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OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS

DEQ

State of Oregon
Department of
Environmental
Quality

A G E N D A

ENVIRONMENTAL QUALITY COMMISSION

meeting of

September 4, 1974

13th Floor Conference Room, Port of Portland
700 N. E. Multnomah, Portland, Oregon

8 a.m.

A. Minutes of July 19, 1974 Commission Meeting

B. July Program Activity Report and Pending Projects Summary

C. Tax Credit Applications

AIR QUALITY

D. Request for Variance--SWF Plywood, Fir-Ply Division, Medford

E. Request for Variance--Edward Hines Lumber Company, Harney County

F. Request for Variance--Northern Wasco County Refuse Operators, Inc.

G. Adoption of Noise Rules Pertaining to Industry and Commerce

WATER QUALITY

H. Weyerhaeuser Company, Springfield--Report on Proposed NPDES Permit

I. Sarah Land Company, Contested Case for Civil Penalty--Proposed Order of Hearings Officer

NORTHWEST REGION

J. Labish Village (Marion County), Proposed Moratorium on Subsurface Sewage Disposal Installations--Report of Hearings Officer

ENFORCEMENT

K. Continuation of Public Hearing on Proposed Revisions to Rules Pertaining to Civil Penalties and Administrative Procedures

MINUTES OF THE SIXTIETH MEETING

of the

OREGON ENVIRONMENTAL QUALITY COMMISSION

September 4, 1974

Public notice having been given to the news media, other interested persons and the Commission members as required by law, the sixtieth meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 8 a.m. on Wednesday, September 4, 1974, in the 13th Floor Conference Room of the Port of Portland, Lloyd Building, Portland, Oregon.

Commission members present were B. A. McPhillips, Chairman, Dr. Morris K. Crothers, Mrs. Jacklyn L. Hallock, Dr. Grace S. Phinney, and Ronald M. Somers.

The Department was represented by Director Kessler R. Cannon; Deputy Director Ronald L. Myles; Assistant Directors Frederick M. Bolton (Enforcement), Wayne Hanson (Air Quality), Harold L. Sawyer (Water Quality), and Kenneth H. Spies (Land Quality); Regional Administrators Verner J. Adkison (Midwest), Richard P. Reiter (Southwest), and E. Jack Weathersbee (Northwest); staff members John E. Core, Dr. Robert L. Gay, Thomas Guilbert, John M. Hector, John F. Kowalczyk, Harold M. Patterson, Barbara J. Seymour, Shirley G. Shay, Fredric A. Skirvin, Paul M. Stolpman, R. Dennis Wiancko, and Dr. Warren C. Westgarth; Chief Counsel Raymond P. Underwood and Assistant Attorney General Robb Haskins.

Representing EPA Region X, Oregon Operations Office, was Director John J. Vlastelicia.

MINUTES OF THE JULY 19, 1974 COMMISSION MEETING

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried to approve the minutes of the fifty-ninth meeting of the Commission, held in Salem on July 19, 1974.

PROGRAM ACTIVITY REPORT FOR THE MONTH OF JULY 1974

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried to give

confirming approval to staff actions, as reported by Mr. Myles, regarding the 78 domestic sewage, 7 industrial waste, 32 air quality control, and 10 solid waste management projects:

Water Quality Control - Northwest Region (24)

Date	Location	Project	Action
6-25-74	USA (Tigard)	Lake Terrace sanitary sewers	Prov. app.
6-25-74	USA (Sunset)	Sanitary sewer relocation for Sunset Science Park	Prov. app.
6-25-74	Hillsboro (Westside)	West Side trunk system, Schedules E and F	Prov. app.
7-1-74	Salem (Willow)	Sanitary sewers in Barnes Road S.E. from Sunnyside Road to Commercial Street via 10th Ave.	Prov. app.
7-3-74	Salem (Willow)	Sanitary sewers in Fabry Road, west of Commercial Street S.E.	Prov. app.
7-5-74	CCSD #1	Hillwood Subdivision sanitary sewers	Prov. app.
7-7-74	Hillsboro (Rock Creek)	Sanitary sewers for Country Squire's Estates	Prov. app.
7-8-74	Oak Lodge S.D.	Sanitary sewer lateral, B-O-14 extension	Prov. app.
7-9-74	Hillsboro	West Side sanitary sewer trunk Schedules A, B, C and D	Prov. app.
7-9-74	Gresham	Kellykrest Subdivision sanitary sewers	Prov. app.
7-9-74	USA (Aloha)	Town Center at Tanasbourne sanitary sewer extension	Prov. app.
7-10-74	USA (Forest Grove)	Rosearden Drive and Tualatin Valley Hwy. sanitary sewers	Prov. app.
7-10-74	USA (Aloha)	Aloha Park Housing sanitary sewers	Prov. app.
7-10-74	USA (Fanno Creek)	Montclair sanitary sewer relocation	Prov. app.
7-10-74	USA (Aloha)	S.W. Hart Road sanitary sewer	Prov. app.
7-11-74	Newberg	Southeast sanitary sewers, project number 126	Prov. app.
7-12-74	Gresham	South Down sanitary sewers	Prov. app.
7-12-74	USA (Fanno)	Royal Oaks Court sanitary sewers	Prov. app.
7-12-74	CCSD #1	revised - Hillwood Subdivision sanitary sewers	Prov. app.
7-12-74	Troutdale	Fraley Heights sanitary sewers	Prov. app.
	Salem (Willow)	Dorchester Heights sanitary sewers	Prov. app.
7-17-74	Sandy	Longville Estates sanitary sewers	Prov. app.
7-18-74	USA (Metzger)	S.W. Davis Road sanitary sewers	Prov. app.
7-18-74	Salem (Willow)	Kanuku Street sanitary sewers	Prov. app.

Water Quality Control - Water Quality Division (54)

Date	Location	Project	Action
7-2-74	Bend	Grit works and sludge dump station	Prov. app.
7-2-74	Umatilla	McNary interceptor sewer	Prov. app.
7-2-74	USA (Sunset)	STP modifications	Prov. app.
7-3-74	Boardman	Interim STP expansion (aerated lagoon)	Prov. app.
7-3-74	Toledo	Ollala Slough interceptor sewer	Prov. app.
7-8-74	USA (Aloha)	STP modifications & addenda 1, 2	Prov. app.
7-8-74	St. Helens	C.O. No. C-5, nutrient feed project	Approved
7-8-74	Prineville	Hidden Springs Subdivision sewers	Prov. app.
7-8-74	Springfield	Four sewer projects	Prov. app.
7-8-74	Eugene	Woodhaven Subdn, Phase II sewers	Prov. app.
7-8-74	Veneta	Forest Hills Subdivision sewers	Prov. app.
7-8-74	Toledo	Toledo High School sewer	Prov. app.
7-8-74	Warrenton	Add No. 1 - East Warrenton Int.	Approved
7-9-74	Bly S.D.	Barnes Valley Road sewers	Prov. app.
7-9-74	Harrisburg	La Salle Street sewers	Prov. app.
7-9-74	Ashland	Briggs Subdivision sewers	Prov. app.
7-11-74	Eugene	Four sewer projects	Prov. app.
7-12-74	Eugene	Warren Street sewer	Prov. app.
7-12-74	Sutherlin	Croade Loma Subdivision sewers	Prov. app.
7-18-74	Eugene	2 sewer projects	Prov. app.
7-19-74	NTCSA	C.O. #B-1 & B-2 Sch. IV	Approved
		C.O. #B-1 & B-2 Sch. III	Approved
7-19-74	Lakeview	Lift station and force main, Hay School	Prov. app.
7-26-74	BCVSA	Prune Street sewer	Prov. app.
7-26-74	Springfield	Sanitary sewer project S-132, North A Street	Prov. app.
7-29-74	Winston	Winston STP outfall reconstruction	Prov. app.
7-29-74	Portland	Addenda No. 1 & 2 Col. Blvd., Outfall Project	Approved
7-29-74	Springfield	Debra Drive sewers	Prov. app.
7-29-74	Pendleton	C.O. #1 - Mt. Hebron Int.	Approved
7-29-74	Bend	Holliday Park subdn sewers	Prov. app.
7-29-74	Coos Bay	Sewer separation project	Prov. app.
7-30-74	Hermiston	Sanitary sewer between Quince and Pine	Prov. app.
7-30-74	USA (Sunset)	Addendum #2 STP Improvements	Prov. app.
7-30-74	Wasco County	Pine Hollow development report	Prov. app.
7-30-74	Grants Pass	Central Avenue interceptor	Prov. app.
7-31-74	NTCSA	C.O. A-1 & B-1, Sch. II; C.O. B-3, B-4 & B-5, Sch. IV	Approved
7-31-74	Bly S.D.	Smith commercial development sewer	Prov. app.
7-31-74	Metolius	Sewage collection and treatment plans 5.5 Ac. sewage lagoon plus effluent disinfection and irrigation	Prov. app.
7-31-74	Jordan Valley	Sewage collection and treatment works 8.4 Ac sewage lagoon plus effluent disinfection and irrigation	Prov. app.

Water Quality Control - Industrial Projects (7)

Date	Location	Project	Action
6-25-74	Lane County	Pape Brothers, Inc. wastewater control facilities	Prov. app.
6-27-74	Benton County	Western Pulp Products Co. wastewater control facilities	Prov. app.
7-2-74	Columbia County	Kaiser Gypsum Co., Inc. sludge disposal operation	Prov. app.
7-5-74	Washington County	Harvey O. Kempema animal waste facilities	Prov. app.
7-5-74	Washington County	Merle A. Peters animal waste facilities	Prov. app.
7-16-74	Washington County	Ernest Rieben animal waste facilities	Prov. app.
7-17-74	Washington County	Charles L. Vuylsteke animal waste facilities	Prov. app.

Air Quality Control - Northwest Region (4)

Date	Location	Project	Action
7-10-74	Multnomah County	Blue Bell Potato Chip Company installation of a potato chip fryer and a necessary odor control system	Approved
7-16-74	Multnomah County	Chevron Asphalt Company installation of a 5,000 barrel storage tank for asphalt emulsion	Approved
7-16-74	Multnomah County	Nicolai Company control of wood dust from two cyclones	Approved
7-29-74	Multnomah County	Reynolds Metals Company control of emissions from carbon bake furnaces utilizing wet electrostatic precipitators	Approved

Air Quality Control - Air Quality Division (28)

Date	Location	Project	Action
7-1-74	Douglas County	International Paper hogged fuel boiler modification	Approved
7-3-74	Lake County	Louisiana Pacific hogged fuel boiler installation	Approved
7-3-74	Coos County	Georgia Pacific boiler S.T. Report evaluation	Approved
7-5-74	Lake County	Louisiana Pacific green sawdust collection system and storage bins installation	Approved
7-5-74	Deschutes County	Brooks-Willamette installation of Coe Sander and Carter Day baghouse	Approved
7-8-74	Deschutes County	Brooks-Willamette installation of #4 dryer (particleboard) heated by boiler flue gas, controlled by rotoclone wetscrubbers	Approved
7-5-74	Deschutes County	Brooks Willamette installation of sanderdust boilers and Zern multiclone flyash collector	Approved

Air Quality Control - Air Quality Division (cont)

Date	Location	Project	Action
7-10-74	Clackamas County	Kruse Way - FAS 943	Add. info. req.
7-11-74	Jackson County	Robert Dollar Co. evaluate bark dryer source test report	Add. info. req.
7-15-74	Multnomah County	McDonald's Restaurant 63-space parking facility	Add. info. req.
7-16-74	Marion County	Oak Street Medical Center 21-sapce parking expansion	Prov. app.
7-16-64	Jackson County	Northwest Printed Circuits, Inc. construction of a printed circuit board manufacturing facility	Approved
7-17-74	Josephine County	Bate Plywood veneer dryer emissions control	Add. info. req.
7-19-74	Multnomah County	Goss Construction 190-space parking facility	Deferred action (EQC action)
7-19-74	Multnomah County	I-205 9.2 mile freeway section	Prov. app. (EQC action)
7-22-74	Multnomah County	Mt. Hood Mall 6,328-space parking facility	Add. info. req.
7-22-74	Jackson County	Carolina Pacific Carter Day baghouse filter	Approved
7-23-74	Josephine County	Carolina Pacific installation of two Carter Day baghouse filters	Approved
7-24-74	Lake County	Fremont Sawmill installation of hogged fuel house	Approved
7-24-74	Multnomah County	McCormick Dock, Inc. 500- space parking facility	Add. info. req.
7-24-74	Lake County	Fremont Sawmill WWB modification	Approved
7-25-74	Douglas County	Roseburg Shingle and Stud installation of woodwaste recovery system	Approved
7-26-74	Multnomah County	State of Oregon Human Resources Department 180-space parking facility	Prov. app.
7-30-74	Malheur County	Western Farmers Association installation of "dustless" hammermill	Approved
7-30-74	Multnomah County	Gresham Skate World 134-space parking facility	Prov. app.
7-31-74	Morrow County	Kinzua Corporation modification to existing hogged fuel boiler #1; installation of new propane and light oil-fired boiler (350 hp)	Approved
7-31-74	Marion County	The Old Garfield School Building 70-space parking facility	Prov. app.
7-31-74	Marion County	Salem Senior Center 94-space parking facility	Prov. app.

Land Quality - Northwest Region (6)

Date	Location	Project	Action
7-10-74	Multnomah County	Resource Recovery Byproducts new domestic waste processor (letter authorization)	Prov. app.
7-10-74	Clatsop County	Arch Cape County Service District new demolition landfill (letter authorization)	Prov. app.
7-11-74	Columbia County	Santosh Landfill existing domestic site dike construction plans	Prov. app.
7-18-74	Multnomah County	St. John's Blind Slough Expansion expansion of existing garbage sanitary landfill	Approved
7-22-74	Tillamook County	Publishers Paper Company existing industrial wood waste landfill	Prov. app.
7-23-74	Marion County	Woodburn Sanitary Landfill new garbage sanitary landfill construction plan amendment	Prov. app.

Land Quality - Solid Waste Management Division (4)

Date	Location	Project	Action
7-17-74	Wheeler County	Woodward Tire Disposal Site new industrial site (letter authorization)	Prov. app.
7-23-74	Coos County	Bohemia, Inc. Wilkin's Corner Landfill new industrial site construction and operational plans	Prov. app.
7-24-74	Umatilla County	Rahn's Sanitary Landfill existing domestic site operational plan	Prov. app.
7-31-74	Lane County	McKenzie Bridge Landfill existing domestic site amended operational plan	Approval

Commenting on the pending projects summary, also presented by Mr. Myles, Dr. Crothers asked staff whether the number of permits pending in the air and water quality program areas placed any burden on industry or the public. Mr. Hanson replied that in the air program, the burden was primarily on the staff, that although many permits were pending, all companies requiring permits had submitted applications and thus would not be in violation of operating without a permit. Mr. Sawyer stated that under public law 92-500, cities and industries requiring NPDES permits are immune from legal action until December 31, 1974, if no permit has been issued by that time. However, they could be subject to a citizen suit, which under the federal law could be filed.

Mr. Cannon noted that the Department is continuing to operate within the time frame permitted by the Environmental Protection Agency since all major permits will be issued by the end of the year and all others will be in draft form.

TAX CREDIT APPLICATIONS

Both Mr. McPhillips and Mr. Somers questioned the application for Clyde W. Miller's Heating Oils (T-542) since the facility, a steel reinforced retaining wall around a rectangular tank storage area, is required by the Coast Guard on all such facilities built near the water. Mr. Sawyer suggested withdrawing the application at the present time.

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried that as recommended by the Director, pollution control facility tax credit certificates be approved for issuance to the following applicants (with the exception of T-542) for facilities claimed in their respective applications and with 80 percent or more of the claimed costs being allocable to pollution control:

Appl. No.	Applicant	Cost
T-560	Permaneer Corporation, Brownsville Division	$26,338.44
T-561	Permaneer Corporation, Brownsville Division	29,337.36
T-562	Permaneer Corporation, Brownsville Division	54,461.52
T-563	Permaneer Corporation, Brownsville Division	61,275.03

VARIANCE REQUEST--SWF PLYWOOD, MEDFORD

SWF Plywood, Fir-Ply Division, Medford, requested a variance to extend the time limit for complying with the veneer dryer emission standards from December 31, 1974 to May 1, 1975.

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried to approve the Director's recommendation that the company be granted a variance from Oregon Administrative Rules, Chapter 340, section 25-315(a), subject to the following conditions:

1. By no later than January 1, 1975, the permittee shall submit to the Department of Environmental Quality, for review and approval, plans and specifications for all necessary construction and/or modification work.
2. By no later than February 1, 1975, the permittee shall issue purchase orders for all major components to accomplish emission control and/or process modification work.
3. By no later than March 1, 1975, the permittee shall commence construction and/or installation of emission control equipment or process modification work.

4. By no later than May 1, 1975, the permittee shall complete construction and/or installation of emission control equipment or process modification work.

5. By no later than May 30, 1975, the permittee shall demonstrate that the three (3) veneer dryers can operate in continuous compliance with Condition 7 of their permit.

6. By no later than seven (7) days after accomplishing each item, 2 through 5 above, the permittee shall notify the Department of Environmental Quality in writing that the respective item is accomplished.

VARIANCE REQUEST--EDWARD HINES LUMBER COMPANY, HARNEY COUNTY

Edward Hines Lumber Company, Harney County, requested a variance from the prohibition against open burning of industrial wastes, specifically wood wastes unsuitable for further processing.

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried to approve the Director's recommendation that the company be granted a variance from Oregon Administrative Rules, Chapter 340, section 23-010(a), subject to the following conditions:

1. Burning shall be permitted during the period 1 November 1974 through 30 April 1975, 1 November 1975 through 30 April 1976 and 1 November 1976 through 31 December 1976.

2. Burning shall be limited to nine separate burn periods, each to encompass no more than three continuous days.

3. All burning shall comply with local fire permit regulations.

4. Burning of rubber, plastics or material likely to generate odors and/or dense smoke is prohibited.

5. Edward Hines Lumber Company shall notify the DEQ Bend office (phone 382-6446) and the Portland office (phone 229-5365) on the day preceding each of the nine burn periods.

This variance may be revoked upon findings of violation of any of the above conditions.

VARIANCE REQUEST--NORTHERN WASCO COUNTY REFUSE COLLECTORS, INC., THE DALLES

Northern Wasco County Refuse Collectors, Inc. requested a variance from the prohibition against commercial open burning within the boundaries of Special Control Areas in order to burn bulky, non-putrescible solid wastes which are difficult to landfill. The company is located approximately three miles south of The Dalles.

It was MOVED by Mr. Somers, seconded by Dr. Phinney and carried to approve the Director's recommendation that the company be granted a variance from Oregon Administrative Rules, Chapter 340, section 23-010(2) for a two-year period under the following conditions:

1. Burning shall be conducted during the period 1 November 1974 through 30 April 1975 and 1 November 1975 through 30 April 1976.
2. Burning shall be limited to three separate burn periods per year, to encompass no more than three continuous days each.
3. Burning shall be conducted at its present stockpile location in lieu of the wigwam waste burner.
4. Burning shall comply with all local fire permit regulations.
5. Burning days and hours must be approved by the Chief (Robert Wilson) of The Dalles Fire Department.
6. Burning of rubber, plastics, paints, solvents, or burning for the purpose of salvage is prohibited.
7. Wasco County Refuse Collectors shall notify the Department of Environmental Quality, Bend office (phone 382-6446) and the Portland office (phone 229-5365) on the day preceding each of the three annual burn periods.

This variance may be revoked upon findings of violation of any of the above conditions.

WEYERHAEUSER COMPANY, SPRINGFIELD--REPORT ON PROPOSED NPDES PERMIT

Mr. Sawyer presented the staff memorandum report dated August 16, 1974, regarding staff review of the waste handling improvements committed by Weyerhaeuser Company and the desires of the Commission as expressed at their meeting of July 19th in Salem. Staff proposed the following changes in the Weyerhaeuser (Springfield) draft permit: (1) expansion of Condition S1 to require a reduction of winter BOD limitations to a monthly average of 4000 pounds under normal operations, the new limitations to be achieved by June 1, 1976; and (2) Condition S8, which reflects the new 4000 lbs/day winter limitation required after June 1, 1976, contains a special provision which provides for slightly higher levels during abnormal conditions of dredging and extended periods of subfreezing weather.

The matter of the discharge levels achieved by the company and those contained in the proposed permit was discussed by the Commissioners with Mr. Sawyer. Mr. Cannon emphasized that in addition to the discharge levels proposed, the permit required the company to achieve the highest and best practicable treatment for their thermal discharge. He also assured the Commission that the results of the study under the direction of Dr. Westgarth would be made available to them.

It was MOVED by Dr. Crothers, seconded by Dr. Phinney and carried to approve the Director's recommendation that the Department issue the proposed permit to Weyerhaeuser Company, Springfield.

SARAH LAND COMPANY

It was MOVED by Mr. Somers, seconded by Dr. Phinney and carried to approve the proposed Order and Judgment of the Hearings Officer to the effect that for violation of Oregon Administrative Rules, Chapter 340, sections 12-005 and 12-020, Donald Furtick and John Soreng, doing business as Sarah Land Company, shall pay to the Treasurer of the State of Oregon, $250 in accordance with the procedures set forth in ORS 468.135(5).

ADOPTION OF STATEWIDE RULES PERTAINING TO NOISE POLLUTION FROM INDUSTRIAL AND COMMERCIAL SOURCES

Mr. Hanson summarized the staff report recommendations for changes in the proposed rules. He noted that staff had not received any official public comments within the ten day period following the July 19th hearing, but many comments were received subsequent to that time and were the bases for many of the changes being proposed at this meeting.

With respect to the section on inaudible sounds, Dr. Crothers commented that it was his opinion that the Legislative Assembly did not intend the regulation of sounds that cannot be heard, that the statutes are concerned with the regulation of noise.

Mr. Hanson explained that the matter of noise easements was not included in the proposed rules specifically, that the philosophical implications in the concept required Commission guidance for staff, and further, that a public hearing would be required before noise easements could be included in the proposed rules. After Commission discussion on this subject, Dr. Crothers suggested that Mr. Underwood and the staff review all considerations pertinent to noise easements.

Mr. Somers MOVED to delete the word "maintaining" and substitute the words "repairing or replacing" in section 35-035(5)(h), and to add a new subsection as follows: 35-035(5)(m) Noise generated on property over which the affected industry owns a noise easement in which the easement is limited only to the affected industry and is limited in the number of dBAs that may be produced [subsequently changed to "perceived"] on the property at the time the easement was taken.

Following discussion, Mr. Somers withdrew the portion of his motion to add a new subsection.

It was MOVED by Dr. Crothers and seconded by Dr. Phinney to adopt the proposed rules. At Dr. Phinney's suggestion, the words "noise sensitive building" were substituted for "dwelling" in section 35-035(3)(b)(i). The change was adopted by unanimous consent.'

Dr. Phinney seconded the previous motion by Mr. Somers to amend section 35-035(5)(h); motion carried.

The main motion as amended was voted upon and carried unanimously.

A copy of the rules as adopted and subsequently filed in the Office of Secretary of State is attached to and made a part of the official record.

LABISH VILLAGE, MARION COUNTY

Mr. Guilbert presented the Hearings Officer's report dated August 12, 1974.

It was MOVED by Mr. Somers, seconded by Dr. Phinney and carried to approve the conclusion of the Hearings Officer that the Director's recommendation was uncontroverted in the hearings record, and that the prohibition on subsurface sewage disposal system construction recommended by the Director would effectively accomplish the end of a general building moratorium pending sanitary sewer installation requested by the Director of Environmental Services for the Marion County Health Department.

CONTINUATION OF PUBLIC HEARING TO CONSIDER REPEALING EXISTING CIVIL PENALTY RULES AND ADOPTING NEW RULES PERTAINING TO A SCHEDULE FOR CIVIL PENALTIES, AND AMENDMENTS TO RULES PERTAINING TO PRACTICE AND PROCEDURE

The hearing on the above subject was commenced in Salem on July 16, 1974, and continued to September 4, 1974. Mr. Bolton summarized the staff memorandum report dated August 16, 1974, and presented an addendum which contained proposed amendments to the civil penalty and practice and procedure rules presented at the July 16th meeting.

It was MOVED by Mrs. Hallock, seconded by Mr. Somers and carried to adopt the amendments as proposed.

The Chairman then called for public testimony.

Mr. Douglas P. Sowles, representing Associated General Contractors, Portland, Oregon, suggested that in section 11-095 of the proposed rules on practice and procedure, after the words "as applicable", inserting the words "within thirty days of the date of hearing request", in order to give industry a definite time when a decision could be expected. Mr. Sowles expressed appreciation to Mr. Cannon and Mr. Bolton for working with his company on the revisions proposed. The Commissioners and staff did not believe that sufficient time would be allowed to arrive at a decision within the time frame proposed by Mr. Sowles, but stated that decisions would continue to be made on a timely basis.

At 10 a.m., Mr. Cannon announced that Governor McCall had arrived. The Governor had been asked to present the Oregon CUP to Chairman McPhillips. The Governor noted that Mr. McPhillips had served under eight governors in the 31 years he had been with the Sanitary Authority and the Environmental Quality Commission, and that Mr. McPhillips was the fifth recipient of an individual award. The Governor made the presentation "...with the great gratitude of a state that hasn't said enough about your contributions. No one has given more toward a better Oregon than Barney McPhillips."

The Chairman reconvened the hearing and called on Mr. Larry Williams, Executive Director, Oregon Environmental Council, Portland, Oregon. Mr. Williams stated that his organization was very pleased with the amendments made by the staff, particularly with respect to section 11-025 which he felt would facilitate understanding between the public and the Commission in the public hearing process.

Mr. Bolton then read the Director's recommendation that the existing rules on civil penalties and the existing rule on oil spill violations and certain rules on practice and procedure be repealed, and that the proposed rules as amended be adopted.

It was MOVED by Mrs. Hallock, seconded by Dr. Phinney and carried to adopt the proposed rules as amended (Dr. Crothers not present).

1975 COMMISSION MEETING SCHEDULE

It was MOVED by Mr. Somers, seconded by Dr. Phinney and carried to approve the proposed 1975 Commission meeting schedule.

Mr. Rudy Lachenmeier, Western Environmental Trade Association, who had not indicated he wished to testify in the civil penalties hearing, asked for and received permission to comment on the civil penalty rules, particularly section 12-045, and what he believed was a lack of statutory authority. Mr. Underwood responded and assured Mr. Lachenmeier that there was adequate statutory authority.

There was no further business, and the Chairman adjourned the meeting at 10:30 a.m.

Shirley G. Shay, Secretary
Environmental Quality Commission

MINUTES OF THE FIFTY-NINTH MEETING

of the

OREGON ENVIRONMENTAL QUALITY COMMISSION

July 19, 1974

Public notice having been given to the news media, other interested persons and the Commission members as required by law, the fifty-ninth meeting of the Oregon Environmental Quality Commission was called to order by the Chairman at 9 a.m. on Friday, July 19, 1974, in Room 20, State Capitol, Salem, Oregon.

Commission members present were B. A. McPhillips, Chairman, Dr. Morris K. Crothers, Mrs. Jacklyn L. Hallock, Dr. Grace S. Phinney, and Ronald M. Somers.

The Department was represented by Director Kessler R. Cannon; Deputy Director Ronald L. Myles; Assistant Directors Wayne Hanson (Air Quality), Harold L. Sawyer (Water Quality), Kenneth H. Spies (Land Quality), and Frederick M. Bolton (Enforcement); Regional Administrators Verner J. Adkison (Midwest), Richard P. Reiter (Southwest), and E. Jack Weathersbee (Northwest); staff members John E. Borden, Russell H. Fetrow, Jr., Gary L. Grimes, Thomas G. P. Guilbert, John M. Hector, Norman L. Jette, Allan H. Mick, Robert B. Percy, Ernest A. Schmidt, Barbara J. Seymour, Shirley G. Shay, Paul M. Stolpman, Richard L. Vogt, Jr., Warren C. Westgarth, Patrick H. Wicks, Gerald T. Wilson, and Assistant Attorney General Robb Haskins.

Representing EPA Region X, Oregon Operations Office, was Director John J. Vlastelicia.

MINUTES OF THE JUNE 21, 1974 COMMISSION MEETING

It was MOVED by Mr. Somers, seconded by Dr. Phinney, and carried to approve the minutes of the fifty-eighth meeting of the Commission, held in Coos Bay on June 21, 1974.

PROGRAM ACTIVITY REPORT FOR THE MONTH OF JUNE 1974

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried to give confirming approval to staff actions, as reported by Mr. Myles, regarding the

53 domestic sewage, 15 industrial waste, 19 air quality control, and 13 solid waste management projects:

Water Quality Control - Northwest Region (30)

Date	Location	Project	Action
6-5-74	Gresham	Sanitary sewer on NE 176th Ave. from NE Glisan St. to 440 ft. south	Prov. app.
6-6-74	Canby	Sanitary sewer system for Candelight Shopping Center	Prov. app.
6-6-74	Oak Lodge SD	Sanitary sewer lateral C-A-7A and C-10-5-5F	Prov. app.
6-11-74	Lake Oswego	Bryant Woods sanitary sewer	Prov. app.
6-11-74	Lake Oswego	Bryant Woods Plat #3 sanitary sewers	Prov. app.
6-11-74	Lake Oswego	Bryant Woods Plat #4 sanitary sewers	Prov. app.
6-12-74	Warrenton	Warrenton sanitary sewer extension	Prov. app.
6-13-74	Hillsboro (Rock Creek)	Golden Acres #2 sanitary sewer	Prov. app.
6-13-74	Hillsboro (Rock Creek)	Azalea East #2 sanitary sewers	Prov. app.
6-13-74	Hillsboro (Rock Creek)	Singing Woods #2 sanitary sewers	Prov. app.
6-13-74	Salem (Willow Lake)	Sanitary sewer relocation for elderly housing site, Mill and Church Sts.	Prov. app.
6-13-74	West Linn (Bolton)	Lamplighter Square subdivision sanitary sewers	Prov. app.
6-13-74	Tualatin	Apache Bluff #13 sanitary sewers	Prov. app.
6-17-74	Gresham	McCall Oil Co. sanitary sewer at SE Burnside and Hogan Rd.	Prov. app.
6-19-74	St. Helens	Assembly of God sanitary sewer	Prov. app.
6-19-74	Dallas (Rickreall Creek)	Prune Ridge subdivision sanitary sewers	Prov. app.
6-20-74	Clackamas County S.D. #1	Assessment District 74-1 sanitary sewers	Prov. app.
6-20-74	Portland (Columbia)	Sanitary sewer in SW 18th Pl. and private property north of SW Seymour St.	Prov. app.
6-20-74	Gresham	Sanitary sewers to serve the Burnside Animal Hospital	Prov. app.
6-24-74	Portland	Johns Landing housing - Phase I sanitary sewers	Prov. app.
6-24-74	Newberg	Sanitary sewer extension #9224.35 N	Prov. app.
6-24-74	Oregon City	Joyce Court sanitary sewers	Prov. app.
6-25-74	West Linn	Jeffrey Lane sanitary sewers	Prov. app.
6-25-74	USA (Aloha)	Lee Zumwalt sanitary sewer	Prov. app.
6-26-74	Hillsboro (Rock Creek)	Sanitary sewer extenion on NE 21st Ave. from NE Cornell Rd. to Sunrise Ln.	Prov. app.
6-26-74	Oak Lodge S.D.	Sanitary sewer line 2 A 10-9 second phase of Oakridge #2	Prov. app.

Water Quality Control - Northwest Region (cont)

Date	Location	Project	Action
6-27-74	Clackamas County S.D. #1	Scott Mountain subdivision sanitary sewers	Prov. app.
6-28-74	Clackamas County S.D. #1	Cascade Greens Phase 3 sanitary sewers	Prov. app.
6-28-74	Salem (Willow Lake)	Liberty Road SE sanitary sewers	Prov. app.

Water Quality Control - Water Quality Division (23)

Date	Location	Project	Action
6-4-74	Rufus	Sewerage system and 4.5 acre sewage treatment lagoon with land irrigation	Prov. app.
6-7-74	Eugene	Calvin St. and Sleepy Hollow subdivision sewers	Prov. app.
6-7-74	Roseburg	Umpqua West Estates sewers	Prov. app.
6-7-74	Medford	Ramada Hills subdivision sewer	Prov. app.
6-10-74	Salem (Willow Lake)	Addendum #1 - STP construction	Approved
6-10-74	Brownsville	Scoville Estates subdivision sewers	Prov. app.
6-10-74	Heppner	Valleyview Estates subdivision sewers	Prov. app.
6-10-74	Rogue River	Rogue River High School sewer extension	Prov. app.
6-11-74	Lebanon	Pletzer's Green 1st Addn.	Prov. app.
6-12-74	Toledo	L.I.D. #19 sewer	Prov. app.
6-12-74	Lynnbrook	Lynnbrook Subdivision - Phase II sewers	Prov. app.
6-13-74	Corvallis	Wake Robin subdivision sewer	Prov. app.
6-13-74	USA (Beaverton-Aloha)	144th St. pump station improvements	Prov. app.
6-14-74	Coos Bay #2	Pump Station No. 14	Prov. app.
6-14-74	Eagle Point	Butte Crest subdivision sewers	Prov. app.
6-14-74	Harrisburg	D & G Shelter Products sewer	Prov. app.
6-17-74	Bend	East Pilot Butte Int.	Prov. app.
6-18-74	Coos Bay	Add. No. 1 - Multiple P.S. project	Approved
6-19-74	Lafayette	0.30 MGD activated sludge STP with polishing ponds and disinfection	Prov. app.
6-20-74	Clackamas County S.D. #1	C.O. #2 Int. sewer contracts	Approved
6-25-74	Salem (Willow Lake)	Addendum #2 STP contract documents	Approved
6-25-74	Arch Cape S.D.	Addendum #2 - STP contract documents	Approved
6-28-74	Boardman	Port of Morrow Industrial Park STP 0.01 MGD package plant with holding pond and irrigation disposal	Prov. app.

Water Quality Control - Industrial Projects (15)

Date	Location	Project	Action
6-7-74	Tillamook County	John L. Love--holding tank for animal waste disposal system	Approved
6-12-74	Washington County	Forest Fiber Products Company wastewater control facilities	Approved
6-19-74	Multnomah County	McCall Oil--wastewater treatment facility for oil storage tank farm	Approved
6-24-74	Columbia County	Portland General Electric Beaver Turbine Plant--wastewater facilities	Approved
6-25-74	Tillamook County	Robert Chatelaine--holding tank for animal waste disposal system	Approved
6-25-74	Tillamook County	James Ward--holding tank for animal waste disposal system	Approved
6-25-74	Clatsop County	Roger Olson--holding tank for animal waste disposal system	Approved
6-27-74	Marion County	Blundell Kanning Kitchen wastewater drain	Approved
6-28-74	Clatsop County	Joe Rohne--holding tank for animal waste disposal system	Approved
6-28-74	Yamhill County	Charles J. Kadell--holding tank for animal waste disposal system	Approved
6-28-74	Yamhill County	Hollis Slater--holding tank for animal waste disposal system	Approved
6-28-74	Tillamook County	Ernest Lowrance--holding tank for animal waste disposal system	Approved
6-28-74	Tillamook County	John Hurlimen--holding tank for animal waste disposal system	Approved
6-28-74	Tillamook County	Victor Shreve--holding tank for animal waste disposal system	Approved
6-28-74	Yamhill County	Norman Rasmussen--holding tank for animal waste disposal system	Approved

Air Quality Control - Northwest Region (6)

Date	Location	Project	Action
6-10-74	Multnomah County	General Electric Service Shop installation of a burnout oven for electrical parts	Approved
6-13-74	Multnomah County	Star Machinery installation of a paint spray booth for demonstration purposes only	Approved
6-13-74	Clackamas County	Omark Industries, Inc. venting exhaust fumes from silk screen tables	Approved
6-13-74	Multnomah County	Pennwalt Corporation installation of a caustic absorption tank and scrubber to control chlorine waste gas	Approved

Air Quality Control - Northwest Region (cont)

Date	Location	Project	Action
6-20-74	Multnomah County	Albers Milling Company control of grain and feed dust emissions from transfer conveying and elevator discharge points	Approved
6-27-74	Washington County	Forest Fiber Products control of hardboard tempering oven emissions utilizing dry filter media	Approved

Air Quality Control - Air Quality Division (13)

Date	Location	Project	Approved
6-3-74	Marion County	Safeway Stores, Inc. 172-space parking facility	Cond. app.
6-4-74	Clackamas County	Holly Farms Shopping Center 501-space parking facility	Cond. app.
6-6-74	Clackamas County	Kaiser Foundation Central Facilities 245-space parking facility	Cond. app.
6-6-74	Clackamas County	Heritage Estates, Inc. bread distributor; 10-space parking facility McLoughlin Blvd.	Approved
6-10-74	Marion County	Equitable Towers office and parking facilities--154 spaces	Cond. app.
6-11-74	Washington County	Beaverton Park & Ride Station 206-space parking facility	Approved
6-14-74	Washington County	Sunset Volkswagen 171-space parking facility	Cond. app.
6-14-74	Deschutes County	Brooks-Willamette boiler stack test	Reviewed and Req. add. info.
6-24-74	Washington County	Denny Village Condominiums 174-space parking facility	Cond. app.
6-26-74	Multnomah County	Bess Kaiser Hospital 203-space parking expansion	Cond. app.
6-26-74	Multnomah County	Central Plaza South 485-space parking facility	Cond. app.
6-26-74	Multnomah County	Rustler Steak House 78-space parking facility	Cond. app.
6-28-74	Douglas County	International Paper Company (Gardiner)--steam boiler modification, plan review (N/C 246)	Approved

Land Quality - Northwest Region (6)

Date	Location	Project	Action
6-10-74	Multnomah County	Columbia Land Reclamation new demolition landfill; Operational Plan	Prov. app.
6-21-74	Polk County	Fishback Hill Landfill existing garbage site; Operational Plan	Prov. app.

Land Quality - Northwest Region (cont)

Date	Location	Project	Action
6-24-74	Multnomah County	St. Johns Landfill existing garbage site; Operational Plan for tire processing	Approved
6-24-74	Metropolitan Service District	Solid Waste Management Plan	Review
6-25-74	Marion County	Woodburn Sanitary Landfill new garbage site; Operational Plan	Prov. app.
6-26-74	Columbia County	Mickey's Landfill existing garbage site; amendment to Operational Plan	Approved

Land Quality - Solid Waste Management Division (7)

Date	Location	Project	Action
6-11-74	Klamath County	Modoc Lumber Company existing industrial site; Operational Plan	Approved
6-14-74	Lincoln County	John T. Clark--sludge drying site; new domestic site (letter authorization)	Prov. app.
6-18-74	Klamath County	Crescent Landfill new domestic site; Construction and Operational Plans	Prov. app.
6-21-74	Lane County	Autzen Stadium Demolition Site new domestic site (letter authorization)	Prov. app.
6-24-74	Jackson County	John Ousterhout Landfill new industrial site (letter authorization)	Prov. app.
6-25-74	Coos County	Bohemia, Inc., Wilkin's Corner Landfill new industrial site; Construction and Operational Plans	Add. info. req.
6-27-74	Jackson County	Crater Log Salvage existing industrial site (letter authorization)	Prov. app.

Dr. Crothers inquired about the pending projects list. Mr. Cannon said the information would be available for the next Commission meeting.

TAX CREDIT APPLICATIONS

It was MOVED by Mr. Somers, seconded by Dr. Crothers and carried that the report of the Department regarding the following tax credit applications be adopted and made a part of the record. As recommended by the Director, Pollution Control Facility Tax Credit Certifications were approved for issuance to the following

applicants for facilities claimed in the respective applications and with 80 percent or more of the claimed costs being allocable to pollution control:

Appl. No.	Applicant	Cost
T-527	Chevron Asphalt Company	$ 84,076.00
T-532R	Omark Industries, Waste Treatment Department	260,640.00
T-540	Marvin L. Markman	10,940.00
T-544	Union Pacific Railroad Company	176,653.00
T-558	Permaneer Corporation, White City Division	25,997.75
T-559	Permaneer Corporation, White City Division	28,042.00
T-564	Permaneer Corporation, Dillard Division	21,154.71
T-549	Fred E. Moe	11,186.16

Although the motion passed unanimously, Mr. Somers stated that he still opposed granting tax credits to industries which are not regulated because the Department has no means of insuring proper use of the pollution control facilities.

ADOPTION OF PROPOSED MOTOR VEHICLE NOISE RULES

In order to demonstrate the objective of the proposed noise standards, Mr. Hector played a tape recording in which typical excessive motor vehicle and industrial noises were contrasted with proposed noise levels, both produced by electronic amplification and attenuation.

Mr. Hector then presented the staff memorandum report which included a synopsis of testimony received at the public hearing held by the Commission on June 21, 1974 in Coos Bay, to consider adoption of the new and in-use motor vehicle noise regulations and three procedure manuals; corrections to the Motor Vehicle Sound Measurement Manual, NPCS-21; and modifications to the rules made after evaluation of the testimony presented at the hearing and received within the ten subsequent days the record was left open.

It was the Director's recommendation that the Commission approve and adopt the noise procedure manuals, NPCS-1, 2 and 21 and the submitted rules for new and in-use motor vehicles to become effective ten days after publication by the Office of Secretary of State.

An addendum to the staff report explained that the Department's proposed noise limits for motorcycles were identical to California's standards for road motorcycles except that the Department designated limits by model year, not manufacturing year as was done in California. The Department subsequently learned that

model year limits would prohibit the sale of some road motorcycles produced in good faith to meet the most stringent noise regulations in the nation. Since this was clearly not the intent of the Department, the Director further recommended that for motorcycles, Table A of the proposed rules be amended to read as follows (the changes given represent a one-year delay in the proposed noise limits for motorcycles):

Motorcycles	Model Year	Max. Noise Level
	1975	86
	1976	83
	1977-1978	80
	after 1978	75

Also recommended were word changes in the motorcycle limits in Tables B, C, and D, necessary for consistency:

(1) change all references to "1975" to "1976".
(2) change all references to "1976" to "1977".

Chairman McPhillips interrupted the meeting to introduce Governor McCall for presentation of the Oregon CUP to Willamina Lumber Company. In making the presentation to John Hampton of the company, the Governor noted that the presentation of the Oregon CUP was a rare occasion in that Willamina Lumber was only the fourth firm based and located in Oregon which has qualified. He stated, "...symbolically it is, I think, the most coveted award that you can receive in reflecting your sensitivity toward the amenities of nature anywhere in the United States." Mr. Hampton introduced Mr. Lloyd Lewis, Plant Manager, assigned the environmental cleanup program in behalf of the company, and asked Mr. Lewis to receive the CUP for Willamina Lumber. Mr. Lewis commended Mr. Fetrow and Mr. Mick of the DEQ staff (Northwest Region, Salem Branch) for their assistance. The Governor congratulated the Commission and the staff on the excellence of the selection.

Returning to the agenda item before the Commission, Mr. Somers and Mr. Hector discussed the ambient limits set for off-road motor vehicles.

It was MOVED by Mr. Somers that section 35-015(12) be amended as follows: after the word "purpose", insert the words "including water craft", and MOVED the adoption of the proposed rules as amended.

Mr. Cannon entered into the record a telegram dated July 18, 1974, received

from the Motorcycle Industry Council, Washington, D. C., which has been made a part of the permanent record.

The motion was seconded by Mrs. Hallock and carried.

PUBLIC HEARING ON PROPOSED COMMERCIAL AND INDUSTRIAL NOISE RULES

Proper notice having been given as required by state law and administrative rules, the public hearing scheduled on this date of July 19, 1974, in the matter of statewide rules and procedure manuals relating to noise pollution from industrial and commercial sources was opened by the Chairman with all members of the Commission in attendance.

Mr. Stolpman presented the staff memorandum report regarding the rules and changes in the sound measurement procedures manuals NPCS-1 and 2, noting that in the last nine months the Department has held two sets of public hearings and has worked with an advisory noise committee in formulating the proposed rules.

The following witnesses presented testimony:

The Honorable Lynn Newbry, Oregon State Senator, Talent, Oregon, submitted prepared testimony which has been made a part of the permanent record. He spoke of the economic effect of the proposed regulations and noted that industry was not given the same consideration in the application of these proposed rules as were the owners, operators and manufacturers under the motor vehicle noise rules. He stated, "There is a strong question in my mind as to whether industry and commerce should be called upon to make substantial additional investments to lower current noise levels when other segments of the economy are being regulated at existing levels or exempted entirely." He added that he personally knew of three small plants in his senatorial district which will either be forced to close or move their operations if the proposed standards are adopted. He asked the Commission to carefully consider the social and economic impact of the proposed regulations prior to adoption.

Dr. Crothers asked for details of the plants referred to by the Senator. Mr. Newbry replied that two of them are small wood cut-up plants and the third is a steel fabricating plant, all located in the City of Ashland in an industrial zone adjacent to an old residential area. Two of the plants have been in the area for more than 25 years, and none would qualify for exemption under the proposed rules.

Mr. Joe Smith, Medford Corporation, Medford, asked the Commission to reconsider Table G and "start working with an allowable 65 dBA."

Mr. Thomas C. Donaca, representing the Noise Committee of Associated Oregon Industries (AOI), submitted prepared testimony which has been made a part of the permanent record. Mr. Donaca questioned the Commission's legal authority to adopt standards as well as the Commission's authority to grant variances, exceptions, exemptions and to require compliance schedules. His statement also dealt with specific concerns with the standards as proposed. He said the Commission should have an opinion from the Attorney General as to whether or not it has the authority to grant variances, and also asked that the Commission's preemptive power be defined by the Attorney General.

Mr. Ben Heald, also a member of the Noise Committee of AOI, discussed Octave Bands and Audible Discrete Tones. He submitted a copy of "'A' Weighted Equivalent to Octave Band Analysis" from a 1971 issue of the Federal Register. His main objection was to Table J in the low frequencies, which he felt was too restrictive. He asked for further consideration and study since low frequency noises are hardest and most expensive to treat. He said the rules generally were very workable with the exceptions he and Mr. Donaca defined.

Mr. Donaca completed AOI's presentation by asking that all blasting noise be exempt, not just construction blasting noise. He stated that the proposed rules were "the most complete, the most comprehensive and the most complex" of all of the noise regulations that have been or will be presented to the Commission. He requested that AOI's recommendations for changes be considered because industry and commerce "have the heaviest burden of compliance of all the classes enumerated, let alone some of those which are not even enumerated."

Mr. Mark Dodson, attorney representating Pacific Gas Transmission Company (PGT), distributed copies of a prepared statement, a copy of which has been made a part of the permanent record. PGT owns, operates and maintains a natural gas pipeline and related facilities in Central Oregon. With respect to the six pipeline compressor stations in the state, PGT recommended to the Commission that the noise levels specified in Table G, pre-1978 be adopted as the maximum allowable statistical noise levels for existing, new or modified noise sources, and that the post-1977 standard be deleted entirely.

Mr. David A. Pahl, Executive Vice President of the Northwest Food Processors Association, supported the testimony given by Mr. Donaca in behalf of AOI. The Association requested that those food processing plants located near "noise sensitive areas" qualify for reasonable variance relief under section 35-100 of the proposed rules. The variance request would apply to those plants because of "a short season of operation (noise generation) and a limited volume of low-value production against which to apply the costs of expensive noise reduction modifications." A copy of Mr. Pahl's statement has been made a part of the permanent record.

Mr. Delbert Johnson, representing the Oregon Railroads Association, requested that sounds created by railroads be exempt from the proposed regulations only until the proposed federal regulations to control railroad noise, first published on July 3, 1974, are finalized and it can be determined whether or not the federal regulations will be preemptive in all areas.

Mrs. Jeanette Egger, representing the Oregon Environmental Council, submitted prepared testimony, a copy of which has been made a part of the permanent record. The Council asked the Commission to return the levels to those of the March 1974 proposed rules, with one-year phase-in period, and to return the measurement point to the property line at those previous levels. The Council also asked that noise sensitive property include "theaters, outdoor amphitheaters, campgrounds, and any point in a private or public park or recreation area where hiking, picnicking, nature study, fishing or reading take place" and that the definition of "quiet areas" be returned to that of the February draft. The Council was also disturbed that the standards would be enforced essentially on a complaint basis.

Mr. Walter A. Hitchcock, Environmental Coordinator, Port of Portland, submitted prepared testimony, a copy of which is made a part of the permanent record, which stated that the Port "fully supports the Department's efforts to regulate noise from industrial and commercial activities." The Port offered amendments to the proposed rules to provide for local enforcement; to remove the complaint basis for enforcing the rules; to provide for a mechanism to insure attainment of post-1977 levels by January 1, 1978; to establish a review authority for new sources; to remove the discriminatory aspects of the section which restricts the increase in ambient noise levels for new sources in undeveloped industrial and commercial areas; and to alter the allowable octave band sound pressure levels contained in Table J.

Mr. Roger Emmons, Executive Director of the Oregon Sanitary Service Institute, distributed prepared testimony which he summarized. A copy has been made a part of the permanent record. Mr. Emmons asked for a clarification of the Road Vehicle Auxiliary Equipment exemption to assure the industry that compactors built into packer trucks for the handling or storage of waste products are included. He also expressed concern for enforcement of the standards on a complaint basis; the establishment of "quiet areas"; the authority of the Commission to grant variances; and the ambient noise level restrictions by new sources in undeveloped commercial and industrial areas.

Mrs. Hazel Stevens of Eagle Creek, expressed concern for the encroachment of noise in her rural community, particularly the rock crusher and motor bikes. She questioned the complaint procedures under the proposed rules and urged the Commission to adopt rules whereby readings are taken either from the edge of the industrial site where the noise is generated or from the edge of the nearest property owner.

Mrs. Marlene Frady of Salem, distributed prepared testimony, a copy of which has been made a part of the permanent record. Mrs. Frady said that the noise level would be increased and the regulations violated many times in areas where industry is located near residences. The remainder of her testimony, quoted from several sources, dealt with various human problems associated with noise.

The Chairman recessed the hearing at 12:10 p.m. for luncheon.

The meeting was reconvened at 1:30 p.m. and the first witness called in the continuation of the public hearing on industrial and commercial noise regulations was Mr. Gene Hopkins, Executive Vice President for Greater Medford Chamber of Commerce. Mr. Hopkins submitted prepared testimony, a copy of which has been made a part of the permanent record. He stated that the Chamber "supports the establishment of sound and economically practical noise emission controls. [However]....We view the regulations as proposed as being lopsided in environmental concern, while almost ignoring the need for beneficial economic development and for meeting energy conservation needs."

Mr. Jim Van Vorhees of Prineville, representing Coin Millwork, asked that the Commission "balance the interests of both industry, the people and noise." He stated that the conditions for the granting of exceptions should be spelled

out in the rules. He asked the Commission to consider the impact of the proposed regulations on zoning and comprehensive planning efforts throughout the state.

Mr. Paul J. Willoughby, audiologist with the Portland Ear, Nose and Throat Clinic, discussed the section on preferred frequencies, stating that the use of one-third octave band filters was not practical at this time because they are quite rare, the standard octave band filters being the type most typically used.

Mr. James Lee of Portland, representing the Northwest Environmental Defense Council, stressed the necessity for regulating low frequency noise. He also did not favor the concept of noise sensitive property line, claiming that the regulation of noise at its source was superior. He also criticized those sections of the rules dealing with impulses and pure tones, stating that it was impossible to regulate pure tones adequately unless the one-third octave band filter was used. (Prepared testimony, submitted after the meeting, has been made a part of the permanent record.)

There were no further witnesses. Written testimony submitted for the record but not presented at the hearing was received from Mr. Charles H. Frady, Salem, representing the East Salem Environmental Committee as its president, dated July 19, 1974; Oregon Concrete and Aggregate Producers Association, Inc., dated July 18, 1974; and Portland General Electric Company, dated July 19, 1974.

The Chairman closed the hearing but stated that the record would remain open for 10 days to allow for the submission of written testimony.

Mr. Somers recommended referral of the proposed regulations to the Department's legal counsel for clarification. He also asked that section 35-005(2) be modified so that it is specifically a preemptive regulation, and that 35-035 be made a uniform regulation with the provision that it be enforced by complaint.

HIGHWAY I-205

Mr. Vogt presented the staff memorandum report regarding an application from the Oregon State Highway Division to construct a 9.2 mile freeway with eight lanes from the Lewis and Clark Highway in the State of Washington to the existing section of I-205 in Oregon (the Southeast Foster area). The Department reviewed the I-205 Highway Impact Study and all additional air quality information, including a brief analysis of the potential noise impact, submitted by the Highway Division.

The Director recommended that the Commission approve the construction of the proposed 9.2 mile section of I-205 subject to the following conditions:

1. The Oregon State Highway Division (OSHD) shall initiate changes in design acceptable to the DEQ to reduce the carbon monoxide levels beyond the right-of-way in the area between Stark Street and Division Street on the east side of I-205.

2. The OSHD shall initiate changes in design acceptable to the DEQ to reduce the adverse impact on Rocky Butte jail resulting from high ambient air levels of carbon monoxide and lead.

3. The Highway Division shall submit to the Department for review and approval including a time schedule for implementation a detailed noise monitoring program to be implemented upon completion of the project. The result of the noise monitoring program shall be submitted to the Department including actual measurements taken and an assessment of the noise impact of the project.

4. The OSHD shall initiate an ongoing ambient air monitoring program acceptable to the DEQ to be designed to monitor the actual impact of I-205 on a "real time" basis along the right-of-way of the proposed freeway. Control measures acceptable to the DEQ shall be implemented to minimize adverse effects identified by this monitoring program.

Commissioner Mel Gordon of Multnomah County submitted prepared testimony, a copy of which has been made a part of the permanent record. He said that the concept has changed from a bypass freeway with four lanes and three interchanges to a full eight-lane freeway with eight interchanges. He concurred with the Director's recommendation but asked that action be deferred until an alternative proposal from Multnomah County could be presented to the Commission.

