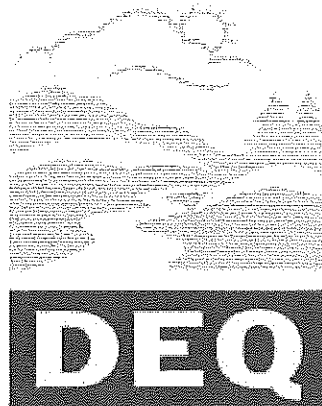


12/12/1975

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of
Environmental
Quality

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AGENDA

PUBLIC MEETING

Oregon Environmental Quality Commission
December 12, 1975
Multnomah County Courthouse - Room 602
1021 S.W. Fourth - Portland, Oregon

9:00 a.m.

- A. Minutes of October 24, 1975 EQC Meeting
- B. October 1975 Program Activity Report
- C. Tax Credit Applications
- D. Rule Adoption
 - 1) Permanent rule to succeed temporary rule allowing beneficial uses of vehicle parts in waters of the state
 - 2) Permanent rule to succeed temporary rule exempting certain subsurface sewage disposal facilities from surety bond requirements
 - 3) Consideration of rule prohibiting construction of new subsurface sewage disposal systems in Kingston Heights and Princeton Heights subdivisions, Benton County

10:00 a.m.

- E. PUBLIC HEARING
 - 1) To adopt temporary agricultural burning rules as permanent
 - 2) To consider rules for certification of and emissions standards for alternate methods to open field burning (including field sanitizers and propane flamers)

11:00 a.m.

- F. PUBLIC HEARING - To consider amendments to the rules of procedure and fee schedule for Air Contaminant Discharge Permits
 - G. PGE Turbine Generating Plants
 - 1) Bethel Installation - Proposed Air Contaminant Discharge Permit including amendments suggested by EQC on October 24
 - 2) Harborton installation - Consideration of renewal of Air Contaminant Discharge Permit
 - H. Authorization for Public Hearing on Revision for Rules Governing Administrative Procedure
 - I. Petition to Amend OAR Chapter 340, Section 72-015, (Authorization for Public Hearing).
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Note: Because of the uncertain time spans involved, the Commission reserves the right to deal with any item, except items E and F, at any time in the meeting.

The Commission will be meeting for breakfast at the Hilton Trees at 7:30 a.m. and any of the items above may be discussed. Lunch will be at the Hilton Trees only if the meeting extends into the afternoon.

The Commission is expected to present the CUP awards approved at the September meeting.

MINUTES OF THE SEVENTY-FOURTH MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

December 12, 1975

Pursuant to required notice and publication, the seventy-fourth meeting of the Oregon Environmental Quality Commission was called to order at 9:00 a.m. on Friday, December 12, 1975. The meeting was convened in Room 602 of the Multnomah County Courthouse, 1021 S.W. 4th Avenue, Portland, Oregon.

Commissioners present included: Mr. Joe B. Richards, Chairman; Dr. Morris Crothers, Vice Chairman; Dr. Grace S. Phinney; (Mrs.) Jacklyn L. Hallock; and Mr. Ronald M. Somers.

The Department was represented by its Director, Mr. Loren (Bud) Kramer, and several additional staff members, including Mr. E.J. Weathersbee (Technical Programs), Mr. Kenneth H. Spies (Land Quality), Mr. Harold M. Patterson (Air Quality), and Mr. Frederick M. Bolton (Regional Operations). Mr. Raymond Underwood, Counsel to the Commission, was present.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and unanimously carried that the Commission approve the proposed minutes of the October 24, 1975 Commission meeting.

OCTOBER 1975 DEPARTMENT PROGRAM ACTIVITY REPORT

With reference to page 9 of the report, Mr. Fredric Skirvin of the Department's Air Quality Program explained to Commissioner Phinney that the total sources requiring permits was unequal to the sum of sources either under permit or with an application pending because some of the applications pending were applications either for renewal by a source already under permit or for modification of an existing permit.

It was MOVED by Commissioner Somers and seconded by Commissioner Hallock that the Commission approve the Program Activity Report for October of 1975.

Commissioner Somers inquired of Mr. Underwood if the Commission approval of the report, including any application denials which might be set forth therein, would constitute a final order with respect to the denials which would abridge the applicant's right to a hearing and be subject to attack in the Court of Appeals. It was the view of Mr. Underwood that Commission approval was approval only of the report as set forth before the Commission and that such approval would not foreclose case by case review through formal administrative channels. Commissioner Somers stated he had always interpreted the report to be informational and its approval to be approval of the Department's progress with its workload. He stated his approvals had not been with the intention of handing down a final order without a hearing. He cited as an example of his concern the recent litigation between the agency and Pacific Northwest Power Company over the Company's proposed dam on the

Middle Snake River. Mr. E.J. Weathersbee explained that Air Quality Plan Approval was a Commission function. He cited expedition as the reason why the Department took action on Plan review and then sought confirmation from the Commission each meeting. It was added that statutory change had empowered the Director to act in Solid Waste and Water Quality approval matters. These latter concerns were in the report, it was explained, for informational and historical purposes. Mr. Underwood suggested some rewording of the Commission's action might be worth pursuing.

The Commission then unanimously adopted the motion before it regarding the Program Activity Report.

TAX CREDIT APPLICATIONS

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and unanimously carried that the Commission approve the tax credit applications included in the mailing of materials to the Commission the week before with the exception of application T-711 whose withdrawal had been requested by the applicant. The above motion was so phrased to exclude additional tax credit application matters set before the Commission on the day of the meeting so that the Commission might deal with them separately.

It was MOVED by Commissioner Hallock and seconded by Commissioner Crothers that the Director's recommendation with regard to Tax Credits T-718, T-720, and T-721 be adopted (the applications having been placed before the Commission on the meeting day).

It was MOVED by Commissioner Somers that the motion be amended to condition the granting of application T-721 on the applicant's agreement to repay any return on investment in excess of 40% prior to taxes. The motion was made, he said, primarily for purpose of discussion. The motion went without a second.

Commissioner Richards inquired of Mr. Underwood whether the Commission would be empowered to condition a pollution control certificate as had been moved by Commissioner Somers. He explained that the application in question had revealed that, even though installed for pollution control, the device in question could result in profits which would have economically justified its installation in any event.

It was Mr. Underwood's preliminary opinion that the Commission's powers did not include this prerogative. He offered to research the question, along with Commissioner Somers' question of whether the economic advantages of some pollution control facilities might be construed as barring a tax credit by negating the inference that the facility was installed for purpose of pollution control.

Commissioner Hallock's motion as stated above was approved by the Commission with all Commissioners except Commissioner Somers voting in the affirmative. Commissioner Somers voted against the motion.

OREGON CUP AWARD RENEWALS

Reciting the Commission's approval of renewed CUP awards to five industries on September 26, 1975, Commissioner Richards presented the awards to representatives of the five companies involved, thanking each for his company's efforts in preventing or cleaning up pollution. The five companies were as follows: Publishers Paper Company (Oregon City and Newberg mills), American Can Company (Halsey Pulp and Paper plant), Willamina Lumber Company, ESCO Corporation, and Cascade Construction Company. It was noted that the awards entitled the companies to display the Oregon CUP insignia on products produced in the facilities awarded. This, it was hoped, would inform consumers as to which local industries were considered to be making extra efforts to protect the environment.

RULE ADOPTION: PERMANENT AMENDMENT TO RULE ALLOWING BENEFICIAL USES OF MOTOR VEHICLE PARTS IN WATERS OF THE STATE AND PERMANENT AMENDMENT TO EXEMPT CERTAIN SUBSURFACE SEWAGE DISPOSAL FACILITIES FROM SURETY BOND REQUIREMENTS

Commissioner Richards, noting that a previous public hearing on both rules had resulted in no adverse testimony, presented an invitation for testimony which went unanswered.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and unanimously carried that the Director's recommendation to adopt the rules be followed; subject to a grammatical correction in the rule relating to vehicle parts, the substitution of the word "context" for the word "contract" in the rule relating to sureties bond requirements, and the addition of parenthesized liter equivalents in the former rule wherever gallon figures appear.

RULE ADOPTION: MORATORIA ON NEW SUBSURFACE SYSTEMS IN KINGSTON HEIGHTS AND PRINCETON HEIGHTS SUBDIVISIONS OF NORTH ALBANY

It was MOVED by Commissioner Somers and seconded by Commissioner Hallock that the Director's recommendation be approved to adopt a rule prohibiting installation of new subsurface sewage disposal systems in the Kingston Heights and Princeton Heights subdivisions of Benton County.

Commissioner Richards asked for and received the Hearing Officer's confirmation that no adverse testimony had resulted despite indication that mailings to all affected property owners had been effective with only one exception.

Commissioner Phinney received Mr. Underwood's view that, as indicated in the staff report, it was counsel's opinion that the instant proposal was legislative in nature, not quasi-judicial. He explained that an abundance of caution had prompted the mailing to every property owner.

Commissioner Phinney asked if, given that the matter of imposing such moratoria was considered legislative, the Department would propose to use newspaper publication and other rulemaking procedures to invoke moratoria in larger areas wherein personal service of all property owners would be impractical. The Director reported no other moratoria on subsurface sewage disposal systems are currently contemplated.

Commissioner Somers explained that his reservations regarding moratoria without personal service on the affected owners had been based not merely on legal considerations but also on fundamental fairplay. He noted that many owners do not live in the area wherein their property is located.

Referring to the North Albany community's need for a common sewage treatment system, Commissioner Crothers inquired of Mr. Kramer what progress could be expended. Mr. Kramer stated himself unable to make any sound prediction and reported hearing of a bond issue being pursued in Benton County toward financing a system. Mr. Kramer added that he had informed the Benton County Commissioners that the Department would not approve a separate system for the North Albany community for purposes of federal funding. It was his understanding that at present the bond issue was lying dormant while attempts were being made to reach agreement to hook on to the Albany regional system. This system's availability at public expense argued conclusively for its use in Mr. Kramer's view. It was his hope that Benton County would proceed on a Phase I grant application, an exercise which might demonstrate to the community the advantages and disadvantages of their alternatives. Perhaps he conjectured, they would discover the disadvantages of annexation to Albany not as great as had been supposed.

It was agreed by the Director and Commissioner Crothers that the Department would have no resistance to the community's financing its own treatment plant.

The Commission unanimously approved the motion to accept the Director's recommendation and adopt the rule under discussion.

AUTHORIZATION FOR PUBLIC HEARINGS: AMENDMENTS TO PROCEDURAL RULES AND AMENDMENTS TO LINN COUNTY SUBSURFACE SYSTEM FEE SCHEDULE

It was MOVED by Commissioner Somers and seconded by Commissioner Hallock that the Commission authorize public hearings before a hearing officer on proposed amendments to the Commission's rules governing administrative procedure and a proposed amendment to the fee schedules for subsurface sewage permits in Linn County.

It was explained by the hearing officer that the former proposals were in rough form and undergoing review by the Attorney General's office. In addition, it was stated that the proposals were largely in response to the newly amended Administrative Procedure Act.

