p.m.	40%	2%
Average 7 p.m.	48	2
Peak observed	75	2

These results show clearly the impact of special sales events on peak parking requirements.



State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: HMP, RLM

cc: RPU cc: RPR

Date: August 27, 1973

From: EJW

Subject: AQ - Valley River Center Parking, Eugene  
(August 23, 1973, letter from Mr. W. H. Shields)

The subject letter requests a hearing before the full EQC, preferably at the September EQC meeting.

I think they might settle for a further informal hearing before the full Commission rather than an adversary hearing. If so, we should try to accommodate them. We could not devote the full (or any substantial) part of the regular Sept. EQC meeting to a long, drawn-out adversary-type hearing.

If they, in fact, want a full-blown adversary hearing, to build a base for possible further legal appeal, then we should probably proceed to schedule it before a hearings officer.

The Commission hearing would be preferable for both sides.

Please comment as soon as possible.

MSP  
write letter  
submit info  
with 2nd  
Review



# VALLEY RIVER CENTER

CENTER LOCATION: 200 GOODPASTURE ISLAND ROAD

EXECUTIVE OFFICE — — — P.O. BOX 2570

PHONE 503-343-1616

EUGENE, OREGON 97402

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

Re: Demand for hearing in the matter of the  
proposed construction of 872 additional  
parking spaces by Valley River Center,  
Eugene, Oregon

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Dear Mr. O'Scannlain:

Demand is hereby made upon you for a hearing before the full Environmental Quality Commission (hereinafter in this letter referred to as the EQC) in the matter of the proposed construction of 872 additional parking spaces at Valley River Center, a regional shopping center in Eugene, Oregon. This demand is necessitated by Order of the EQC dated July 26, 1973, copy of which was personally delivered to the undersigned in Portland, Oregon on August 7, 1973, that prohibited construction of the additional parking spaces. Copy of said Order is attached hereto marked Exhibit "A" and by reference expressly made a part hereof.

This demand for hearing is based upon the following statement of grounds for the hearing:

(1) Nothing in ORS 449.702 through 449.717, ORS 449.727 through 449.741, ORS 449.760 through 449.830 or ORS 449.949 through 449.965 gives the EQC or the Department of Environmental Quality the authority to approve or disapprove proposed additions to existing parking facilities, as such authority is purported to be exercised by the adopting and implementation of OAR Chapter 340, Section 20-050 through 20-070; and therefore Valley River Center should not be required to abide by the Order of the EQC dated July 26, 1973. More particularly stated:

(a) The parking spaces which Valley River Center proposes to construct do not constitute an "air contamination source," nor do the parking spaces

emit "air contaminants", as those terms are defined by ORS 449.760.

(b) Even if the parking spaces could fairly be said to be an "air contamination source" within the statutory definition, ORS 449.712, the ORS section on which the authority for the adoption of OAR Chapter 340, Section 20-050 through 20-070 must be found, applies only to new air contamination sources not to additions to already existing sources.

(2) Even if it is assumed that OAR Chapter 340, Section 20-050 through 20-070 is a proper implementation of authority delegated by statute, based on the materials before the EQC at its July 26, 1973 meeting when it considered the matter of the additional parking spaces for Valley River Center, the EQC could not properly refuse to allow Valley River Center to construct the proposed additional parking spaces. In so doing, the EQC acted arbitrarily and capriciously and without sufficient foundation in fact and law.

(3) The Order herein referred to purports to be "based upon the fact that the Valley River Center Parking Facility is not in accordance with the provisions of ORS 449.702 to 449.717, 449.727 to 449.741, 449.760 to 449.830 and 449.949 to 449.965, and the applicable rules, standards and regulations or orders promulgated pursuant thereto, including but not limited to Sections 20-001, 20-050 to 20-070, OAR Chapter 340." that is purely an erroneous legal conclusion not supported by facts presented at the time of the announcement of the decision. The only evidence adduced at the time of the meeting and upon which any order is required to be based showed without contradiction that the construction of additional parking spaces in accordance with the application of Valley River Center would not cause the quality of the air in the area to deteriorate to a dangerous level or contrary to all known existing standards and that the applicant was exerting all possible efforts to develop and implement the use of mass transit facilities to the extent that the same are now or are expected in the future to be available in the area.

Valley River Center requests that the hearing herein demanded be held before the full Environmental Quality Commission, rather than before a hearing officer or less than five members of the Environmental Quality Commission for the following reasons:

(1) At the July 26, 1973 meeting of the EQC, attended by only four voting commission members, the vote was 2 to 2, and this tie vote resulted in the order prohibiting construction. With the presence of the full five member commission sitting and voting, no tie vote could be possible.

(2) Since the environmental impact statement submitted by Valley River Center, the recommendation of the Lane Regional Air Pollution Authority and the recommendation of the Director of the Department of Environmental Quality (the latter, subject to a condition) recommended in favor of the proposed construction, Valley River Center did not deem it necessary to present any further evidence in support of its request for EQC consideration at the July 26, 1973 meeting. However, Valley River Center has additional information, statistics and other evidence in support of its request which, with argument by legal counsel for Valley River Center, should be heard by the full EQC personally.

(3) The hearing before the EQC is by statute (ORS 449.712(3)), and the terms of the last paragraph of the July 26, 1973 order prohibiting construction, to be "conducted pursuant to the applicable provisions of ORS Chapter 183." Nothing in ORS Chapter 183 authorizes the conduct of such a hearing before a hearing officer. OAR Chapter 340, Section 11-065 cannot authorize a procedure not permitted by ORS Chapter 183 and ORS Chapter 449. The sections of ORS 449 referred to OAR 340 11-065 have either been repealed or are no longer worded in such a fashion as to authorize actual conduct of an EQC hearing, of the type involved here, by a hearings officer as opposed to the EQC itself. Furthermore, the hearing demanded by this letter is not the type of hearing, nor is it instituted by the type of procedure, contemplated by OAR 340 11-005 through 11-170, in particular 11-015 and the ORS sections cited therein; and therefore these OAR sections cannot and do not even apply to the requested hearing.

(4) The "due process" and "equal protection" provisions of the United States and Oregon Constitutions require that Valley River Center be granted a fair and impartial hearing before the administrative agency which is by law designated as the agency to make the final determination, be granted an opportunity to be heard, an opportunity to present and rebut evidence, a tribunal which is impartial in the matter having had no pre-hearing or ex-parte contacts concerning the question at issue and a record made and adequate findings executed.

If at all possible, consistent with scheduling for the EQC, Valley River

Mr. Diarmuid F. O'Scannlain  
page - 4

Center would like to have the requested hearing on the EQC's September calendar and the applicant would be willing to attend a September hearing before the EQC upon reasonable advance notice at any location in the state. The primary witnesses to be called by the applicant reside either in Portland or Eugene, but those witnesses could presumably be present to testify at any other place designated by the EQC. Would you please furnish copies of all notices, staff notes, memoranda, correspondence and other documents in connection with this proceeding to our attorney, Mr. Vernon D. Gleaves, Butler, Husk & Gleaves, P. O. Box 1147, Eugene, Oregon 97401.