Dr. Phinney noted that the Commission could only take action on those proposals before it, and no alternative proposals had been presented. Mr. Hanson stated that in order for the Department to comment on any other proposal, that proposal would have to be submitted to the Department by the Oregon State Highway Division.

Mr. Clifford G. Allen of Portland, representing a citizens' committee (ENUF) concerned about freeways, stated that Commissioner Gordon's testimony covered many matters he had intended to bring to the Commission. He said there were many large institutions near the proposed freeway and particularly for this reason, the air quality standards should be enforced.

It was MOVED by Mr. Somers, seconded by Dr. Phinney and carried to approve the Director's recommendation.

SATELLITE LONG-TERM PARKING FACILITIES SERVING PORTLAND INTERNATIONAL AIRPORT

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried to approve the Director's recommendation that the Commission defer approval of the 190-space Goss Bros. Construction Company facility and direct the Department not to approve this facility or similar facilities until the Port of Portland has completed an overall plan and or Multnomah County has indicated the proposal or similar proposals for projects are consistent with Multnomah County plans for the area.

Letters had been received from Mr. Daniel M. Uman, Director, Multnomah County Department of Environmental Services, and Mr. I. James Church, Director, Aviation, the Port of Portland, supporting such action. Both have been made a part of the permanent record.

PROPOSED AMBIENT AIR STANDARD FOR LEAD

It was MOVED by Dr. Crothers, seconded by Mr. Somers and carried to approve the Director's recommendation that the Commission defer action on the Proposed Ambient Air Standard for Lead until the next meeting of the Commission.

Chairman McPhillips read into the record a letter received from Governor McCall, dated July 8, 1974, supporting the proposed lead standard. Mr. McPhillips said the matter would be brought to the Commission at its meeting scheduled for September 4, 1974 in Portland.

COMPLEX SOURCES PROPOSED RULES REVISION

Mr. Guilbert stated the Director's recommendation requested deferral of this matter.

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried to approve the Director's recommendation that the Commission defer action on the proposed rules for Complex Sources and Maintenance of Air Quality Standards until such time as the Department has completed an evaluation of testimony presented and a revision of the proposed rules.

VARIANCE REQUEST (ARCO), SULFUR CONTENT OF RESIDUAL FUEL OIL

Mr. Hanson said that ARCO had withdrawn its variance request and therefore no action on this matter was required.

CHEM-NUCLEAR SYSTEMS, INC., AUTHORIZATION FOR PUBLIC HEARING

It was MOVED by Dr. Phinney and seconded by Mr. Somers to approve the Director's recommendation that the Commission authorize and direct the Department to:

1. Schedule a public hearing on the proposed Chem-Nuclear Arlington site license to be held on August 26, 1974, in The Dalles, Oregon.

2. Issue appropriate notices of public hearing and advise interested parties of the scheduled hearing.

3. Make the final draft of the proposed license available to the public by not later than August 1, 1974.

Mr. Jonathan Newman, an attorney with the Portland law firm of Hardy, Buttler, McEwen and Weiss, which firm represents Nuclear Engineer Company, a competitor in the field of hazardous waste disposal, spoke in opposition to the proposed hearing date. He asked that a date beyond August 26th be set so that adequate time is permitted for evaluation of the proposed license which was not to be available for public distribution until August 1st. He also asked that Nuclear Engineering Company be admitted as a party to the hearing, that the hearing be held in Gilliam County, and that it be conducted as a contested case hearing.

Mr. John Mosser, representing Chem-Nuclear Systems, Inc., said that a hearing was held two years ago in Gilliam County. He said that he would not object to a hearing date of 30 days following distribution of the proposed license but would not want the hearing delayed for 60 to 90 days.

Dr. Phinney, with the approval of Mr. Somers, withdrew her original motion and then MOVED that the Commission authorize the Director to set the date for the public hearing. Mrs. Hallock asked that the motion be amended so that the hearing would not be held sooner than 30 days after public distribution of the proposed license. The amendment was acceptable to Dr. Phinney. Dr. Crothers asked that the Director set the hearing date no sooner than 30 days but no later than 60 days after the proposed license was made available to the public. This further amendment was acceptable to Dr. Phinney. The motion was then seconded by Dr. Crothers and when voted upon, carried unanimously.

WEYERHAEUSER COMPANY, SPRINGFIELD--STATUS REPORT ON NPDES PERMIT APPLICATION

Mr. Sawyer summarized the status of the Department's NPDES permit authority

and the terms of the proposed Weyerhaeuser permit, based on the information available to the Department. The permit was drafted pursuant to the NPDES requirements, and constitutes the first permit under the federal law but a renewal of a discharge permit under state law. A public hearing was held on the proposed permit and following the hearing, the Department's technical staff evaluated the testimony presented as it related to the issue of the issuance of the permit. The staff recommendation to the Director was that the proposed permit be issued as soon as possible so as to place Weyerhaeuser Company under a current, enforceable permit.

Dr. Crothers asked Mr. Sawyer if the 4,000 pound level for wintertime discharge of BOD, required in the original permit, was a realistic figure and whether or not the company has been in violation of this permit requirement. Mr. Sawyer replied that based on the information available at this time, the figure did not represent a realistic number, and that the company has been technically in violation of that limit. The company has also "had programs underway approved by us for making improvements to reduce those discharge levels, and it was our judgment at the time and under the circumstances that enforcement action should not be undertaken where they were proceeding in an attempt to reduce these levels." A major factor contributing to the violation was the deterioration of the efficiency of the aeration lagoon treatment system. He explained the operation of this treatment system and the dredging that has been done to improve its efficiency. The discharge is currently in the range of 2,000 pounds per day.

Several witnesses had asked to present testimony on this matter, and the Chairman called for their comments.

A statement by the League of Women Voters of Central Lane County was read into the record by Mrs. Gladys Bohrer in behalf of League President Annabel Kitzhaber, a copy of which has been made a part of the permanent record. The statement, in opposition to the permit as written, dealt with the issues of public participation, which the League interpreted as public participation in the drafting of the permit; the zero discharge requirement of the Federal Water Pollution Control Act Amendments of 1972, which the League stated should be a "goal" rather than an "ideal"; the mixing zone with respect to its size and location; and monitoring and enforcement aspects of the permit requirements. The League also recommended several modifications of the proposed permit.

Mrs. Robin Jaqua of Eugene, representing herself and other concerned citizens of Eugene-Springfield, commented on a petition signed by approximately 400 persons which was submitted at the public hearing on the permit held in May, to which neither the Hearings Officer's report nor the Director's report referred. She then read the petition which called for the Department to reject any permit which would allow any increased amount of pulp effluent to be released into the McKenzie River, and urged that Weyerhaeuser be held "rigidly responsible for any violation of its present allocation and that prosecution be prompt for any violation thereof." She urged the Commission to "veto" the Director's recommendation.

Mr. James Draeger of Eugene, representing himself and other concerned citizens working at the Survival Center and the Environmental Studies Center at the University of Oregon, adopted into his testimony the points made by Mrs. Jaqua. He said, "We cannot accept the NPDES permit in its present form." He urged the use of automatic monitoring devices and wanted the permit limited to one-year.

Mr. Leon Earl Henderson of Eugene, representing himself and others who have mutual feelings about the McKenzie River, endorsed the statements of the previous speakers.

Mr. Tom Bowerman of Eugene, representing himself and his family, opposed the proposed permit on the particular basis of the allowable discharge into state waters and the net decrease in water quality standards. He submitted a letter to the Commission dated July 19, 1974, which has been made a part of the permanent record.

Mrs. Gladys Bohrer of Eugene, discussed mixing zones and the visible pollution in the McKenzie River.

Mr. Loyd Dolby of Eugene, a Professor of Chemistry at the University of Oregon, suggested the permit be recast in terms of chemical oxygen demand rather than biological oxygen demand, because he said the latter is so imprecise.

Mr. William Wilson, a Eugene architect-engineer, asked for a one-year permit and zero pollution of the McKenzie River.

Mr. Jim Long of Springfield, had submitted prepared testimony (a copy of which has been made a part of the permanent record) but had to leave the meeting prior to its presentation. His statement asked for the submission by Weyerhaeuser of an Environmental Impact Statement, and that the chemical oxygen demand of the company's effluent be determined.

Mr. John Neilsen, representing the Oregon Environmental Council, submitted prepared testimony, a copy of which has been made a part of the permanent record. Mr. Neilsen's remarks acknowledged strong support of the Hearings Officer's report.

Mr. Jerry Harper, Environmental Manager for Weyerhaeuser (Oregon), stated that he had not planned to make a statement but decided to explain some of the positive activities the company would be carrying out in the next few years. He said that self-monitoring does work and the fact that the company was found to be in violation 10 out of 15 months supported that statement. He said that he did not know of any reliable equipment to monitor BOD and solids, the two key parameters contained in the permit, which must be monitored daily on a manual basis. He said he was also disturbed by the accusations of the biological effects on the McKenzie River from the company's discharge, noting that neither the Department nor the fish and game agencies have presented any indications to Weyerhaeuser that they are concerned about decreasing water quality.

Mr. Harper briefly discussed the major components of Weyerhaeuser's pollution control plans for the Springfield plant, proposed in order to comply with the proposed permit, and which will cost about $4.4 million. These include a primary treatment system (a clarifier to replace the existing primary ponds, a $2.2 million condensate treatment system, and internal systems "which we believe to be the actual answer to environmental problems, not technology that's tacked on at the end of the pipe." The company plans to spend a total of $7.3 million in projects for air and water quality control in their Springfield and Cottage Grove plants.

In reply to questions from Mr. Somers, Mr. Harper stated that the company has presented these proposals to the Department and has received conceptual approval.

Commissioners questioned Mr. Cannon and Mr. Sawyer about the length of the proposed permit and any problems anticipated by the issuance of either a one-year

or a four-year permit. Mr. Sawyer summarized the review process and said, "If a permit were set to expire in one year, we would have to at least six months prior to that expiration, start the process of drafting the new permit in order to assure that one is issued prior to expiration because there is no provision in the federal law for extending a permit if we fail to complete action on it. This we do not feel would give us adequate time to collect additional information, review, or evaluate on a one-year permit cycle--at a bare minimum two years, from a practical standpoint on workload." He also pointed out that the Department can initiate action at any time to modify a permit.

Mr. McPhillips spoke of the special nature of the McKenzie River and his concern for maintaining its extraordinary qualities.

Mr. John Vlastelicia, Oregon Operations Director, Region X, EPA, commented on a federal statute, Public Law 92-500, which requires that no NPDES permit can be issued unless the effluent limitations and receiving water quality standards are met.

The Commission agreed that the matter be set over to the September 4, 1974 Commission meeting to be held in Portland, and instructed the staff to incorporate Weyerhaeuser's proposals in the permit.

ADOPTION OF PROPOSED REGULATIONS FOR STATE FINANCIAL ASSISTANCE TO PUBLIC AGENCIES FOR POLLUTION CONTROL FACILITIES FOR THE DISPOSAL OF SOLID WASTE

It was MOVED by Mr. Somers, seconded by Mrs. Hallock and carried that the staff report regarding the above-stated agenda item not be read but be made a part of the minutes of the meeting, and that the Director's recommendation be adopted. (A copy is attached to and made a part of the official minutes.)

PUBLIC HEARING TO CONSIDER NEW RULES PERTAINING TO A SCHEDULE FOR CIVIL PENALTIES AND AMENDMENTS TO RULES PERTAINING TO PRACTICE AND PROCEDURE

Proper notice having been given as required by state law and administrative rules, the public hearing scheduled on this date of July 19, 1974, in the matter stated above, was opened by the Chairman with four Commissioners in attendance (Dr. Crothers was absent).

Mr. Bolton summarized the staff memorandum report dated July 10, 1974.

Mr. Somers asked what the Department thought of the proposed amendments. Mr. Cannon replied that the Department would like to take them under advisement and come back to the Commission after the staff had an opportunity to review them.

Mr. McPhillips said that two witnesses had indicated they wished to testify:

Mr. Roger Emmons, Executive Director, Oregon Sanitary Service Institute, said he would appreciate the opportunity of having the regulations held over until the next Commission meeting and asked that a letter which would be sent to the Department be entered into the record. Mr. Rudy Lachenmeier of Western Environmental Trade Association, said he, too, would agree to having the rules held over and submitted a letter to the Commission outlining specific recommendations.

It was MOVED by Mr. Somers, seconded by Dr. Phinney and carried to enter Mr. Lachenmeier's recommendations into the record as well as Mr. Emmons' letter when it arrived, and to continue the hearing to the September 4, 1974 Commission meeting.

MANVILLE GINTER, ASSESSMENT OF CIVIL PENALTY FOR UNAUTHORIZED OPEN BURNING

Although Mr. Ginter was informed that he could present arguments to the Commission on this date, he did not appear to do so.

It was MOVED by Mr. Somers, seconded by Dr. Phinney and carried to adopt the findings and recommendations of the Hearings Officer in this matter.

PGE BETHEL TURBINES, SALEM--LIMITATION OF NOISE EMISSIONS

Mr. Mick read the conclusions and Director's recommendations from the staff memorandum report dated July 11, 1974.

Conclusions

1. Operation of the Bethel turbines with present mufflers at the 100 MW power level produces noise levels which exceed presently imposed limits, proposed DEQ industrial noise standards, and which are readily audible in some houses up to 2,300 feet from the turbines.

2. Operation at 55 MW power level with present mufflers produces noise levels which meet presently imposed limits, comply with proposed DEQ daytime standards, exceed proposed night-time standards and are barely audible in nearest privately owned residences.

3. Proposed additional muffling equipment should readily enable the PGE Bethel facility to comply with proposed DEQ daytime and night-time standards.

4. Proposed DEQ standards should be protective against speech interference during daytime hours and against sleep interference during night-time hours (also against general annoyance), except possibly for highly sensitive or sensitized persons. They do not require suppression of industrial noises to inaudible levels.

Director's Recommendation:

Based upon the information available to date, it is the recommendation of the Director that the Commission approve the following requirements to be met by PGE:

1. Installation of the proposed noise suppression equipment be approved to be installed in accordance with the following timetable:

   a. By no later than August [changed from July] 15, 1974, commence construction.

   b. By no later than October 1, 1974, complete all construction.

   c. By no later than October 15, 1974, demonstrate compliance with the Department's industrial day/night noise standard.

2. Until the noise suppression equipment is intalled, operation of the facility shall be limited to daylight hours (7:00 a.m.-8:30 p.m.) and to one generating twin-pack at a power level not to exceed 55 megawatts.

3. After noise suppression equipment is installed, PGE shall operate the Bethel facility so as to continuously comply with the Department's day and night noise standards.

4. The Department shall, in cooperation with PGE, evaluate the effectiveness and adequacy of the installed noise suppression equipment and resultant noise level impact on the Bethel community, and report the results of its evaluation to the Commission no later than December 31, 1974.

The Chairman announced that no further testimony would be heard in this matter but accepted a written statement from Mrs. Marlene Frady of Salem.

Mr. Somers MOVED that the Director's recommendation on this matter be followed subject to an amendment adding paragraph number five, that no later than December 31, 1974, the plant emit, as a condition precedent to the plant operating, a noise level no greater than 45 dBA at any affected residence within 3,000 feet of the plant unless they [PGE] have purchased or obtained an easement for the emission of noise from the affected property. The motion was seconded by Dr. Phinney and carried.

BOISE CASCADE CORPORATION, PULP AND PAPER MILL, SALEM

Mr. Fetrow read the Conclusions and Director's Recommendations from the staff memorandum report regarding amendment of the permit authorizing expansion of pulping capacity and improvements to wastewater control facilities proposed by Boise Cascade for the Salem pulp and paper mill.

Conclusions

1. It is not known conclusively at this time whether Boise Cascade will be able to comply with the stringent 200 ppm hourly SO_2 average imposed by the EQC and whether this standard is practicable from a standpoint of preventing excessive particulate generation and subsequent mist eliminator plugging.

2. Strict Department enforcement of the revised SO_2 limits during the six-month evaluation period will be undertaken only if it appears that Boise Cascade is negligent in their application and/or operation of the recovery furnace emission control system. The Department will at all times enforce the permit condition that emissions be kept to the lowest practicable levels.

3. The Department will evaluate the practicality of the revised SO_2 emission standards and compliance with all other air permit conditions during the 6-month evaluation period and report back to the EQC with recommendations regarding compliance with permit conditions as related to proposed expansion and/or revisions in SO_2 limits if deemed appropriate.

Director's Recommendation

This report is intended to apprise the EQC of past and proposed Department action regarding permit conditions and enforcement as a result of action taken by the EQC at the June 27, 1974 hearing which was held to consider an expansion request by Boise Cascade, Salem. Since this is intended as a status report, no Commission action is required.

There was no further business to be brought to the attention of the Commission, and the meeting was adjourned by the Chairman at 5:35 p.m.

Shirley G. Shay, Secretary
Environmental Quality Commission

DIVISION 8

STATE FINANCIAL ASSISTANCE

Subdivision 2

STATE FINANCIAL ASSISTANCE

TO PUBLIC AGENCIES FOR

POLLUTION CONTROL FACILITIES FOR THE

DISPOSAL OF SOLID WASTE

82-005 PURPOSE. The purpose of these regulations is to prescribe requirements and procedures for obtaining state financial assistance for planning and construction of pollution control facilities for the disposal of solid waste pursuant to Article XI-H of the Oregon constitution.

82-010 DEFINITIONS. As used in these regulations unless otherwise required by context:

(1) "Department" means Department of Environmental Quality. Department actions shall be taken by the Director as defined herein.

(2) "Commission" means Environmental Quality Commission.

(3) "Director" means Director of the Department of Environmental Quality or his authorized deputies or officers.

(4) "Agency" means municipal corporation, city, county or agency of the State of Oregon, or combination thereof, applying or contracting for state financial assistance under these regulations.

(5) "EPA" means U. S. Environmental Protection Agency.

SOLID WASTE DISPOSAL

POLLUTION CONTROL FACILITIES

82-015 ELIGIBLE PROJECTS AND PROJECT PRIORITIES. Projects eligible for state financial assistance under ORS 468.220 and priority ranking of such eligible projects will be based on the following criteria approved by the Commission.

(1) Projects eligible for state financial assistance for pollution control facilities for the disposal of solid waste as authorized in ORS 468.220 shall meet the following criteria

(a) The project or facility is part or parcel of or complementary to a Department approved and locally adopted Solid Waste Management Plan.

(b) The project or facility has proven or demonstrated technical feasibility.

(c) The project or facility is within local economic contraints and abilities to administer.

(d) The project or facility must be approved by the Department.

(2) Priority of eligible projects for state assistance for planning and construction of pollution control facilities for the disposal of solid waste shall be based upon the following criteria:

(a) The project or facility is replacing existing inadequate or unacceptable methods of solid waste disposal and thereby results in improved environmental quality.

(b) The project or facility recovers resources from solid wastes.

(c) The projected facility will establish improved solid waste management practices.

(d) The need for state assistance is demonstrated.

82-020 ELIGIBLE COSTS. Eligible costs for state assistance for planning and construction of pollution control facilities for the disposal of solid wastes shall include but not necessarily be limited to:

(1) Land acquisition limited to that minimum amount of land necessary to the project.

(2) Engineering costs for design and supervision

(3) Legal assistance directly related to project

(4) Construction

(a) Site development

(b) Structures (including earth structures

(c) Fixed utilities

(5) Major equipment (initial purchase only)

(a) Solid waste processing and handling equipment

(b) Landfill operation equipment

(c) Rolling Stock

(d) Miscellaneous equipment under $1500

82-025 SPECIAL CONSIDERATIONS ON ELIGIBLE COSTS FOR EQUIPMENT. Equipment purchases for solid waste disposal facilities with state assistance shall be given special consideration. Intended equipment purchases shall be itemized in the grant loan application and the applicability of each individual piece of equipment to the project or facility clearly outlined for Department review. The following criteria shall be applied by the Department to equipment purchases:

(1) Equipment purchases shall be limited to initial purchases only and eligibility restricted to only that equipment necessary to sustain the performance of the project or facility.

(2) Equipment required, whether for processing or landfilling of solid wastes, that has an expected useful or mechanical life less than the anticipated life of the project, will require a sinking fund or equivalent replacement fund in the submitted project budget for such equipment replacement throughout the life of the project.

(3) All major equipment purchases shall be done through open bidding on specified types or equivalents of equipment. Specifications on major equipment needs shall be reviewed by the Department prior to purchase.

(4) Equipment purchases less than $1500. (small tools, office equipment, etc.) do not require specifications but must be reviewed and approved by the Department.

82-030 APPLICATION DOCUMENTS. The representative of an agency wishing to apply for state financial assistance under these regulations shall submit to the Department three signed copies of each of the following completed documents:

(1) Department Solid Waste Management Projects Grant-Loan application form current in use by the Department at the time of the application for state financial assistance. This form will be provided by the Department upon request.

(2) All applications for federal financial assistance to the solid waste projects for which state financial assistance is being requested.

(3) Resolution of the Agency's governing body authorizing an official of the agency to apply for state and federal financial assistance and to act in behalf of the agency in all matters pertaining to any agreements which may be comsummated with the Department or with EPA or other federal agencies.

(4) Five year projection of the agency's estimated revenues and expenses related to the project (on forms provided by the Department).

(5) An ordinance or resolution of the agency's governing body establishing solid waste disposal user rates, and other charges for the facilities to be constructed.

(6) A legal opinion of the agency's attorney establishing the legal authority of the agency to enter into a financial assistance agreement together with copies of applicable agency ordinance and charter sections.

An application is not deemed to be completed until any additional information requested by the Department is submitted by the agency.

Applications for financial assistance for planning under ORS 468.220 (1)(e) shall be on special forms provided by the Department and shall be accompanied by a resolution of the agency's governing body.

82-035 APPLICATION REVIEW. Application documents will be reviewed by the Department staff to determine that: the proposed facilities for which state funds are requested are eligible under these regulations and applicable Oregon statutes; the proposed sources of local revenue to be pledged to the retirement of state loans are acceptable and adequate under the statutes;the facilities for which state financing is requested will be not less than 70% self-supporting and self-liquidating from approved revenues, gifts, user charges, assessments and other fees; and federal or state assistance funds are assured, or local funds are available, for the compeltion of the porject.

82-040 LOAN OR OBLIGATION PURCHASE AGREEMENT.

(1) Following review and approval of the application documents and final construction plans and specifications by the Department and legal authorization by the governing body of the agency or its electorate, if necessary, to enter into a loan agreement with the state or an agreement to sell its general obligation bonds or other obligations to the State, the Department may enter into such loan or purchase agreement in a principle amount not to exceed 70% of the eligible project cost including the construction bid accepted, estimated engineering and inspection costs, eligible legal and fiscal costs and a contingency allowance to be established by the Department.

(2) The loan or purchase agreement shall identify sources and amounts of revenue, to be dedicated to loan or obligation retirement

sufficient to demonstrate that the facilities to be constructed will be not less than 70% self-supporting and self-liquidating. The agency will be required to furnish an annual audit report to the Department to show that adequate and acceptable revenues continue to be available for loan obligation retirement.

(3) The Department must be assured that at least 30% federal or state grant funds, other funds or combinations thereof are available to complete the total project.

(4) When the state is requested to purchase local obligations and obligation purchase agreement is entered into, the local obligations will be purchased at par to an even multiple of $5,000, in an amount not to exceed 70% of the total eligible project cost as determined in subsection 1 of this section; except that when the amount of local obligations to be purchased by the state is less than $100,000 they may be purchased at par to a multiple of $1,000 in an amount not to exceed 70% of the total eligible project cost.

(5) The loan or obligation interest rate to be paid by the agency shall be equal to the interest rate on the state bonds from which the project is funded, except as provided in subsection 6 of this section.

(6) The loan or obligation retirement schedule of the agency must retire its debt obligation to the state at least as rapidly as the state bonds from which the loan funds are derived are scheduled to be retired except that when a debt retirement schedule longer than the state's bond repayment schedule is legally required, special debt service requirements on the agency's loan or obligation purchase will be established by the Department.

(7) Loan or obligation interest and principle payments shall be due at least thirty days prior to the interest and principle payment dates established for the state bonds from which the loan or obligation purchase is advanced.

82-045 CONSTRUCTION BID DOCUMENTS REQUIRED. Following receipt of construction bids, the agency shall submit three copies each of the following documents to the Department for review and approval of contract award: tabulation of all bids received; engineer's analysis of bids; engineer's recommendations; low bidder's proposal; publisher's affadavits of advertising; and a current project cost estimate summary including an estimate of funds avaialble for the project.

82-050 ADVANCEMENT OF LOAN OR OBLIGATION PURCHASE FUNDS.

(1) Upon receipt of three copies of the executed construction contract and the loan or obligation purchase agreement, the Department will approve the final loan amount and authorize the Treasury Department to advance the full amount of the loan or obligation purchase price to the agency.

(2) If the funds are advanced under the terms of a previously executed obligation purchase agreement, the agreement will specify a period of time, not to exceed six months, following the advancement of funds by the state during which the agency agrees to offer its obligations for public sale. The terms and conditions of the Department's bid offer

for the agency's obligations will be made available to other prospective bidders when the notice of sale of the agency's obligations is published. If the state is the successful bidder for the agency's obligations, the state will receive the obligation and the obligations will be retired under the terms of the obligation purchase agreement. If a private purchaser is the successful bidder, the state will receive reimbursement of the loan or obligation purchase funds previously advanced plus interest at the interest rate on the state bonds from which the project would have been funded if the state had been the successful bidder.

(3) Any excess loan or obligation purchase funds held by the agency following completion of the project must be used for the payment of loan or obligation principal and interest.

82-055 ADVANCEMENT OF STATE GRANT FUNDS. Depending on priority ranking as determined by the Department and the current availability of EPA or other federal grant funds, a project may receive a state grant in an amount not to exceed 30% of the total eligible project cost under the terms of a separate grant agreement. Grant payments will be advanced during construction, if requested by the agency, in increments of approximately 25% of the total eligible grant project costs as the work is completed. Each payment will be based on the consulting engineer's latest cost estimate of the completed work in place, plus materials purchased and delivered at the time the payment request is submitted to the Department, and expenditures for engineering, legal and fiscal services that have been documented by the agency to date.

ENVIRONMENTAL QUALITY COMMISSION

Attendance Record

Meeting of September 4, 1974 in Portland, Oregon

Name	Organization	Address
DOUGLAS SOWLES	AGC ENVIRONMENT COMMITTEE	2085 SW MONTGOMERY DR PORTLAND
Harry Parkins Smith	Northern Wasco Co. Refuse Asso Co Inc.	The Dalles Or.
Marthe Schoolcraft	Northern Wasco Co Refuse Co Inc.	The Dalles
H. R. Smith		2493 Hilltop Rd., Ferndale, WA
A. G. HEIZENRADER	OREGON CONCRETE & AGGREGATE PRODUCERS ASSN.	PDX
Edw J. Whelan	Dept OF Econ Dev	Portland
James R Dracger	Environmental Studies Center	Eugene, Ore.
Patty Martin	Community Press	Portland
Jack Brown	Crown Zellerbach	Portland
Roger J Crosby	Burlington Northern Inc	Portland
Everett Cutter	Oregon Railroad Assn	Portland
Allen Coleman	Weyerhaeuser Co	Springfield
Tom Donaca	AOI	PORTLAND
M. PORTER	BBN	S.F.
DAVE KLICK	NWFPA	PORTLAND
[illegible]	Martin Marietta [illegible]	The Dalles
Kip Howlett	WETA	Portland, OR
[illegible]	OREGON MOTORCYCLE DEALERS ASSN.	
David B Charlton	M.E.I.-Charlton Inc	Portland
Ed [illegible]	EPA	1200 6th Seattle
[illegible] Rowles	Mogul Corporation	2882 NW 31st Ave Portland Ore
JOHN VLASTELICIA	EPA	1234 SW MORRISON PORTLAND
[illegible]	LRAPA - DEQ	Eugene

Geo. Zeigler	Wash Lung Assn	SW Washington
Robin Cronkhite	"	in Longview

ENVIRONMENTAL QUALITY COMMISSION

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

MEMORANDUM

To : Environmental Quality Commission

From : Director

Subject: Agenda Item No. B, September 4, 1974 EQC Meeting
July 1974 Program Activity Report

During the month of July, staff action was taken relative to the list of project plans which follows:

Water Quality

1. Ninety-two (92) domestic sewage projects were reviewed:

   a. NORTHWEST REGION - 38

      Provisional approval was given to 24 plans for sewer projects (itemized list attached).

      (See itemized list for status of remaining 14 projects.)

   b. WATER QUALITY DIVISION - 54 (itemized list attached)

      Approval was given to 14 Change Orders and Addenda.

      Provisional approval was given to:

      1) 3 addenda for sewage treatment plant projects
      2) 30 sewer plans
      3) 6 sewage treatment plant projects
      4) 1 sewerage report

2. Seven (7) industrial waste treatment plans were reviewed and provisional approval given:

   a. NORTHWEST REGION - 6

      Western Pulp Products Company, Benton County
      waste water control facilities

Kaiser Gypsum Company, Inc., Columbia County
sludge disposal operation

Harvey O. Kempema, Washington County
animal waste facilities

Merle A. Peters, Washington County
animal waste facilities

Ernest Reiben, Washington County
animal waste facilities

Charles L. Vuylsteke, Washington County
animal waste facilities

b. WATER QUALITY DIVISION - 1

Pape Brothers, Inc., Lane County
waste water control facilities

Air Quality

Thirty-two (32) project plans or proposals were reviewed:

1. NORTHWEST REGION - 4

Approval was given to the following four (4) projects:

Chevron Asphalt Company, Multnomah County
installation of a 5,000 barrel storage tank for asphalt emulsion

Blue Bell Potato Chip Company, Multnomah County
installation of a potato chip fryer and a necessary odor control system

Nicolai Company, Multnomah County
control of wood dust from two cyclones

Reynolds Metals Company, Multnomah County
control of emissions from the carbon bake furnaces utilizing wet electrostatic precipitators

2. AIR QUALITY DIVISION - 28

Approval was given to the following project plans:

International Paper, Douglas County
hogged fuel boiler modification

Louisiana-Pacific, Lake County
hogged fuel boiler installation

Louisiana Pacific, Lake County
green sawdust collection system and storage bins installation

Georgia-Pacific, Coos County
boiler S.T. report evaluation

Brooks-Willamette, Deschutes County
installation of Coe Sander and Carter Day baghouse

Brooks-Willamette, Deschutes County
installation of sanderdust boilers and Zern multiclone flyash collector

Brooks-Willamette, Deschutes County
installation of #4 dryer (particleboard) heated by boiler flue gas, controlled by rotoclone wet scrubbers

Northwest Printed Circuits, Inc., Jackson County
construction of a printed circuit board manufacturing facility

Carolina Pacific, Jackson County
Carter Day baghouse filter

Carolina Pacific, Josephine County
installation of two Carter Day baghouse filters

Fremont Sawmill, Lake County
installation of hogged fuel house

Fremont Sawmill, Lake County
WWB modification

Roseburg Shingle and Stud, Douglas County
installation of woodwaste recovery system

Western Farmers Association, Malheur County
installation of "dustless" hammermill

Kinzua Corporation, Morrow County
modification to existing hogged fuel boiler #1; installation of new propane and light oil fired boiler (350 hp)

Additional Information was requested from the following regarding project plans:

Robert Dollar Company, Jackson County
eval. bark dryer source test report

Bate Plywood, Josephine County
veneer dryer emissions control

Conditional approval was given to the following parking space facility or highway proposals:

Oak Street Medical Center, Marion County
21-space parking expansion

State of Oregon Human Resources Dept., Multnomah County
180-space parking facility

Gresham Skate World, Multnomah County
134-space parking facility

The Old Garfield School Building, Marion County
70-space parking facility

Salem Senior Center, Marion County
94-space parking facility

I-205, Multnomah County
9.2 mile freeway section (Commission action)

Additional information was requested from the following regarding parking space facility or highway proposals:

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

Mt. Hood Mall, Multnomah County
6,328-space parking facility

McCormick Dock, Inc., Multnomah County
500-space parking facility

Kruse Way, Clackamas County
FAS 943

Approval was deferred by the Commission regarding the following parking space facility:

Goss Construction, Multnomah County
190-space parking facility

Solid Waste Management

Ten (10) project plans were reviewed:

1. NORTHWEST REGION - 6

Approval was given to:

St. John's Blind Slough, Multnomah County
expansion of existing garbage sanitary landfill

Provisional approval was given to:

Publishers Paper Company, Tillamook County
existing industrial wood waste landfill

Arch Cape County Service District, Clatsop County
new demolition landfill (letter authorization)

Resource Recovery Byproducts, Multnomah County
new domestic waste processor (letter authorization)

Santosh Landfill, Columbia County
existing domestic site (dike construction plans)

Woodburn Sanitary Landfill, Marion County
new garbage sanitary landfill (construction plan amendment)

2. SOLID WASTE MANAGEMENT DIVISION - 4

Approval was given to:

McKenzie Bridge Landfill, Lane County
existing domestic site, amended operational plan

Provisional approval was given to:

Woodward Tire Disposal Site, Wheeler County
new industrial site (letter authorization)

Bohemia, Inc., Coos County
Wilkin's Corner Landfill; new industrial site;
construction and operational plans

Rahn's Sanitary Landfill, Umatilla 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 and proposals for the month of July 1974.

KESSLER R. CANNON
Director

ss
8/26/74

attachments - 2

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHWEST REGION OFFICE - Technical Services

Water Quality Division - Project/Plan Review

During the month of July 1974, the following sanitary sewer 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.

See attached sheets for disposition of each project.

Summary of Projects

34 sanitary sewer plans received
24 sanitary sewer plan approvals
13 sanitary sewer plans pending
1 sanitary sewer plan negotiating grade changes (#206)

	INFORMATION RECEIVED					DEQ Staff Disposition	
	Received Date	Location	Project	Engineer	Information	Approval Date	Action	By
170	6-25-74	USA (Tigard)	Lake Terrace Sanitary Sewers	Arthur N. Zibolski	4 plans	7-3-74	Prov. Approval	AHJ
171	6-25-74	USA (Sunset)	Sanitary Sewer Relocation for Sunset Science Park	McGinnis Engineering, Inc.	2 plans	7-8-74	Prov. Approval	AHJ
172	6-25-74	Hillsboro (Westside)	West Side Trunk System, Schedules E & F	City of Hillsboro	2 plans	7-8-74	Prov. Approval	AHJ
173	7-1-74	Salem (Willow)	Sanitary Sewers in Barnes Road S.E. from Sunnyside Road to Commercial Street via 10th Avenue	City of Salem	2 plans	7-10-74	Prov. Approval	AHJ
174	7-3-74	Salem (Willow)	Sanitary Sewers in Fabry Road West of Commercial Street SE	City of Salem	2 plans	7-10-74	Prov. Approval	AHJ
175	7-7-74	Hillsboro (Rock Creek)	Sanitary Sewers for Country Squire's Estates	City of Hillsboro	2 plans	7-11-74	Prov. Approval	AHJ
176	7-8-74	Oak Lodge Sanitary District	Sanitary Sewer lateral B-0-14 Extension	Stevens, Thompson & Runyan, Inc.	2 plans	7-11-74	Prov. Approval	AHJ
177	7-5-74	CCSD#1	Hillwood Subdivision Sanitary Sewers	Compass Corp.	2 plans	7-15-74	Prov. Approval	AHJ
178	7-11-74	Newberg	Southeast sanitary sewers, Project number 126	Robert E. Meyers	2 plans	7-16-74	Prov. Approval	AHJ
179	7-9-74	Hillsboro (Westside)	West Side Sanitary Sewer Trunk, Schedules A,B,C and D	City of Hillsboro	2 plans	7-18-74	Prov. Approval	AHJ

	INFORMATION RECEIVED					DEQ Staff Dispositon	
No.	Received Date	Location	Project	Engineer	Information	Approval Date	Action
180	7-9-74	Gresham	Kellykrest Subdivision sanitary sewers	Wilsey & Ham	2 plans	7-18-74	Prov. Approval
181	7-9-74	USA (Aloha)	Town Center at Tanasbourne sanitary sewer extension	Pettijohn Engineering Co.	2 plans	7-18-74	Prov. Approval
182	7-10-74	USA (Forest Grove)	Rosearden Drive and Tualatin Valley Hwy. sanitary sewers	City of Forest Grove	2 plans	7-22-74	Prov. Approval
183	7-18-74	USA (Metzger)	S.W. Davis Road Sanitary Sewers	City of Beaverton	2 plans	7-23-74	Prov. Approval
184	7-10-74	USA (Aloha)	Aloha Park Housing Sanitary Sewers	R.A. Wright	2 plans	7-24-74	Prov. Approval
185	7-10-74	USA (Fanno Creek)	Montclair Sanitary Sewer Relocation	R.A. Wright	2 plans	7-24-74	Prov. Approval
186	7-10-74	USA (Aloha)	S.W. Hart Road Sanitary Sewer	City of Beaverton	3 plans	7-24-74	Prov. Approval
187	7-17-74	Sandy	Longville Estates Sanitary Sewers	Kent Cox, P.E.	2 plans	7-25-74	Prov. Approval
188	7-12-74	Gresham	South Down Sanitary Sewers	Ronald Wong, P.E.	2 plans	7-25-74	Prov. Approval
189	7-12-74	USA (Fanno)	Royal Oaks Court Sanitary Sewers	Harris-McMonagle	4 plans	7-26-74	Prov. Approval
190	7-12-74	CCSD #1	Revised - Hillwood Subdivision Sanitary Sewers	Compass Corp.	2 plans	7-29-74	Prov. Approval

	INFORMATION RECEIVED						DEQ Staff Dispositon
No.	Received Date	Location	Project	Engineer	Infor-mation	Approval Date	Action
191	7-12-74	Troutdale	Fraley Heights sanitary sewers	Sleavin-Kors	2 plans	7-30-74	Prov. Approval
192		Salem (Willow)	Dorchester Heights sanitary sewers	William I. Peterson	2 plans	7-30-74	Prov. Approval
193	7-18-74	Salem (Willow)	Kanuku Street sanitary sewers	Clark & Groff	2 plans	7-30-74	Prov. Approval
194	7-16-74	Multnomah Co.	Central County Sanitary Service District - N.E. 158 north of Sandy Boulevard	George D. Ward & Associates	1 plan		Pending
195	7-23-74	Salem	Safeway Store at N.W. Commercial Street S.E. & Ratcliff Drive sanitary sewer	Jeppsen-Miller & Tobias AIA	1 plan		Pending
196	7-24-74	West Linn	Hidden Springs Trunk Sewer	John W. Cunningham & Associates	2 plans		Pending
197	7-24-74	St. Helens	Gray Cliffs Park sanitary sewers	William I. Peterson	2 plans		Pending
198	7-24-74	USA (Tigard)	S.W. Murdock Street L.I.D. sanitary sewers	Harris-McMonagle Associates	3 plans		Pending
199	7-29-74	Lake Oswego	Country Club Park Area sanitary sewer improvement L.I.D. 160	City of Lake Oswego	2 plans		Pending
200	7-29-74	Jefferson	Hazel Street sanitary sewer	Clark & Groff	2 plans		Pending
201	7-29-74	Hillsboro	Buena Vista # 2 sanitary sewer	City of Hillsboro	2 plans		Pending

INFORMATION RECEIVED						DEQ Staff Dispositon
No.	Received Date	Location	Project	Engineer	Information	Approval Date	Action
202	7-26-74	Portland	S.W. 45th Drive & private property sanitary sewers	Portland	1 plan	____	Pending
203	7-29-74	USA (Sunset)	Torreyview sewers N.W. Oak Street sewer revision	John W. Cunningham & Associates	2 plans	____	Pending
204	7-26-74	Salem	Khyber Court S.E. sanitary sewer	City of Salem	2 plans	____	Pending
205	7-10-74	USA (Fanno)	Habitat Interceptor sanitary sewer Area A	Moffet Nichol & Bonney	2 plans		Pending
206	6-25-74	Salem	Salem Industrial Park Trunk Sewer	City of Salem	2 plans		Revising Plans due to sewer grade changes
207	7-31-74	Newberg	Adec Technical Park sanitary sewer extension	Klein & Stuckey	1 plan		Pending

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: E. A. Schmidt

Date: August 6, 1974

From: W. H. Dana

Subject: Summary of Activities, Program Operations Section, July 1974

I. Permits

A. Regular Permits Issued - 5
1. Columbia County - Mickey's Landfill (renewal by NWRO)
2. Coos County - Hempstead Sludge Lagoon
3. Marion County - Brown's Island Landfill (renewal by NWRO)
4. Marion County - McCoy Creek Landfill (renewal by NWRO)
5. Multnomah County - Columbia Land Reclamation (issued by NWRO)

B. Temporary Permits Issued - 1
1. Land County - Hines Lumber Company, Westfir

C. Permits Amended - 1
1. Multnomah County - St. John's Landfill (amended by NWRO)

D. Proposed Permits Mailed - 7
1. Coos County - Bohemia Inc., Wilkin's Corner Landfill
2. Coos County - Hempstead Sludge Lagoon
3. Linn County - U. S. Plywood, Lebanon
4. Linn County - Western Kraft Corp.
5. Tillamook County - Publishers Paper Company, Weller Pit Site (issued by NWRO)
6. Umatilla County - Rahn's Sanitary Landfill (renewal)
7. Washington County - Frank's Landfill (renewal by NWRO)

E. Proposed Permit Amendments Mailed - - - - - - - - - - - - - - - - 3
1. Deschutes County - Pistol Butte Landfill
2. Marion County - Woodburn Landfill (issued by NWRO)
3. Multnomah County - St. John's Landfill (issued by NWRO)

F. Letter Authorizations Issued - - - - - - - - - - - - - - - - - - - 3
1. Clatsop County - Arch Cape Service District (issued by NWRO)
2. Multnomah County - Resource Recovery Byproducts (issued by NWRO)
3. Wheeler County - Woodward Tire Disposal Site (issued by CRO)

G. Letter Authorizations Amended - - - - - - - - - - - - - - - - - - 1
1. Lane County - Autzen STadium Demolition Site (issued by MWRO)

II. Plan Review

A. Operational Plans Approved - 9

1. Clatsop County - Arch Cape Service District (letter authorization issued by NWRO)
2. Columbia County - Santosh Landfill (approved by NWRO)
3. Coos County - Bohemia Inc., Wilkin's Corner Landfill
4. Tillamook County - Publishers Paper Company, Weller Pit Site (approved by NWRO)
5. Multnomah County - Resource Recovery Byproducts (letter authorization issued by NWRO)

6. Multnomah County - St. John's Landfill (approved by NWRO)
7. Umatilla County - Rahn's Sanitary Landfill
8. Wheeler County - Woodward Tire Disposal Site (letter authorization issued by CRO)
9. Lane County - McKenzie Bridge Landfill (approved by MWRO)

III. Field Investigations

A. Domestic Waste Sites - 4
1. Benton County - Monroe Demolition Landfill and Transfer Station
2. Lane County - Franklin Landfill
3. Linn County - Holley Disposal Site, Weld Sludge Site

B. Industrial Waste Sites - 3
1. Lane County - Weyerhaeuser County, Springfield
2. Linn County - Eugene Chemical Works, Permaneer Corp.

IV. Meetings

A. Weyerhaeuser, Springfield re: permit, site development, etc.

B. Mid-Columbia Economic Development District, re: Solid Waste Management Plan.

V. Other

A. Submitted monthly permit data report to EPA

B. Received and reviewed quarterly site operation reports from permittees; distributed copies to regions.

Witness Registration

I wish to testify before the ENVIRONMENTAL QUALITY COMMISSION on:

CIVIL PENALTIES - No. K

DOUGLAS P. SOWLES
(please print name)

ASSOCIATED GENERAL CONTRACTORS
(organization or address)

(2)

Witness Registration

I wish to testify before the ENVIRONMENTAL QUALITY COMMISSION on:

Civil Penalties

No. K.

LARRY WILLIAMS
(please print name)

OREGON ENV. COUNCIL
(organization or address)

Witness Registration

I wish to testify before the ENVIRONMENTAL QUALITY COMMISSION on:

Civil Penalties Rule

Rudy R Lachenmeier
(please print name)

WETA
(organization or address)

KESS CANNON
Director

SHIRLEY: Do you keep these? This person signed up but Chairman ruled no further testimony --

Witness Registration

I wish to testify before the Environmental Quality Commission on:

WEYERHAUSER NPDES WASTE DISCHARGE PERMIT

No. H

NO FURTHER TESTIMONY

LEON EARL HENDERSON
(please print name)

RT. 2 BOX 328-A
(organization or address)

Witness Registration

I wish to testify before the Environmental Quality Commission on:

Weyerhaeuser permit

No. H

James R Draper
(please print name)

no further testimony

Environmental Studies Center
(organization or address)

Selected Ground on
property owned by the
applicant including those
a lease easement in
which the easement is
limited only to the
applicant including # in
limited to the use of
DSD on the property
at the time the
easement was taken

460
11
460
460
5060

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Environmental Quality Commission

Date: August 29, 1974

From: Director

Subject: Pending Projects Summary

1. AIR QUALITY

Highway projects:

205 - Awaiting OSHD response to Commission approval and conditions.

405 - Reviewing parking allotment under 405.

505 - Pending corridor review by DEQ

Kruse Way - Waiting submission of final Environmental Impact Statement by OSHD

Parking Facilities:

McCormick Dock - Under review. Requested Impact study.

Clackamas Town Center - Reviewing EIS

Mt. Hood Mall - Under review.

Routine small parking facilities - review as received.

Regulations:

Adoption of Indirect Source Regulations - preliminary draft has been mailed.

Adoption of Lead Standard - rewriting the Standard pursuant to the hearing.

Personnel Actions:

Carl Simon to report September 12.
Offer has been made to W. Brian Crews.

Permit Pending - Approximately 300.

Emission Inventory System - being rewritten.

2. WATER QUALITY

Permits (based on 800 applicants)

	To Date	Backlog
Permits Drafted	399	401
Permits Typed	299	501
Public Notices Issued	258	542
Permits Issued	178	

Note: Draft permits are coming in at a rate of about 45 per month. At this rate, it will take until May 1, 1975 to complete all drafts. This translates into a 4-5 month backlog.

Plan Review

	Estimated Time Required to Complete
10 sets complex plans (grant projects)	10 weeks
10 engineering reports	7 weeks
4 sets sewerage system plans	less than 1 week

Note: A normal pending list would include 2 sets of complex plans and 2 engineering reports. Staff was diverted for about 10 weeks to complete a required EPA Needs Survey which will be used to determine how much EPA construction grant money Oregon gets in FY 76.

Delays in plan review are not holding up any grant projects.

Basin Planning

One draft development document for a basin plan is out for review by public agencies. Staff had projected 3 to be on review by this time. Delay has largely been due to vacation schedules. Work can be caught up in the next 2 months.

Special Projects

Hardship grant criteria development

Information is being assembled.
Substantial work remains to be done.

Alternate System Regulations

Information being assembled.
Special studies to be done by consultant.
Substantial work remains to be done.

3. SOLID WASTE MANAGEMENT

I. Permits

A. Incomplete Permit Applications Pending - - - - - - - - - - - - - - - - - 6
   1. Existing Disposal Sites - 3
   2. New Disposal Sites - 3

B. Complete Permit Applications Awaiting Staff Action - - - - - - - - - - 22
   1. Existing Disposal Sites - 22
   2. New Disposal Sites - 0

C. Temporary Permits Pending - 129
   1. Domestic Sites - 116
   2. Industrial Sites - 13

II. Plans

A. Operational Plans for Permitted Sites Pending - - - - - - - - - - - - - 3

B. Operational Plans Pending for Non-permitted or Temporarily-permitted Sites - 157

III. Projects

A. Coordinate sampling of landfill groundwater monitoring wells.

B. Issue permits as required for implementation of approved regional solid waste management plans.

IV. Personnel

A. Recruit one PHE 3 or PHE 2 for Program Operations Section.

Northwest Region Permit Work Output-Backlog
July 1974

	Sources Req'd Permits	Appl. Rec'd (mo.)	Permits Drafted (mo.)	Permits Issued (mo.)	Appl. Pending: Permits To be Drafted	Appl. Pending: Permits Drafted	Sources Under Regular Permit
Air Permits							
Process	291	12	10	3	141	41	80
Fuel Burning	800	55	155	2	280	320	2
Water Permits*							
Industrial	185	0	11	2	71	57	30
Domestic	126	0	9	9	0	74	34
Solid Waste Permits							
General Refuse	27	0	1	5	10	1	16
Demolition	10	1	0	1	3	0	7
Industrial	13	0	1	0	3	1	9

*NPDES

NORTHWEST REGION - AQ - Plan Disposition

	INFORMATION RECEIVED					DEQ Staff Dispositon	
No.	Received Date	Location	Project	Review Engineer	Information Req / Rec	Approval Date	Action	By
144	9 Nov73	Clatsop	AMAX Aluminum New Aluminum Reduction Plans	JFK	12/6/73		Awaiting E.I.A.	
N/C548	31 July	Clackamas	Barton Sand & Gravel Rock Crusher	JAP			Processing	
N/C516	27 Mar	Multnomah	Blue Bell Potato Chip Co. Odor control	JAP		10 July		
N/C534	17 July	Marion	Boise Cascade Salem - new digester	DDO			Processing	
N/C535	17 July	Marion	Boise Cascade Salem - new washers	DDO			Processing	
N/C531	11 July	Multnomah	Cargill-grain handling dust control	DDO			Processing	
294	31 May	Columbia	Cascade Energy-oil refinery	JAP	7/16		Awaiting emission info and E.I.A.	
N/C528	17 June	Multnomah	Chevron Asphalt Co - storage tank	JAP		16 July		
275-7	2 Apr	Multnomah	Columbia Independent Refinery oil refinery	JAP	4/30		Awaiting emission info.	
259	30 Jan	Multnomah	Columbia Steel Casting new furnace and controls	JAP	2/6 6/13		Processing	
320	31 July	Multnomah	Cook Industries - grain terminal	JAP			Processing	
176	28 May	Columbia	Crown Zellerbach (Col. City) hog fuel boiler w/scrubber	DDO	7/10		Processing	

NORTHWEST REGION - AQ - Plan Disposition

	INFORMATION RECEIVED					DEQ Staff Dispositon		
No.	Received Date	Location	Project	Engineer	Information Req / Rec	Approval Date	Action	By
305	28 June	Multnomah	Owens Corning-Fiberglass plant	JFK	7/31		Awaiting info on more efficient controls	
N/C542	12 June	Multnomah	Port of Portland-bulk loading facility	JAP	7/22		Awaiting info on controls	
N/C520	7 May	Multnomah	Resource Recovery paper classifier	JAP	5/29		Awaiting info on controls	
N/C533	12 July	Washington	Pacific Building Materials concrete readymix plant	DDO			Processing	
306	28 June	Multnomah	Portland Steel Mills new steel mill	JAP	7/17		Awaiting info on emissions	
N/C537	12 July	Yamhill	Publishers Paper-Newberg new digester	DDO			Processing	
N/C538	18 July	Yamhill	Publishers Paper-Newberg new hog fuel boiler	DDO			Processing	
282	15 April	Multnomah	Pacific Carbide-new furnace	JAP	5/17		Processing	
N/C524	11 June	Multnomah	Reynolds Metals Co.-control of carbon bake furnace	JAP		29 July		
N/C526	20 June	Multnomah	Rich Manufacturing-baghouse	JAP	7/21		Awaiting info on air flows	
146	23 Nov'73	Multnomah	Schnitzer Steel Products wire incinerator	JAP	6/28		Processing	
N/C539	9 July	Multnomah	Triangle Milling-dust control	DDO			Processing	

NORTHWEST REGION - AQ - Plan Disposition

	INFORMATION RECEIVED					DEQ Staff Dispositon	
No.	Received Date	Location	Project	Engineer	Information Req / Rec	Approval Date	Action
N/C536	18 July	Clatsop	Crown Zellerbach (Wauna) scrubber for lime kiln	DDO			Processing
N/C541	24 July	Multnomah	Firestone Retread - smoke control for tire buffing.	JAP			Processing
N/C532	10 July	Multnomah	Flintkote Co. - filter for sand handling	DDO			Processing
316	16 July	Clackamas	Globe-Union lead remelt furnace	JAP	4/15 7/14		Processing
267	28 Feb	Multnomah	Layton Funeral Home - cremation incinerator	JAP	5/14		Awaiting source test
N/C513	26 Mar	Clackamas	Milwaukie Plywood-veneer dryer control	JAP			Awaiting revised proposal
N/C527	20 June	Columbia	Multnomah Plywood veneer dryer control	JAP	7/24		Processing
N/C543	24 July	Multnomah	Oregon Steel Mills (Front Ave) baghouse w/canopy	DDO			Processing
N/C503	8 Feb	Multnomah	Nicolai Co., control of wood dust	JAP		16 July	
296	7 June	Columbia	Niedermeyer Martin wood processing	JAP	6/28		Awaiting info on emissions
317	18 July	Multnomah	Oregon Steel Mills (Rivergate) Pellet metallizing	DDO			Processing

NORTHWEST REGION - AQ - Plan Disposition

	INFORMATION RECEIVED					DEQ Staff Dispositon	
No.	Received Date	Location	Project	Engineer	Information Req / Rec	Approval Date	Action
145	21 Nov'73	Multnomah	Union Carbide-#1 furnace product change	JAP	7/15		Processing
N/C504	5 Feb	Multnomah	Western Farmers-dust control of truck receiving	JAP	3/21		Awaiting info on air flows
		Washington	Western Foundry-control of furnace, sand handling, cleaning room	JAP	7/25		Awaiting info on control equipment
N/C529	1 July	Multnomah	Fry Roofing-Volney Felt Mills control wood flour	JAP	7/29		Awaiting detailed plans
N/C530	1 July	Multnomah	Fry Roofing-fume control of storage tanks	JAP	7/29		Awaiting detailed plans

PENDING ACTIVITIES - SUBSURFACE SEWAGE

1. County Agreements -

As a result of special session legislation and rule changes it is necessary to renegotiate county agreements. New agreements have been drawn and reviewed by legal counsel. Agreements are being held pending a decision on financing of the subsurface program.