DISCUSSION OF EPA AND CORPS OF ENGINEERS ACTIVITIES REGARDING THE REGULATION OF AGRICULTURAL AND SILVACULTURAL NONPOINT SOURCE WATER POLLUTION

Commissioner Somers noted that recent indications were that EPA and the Army Corps of Engineers are planning to invoke a permit program regarding point and nonpoint sources which could severely impair agricultural and logging activities. He cited as an example the possibility that a nine month permit process might have to precede the installation of a culvert under a logging road. He cited also a recent federal judicial ruling which would

subject to federal regulation all states without adequate regulations dealing with the use of pesticides or fertilizers which eventually reach the streams.

In order to insure that the regulatory program not take the State and affected industry by surprise without opportunity for local involvement, Commissioner Somers MOVED that the Commission hold a meeting in the first or second week of January to discuss the matter. The motion also contemplated inviting representatives of the Corps, EPA, the State Department of Agriculture, Mr. Stafford Hansell and Mrs. Janet McLennan of the Governor's Office, and several State legislators. Also suggested were invitations to the Chairman of the Wheat League and the head of the Forestry Association, Weyerhaeuser, Georgia Pacific, and other large timber companies. The purpose of the meeting was described as consideration of whether rule making activities should be conducted so as to obtain federal delegation of authority to administer programs for point and nonpoint source problems. It was suggested that experts from the academic community might be invited to attend.

The motion, seconded by Commissioner Hallock, was carried with the approval of all five Commissioners.

PROGRESS TOWARD IMPLEMENTATION OF REGIONAL INDIRECT SOURCE PROGRAMS

At the request of Commissioner Richards, Mr. Kramer reported that investigation was underway to determine how soon Regional Indirect Source Plans could be implemented and to determine if Indirect Source Permits should be subject to a fee schedule as with other air contaminant permits. The latter question, he added, had not yet been resolved.

Mr. John Kowalczyk of the Department's Air Quality Division, reported that the outlook was not favorable in the former area since counties have indicated little willingness to devote their limited resources to the development of Regional Indirect Source Plans. He noted that a formal report to the Commission was planned for early 1976. Mr. Kowalczyk explained that the goal was for the local governments to adopt plans which would then be reviewed by the Department. Acceptable plans, he added, would result in phasing out the source by source review which now draws much criticism.

PUBLIC HEARING AND RULE ADOPTION: PROPOSED PERMANENT ADOPTION OF PREVIOUS TEMPORARY RULES RELATING TO AGRICULTURAL OPEN BURNING

Mr. Scott Freeburn of the Department's Air Quality Division presented the staff report and the Director's recommendation to adopt as permanent rules those rules governing agricultural open burning which, due to their temporary enactment in July of 1975, had expired on November 8, 1975.

Commissioner Richards, with respect to Section 26-013 of the proposals, asked if the rules, silent on the allocation of acreages to be open burned in 1976 and 1977, would have to be augmented by such allocations in a later Commission action preceded by a hearing. The answer was affirmative. It

was added that some rule revision between the present and March 1 would be needed so that the registration of acreage could commence. After the registration, he explained, the question of allocation would come up. It was Mr. Freeburn's suggestion that no rule making on allocation take place until after April 1 (the date when all acreage registration would be complete).

Mr. Freeburn added that other revisions in the rules might be sought prior to April 1, revisions which had not yet been drafted. Commissioner Richards expressed his desire to see both the proposed staff revisions and all available information regarding the industry's progress in finding alternatives to open field burning. Mr. Freeburn suggested that the Commission might call on the field sanitation committee representative and a spokesman from Oregon State University for information.

It was Mr. Freeburn's understanding that rules were needed now both to provide a foundation for field sanitizer certification rules (to be dealt with later in the meeting) and to control so-called fourth priority burning which, absent immediate rule making, might go uncontrolled in the valley.

Commissioner Somers suggested that fourth priority burning, given the weather, might not be a problem and that it were wiser to adopt no rules until such time as the staff comes forward with the rules in final, revised form. He took exception to the uncertainty fostered by repeated rule changes.

Commissioner Richards pointed out that, in his understanding, the rule was desired by those affected by it and was directed toward a small, well informed segment of the population with ability to keep abreast of future developments.

It was Commissioner Phinney's understanding that the rules were needed not for summer field burning, but as a prelude to rules governing field burning machines and that the latter rules were needed to provide security for purchasers and manufacturers.

Mr. Bill Rose of the Field Sanitation Committee stated that the total acreage registered for burning could not be burned due to the sale of lands, changing of plans, and other variables. Hence, he argued, a 5.5% attrition rate should be expected based on past experience. He stated the Commission to have been mistaken in cutting the legislative maximum acreage by 1000 acres in the July meeting. It was his contention that the Legislature set its maximum with the intent that machines should burn the acreage registered in excess of its maximum. (The Commission had reduced the legislative maximum upon its finding that machines could burn 1000 acres in 1975 - an issue which Commissioner Richards had ruled not presently before the Commission). Mr. Rose stressed that, in his opinion, the machines remain experimental even after 1975 trials. He concurred with Mr. Freeburn's and Commissioner Somers' earlier understanding that acreage to be burned next season was largely determined by crops already planted.

Commissioner Somers inquired as to the accuracy of an article in The Dalles Chronicle indicating that the Legislative Counsel Committee had restored the 1000 acres which the Commission removed from the 1975 total allocation. Mr. Kramer's recollection was that the issue had been rendered moot by the industry's inability to burn the total allocation. Commissioner Hallock contended that the Committee had no authority to reverse the Commission's decision.

It was Commissioner Somers' thought that reference to the allocation of 234,000 acres for 1975, though a matter of history, might well be deleted from the current proposal as a surplusage which would tend to defy the Legislative Counsel Committee's decision that the Commission had acted erroneously in setting that allocation in July.

The Director and Mr. Underwood felt that it were well to simply perpetuate in its totality the temporary rule as it was earlier adopted and leave to the future the matter of revisions to fit the needs of the coming field burning season. Mr. Underwood added that the Legislative Counsel Committee is without authority to change the Commission's allocations.

Commissioner Hallock concurred and added that not all are convinced that the Commission's actions were mistaken.

Mr. Rose reiterated his contention that the Legislature's maximums were set with the use of machines in mind and that any further reductions should not be based on expected machine use. He informed Commissioner Somers that he had no position on whether or not to leave reference to the 1975 allocation in the rules.

Mr. Freeburn explained that the primary purpose of the staff today was to obtain rules governing field sanitizing machines early enough to permit manufacturing and purchasing in time for the 1976 industry, a purpose which was said to be desirable by the industry. He informed Commissioner Hallock that failure to adopt the rules would have an adverse effect on machine production and, hence, on all valley citizens injured by open burning.

Mr. Glen Odell, consulting engineer to the Field Sanitation Committee explained that throughout the year a certain amount of agricultural burning takes place and that the current proposals were needed to govern winter time burning. He concurred in earlier statements that the general burning rules were needed also to provide a framework for the proposals regarding field sanitizers, proposals needed now to aid manufacturers and growers in investment decisions. Mr. Odell reported that the latter set of rules had been worked out through cooperation between the industry and the Department's staff. He disagreed with Commissioner Somers' conjecture that due to inclement weather no burning would take place until such time as the staff could present a rule in revised form.

Mr. David Nelson of the Oregon Seed Council endorsed adoption of the rules before the Commission with the understanding that a meeting was pending between his Council and staff members to address rule changes desired for the 1976 season, a course which he felt could not be completed in one month. He concurred with earlier remarks to the effect that rules governing winter burning were now needed. He was reluctant toward Commissioner Somers' suggestion that surplusage not now needed should be deleted from the rules prior to their adoption.

It was MOVED by Commissioner Crothers, and seconded by Commissioner Phinney that the Commission adopt the Director's recommendation to make permanent the temporary rules on agricultural burning which were adopted by the Commission on July 10, 1975. Commissioner Somers urged the Commission to be wary of enacting rules which, by their very nature, are intended to be revised in the near future. Citing the public discontent with ever-changing regulations, he suggested the Commission ought not to adopt any rules not expected to stay in tact for at least a year. Commissioner Crothers, while unwilling to yield to anyone in his opposition to the needless proliferation of rules, felt that the orderly administration of the agency called for the adoption of the rules as had been moved. The motion carried with support of all Commissioners with the exception of Commissioner Somers who voted against it.

PUBLIC HEARING AND RULE ADOPTION: PROPOSED RULES GOVERNING EMISSIONS AND CERTIFICATION OF ALTERNATE METHODS TO OPEN FIELD BURNING (FIELD SANITIZERS AND PROPANE FLAMERS)

Dispensing with a reading of the staff reports previously put before the Commissioners, Commissioner Somers obtained the assurance of Mr. Scott Freeburn of the Department's Air Quality Program that no further revision of the proposed rules was foreseen at the present time.

Mr. Tom Miles, consulting engineer to the Oregon Field Sanitation Committee reported that much of his intended testimony had already been brought to the Commission's attention. He took issue with the conclusion of the staff report that mobile field sanitizers appear to be agronomically superior to open field burning. Mr. Miles felt the conclusion was worded too strongly. In his opinion there was some reason to believe the sanitizers might be superior.

Commissioner Somers who had previously MOVED adoption of the Director's recommendation on the proposed rule wished to amend his motion to include the deletion of conclusion number 3 of the staff report. With the approval of the Commission, the Director withdrew the third conclusion which read as follows: "Present sanitizers are economically unacceptable on all but very specialized seed types." Mr. Miles took no exception to the withdrawal of this conclusion and added that experiences with the machines over the last season had somewhat dampened the Committee's optimism regarding them. Commissioner Richards felt the matter of withdrawal to be of marginal importance since it was not to be a part of the rule itself. He did point out that the conclusion might appear misleadingly to be dispositive of some issues which would not be taken up by the Commission until the time of acreage allocation by the Commission for 1976.

Mr. James Rear, a manufacturer of sanitization machines informed the Commission that, in his view, the advent of the present rules would not stimulate his production of machines. If he presently had ten orders for machines, he stated, he would not accept them. Mr. Rears reported that experience with those machines argues for more research before any attempts to build more. He predicted that the ultimate solution might be improved open burning methods.

Commissioner Somers' motion to accept the Director's recommendation with the third conclusion of the staff report withdrawn was seconded by Commissioner Crothers and carried with the supporting votes of all Commissioners.

1976 COMMISSION MEETING SCHEDULE

Mr. Kramer suggested that the Commission adopt a procedure of scheduling regular meetings on a bi-monthly basis, starting in February, with special meetings to be called as needed. Mr. E.J. Weathersbee, coordinator of technical programs, informed Commissioner Somers that, for the most part, Commission plan approval could be timed to coincide with the bi-monthly meetings. Mr. Harold M. Patterson of the Department's Air Quality Division foresaw no difficulty except in the case of denials. He reminded the Commission that failure to act on a plan within sixty days results in its approval by law. Commissioner Somers felt that a bi-monthly schedule should be adopted only if no delays in Department business would occur. Mr. Kramer assured the Commission that he would not permit the schedule to cause delays.

PUBLIC HEARING AND RULE ADOPTION: AMENDMENTS TO FEE SCHEDULE AND PROCEDURE FOR AIR CONTAMINANT DISCHARGE PERMITS

Mr. Fredric Skirvin of the Department's Air Quality Division presented the staff report calling for an increased fee schedule for air contaminant discharge permits due to a legislative decision requiring increased funding of the program from permit fees, the elimination of small boilers outside the Willamette Valley from permit requirements, and updated fiscal information. The revised fee schedule was intended, he reported, to produce a biennial income of about \$540,000, an amount deemed necessary to augment public funding. Mr. Skirvin reported proposed changes in the fees required for different types of sources and proposed housekeeping changes such as the deletion of portions of the requirements relating to regional air pollution authorities.

