

4/19/1974

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



State of Oregon
**Department of
Environmental
Quality**

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Agenda

ENVIRONMENTAL QUALITY COMMISSION

meeting of

April 19, 1974

Rooms 309-310 Hoke College Center, Eastern Oregon State College
7th Street and J Avenue, La Grande, Oregon 97850

9 a.m.

- A. Minutes of the March 22, 1974 Commission Meeting
- B. March 1974 Activity Report
- C. Oregon CUP Award Screening Committee
 - 1. Rule Change
 - 2. Nominations

ESCO Corporation Industrial Award
Joint Individual Award: Rich Chambers and Don Waggoner

AIR QUALITY

- D. Maintenance of Air Quality Standards--Hearings Officer's Report on Public Hearings on Designation of Air Quality Maintenance Areas

10 a.m.

PUBLIC FORUM

ENFORCEMENT

- E. Tussock Moth Monitoring Program, Status Report
- F. Les Schwab Tire Company, Status Report on Tire Disposal in the Central Region, DEQ
- G. DEQ Laboratory Facility Proposal

Slide presentation of tussock-moth damaged areas near La Grande.

Luncheon following the meeting at VIPS (adjacent to the Pony Soldier Motor Inn, Route 1, Box 1816, La Grande)

MINUTES OF THE FIFTY-FIFTH MEETING
of the
Oregon Environmental Quality Commission
March 22, 1974

Public notice having been given to the news media, other interested persons and the Commission members as required by law, the fifty-fifth meeting of the Oregon Environmental Quality Commission was called to order by the Vice Chairman in the absence of the Chairman at 9 a.m. on Friday, March 22, 1974, in Room 20 State Capitol, Salem, Oregon.

The Commission members present were Dr. Morris K. Crothers, Vice Chairman, Mrs. Jacklyn L. Hallock and Dr. Grace S. Phinney.

The Department was represented by Director Kessler R. Cannon; Deputy Director Ronald L. Myles; Assistant Directors Frederick M. Bolton, Wayne Hanson, Harold L. Sawyer, and Kenneth H. Spies; Regional Administrator Richard P. Reiter (Southwest Region); staff members Thomas R. Bispham, Harold H. Burkitt, Michael J. Downs, Thomas Guilbert, Robert D. Jackman, John S. Kowalczyk, Carole L. Moscato, T. Jack Osborne, Harold M. Patterson, Barbara J. Seymour, Shirley G. Shay, Fredric A. Skirvin, and Warren C. Westgarth; Salem Branch Sanitarian Gary W. Messer; and Chief Counsel Raymond P. Underwood. Representing EPA Region X, Oregon Operations Office, was Director John J. Vlastelicia.

MINUTES OF THE FEBRUARY 22, 1974 COMMISSION MEETING

It was MOVED by Dr. Phinney that the minutes of the fifty-fourth meeting of the Commission, held in Corvallis on February 22, 1974, be approved as prepared and distributed. There being no objection, it was so ordered by unanimous consent.

ACTIVITY REPORT FOR THE MONTH OF FEBRUARY 1974

It was MOVED by Mrs. Hallock that the actions taken by the Department during the month of February 1974, as reported by Mr. Myles, regarding the 42 domestic sewerage, 4 industrial waste, 9 air quality control, and 2 solid waste management projects be approved. There being no objection, it was so ordered by unanimous consent.

Water Quality Control

<u>Date</u>	<u>Location</u>	<u>Location</u>	<u>Action</u>
2-5-74	Sweet Home	C.O. #2 - STP Contract	Approved
2-5-74	West Linn	Green Hills Subdn - Ph 2 - Sewers	Prov. app.
2-7-74	Portland	S.E. 98th Ave. Sewer and N. Upland Dr. Sewer	Prov. app.
2-7-74	The Dalles	West 14th St. Sewer & Pump Sta.	Prov. app.
2-8-74	Lake Oswego	LID 158 San. Sewers	Prov. app.
2-8-74	USA (Sunset)	Torreyview Subdn Sewers	Prov. app.
2-8-74	USA (Fanno)	Habitat Interceptor	Prov. app.
2-8-74	USA (Cornelius)	LID #3 San. Sewer	Prov. app.
2-15-74	BCVSA	Vilas Road Trunk Extension	Prov. app.
2-19-74	Sunriver	River Park 1 - Sewers	Prov. app.
2-19-74	Gresham	N.E. Burnside, N.E. Division St. Shopping Center Sewers	Prov. app.
2-20-74	Tualatin	Hi-West Estates, Ph 1 Sewers	Prov. app.
2-20-74	Hillsboro	N.E. Hyde St. Sewers	Prov. app.
2-20-74	Wilsonville	Wilsonville Indust. Pk. Sewer	Prov. app.
2-22-74	The Dalles	Cascade Square Shopping Center Sewer	Prov. app.
2-22-74	Springfield	Ramada Inn Sewer & Gateway Pk. 2nd Addn. Sewer	Prov. app.
2-25-74	Phoenix	Eleven Oaks Subdn # 1 & 2 Sewers	Prov. app.
2-25-74	Eugene	6 - Sewer Projects	Prov. app.
2-25-74	Eastside	Revised Pumping Station and Force Main	Prov. app.
2-25-74	Tri-City S.D.	C.O. #4 - STP Contract	Approved
2-25-74	Astoria	C.O. #5 & 6 - Schd. A C.O. #3 & 4 - Schd. B	Approved
2-25-74	Gresham	C.O. No. 12, Contr. 1 - STP Contract	Approved
2-25-74	St. Helens	C.O. #C-3 STP Contr.	Approved
2-25-74	Prineville	C.O. No. 1 - Int. Proj.	Approved
2-25-74	Yachats	C.O. #4 - STP Contr.	Approved
2-25-74	Gresham	N.E. Everett St. Sewer	Prov. app.
2-27-74	Clack Co. S.D. #1	C.O. No. 6 - Ph.II Int. Proj.	Approved
2-27-74	Bend	Knoll Hts. Subdn - Dry Sewers	Prov. app.
2-27-74	Springfield	Cogburn Subdn Sewers	Prov. app.
2-28-74	USA (Oak Hills)	N.W. 148th & West Union Rd. Sewer	Prov. app.

Industrial Projects

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
2-1-74	La Grande	<u>Rancho De Jam'on</u> --animal waste facilities	Prov. app.
2-6-74	Dayton	<u>Dauenhauer Feedlot</u> --animal waste facilities	Prov. app.
2-6-74	Tillamook	<u>Derrick Dairy Farm</u> --animal waste facilities	Prov. app.
2-6-74	Scappoose	<u>Steinfeld's Products Co.</u> -- waste water treatment facilities	Prov. app.

Air Quality Control

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
2-14-74	Multnomah County	<u>Northwest Natural Gas Co.--</u> 492-space parking facility for new office building	Cond. app.
2-15-74	Lincoln County	<u>Georgia Pacific Corporation--</u> Evaluation of Source Test Report for hog fuel boiler	Req. add. info.
2-19-74	Coos County	<u>Georgia Pacific Corporation--</u> Evaluation of Source Test Report for hog fuel boiler	Req. add. info.
2-21-74	Jackson County	<u>Boise Cascade Corporation--</u> Evaluation of Source Test Report for cyclones	Cond. app.
2-22-74	Multnomah County	<u>Johns Landing--2,464-space park-</u> <u>ing facility for new residential/</u> <u>commercial development</u>	EQC Partial App.
2-25-74	Washington County	<u>Kon Koll Business Center--</u> 1,047-space parking facility for new office/warehouse complex	Cond. app.
2-26-74	Klamath County	<u>Columbia Plywood--</u> Evaluation of Source Test Report for hog fuel boiler	Approved
2-26-74	Hood River County	<u>Champion International, U.S.</u> <u>Plywood Division--</u> Evaluation of Source Test Report for cyclones	Approved
2-27-74	Deschutes County	<u>Brooks-Willamette Corporation--</u> <u>N/C No. 226. Installation of two</u> <u>Rotoclone scrubbers to control</u> <u>cyclone emissions at particle-</u> <u>board plant</u>	Approved

Solid Waste Management

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
2-8-74	Lane County	<u>Pope & Talbot, Inc.--</u> Existing Industrial Site, Operational Plan	Approved
2-28-74	Clackamas County	<u>Park Lumber (Crown Zellerbach</u> <u>Corp.)--</u> Existing Industrial Site, Operational Plan	Approved

Mr. Myles told the Commission that the status report on pending projects, requested at the February meeting, would be included in future activity reports.

TAX CREDIT APPLICATIONS

Mr. Skirvin summarized the Department's evaluation of the seven tax credit applications covered by the following motion:

It was MOVED by Dr. Phinney that as recommended by the Director, tax credit certificates be issued to the applicants for the pollution control facilities

described in the following applications and bearing the costs as listed with 80 percent or more of the cost in each case being allocated to pollution control. There being no objection, it was so ordered by unanimous consent.

<u>App. No.</u>	<u>Applicant</u>	<u>Claimed Cost</u>
T-520R	Coil Millwork Company	\$120,165.58
T-521	Willamette Industries, Inc., Duraflake Company	84,836.88
T-523	Willamette Industries, Inc., Duraflake Company	37,688.32
T-524	Evans Products Company, Fiber Products Division	77,617.20
T-537	Bohemia, Incorporated, Elkside Lumber Division	90,449.52
T-538	Bohemia, Incorporated, Cascade Fiber Division	44,511.21
T-518	Reynolds Metals Company, Troutdale Plant	25,563.90

TEMPORARY RULES PERTAINING TO ADMINISTRATIVE PROCEDURE

Mr. Myles presented the staff recommendation report dated March 11, 1974, regarding the adoption of temporary rules pertaining to administrative procedure, as required by the Oregon Administrative Procedure Act. The rules proposed would repeal sections 11-005 to 11-170, Oregon Administrative Rules, Chapter 340, Division 1, Subdivision 1, and adopt in lieu sections 11-005 through 11-135.

Mr. Underwood answered questions by the Commissioners relative to certain definitions and sections of the proposed rules.

It was MOVED by Mrs. Hallock to adopt the proposed rules pertaining to administrative procedure as temporary rules of the Commission. There being no objection, it was so ordered by unanimous consent. A copy of these rules is attached to and made a part of the original minutes.

AMAX ALUMINUM COMPANY STATUS REPORT

Mr. Kowalczyk presented the staff memorandum report on the status of the applications filed by AMAX Pacific Aluminum Corp. (Warrenton) for air, water and solid waste permits. The complete file relative to the AMAX preliminary permit applications is maintained at the Northwest Region, Department of Environmental Quality, 1010 N. E. Couch, Portland.

CONDOMINIUMS NORTHWEST (Gearhart)

Mr. Messer presented the staff memorandum report dated March 11, 1974, regarding the request of Condominiums Northwest for construction of a new swimming pool at the Tillamook House condominium structure in Gearhart, Clatsop County.

Mr. Messer presented the Director's recommendation that the Commission approve the installation of the proposed swimming pool facility subject to the following conditions:

1. No additional sanitary facilities would be constructed.
2. Construction of the swimming pool without poolside sanitary facilities is approved by the Oregon State Health Division.
3. Water generated from the backwash operation be recycled back into the pool.
4. Any future banquet facility that might be constructed would be limited to a maximum seating capacity of 373 persons.

It was MOVED by Dr. Phinney to approve the Director's recommendation. There being no objection, it was so ordered by unanimous consent.

DAMASCUS UNION HIGH SCHOOL, VARIANCE REQUEST

Mr. Bispham presented the staff memorandum report dated March 13, 1974, regarding the request of Damascus Union High School, District No. 26, Damascus, Clackamas County, to open burn the 2,200 filbert trees cleared from a new school site purchased on Deep Creek Road, and the Director's recommendation to grant the variance request subject to the following conditions:

1. Disposal shall be completed during the spring open burning period of April 12, 1974 through May 19, 1974.
2. Material to be burned must be removed of excess earth in order to enhance combustion.
3. Ignition of fires may be allowed only on those days classified as "burn days" by the State Fire Marshal's Office and the Department of Environmental Quality.
4. All burning must comply with local fire department regulations.
5. The burning of rubber, plastics, or materials likely to generate obnoxious odors and/or excessive smoke is prohibited.
6. The school district shall advise the Department each day fires are ignited. Should the open burning and adverse meteorological conditions result in nuisance conditions, burning shall be terminated.

Dr. Crothers asked why the trees weren't made available to the public to cut for firewood. Mr. Bispham replied that there is no access into the site and that the trees are nearly buried in dirt.

It was MOVED by Mrs. Hallock to approve the Director's recommendation. There being no objection, it was so ordered by unanimous consent.

PUBLIC FORUM

Mrs. Hilda B. Baar, 1553 S. W. Upper Hall Street, Portland, a board member of the Goose-Hollow Foothill League, representing the League, read a prepared statement objecting to the revised road standards portion of the Department's proposed noise pollution control rules. Her statement is attached to and made a part of the original minutes.

Mrs. Baar replied to questions by the Commissioners relative to her statement and to specific noise problems in her area.

Mrs. Evelyn Powell, 1905 S. W. Mill Street Terrace, Portland, also a board member of the Goose-Hollow Foothill League, spoke in support of Mrs. Baar's statement.

No one else wished to testify.

PROPOSED NOISE CONTROL RULES

Mr. Guilbert summarized his Hearings Officer's report dated March 15, 1974 on the public hearings on proposed noise control rules held in Portland on March 4 and in Medford on March 7, 1974.

Mr. Cannon said the Department staff is reviewing the testimony received at all the public hearings and will prepare recommendations for consideration by the Commission. He announced his appointment of a statewide ad hoc committee from the technical community to study the standards proposed for the industrial and commercial sections of the rules, and to report their findings within 90 days. He stated further that other portions of the proposed rules would be presented for adoption at an early date.

AIR QUALITY MAINTENANCE AREAS

Mr. Downs summarized his report relative to designating areas of the state for air quality maintenance during the next ten years (1975 through 1985), as required by the Environmental Protection Agency. Each state is to submit to EPA a list of those areas that within this ten-year period could potentially exceed the air quality standards established in the Oregon Clean Air Act Implementation Plan, and following public hearings to propose designating those areas as air quality maintenance areas. Public hearings are scheduled before the Hearings Officer on April 12 in Portland and April 15 in Eugene, with a report to be presented to the Commission at its April 19 meeting in La Grande. Proposed for designation are (1) Portland Metropolitan Area, (2) Longview-Kelso Corridor, (3) Eugene-Springfield Metropolitan Area, and (4) Medford-Ashland Area.

WEYERHAEUSER COMPANY, Springfield

Mr. Guilbert read his Hearings Officer's report regarding the request of Weyerhaeuser Company Kraft pulp and paper mill in Springfield for modification of its compliance schedule for air quality control of lime kilns in accord with Oregon Administrative Rules, Chapter 340, section 25-165(2)(b), by extending the time schedule for full compliance from July 1, 1974 to January 1, 1976.

Mr. Cannon asked Mr. Burkitt, who had testified in support of the application for extension at the public hearing held on March 5, 1974, to comment on the impact of the request for an extension on the area's air shed.

Mr. Burkitt replied that the particulate emissions would have some impact but that the ambient air standards for 1975 could still be met.

It was MOVED by Mrs. Hallock to grant the extension as proposed by the Department's staff. There being no objection, it was so ordered by unanimous consent.

ROBERT DOLLAR COMPANY, VARIANCE REQUEST

Mr. Burkitt presented the staff memorandum report dated March 13, 1974, regarding the request of the Robert Dollar Company, Forest Products Division, Glendale, Douglas County (SIC 2421) for a variance from the administrative rules relating to emissions from the rotary drier which dries the decorative bark produced by the company.

The Director's recommendation would grant the company's Forest Products Division a variance from Oregon Administrative Rules, Chapter 340, sections 21-015(2b), Visible Air Contaminant Emission Limitations, and 21-020(2), Fuel Burning Equipment Emission Limitation, from June 30, 1974 until March 1, 1975, subject to the following compliance schedule and emission limitations, and that the Air Contaminant Discharge Permit, No. 10-0045, to be issued, be modified to reflect the following schedule:

1. August 1, 1974, submit plans and specifications
2. September 1, 1974, submit purchase orders
3. December 1, 1974, commence construction
4. January 1, 1975, complete construction
5. March 1, 1975, demonstrate compliance with the administrative rules.

In addition, the following emission limitations should be incorporated into the Air Contaminant Discharge Permit for the duration of this variance:

1. The permittee shall at all times maintain and operate all air contaminant generating processes and all air contaminant control

equipment at full efficiency and effectiveness, such that the emissions of air contaminants are kept at the lowest practicable levels.

2. Particulate emissions from the wood-fired drier shall not exceed the following:
 - a. 0.2 grains per standard cubic foot corrected to 11% carbon dioxide (CO₂),
 - b. An opacity equal to or greater than twenty-five percent (25%) for a period or periods aggregating more than three (3) minutes in any one (1) hour.

Dr. Crothers asked what would be the opacity of one of the old unmodified wigwam burners. Mr. Burkitt replied that in the case of the Robert Dollar Company, it was probably consistently close to 100 percent, and less than 20 percent for a modified wigwam burner.

Mr. T. H. Mehl, III, Assistant Manager of the Robert Dollar Company, answered questions about his company's product, which he also displayed to the Commissioners.

It was MOVED by Dr. Phinney to approve the Director's recommendation. There being no objection, it was so ordered by unanimous consent.

MARTIN MARIETTA ALUMINUM, INC., The Dalles

Mr. Skirvin presented the staff memorandum report and addendum regarding the proposed air contaminant discharge permit for the Martin Marietta aluminum plant at The Dalles, and the petition on behalf of the Wasco County Fruit and Produce League requesting establishing of Special Problem Area designation for The Dalles, submitted to the Department by counsel for the League. The proposed permit as presented would establish emission limitations more restrictive than the 1977 emission limitations for fluorides set forth in the amended primary aluminum plant regulations, and require a compliance schedule to meet the particulate emission limits by no later than January 1, 1977, in accordance with the amended regulations.

The Director's recommendation proposed that a public hearing be held during which the Commission may receive testimony on the proposed permit.

Mr. Skirvin then read the conclusions of Martin Marietta's response to the League's petition, sent by letter to the Department from Mr. Douglas Ragen, an attorney with the Portland firm of Miller, Anderson, Nash, Yerke & Wiener, counsel for Martin Marietta.

It was MOVED by Mrs. Hallock to approve the Director's recommendation regarding the proposed public hearing before the Commission. There being no objection, it was so ordered by unanimous consent.

The Commission also indicated that it would receive testimony on the petition as a separate but related matter at the same time and place as the hearing on the permit.

The Vice Chairman acknowledged the request of several persons representing the Wasco County Fruit and Produce League and Martin Marietta Aluminum, Inc. to address the Commission on various aspects of this agenda item.

Mr. Arden Shenker, an attorney with the Portland firm of Tooze, Kerr, Peterson, Marshall & Shenker, representing the Wasco County Fruit and Produce League, supported the recommendation for a public hearing on the permit. He said that the petition contained two requests--one, to accelerate the time table for the compliance of Martin Marietta Aluminum, Inc. at The Dalles with the fluoride and particulate regulations adopted by the Commission in November 1973; and two, to take prompt action and perhaps accelerate the time table to impose stricter fluoride emission limitations on the Martin Marietta plant during the special growing season from March 25 to July 15, 1974. He urged the designation of Special Problem Area for Wasco County at the earliest possible time.

Dr. Crothers commented that the staff report states that Martin Marietta is currently achieving lower fluoride emissions. Mr. Shenker replied that the League is asking the Commission to require the Company to operate on the basis of stricter emission limitations.

Mr. Jack Doan, Vice President and General Manager, Reduction Division, Martin Marietta Aluminum, Inc., stated that Martin Marietta's application for a permit, submitted to the Department in June 1973, was deferred by the Department pending adoption by the Commission of revised regulations for primary aluminum plants. Following adoption in November 1973, the company expected issuance of a permit in conformity with the revised regulations. Martin Marietta learned just 12 days ago that the Department would propose emission standards in the permit more restrictive than those contained in the regulations. Mr. Doan said that at the present time the company cannot meet either the 1977 emission standards or the proposed permit emission standards without the probability of being in chronic violation, "which would be untenable for all parties concerned."

He contended that it is the Department and not the Commission which has responsibility for establishing the terms of the permit, and said the staff should issue a permit to Martin Marietta requiring compliance with the regulations as promulgated and including a realistic compliance schedule. He concluded by stating that the Commission can be confident that Martin Marietta will continue to abide by the spirit of the regulations and will maintain its position as a leader in emissions control.

Dr. Crothers asked Mr. Underwood to comment on Mr. Doan's statement that the Commission does not have the authority to hold hearings on proposed permits. He replied that there is no specific requirement to hold a hearing, but that the Commission does have the discretion to hold a hearing if it wishes to do so on any subject within its jurisdiction.

Mr. Jeffrey L. Dye, an attorney with the Portland firm of Miller, Anderson, Nash, Yerke & Wiener, representing Martin Marietta, pointed out to the Commission that an air pollution case involving Martin Marietta filed by a cherry grower seeking damages has been set for trial at The Dalles in mid-April. He also read into the record Martin Marietta's full response to the petition, a copy of which is attached to and made a part of the original minutes. Mr. Dye referred to Martin Marietta's record of compliance in 1973, and stated that the petition is both untimely and unsupported by data.

Dr. Crothers asked Mr. Underwood if a formal notice of more restrictive standards is required. Mr. Underwood replied that no notice was necessary because a rule change was not being proposed, that upon a finding by the Commission, the Department can adopt more restrictive standards.

In reply to Mr. Cannon's question concerning problems for the Commission or the Department because of the scheduled trial, Mr. Underwood replied that the Department was not a party to the case and should proceed with its business regardless of pending litigation to which it was not a party.

The meeting was recessed until 1:30 p.m.

ADOPTION OF TEMPORARY RULES PERTAINING TO FEES FOR SUBSURFACE SEWAGE DISPOSAL PERMITS AND LICENSES

Following the luncheon recess and reconvening of the meeting by the Vice Chairman, Mr. Spies presented the staff memorandum report dated March 13, 1974,

regarding the adoption of temporary rules pertaining to the amounts of fees to be charged for subsurface sewage disposal permits, licenses, and site evaluation reports, as authorized by Senate Bill 1007, passed in the 1974 Special Session of the Legislature.