2. Training -

Preliminary contact has been made with Oregon State University on establishing an annual short course of 3-5 days duration on subsurface sewage disposal. OSU is receptive to this idea and it appears favorable for the initial course sometime this winter. This would be for sanitarians and soil scientist working in the field.

Pending hiring of the soil scientist authorized by the "E" Board preliminary steps have been taken to establish subsurface sewage workshops at several locations throughout the State. These will be field workshops for soil identification, et cetera, of 1-1/2 - 2 days in duration, again for sanitarians and soil scientists.

The first two of a comparatively large number of installer training sessions have been held. These are evening sessions 3 hours in length to bring septic tank installers up-to-date on the rules and new techniques. It is expected that at least one course will be held in each agreement county.

3. The Director has authorized the installation of a number of experimental evapo-transpiration systems throughout the State. Locations and procedures are now being established. It is expected that 10 - 12 systems will be installed this construction season. This is one step in an attempt to develop a viable alternative to the septic system in case of denials.

In addition, a survey of engineering systems in Jackson County is in its initial stages. This survey is expected to take several months

and hopefully provide some answers on why some engineered systems operate satisfactorily while others fail.

A third action in our search for an alternative is the impending hiring of a private consultant to research and report on possible alternative methods that might be applicable to Oregon.

It is hoped that by next spring these three activities will be completed and a clear direction determined on alternative methods.

ENVIRONMENTAL QUALITY COMMISSION

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

To: Environmental Quality Commission

From: Director

Subject: Agenda Item C, September 4, 1974, EQC Meeting

Tax Credit Applications

Attached are review reports on 5 Tax Credit Applications. These applications and the recommendations of the Director are summarized on the attached table.

KESSLER R. CANNON

ahe

August 19, 1974

Attachments

Tax Credit Summary
Tax Credit Review Reports (5)

TAX CREDIT APPLICATIONS

Applicant	Appl. No.	Facility	Claimed Cost	% Allocable to Pollution Control	Director's Recommendation
Clyde W. Miller's Heating Oils	T-542	Steel reinforced retaining wall	$2,000	80% or more	Issue
Permaneer Corporation Brownsville Division	T-560	Sanderdust collection system	26,338.44	80% or more	Issue
Permaneer Corporation Brownsville Division	T-561	Sanderdust storage & air conveying system	29,337.36	80% or more	Issue
Permaneer Corporation Brownsville Division	T-562	"Face emission control system" for collecting & conveying fine wood particles	54,461.52	80% or more	Issue
Permaneer Corporation Brownsville Division	T-563	"Core emission control system" for collecting & conveying fine wood particles	61,275.03	80% or more	Issue

Appl. T-542

Date 8-2-74

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Clyde W. Miller's Heating Oils
Hwy 101 & 10th Street
Florence, Oregon 97439

Attention: Clyde W. Miller

The applicant owns and operates a bulk storage plant for heating oils east of Southern Pacific Railroad, 3 miles east of Florence on Highway 126.

2. Description of the Claimed Facility

The claimed facility consists of a four foot high concrete steel reinforced retaining (containment) wall around a rectangular tank storage area 20 ft. by 35 ft. The retaining wall was required by the Coast Guard to keep spilled oil from draining to the Siuslaw River.

The claimed facility was placed in operation in January, 1973. Certification is claimed under the 1969 Act with 100% of the cost allocated to pollution control.

Facility Cost: $2,000.00 (Invoice attached to application)

3. Evaluation of Application

Installation of the claimed facility performs the function it was designed for and corrects the problem that occurred before its installation. In the event of spill, oil now is contained and drains to a sump from which it can be pumped back into the tanks.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facilities claimed in Application T-542, such certification to bear the actual cost of $2,000 with 80% or more allocable to pollution control.

W. D. Lesher
ak

Appl T-560

Date July 10, 1974

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Permaneer Corporation
Brownsville Division
General Delivery
Brownsville, Oregon 97327

The applicant operates a particleboard plant at Brownsville, Oregon.

2. Description of Facility

The facility claimed in this application is described to be a sanderdust collection system and consists of the following:

1. Two (2) baghouse filter units.
2. Two (2) sets of filters.
3. Necessary support structures, electrical systems, etc.

The facility was completed and put into operation in May 1971.

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

Facility cost: $26,338.44 (Accountant's certification was provided.)

3. Evaluation of Application

This facility enables the plant to collect an estimated 80 pounds/hour of sanderdust emissions, which are then burned in the plant's modified wigwam burner.

The facility was installed with plans and specifications approved by the Mid-Willamette Valley Air Pollution Authority. The Authority has inspected the completed facility and has confirmed that the installation does operate as planned.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $26,338.44 with 80% or more of the costs allocated to pollution control be issued for the facility claimed in Tax Application T-560.

JEP:rp
July 11, 1974

Appl T-561

Date July 10, 1974

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Permaneer Corporation
Brownsville Division
General Delivery
Brownsville, Oregon 97327

The applicant operates a particleboard plant at Brownsville, Oregon.

2. Description of Facility

The facility claimed in this application is described to be a sanderdust storage and air conveying system and consists of the following:

1. High pressure conveying system end blower.
2. Storage silo (National).
3. Bin discharge unit (Ersham).
4. Explosion relief hatches.
5. Fire protection equipment.
6. Medium pressure conveying system to modified wigwam waste burner.
7. Necessary foundations, electrical components, etc.

The facility was completed and put into operation in January 1970.

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

Facility cost: $29,377.36 (Accountant's certification was provided.)

3. Evaluation of Application

This facility enables sanderdust to be collected and stored in the silo, which also acts as a surge chamber. The sanderdust is metered into a modified wigwam waste burner, resulting in more efficient combustion with a lower level of particulate emissions.

The facility was installed with plans and specifications approved by the Mid-Willamette Valley Air Pollution Authority. The Authority has inspected the completed facility and has confirmed that the installation does operate as planned.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $29,337.36 with 80% or more of the costs allocated to pollution control be issued for the facility claimed in Tax Application T-561.

JEP:rp
July 11, 1974

Appl T-562

Date July 10, 1974

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Permaneer Corporation
Brownsville Division
General Delivery
Brownsville, Oregon 97327

The applicant operates a particleboard plant at Brownsville, Oregon.

2. Description of Facility

The facility claimed in this application is described to be a "face emission control system" for collecting and conveying fine wood particles and consists of the following:

1. Baghouse filter with rotary lock.
2. Exhaust fan and motor (150 H.P.)
3. Exhaust fan and motor (15 H.P.)
4. Cyclone with rotary air lock.
5. Screw conveyor.
6. Fire detection system.
7. Necessary foundations, structures, electrical components, etc.

The facility was completed and put into operation in March 1973.

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

Facility cost: $56,461.52 (Accountant's certification was provided.)

3. Evaluation of Application

This facility was required by the Mid-Willamette Valley Air Pollution Authority so as to reduce the emission of small wood particles which were not being captured in the existing cyclones.

The facility was installed with plans and specifications approved by the Mid-Willamette Valley Air Pollution Authority. The Authority has inspected the completed facility and has confirmed that the installation does operate as planned.

It is concluded that this installation does operate satisfactorily and did reduce particulate emissions by an estimated 30 - 70 pounds/hour with the collected particulate recirculated back into the product.

Appl T-563

Date July 10, 1974

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Permaneer Corporation
Brownsville Division
General Delivery
Brownsville, Oregon 97327

The applicant operates a particleboard plant at Brownsville, Oregon.

2. Description of Facility

The facility claimed in this application is described to be a "Core Emission Control System" for collecting and conveying fine wood particles and consists of the following:

1. Baghouse filter and rotary air lock.
2. Exhaust fan and motor (50 H.P.)
3. Forced draft fan and motor (75 H.P.)
4. Two (2) knife feeders.
5. Rotary air locks.
6. Necessary foundations, structures, electrical systems, etc.

The facility was completed and put into operation in March 1973.

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

Facility cost: $61,275.03 (Accountant's certification was provided.)

3. Evaluation of Application

This facility was required by the Mid-Willamette Valley Air Pollution Authority so as to reduce the emission of fine wood particles which were not being captured by the existing cyclones.

The facility was installed with plans and specifications approved by the Mid-Willamette Valley Air Pollution Authority. The Authority has inspected the completed facility and has confirmed that the installation does operate as planned.

It is concluded that this installation does operate satisfactorily and did reduce sanderdust emissions by an estimated 30-70 pounds/hour with the collected particles recirculated back into the product.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $54,461.52 with 80% or more of the costs allocated to pollution control be issued for the facility claimed in Tax Application T-562.

JEP:rp
July 11, 1974

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5359

MEMORANDUM

To: ENVIRONMENTAL QUALITY COMMISSION

From: Director

Subject: Agenda Item No. D, September 4, 1974, EQC Meeting

Variance Request: Extension of Proposed Veneer Dryer Emissions Control Compliance Schedule for SWF Plywood Company, Fir-Ply Division, Medford, Jackson County, Oregon

Background:

The SWF Plywood Company recently acquired the operating assets of Fir-Ply, 7975 - 11th Street, White City, Oregon, and plans to continue operating the plant in much the same way as the former owners have operated it. Pursuant to OAR, Chapter 340, Section 20-033.08(1) the SWF plywood Company has applied for an Air Contaminant Discharge Permit (Application No. 0469).

OAR, Chapter 340, Section 25-315(1a) states that "as soon as practicable, but no later than December 31, 1974, no person shall operate any veneer dryer, or dryers, such that visible air contaminants, including condensible hydrocarbons, are emitted in such quantities so as to create any characteristic 'blue haze' which is observable at any point beyond the exterior wall of the building housing the veneer dryer or dryers or at any point further than 50 feet in any direction from the veneer dryer, whichever is greater."

The proposed schedule extends the time limit for compliance from December 31, 1974, to May 1, 1975, which is beyond the regulatory limit and requires approval of the Commission. The proposed schedule falls within the May 30, 1975, limit to achieve ambient air quality standards in accordance with the Clean Air Act Implementation Plan for the State of Oregon.

Discussion:

The SWF Plywood requests a variance from OAR, Chapter 340, Section 25-315(1a). Pursuant to ORS 468.345, the Commission may grant such specific variance if it finds that strict compliance with the rule or standard is inappropriate because special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical condition or cause. It is concluded that SWF Plywood requires a reasonable amount of time to:

1. Integrate the Fir-Ply operation into their corporate operations and to acquaint themselves with the facilities at Fir-Ply, and

2. Evaluate several different types of emission control devices, which its affiliated company, Carolina-Pacific Plywood, Inc., currently is investigating at several different plant locations.

Recommendations:

It is recommended that the SWF Plywood Company, Fir-Ply Division be granted a variance from OAR, Chapter 340, Section 25-315(1a) which is subject to the following conditions:

1. By no later than January 1, 1975, the permittee shall submit to the Department of Environmental Quality, for review and approval, plans and specifications for all necessary construction and/or modification work.

2. By no later than February 1, 1975, the permittee shall issue purchase orders for all major components to accomplish emission control and/or process modification work.

3. By no later than March 1, 1975, the permittee shall commence construction and/or installation of emission control equipment or process modification work.

4. By no later than May 1, 1975, the permittee shall complete construction and/or installation of emission control equipment or process modification work.

5. By no later than May 30, 1975, the permittee shall demonstrate that the three (3) veneer dryers can operate in continuous compliance with Condition 7 of their permit.

6. By no later than seven (7) days after accomplishing each item, 2 through 5 above, the permittee shall notify the Department of Environmental Quality in writing that the respective item is accomplished.

KESSLER R. CANNON
Director

AFB:mh

SWF Plywood Company
A SUBSIDIARY OF SOUTHWEST FOREST INDUSTRIES

PLEASE ADDRESS REPLY TO:
P. O. BOX 820
MEDFORD, OR. 97501

P. O. Box 338
Albany, Oregon 97321
Telephone – (503) 926-4424

July 26, 1974

Mr. Al Burkart
Engineering Services
Department of Environmental Quality
1234 S.W. Morrison Street
Portland, Oregon 97205

Re: File No. 15-0012
Air Contaminant Discharge Permit

Dear Mr. Burkart:

We recently requested an Air Contaminant Discharge Permit for our Fir-Ply Division in White City, Oregon and now wish to supplement that filing with a request for a variance. The variance, we understand, is required because we are asking for a period of time beyond December 31, 1974 to come into compliance. Will you please consider this our request for such a variance and for the reasons stated in our letter of July 16, 1974 with which we submitted fees and requested a permit to operate. You will note that on page 2 of that letter we have set forth our reasons for requesting the time extension which requires the issuance of a variance.

If you need any further information, please let us know.

Yours truly,

SWF PLYWOOD COMPANY

C. W. Booth

C. W. BOOTH
Secretary

CWB:jp

cc: R. A. Miller
SWF Albany
Fir-Ply

PLEASE ADDRESS REPLY TO:
P. O. BOX 820
MEDFORD, OR. 97501

SWF Plywood Company
A SUBSIDIARY OF SOUTHWEST FOREST INDUSTRIES

P. O. Box 338
Albany, Oregon 97321
Telephone — (503) 926-4424

July 16, 1974

Air Quality Control Division
Department of Environmental Quality
Terminal Sales Building
Portland, Oregon 97205

Re: Fir-Ply Division
SWF Plywood Company

Gentlemen:

This letter has reference to our recent acquisition of the operating assets of Fir-Ply in White City, Oregon. It is our intention to continue operating Plant #1 much as the previous owners have done and we are proposing the following actions in line with our recent conference in your office:

1) We are applying herewith for a permit to operate and are remitting the required fees. We prefer this approach to assuming the present permit under which Fir-Ply has been operating. We recognize that a public hearing will be required and this is a satisfactory condition from our point of view.

2) It is our intention to bring the operation into conformity with current air pollution standards under the following schedule:

   A. Plans and specifications for dryer modification are to be submitted by January 1, 1975.

   B. Purchase orders are to be issued by February 1, 1975.

   C. Construction is to be commenced by March 1, 1975.

   D. Construction is to be completed by May 1, 1975.

   E. Compliance is to be achieved by July 1, 1975.

20 033.06

3) It is understood that this compliance schedule requests a time extension beyond that previously granted to Fir-Ply. However, since this facility is a new acquisition to us, it will take a little time to integrate it into our corporate operations and to allow us time to acquaint ourselves with the present facilities.

As you are also aware, we and our affiliated company - Carolina Pacific Plywood, Inc. - have been, and currently are, involved in installation of several different types of emission control devices at our various other locations. We expect to have the last of these installed and tested by the end of this year. Our reason for requesting time until January 1, 1975 for submitting plans and specifications is to give us an opportunity to evaluate these various control devices to determine which will be the best one for installation at the Fir-Ply operation.

If you require anything additional at this time, please get in touch with us.

Yours truly,

SWF PLYWOOD COMPANY

7101

C. W. BOOTH 711-116-773-7766
Secretary

CWB:jp

cc: R. A. Miller
E. L. Quirk
R. P. Elder
B. D. Mitchell
Jack Keller

ENVIRONMENTAL QUALITY COMMISSION

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. E, September 4, 1974, EQC Meeting

Variance Request:
Edward Hines Lumber Co., Hines, Oregon

Background:

Edward Hines Lumber Co. operates a sawmill, planer and plywood facility at Hines, Oregon, located in Harney County. The Company currently operates under a DEQ Solid Waste Management permit to dispose of approximately 3900 cubic yards of refuse annually on the plant property. It is considered unacceptable by the Solid Waste Management Section to haul this material to the current Burns-Hines municipal site. Other approved sites are not readily available. The Company disposal site is concluded to be the only feasible site within a reasonable distance.

All wood wastes possible are currently utilized either in the Company boilers as fuel, used in processes or sold on the open market.

In order to prolong the "life" of the existing landfill, Edward Hines Lumber Co. has requested a variance from Oregon Administrative Rule 23-010(a) which prohibits open burning of industrial wastes.

The Edward Hines Lumber Co. letter dated 18 July 1974 requesting said variance, lists their reasons for such request, including:

1. The high water table at the site preclude excavation depth for "land-fill" to more than approximately six feet.

2. The limited depth of excavation reduces substantially the capacity of the site and therefore its operating "life."

3. Burning will reduce the mass, permitting practical land-fill and extending the life of the site.

4. No other Company owned land is available within reasonable distance, in fact Company land other than the millsite is concurrent with National Forest land and therefore not regarded as suitable for disposal sites.

5. Material being burned is primarily wood waste unsuitable for further processing (dunnage, packing crates, damaged pallets, etc.); paper products resulting from freight car clean-up, etc.

6. Open burning would be conducted during optimum weather conditions (rain or snow), probably no more than three or four times a year (November through April).

Discussion:

The Company landfill site is located approximately 3/4 mile south of the town of Hines, with the nearest occupied dwelling 1/2 mile in any direction. The debris to be burned consists of dunnage, packing crates, broken pallets and similar material. No other approved site for disposal of the wastes is in the vicinity.

Because of the location of the landfill which is in an area of low population density, it is judged that the material could be burned without significant air pollution problems provided precautions are taken. Limited open burning appears to be the only feasible means of prolonging the life of the landfill.

Edward Hines Lumber Co. has requested a continuing variance; however, it is concluded that the variance, if granted, should be reviewed at the end of the proposed variance period to evaluate the then availability of acceptable sites, quantity and character of existing wastes, and also review current operational experience or problems and need for the variance. If justified, Edward Hines Lumber Co. could then apply for an appropriate variance.

The granting of this variance by the Environmental Quality Commission would be allowable in accordance with ORS 468.345(1), which authorizes power to grant specific variances of any rule upon such condition it may deem necessary if it finds strict compliance with such rule is inappropriate because "Special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause;" or "No other alternative facility or method of handling is yet available."

The solid waste permit for Edward Hines Lumber Co. expires 1 January 1977. The DEQ Regional Office recommends that this variance, if granted, shall be made to expire on that same date.

Conclusion

The DEQ Solid Waste Division recommends this variance to the open burning regulations as no reasonable alternative now exists.

The proposed burning area is remote to inhabitable dwellings and should cause no adverse effect.

The DEQ Regional Office recommends that this request be approved.

Director's Recommendation:

It is recommended that a variance be granted from OAR Chapter 340, Section 23-010(a) to Edward Hines Lumber Co. under the following conditions:

1. Burning shall be permitted during the period 1 November 1974 through 30 April 1975, 1 November 1975 through 30 April 1976 and 1 November 1976 through 31 December 1976.

2. Burning shall be limited to nine separate burn periods, each to encompass no more than three continuous days.

3. All burning shall comply with local fire permit regulations.

4. Burning of rubber, plastics or material likely to generate odors and/or dense smoke is prohibited.

5. Edward Hines Lumber Co. shall notify the DEQ Bend Office Phone 382-6446) and the Portland Office (Phone 229-5365) on the day preceding each of the nine burn periods.

This variance may be revoked upon findings of violation of any of the above conditions.

KESSLER R. CANNON
Director

RCH:mh

ENVIRONMENTAL QUALITY COMMISSION

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, September 4, 1974, EQC Meeting

Variance Request:
Northern Wasco County Refuse Collectors, Inc., The Dalles

Background:

Northern Wasco County Refuse Collectors, Inc. operates a solid waste disposal site approximately three miles south of The Dalles in Wasco County.

The Company has requested a variance from Oregon Administrative Rule 23-010(2) which prohibits commercial open burning within the boundaries of Special Control Areas.

Company correspondence requests a variance to burn bulky, non-putrescible solid wastes which are difficult to landfill, including unconventional packing crates, tree trunks and limbs, and large wood from demolitions. Burning would be conducted no more than six times per year with a 30,000 cubic yard volume. Burning would be conducted during safe weather conditions and under fire permit authority.

The Company further states:

"Burning is necessary for these few items because the nature of the material consumes excessive area in the landfill, making it difficult to landfill other solid wastes and increasing the costs of disposal. The burning practice will create minimal environmental hazards. Because the material is burned in a wigwam, the temperature is higher than if burned in an open area. The landfill is just under three miles from The Dalles, but the landfill is located downwind of the prevailing north-westerly winds and would not result in smoke blowing towards the city."

Discussion:

The Company landfill is located approximately 2.9 "airline" miles from The Dalles in a sparsely populated area. Burning of this material under controlled conditions, will not have a significant effect on air quality within the area.

Chief Robert Wilson, The Dalles Fire Department, states that the material can be open-burned safely between 1 November and 30 April, and would be burned under his supervision. He further feels that use of the existing wigwam waste burner is unnecessary.

The Department of Environmental Quality Solid Waste Division has recommended the Variance be granted to prolong the life of this site. The volume of material currently stockpiled is approximately 3500 cubic yards which accumulates twice per year. It is concluded that Company estimates of accumulated volume is excessive.

The granting of this variance by the Environmental Quality Commission would be allowable in accordance with ORS 468.345(1), which authorizes power to grant specific variances of any Rule upon such condition it may deem necessary if it finds strict compliance with such Rule inappropriate because "Special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause;" or "no other alternative facility or method of handling is yet available."

Conclusion:

1. The overall objective of the Department should be to minimize to the extent practicable, open burning and visual emissions in the Columbia Gorge area and to minimize possible effects on visibility.

2. This request has been recommended for approval by the Solid Waste Management Section.

3. The burning of tree trunks, limbs and other miscellaneous wood products, as surveyed by the staff, can be burned under controlled conditions without significant effect upon air quality in the urban area or air shed.

4. The fire permit agency has reviewed the material and states it will be burned under controlled and acceptable fire protection conditions.

5. The Commission has authority to grant such variances.

6. The Variance shall be limited in time to permit reassessment of conditions and alternatives available.

Director's Recommendation:

It is recommended that a Variance from OAR Chapter 340, Section 23-010(2) be granted to Northern Wasco County Refuse Collectors, Inc. for a two-year period under the following conditions:

1. Burning shall be conducted during the period 1 November 1974 through 30 April 1975 and 1 November 1975 through 30 April 1976.

2. Burning shall be limited to three separate burn periods per year, to encompass no more than three continuous days each.

3. Burning shall be conducted at its present stockpile location in lieu of the wigwam waste burner.

4. Burning shall comply with all local fire permit regulations.

5. Burning days and hours must be approved by the Chief (Robert Wilson) of The Dalles Fire Department.

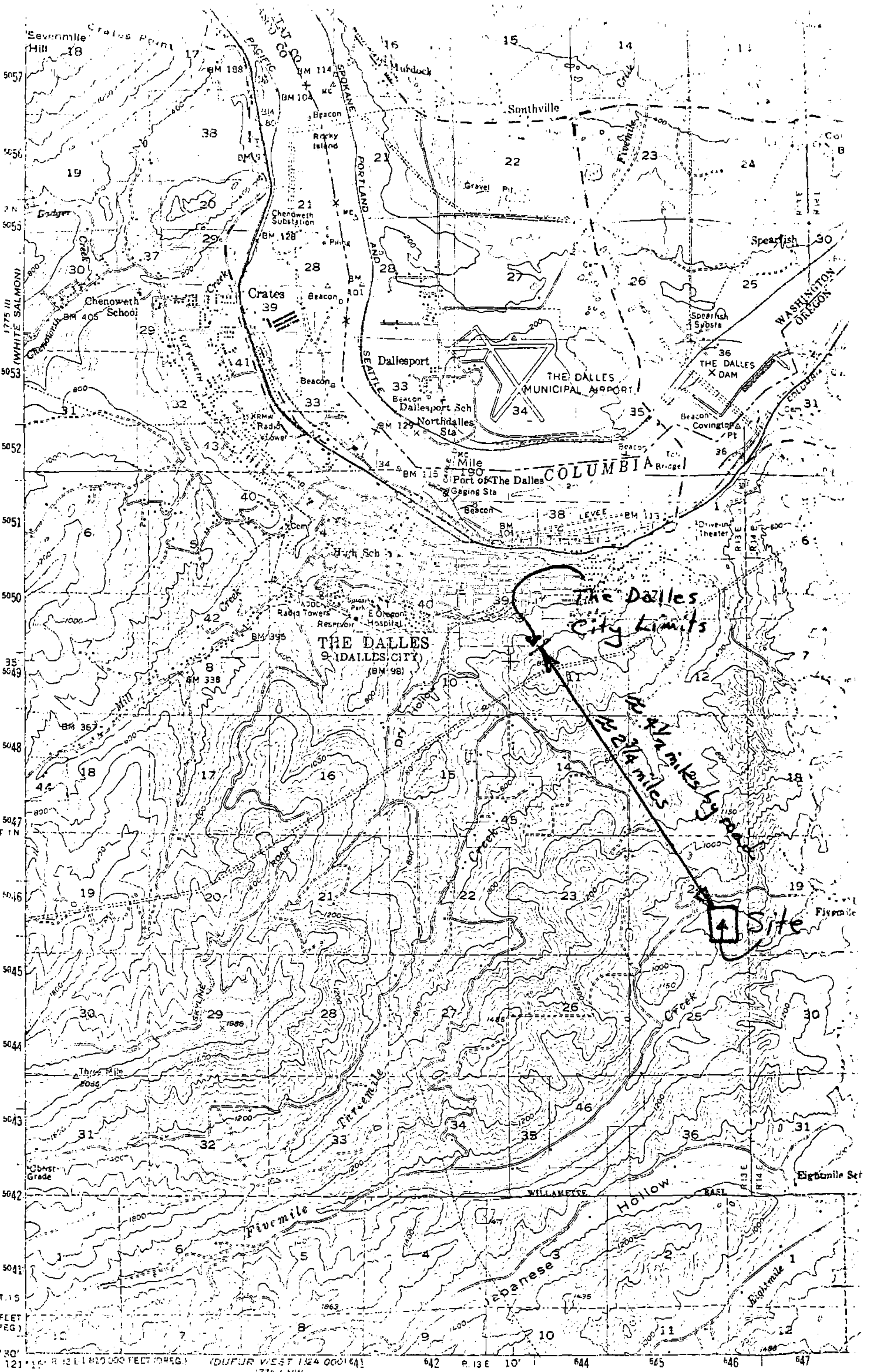
6. Burning of rubber, plastics, paints, solvents, or burning for the purpose of salvage is prohibited.

7. Wasco County Refuse Collectors shall notify the Department of Environmental Quality, Bend Office (Phone 382-6446) and the Portland Office (Phone 229-5365) on the day preceding each of the three annual burn periods.

This Variance may be revoked upon findings of violation of any of the above conditions.

KESSLER R. CANNON
Director

RCH:mh



Mapped, edited, and published by the Geological Survey

Control by USGS, USC&GS, and State of Oregon

Topography from aerial photographs by ER-55 plotter
Aerial photographs taken 1955. Field check 1957

Polyconic projection. 1927 North American datum
10,000-foot grids based on Oregon coordinate system, north zone, and Washington coordinate system, south zone
1000-meter Universal Transverse Mercator grid ticks zone 10, shown in blue

Oregon-Washington boundary by interstate agreement December 1955. Subject to ratification

Dashed land lines indicate approximate locations

Hydrography compiled from USC&GS chart 6157 (1953)

Red tint indicates areas in which only landmark buildings are shown
Unchecked elevations are shown in brown

SCALE 1:62500

CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
DEPTH CURVES IN FEET—DATUM IS BONNEVILLE NORMAL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY ST
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 802
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS A

ENVIRONMENTAL QUALITY COMMISSION

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

TOM McCALL
GOVERNOR

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Chairman, McMinnville

GRACE S. PHINNEY
Corvallis

JACKLYN L. HALLOCK
Portland

MORRIS K. CROTHERS
Salem

RONALD M. SOMERS
The Dalles

KESSLER R. CANNON
Director

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item G, September 4, 1974 EQC Meeting

Adoption of Statewide Rules Relating to Noise Pollution from Industrial and Commercial Sources and Changes to the Sound Measurement Procedures Manuals, NPCS-1, 2.

Background

A public hearing was held by the Commission on July 19 in Salem to consider adoption of the industrial and commercial noise pollution control regulations. After oral and written testimony was presented at the hearing, the Commission voted that the hearing be closed but the record remain open for ten days, and that the matter be placed on the agenda for the September 4th EQC meeting.

In the ten days following the public hearing the Department received no additional testimony. However, since July 29 when the record officially closed, the Department has received some comments, both oral and written.

The following report attempts to respond to all comments and testimony received as related to the proposed rules.

Enabling Legislation - ORS Chapter 467

Testimony was presented that questioned the legal authority, as defined in ORS Chapter 467, to adopt standards as well as the authority to grant variances, exceptions, exemptions and compliance schedules. A question was also raised whether the noise control authority pre-empts local governmental agencies in the regulation of noise. The Commission requested that the Department of Justice respond to these questions. Attached is a copy of their letter dated August 9, 1974.

Policy Section - 35-005

In response to the testimony received and the attached letter of comment from the Attorney General's office, it is proposed to amend Section 35-005, paragraph 2, to encourage consistency between the state-wide rules and any local noise ordinances, "Under this language, the State shall set the standards, but local agencies are not precluded from implementing or enforcing compliance with their own ordinances or rules which are consistent with the state standards."

Exceptions - 35-010

It is proposed that a clarifying amendment be made to the Exception Section, 35-010, in which the word "times" shall be substituted for the word "hours".

Definition Section - 35-015

The definitions pertaining to the industrial-commercial rules are being added to the present adopted Definition Section 35-015. Based on comments received several deletions and modifications are proposed to this section.

1. Definitions (4) Complainant and (5) Complaint are deleted.

2. Definition (4) Construction is clarified so that industries that produce construction materials, such as rock crusher, will not be exempt from this rule.

3. Definition (16) New Industrial or Commercial Noise Source is modified to add clarity.

4. Definitions (20) Octave Band Sound Pressure Level, (22) One-Third Octave Band Sound Pressure Level, and (32) Sound Pressure Level have been modified to conform with the new international standards for engineering units. The reference pressure of 20 micronewtons per square meter is equal to 20 micropascals.

5. Definition (24) Preferred Frequencies has been modified for clarity by adding the word "mean" before frequencies.

Noise Control Regulations for Industry and Commerce - 35-035

Complaints

The noise regulations were written with the intent to provide equal protection to all of the public. However, due to staff limitations, investigations of noise levels will principally be conducted after the Department receives a complaint. Much testimony was received at the Commission's public hearing concerning the complaint language in the proposed regulations. Because of the comments received and general misunderstanding the staff has modified the language of proposed rules with reference to complaints.

Therefore, it is proposed that specific references to complaints be eliminated, specifically in Section 35-035 (1)(a) and 35-035 (1)(f) Noise Standards, Section 35-035 (2) Compliance and Section 35-035 (4)(a) Monitoring and Reporting.

Equal Protection

A question of equal protection as provided in these proposed rules and in the in-use motor vehicle rules for off-road recreational vehicles operating near quiet areas was raised. As the adopted motor vehicle standards now read the ambient noise limits for off-road recreational vehicles are only measured at noise sensitive property, the staff recognizes this deficiency in the adopted motor vehicle regulations and will recommend in the future an addition to the motor vehicle rules to include protection of quiet areas similar to that provided in these proposed rules.

Maximum Allowable Noise Level

The Department has proposed a L_1 standard, which means that level that may be exceeded only one percent of an hour or 36 seconds. Testimony was received that this standard may not regulate noise sources of shorter duration that would not be covered by the impulse rule. Suggestions were made to change the L_1 to a L_{max} which would set the maximum allowable level. The L_1 and the L_{max} are usually very near the same and the Department recommends the L_1 level as the measurement because data reduction methods for this statistic are compatible to the other statistical noise levels. However, if in the future the Department finds that the L_1 standard is not adequately protective, then a modification of the rules would be proposed.

Night Zone

The proposed regulations limit maximum noise levels at night lower than day to protect sleep. After a study of other noise ordinances, the Department defined the night zone as beginning at 10 p.m. and ending at 7 a.m. As many industries have a second work shift operating into the early evening and most adults do not retire before 10 p.m., it does not appear to be inappropriate to set the beginning of night at 10 p.m. It is recognized the time period defined for the lower night levels may not be fully protective for the sleep of all small children and also the lower standard proposed for night is more restrictive for 24-hour operation than similar day operations. However, the staff believes the proposed time period for the night levels is reasonable and should protect the sleep of most of the general public. In addition, the Department believes a lower level is needed at night than during the day to adequately protect most of the public.

Table G Review

Testimony was recived that the allowable noise levels described in Table G for existing industry after 1977 may not be necessary for the protection of health, safety and welfare, nor achievable at a reasonable cost. The staff has therefore added to the rules that the levels in Table G shall be evaluated and a recommendation presented to the Commission before July 1, 1977. By this time the Department and industry should be more knowledgable in noise abatement techniques and what level of protection is necessary for the public. Therefore,

it is proposed that the following paragraph be added below Table G in Section 35-035 (1)(a):

"The statistical noise levels defined in Table G shall be evaluated by the Department before January 1, 1977 and recommendations shall be presented to the Commission before July 1, 1977."

Ambient Limits

Although the primary goals of the noise regulations are to protect speech and sleep, these regulations have also been designed to maintain a quiet environmental and to prevent a noisy environment from getting worse. In order to protect the existing environment, the standards limit the rise in ambient noise caused by the introduction of a new source of ambient noise to 10 dBA. Noise research shows that some complaints will be generated by a 10 dBA increase in the existing ambient level, which is subjectively equal to a doubling in loudness. Although a 10 dBA increase will result in some complaints, the Department believes that this regulation is achievable by industry and is somewhat protective. Some questions have arisen as to how the ambient measurements would be taken and what sources of noise should be included in the ambient measurements. Additions are proposed in the rules and procedure manual NPCS-1, that specifically define the ambient noise measurements. It is proposed that the following paragraph be added to the rules under Table H of Section 35-035 (1)(b):

"The ambient statistical noise level of the new source shall indlude all noises emitted by the industrial or commercial source and related activities. Exemptions defined in Section 35-035 (5)(b), (c), (d), (e), (f), (j), (k), and (l) will not be excluded from this ambient measurement."

Thus, the ambient measurement will include the noise from such things as warning devices, motor vehicles and trains before and after the new source is installed.

For sources unable to comply with this standard and which are necessary as a public service at that particular location, a variance request may be submitted to the Commission for their consideration.

Quiet Areas

The definition of "quiet areas" allows a wide range of places that could be designated quiet areas but each area must be recommended by the Department and then approved by the Commission. Before the Department recommends that an area be designated, a public hearing will be held to obtain testimony from all concerned parties. The intention of this regulation is to maintain areas "where the qualities of serenity, tranquility, and quiet are of extraordinary significance and serve an important public need." It is not expected that areas that are already noisy or any residential or industrial areas would be classified as quiet areas.

When proposed and upon designation of a quiet area by the Commission, the Department will notify all affected parties such as adjacent landowners, zoning commissions and planning agencies to insure full public participation.

Octave Band Levels

Testimony was received that the low frequency portion of the octave band noise levels is more restrictive than the other noise level criteria. These octave band limits are relatively stringent because the proposed DEQ standards are written for exterior measurements and since the low frequency noise has less attentuation than high frequencies through building structure, the low octave band frequencies have to be relatively more restrictive to meet our criteria for indoor noise levels.

The Department realizes that the octave band levels are more restrictive than the dBA standards, but the octave levels will only be used when the Director has reasonable cause to believe that the dBA levels are not protective. It is therefore proposed that the paragraph regarding octave band and pure tone noise readings be deleted and the following paragraph be added:

"Octave Band and Audible Discrete Tones -- when the Director has reasonable cause to believe that the statistical noise levels specified in Tables G, H, or I do not adequately protect the health, safety or welfare of the public as provided for in ORS chapter 467, the Department may require the noise source to meet the following rules:"

Inaudible Sounds

The audible range is generally considered to be 16 to 20,000 Hertz. Frequencies below 16 Hz are referred to as infrasonic frequencies. Frequencies above 20,000 Hz are referred to as ultrasonic frequencies. EPA states that infrasound at levels below 130 dB does not present a serious health hazard and that the threshold of any effects is 120 dB. As far as the Department can determine, there are no sources of infrasound in the state at levels exceeding 120 dB.

Ultrasound has no observed adverse effects at levels below 105 dB. The ultrasonic waves are highly absorbed in air and are therefore of significance only near a source.

The measurement of sounds below 20 Hertz and greater than 20,000 Hertz requires instrumentation equipment that is much more sophisticated than what the Department has presently in its possession. In addition, testimony was presented that the availability and cost of this equipment was such that the Department may be prevented from enforcing portions of the noise regulations.

The question of measuring inaudible sounds and suggesting additional regulation in this area result from the noise problems that have been associated with the gas turbines located at Bethel and Harborton.

These facilities produce a low frequency noise peaking at a frequency of 30 Hertz, which is within the audible range controlled by the proposed rules. Although an engineering report containing data measured at the residences near Bethel did indicate the existence of very low frequency peaks up to 100 dB at a frequency of 5 Hertz, such data is limited and as may be noted, the levels recorded are 20 dB below the threshold of effect.

It is the Department's opinion that the octave band levels as proposed are very restrictive in the low frequency bands and should assist in reducing annoying noise from turbine generators or such similar operations.

Until such time as the Department has the necessary equipment to measure inaudible sounds and the need for regulations in this area is recognized, the Department does not propose further changes in the allowable octave band sound pressure levels as listed in Table J.

One-Third Octave Band Levels

The one-third octave band rule is designed to control audible discrete tones that may not exceed the levels in the other tables. A proposed modification of this rule was necessary to ensure control of all audible tones by exempting only those tones 10 dB below the octave band levels in Table J, rather than the zero dB allowance previously proposed.

Exemptions

Exemption (7), related to construction blasting noise, was deleted as all sounds that originate on construction sites are exempted in (g) and it is therefore redundant.

The clarification that silviculture (dictionary definition) is not included in the agricultural exemption is also proposed in exemption (1).

Comments have been received that in exemption (c) all motor vehicles should be exempt from these rules, not just registered road vehicles subject to the Department noise standards for road vehicles.

The Department has recognized that road vehicles subject to specific noise levels while off industrial or commercial property should not be subject to a different standard while on commercial property. Also, the Department recognizes that road vehicles entering and leaving industrial and commercial property are generally intermittent in nature.

However, the Department does believe that vehicles not subject to the Department rules for road vehicles and operating on commercial and industrial property is part of the noise generated by the commercial and industrial source and should be subject to these rules.

While a variety of situations can be envisioned, the Department proposes to evaluate each specific case as it arises and believes the rules, as proposed, contain provisions which provide the source an opportunity to comply with the rules or where necessary, request a variance.

As the Department and those affected gain more experience and data in this area, changes may be necessary and presented in the future to the Commission for their consideration.

Another area of possible exemption or exception considered and discussed by the staff is that of noise easements.

The staff considered the feasibility of excluding in some manner from the proposed rules a commercial or industrial source that had obtained a noise easement from the affected noise sensitive property. Such an exclusion was primarily considered as a possible exception which would require Department consideration before it could be granted.

However, in considering this matter further, the staff is not proposing any amendments to the proposed rules or specific language as it pertains to noise easements for the following reasons:

1. A noise easement provision was not included in the proposed rules that were presented at the public hearing and readily available for public comment and review.

2. The noise easement concept potentially is of such significance in statewide rules that the staff believes the Commission may wish to address the matter and provide staff guidance.

3. The proposed rules as presently written partially relate to this area. For example, if a commercial or industrial facility has obtained a noise easement from the affected noise sensitive property, the Commission could consider this fact in their consideration of a variance request. In addition, section 6(d) presently provides an exception to noise sensitive property owned or controlled by the person who controls or owns the noise source.

Procedure Manuals NPCS-1 and NPCS-2

No significant testimony was received regarding the proposed additions to the procedure manuals. Testimony on the ambient measurements for new sources has prompted the addition of more comments in manual NPCS-1, section 4.5.6, Ambient Noise Determination. This addition adds commentary information on what the ambient measurement should include before and after the new commercial or industrial noise source has been installed.

Other Comments

1. EPA Review

As requested and desired by the Department, the proposed rules were submitted to the EPA Office of Noise Abatement and Control for their review and comment.

Since the Department has yet to receive any written response to its request, a telephone call to Mr. K. C. Caccvari was made and the following comments received:

1. Concern was expressed about using complaints as a regulating base. This misunderstanding has been resolved with the proposed amendments.

2. Requested the new international engineering units of pascals instead of newtons per square meter be used for sound pressure.

3. Noted that the octave band table proposed is more restrictive than the dBA noise level table. This has been recognized by the staff and amendments clarifying the implementation of Table J have been presented.

4. Expressed concern about the accuracy of obtaining statistical noise levels by the "hand sample method" as described in the procedure manual. It has been determined this method can provide an accuracy of less than I/dB for the L_{10} and L_{50} noise level measurements which is sufficient in most cases. The accuracy of the other methods cited was acceptable to EPA.

5. Mr. Caccvari commented the maximum levels set in the proposed standards appear good and that a realistic difference between the day and night levels had been chosen.

2. Enforcement

Some concern has been expressed to the Department on its ability to enforce the proposed rules and in general a wide variety of questions related to this area.

For clarification, although the language related to complaints has been eliminated in the proposed rules as stated in the July 19, 1974 staff report to the Commission, the levels set for existing noise sources will be primarily investigated on a complaint basis. Existing staff limitations would make other program planning completely unrealistic. In fact, serious difficulty is anticipated in responding to the public as the program is presently outlined.

Concern has been expressed on the ability to isolate and identify a particular noise source where its location is such that it may be partially masked by sounds from other sources. The Department has pursued this question with other states that have implemented noise regulations. Although measurement techniques and procedures are available to assist and minimize this potential problem, assurance cannot be given this will not be a problem for a particular case, since community and state noise rules have only recently been adopted in most parts of the country and little or no legal enforcement case histories are available for guidance in this area.

Since it is the intent of the Department to enforce the rules that are promulgated, the Department will propose to the Commission amendments to the civil penalty rules to include civil penalties for noise control at the earliest practicable date.

Any future changes in measurement techniques, procedures or levels that may be necessary, that will improve the enforceability of the noise standards, will be implemented and/or brought to the Commission for appropriate action.

Conversely, concern has been expressed that the noise levels as proposed will unnecessarily curtail operations, cause unknown economic hardships and will in general have severe adverse impact. It is the staff opinion with the provisions for compliance schedules, exceptions, exemptions and a variance procedure for any section of the rules, the possibility for unnecessary and unreasonable action should be minimized.

Summary

The Department has attempted to address all significant comments received in the testimony during the public hearing the Commission held on these proposed regulations. The Department and the Commission are bound by a legislative mandate to write and adopt "reasonable statewide standards for noise emissions" and "to provide protection of the health, safety and welfare of the people of this state." There is at times a fine balance between reasonable and protective rules; however, it is the Department's belief that the proposed rules are at that point and it is fully expected that further revisions and changes will be proposed as further experience and information become available.

Director's Recommendation

It is the Director's recommendation that the Commission adopt the following:

1. The Policy Section 35-005(2) as proposed to be amended, to encourage uniformity between statewide rules and local ordinances;

2. The Definition Section 35-015 as proposed to be amended, to include definitions pertaining to the industrial-commercial rules;

3. Section 35-035 Noise Control Regulations for Industry and Commerce with the proposed additions below Tables G and H, and the modifications to the octave band and discrete tone paragraph; and

4. Procedure Manuals NPCS-1 and 2 as proposed to be amended.

KESSLER R. CANNON
Director

EWH:ss

attachments - 3

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUND MEASUREMENT PROCEDURES MANUAL

INDUSTRIAL, COMMERCIAL, RACING, PUBLIC ROADS & AMBIENT NOISE

NPCS–1

REVISION RECORD

INSTRUCTIONS FOR USE: All revisions of this manual will be numbered to assure each manual holder that he has received all revisions. The date and initials of the person inserting revisions to the manual should be entered on this revision record opposite the appropriate revision number. If the sequence is broken, copies of the missing revisions may be requested from the Noise Control Section.

Rev. No.	Date Inserted	Initials	
1.	4-30-74	JH	1/3 oct + imp.
2.	8-16-74	JH	[illegible]
3.			
4.			
5.			
6.			
7.			
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14.			
15.			
16.			
17.			
18.			
19.			

FOREWORD

The Sound Measurement Procedures Manual has been prepared to specify the equipment to be used and the procedures to be followed when measuring environmental noise. The procedures established in the manual, when carefully followed, will ensure that the noise readings obtained are accurate, will support enforcement action, and aid in reducing environmental noise.

The scope of this manual includes industrial noise, commercial noise, noise from races and racetracks, noise from public roads and ambient noise measurements. Motor vehicle noise measurements are covered in a separate manual.

The objective of the manual is to establish procedures to implement the provisions of the Environmental Quality Commission. Further, if the practices and procedures herein are adhered to, the result will be a uniform enforcement program which will accomplish the intent of the Legislature and fulfill the Commission's responsibility under ORS Chapter 467.

Office of the Administrator
Air Quality Control Division
Department of Environmental Quality

LIST OF FIGURES

CHAPTER I

INTRODUCTION

1.1 Policy

1.1.1 The Department of Environmental Quality, through the Noise Pollution Control Section shall establish a noise measurement program to implement the laws and regulations applying to environmental noise. The program shall include industrial and commercial noise measurements and noise from races, racetracks, and public roads.

1.1.2 The Noise Pollution Control Section and Enforcement Division, through the Regional Offices, shall be responsible for the conformity of environmental noise measurement.

1.1.3 This manual contains procedures for the Noise Pollution Control Section, Enforcement Division, and all other persons taking environmental noise measurements. Guidance is provided in the "Comments".

1.2 Authority

Statutory and administrative law governing authority to the guidance and direction contained in the following sources:

a. Oregon Revised Statutes, Chapter 467, Sections 467.010, 467.020, 467.030, 467.040, 467.050, 467.990.

b. Oregon Administrative Rules, Chapter 340, Department of Environmental Quality, Air Quality Control Division.

1.3 Instruments and Training

1.3.1 Specific requirements for instruments and personnel are defined under procedure manual, Noise Pollution Control Section - 2, Requirements for Sound Measuring Instruments and Personnel.

CHAPTER 2

INSTRUMENTATION

2.1 Sound Level Meters

The specifications for sound level meters (SLM) is defined in manual Noise Pollution Control Section (NPCS) - 2 Requirements for Sound Measuring Instruments and Personnel. The minimum meter required is a Type II as defined by American National Standard Institute Number SI.4-1971.

2.2 Accessories

The minimum accessories shall be a random incidence microphone, a windscreen, and an acoustically coupled calibrator.

Comment: Additional accessories that have been found to be valuable in gathering data are tabulated below:

(1) Noise data forms
(2) Clipboard
(3) Tripod
(4) Wind meter
(5) Sling psychrometer
(6) Screwdriver
(7 Spare batteries

2.3 Tape Recorders and Level Recorders

Recording systems shall conform to NPCS-2.

Comment: The recording system should be able to duplicate the measurements as taken in the field. For tape recorders, a table of frequency response tolerances is given in the SAE standards . Graphic level recorder systems standards are also described in the manual.

2.4 Octave Band Filter Sets

The octave band filter sets shall be those defined in NPCS-2.

Comment: These sets may either be integral to a sound level meter or they may be a separate piece of equipment.

2.5 Special Study Instruments

Comment: In some instances, special types of equipment may be found to be useful in studying a noise problem. The Department has several specialized noise instruments to be used in study situations. These instruments include a random noise generator, a loud speaker system, and a one-third octave band filter set.

2.6 One-Third Octave Band Filter Sets

The one-third octave band filter sets shall be those defined in NPCS-2.

Comment: These sets may be integral to a sound level meter or they may be a separate piece of equipment. Sets shall contain the preferred one-third octave band filters.

2.7 Impulse Meters

Impulse meters shall be those defined in NPCS-2.

Comment: These meters are integral to some Type I precision sound level meters set for a peak unweighted response.

CHAPTER 3

INSTRUMENT CALIBRATION

3.1 General

All types of sound level meters shall be field calibrated immediately prior to use, using the prcedures described in the factory instruction manual.

3.2 Battery Check

Batteries in both the meter and the calibrator shall be checked before calibration.

3.3 Instrument Calibration

The instrument shall be set to the correct level range, weighting scale and meter response. The calibrator shall be placed on the microphone of the meter. The output indicated on the meter shall then be adjusted to the correct calibration level.

3.4 Annual Calibration

Within a year prior to use each sound level meter, including octave band filter and calibrator, shall receive a laboratory calibration in accordance with the manufacturer's specifications. This calibration shall be traceable to the National Bureau of Standards.

Comment: An inspection label may be attached to each instrument set to determine when the calibration was performed.

CHAPTER 4

ENVIRONMENTAL NOISE MEASUREMENT

4.1 Application

This chapter applies to noise emissions from industrial facilities, commercial facilities, racetracks, and public roads. Motor vehicle noise measurements are covered in a separate manual.

4.1.2 Persons selected to measure environmental noise shall meet the requirements of NPCS-2 Requirements for Sound Measuring Instruments and Personnel.

4.2 Site Selection

4.2.1 The measurement location shall be at any point, no more than 25 feet from the noise sensitive building where the noise level is generally greatest as illustrated in Figure 4-1.

If the noise sensitive building is closer than 25 feet from the property line, the measurement location shall be at any point on the property line, providing it is no more than 25 feet from the building, or at any other point within the noise sensitive property no more than 25 feet from the noise sensitive building, wherever the noise level is generally greatest, as illustrated in Figure 4-2. For any measurement, sound reflective surfaces shall not be closer than 10 feet from the measurement point.

Comment: Sound reflective surfaces do not include trees, shrubs, hedges or other vegetation.

Comment: Measurements for noise sensitive property on which the noise sensitive building lies within 10 feet of the noise sensitive property line may require sound level projection techniques described in 4.8 of the manual.

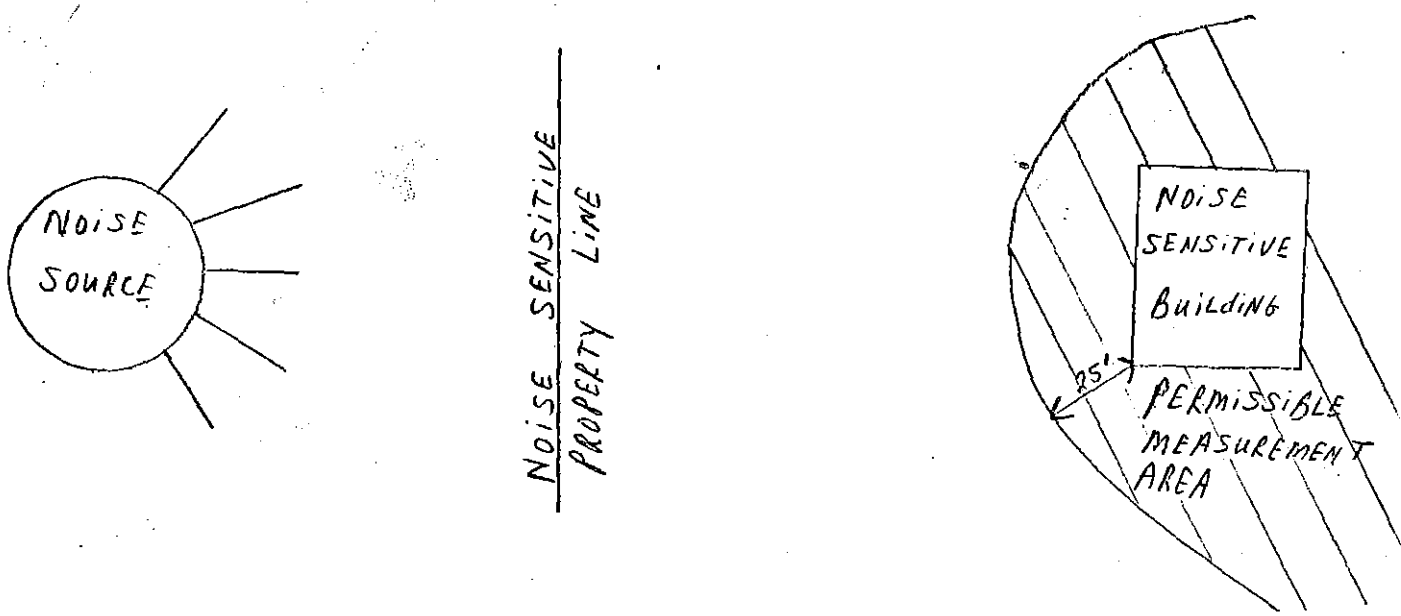

Figure 4-1 Measurement Point 25 Feet From Building

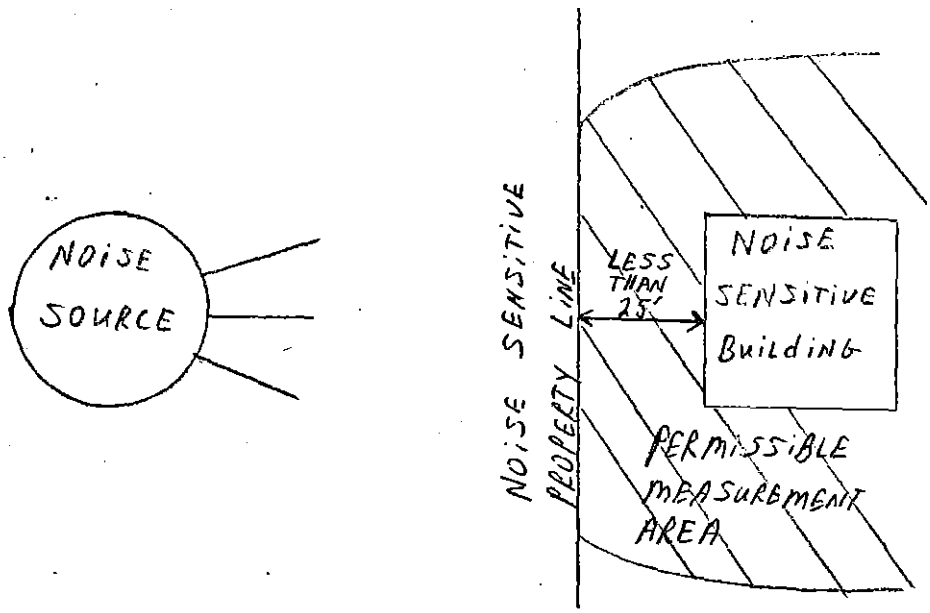

Figure 4-2 Measurement Point on Property Line

4.3 Equipment Set-Up

4.3.1 The sound level meter or microphone, either hand held or placed on a tripod, shall be 4 feet or more above the ground or floor surface.