The proposals, it was explained, had been preceded by discussions with industry representatives. It was concluded that implementation of the proposed fee schedule would result in fee support of 49% of the cost of the Air Contaminant Discharge Permit Program. Mr. Skirvin addressed himself to Table A, Item I of the proposal and amended the wording to read "commercial seed cleaning, including cooperatives, located in special control areas not elsewhere included." He explained his action in that the Department did not intend to require permits of farmer-operated seed cleaning operations. It was the Director's recommendation that the proposals be adopted subject to any amendments deemed desirable in the light of the public hearing.

Commissioner Richards recalled that the statute requires the permit fees to be based on the estimated costs of filing, investigation, issuing, denying, and monitoring. It was reported that the budget notes of the Ways and Means Subcommittee refer to a 50% increase in air permit fees. Commissioner Richards stated himself convinced that the Legislature did not intend to require more than a 50% increase but had inadvertently done so because of an erroneous estimate of cost submitted to the Legislature by the Department. His estimate of the present situation was that the Commission did not have authority to do other than base the fee schedule on estimates of program cost so that half the program would be fee funded, even though the Legislature may have intended that fees be raised by no more than 50%. He stated his intention to recommend that the Emergency Board be asked to appropriate additional funds to allow rebate of fees in such amounts as would be necessary to result in an increase of from 50% to 62%. He added that the subcommittee had appropriated \$480,000 to the Emergency Board to be available to the agency to solve potential problems in the 1976-1977 biennium.

Commissioner Richards urged those planning to testify not to dwell on the equity of seeking so much revenues by fee, noting that this question had been foreclosed by the Legislature and was now up to the Emergency Board.

State Senator Tony Meeker (District 15) reported himself to have been a member of the Ways and Means Committee which worked on the agency's budget. He concurred with the remarks of Commissioner Richards regarding the legislative intent of the Committee. He cautioned that he spoke only on his own behalf. He said the intended 50% increase in fees was later raised to 62% to cover salary increments in final legislative action. He added his understanding that the Committee had been given a revenue estimate by the agency which had proven to be \$174,000 high. Senator Meeker recalled that other problems, such as fees generated by septic tank permits, had resulted in the Committee's working on the agency budget for nearly the entire legislative session. He added that the Committee had hoped for a fee schedule which would better recognize the cost of controlling small industries as compared to the greater cost of regulating large industries which, though of the same type, involve more emissions, and more regulatory action (at a greater cost to the Department). He cited the lesser ability of some smaller industries to absorb the cost of fees. Regarding the proposal to eliminate inspection of small boilers, Senator Meeker reported Legislative Fiscal's estimate that \$18,000 could be lost to the Department this way. He stated his intention to seek the estimated savings to the Department which would result in spending no time and money on this category of inspection, noting that several hundred boilers are involved.

Mr. Skirvin informed Commissioner Hallock that some industries now undergo an incremental fee schedule based on the size of operation of each source. Senator Meeker added that he knew of several industries where size of operation varies and no incremental fee schedule is imposed.

Mr. Frank Morse, representing Oregon Concrete and Aggregate Producer's Association and the Oregon Asphalt Paving Association, offered criticism of the proposed fee schedule. He contended that the activities listed as comprising the permit program in the staff report were in many instances not applicable to his industry; or applicable only on a limited basis. Identification of sources was said to have been completed. There was argued to be extensive duplication of effort made by staff and private consultants in determining compliance.

Inspection time was said to be minimal due to the seasonal and hourly operation of plants in the concrete and asphalt industry. Substantial compliance throughout his industry, he argued, rendered strategizing for control unnecessary.

He objected that his industry has only a 1% impact on Oregon's particulate problem, pays 23% of present fees, and would have to pay more under the proposed fees.

Few citizen complaints against his industry, Mr. Morse said, were indicative of the minimal need for monitoring activities.

Mr. Morse added that permit fees totaling \$1,625 for Morse Brothers, Inc., had been followed by only one visit from agency personnel over the past year. The new schedule, he reported, would raise fees to \$3,250, a 100% increase in fees after the company had already successfully completed its compliance program.

Noting an increase since 1970 of 366% in DEQ Personnel, Mr. Morse urged the Commission to review agency administration to see that increased fees would not simply be the result of an expanding bureaucracy.

He stated that the activities attributed to the program go far beyond the filing, investigating, issuing, denying, and inspecting mentioned in the Statute.

Commissioner Somers, in response to Mr. Morse's skepticism over Department staff increase, pointed out that the agency's area of authority had been trebled by recent legislative action. He noted that the largest increase in staff had occurred in the area of subsurface sewage regulation.

Commissioner Somers noted that some asphalt facilities are portable and require Departmental visits each time the facility is moved. He recalled instances in eastern Oregon where repeated visits by agency personnel had been necessary due to complaints. He added that the facilities, though designed to comply with emissions standards in general, often resulted in problems due to the characteristics of the areas in which they are set up.

Commissioner Somers accepted responsibility for the erroneous budget figures given the legislature and concurred with the suggestion of Commissioner Richards that the Emergency Board should be asked to appropriate additional funds. It was his understanding, however, that the increase in costs had not been the result of expansion in the Program staff. He expressed the hope that figures now expected by the Commission to be forthcoming early in 1976 would afford the Commission a better opportunity to study the budget of the agency and avoid future mistakes.

Mr. Verner Adkison, representing the Lane Regional Air Pollution Authority, spoke in support of the proposed rule amendment, citing figures indicating that only 32% of his Authority's program will be fee supported over the next budgetary period. Mr. Adkison felt that higher fees would help insure that the polluter would pay his way. Increased fee revenues, he added, would help his agency pay for major studies regarding impact on the air shed. He cited fee revenues as a partial explanation of his area's ability to exceed federal standards. Offering his great respect for the progress of the asphalt industry Mr. Adkison cautioned that agency review of the work of private consultants had, on at least one occasion, resulted in the discovery of a mistake whose potential cost to the source would have been approximately a half million dollars.

Mr. Thomas Donaca, representing the Air Quality Committee of Associated Oregon Industries, reported that previous negotiations with the Department had resulted in some significant provisions in the proposals. He reported his association to have been acting in reliance, as had the Ways and Means Committee, on the erroneous budget estimate submitted by the agency. In this reliance, he reported, his association had acquiesced in a 50% fee increase where it would have vigorously opposed an increase of the magnitude now sought.

Mr. Donaca questioned whether the small boilers outside urban growth and AQMA areas should be exempted from fee requirements at a time when more revenue is needed. He pointed out that the remaining boilers, constituting 892 of the 2060 permits issued, were scheduled to receive no fee increase. In a like category were reported to be small incinerators which, together with the remaining boilers, were said to constitute 973 of the present outstanding permits. Mr. Donaca found it inequitable that almost half the sources would receive no increase, leaving the remaining 1100 odd sources to carry the entire load of required revenue increase.

He suggested review of the management of the program and the program itself, particularly with regard to duplication of inspection efforts by differing agencies. He cited the activities of the Department and the Department of Commerce with regard to high pressure boilers as a possible example. He suggested an interdepartmental agreement to avoid duplication in view of the Governor's policy of avoiding duplication of government efforts. He contended that, while boilers inside the AQMAs bear watching, they are not a significant problem.

He concurred with Mr. Morse's concern that costs of activities charged to the program had extended beyond the statutory criteria for cost allocation. He contended that monitoring the compliance status of all sources on permits and reporting the status of major sources to the US-EPA was clearly outside the purview of intended fee revenues and offered the same criticism with regard to review of Significant Deterioration (federal) and review of New Source Performance Standards.

Mr. Donaca cited the staff report for authority that most permit review activities will now be confined to renewal. He argued that 80% of the sources seeking renewal would need no modification whatsoever and that this would result in reduction of the Department's activities to simply reissuing the permits. He called for a system whereby the applicant should be required to verify compliance, such verification, if borne out by the applicant's historical record, to result in permit renewal. Such an abbreviated procedure, he added, was employed by many permit issuing agencies, including the Department of Commerce.

Mr. Donaca recommended that review of the program should take place with interested parties participating and should be completed prior to January 1, 1977. He recommended that the presently proposed fee schedule be adopted only for the calendar year 1976.

Recalling the relative novelty of the program, Mr. Donaca cautioned that most new legislative programs need shaking down. He urged the agency to exercise discretion in its unbridled power to impose fees.

Mr. Gerald Meindl, an attorney representing the Oregon Feed, Seed, and Supplier's Association, expressed his appreciation for the Chairman's willingness to approach the Emergency Board for additional funds.

Mr. Meindl reported that the \$250 initial fee and \$175 renewal fee for seed cleaning operations was inequitable because the industry had previously been charged no fee and the exempt operators (connected with agricultural operations) far outnumber the commercial operators. He cited these circumstances as having led former Director L. B. Day to the conclusion that the commercial cleaners should be exempt. Mr. Meindl urged a reduction for the commercial cleaners. He added that the statute requires fees based on actual administrative costs. This, he said, could be interpreted to mean that actual administrative costs allocable to efforts regarding each individual source are to be that source's fee.

Mr. Joseph L. Byrne, representing Martin Marietta Aluminum, addressed himself to the fee for aluminum reduction plants. He reported that, under current proposals, the fee for his plant would increase from \$175 to \$2,000 for a determination of compliance. He stated that his facility was presently conducting monthly sampling of primary and secondary scrubbers, monitoring ambient air, and reporting monthly to the DEQ. This, he said, had been done for three years at a cost ranging annually from thirty to forty thousand dollars. He reported that, in twenty minutes, a technician on his staff had done the figuring necessary for three annual compliance determinations. This had been done, he added, from the numbers supplied to the Department and would represent, under the current proposals, \$6,000 worth of compliance determination.

The facts cited by Mr. Byrne were indication to him that the proposed fee is unreasonably high. He added that current regulations would still require his facility to conduct the same monitoring, sampling, and reporting efforts even in the absence of a permit. On this basis, he argued, the permit program's only result for his facility was increased costs.

Asked how many duplicate inspections by various agencies his plant must undergo, Mr. Byrne cited several inspections by EPA, OSHA and DEQ personnel. It was conceded that the total cost of hearings involving his facility would be high and contended this cost was independent of the permit program.

Commissioner Somers noted that fee covered activities include investigation and wondered if it would be wise to consider a statute requiring payment of costs by any party who initiates an investigation in bad faith. He analogized with certain consumer litigation wherein the prevailing party is allowed costs. Commissioner Somers noted that part of the agency's investigation cost is regarding citizen complaints.

Mr. Byrne recalled that skepticism regarding the company's monitoring system had led to a separate monitoring system in The Dalles which was provided by the company at no cost.

Mr. Stanley Cellers of the Oregon Seed Trade Association pointed out that the market value of his Association's product had dropped 30% in the last two years, a difference he hoped the Commission would consider. As president of Buchanon-Cellers Grain Company, Mr. Cellers reported that his two facilities, operating under three permits, undergo one-trip inspection for compliance with all three permits. Mr. Cellers took issue with charging three fees for one inspection.