The temporary rules proposed to go into effect April 1, 1974, follow:

Proposed Temporary Rules

Pertaining to Fees for Subsurface Sewage Disposal Permits and Sewage Disposal Service Business Licenses

- Section 1. Definitions contained in Chapter 835, Oregon Laws 1973 (SB 77) shall apply as applicable.
- Section 2. The following non-refundable fees are required to accompany applications for permits and licenses issued under Sections 213 and 217, Chapter 835, Oregon Laws 1973:

<u>Subsurface Sewage Disposal System</u>	<u>Fee</u>
New Construction Installation Permit-----	\$ 50
Alteration, Repair or Extension Permit-----	\$ 15
Sewage Disposal Service Business License-----	\$100

- Section 3. No governmental unit shall be required to pay the fees prescribed in Section 2. of these rules.
- Section 4. Each fee received pursuant to subsection (1), section 1, 1974 Senate Bill 1007 and rules of the Environmental Quality Commission adopted pursuant thereto, for a report of evaluation of site suitability or method or adequacy of a new subsurface sewage disposal system, shall be deducted from the amount of the \$50 fee otherwise required for the subsequent issuance of a permit for the installation or construction of the new system for which the site evaluation was conducted, provided its findings are still valid or another evaluation study is not considered necessary.

Mr. Spies presented the Director's recommendation that the above proposed rules be adopted as temporary rules to become effective April 1, 1974.

Dr. Crothers asked how the proposed \$25 evaluation portion of the permit fee would apply to a parcel of land which is subsequently divided. Mr. Spies replied that for an evaluation of a subdivision, a \$25 fee for a site evaluation of each lot or parcel would be required, to be deducted from the permit fee paid by the individual purchaser of a lot or parcel.

Mr. Carl S. Sherman, Marion County Health Department, stated that he had no objection to the permit fee increase but from an administrative standpoint would prefer to have the evaluation fee separated from the permit fee. He said

that any evaluation is incomplete without a review of the building plans which could alter the findings of the evaluation, but that many people ask for evaluations even when they don't have any immediate building plans. He also objected to the charge for a repair of a septic tank because a faulty tank constitutes an immediate health hazard and the Health Division is primarily interested in having a voluntary correction without a fee.

Discussion followed concerning administrative problems that might arise from combining the fee for a site evaluation and permit. Mr. Cannon suggested that an applicant for a site evaluation be required to state the use to which he intended to put the land and the approximate size of the structure. Mr. Spies commented that the Legislature has decreed that any fee charged for site evaluation must be deducted from the permit fee.

Fred VanNatta of Salem, representing the Oregon State Homebuilders Association, expressed concern that a new policy might be set if the Director's statement is applied to implementing the rules. He said that a subdivider initially has to know if the land is suitable for septic tank installation before he can know what type and size structure can go on the property.

Mr. Roy L. Burns of Eugene, Director of the Water Pollution Control Division, Environmental Management Department, Lane County, said that Lane County requires that proposed developments indicate what utilization would be made of the land. He sees problems in administering the proposed rules attributable to certain provisions of the legislation that was recently passed.

It was MOVED by Mrs. Hallock to adopt the temporary rules as presented, to become effective April 1, 1974. There being no objection, it was so ordered by unanimous consent.

PUBLIC HEARING ON ADOPTION OF PERMANENT SUBSURFACE SEWAGE DISPOSAL RULES

Proper notice having been given as required by state law and administrative rules, the public hearing in the matter of adoption of permanent rules pertaining to subsurface sewage and nonwater-carried waste disposal was called to order by Vice Chairman Morris Crothers at 2 p.m. on Friday, March 22, 1974, in Room 20 State Capitol, Salem, Oregon. Commissioners Crothers, Hallock and Phinney were in attendance.

Mr. Spies presented the staff memorandum report proposing that the present temporary rules adopted by the Commission on January 25, 1974 and subsequently

revised on February 25, 1974, together with the attached current revisions be adopted as permanent rules of the Commission. Mr. Spies noted a correction to the proposed revisions which he then presented together with an explanation for their inclusion.

Mr. Roy L. Burns, representing Lane County, expressed appreciation for the Department's response to the County's needs, and urged permanent adoption of the revised temporary rules.

Mr. Ben Beetham of Portland, a realtor with Sunrise Properties, asked if the use of fill material on poorly structured soils applied to soils with a restrictive layer. Mr. Osborne replied that it would not and further, that it applies only to prior-approved lots.

Mr. Fred VanNatta, representing the Oregon State Homebuilders Association, had questions about the use of fill material on new subdivisions, particularly with respect to a subdivision with only a few lots that would require fill material before installing a subsurface system. Mr. Osborne replied that the proposed revision would not apply in that circumstance. Mr. VanNatta said that in the future he may want to propose a rule change to allow fill in certain circumstances on new subdivisions. He also objected to the proposed revision that would require the Department not to issue a permit if any local ordinance or regulation would be violated, even though the permit application met all the rules of the Commission. Mr. Burns said such language was fairly typical and he believed quite necessary.

At Mr. Underwood's suggestion, the language on line 6 of proposed revision 6. of Attachment A was changed to read: "...provided in the case of the aforesaid subdivisions or lots approved prior to January 1, 1974..." (clarifying language underscored).

Mr. Dick Lermon, Marion County Health Department, commented on the rural areas section of the rules. He was concerned that the flexibility permitted in the rural areas designation might allow a relaxing of standards. Mr. Cannon explained that it was voluntary on the part of counties to designate rural areas.

It was MOVED by Dr. Phinney to approve the Director's recommendation that the present temporary rules with the revisions listed in Attachment A as corrected be approved and adopted as permanent rules pertaining to standards for subsurface sewage and nonwater-carried waste disposal. There being no objection, it was so ordered by unanimous consent. A copy of the rules is attached to and made a part of the original minutes.

SUBSURFACE SEWAGE DISPOSAL PERMIT APPEALS BOARDS

Mr. Spies presented the staff memorandum report dated March 13, 1974, concerning Section 4 of Senate Bill 1007, passed by the 1974 Special Session of the Legislature, authorizing the Director of the Department of Environmental Quality to create a five-member subsurface sewage disposal permit appeals board for each county in the state which requested such a board, and the Commission to adopt the necessary rules of procedure. The following temporary rules were proposed:

Proposed Temporary Rules

Pertaining to Subsurface Sewage Disposal Permit Appeals Boards

- Section 1. If a county desires to have a subsurface sewage disposal permit appeals board established, its governing body shall submit in writing to the Director a request that such a board be established and may submit nominations for members of such a board.
- Section 2. If the Director elects to create an appeals board for a county, he shall appoint five (5) persons to the board, each of whom shall serve for 4 years from the date of appointment, except that 2 of the members appointed initially shall serve for 2 years from the date of appointment. A member shall be eligible for reappointment to the board.
- Section 3. Three members of the board shall constitute a quorum which shall be necessary for the board to take any action.
- Section 4. Procedures for board review of appeals as authorized by Section 4, SB 1007, 1974 Oregon Special Session, shall include the following:
- (1) An appeal may be made by filing with the board an appeal application in a form prescribed by the board.
 - (2) The board may require such additional information as it deems necessary.
 - (3) The board shall act upon any such application promptly after receiving the application and all additional information required by the board and after a hearing thereof held by the board following reasonable notice of the hearing given to all parties known to the board to be interested. Any such actions shall be in the form of a written order of the board.

Mr. Spies presented the Director's recommendation that the above proposed rules be adopted as temporary rules to become effective April 1, 1974.

Mr. Spies responded to questions concerning payment of the board members and technical and staff support to the boards.

Mr. Carl Sherman, Marion County Health Department, objected to the boards on the basis that an aggrieved citizen of a county which did not have an appeals

board would have recourse only in a court of law. Mr. Cannon disagreed, saying that the rules provided for appeal to the Commission.

It was MOVED by Mrs. Hallock to approve the Director's recommendation that the proposed rules as presented be adopted as temporary rules of the Commission. There being no objection, it was so ordered by unanimous consent.

FEEES AND PROCEDURES FOR EVALUATIONS OF SEWAGE DISPOSAL METHODS OR SUBSURFACE SEWAGE SITE SUITABILITY

Mr. Spies presented the staff memorandum report dated March 13, 1974, concerning the adoption of temporary rules pertaining to fees and procedures for evaluations of methods of sewage disposal or of site suitability for installation of subsurface sewage disposal systems, as required by Section 1 of Senate Bill 1007, passed by the 1974 Special Session of the Legislature. The following temporary rules were proposed:

Proposed Temporary Rules

Pertaining to Fees and Procedures for Processing of Applications for Evaluations of Methods of Sewage Disposal or of Site Suitability for Installation of Subsurface Sewage Disposal Systems

- Section 1. Definitions contained in Chapter 835, Oregon Laws 1973 (SB 77) shall apply as applicable.
- Section 2. An application may be made to the Department by any person, pursuant to the provisions of Section 1, SB 1007 of the 1974 Special Session (Oregon Laws 1974), for an evaluation report of a method of sewage disposal required pursuant to Chapter 1, Oregon Laws 1974 (Special Session), of a site suitability for a subsurface sewage disposal system, or part thereof, pursuant to Section 213, Chapter 835, Oregon Laws 1973, or of adequacy of a sewage disposal system required prior to the approval of a plat of a subdivision, pursuant to ORS 92.090, as amended. Any such application shall be in writing in a form prescribed by the Department and shall be accompanied by the nonrefundable fee specified in Section 6 of these rules. Each application shall be completed in full and shall be signed by the applicant or his legally authorized representative.
- Section 3. Applications which are obviously incomplete, unsigned or which do not contain the required exhibits will not be accepted by the Department and will be returned to the applicant for completion.
- Section 4. If the Department determines that additional information is needed it will promptly request the needed information from the applicant. The application will not be considered complete for processing until the requested information is received. The application will be considered to be withdrawn if the applicant fails to submit the requested information within 90 days of the request.

Section 5. Applications which are complete will be processed by the Department and a statement will be furnished to the applicant indicating whether or not the proposed method of sewage disposal for each individual lot, parcel or unit is approved by the Department, and listing any condition or limitations placed on such approval, including, but not limited to, location or capacity of the proposed sewage disposal system. In addition to the evaluation report the Department, upon request by a County or City, may also indicate approval of the proposed method of sewage disposal by signing a subdivision plat.

Section 6. The following nonrefundable fees are required to accompany applications for evaluation reports submitted pursuant to Section 1, Senate Bill 1007, Oregon Laws 1974 (Special Session).

<u>Method</u>	<u>Fee</u>
Sewerage System	\$ 5 - first lot
	\$10 - Maximum (two or more lots)
Subsurface Sewage Disposal (site suitability)	\$15 - per lot

Section 7. At the discretion of the Department, evaluation reports for partitioning of three (3) lots or less may be completed and the fees retained by the owner of the sewerage system involved or by the county under agreement with the Department pursuant to Section 219a, Chapter 835, Oregon Laws 1973.

Section 8. Any county operating under agreement with the Department pursuant to Section 219a, Chapter 835, Oregon Laws 1973 shall remit 1/3 of the fee for each lot up to a maximum of \$5 per lot together with its recommendations to the Department in connection with applications for reports on subdivision plats and real estate evaluations requiring Department approval. The other 2/3 of the fee may be retained by the County.

Section 9. No charge shall be made for the conduct of an evaluation and issuance of a report requested by any person on any proposed repair, alteration or extension of an existing subsurface sewage disposal system or part thereof.

Mr. Spies presented the Director's recommendation that the above proposed rules be adopted as temporary rules, to become effective April 1, 1974.

Discussion followed on the amount of the fee charged for site evaluation, with the recommendation that the proposed temporary rules be amended to increase the site suitability fee from \$15 to \$25.

It was MOVED by Dr. Phinney to amend the fee charged for subsurface sewage disposal site suitability evaluation from \$15 to \$25. There being no objection, it was so ordered by unanimous consent.

It was MOVED by Mrs. Hallock to approve the Director's recommendation to adopt the proposed rules, as amended, as temporary rules, to become effective April 1, 1974. There being no objection, it was so ordered by unanimous consent.

Mr. Cannon distributed to the members of the Commission copies of the final recommendations of the Chem-Nuclear Advisory Committee, whom he thanked publicly for their fine work.

The meeting was adjourned at 3:30 p.m.

ss

attachments - 4

DEPARTMENT OF ENVIRONMENTAL QUALITY

AMENDMENT TO CHAPTER 340, OREGON ADMINISTRATIVE RULES

March 22, 1974

Sections 11-005 to 11-170, "Rules of Practice and Procedure," are hereby repealed and the following rules adopted in lieu thereof:

Division 1

RULES OF GENERAL APPLICABILITY AND ORGANIZATION

Subdivision 1

RULES OF PRACTICE AND PROCEDURE

Rule Making

11-005 DEFINITIONS. Unless otherwise required by context, as used in this subdivision:

- (1) "Commission" means the Environmental Quality Commission.
- (2) "Department" means the Department of Environmental Quality.
- (3) "Director" means the Director of the Department of Environmental Quality.
- (4) "License" includes the whole or part of any Department permit, certificate, approval, registration or similar form of permission required by law to pursue any commercial activity, trade, occupation or profession.
- (5) "Order" has the same meaning as given in ORS 183.310.

(6) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the Federal Government and any agencies thereof.

(7) "Rule" has the same meaning as given in ORS 183.310.

11-010 NOTICE OF RULE MAKING. (1) Except as specifically provided otherwise by statute, the Commission shall give notice of its intention to adopt, amend or repeal any rules by publication not less than twenty (20) days prior to the date of the proposed action in the bulletin published by the Secretary of State.

(2) A copy of the notice shall be furnished to such news media as the Commission may deem appropriate.

(3) A copy of the notice shall be mailed to persons on the mailing list established pursuant to ORS 183.335(3).

(4) Each rule-making notice shall contain a description of the Commission's intended action, setting forth the subjects and issues involved in sufficient detail to inform a person that his interest may be affected. Where practicable and appropriate, a copy of the rule proposed to be adopted, amended or repealed shall be included. If the proposed rule, amendment or repeal thereof is not set forth verbatim in the notice, the notice shall state the time, place and manner in which the rule or amendment may be obtained.

(5) When the Commission is required by law to hold a public hearing on the proposed rule making, or contemplates that a public hearing is necessary or appropriate, the notice shall additionally include:

(a) The time and place of the public hearing.

(b) The manner in which interested parties may present their views at the hearing.

(c) A designation of the person who is expected to preside at and conduct the hearing, if other than the full Commission.

(6) When the Commission is not required to hold a public hearing, and does not contemplate that a hearing is appropriate to the circumstances of the proposed rule making, the notice shall additionally include:

(a) A statement of the time and place at which data, views or arguments may be submitted in writing to the Commission.

(b) A statement that any interested person desiring to express or submit his data, views or arguments at a public hearing must request the opportunity to do so.

(c) A designation of the person to whom a request for public hearing must be submitted and the time and place therefor.

(d) A statement that a public hearing will be held if the Commission receives a request for public hearing within fifteen (15) days after the Commission's notice from ten (10) or more persons or from an association having not less than ten (10) members.

11-015 REQUEST FOR A PUBLIC HEARING. If ten (10) persons or an association having more than ten (10) members make a timely request for a public hearing on proposed rule making, the Commission shall give notice thereof in conformity with section 11-010(5).

11-020 POSTPONING INTENDED ACTION. (1) The Commission shall postpone its intended action upon request of an affected person, received within fifteen (15) days after the Commission's notice, in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action.

(2) Postponement of the date of intended action shall be no less than ten (10) nor more than ninety (90) days. In determining the length of postponement, the Commission shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of the intended action.

(3) The Commission shall give notice of the postponement pursuant to section 11-010 but publication in the Secretary of State's bulletin is required only when the notice can be published in the bulletin prior to the postponement date of the intended action.

(4) This section does not apply to adoption of temporary rules by the Commission pursuant to ORS 183.335(2) and section 11-050.

11-025 CONDUCT OF HEARING. (1) The hearing shall be conducted before the Commission, with the Chairman as the presiding officer, or before any member of the Commission, the Director, or other person designated by the Commission to be the presiding officer.

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

(3) At the opening of the hearing, the presiding officer shall state, or have stated, the purpose of the hearing.

(4) The presiding officer shall thereupon describe the manner in which interested parties may present their views at the hearing.

(5) Subject to the discretion of the presiding officer, the order of the presentation shall be:

(a) Statements of proponents.

(b) Statements of opponents.

(c) Statements of any other witnesses present and wishing to be heard.

(6) The presiding officer and any member of the Commission shall have the right to question or examine any witness making a statement at the hearing. The presiding officer may, in his discretion, permit other persons to examine witnesses.

(7) There shall be no rebuttal or additional statements given by any witness except as requested by the presiding officer. However, when such additional statement is given, the presiding officer shall allow an equal opportunity for reply.

(8) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses present and wishing to make a statement have had an opportunity to do so.

(9) The presiding officer shall, where practicable and appropriate, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering each exhibit. The exhibits shall be preserved by the Department for a period of one year or, at the discretion of the Commission, returned to the party submitting it.

(10) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial matter.

(11) A verbatim oral, written, or mechanical record shall be made of all the hearing proceedings, or, in the alternative, a record in the form of minutes.

11-030 PRESIDING OFFICER'S REPORT. Where the hearing has been conducted before other than the full Commission, the presiding officer, within a reasonable time after the hearing, shall provide the Commission with a written summary of statements given and exhibits received, and a report of his observations of physical experiments, demonstrations or exhibits. The presiding officer may also make recommendations to the Commission based upon the evidence presented, but the Commission is not bound by such recommendations.

11-035 ACTION OF THE COMMISSION. Following the hearing by the Commission, or after receipt of the report of the presiding officer, the Commission may adopt, amend or repeal rules within the scope of the notice of intended action.

11-040 NOTICE OF COMMISSION ACTION: CERTIFICATION TO SECRETARY OF STATE. The Department shall file in the Office of the Secretary of State a copy of each rule adopted, amended or repealed by the Commission, certified by the Director, or Deputy Director, of the Department.

11-045 PETITION TO PROMULGATE, AMEND OR REPEAL RULE: CONTENTS OF PETITION, FILING OF PETITION. (1) An interested person may petition the Commission requesting the promulgation, amendment or repeal of a rule. The petition shall be in typewritten form, signed by or on behalf of the petitioner and shall contain a detailed statement of:

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

(b) Ultimate facts in sufficient detail to show the reasons for adoption, amendment or repeal of the rule.

(c) All propositions of law to be asserted by petitioner.

(d) Sufficient facts to show how petitioner will be affected by adoption, amendment or repeal of the rule.

(e) The name and address of petitioner and of any other persons known by petitioner to be interested in the rule sought to be adopted, amended or repealed.

(2) The petition shall be deemed filed when received by the Department at the office of the Director.

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

(a) Shall serve a true copy of the petition, together with a copy of any applicable rules of practice, on all persons named in the petition, and on those whom the Department believes to have an interest in the proceeding. For the purposes of this subsection, service shall be deemed perfected on the date such copies are mailed to the last known address of the person being served.

(b) Shall advise petitioner that he has fifteen (15) days in which to supplement his petition in writing with additional data, views or arguments.

(c) Shall advise all other persons served that they have fifteen (15) days in which to submit written data, views or arguments regarding the petition.

(d) May schedule oral presentation of petitioner's views if petitioner makes a request therefor, or if the Commission wishes to hear petitioner orally.

(4) The Commission shall promptly either deny the petition or initiate rule-making proceedings in accordance with sections 11-005 through 11-040 and, if it denies the petition, shall issue an order setting forth its reasons in detail. The order shall be mailed to the petitioner and to all other persons upon whom a copy of the petition was served.

11-050 TEMPORARY RULES. (1) The Commission may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable and appropriate, to adopt a rule without the notice otherwise required by ORS chapter 183 and by these rules. In such a case, the Department shall:

(a) File a copy, certified by the Director or by the Deputy Director of the Department, of the rule with the Secretary of State.

(b) File with the Secretary of State the Commission's findings that failure of the Commission to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned. The findings shall be supported by a statement of specific facts and reasons.

(c) Take practicable and appropriate measures to make the temporary rule known to persons who may be affected by it.

(d) Furnish copies of the temporary rule to such news media as the Commission deems appropriate to comply with the notice requirement of these rules.

(2) A temporary rule adopted in compliance with this section becomes effective immediately upon filing with the Secretary of State, or at a designated later date.

(3) A temporary rule may be effective for no longer than 120 days, and may not be extended, renewed or repromulgated beyond the initial 120 days. In accordance with the procedures established by sections 11-005 through 11-040, the Commission may adopt a rule identical to an existing temporary rule.

11-055 APPLICATION OF SECTIONS 11-005 to 11-040. Sections 11-005 through 11-040 do not apply to rules establishing an effective date for a previously effective rule or establishing a period during which a provision of a previously effective rule will apply.

Declaratory Rulings

11-060 INSTITUTION OF PROCEEDINGS FOR DECLARATORY RULINGS. On petition of any interested person, the Commission may, at its discretion, issue a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute or rule enforceable by the Commission.

11-065 CONTENTS OF PETITION. The petition shall be typewritten and shall contain:

(1) The statute or rule for which petitioner seeks a declaratory ruling.

(2) A detailed statement of the facts upon which petitioner requests the Commission to issue its declaratory ruling.

(3) Sufficient facts to show how petitioner will be affected by the requested declaratory ruling.

(4) All propositions of law or contentions to be asserted by petitioner.

(5) The questions presented for decision by the Commission.

(6) The specific relief requested.

(7) The name and address of petitioner and of any other person known by petitioner to be interested in the requested declaratory ruling and the reason for such interest.

11-070 FILING AND SERVICE OF PETITION. (1) The petition shall be deemed filed when received by the Department at the office of the Director.

(2) The Commission shall inform the petitioner promptly after the filing of the petition whether it intends to issue a ruling.

(3) If the Commission intends to issue a ruling, the Department shall serve a copy of the petition, and a notice of a hearing at which the petition will be considered, on all

persons named in the petition, and on all other persons the Department believes to have an interest in the outcome of such a ruling.