Respectfully,

VALLEY RIVER CENTER

By W. H. Shields

W. H. Shields, a partner

DATED: August 23, 1973

OFFICE OF DEPUTY DIRECTORS

RECEIVED

AUG 24 1973

DEPT. OF ENVIRONMENTAL QUALITY

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE STATE OF OREGON

In the Matter of )  
Valley River Center ) ORDER  
Eugene, Oregon Parking Facility)

The EQC finds and determines, pursuant to ORS 449.712, that the proposed construction, installation or establishment of the 872-space parking facility (hereinafter called the Valley River Center Parking Facility) at a site in the City of Eugene, Lane County, Oregon, bounded by the Willamette River, Delta Freeway, and Goodpasture Island Road, by Valley River Center is not justified by reason of the fact that increased mass transit service to Valley River Center Shopping Center will reduce the number of additional parking spaces needed for the expanded shopping center.

This order is based upon the fact that the Valley River Center Parking Facility is not in accordance with the provisions of ORS 449.702 to 449.717, 449.727 to 449.741, 449.760 to 449.830 and 449.949 to 449.965 and the applicable rules, standards and regulations or orders promulgated pursuant thereto, including but not limited to Sections 20-001, 20-050 to 20-070, OAR Chapter 340.

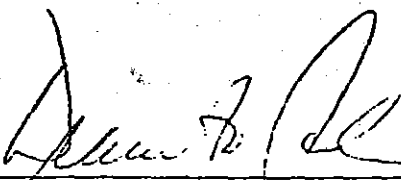
THEREFORE, the Environmental Quality Commission orders that the construction, installation or establishment of the Valley River Center Parking Facility be and is hereby prohibited; provided, however, that

EXHIBIT "A"

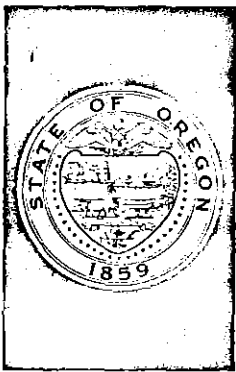
this order shall be without prejudice to the right of Valley River Center to file a revised application for a smaller parking facility with the DEQ for EQC approval.

Any person against whom an order is directed may, within 20 days from the date of mailing of the order, demand a hearing. The demand shall be in writing, shall state the grounds for hearing and shall be mailed to the secretary of the EQC. The hearing shall be conducted pursuant to the applicable provisions of ORS Chapter 183.

Dated this 26th day of July, 1973.

  
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DIARMUID F. O'SCANNLAIN, Director, DEQ  
For the Environmental Quality Commission





## ENVIRONMENTAL QUALITY COMMISSION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5696

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DIARMUID F. O'SCANNLAIN  
Director

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item No. K, October 22, 1973, EQC Meeting

Sewerage Works Construction Grants, Consideration of Revised  
Criteria for Priority Ranking of Projects

### Background

At the present time, there are two major sources of funds available to cities to aid in the financing of sewerage systems:

- 1) 75% Federal grants for sewage works construction under PL 92-500.
- 2) 30% maximum State grants and 70% maximum loans from the Oregon pollution control bond fund.

Under Section 204 (a)(3) of PL 92-500, the states are required to establish priority criteria and a priority listing of projects eligible for Federal sewage works grants.

Chapter 771, Oregon Laws 1973 (HB 5090), limits pollution control bond fund expenditures for the biennium beginning July 1, 1973 to \$1.00 for construction of sewage treatment facilities and \$144,852 for already committed projects for planning of sewage and solid waste facilities. Thus, all proposals to expend pollution control bond funds must be presented to the Emergency Board for approval.

The Department's proposals for Federal grant priorities and utilization of State pollution control bond funds for sewerage works planning and construction are presented in the following sections.

#### Priority System for Federal Grants

EPA has advised the Department of the need to revise its present needs priority system to meet new EPA guidelines. These guidelines require consideration of facility need, basin and stream segment ranking established in the Annual State Strategy, type of facilities needed, and national priorities. Financial need and readiness to proceed cannot be used as a basis for priority.

Attachment A contains the Department's proposed needs priority system for Federal grants. Attachment B contains ranking of needs in accordance with this system. Attachment C contains the needs priority list including cost information.

It is anticipated that the prioritized needs list will have to be periodically revised to incorporate newly identified needs, or priority revisions resulting from receipt of additional information.

#### Construction Loans from Pollution Control Bond Fund

Since creation of the State pollution control bond fund, the Department has purchased the bonds which many communities have sold to finance the non-grant portion of grant eligible projects. This extends the State's favorable credit rating to the communities. Attachment C contains a column showing the need for funds from the pollution control bond fund for this purpose.

Planning Loans from Pollution Control Bond Fund

New EPA grant regulations require that detailed plans and specifications be complete prior to award of a construction grant. For grant purposes, EPA divides each project into three phases with separate grants for each phase as follows:

- Phase 1      Preparation of Facilities Plan. (Preliminary Engineering Report and Environmental Assessment).
- Phase 2      Preparation of Detailed Plans and Specifications
- Phase 3      Construction of Project.

If a single grant is given at the Phase 3 step, the community can be reimbursed for the grant eligible costs of Phases 1 and 2.

This three separate grant concept causes some practical problems in administration including increased paperwork and difficulty in financing the initial planning phase. In order to aid in the process of developing needed plans and getting projects ready for construction, it is proposed that state funds be advanced as a loan to communities to pay for the preparation of facility plans and engineering plans. At the time of construction, the planning advance would be repaid -- 75% from the Federal grant and 25% from local funding. The planning advances would be made in accordance with an agreement which would require repayment in full of the funds within a specific time or upon receipt of a Federal grant for construction.

Attachment D sets forth proposed criteria for prioritizing anticipated planning advance requests. The criteria are based on stream segment priorities and per capita cost. Attachment E contains a preliminary listing of prioritized planning projects which totals approximately \$1 million in needed funds. It is expected that additional needs will be identified to increase the total to \$1.6 million.

### Grant Project Funding

Based on the above concept of State pre-financing of planning phases and the time required for each project to reach the "ready to construct" or "ready for construction grant" status, construction projects will not be funded in the exact order of the needs priority list. A funding list or project list will be derived for each fiscal year from the needs priority list based on the actual project status. Thus, as an example, if the first project on the needs priority list is projected to have plans completed and be ready to proceed with construction in August of 1975, such project would be number one on the FY 76 funding list. If the second project on the needs priority list is ready to construct in January of 1974, such project would be number one on the FY 74 funding list. The needs priority list will remain relatively constant whereas the funding list for any year may be expected to change frequently. However, the funding list for any year will maintain the same relative sequencing order as that established in the needs list.

The necessary funding lists will be developed as soon as the priority system is approved.

### Hardship Grants

Due to the lack of sufficient Federal funds, EPA grants eligibility will be limited to treatment works and interceptors for the foreseeable future. Chapter 839, Oregon Laws 1973, extends State grant eligibility to sewage collection systems. Specific criteria for priority for such grants has not been developed yet due to a lack of "needs" information. However, a few projects are known where communities will have difficulty financing projects. In the case of Bend and Redmond, rock excavation will cause per capita costs to be excessive and ability to raise local financing difficult. In other cases, the 13% of true cash value funding limit of sanitary districts can make it impossible to finance a sewerage system without additional assistance. In other cases, correction of health hazards is difficult due to low assessed values of such areas and the resulting difficulties in financing needed systems.

Until such time as an accurate needs list and priority system can be developed, it is proposed that specific requests for State grants for collection systems be considered on their own merit based on demonstration of hardship and inability to finance through normal methods. Each such project would be subject to Environmental Quality Commission and Emergency Board approval.