4.3.2 Comment: A microphone extension cable may be used in areas where accessibility is difficult. Example: Changes in ground elevation, reflective surfaces, height or source or receiver.

4.4 Instrument Calibration and Battery Check

4.4.1 Refer to Chapter 3 of NPCS-1 for instructions.

4.5 Noise Level Measurements

4.5.1 Comment: That information and data submitted to the Department should be recorded on Forms NPCS-4 and NPCS-5 as shown in Figure 4-3 and Figure 4-5, or on forms approved in writing by the Department.

4.5.2 Weather Conditions

a. The wind speed and direction shall be determined before measurements are taken and recorded on a form. Measurements shall not be taken when the wind speed exceeds 10 mph. The sound level meter wind screen shall always be installed on the microphone while taking measurements.

b. The relative humidity shall be determined for the time measurements are taken. Measurements shall not be taken when precipitation is falling.

Comment: Measurements may be taken when the ground is wet if the readings are not influenced by motor vehicle tire noise on wet pavement.

c. Comment: The barometric pressure has an effect on the calibration level of most calibrators. This effect is usually small but can introduce some error under very low atmospheric pressure conditions or at high elevations. Typically no correction is needed at elevations below 2,000 feet. Above 2,000 feet elevation, the manufacturers correction factor must be applied to the instrument during calibration.

4.5.3 Determination of Meter Speed

a. Comment: The "FAST" meter speed is used for sounds of an essentially continuous nature. This speed is such that the indication instrument attains its final reading in approximately 0.2 seconds, and is

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unsuitable for measuring shorter pulses. In general, the "FAST" meter is used for steady or, varying sound levels where meter fluctuations do not exceed 3 dB, or where the meter is required to follow fast changes in level such as an automobile or aircraft pass-by measurements.

b. Comment: The "SLOW" meter speed is used for sounds where the noise level fluctuates by + or - 3 dB. The slower action of the meter provides an averaging effect that is helpful in measuring sounds of essentially continuous character but varying in amplitude. For a noise pulse of 0.5 second duration, such a meter will typically read 2 to 6 dB low. It is not satisfactory for measuring intermittent sounds. The "SLOW" meter will give a more accurate result than the "FAST" meter when the signal is of sufficient duration to allow the meter pointer time to settle, or, for a time varying signal, if the level does not change too quickly versus time.

4.5.4 "A" Weighting Scale Measurements

Comment: Maximum noise level measurements with the "A" network weighting scale are taken with the sound level meter switched to the "A" network per the manufacturer's instructions. The meter must be properly positioned with respect to the noise source per the manufacturer's instructions. Information and data taken during the measurements should be recorded on Form NPCS-4 or equivalent as shown in Figure 4-3.

4.5.5 Statistical Noise

Comment: The statistical noise level is that noise level exceeded a stated percentage of the time. An L_{10} = 65 dBA means that in any consecutive 60 minute period of the day 65 dBA is equalled or exceeded only 10% of the time, or for a total of 6 minutes. Several procedures are in use by the Department to determine statistical noise levels and other methods may be approved in writing from the Department. Three acceptable procedures to determine the statistical noise level are presented in Section 6 of this Chapter. Information and data taken during the measurements should be recorded on Form NPCS-10-1 or equivalent as shown in Figure 4-7. Statistical calculations can be carried out on Forms NPCS-10-2 and NPCS-10-3 and should be summarized in "L" terminology on Form NPCS-4. An example of a completed Form NPCS-4 is presented in Figure 4-4.

4.5.6 Ambient Noise Determination

Comment: The ambient noise level is a composite of sounds from many sources near and afar. As the ambient noise level will be compared to the noise level with the source included in any consecutive 60 minute period, it is important that data is obtained in time periods of interest during the day and also both the week and the weekend to obtain data which are representative. It is also important to note that the data must be taken without emphasis on either noise peaks or unusual quiet.

Measurements should not be taken in weather conditions which may create a bias in the data. Wet streets or snow accumulations could bias the data unless these conditions are typical for the community.

Measurements should be made at least at five or more locations within the sampling area under consideration. Measurements should be made randomly in the sense that each location and each sampling time has the same chance of being sampled and that the selection of any one factor in no way influences the choice of another. Measurements should be made on at least three seperate days.

The ambient statistical noise levels obtained or predicted with the noise source in question operating, should include all noises generated by that source. This may include such sources as increased motor vehicle traffic noise, safety warning device noise, and other sounds that may be exempted from the rules due to other considerations.

Procedures to determine the L_{10} and L_{50}, statistical noise levels are presented in Section 6 of this Chapter. Information and data taken during the measurements should be recorded on Form NPCS-4 or equivalent as shown in Figure 4-4.

4.5.7 Octave Band Noise Measurement

Octave band noise measurements shall be made on an octave band frequency analyzer per document NPCS-2, Requirements for Sound Measuring Instruments and Personnel.

Comment: Octave band sound pressure levels may be measured in the same manner as the "A" weighting scale measurements, except that the octave band filters shall be used in place of the "A" weighting network. Information and data taken during the measurements should be recorded on Form NPCS-5 or equivalent as shown in Figure 4.5. An example of a completedform NPCS-5 is presented in Fig. 4-6 The conversion of octave band levels to equivalent octave band levels is explained in Section 7 of this Chapter.

4.5.8 Tape Recording

Comment: Tape Recording of the noise with a calibration signal is optional. The tape recorder system must conform to the specifications defined in document NPCS-2 Requirements for Sound Measuring Instruments and Personnel.

4.5.9 One-Third Octave Band Noise Measurement

One-third octave band noise measurements shall be made on a one-third octave band frequency analyzer per document NPCS-2, Requirements for Sound Measuring Instruments and Personnel.

Comment: One-third octave band sound pressure levels may be measured in the same manner as the "A" weighting scale measurements, except that the one-third octave band filter shall be used in place of the "A" weighting network. Information and data taken during the measurements should be recorded on form NPCS-29 or equivalent as shown in Figure 4-19. An example is shown in Figure 4-20.

4.5.10 Impulse Measurements

Impulse measurements shall be made on meters per document NPCS-2, Requirements for Sound Measuring Instruments and Personnel. Impulse sound pressure levels are to be taken with the meter set to the linear unweighted scale with the peak detector circuit engaged.

Comment: Information and data should be recorded on Form NPCS-4 or equivalent as shown in Figure 4-3. An example of a completed form is presented in Figure 4-4.

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUND PRESSURE LEVEL DATA SHEETS

File_____

County_____

SOURCE_____ BY_____

DATE_____

SHEET____/____

COMPLAINANT:_____

COMPLAINT DATE:_____

INSTRUMENTATION		
EQPT	TYPE	SERIAL
SLM		
MIC		
FLTR		
CAL		
Windscreen ON OFF		
R. I. C. ON OFF		

Time	Bat. Ck.	Calibration dB	°F dry bulb	°F wet bulb	%RH	Press. mm Hg	Wind mph	Wind Direct

Measurement Position	Meter Fast/Slow	A Scale	C Scale	Linear Scale	L_1	L_{10}	L_{50}	Peak Impulse

Comments_____

INSTRUMENT SET-UP
CHECK-OFF LIST

- ☐ Site Selection
- ☐ SLM Position
- ☐ Battery Check
- ☐ Calibration Adjustment
- ☐ Wind Below 10 MPH
- ☐ Humidity Below 95%
- ☐ Windscreen

1. Days of Operation
   - A. Mon. - Fri.
   - B. Mon. - Sat.
   - C. Mon. - Sun.
2. Time of Operation
   - A. 8 a.m. - 5 p.m.
   - B. _ a.m. - _ p.m.
3. Number of Shifts
   - A. One
   - B. Two
   - C. Three
4. Distance from Receiver to source _____ feet
5. Visibility to Source
   - A. Direct_____
   - B. Hill or Berm_____
   - C. Trees_____
   - D. Other_____
6. Zoning
   - A. Residence_____
   - B. Plant or Facility_____
7. Who came first?
   - A. Residence...Date_____
   - B. Plant or Facility...Date_____
8. Petition Submitted
   - A. Yes....Number_____
   - B. No

SKETCH OF MEASUREMENT SITE AND SOURCE

FIGURE 4- 3 REVERSE SIDE FORM NPCS-4

NPCS-4

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUND PRESSURE LEVEL DATA SHEETS File Industry

County MULTNOMAH

SOURCE OREGON PAVING Co. BY C. M. SROKA

1000 S.E. 101st Portland DATE 6/6/74

Rock Crusher SHEET 1 / 2

COMPLAINANT: MR. EASTLAND

155 SE. MILLMAN DR. Portland

COMPLAINT DATE: 5/10/74

INSTRUMENTATION		
EQPT	TYPE	SERIAL
SLM	[illegible]	[illegible]
MIC	[illegible]	[illegible]
FLTR		
CAL	[illegible]	[illegible]
Windscreen (ON) OFF		
R. I. C. (ON) OFF		

Time	Bat. Ck.	Calibration dB	°F dry bulb	°F wet bulb	%RH	Press. mm Hg	Wind mph	Wind Direct
1:45 PM	—	114	67	51	29	—	0.5	W

Measurement Position	Meter Fast/Slow	A Scale	C Scale	Linear Scale	L_1	L_{10}	L_{50}	Peak Impulse
1	fast	78		85				106
2	fast				79	75	70	

Comments AN OCCASIONAL Bus or truck AMBIENT-

Noise WITHOUT CRUSHER Operating IS

51-57 dBA

Example Form NPCS-4
Figure 4-4
-13-

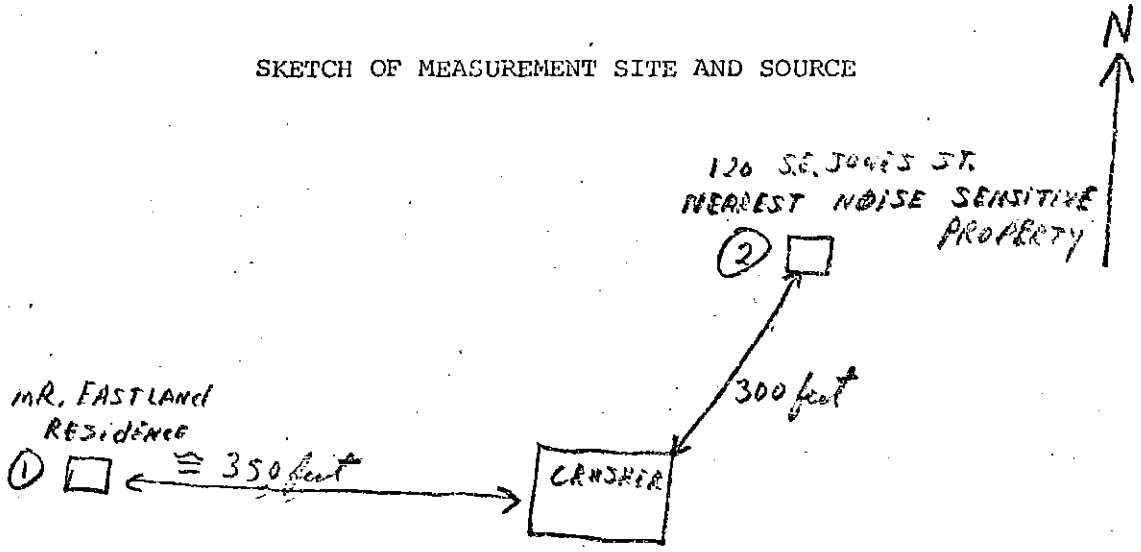
NPCS-4

INSTRUMENT SET-UP
CHECK-OFF LIST

- [x] Site Selection
- [x] SLM Position
- [x] Battery Check
- [x] Calibration Adjustment
- [x] Wind Below 10 MPH
- [x] Humidity Below 95%
- [x] Windscreen

1. Days of Operation
   - (A.) Mon. - Fri.
   - B. Mon. - Sat.
   - C. Mon. - Sun.
2. Time of Operation
   - A. 8 a.m. - 5 p.m.
   - (B.) 6 a.m. - 9 p.m.
3. Number of Shifts
   - A. One
   - (B.) Two
   - C. Three
4. Distance from Receiver to source 300 - 350 feet
5. Visibility to Source
   - (A.) Direct_____
   - B. Hill or Berm_____
   - C. Trees_____
   - D. Other_____
6. Zoning
   - (A.) Residence_____
   - B. Plant or Facility_____
7. Who came first?
   - (A.) Residence...Date_____
   - B. Plant or Facility...Date_____
8. Petition Submitted
   - (A.) Yes....Number 300 sig's
   - B. No

SKETCH OF MEASUREMENT SITE AND SOURCE



Example Form NPCS-4

Figure 4-4 REVERSE SIDE FORM

NPCS-4

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUND PRESSURE LEVEL DATA SHEETS

File_____

County_____

SOURCE_____ BY_____

DATE_____

SHEET__1__

COMPLAINANT: _____

COMPLAINT DATE: _____

INSTRUMENTATION		
EQPT	TYPE	SERIAL
SLM		
MIC		
FLTR		
CAL		
Windscreen ON OFF		
R. I. C. ON OFF		

Time	Bat Ck.	Calibration dB	°F dry bulb	°F wet bulb	%RH	Press. mm Hg	Wind mph	Wind Direct

Position	METER Fast/Slow	A SCALE	Lin. Scale	31.5 HZ	63 HZ	125 HZ	250 HZ	500 HZ	1000 HZ	2000 HZ	4000 HZ	8000 HZ

Comments_____

Form NPCS-5

Figure 4-5

NPCS-5

INSTRUMENT SET-UP
CHECK-OFF LIST

- ☐ Site Selection
- ☐ SLM Position
- ☐ Battery Check
- ☐ Calibration Adjustment
- ☐ Wind Below 10 MPH
- ☐ Humidity Below 95%
- ☐ Windscreen

1. Days of Operation
   - A. Mon. - Fri.
   - B. Mon. - Sat.
   - C. Mon. - Sun.
2. Time of Operation
   - A. 8 a.m. - 5 p.m.
   - B. _ a.m. - _ p.m.
3. Number of Shifts
   - A. One
   - B. Two
   - C. Three
4. Distance from Receiver to source _____ feet
5. Visibility to Source
   - A. Direct_____
   - B. Hill or Berm_____
   - C. Trees_____
   - D. Other_____
6. Zoning
   - A. Residence_____
   - B. Plant or Facility_____
7. Who came first?
   - A. Residence...Date_____
   - B. Plant or Facility...Date_____
8. Petition Submitted
   - A. Yes....Number_____
   - B. No

SKETCH OF MEASUREMENT SITE AND SOURCE

FIGURE 4-5 REVERSE SIDE FORM NPCS-5

NPCS-5

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUND PRESSURE LEVEL DATA SHEETS

File Ind.

County Lane

SOURCE Sam's Sawmill
1200 East Road
Eugene

BY MW Region - GCS

DATE 4/27/74

SHEET 1 / 1

COMPLAINANT: Mr. Ed Jones
100 North St., Eugene

COMPLAINT DATE: April 19, 1974

INSTRUMENTATION		
EQPT	TYPE	SERIAL
SLM	G.R. 1933	DEQ 1891
MIC	G.R.	G.R. 921
FLTR	GR	DEQ 1891
CAL	GR 1562A	GR 9651
Windscreen (ON) OFF		
R. I. C. (ON) OFF		

Time	Bat Ck.	Calibration dB	°F dry bulb	°F wet bulb	%RH	Press. mm Hg	Wind mph	Wind Direct
3:40 PM	OK	114	67	51	29	–	4	W

Position	METER Fast/Slow	A SCALE	Lin. Scale	31.5 HZ	63 HZ	125 HZ	250 HZ	500 HZ	1000 HZ	2000 HZ	4000 HZ	8000 HZ
1	S	47	63	55	55	54	54	50	44	38	30	22

Comments: Measurements taken during "blower" operation. Readings taken from 3:51 through 4:02 PM.

Example Form NPCS-5
Figure 4-6
-17-

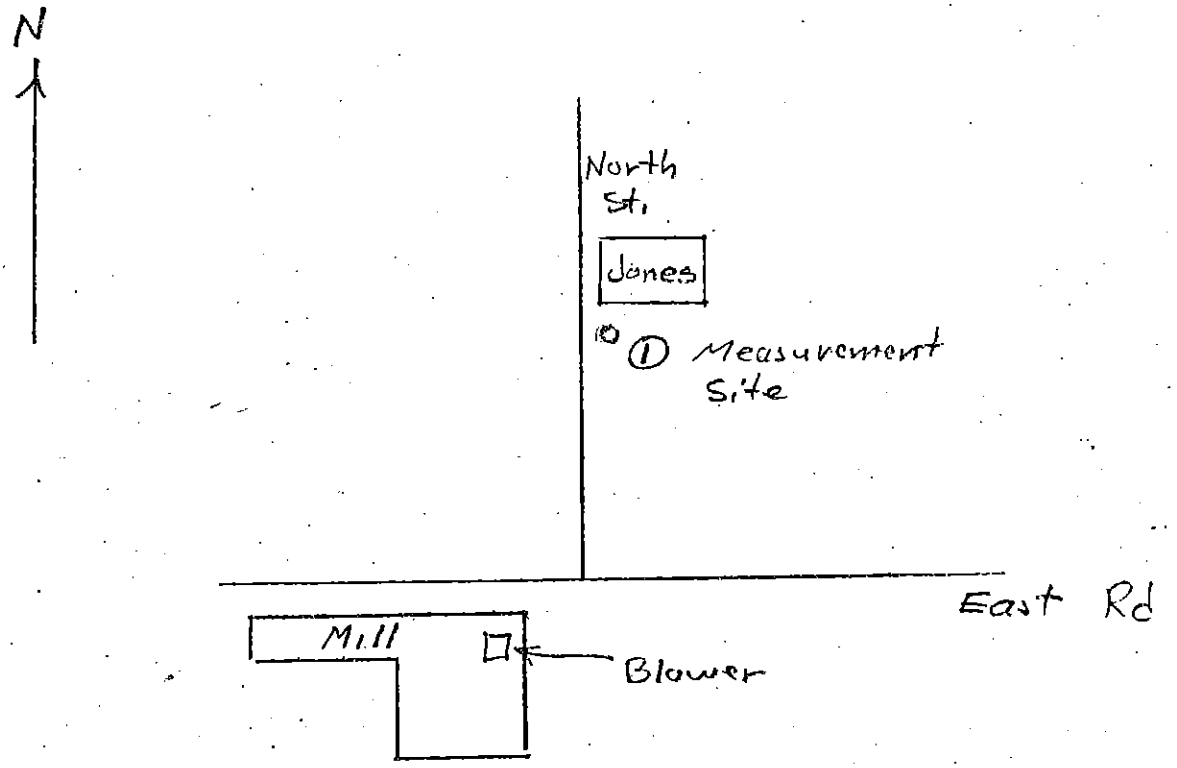
NPCS-5

INSTRUMENT SET-UP
CHECK-OFF LIST

- [x] Site Selection
- [x] SLM Position
- [x] Battery Check
- [x] Calibration Adjustment
- [x] Wind Below 10 MPH
- [x] Humidity Below 95%
- [x] Windscreen

1. Days of Operation
   - A. Mon. - Fri.
   - (B.) Mon. - Sat.
   - C. Mon. - Sun.
2. Time of Operation
   - A. 8 a.m. - 5 p.m.
   - (B.) 6 a.m. - 11 p.m.
3. Number of Shifts
   - A. One
   - (B.) Two
   - C. Three
4. Distance from Receiver to source ≈ 300 feet
5. Visibility to Source
   - A. Direct X
   - B. Hill or Berm
   - C. Trees
   - D. Other
6. Zoning
   - A. Residence X
   - B. Plant or Facility
7. Who came first?
   - (A.) Residence...Date 1952
   - B. Plant or Facility...Date
8. Petition Submitted
   - A. Yes....Number
   - (B.) No

SKETCH OF MEASUREMENT SITE AND SOURCE



Example Form NPCS-5
Figure 4-6 REVERSE SIDE OF FORM

NPCS-5

4.6 Statistical Noise Level Calculations

4.6.1 Hand Sample Method (Comment)

a. For this method use forms NPCS-10-1, NPCS-10-2, and NPCS-10-3 as shown in Figures 4-7 through 4-9 or equivalent.

b. Record the noise levels in dBA on Form NPCS-10-1 at five second intervals for ten minutes, at ten second intervals for twenty minutes, or at fifteen second intervals for thirty minutes. An example of such a measurement is presented in Figure 4-10.

c. Using Form NPCS-10-2 record the maximum, minimum and intermediate levels in 1 dBA increments as the example shows in Figure 4-11.

In the "Number of Readings" column, sum the total readings at each dBA level. Using the "Number .GT." column, calculate the number of readings taken that are greater than each particular level. For example, in Figure 4-11 there are no readings greater than 81 dBA, hence the "Number .GT." is zero. There are two readings taken at a level greater than 79 dBA, and five (2 plus 3) readings greater than 78 dBA.

The percent greater than (%.GT.) column contains the statistical percent for each dBA level. The percent is calculated by dividing the numbers in the "Number .GT." column by the total number of readings times 100. For example, the percent of 64 dBA is calculated as $125 \div 125 \times 100 = 100\%$, and the percent at 65 dBA is $123 \div 125 \times 100 = 98.1\%$.

d. Using Form NPCS-10-3, the dBA levels versus the "percent greater than" numbers are plotted. An example of this is shown in Figure 4-12.

From the resulting graph, the statistical noise level at any required percentage may be found. For example, the L_{50} and L_{10} are found to be 72 dBA and 75.5 dBA respectively.

4.6.2 Noise Exposure Counter or Monitor Method

Comment: Statistical noise levels may be obtained through the use of several commercially designed devices that sample and classify the data. The Bruel & Kjaer Model 166 Environmental Noise Classifier is a self-contained instrument that can be used to obtain the statistical distribution of noise. The data obtained from this instrument may be recorded on Forms NPCS-10 and calculated in the same manner as described in Section 6.1 of this Chapter. Other equivalent systems may be used with the approval of the Department.

4.6.3 Programmable Calculator Method

Comment: The noise staff of the Department has developed a program to calculate statistical noise levels on a Wang 600 series programmable calculator. This method will digitally make the necessary calculations after the analog noise data has been converted to digital data. As this method is specialized to the Department's facilities, it will not be presented here. A complete explanation of the method and program listing is on file at the Department in Manual NPCS-22, Analysis of Ambient Noise with the Wang 600 Series Programmable Calculator.

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATISTICAL NOISE SURVEY

LOCATION _____

PRIMARY SOURCE _____ BY _____

_____ DATE _____

_____ SHEET 1 of 3

SECONDARY SOURCE _____

_____

_____

SAMPLE INTERVAL 5 10 15 SECONDS

START TIME: _____

Time	bar	Calibration dB	°F dry bulb	°F wet bulb	%RH	Press. mm Hg	Wind mph	Wind Direct.

INSTRUMENTATION		
EQPT	TYPE	SERIAL
SLM		
MIC		
CAL		
Windscreen ON OFF		
R. I. C. ON OFF		

Data Points — Sound Pressure Level dBA

1 - 8								
9 - 16								
17 - 24								
25 - 32								
33 - 40								
41 - 48								
49 - 56								
57 - 64								
65 - 72								
73 - 80								
81 - 88								
89 - 96								
97 -104								
105 -112								
113 -120								
121 -128								
129 -136								
137 -144								
145 -152								

Note: A minimum of 120 data points are required.
Indicate all missed data points and an explanation.

Figure 4-7 Form NPCS-10-1 Statistical Noise Survey

NPCS-10-1

DEPARTMENT OF ENVIRONMENTAL QUALITY

BY ____________

STATISTICAL COMPUTATION SHEET

DATE ____________

LOCATION ______________________________

SHEET 2 of 3

LEVEL dBA	TALLY	No. Readings	No. .GT.	% .GT.

FIGURE 4-8 FORM NPCS-10-2 STATISTICAL COMPUTATION SHEET

NPCS-10-2

STATISTICAL NOISE GRAPH

BY _____

DATE _____

SHEET 3 of 3

STATISTICAL NOISE GRAPH

SOURCE: _____

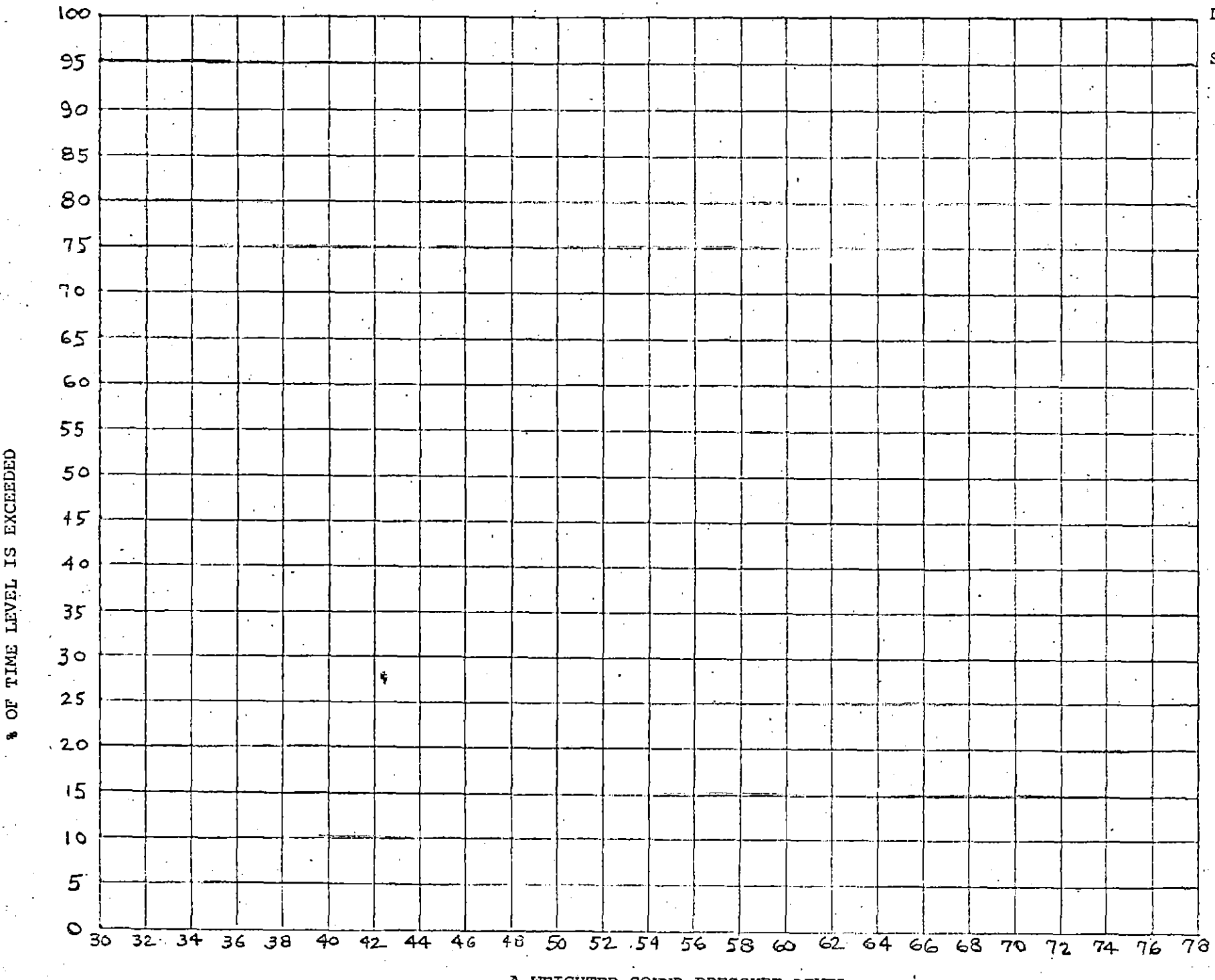


FIGURE 4-9 FORM NPCS-10-3 STATISTICAL NOISE GRAPH

NPCS-10-3

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATISTICAL NOISE SURVEY

LOCATION I 80 N 60TH & N.E. JONES ST.

PRIMARY SOURCE TRAFFIC

BY SROKA

DATE 2/21/73

SHEET 1 of 3

SECONDARY SOURCE NONE

SAMPLE INTERVAL (5) 10 15 SECONDS

START TIME: 9:45 A.M.

Time	bat	Calibration dB	°F dry bulb	°F wet bulb	%RH	Press. mm Hg	Wind mph	Wind Direct.
9:40	V	124	54	46	54	—	8-10	E

INSTRUMENTATION		
EQPT	TYPE	SERIAL
SLM	B+K 2209	386007
MIC	B+K 4145	367342
CAL	B+K 4220	376062
Windscreen ON OFF		
R. I. C. ON OFF		

Data Points — Sound Pressure Level dBA

1 - 8	81	69	76	77	76	TRUCK ON TOMAHAWK ST.	70	75
9 - 16	76	73	73	72	73	73	73	71
17 - 24	71	71	70	70	68	70	69	72
25 - 32	70	69	70	72	71	72	72	75
33 - 40	77	74	74	78	79	74	74	74
41 - 48	73	72	72	79	74	72	72	72
49 - 56	74	DROPPED PEN	75	73	72	72	73	78
57 - 64	74	73	72	76	76	76	73	72
65 - 72	73	71	69	70	70	73	66	72
73 - 80	73	72	68	73	73	69	73	71
81 - 88	74	73	81	74	75	70	70	72
89 - 96	65	70	72	75	72	65	78	72
97 - 104	72	71	70	70	69	66	70	74
105 - 112	79	73	74	73	75	72	69	73
113 - 120	73	72	73	73	72	72	71	70
121 - 128	69	70	71					
129 - 136								
137 - 144								
145 - 152								

Note: A minimum of 120 data points are required.
Indicate all missed data points and an explanation.

Figure 4-10 Example of Statistical Noise Survey

NPCS-10-1

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATISTICAL NOISE SURVEY

BY ZOKA

DATE 2/21/73

LOCATION 65TH & NE WILLOW I80N

SHEET 2 of 3

LEVEL dBA	TALLY	No. Readings	No. .GT.	% .GT.
64		0	125	100
65	II	2	123	98.1
66	II	2	121	96.7
67		0	121	96.7
68	III	3	118	94.4
69	𝍸 III	8	110	88
70	𝍸 𝍸 𝍸 III	18	92	73.6
71	𝍸 IIII	9	83	66.4
72	𝍸 𝍸 𝍸 𝍸 IIII	24	59	47
73	𝍸 𝍸 𝍸 𝍸 IIII	24	35	28
74	𝍸 𝍸 III	13	22	17.6
75	𝍸	5	17	13.6
76	𝍸 I	6	11	8.8
77	III	3	8	6.4
78	III	3	5	4.0
79	III	3	2	1.6
80		0	2	1.6
81	II	2	0	0
82		0		

Figure 4-11 Example of Statistical Computation Sheet

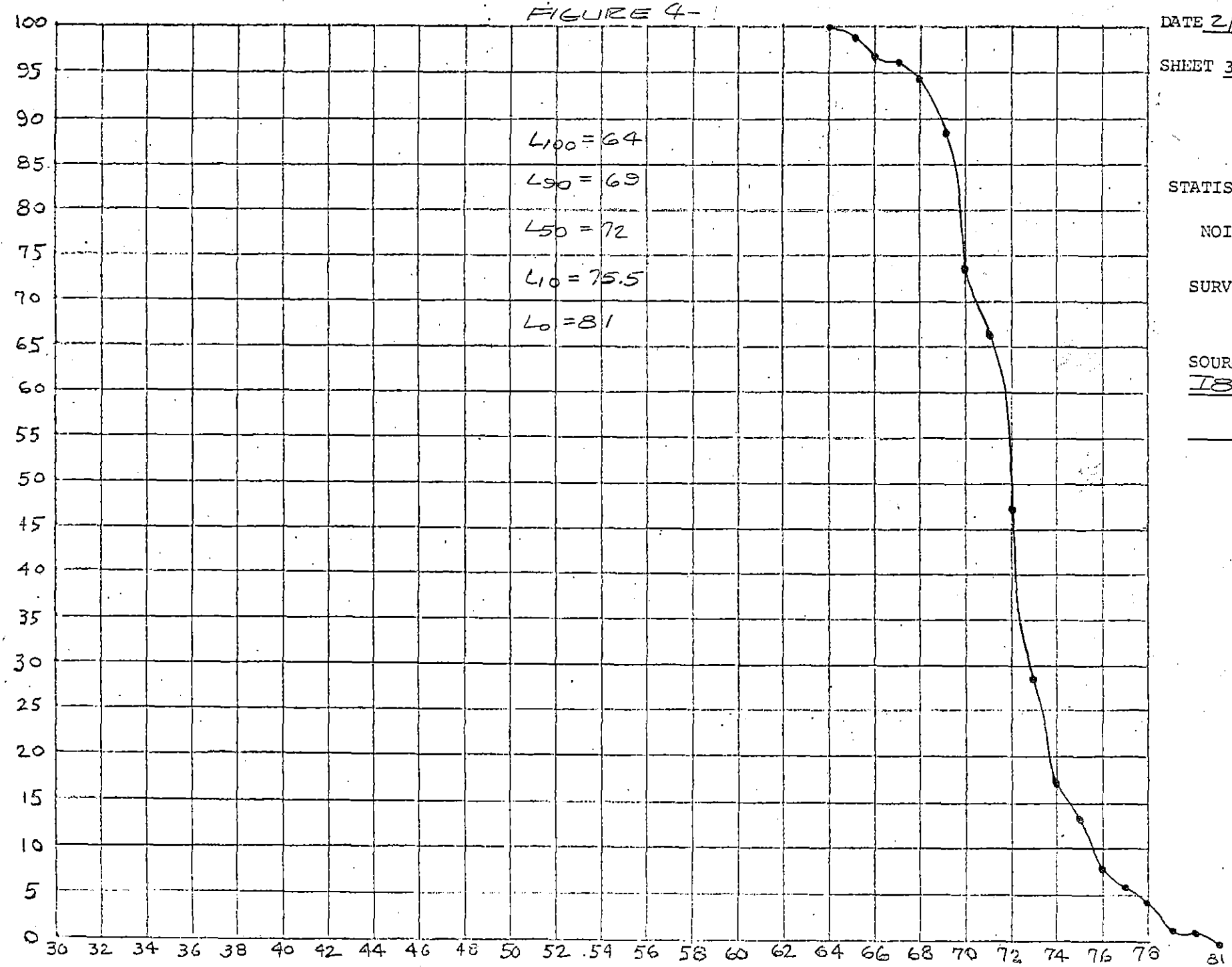
STATISTICAL NOISE SURVEY

FIGURE 4-

BY SROKA

DATE 2/21/73

SHEET 3 of 3



STATISTICAL NOISE SURVEY

SOURCE: I80W

Figure 4-12 Example of Statistical Graph

4.7 Analysis of Equivalent Octave Band Sound Pressure Levels

4.7.1 Application

Comment: This chapter establishes the procedures to be used in determining Equivalent Octave Band Levels (L_{EOB}) of octave band sound pressure levels.

4.7.2 Procedure

Comment: Using Fig. 4-13 as a worksheet, determine the Band Loudness Index for each octave band according to Fig. 4-14. Then determine for each band loudness index the corresponding sound pressure level at 1000 H_z. This is the equivalent Octave Band Level.

4.7.3 Example

Comment: An example is given in Figs. 4-15 and 4-16 for the following data.

Frequency, Center of Octave Band, H_z	Sound Pressure Level, dB
31.5	55
63	55
125	54
250	54
500	50
1000	44
2000	38
4000	30
8000	22

The octave band frequencies and measured sound pressure levels are tabulated in the first and second columns of the worksheet as shown in Figure 4-15. The band loudness index, recorded in the third column, is found in Figure 4-14 at each octave band frequency and dB level. The equivalent octave band level is then determined by finding each loudness index in the 1000 Hertz octave band and the corresponding band level in dB. A linear interpolation may be used for loudness indices not contained in Figure 4-14. The average adjacent equivalent octave band level is calculated and tabulated in the fifth column, then the difference between the equivalent octave band level and the average of adjacent levels is recorded in the sixth column. The first row in column 7 contains the differences between the first and second octave band L_{EOB}'s in the last row the difference between the 3000 Hz and 4000 Hz octave band L_{EOB} is recorded. In Fig. 4-16 the original octave band sound pressure levels and the calculated equivalent octave band levels are plotted.

1	2	3	4	5	6	7
Frequency Hz	SPL dB	Loudness Index	L_{EOB} dB	Average of Adjacent L_{EOB}'s dB	Difference (Col. 4-Col.5)	31.5 Hz and 8000 Hz Exceedences
31.5						
63						L_{EOB} 31.5 - L_{EOB} 63
125						
250						
500						
1000						
2000						
4000						L_{EOB} 8000 - L_{EOB} 4000
8000						

WORKSHEET FOR OCTAVE BAND LEVELS

Figure 4-13

Band Level	FREQUENCY - H_z								
dB	31.5	63	125	250	500	1000	2000	4000	8000
20						.18	.30	.45	.61
21						.22	.35	.50	.67
22					.07	.26	.40	.55	.73
23					.12	.30	.45	.61	.80
24					.16	.35	.50	.67	.87
25					.21	.40	.55	.73	.94
26					.26	.45	.61	.80	1.02
27					.31	.50	.67	.87	1.10
28				.07	.37	.55	.73	.94	1.18
29				.12	.43	.61	.80	1.02	1.27
30				.16	.49	.67	.87	1.10	1.35
31				.21	.55	.73	.94	1.18	1.44
32				.26	.61	.80	1.02	1.27	1.54
33				.31	.67	.87	1.10	1.35	1.64
34			.07	.37	.73	.94	1.18	1.44	1.75
35			.12	.43	.80	1.02	1.27	1.54	1.87
36			.16	.49	.87	1.10	1.35	1.64	1.99
37			.21	.55	.94	1.18	1.44	1.75	2.11
38			.26	.62	1.02	1.27	1.54	1.87	2.24
39			.31	.69	1.10	1.35	1.64	1.99	2.38
40		.07	.37	.77	1.18	1.44	1.75	2.11	2.53
41		.12	.43	.85	1.27	1.54	1.87	2.24	2.68
42		.16	.49	.94	1.35	1.64	1.99	2.38	2.84
43		.21	.55	1.04	1.44	1.75	2.11	2.53	3.0
44		.26	.62	1.13	1.54	1.87	2.24	2.68	3.2
45		.31	.69	1.23	1.64	1.99	2.38	2.84	3.4
46	.07	.37	.77	1.33	1.75	2.11	2.53	3.0	3.6
47	.12	.43	.85	1.44	1.87	2.24	2.68	3.2	3.8
48	.16	.49	.94	1.56	1.99	2.38	2.84	3.4	4.1
49	.21	.55	1.04	1.69	2.11	2.53	3.0	3.6	4.3
50	.26	.62	1.13	1.82	2.24	2.68	3.2	3.8	4.6
51	.31	.69	1.23	1.96	2.38	2.84	3.4	4.1	4.9
52	.37	.77	1.33	2.11	2.53	3.0	3.6	4.3	5.2
53	.43	.85	1.44	2.24	2.68	3.2	3.8	4.6	5.5
54	.49	.94	1.56	2.38	2.84	3.4	4.1	4.9	5.8
55	.55	1.04	1.69	2.53	3.0	3.6	4.3	5.2	6.2
56	.62	1.13	1.82	2.68	3.2	3.8	4.6	5.5	6.6
57	.69	1.23	1.96	2.84	3.4	4.1	4.9	5.8	7.0
58	.77	1.33	2.11	3.0	3.6	4.3	5.2	6.2	7.4
59	.85	1.44	2.27	3.2	3.8	4.6	5.5	6.6	7.8
60	.94	1.56	2.44	3.4	4.1	4.9	5.8	7.0	8.3
61	1.04	1.69	2.62	3.6	4.3	5.2	6.2	7.4	8.8
62	1.13	1.82	2.81	3.8	4.6	5.5	6.6	7.8	9.3
63	1.23	1.96	3.0	4.1	4.9	5.8	7.0	8.3	9.9
64	1.33	2.11	3.2	4.3	5.2	6.2	7.4	8.8	10.5
65	1.44	2.27	3.5	4.6	5.5	6.6	7.8	9.3	11.1
66	1.56	2.44	3.7	4.9	5.8	7.0	8.3	9.9	11.8
67	1.69	2.62	4.0	5.2	6.2	7.4	8.8	10.5	12.6
68	1.82	2.81	4.3	5.5	6.6	7.8	9.3	11.1	13.5
69	1.96	3.0	4.7	5.8	7.0	8.3	9.9	11.8	14.4

Figure 4-14 Band Loudness Indices

Band Level	FREQUENCY - H_z								
dB	31.6	63	125	250	500	1000	2000	4000	8000
70	2.11	3.2	5.0	6.2	7.4	8.8	10.5	12.6	15.3
71	2.27	3.5	5.4	6.6	7.8	9.3	11.1	13.5	16.4
72	2.44	3.7	5.8	7.0	8.3	9.9	11.8	14.4	17.5
73	2.62	4.0	6.2	7.4	8.8	10.5	12.6	15.3	18.7
74	2.81	4.3	6.6	7.8	9.3	11.1	13.5	16.4	20.0
75	3.0	4.7	7.0	8.3	9.9	11.8	14.4	17.5	21.4
76	3.2	5.0	7.4	8.8	10.5	12.6	15.3	18.7	23.0
77	3.5	5.4	7.8	9.3	11.1	13.5	16.4	20.0	24.7
78	3.7	5.8	8.3	9.9	11.8	14.4	17.5	21.4	26.5
79	4.0	6.2	8.8	10.5	12.6	15.3	18.7	23.0	28.5
80	4.3	6.7	9.3	11.1	13.5	16.4	20.0	24.7	30.5
81	4.7	7.2	9.9	11.8	14.4	17.5	21.4	26.5	32.9
82	5.0	7.7	10.5	12.6	15.3	18.7	23.0	28.5	35.3
83	5.4	8.2	11.1	13.5	16.4	20.0	24.7	30.5	38
84	5.8	8.8	11.8	14.4	17.5	21.4	26.5	32.9	41
85	6.2	9.4	12.6	15.3	18.7	23.0	28.5	35.3	44
86	6.7	10.1	13.5	16.4	20.0	24.7	30.5	38	48
87	7.2	10.9	14.4	17.5	21.4	26.5	32.9	41	52
88	7.7	11.7	15.3	18.7	23.0	28.5	35.3	44	56
89	8.2	12.6	16.4	20.0	24.7	30.5	38	48	61
90	8.8	13.6	17.5	21.4	26.5	32.9	41	52	66
91	9.4	14.8	18.7	23.0	28.5	35.3	44	56	71
92	10.1	16.0	20.0	24.7	30.5	38	48	61	77
93	10.9	17.3	21.4	26.5	32.9	41	52	66	83
94	11.7	18.7	23.0	28.5	35.3	44	56	71	90
95	12.6	20.0	24.7	30.5	38	48	61	77	97
96	13.6	21.4	26.5	32.9	41	52	66	83	105
97	14.8	23.0	28.5	35.3	44	56	71	90	113
98	16.0	24.7	30.5	38	48	61	77	97	121
99	17.3	26.5	32.9	41	52	66	83	105	130
100	18.7	28.5	35.3	44	56	71	90	113	139
101	20.3	30.5	38	48	61	77	97	121	149
102	22.1	32.9	41	52	66	83	105	130	160
103	24.0	35.3	44	56	71	90	113	139	171
104	26.1	38	48	61	77	97	121	149	184
105	28.5	41	52	66	83	105	130	160	197
106	31.0	44	56	71	90	113	139	171	211
107	33.9	48	61	77	97	121	149	184	226
108	36.9	52	66	83	105	130	160	197	242
109	40.3	56	71	90	113	139	171	211	260
110	44	61	77	97	121	149	184	226	278
111	49	66	83	105	130	160	197	242	298
112	54	71	90	113	139	171	211	260	320
113	59	77	97	121	149	184	226	278	343
114	65	83	105	130	160	197	242	298	367
115	71	90	113	139	171	211	260	320	
116	77	97	121	149	184	226	278	343	
117	83	105	130	160	197	242	298	367	
118	90	113	139	171	211	260	320		
119	97	121	149	184	226	278	343		
120	105	130	160	197	242	298	367		

FIG 4-14

Band Level	FREQUENCY - H_z								
dB	31.5	63	125	250	1000	2000	4000	6000	8000
121	113	139	171	211	260	320			
122	121	149	184	226	278	343			
123	130	160	197	242	298	367			
124	139	171	211	260	320				
125	149	184	226	278	343				

Figure - 4-14

1	2	3	4	5	6	7
Frequency Hz	SPL dB	Loudness Index	L_{EOB} dB	Average of Adjacent L_{EOB}'s dB	Difference (Col. 4-Col.5)	31.5 Hz and 8000 Hz Exceedences
31.5	55	.55	28			-7
63	55	1.04	35	34.5	.5	L_{EOB} 31.5 - L_{EOB} 63
125	54	1.56	41	41.5	-.5	
250	54	2.38	48	44	4	
500	50	2.24	47	46	1	
1000	44	1.87	44	44	0	
2000	38	1.54	41	40	1	
4000	30	1.10	36	36	0	L_{EOB} 8000 - L_{EOB} 4000
8000	22	.73	31			-5

WORKSHEET FOR OCTAVE BAND LEVELS

Figure 4-15 Example

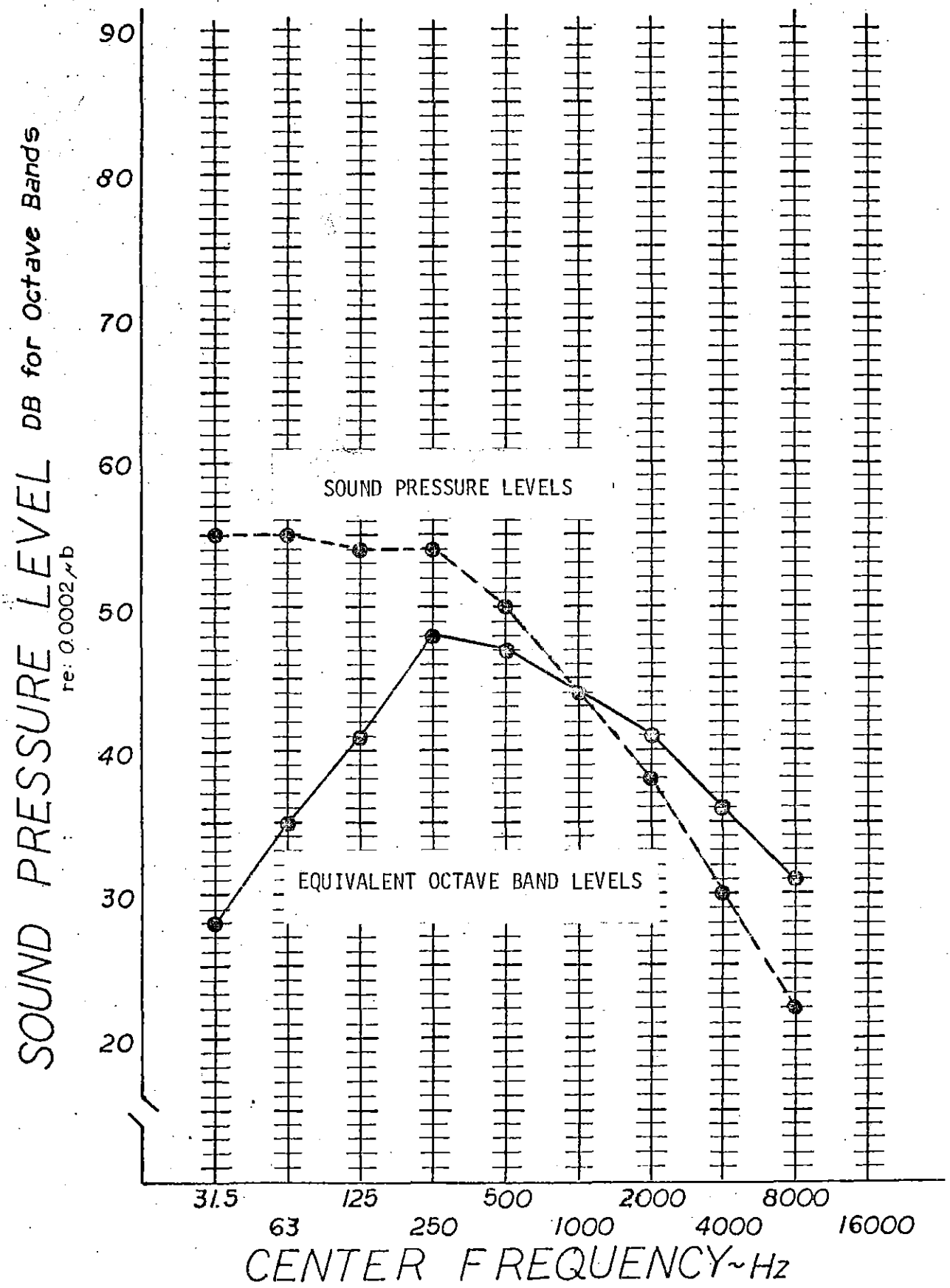


Fig. 4 .6 Example Octave Band Plot

4.8 Sound Level Adjustment with Distance

4.8.1 Point Source

Comment: The sound pressure level at a point r feet from a point source can be calculated from a sound pressure level measurement at a point r_o feet from the point source using the following equation:

$$SPL = SPL_o - 20 \log\left(\frac{r}{r_o}\right)$$

where:

SPL = sound pressure level at r feet from the source.

SPL_o = sound pressure level at r_o feet from the source. Note that r_o is a reference distance and that the distance r is always greater than r_o. The point r_o must be in the far field of the source.

Figure 4-17 illustrates a point source, such as an industrial site, and the distance at which the measurement SPL_o is taken and the distance where the required level, SPL is needed.

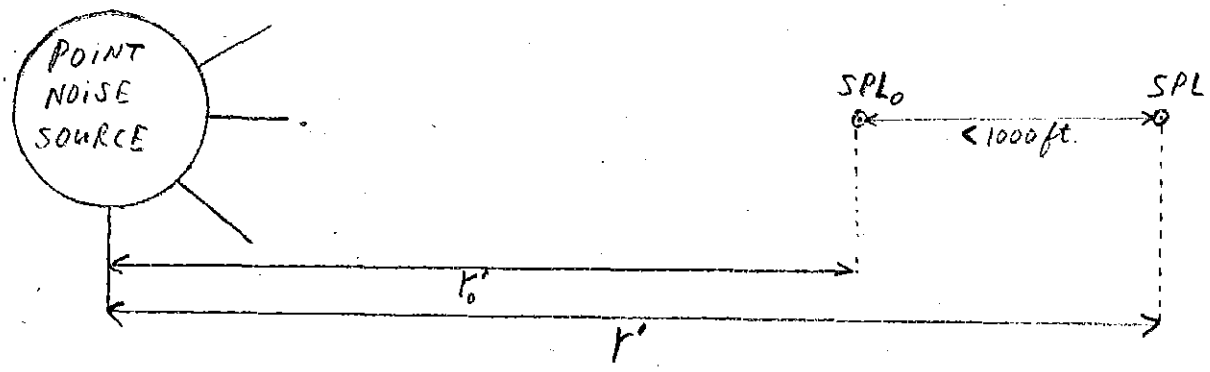


Figure 4-17

POINT NOISE SOURCE DISTANCE ADJUSTMENT

This projection technique is applicable only if the distance between r and r_o is less than 1000 feet. This projection technique should be used only when it is not practical to make a sound pressure level reading at r.

4.8.2 Line Source

Comment: The sound pressure level at a point r feet from a line source can be calculated from a sound pressure level measurement at a point r_o feet from the line source using the following equation:

$$SPL = SPL_o - 10 \log(\frac{r}{r_o})$$

Where:

SPL = sound pressure level at r feet from the source.

SPL_o = sound pressure level at r_o feet from the source. Note that r_o is a reference distance and that the distance r is always greater than r_o. The point r_o must be in the far field of the source.

Figure 4-18 illustrates a line source, such as a highway with closely spaced moving vehicles, and the distance at which the measurement, SPL_o is taken and the distance where the required level SPL is needed.