(4) The notice of hearing required by subsection (3) of this section shall include:

(a) The time and place of the hearing.

(b) A designation of the person who is expected to preside at and conduct the hearing, if other than the full Commission.

11-075 CONDUCT OF HEARING: BRIEFS AND ORAL ARGUMENT.

(1) A hearing for a declaratory ruling may be held before the Commission or a member thereof, the Director, or any other person designated by the Commission to preside at and conduct the hearing.

(2) At the hearing, petitioner and any other interested party shall have the right to present oral argument. The presiding officer may impose reasonable time limits on the time allowed for oral argument. Petitioner and other interested persons may file briefs with the Commission in support of their respective positions. The Commission or its designee shall fix the time and order of filing briefs.

11-080 PRESIDING OFFICER'S OPINION. In those instances where the hearing has been conducted before a person other than the full Commission, the presiding officer shall prepare an opinion conforming in form and content to the requirements of subsection 11-085(2). The Commission is not bound by the opinion of the presiding officer.

11-085 DECISION OF COMMISSION: TIME, FORM AND SERVICE.

(1) The Commission shall issue its declaratory ruling within sixty (60) days of:

(a) Where no briefs are permitted to be filed subsequent to the hearing, the close of the hearing.

(b) Where permission has been granted for the filing of briefs subsequent to the hearing, the deadline set for the filing of briefs.

(2) The ruling shall be in the form of a written opinion and shall set forth:

(a) The facts being adjudicated by the Commission.

(b) The statute or rule being applied to those facts.

(c) The Commission's conclusion as to the applicability of the statute or rule to those facts.

(d) The Commission's conclusion as to the legal effect or result of applying the statute or rule to those facts.

(e) The reasons relied upon the Commission to support its conclusions.

(3) The Department shall mail the Commission's ruling to all persons upon whom it served the petition in compliance with subsection 11-070(3), and to all other persons on the mailing list established pursuant to ORS 183.335(3).

11-090 EFFECT OF COMMISSION RULING. A declaratory ruling issued in accordance with these rules is binding between the Commission and the petitioner on the state of facts alleged, or found to exist, except:

- (1) When altered or set aside by a court.
- (2) When the ruling is based on a rule of the Commission, the rule is amended, repealed or superseded pursuant to rule making conducted in accordance with sections 11-005 through 11-040.
- (3) Where the declaratory ruling is adverse to petitioner, when altered by the Commission.

Contested Cases

11-095 IMMEDIATE SUSPENSION OR REFUSAL TO RENEW A LICENSE. If the Commission finds a serious danger to the public health or safety and sets forth the specific reasons for such findings, the Commission may suspend or refuse to renew a license without hearing. If the licensee demands a hearing within 90 days after the date of notice to the licensee of such suspension or refusal to renew, a hearing as provided in sections 11-110 through 11-135 shall be granted to the licensee as soon as practicable after such demand, and the Commission shall issue an order pursuant to such hearing confirming, altering or revoking its earlier order. Such a hearing need not be held where the order of suspension or refusal to renew is accompanied by or is pursuant to, a citation for violation which is subject to judicial determination in any court of this state, and the order by its terms will terminate in case of final judgment in favor of the licensee.

11-100 NOTICE OF OPPORTUNITY FOR A HEARING. (1) Except as otherwise provided in section 11-095, before the Commission or Department shall by order suspend, revoke, refuse to renew or issue a license or enter an order in any other contested case as defined in ORS chapter 183, it shall afford the licensee, the license applicant or other party to the contested case an opportunity for hearing after reasonable notice, served personally or by registered or certified mail.

(2) Notice of opportunity for a hearing shall include:

(a) A statement of the party's right to request a hearing.

(b) A statement of the authority and jurisdiction under which the hearing would be held.

(c) A reference to the particular sections of the statutes and rules involved.

(d) A short and plain statement of the matters asserted or charged.

(e) A statement that if the party desires a hearing, the agency must be notified within twenty (20) days of the date of mailing of the notice.

11-105 ORDERS WHEN NO HEARING REQUESTED. When a party has been given an opportunity to request a hearing within a specified time and no hearing has been requested, or if a hearing has been set, notice thereof given and the party does not appear, the Commission or the Department may, based upon a prima facie case made on the record of the Commission or

the Department, as the case may be, enter a written order at the expiration of the time, stating the matters before it supporting the order, and that the order shall become effective immediately upon service on the party.

11-110 NOTICE OF HEARING. (1) The Department shall serve notice of a hearing personally or by registered or certified mail upon each party.

(2) Notice of a hearing shall include:

(a) All matters required to be included in the notice of opportunity for hearing under section 11-100(2)(b)(c) and (d).

(b) A statement of the time and place of the hearing.

(c) A designation of the person who is expected to preside at and conduct the hearing, if other than the full Commission.

(d) A statement that any party to the contested case may be represented by counsel at the hearing.

11-115 SUBPOENAS AND DEPOSITIONS. (1) The Department shall issue subpoenas on behalf of any party to a contested case upon a showing of good cause, and a showing of general relevance within the reasonable scope of the proceedings. Witnesses appearing pursuant to subpoena, other than persons requesting the hearing, members of the Commission, the Director or employees of the Department, shall receive fees and mileage as prescribed by law for witnesses in civil actions.

(2) An interested person may petition the Department for an order that the testimony of a material witness be taken by deposition. Fees and mileage are to be paid as determined by applicable statutes.

11-120 CONDUCT OF HEARING. (1) The hearing shall be conducted before the Commission, under the control of the chairman as presiding officer, or before any Commission member or other person designated by the Commission or Director to be presiding officer.

(2) At the discretion of the presiding officer, the hearing shall be conducted in the following manner:

(a) Statement and evidence of the Commission or Department in support of its proposed action.

(b) Statement and evidence of affected persons in support of, requesting modification of or disputing the Commission's or the Department's proposed action.

(c) Rebuttal testimony, if any.

(3) All testimony shall be taken upon oath or affirmation of the witness from whom received. The officer presiding at the hearing shall administer oaths or affirmations to witnesses.

(4) The following persons shall have the right to question, examine or cross-examine any witness:

(a) The presiding officer.

(b) Where the hearing is conducted before the full Commission, any member of the Commission.

(c) Counsel for the Commission or the Department.

(d) Where the Commission or the Department is not represented by counsel, a person designated by the Commission or the Director.

(e) Any party to the contested case or such party's counsel.

(5) The hearing may be continued with recesses as determined by the presiding officer.

(6) The presiding officer may set reasonable time limits for oral presentation and shall exclude or limit cumulative, repetitious or immaterial matter.

(7) The presiding officer shall, where appropriate and practicable, receive all physical and documentary evidence presented by parties and witnesses. Exhibits shall be marked, and the markings shall identify the person offering the exhibits. The exhibits shall be preserved by the Department as part of the record of the proceedings.

(8) A verbatim oral, written or mechanical record shall be made of all motions, evidentiary objections, rulings and testimony.

11-125 EVIDENTIARY RULES. (1) The rules of evidence as in equity proceedings shall apply to all hearings in contested cases.

(2) All offered evidence, not objected to, will be received by the presiding officer subject to his power to exclude or limit cumulative, repetitious, irrelevant or immaterial matter.

(3) Evidence objected to may be received by the presiding officer with rulings on its admissibility or exclusion to be made at the time a final order is issued.

11-130 PROPOSED ORDERS: FILING OF EXCEPTIONS AND ARGUMENT.

(1) In contested cases before the Commission, if a majority of the members of the Commission were not present at the hearing or have not considered the record, and the order is adverse to a party, a proposed order, including findings of fact and conclusions of law, shall be served upon the parties. The Commission shall not render a final order in the contested case until each party adversely affected has been given an opportunity to file exceptions and present arguments to the Commission.

(2) In contested cases before the Department, if the Director was not present at the hearing or has not considered the record, and the order is adverse to a party, a proposed order, including findings of fact and conclusions of law, shall be served upon the parties. The Director shall not render a final order in the contested case until each party adversely affected has been given an opportunity to file exceptions and present arguments to the Director.

11-135 FINAL ORDERS IN CONTESTED CASES. NOTIFICATION.

(1) Final orders in contested cases shall be in writing or stated in the record, and may be accompanied by an opinion.

(2) Final orders shall include the following:

(a) Rulings on admissibility of offered evidence if not already in the record.

(b) Findings of fact, including those matters which are agreed as fact, a concise statement of the underlying facts supporting the findings as to each contested issue of fact and each ultimate fact required to support the Commission's or the Department's order.

(c) Conclusions of law.

(d) The Commission's or the Department's order.

(3) The Department shall serve a copy of the final order upon every party or, if applicable, his attorney of record.

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
2 AND
3 THE DEPARTMENT OF ENVIRONMENTAL QUALITY
4 STATE OF OREGON

5 In the matter of)
6 OAR, Chapter 340, Division 2,) MARTIN MARIETTA ALUMINUM INC.
7 Sections 25-265(3) and (4),) RESPONSE TO PETITION OF WASCO
8 and 25-270) COUNTY FRUIT AND PRODUCE LEAGUE

9 Martin Marietta Aluminum Inc. makes the following
10 response to the petition of the Wasco County Fruit and Produce
11 League submitted by the letter of Arden E. Shenker dated
12 February 19, 1974:

- 13 1. THE REQUEST OF THE LEAGUE THAT THE COMMISSION
14 FIND THAT THE MARTIN MARIETTA ALUMINUM INC. PLANT
15 IS LOCATED IN A SPECIAL PROBLEM AREA.

16 The League has requested that the Commission make a
17 finding under Section 25-270, Chapter 340, OAR, that the
18 Martin Marietta Aluminum Inc. plant is located in a special
19 problem area. Martin Marietta Aluminum Inc. strongly objects to
20 the request of the League.

21 The Commission and the Department throughout the year
22 1973 carefully considered various emission standards for the
23 aluminum industry. Included in the testimony and written sub-
24 missions to the Commission were suggestions by several witnesses,
25 including those speaking on behalf of the League, which would
26 have required special regulations for the Martin Marietta Aluminum Inc.

1 reduction plant at The Dalles. The Commission received numerous
2 technical reports. Having considered the alternatives of establishing
3 separate standards for each of the existing plants and a separate
4 standard for newly constructed plants, the Commission adopted
5 regulations on November 26, 1973. The petition of the League
6 requests that the Commission again emerge itself in the same
7 problems and issues it carefully considered in 1973. The Commission
8 has been presented with no new information or developments which
9 justify a departure from the regulations adopted in November.
10 Contrary to the representations of the Wasco County Fruit and Produce
11 League, there is nothing in the record which justifies classifying
12 the reduction plant of Martin Marietta Aluminum Inc. as a "special
13 problem area." Rather, the record reflects that the Martin Marietta
14 Aluminum Inc. plant has one of the most efficient emission control
15 systems in the world.

16 The petition asks that during the period March 25, 1974,
17 through July 15, 1974, the weekly average of fluorides emitted from
18 all sources shall not exceed 1.0 pound of fluoride ion per ton
19 of aluminum produced. It also asks that the gaseous matter
20 including the element fluorine shall not exceed .6 micrograms per
21 cubic meter measured over any six consecutive hours. The League
22 makes no showing that such standards are attainable. The 1.0
23 pound monthly standard was initially proposed by the staff of the
24 Department of Environmental Quality in 1973. The Commission
25 recognized in its adoption of the regulations in November 1973 that
26

1 a 1.0 pound standard was not "reasonably attainable," nor
2 "practicable." The regulations requested by the League are even
3 more restrictive than those required by Section 25-265, Chapter 340,
4 OAR, for newly constructed plants. It has been repeatedly reported
5 to the Department and the Commission that the plant of Martin Marietta
6 Aluminum Inc. at The Dalles has one of the world's most efficient
7 emission control systems. However, its plant simply cannot presently
8 comply with the regulations proposed by the League.

9 The League refers to a judgment entered in Hood River.
10 The League fails to report that the judgment was rendered in a case
11 which was first tried in 1970. The results of the first trial were
12 reversed on appeal. The judgment in the second trial was challenged
13 on posttrial motions for, among other reasons, insufficient evidence
14 to support the verdict. In lieu of a resolution of those motions
15 by the trial court and the prospect of a subsequent appeal, the
16 grower entered into a settlement with Martin Marietta Aluminum Inc.
17 It is interesting to note that during the course of the trial
18 there were no scientists who testified that they had found damage in
19 the cherry orchard of the grower in 1973. The grower himself made
20 no claim for damage for cherry crop loss in 1973. The case of the
21 grower has now been dismissed with prejudice. The case of the grower
22 provides no basis for extraordinary restrictions on the operations
23 of Martin Marietta Aluminum Inc. in The Dalles.

24 Furthermore, there is no showing anywhere in the record
25 that the restrictions proposed by the League will have any material
26 beneficial effect on the orchards.

1 2. THE REQUEST OF THE LEAGUE TO ADVANCE THE COMPLIANCE
2 DATE TO JUNE 1, 1974.

3 The League has petitioned the Commission to advance the
4 date for full compliance with the emission standards in Section
5 25-265(3) from January 1, 1977, to June 1, 1974. The Commission
6 carefully considered throughout the year 1973 all phases of the
7 emission regulations for the aluminum industry including the com-
8 pliance schedule. Again, the League has failed to report any new
9 developments which justify a departure from the regulations adopted
10 November 26, 1973.

11 A substantial part of the efforts of the aluminum industry
12 in the hearings in 1973 was to explain to the Department and the
13 Commission the inherent variability of the operations of an aluminum
14 plant and the associated variability in emissions. Nothing has
15 occurred in the reduction technology nor in the emission control
16 technology which eliminates the variability in the emission
17 measurements. It was in recognition of this variability in
18 emission measurements that the Commission established its definitions
19 of the monthly average and annual average and set the standards at
20 the levels of emissions set forth in the regulations.

21 With one exception, Martin Marietta Aluminum Inc. complied
22 in 1973 with Section 25-265(3). This achievement is another
23 example of the ability of Martin Marietta Aluminum Inc. to lead the
24 industry in emission control and to provide the best "practicable"
25 emission systems. The single instance of failure of Martin Marietta
26

1 Aluminum Inc. to meet the standards which go into effect
2 no later than January 1, 1977, occurred in August 1973 when its
3 monthly average exceeded 13 pounds of particulate per ton of aluminum
4 produced. In that month the monthly average particulate was 14.2
5 pounds. The record shows that this test result was not typical. It
6 also shows that Martin Marietta Aluminum Inc. can expect continued
7 variability in the test results.

8 This report of the outstanding performance of Martin
9 Marietta Aluminum Inc. in 1973 is mentioned here for a very important
10 reason. Except for the one instance in August 1973, Martin
11 Marietta Aluminum Inc. achieved compliance with the regulations
12 three years before it was required to do so under the regulations.
13 This achievement should convince the Commission that it can rely
14 upon Martin Marietta Aluminum Inc. to comply with the purpose of
15 the regulations to attain " * * * the highest and best practical
16 collection, treatment and control * * *."

17 CONCLUSION

18 The petition of the League should be rejected because:

19 a. The issues presented in the petition have
20 been fully considered by the Commission as recently as
21 November 26, 1973.

22 b. There has been no change in any pertinent
23 facts since November 1973.

24 c. Martin Marietta Aluminum Inc. has
25 demonstrated it is continuing to lead the industry
26

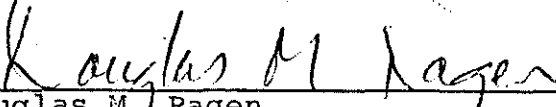
1 in emission control and to provide the best "practicable"
2 emission systems.

3 Respectfully submitted,

4 MARTIN MARIETTA ALUMINUM INC.

5 By

6 MILLER, ANDERSON, NASH, YERKE & WIENER

7 
8 Douglas M. Ragen
9 Attorneys for Martin Marietta
10 Aluminum Inc.

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MILLER, ANDERSON, NASH, YERKE & WIENER
ATTORNEYS AND COUNSELORS AT LAW
224-5856
900 S. W. FIFTH AVENUE PORTLAND, OREGON 97204

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
2 AND
3 THE DEPARTMENT OF ENVIRONMENTAL QUALITY
4 STATE OF OREGON

5 In the Matter of)
6 OAR, Chapter 340, Division 2,) PETITION
7 Sections 25-265(3) and (4),)
8 and 25-270)

9 The Wasco County Fruit and Produce League petitions
10 for the following relief:

11 1. Pursuant to Section 25-270, Division 2, Chapter 340
12 of Oregon Administrative Rules, adopted by the Environmental
13 Quality Commission on the recommendation of the Department of
14 Environmental Quality's Air Quality Control Division on
15 November 26, 1973, that this Commission adopt a more restrictive
16 emission limit during the fruit growing season, from March 25,
17 1974, through July 15, 1974, for the Martin Marietta Aluminum, Inc.,
18 primary aluminum reduction plant located at The Dalles, Oregon.

19 2. Pursuant to Section 25-265(3) and (4), of Divi-
20 sion 2, Chapter 340, Oregon Administrative Rules, that this
21 Commission direct, and that the Department's compliance schedule
22 for the Martin Marietta Aluminum, Inc. plant at The Dalles,
23 Oregon, require full compliance with the emission standards
24 provided in Section 25-265(3) by June 1, 1974.

25 * * *

26 1. SPECIAL PROBLEM AREA RELIEF REQUESTED

27 Section 25-270, Division 2, Chapter 30, OAR, permits
28 the Department to require more restrictive emission limits for

1 an individual plant than the numerical emission standards contained
2 in Section 25-265, upon a finding by the Commission that an indi-
3 vidual plant is located in a special problem area. More restric-
4 tive emission limits for special problem areas can be established
5 on the basis of a seasonal term. Emission limits can be established
6 on the basis of allowable emissions per ton of aluminum produced
7 or total maximum daily emissions to the atmosphere, or a combination
8 thereof.

9 The record before the Commission and the materials
10 prepared by and for the Department are replete with the express
11 finding of fact that the orchard areas surrounding the Martin
12 Marietta Aluminum, Inc. primary reduction plant in The Dalles,
13 Oregon, constitute a special problem area. The fruits grown in
14 that area are a multimillion dollar industry. They are extremely
15 sensitive to the fluoride pollution which continues to be emitted
16 by Martin Marietta at The Dalles.

17 Previous statements submitted on behalf of the Wasco
18 County Fruit and Produce League summarize and detail the extensive
19 history of research and findings of the extreme fluoride sensi-
20 tivity of the fruit growing industry surrounding the aluminum plant
21 in The Dalles, Most particularly, see the testimony of Dr. Timothy
22 J. Facticeau before the Commission in connection with the hearings
23 held for consideration of the proposed amended regulations which
24 finally were adopted on November 26, 1973. Subsequent to that
25 time the Circuit Court for the State of Oregon in the County of
26 Hood River entered a judgment in favor of one of the fruit growers

1 in the The Dalles, area, whose orchard lies some two miles further
2 from the aluminum plant than the nearest of the orchards to the
3 aluminum plant in The Dalles. That judgment was on the basis of
4 a jury verdict which found damage to the fruit orchardist's crops
5 for every year from 1960 through 1973. Inasmuch as there was a
6 finding of damage to the fruit orchardist's crops for the most
7 current year, 1973, there is a reasonable basis to seek protection
8 for the next ensuing year, 1974.

9 The record before the Commission shows that the vulner-
10 able period of maximum injury to the fruit growing industry in
11 the The Dalles area is during the cherry fruit blossom period
12 which occurs normally in the first two weeks of April. From
13 April the vulnerable period for peach fruit continues through
14 the pit hardening stage, which normally has concluded by the
15 second week in July. The petitioner submits that the following
16 more restrictive limits for emissions during the period March 25,
17 1974, through July 15, 1974, would place no unreasonable burden
18 on the Martin Marietta Aluminum, Inc., plant at The Dalles, and
19 would be a prudent step for avoiding continued substantial
20 economic damage to the fruit growing industry in the area of
21 The Dalles:

22 A. During the time period proposed, the weekly average
23 of fluorides emitted from all sources shall not exceed 1.0 pounds
24 of fluoride ion per ton of aluminum produced.

25 B. Concentrations of gaseous matter including the
26 element fluorine shall not exceed .6 micrograms per cubic meter

1 measured over any period of six consecutive hours.

2 The Oregon Department of Environmental Quality continues
3 to receive reports from the Martin Marietta Aluminum Company, Inc.,
4 plant at The Dalles, Oregon. Both those records and the records
5 from the Martin Marietta Aluminum, Inc. plant at John Day, Oregon,
6 establish that the company is capable of operating its pollution
7 control system so as to prevent the emissions of more than
8 1.0 pounds of total fluorides per ton of aluminum produced.
9 Ambient air monitoring data maintained by the company and by the
10 Oregon State University Hood River Experiment Station establish
11 that the company is capable of limiting its emissions so that
12 concentrations of gaseous matter containing the element fluorine
13 do not exceed more than a concentration of .6 of a microgram per
14 cubic meter for any six hour period of time measured consecutively.

15 The petitioner submits that if the company is capable
16 of operating in such a manner as to restrict its emissions both
17 on the basis of pounds of total fluorides emitted per ton of
18 aluminum produced and on the basis of the ambient air concentra-
19 tions of fluorides, then certainly the company should be required
20 so to operate, during the period of maximum vulnerability of a
21 multimillion dollar fruit industry.

22 The Department has experience in evaluating data
23 submitted by the Martin Marietta Aluminum Company, Inc. plant at
24 The Dalles. The Department also has experience in monitoring
25 ambient air concentration of fluorine elements in the gaseous
26 state. Moreover, the Oregon State University Hood River

1 Experiment Station also has experience in making such monitoring
2 measurements and the reporting of same for evaluation. If the
3 Commission does adopt these recommendations of the petitioner,
4 as requested by the petitioner, then the Department can take the
5 necessary steps for testing and appropriate enforcement, and the
6 petitioner so requests.