Special Gleneden Sanitary District Loan

Gleneden Sanitary District and Depoe Bay Sanitary District have entered into an agreement for joint treatment at Depoe Bay. Depoe Bay is ready to construct. Gleneden is in the planning phases. In order to get waste from Gleneden to the Depoe Bay plant site, the interceptor through Depoe Bay must be increased in size. Gleneden will pay \$92,000 for the oversize cost. Gleneden has voted \$1,350,000 bonds but cannot sell them until it is ready to construct. Depoe Bay does not have enough money to prefinance the oversize cost.

As a result, in order to allow Depoe Bay to proceed with construction, Gleneden has requested a loan of \$92,000 from the Department of Environmental Quality to be repaid when its bonds are sold. Such a loan would be handled administratively in the same manner as the planning advances.

The Department fully supports this request.

Director's Recommendation

It is recommended that:

1. The needs priority ranking criteria contained in Attachment A be adopted.
2. The needs priority list contained in Attachments B and C be approved.

3. The concept of Department pre-financing of planning or pre-construction phases of projects be endorsed.
4. The criteria for prioritizing of planning loans contained in Attachment D be adopted.
5. The planning loan priority list contained in Attachment E be approved.
6. The Department be authorized to develop the time phased funding list from the needs priority list and revise this funding list as necessary to insure that construction of needed projects is initiated as soon as possible.
7. The concept of handling hardship grants on a case-by-case basis be approved.
8. The Department be authorized to negotiate a \$92,000 loan with Gleneden Sanitary District to permit construction of the badly needed sewerage system in the Depoe Bay area.
9. The Department be instructed to submit a request to the Emergency Board to authorize expenditures from the Pollution Control Bond Fund during the current biennium as follows:
  - a. Construction loans totalling \$35,000,000 based on projected project needs shown in Attachment C with a contingency allowance and including the special loan to Gleneden Sanitary District.
  - b. Planning loans or advances totalling \$1,600,000 based on projects listed in Attachment E with a contingency allowance for projects yet to be identified.

  
DIARMUID F. O'SCANNLAIN

HLS

12/12/73

NEEDS PRIORITY RANKING CRITERIA

## Sewerage Works Construction Grants and Loans

<u>Point Assignment</u>	<u>Point Categories</u>
	1. Need
300	A. Health Hazard I -- documented and certified under ORS 224.
250	B. Required by EQC or EPA Order.
	C. Required by Permit -- compliance schedule.
	D. Required by standard changes.
	E. Health Hazard II -- documented but not certified under ORS 224; existing hazard to recreation, fishing, shellfish or water supplies.
200	F. Elimination of interim facility.
	G. Improvement of performance.
150	H. Potential health hazard.
	I. Expansion for future.
77 max.	2. Stream Segment -- ranked in reverse order to that shown in "Annual State Strategy Program, FY 74".
	3. Project Type
50	A. Sewage treatment plant including sewer system rehabilitation as shown by evaluation and analysis.
40	B. Interceptor sewers, pumping stations, pressure sewers.

## NEEDS PRIORITY RANKING

Applicant	Environmental Points (A)	River Segment Points(B)	Project Type Points(D)	Total Points	Priority Ranking
Portland (Gertz Schmeer)	300	69	40	409	1
Florence	300	54	40	394	2
Foster-Midway	300	43	40	383	3
Corvallis-STP	250	76	50	376	4
Salem-STP	250	76	50	376	5
Maupin	250	74	50	374	6
Redmond	250	74	50	374	7
Winston-Dillard	250	73	50	373	8
Riddle	250	73	50	373	9
Glendale	250	73	50	373	10
Glide-Ideyld	250	72	50	372	11
Redwood S.D.	250	71	50	371	12
Butte Falls	250	71	50	371	13
Gold Hill	250	71	50	371	14
Portland-Col. Blvd. Outfall	250	69	50	369	15
Rufus	250	69	50	369	16
Clatskanie	250	69	50	369	17
Wauna-Westport	250	69	50	369	18
John Day	250	68	50	368	19
Mt. Vernon	250	68	50	368	20
Union	250	67	50	367	21
Charleston S.D.	250	75	40	365	22
Fruitdale-Harbeck	250	71	40	361	23
Portland-SE relieving	250	69	40	359	24
Port of Astoria	250	69	40	359	25
Netarts-Oceanside	250	57	50	357	26
Pacific City	250	56	50	356	27
Huntington	250	54	50	354	28
Mapleton	250	54	50	354	29
Lafayette	250	46	50	346	30
Harbor S.D.	250	53	40	343	31
Mill City	250	41	50	341	32



## NEEDS PRIORITY RANKING

Applicant	Environmental Points (A)	River Segment Points(B)	Project Type Points(D)	Total Points	Priority Ranking
Coburg	250	40	50	340	33
Toledo	250	50	40	340	34
Aurora	250	45	40	335	35
Donald	250	45	40	335	36
Fall City	250	35	50	335	37
Sutherlin	250	33	50	333	38
Monmouth-Independence	200	76	50	326	39
Bonanza	250	26	50	326	40
Chiloquin	250	25	50	325	41
Unity	250	74	50	324	42
Cloverdale S.D.	250	22	50	322	43
Arch Cape	250	22	50	322	44
Rockaway	250	22	50	322	45
Cave Junction	200	71	50	321	46
Shady Cove	200	71	50	321	47
Merlin	200	71	50	321	48
White City S.D.	200	71	50	321	49
Mosier	200	69	50	319	50
Pendleton	250	29	40	319	51
Boardman	200	69	50	319	52
The Dalles-Ind.STP	200	69	50	319	53
Long Creek	200	68	50	318	54
Corvallis-Airport	200	76	40	316	55
Corvallis-Mobile Ct.	200	76	40	316	56
Albany-NE	200	76	40	316	57
West Linn-L.T.	200	76	40	316	58
Gresham-Ruby Jct.	200	76	40	316	59
Clackamas Co. Service Dist.	200	76	40	316	60
Culver	250	15	50	315	61
Terrebonne	250	15	50	315	62

## NEEDS PRIORITY RANKING

Applicant	Environmental Points (A)	River Segment Points(B)	Project Type Points(D)	Total Points	Priority Ranking
Metolius	250	15	50	315	63
Bend (Int. in lieu of ps)	200	74	40	314	64
Medford-So. Medford Int.	200	71	40	311	65
Columbia City	200	69	40	309	66
Umatilla-McNary	200	69	40	309	67
Mult. Co.	200	69	40	309	68
Jordan Valley	250	5	50	305	69
Aumsville	200	48	50	298	70
Turner	200	48	40	298	71
Port of Tillamook Bay	200	57	40	297	72
Yamhill	200	46	50	296	73
Silverton	200	45	50	295	74
Scotts Mill	200	45	50	295	75
Brownsville	200	33	50	283	76
Veneta	200	32	50	282	77
Modoc Point	200	28	50	278	78
Portland-Tryon	150	76	50	276	79
Tangent	150	76	50	276	80
Dufur	150	74	50	274	81
Eagle Point	150	71	50	271	82
Elgin	150	67	50	267	83
Eugene - E. side	150	76	40	266	84
LaGrande-Island City	150	67	40	257	85
Dayton	150	46	50	246	86
Gervais	150	45	50	245	87
Detroit	150	41	50	241	88
Sublimity	150	48	40	238	89
Barlow	150	44	40	234	90
Juntura	150	23	50	223	91
Baker	150	7	50	207	92

DEQ Sewerage Works Needs Priority List - October 1973

(All cost shown in \$1000 units)