Mr. Lynn Engdahl, representing the Western Environmental Trade Association, called for exact cost accounting from the Agency, recognition of the reduced work involved in renewing a permit already issued, a standard other than actual costs by which to judge needs, checks against inefficiency, demonstration of increased environmental protection commensurate with increased costs, justification other than legislative unwillingness to fund for the increase (Mr. Engdahl conceded this point to have been adequately addressed by the Chairman's suggestion regarding the Emergency Board), and the consideration of alternatives to the increased fee schedule.

Mr. Vernon Hulit of Mayflower Farms Feed Division stated the Chairman's opening remarks to have been dispositive of some of Mayflower's concerns. He stated his sympathy with rising costs while calling for more justification for the 67% increase in his company's permit fees. He suggested that cost per inspection might be a better policy regarding firms seldom requiring inspection.

Mr. David Nelson of the Oregon Seed Council expressed concern over the establishment of fees for the seed cleaning industry. He stated support of the suggestion that the Emergency Board be approached and of the remarks by Mr. Cellers.

Mr. Matthew Gould, representing Georgia Pacific Corporation, charged the agency with efforts to recoup a deficit through an oppressive and inequitable fee schedule. He stated the real issue to be sound fiscal and management practices.

Alleging a general aversion for industry involvement in Departmental management, Mr. Gould suggested the present circumstances would indicate industry involvement in Departmental management of the Air Quality Permit Program.

He asserted that the staff report is ambivalent on the subject of increased costs, ranging from 13% to 309%. He contended further that the staff report indicated issuance of most permits and a winding down of the program, facts inconsonant with a substantial fee increase.

Addressing the program, Mr. Gould charged that unnecessary administrative time is being spent negotiating permit conditions not set forth in the regulations of the Environmental Quality Commission, an activity which he argued to be both costly and unwarranted. Mr. Gould called for elimination of detailed operational procedures and types of equipment from the permits, arguing that only the applicable regulations, ambient standards, civil penalties, and reporting/monitoring provisions should be included.

Mr. Gould questioned review of applications with an eye to non-degradation requirements, noting that federal review of the confusion between non-degradation and highest and best practical treatment is underway.

Mr. Gould urged the Director to reduce the number of personnel involved in the permit program, noting that many persons are involved while few are involved full time.

He took issue with the conclusion that inspection of small boilers outside the Valley is not cost effective and questioned the legality of exempting them.

Mr. Gould suggested a management by objective approach with objectives of maximizing manpower and money use, guidance for utilization of revenue sources, and a meaningful basis for all concerned to review the management of the program.

Mr. Gould conceded that the fees might be assigned differently among Standard Industrial Classifications and that half of the program costs should be borne by point sources, sources contributing half the particulate emissions.

Mr. Gould contended that the original fee schedule, based on one adopted for the Los Angeles Area, is indefensible for Oregon with her different industrial base.

Mr. Gould called for appointment of a task force to conduct a ninety day review of the permit program and to develop sound fiscal criteria objectives to report to the EQC. He suggested that the resulting fee schedule should be made retroactive to January 1, 1976, to insure financial security to the program. It was urged this would supply the Commission with the tools for sound management.

Finally, Mr. Gould stressed confinement of fee revenues to the permit program rather than day to day administration of the agency, an activity which in his view should be supported by the taxpayer.

Mr. Skirvin explained to Commissioner Richards that the Department's estimates of manhours spent on the permit program was the result of a poll of each employee in the permit program, asking for his estimate of time spent on permit activities. He responded to the testimony regarding the annual compliance fee for Aluminum plants with the explanation that the Department reviews the data submitted by the source to determine compliance monthly; not just annually. He added that fees were based on time spent on each Standard Industrial Classification, leaving the possibility that time spent on a given individual in the set of sources might fall above or below the average.

Commissioner Crothers felt the idea of cost allocation on an individual basis to be fallacious. He noted that many who hold professional licenses at an annual fee receive little attention from their licensors, citing the bar association and the board of medical examiners as examples. Should Reynolds, for example, have to pay the entire cost of reviewing their new emissions control system prior to its being permitted, he noted, they would be in a less favorable position than is indicated by the permit modification fee.

Commission Somers, empathizing with industry dissatisfaction at the results of the agency's mistaken budget estimate to the legislature, MOVED that the fee schedule as submitted be adopted for the calendar year of 1976 conditioned on:

- a) That the Director make a request of the Emergency Board to restore some of the General Funds needed because of the overestimation of income made by the Ways and Means Committee and the direction of the Ways and Means Committee to increase fees by approximately 50%; and that if restoration of the General Funds is made, partial refunds will be made on an equitable basis to be determined by the Commission, to persons who have filed for permits or renewals prior to such restoration; as well as to make changes in the fee schedule for the balance of 1976 to reflect the restoration of General Funds; and
- b) That the Director initiate a study and appoint a task force to study the entire air quality permit program and its costs, utilizing both staff and persons outside the agency. And such a study should be completed and in the hands of the Commission prior to July 1, 1976, so that it is on hand well before the agency's next budget is formulated.

Mr. Kramer felt the calendar year of 1976 to be a reasonable time period for accomplishment and one which industry could recognize in its budgeting. He reassured Commissioner Somers that early January would be the time when a present study on agency resources and expenditures would be available, cautioning that the forthcoming report would not contain the kind of information sought in Commissioner Somers' motion regarding the task force.

After discussion regarding the difficulty inherent in determining which agricultural seed cleaning operations resulted in occasional commercial sales of the product, it was decided that the Commission would be without authority to impose a token fee on agricultural operations, a possibility raised by the Chairman. Commissioner Somers questioned whether stepped-up enforcement procedures to catch offenders might be in order.

It was agreed by the Commissioners that Commissioner Somers' motion would encompass the revision of the fee burden as apportioned among certain industrial classifications based upon the results of the proposed study.

The motion, seconded by Commissioner Crothers, was carried with the support of all Commissioners.

PORTLAND GENERAL ELECTRIC BETHEL TURBINE GENERATING FACILITY: AIR CONTAMINANT DISCHARGE PERMIT ISSUANCE

Mr. John Kowalczyk of the Department's air quality program presented the staff report. The Commission had previously instructed the Department to propose a short duration permit with a limit on total operating hours and a precise definition of when emergency operation of the facility would be allowed. Mr. Kowalczyk dealt only with the above three issues.

Mr. Kowalczyk informed the Chairman that, to his knowledge, the requested attorney general's opinion regarding infra sound had not yet been forthcoming. In response to Commissioner Richard's inquiry, he gave his opinion that the permit could be modified in the light of any new regulations that might be enacted. He was unsure of the Department's authority to modify the permit based on new data which might become available.

Commissioner Phinney noted that the data on oxides of nitrogen emitted by the plant was incomplete and ventured that the permit should provide for an option to modify in the light of any new data on this subject occurring during the life of the permit.

Commissioner Somers was told that the permit fees set forth in General Condition Number 13 would have to be altered due to change in the fee schedule. Mr. Kramer suggested it might be well to delete specific fee figures from the permit conditions. Commissioner Phinney suggested fees might be set forth in an attachment to accompany the permit so the applicant could know the fee schedule as of the date of the permit but would not be assured of the schedule's remaining the same.

Commissioner Somers received the opinion of Mr. Raymond Underwood, legal counsel to the Commission, that the Commission probably was without authority to condition the permit on the applicant's obtaining noise easements over nearby property where such condition would go to infra sound, which is not addressed in the Commission's regulations.

In response to two questions by (Mrs.) Marlene Frady, Mr. John Hector of the Department's noise control program reported that the Department had been unsuccessful in seeking funds from EPA Region X to assist in further noise study while the Bethel facility is operating and was now seeking funds from EPA headquarters. It was explained that measurements of 100 and 95 DbA at two nearby residences made by a private consulting firm were measurements at frequency levels below those regulated by the Commission's noise rules and were of a single peak, short duration type which was not duplicated upon using the Department's instrumentation to test for the same.

Mr. Underwood concurred with Commissioner Somers that violation of the agency's noise rules might constitute nuisance per se in any private litigation.

Mr. Hector clarified for Commissioner Hallock that it was both the case that the measurements of the private consultant were of a type of noise not addressed by Commission regulation and that it is unlikely that the Department's instrumentation could measure noise like this when the noise's occurrence is of such short duration. Mr. Hector concluded from the consultant's report that the origin of the noises had been the turbines, reserving doubt as to whether the noise could be subjectively perceived. Mr. Hector explained that not even an impulse meter would be likely to pick up the sound in question, adding that no other jurisdiction has set standards based on the criteria used by the private consultant.

Mrs. Jan Egger of the Oregon Environmental Council asked what would happen if the permittee exhausted his operating hour limitation and applied for an extension. Mr. Kramer explained that the procedure would then be to take the matter before the Commission again for a hearing on the question of extension. Mrs. Egger inquired why the permit condition regarding emergency operation had been drafted without language suggested by the Public Utility Commissioner providing that "the last station to operate shall be Bethel." Mr. Kowalczyk confirmed Commissioner Phinney's understanding that the language had been deleted to avoid the possibility that the permit might require bringing on line some now inoperative stations, such as L Station, whose operation would be more environmentally detrimental than that of Bethel. He assured Commissioner Richards that the staff would check into a reported discrepancy in the address of the facility before issuing a permit.

Mr. Hector informed Commissioner Hallock that, even if the Attorney General's office were of the opinion that the Commission has statutory authority to regulate infra sound, the Department was without sufficient knowledge to recommend standards protective of health and welfare and was perhaps without sufficient budget for much activity in this area. He added his lack of certainty whether classic infra sound exists in connection with operation of the Bethel facility.

Commissioner Somers stated himself to be in favor of the Director's recommendation on the ground that he did not want to overstep his statutory authority, adding that if the Commission had the power to do so, he would probably favor denial of the permit. He noted that there was little consolation for the people living in the vicinity of Bethel that the plant could operate for only 31 days during the life of the permit but noted that the community of Salem might be in vital need of this operation at some point in time.

Commissioner Crothers MOVED that the Director's recommendation to issue the permit be approved with the condition that the permit last for only two years instead of five as had been proposed. The motion was seconded by Commissioner Phinney.

Commissioner Somers suggested that reduction in the life of the permit should be accompanied by a commensurate reduction in the operating hour limitation. Commissioner Crothers argued that a reduced operating hour limitation would be inappropriately threatening to the community in the event that Trojan needs repairs or some other emergency develops.

The motion carried with the support of all Commissioners except Commissioner Somers who voted against the motion.

AUTHORIZATION FOR PUBLIC HEARING: A PROPOSED AIR CONTAMINANT DISCHARGE PERMIT FOR PORTLAND GENERAL ELECTRIC'S HARBORTON TURBINE GENERATING FACILITY

Mr. Kramer amended his proposed permit orally, withdrawing reference to renewal of the permit set forth in one of its general conditions. He noted that his proposal was not to renew the permit.

Commissioners Richards and Somers agreed that the staff report had been before the Commission some time and was not requiring of a reading and that the proposal was merely to have a public hearing before a hearing officer, a proposal that called for no discussion on the merits of the proposed permit.

It was moved by Commissioner Somers, seconded by Commissioner Phinney, and carried with all Commissioners supporting that the Director's recommendation be adopted.