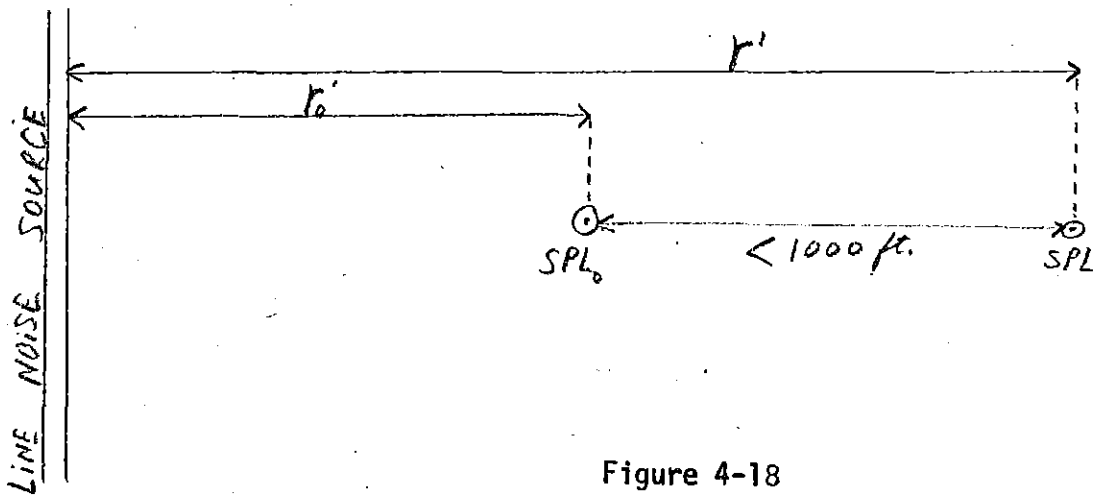


Figure 4-18

LINE NOISE SOURCE DISTANCE ADJUSTMENT

This projection technique is applicable only if the distance between r and r_o is less than 1000 feet. This projection technique should be used only when it is not practical to make a sound pressure level reading at point r.

DEPARTMENT OF ENVIRONMENTAL QUALITY

1/3 OCTAVE BAND DATA SHEET

File _____

County _____

SOURCE: _____

By _____

Date _____

Sheet 1

COMPLAINANT: _____

COMPLAINT DATE: _____

INSTRUMENTATION		
EQPT	TYPE	SERIAL
SLM		
MIC		
FLTR		
CAL		

Windscreen ON OFF

R. I. C. ON OFF

Time	Bat. Ck.	Calibration dB	°F dry bulb	°F wet bulb	%RH	Press. mm Hg	Wind mph	Wind Direct

PREFERRED CENTER FREQUENCIES FOR 1/3 OCTAVE BANDS

Position	Lin. Scale	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz
Position	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000	6300	8000	10,000	12,500

Comments _____

Form NPCS-29
Figure 4-19

NPCS-29

INSTRUMENT SET-UP
CHECK-OFF LIST

- ☐ Site Selection
- ☐ SLM Position
- ☐ Battery Check
- ☐ Calibration Adjustment
- ☐ Wind Below 10 MPH
- ☐ Humidity Below 95%
- ☐ Windscreen

1. Days of Operation
   - A. Mon. - Fri.
   - B. Mon. - Sat.
   - C. Mon. - Sun.
2. Time of Operation
   - A. 8 a.m. - 5 p.m.
   - B. _ a.m. - _ p.m.
3. Number of Shifts
   - A. One
   - B. Two
   - C. Three
4. Distance from Receiver to source _____ feet
5. Visibility to Source
   - A. Direct_____
   - B. Hill or Berm_____
   - C. Trees_____
   - D. Other_____
6. Zoning
   - A. Residence_____
   - B. Plant or Facility_____
7. Who came first?
   - A. Residence...Date_____
   - B. Plant or Facility...Date_____
8. Petition Submitted
   - A. Yes....Number_____
   - B. No

SKETCH OF MEASUREMENT SITE AND SOURCE

Reverse Side Form NPCS-29
Figure 4-19

NPCS-29

DEPARTMENT OF ENVIRONMENTAL QUALITY

1/3 OCTAVE BAND DATA SHEET

File Industrial

County Coos

SOURCE: Northwestern Lumber Inc.
Coos Bay Oregon
Saw mill - main saw

By E.M. Fuller

Date 7/10/74

Sheet 1/1

COMPLAINANT: Mr. Finch
1245 D, Coos Bay Oregon

COMPLAINT DATE: June 6, 1974

Time	Bat. Ck.	Calibration dB	°F dry bulb	°F wet bulb	%RH	Press. mm Hg	Wind mph	Wind Direct
2:10 PM	✓	124	79	55	22	—	5	SW

INSTRUMENTATION		
EQPT	TYPE	SERIAL
SLM	B&K 2209	[illegible]
MIC	B&K	[illegible]
FLTR	B&K [illegible]	[illegible]
CAL	B&K [illegible]	[illegible]

Windscreen (ON) OFF

R. I. C. (ON) OFF

PREFERRED CENTER FREQUENCIES FOR 1/3 OCTAVE BANDS

Position	Lin. Scale	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz
1	70	58	60	59	58	59	60	59	59	58	57	56	54	52	51
Position	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000	6300	8000	10,000	12,500
1	50	48	46	45	53	43	41	40	40	37	38	36	37	38	30

Comments: An occasional large log truck makes readings difficult. There seems to be a discrete tone created by a saw that shows up at 1/3 octave band readings at 1250 Hz.

Example Form NPCS-29
Figure 4-20

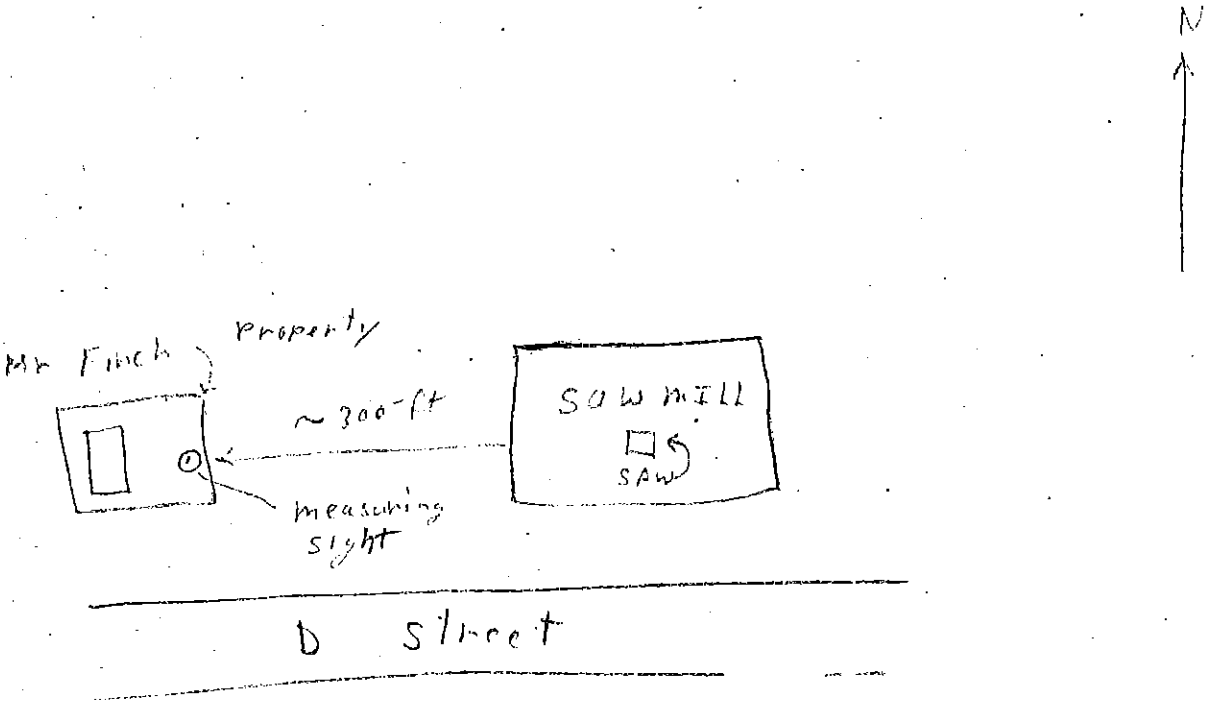
NPCS-29

INSTRUMENT SET-UP
CHECK-OFF LIST

- [x] Site Selection
- [x] SLM Position
- [x] Battery Check
- [x] Calibration Adjustment
- [x] Wind Below 10 MPH
- [x] Humidity Below 95%
- [x] Windscreen

1. Days of Operation
   - A. Mon. - Fri.
   - B. Mon. - Sat.
   - (C) Mon. - Sun.
2. Time of Operation
   - (A) 8 a.m. - 5 p.m.
   - B. _ a.m. - _ p.m.
3. Number of Shifts
   - (A) One
   - B. Two
   - C. Three
4. Distance from Receiver to source ~300 feet
5. Visibility to Source
   - (A) Direct Can see Inside Bldg
   - B. Hill or Berm
   - C. Trees
   - D. Other
6. Zoning
   - A. Residence
   - (B) Plant or Facility
7. Who came first?
   - (A) Residence...Date 1954
   - B. Plant or Facility...Date
8. Petition Submitted
   - A. Yes....Number
   - (B) No

SKETCH OF MEASUREMENT SITE AND SOURCE



Reverse Side Example Form NPCS-29
Figure 4-20

NPCS-29

ENVIRONMENTAL QUALITY COMMISSION

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

MEMORANDUM

To : Environmental Quality Commission
From : Director
Subject: Agenda Item No. H, September 4, 1974 EQC Meeting

Weyerhaeuser Company, Springfield --
Report on Proposed NPDES Permit

The staff have reviewed the waste handling improvements committed by Weyerhaeuser Company and the desires of the Commission as expressed in the July 19th meeting and have made the following changes in the Weyerhaeuser, Springfield draft permit.

Condition S1, which previously established a time schedule for reduction of settleable solids, has been expanded to require a reduction of winter BOD limitations to a monthly average of 4000 pounds under normal operations. To accomplish this reduction the commitments for improved treatment which Weyerhaeuser Company has made have been specifically incorporated in the permit. The new limitations must be achieved by June 1, 1976.

Condition S8 reflects the new 4000 pound/day winter limitation required after June 1, 1976. Since this is a limit to be met under normal operating conditions a special provision has been added to the condition which provides for slightly higher levels during abnormal conditions of dredging and extended periods of subfreezing weather. Temperatures which are cold enough to reduce the treatment efficiency are not expected to occur more than one or two weeks per year. Dredging should be required for only a few weeks during high stream flows every two or three years.

These changes in the draft permit reflect the Department's best efforts in arriving at a permit which is restrictive, yet realistic, and which will protect the water quality of the McKenzie River.

KESSLER R. CANNON
Director

HLS:ak
August 16, 1974

Attachment - Draft Permit

Revised August 16, 1974

PRELIMINARY DRAFT

FOR A

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

TO BE ISSUED BY

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

Pursuant to ORS [illegible] and P.L. 92-500

ISSU[illegible] [illegible] 275 Springfield, Oregon 97477 PLANT SITE: Springfield Operations ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY Kessler R. Cannon — Director Date	REFERENCE INFORMATION File Number: 96244 Appl. No.: 1763 Received 11-16-72 OR-000051-5 Major Basin: Willamette Minor Basin: McKenzie Receiving Stream: McKenzie River River Mile: 14.7 County: Lane

PERMITTED ACTIVITIES

Until such time as this permit expires or is modified or revoked, Weyerhaeuser Company, Springfield Operations, is herewith permitted to:

a. Operate waste treatment and control facilities.
b. Discharge adequately treated waste waters to the McKenzie River.
c. Construct and operate inplant waste water reduction/control facilities.
d. Discharge uncontaminated cooling water to the McKenzie River via the slough.

All of the above activities must be carried out in conformance with the requirements, limitations and conditions which follow.

All other waste discharges are prohibited.

SPECIAL CONDITIONS

S1. The permittee shall make the necessary improvements to reduce settleable solids and BOD (5-day) discharges to the McKenzie River to levels specified in the discharge limitations of Condition S8 of this permit in accordance with the following time schedule:

a. Complete pulp mill clarifier by December 31, 1974.

b. Complete project for segregation of uncontaminated water from contaminated waste water by December 31, 1974.

c. Install paper mill flotation "Saveall" system by July 31, 1975.

d. Complete condensate treatment system by November 1, 1975.

e. Submit progress report by January 1, 1976.

f. Meet required effluent limitations by June 1, 1976.

S2. The permittee shall survey and evaluate the temperature plume below each outfall in sufficient detail to ascertain plume boundaries during the next low stream flow period. It is also suggested that additional background temperature data be gathered during the next regular plant shutdown which occurs during low stream flow periods. The surveys shall provide both a horizontal and vertical temperature profile and shall indicate, where practicable, the location of the boundary of the area where the plant discharges increase the background temperature of the river by 0.5° F. Prior to December 31, 1974 the permittee shall submit the results of the study to the Department along with an evaluation of the results which demonstrates that either (a) the thermal components of the discharge meet all applicable water quality standards at the boundary of a reasonably sized mixing zone or (b) Section 316 (Public Law 92-500) applies to the discharge. After evaluating the study the Department may find it necessary to either redefine the mixing zone or require additional thermal control or both.

S3. The condensate irrigation system shall be operated such that runoff does not occur and such that odors or other nuisance conditions do not occur.

S4. The permittee is expected to meet the compliance schedules and interim dates which have been established in conditions S1 and S2 of this permit. Either prior to or no later than 14 days following any lapsed compliance date the permittee shall submit to the Department a notice of compliance or non-compliance with the established schedule.

S5. Prior to constructing or modifying any waste water control facilities, detailed plans and specifications shall be approved in writing by the Department.

S6. The quantity and quality of uncontaminated cooling water discharged directly or indirectly to the McKenzie River from outfall 002 shall be limited as follows:

Parameter	Monthly Average	Daily Maximum
Flow	15 MGD	25 MGD
Temperature	97° F.	115° F.
pH	Within the range 6.0 - 9.0	

S7. Beginning on the date of issuance of this permit and ending May 31, 1976, the quantity and quality of effluent discharged directly or indirectly to the McKenzie River from outfall 001 shall be limited as follows:

June 1 to October 31

Parameter	Weekly Average	Daily Maximum
BOD (5-day)	3,000 lbs/day	4,500 lbs
Suspended Solids (above background)	10,000 lbs/day	20,000 lbs
pH	Within the range 6.0 - 8.5	

November 1 to May 31

Parameter	Monthly Average	Daily Maximum
BOD (5-day)	5,700 lbs/day	10,000 lbs
Suspended Solids (above background)	11,960 lbs/day	28,000 lbs
pH	Within the range 6.0 - 8.5	

S8. After May 31, 1976 the quality and quantity of effluent discharged directly or indirectly to the McKenzie River from outfall 001 shall be limited as follows:

June 1 to October 31

Parameter	Weekly Average	Daily Maximum
BOD (5-day)	3,000 lbs/day	4,500 lbs
Suspended Solids (above background)	10,000 lbs/day	20,000 lbs
pH	Within the range 6.0 - 8.5	
Settleable Solids	Not to exceed 0.1 ml/l	

November 1 to May 31

Parameter	Monthly Average	Daily Maximum
BOD (5-day)	4,000 lbs/day	6,000 lbs
Suspended Solids (above background)	11,960 lbs/day	28,000 lbs
pH	Within the range 6.0 - 8.5	
Settleable Solids	Not to exceed 0.1 ml/l	

While dredging solids from the aeration basin, in accordance with specific written approval from the Department, or during extended subfreezing weather conditions when the aeration basin temperature drops below 70° F, the above BOD and settleable solids limits may be temporarily exceeded provided they do not exceed the following:

Parameter	Weekly Average	Daily Maximum
BOD (5-day)	5,500 lbs/day	10,000 lbs
Settleable Solids		0.5 ml/l

Dredging will only be permitted during high stream flows when the effects will be negligible. At all times the discharge of solids from the lagoon shall be minimized as much as practicable.

S9. The total discharge shall be controlled to maintain a reasonably constant flow rate throughout each 24-hour operating period.

S10. Notwithstanding the effluent limitations established by this permit, no wastes shall be discharged and no activities shall be conducted which will violate Water Quality Standards as adopted in OAR 340-41-100 except in the following defined mixing zones:

The allowable mixing zone for the process water discharge (001) shall not exceed a segment of the McKenzie River 100 feet wide as measured from the water line along the south bank and extending from 5 feet upstream of the point of discharge to 5,000 feet downstream of the point of discharge.

The allowable mixing zone for the uncontaminated cooling water (002) shall not extend beyond the secondary river channel receiving the discharge plus one-half the width of the main river channel from the point of confluence to the Hayden Bridge.

S11. No petroleum-base products (or other substances) which might cause the Water Quality Standards of the State of Oregon to be violated shall be discharged or otherwise allowed to reach any of the waters of the state.

S12. Sanitary wastes shall be disposed of to the City of Springfield municipal sewerage system.

S13. Filter backwash, solids, sludges, dirt, sand, silt or other pollutants separated from or resulting from the treatment of intake or supply water shall not be discharged to state waters without first receiving adequate treatment (which has been approved by the Department) for removal of the pollutants.

S14. Unless approved otherwise in writing by the Department the permittee shall observe and inspect all waste handling, treatment and disposal facilities and the receiving stream above and below each point of discharge at least daily to insure compliance with the conditions of this permit. A written record of all such observations shall be maintained at the plant and shall be made available to the Department of Environmental Quality staff for inspection and review upon request.

S15. The permittee shall monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the wastes discharged. A record of all such data shall be maintained and submitted to the Department of Environmental Quality at the end of each calendar month during the period November 1 to May 31. Reports shall be submitted at weekly intervals during the period June 1 to October 31. Unless otherwise agreed to in writing by the Department of Environmental Quality, data collected and submitted shall include but not necessarily be limited to the following parameters and minimum frequencies:

Parameter	Minimum Frequency
Discharge to River	
Flow (001 and 002)	Daily - continuous
BOD (5-day) (001)	3 24-hr composite samples/week
Suspended Solids (001)	3 24-hr composite samples/week
Settleable Solids (001)	3 grab samples/week
pH (001 and 002)	Continuous or daily grab samples
Color (001)	3 grab samples/week
Turbidity (001)	3 grab samples/week
Temperature (001 and 002)	3 grab samples/week
Discharge to Irrigation	
Flow	Daily - continuous
BOD (5-day)	3 grab samples/week
Land Application (gallons/acre)	Each rotation or setting
Other	
Mixing zone visual observations for color, foam, floating solids, slime accumulations, odors and anything unusual at each discharge	Daily
Production	
Pulp	Average tons/day for reporting period
paper	Average tons/day for reporting period

Monitoring procedures:

a. Monitoring shall begin on the first day of the month following issuance of this permit.

b. Monitoring reports shall be submitted by the 15th day of each following month during the monthly reporting period and within 10 days of the end of the reporting period during the weekly reporting period.

c. Monitoring data shall also be submitted on approved NPDES report forms monthly.

d. All records of monitoring activities and results required pursuant to this permit, including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records, shall be retained by the permittee for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Director.

e. The permittee shall record for each measurement or sample taken pursuant to the requirements of this permit the following information: (1) the date, exact place and time of sampling; (2) the dates the analyses were performed; (3) who performed the analyses; (4) the analytical techniques or methods used and (5) the results of all required analyses.

f. Samples and measurements taken to meet the requirements of this condition shall be representative of the volume and nature of the monitored discharge.

g. All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless approved otherwise in writing by the Department, conform to the latest edition of the following references:

1) American Public Health Association, Standard Methods for the Examination of Water and Wastewaters (13th ed. 1971).

2) American Society for Testing and Materials, A.S.T.M. Standards, Part 23, Water, Atmospheric Analysis (1970).

3) Environmental Protection Agency, Water Quality Office, Analytical Control Laboratory, Methods for Chemical Analysis of Water and Wastes (April, 1971).

S16. Within 30 days of the issuance of this permit the permittee shall submit a detailed description of the sampling procedures used, sample analysis techniques and exact location of sampling stations.

S17. Unless otherwise agreed to in writing by the Department all hydraulic barker water shall be screened and discharged to the aeration basin.

S18. Unless otherwise agreed to in writing by the Department, evaporator condensate shall be irrigated on land between June 1 and October 31 as much as it is practicable. Discharge of evaporator condensate to the aerated lagoon shall be kept to a minimum.

S19. All waste solids, including dredgings and sludges, shall be utilized or disposed of in a manner which will prevent their entry, or the entry of contaminated drainage or leachate therefrom, into the waters of the state and such that health hazards and nuisance conditions are not created.

S20. Prior to July 1, 1974 the permittee shall provide an alternative power source sufficient to operate all facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit. In lieu of this requirement the permittee may certify in writing to the Department within 30 days of the issuance of the permit that in the event of a reduction, loss, or failure of a power source the permittee shall halt, reduce or otherwise control production and/or all discharges in order to maintain compliance with the terms and conditions of this permit.

S21. The permittee shall prepare, submit to the Department and implement a suggested spill prevention and contingency plan for the facility covered by this permit within 90 days of the date of its issuance. Such plan shall include at least the following information and procedures relative to the prevention and handling of spills and unplanned discharges of oil, chemicals and other hazardous substances:

a. A description of the reporting system which will be used to alert responsible facility management and appropriate legal authorities;

b. A description of the facilities which prevent, contain or treat spills and unplanned discharges;

c. A list of all oil and hazardous materials used, processed or stored at the facility which may be spilled and could conceivably be discharged to state waters;

d. A brief description of recent spills and changes made to prevent their occurrence; and

e. An implementation schedule for additional facilities which may be required to prevent the spillage of oil, chemicals and other hazardous materials and subsequent discharge to state waters.

S22. Waste waters discharged to biological secondary treatment facilities shall contain adequate nutrients at all times. An automatic flow-regulated mechanical nutrient feeding facility is recommended for maintenance of an adequate influent balance at all times.

S23. An environmental supervisor shall be provided to coordinate and carry out all necessary functions related to maintenance and operation of waste collection, treatment and disposal facilities. This person must have access to all information pertaining to the generation of wastes in the various processing areas.

S24. A continuing program shall be initiated to reduce total fresh water consumption by increased utilization of soiled water.

S25. No waste streams subject to contamination with fiber, process chemicals, cleaning compounds, oils, leachates etc. shall be permitted to enter the discharge stream without passage through adequate waste treatment facilities.

S26. All surface drainage channels subject to contamination in the mill area shall be adequately controlled and monitored to insure that the spilled or accumulated fiber, process chemicals, cleaning compounds, oils, leachates etc. are not carried away from the plant site. Data collected from such monitoring shall be kept on file and made available to Department of Environmental Quality staff for review upon request.

S27. The diversion or bypass of any discharge from facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit is prohibited, except (a) where unavoidable to prevent loss of life or severe property damage or (b) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this permit. The permittee shall immediately notify the Department in writing of each such diversion or bypass in accordance with the procedure specified in Condition G9.

S28. The log pond and aeration basin shall not be drained or dredged without prior written approval from the Department.

S29. All glue waste water shall be recirculated or otherwise controlled so that it does not enter public waters.

GENERAL CONDITIONS

G1. All discharges and activities authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

G2. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

G3. Whenever a facility expansion, production increase or process modification is anticipated which will result in a change in the character of pollutants to be discharged or which will result in a new or increased discharge that will exceed the conditions of this permit, a new application must be submitted together with the necessary reports, plans and specifications for the proposed changes. No change shall be made until plans have been approved and a new permit or permit modification has been issued.

G4. After notice and opportunity for a hearing this permit may be modified, suspended or revoked in whole or in part during its term for cause including but not limited to the following:

a. Violation of any terms or conditions of this permit or any applicable rule, standard, or order of the Commission;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c. A change in the condition of the receiving waters or any other condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

G5. If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Act for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee shall be so notified.

G6. The permittee shall, at all reasonable times, allow authorized representatives of the Department of Environmental Quality:

a. To enter upon the permittee's premises where an effluent source or disposal system is located or in which any records are required to be kept under the terms and conditions of this permit;

b. To have access to and copy any records required to be kept under the terms and conditions of this permit;

c. To inspect any monitoring equipment or monitoring method required by this permit; or

d. To sample any discharge of pollutants.

G7. The permittee shall maintain in good working order and operate as efficiently as practicable all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

G8. The Department of Environmental Quality, its officers, agents and employees shall not sustain any liability on account of the issuance of this permit or on account of the construction or maintenance of facilities because of this permit.

G9. In the event the permittee is unable to comply with all of the conditions of this permit because of a breakdown of equipment or facilities, an accident caused by human error or negligence, or any other cause such as an act of nature, the permittee shall:

a. Immediately take action to stop, contain and clean up the unauthorized discharges and correct the problem.

b. Immediately notify the Department of Environmental Quality so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.

c. Submit a detailed written report describing the breakdown, the actual quantity and quality of resulting waste discharges, corrective action taken, steps taken to prevent a recurrence and any other pertinent information.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

ENVIRONMENTAL QUALITY COMMISSION

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

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KESSLER R. CANNON
Director

TO: Environmental Quality Commission

FROM: Hearings Officer

SUBJECT: Agenda Item No. I, September 4, 1974, EQC Meeting
Donald Furtick and John Soreng, dba Sarah Land Company: Hearings Officer's Proposed Order Regarding Contested Civil Penalty

Background

Donald Furtick and John Soreng, hereinafter referred to as the respondents, doing business as Sarah Land Company, own property adjacent to Interstate 5 south of Eugene. The Department of Environmental Quality, by letter dated October 5, 1973, signed by Ron L. Myles for then-Director Diarmuid O'Scannlain, notified the respondents that Department staff had detected a discharge of untreated domestic sewage from a pump station on a private sewer line serving the mentioned property. The domestic sewage, the letter alleged, was entering waters of the state. The letter warned the respondents that the Director would impose a civil penalty of not less than $25 nor more than $500 if a violation continued or occurred after five days subsequent to receipt of the letter.

The Department informed the respondents, by letter dated May 8, 1974, signed by Director Kessler R. Cannon, that Department staff had detected another discharge of untreated domestic sewage from the private sewer line into the waters of the state in March, this time from a manhole on the sewer line. The Director assessed respondents a civil penalty of $250 for the alleged violation.

The respondents requested a formal contested case hearing, which was held Thursday, July 18, 1974, in Portland before the undersigned as hearings officer. Robert Haskins, Assistant Attorney General, represented the Department at the hearing; Mr. Furtick represented the respondents: himself, Mr. Soreng, and their partnership, Sarah Land Company.

Findings of Fact

The Department and respondents stipulated to many facts, and most other matters were uncontroverted in the record. They are:

1. Respondents Donald Furtick and John Soreng, doing business as Sarah Land Company, first acquired interest in a parcel of real estate on the south side of Interstate 5 near the Glenwood exit and Laurel Hill Road in approximately 1968.

2. At the time respondents acquired the parcel, the sewage system that is the cause of the violation for which the disputed civil penalty was assessed was either just completed or in the early stages of operation.

3. The private sewer is an eight-inch pipe (see Joint Exhibit 6) serving Denny's 24-hour restaurant, for which the respondents are the landlords; Motel 6, to whom the respondents lease the ground; an Exxon station located on property once part of the original property, but since parceled off; and a Texaco station on separate property.

4. The sewer is a gravity flow system down to a pumping station. The pumping station consists of a three-compartment tank, of which the first two compartments function similarly to a conventional septic tank, and the third is an effluent lift pump which propels the sewage over a slight hill to the west to a connection with the Eugene Municipal Sewerage System.

5. Mr. Soreng is believed by Mr. Furtick to have been the original developer of the property; Mr. Furtick has been involved in the management of the property since approximately 1971.

6. During the period from 1968 through 1972, there were instances of failure of the sewerage system on respondents' property. The Department submitted a copy of a letter from the Lane County Department of Health and Sanitation to Mr. Furtick dated February 29, 1972, (Department's Exhibit 1) and an internal memorandum of the Lane County Department of Health and Sanitation dated December 19, 1972, (Department's Exhibit 8) which tend to establish two specific incidents of sewage spillage: one, on January 19, 1972, when sewage is alleged to have been flowing in a ditch from the pump station; and another, on February 24, 1972, where sewage is alleged to have been flowing out of a manhole along the sewer line. In Department's Exhibit 1, the author of the letter, John Stoner, alleges a telephone call to Mr. Furtick of which the letter is merely confirmation. Mr. Furtick testified he does not recall receiving either the telephone call or the letter. In Department's Exhibit 8, a memorandum written a full eleven months after the incident alleged therein, the author, George Brasells, alleges another person, Mr. Knopf, telephoned Mr. Furtick about the alleged violation. Mr. Furtick testified he did not recall receipt of that telephone call either. Department's Exhibit 8 also exhibits some confusion between the January 19 and the February 24 incidents. Mr. Furtick does not dispute, however, that such incident or incidents as are described in the two exhibits may well have occurred, and he admits that there were failures in that sewerage system in the period 1968 to 1972. For the purposes of the instant proceeding only, the hearings officer rules that Mr. Furtick has admitted to the existence of one or more incidents of sewerage system failure in January and February, 1972.

7. In late August, 1972, G. W. Gray of the Lane County Department of Health and Sanitation, acting on a complaint from a neighboring company, investigated and allegedly discovered a sewage leak on the property owned by Sarah Land Company. According to his letter to the complainant (Department's Exhibit 2),

"the Sarah Land Company property corrected their sewage leak (sic)." Mr. Gray was not a witness at the hearing, and the exhibit presented by the Department does not indicate if Mr.Gray contacted either of the respondents in the case, or from what part of the property the alleged leak was emanating. Mr. Furtick testified he recalls Mr. Gray's superior, John Stoner, calling him in summer, 1972, but that he found no evidence of spillage at that time. For the purposes of the instant proceeding only, the hearings officer rules that the Department has failed to establish by a preponderance of the evidence the existence of the alleged August, 1972, violation.

8. On or about December 14, 1972, raw sewage was discharged from a manhole located approximately 100 feet west and down the bank from the Texaco station (Joint Exhibit 6). On December 18, 1972, John C. Stoner of the Lane County Department of Health and Sanitation sent identical letters to the Enco (now Exxon) station served by the sewer (Department's Exhibit 3), the Texaco station (Department's Exhibit 4), Motel 6 (Department's Exhibit 5), and Denny's Restaurant (Department's Exhibit 6) informing them of the spillage; and on December 19 Mr. Stoner sent a copy of each of these letters, along with a cover letter, to Mr. Furtick. Mr. Furtick testified he recalls receipt of this communication. Mr. Furtick was in Mexico on vacation at the time of this spill, which he admits; but he testified that Mr. Soreng telephoned him there and consulted him on the problem. Mr. Furtick did not return to Eugene until mid-January.

9. At approximately 11:00 a.m. on December 20, 1972, Eugene District Engineer Richard Reiter of the Department of Environmental Quality investigated the Sarah Land sewerage system. He found the system warning horn blowing at the pump station and raw sewage on the ground adjacent to the station (Department's Exhibits 11-A and 11-B). Another inspection later that afternoon by Mr. Reiter revealed that repair work had been performed on the system in the interim.

10. Subsequently, Mr. Reiter drafted and then-Director of the Department of Environmental Quality, L. B. Day, signed a letter to Mr. Furtick dated December 29, 1972, recounting the events of December 20 and prescribing five actions the DEQ would require as conditions of continued operation of the private sewerage system (Department's Exhibit 9). The letter also contained the following warning:

> "Considering the recent history associated with the Laurel Hill Road pump station and the apparent lack of routine operation and maintenance, it should be understood that continued failure to provide for the proper operation of this pump station and the discharge of raw sewage into public waters due to its malfunction will leave this Department no alternative but to seek legal redress in the form of civil penalties, as well as repair of the malfunctioning system."

Mr. Furtick admits he received this letter, and the letter is referred to in a letter dated January 10, 1973, from his partner, John E. Soreng to Harold Sawyer of the DEQ (Department's Exhibit 10).

11. The first requirement of the December 29, 1972, L. B. Day letter was that a registered engineer inspect the pump station and certify to the Department the operating characteristics of the pumps and pump station and that the station was operational (Department's Exhibit 9). Mr. Soreng alleged in his January 10, 1973, letter to Harold Sawyer (Department's Exhibit 10) that Schaudt, Stemm and Walters had been retained for compliance with this prescription. Mr. Furtick

testified that Ray Walters of that firm, who had originally designed the system, was called in on that account. Mr. Reiter testified that Mr. Walters never sent an engineering report to him or to the Portland office (see finding 16 below), but did receive a telephone call from Mr. Walters. The Department did not contend at the hearing that respondents had failed to comply with this requirement.

12. During his inspection on December 20, Mr. Reiter had observed that a hole had been chiseled into the base of the west manhole at the pump station. Sewage had overflowed onto the ground through this hole (Department's Exhibit 11-A). The second requirement of the December 29 letter was that this hole be plugged with concrete. Mr. Soreng's January 10, 1973, letter (Department's Exhibit 10) alleges that the plugging had already been done at that time, and the Department does not dispute the fact.

13. The original system had a horn warning system at the pump station to warn of system malfunctions. At the time of Mr. Reiter's December 20, 1972, visit, the horn was blaring, but no one was in attendance. In the December 29 letter the Director required that remote monitoring system tied in with Eugene's sewage treatment plant's control panel be established. This condition was never complied with, by Mr. Furtick's admission.

14. In the spring of 1973 respondents did commence activity to improve upon the warning system (Petitioner's Exhibit 1). Respondents engaged L. H. Morris Electric Company, who, some time subsequent to August 31, 1973, and perhaps as late as early 1974, installed a new warning system which is activated if the effluent level in the tank at the pump station exceeds a certain level, if there is a power failure or power is shut off at the pump station, or if the line between Denny's Restaurant and the pump station is damaged or broken. This system has a warning buzzer or horn and a light or dial located high on a support outside the manager's door in a private portion of Denny's, a 24-hour per day restaurant. This device was once inadvertently activated, and Mr. Furtick testified that the Denny's people say it is loud. Mr. Furtick testified this system has been activated one other time, at which time there was no spillage of sewage.

15. The fourth requirement of the December 29 letter was that the respondents develop a service contract with the City of Eugene and/or a licensed plumbing firm to inspect the system daily and perform immediate repairs as needed. Mr. Furtick testified that such daily inspections were carried out under a verbal agreement by Ramsey Waite, the pump designer, manufacturer, and installer, for a period of four to six months, after which Mr. Furtick discovered from his bill received from Ramsey Waite that that firm was no longer performing the service. Respondents did not engage another firm, nor did they contract with the City of Eugene to take up the inspections. Since the Ramsey Waite default was discovered, Mr. Furtick has himself checked the system approximately twice weekly. In addition, A-1 Septic Rooter Service, which pumps the tank every $4\frac{1}{2}$ to 5 months, has instructions to check the tank every two weeks or so; historically, that firm has checked the pump area also.

16. The fifth and last requirement of the December 29 letter was that respondents submit to the Department by February 1, 1973, an engineering report outlining in detail the status of plans for the provision of "permanent" sanitary sewers for the institutions served. The engineering report was never written or sent. There is hearsay testimony on both sides as to whether or not such a report was commissioned. Mr. Soreng, in his January 10, 1973, letter (Department's Ex-

hibit 10) stated that respondents had requested Schaudt, Stemm and Walters to "investigate the feasibility" of connecting directly to permanent sanitary sewers. Mr. Furtick testified that Ray Walters was told by Mr. Soreng to negotiate with the City of Eugene and that he had turned over to Mr. Walters the task of submitting an engineering report. Mr. Furtick "assumes" Ray Walters reported to the Department on his lack of success, but he himself received no report. Mr. Reiter testified that Mr. Walters, who telephoned him soon after Mr. Soreng's January 10 letter was received, told him he was not retained to negotiate with the city. In what may be the same or a different telephone call on February 9, 1973, Mr. Reiter testified Mr. Walters told him he was not requested to investigate the feasibility of a permanent sewer hookup. The hearings officer finds reconciliation of these conflicting hearsay accounts as to the instructions given Mr. Walters impossible in the absence of Mr. Walters' direct testimony, but does note that the fact of the respondents' failure to submit a report is not disputed.

17. Mr. Furtick testified that Mr. Walters has worked with Donald Allen, Director of the City of Eugene Public Works Department,and with the State Highway Division, to run a permanent gravity flow sanitary sewer northward, under Interstate 5, to a connection with the Eugene system. Mr. Reiter confirmed that he had been involved in discussions prior to February 9, 1973, in which the city had indicated that a sewer line could be provided south along Henderson Street across the freeway right-of-way to respondents' property. Mr. Furtick testified that these plans had been blocked by governmental regulations relating to crossing rights-of-way.

18. In addition to the changes dictated by the December 29, 1972, L. B. Day letter, respondents have made other improvements in the system. In about 1973 respondents felt that the check valve in the outflow line from the pump station was not sealing properly and had Ramsey Waite install a new valve. In February, 1973, following the problems of the previous December, respondents called upon Robert Chapman of R. H. Chapman & Sons Plumbing Company to investigate the problems at their pumping station. Mr. Chapman, in consultation with Murry Smith of Kiener Company (Petitioners' Exhibit 3), prescribed the introduction of a solvent into the system to dissolve the grease generated by Denny's Restaurant. Following the introduction of the solvent, Mr. Furtick testified that the interval between necessary pumping of the tank was extended from three months to nearly five months. Respondents also constructed an all-weather access road to the pump station for tank-pumping trucks (Department's Exhibit 10) and asked Ramsey Waite to install a meter on each pump to show the number of hours it operated as an indicator of how much effluent reached the tank and was pumped out. Mr. Furtick testified that these meters were never, in fact, installed.

19. On approximately August 31, 1973, the pump station again overflowed, spilling untreated sewage into an unnamed tributary of the Willamette River (Joint Exhibit 1). Mr. Furtick stipulated to the occurrence of this incident.

20. By certified mail letter dated October 5, 1973 (Joint Exhibit 1), signed by Ron L. Myles for Director Diarmuid F. O'Scannlain, the Department warned respondents that a civil penalty would be imposed if the respondents allowed the violation to continue or occur five days after receipt of the letter.

21. The August, 1973, overflow was caused by problems with the pump in the tank.

22. The control box for the electrical power to the pumps is located on a post outside the pumps. It is covered by a screw-down lid. There is also a fuse box on the post, and the levers on that fuse box are locked. The panel box was modified and the new alarm system activated by a power interruption to the pumps was installed (see Finding 14, Petitioners' Exhibit 1) subsequent to receipt of the October 5, 1973, letter.

23. Mr. Reiter testified that he was informed of the repairs to the control panel.

24. On or about Friday, March 22, 1974, a manhole on the sewer line upstream from the pump station overflowed. Mr. Furtick discovered a stoppage in the system by noting a markedly decreased flow of sewage into the tank and telephoned R. H. Chapman & Sons Company, plumbers. Chapman sent out a service man to check on the system, who returned stating there was no stoppage in the system (Petitioners' Exhibit 2).

25. Mr. Furtick did not call the Department, Lane County, or the City of Eugene about the problem.

26. On Saturday, March 23, 1974, Mr. Furtick checked on the flow into the tank and again called Chapman Plumbing. This time, Chapman subcontracted the work order to Roto-Rooter, who had worked on this system before (Petitioners' Exhibit 2).

27. Later on Saturday Mr. Furtick again called on Chapman Plumbing to check on progress and was assured that the matter had been taken care of.

28. There is no evidence Roto-Rooter performed any service on the system on March 23.

29. On March 25, 1974, (Monday) Mr. Reiter, taking Mr. Craig Starr(who was to become his successor in the Department's Eugene office)on a tour of potential problem areas, observed organic substance in a small creek near respondents' property. From the luxuriant growth accompanying the sewage, he estimated that there had been organic input for several days to a week or longer. The apparent source of the organic substance was a manhole on the respondents' private sewer line: there was no water flowing in a ditch uphill from the manhole, and there were sewage solids settled out on the hillside below the manhole (Department's Exhibit 11-C taken June 4, 1974). There was no apparent malfunction at the pump station itself.

30. Mr. Starr telephoned Mr. Furtick's office at approximately 4:30 p.m. on the evening of March 25 to inform him of the violation.

31. Mr. Furtick thereupon again called Chapman Plumbing and accompanied Mr. Sid Duncan of that firm to the site of the spillage that evening. Mr. Duncan discovered that the cause of the stoppage was cloth-type fibers in the sewer line in the stretch, 40 to 50 feet long, between the last manhole and the pump station.

32. The stoppage in this stretch of line did not cause the alarm system to activate.

33. Mr. Furtick telephoned Mr. Starr the morning of March 26 and informed him that work was under way that morning to clear the blockage. That same day Mr. Furtick brought in a backhoe to that portion of the line which was blocked and installed an additional clean-out access. He also checked that section of sewer line for damage.

34. Since the March, 1974, violation, Mr. Furtick has checked the inflow to the pump station in his approximately twice-weekly inspections.

35. In early April, 1974, there was another partial block in the sewer line above the pump station but no apparent discharge. Again, cloth-type fibers were found.

36. In or around May, 1974, Mr. Furtick modified the pressure outflow line from the pump station by adding a new access point approximately ten feet up the line. The purpose, he testified, is to allow a supplementary pump to bypass the pumping station.

37. Mr. Starr testified that in telephone conversations with him Mr. Furtick has discussed the difficulties and possibilities of connecting to the Eugene sewer system by a permanent gravity line across the freeway right-of-way.

38. By certified mail letter dated May 8, 1974, Kessler R. Cannon, Director of the Department, informed respondents:

> "I find your conduct to have been unresponsive and uncooperative in preventing this pollution and violations were repeated due to your failure to act properly and because of lack of surveillance."

Mr. Cannon assessed respondents a civil penalty of $250 (Joint Exhibit 2).

39. By letter dated May 22, 1974, respondents requested a contested case hearing to dispute the contention that they were unresponsive and uncooperative (Joint Exhibit 3).

Conclusions of Law

OAR, chapter 340, section 12-005, reads in part:

> "...the schedule of civil penalties established by this regulation shall be imposed in those cases in which a violator is determined by the Department to be unresponsive and uncooperative in preventing, abating, or controlling pollution or where repeated or continuing violations occur due to willful acts or failure to act, negligence or lack of adequate controls or surveillance."

This section is not exclusive; the Department is not precluded by this section from imposing a penalty when a respondent has been responsive and cooperative and has committed no intentional or negligent act or omission. The clear implication of the section, however, is that civil penalties are primarily intended for such cases, and the Department should be extremely chary of imposing a penalty when behavior satisfying the quoted language is not found.

Mr. Furtick has stipulated that the violation for which the penalty was assessed occurred at the time and place stated and that it was serious. Mr. Furtick has further stipulated that prior violations, including the one for which the five-day warning letter was sent, have occurred and that they were serious. OAR, chapter 340, section 12-020 (2) allows the imposition of a civil penalty of $100 to $500 per day for:

> "Continuing discharges or activities in violation of [ORS sections pertaining to water pollution] ...where:
>
> (a) Water quality standards are violated or are directly threatened. (b) Damage to a resource occurs or is directly threatened. (c) Hazard to public health or safety occurs or is directly threatened."

The exact amount of the penalty between $100 and $500 is to be determined according to:

(a) Past history of pollution control efforts.
(b) Prior violations.
(c) Economic and financial conditions of person incurring a penalty.
(d) Opportunity and degree of difficulty to comply.
(e) Magnitude and seriousness of violation.

Mr. Furtick has stipulated as to (b) and (e); he has had ample opportunity to comply since the Department first became involved in his problem in December, 1972. He has further stipulated that the respondents' economic and financial condition will allow imposition of the $250 penalty imposed by the Director. The only questions relating to the amount of the penalty, then, relate to the past history of pollution control efforts and the degree of difficulty to comply. Coincidentally, these two factors are directly relevant also to the threshold question of whether a penalty should be imposed due to unresponsiveness, uncooperativeness, or lack of adequate controls or surveillance.

The diligence with which respondents have pursued the obvious solution to their sewerage problems: permanent gravity hookup to the Eugene city system, thus becomes a major factor in the record. Mr. Starr and Mr. Furtick discussed the matter on the telephone (Finding 37). There is conflicting hearsay testimony about whether Ray Walters was engaged to negotiate with the City of Eugene (Finding 16). Mr. Furtick claims that he was blocked by governmental regulations from crossing the freeway right-of-way with a sewer line (Finding 17), but did not document this blockage. A report on progress or lack of it was, however, never sent to the Department as requested in the December 29, 1972, letter. The Director was thus justified in finding lack of responsiveness in the lackadaisical pursuit of the permanent solution to this problem.

Historically, the problems with the sewerage system had occurred at the pump station. The respondents have taken all prudent and feasible steps to render the pump station fail-safe (Findings 11, 12, 14, 18, 22, 36). The March, 1974, violation occurred due to blockage in the line itself, however: a line not appreciably different from that which would form a part of a permanent gravity system. To the extent they have tried to improve the performance of their temporary system, the hearings officer finds respondents have been cooperative.

The December 29, 1972, letter called for daily inspection of the system, not an unreasonable requirement in light of past failures of the system and the potentially serious health consequences of overflow. Mr. Furtick admits this requirement was complied with for several months only and that, subsequently, his own inspections have been only approximately twice weekly (Finding 15). When Mr. Reiter and Mr. Starr came upon the violation on March 25, 1974, it had been in progress for about a week, according to the evidence. The Director was thus justified in finding a lack of adequate surveillance under OAR, chapter 340, section 12-005.

In conclusion, the hearings officer does not find that the Director acted arbitrarily or capriciously in either imposing the civil penalty or setting the penalty at $250.

Proposed Order and Judgment

For violation of OAR, chapter 340, sections 12-005 and 12-020, Donald Furtick and John Soreng, doing business as Sarah Land Company, shall pay to the Treasurer, State of Oregon, $250, in accordance with the procedures set forth in ORS 468.135(5).

Submitted this twentieth day of August, 1974.

Thomas G. P. Guilbert

Thomas Guilbert
Hearings Officer

NOTE TO RESPONDENTS: Under ORS chapter 183 and OAR chapter 340, section 11-130, "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."

Your opportunity to file exceptions will expire September 2, 1974, (Monday) and your opportunity to present arguments to the Commission will be at its meeting in the 13th Floor Conference Room, Port of Portland, 700 N. E. Multnomah, Portland, Oregon, which begins at 8:00 a.m. on Wednesday, September 4, 1974.

TG:bm

ENVIRONMENTAL QUALITY COMMISSION

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

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Salem

RONALD M. SOMERS
The Dalles

KESSLER R. CANNON
Director

TO: Environmental Quality Commission

FROM: Hearings Officer

SUBJECT: Agenda Item No. J, September 4, 1974, EQC Meeting
Labish Village, Marion County: Proposed Moratorium on Subsurface Sewage Systems

Background

Labish Village near Salem is a subdivision more than twenty years old, all developed lots of which are served by subsurface sewage disposal systems. There has been a high rate of system failures in past years, and the City of Salem, Marion County, Marion-Polk Counties Boundary Commission, and Department of Environmental Quality have reached a decision to extend sewers to the subdivision.

At the meeting of the Environmental Quality Commission in Portland in May, the Department's Northwest Regional Office requested that the Commission schedule a public hearing in the Labish area preparatory to issuing an order limiting or prohibiting subsurface sewage disposal construction in the area pursuant to ORS 454.685. The Commission agreed to do so, and following thirty days' notice in the Secretary of State's Bulletin and in newspapers of general circulation in the Salem area, your hearings officer conducted a public hearing in the Marion County Courthouse on the evening of July 15, 1974.

Summary of Testimony

Gary Messer presented the Department's report. He testified that, of the 149 residential and 13 commercial lots in the subdivision, 35 presently have no buildings. The rainfall in the area averages 45 inches per year and typically creates "perched" water tables atop restrictive or impervious soil layers which occur in the two major soil associations present in the area at depths ranging from zero to 32 inches below the surface. These water tables adversely affect the performance of subsurface sewage disposal systems. He submitted a summary of soil evaluations at twelve sites in Labish Village made on June 26, 1974.

Mr. Messer testified that, using the Department's present subsurface sewage disposal system standards, a lot located in Labish Village in the very best soils there would have to be approximately 20,000 square feet to accommodate a system. The average size of lots in the area is 7,800 square feet, although the largest lot is 43,000 square feet. Due to the high rate of past system failures, which may be as high as fifty per cent, several residents of Labish Village have already used adjacent vacant lots for repair areas for their subsurface sewage disposal systems, Mr. Messer testified.

Accordingly, Mr. Messer delivered the Director's recommendation that the Commission find that the construction of new subsurface sewage disposal systems should be prohibited in Labish Village and issue an order prohibiting such construction.

Richard Lermon of the Marion County Health Department testified that there exist six wells in Labish Village, and there is a great potential for contamination from failing subsurface sewage disposal systems.

C. S. Sherman, Director of Environmental Services for the Marion County Health Department, testified that, since the area is under the jurisdiction of the Engineering Section of the State Health Division, he has not yet attempted to determine if adequate distances exist for the installation of a system on any lot which would conform to the rules. However, he believes the lot sizes are too small to qualify for permits under present DEQ rules. He noted that numerous malfunctioning systems in existence constitute a health hazard and that the area had recently formed the Labish Sewer District, which awaits funding. He recommended that a building moratorium be placed on the subdivision pending sanitary sewer installation and that the DEQ establish a top priority for fund allocation that would assist in the early construction of sewers.

Eight other persons attended the hearing, five of whom live in Labish Village and two of whom live in a nearby mobile home park. None of these testified at the hearing.

Conclusions

The Director's recommendation is uncontroverted in the hearings record. The prohibition on subsurface sewage disposal system construction he recommends would effectively accomplish the end of a general building moratorium pending sanitary sewer installation requested by Mr. Sherman.

Submitted this twelfth day of August, 1974.

Thomas Guilbert

Thomas Guilbert
Hearings Officer

TG:bm

ENVIRONMENTAL QUALITY COMMISSION

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

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Addendum to Agenda Item No. K, September 4, 1974, EQC Meeting

After extensive review of comments submitted by the Associated General Contractors, Oregon Environmental Council, Oregon Sanitary Service Institute, and Western Environmental Trade Association, and meeting with representatives of each of these groups, the staff recommends that certain of the proffered suggestions be adopted as amendments prior to the adoption of the new rules on civil penalties and the amendments to the rules of practice and procedure.

Civil Penalties Rules

Amendments to the draft proposed rules dated June 15, 1974, which the staff recommends (additions underlined, deletions [in brackets]) are as follows:

Section 12-030(4): "Order" means (a) any action satisfying the definition given in ORS chapter 183 or (b) any other action so designated [by statute] in ORS chapter 454, 459, 467, or 468.

Section 12-045(1): In establishing the amount of a civil penalty to be assessed, the Director may consider [and cite as factors:] the following factors and shall cite those he finds applicable:

Section 12-045(1)(f): Whether a cause of the violation was an unavoidable accident, or negligence or an intentional act of the respondent;

Section 12-045 (1)(i): The cost to the Department of investigation and correction of the cited violation prior to the time the Department receives respondent's answer to the written notice of assessment of civil penalty; or

Section 12-045(3): Unless the issue is raised in respondent's answer to the written notice of assessment of civil penalty, the Commission may [conclusively] presume that the economic and financial conditions of respondent would allow imposition of the [maximum] penalty assessed by the Director. At the hearing, the burden of proof and the burden of coming forward with evidence regarding the respondent's economic and financial condition shall be upon the respondent.

Section 12-055(3)(a), line 4: Insert of following "penalty."

Section 12-060(1)(d): Operates or uses a newly constructed or modified subsurface sewage disposal system without first obtaining a certificate of satisfactory completion from the Department, except as provided by statute or rule.

Section 12-065(2): Not less than fifty dollars ($50) nor more than five hundred dollars ($500) for any violation [of a rule] which causes, contributes to, or threatens:

(a) A hazard to the public health or safety;

(b) Damage to a natural resource, including aesthetic damage and radioactive irradiation;

(c) Air contamination;

(d) Vector production;

(e) Exposure of any part of an ecosystem to environmentally hazardous wastes, as defined by statute or rule of the Commission; or

(f) A common law public nuisance.

Section 12-075, line 4: Delete [of] and insert in its place or.

Rules of Practice and Procedure

Recommended amendments to the draft proposed amendments dated June 15, 1974, are as follows (additions underlined, deletions [in brackets]):

Section 11-007 PUBLIC INFORMATIONAL HEARINGS. Whenever there is held a public hearing which is not a contested case hearing or a rule-making hearing, as defined in Chapter 183 of Oregon Revised Statutes, the procedures set forth in section 11-025 and section 11-035 (2) shall be followed.

Section 11-025: Renumber subsections [(4)] through [(11)] to (5) through (12), respectively, and add a new subsection: (4) At public informational hearings, prior to the submission of testimony by members of the general public, the Director shall present and offer for the record a summary of the questions the resolution of which, in his preliminary opinion, will determine the matter at issue. He shall also present so many of the facts relevant to the resolution of those questions as he then possesses and which can practicably be presented in that forum.

Section 11-025 (10): 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] persons who submitted them.

Section 11-030: (1) 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.

(2) At any time subsequent to the hearing, the Commission may review the entire record of the hearing and make a decision based upon the record. Thereafter, the presiding officer shall be relieved of his duty to provide a report thereon.

Section 11-035: ACTION OF THE COMMISSION OR DIRECTOR. (1) Following the rule-making 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.

(2) Following the public informational hearing by the Director, or within a reasonable time after receipt of the report of the presiding officer, the Director shall take action upon the matter. Prior to or at the time of such action, the Director shall issue a written report in which he addresses separately each substantial, distinct issue raised in the hearings record.

Section 11-120(2): The presiding officer may schedule and hear any preliminary matter, including a pre-hearing conference, and shall schedule the hearing on the merits. Reasonable written notice of the date, time, and place of such hearings and conferences shall be given to all parties. Except for good cause shown, failure of any party to appear at a duly scheduled pre-hearing conference or the hearing on the merits shall be presumed to be [: (a) A] a waiver of right to proceed any further [;] , and, where applicable:

[(b)] (a) A withdrawal of the answer;

[(c)] (b) An admission of all the facts alleged in the notice of opportunity for a hearing; and

[(d)] (c) A consent to the entry of a default order and judgment for the relief sought in the notice of opportunity for a hearing.

Section 11-120(3): Add a new subsection: (d) Surrebuttal testimony, if any.

Section 11-132: Following the title of the section, insert: (1).

Section 11-132(4), line 1: Insert a comma following the word "invoked."