Applicant	Project	Priority No.	Project Cost	Cumulative Cost	Grant 75%	Cumulative Grant Amt.	Potential Bond	
							Purchase Requirement (25%) Bonds	Cumulative Bonds
Arlington	STP		217.7				54	54
Gold Beach	STP		371.3				92	146
Coos Bay	STP's		2,745.9				686	832
N. Tillamook Co. S. A.	STP & Int.		1,320.0				330	1,162
Bly S. D.	STP & Int.		254.2				63	1,225
Rogue River	STP & Int.		273.0				68	1,293
Yachats	STP & Int.		666.0				166	1,459
Seneca	STP & Int.		167.5				41	1,500
Newport	Int.		179.5				44	1,544
Bunker Hill S. D.	Int.		246.0				61	1,605
Eastside	Int.		154.0				38	1,643
Winchester Bay S. D.	STP & Int.		589.3				147	1,790
McMinnville	Int.		243.0				60	1,850
Prineville	Int.		561.0				140	1,990
Milwaukie	Int.		661.5				165	2,155
Hillsboro (Rock Cr.)	STP Exp.		1,285.0				321	2,476
Unified Sewerage Agency	Cedar Mill Int.		569.0				142	2,618
Unified Sewerage Agency	Sherwood Int.		550.0				137	2,755
Sweet Home	STP Exp.		1,152.0				288	3,043
Unified Sewerage Agency	Fanno Cr. Int.		2,122.0				530	3,573
Unified Sewerage Agency	Forest Grove STP Exp.		2,798.0				699	4,272
Unified Sewerage Agency	Forest Grove-Cornelius Int.		305.0				76	4,348
Wood Village	Int.		232.0				58	4,406
Bend	Grit facilities		50.0				12	4,418
Ashland	STP Exp.		895.0				223	4,641
Depoe Bay	STP & Int.		1,110.0				277	4,918
Unified Sewerage Agency	Durham STP		25,191.8				6,298	11,216
Wasco	STP		137.0				34	11,250
Portland	Grit facilities		875.0				218	11,468
Madras	STP & Int.		1,152.0				288	11,756
Port of Port Orford	Int.		27.5				6	11,762
Bear Creek Valley S. A.	West Medford Int.		2,515.1				628	12,390

All of the above projects have received a 75% EPA grant.

DEQ Sewerage Works Needs Priority List - October 1973

(All cost shown in \$1000 units)

Applicant	Project	Priority No.	Project Cost	Cumulative Cost	Grant 75%	Cumulative Grant Amt.	Potential Bond Purchase Requirement (25%)	
							Bonds	Cumulative Bonds
Portland	Gertz-Schmeer Int.	1	\$ 1,800	\$ 1,800	\$ 1,350	\$ 1,350	\$ 450	\$12,840
Florence	Int.	2	350	2,150	262	1,612	87	12,927
Foster-Midway	Int.	3	600	2,750	450	2,062	150	13,077
Corvallis	STP Exp.	4	12,000	14,750	9,000	11,062	3,000	16,077
Salem	STP Exp.	5	13,500	28,250	10,125	21,187	3,375	19,452
Maupin	STP	6	235	28,485	176	21,363	58	19,510
Redmond	STP & Int.	7	2,000	30,485	1,500	22,863	500	20,010
Winston-Dillard	STP & Int.	8	800	31,285	600	23,463	200	20,210
Riddle	STP Exp.	9	480	31,765	360	23,823	120	20,330
Glendale	STP Exp.	10	100	31,865	75	23,898	25	20,355
Glide-Ideyld	STP & Int.	11	1,200	33,065	900	24,798	300	20,655
Redwood S.D.	STP & Int.	12	900	33,965	675	25,473	225	20,880
Butte Falls	STP & Int.	13	100	34,065	75	25,548	25	20,905
Gold Hill	STP Exp.	14	375	34,440	281	25,829	93	20,998
Portland	Col. Blvd. Outfall	15	1,100	35,540	825	26,654	275	21,273
Rufus	STP & Int.	16	460	36,000	345	26,999	115	21,388
Clatskanie	STP Imp.	17	300	36,300	225	27,224	75	21,463
Wauna-Westport	STP & Int.	18	850	37,150	637	27,861	212	21,675
John Day	STP & Int.	19	1,600	38,750	1,200	29,061	400	22,075
Mt. Vernon	STP & Int.	20	100	38,850	75	29,136	25	22,100
Union	STP	21	200	39,050	150	29,286	50	22,150
Charleston S.D.	Int.	22	1,100	40,150	825	30,111	275	22,425
Fruitdale-Harbeck	Int.	23	110	40,260	82	30,193	27	22,452
Portland	S.E. relieving Int.	24	250	40,510	187	30,380	62	22,514
Port of Astoria	Int.	25	400	40,910	300	30,680	100	22,614
Netarts-Oceanside	STP & Int.	26	600	41,512	450	31,130	150	22,764
Pacific City	STP & Int.	27	230	41,740	172	31,302	57	22,821
Huntington	Chlorination	28	22	41,762	16	31,318	5	22,826
Mapleton	STP & Int.	29	230	41,992	172	31,490	57	22,883
Lafayette	STP Exp.	30	100	42,092	75	31,565	25	22,908
Harbor S.D.	Int.	31	200	42,292	150	31,715	50	22,958
Mill City	STP	32	280	42,572	210	31,925	70	23,028

DEQ Sewerage Works Needs Priority List - October 1973

(All cost shown in \$1000 units)

Applicant	Project	Priority No.	Project Cost	Cumulative Cost	Grant 75%	Cumulative Grant Amt.	Potential Bond	
							Purchase Requirement (25%) Bonds	Cumulative Bonds
Coburg	STP & Int.	33	275	42,847	206	32,131	68	23,096
Toledo	Int.	34	80	42,927	60	32,191	20	23,116
Aurora	Int.	35	200	43,127	150	32,341	50	23,166
Donald	Int.	36	180	43,307	135	32,476	45	23,211
Fall City	STP & Int.	37	235	43,542	176	32,652	58	23,269
Sutherlin	STP	38	1,300	44,842	975	33,627	325	23,594
Monmouth-Independence	STP & Int.	39	400	45,242	300	33,927	100	23,694
Bonanza	STP & Int.	40	600	45,842	450	34,377	150	23,844
Chiloquin	STP	41	450	46,292	337	34,714	112	23,956
Unity	STP	42	190	46,482	142	34,856	47	24,003
Cloverdale S. D.	STP & Int.	43	330	46,812	247	35,103	82	24,085
Arch Cape S. D.	STP & Int.	44	900	47,712	675	35,778	225	24,310
Rockaway	STP Imp.	45	170	47,882	127	35,905	42	24,352
Cave Junction	STP Exp.	46	150	48,032	112	36,017	37	24,389
Shady Cove	STP & Int.	47	300	48,332	225	36,242	75	24,464
Merlin-Col. Village	STP & Int.	48	1,000	49,332	750	36,992	250	24,714
White City S. D.	STP Imp.	49	230	49,562	172	37,164	57	24,771
Mosier	STP Imp.	50	160	49,722	120	37,284	40	24,811
Pendleton	Int.	51	260	49,982	195	37,479	65	24,876
Boardman	STP Imp.	52	150	50,132	112	37,591	37	24,913
The Dalles	Indust. STP	53	380	50,512	285	37,876	95	25,008
Long Creek	STP	54	160	50,672	120	37,996	40	25,048
Corvallis	Int. - Airport	55	500	51,172	375	38,371	125	25,173
Corvallis	Int. - Mobile Ct.	56	90	51,262	67	38,438	22	25,195
Albany	N. E. Int.	57	2,000	53,262	1,500	39,938	500	25,695
West Linn	Lower Tualatin Int.	58	480	53,742	360	40,298	120	25,815
Gresham	Ruby Jct. Int.	59	1,500	55,242	1,125	41,423	375	26,190
Clackamas Co. Ser. Dist.	Int.	60	5,000	60,242	3,750	45,173	1,250	27,440
Culver	STP & Int.	61	300	60,542	225	45,398	75	27,515
Terrebonne	STP & Int.	62	250	60,792	187	45,585	62	27,577
Metolius	STP & Int.	63	345	61,137	258	45,843	86	27,663
Bend	Int. (in lieu of PS)	64	180	61,317	135	45,978	45	27,708