There being no further business, the meeting was adjourned.

Hallock

MINUTES OF THE SEVENTY-THIRD MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

October 24, 1975

Pursuant to the required notice and publication, the seventy-third meeting of the Oregon Environmental Quality Commission was called to order at 9:00 a.m. on Friday, October 24, 1975. The meeting was convened in Room 602 of the Multnomah County Courthouse, 1021 S.W. 4th Avenue, Portland, Oregon.

Commissioners present included: Mr. Joe B. Richards, Chairman; Dr. Morris Crothers, Vice Chairman; Dr. Grace S. Phinney; (Mrs.) Jacklyn L. Hallock; and Mr. Ronald M. Somers.

The Department was represented by its Director, Mr. Loren (Bud) Kramer, and several additional staff members including Mr. E.J. Weathersbee (Technical Programs), Mr. Harold L. Sawyer (Water Quality); and Harold M. Patterson (Air Quality).

Mr. Raymond Underwood and Mr. Robert L. Haskins were present as Counsel to the Commission.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and carried by favorable votes of Commissioners Phinney, Crothers, Hallock, Somers, and Richards that the Commission approve the proposed minutes of the September 26 and September 29 Commission meetings, approve the program activity report (Agenda Item B), approve the recommended Tax Credit Actions (Agenda Item C) and adopt the Director's recommendation to authorize public hearings to consider (1) adoption of emissions standards and procedures for certified alternative methods to open field burning and (2) housekeeping amendments to the Motor Vehicle Emission Inspection tests, methods, and standards.

TAX CREDITS

In adopting the motion set forth above the Commission granted Pollution Control Facility Certificates as sought in applications T-641, T-667, T-700, and T-709. The Commission denied application T-694 for failure to give Notice of Construction under ORS 468.175 and 468.180. Further, the Commission revoked Pollution Control Facility Certificates 186, 325, and 466 based on the holder's having sold the facilities in issue.

PETITION TO REPEAL OR AMEND THE INDIRECT SOURCE RULE

Referring to a Petition by the Oregon State Home Builders et. al. to repeal or amend the Indirect Source Rule (OAR Chapter 340, sections 20-100 through 20-135), Mr. Kramer informed the Commission that the alternatives were to deny the Petition outright or initiate a formal rulemaking procedure, complete with public hearings. He reminded the Commission that outright denial without any public testimony would be permissible and that a staff member was present to give the staff report, if desired.

The Commission agreed with Commissioner Richards' suggestion that the Petitioner should address the Commission on the limited issue of whether or not the Petition should be accepted and a hearing scheduled on the merits of the Indirect Source Rule.

Mr. Fred VanNatta of the Oregon State Homebuilders Association stated that the staff report had only been available to him for five minutes and deferred to Mr. Bruce Anderson, Counsel to the Petitioners, for oral argument.

Mr. Anderson concurred in Commissioner Richards' understanding that the presentation of evidence regarding the merits of the rule would not be in order at present. The question, he argued, was whether the rule in its present form results in any significant improvement in air quality. Petitioners, he stated, were desirous of a hearing for the presentation of evidence on this point, evidence which, in Mr. Anderson's contention, had not been received in previous hearings for lack of opportunity to present such. Evidence for the rule had been lacking he stressed.

Mr. Anderson disagreed with the staff's contention that conflict in federal Congress over the effectiveness of the rule was not a factor in EPA's suspension of enforcement in the indirect source area.

It was Mr. Anderson's contention that repeal of the current rule and adoption of the federal rule would satisfy Petitioners and, at once, avoid federal disapproval of the State's Clean Air Act Implementation Plan. This could be done, he argued, until Congress decides whether there is justification for indirect source regulation.

Mr. Anderson contended further that adoption of a rule identical to the federal rule would allow state enforcement so that the Implementation Plan would not be disapproved due to the absence of federal enforcement of the federal rule.

Commissioners Somers and Hallock explained their concern that the Oregon rule, which goes well beyond the federal rule and contributes more to air quality than would the federal rule, is part of an entire scheme whose absence or relaxation would require other measures, such as daytime delivery bans, to make up the loss. They asserted that the rule is only a piece of an entire implementation plan which, in the absence of any of its parts, would be disapproved as no longer capable of bringing about compliance with the Clean Air Act.

Mr. Anderson argued that there are more palatable ways to deal with automobile sources than the indirect source rule. He suggested a wider vehicle emissions inspection program as one. He stated that, nationwide, indirect source regulations have been the subject of more skepticism than any other single scheme for controlling air pollution. He stated that Petitioners would be satisfied with congressional fact finding regarding the efficacy of indirect source regulations. In the interim, the adoption of the federal rule was urged.

Commissioner Hallock was told that adoption of any standard as strict as the federal standard should satisfy EPA as long as the rule could be enforced by the State.

Commissioner Somers recalled that the Kruse Way highway project resulted from uncontrolled development of traffic patterns involving 15,000 traffics per day on Veneta Road, a two-lane road through a residential area involving ten-foot setback zoning. The result, he said, was a violation of ambient standards. If the indirect source rule had been in effect soon enough, he argued, the situation on Veneta Road would never have happened. He concurred with Mr. Anderson's understanding that the federal rule addresses highways and airports but argued that this was not sufficient to prevent situations such as that on Veneta Road from being precipitated by poor planning. Commissioner Somers was concerned with the pattern of taxpayer-subsidized correction of problems resulting from poor planning. The two hundred million dollars per year being spent for sewer systems in Oregon to alleviate poorly planned communities from subsurface disposal problems was cited as an example.

Mr. Anderson argued that greater acceptance of the planning concept would follow when a one-stop permit process is realized. In the interim, his suggestion was that alternatives to the indirect source regulations should be addressed.

Commissioner Crothers suggested that the question of what type of clean air regulations should pertain was not in issue. In issue, he contended, was the question of whether the evidence bearing upon the indirect source rule was deficient enough to warrant a formal review of the rule.

Commissioner Phinney stressed again that relaxation to the federal level, while serving EPA requirements regarding indirect source review, would not satisfy EPA unless the resultant hiatus in the Implementation Plan were filled in some other fashion.

It was Mr. Anderson's contention that hearings conducted on the indirect source rule could also encompass hearings on alternatives thereto which would leave the Implementation Plan in good repair. Extension of the auto emissions inspection program throughout the valley was again suggested.

Commissioner Hallock was of the opinion that such an expansion of the auto emissions inspection program, as with many other alternatives, would require legislative authority unavailable for at least two years.

Referring to the acknowledged suit in the Circuit Court of Lane County for judicial review of the rule, Commissioner Somers argued that the Petition should be denied until such time as the resolution of the suit is known. He stated his intention to make such a motion, giving the reasons therefor.

Ms. Lynda Willis of the Department's Air Quality Program, presented the Summary of the staff report wherein it was contended that the Petition is without sufficient supportive evidence and documentation, and distortive

of the federal position on review of indirect sources. She stated that the development of Regional Indirect Source Plans would eliminate the highly criticized individual review of proposed sources and improve upon an already effective indirect source program. It was concluded that until the advent of regional parking and circulation plans the present rule is needed to assure that new motor vehicle emissions will not cause air quality problems. It was the staff's contention that repeal of the rule would be inconsistent with the State's Clean Air Implementation Plan and EPA policy. It was further argued that the Petitioners' concerns had been considered at several previous hearings.

It was the Director's recommendation that the Commission deny the petition, adopt the staff report as its statement of reasons therefore, and authorize the Director to prepare, sign on behalf of the Commission, and serve upon the Petitioners a written order reflecting the Commission's action as required by law. It was further recommended by the Director that the denial be accompanied by instruction to the staff to proceed as rapidly as possible to formulate a program and timetable for development of Regional Indirect Source Plans for the metropolitan areas of the State. This program should encompass sources of funding and the inter-agency agreements required to complete and implement the Plans.

At the request of Commissioner Richards, Ms. Willis informed of the impact to be expected from a relaxation of the rule to federal requirements. Noting federal levels of review would remove the threshold of review from 50 to 1000 spaces per parking facility in metropolitan areas and from 1000 to 2000 in others, she said the result would be review of only 5.7% of the sources currently reviewed in the Portland area. These would include only the large sources, leaving danger of significant air quality problems from the smaller sources, she contended.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and carried that the Director's recommendation, both for denial of the petition and adoption of the staff report as the statement of reasons therefore, be approved.

Commissioner Crothers was of the view that the Director's recommendation conceded deficiencies in the present rule which, in his view, would warrant further review of the rule.

Mr. Kramer explained that the request of the petitioners was not aligned with his recommendation that the staff, in lieu of a full blown hearing on the rule, proceed to address the known deficiencies in the indirect source review program. He added that denial of the petition would move the matter more quickly in the current litigation, speeding a resolution as to the judicial soundness of the rule.

Commissioner Crothers asked if this would run counter to the policy of avoiding litigation and its attendant expense where possible.

It was the contention of Commissioner Somers that the simultaneous filing of a Petition before the Commission and prosecution of a lawsuit over the same dispute presents a special circumstance wherein it becomes appropriate for the Commission to await the court's decision. He argued that granting the petition might be construed as avoidance of the threat posed by the lawsuit and might encourage others to initiate litigation prior to the exhaustion of their administrative remedies, causing undue legal expenses and circumventing the intents of the Administrative Procedures Act. Commissioner Somers added that he did not mean to block anyone's access to the courts and he acknowledged that prosecution of the lawsuit was well within the prerogatives of the petitioners.

Mr. Kramer agreed that it was to the benefit of the public to compromise differences whenever practical. He informed Commissioner Crothers, however, that the differences between the Department and the petitioners, in his appraisal, are too wide to permit of compromise. He agreed with Commissioner Somers that the matter might best be resolved in the courts. In the meantime, he suggested, the Department could, of its own motion, address the task of forming Regional Indirect Source Plans to eliminate the tedious, source-by-source review necessary under the current circumstances.

Commissioner Crothers agreed that this was a weak area and recalled dissatisfaction with the evidence justifying review of smaller sources in the periphery of metropolitan areas. He did acknowledge a need for review in metropolitan centers. It was his opinion that the position of the Department might not be as divergent from that of the petitioners' as had been supposed.

Commissioner Phinney gained Commissioner Richards' concurrence in her understanding that, even if the petition were denied, the petitioners could informally present such evidence to the Commission as they might. She added her feeling that the evidence to which petitioners alluded is not set forth in the petition itself sufficiently to give the Commission reason to expect that such evidence exists and would be found convincing by the Commission.

Commissioner Crothers countered that the petition was simply a request to present the evidence.

Commissioner Hallock was informed by Ms. Willis that some five public hearings had occurred since the Department began modifying the rule in 1974. Commissioner Hallock said she'd seen nothing new presented since the rule was reviewed last January.

Commissioner Somers, holding out the possibility that an amended petition might be filed, noted a lack of detailed reasons for the requested change, reasons required by the administrative rules governing the petition's form.

Commissioner Richards informed Commissioner Crothers that, with the favorable votes of three Commissioners, any amended petition that might be filed in the future could be granted.