Section 11-132(8), line 2: Insert a comma following "officer."

Section 11-133(4), line 8: Insert a comma between "order" and "and."

Section 11-133(7), line 5: Insert a comma between "order" and "and."

Section 11-133(8), line 2: Insert a comma following "officer."

Recommendations

The Director recommends the adoption of preceding proposed amendments.

KESSLER R. CANNON
Director

August 30, 1974
Attachments

TG:bm

ENVIRONMENTAL QUALITY COMMISSION

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The Dalles

KESSLER R. CANNON
Director

MEMORANDUM

To : Environmental Quality Commission

From : Director

Subject: Agenda Item No. K, September 4, 1974 EQC Meeting

Continuation of Public Hearing to Consider Repealing Existing Civil Penalty Rules and Adopting New Rules Pertaining to a Schedule for Civil Penalties, and Amendments to Rules Pertaining to Practice and Procedure

Background

In 1971, Oregon law made it possible for the Commission and the Department to adopt rules on assessing civil penalties where violations occurred in air, water and solid waste management. The Department did adopt such rules, but because the 1973 Legislature revised the law on civil penalties, including additional jurisdiction for penalties in oil spills and subsurface sewage disposal, the present rules must also be revised.

A public hearing on this matter was scheduled and held before the Commission at its meeting in Salem on July 19, 1974. Testimony received immediately prior to the hearing suggested areas of further revision. The Director and staff felt that these should be explored with legal counsel and that the consideration of the proposed revision be deferred. Witnesses scheduled to appear agreed to submit written testimony provided they retained the opportunity to testify at a later date on any changes that might be made to the original proposal. The Commission decided to continue the hearing to the September 4th meeting.

The public hearing is being held before the Commission to consider the following:

1) repealing the existing rules on civil penalties, its existing rule on violations pertaining to oil spills into public waters and certain rules of practice and procedure relative to civil penalty hearings, and

2) adopting new civil penalty rules and additional amendments to the Commission's rules of practice and procedure for civil penalty proceedings.

Recommendation

The Department staff has reviewed the testimony submitted and amended the proposed revision presented to the Commission in July. It is therefore recommended that following public testimony, the Commission repeal the existing rules on civil penalties, its existing rule on oil spill violations, and certain rules of practice and procedure; and adopt the proposed rules and additional amendments to the rules on practice and procedure relating to civil penalty proceedings.

KESSLER R. CANNON
Director

FMB:ss

8/16/74

attachments - 2

H. Patterson

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Staff

Date: September 5, 1974

From: Shirley Shay

Subject: September 4, 1974 EQC Meeting

Following is a summary of actions taken by the Environmental Quality Commission at its meeting held on September 4th in Portland:

A. Minutes of July 19, 1974 Commission Meeting -- approved

B. July 1974 Program Activity Report and Pending Projects Summary -- approved

C. Tax Credit applications:

T-542	Clyde W. Miller's Heating Oils	$ 2,000.00	withdrawn on staff recommendation
T-560	Permaneer Corp., Brownsville Division	26,338.44	approved
T-561	" "	29,337.36	approved
T-562	" "	54,461.52	approved
T-563	" "	61,275.03	approved

D. Request for Variance--SWF Plywood, Fir-Ply Division, Medford -- approved

E. Request for Variance--Edward Hines Lumber Company, Harney County -- approved

F. Request for Variance--Northern Wasco County Refuse Operators, Inc. -- approved

G. Adoption of Noise Rules Pertaining to Industry and Commerce -- approved with minor amendments

H. Weyerhaeuser Company, Springfield--Report on Proposed NPDES Permit -- approved

I. Sarah Land Company, Contested Case for Civil Penalty--Proposed Order of Hearings Officer -- approved

J. Labish Village (Marion County), Proposed Moratorium on Subsurface Sewage Disposal Installations--Report of Hearings Officer -- approved

K. Continuation of Public Hearing on Proposed Revisions to Rules Pertaining to Civil Penalties and Administrative Procedures -- approved amendments contained in addendum, and adopted rules

The Commission will meet September 20, 1974, beginning at 9 a.m., in the Public Service Auditorium, 920 S. W. Sixth Avenue, Portland, Oregon.

The Commission will meet October 25, 1974, beginning at 9 a.m., in the Yellow Room, Moore Hotel, 125 South Oregon Street, Ontario, Oregon.

A G E N D A

Joint Meeting

OREGON ENVIRONMENTAL QUALITY COMMISSION
WASHINGTON ECOLOGICAL COMMISSION

13th Floor Conference Room, Port of Portland
Lloyd Building, Portland, Oregon

Wednesday, September 4, 1974

12:00 Noon -- Lunch (place to be announced)

1:00 p.m. -- Joint Session of Commissions

Introductions of Commissions and Staff

Statement of Purpose of the Joint Meeting

B. A. McPhillips, Oregon, Chairman
Dr. A. L. Masley, Washington, Chairman

A. Air Quality Control Programs, Washington

B. Air Quality Control Programs, Oregon

C. Water Quality Control Programs, Washington

D. Water Quality Control Programs, Oregon

E. Oregon's Motor Vehicle Emissions Inspection Program

F. Oregon's Land Use Planning Law, Agency, and Department

G. Hazardous Waste Disposal Programs, Washington

H. Hazardous Waste Disposal Programs, Oregon

I. Establishment of Oregon-Washington Coordinating Committees

J. Adjournment

(Note: Conference Rooms A and B, Third Floor, Lloyd Building, are available for the Washington Commission. The Oregon Commission will be meeting in the 13th Floor Conference Room, starting at 8:00 a.m.

It is anticipated that presentations should be confined to approximately ten minutes to permit questions.)

$100 \rightarrow 105$ $\quad \frac{5.5}{105} \Rightarrow 5.4\%$

A DISCUSSION OF THE AIR POLLUTION CONTROL PROGRAM WITH THE OREGON ENVIRONMENTAL QUALITY COMMISSION AND THE WASHINGTON ECOLOGICAL COMISSION

Portland, Oregon
September 4, 1974

State of Washington
Department of Ecology

The program for the control of air pollution in the State of Washington is a combined effort of nine local air pollution control agencies and the Department of Ecology.

The Department of Ecology is responsible for air pollution control in 13 counties in Washington where no local agency has been activated. These 13 counties including Klickitat County are all east of the Cascades.

Local air pollution control authorities have been formed in Yakima, Benton, Franklin, and Walla Walla Counties and for Skamania, Clark, Cowlitz, Wahkiakum and Pacific Counties. Each of the nine local agencies have adopted regulations with standards for opacity, the concentration of particulate material, and sulfur dioxide in the stack. In addition, the regulations require a pre-construction approval of a new air pollution source and have provisions for enforcement of the regulations when violations are detected.

The Department of Ecology has assumed statewide jurisdiction for all kraft and sulfite pulp mills in the state and all primary aluminum reduction plants.

The kraft pulp mill regulation was adopted in 1969 and sets limits based upon the production of the mill on the emission of total reduced sulfur gases, which are the primary cause of the odor associated with the kraft pulp mill, and on particulate emissions from the recovery furnace, lime kiln and smelt tanks.

The aluminum regulation was adopted in 1970 and sets a limit on a particulate emission based upon average daily production of aluminum and fluoride emissions based on compliance with the ambient standard.

The sulfite mill regulation was adopted in 1971 and sets limits on the concentration and total emissions of sulfur dioxide and particulate emissions based on daily production.

The development of these three regulations was a joint effort of Oregon and Washington during 1969 and 1970, although the final regulations of each state may have some difference. These regulations were pioneering efforts in the field and I think that our two states should be flattered that new regulations which have been adopted by other states and considered by the federal government, have the same general format and in cases, identical language.

I would like to confine the remainder of my remarks to a brief discussion of the program for control of 29 significant sources on the Washington side of the Columbia River from Walla Walla County to Cowlitz County. A map has been distributed showing three segments of this border area. The first segment from Walla Walla County to Klickitat County has four significant sources on the Washington side. A significant source is a source which is emitting 100 tons or more of a specific contaminant. The sources are identified on the map and you have a listing of the sources and the specific emissions for 1973 and 1975. The additional reduction which is estimated for 1975 when control programs are completed will accomplish a 55% reduction in particulate emissions and a 96% reduction in the emissions of TRS gases.

In Segment II, which includes Skamania and Clark County, there are 12 sources. The reduction which will occur from these 12 sources between 1973

and when the compliance program is completed in 1975, will be a 30% reduction in particulate emissions, a 35% reduction in carbon monoxide emissions, a 90% reduction in emission of TRS gases, and a 50% plus reduction of total fluoride.

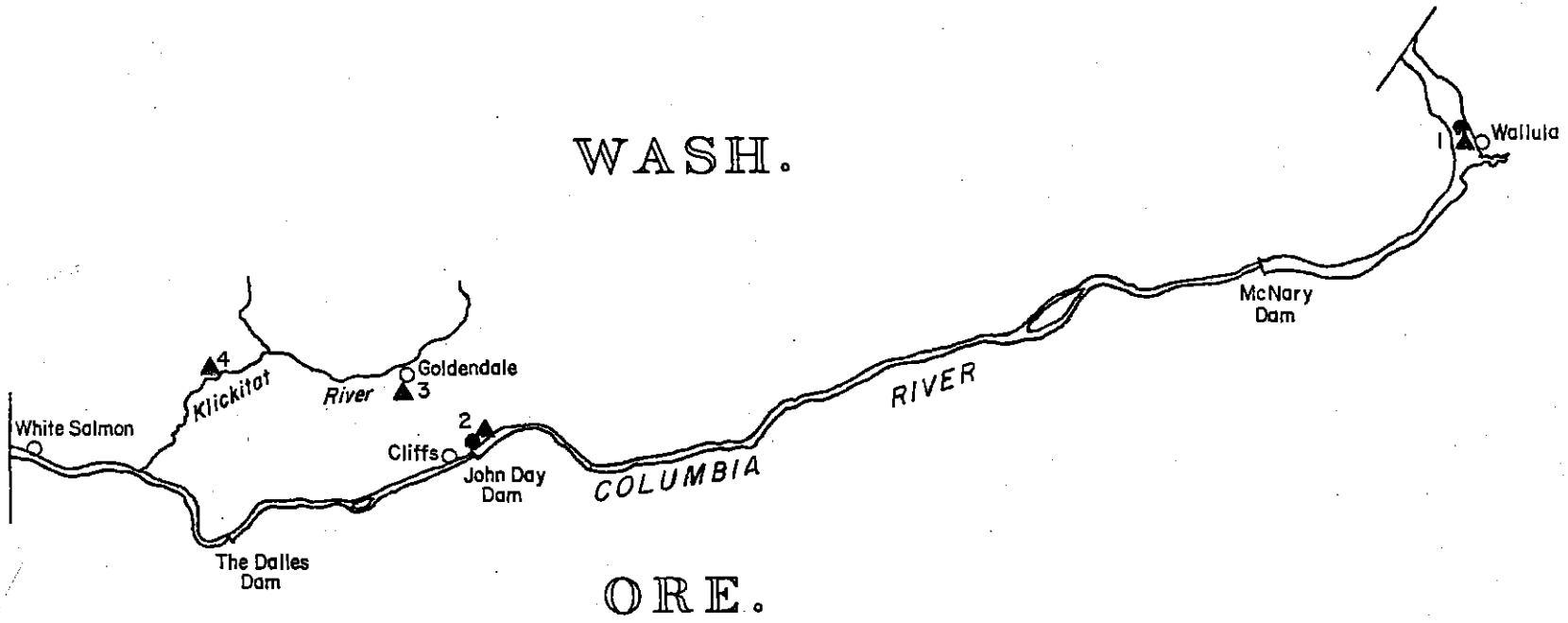
In Segment III, Cowlitz County, there are 13 significant sources of air emissions. For these 13 sources, a 70% reduction of particulate emissions will occur, a 30% reduction of carbon monoxide and a 45% reduction of TRS gases. The reduction of total fluoride emissions will be slightly in excess of 50%.

These estimates are based upon reductions for sources under the control of the Department of Ecology and for sources under the control of the Southwest Air Pollution Control Authority. The Southwest Air Pollution Control Authority was initially formed in 1968 and has pursued a vigorous program for control of all sources of air pollution in its five county area.

I have already noted that the three state regulations were all adopted and effective prior to the date of the state Implementation Plan in 1972. I think it should be noted that if we had waited until the Implementation Plan required by the federal government was submitted, we would not be able to show this type of reduction during 1975 but probably would be looking at 1976 or even 1977 for the major reductions to occur. One final note is that the federal standards do not include fluorides and TRS gases. The goal of the Washington State program has been to identify and define problems and arrive at solutions for those problems. We are fortunate in that the program adopted will be effective in achieving federal goals.

SEGMENT I
PRINCIPAL POLLUTION POINT SOURCES

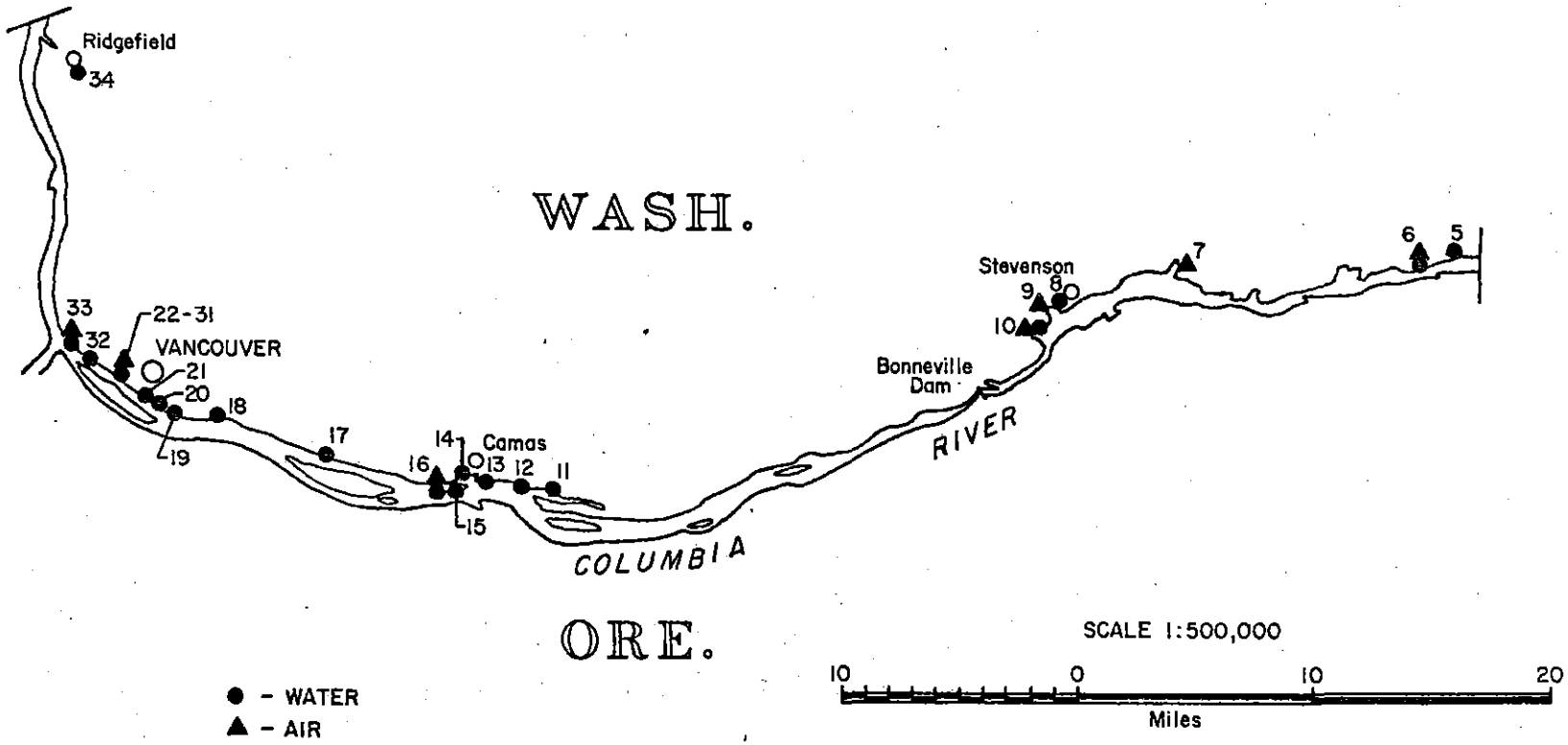
Air Emissions:	Tons/ 1973	Est.1975
Particulate	4300	1975
SOx	1400	1400
CO	27200	23200
TRS	2625	70
Fluoride	140	140



AIR EMISSIONS: TONS/year

	1973	1975
Particulate	10900	7035
SOx	4780	4690
CO	21640	15700
TRS	1120	70
Fluoride	440	210

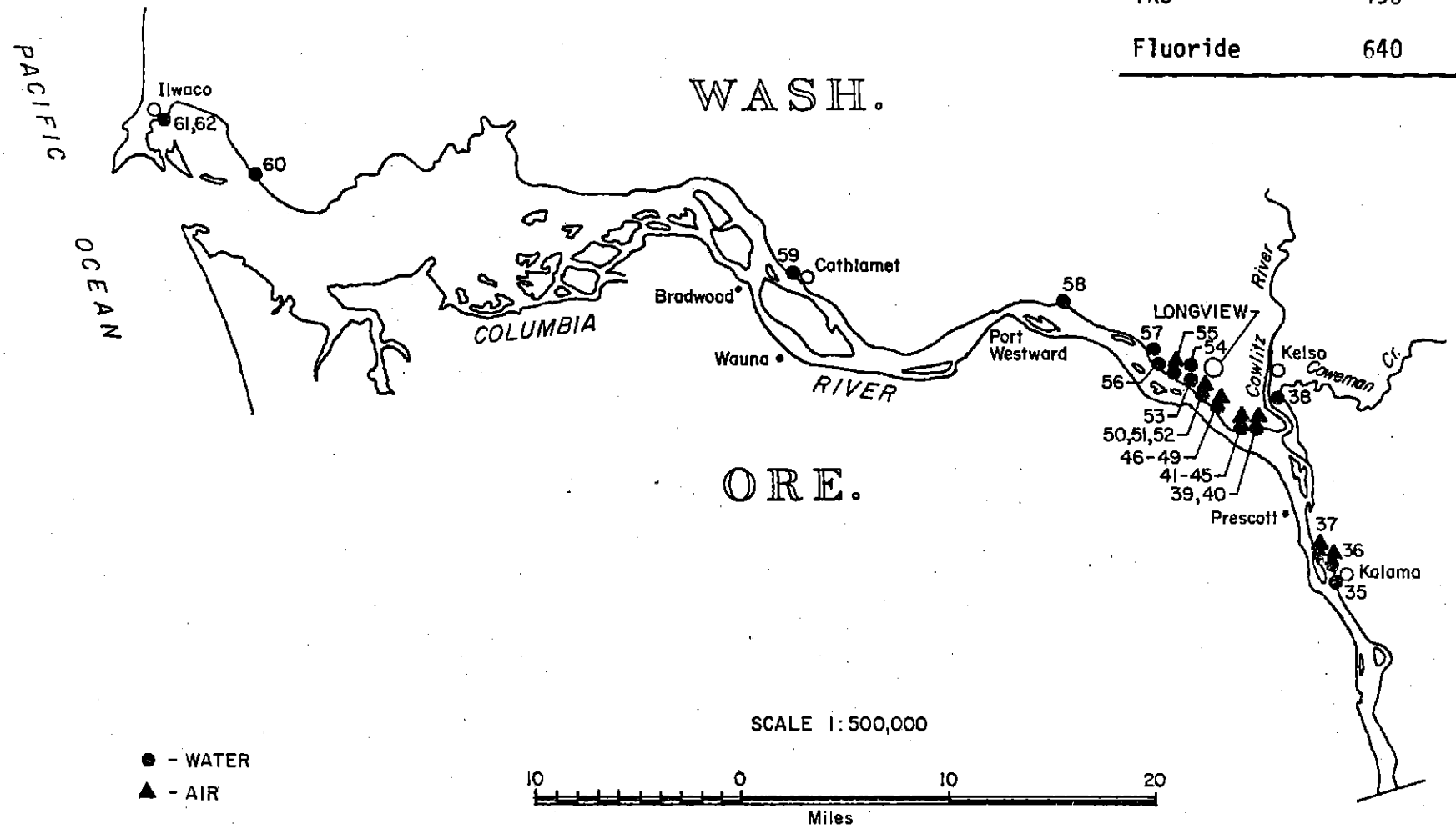
SEGMENT II
PRINCIPAL POLLUTION POINT SOURCES



SEGMENT III
PRINCIPAL POLLUTION POINT SOURCES

AIR EMISSIONS: TONS/YR

	1973	1975
Particulate	23900	7130
SOx	10120	9730
CO	54100	36600
TRS	490	262
Fluoride	640	300



1973

AIR EMISSIONS TONS/YEAR

PLANT	COUNTY	YEAR	PARTICULATE	SOx	CO	TRS	FLUORIDE
1. Boise Cascade	Walla Walla	1973	2570	670	7050	2625	
2. Martin Marietta	Klickitat	1973	700	670	19850		140
3. Layman Lumber	Klickitat	1970	42	2	260		
4. St. Regis Paper	Klickitat	1970	1000	53	70		
6. Broughton Lumber	Skamania	1971	100	7	170		
7. Louisiana Pac.	Skamania(Cook)	1971	96	1	1015		
9. Louisiana Pac.	Skamania(HomeV)	1971	56	1	1015		
10. Stevenson Ply.	Skamania	1970	130	14	20		
14. Crown Zellerbach(kraft)	Clark	1972	1530	590	7900	1120	
15. Crown Zellerbach(Sulfite)	Clark	1973	300	1170	160		
16. Crown Zellerbach (Power)	Clark	1972	590	2120	120		
30. United Grain	Clark	1973	250	-	-		
28. Carborundum	Clark	1972	5320	400	7630		
31. Boise Cascade	Clark	1972	28	340	12		
25. Great Western Malt	Clark	1973	130	3	2		
33. Alcoa	Clark	1973	2390	135	3600		440
36. Pafe and Talbot	Cowlitz	1972	310	0	3		
37. Kalama Chemical	Cowlitz	1971	110	120	27		
39. Longview Fibre	Cowlitz	1973	2150	2050	20400	173	
40. Longview Fibre(Power)	Cowlitz	1971	390	3160	110		
43. International Paper	Cowlitz	1970	355	0	50		
41. Cowlitz Power	Cowlitz	1974	2000	100	150		
45. Continental Grain	Cowlitz	1972	1340	0			
46. Weyco (Plywood)	Cowlitz	1972	9400	490	660		
47. Weyco (Planer)	Cowlitz	1970	120	0	0		
50. Weyco (Power)	Cowlitz	1972	160	1280	70		
50. Weyco (kraft)	Cowlitz	1973	4940	1300	13500	318	
51. Weyco (Sulfite)	Cowlitz	1973	570	1550			
55. Reynolds	Cowlitz	1973	2140	71	19100		640
	TOTAL		39,217	16,297	102,944	4,235	1,220

1975 AIR EMISSIONS TONS/Year

	PLANT	COUNTY	PARTICULATE	SOx	CO	TRS	FLUORIDE
1	Boise Cascade	Walla Walla	660	670	3000	70	
2	Martin Marietta	Klickitat	700	670	19850		140
3	Layman Lumber	Klickitat	42	2	260		
4	St. Regis Paper	Klickitat	500	53	70		
6	Broughton Lumber	Skamania	50	7	85		
7	Louisiana Pac.	Skamania(Cook)	96	1	1015		
9	Louisiana Pac.	Skamania(HomeV)	55	1	1015		
10	Stevenson Ply.	Skamania	130	14	20		
14	Crown Zellerbach(kraft)	Clark	660	590	3500	70	
15	Crown Zellerbach(Sulfite)	Clark	300	1080	160		
16	Crown Zellerbach (Power)	Clark	590	2120	120		
30	United Grain	Clark	15	--	---		
28	Carborundum	Clark	4300	400	6200		
31	Boise Cascade	Clark	28	340	12		
25	Great Western Malt	Clark	10	3	2		
33	Alcoa	Clark	800	135	3600		
36	Pafe and Talbot	Cowlitz	65	0	3		
37	Kalama Chemical	Cowlitz	110	120	27		
39	Longview Fibre	Cowlitz	1800	2060	11000	172	
40	Longview Fibre(Power)	Cowlitz	390	3160	110		
43	International Paper	Cowlitz	355	0	50		
41	Cowlitz Power	Cowlitz	2000	100	150		
45	Continental Grain	Cowlitz	1340	---	---		
46	Weyco (Plywood)	Cowlitz	950	490	70		
47	Weyco (Planer)	Cowlitz	120	---	---		
50	Weyco (Power)	Cowlitz	160	1280	70		
50	Weyco (kraft)	Cowlitz	650	1300	6000	90	
51	Weyco (Sulfite)	Cowlitz	430	1160			
55	Reynolds	Cowlitz	1050	71	19100		300
		TOTAL	18357	15817	75489	402	650

JOINT MEETING, SEPTEMBER 4, 1974
OREGON ENVIRONMENTAL QUALITY COMMISSION
WASHINGTON ECOLOGICAL COMMISSION

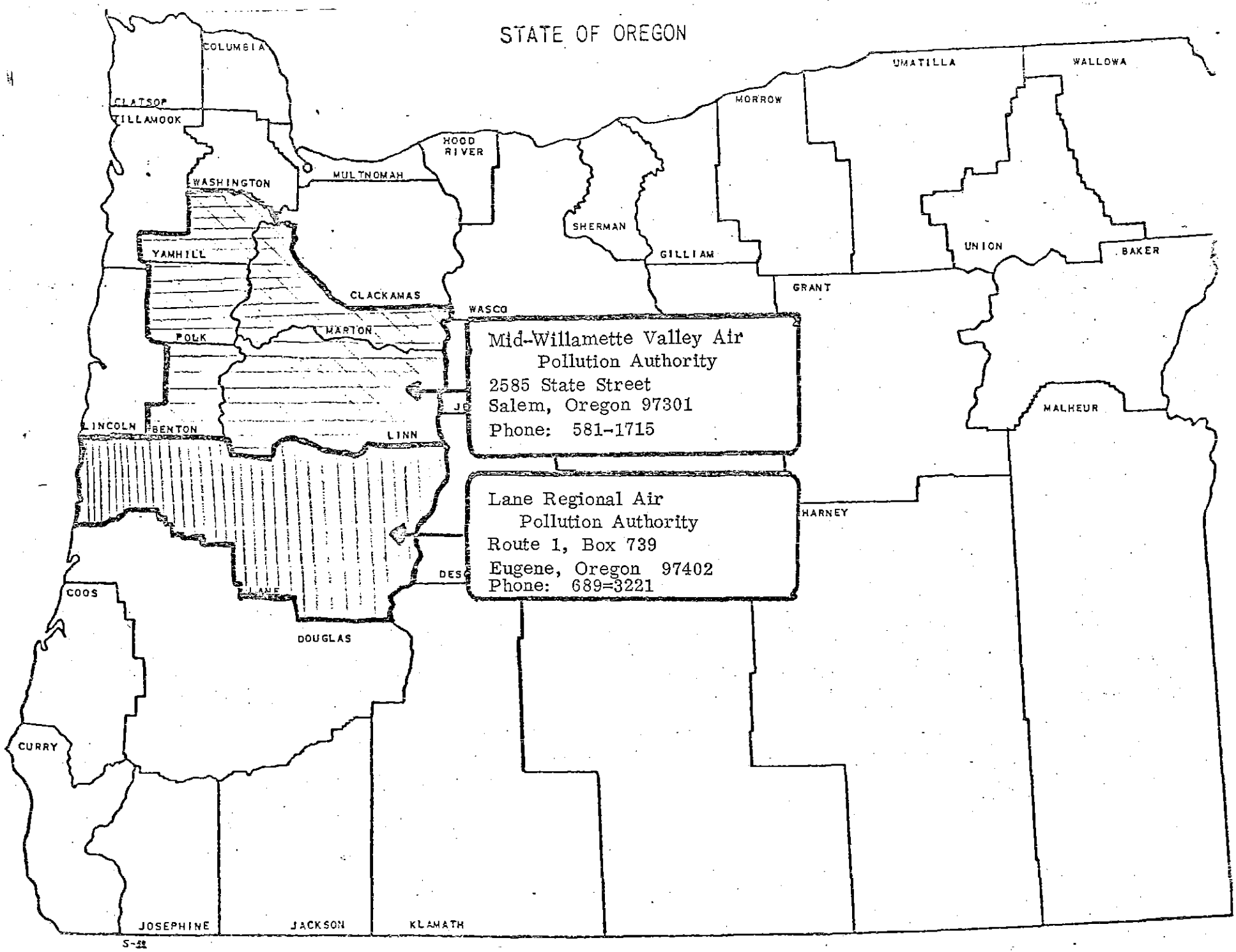
Agenda Item B -- Air Quality Programs Outline

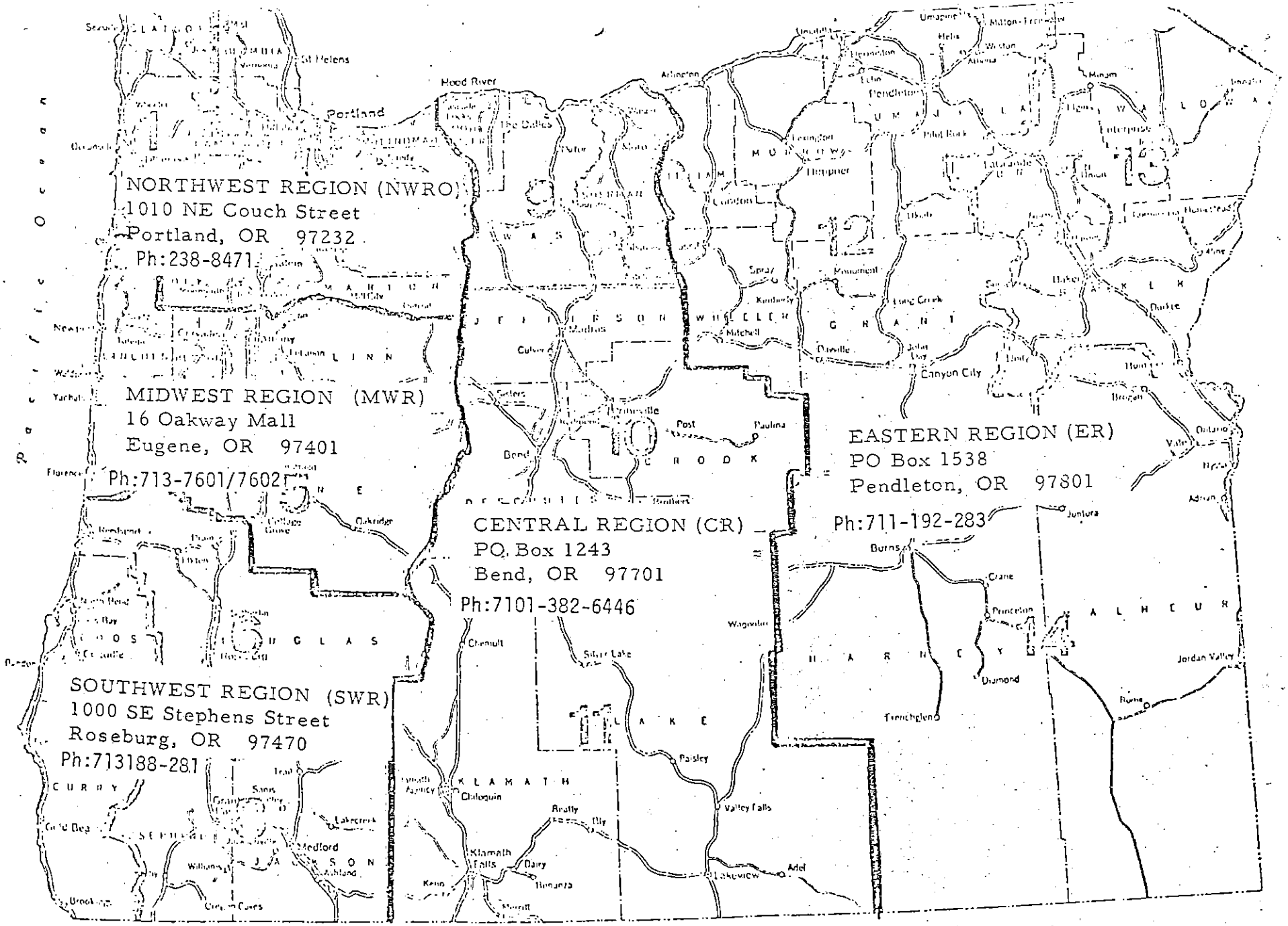
1. State and Regional Air Pollution Authorities
   a) Area of Jurisdiction
   b) Responsibility

2. Status of Significant Sources
   a) Individual Point Sources greater than 100 tons/yr.
   b) Review of new facilities.

3. Air Pollution Effect of Interstates Sources (Slides - J. Kowalczyk)

4. Air Quality Maintenance Area, Joint Study Status - R. Gay.


STATE OF OREGON
COLUMBIA
CLATSOP
TILLAMOOK
WASHINGTON
MULTNOMAH
HOOD RIVER
SHERMAN
GILLIAM
MORROW
UMATILLA
WALLOWA
UNION
BAKER
GRANT
YAMHILL
CLACKAMAS
WASCO
POLK
MARION
LINCOLN
BENTON
LINN
HARNEY
MALHEUR
COOS
DOUGLAS
CURRY
JOSEPHINE
JACKSON
KLAMATH
Mid-Willamette Valley Air
Pollution Authority
2585 State Street
Salem, Oregon 97301
Phone: 581-1715
Lane Regional Air
Pollution Authority
Route 1, Box 739
Eugene, Oregon 97402
Phone: 689-3221



State of Oregon DISTRICTS

Office of the Governor

district boundary

5 district number

MAP LOCATION OF OREGON SOURCES

Existing and Proposed

A. Amax Aluminum, Warrenton*

B. Crown Zellerbach, Wauna

C. Portland General Electric, Beaver

D. Cascade Energy, Rainier*

E. Charter Oil, St. Helens*

F. Boise-Cascade, St. Helens

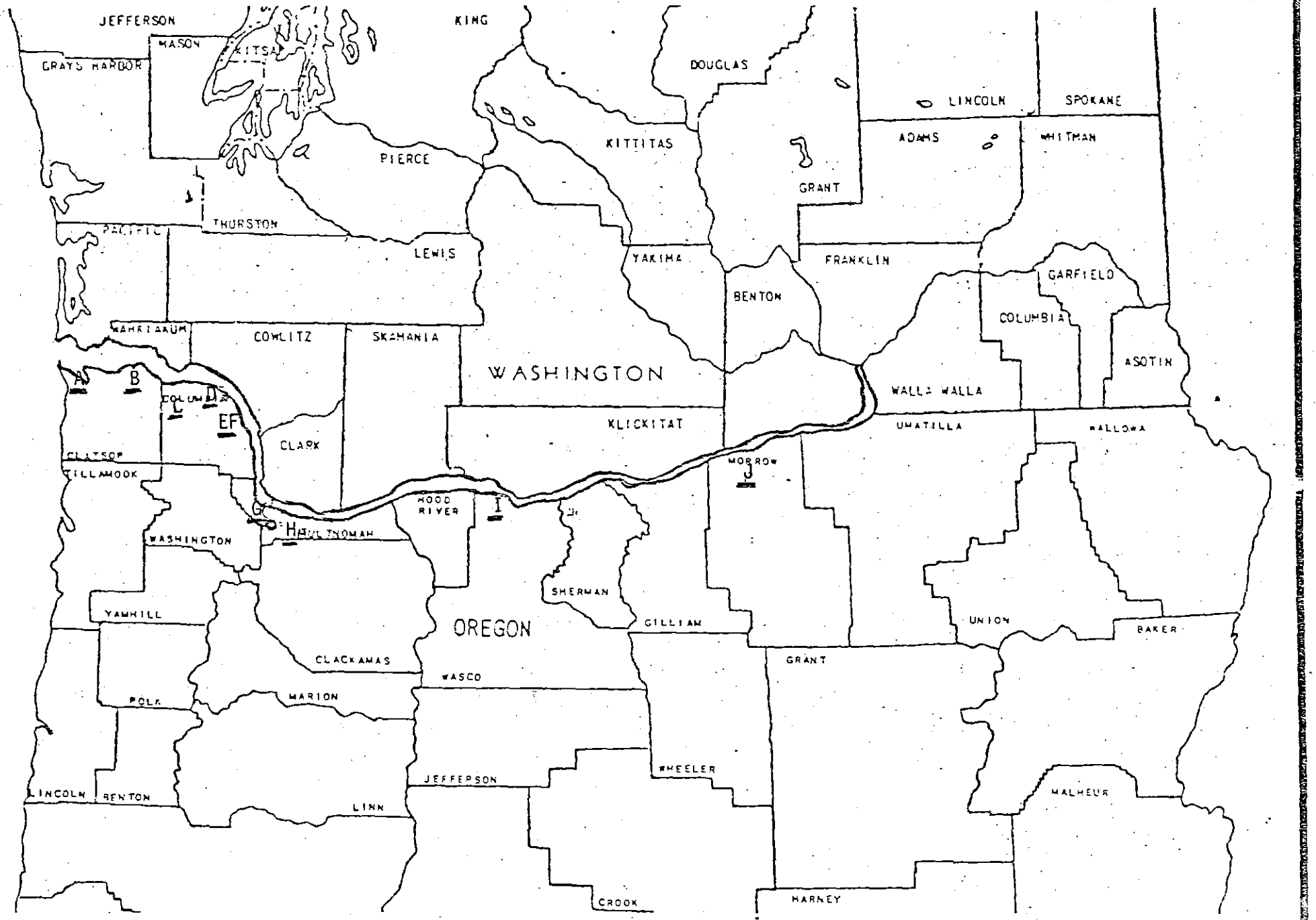
G. Portland Metro Area

H. Reynolds Metals, Troutdale

I. Martin-Marietta, The Dalles

J. Portland General Electric, Boardman*

* Proposed Sources



GEUGRAPHICAL LOCATION OF OREGON SOURCES, EXISTING AND PROPOSE

OREGON MAJOR SOURCES ON COLUMBIA RIVER

EXISTING SOURCES

(See Bar Graph For Emissions)

1. Crown Zellerbach, Wauna
   750 ton/day Kraft Paper (proposed 2000 ton/day)
2. Boise Cascade, St. Helens
   730 ton/day Kraft Paper
3. Cargill Inc., Portland
   4,000,000 tons/year Grain handling
4. Reynolds Metals, Troutdale
   128,000 tons/year Aluminum
5. Martin-Marietta Co., The Dalles
   80,000 tons/year aluminum

OREGON MAJOR SOURCES ON COLUMBIA RIVER

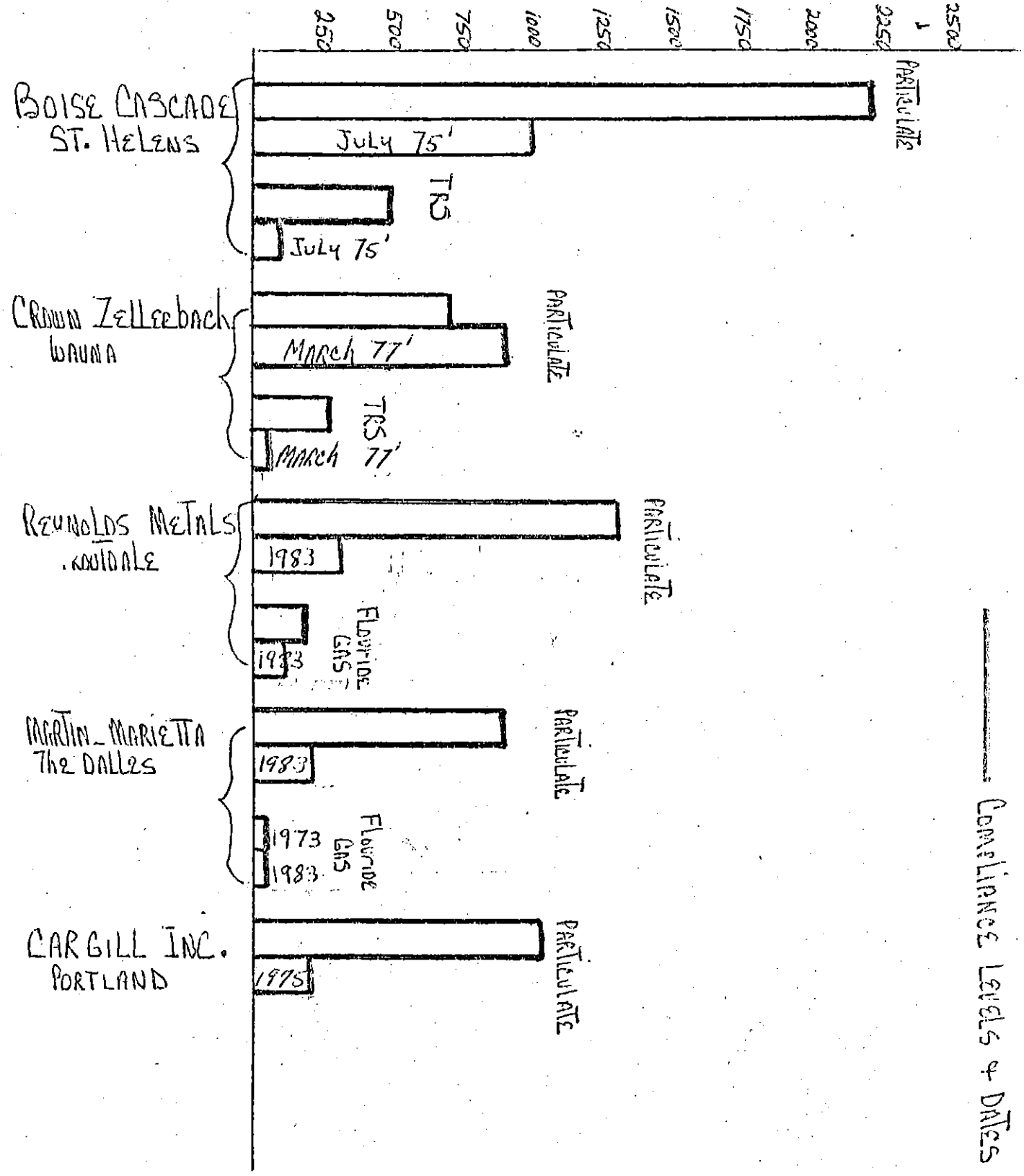
PROPOSED SOURCES

		Estimated Emissions - Tons/Year	
1.	Amax Aluminum, Warrenton 150,000 ton Aluminum annually	Particulate Flouride Gas	375 75
2.	Portland General Electric, Beaver 180 Megawatee Turbine Power Plant	Particulate SO_x	195** 1100
3.	Cascade Energy, Rainier 30,000 barrel/day Oil Refinery	Particulate SO_x	400 1587
4.	Charter Oil, St. Helens 50,000 barrel/day Oil Refinery	Particulate SO_x	290 320
5.	Columbia Independent Refinery, Portland 100,000 barrel / day Oil Refinery	Particulate SO_x	200-800* 3000
6.	Portland General Electric, Portland 240 Megawatt Turbine Power Plant	Particulate SO_x	500** 2000
7.	Portland Steel Mills, Portland Steel Mill	Particulate SO_x	100 350
8.	Union Carbide, Portland Si-Metal Foundry	Particulate SO_x	170 400
9.	Portland General Electric, Boardman Coal Fired Power Plant	Particulate SO_x	648*** 7776

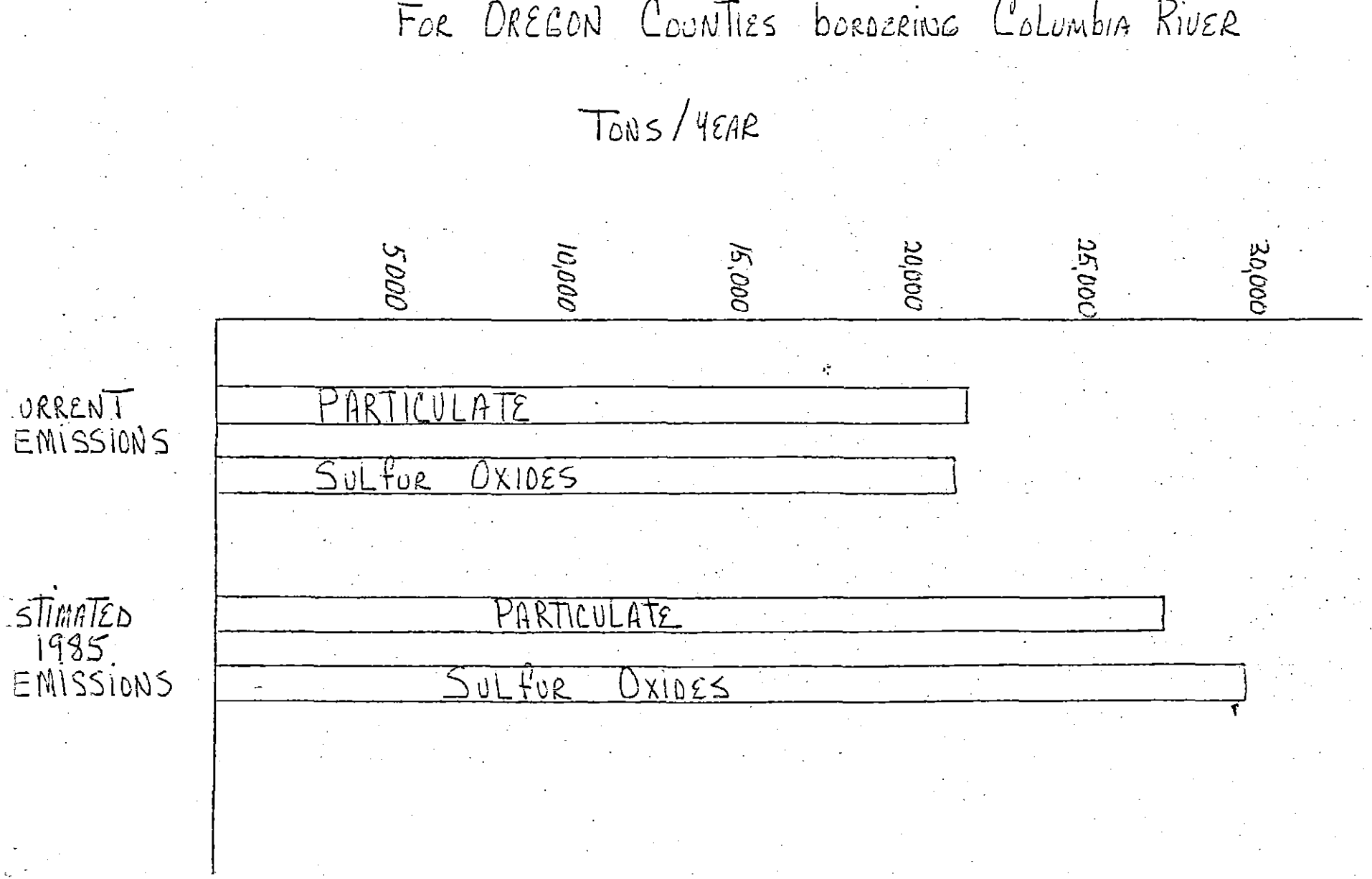
* Final Emissions Pending Final Design
** Based on 6 mo/yr on oil
*** Based on 6 mo/yr

OREGON MAJOR SOURCES ON COLUMBIA RIVER

MAJOR POLLUTANTS EMITTED TONS/YR



Total Particulate and Sulfur Oxide Emissions For Oregon Counties bordering Columbia River



DEPARTMENT OF ENVIRONMENTAL QUALITY

VEHICLE INSPECTION DIVISION

INFORMATIONAL PACKET

for

WASHINGTON ECOLOGY COMMISSION
OREGON ENVIRONMENTAL QUALITY COMMISSION

Joint Meeting
September 4, 1974

DEQ/VID 74240

Summary of Vehicles Tested

by DEQ in February through August, 1974

Total Number of Privately Owned Vehicles Tested: 3525

Total Number of Governmental Vehicles Tested: 1768

Total Number of Corporate Fleet Vehicles Tested: 419

Interim Oregon Idle Emission Criteria

	CO %	HC, ppm
Pre 1968 vehicles	6	1200
1968-1969	5	600
1970-1971	4	500
1972-1974	3	350

OVER ALL PASS/FAIL

	Number of Vehicles Tested	% Passed	% FAILED FOR EXCEEDING			
			CO	HC	Both	Other
February	694	60	26	4	8	2
March	358	62	20	8	7	2
April	252	57	27	8	7	1
May	371	54	32	6	7	1
June	516	56	30	5	7	2
July	553	54	31	5	7	1
August	781	57	25	9	13	4
Total	3525	57	27	7	8	3
Governmental	1768	56	31	5	8	-
Corporate	419	65	19	5	10	1

DEQ/VID 74246

SUMMARY OF PRIVATELY OWNED VEHICLES

Tested in August, 1974

Number Tested Burnside Facilities	380
Number Tested by Mobile Unit	401
Total Number of Privately Owned Vehicles Tested	781

Interim Oregon Idle Emission Criteria

	CO%	HC ppm
Pre 1968 vehicles	6	1200
1968-1969	5	600
1970-1971	4	500
1972-1974	3	350

BURNSIDE FACILITIES	Number of Vehicles Tested	% Passed	CO	HC	Both	Other
Pre 1968 Vehicles	135	59	29	12	14	-
1968-1969	72	53	31	11	5	-
1970-1971	67	60	30	5	5	-
1972-1974	106	51	33	5	11	-
Total	380	56	28	7	9	-
MOBILE UNIT TESTING						
Pre 1968 Vehicles	129	48	19	15	15	3
1968-1969	65	52	15	6	22	5
1970-1971	83	48	31	7	10	4
1972-1974	124	47	25	7	20	1
Total	401	48	23	10	16	3
TOTAL ALL VEHICLES	781	57	25	9	13	4

SUMMARY OF PRIVATELY OWNED VEHICLES

Tested in July, 1974

Number Tested Wade Building Facilities	350
Number Tested by Mobile Unit	203
Total Number of Privately Owned Vehicles Tested	553

Interim Oregon Idle Emission Criteria

	CO%	HC ppm
Pre 1968 vehicles	6	1200
1968-1969	5	600
1970-1971	4	500
1972-1974	3	350

* WADE BUILDING FACILITIES	Number of Vehicles Tested	% Passed	% Failed for Exceeding CO	HC	Both	Other
Pre 1968 Vehicles	152	53	38	1	7	1
1968-1969	42	41	45	7	5	2
1970-1971	56	50	39	7	4	-
1972-1974	100	55	32	4	9	-
Total	350	52	37	3	7	1
MOBILE UNIT TESTING						
Pre 1968 Vehicles	63	60	22	13	3	2
1968-1969	38	55	18	8	18	-
1970-1971	37	54	30	8	8	-
1972-1974	65	60	15	2	23	-
Total	203	58	21	7	13	1
TOTAL ALL VEHICLES	553	54	31	5	9	1

DEQ/VID 74224

* Last month of Wade Building Operation

SUMMARY OF PRIVATELY OWNED VEHICLES

Tested in June, 1974

Number Tested Wade Building Facilities	382
Number Tested by Mobile Unit	134
Total Number of Privately Owned Vehicles Tested	516

Interim Oregon Idle Emission Criteria

	CO%	HC ppm
Pre 1968 vehicles	6	1200
1968-1969	5	600
1970-1971	4	500
1972-1974	3	350

WADE BUILDING FACILITIES	Number of Vehicles Tested	% Passed	% Failed for Exceeding CO	HC	Both	Other
Pre 1968 Vehicles	152	57	30	6	7	1
1968-1969	73	59	32	5	3	1
1970-1971	63	59	32	5	5	-
1972-1974	94	63	25	9	3	2
Total	382	59	29	6	5	1
MOBILE UNIT TESTING						
Pre 1968 Vehicles	32	56	34	-	9	-
1968-1969	28	39	25	14	14	7
1970-1971	20	50	40	-	5	5
1972-1974	54	50	31	2	15	2
Total	134	49	32	4	12	3
TOTAL ALL VEHICLES	516	56	30	5	7	2

DEQ/VID 74182 /B

SUMMARY OF PRIVATELY OWNED VEHICLES

Tested in May, 1974

Number Tested Wade Building Facilities	179
Number Tested by Mobile Unit	192
Total Number of Privately Owned Vehicles Tested	371

Interim Oregon Idle Emission Criteria

	CO%	HC ppm
Pre 1968 vehicles	6	1200
1968-1969	5	600
1970-1971	4	500
1972-1974	3	350

WADE BUILDING FACILITIES	Number of Vehicles Tested	% Passed	% Failed for Exceeding CO	HC	Both	Other
Pre 1968 Vehicles	59	51	37	3	8	-
1968-1969	26	84	12	4	-	-
1970-1971	38	61	32	3	3	3
1972-1974	56	52	36	7	4	2
Total	179	58	32	4	2	1
MOBILE UNIT TESTING						
Pre 1968 Vehicles	73	56	29	8	7	-
1968-1969	25	48	44	4	4	-
1970-1971	30	30	43	10	17	-
1972-1974	64	56	25	6	12	-
Total	192	51	32	7	10	-
TOTAL ALL VEHICLES	371	54	32	6	7	1

DEQ/VID 74161

SUMMARY OF GOVERNMENTAL & CORPORATE FLEET VEHICLES

Tested in August 1974

Government Fleets:

U.S. Post Office Stations: Oregon City, Gladstone, Main Portland, Beaverton, Lake Oswego, West Linn, Milwaukie, Hillsboro, Forest Grove, West Slope

State Police & Highway Dept., Milwaukie

Corporate Fleets: Pacific Northwest Bell, Northwest Natural Gas, Portland General Electric

Interim Oregon Idle Emission Criteris

	CO %	HC ppm
Pre 1968 vehicles	6	1200
1968-1969	5	600
1970-1971	4	500
1972-1974	3	350

GOVERNMENTAL VEHICLES

	Number of Vehicles Tested	% Passed	% Failed for Exceeding			
			CO	HC	Both	Other
Pre 1968 vehicles	13	69	15	8	8	-
1968-1969	84	95	4	-	1	-
1970-1971	178	43	40	8	9	1
1972-1974	101	63	13	10	14	-
Total	376	61	24	7	8	-

CORPORATE FLEETS

Pre 1968 vehicles	78	59	30	5	3	3
1968-1969	74	69	12	3	16	-
1970-1971	111	64	24	5	7	-
1972-1974	156	67	13	6	14	-
Total	419	65	19	5	10	1

DEQ/VID 74246

SUMMARY OF GOVERNMENTAL FLEET VEHICLES

Tested in July, 1974

Fleets Tested: Oregon State Police, Beaverton & Hayden Island

U.S. Post Office Stations: Gresham, Parkrose, Rose City, Forest Park, Kenton, Creston, St. Johns, Piedmont, Lents, 122nd & Stark, 7th & Morrison, Holladay, Sellwood.