DEQ Sewerage Works Needs Priority List - October 1973

(All cost shown in \$1000 units)

Applicant	Project	Priority No.	Project Cost	Cumulative Cost	Grant 75%	Cumulative Grant Amt.	Potential Bond	
							Purchase Bonds	Requirement (25%) Cumulative Bonds
Medford	So. Medford Int.	65	\$ 600	\$61,917	\$ 450	\$46,428	\$ 150	\$27,858
Columbia City	Int.	66	160	62,077	120	46,548	40	27,898
Umatilla	McNary Int.	67	350	62,427	262	46,810	87	27,985
Multnomah Co.	Int.	68	400	62,827	300	47,110	100	28,085
Jordan Valley	STP & Int.	69	310	63,137	232	47,342	77	28,162
Aumsville	STP	70	80	63,217	60	47,402	20	28,182
Turner	Int.	71	600	63,817	450	47,852	150	28,332
Tillamook Bay, Port of	Int.	72	600	64,417	450	48,302	150	28,482
Yamhill	STP	73	80	64,497	60	48,362	20	28,502
Silverton	STP Imp.	74	250	64,747	187	48,549	62	28,564
Scotts Mill	STP & Int.	75	100	64,847	75	48,624	25	28,589
Brownsville	STP Imp.	76	230	65,077	172	48,796	57	28,646
Veneta	STP Exp.	77	400	65,477	300	49,096	100	28,746
Modoc Point	STP	78	230	65,707	172	49,268	57	28,803
Portland-Tryon	STP Exp.	79	4,500	70,207	3,375	52,643	1,125	29,928
Tangent	STP & Int.	80	180	70,387	135	52,778	45	29,973
Dufur	STP	81	75	70,462	56	52,834	18	29,991
Eagle Point	STP Imp.	82	100	70,562	75	52,909	25	30,016
Elgin	STP Imp.	83	85	70,647	63	52,972	21	30,037
Eugene	E. Side Int.	84	4,500	75,147	3,375	56,347	1,125	31,162
La Grande-Island City	Int.	85	300	75,447	225	56,572	75	31,237
Dayton	STP	86	290	75,737	217	56,789	72	31,309
Gervais	STP	87	80	75,817	60	56,849	20	31,329
Detroit	STP	88	400	76,217	300	57,149	100	31,429
Sublimity	Int.	89	440	76,657	330	57,479	110	31,539
Barlow	STP	90	110	76,767	82	57,561	27	31,566
Juntura	STP	91	50	76,817	37	57,598	12	31,578
Baker	STP Imp.	92	150	76,967	112	57,710	37	31,615

PRIORITY CRITERIA  
FOR  
SEWERAGE WORKS PLANNING ADVANCES

## A. Per capita planning costs

\$ 0 - 2	1	7 - 10	8
3 - 4	3	11 - 50	9
5 - 6	5	51 plus	10

## B. Stream segment (FY 74 annual state strategy)

1 - 25	4
26 - 51	3
51 - 77	2

PRELIMINARY PRIORITY RANKING  
SEWERAGE WORKS PLANNING ADVANCES

<u>Location</u>	<u>Planning Cost</u>	<u>Cumulative Costs</u>	<u>Priority Points</u>	<u>Priority Ranking</u>
Glendale	\$ 15,000	\$ 15,000	14	1
Tangent	6,500	21,500	14	2
Wedderburn-Knoxtown	15,000	36,500	14	3
Cave Junction	12,500	49,000	13	4
Chiloquin	25,000	74,000	13	5
Lafayette	22,000	96,000	13	6
Mapleton	25,000	121,000	13	7
Charleston	68,500	189,500	12	8
Colonial Valley	30,000	219,500	12	9
Lowell-Dexter	20,000	239,500	12	10
Rockaway	20,000	259,500	12	11
Tillamook-Suburban	20,000	279,500	12	12
Sheridan-Willamina	12,500	292,000	11	13
Boardman	5,000	297,000	10	14
Lincoln City Sub.	30,000	327,000	10	15
St. Paul	3,500	330,500	10	16
Sandy-Boring	40,000	370,500	9	17
Veneta	18,000	388,500	9	18
Bend	100,000	488,500	8	19
Cannon Beach	10,000	498,500	8	20
Clatskanie	9,000	507,500	8	21
Dunes City	15,000	522,500	8	22
Lincoln County-Rural	40,000	562,500	8	23
North Albany S.D.	24,000	586,500	8	24
Otter Rock	8,500	595,000	8	25
Scappoose-St. Helens	60,000	655,000	8	26
S.W. Lincoln Co. Sewer D.	25,000	680,000	8	27
Sutherlin	18,000	698,000	8	28
White City San. Dist.	7,500	705,500	8	29
Winston	12,000	717,500	8	30
Rhododendron-Welches	30,000	747,500	7	31
Florence-Glenada	10,000	757,500	6	32
Monmouth-Independence	30,000	787,500	6	33
Newberg-Dundee	30,000	817,500	6	34
Roseburg Metro	40,000	857,500	6	35



## Bly Sanitary District

### Background

The Bly Sanitary District was formed in response to the need to provide adequate sanitary disposal of wastes from the community. High ground water and rocky terrain made the success of septic tank and drainfield systems short-lived and unreliable.

The District retained the services of a consulting engineer, and in September, 1971, an engineering report pointed the way toward resolution of the District's difficulties.

Estimated construction costs at that time were \$350,950. Total project costs were \$450,225, excluding land costs. Not included in this initial estimate was the need to preclude discharge of lagoon effluent to Fishhole Creek as now required by EPA.

As a result of a combination of factors including accelerated inflation, the presence of more rock excavation than anticipated and changing effluent disposal requirements, the construction costs have risen to \$608,555 and total project costs to \$792,130.

Funding availability for the District as shown on the accompanying exhibit is \$667,715 leaving a shortage of \$124,415.

### Evaluation

The Bly Sanitary District is ready to construct sewage collection and treatment facilities. Plans, specifications, grants and loans have been acquired and finalized. The District lacks \$124,415 from having a viable sewerage construction project sufficient to relieve existing documented health hazard problems.

The Weyerhaeuser Company, presently constructing a multi-million dollar mill expansion at Bly anticipates an influx of 85 to 100 families and has taken steps to provide housing for these people. The employees will be facing severe inconvenience due to travel if such housing is not available in the spring of 1974 when the mill goes into operation. The company has pledged its fair share of connection fees and ad valorem tax

revenues for the support of the system. In addition, the District has a tentative commitment from Weyerhaeuser Company to increase its contribution by approximately \$25,000 so the District's shortage is reduced to very nearly \$100,000.