Mr. Anderson vigorously disclaimed any bad faith in petitioners' simultaneous administrative and judicial activities and explained that many of the petitioners were skeptical of the opportunity to present detailed evidence in an administrative forum open to the public. It was their contention that insufficient time would be allotted. He added it had been his suggestion that the Commission be given the opportunity to rule on the matter and that the lawsuit be processed simultaneously so that no time would be forfeited, should the petition not be well received by the Commission.

Commissioner Somers contended that the petitioners' election to move in judicial and administrative forums simultaneously costs the agency unnecessary legal fees, even during periods of imparlance. He cited monthly reports from counsel on the state of the case as one example of such ongoing costs.

Mr. Anderson stated he wished only to avoid undue delay in initiating the lawsuit since, if administrative resolution of the issues is not forthcoming, the lawsuit could be expected to take from nine to fourteen months to come to issue. He argued a substantial difference in the cost of a monthly report as opposed to the cost of actively defending a lawsuit.

Commissioner Richards stated his support of the motion to deny, noting that the Commission was not advised that the suit was simply filed to save time and that monies had been spent in the motion and deposition stages of the action. He added his recognition of legal issues which should be settled by the courts. He felt the divergence between the position of the petitioners and that of staff promised no compromise resolution. He stated his willingness to have the staff prepare promptly its recommendations as to what modifications of the rule, if any, should be accomplished. Commissioner Richards hoped for more definitive evidence on the propriety of the "50 lot" and "five mile" aspects of source review, noting that information from other states had not been available at the time of the previous hearings.

He noted that the rule may prove to be too lenient or too strict. He recalled information that, on some days, outlying areas around Eugene were exceeding CO standards by as much as 70%. He called for evidence as to whether these excesses were auto related and dangerous to people. It was asked if the staff could estimate in the next thirty or sixty days when the Regional Indirect Source Plans can be operative and beneficial to both developers and the agency.

The motion was carried with the support of Commissioners Phinney, Hallock, Somers, and Richards. Commissioner Crothers voted against the motion.

AIR CONTAMINANT DISCHARGE PERMIT: PGE BETHEL TURBINE GENERATING PLANT

Mr. John Hector of the Department's Air Quality Program read the conclusions of the staff report. He recalled that the matter had been the subject of a public hearing on September 29 and that additional written

testimony had been received since the hearing. The report concluded as follows: 1) Installation of mufflers and shotcreting have reduced perceptible turbine noise by 50% (3dB). 2) The facility complies with the Department's daytime octave band noise limits and, with one twin pack running, can comply with the nighttime octave band limits. 3) The octave band limits applied to the facility are more stringent than the statistical noise limits and allow for worst case conditions. 4) Noise measurements taken at 400 feet can be accurately extrapolated to ascertain levels on nearby noise sensitive property. 5) The facility makes no low frequency noise of sufficient amplitude to create an infrasound problem. 6) The facility does not exceed 45 dBA at any noise sensitive property. 7) Cessation or curtailment of operation (other than the limitation to one twin pack at night) is not warranted by air quality or noise regulations. 8) Justifiable operating restrictions, noise limitations and noise monitoring requirements have been incorporated in the proposed permit. 9) Agencies with expertise, such as BPA and PUC, can be consulted to determine if emergency conditions really exist during operation of the turbines. 10) At least annual review of the permit is warranted.

It was the Director's recommendation that the Department proceed toward issuance of the proposed Air Contaminant Discharge Permit for the Bethel facility by giving 30-day public notice, receiving public comment, and making such changes as might be warranted thereby before issuing the permit.

Mr. Hector summarized written testimony presented after the September 29 hearing. Alluding to a study by Goodfriend and Kessler submitted by Mr. Charles Frady, Mr. Hector noted that his measurements indicate no noise from the Bethel facility of the amplitude found to be troublesome by the study and noted that the Oregon standard in the 31.5 Hz Octave band would prohibit noise of such magnitude.

Mr. Hector noted that the nearest privately owned property was determined to be 110 feet closer to the source than had been supposed. He noted that projection of the data taken at 400 feet would result in noise levels at this property of .7 dB higher than was thought but still within the required Octave band levels.

Noise sensitive property owned by the company, he reported, had been the subject of a recent request by PGE for an exception as provided in the rules for noise sensitive property owned by the owner of the source.

Mr. Hector noted that the Department would expect to grant such exception if it were found in order and proposed that the permit deal with noise levels at the nearest third-party owned noise sensitive property as had been proposed.

Commissioner Somers received the verification of Mr. Steve Downs of the Salem-North Coast Region that his visit to the Backe residence had resulted in his observation of very slight ripples in a glass of water placed before an open window when the plant was in operation. Mr. Downs was unable to attribute the ripples to the operation of the Bethel plant. He cited vibrations from a nearby refrigerator or wind blowing through the windows as plausible alternative explanations.

Addressing himself to a low, throbbing vibration he experienced in the bathroom of the residence, Mr. Downs reported that Mr. Jack, who accompanied him, could not experience the throbbing which Mr. Downs reported was perceptible to him only with some concentration. He confirmed a similar experience in the bedroom. It was reported that the visit to the Backe residence lasted approximately one-half hour. He was unable to say whether the throbbing sensation could be described as audible.

Mr. Downs reported that a visit to the exterior of the Ringler residence had turned up a low rumbling, analogous to the sound of a distant freight train, without any throbbing.

Mr. Hector confirmed Commissioner Somers' understanding that, in the A weighted scale, any amplitude over 55 dB disturbs sleep habits. He noted that this would be an exterior measurement which takes into account some attenuation of the noise upon entering the residence. It was added that low frequency noise is not attenuated as much as A scale noise when entering a structure.

It was the recollection of Commissioner Somers that PGE representatives had previously assured the Commission that phenomena such as those reported by Mr. Downs were a nonexistent figment of the imagination.

Mr. Hector informed that, at the time of the testing under discussion, the wind was of such direction as to possibly enhance the noise levels at the Backe residence, and that the rural agricultural neighborhood was characterized by a relatively low ambient noise background which tended to emphasize noise of any kind. He told Commissioner Somers that the ambient levels in the neighborhood probably average less than 45 dBA and the neighborhood could be called a noise sensitive area in that respect.

Commissioner Somers suggested that, due to the low ambient average, any new noise might impact the residents of the neighborhood more than might occur in other neighborhoods. Mr. Hector concurred, adding that the regulations provide for an increase limitation of 10 dBA from any one source, a limitation that the Bethel facility reportedly does not exceed. He added that the noise produced in the "A" scale by Bethel was not generally a problem, in that low frequency noise prevails. He recalled that measurements as low as 35 dBA had been taken and that, with the plant operating the noise went up to 47 or 48 dBA at a location 400 feet from the plant. He added that at the nearest third-party owned noise sensitive property this increment would measure between 1 and 2 dBA. He explained the procedure for extrapolating measurements over distances by applying a noise attenuation correction factor.

Commissioner Somers expressed severe vexation at the conflicting testimony given by Mr. Downs and by representatives of PGE, recalling that PGE officials had first denied the existence of what Mr. Downs claims to have experienced, then promised to abate the problem with mufflers whose effectiveness was thoroughly belied by Mr. Downs' testimony. He asked Mr. Hector for a recommendation. Mr. Hector contended that the standards go only to audible noise, are protective, and do not insure absolute inaudibility of commercial/industrial noise sources.

Commissioner Somers quoted testimony given before the Legislature in 1971 by a PGE representative wherein it was alleged that the turbines would be a mobile, infrequently used, and innocuous. Commissioner Somers questioned whether there had been such misrepresentation to the Commission by PGE as would warrant outright denial of the permit pursuant to the administrative rules on the subject. He added that the intent of the Commission to cooperate with industry in solving problems was frustrated by misrepresentations.

Commissioner Richards held out the possibility that any misrepresentation might have been unintentional in view of the fact that the impact from the turbine was so subtle that only one of two Department technical people was able subjectively to perceive it. He noted that the facts indicate little audible noise. He suggested that the lack of regulations governing infrasound, coupled with the plant's compliance with regulations governing audible noise, might render the problem out of the Commission's jurisdiction. He distinguished these considerations from the possibility that a private nuisance action might lie.

It was the primary concern of Commissioner Richards that an appropriate time limit be set, not in excess of two years. He contended the Commission should review the matter soon, perhaps in the light of testimony which might be brought out during court proceedings and in the light of any resolution of the problem which might be obtained by the plaintiffs through the proceedings.

Commissioner Hallock voiced disagreement with the Director's feeling that there was insufficient information on which to base an operation hour limitation. She expressed disappointment that what was represented to be a portable and temporary installation had evolved into a permanent one. She felt that, in lieu of the harsh measure of requiring PGE to move the plant, it might be appropriate to require an hourly limitation for operations which would put a ceiling on both discomfort to the neighbors and inefficient use of fuels involved in operation. She lamented the fact that the neighbors of both the Bethel and Harborton plants were led to believe the plants would be temporary and would now have to suffer their presence on a permanent basis due to the laxity of the Commission and the respective city councils involved. In view of their newfound permanence, she argued that casual treatment of the plants was not in order.

Noting that peaking occurs usually in winter during the periods associated with arising, breakfasting, and evening meals, Commissioner Somers questioned whether it would be appropriate to limit use to the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 8:00 p.m., absent a power outage due to unforeseen circumstances.

Commissioner Phinney distinguished peaking usage from emergency usage, arguing that emergency use would not normally be necessary for peaking alone, but would be in conjunction with Trojan outage or some other emergency.

Commissioner Somers mentioned that the proposed permit is silent on the subjects of peaking and Trojan outage, and that it fails to define the word "emergency." He countered Commissioner Crothers' understanding that cost

alone would be a sufficient discouragement of undue operation, recalling that this cost was one of the arguments recently employed by the utility in obtaining a 35% rate increase from the Public Utilities Commissioner.

Mr. John Kowalczyk of the Department's Air Quality Program reported to Commissioner Phinney that the permit contains no hourly limitation, despite the possibility that a significant increase in operation over that of the last two years might cause violation of the standard for ambient oxides of nitrogen. This was said to be owing to the lack of data for projections with regard to the intensity of operation which would result in violation. He added that data is now being gathered in an attempt to reach a projection. Upon the realization of this goal, Mr. Kowalczyk reported, the staff would expect to return to the Commission with a recommendation for hourly operation limits. He explained further that the 200 hour figure appearing in the September 29 staff report was a subjective breaking point beyond which the staff would recommend requiring installation of control equipment whose cost, balanced against enhancement of air quality would, in staff's opinion, not be justified for operation of 200 hours per year or less. Mr. Kowalczyk affirmed Commissioner Phinney's understanding that oxides of nitrogen are a problem to be expected whose only unknown index was in terms of volume of operation. He agreed with Commissioner Richards that the intent of paragraph eleven of the proposed permit was to reserve to the Department power to require such control equipment as might become available during the term of the permit.

With regard to the permit condition allowing operation only in emergency conditions, Mr. Kowalczyk recalled staff discussions with BPA and other agencies of expertise regarding the basic need for installations such as Bethel. He concluded that "emergency" is a grey area appropriately reviewed in context at the time PGE might declare an emergency to exist.

Commissioner Phinney, empathizing with the staff's reluctance to set an hourly limitation without supportive data, questioned the wisdom of giving an open ended permit to such a problematic source, setting no hourly limitation whatever, other than the vague emergency clause.