7 2. COMPLIANCE SCHEDULE RELIEF REQUESTED

8 The record before the Environmental Quality Commission
9 and the material submitted to and by the Department of Environmental
10 Quality in connection with the proposed amendments adopted by the
11 Commission on November 26, 1973, establish that the Martin Marietta
12 Aluminum, Inc. primary reduction plant at The Dalles, Oregon, can
13 and frequently does meet the existing requirements of Section
14 25-265(3) at the present time. It is the thrust of the regulations,
15 as interpreted by the Director of the Department of Environmental
16 Quality in his statement presented at the meeting of the Commission
17 on November 26, 1973, that the compliance schedules should require
18 existing aluminum plants in Oregon to meet the newly amended
19 regulations at the earliest practicable date.

20 If the Martin Marietta Aluminum, Inc. plant at The Dalles
21 now meets the requirements of Section 25-265(3), from time to
22 time, as company representatives have asserted to the Commission
23 and Department and have sworn in courts in this state, then the
24 company now has the capacity to meet those requirements on a
25 regular basis. The company should be required to do so, without
26 delay. The effect of extending the date of compliance is to

1 delay the full force and effect of the requirements of both
2 Section 25-265(3) and Section 25-265(1). Those facts are
3 obviously deemed the necessary measure of protection; therefore,
4 delay is at the expense of the public. Delay can be justified
5 only to permit a company to develop the capacity for compliance.
6 If it has demonstrated the capacity, as Martin Marietta has, then
7 the delay is unjustifiable.

8 There are times that the Martin Marietta Aluminum, Inc.
9 primary aluminum reduction plant at The Dalles, even meets the
10 requirements of Section 25-265(1). Those regulations, if balked
11 to their furthest extreme by a procrastinating compliance schedule,
12 would permit an existing aluminum plant to wait until January 1,
13 1984, to comply. The problem created by fluoride emissions at
14 The Dalles can be significantly reduced by compliance, now. The
15 Martin Marietta plant has created a special problem area that now
16 requires compliance. There would appear to be no good reason for
17 waiting a protracted period of time for eventual compliances. At
18 some later date after requiring the Martin Marietta Aluminum, Inc.
19 The Dalles, Oregon, plant to comply with Section 25-265(3), this
20 Commission then can evaluate the compliance schedule which should
21 be set for full enforcement of Section 25-265(1) with respect to
22 the Martin Marietta Aluminum, Inc., plant at The Dalles, Oregon, at
23 the earliest practicable date.

24 CONCLUSION

25 The petitioner has had an extensive history of appearances
26 before this Environmental Quality Commission and its predecessor

1 organizations and institutions. Now that the Commission has
2 adopted regulations and requirements which will apply to the
3 aluminum plant at The Dalles, Oregon, the petitioner is concerned
4 that those requirements take effect in order to provide maximum
5 protection for the Wasco County fruit growers and for the allied
6 and dependent (processing, storing, handling, marketing and
7 transporting) industries in the Wasco County area.

8 The petitioner submits that the fruit growing industry
9 in The Dalles should not be submitted to torture testing any
10 longer. There is no reason to see how long the orchardists will
11 suffer and how extensive their sufferance need be. The Commission
12 and the Department have the statutory and administrative authority
13 now to take steps to insure further protection of the fruit growing
14 industry. The petitioner asks that such authority be implemented
15 forthwith to provide the protection requested in this petition.
16 No sensible retort can be made by Martin Marietta when it is told
17 to do what it can do to protect the public.

18 NOW, THEREFORE, PETITIONER REQUESTS:

19 1. The Commission again find that the fruit growing
20 area in The Dalles, Oregon, near the Martin Marietta Aluminum, Inc.
21 primary reduction plant is a special problem area.

22 2. The Commission direct the Department to and the
23 Department require the more restrictive emission limits requested
24 in this petition.

25 3. The Commission direct the Department to and the
26 Department take the necessary administrative steps to implement

1 and enforce those more restrictive limits adopted in accordance
2 with this petition.

3 4. The Commission direct the Department to and the
4 Department establish a schedule of compliance for the Martin Marietta
5 Aluminum, Inc. primary aluminum reduction plant at The Dalles,
6 Oregon, which shall require full compliance by June 1, 1974, a
7 period which will have exceeded the 180 days following the adoption
8 of the amended regulations by this Commission on November 26, 1973.
9

10 Respectfully submitted,

11 WASCO COUNTY FRUIT AND PRODUCE LEAGUE
12 THE DALLES, OREGON

13 By

14 TOOZE KERR PETERSON MARSHALL & SHENKER

15
16 By 
17 Robert M. Kerr

18 Of Counsel for Wasco County Fruit and
19 Produce League
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MINUTES OF THE FIFTY-SIXTH MEETING
of the
OREGON ENVIRONMENTAL QUALITY COMMISSION
April 19, 1974

Public notice having been given to the news media, other interested persons and the Commission members as required by law, the fifty-sixth meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 9 a.m. on Friday, April 19, 1974, in Room 310, Hoke College Center, Eastern Oregon State College, La Grande, Oregon.

The Chairman introduced Ronald M. Somers of The Dalles as a new member of the Commission, succeeding Arnold Cogan who had recently resigned. Other Commission members present were B. A. McPhillips, Chairman, Dr. Morris K. Crothers, Dr. Grace S. Phinney, and Jacklyn L. Hallock.

The Department was represented by Director Kessler R. Cannon; Deputy Director Ronald L. Myles; Assistant Directors Frederick M. Bolton, Wayne Hanson, and Kenneth H. Spies; staff members Thomas Guilbert, Ernest A. Schmidt, Barbara J. Seymour, Shirley G. Shay, Dr. Warren C. Westgarth and James Van Domelen, Pendleton Branch (Eastern Region) Engineer.

MINUTES OF THE MARCH 22, 1974 COMMISSION MEETING

It was MOVED by Dr. Crothers, seconded by Mr. Somers and carried that the minutes of the fifty-fifth meeting of the Commission, held in Salem on March 22, 1974, be approved as prepared and distributed.

ACTIVITY REPORT FOR THE MONTH OF MARCH 1974

It was MOVED by Mrs. Hallock, seconded by Dr. Phinney and carried that the actions taken by the Department during the month of March 1974, as reported by Mr. Myles, regarding the 64 domestic sewerage, 6 industrial waste, 29 air quality control, and 2 solid waste management projects be approved:

Water Quality Control - Northwest Region (12)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-7-74	Gresham	N. E. Everett Sewer	Prov. app.
3-11-74	Woodburn	Hawley Street Sewer	Prov. app.
3-11-74	Portland	N. Fairhaven Ave. between N. Fessenden St. & Smith St.	Prov. app.
3-11-74	West Linn	Hidden Springs #13 Subdn Sewer	Prov. app.

Water Quality Control - Northwest Region (cont)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-11-74	Gresham	195th/Milstun Park Sewer	Prov. app.
3-15-74	Lake Oswego	LID-154-Main Street Sewer	Prov. app.
3-21-74	Forest Grove	USA-Forest Grove Milton Lee Sewer	Prov. app.
3-25-74	Scappoose	O'Neil Second Add. Sewer	Prov. app.
3-27-74	Multnomah County	Victor Seven Sewer	Prov. app.
3-27-74	St. Helens	Pittsburg St., St. Helens Rd. & Tamarack Dr. Sewers	Prov. app.

Water Quality Control - Water Quality Division (52)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-5-74	USA (Aloha)	Hartwood Hylands Connecting Sewer	Prov. app.
3-5-74	Woodburn	C.O. #1, F.M. Contr & C.O. 1-7 STP, Contr	Approved
3-6-74	Klamath Falls	Pump Sta. Telemetering System	Prov. app.
3-6-74	Medford	Hilton Hts Sewer	Prov. app.
3-6-74	Springfield	East Moor Subdn Sewers	Prov. app.
3-6-74	North Bend	Street Imp. Dist. #3-73 Sewers	Prov. app.
3-6-74	Ashland	Lawson Prop. Sewer (Wimer St.)	Prov. app.
3-6-74	Ashland	Westwood St. Sewer & Grandview Dr. P.S.	Prov. app.
3-6-74	Umatilla	McNary Townsite Subdns #1, 2 & 3 Sewers	Prov. app.
3-11-74	USA (Durham)	Addenda 1-8, STP Contr	Approved
3-18-74	Astoria	C.O. #7-10, Interc. Contr	Approved
3-18-74	Klamath Falls	Americana Trunk Sewer	Prov. app.
3-18-74	Springfield	4th Addn. to Beau-Mont Subdn Sewers & Easton PUD Sewers	Prov. app.
3-19-74	Portland	C.O. #1 Lab & C.O. #7 STP Columbia Blvd.	Approved
3-20-74	Florence	North Florence Sewers	Prov. app.
3-20-74	USA (Fanno)	Ridgewood Ltd. #13 Sewers	Prov. app.
3-20-74	USA (Beaverton)	Channing Hts. Sewers & Chantrey Village Sewers	Prov. app.
3-20-74	USA (Metzger)	Greenburg Rd. Mini-Warehouse Sewer	Prov. app.
3-20-74	USA (Aloha)	Shalimar Subdn Sewer	Prov. app.
3-21-74	Springfield	Kelley Industrial Subdn Sewers	Prov. app.
3-25-74	USA (Beaverton- Fanno)	Bevest Ind. Park Sewers	Prov. app.
3-26-74	Canyonville	Canyon Creek Acres Subdn Sewers	Prov. app.
3-26-74	Roseburg	Rainbow End Subdn Sewers	Prov. app.
3-27-74	Echo	C.O. #B-1 STP Contract	Approved
3-28-74	Springfield	Springdale Manor Sewers	Prov. app.
3-28-74	Reedsport	Rev. Plans - Park Terrace Townhouse Sewers	Prov. app.
3-28-74	Hillsboro	C.O. #1-5 Hillsboro STP Contract	Approved
3-28-74	Yachats	C.O. #5 - STP Contract	Approved

Water Quality Control - Industrial Projects (6)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-1-74	Willamina	<u>U.S. Plywood, Champion Papers, Inc.</u> --modifications to water pollution abatement program	Prov. app.
3-1-74	Dayton	<u>Gray and Company</u> --waste water control facilities	Prov. app.
3-4-74	Brooks	<u>Terminal Ice and Cold Storage Co.</u> --construction of cold storage warehouse	Prov. app.
3-6-74	Corvallis	<u>Western Pulp Products Company</u> --waste water control facilities	Prov. app.
3-7-74	Boring	<u>Oregon Ready Mix Co., Inc.</u> --modification of water pollution control facilities	Prov. app.
3-14-74	North Plains	<u>Dant and Russell, Inc.</u> --collection and recirculation system	Prov. app.

Air Quality Control - Northwest Region (6)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-7-74	Multnomah County	<u>Publishers Paper</u> --control of veneer drier emissions utilizing water scrubber	Approved
3-12-74	Multnomah County	<u>Mayflower Farms</u> --control of feed and grain processing emissions by replacing cyclones with baghouses	Approved
3-14-74	Clackamas County	<u>Hall Process Co., Inc.</u> --control of coal tar emissions through use of fiberglass filtration	Approved
3-14-74	Multnomah County	<u>Linnton Plywood Corporation</u> --control of veneer drier emissions utilizing lower operating temperatures and combustion of emissions prior to discharge	Approved
3-21-74	Washington County	<u>Forest Fiber Products Co.</u> --control of wood dust from transfer cyclones by the addition of baghouses	Approved
3-28-74	Multnomah County	<u>Beall Pipe & Tank Co.</u> --control of shot blast emissions by use of a baghouse	Approved

Air Quality Control - Air Quality Division (23)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-5-74	Multnomah County	<u>Sheri-Lynn Apartments</u> --105-space parking facility	Cond. app.
3-5-74	Multnomah County	<u>Lynch Terrace School</u> --73-space parking facility	Req. add. info.
3-6-74	Washington County	<u>Davies Office Building</u> --66-space parking facility	Cond. app.

Air Quality Control - Air Quality Division (continued)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-8-74	Washington County	<u>The Snack Shop</u> --restaurant and commissary 180-space parking facility	Delayed
3-11-74	Washington County	<u>Randall Construction Co.</u> --Apartment, 343-space parking facility	Cond. app.
3-12-74	Multnomah County	<u>Oregon Steel Mills</u> --69-space office workers parking facility and 101-space production workers parking facility	Cond. app.
3-12-74	Washington County	<u>Deleco Corp. of Oregon</u> --81-space parking facility	Cond. app.
3-12-74	Douglas County	<u>Robert Dollar Company</u> --variance to operate bark drier @ 0.2 gr/scf at 25% opacity until 3-1-75	EQC approved
3-13-74	Multnomah County	<u>Lincoln Property Co.</u> --dock high warehouse 194-space parking facility	Req. add. info.
3-13-74	Multnomah County	<u>McDonald's Restaurant</u> --63-space parking facility	Req. add. info.
3-14-74	Multnomah County	<u>Fred Meyer</u> --484-space parking facility	Req. add. info.
3-15-74	Harney County	<u>Hines Lumber Company</u> --evaluation of source test report for hog fuel boiler	Req. add. info.
3-21-74	Douglas County	<u>Roseburg Lumber Company</u> --N/C #228, installation of 5 Hammerquist Baghouse Filters	Approved
3-22-74	Multnomah County	<u>Colonial Office Park</u> --71-space parking facility	Cond. app.
3-25-74	Morrow County	<u>Kinzua Corporation</u> --N/C #223, installation of Moore-Oregon "Lo-Em" control for 2 veneer driers	Cond. app.
3-26-74	Washington County	<u>Electro Scientific Industries</u> --251-space parking facility	Req. add. info.
3-26-74	Multnomah County	<u>U. S. National Bank of Oregon</u> --47-space parking facility	No action required
3-26-74	Lane County	<u>Pay Less Shopping Center</u> --650-space parking facility	Cond. app.
3-26-74	Tillamook County	<u>Oregon-Washington Plywood</u> --N/C #232, installation of 3 Hammerquist Baghouse Filters	Approved
3-27-74	Washington County	<u>Rock Creek Center</u> --Portland Community College 449-space parking facility	Req. add. info.
3-27-74	Klamath County	<u>Hudson Lumber Company</u> --N/C #233, Worden Division, installation of wood waste processing facility	Approved
3-29-74	Multnomah County	<u>Fairlawn Nursing Home</u> --60-space parking facility	Req. add. info.
3-29-74	Clackamas County	<u>Lincoln Properties Industrial Park</u> --1136-space parking facility	Req. EIS

Solid Waste Management (2)

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-1-74	Columbia County	Crown Zellerbach Corp., Vernonia Mill--existing industrial site, operational plan	Approved
3-2-74	Columbia County	Vernonia Disposal Site--existing domestic site, operational plan	Approved

Attached to the activity report was a summary of work projects pending, as requested by the Commission. Mr. Myles said it was the Department's intent to update the summary periodically.

OREGON CUP AWARD SCREENING COMMITTEE REPORT

1. Proposed Rule Change

Mrs. Seymour presented the staff memorandum report concerning a rule change recommended by the Committee which would eliminate the position of committee secretary (on page 3, line 6 of the rules, delete the words "and a secretary").

Dr. Phinney suggested deleting lines 21 through 26 on page 2, as follows:

{For initial appointment, names of prospective committee members shall be submitted to the EQC by interested organizations as soon as practicable following adoption of these rules. Four members shall serve until July 1, 1973, and five members shall serve until July 1, 1974, with duration of appointment to be decided by lot among the nine members appointed by the EQC. For all subsequent years,}

and capitalizing the "n" in the word "names" following the comma.

It was MOVED by Dr. Phinney, seconded by Mr. Somers and carried that both rule changes be adopted.

2. Nomination--ESCO Corporation

Mrs. Seymour presented the staff memorandum report regarding the Committee's nomination of the ESCO Corporation (Portland) for an industrial award for its voluntary air pollution control efforts.

It was MOVED by Dr. Phinney, seconded by Mrs. Hallock and carried that the Oregon CUP (Cleaning Up Pollution) be awarded to ESCO Corporation.

3. Nomination--Joint Individual Award

Mrs. Seymour presented the staff memorandum report regarding the Committee's nomination of Rich Chambers (Salem) and Don Waggoner (Portland) for a joint individual award for their outstanding environmental efforts including their work to obtain passage of, and subsequently support, the Oregon bottle bill.

It was MOVED by Dr. Crothers, seconded by Mrs. Hallock and carried that the Oregon CUP be awarded jointly to Rich Chambers and Don Waggoner.

DESIGNATION OF AIR QUALITY MAINTENANCE AREAS

Mr. Guilbert read his report concerning the proposed designation of air quality maintenance areas (AQMA) in Oregon, which included a summary of testimony taken at public hearings held in Portland on April 12 and in Eugene on April 15. He modified the Conclusions and Recommendations portion of his report as follows:

"Aside from the slight anomaly that the DEQ's answer to Lane Regional Air Pollution Authority [regarding designation of photochemical oxidants], that is, that we don't have enough data to designate (it) for photochemical oxidants in Eugene-Springfield is essentially the same argument in a different form that the AOI made [against designation of sulfur dioxide in Portland] that our data isn't accurate enough to designate Portland for sulfur dioxide, and minor questions as to whether contiguous designated areas should be consolidated, there was no substantive testimony received that ran contrary to the staff report's recommendation. Your hearings officer thus recommends adoption of the staff recommendation."

Discussion followed objecting to testimony which proposed the consolidation of the Longview-Kelso Corridor (Washington) AQMA with the Portland-Metropolitan AQMA:

Mr. Hanson commented that "Oregon cannot formally designate Kelso-Longview," but because the problem is an interstate one, Oregon wants the area designated. He said further that the EPA has taken the position that the Longview-Kelso Corridor is a recognized problem area and plans to study it even though the Washington Department of Ecology has not said they would propose its designation as an AQMA.

Mr. Cannon stated that on April 16, he had discussed the issue with Mr. Ed Coate, Acting Administrator for Region X, EPA, and Mr. Coate said that EPA would mediate but not arbitrate the Longview-Kelso impact on the Portland-Metropolitan area. Mr. Cannon further stated that the EPA is the only agency that has interstate jurisdiction.

Mr. Cannon and Mr. Hanson informed the Commission that Oregon and Washington have jointly applied for \$50,000 in federal funds for the purpose of setting up a model of this entire airshed which hopefully will permit the two

states to determine with some certainty the degree of impact of air contaminants and where that impact will come with future development of the area.

Dr. Crothers asked if there was any method by which the State of Oregon could sue an industry in the Longview-Kelso Corridor AQMA for contaminating the Rivergate (Portland) area, assuming that Longview-Kelso is dumping particulates and not being adequately controlled, and the economic growth in the Rivergate area is therefore stopped.

Mr. Somers suggested that the Attorney General's office or the DEQ staff attorney prepare a memo on this possibility. He further stated that by adopting the report and setting standards, boundaries are fixed and damaged areas such as the Port of Portland's Rivergate industrial park would have a cause of action directly against the offending Washington industry for damages for their potential clients.

It was MOVED by Mr. Somers, seconded by Dr. Phinney and carried to approve the recommendation of the hearings officer to adopt the staff report which included proposing designation of the following air quality maintenance areas: Portland-Metropolitan area for particulates, sulfur dioxide, carbon monoxide, and photochemical oxidants; Longview-Kelso Corridor for particulates and sulfur dioxide; and the Eugene-Springfield and the Medford-Ashland area for particulates.

DOUGLAS-FIR TUSSOCK MOTH MONITORING PLAN, STATUS REPORT

Dr. Westgarth informed the Commission that the ad hoc Task Force for Planning and Implementing Monitoring of the Tussock Moth Problem Area in Oregon and Washington had met on April 18th in Walla Walla, involving 67 persons from 23 agencies.

He presented his report concerning plans for the environmental monitoring of 408,000 acres in the event the area is sprayed with DDT for the purpose of controlling the tussock moth infestation. He noted that the program is incomplete in that it is only a residue monitoring program.

In response to questions, Dr. Westgarth said that as soon as the snow in the area melts sufficiently to permit entry, a preliminary study would be made for the purpose of getting a pre-spray reading of the area. Dr. Westgarth explained the three-step program: the application of DDT, monitoring of that application to see that it hit the target area, and monitoring of the residue. The Task Force would begin the residue monitoring immediately following the DDT

application, and monitor again in the fall and the spring of 1975. The second phase of the program--which is not funded--proposes a long-term combined research effort to determine the long-range effects of DDT.

The Commissioners and the Director expressed their concern for funding of the second phase and their continued commitment to explore all possibilities for financial assistance.

PUBLIC FORUM

No one wished to be heard when the Chairman announced the Public Forum scheduled for 10 a.m.

SOLID WASTE TIRE DISPOSAL, CENTRAL REGION

Mr. Bolton gave a slide talk presentation on the tire disposal problem in and around Mitchell in Central Oregon. He said that in February 1974, the Central Region, DEQ, was informed by members of the Wildlife Commission that they had observed a number of tires in the Mitchell area. At the same time, Mr. Schmidt of the Department's Solid Waste Management Division received an application for a permit to dispose of tires in that area. Department staff immediately inspected the area and saw the results of a flash flood which dislodged tires that had been hauled to an unauthorized disposal site on the Robert Woodward ranch outside Mitchell. The tires were generated by the Les Schwab Production Center in Prineville and had previously been disposed of at the rate of about 4,000 per month at the company's disposal site at Grassy Butte Cinder Pit until the Highway Division terminated the site in March 1973. DEQ staff had tried unsuccessfully since the spring of 1973 to determine where the tires were being disposed. The Wildlife Commission report, the receipt of the application for a solid waste disposal permit and subsequent staff investigation revealed the Woodward ranch as the point of origin of the tires.

Mr. Bolton informed the Commission that Mr. Woodward had contracted with Les Schwab's Prineville plant to haul and dispose of tires that had come to the plant for retreading but had not passed the company's retread standards. Mr. Woodward intended to use these tires for soil stabilization, but in about a 10-month period hauled approximately 40,000 tires to his property which proved to be too many to handle adequately. Following the January flash floods in the area, about 10,000 tires washed away, and the Department since has received reports of tires observed as far away as the John Day River, although most have been found within 16 miles of the Woodward ranch.

Mr. Bolton said the problem is two-fold: the retrieval and disposal problem faced by the Woodwards, and the disposition of tires and unsatisfactory retreaded tires by Les Schwab at Prineville and the company's three-state outlets. Solutions are being mutually explored by the Department, the Woodwards and the company.