Director's Recommendations

1. It is recommended that the Commission approve <sup>Subject to E Bd approval</sup> the allocation of a grant *not to exceed* \$100,000 from state grant funds as authorized by Enrolled House Bill 2438 for the construction of the Bly Sanitary District sewerage facilities. *Such grant would not exceed 30% of the cost of the collection system.*
2. The Department should be directed by the Commission to submit a request <sup>to</sup> before the Emergency Board <sup>for approval of such a</sup> ~~to acquire these funds for the~~ grant to the District *under the previously established hardship category.*

DIARMUID F. O'SCANLAIN  
Director

BFD'S:PDC:cjh  
10/22/73

Bly Sanitary District

Financing

Bonds voted and sold - - - - -	\$ 225,000
EPA grant (estimated) - - - - -	352,500
U. S. Forest Service connection charge - - - - -	40,215
Connection fees (estimated) - - - - -	<u>50,000</u>
	\$ 667,715

Construction Costs (Low Bids)

Schedule A - - - - -	\$ 228,265
Schedule B - - - - -	363,290
Irrigation estimate - - - - -	22,000
Site acquisition - - - - -	<u>25,185</u>
	\$ 638,740
Engineering, legal and contingency (25%) - - - - -	<u>153,390</u>
	\$ 792,130
Shortage - - - - -	<u>\$ 124,415</u>

Statistics

Assessed valuation - - - - -	\$2,283,548
Maximum bond capacity (13%) - - - - -	296,860
Population - - - - -	650

September 25, 1973

Mr. Leo Baton  
Department of Environmental  
Quality  
1234 SW Morrison Street  
Portland, Oregon 97208

RE: Bly Sanitary District DEQ Grant

Dear Mr. Baton:

This letter is a formal request on behalf of the Bly Sanitary District for grant funds from the Department of Environmental Quality under Chapter 839 Oregon Laws (House Bill 2438) to assist in construction of their sewerage system. This request is for the maximum 30% grant for the eligible portion of the District's sewerage system. Mr. Bill Wales, District Engineer, currently estimates the applicable portion to be \$322,000.00 which would mean a grant in the neighborhood of \$96,600.00. This roughly includes all of schedule B except the 10" and 12" pipe.

There are a number of reasons this request is being made at this time. One is that the law has been recently enacted and was not available to the District when this project was started.

Limitations on District funds are other reasons. The District funding is coming from several sources. The Federal Forest Service is paying a percentage of the project (roughly 5%) based on the number of Forest Service employees and their families compared to the community population. Weyerhaeuser Company is paying for the portion allocable to their mill. Weyerhaeuser Company is also developing a 70 acre subdivision adjoining the District. Work is being done to annex this area to the District and negotiate the portion of the collection and treatment construction costs for which they should be responsible.

The District's bond capacity is limited to \$225,000.00 authorized by the District's voters in December of 1971. Their EPA grant is limited to 75% of the cost of certain specific portions of the project. When this project was started it was hoped to obtain 50% by loan and 50% by grant from the Farmers Home Administration. Farmers Home is still ready to purchase the bonds; however, their granting ability was withdrawn in January 1973. This set back the project while the District looked for additional funds. In late May, after the final design had been drawn up and was ready for submission, the

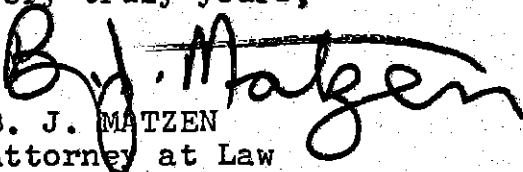
Mr. Leo Baton  
Page -2-

September 25, 1973

DEQ changed the requirements to eliminate any discharge into Fishhole Creek. This necessitated revising the plans and adding 6 more acres to provide for sprinkling the effluent. Private contractors and Mr. Bill Wales estimated the delay from May until now in starting this project to be around \$75,000.00 due to inflation. The combination of delay and limitations on funding have combined to stretch the bids opened on September 15 beyond the funds presently available to the District.

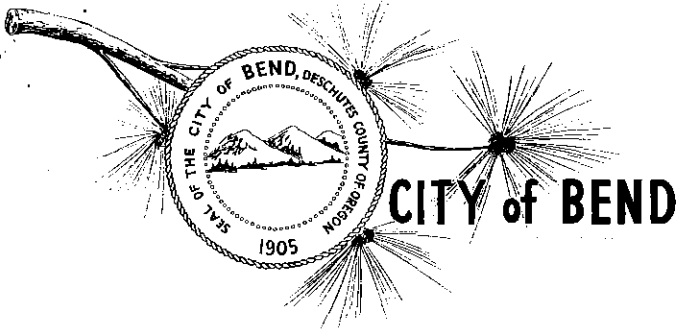
These bids will remain firm for only 60 days from September 15, 1973, and this is the reason we need immediate action on this request.

Very truly yours,

  
B. J. MATZEN  
Attorney at Law

BJM: rgj

cc. Bill Wales  
Paul Lambertson  
William Gildow  
Pat Currin  
Fred Heard



POST OFFICE BOX 431

PHONE (503) 382-4211

October 21, 1973

Barney A. McPhillips, Chairman  
Environmental Quality Commission  
1234 S.W. Morrison St.  
Portland, Oregon 97205

Dear Mr. McPhillips:

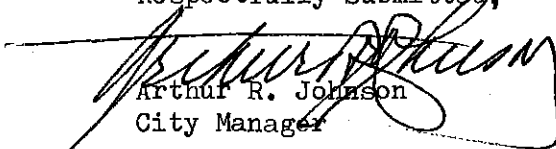
I have reviewed the memorandum from the Director concerning Agenda Item No. K to be considered at your meeting on October 22, 1973 in Pendleton. Although I am in basic agreement with the recommendations contained in the memorandum, I do take issue with the priority ranking of our Interceptor sewer, shown as number 64 on the list.

This Interceptor is to serve our new 13 million dollar hospital, (presently under construction) the Bend Memorial Clinic and a large residential area. According to the criteria we received 200 points which would indicate the elimination of interim facility or improvement of performance. This is not correct as we are not eliminating interim facility or improving performance. It is my belief that we should have been placed in the higher category that would provide 250 points and this would significantly alter our ranking. The difference would mean a ranking of 23rd rather than 64th.

At the present time we have hired a consulting engineering firm, Clark & Groff Inc. to develop final plans for the official grant application.

I respectfully request that you consider this change before official action is taken in adopting the needs priority list. Your local field engineer, John Borden, is familiar with our project and can provide additional information that you might require. I might add that the receipt of this memorandum at such a late date does not provide adequate time for a thorough review. In fact I consider myself lucky to have had any time to read it and I am sure most of the cities are completely unaware of the proposed priority program.

Respectfully Submitted,

  
Arthur R. Johnson  
City Manager



## ENVIRONMENTAL QUALITY COMMISSION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5696

TOM McCALL  
GOVERNOR

B. A. McPHILLIPS  
Chairman, McMinnville

GRACE S. PHINNEY  
Corvallis

PAUL E. BRAGDON  
Portland

MORRIS K. CROTHERS  
Salem

ARNOLD M. COGAN  
Portland

DIARMUID F. O'SCANNLAIN  
Director

October 22, 1973

### SUGGESTED MOTION

Agenda Item No. L

I move approval of the Director's recommendation of today concerning Department issuance of Pollution Control Facility Tax Credit Certificates to the 8 applicants for facilities claimed in their respective applications with the costs listed being 80 percent or more allocable to pollution control.