Mr. Kramer contended that a limitation per se on an emergency situation would be irrational. He said there is no more reason to believe an emergency requirement, should one arise, could be met with five hours of operation than to believe five hundred hours might be necessary. He hypothesized the difficulty which would arise if, during an actual emergency, some arbitrary time limit was consumed prior to the termination of emergency need.

Commissioner Phinney was skeptical of the Department's ability, given the complexities of power distribution both in the Northwest and through the intertie, to intelligently evaluate any claim by PGE that an emergency actually exists.

Conceding that a determination could not be made immediately upon the inception of operation, Mr. Kramer suggested that borrowing upon the expertise of other agencies, such as BPA and PUC would result in an adequate follow-up evaluation of the claimed emergency. He added that misuse of the emergency clause by PGE, if the same occurs, would not be permitted in its repetition.

Alluding to the healthy prognosis for hydropower and the advent of Trojan power, Commissioner Phinney questioned what would be the objection to an hourly limitation, even if the same were arbitrary. She added her conjecture that the conditions leading up to an emergency might be avoided by an hourly limitation which would guide PGE in determining how much power to sell in the fall, knowing that emergency capacity is limited.

Commissioner Richards suggested an hourly operation limitation of sufficient magnitude might give PGE time to approach the Commission with a request for extension prior to the exhaustion of the limitation. In his calculation, a 1000 hour limitation would give the company to a month and a half to process a request for additional time.

It was the opinion of Mr. Raymond Underwood, Counsel to the Commission, that provision for such a contingency could be written into the permit. Mr. Underwood mentioned that the currently proposed permit calls upon the permittee to report any emergency operation to the Department and demonstrate the emergency's existence to the satisfaction of the Department. In Mr. Underwood's view, this requirement would provide the Commission with opportunity to review any emergency extending for a long period of time and guide the Department in determining if the conditions in play constitute sufficient emergency. In response to Commissioner Richards' inquiry, Mr. Underwood informed that, absent the Department's satisfaction that an emergency existed, the Department could revoke the permit under its own terms and seek injunction from further operation. Mr. Underwood further explained that the noise provisions were riding on the Department's authority to issue an Air Contaminant Discharge Permit since the Department has no authority directly to regulate noise by permit. He conceded that the Department's authority to impose the noise sanctions in the permit could be questioned and that, in his opinion, a court would find sufficient reason for their inclusion. Commissioner Richards and Mr. Underwood agreed that one effect of the noise provisions of the permit would be notice to the applicant of what noise emissions would be permissible under the noise emissions limitations which are enforceable by civil penalty.

It was Mr. Underwood's understanding that the applicant either had or would file an application for an exception to the Noise Regulations with regard to noise sensitive property located some 800 feet from the plant and owned in fee by the applicant subject to a life estate in its present occupant. It was further reported that the occupant had executed an affidavit supporting the applicant in the request. Commissioner Somers was of the opinion that the applicant alone would not have ownership standing to apply for such an exception whose availability is to owners of noise sensitive property who also own the source.

Alluding to the increasing number of private suits brought against public officials seeking personal liability damages for the erroneous exercise of official discretion, Commissioner Richards asked Mr. Underwood if he thought a more definitive definition of "emergency" could be reached which would require less discretion in its administration and still speak to the variety of circumstances which might occur. Mr. Underwood recalled that a previous attempt by company officials, staff members, and himself to accomplish this had been unsuccessful. Mr. Underwood noted that the company had agreed to the "emergency" conditions in the permit. This, he felt, might somewhat allay Commissioner Richards' concern. He did not rule out the possibility that some better definition might be reached with another attempt.

Commissioner Phinney suggested PUC or BPA officials might be able to contribute to the drafting of an iterative definition.

Commissioner Hallock suggested it might be well to turn the matter back to the staff until such an effort is made. She asked whether the Commission would take up a request from the Oregon Environmental Council, through attorney James Cartwright, that the Commission should seek a formal Attorney General's opinion on the issue of whether the Commission has authority to regulate infrasound.

Commissioner Richards found the issue an interesting one but mentioned that, according to the staff report, the Bethel question involves neither infrasound of measurable significance nor violation of any noise regulations currently in effect.

Commissioner Hallock wanted it to be known that she was disappointed that promises of portability had been succeeded by a proposal to grant an open-ended permit for the plant to operate in what had previously been a quiet residential-agricultural neighborhood. She questioned whether this turn of events would be consonant with the Commission's charge to protect the public health and welfare. She felt the best course would be for a permanent installation at Beaver to fill the power need despite the increased transmission costs. She called for cessation of the casual assumption that such small installations are merely temporary. Commissioner Hallock conceded the unlikelihood of realizing the above goal and suggested as a practical alternative a restriction in total operating hours and a permit term of less than five years.

Mr. Kramer expressed his willingness to have the staff consult with PGE, and PUC or BPA to see if an acceptable, more definitive, emergency clause could be reached. He cautioned, however, that there was no assurance that this effort would be successful.

Commissioner Richards suggested that the judgment of the Department as to the existence or nonexistence of emergency might be the best result obtainable in view of previous efforts by the Department and PGE to reach

a more definitive guideline. Commissioner Hallock held out the possibility that other agencies with more expertise in the matter could help. She questioned whether the current definition could result in emergency use while power is being sold to California users. Commissioner Phinney concurred that other agencies should be consulted due to their sophistication in matters of power exchange.

Commissioners Somers and Richards agreed that the matter might be tabled until the next meeting if the Commissioners could presently give some indication of the likelihood that the proposal, absent the deficiencies addressed by the Commissioners, would meet with success in the next meeting.

Commissioner Somers, noting that the Chairman and the Director had not been present at last year's meeting on the subject, explained his dissatisfaction with the applicant. It was his recollection that a spokesman of PGE had personally assured the Commission that the installation of mufflers would eliminate audible noise. This assurance, Commissioner Somers recalled, had elicited Commissioner Crothers' acquiescence in the previous permit, as well as that of other Commissioners. This misrepresentation, Commissioner Somers said, had left his credulity for present PGE promises somewhat strained.

It was Commissioner Crothers' recollection that PGE had promised to reduce audible noise to an acceptable level, not to eliminate it entirely.

Commissioner Richards invited a motion which would resolve as many issues as possible regarding the permit and turn the matter back to staff for new proposals regarding unresolved issues.

It was MOVED by Commissioner Phinney that the Commission suggest to the staff that they modify the permit to limit its term to two years, that they reexamine that matter of an operating hour limitation to reach a suggestion for some such limitation, and that they redefine the term "emergency". Commissioner Somers seconded the motion.

In discussion of the motion Commissioner Richards noted that his favorable vote would imply that if staff is able to accomplish satisfactorily the subject tasks, he would vote in favor of the modified permit at the next Commission meeting.

The motion carried with the favorable votes of Commissioners Crothers, Phinney, Somers, Hallock, and Richards.

VARIANCE REQUEST: PERMANEER CORPORATION'S DILLARD AND WHITE CITY PLANTS

It was MOVED by Commissioner Somers and seconded by Commissioner Hallock that the Director's recommendation with regard to the variance requests on agenda item G be adopted.

Mr. Frederic Skirvin of the Department's Air Quality Program presented the staff reports regarding the Permaneer Corporation's requested variances for its White City and Dillard plants. Recalling that the Commission had previously tabled this matter to await the applicant's proposed compliance schedule, Mr. Skirvin reported that the Company had provided compliance dates which the Department found acceptable with the added conditions of Departmental review each six months and the reserved right in the Department to make appropriate changes in the event of any significant improvement in the applicant's financial outlook.

It was the Director's recommendation that the variance be granted, preceded by a finding that strict compliance with the rules would be inappropriate in that it would result in substantial curtailment or shutting down of the Dillard facility, and subject to the conditions that: 1) the variance terminates on December 1, 1979, 2) the compliance attainment program submitted by the applicant on October 3, 1975 be incorporated into the applicant's Air Contaminant Discharge Permit, 3) the applicant be required to submit a review report on progress and validity of the compliance schedule each six months, 4) the Department reserve the right to advance the compliance dates as appropriate in the event of improved economic outlook, and 5) the variance may be revoked if the applicant fails to comply with its conditions.

Mr. Skirvin explained to Commissioner Richards that the finding with regard to strict compliance was an amendment added to the original recommendation due to statutory requirements.

Commissioner Richards noted that the emissions of the two Permaneer facilities were running approximately four times in excess of those allowed by the rules. Pointing out that the total cost of the improvement proposed during the life of the variance would indicate expenditures of \$15,000 per month, he asked if the variance would require this money to be spent on a monthly basis. It was Mr. Skirvin's understanding that the \$15,000 figure was simply the result of dividing total cost by total months. He was unable to say if the money was intended to be spent on a monthly basis or in other manners. He added that it was his understanding that the applicant would borrow the money necessary for improvements and commence to repay its loan at a rate of \$15,000 per month.

Mr. Larry Anderson, Chief Engineer of the Dillard plant informed the Commission on behalf of Permaneer that the compliance schedule had been arrived at by dividing the amount the company felt it could afford each month into estimated cost to find the number of months necessary. He confirmed Commissioner Richards' understanding that the monies might not be spent until on or slightly after the construction completion date, adding that the company would maintain a cash flow sufficient to pay for the construction upon completion. He further explained that the purchase order and design stages required by the Department, were to be handled by internal company staff and were not reflected in the cost figures.

It was Commissioner Somers view that the time taken to pay for the projects would be immaterial to the Commission so long as the construction of the controls remained on schedule as set forth in the increments of progress. Commissioner Richards concurred but added that he would not like to be approached a year from the present with a report that the company could not keep up with its schedule for failure to commit monies in a timely fashion.

Mr. Skirvin recalled the six-month review provision and stated it to be a stopgap against events such as Commissioner Richards described. He pointed out further that the arrangement in the schedules for construction were aimed at reducing the grossest sources at each plant first, leaving the lesser polluters until later.

Mr. Skirvin confirmed Commissioner Richards' understanding that the Director's recommendation with regard to the White City facility variance was analogous to that for the Dillard application. He added that White City is a non-attainment area which might require a revised strategy in the future.

Any such revision, he conjectured, would probably allow the type of controls that the applicant was proposing for White City.

VARIANCE REQUESTS: UNION CARBIDE FERROALLOY DIVISION AND SALEM IRON WORKS

Part of the Director's recommendations under agenda item G had included the following: 1) That a finding regarding the inappropriateness of strict compliance should precede the granting of a variance from the Commission's opacity and particulate emissions standards for Union Carbide's Ferroalloy Division for its number one furnace. 2) That the variance should extend to February 1, 1976 and provide for (a) cessation upon notification of adverse meteorological conditions, (b) three particulate source tests spanning the first two months of production of 50% ferrosilicon, and (c) the applicant's installation of a roof vent transmissometer to monitor at least thirty days of the operation during the life of the variance.

Mr. Tom Bispham of the Department's Portland Regional Office informed the Commission that review of the transmissometer installation plans had yielded the conclusion that expense would not be justified by expected benefits and that the Director would now recommend that the company provide a contrasting visual backdrop on the furnace roof vent and maintain a continuous timelog of furnace operation for correlation with the Department's visual evaluations.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and carried by Commissioners Phinney, Crothers, Somers, Hallock, and Richards that the amendment to the Director's recommendation as recited by Mr. Bispham be adopted as an amendment to the original motion on item G.