Interim Oregon Idle Emission Criteria

	CO%	HC ppm
Pre 1968 vehicles	6	1200
1968-1969	5	600
1970-1971	4	500
1972-1974	3	350

	Number of Vehicles Tested	% Passed	% Failed for Exceeding			
			CO	HC	Both	Other
Pre 1968 Vehicles	0	-	-	-	-	-
1968-1969	102	93	4	2	1	-
1970-1971	95	45	42	6	6	1
1972-1974	178	61	26	1	12	-
TOTAL ALL VEHICLES	375	66	24	2	8	-

DEQ/VID 74227

SUMMARY OF MOBILE FLEET TESTING

for Month of June, 1974

Public Fleets Tested: Multnomah County, City of Portland, City of Milwaukie, City of Lake Oswego, City of Gresham

Total Public Vehicles Tested 572

Interim Oregon Idle Emission Criteria

	CO%	HC ppm
Pre 1968 vehicles	6 %	1200 ppm
1968-1969	5 %	600 ppm
1970-1971	4 %	500 ppm
1972-1974	3 %	300 ppm

	Number of Vehicles Tested	% Passed	Failed For Exceeding CO	HC	Both	Other
Pre 1968 vehicles	115	63	25	9	2	1
1968-1969	91	64	33	-	3	-
1970-1971	93	54	40	1	5	-
1972-1974	273	35	47	6	12	-
Total	572	48	39	5	8	1

DEQ/VID 74199

SUMMARY OF MOBILE FLEET TESTING

for Month of May, 1974

Public Fleets Tested: Washington County, Clackamas County

Cities of Beaverton, Cornelius, Hillsboro, Forest Grove, Tigard, West Linn, Oregon City, Gladstone.

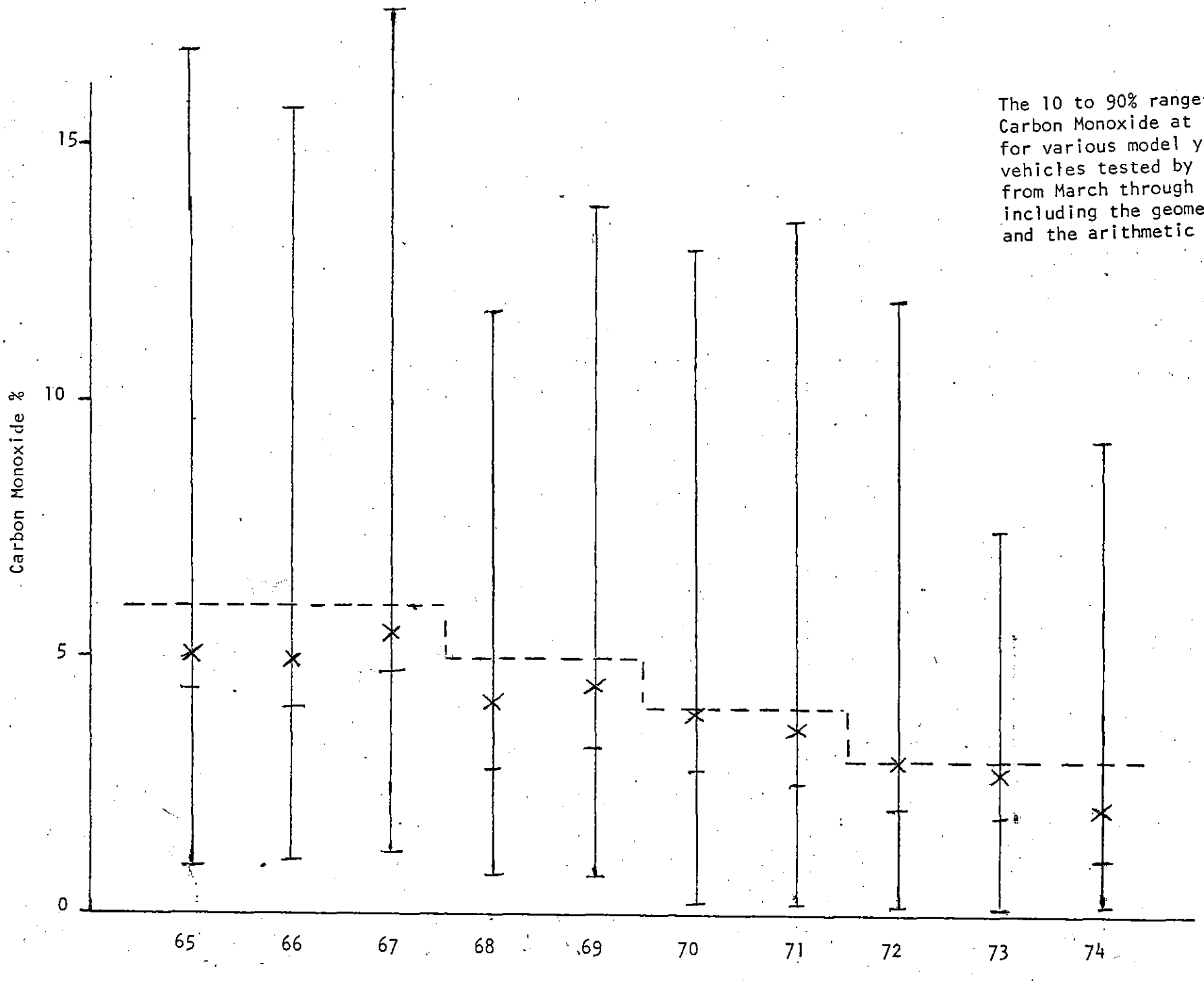
Total Public Vehicles Tested 445

Interim Oregon Idle Emission Criteria

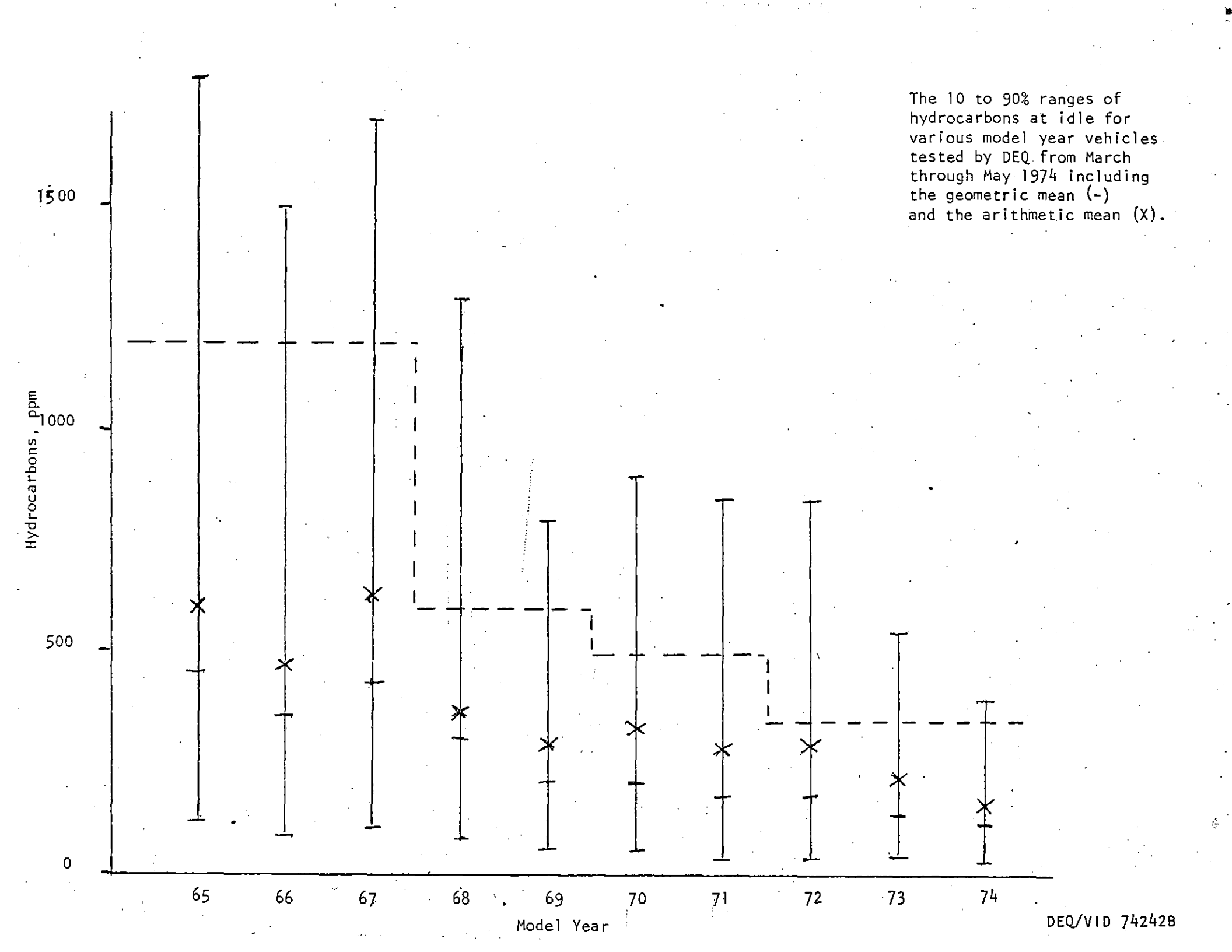
	CO%	HC ppm
Pre 1968 vehicles	6%	1200 ppm
1968-1969	5%	600 ppm
1970-1971	4%	500 ppm
1972-1974	3%	350 ppm

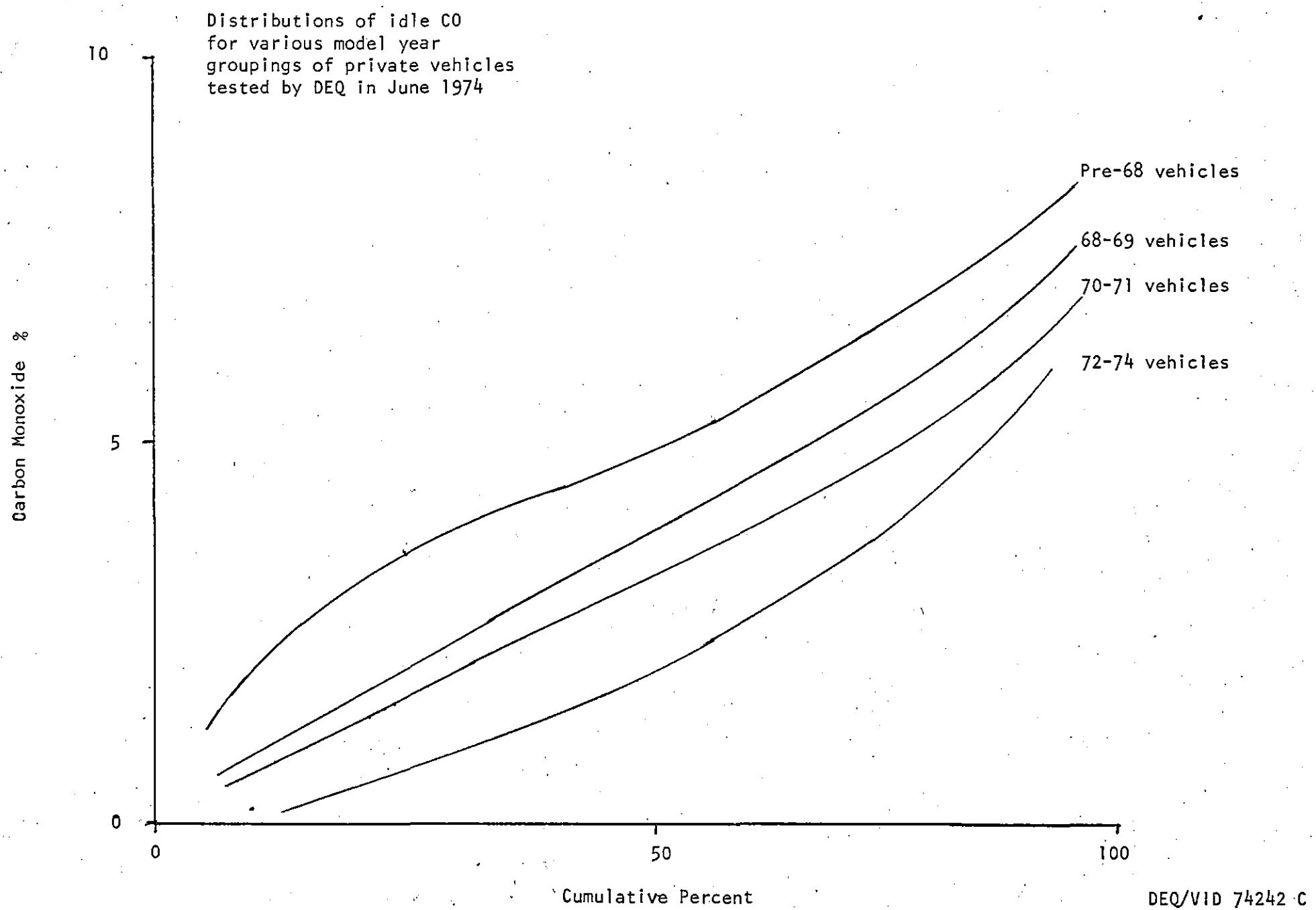
	Number of Vehicles Tested	% Passed	% Failed For Exceeding CO	HC	Both	Other
Pre 1968 vehicles	164	60	30	4	2	4
1968-1969	69	48	38	7	7	0
1970-1971	71	59	30	7	3	1
1972-1974	141	47	32	5	16	0
Total	445	54	32	5	8	1

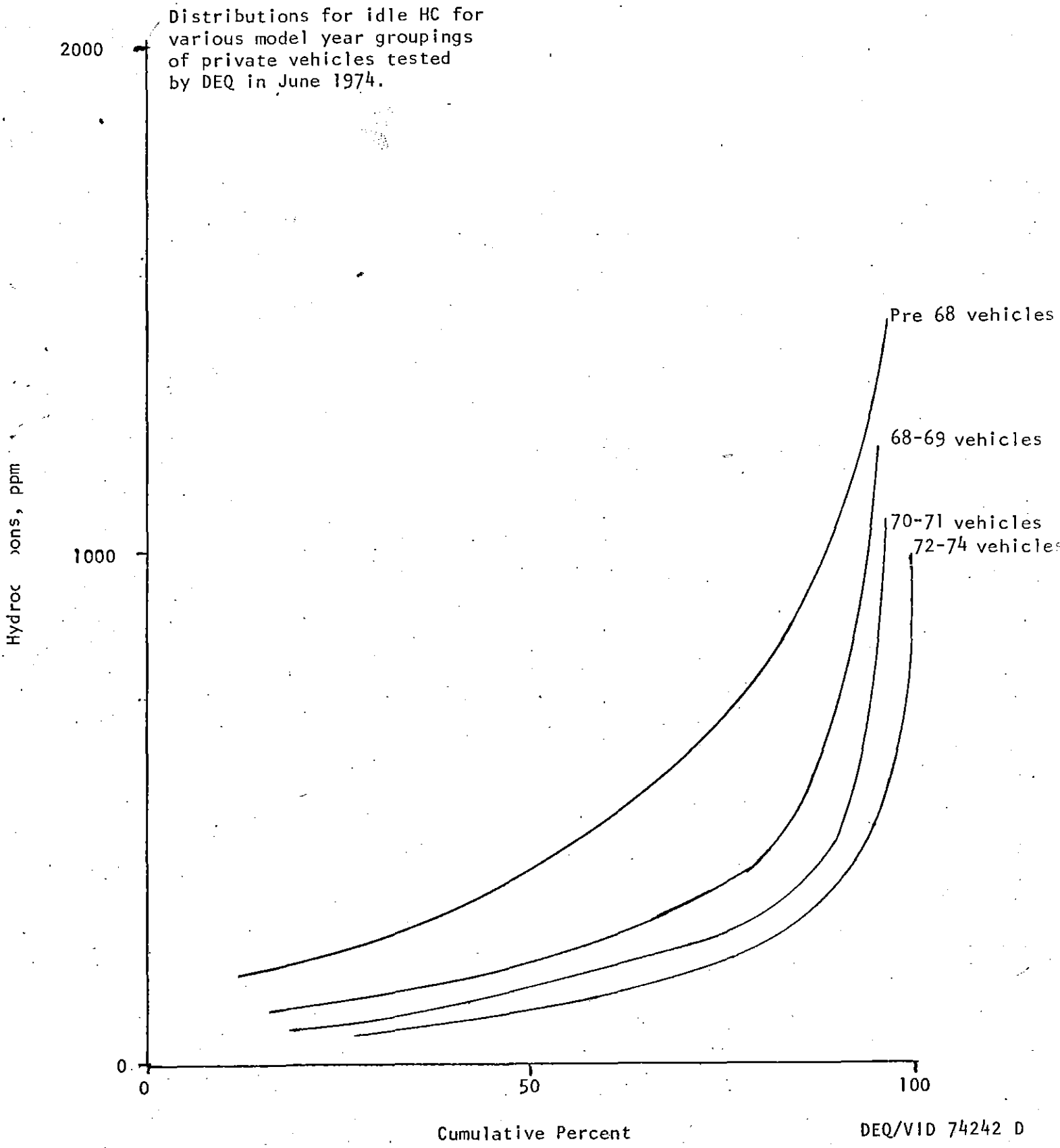
DEQ/VID 74156



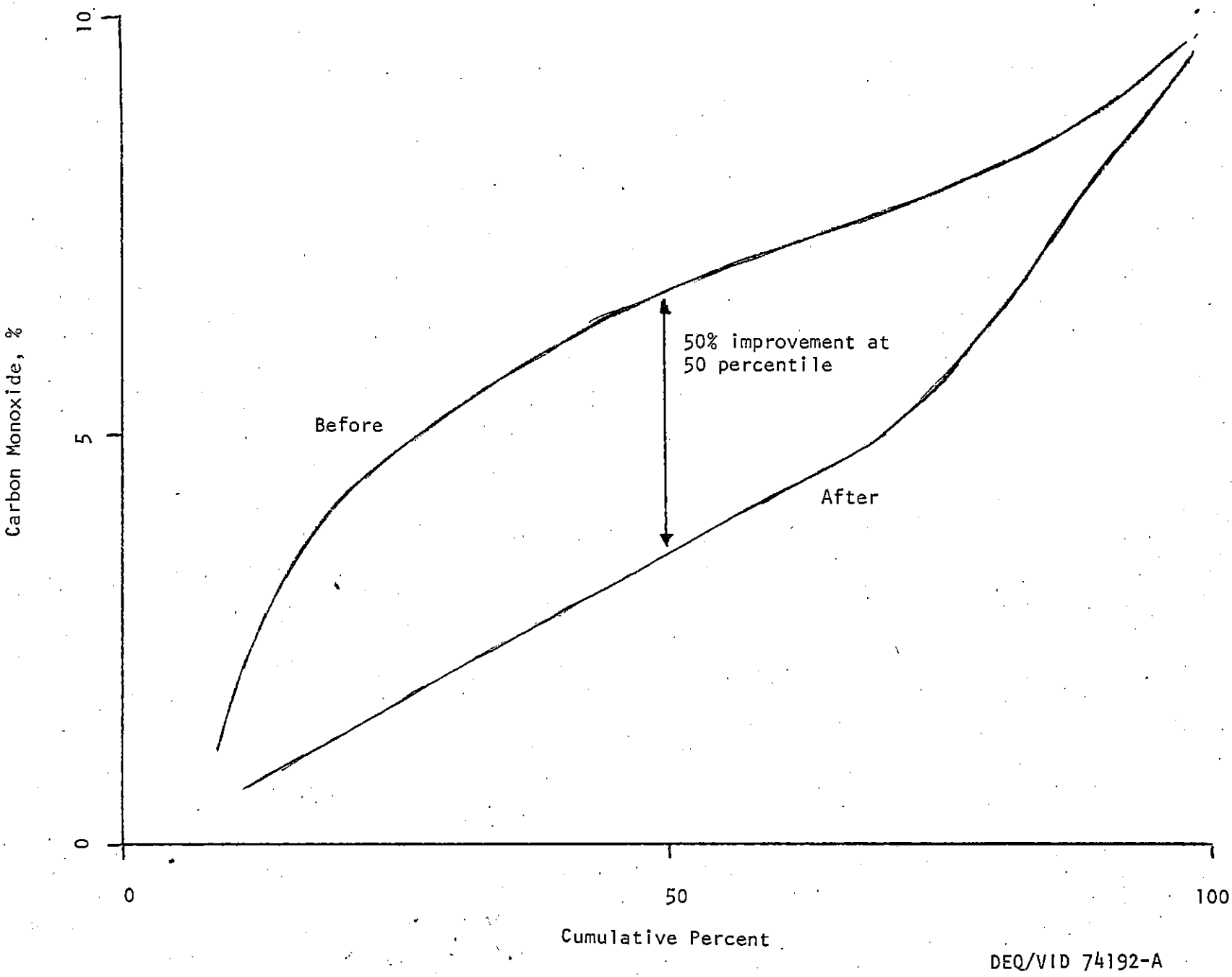
DEQ/VID 74242 A


The 10 to 90% ranges of hydrocarbons at idle for various model year vehicles tested by DEQ from March through May 1974 including the geometric mean (-) and the arithmetic mean (X).
Hydrocarbons, ppm
1500
1000
500
0
65
66
67
68
69
70
71
72
73
74
Model Year
DEQ/VID 74242B

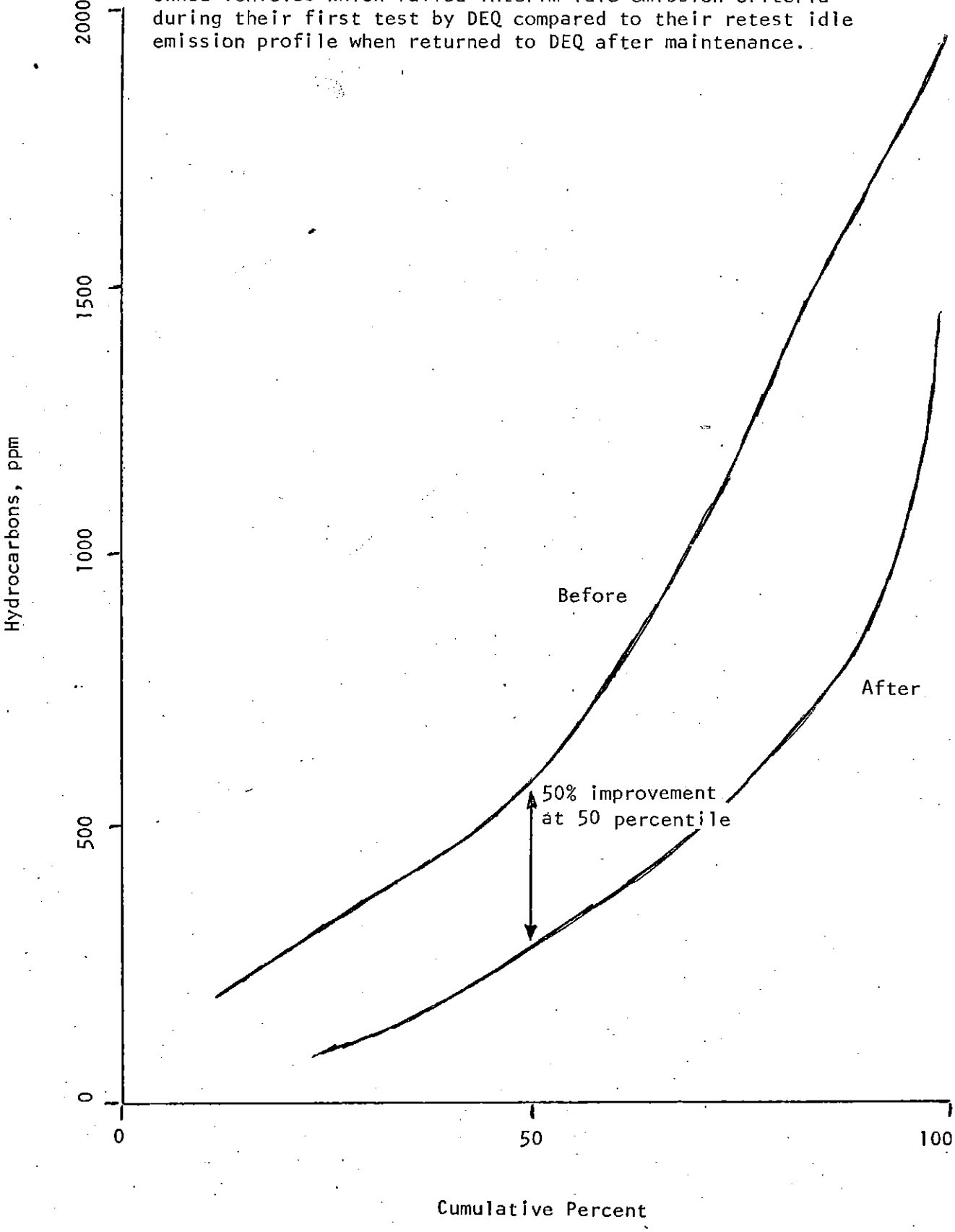

Distributions of idle CO
for various model year
groupings of private vehicles
tested by DEQ in June 1974
10
5
0
Carbon Monoxide %
Pre-68 vehicles
68-69 vehicles
70-71 vehicles
72-74 vehicles
0
50
100
Cumulative Percent
DEQ/VID 74242 C


Distributions for idle HC for various model year groupings of private vehicles tested by DEQ in June 1974.
2000
1000
0
Hydroc ons, ppm
Pre 68 vehicles
68-69 vehicles
70-71 vehicles
72-74 vehicles
0
50
100
Cumulative Percent
DEQ/VID 74242 D

The idle emission profile for carbon monoxide of 108 privately owned vehicles which failed interim idle emission criteria during their first test by DEQ compared to their retest idle emission profile when returned to DEQ after maintenance.



The idle emission profile for hydrocarbons of 108 privately owned vehicles which failed interim idle emission criteria during their first test by DEQ compared to their retest idle emission profile when returned to DEQ after maintenance.



DEQ/VID 74192-B

DEPARTMENT OF ENVIRONMENTAL QUALITY - EMISSION TEST FORM

DEQ/VID 74242

Date

License

Year | Make | Line | Mileage

Name: City: zip: (32) ( ) Registration not available

(33) County Clackamas ☐ Multnomah ☐ Washington ☐ Clark ☐ Other ☐ _____

(31) Exhaust System ( ) Single ( ) Dual

( ) Smoke Tailpipe Breather

Noise Level: _____ dbA

Engine CID/cc____ cyl. ____ Trans. A M

Weight Class ( ) 1-5/15 ( ) 2-10/25 ( ) 3-10/30

Pollution Control Device Check

	Equip.	Disc.		Device Check Equip.	Disc.
(32) PCV	☐	☐	(36) Distributor	☐	☐
(33) Air Pump	☐	☐	(37) Pre-heat	☐	☐
(34) EGR	☐	☐	(38) Cat. Muffler	☐	☐
(35) EVAP	☐	☐	Other _____	☐	☐

Basic Specs. Dwell _____ rpm _____ Timing _____

Owner Modification and Description

(41) Carb _____

(42) Intake Manifold _____

(43) Exhaust Manifold _____

(44) Add On _____

(45) Other _____

(36) Retest ( ) Amount $_____

Work _____

_____

Test Equip. _____ Insp. _____

		SINGLE OR DUAL LEFT			DUAL RIGHT		
Speed	Load	HC ppm	CO%	CO_2%	HC ppm	CO%	CO_2%
1 Idle	N						
2 2500 rpm	N						
3 Idle	N						
4 30 mph							
5 50 mph							
6 Idle	N						
7 50 mph							
8 30 mph							
9 Idle	N						
10 2500 rpm	N						
11 Idle	N						

NOTES: (For additional space use reverse side)

DEPARTMENT OF ENVIRONMENTAL QUALITY - EMISSION TEST FORM

DEQ/VID 74242

Date

License

Year | Make | Line | Mileage

Name: City: zip: (32) ( ) Registration not available

(33) County Clackamas ☐ Multnomah ☐ Washington ☐ Clark ☐ Other ☐ _____

(31) Exhaust System ( ) Single ( ) Dual

( ) Smoke Tailpipe Breather

Noise Level: _____ dbA

Engine CID/cc _____ cyl. _____ Trans. A M

Weight Class ( ) 1-5/15 ( ) 2-10/25 ( ) 3-10/30

Pollution Control Device Check	Equip.	Disc.	Device Check	Equip.	Disc.
(32) PCV	☐	☐	(36) Distributor	☐	☐
(33) Air Pump	☐	☐	(37) Pre-heat	☐	☐
(34) EGR	☐	☐	(38) Cat. Muffler	☐	☐
(35) EVAP	☐	☐	Other _____	☐	☐

Basic Specs. Dwell _____ rpm _____ Timing _____

Owner Modification and Description

(41) Carb _____

(42) Intake Manifold _____

(43) Exhaust Manifold _____

(44) Add On _____

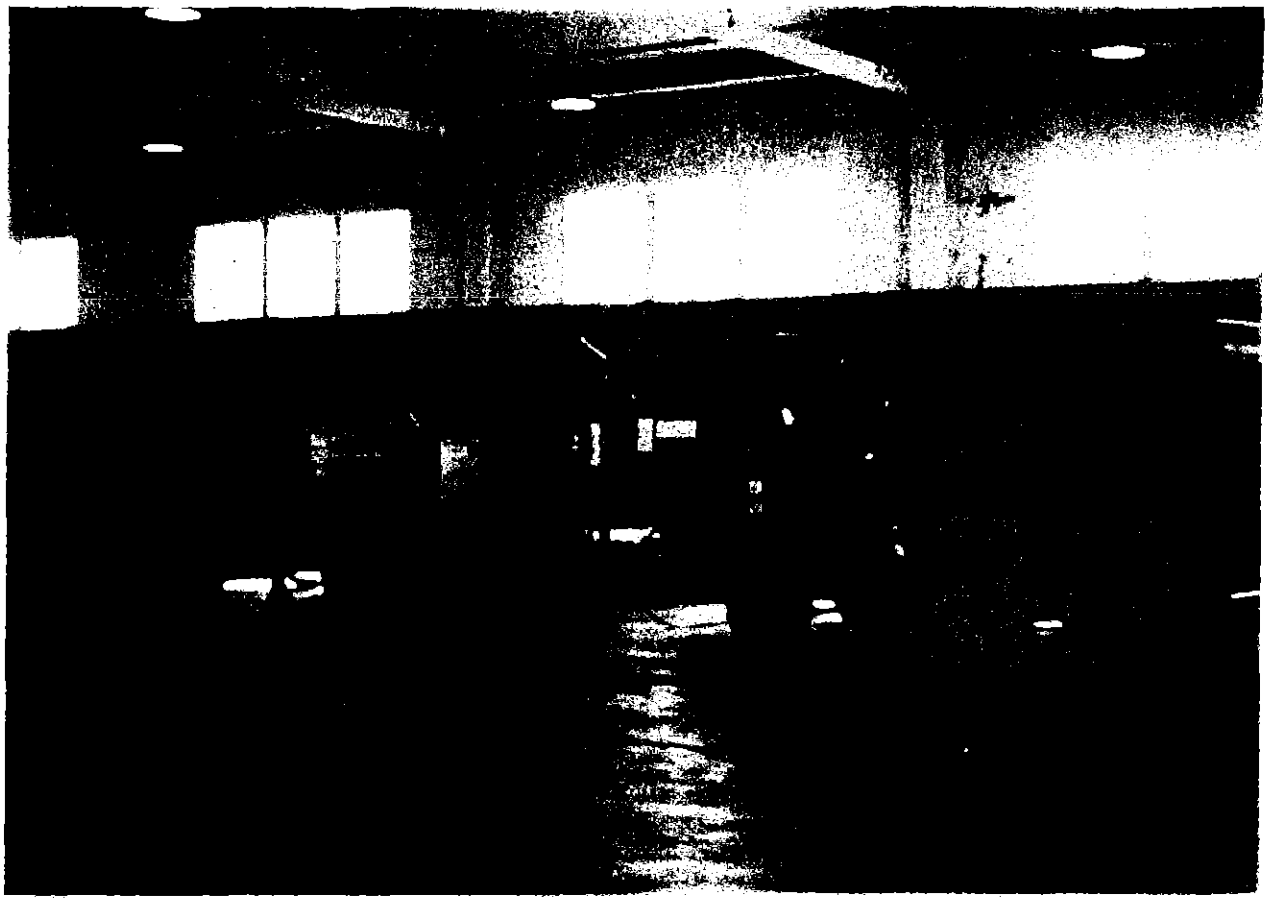
(45) Other _____

(36) Retest ( ) Amount $ _____

Work _____

Test Equip. _____ Insp. _____

		SINGLE OR DUAL LEFT			DUAL RIGHT		
Speed	Load	HC ppm	CO%	CO_2%	HC ppm	CO%	CO_2%
1 Idle	N						
2 2500 rpm	N						
3 Idle	N						



TWO MOBILE UNITS
ON DISPLAY
AT
WADE BUILDING OPERATION

DEQ/VID 74240

MOBILE UNIT EMISSION TESTING AT SHOPPING CENTER

DEQ/VID 74240

DEPARTMENT OF ENVIRONMENTAL QUALITY

VEHICLE INSPECTION DIVISION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-6235

INFORMATION BULLETIN

74207

To acquaint the motoring public with auto exhaust emission testing procedures the Department will offer public testing at various shopping centers in the Metropolitan Service District beginning in August.

Trained inspectors will conduct the free exhaust test, using mobile vans equipped with the same type of emission measuring instruments which will be used in the permanent inspection stations.

Due to accelerated use of mobile vans, emission testing at 1905 N.W. Thurman Street will terminate on July 31, 1974.

# # # #

Included with this bulletin is a sample of the "FAILED" form currently given to our customers when their vehicle is unable to meet the interim criteria. Additionally, an "IF YOUR CAR FAILED" brochure is offered with more detailed information of the causes for failure.

# # # #

The Department has received numerous inquiries regarding the type of exhaust gas analyzer which would be sufficient for a tune-up shop or repair facility application. As outlined in our bulletin #742, California has set standards for this type of equipment and now requires all Class A repair facilities to have an analyzer from the approved list. On the back of this page is a current listing of California approved exhaust gas analyzers.

CALIFORNIA APPROVED EXHAUST GAS ANALYZERS

Allen Testproducts Division
Allen 23-060-CA, 23-070-CA, 23-080-CA, 18-090-CA, 18-150-CA
Amserv 23-067-CA, 23-077-CA, 23-087-CA, 18-097-CA, 18-157-CA
MTSE 23-066-CA, 23-076-CA, 23-086-CA, 18-096-CA, 18-156-CA
Rotunda 23-065-CA, 23-075-CA, 23-085-CA, 18-095-CA, 18-155-CA

Autoscan, Inc.
Autoscan 705-C, 710-C, Series 4000-IR-C
Rotunda 705-C, 710-C, Series 4000-IR-C

Barnes Engineering Company
Christie EA-74C, Barnes 1836C, King 770C

Applied Power, Incorporated
Marquette 42-159, 40-225, Atlas AET-345, Rotunda BRE 42-732

Peerless Instrument Company
Peerless 660 "C" designation following serial number

Robert Bosch Corporation
Robert Bosch EFAW 289

Stewart-Warner Alemite Sales Co.
Stewart-Warner 3160-AC

Beckman Instruments, Incorporated
Beckman 590

Kal Equip Company
Kal Equip 4094D, Powerready 370-400, NAPA Balkamp 14-4787, AC GM ST-500

Chrysler Motors Corporation
Chrysler III C, III C with MOPAR logo, III C with MTSE logo

Horiba Instruments, Inc.
Horiba GSM-300-CA

Sun Electric Corporation
Sun EPA-75 (D), U-912-1 (C), EET-910-1 (A) or later production date applying to all three

Atlas AET-330

# # # #

Attached is a copy of Chrysler Corporation Huntsville Electronic Division "Carburetor Tune-Up Adjustment Procedure" for your information and assistance. Although the Model III C is referred to, any of the exhaust gas analyzers shown on the above California approved list will allow you to perform these operations easily.

Attach.

MODEL III EXHAUST EMISSION ANALYZER

CARBURETOR "TUNE-UP" ADJUSTMENT PROCEDURE

VEHICLE PREPARATION

- Automatic transmission in neutral, emergency brake engaged.
- Check vacuum hoses for proper attachment, leak-free condition — check and repair any exhaust system leaks — for vehicles equipped with air injection systems, disconnect and plug the air pump outlet hose.
- Air cleaner installed
- Engine running at normal operating temperature (choke open) with timing and idle speed set to specifications. Engine overheating can significantly increase HC and CO emissions. Make mixture adjustments as soon as practicable after operating temperature has been reached.

Note: For late model cars, timing and idle speed specifications will be indicated on the Vehicle Emission Control Information Label located in the vehicle engine compartment. **Read the label carefully for other conditions which may be specified for that vehicle.** For older cars without an Emission Control Information Label, consult tune up specification manual for proper timing and idle specifications.

MIXTURE ADJUSTMENT - CURB IDLE

- Rev engine to approximately 2500 RPM for a few seconds to clear any accumulated engine deposits. If mixture settings require more than two or three minutes repeat as necessary to maintain a "clean" engine.

Note: Avoid sudden throttle releases when the analyzer probe is in the tail pipe as unburned fuel will saturate the sample line and cause high HC readings until the analyzer pump cleans the line of residual evaporated hydrocarbons.

- Insert analyzer probe (Analyzer warmed up and calibrated according to instructions) approximately one foot into tail pipe. On dual exhaust vehicles, use tail pipe opposite heat valve side.
- Adjust carburetor mixture screw (for 2-barrel and 4-barrel carburetors, turn each screw an equal amount to avoid carburetor bore imbalance) 1/16 turn richer and allow 5 seconds for HC meter response. Observe HC meter for a definite increase in reading. If necessary, repeat the 1/16 turn step until the increase in richness is observable as an increase in the HC reading. Make sure you are turning in the proper direction for a richer mixture since an increase in HC will also be indicated when the carburetor is leaned out enough to cause misfire.
- When it has been established that the meter is indicating a rich mixture, proceed to slowly lean the mixture (taking care to adjust each screw equally) until the HC reading levels out (generally in the range of values listed in emission table below) and a smooth idle is obtained.
- If idle speed has changed as a result of the previous operation, adjust idle speed and readjust mixture screws to obtain desired HC range and smooth idle.
- Observing CO meter, final mixture adjustments can now be made by adjusting mixture screws (enriching mixture for higher CO reading and leaning mixture for lower CO readings) to obtain desired CO reading. For late model vehicles, the desired CO level will appear on the Emission Control Information Label.

For others, the emission table below will serve as a guide.

Note: The air cleaner may have a significant effect on mixture ratio. If it is impractical to adjust mixture screws with air cleaner in place it will be necessary to adjust to lower than specified CO reading (leaner). Replacement of air cleaner will enrich the mixture (increase CO reading). Several iterations may be required, noting CO readings alternately with and without the air cleaner, to obtain desired CO with air cleaner installed.

- Check idle speed and adjust to specification value if required. Readjust mixture screws per previous step.
- Rev engine to approximately 2500 RPM and note HC and CO readings. Higher than idle readings indicate an engine malfunction which will affect road performance.
- Road Test vehicle from a cold start to insure you have not created performance problems. In some cases (particularly older cars) you may have to enrich the carburetor mixture to obtain satisfactory start-up and/or road performance.

TARGET EMISSION LEVELS TABLE *

Vehicle Model Yr.	CO	HC
Pre - 1968	4.0% (± 2.0%)	400 PPM (± 300 PPM)
1968 - 1972	2.0% (± 1.0%)	200 PPM (± 100 PPM
1973 - 1974	1.0% (± .5%)	100 PPM (± 75 PPM)
1974 Less than 500 miles	.5% (± .2%)	75 PPM (± 50 PPM)

Considerable tolerance must be allowed for older model vehicles. Setting mixture adjustments to lowest possible emission levels can cause severe performance reductions. The principal values in the above table were selected to avoid performance degredation. However, to insure that you have not created performance problems, always road test the vehicle (preferably from a cold start) or you may see it again the next day, along with an irate customer.

TROUBLE SHOOTING GUIDE

Inability to obtain acceptable HC and CO emission levels by carburetor mixture adjustments is generally an indication of either malfunctioning components or simply a badly worn engine. In most cases simple replacement of parts such as the air cleaner, PCV valve, spark plugs, etc. will rectify the problem. Using the below table your Model III Analyzer will greatly assist in narrowing down the likely suspect.

EMISSION READING	COMMON MALFUNCTION	DIAGNOSTIC PROCEDURE
HIGH HC	• Ignition Misfire — Fouled Plugs — Defective ignition wires — Defective Points	• Generally HC above 1500 PPM — Isolate bad plugs or wire by pulling one ignition cable at a time to determine which least affects the reading. If HC needle is pegged (over 2000 PPM) a visual inspection will be necessary. — Visual Inspection
	• Vacuum Leaks	• Partially block the air cleaner snorkel. A significant reduction in HC indicates a leak. Inspect hoses, gaskets and vacuum operated components. Generally accompanied by a lower than normal CO.
	• Overly Lean or Rich A/F Ratio	• See Carburetor Tune-up Procedure
	• Engine Problems — Gasket Leaks — Defective Valves, Rings, Pistons, etc.	• A Complete Electronic Engine Tester will be required to isolate compression or other internal engine problems.
HIGH HC and HIGH CO	• Inoperative PCV Valve	• Remove valve from engine, plug open end of valve, CO & HC will significantly increase if valve is functioning properly.
	• Inoperative Air Pump (Air Injection)	• Engine at 1000 RPM, note HC & CO, maintaining RPM disconnect air supply hose to exhaust manifold, CO & HC will increase if pump is operating properly.
	• Stuck Carburetor Air Preheater Door	• Visual inspection, heat control door should be up (heat on) for cold engine and down (heat off) for warm engine.
HIGH CO	• Dirty Air Cleaner	• Removal of a dirty air cleaner will result in a large reduction in CO.
	• Defective Choke	• From a cold start CO reading should significantly reduce as choke opens when the engine operating temperature is reached.
	• Low Idle	• Check RPM Vs. Specification
	• Overly Rich A/F Ratio	• See Carburetor Tune-up Procedure

LEAK DETECTION

The Model III Analyzer is sensitive to fuel vapor (HC) and Carbon Monoxide (CO). Leaks can be easily detected by placing the probe in the vicinity of suspected leakage. In the passenger compartment itself contaminated air from the engine compartment will show up as an HC reading while exhaust leakage will result in a CO reading. Any leaks should be traced down and corrected immediately. While HC merely presents an annoyance problem with objectionable odors CO (which cannot be detected by smell) is potentially lethal.

CARBURETOR POWER VALVE VERIFICATION

Performance problems are frequently the result of a malfunctioning power valve. The following test may be quickly performed to insure the valve is functioning.

1. Note CO level at normal idle speed.
2. Rev engine to approximately 2000 RPM — CO should decrease.
3. Place vehicle in gear and with one foot on the brake quickly press the accelerator to full throttle and release CO should significantly increase and then drop back to level noted in Step 1.

DEPARTMENT OF ENVIRONMENTAL QUALITY
VEHICLE INSPECTION DIVISION
EMISSION CONTROL TEST RESULTS

FAILED

○ Carbon Monoxide ○ Hydrocarbon Gases

○ Pollution Control Equipment ○ Smoke

Vehicle Year and Make _____ Test Date _____

License No. _____ Mileage _____

Vehicle Class	TEST RESULTS		Interim Idle Standards	
Model Year	Carbon Monoxide	Hydrocarbon	Carbon Monoxide	Hydrocarbon
Pre 1968	_____ %	_____ ppm	6 %	1,200 ppm
1968-1969	_____ %	_____ ppm	5 %	600 ppm
1970-1971	_____ %	_____ ppm	4 %	500 ppm
1972-1974	_____ %	_____ ppm	3 %	350 ppm
1975	_____ %	_____ ppm		

Visible Smoke - Satisfactory _____

Excessive _____

Emission Control Equipment

Not required _____

Satisfactory _____

Defective _____

Specific vehicle class standards may supercede the general requirements.

Inspector _____

DEQ/VID 74141

First Class
Permit No.
10383
Portland, Or.

BUSINESS REPLY MAIL
No Postage Stamp Necessary If Mailed In The United States

Postage Will Be Paid By
STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
1234 S. W. MORRISON STREET
PORTLAND, OREGON 97205

"THE QUALITY OF THE AIR WE BREATHE MAY WELL DETERMINE WHETHER MAN CAN SURVIVE IN AN URBAN ENVIRONMENT. MAINTAINING OUR CARS TO CONTROL POLLUTION IS A SMALL PRICE INDEED WHEN WHAT IT BUYS MAY BE LIFE ITSELF.'

KESSLER R. CANNON
Director, Department of Environmental Quality

Here may be some reasons why your car didn't pass our pollution test (for more detailed information refer to our guide "If Your Car Failed"):

1. Excessive carbon monoxide emissions are generally caused by:
   * Incorrect carburetor adjustments
   * Choke malfunction
   * PCV valve restricted
   * Severely restricted air cleaner

2. Excessive hydrocarbon gases are generally caused by:
   * Faulty ignition system
   * Improper timing
   * Lean misfire
   * Defective emission control equipment
   * Leaking exhaust valves

3. Visible smoke is generally caused by:
   * Improper or inadequate maintenance
   * Worn piston rings or valves

4. Pollution control equipment:

   Oregon law prohibits disconnecting, or modifying or altering the required pollution control equipment. If the inspector detects that the pollution control equipment has been removed or altered or modified in a manner that decreases its effectiveness in controlling air pollution, the vehicle will fail.

Usually an emission tune-up will correct the pollution problem and also improve your engine's performance and increase your gas mileage.

Not until July, 1975, will the emission control inspections become mandatory and repair and reinspection necessary. However, we hope you will repair your car and return for free reinspection during this voluntary stage of the program.

If you have your car repaired and return for reinspection, please complete the attached card and bring it with you. If you are unable to have your car reinspected but have made repairs, detach the completed card and mail it back to us.

THANK YOU FOR CONTRIBUTING TO OREGON'S CAMPAIGN FOR CLEANER AIR.

Car make	License Plate No.	Car Model Year	Failure Mode
			Carbon Monoxide (CO) _____
			Hydrocarbon (HC) _____
			Smoke _____
			Equipment _____

Work performed

( ) Carburetor adjustment ( ) Spark plugs replaced
( ) Electrical tune-up ( ) Valve grind
( ) Engine overhaul ( ) Other _____

Cost of parts and/or labor

( ) Under $10 ( ) $50 - $70
( ) $10 - $30 ( ) $70 - $90
( ) $30 - $50 ( ) Over $90

Work done by:

( ) Dealership service dept. ( ) Self
( ) Independent garage ( ) Other
( ) Service station

Were repairs satisfactory? ( ) Yes ( ) No

If not, why? _____

_____

Remarks _____

_____

DEPARTMENT OF ENVIRONMENTAL QUALITY
Vehicle Inspection Division
1234 S. W. Morrison Street
Portland, Oregon 97205

IF YOUR CAR FAILED

here's what you can do

Department of Environmental Quality
Vehicle Inspection Division
1234 S. W. Morrison St.
Portland, Oregon 97205

. . . TO BRING YOUR CAR UP TO OREGON'S EMISSION CONTROL STANDARDS.

If your car failed the DEQ inspections, check the report form given you by the inspector to see which of these tests were shown as failures:

- ☐ CARBON MONOXIDE (CO)
- ☐ HYDROCARBON GASES (HC)
- ☐ POLLUTION CONTROL EQUIPMENT
- ☐ SMOKE

For more specific information about your car, see the sections dealing with the problems checked above.

* * * * * *

Your car is probably one of the most complex pieces of machinery you own. A thorough diagnosis and repair usually requires the services of a well-trained automotive technician using specialized equipment. His specific recommendations for your car may differ somewhat from the more general suggestions in this guide.

A trained technician may also recommend work that in his judgment will improve your car's drivability and reliability, even though it may not be necessary just to pass state emission control tests.

When you have your car repaired or adjusted, make sure you tell the person working on it the results of your car's emission control inspection. This helps to pinpoint the problem faster and thus reduce your cost.

REMEMBER

. . . a properly maintained car keeps pollution down . . . and gas mileage up.

"The quality of the air we breathe may well determine whether man can survive in an urban environment. Maintaining our cars to control pollution is a small price indeed when what it buys may be life itself."

KESSLER R. CANNON
Director, Department
of Environmental Quality

☑ CARBON MONOXIDE

Carbon monoxide (CO) is an odorless, colorless, toxic gas. It is a product of combustion formed when there is not enough air mixed with the fuel for complete burning.

A high level of CO generally means that the carburetor or fuel injection system is supplying too much fuel for the amount of air going into the engine.

Probable causes for high CO readings include PCV valve restricted, choke malfunction, carburetor out of adjustment, carburetor varnished or coated with foreign deposits, carburetor malfunctions, or a severely restricted air cleaner.

If no other failures are noted on the list and the basic carburetion system is not obviously defective, then insure that the idle speed and ignition timing are correct. Next check the PCV valve and the choke for proper operation, and make certain the engine air intake is not severely restricted.

If the above check shows proper operation, or if after making the corrections, the CO readings are still not within limits, then proceed to check and adjust the idle mixture air/fuel ratio. If an idle mixture adjustment is made, readjust the idle speed to within specifications.

If CO readings are not brought within the limits by the previous adjustments and checks, then more complex carburetion system adjustments, repairs, or replacements are indicated.

☑ HYDROCARBON GASES

Hydrocarbon gases (HC) are composed of hundreds of combinations of hydrogen (H) and carbon (C) atoms. These gases can result from unburned fuel, or may be new chemicals formed by the high pressures and temperatures within the engine. Hydrocarbon gases are an ingredient of photo chemical smog.

High levels of HC indicate engine misfire, leaking exhaust valves, or malfunction of pollution control equipment.

Probable causes for high HC readings include intake manifold leaks, excessively lean or excessively rich carburetor settings, faulty spark plug or ignition wire, ignition timing grossly out of adjustment, other electrical system defects causing misfire, defective emission control equipment, or burned or otherwise leaking exhaust valves.

If the car showed excessively high CO values also, or if the CO values recorded were extremely low—thus possibly causing lean misfire, the idle CO values should be adjusted to specifications, and HC readings rechecked. Note that lean readings may be caused by intake manifold leaks. Any such leaks should first be corrected.

Make certain that idle speed and ignition timing are within specifications. Check pollution control equipment for proper operation. Make certain there are no obvious defects—such as an ignition wire not firmly attached to a spark plug.

If the above steps check ok, or if HC readings are still excessive after correction, the electrical system should be diagnosed and corrected with defective parts replaced as necessary.

☑ POLLUTION CONTROL EQUIPMENT

Federal requirements: New car manufacturers must certify that the vehicle models they sell in the United States meet Federal air pollution control standards. The manufacturers may design their vehicles in any manner they choose, so long as the air pollution produced by the vehicle model is within the standards.

The vehicle models to be certified must be tested using federal procedures designed to represent urban driving. Vehicles are tested on a dynamometer for about 25 minutes, during which the vehicle is cold started, idles, accelerates, cruises, and decelerates. The exhaust is caught in a bag and then measured to determine the weight of air pollution produced. The test is repeated to determine hot start emissions.

To determine if the controls used by the manufacturer will continue to properly operate over a period of time, federal procedures require that vehicles be driven for 50,000 miles with only specified maintenance allowed.

State requirements: The emission control tests used by the state are much simpler than the Federal certification tests. The state tests detect high pollution vehicles based upon their original emission control design. The state emission control tests do not certify pollution control equipment or systems.

Oregon law, ORS 483.825 ——▶ prohibits disconnecting, or modifying or altering the required pollution control equipment. If the inspector detects that the pollution control equipment has been removed or altered or modified in a manner that decreases its effectiveness in controlling air pollution, the vehicle will fail.

☑ SMOKE

Smoke is a gas containing very fine particles which restrict vision. Water vapor condensing as it leaves the engine is not considered to be smoke.

Bluish smoke normally indicates that oil is being burned.

Black smoke, like diesel smoke, indicates that too much fuel is being burned.

Probable causes for smoke include oil leaks onto hot engine parts, plugged engine head oil return line, automatic transmission modulator valve malfunction, ruptured fuel pump diaphragm, excessively rich carburetion, worn or broken engine piston rings, burned pistons, worn engine valve guides or stem seals.

If condensed water vapor is consistently produced and water needs to be regularly added to the radiator, head gasket failure or engine cracks are indicated. Corrective action should be taken to prevent more serious damage.