## ENVIRONMENTAL QUALITY COMMISSION

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DIARMUID F. O'SCANLAIN  
Director

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item <sup>4</sup> K, October 22, 1973, EQC Meeting

### Tax Credit Applications

Attached are review reports on 8 Tax Credit Applications. These applications and the recommendations of the Director are summarized on the attached table.



DIARMUID F. O'SCANLAIN

WEG:ahe

October 12, 1973

### Attachments

1. Tax Credit Application Review Reports and Director Recommendations



TAX CREDIT APPLICATIONS

<u>Applicant</u>	<u>Appl. No.</u>	<u>Facility</u>	<u>Claimed Cost</u>	<u>% Allocable to Pollution Control</u>	<u>Director's Recommendation</u>
Reynolds Metals Company Troutdale Plant	T-299R	Baghouse, fan, conveyors and associated ductwork	\$33,780.08	80% or more	Issue
Menasha Corporation Paperboard Division	T-452	DeZurik automatic sampler & flowmeter	3,925	80% or more	Issue
Crown Zellerbach Corporation Lebanon Division	T-470	Mechanical aerator installed in aeration basin	3,607	80% or more	Issue
George F. Joseph & Estate of Victor H. M. Joseph dba Modoc Orchard Company	T-476	Overhead sprinkling system	90,283.55	more than 40% and less than 60%	Issue
Simpson Timber Company Albany Plywood Plant	T-483	Visible emission control from veneer dryers	42,077	80% or more	Issue
Bohemia, Incorporated Rickini Division	T-484	Wood-waste residue processing, handling, and storage system	101,942.60	80% or more	Issue
International Paper Company Gardiner Paper Mill - Northern Division	T-485	Eimco circular clarifier, Eimco belt filter, and related pumps, tanks, motors, & electrical controls	685,456.49	80% or more	Issue
Wooley Enterprises, Inc. Drain Plywood Company	T-487	Sanderdust emission control	38,737.74	80% or more	Issue

Date 10/12/73

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

---

1. Applicant

Reynolds Metals Company  
Troutdale Plant  
Sundial Road  
Troutdale, OR 97060

The applicant operates a primary aluminum reduction plant.

2. Description of Facility

The facility claimed in this application is described to include a baghouse, fan, conveyors and associated ductwork for removing carbon dust from around an anode-butt jaw crusher located in the carbon plant.

The facility was placed in operation in June of 1971.

Certification is claimed under the 1969 Act. The percentage claimed for pollution control is 100%. Facility cost equals \$33,780.08 (Accountant's certification was provided.)

3. Evaluation of Application

The claimed facility was installed to control emissions from a new jaw crusher which crushes large anode butts (residual carbon from used anodes). The new crushing system, which is not included in the application, was installed to ease the burden on an existing undersized hammermill. The new system must be vented to maintain satisfactory working conditions and dust controls on the ventilation exhaust are necessary to meet air pollution control requirements.

The original application (T-299) was withdrawn due to errors or inaccurate figures pertaining to the amount of material collected by the claimed facility. Since withdrawal of the original application the company has conducted a study to determine the actual amount of material collected. This revised application (T-299R) is based on the results of that study.

The application indicates that about 1117 pounds per day of material are collected by the claimed facility for reuse in the anode production process. Assuming a 260 day per year operation and a \$40.00 per ton approximate value for the recovered material (calcined petroleum coke sells locally for about \$40.00 per ton), the annual value of reuseable material would equal \$5807.40. The application cites an annual operating expense of 7,924.00 plus \$1,689.00 annual depreciation for a total of \$9,613.00 per year. Thus it appears that the value of reused material is exceeded by total expenses by approximately \$3,805.60 annually.

It is concluded that the claimed facility was installed to control air pollution and that 100% of its cost is allocable to pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the actual cost of \$33,780.08 with 80% or more of the cost allocable to pollution control, be issued for the facility claimed in Tax Application T-299R.

FAS:sb  
10/12/73

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
TAX RELIEF APPLICATION REVIEW REPORT  
Menasha Corporation, North Bend

---

1. Applicant

Menasha Corporation  
Paperboard Division  
P. O. Box 329  
North Bend, Oregon 97459

The applicant owns and operates a pulp and paper mill which manufactures corrugating medium from hardboard chips, softwood sawdust, and recycled container board.

2. Description of Claimed Facilities

The claimed facility is a DeZurik automatic sampler and flowmeter which automatically extracts a waste water sample from the process waste water which is being piped to the waste water treatment facilities.

The claimed facility was placed in operation February 15, 1973.

Certification is claimed under the 1969 Act with 50% allocated to pollution control.

Facility cost: \$3,925.00 (accountant's certification was submitted.)

3. Evaluation of Application

Prior to the installation of the claimed facility, samples were taken semi-automatically by a simple air-activated tube device. The flow rate was calculated by determining the pump operating time. With the claimed facility, each sample taken is proportional to the waste water flow rate, providing a more precise waste water determination. Accurate sampling is a necessary prerequisite to pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$3,925.00 with 80% or more allocated to pollution control be issued for the facilities claimed in Application T-452.

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

---

1. Applicant

Crown Zellerbach Corporation  
Lebanon Division  
P. O. Box 486  
Lebanon, Oregon 97355

The applicant owns and operates a pulp mill producing 100 tons/day of ammonia base sulfite pulp. The mill has two paper machines.

2. Description of Claimed Facility

The facility claimed is one 75 H.P. mechanical aerator with controls that have been added to those previously installed in the aeration basin (two 75 H.P. and six 25 H.P. aerators) so that there are now three 75 H.P. and six 25 H.P. aerators installed.

The installation of the claimed facility was completed and placed in operation in October, 1971.

Certification is claimed under the 1969 Act with 80% or more of the cost allocated to pollution control.

Facility Cost: \$3,607.00 (accountant's certification attached to application).

3. Evaluation of this Application

The additional aerator was installed to increase the rate of aeration and thereby reduce BOD level of the effluent from the secondary treatment system to an acceptable level before discharging into the South Santiam River. The installation of this aerator reduced BOD from 4,000 lbs. to 3,500 lbs. per day at a flow of 4 MGD. There is no income derived from the operation of this facility.

Monitoring reports show that this mill is operating with BOD discharge below Waste Discharge Permit limits.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-470, such certificate to bear the actual cost of \$3,607.00 with 80% or more allocable to pollution control.

WDL

10/3/73

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

1. Applicant

Mr. George F. Joseph & Estate of Victor H. M. Joseph  
dba Modoc Orchard Company  
P. O. Box 56  
Medford, OR 97501

The applicant operates a 285-acre pear orchard on Modoc Road north of Central Point.

2. Description of Claimed Facility

The claimed facility is described to be an overhead sprinkling system on 67 acres of pear orchard.

The facility was completed and put into service during March, 1973.

Certification is claimed under the 1969 Act. The percentage claimed for pollution control was not specified.

Facility cost: \$90,283.55 (Accountant's certification was provided).

3. Evaluation of Application

The claimed facility serves to provide the frost protection for 66 acres of pear trees and 1 acre of apple trees by replacing or eliminating the need for some 3350 orchard heaters. In addition, the facility provides irrigation by sprinklers instead of by flooding the entire 67 acres. (The applicant has previously obtained certification for a similar 80-acre and 90-acre systems of overhead sprinklers, Tax Credit Applications T-212 and T-339 respectively.)