Questions followed as to how the Department would recover its costs for monitoring the cleanup of the tires. Mr. Bolton said the Department preferred not to levy civil penalties at this time because all parties are cooperatively searching for a viable, economic approach to the problem. Meanwhile, waste tires are being retained at the Prineville plant, and the Department is awaiting a disposal plan requested from the company by May 1st.

Mr. Schmidt briefly explained methods of tire disposal. In the Portland-Metropolitan area, a shredder has been operational for about 15 months. A passenger car tire can be shredded and incorporated into a landfill at a cost of 16¢. The Metropolitan Service District also has adopted an ordinance to become effective in August 1974, which establishes a program for controlling the movement of waste tires. In Central and Western Oregon, tires will continue to be hauled to authorized landfills. However, in the long run the Department hopes that energy recovery disposal systems, such as grinding and burning, can be perfected. Currently, burning still presents problems such as gaseous and metallic particulate emissions.

DEQ LABORATORY PROPOSAL

Mr. Cannon summarized his memorandum report concerning the conclusions of an Executive Department study of alternatives for a new DEQ laboratory facility.

Portland State University, which proposed conversion of existing space for DEQ laboratory use, received the highest recommendation. Another proposal was to build a laboratory at Clackamas Community College in Oregon City. Higher education bonds might possibly be used for the Portland State facility, but a General Fund appropriation would be necessary for a new building. The legal questions involved in the use of the bonds still have not been resolved.

Mr. Cannon recommended that the Commission support Portland State's proposal and his recommendations outlined in an April 10th memorandum, and further to authorize him to support the Executive Department's request to the Emergency Board for approval of the Portland State University site and the funding of the necessary architectural and engineering fees.

It was MOVED by Dr. Crothers to approve the Director's recommendation with the added comment that the proposal is "highly desirable." The motion was seconded by Mr. Somers and carried.

TUSSOCK MOTH

Prior to his slide talk presentation, Dr. Westgarth distributed pictures of the tussock moth in its larval and adult stages and close-ups of the damaged areas.

Slides of the infested area showed a very rugged terrain with high hills, valleys and streams. These waterways are affected by ongoing salvage logging operations which cause runoffs into the streams with the probability of sediment problems for the next ten years. Even though some very small streams are involved, they are important because they are spawning streams for migratory fish.

Dr. Westgarth briefly explained the spraying operation by helicopters, noting that the job must be done by the end of May or the first week in June when the larvae hatch and are in their first and most dangerous stage, which is also the time when they are most susceptible to DDT. The 408,000 acres designated for spraying include trees of different species, untouched by the tussock moth which is selective to the Douglas fir and true firs.

Following the presentation, Mr. Loren Hughes, a La Grande businessman and the Vice Chairman of the Oregon Forest Practices Act, Eastern Region, discussed the devastation and long-range impact of the tussock moth on the Northeast Oregon forests. He said that all of the damaged areas will be entirely salvage logged, and that the sites of heaviest damage were unproductive areas, in large measure due to the forest management practice of monoculture. Clear-cutting will provide many healthy sites for mixed culture tree growth.

He discussed the economic impact on the area, noting that salvaged logs are bringing in only about 25 percent of their value because the magnitude of the salvage logging operations has depressed the market. The trees must be cut within two years of being killed by the tussock moth since fir trees are particularly susceptible to insect damage. Boise Cascade is putting in a chipping plant to utilize small trees and insect-damaged trees.

Mr. Hughes explained that reforestation in Northeast Oregon is usually accomplished by natural regeneration. The Forest Practices Act rules for the

Eastern Region require that a tree must appear naturally on an open stand within three years or the area can be manually planted.

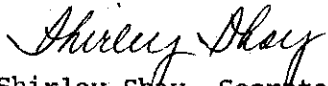
In reply to a question as to what help the Commission might provide, Mr. Hughes said help is needed to enforce the Forest Practices Act, and the Commission and the Department could provide assistance through their involvement in water quality programs.

The Chairman asked if anyone else wished to speak.

Mrs. Harold Zurbrick, of La Grande, asked for help concerning fallout on her residence from the Boise Cascade particleboard plant, and assistance in protesting the possible burning of the county's solid waste in Boise Cascade's furnaces. The Chairman told her to write to the Department giving necessary details.

Mr. Ernest J. Kirsch, Union County Extension Agent, commented on problems faced in forestry and agriculture by prohibition on the use of some insecticides known to control certain pests. The result is that research is being done to find alternate methods of controlling these pests. On the other hand, in Central Oregon thousands of acres of pine trees have been killed by the pine beetle but very little research has gone into finding means of controlling it. He approved the use of DDT on the tussock moth damaged areas.

There was no further business and the meeting was adjourned at noon.


Shirley Shay, Secretary
Environmental Quality Commission



ENVIRONMENTAL QUALITY COMMISSION

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MORRIS K. CROTHERS
Salem

Ronald M. Somers
The Dalles

Kessler R. Cannon
Director

MEMORANDUM

To : Environmental Quality Commission
From : Director
Subject: Agenda Item No. B, April 19, 1974 EQC Meeting
March 1974 Program Activity Report

During the month of March, staff action was taken relative to the list of plans and specifications which follows:

Water Quality Control

1. Sixty-four (64) domestic sewage projects were reviewed:
 - a. Northwest Region - 12
Provisional approval was given to 12 plans for sewer projects.
An itemized list is attached.
 - b. Water Quality Division - 52
Provisional approval was given to 24 plans for sewer projects.
Approval was given to 28 change orders and addenda for sewage treatment plants.
An itemized list is attached.
2. Six (6) industrial waste treatment plans for miscellaneous projects were reviewed and provisional approval given:
 - U. S. Plywood - Champion Papers, Inc., Willamina
modifications to water pollution abatement program
 - Gray and Company, Dayton
waste water control facilities
 - Terminal Ice and Cold Storage Company, Brooks
construction of cold storage warehouse
 - Western Pulp Products Company, Corvallis
waste water control facilities
 - Oregon Ready Mix Co., Inc., Boring
modification of water pollution control facilities
 - Dant and Russell, Inc., North Plains
collection and recirculation system



Contains
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Materials

Air Quality Control

Twenty-nine (29) project plans or proposals were reviewed:

1. Northwest Region - 6

Approval was given to six (6) miscellaneous projects:

Publishers Paper, Multnomah County
Control of veneer drier emissions
utilizing water scrubber

Mayflower Farms, Multnomah County
Control of feed and grain processing
emissions by replacing cyclones with
baghouses

Hall Process Co., Inc., Clackamas County
Control of coal tar emissions through use
of fiberglass filtration

Linnton Plywood Corporation, Multnomah County
Control of veneer drier emissions utilizing
lower operating temperatures and combustion
of emissions prior to discharge

Forest Fiber Products Co., Washington County
Control of wood dust from transfer cyclones
by the addition of baghouses

Beall Pipe & Tank Co., Multnomah County
Control of shot blast emissions by use
of a baghouse

2. Air Quality Division - 23

a. EQC approval was given to one (1) miscellaneous project:

Robert Dollar Company, Douglas County
Variance to operate bark drier @ 0.2 gr/scf
at 25% opacity until 3/1/75

b. Approval was given to three (3) miscellaneous projects:

Roseburg Lumber Company, Douglas County
N/C #228, Installation of five (5)
Hammerquist Baghouse Filters

Oregon-Washington Plywood, Tillamook County
N/C #232, Installation of three (3)
Hammerquist Baghouse Filters

Hudson Lumber Company, Klamath County
N/C #233, Worden Division, Installation of
wood waste processing facility

c. Conditional approval was given to:

1) Seven (7) parking space facilities:

Sheri-Lynn Apartments, Multnomah County
105-space parking facility

Davies Office Building, Washington County
66-space parking facility

Randall Construction Co., Washington County
Apartment, 343-space parking facility

Oregon Steel Mills, Multnomah County
69-space office workers parking facility and
101-space production workers parking facility

Deleco Corp. of Oregon, Washington County
81-space parking expansion

Colonial Office Park, Multnomah County
71-space parking facility

Pay Less Shopping Center, Lane County
650-space parking facility

2) One (1) miscellaneous project:

Kinzua Corporation, Morrow County
N/C #223, Installation of Moore-Oregon "Lo-Em"
control for two (2) veneer driers

d. Additional information was requested from:

1) Seven (7) parking space facilities:

Lynch Terrace School, Multnomah County
73-space parking facility

Lincoln Property Co., Multnomah County
dock high warehouse, 194-space parking facility

McDonald's Restaurant, Multnomah County
63-space parking facility

Fred Meyer, Multnomah County
484-space parking facility

Electro Scientific Industries, Washington County
251-space parking facility

Rock Creek Center, Washington County
Portland Community College, 449-space
parking facility.

Fairlawn Nursing Home, Multnomah County
60-space parking facility

2) One (1) miscellaneous project:

Hines Lumber Company, Harney County
Evaluation of source test report for
hog fuel boiler

e. Action was delayed on one (1) parking space facility until
land use approval is obtained:

The Snack Shop, Washington County
restaurant and commissary
180-space parking facility

- f. An Environmental Impact Statement was requested from one (1) parking space facility:

Lincoln Properties Industrial Park, Clackamas County
1136-space parking facility

- g. No action was required on one (1) parking space facility:

U. S. National Bank of Oregon, Multnomah County
47-space parking facility

Solid Waste Management

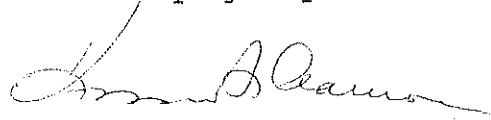
Two (2) project plans for miscellaneous projects were reviewed and approval was given:

Crown Zellerbach Corp., Vernonia Mill, Columbia County
existing industrial site, Operational Plan

Vernonia Disposal Site, Columbia County
existing domestic site, Operational Plan

Director's Recommendation

It is the Director's recommendation that the Commission give its confirming approval to staff action on project plans for the month of March 1974.



KESSLER R. CANNON
Director

ss: 4/11/74
attachments

PROJECT PLANS

Northwest Region

During the Month of March 1974, 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 - 12</u>			
3-7-74	Gresham	N. E. Everett Sewer	Prov. Approval
3-11-74	Woodburn	Hawley Street Sewer	Prov. Approval
3-11-74	Portland	N. Fairhaven Ave. between N. Fessenden St. & Smith St.	Prov. Approval
3-11-74	West Linn	Hidden Springs #13 Subdn Sewer	Prov. Approval
3-11-74	Gresham	195th/Milstun Park Sewer	Prov. Approval
3-15-74	Lake Oswego	LID-154-Main Street Sewer	Prov. Approval
3-21-74	Forest Grove	USA-Forest Grove Milton Lee Sewer	Prov. Approval
3-25-74	Scappoose	O'Neil Second Add. Sewer	Prov. Approval
3-27-74	Multnomah Co.	Victor Seven Sewer	Prov. Approval
3-27-74	St. Helens	Pittsburg St., St. Helens Rd. & Tamarack Dr. Sewers	Prov. Approval

12 Sewer Projects

PROJECT PLANS

Water Quality Division

During the month of March, 1974, 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 - 52</u>			
3-5-74	USA (Aloha)	Hartwood Hylands Connecting Sewer	Prov. Approval
3-5-74	Woodburn	C.O. #1, F.M. Contr & C.O. 1-7 STP, Contr	Approved
3-6-74	Klamath Falls	Pump Sta. Telemetering System	Prov. Approval
3-6-74	Medford	Hilton Hts Sewers	Prov. Approval
3-6-74	Springfield	East Moor Subdn Sewers	Prov. Approval
3-6-74	North Bend	Street Imp. Dist. #3-73 Sewers	Prov. Approval
3-6-74	Ashland	Lawson Prop. Sewer (Wimer St.)	Prov. Approval
3-6-74	Ashland	Westwood St. Sewer & Grandview Dr. P.S.	Prov. Approval
3-6-74	Umatilla	McNary Townsite Subdns #1, 2 & 3 Sewers	Prov. Approval
3-11-74	USA (Durham)	Addenda 1-8, STP Contr	Approved
3-18-74	Astoria	C.O. #7-10 Interc. Contr	Approved
3-18-74	Klamath Falls	Americana Trunk Sewer	Prov. Approval
3-18-74	Springfield	4th Addn. to Beau-Mont Subdn Sewers & Easton PUD Sewers	Prov. Approval
3-19-74	Portland	C.O. #1 Lab & C.O. #7 STP Columbia Blvd.	Approved
3-20-74	Florence	North Florence Sewers	Prov. Approval
3-20-74	USA (Fanno)	Ridgewood Ltd. #13 Sewers	Prov. Approval
3-20-74	USA (Beaverton)	Channing Hts. Sewers & Chantrey Village Sewers	Prov. Approval
3-20-74	USA (Metzger)	Greenbrug Rd. Mini-Warehouse Sewer	Prov. Approval
3-20-74	USA (Aloha)	Shalimar Subdn Sewer	Prov. Approval
3-21-74	Springfield	Kelley Industrial Subdn Sewers	Prov. Approval

PROJECT PLANS

<u>Date</u>	<u>Location</u>	<u>Project</u>	<u>Action</u>
3-25-74	USA (Beaverton-Fanno)	Bevest Ind. Park Sewers	Prov. Approv.
3-26-74	Canyonville	Canyon Creek Acres Subdn Sewers	Prov. Approval
3-26-74	Roseburg	Rainbow End Subdn Sewers	Prov. Approval
3-27-74	Echo	C.O. #B-1 STP Contract	Approved
3-28-74	Springfield	Springdale Manor Sewers	Prov. Approval
3-28-74	Reedsport	Rev. Plans - Park Terrace Townhouse Sewers	Prov. Approval
3-28-74	Hillsboro	C.O. #1-5 Hillsboro STP Contract	Approved
3-28-74	Yachats	C.O. #5 - STP Contract	Approved

24 sewer plans
28 change orders & addenda

—
52 total

WORK PROJECTS PENDING

March 31, 1974

AIR QUALITY PROGRAM

1. Permits (excluding Northwest Region and local regional authorities)

<u>Total by Source Category</u>	<u>Applications Received</u>	<u>Permits Issued</u>
Wood Products	199	71
Minerals and Metals	138	8
Pulp and Paper	12	12
Misc. (Grain, Food, Chemical, Hospitals, etc.)	70	9
Total	419	100

March 1974

Applications Received	13
Permits Issued	15
Public Hearings Scheduled	0
Notices of Intent to Issue Permits	4
Addendum Proposed	1

2. Parking Facilities - Applications pending: 33

Some of the major projects being evaluated are:

- a. Johns Landing
- b. Mt. Park Towne Center
- c. Oregon International Center
- d. Tanasbourne Towne Center
- e. Tektronix, Inc.

3. Projects

- a. Participation with Oregon Department of Transportation, COGS, Washington Department of Highways and Southwest Air Pollution Authority in developing technical review procedures to integrate the planning of highways, land use and air quality.
- b. Establishing an approval criteria with NTEC and PGE for a projected fossil fuel fired power plant at Boardman.
- c. Completing evaluation of 1973 Slash Burning Season.
- d. Completing 1973 Field Burning Report - to be available in 30 days.
- e. Developing program outputs in conjunction with the local regional air pollution authority to fulfill the requirements of the consolidated Federal Grant for fiscal year 1974-75.
- f. Making extensive revisions to the state emission inventory to comply with Federal requirements that will include stack parameters.

- g. Initiated contact with the National Weather Service for the operation of EMSU unit in Portland. This unit will provide meteorological data for the Portland area to assist Department review of major new sources and provide data for daily open burning advisories.
- h. Submission of a grant request to EPA (\$50,000) in conjunction with the State of Washington for the purpose of developing an air quality diffusion model to evaluate the effect of proposed facilities to be located along the Columbia River (e.g., Rivergate, Longview-Kelso).
- i. Evaluating lead data and information relative to lead air quality standards. A report will be made to the Commission by June.
- j. Developing information for regulations related to hazardous pollutants, specifically mercury, asbestos, and beryllium. These pollutants are presently being regulated by EPA.
- k. Submission of Maintenance of Air Quality Report to EPA. This program will require extensive detailed analysis by the staff for the designated areas.

Motor Vehicle Inspection Program

- a. Operating a volunteer testing station at the Wade Building in Northwest Portland.
- b. Designing and developing plans for permanent test stations in Multnomah, Clackamas and Washington Counties in addition to five mobile units.
- c. Evaluating data from cars tested as related to standards to be adopted.

Noise Pollution Program

- a. Participation with a technical advisory committee for the purpose of developing industrial noise regulations and testing procedure manual.
- b. Reviewing, amending proposed Department statewide rules.
- c. Conducting noise surveys to determine level from various facilities.

WATER QUALITY PROGRAM

- 1. NPDES Permits: 27 issued in March
97 issued to date
646 applications pending, of which 136 are in process.
- 2. Plans: 25 sets of municipal sewerage plans are pending (30 days behind). Major influx is being experienced in preparation for summer construction weather.

3. Projects

- a. Regulations which must be developed as a result of new legislation or requirements:
 - 1) tax credit rules
 - 2) hardship grant evaluation criteria
 - 3) alternate sewage disposal system rules
 - 4) plan approval rules and design guidelines
 - 5) sewage treatment plant performance bond rules
 - 6) update construction grant rules
- b. Complete reports and documents for submittal to EPA:
 - 1) sewage works needs survey (to be done by August 1974)
 - 2) state water strategy for fiscal year 1975
 - 3) annual program plan for fiscal year 1975
 - 4) state water monitoring strategy
 - 5) water quality evaluation report (to be done by September 1974)
- c. Complete development of program strategy for log storage in public waters (to be presented to Commission at a future meeting).

LAND QUALITY PROGRAM

1. Permits (Solid Waste Management Division)

- a. 9 incomplete permit applications pending: 8 existing disposal sites
1 new disposal site
- b. 30 complete permit applications awaiting staff action:
 - 27 existing disposal sites
 - 3 new disposal sites

2. Plans (Solid Waste Management Division)

- a. 3 operational plans awaiting staff action.

3. Projects (Subsurface Sewage Disposal Division)

- a. Development of qualifications for subsurface system installers (experience ratings, examinations)
- b. Development of trip tickets for septic tank pumpers (origin-destination).

4. Personnel

- a. Recruiting for one PHE 3 for Solid Waste Management Division Program Operations
- b. Recruiting for one Supervising Sanitarian and 2 secretaries for Subsurface Sewage Disposal Division.

ENFORCEMENT

1. Projects

- a. Develop new regulations for civil penalties (to be presented for Commission approval in June or July)
- b. New laboratory

2. Personnel

- a. Recruiting for Midwest and Southwest Region staffs
- b. Recruiting for sanitarians in Coos Bay and Klamath Falls (one each)



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MORRIS K. CROTHERS
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Ronald M. Somers
The Dalles

Kessler R. Cannon
Director

MEMORANDUM

To : Environmental Quality Commission
From : Director
Subject: Agenda Item C(1), April 19, 1974 EQC Meeting

Rule Change

Background

Rules for the Oregon CUP ("Cleaning Up Pollution") Award were adopted by the Commission February 25, 1972. Revisions recommended June 5, 1972 were adopted by the Commission July 27, 1972. Since that time it has become apparent that there is no need for the Committee to have a secretary among its members, as provided in the rules, since staff prepares minutes for all meetings.

Recommendations

On page 3, line 6, it is recommended that the words "and a secretary" be deleted.

KESSLER R. CANNON
Director

BJS:vt
Attached



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RULES FOR OREGON CUP

"CLEANING UP POLLUTION" AWARD

NATURE OF AWARD:

Oregon CUP Awards may be made to any industry, organization, institution, corporation, governmental unit, or individual for outstanding efforts in preventing or cleaning up pollution in Oregon. There is no limit as to the number of awards which may be made to qualified recipients in any time period. Awards to industries shall be made for specified periods of time and shall include separate categories for types of industry, such as production or manufacturing, service (including retailing), and land use; requirements for awards may differ according to the potential for pollution or environmental enhancement applicable to each category and the difficulty of control or prevention. Awards to production industries may include awards for development of products which in themselves contribute significantly to controlling or preventing pollution as well as awards for production methods which exceed state environmental requirements. Awards to individuals or to nonprofit institutions or organizations may be made one time only and without limitation as to duration.

Anti-pollution efforts which, in the judgment of the Screening Committee or the Environmental Quality Commission, do not qualify for the full Oregon CUP Award may be recognized by means of letters of commendation from the Environmental Quality Commission or by a recommendation for a gubernatorial citation.

The Oregon CUP Award shall be accompanied by a letter to the recipient indicating limitations on uses to which the award may be put, and specific rights and privileges granted by the EQC in conjunction with the issuance of the award.

DURATION OF INDUSTRIAL AWARDS:

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

PRELIMINARY SCREENING OF NOMINEES:

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

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

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

NOMINATIONS AND GRANTING OF AWARDS:

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

The screening committee shall meet as often as necessary but not less than twice a year to consider nominations for initial awards or renewals. Nominations which have been favorably acted upon by the screening committee shall be submitted to the Department of Environmental Quality with the information upon which the screening committee's decision was based. The Director of the Department of Environmental Quality shall forward these nominations to the Environmental Quality Commission along with his recommendation. The Environmental Quality Commission shall make the final decision on the granting or renewal of the Oregon CUP Award, the rights and privileges conferred with the award including specific conditions for its use or display, and on the granting of lesser awards such as letters of commendation or recommendations for gubernatorial citations.

REQUIREMENTS FOR NOMINEES:

Prior to consideration by the screening committee, nominees shall be required to submit a list of all plant operations and subsidiaries located in Oregon.

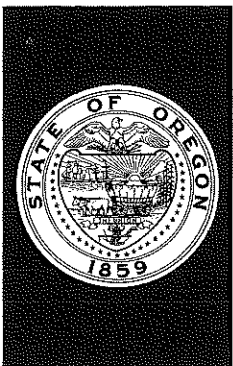
Following favorable action by the screening committee and prior to final decision by the Environmental Quality Commission, nominees shall be notified that they are under consideration for the Oregon CUP Award and given an opportunity to express their interest in receiving the award. Nominees who wish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

RENEWAL OF AWARDS:

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

FRADULENT USE OF OREGON CUP AWARD INSIGNIA PROHIBITED:

No person or industry shall display the Oregon CUP Award insignia or any facsimile thereof on any product or commodity unless entitled to do so by means of selection by the Environmental Quality Commission for the period during which the insignia is displayed; upon expiration or revocation of the award, the recipient shall be allowed 60 days to remove the insignia from products offered for sale.