ORS 483.825

(1) It shall be unlawful for any person to disconnect or permit to be disconnected a factory-installed motor vehicle air pollution control device or a factory-installed system, as defined in ORS 449.949, nor shall any person knowingly and wilfully permit such device or factory-installed system to become or remain inoperative.

(2) It shall be unlawful for any person to modify or alter a certified system or a factory-installed system, as defined in ORS 449.949, in a manner which decreases its efficiency or effectiveness in the control of air pollution.

(3) (a) The provisions of subsections (1) and (2) of this section do not apply when factory-installed motor vehicle air pollution control equipment, systems or devices are disconnected for the purpose of conversion to gaseous fuels.

(b) As used in this subsection, "gaseous fuels" includes, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous form.

DEPARTMENT OF ENVIRONMENTAL QUALITY

VEHICLE INSPECTION DIVISION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-6235

INFORMATION BULLETIN

74155

Some of the questions most asked of this office are:

WHAT IS BEING DONE ABOUT THE "SMOKY" CARS AND TRUCKS IN THE STATE?

The Department has been taking citizen reports on "smoky" vehicles for about three years: The registered owner of a vehicle reported to have violated the visible emission standard is contacted by letter. The owner is informed of the visible emission regulation, told that his vehicle was reported to have been operating in violation of the standard, and is requested to bring his vehicle into compliance. To date, the response has been very good.

# # # #

HOW ARE EXHAUST EMISSIONS MEASURED?

The exhaust gas analyzer measures the levels of carbon monoxide (CO) and hydrocarbons (HC) in the vehicle's exhaust. The analyzer simultaneously determines the concentration of carbon monoxide and hydrocarbons in a gas sample by detecting and measuring the absorption of infrared energy of these components.

WHAT ARE THE ADVANTAGES OF USING AN EXHAUST GAS ANALYZER RATHER THAN OTHER TYPES OF EQUIPMENT?

The ability to quickly identify carburetion or combustion problems with a quicker and more accurate adjustment of the carburetor. Improved quality control will result in fewer comebacks and additional business with more satisfied customers.

The use of this type of an instrument to show carbon monoxide and unburned hydrocarbon levels is vital to meeting emission standards.

# # # #

WHICH EXHAUST GAS ANALYZERS HAVE RECEIVED APPROVAL BY THE STATE OF CALIFORNIA SINCE OUR LAST BULLETIN'S LISTING?

Kal Equip Company Model No. 4094 D
American Parts Company Powerready Model 370-400
AC General Motors Model ST-500
NAPA Balkamp Model 14-4787
Chrysler Corporation Mopar Model IIIC

# # # #

WHAT ARE THE OPERATING HOURS OF THE 1905 N.W. THURMAN STREET CENTER?

Monday - Friday	10:00 A.M. to 5:30 P.M.
Saturday	8:00 A.M. to 4:30 P.M.

# # # #

WHO IS RESPONSIBLE FOR THE EMISSION CONTROL SYSTEMS MAINTENANCE?

Emission control systems maintenance is the responsibility of the vehicle owner. The customer should be reminded of the maintenance schedules and the advantages of following the service recommendations.

Maintenance interval is based on time and mileage. While a vehicle may not accumulate mileage at a fast rate, some deterioration occurs with varying atmospheric conditions, and therefore a time factor is considered in the maintenance interval. Maintenance includes examining the component, adjustment as required, and replacement as necessary. Vehicles operated under severe conditions should be serviced at more frequent intervals.

Tune up specifications can be found on the labels under the hood of a majority of late model cars.

# # # #

WHAT DOES THE VEHICLE EMISSION CONTROL SYSTEMS WARRANTY COVER?

The provisions of the Federal Clean Air Act require that vehicle manufacturers, beginning with models manufactured after February, 1971, warrant that emission control equipment of the car:

(1) was designed, built, and equipped to conform with Federal Environmental Protection Agency regulations.

(2) is free from defects in materials and workmanship which may cause the emission control equipment to malfunction or fail for a period of 50,000 miles or 5 years, whichever occurs first.

The 5 year/50,000 mile warranty period begins on the date the car is delivered to the first retail purchaser. If the car is first placed in service as a demonstrator or company car prior to sale at retail, the period begins on the date the car is first placed in such demonstrator service.

# # # #

WHAT IS NOT COVERED BY THE WARRANTY?

Malfunctions resulting from misuse, negligence, alteration, accidents, or lack of required maintenance services.

The replacement of expendable maintenance items: spark plugs, ignition points, positive crankcase ventilation valve, filters, hoses, belts, wires and coolant, made in connection with required emission control maintenance services.

Loss of time, inconvenience, loss of use of the car or other consequential damages.

Any car on which the odometer mileage has been altered and the car's actual mileage cannot be readily determined.

WILL UNLEADED FUEL BE REQUIRED FOR 1975 MODEL YEAR VEHICLES?

On January 10, 1973, regulations were promulgated by the Environmental Protection Agency to provide for the general availability of one grade of unleaded gasoline. This is necessary for the catalytic emission control systems expected to be in general use beginning with 1975 model year cars. Section 80.22(b) of the regulations provides that after July 1, 1974, every owner or operator of a retail outlet at which 200,000 or more gallons of gasoline were sold during any calendar year beginning with the 1971 calendar year shall offer for sale at least one grade of unleaded gasoline.

In order to offer unleaded gasoline, marketers will be obligated to add a third pump or to convert an existing regular or premium pump.

Time extensions or exemptions to these regulations may be granted upon conformance with the following conditions:

(1) Any retailer may obtain an exemption from Section 80.22(b) for outlets at which business will be terminated by January 1, 1975.

(2) Any retailer may obtain a time extension for compliance with Section 80.22(b) until September 1, 1974, for outlets at which equipment procurement delays will preclude compliance with these regulations.

(3) All applications for exemptions or time extensions must be in writing stating the name and address of the applicant and the address of the retail outlet.

Applications and requests for additional information on this subject should be forwarded to:

Regional Administrator
Region X
Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 6235

TOM McCALL
GOVERNOR

[redacted]

KESS CANNON
Director

NOTICE OF REPORTED VIOLATION VISIBLE EMISSION STANDARD

Oregon Administrative Rules, Chapter 340, Sections 24-005 to 24-040

License No.:

Date of Reported Violation:
Location of Reported Violation:

The Department of Environmental Quality has received a report that the above described vehicle was observed operating in violation of Oregon regulations covering motor vehicle air pollution. These regulations, as reproduced on the reverse side of this notice, prohibit smoke from gasoline-powered motor vehicles and set limits on smoke from diesel-powered vehicles.

Motor Vehicle Division records list you as the owner of this vehicle. As the owner, you are accountable for the vehicle's compliance with applicable state statutes and regulations.

You are requested to notify this office within 15 days of the specific action being taken regarding the described vehicle and its reported smoke violation.

KESSLER R. CANNON
Director

John Clarkston, Coordinator
Visible Emission Program
Vehicle Inspection Division

WPJ:pf

Motor Vehicles

VISIBLE EMISSIONS

[ED. NOTE: Unless otherwise specified, sections 24-005 through 24-045 of this chapter of the Oregon Administrative Rules Compilation were adopted by The Department of Environmental Quality March 31, 1970, and filed with the Secretary of State April 7, 1970 as Administrative Order DEQ 8].

24-005 DEFINITIONS. As used in these regulations unless otherwise required by context:

(1) Dealer means any person who is engaged wholly or in part in the business of buying, selling, or exchanging, either outright or on conditional sale, bailment lease, chattel mortgage or otherwise, motor vehicles.

(2) Department means Department of Environmental Quality.

(3) Motor Vehicle means any self-propelled vehicle designed and used for transporting persons or property on a public street or highway.

(4) Motor Vehicle Fleet Operation means ownership, control, or management or any combination thereof by any person of 5 or more motor vehicles.

(5) Opacity means the degree to which transmitted light is obscured, expressed in percent.

(6) Person means any individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(7) Regional Authority means a regional air quality control authority established under the provisions of ORS 449.760 to 449.840 and 449.850 to 449.920.

(8) Visible Emissions means those gases or particulates, excluding uncombined water, which separately or in combination are visible upon release to the outdoor atmosphere.

24-010 VISIBLE EMISSIONS - GENERAL REQUIREMENTS, EXCLUSIONS. (1) No person shall operate, drive, or cause or permit to be driven or operated any motor vehicle upon a public street or highway which emits into the atmosphere any visible emission.

(2) Excluded from this section are those motor vehicles:

(a) Powered by compression ignition or diesel cycle engines.

(b) Excluded by written order of the Department by ORS 449.810.

24-015 VISIBLE EMISSION - SPECIAL REQUIREMENTS FOR EXCLUDED MOTOR VEHICLES. No person shall operate, drive, or cause or permit to be driven or operated upon a public street or highway, any motor vehicle excluded from Section 24-010 which:

(1) When operated at an elevation of 3,000 feet or less, emits visible emissions into the atmosphere;

(a) Of an opacity greater than 40%.

(b) Of an opacity of 10% or greater for a period exceeding 7 consecutive seconds.

(2) When operated at an elevation of over 3,000 feet, emits visible emissions into the atmosphere;

(a) Of an opacity greater than 60%.

(b) Of an opacity of 20% or greater for a period exceeding 7 consecutive seconds.

24-020 UNCOMBINED WATER-WATER VAPOR. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Section 24-010 or 24-015, such sections shall not apply.

24-025 MOTOR VEHICLE FLEET OPERATION. (1) The Department may, by written notice, require any motor vehicle fleet operation to certify annually that its motor vehicles are maintained in good working order, and if applicable, in accordance with the motor vehicle manufacturers' specifications and maintenance schedule as may or tend to affect visible emissions. Records pertaining to observations, tests, maintenance and repairs performed to control or reduce visible emissions from individual motor vehicles shall be available for review and inspection by the Department.

(2) The Department, by written notice, may require any motor vehicle of a motor vehicle fleet operation to be tested for compliance with Sections 24-010 and 24-015 of these regulations.

(3) A regional authority, within its territory, may perform the functions of the Department as set forth in Items 1 and 2, upon written directive of the Department permitting such action.

24-030 DEALER COMPLIANCE. No dealer shall sell, exchange or lease or offer for sale, exchange or lease, any motor vehicle which operates in violation of Sections 24-010 or 24-015 of these regulations, except as permitted by federal regulations.

24-035 METHOD OF MEASUREMENT. (1) The opacity observation for purposes of these regulations shall be made by a person trained as an observer; provided, however, that

(2) The Opacity Chart, marked "Exhibit A", with instructions for use, attached hereto and by reference incorporated into these regulations, may be used in measuring the opacity of emissions for purposes of these regulations.

24-040 ADOPTION OF ALTERNATIVE METHODS OF MEASURING VISIBLE EMISSIONS. (1) The Department may permit the use of alternative methods of measurement to determine compliance with the visible emissions standards in Sections 24-010 and 24-015 of these regulations, when such alternative methods are demonstrated to be reproducible, selective, sensitive, accurate and applicable to a specific program.

(2) Any person desiring to utilize alternative methods of measurement shall submit to the Department such specifications and test data as the Department may require, together with a detailed specific program for utilizing the alternative methods. The Department shall require demonstration of the effectiveness and suitability of the program.

(3) No person shall undertake a program using an alternative method of measurement without having obtained prior written approval of the Department.

for DEQ use only

VEHICLE VISIBLE EMISSION REPORT FORM

DEPARTMENT OF ENVIRONMENTAL QUALITY

Vehicle Inspection Division

1234 S. W. Morrison St.
Portland, Or. 97205
(503)-229-6235

1. Vehicle License Number _____ State _____

2. Type of Vehicle (bus heavy truck passenger pickup light commercial)
(circle one)

3. Vehicle Description _____
(year, make, model--2 door, 4-door, convertible, etc.)
(for a bus or heavy truck: company name and bus or truck number)

4. Complainant _____

Address _____

_____

Telephone _____

5. Date Observed _____ Time _____

6. Location: City _____ County _____

Traveling on _____
(Street or Highway)

At or Near _____ or _____
(Street) (Other Landmark)

7. Nature of Emission _____
(color, density, duration)

8. Agency Receiving Complaint _____ Date _____

by: _____ letter _____ telephone _____ in person

9. If observer is an experienced smoke observer or if motor vehicle visible emission chart used:

Observed Smoke Opacity _____ % Color _____

Duration _____
(minutes, seconds)

Observer _____ Affiliation _____

DEQ/VID 74196

For DEPARTMENT OF ENVIRONMENTAL QUALITY Use Only

1. Motor Vehicle Division information:

   Registered Owner _____

   Address _____

   _____

   Vehicle Description _____

2. Date Motor Vehicle Division contacted _____

3. Authorization to send letter _____ Letter Type _____ (A,B,C,D)

   Reason for NOT sending letter _____

4. Date letter sent _____

5. Date reply received _____

   Manner in which received reply: __letter, __telephone, ___in person

6. Follow-up to letters B and D

   a. Rechecked with MVD _____

   b. Date second letter sent _____

   c. Date reply received _____

   d. Rechecked with MVD _____

   e. Date Air Pollution Control Authority notified of lack of reply _____

   f. Additional Action taken:

7. Authorization to close file _____ Date _____

MOTOR VEHICLE EMISSION CONTROL

INSPECTION

REPORT 1

by the

Technical Advisory Committee

Motor Vehicle Emission Control Program

to the

Department of Environmental Quality

State of Oregon

July 31, 1972

CONCLUSIONS AND RECOMMENDATIONS

The Technical Advisory Committee concludes that:

1. A State motor vehicle emission control program must be initiated in order to achieve compliance with national ambient air standards in Portland by 1975.

2. An inspection program will be effective in controlling emissions.

3. Government funds (state or federal) must be available to affected state agencies for implementation of a vehicle inspection program.

4. State-owned and operated inspection stations would be the most practical and effective inspection system.

The Technical Advisory Committee recommends that:

1. Any state-wide periodic vehicle safety inspection program or vehicle noise inspection program which may be implemented, be compatible and concurrent with the emission control inspection.

2. The vehicle emission control program be made operational in Clackamas, Multnomah, and Washington Counties.

3. Initially only those vehicles which were originally equipped with exhaust emission control systems under provisions of Federal laws be subject to emission control inspection.

4. Fleet operations be permitted to inspect their own vehicles.

5. Exhaust smoke emission inspection on diesel vehicles be performed to meet the Oregon Opacity Standards.

6. Only during the first year of the emission control inspection program, vehicle owners not be required to bring this vehicle into compliance with the established criteria.

7. Publicly owned vehicles be required to comply with the emission control criteria during the first year of program operation.

8. The emission control program use state-owned and operated inspection stations, contingent upon receipt of federal funding.

INTRODUCTION

The Motor Vehicle Emission Control Program Technical Advisory Committee was formed at the request of the Department of Environmental Quality to assist in the development and implementation of a motor vehicle emission control inspection program, as authorized by the 1971 Oregon Legislative Session (Oregon Laws 1971, Chapter 454).

The associations and agencies represented on the Technical Advisory Committee are as follows:

Automobile Manufacturers Association
Consumer Services Division, State of Oregon
Environmental Protection Agency, Region X,
U. S. Government
Independent Garage Owners Association
Motor Vehicle Division, State of Oregon
Oregon Automobile Dealers Association
Oregon Board of Education, State of Oregon
Oregon Gasoline Dealers Association
Oregon Independent Automobile Dealers Association
Oregon Trucking Association
Portland Automotive Trades Association
Western Oil and Gas Association

Of these associations and agencies represented on the Committee, the following participated in the technical discussions of the Committee and furnished valuable technical information to the Committee, but did not participate in formulating policy decisions:

Automobile Manufacturers Association
Environmental Protection Agency, Region X
Western Oil and Gas Association

The first Committee meeting was held on February 23, 1972, at which time a booklet prepared by the Department staff to provide Committee members with a general background of pertinent Federal laws and regulations regarding motor vehicle emissions, of the State of Oregon Clean Air Act Implementation Plan, and of pertinent Oregon laws and regulations was distributed and the information in the booklet was discussed in detail. This booklet, as well as the minutes of the Committee meetings and information provided to the Committee members by the Department, is attached to this report as an appendix.

Mr. Stan Bennett, representing the Oregon Independent Automobile Dealers Association, was selected Committee Chairmen at the third meeting of the Committee. At this same meeting sub-committees on Emission Control, Fleet Operations, Education, and Inspection were established and Committee goals and objectives adopted. It was recognized that the interactions of the various sub-committee investigations and recommendations and the fulfillment of the Committee goals and objectives were such that simultaneous undertaking and completion of all work tasks was not possible. However, the early establishment of sub-committees initially known to be beneficial in carrying out the goals and objectives of the Committee was deemed advisable.

This initial Technical Advisory Committee report to the Department of Environmental Quality has been deliberately kept brief and concise so that it will be read, discussed, debated, and used in the development of an Oregon motor vehicle emission control inspection program. The Committee intends to continue to provide the Department of Environmental Quality technical assistance during the implementation of an emission inspection program and will supplement this initial report with additional studies and reports as necessary.

NECESSITY OF A VEHICLE EMISSION CONTROL INSPECTION

The Federal Clean Air Act of 1970 required the Environmental Protection Agency to establish national ambient air quality standards for various air pollutants including carbon monoxide. The national ambient air standards for carbon monoxide are 10 mg/m^3 (8.7 ppm) averaged over an 8-hour period, and 40 mg/m^3 (34.9 ppm) averaged over a one-hour period. The standard is allowed to be exceeded only once during any given year.

In metropolitan areas and particularly in the central city, motor vehicle operation is the predominant source of carbon monoxide.

Measurements taken by the Department of Environmental Quality at its continuous ambient air monitoring station in Portland show that the national ambient air standard for carbon monoxide is, and has been, regularly exceeded. The standard was exceeded in every month in 1971 (a total of 124 days in which the 8-hour average was exceeded), with maximum 8-hour averaged levels of 22.2 mg/m^3 being recorded in both February and November of 1971. A maximum 8-hour average of 27.1 mg/m^3 occurred in March, 1972, and on 63 occasions during the first six months of 1972 the 8-hour standard has been exceeded.

Projections made by the Department of Environmental Quality and an engineering consultant to the Environmental Protection Agency, are that compliance with the national ambient air standards will not be achieved by 1975 through reliance upon the Federal new vehicle emission control program alone. These two projections are substantiated by Federal projected emission reduction curves also. The Department of Environmental Quality has projected that to achieve compliance with national ambient air standards in Portland by 1975, emissions of carbon monoxide must be reduced an additional 43% beyond what is projected to be achieved by the federal new car program alone. The requirement for achieving compliance with national ambient air standards was established by the Federal Government and was included in the State's Implementation Plan submitted by Governor McCall to the Environmental Protection Agency. This plan has been one of few approved in total by the Environmental Protection Agency.

The Committee recognizes that projections of future ambient air levels of automotive pollutants cannot, in view of the number of variables involved, be very precise. The Committee however has concluded that to achieve compliance with national ambient air standards in Portland by 1975, a State motor vehicle emission control program must be initiated and recognizes the possibility that specific traffic control measures may be required.

PRACTICALITY AND EFFECTIVENESS OF A VEHICLE EMISSION CONTROL INSPECTION

The Technical Advisory Committee has concluded that a vehicle emission control inspection program in Oregon can be implemented before 1975 and can be effective in reducing vehicle emissions. The committee has not yet reached a conclusion as to the emission reduction which will result from an inspection program, but has concluded that an inspection program is necessary and will be effective in controlling emissions.

The committee recommends that any state-wide periodic vehicle safety inspection program or vehicle noise inspection program which may be implemented, be compatible and concurrent with the emission control inspection. The committee believes that the administrative cost of a combined vehicle safety, noise, and emission inspection program would not be significantly greater than the administration of any single purpose state-wide vehicle inspection program.

The Technical Advisory Committee concludes that government funds (state or federal) must be available to affected state agencies for implementation of a vehicle inspection program. The operational expense to the State of administering an inspection program, however, can be covered by the fee charged for the certificate of compliance.

IMPLEMENTATION OF A
VEHICLE EMISSION CONTROL INSPECTION PROGRAM

A. County Designation

In view of the pressing and clear need for additional vehicle emission control in Portland, and in view of the short lead time available, the Technical Advisory Committee recommends that the emission control inspection program be initiated in the Portland tri-county metropolitan area. The Department of Environmental Quality has provided information that 85% of the automobiles, subject to Oregon registration, which operate in the Portland central area, are registered in the tri-county (Clackamas, Multnomah, Washington) area. Further almost 40% of the automobiles registered in the State are registered in these three counties. The Committee recognizes that many difficulties will arise during implementation of the inspection program and believes that maximum benefits will be achieved most expeditiously if the area of program implementation is kept to the minimum required to achieve compliance with national ambient air standards.

Therefore, the Technical Advisory Committee recommends that the vehicle emission control inspection program be made operational in Clackamas, Multnomah and Washington Counties, and that the Environmental Quality Commission so designate these counties under provisions of ORS 481.190. This recommendation should not be taken as limiting the inspection program to these three counties. The Committee believes that ambient air pollution levels, the emission control systems on new vehicles, the effectiveness of the inspection program, and numerous other factors should be regularly evaluated to determine any necessary changes which should be made in the counties designated by the Environmental Quality Commission.

B. Vehicle Classification

The Committee recommends that initially only those vehicles which were originally equipped with exhaust emission control systems under provisions of Federal laws be subject to emission control inspection. For instance, in the case of automobiles, only 1968 and newer models would be required to obtain a certificate of compliance prior to registration. All vehicles, however, would be subject to operating in compliance with the motor vehicle visible emission standards of the State (OAR 340, Sections 24-005 through 24-040), and with the provisions of ORS

449.845 which prohibits disconnection of factory installed motor vehicle air pollution control devices. If a state-wide periodic vehicle safety inspection program is implemented, then all vehicles should be checked for compliance with these present requirements of Oregon Law.

The Technical Advisory Committee therefore recommends that the Environmental Quality Commission, under provisions of ORS 449.953, designate only those classes of vehicles which were originally equipped with exhaust emission control systems under provisions of Federal laws as having certified systems available. The Committee believes that at least during the period of program implementation, inclusion of pre-exhaust emission control vehicles will create more social-economic problems and repair facility overloading than can be justified by the potential emission reduction.

C. Inspector Certification

The Technical Advisory Committee recommends that the Environmental Quality Commission establish under provisions of ORS 449.953, with Committee assistance, criteria and examinations and regulations for the qualifications of persons eligible to inspect motor vehicle pollution control systems. Such criteria and examinations and regulations should be compatible with other programs for inspector or mechanic licensing, including those for any vehicle safety inspection program. The Committee recognizes the need for educational programs designed for these persons and believes that it will be able, through its sub-committee on education, to provide valuable assistance in this area.

D. Equipment Certification

The Technical Advisory Committee recommends that the Environmental Quality Commission establish under provisions of ORS 449.953, with Committee assistance, criteria and regulations for the qualification of equipment, apparatus and methods used by persons to inspect motor vehicle pollution control systems.

E. Fleet Operations

The Technical Advisory Committee recommends that fleet operations be permitted to inspect their own vehicles. Fleet is defined here as consisting of five or more vehicles operated or owned by an operator of a business. Fleet inspection stations should be issued special restricted licenses and should

be permitted to inspect and certify only the vehicles owned or licensed or operated by the fleet securing the license. These facilities should be required to have the proper certified emission control testing equipment; and, since the testing requirements and equipment requirements for diesel and gasoline engines differ so greatly, it will be necessary to issue two different type licenses. The emissions inspection personnel should be examined and licensed by the appropriate State agency and the license issued to these people should restrict them to inspecting fleet-owned vehicles only.

The Committee recommends that exhaust smoke emission inspection on diesel vehicles be performed to meet the Oregon Opacity Standards. Because of the variation in diesel engines and their complexity (naturally aspirated, turbocharged, supercharged, many different fuel systems,) the Committee finds that it would be virtually impossible to spell out a standard procedure for checking each engine type. The Committee concludes that the best overall results with diesel-powered vehicles would be obtained by following the manufacturer's recommended checking procedures. Fleet owned gasoline and other fuel powered vehicles should conform to the standards set forth for non-fleet owned vehicles.

F. Public Education

The Technical Advisory Committee recommends that only during the first year of the emission control inspection program, vehicle owners not be required to bring their vehicles into compliance with the established criteria - excepting for those in violation of ORS 449.845 or OAR, Chapter 340, Sections 24-005 through 24-045. The owner should be notified of the vehicle's condition and whether or not it would pass the emission control criteria. In order to de-bug the inspection program and to establish base conditions, a certificate of compliance would be issued to all vehicles inspected and required upon renewal of registration. During this introductory year of operation, intensive public and service industry education programs should be undertaken. Compliance with the emission control criteria would be required during the second and subsequent years of program operation.

G. Public Owned Vehicles

The Technical Advisory Committee recommends that publicly owned vehicles be required to comply with the emission control criteria during the first year of program operation.

II. Inspection System

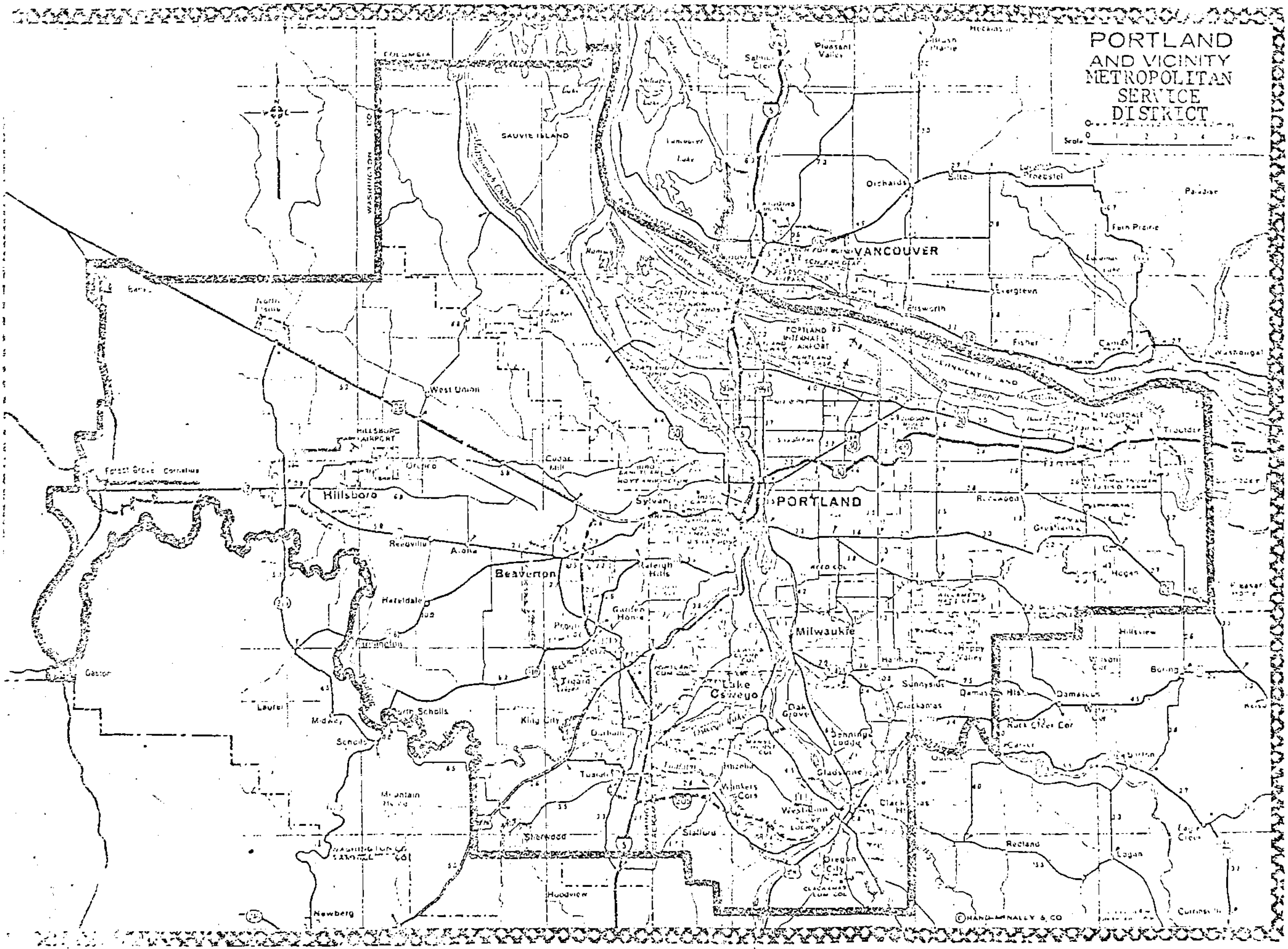
The Committee has not yet been able to unanimously agree on the approach which should be used for the inspection system. Three basic approaches have been considered separately or incombination for non-fleet vehicle inspection. These are:

Government (state or county) owned and operated inspection stations.

A franchised system of inspection stations quite similar to a state-operated system.

The licensing of private garages at which both inspection and repair could be undertaken.

Various combinations of these systems have been considered including the use of licensed garages in combination with state or franchised mobile inspection stations. The Committee recognizes and has discussed the interaction of the inspection system, the inspection test, program and repair cost, as well as educational needs; and the majority has concluded that state-owned and operated inspection stations would be the most practical and effective inspection system. The Committee therefore recommends adoption of this procedure, contingent upon receipt of federal funding (Section 210, Clean Air Act of 1970, does authorize such funds.)


PORTLAND
AND VICINITY
METROPOLITAN
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Ellsworth
Fisher
Camas
Washougal
Fern Prairie
Troutdale
PORTLAND INTERNATIONAL AIRPORT
West Union
HILLSBORO AIRPORT
Orenco
Hillsboro
Forest Grove
Cornelius
Reedville
Aloha
Beaverton
Hazeldale
Sylvan
Raleigh Hills
Garden Home
Tigard
King City
Durham
Tualatin
Sherwood
Laurel
Midway
Scholls
North Scholls
Gaston
Newberg
Hoodview
Stafford
Lake Oswego
Oak Grove
Milwaukie
Gladstone
West Linn
Oregon City
Clackamas
Sunnyside
Damascus
Boring
Hillsview
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Gresham
Carver
Redland
Logan
Clackamas Hts
Jennings Lodge
Sauvie Island
Hillsboro
Rockwood
©RAND McNALLY & CO

Enrolled

House Bill 3298

Sponsored by COMMITTEE ON RULES

CHAPTER .....

AN ACT

Relating to motor vehicle emissions; creating new provisions; amending ORS 449.953, 449.957, 449.965, 481.190 and section 72, chapter 835, Oregon Laws 1973; providing penalties; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 449.957, as amended by section 66, chapter 835, Oregon Laws 1973, is amended to read:

449.957. (1) After public hearing and in accordance with the applicable provisions of ORS chapter 183, the commission may adopt motor vehicle emission standards. **For the purposes of this section, the commission may include, as a part of such standards, any standards for the control of noise emissions adopted pursuant to ORS 467.030.**

[*(2) After public hearing in any county or counties which may be affected thereby, the commission by rule either may designate the county or counties in which motor vehicles registered therein must comply with the standards adopted pursuant to subsection (1) of this section or may designate the county or counties in which motor vehicles registered therein must be equipped with a certified system.*]

[*(3) The effective date of any rule adopted pursuant to subsection (2) of this section shall be not less than 180 days from the date of adoption of the rule. However, a rule requiring that motor vehicles be equipped with certified systems shall be applicable to such vehicles only at times of the registration, reregistration or renewal of registration subsequent to the effective date of the rule.*]

[*(4)*] **(2)** The commission shall furnish a copy of [*rules*] **standards** adopted pursuant to this section [*, including effective dates,*] to the Motor Vehicles Division and shall publish notice of the [*rules*] **standards** in a manner reasonably calculated to notify affected members of the public.

Section 2. ORS 449.953, as amended by section 68, chapter 835, Oregon Laws 1973, is amended to read:

449.953. The commission shall:

(1) Determine and adopt by rule criteria for certification of motor vehicle pollution control systems. In determining the criteria the commission shall consider the following:

(a) The experience of any other state or the Federal Government;

(b) The cost of the system and of its installation;

(c) The durability of the system;

(d) The ease of determining whether the system, when installed on a motor vehicle, is functioning properly; and

(e) Any other factors which, in the opinion of the commission, render such a system suitable for the control of motor vehicle air pollution or for the protection of the health, safety and welfare of the public.

(2) Prescribe by rule the manner in which a motor vehicle pollution control system shall be tested for certification.

(3) Issue certificates of approval for classes of motor vehicle pollution control systems which, after being tested by the commission or by a method acceptable to the commission, the commission finds meet the criteria adopted under subsection (1) of this section.

(4) Designate by rule classifications of motor vehicles for which certified systems are available.

(5) Revoke, suspend or restrict a certificate of approval previously issued upon a determination that the system no longer meets the criteria adopted under subsection (1) of this section pursuant to procedures for a contested case under ORS chapter 183.

(6) Designate suitable methods and standards for testing systems [*designed to meet the*] **and inspecting motor vehicles to determine and insure compliance with the standards and** criteria established by the commission.

(7) Contract for the use of or the performance of tests or other services within or without the state.

Section 3. ORS 481.190, as amended by section 71, chapter 835, Oregon Laws 1973, is amended to read:

481.190. (1) [*After the effective date of any rule adopted by the Environmental Quality Commission under ORS 449.957, the Motor Vehicles Division shall not register any motor vehicle in a county designated under the rule unless the Motor Vehicles Division receives, with the application for registration, a completed certificate of compliance. The certificate must be dated not more than 180 days prior to the date of the application. This subsection also applies to reregistration or renewal of registration.*] **Motor vehicles registered within the boundaries, existing on the effective date of this 1974 Act, of the metropolitan service district formed under ORS chapter 268 for the metropolitan area, as defined in subsection (2) of ORS 268.020, which includes the City of Portland, Oregon, shall be equipped, on and after July 1, 1975, with a motor vehicle pollution control system and shall comply with the motor vehicle pollutant, noise control and emission** standards adopted by the commission pursuant to ORS 449.957.

(2) The division shall not issue a registration or renewal of registration for a motor vehicle subject to the requirements of subsection (1) of this section unless the division receives, with the registration or renewal of registration, a completed certificate of compliance. The certificate must be signed by a person licensed and qualified pursuant to section 72, chapter 835, Oregon Laws 1973, and must be dated not more than 90 days prior to the motor vehicle registration or renewal of registration date.

[*(2)*] **(3)** Notwithstanding subsection [*(1)*] **(2)** of this section, no certificate of compliance shall be required to accompany the application for registration for:

(a) A new motor vehicle or new motor vehicle engine when the registration results from the initial retail sale thereof.

(b) A motor vehicle manufactured prior to 1942.

[*(c) A motor vehicle for which a certified system has not been designated under subsection (4) of ORS 449.953.*]

(c) A motor vehicle for which a farm truck license has been issued under ORS 481.225.

[*(3)*] **(4)** A certificate of compliance required under this section shall be made on a form supplied by the [*Environmental Quality Commission*] **Department of Environmental Quality** and shall include [*space for the following information:*] **such information as the department may require.**

[*(a) Make, model, year and body style of the motor vehicle;*]

[*(b) Manufacturer's number of the motor vehicle;*]

[*(c) Motor number of the motor vehicle;*]

[*(d) Number and expiration date of vehicle license plate;*]

[*(e) Registered owner of the motor vehicle;*]

[*(f) Type of motor vehicle pollution control system with which the motor vehicle is equipped;*]

[*(g) Date of inspection of the motor vehicle pollution control system;*]

[*(h) Type of inspection and license number of equipment used in the inspection;*]

[*(i) Results of the inspection;*]

[*(j) The fee charged by the commission for the certificate; and*]

[*(k) Name, signature and license number of the person performing the inspection.*]

(5) Any motor vehicle subject to the requirements of subsection (1) of this section and not otherwise exempt under subsection (3) of this section must display, on and after July 1, 1975, a current and valid certificate of inspection at such place on the vehicle as may be required by the Environmental Quality Commission. A certificate of inspection shall not be issued unless the motor vehicle is equipped with the required functioning motor vehicle pollution control system and unless the motor vehicle otherwise complies with the standards and rules of the commission. To be valid, the initial certificate of inspection issued after May 31, 1975, for the motor vehicle must be signed by a person qualified under section 72, chapter 835, Oregon Laws 1973, and is valid for not less than 12 months, must be dated not sooner than April 1, 1975, and expires at midnight on the last day of the month designated on the certificate of inspection. Each subsequent certificate of inspection issued for a motor vehicle after the issuance of the initial certificate of inspection for the motor vehicle must be signed by a person qualified under section 72, chapter 835, Oregon Laws 1973. Each such subsequent certificate shall be valid for not less than 12 months after the date of the expiration of the prior certificate of inspection issued for the motor vehicle and shall expire on the last day of the month designated on the certificate of inspection. Each such subsequent certificate of inspection must be dated not more than 90 days prior to the expiration date of the prior certificate of inspection issued for the motor vehicle.

[*(4)*] **(6)** As used in this section, "certified system", "motor vehicle" and "motor vehicle pollution control system" have the meanings given those terms in ORS 449.949.

Section 4. Section 72, chapter 835, Oregon Laws 1973, is amended to read:

Sec. 72. (1) The commission by rule may:

(a) Establish criteria and examinations for the qualification of persons eligible to inspect **motor vehicles and** motor vehicle pollution control systems and execute the certificates required by subsection [*(1)*] **(2)** of ORS 481.190, and for the procedures to be followed in such inspections.

(b) Establish criteria and examinations for the qualification of equipment, apparatus and methods used by persons to inspect **motor vehicles and** motor vehicle pollution control systems.

(c) Establish criteria and examinations for the testing of motor vehicles.

(2) Subject to rules of the commission, the department shall:

(a) Issue licenses to any person, type of equipment, apparatus or method qualified pursuant to subsection (1) of this section.

(b) Revoke, suspend or modify licenses issued pursuant to paragraph (a) of this subsection in accordance with the provisions of ORS chapter 183 relating to contested cases.

(c) Issue certificates of compliance for motor vehicles which, after being tested in accordance with the rules of the commission, meet the criteria established under subsection (1) of this section and the standards adopted pursuant to ORS 449.949 to 449.957, 449.963, 449.965, 483.815 and this section.

Section 5. ORS 449.965, as amended by section 75, chapter 835, Oregon Laws 1973, is amended to read:

449.965. (1) The department shall:

(a) Establish and collect fees for application, examination and licensing of persons, equipment, apparatus or methods in accordance with section 72 [*of this 1973 Act*] **, chapter 835, Oregon Laws 1973.**

(A) The fee for licensing shall not exceed $5.

(B) The fee for renewal of licenses shall not exceed $1.

(b) Establish [*and collect*] fees for the issuance [*of renewal*] of certificates of compliance **or inspection. The department may classify motor vehicles and establish a different fee for each such class.** The fee for the issuance [*or renewal*] of certificates shall not exceed [*$1*] $5.

(2) The department shall collect the fees established pursuant to paragraph (b) of subsection (1) of this section at the time of the issuance of certificates of compliance as required by paragraph (c) of subsection (2) of section 72, chapter 835, Oregon Laws 1973.

[*(2)*] (3) On or before the 15th day of each month, the commission shall pay into the State Treasury all moneys received as fees pursuant to [*subsection (1)*] **subsections (1) and (2)** of this section during the preceding calendar month. The State Treasurer shall credit such money to the Department of Environmental Quality Motor Vehicle Pollution Account, which is hereby created. The moneys in the Department of Environmental Quality Motor Vehicle Pollution Account are continuously appropriated to the department to be used by the department solely or in conjunction with other state agencies and local units of government for:

(a) Any expenses incurred by the department and, if approved by the Governor, any expenses incurred by the Motor Vehicles Division of the Department of Transportation in the certification, examination, inspection or licensing of persons, equipment, apparatus or methods in accordance with the provisions of ORS 481.190 and section 72 [*of this 1973 Act*] **, chapter 835, Oregon Laws 1973.**

(b) Such other expenses as are necessary to inspect, regulate and control the emission of pollutants from motor vehicles in this state.

SECTION 6. Any motor vehicle that is described in subsection (1) of ORS 481.190 and that is not a motor vehicle described in subsection (3) of ORS 481.190 must display a valid certificate of inspection at such place on the vehicle as may be required by the Environmental Quality Commission; however, any such motor vehicle registered on July 1, 1975, shall not be required to comply with this section until the first anniversary of such registration or until such registration expires, whichever is the earlier. To be valid, the certificate must comply with the applicable requirements of subsection (5) of ORS 481.190.

SECTION 7. (1) No person shall make, issue or knowingly use any imitation or counterfeit of a certificate of inspection or compliance provided under ORS 481.190 and section 6 of this Act.

(2) No person shall display, or cause or permit to be displayed, for or on any vehicle a certificate of inspection knowing that it is an imitation or counterfeit or issued for another vehicle.

(3) No person shall, with purpose to defraud, alter or remove from a vehicle the certificate of inspection.

SECTION 8. Violation of subsection (1), (2) or (3) of section 7 of this Act is a Class A misdemeanor, but each day of violation does not constitute a separate offense.

SECTION 9. Violation of section 6 of this Act is a Class A misdemeanor, but each day of violation does not constitute a separate offense.

SECTION 10. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

act on the variance within the 60-day period shall be considered a determination that the variance granted by the local governmental body or regional authority is approved by the commission.

(4) In determining whether or not a variance shall be granted, the commission or the local governmental body or regional authority shall consider the equities involved and the advantages and disadvantages to residents and to the person conducting the activity for which the variance is sought.

(5) A variance may be revoked or modified by the grantor thereof after a public hearing held upon not less than 10 days' notice. Such notice shall be served upon all persons who the grantor knows will be subjected to greater restrictions if such variance is revoked or modified, or are likely to be affected or who have filed with such grantor a written request for such notification.
[Formerly 449.810]

MOTOR VEHICLE POLLUTION CONTROL

468.360 Definitions for ORS 468.360 to 468.405. As used in ORS 468.360 to 468.405:

(1) "Certified system" means a motor vehicle pollution control system for which a certificate of approval has been issued under subsection (3) of ORS 468.375.

(2) "Factory-installed system" means a motor vehicle pollution control system installed by the manufacturer which meets criteria for emission of pollutants in effect under federal laws and regulations applicable on September 9, 1971, or which meets criteria adopted pursuant to subsection (1) of ORS 468.375, whichever criteria are stricter.

(3) "Motor vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads and highways.

(4) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification which causes a reduction of pollutants emitted from the vehicle.
[Formerly 449.949]

468.365 Legislative findings. For purposes of ORS 468.360 to 468.405, the Legislative Assembly finds:

(1) That the emission of pollutants from motor vehicles is a significant cause of air pollution in many portions of this state.

(2) That the control and elimination of such pollutants are of prime importance for the protection and preservation of the public health, safety and well-being and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property.

(3) That the state has a responsibility to establish procedures for compliance with standards which control or eliminate such pollutants.

(4) That the Oregon goal for pure air quality is the achievement of an atmosphere with no detectable adverse effect from motor vehicle air pollution on health, safety, welfare and the quality of life and property.
[Formerly 449.951]

468.370 Motor vehicle emission standards; hearings; effective date; copy to Motor Vehicles Division. (1) After public hearing and in accordance with the applicable provisions of ORS chapter 183, the commission may adopt motor vehicle emission standards.

(2) After public hearing in any county or counties which may be affected thereby, the commission by rule either may designate the county or counties in which motor vehicles registered therein must comply with the standards adopted pursuant to subsection (1) of this section or may designate the county or counties in which motor vehicles registered therein must be equipped with a certified system.

(3) The effective date of any rule adopted pursuant to subsection (2) of this section shall be not less than 180 days from the date of adoption of the rule. However, a rule requiring that motor vehicles be equipped with certified systems shall be applicable to such vehicles only at times of the registration, reregistration or renewal of registration subsequent to the effective date of the rule.

(4) The commission shall furnish a copy of rules adopted pursuant to this section, including effective dates, to the Motor Vehicles Division and shall publish notice of the rules in a manner reasonably calculated to notify affected members of the public.
[Formerly 449.957]

468.375 Criteria for certification of motor vehicle pollution control systems. The commission shall:

(1) Determine and adopt by rule criteria for certification of motor vehicle pollution control systems. In determining the criteria the commission shall consider the following:

(a) The experience of any other state or the Federal Government;

(b) The cost of the system and of its installation;

(c) The durability of the system;

(d) The ease of determining whether the system, when installed on a motor vehicle, is functioning properly; and

(e) Any other factors which, in the opinion of the commission, render such a system suitable for the control of motor vehicle air pollution or for the protection of the health, safety and welfare of the public.

(2) Prescribe by rule the manner in which a motor vehicle pollution control system shall be tested for certification.

(3) Issue certificates of approval for classes of motor vehicle pollution control systems which, after being tested by the commission or by a method acceptable to the commission, the commission finds meet the criteria adopted under subsection (1) of this section.

(4) Designate by rule classifications of motor vehicles for which certified systems are available.

(5) Revoke, suspend or restrict a certificate of approval previously issued upon a determination that the system no longer meets the criteria adopted under subsection (1) of this section pursuant to procedures for a contested case under ORS chapter 183.

(6) Designate suitable methods and standards for testing systems designed to meet the criteria established by the commission.

(7) Contract for the use of or the performance of tests or other services within or without the state.

[Formerly 449.953]

468.380 Notice to state agencies concerning certifications. The department shall notify the Motor Vehicles Division and the Oregon State Police whenever certificates of approval for motor vehicle pollution control systems are approved, revoked, suspended or restricted by the commission.

[Formerly 449.963]

468.385 Prohibited acts relating to uncertified systems. (1) It is unlawful to sell, display, advertise or represent as a certified system any motor vehicle pollution control system which is not certified under ORS 468.375.

(2) It is unlawful to install or sell for installation upon a motor vehicle any motor vehicle pollution control system for which a certificate of approval has not been issued under ORS 468.375.

[Formerly 483.815]

468.390 Licensing of personnel and equipment. (1) The commission by rule may:

(a) Establish criteria and examinations for the qualification of persons eligible to inspect motor vehicle pollution control systems and execute the certificates required by subsection (1) of ORS 481.190, and for the procedures to be followed in such inspections.

(b) Establish criteria and examinations for the qualification of equipment, apparatus and methods used by persons to inspect motor vehicle pollution control systems.

(2) Subject to rules of the commission, the department shall:

(a) Issue licenses to any person, type of equipment, apparatus or method qualified pursuant to subsection (1) of this section.

(b) Revoke, suspend or modify licenses issued pursuant to paragraph (a) of this subsection in accordance with the provisions of ORS chapter 183 relating to contested cases.

[1973 c.835 §72]

468.395 Determination of compliance of motor vehicles. (1) The commission shall establish and maintain procedures and programs for determining whether motor vehicles for which a certificate of compliance is required under ORS 481.190 meet the minimum requirements necessary to secure a certificate.

(2) Such procedures and programs include, but are not limited to, the installation of a certified system and the adjustment, tune-up, or other mechanical work performed on the motor vehicle in accordance with the requirements of the commission.

[Formerly 449.955]

468.400 Bond; remedy against person licensed under ORS 468.390; cancellation of license. (1) Any person licensed to issue certificates of compliance pursuant to ORS

468.390 shall file with the department a surety bond. The bond shall be executed to the State of Oregon in the sum of $1,000. It shall be approved as to form by the Attorney General, and shall be conditioned that inspections and certifications will be made only by persons who meet the qualifications fixed by the commission and will be made without fraud or fraudulent representations and without violating any of the provisions of ORS 468.360 to 468.405, 481.190 and 483.800 to 483.820.

(2) In addition to any other remedy that he may have, if any person suffers any loss or damage by reason of the fraud, fraudulent representations or violation of any of the provisions of ORS 468.360 to 468.405, 481.190 and 483.800 to 483.820 by a person licensed pursuant to ORS 468.390, the injured person has the right of action against the business employing such licensed person and a right of action in his own name against the surety upon the bond.

(3) The license issued pursuant to ORS 468.390 of any person whose bond is canceled by legal notice shall be canceled immediately by the department. If the license is not renewed or is voluntarily or involuntarily canceled, the sureties of the bond shall be relieved from liability accruing subsequent to such cancellation by the department.
[Formerly 449.959]

468.405 Fees; collection; use. (1) The department shall:

(a) Establish and collect fees for application, examination and licensing of persons, equipment, apparatus or methods in accordance with ORS 468.390.

(A) The fee for licensing shall not exceed $5.

(B) The fee for renewal of licenses shall not exceed $1.

(b) Establish and collect fees for the issuance of renewal of certificates of compliance. The fee for the issuance or renewal of certificates shall not exceed $1.

(2) On or before the 15th day of each month, the commission shall pay into the State Treasury all moneys received as fees pursuant to subsection (1) of this section during the preceding calendar month. The State Treasurer shall credit such money to the Department of Environmental Quality Motor Vehicle Pollution Account, which is hereby created. The moneys in the Department of Environmental Quality Motor Vehicle Pollution Account are continuously appropriated to the department to be used by the department solely or in conjunction with other state agencies and local units of government for:

(a) Any expenses incurred by the department and, if approved by the Governor, any expenses incurred by the Motor Vehicles Division of the Department of Transportation in the certification, examination, inspection or licensing of persons, equipment, apparatus or methods in accordance with the provisions of ORS 468.390 and 481.190.

(b) Such other expenses as are necessary to inspect, regulate and control the emission of pollutants from motor vehicles in this state.
[Formerly 449.965]

468.410 Authority to limit motor vehicle operation and traffic. The commission and regional air pollution control authorities organized pursuant to ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.315 to 454.355, 454.405 to 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter by rule may regulate, limit, control or prohibit motor vehicle operation and traffic as necessary for the control of air pollution which presents an imminent and substantial endangerment to the health of persons.
[Formerly 449.747]

468.415 Administration and enforcement of rules adopted under ORS 468.410. Cities, counties, municipal corporations and other agencies, including the Department of State Police and the Highway Division, shall cooperate with the commission and regional air pollution control authorities in the administration and enforcement of the terms of any rule adopted pursuant to ORS 468.410.
[Formerly 449.751]

468.420 Police enforcement. The Oregon State Police, the county sheriff and municipal police are authorized to use such reasonable force as is required in the enforcement of any rule adopted pursuant to ORS 468.410 and may take such reasonable steps as are required to assure compliance therewith, including but not limited to:

(1) Locating appropriate signs and signals for detouring, prohibiting and stopping motor vehicle traffic; and

(2) Issuing warnings or citations.
[Formerly 449.753]

MOTOR VEHICLE POLLUTION CONTROL SYSTEMS

483.800 Definitions for ORS 483.805 and 483.825. As used in ORS 483.805 and 483.825, the terms "certified system," "factory-installed system," "motor vehicle" and "motor vehicle pollution control system" have the meanings given in ORS 468.360.
[1971 c.454 §14; 1973 c.835 §80]

483.805 Operation of vehicle without required air pollution control certificate of compliance prohibited; repair of unsafe or defective system required. (1) After the date of registration, reregistration or renewal immediately subsequent to the effective date of a rule of the Environmental Quality Commission under ORS 468.370 requiring certified or factory-installed systems on motor vehicles registered in designated counties, a motor vehicle which is required to be equipped with a certified system or factory-installed system as a prerequisite to registration under ORS 481.190 shall not be operated or left standing upon a highway unless a valid certificate of compliance has been issued for the vehicle pursuant to rules of the Environmental Quality Commission.

(2) Whenever a certificate of compliance is revoked, suspended or restricted because a tified system or factory-installed system has been found to be unsafe in actual use or is otherwise mechanically defective the defect must be corrected or the system must be brought into compliance with the rules of the commission within 30 days after such finding.
[1971 c.454 §15; 1973 c.835 §67]

483.810 [1971 c.454 §16; repealed by 1973 c.835 §234]

483.815 Advertising, display, sale or installation of uncertified system prohibited. (1) It is unlawful to sell, display, advertise or represent as a certified system any motor vehicle pollution control system which is not certified under ORS 468.375.

(2) It is unlawful to install or sell for installation upon a motor vehicle any motor vehicle pollution control system for which a certificate of approval has not been issued under ORS 468.375.
[1971 c.454 §17; 1973 c.835 §70]

483.820 Certain acts with respect to certification of vehicle pollution system prohibited. (1) It is unlawful to certify falsely that a motor vehicle is equipped with a functioning certified system or that the motor vehicle complies with the rules and standards of the commission.

(2) It is unlawful to falsify any information on the certificate of compliance required by subsection (1) of ORS 481.190. It is unlawful with a purpose to defraud or with intent to cause registration of a motor vehicle that would not otherwise be eligible for registration.

(3) It is unlawful to require as a condition to the issuance of a certificate of compliance required by subsection (1) of ORS 481.190 any repairs or services unnecessary for compliance with rules or standards adopted pursuant to ORS 468.360, 468.365, 468.375 and 468.395.
[1971 c.454 §18; 1973 c.835 §78]

483.825 Disconnection or alteration of factory-installed motor vehicle air pollution control device or system prohibited. (1) It shall be unlawful for any person to disconnect or permit to be disconnected a factory-installed motor vehicle air pollution control device or a factory-installed system, as defined in ORS 468.360, nor shall any person knowingly and wilfully permit such device or factory-installed system to become or remain inoperative.

(2) It shall be unlawful for any person to modify or alter a certified system or a factory-installed system, as defined in ORS 468.360, in a manner which decreases its efficiency or effectiveness in the control of air pollution.

(3) (a) The provisions of subsections (1) and (2) of this section do not apply when factory-installed motor vehicle air pollution control equipment, systems or devices are disconnected for the purpose of conversion to gaseous fuels.

(b) As used in this subsection, "gaseous fuels" includes, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous form.
[Formerly 449.845]

BICYCLES

483.830 Parent or guardian prohibited from permitting child or ward to violate bicycle laws. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate the provisions of ORS 483.404 or 483.830 to 483.870.
[1973 c.580 §4]