Since the facility claimed in this application (T-479) does contribute to both reducing atmospheric emissions and increasing pear production, only a portion of it can be certified under the 1969 Act. In order to establish the percentage of the system allocable to pollution control, the company has provided data on hours and days of both heating and irrigation for those previous years for which this information was available. The data submitted for the seasons 1970-71, 1971-72 and 1972-73 indicate that the average hours of orchard heating (272 hours per season) and the average hours of irrigation (288 hours per season) were about equal for the overhead sprinkler systems. Although these numbers are subject to many variables, they are considered to be sufficiently representative to make the desired determination for this particular application. (It is well established that

the required amount of frost protection usually varies among orchards and often within a given orchard.)

It is concluded that the facility operates to a substantial extent for reducing atmospheric emissions and that the portion of the cost allocable to pollution control should be 40% or more and less than 60%. (This is the same as the conclusion reached in Applications T-212 and T-339 which were previously certified.)

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$90,283.55, with more than 40% and less than 60% of the cost allocable to pollution control, be issued for the facility claimed in Tax Application T-476.

FAS:sb  
10/12/73

Date 10/1/73

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

---

1. Applicant

Simpson Timber Company  
Albany Plywood Plant  
P. O. Box 308  
Albany, OR 97321

The applicant operates a plywood plant in Albany, OR.

2. Description of Claimed Facility

The claimed facility collects the exhaust air and gaseous hydrocarbons from two (2) steam-heated veneer dryers and transfers them to the hog-fuel boilers where the hydrocarbons are incinerated and the air is utilized for combustion. This facility controls visible emissions from the veneer dryers and consists of the following items:

1. Heavily insulated collection, transfer, and discharge piping and fittings.
2. Insulated centrifugal fan.
3. Valves and draft control equipment.

The facility was completed and placed in service in February, 1973.

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

Facility Costs: \$42,077.00 (Accountant's Certification was provided).

3. Evaluation of Application

The Mid-Willamette Valley Air Pollution Authority reports that the company agreed to bring its two (2) veneer dryers into compliance by no later than July 30, 1974, as specified in a Stipulation and Order issued by the Authority on June 27, 1972. The Authority did review and approve the plans and specifications and recently inspected the completed installation. At that inspection the Authority determined that the installation was constructed in accordance with the approved plans, and that the boiler stack emissions were in compliance with the Authority's visual standards. A source test on the boiler is scheduled to be conducted before January 1, 1974.

This facility did enable the company to control visible emissions from the veneer dryers. Previous uncontrolled emissions from the dryers averaged about 30.3 lb/hour or approximately 109 tons/year. Assuming an approximate efficiency of 90+% for an incineration system of this nature, emissions would be reduced to less than 11 tons/year for a total reduction of particulate emissions of about 98 tons/year.



The company will not be able to earn any return on this investment.

It is concluded that this facility does operate satisfactorily and did reduce particulate emissions to the atmosphere by about 98 tons/year.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the costs of \$42,077.00 with 80% or more of the cost allocated to pollution control be issued for the facility claimed in Tax Application T-483.

PJJ:sb  
10/3/73

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

1. Applicant

Bohemia, Inc.  
Rickini Division  
P. O. Box 1819  
Eugene, OR 97401

The applicant operates a sawmill and planing mill at Saginaw, Lane County, Oregon.

2. Description of Claimed Facility

The claimed facility is described to be a wood-waste residue processing, handling, and storage system installed for the purpose of eliminating the operation of the wigwam waste burner and consists of the following:

1. Wood-waste swing hammer shredder.
2. Four (4) - 14 unit steel storage bins.
3. Conveyors and drive motors.
4. Electrical control system and panel.
5. Necessary foundation, structural supports, housing, etc.

The facility was completed and placed in operation in February, 1969.

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

Facility costs: \$101,942.60 (Accountant's certification was provided).

3. Evaluation of Application

The Lane Regional Air Pollution Authority reports that this installation was constructed in an acceptable manner and was the best alternative for the disposal of wood wastes generated at this facility. The Authority was aware of, and worked quite closely with the company in the installation of this equipment. The Authority reports that the company's objective of discontinuing their wigwam waste burner has been met.

The installation enables the company to collect the mill's wood waste residues, process them in the shredding equipment and transport them to the storage bins where they are held for eventual truck shipment and utilization as hogged fuel.

The annual income derived from the claimed facility is \$22,007, while the annual operating expenses are reported as \$26,550. The net yearly loss is thus \$4,543.

It is concluded that this installation does operate satisfactorily and did reduce air pollution by enabling the company to phase out all operation of the wigwam waste burner. The company, in accordance with cost data submitted in this application, will not be able to earn a positive return on this investment.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the costs of \$101,942.60 with 80% or more of the costs allocated to pollution control be issued for the facility claimed in Tax Application T-484.

PJJ:sb  
10/12/73

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

International Paper Company - Gardiner Kraft Mill

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1. Applicant

International Paper Company  
Gardiner Paper Mill - Northern Division  
P. O. Box 854  
Gardiner, Oregon 97441

The applicant owns and operates a 600 ton per day kraft pulp and linerboard mill at Gardiner, Oregon near the mouth of the Umpqua River in Douglas County.

2. Description of Claimed Facility

A 160 ft. Eimco circular clarifier, a 400 square foot Eimco belt filter, and related pumps, piping, tanks, motors, and electrical controls.

The claimed facility was placed in operation in July, 1973.

Certification is claimed under the 1969 Act with 100% allocated to pollution control.

Facility cost: \$685,456.49 (accountant's certification was submitted).

3. Evaluation of Application

Prior to the construction of the claimed facility, suspended solids discharges to the ocean were averaging 16,000 pounds per day. With the facility, suspended solids discharges were reduced to 6,000 to 7,000 pounds per day (monthly average). Investigation reveals the facility is well designed, well constructed, and well operated.

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 of \$685,456.49 with 80% or more of the cost allocated to pollution control be issued for the facilities claimed in Tax Application No. T-485.

Date 10/1/73

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

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1. Applicant

Wooley Enterprises, Inc.  
Drain Plywood Company  
P. O. Box 93  
Drain, OR 97435

The applicant operates a plywood plant in Drain, Oregon.

2. Description of Facility

The facility claimed in the application controls the emission of sanderdust to the atmosphere and is described to consist of the following:

1. One (1) Carter-Day 144 RJ 96 baghouse filter unit.
2. Sanderdust collection and handling ducts.
3. Necessary foundations, fans, motors and electrical controls.

The facility was completed and placed in operation in February, 1972.

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

Facility Costs: \$38,737.74 (Accountant's certification was provided).

3. Evaluation of Application

The company was required to reduce the particulate emissions from the plywood plant in order to attain compliance with OAR, Chapter 340, Section 25-315(2). The Department reviewed and approved plans and specifications for this installation.

This installation enabled the company to remove one (1)-12 foot dia. cyclone and one (1)-10 foot dia. cyclone and replace them with the Carter-Day filter unit. The plywood plant manufacturing processes create considerable quantities of sawdust and sanderdust of very small particle size, and the previously existing cyclones were not very effective in controlling these particulate emissions to the atmosphere. The Carter-Day baghouse filter can be expected to have a collection efficiency of 99+% and therefore greatly reduce particulate emissions.

It is concluded that this facility does operate satisfactorily and did reduce particulate emissions to the atmosphere.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$38,737.74 with 80% or more of the costs allocated to pollution control be issued for the facility claimed in Tax Application T-487.

PJJ:sb  
10/3/73