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

JACKLYN L. HALLOCK
Portland

MORRIS K. CROTHERS
Salem

Ronald M. Somers
The Dalles

Kessler Cannon
Director

MEMORANDUM

To : Environmental Quality Commission
From : Director
Subject: Agenda Item No. c (2), April 19, 1974 EQC Meeting

ESCO Corporation Industrial Award Nomination

Background

ESCO Corporation is a steel casting and manufacturing firm headquartered in Portland. Upon completion of new air pollution control equipment at the Portland plant, it was nominated for an Oregon CUP Award by Rockey/Marsh Public Relations, Inc.

It should be noted that ESCO's products are not sold to the ultimate consumer and ESCO Corporation would be unlikely to realize any economic gain from the privilege of using the CUP insignia. However, they have indicated intent to use the CUP insignia, if awarded, on letterhead and in advertising materials.

The award nomination from Rockey/Marsh is attached.

Evaluation

Staff evaluation indicates that some statements in the Rockey/Marsh nomination letter were exaggerated (e.g. "smoke is sent through these 12 exhaust fans and into the atmosphere as pure and clean air"); however, the following actions by ESCO Corporation were cited by staff as exceptional efforts toward pollution control.

1. ESCO engineering department took time to anticipate operating problems of the air pollution control equipment and took steps to make the equipment more operable by men in the plant, i.e. simplification of the manometer warning system at Plant 3 so as to be easily read by workers.



Contains
Recycled
Materials

2. Developed new designs to handle emissions problems (i.e. side draft hood at Plant 3) rather than waiting for solutions to be developed by others or claiming it to be impossible.
3. Not skimping on baghouse capacity or hood design, but providing a very comfortable factor of safety, (i.e. main furnace hoods and baghouses at Plants 1 and 3, powder burn control system).
4. Anticipating problems in other environmental areas, although under no immediate pressure from governmental agencies. It was DEQ's understanding that noise was a factor in the choice of 12 fans, instead of one large fan on the main plant furnace control system.
5. Maintaining a highly ethical and professional rapport with the Columbia-Willamette Air Pollution Authority (now part of DEQ). Design information and technical justifications of their given approach to a solution could be trusted to be factual. Provided required source test information when practicable, (i.e. Aeordyne installation at Plant 3).
6. Use low emitting equipment where possible (new induction furnace).
7. ESCO has recognized that its two speciality steel foundries (inherently high particulate emission processes) are located in the worst particulate air quality area of Portland and has committed outstanding efforts to minimize particulate emissions.
8. ESCO has assigned air quality programs to highly competent environmental staff engineer who has identified some air problems not previously identified by the Department; designed innovative and totally effective particulate control systems not available on market; and worked diligently with equipment operators to instill a noticeable degree of pride and conscientiousness in operating pollution control equipment.
9. ESCO has always completed control installations in advance of compliance schedule dates. Total particulate control program, which is part of the 1975 Oregon Clean Air Plan was totally completed by mid 1972.
10. ESCO has developed one of the most effective means of disposing of collected furnace fumes. Baghouse dust hoppers are fitted with plastic bags which are sealed and hauled to a disposal site, thereby eliminating possibility of dust re-entrainment in the atmosphere.
11. ESCO installed a zirconium sand reclamation system which is eliminating the stock piling and disposing of used sand -- a previous source of wind blown dust.


12. ESCO has built dust collection hoods and associated equipment with an extreme amount of reinforcing steel to avoid damage and resulting loss of dust collection efficiency through inevitable collisions with heavy equipment and casting.
13. ESCO has consulted with the Department in early stages of planning a project which might affect atmospheric emissions to insure that minimal emission programs will be followed.
14. ESCO has conscientiously and promptly notified the Department of any malfunction of pollution control equipment and has repaired such equipment in minimal time.
15. ESCO's two steel foundries, although among the oldest and largest in Portland are the cleanest from any air emission standpoint.

Staff noted that ESCO Corporation had developed controls on some pollution problems where no previous technology had existed and that the company's controls were so effective that DEQ later required other companies with similar problems to use the controls designed by ESCO since they represented highest and best available control technology. It was also noted that ESCO efforts in noise control had been made voluntarily since regulations which would require control of noise have not yet been adopted.

The Screening Committee's vote favoring a CUP Award to ESCO Corporation was unanimous.

Recommendation

It is recommended that the Commission authorize an Oregon CUP Award to ESCO Corporation. Under the rules the award would cover the remainder of calendar year 1974 and all of calendar year 1975. ESCO Corporation would be eligible to be considered for renewal of the reward, if desired, for 1976.


KESSLER R. CANNON
Director

BJS:vt
Attached

Rockey/Marsh

Public Relations, Inc.

January 7, 1974

FILE: AQ ESCO plant I

Mrs. B. J. Seymour
CUP Award
Department of Environmental Quality
1234 SW Morrison Street
Portland, Oregon 97205

Dear Mrs. Seymour:

I am pleased to place in nomination ESCO Corporation of Portland for the Department of Environmental Quality's CUP Award.

For the past 15 years the steel casting and manufacturing firm has been working to improve its air pollution control equipment. In 1973 ESCO Corporation installed the largest industrial air-filtration unit in the state, virtually eliminating all emissions from the plant's electric steel melting furnaces and also greatly reducing atmospheric contamination inside the plant.

*national
unit in
Oregon
by
Shelove*

Previously, when molten steel and alloys were poured into a pre-heated ladle from furnaces, the orange-colored smoke emissions were simply vented into the air above the factory. More recently, the smoke was collected in vents above the furnaces and carried to structures called "baghouses," where cloth bags trapped the pollutants.

Today, a new series of large pipes carries the smoke to 12 huge baghouses, each containing 276 dacron bags and powered by an individual fan. Here the ferrous oxide and other particulates are trapped in the bags when the air passes through, much the same as in a vacuum cleaner. The bags are then shaken by vibrators, and the particulates fall out the bottom and are hauled away.

The result: smoke is sent through these 12 exhaust fans and into the atmosphere as pure and clean air.

exaggeration

The unit, incidentally, was designed by ESCO's own plant engineering department and Wheelabrator Corporation, and built by American Sheet Metal Company. The installation contains a total of 3,312 dacron bags, each five inches in diameter and 14 feet long. The dust collector has a capacity of 190,000 cubic feet of air per minute and is 99.99 per cent effective, taking 2,500 pounds of impurities from the air daily.

Total cost of the unit was \$500,000, bringing ESCO's total investment in air cleaning equipment to more than \$1.5 million.

(503) 226-6855

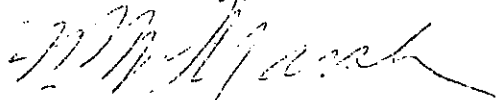
222 S.W. Harrison Street, Suite GA-2 Portland, Oregon 97201

Affiliate offices in Seattle, Anchorage, San Francisco

Mrs. B. J. Seymour
January 7, 1974
Page 2

The attached photo montage depicts graphically the effectiveness of the new air filtration unit. If I may be of assistance in obtaining further technical information, please let me know. Other exhibits, such as films, are also available.

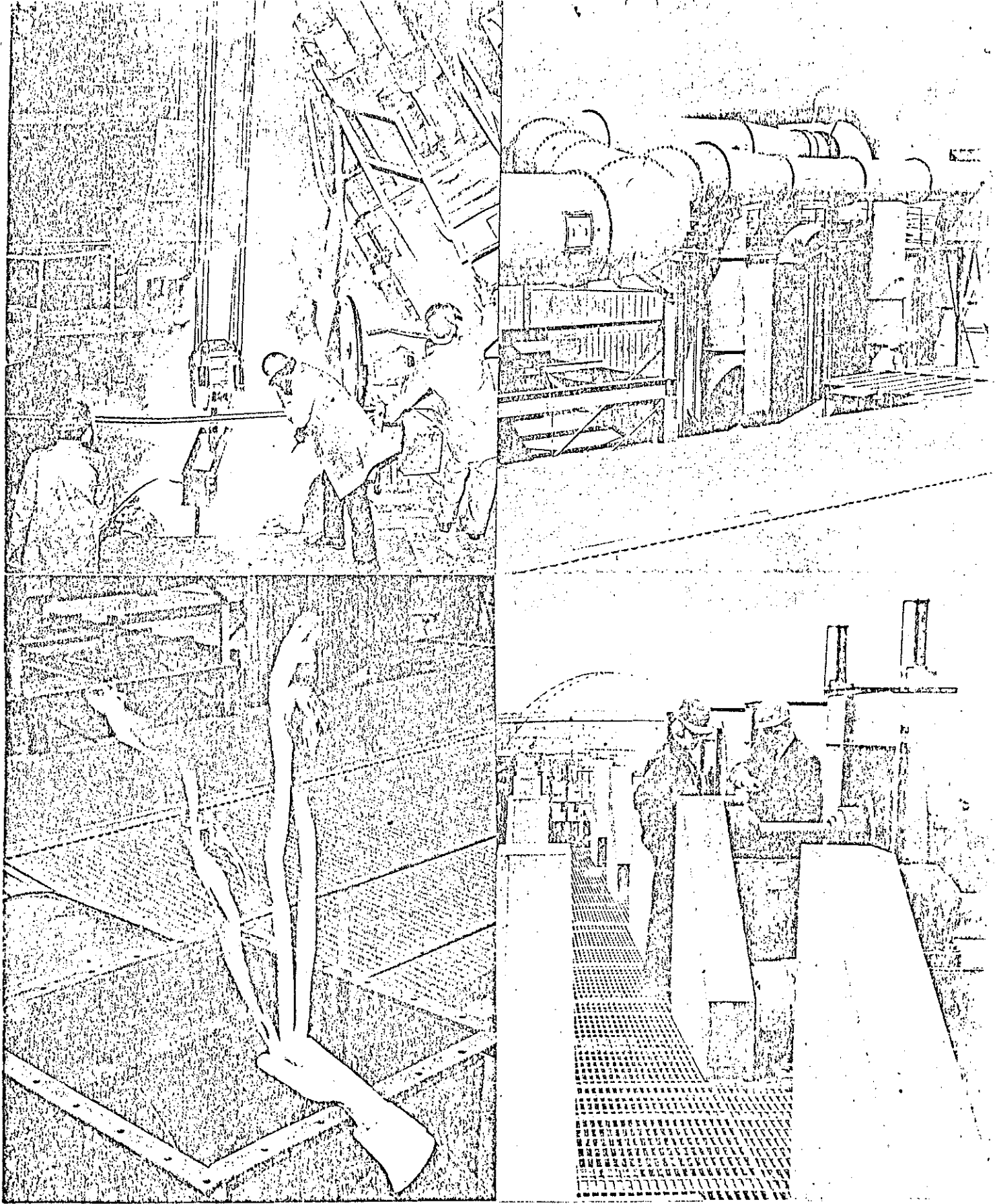
Sincerely,



W. W. Marsh

WWM:mhc

Enclosure



Emissions at ESCO's electric steel melting furnaces (top left) go through tubes (top right) to baghouses in which 3,312 dacron bags trap particulates. Workers at bottom right inspect vibrators and fans where system eventually pumps out clear air (lower left). Unit is 99.99 per cent effective.



PUBLISHED MONTHLY BY:
WESTERN ENVIRONMENTAL TRADE ASSOCIATION, INC.
Suite 810, 100 S. W. Market St., Portland, OR. 97201 - 226-4513

September 1973
VOLUME 7

- ... wider involvements.
- WETA ASKS ECONOMIC STUDY FOR LOWER ... organizations in California and Washington River are the central ... snowing in Idaho where Boise Chamber executives heartland ... WETA presentation October 10.

All in all, we have much to celebrate this September 16.

- ESCO COMPLETES \$1.5 MILLION AIR CLEANING INSTALLATION. ESCO Corporation, a WETA member, completed a \$500,000 anti-pollution project last week to eliminate emissions from its electric steel melting furnaces. The huge new dust collector brings ESCO's investment in air-cleaning equipment to \$1.5 million.

Some 3,312 dacron bags, five inches round and 14 feet long, will remove 2,500 pounds of impurities daily with 99.99% efficiency. The new unit will be the largest industrial air filtration installation in Oregon.

WETA compliments ESCO for proving once again industry's commitment to dynamic environmental problem solving.

Klamath Falls, Oregon
Herald & News
(Cir. D 16,105)

Allen's P. C. B. Est. 1888

Environmental Cleanup

You hear quite a bit about the Oregon companies that have smoke coming out their stacks.

Or the farmers, especially those in the Willamette Valley, who field burn and make their own and neighbors' eyes water.

... Or about sewage that gets into our rivers and streams. And lakes and the ocean.

You don't hear enough about all the good being done to curb pollution and make the state a better place in which to live.

The Western Environmental Trade Association, a true partnership — and probably one of the few — of business and

labor — points out this week that one of its members, the ESCO corporation, has just completed a new \$500,000 anti-pollution project to eliminate the emissions from its electric steel melting furnaces.

Half a million is a lot of money for a company to cough up. Especially one you've never heard of. But ESCO says it has put to work 3,313 dacron bags, five inches around and 14 feet long which will work as a vacuum cleaner taking 2,500 pounds of impurities from the air daily.

Congratulations and thanks from the people of Oregon.



DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5327

TOM McCALL
GOVERNOR

KESS CANNON
Director

K notes pioneered some controls we let go for old plants; old plants noise controls voluntary

MEMORANDUM

To : Oregon CUP Awards Screening Committee
From : Staff Liaison
Subject: Agenda Item ^{D(2)} 4, ESCO Corporation Industrial Award Nomination

Background

ESCO Corporation is a steel casting and manufacturing firm headquartered in Portland. Upon completion of new air pollution control equipment at the Portland plant, it was nominated for an Oregon CUP Award by Rockey/Marsh Public Relations, Inc.

It should be noted that ESCO's products are not sold to the ultimate consumer and ESCO Corporation would be unlikely to realize any economic gain from the privilege of using the CUP insignia. *However, they have indicated intent to use the CUP insignia if awarded on both sides and in advertising materials.*

The award nomination from Rockey/Marsh is attached.

Evaluation

Staff evaluation indicates that some statements in the Rockey/Marsh nomination letter were exaggerated (e.g. "smoke is sent through these 12 exhaust fans and into the atmosphere as pure and clean air"); however, the following actions by ESCO Corporation were cited by staff as exceptional efforts toward pollution control.

1. ESCO engineering department took time to anticipate operating problems of the air pollution control equipment and took steps to make the equipment more operable by men in the plant, i.e. simplification of the manometer warning system at Plant 3 so as to be easily read by workers.
2. Developed new designs to handle emissions problems (i.e. side draft hood at Plant 3) rather than waiting for solutions to be developed by others or claiming it to be impossible.



Contains Recycled Materials

3. Not skimping on baghouse capacity or hood design, but providing a very comfortable factor of safety, (i.e. main furnace hoods and baghouses at Plants 1 and 3, powder burn control system).
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15. ESCO's two steel foundries, although among the oldest and largest in Portland are the cleanest from any air emission standpoint.

insert

A list of subsidiary corporations of ESCO is attached. No attempt has been made to provide detailed information on these subsidiaries since the nomination relates only to the headquarters Portland ESCO plant. However, DEQ staff are familiar with the operations of the subsidiary corporation and there are no environmental problems associated with them.

Recommendation

In view of the control effort described in the items listed under evaluation, the staff recommends that the Committee consider forwarding the ESCO nomination to the Environmental Quality Commission with a favorable recommendation from the Committee.

Attached
3/20/74

ESCO Corporation
1464 W. Sixth
P. O. Box 2128
Eugene, Oregon 97402

Morden Machines Company
3420 S. W. Macadam Avenue
Portland, Oregon 97201

503 - 222-9355
John L. (Jack) Sigler, President

Pneumatic Systems Incorporated
1346 S. W. Bertha Blvd.
Portland, Oregon 97219

503 - 246-8893
James E. Livesay, President

Peerless Pattern Works
2236 N. W. Reed
Portland, Oregon 97210

503 - 227-6561
Howard Grafton, General Manager

*B. J. Seymour
CUP Award
Dept. of Environmental Quality
1234 SW Morrison St.
Portland, Ore. 97205*



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

JACKLYN L. HALLOCK
Portland

MORRIS K. CROTHERS
Salem

Ronald M. Somers
The Dalles

Kessler Cannon
Director

MEMORANDUM

To : Environmental Quality Commission
From : Director
Subject: Agenda Item No. c(2), April 19, 1974 EQC Meeting

Nomination for Joint Individual Award: Rich Chambers and
Don Waggoner

Background

Oregon's bottle law has been of national significance among items of environmental legislation. The nomination of Mr. Chambers and Mr. Waggoner for an Oregon CUP Award represents the view of members of the Oregon CUP Awards Screening Committee that recognition should be given for the work of these men in spearheading the citizen effort to back the bottle bill, obtain its passage and follow through on needed changes and improvements, as well as maintain support against any movement to repeal the law. Background information on the history of their efforts in this connection is attached.

Analysis

From the attached material it is apparent that the nominees did in fact make a serious and dedicated effort on behalf of the bottle law. In addition, both men are well known for their environmental efforts in a number of areas. Mr. Waggoner is immediate Past President of Oregon Environmental Council and has consistently supported the Department at the Legislature and among citizen groups. Mr. Chambers is well known in Salem for his support of the environmental movement.

In discussing this item, the Screening Committee noted they were really concerned about individual awards which would emphasize the voluntary effort of private citizens as distinguished from the achievements of industrial or political leaders in their official capacity.



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Materials

It was brought out in the discussion that the Committee's view was that the awards should be given for total environmental concern and effort, not just for action on one issue. It was also mentioned that previous CUP awards had emphasized air and water and the Committee wished to give recognition to special efforts related to solid waste. It was the view of the Committee that the nominees are well known for life-long efforts on behalf of the environment and that their work on the bottle bill represents one of many high points among these activities.

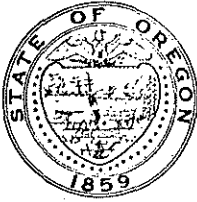
Recommendations

It is recommended that the Oregon CUP be awarded jointly to Rich Chambers of Salem and Don Waggoner of Portland for outstanding environmental efforts including spearheading citizen efforts to obtain passage of, and subsequently support, the bottle law.



KESSLER R. CANNON
Director

BJS:vt
Attached



TOM MCCALL
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

August 9, 1973

Ms. B. J. Seymour
Department of Environmental Quality
1234 S.W. Morrison Street
Portland, Oregon 97205

Dear B.J.:

Oregon's "bottle bill" may not be the most significant of all the environmental legislation which marks the McCall years, but it is by far the leader in interest, throughout all our country and a score of foreign nations. It has proved its effectiveness through a dramatic decrease in litter, continues to enjoy wide public support, and operates with remarkable smoothness.

Rich Chambers, Don Waggoner and LeMoyne Erickson were among the leaders of citizen groups and government people who labored long and hard to secure passage of the law. No one has been more faithful in supporting the law since its passage, also, than have Rich and Don. Both have travelled widely, providing encouragement to groups in other states seeking enactment of similar legislation. Both have given significantly of their time to respond to questions, to keep correspondence going, and to provide information on the operation of the law in Oregon.

Your program provides an opportunity to recognize such citizen involvement in government, and I would urge appropriate action.

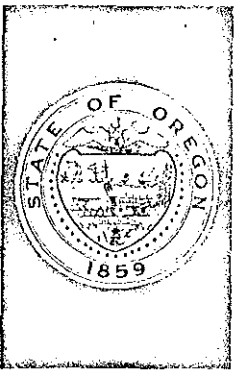
I still hope to see the CUP award going to Dr. Dave Charlton.

Best wishes.

Cordially,

Kessler R. Cannon
Assistant to the Governor
Natural Resources

KRC:sn



**OREGON LIQUOR
CONTROL COMMISSION**

P.O. Box 22297 • 9201 S.E. McLoughlin Blvd. • Portland, Ore. • 97222 • Ph. 654-7741

TOM McCALL
GOVERNOR

August 14, 1973

Mr. B. J. Seymour, Staff Liaison
Oregon CUP Award Screening Committee
Department of Environmental Quality
1234 S. W. Morrison Street
Portland, Oregon 97205

Dear Mr. Seymour:

This is in response to your letter of August 7, 1973, in regards to the Oregon CUP Award Program. As indicated by your letter, Mr. Rich Chambers of Salem and Mr. Don Waggoner of Portland have been nominated for this award. Also mentioned was the late LeMoynes Erickson of Salem.

I regret that I did not have the privilege of any contact with LeMoynes Erickson. As to Mr. Chambers and Mr. Waggoner, I can say without reservation, that I feel these two gentlemen have certainly contributed toward making the Beverage Container Law the success that it has been. These gentlemen have been untiring in their effort in gathering data and other information regarding the impact of the container law and disseminating it to other interested parties not only in the State of Oregon, but throughout the United States and some foreign countries. They have fought hard and diligently for legislation to make the necessary and desired changes in the Beverage Container Act, with the goal of assuring its success.

I wholeheartedly recommend each of these gentlemen be considered for the Oregon CUP Award.

Very truly yours,

W. T. Moore, Jr.
W. T. Moore, Jr.
Assistant Director
Enforcement Division

WTM:pn

September 12, 1973

MEMORANDUM TO: Larry Williams
From: Don Waggoner
SUBJECT: Bottle Bill Enactment

You asked for some information regarding the way in which the Bottle Bill was passed, and in particular the efforts which I may have made in helping to insure its passage.

I first became involved with the bottle bill after having attended several of the early meetings of the ^{OEC} Pollution Control Committee in mid-1971 through the Fall. At that time the Pollution Control Committee was attempting to find a project which it could get its teeth into. The group settled on a project of assisting in the enactment of the Bottle Bill early on, but couldn't seem to get organized to actually push it. It moved off into the Land Use matter of Measure 11 for a while and also considered the Trojan construction controversy. About mid-Fall the Chairman quit and I was appointed as Chairman of the Pollution Control Committee.

Our first project was to pickup campaign signs in Clackamas County following the general election of that year. We sent out letters to each of the candidates telling them that we were going to pick up their campaign signs if they didn't. In particular, Senator Groener had many hundreds, if not thousands, of campaign signs out. Approximately two weeks after the election, we did canvas the county and found very very few campaign signs still standing. We picked these up, disposed of them at the land fill (some took them home as I did, and are still burning them). One of the things that I noticed was that everywhere I went in even the most rural areas of Clackamas County there were cans and bottles to be found. It seemed as though every time I would stop to take down a sign, I would notice that the ditches contained beer or soft drink cans.

Shortly after that the committee settled down in earnest on trying to find out more about the Bottle Bill which had been drafted by the Legislative Interim Committee. We held several meetings and assigned various people to find out as much as possible about the problem.

There was considerable turnover in the groups membership until shortly before the Legislature started. By that time several people had presented themselves who appeared to be ready to work and these members stayed, by in large, throughout the entire campaign. The Pollution Control Committee proved to be an ad hoc committee, and following the successful passage, virtually all of its members went back from whence they came. However, during the duration of the Legislature, they remained an effective, concerned and well knit group.

The first task which the Committee undertook in earnest was to interview various industry spokesmen who could tell us more about the Bottle Bill's potential impact. Members of the committee spoke to retail grocery men, wholesale grocers, brewers, bottlers, and Owens Illinois. Each committee member submitted a report and, based on this, we planned our legislative strategy.

The early hearings for the Bottle Bill were extremely well attended and served to put the Legislature on notice that they were going to have to deal with this problem: they would not be able to ignore it. Testimony was well coordinated and each of the members of the committee covered an area so as to avoid duplication. One of the more effective tools that I think we used was a large cylinder of cans bound together with tape. All in all, there were 95 of them and we used those to show that the current recycling methods which were being planned at that time, which would have given those 95 cans a value of five cents, were certainly scant reward for picking up so many discarded containers.

The action then shifted to the House and the Senate Bill 1036 began to be discussed in earnest. Initially a Senate Bill, which ~~was~~ was very similar to House Bill 1036, had been offered. It was similar to House Bill 1036 except that it did not prohibit the pull tab and did include wine and hard liquor in the deposit. There were too many sessions in the State and Federal Affairs Committee of the House before the bill was finally passed out. During those sessions, one of the most recurrent themes which were brought up by the industry was that can and bottle litter was only a small percentage of the total litter. We didn't believe this, and therefore set out to prove or disprove it for Oregon. Industry representatives had consistently used KEEP AMERICA BEAUTIFUL data as a piece count survey based upon counts of litter found on high speed highways throughout the United States. We announced that there would be a litter survey and got good cooperation from Publishers Paper who donated trucks for the day and had a fine turnout of some approximately 150 people to pick up the litter and then sort it and tabulate it into the various groupings. Following that successful project, there was little additional comment made in the Legislature regarding the composition of litter. The question then turned to how can and bottle litter could, in fact, be reduced.

There was a strong effort on behalf of Blitz Weinhard to substitute a tax on all throw-away containers as opposed to the deposit. We strongly opposed that as tending to increase litter since people reason that they had already paid for having it picked up. That bill never really got off the ground.

There was a great deal of infighting, but finally the bill was passed out of State and Federal Affairs and went through the House quite easily.

When the Bill hit the Senate, the going was much rougher. By this time the industry representatives knew that there was a strong possibility that a bill would actually be passed. Some still felt that the bill could be killed, and it very nearly was. But others began to operate on the assumption that something was going to happen and they had better make sure that it affected them unfavorably as little as possible.

There were several more hearings and a number of work sessions during which time the Bill was changed a great deal. There were many drafts and redrafts and a Bill was finally brought to the Senate floor. Here the anti-Bottle Bill Senators had their final say. They took a number of the provisions which had been carefully inserted to be as nondisruptive to industry as possible and ~~xxxxxx~~ threw them back in the face of the Committee. The Bill was returned to Committee and very quickly amended and was soon returned to the Senate floor with new definitions for covered items in the soft drink area. Several other changes were made, but they were not significant.

Throughout this period, there was strong citizen input and during the major hearings the consumers voice was definitely heard. The Pollution Control Committee which decided early during the session to call itself "People's Lobby Against Nonreturnables" was active in encouraging citizen participation. At one point we sent out some 3,000 letters to members of the OEC, Sierra Club, Audubon Society asking them to write their Senator. We tailored the letters by city and ZIP code so that each person was requested to write a particular Senator who was his elected representative and stated whether or not the Senator had yet committed himself one way or the other.

Near the close of the session, the Bill finally did pass the Senate and was quickly accepted by the House with no amendments.

After the Bill went into effect, a litter pickup survey was organized by the Legislative Fiscal Committee. Initially they steadfastly refused to make any information available to the public. However, shortly before the Bill went into effect, I met with a representative of the Legislative Fiscal Committee, representative of the Highway Department, and Governor McCall, and this rule was changed somewhat so that litter data has in fact been available. There have been many requests from all over the world about the outcome of the Bill since it has taken effect and together with Jeanette McPherson, wife of Gordon McPherson who was the champion of the Bill on the House side, authored a background piece on the Bottle Bill. During February of this year, a progress report detailing the results for the first four months was compiled and to date approximately one thousand copies of both the initial Bottle Bill Summary and the Progress Report have been mailed out.

Larry Williams
Bottle Bill Enactment
Page 4

During recent months several states and some representatives from outside the United States have come to Oregon to find out the Bottle Bill is working, and I have had the pleasure of talking with a number of these representatives. It is been very good to say that the Bill is, in fact, working and to discuss with them how they might implement it in their area.

During the recent Legislature, there were several efforts made to substantially dilute the Bill by providing mandatory handling charges at the retailing level. Efforts to avoid this, plus the tightening up of the Bill so that standard reusable containers would continue to be encouraged as initially envisioned took a great deal of substantial lobbying effort during the 1973 Legislature. However, the final outcome found our goals realized with the necessary tightening in the law achieved without bringing about the handling charge.

It would appear now that several other states will follow Oregon's and Vermont's lead and that soon National Legislation can be expected. The energy crisis brings new impetus to this type of Legislation, and Oregon has now shown that it does work. I believe that this kind of effort shows what can happen ^{with} elected officials, the public, and advocacy groups, such as the Oregon Environmental Council, can get together to make changes which in the long run can be very significant.

THE THROW-AWAY CONTAINER IN OREGON

THE PROBLEM

Our nation has been rapidly changing into a "convenience packaging" or "throw-away" society. Oregon has not yet reached the stage where all of our beverage containers are nonreturnable, but the trend is there. During 1970, there were 600,000,000 containers of soft drinks and beer sold in Oregon. If the trends presently established were allowed to go unchecked, soon virtually all of these containers would become solid waste or litter after one use.

The fact that our natural resources and energy resources are limited is becoming more and more widely known. The feeling is growing that something must be done. Listed below are some of the alternatives which have been offered as substitutes to the "use-it-once and throw-it-away" philosophy:

GLASS RECLAIMING

Owens Illinois in Portland is now buying back glass for one cent per pound. During March, 1971 they received approximately 480 tons, mostly from organizations who saw the program as an opportunity to make some money and reduce solid waste at the same time. Commendable as this is, it must be viewed in respect to Owens Illinois' total production. The Portland plant produces some 400 tons of glass per day and operates continuously. Therefore, the Portland plant had the capability of producing 12,400 tons during March. Consequently, the used glass returned amounts to 4% of their production capability.

Energy requirements to manufacture glass are not small. It takes between six and seven million BTU's to make a ton of glass from raw materials. Reclaimed glass or "cullet" requires somewhat less at four to five million BTU's. Owens Illinois primarily uses gas for energy. If they did use electricity, the energy required to make one average 11 oz. throw-away beer bottle from new glass (one half pound) would light a 100 watt lamp for four hours.

METAL RECLAIMING

Another alternative recently presented by industry enables the consumer to return his cans to a redemption center for subsequent reclamation. The current scrap market value is \$10 per ton for bimetals cans (aluminum top and steel sides and bottom) and \$20 per ton for all steel cans. Nearly all beer and soft drink cans are now bimetals. It takes approximately ninety 12 oz. bimetals cans to reach a value of 5 cents.

Several Northwest breweries have recently announced that they will convert to all aluminum cans. Aluminum brings \$200 per ton on the scrap market. This means that approximately 10 aluminum cans are required to reach a value of 5 cents.

ADDITIONAL TAXES

Industry has proposed that a one quarter cent tax be levied against all non-returnable beverage containers. This proposal penalizes the vast majority of our citizens who don't litter and favors the few who do. While it would help to pay for the cost of solid waste disposal and litter pickup costs, there is good reason to believe that such a tax would actually encourage littering since the thoughtless might rationalize that they had already paid the cost of litter pickup. A one hundredth of one percent tax on nearly all items sold in grocery and drug stores has also been proposed by industry.

EDUCATION AND FINES

Industry has long advocated more education and stiffer fines for litterers. While an ongoing anti-litter educational program is certainly needed and stiffer fines will help, it is doubtful that these remedies can reduce the problem significantly.

LEGISLATION

The Oregon House of Representatives recently passed HB-1036 by a vote of 54 to 6. This bill places a 5 cent deposit on all beer and soft drink containers sold for off premises consumption and bans the "flip-top" or "pull-tab" on cans. HB-1036 is now being considered by the Oregon Senate, where it is encountering extremely heavy lobbying opposition from container manufacturers and other industry representatives.

CONCLUSIONS

It is our conclusion that all of the above alternatives with the exception of the tax are good ones and should be explored and amplified in the future. The major alternative which has not yet been implemented is the 5 cent deposit legislation of HB-1036. We believe that the passage of HB-1036 would have the following effects:

1. It will encourage the return and reuse of returnable bottles.
2. It will provide a reasonable incentive for return of used beverage cans. This will make it far more likely that they will be reclaimed, and save our dwindling natural resources.
3. It will reduce litter by giving a realistic incentive for the return of the beverage cans and bottles. If the containers are discarded as litter, the deposit will provide an incentive for their pickup by individuals or firms. If the containers are collected by public agencies, this would provide a new form of revenue.
4. It will leave beverage costs for returnables substantially unchanged. Costs for cans or "nonreturnable" bottles would probably increase slightly to compensate the retailer and distributors for handling the empties on their way to a reclamation depot.

For more information call: (Portland) 636-1537, (Salem) 363-2928, (Eugene) 344-5765, (Medford) 779-3160, (Ashland) 482-8416, (Bend) 382-0719, (Klamath Falls) 882-4860.

Peoples Lobby Against Nonreturnables - (PLAN)
2715 S. W. Glen Eagles Road
Lake Oswego, Oregon 97034
Don Waggoner, Chairman

April 7, 1971

Fellow Oregonian:

HB-1036 (the bottle bill) places a five cent deposit on all bottles and cans for both soft drinks and beer and prohibits the pull tab. It will soon be in the State Senate. It was passed out of the State and Federal Affairs Committee of the House Monday, April 5 by a vote of 12 to 1. We expect the House to act favorably on this bill late this week or early next week.

The Senate, however, has not yet exhibited the high degree of acceptance which we expect to see in the House of Representatives. Enclosed you will find a copy of our fact sheet and a copy of the results of the litter survey. A minor correction should be made in the fact sheet inasmuch as industry proposed a one fourth cent tax rather than the one half cent tax as expected.

You are being contacted and asked to write your State Senator because he or she has not yet stated their firm support on HB-1036. A brief letter or telegram from you is needed and will make a difference.

The Senator which our records show you should contact is:

Senator _____

Letters:

Your letter need not be lengthy or bring out any new facts or arguments. You need only to state your approval of HB-1036 and ask your Senator for his support when it reaches the Senate floor.

The address is: Honorable _____ (as above)
State Capital
Salem, Oregon 97310

Telegrams:

If you would rather send a telegram, you can call Western Union and send a day or night letter or a Personal Opinion Telegram. The Personal Opinion Telegram costs \$1.00 for 15 words or less and can be added to your phone bill. Your name and address is not counted in the 15 words.

Please plan to contact your Senator soon. Oregon is in a position to enact landmark legislation but additional citizen support is needed to counteract what one Senator has stated is the strongest lobbying effort by industry that has been seen in Salem.

Thank you.

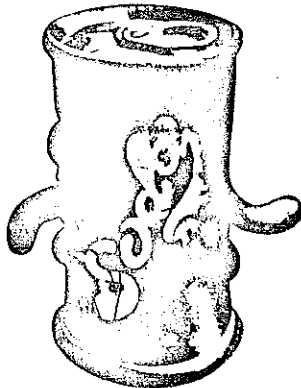
Sincerely,



Don Waggoner, Chairman
Peoples Lobby Against Nonreturnables (PLAN)

P.S. Please pass this along to a friend and ask that they contact their Senator too.

Cans. Bad Guys or Good Guys?



Dear Senator:

You have probably seen the full page newspaper ad which features the above caption and picture. It has now been run several times in both the Oregonian and the Journal. Since it has been given such repeated and wide distribution it seems appropriate to comment on two of the points which it attempts to make.

1. "Out of all the litter on the streets and highways, over 83% isn't cans."

Comment: The recently completed Oregon Litter Survey shows that cans were 54% of the litter included in the survey. These results were made available to the can companies on March 22, 1971. Perhaps it is naive to expect the can manufacturers to include this new information in their ad. Nevertheless, the ad was run unchanged in the Oregonian on March 24, March 31, and April 9. After March 22, it would seem only reasonable for the "over 83%" figure to have been changed to "approximately 50%". (A copy of the Oregon Litter Survey is attached for your reference).

2. "People litter. Not cans."

Comment: It is true that no can or bottle ever tossed itself out of a car window. The unfortunate fact is, however, that the can or throw-away bottle stands a much higher (21 times higher) chance of being thoughtlessly discarded than a deposit container. Also, please note the large amount of beverage-related paper in the attached litter survey photographs. A better summary statement would be "People litter cans (and throw-away bottles)".

You will soon be asked to vote on HB 1036. We believe that this bill (which places a five cent deposit on beer and soft drink bottles and cans and bans the pull tab) is badly needed. We believe that it provides a reasonable incentive for return of an empty container for reuse or reclamation.

You are in a position to help enact landmark legislation. HB 1036 will reduce litter and solid waste. It will also help to conserve our mineral resources and energy resources. We urge you to support HB 1036.

Thank you.

People's Lobby Against Nonreturnables (PLAN)
2715 S.W. Glen Eagles Road
Lake Oswego, Oregon 97034

Don Waggoner, Chairman

Biographical Sketch - Don Waggoner

Born 1935 in Portland, Oregon. Attended Portland area schools and graduated Washington High School 1953. Attended Stanford University. Received Bachelor of Science in Industrial Engineering with distinction in 1957 and Masters of Science in Industrial Engineering in 1958.

Worked at Ampex Corp., Redwood City, California 1958 - 1960 as Staff Analyst. With Leupold & Stevens 1961 - 1964 in Production Planning and Control. With Publisher's Paper Co., Dwyer Division, 1965 - 1968. As Staff Industrial Engineer, supervised insulation of pollution control equipment and general plant expansion and modernization. In 1968 returned to Leupold & Stevens. Now holds the position of Director of Manufacturing Services and Vice-President. Serves as a member of the Board of Directors.

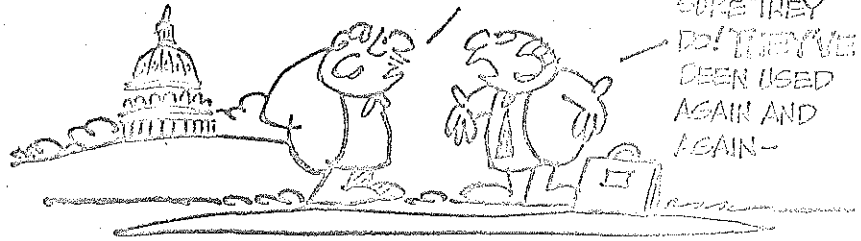
In 1969 was co-chairman of the Citizen's Committee to Stop the Nerve Gas and worked for several months in the successful effort to keep nerve gas from coming to Oregon. In 1970 - 1971 as Chairman of the Pollution Control Committee of the Oregon Environmental Council, helped coordinate the lobbying activities which assisted in the passage of Oregon's "Bottle Bill". From 1972 - 1974 was President of the Oregon Environmental Council and was active in energy conservation, land use problems, and general environmental matters.

Has authored two pamphlets which have been circulated widely regarding Oregon's "Bottle Bill". More than 2,000 copies each of "Oregon's 'Bottle Bill'" and "Oregon's 'Bottle Bill' - One Year Later" have been printed and distributed throughout the world. Has presented testimony regarding the act to legislative bodies in the states of Washington, Idaho, Nevada and California. In addition has made presentations to groups in Montana, Wyoming, California and Kansas. Has also testified in the trial to establish the constitutionality of the Bowie Maryland beverage container deposit ordinance.

the small society

FR : RICH CHAMBERS
LOMBARDY LANE
SALEM, OR 97302
503 / 362-5815

DO YOU THINK THE PEOPLE UNDERSTAND
THE CONCEPT OF RECYCLING?



EP1614/4/74

25 MAR 74

O S D E Q
SALEM

RE : OREGON CUP AWARD CONSIDERATIONS

ROUTING	
To	Noted by
R.C.H.	
R.C.H.	
Carroll	
From:	
Action:	

I UNDERSTAND THAT I AM UNDER CONSIDERATION FOR THE OREGON CUP AWARD.

IT SHOULD BE SAID HERE THAT MY PART IN ANY ENVIRONMENTAL BATTLES IN THIS STATE HAS BEEN MINIMAL AND I AM IN NO WAY QUALIFIED FOR SUCH AN AWARD.

MR. DON WAGGONER, ON THE OTHER HAND, IS HIGHLY QUALIFIED AND SHOULD RECEIVE PRIMARY CONSIDERATION.

SINCERELY,

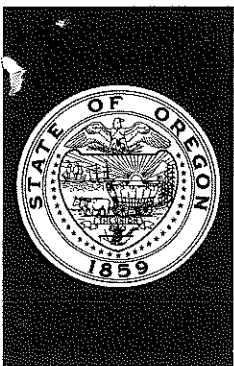
RICH CHAMBERS

C . K

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAR 26 1974

Handwritten note at bottom right



ENVIRONMENTAL QUALITY COMMISSION

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RONALD M. SOMERS
The Dalles

KESSLER R. CANNON
Director

MEMORANDUM

To : Environmental Quality Commission
From : Thomas Guilbert, Hearings Officer
Subject: Agenda Item No. D, April 19, 1974 EQC Meeting
Designation of Air Quality Maintenance Areas

Background

Under the Clean Air Act of 1970, states were required to compile and submit to the EPA implementation plans which would achieve compliance with ambient air standards by 1975. Due to population increases, industrial growth, transportation, and other factors, however, strategies for achieving such standards may not suffice to assure continuing compliance beyond the 1975 target date. Consequently, the EPA has mandated that state implementation plans be submitted in 1975 which will set out a strategy for maintaining compliance with all air quality standards throughout the decade 1975-1985. The first step in drawing up such an implementation plan is the designation of air quality maintenance areas (AQMA's) where, because the ambient air quality is already exceeding national or state standards and/or growth is projected in the size or number of emission sources, there is a moderate to high probability that national standards cannot be maintained through 1985. Any designations may be revoked or revised, and new areas or, within areas, additional pollutants, may be designated at any time prior to the June 1975 submission of the state's implementation plan.

The staff of the Air Quality Division issued a report, recommending that the Portland metropolitan area be designated an AQMA for particulates, sulfur dioxide, carbon monoxide, and photochemical oxidants; that the Longview-Kelso corridor be designated an AQMA for particulates and sulfur dioxide; and that the Eugene-Springfield area and the Medford-Ashland area be designated AQMA's for particulates. The report designated no area an AQMA for nitrogen dioxide, nor did it designate either the Salem or Albany-Lebanon areas as AQMA's for any pollutants.



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Public hearings were held, following notice, in Portland on the 12th of April and in Eugene on the 15th of April to take public testimony on the proposed designations.

Summary of testimony

Richard White of Region X of the Environmental Protection Agency testified that EPA's independent evaluation studies of Oregon's air quality produced essentially the same results as those obtained by the DEQ, and that EPA thus supports all of DEQ's designation recommendations.

Michael Roach, Director of the Mid-Willamette Valley Air Pollution Authority, testified that his agency, too, has done independent evaluation parallel to the analysis of the DEQ in the Salem and Albany-Lebanon-Corvallis triangle areas and agrees with DEQ's non-designation of those areas. He noted, however, that though his agency's data is later and more accurate than DEQ's, it is still imperfect; and he expects to have a firmer basis for testimony prior to DEQ's drawing up an implementation plan in 1975. He questions whether the entire Willamette Valley should be designated as a single AQMA.

In written testimony, Verner Adkison of the Lane Regional Air Pollution Authority requested that the Eugene-Springfield area be designated for photochemical oxidants as well as for suspended particulates. Also submitted for the record was an internal memo of the DEQ in response to Mr. Adkison's letter, written by R. B. Percy of the DEQ staff. This memorandum explained in detail why the DEQ felt designation of the Eugene-Springfield area as an AQMA for photochemical oxidants is not warranted at this time.

Doug MacGowan, representing Associated Oregon Industries, testified that variations, inconsistencies, and probable inaccuracies in the Portland-area data relating to sulfur dioxide concentrations make the data too unreliable to base a designation upon it. Mr. MacGowan and AOI would leave sulfur oxide undesignated in the Portland area.

Edward Westerdahl II, representing the Port of Portland, submitted written testimony recommending that the Portland AQMA and the Kelso-Longview AQMA be consolidated, as the airshed and pollutant sources of both run together, and therefore a strategy for control of the two areas must be integrated.

Marian Frank of Eugene concurs with the designation of the Eugene-Springfield area for particulates, but urges the DEQ to maintain close monitoring of photochemical oxidants and carbon monoxide throughout the southern half of the Willamette Valley, especially in the face of probable thermal energy generation increase in the Albany-Lebanon area.

Margaret Patoine of Eugene also suggested possible integration of the entire Willamette Valley as a single AQMA.

Dean McCargar, representing Oregon Steel Mills, testified, not directly upon designation or non-designation, but on the implications to his industry of the necessity for designating Portland for particulates and sulfur dioxide. He requested that, if it indeed appears that Portland will exceed national standards for those two pollutants, requiring extreme control measures, Oregon Steel Mills be allowed to continue to get its fair proportion of the airshed, taking into account that it is a growth industry.

Ted Yurick, Sr. requested that the DEQ take into account the possibility of using greenbelts of vegetation for their pollutant-absorbtion ability while making its calculations of ambient air standards and its plans for reducing air pollution.

Conclusions and Recommendation

Aside from the slight anomaly that the DEQ's answer to Lane Regional Air Pollution Authority regarding designation of photochemical oxidants in Eugene-Springfield is essentially the same argument that the AOI made against designation of sulfur dioxide in Portland, and minor questions as to whether contiguous designated areas should be consolidated, there was no testimony received that ran contrary to the staff report's recommendation. Your hearings officer thus recommends adoption of the staff recommendation.

TG:mg



ENVIRONMENTAL QUALITY COMMISSION

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Ronald M. Somers
The Dalles

—
Kessler R. Cannon
Director

MEMORANDUM

To : Environmental Quality Commission

From : Warren C. Westgarth, Administrator, Laboratories Division

Subject: Agenda Item No. E, April 19, 1974, EQC Meeting
Douglas-Fir Tussock Moth Monitoring Plan, Status Report

Background

Douglas-Fir tussock moth populations, which are usually so low that the effects go unnoticed, went out of control in several areas of Oregon, Washington and Idaho starting in 1971 and continuing into 1973. The outbreak literally exploded in Washington and Oregon during 1972. Varying degrees of defoliation occurred on large acreages. By late 1972, state, federal and private forestry-oriented groups joined to request use of DDT which appeared to be the only viable control chemical. DDT had been banned by EPA and could only be used as an emergency chemical. An Environmental Impact Statement was formulated and submitted after hearings to the Council on Environmental Quality. A request for use of DDT was made to EPA, and was subsequently turned down prior to the continuation of the outbreak in the spring of 1973.

Alternate possibilities for control were tried in May, June and July of 1973. They were Zectran, Dylox, Sevin in oil, synthetic pyrethroid, Bacillus thuringiensis, and polyhedrosis virus. Other chemicals showed favorably in laboratory controls. However, none of these really controlled well. The outbreaks continued. In the Federal Register of February 28, 1974, EPA answered the second request for DDT affirmatively provided certain prescribed conditions were met. The U. S. Forest Service filed its final Environmental Impact Statement on March 29, 1974, in which the USFS proposed to treat 408,000 acres if needed in 1974. Seventy-four thousand acres more were set aside to be given alternate treatment. The U. S. Forest Service Situation Statement of March 1974 is included as Attachment 1 for further details.

The Environmental Quality Commission and the Department of Environmental Quality have a fairly fixed role for this type of application of chemical. We are pledged both by law and dedication



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to protect the environment. We have a responsibility wherever chemicals are used to determine what happens to those chemicals in the environment and to take control action if the environment is threatened. This responsibility was the reason for entry into the monitoring plan that is now an adjunct to the Environmental Impact Statement. A copy is included as Attachment 2. This contains the organizational chart for the monitoring program and the general scope of the plan with budget details.

Monitoring Plan

An environmental monitoring plan evolved from discussions among forestry people and other interested agencies who recognized that a comprehensive monitoring of this large infested area could not be done by any single agency and would, in fact, require experts from a number of disciplines pooling their resources. Precedent for the interagency-interdisciplinary approach was found in the handling of monitoring of DDT residues in previous outbreaks near Burns, Oregon and Salmon Forest, Idaho in the mid-1960's.

After a series of meetings in late 1972 which generally included Director Cannon as a participant, it was decided by some of us in the agencies with expertise that an organization should be formed to specifically address the problems of monitoring an infestation of this size.

An ad hoc Task Force convened on March 22, 1973 with the representation shown in Table 1. Warren C. Westgarth of DEQ organized the meeting and was kept on as chairman. A working group was established to draw up a plan which was put out as a draft in April 1973. Figure 1 indicates the scope of monitoring anticipated. In May-June, 1973 the plan was tried out on areas sprayed with alternate chemicals. It did not work effectively because no funding had been arranged and agencies were not willing to adjust to this priority. Subsequent planning led to a rather elaborate budget scheme and three levels of planning that were reported to EQC and then to the Oregon Emergency Board for funding. A Portland newspaper summed their answer as indicated in the following clipping (The Oregonian, 2/14/74):

DDT funding denied

A proposal that the state appropriate general fund money to help pay for DDT monitoring, if the use of the insecticide is allowed to fight the tussock moth in the forests of Northeastern Oregon, was turned down by Ways and Means Committee members.

They recommended use of \$168,000 in federal funds and in-kind services from state agencies, for the monitoring.

A coordinating committee of Idaho, Oregon, Washington and the U. S. Forest Service was convened to salvage the program and formulate a plan within the means of the agencies involved. Attachment 2 was the resultant plan.

Total cost of the project is estimated at \$460,640. The U. S. Forest Service estimates that \$311,196 can be made part of their costs. The remaining \$149,444 is the estimated in-kind contribution from cooperating agencies.

Because these agencies are not funded specifically for this work and would have to do it as a fill-in job, the Pacific Northwest Regional Commission agreed to help with these in-kind funds to assure a program that would not see already thin resources diverted to some other priority work.

Division of costs for the work load as indicated by the plan is:

<u>State</u>	<u>Total</u>	<u>USFS</u>	<u>State in-kind</u>
Idaho	\$ 88,142	\$ 60,172	\$ 27,970
Oregon	234,821	158,463	76,358
Washington	137,677	92,561	45,116
TOTALS	\$460,640	\$311,196	\$149,444

The ongoing detailed planning has indicated that in-kind costs are estimated too low and that money is needed on an immediate basis in all three states to get equipment and materials to get the project on the road.

Note that residue monitoring is all that is being done in this plan except for any immediate effects that may be shown in the aquatic system.

Detailed planning and logistics are being worked out under the auspices of the coordination committee through cooperation among many agencies. Citizens groups and individuals have offered help and are welcome. EPA will help with quality control and will monitor the entire program to assure both efficacy of treatment and a good job of monitoring.

Because time is of the essence, this plan is not as well formulated as desired. It will work, however, if all of the people who have indicated a willingness to serve come through with commitments.



WARREN C. WESTGARTH

WCW:ss

April 8, 1974

attachments



State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Environmental Quality Commission
From: Shirley Shay
Subject: EQC Meeting - Staff Reports

Date: April 11, 1974

Agenda Item No. D will be written by the Hearings Officer following the public hearings scheduled for April 12 and 15, and will be distributed at the meeting.

Agenda Item No. F will be an oral report with a slide presentation.

A tour of the tussock-moth damaged areas seems unlikely because the heavy snow pack still prevents either aerial or ground inspection of the defoliation. As an alternative, the Oregon Department of Forestry will provide Dr. Warren Westgarth with slides of the damaged areas near La Grande. That presentation will be given immediately following the completion of the agenda.

MEMO

Shirley



Director

Kess

DEPARTMENT OF ENVIRONMENTAL QUALITY

Chairman and I have decided that the item of the DEQ Laboratory should be on the agenda for LaGrande. Budget suggests that it appear as correspondence from PSU making an offer on the Laboratory, to which the Commission will respond. With copies of the attached PSU letter, we'll need enough copies of my memo, also attached. What I want is action by the Commission approving my memo. Thanks -

Kess



ENVIRONMENTAL QUALITY COMMISSION

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Director

MEMORANDUM

To : Environmental Quality Commission

From : Director

Subject: Agenda Item No. G, April 19, 1974 EQC Meeting
DEQ Laboratory Proposal

Background

At the November 27, 1973 Commission meeting, a report on the status of the DEQ laboratories was presented for the purpose of informing Commission members of the adverse conditions of space, equipment and working difficulty, and to request Commission authorization to pursue the expeditious acquisition of funds for new laboratory facilities through the Emergency Board of the Legislature, as provided for in House Bill 5094, passed by the 1973 Legislative Assembly, with appropriations referral to the Emergency Board.

With the concurrence of the EQC, the Department in January 1973 requested Emergency Board funding for a minimum interim facility (including an initial 12,000 square feet of laboratory space) at a cost of \$2.6 million. The Emergency Board deferred action on the request pending completion of a study by the Executive Department of other alternatives, including the possible conversion of state-owned buildings in Salem. That study was recently completed and the conclusions are summarized in the attached memorandum dated April 10, 1974.

Analysis

Portland State University received the highest recommendation as a site for new DEQ laboratories. In a letter dated March 25, 1974, Mr. W. C. Neland, Director of the Physical Plant at Portland State, wrote to Mr. Bernard Saalfeld of the state's Budget Division (copy attached) proposing conversion of two levels of automotive parking in Science Building 2 to 50,000 gross square feet of laboratories for the Department. This space was originally designed for future expansion of science facilities and reserve capacity of the existing mechanical and electrical services is capable of accommodating laboratories and related spaces. The total estimated cost is \$1.8 million, or approximately \$36 per square foot.



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The DEQ laboratories currently occupy approximately 10,000 square feet of inadequately designed and furnished space. The Governor's 1973-75 budget contained a proposal which envisioned 70,000 square feet of laboratory space by 1983 at an estimated cost of \$5,090,000. The Department's January request to the Emergency Board was for approval of the first phase of a new building containing 12,000 square feet of interim laboratory space at a cost of \$80 per square foot, and related work, storage and parking space, for a total cost of \$2.6 million. Thus, the proposal of Portland State University to convert approximately 50,000 square feet of existing space at an estimated cost of \$36 per square foot warrants favorable consideration.

Director's Recommendation

It is the Director's recommendation that the Commission support the proposal of Portland State University and the recommendations outlined in the attached memorandum dated April 10, 1974, and authorize the Director to request approval and funding from the State Emergency Board.



KESSLER R. CANNON
Director

ss: 4/12/74

attachments - 2



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: EQC, Staff, Files
From: Kess Cannon
Subject: DEQ Laboratory Facility Proposal

Date: April 10, 1974

Wednesday, April 10, I met with Budget Division in Salem. The budget analyst Bernard Saalfeld agreed that Budget would prepare the letter to the Emergency Board reporting the results and conclusion of Budgets' study on a new laboratory facility for the Department. Budget would prepare the letter and send it, rather than this Department, because two major state agencies are involved, DEQ and the State Board of Higher Education-PSU. The recommendations essentially are as follows:

1. The most favorable location and the best resulting facility would be at Portland State University, utilizing the existing space in Science Building 2. A minimum of 50,000 square feet of space would be provided for our laboratory facilities. PSU would make conference space available to us in addition, separate from the laboratory, but in the same building.

2. The most favorable financing would be use of Article XI-F-(1) bonds issued by the State System of Higher Education, bonds which are self-retiring. No capital cost investment dollars from the state General Fund would be required. A rent paid monthly by DEQ, or paid at necessary times, would retire the bonds.

3. The time frame suggested is 20 years.

4. The specific request in the letter is for approval of the plan concept and authorization of an expenditure of needed money for architecture and engineering work. Estimated cost of this would be in the neighborhood of \$200,000.

5. The DEQ laboratory would not be associated with the Health Division or any other laboratory.

6. If, however, the Emergency Board decides not to take advantage of the PSU opportunity, then the Budget study points out that Clackamas Community College offers the best location for a new constructed building.

The analyst argues against using other financing means since all invariably require General Fund money, and the

EQC, Staff, Files
April 10, 1974
Page Two

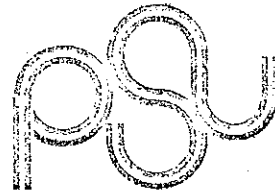
E. Board is reluctant to expend such money. Higher Education can be expected to ask for Article XI-G bonds, but these require 50% state money to match.

There may be some question as to a 20 year lease arrangement and some hesitancy from PSU. However, since this will be an action of the Legislature, it can be changed by the Legislature at a later date if PSU needs the space, and DEQ can be accommodated elsewhere. Dr. Westgarth has some guarded reservations about the 50,000 square feet limit, and the time frame, but these can be planned for later. It seems to me and to the Budget Division that what we need is a modern lab facility, the space offered is far more than twice what we have now, and not having to use General Fund money makes this package the most attractive yet.

The Department needs assurance from the Commission that this approach appears acceptable, and is supported. The letter to the E. Board faces a deadline of April 19, the same day the Commission meets. I would hope the Commission might take formal notice of the Budget study and recommendations at its April 19 meeting, but in the meantime instruct me to notify the Budget Division and fiscal committee that the Commission is supporting this proposal.

The support of Dr. Westgarth is also needed and I will discuss this in detail with him.

KRC:cm



March 25, 1974

PORTLAND
STATE
UNIVERSITY
p. o. box 751
portland, oregon
97207
503. 229-3738

physical plant

Mr. Bernard Saalfeld
Budget Division
Executive Department
240 Cottage Street S. E.
Salem, Oregon 97310

Subject: Proposed Laboratory Facilities for Department of
Environmental Quality at Portland State University

Dear Mr. Saalfeld:

Portland State University proposes to offer space on its campus for conversion to laboratories for the Department of Environmental Quality. A description of the space and cost considerations follow a brief discussion of the reasoning which has led the University to this offer.

Portland State University has taken a strong and active role in environmental problems, including the establishment of a doctoral program in environmental science, as well as undergraduate work in environmental areas. When we learned that DEQ was seeking a site for the Department's laboratories, there seemed an immediate and natural relationship which would be mutually beneficial. For the University the potential of spinoff research, problem interaction and the potential of part-time employment for environmental students was apparent. For DEQ, the proximity of the physical resources of the University - Library, meeting rooms - as well as the human resources of faculty and students were equally apparent benefits. The potential of sharing equipment and facilities would benefit both.

The Site

The site which the University proposes presently consists of two levels of automotive parking which is a part of Science Building 2. In anticipation of reuse by functions other than parking, the parking levels were constructed with 11-foot clearance between floor and ceiling. To accommodate additional science facilities, mechanical and electrical systems were designed with reserve capacity, which is more than adequate for the conversion of the parking levels to laboratories and related spaces. Existing services include a 12.5 KVA electrical substation in the basement of the building, which transforms laboratory power to 110/208 volts, three-phase. More than sufficient laboratory power is available. The mechanical system provides 100 percent fresh air supply to the laboratory areas, and partially recirculated air to office spaces. Air-conditioning is available within the

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building. The building offers a central distilled water service which would be available, as well as natural gas for laboratory use. The building does not offer a central vacuum system. Laboratory air is available. The building is adequately sewered, and has separate acid waste systems.

The building is heated by one of the two central heating plants of the University. The 1973 Oregon Legislature authorized a capital project for PSU which would add a second boiler at the Southwest Heating Plant and transfer Science Building 2 to that source. This project, when completed, will assure adequate heating for the additional laboratory space planned by DEQ, as well as provide a backup system by the interconnection of the two steam plants. Heating of this additional area makes that project more essential than ever.

In the same manner as the four laboratory floors above, the parking levels are developed on a five-foot module. Using corridor ceilings for horizontal distribution, laboratory services can be available every five feet, providing maximum flexibility for change.

The essential work required to complete the spaces for the DEQ laboratories would include completion of the enclosing of the upper level, which is above grade, partitioning of specific spaces and their specific finish, and extension of the mechanical and electrical services from the eight vertical towers which move these services upward through the building. Restroom facilities would be required. An existing elevator and the three stair towers would service transport between levels. Loading facilities exist, as well as food service.

The two levels are approximately 33,500 gross square feet each, for a total of 67,000 G.S.F. We propose to make approximately 25,000 G.S.F. of each level available, for a total of 50,000 G.S.F. (The University plans to use the remaining area for engineering laboratories.)

Project Cost

Pending a definitive program statement by DEQ or preliminary architectural input, cost estimates are necessarily schematic at this time. However, it is our feeling that sufficient funds should be included to enclose all the available area, including the provision of mechanical and electrical service distribution, the restrooms and other essential features. Finishing and outfitting of specific laboratories and offices could be restricted to the needs of the Department for some specific time period, say to 1980 or immediately beyond. From time to time as needs required, additional spaces could be finished and outfitted at the lowest possible future cost. Recent information indicates laboratory facilities generally cost \$60-70 per G.S.F. Because the structure exists and the major components of the mechanical and electrical systems are in place, as well as the elevator, we would estimate that an allowance of \$30 per gross square feet would be adequate here. In addition to this amount there would need be the standard

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allowances for professional services, contingency, furnishings and equipment, construction supervision, and miscellaneous costs of building permits, plan reviews, etc. This would amalgamate a total project cost of approximately \$1.8 million, and would provide 50,000 gross square feet and an estimated 25,000 square feet of finished space, or about two-thirds of the potential usable area.

PROJECT BUDGET

Based on 50,000 G.S.F. @ \$30/G.S.F.

Direct Construction	\$1,500,000
Professional Services @ 10%	150,000
Contingency @ 5%	75,000
Supervision	10,000
Furnishings and Equipment	60,000
Miscellaneous and Legal	<u>5,000</u>
	\$1,800,000
Cost of Repurchase of Parking Building	<u>530,000</u>
	\$2,330,000

Cost per square foot: \$36 w/o Parking Repurchase
\$46.60 w/ Parking Repurchase

It must be remembered that many variations on the theme are possible. If it was decided to provide less space initially and the Department could be sited on one level, or within 25,000 gross square feet, costs would reduce almost accordingly. However, additional space would be more expensive because of the anticipated rise in the costs of construction and the probable reorganization of spaces which would occur by moving from one to two levels of operation.

Financing

As you have learned from discussion with Mr. Hunderup, financing of this project may well be the most complex aspect. The parking area is presently financed through bonds sold under authority of Article XI-F-(1) of the Oregon Constitution. These bonds have a present principal balance of about \$530,000 and a remaining term of about 23 years. Debt service averages about \$33,000 per year.

It appears to us that continuation of that bonding would impose an annual operating cost on DEQ which could be burdensome, and would, further, become

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again an obligation of the University in the event that DEQ vacated the space within the remaining period of the bonding.

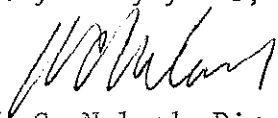
A more appropriate approach would be to explore the feasibility of Article XI-G bonding, recognizing such a procedure would require an investment of present state revenues equal to 50 percent of the cost. If such a procedure is feasible, we would recommend refinancing the remaining parking principal as well as the project costs.

Since these alternatives require constitutional interpretation, as well as a definition of relationships between different departments of the State, we prefer to let Mr. Hunderup represent us in these negotiations.

The University and its staff will gladly assist in the design and construction phases of the project in whatever way we can.

The foregoing is a rather schematic proposal to this important opportunity. We feel that we can now better serve by responding to questions, rather than speaking for the Department of Environmental Quality on specifics with which we are not totally familiar. We hope, therefore, that you will contact us with any questions you might have or for additional information which you feel we can provide at this time.

Very truly yours,



W. C. Neland, Director
Physical Plant

WCN:mb

cc: President Anderson
Mr. J. I. Hunderup
Dr. Warren Westgarth

18 March 1974

Mr. Bernie Faalfeld
Budget Analyst
Executive Department
111 State Capitol
Salem, Oregon 97310

Re: Department of Environmental Quality Laboratories

Dear Mr. Faalfeld:

Reference our telephone conversation Monday, 11 March, in which you requested cost information on the Laboratories for the D.E.Q. and the State Board of Health, the cost information was to be a comparison of laboratories in the same building (constructed at the same time), compared to laboratories on separate sites (constructed at the same time).

You also requested that I assume the same size building and program requirements for the State Board of Health Laboratories as I did for the D.E.Q. Laboratories in my letter to Mr. Hal Branner dated 6 February 1974.

I believe the following cost comparison will give you the necessary information you requested:

Partners:

John W. Broome
Charles E. Selig
Robert E. Oringdulph
John L. Henslee
Dennis J. O'Toole

Associates:

Robert H. Belcher
Heinz K. Rudolf
Donald T. Ross
Richard K. Spies
Charles G. Petersen

733 Northwest 20th
Portland, Ore. 97209
Phone: 226 1575

	1	2	3	4
	JOB LAWS (SEPARATE SITE) Letter dated 6 Feb. 1974	State Board of Health (Separate Site)	Total DBP Less State Board of Health (Separate Site)	Total JOB Laws State Board of Health (in one building)
SITE PREP, ROADS, LANDSCAPING	\$ 100,000	\$ 100,000	\$ 200,000	\$ 100,000
SERVICES (UTILITIES)	110,000	110,000	220,000	190,000
WASTE TREATMENT	169,000	169,000	338,000	225,000
CONSTRUCTION				
Laboratories 12,000 sf @ \$80/sf	960,000	960,000	1,920,000	1,800,000
STORAGE 9,000 sf @ \$25/sf	227,200	227,200	454,400	431,400
OFFICE 5,350 sf @ \$40/sf	214,000	214,000	428,000	407,000
PARKING 6,500 sf @ \$15/sf	97,500	97,500	195,000	185,000
	(1,877,700)	(1,877,700)	(3,755,400)	(3,418,400)
CONTINGENCIES 15%	281,655	281,655	563,310	515,760
PROFESSSIONAL SERVICES	(7.25%) 140,827	(7.25%) 140,827	281,654	(7.15%) 245,845
SUPERVISION 4%	75,108	75,108	150,216	137,500
FURNISHINGS	<u>450,000</u>	<u>450,000</u>	<u>900,000</u>	<u>900,000</u>
TOTAL	\$2,825,290	\$2,825,290	\$5,650,580	\$5,217,505

The total construction cost of the Laboratories for the D.E.Q. and State Board of Health, on separate sites constructed at the same time (Column 3) would be approximately \$5,650,580. The total construction cost with both laboratories in the same building, constructed at the same time (Column 4) would be approximately \$5,217,505. This is an approximate saving of \$433,075.00 to construct both laboratories in the same building at the same time.

I did not reduce the furnishings in Column 4 because I have no idea as to the extent of furnishings required for the State Board of Health Laboratories.

If you need anymore cost information, or if I can be of any help in any way, give me a call.

Sincerely,

BROOME, SELIG, ORINGDULPH & PARTNERS

John L. Henslee, A.I.A.

cc: Warren Westgarth

ajl