With regard to the variance request submitted by Gerlinger Industries of Salem, it was the Director's recommendation that the Commission enter a finding that strict compliance is inappropriate as causing of substantial curtailment or shutdown and issue a variance from the Commission's rules regarding opacity and particulate emissions. This would accompany an Air Contaminant Discharge Permit renewal conditioned on compliance by March 31, 1976, and the company's proceeding as rapidly as possible to complete its new foundry facility and shut down the Salem foundry, reporting on its progress on December 1, 1975, January 1, 1976 and February 1, 1976.

The motion of Commissioner Somers with regard to Agenda Item G, pertaining to the four variances discussed above, was carried with the supporting votes of Commissioners Phinney, Crothers, Somers, Hallock, and Richards.

POLICY PERTAINING TO LOG HANDLING IN OREGON WATERS

Mr. Harold Sawyer of the Department's Water Quality Program presented the staff report and noted that two written comments had been received by the Department after the closing date for public comment set by the Commission following its September 26 hearing on the matter of a log handling policy. One comment, he reported, had been from the State Forestry Department, citing concern over potential curtailment of log salvaging operations. The other was said to be from the League of Women Voters, urging a return to the previous, more strict, proposed policy and urging that no new facilities be allowed to employ water storage areas. Mr. Sawyer foresaw no detriment to log salvage operations and stated that the Director would decline to change his recommendation on the basis of the second comment. The Commission admitted these comments to the record.

It was the Director's recommendation that the Log Handling Policy as amended through September 29, 1975 and as set forth in the staff report be adopted and it was so MOVED by Commissioner Somers.

In response to criticism by the League of Women Voters to the clause in the Policy which recognizes the legitimacy of water transportation and storage in the water of logs, Commissioner Richards cited the support of the Oregon Constitution with regard to water transportation and asked if any of the other Commissioners felt uncomfortable with the clause.

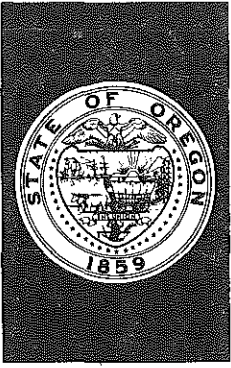
Commissioner Crothers opined that the Commission had taken a position centered between two polarized views and that he was satisfied. Commissioner Somers added that indiscrete dumping and storage, as opposed to other practices had constituted the problem and had been addressed in the policy. He noted that unfortunate tradeoffs in terms of energy consumption and the environment could flow from curtailment of transportation. It was Commissioner Richards' belief that the Policy would leave plenty of power in the hands of the Commission to deal with water quality problems associated with logs.

The motion, seconded by Commissioner Hallock, carried with the support of Commissioners Crothers, Phinney, Somers, Hallock, and Richards.

The Commission tabled Item D, a Proposal for an Expanded Air Quality Data Base Study for the Portland Metro Area accompanied by a slide presentation.

The Commission then adjourned the meeting.

It was decided after the meeting to postpone the November 21, 1975 Commission meeting until December 12, 1975.



ENVIRONMENTAL QUALITY COMMISSION

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

ROBERT W. STRAUB
GOVERNOR

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item B, December 12, 1975, EQC Meeting
October 1975 Program Activity Report

Discussion

Attached is the October 1975 Program Activity

Recommendation

It is the Director's recommendation that the Commission give confirming approval to the Department's plan/permit action for October 1975.

LOREN KRAMER
Director

RLF:ee

11/21/75

Attached

Department of Environmental Quality
Technical Programs

Plan & Permit Actions

October, 1975

<u>Water Quality Division</u>	<u>Page</u>
138 Plan Actions Completed - Summary	1
" " " " " " - Listing	2
28 Plan Actions Pending - Summary	1
49 Permit Actions Completed - Summary	9
" " " " " " - Listing	10
169 Permit Actions Pending - Summary	9
 <u>Air Quality Division</u>	
8 Plan Actions Completed - Summary	1
" " " " " " - Listing	14
15 Plan Actions Pending - Summary	1
41 Permit Actions Completed - Summary	15
" " " " " " - Listing	16
132 Permit Actions Pending - Summary	15
 <u>Land Quality Division</u>	
17 Plan Actions Completed - Summary	1
" " " " " " - Listing	20
18 Plan Actions Pending - Summary	1
14 Permit Actions Completed - Summary	21
" " " " " " - Listing	22
118 Permit Actions Pending - Summary	21

Department of Environmental Quality
 Technical Programs

Air Quality Monthly Activity Report

Water Quality

Land Quality
 (Program)

October 1975
 (Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	
<u>Air</u>							
Direct Sources	13	40	8	50			15
Indirect Sources							
Total	13	40	8	50			15
<u>Water</u>							
Municipal							
T & D	93	389	125	393			17
S & PS							
Industrial	21	83	13	65		5	11
Total	114	472	138	458		5	28
<u>Solid Waste</u>							
General Refuse	7	28	11	28			13
Demolition	1	1		1			2
Industrial		9	4	13			3
Sludge		3	2	4		1	
Total	8	41	17	46		1	18
<u>Hazardous Wastes</u>							
<u>GRAND TOTAL</u>	135	553	163	554		6	56

Department of Environmental Quality
Technical Programs

Monthly Activity Report

Water Quality
(Program)

October 1975
(Month and Year)

PLAN ACTIONS COMPLETED (139)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Municipal Sewerage Projects - (125)</u>			
USA (Rock Creek) Washington	Cont. 16, 17A, 17B, 18 & 19 Plus 6 Addenda - STP Project	10/1/75	Provisional Approval
Glendale Douglas	Montgomery & Willis Ave. Sewer	10/2/75	Provisional Approval
USA (Aloha) Washington	Cross Creek South Subdivision Sewers	10/2/75	Provisional Approval
USA (Durham) Washington	Equipment Purchases	10/2/75	Provisional Approval
Klamath Falls Klamath	College Ind. Park Sewer	10/2/75	Provisional Approval
Eugene Lane	Coburg Road Sewer	10/2/75	Provisional Approval
Eugene Lane	Fourth Avenue Sewer	10/2/75	Provisional Approval
Woodburn Marion	Hwy. 99E and Mt. Hood Avenue Sewer	10/2/75	Provisional Approval
Milwaukie Clackamas	Lateral B - Marycourt Sewer	10/2/75	Provisional Approval
Salem Marion	Hurl Acres Subdivision Sewer	10/2/75	Provisional Approval
Gold Hill Jackson	Lela Hatton Subdivision Sewer	10/2/75	Provisional Approval
Portland Multnomah	S.W. Flower Place Sanitary Sewer	10/4/75	Provisional Approval
BCVSA Jackson	C.O. #1 - S. Medford Trunk Sewer	10/6/75	Approval
Vernonia Columbia	Bill Nelson Sewer Extension	10/6/75	Provisional Approval

Department of Environmental Quality
Technical Programs

Monthly Activity Report

Water Quality
(Program)

October 1975
(Month and Year)

PLAN ACTIONS COMPLETED (139 continued)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Municipal Sewerage Projects (continued)</u>			
USA (Rock Creek) Washington	Contracts 21-27, STP Project	10/6/75	Provisional Approval
USA (Durham) Washington	C.O. #14, STP Project	10/8/75	Approval
Ontario Malheur	Treasure Valley Mobile Village Addition Sewers	10/8/75	Provisional Approval
Newberg Yamhill	Baker's Orchard Subdivision Sewers	10/8/75	Provisional Approval
Oak Lodge S.D. Clackamas	Oatfield Road Sewers	10/8/75	Provisional Approval
Marion	Mill Creek Park Addn. #4 Subdivision Sewers	10/8/75	Provisional Approval
Salem Marion	Salem Industrial Park, Phase IIA Sewer	10/8/75	Provisional Approval
USA (Tigard) Washington	Tippit Place Sewers	10/8/75	Provisional Approval
Gresham Multnomah	El Camino, Phase Ten Subdivision Sewers	10/8/75	Provisional Approval
Oak Lodge S.D. Clackamas	Ridgegate Subdivision Sewers	10/9/75	Provisional Approval
NTCSA Tillamook	3 Change Orders, Contr. II and IV.	10/9/75	Approval
Chiloquin Klamath	0.20 MGD Activated Sludge STP with Chlorination	10/10/75	Provisional Approval
USA (Tigard) Washington	Gevurtz Furniture Sewer exten.	10/10/75	Provisional Approval
McMinnville Yamhill	W. Airport San. Sewer Project No. 1975-13	10/10/75	Provisional Approval

Department of Environmental Quality
Technical Programs

Monthly Activity Report

Water Quality
(Program)

October 1975
(Month and Year)

PLAN ACTIONS COMPLETED (139 Continued)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Municipal Sewerage Projects (continued)</u>			
Milwaukie Clackamas	63rd Avenue Sewer	10/10/75	Provisional Approval
USA (Rock Creek) Washington	Add. #2 to each of Contracts 16, 17A, 17B, 18, and 19.	10/10/75	Approval
Ontario Malheur	Eastside Lift Station, S.E. 3rd Avenue	10/13/75	Provisional Approval
Portland Multnomah	S.W. 11th near Lancaster Sewer	10/13/75	Provisional Approval
Tualatin Washington	Nestucca Hills Sewer	10/13/75	Provisional Approval
USA (Durham) Washington	C.O. #6, STP Project	10/14/75	Approval
Oakridge Lane	Commercial Street Sewer	10/14/75	Provisional Approval
CCSD Clackamas	Stanhelma Hts. Subdivision Sewer	10/14/75	Provisional Approval
BCVSA Jackson	3 C.O. to W. Medford Trunk	10/15/75	Approval
Reedsport Douglas	Shepherd Estates Subdivision Sewer	10/15/75	Provisional Approval
Green S.D. Douglas	Sewer Extension near Hwy. 42 Crossing	10/15/75	Provisional Approval
Albany Linn	Cloverdale Farms Lift Station Shop Drawings	10/16/75	Provisional Approval
USA (Durham) Washington	C.O. #13 STP Project	10/16/75	Approval
Bend Deschutes	C.O. #2 - Grit Facilities	10/16/75	Approval

Department of Environmental Quality
Technical Programs

Monthly Activity Report

Water Quality
(Program)

October 1975
(Month and Year)

PLAN ACTIONS COMPLETED (139 Continued)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Municipal Sewerage Projects (continued)</u>			
Portland Multnomah	Umatilla P. S. & Int.	10/16/75	Provisional Approval
Depoe Bay S.D. Lincoln	Business Dist., Block 5 lateral	10/17/75	Provisional Approval
Salem (Wallace) Polk	Eola Heights Main A	10/20/75	Provisional Approval
USA (Willow Creek) Washington	C.O. - Willow Cr. Int. Phase 3	10/20/75	Provisional Approval
Portland Multnomah	Addendum #1, SE Umatilla Int.	10/20/75	Provisional Approval
USA (Rock Cr.) Washington	10 Contracts (20, 28A, 28B, 28C, 29, 30, 31, 32, 33, 34)	10/20/75	Provisional Approval
Gresham Multnomah	NW Battaglia Avenue Sewer	10/20/75	Provisional Approval
Talent (BCVSA) Jackson	Wagner Street Sewer	10/21/75	Provisional Approval
Corvallis Benton	Emil Bergstrom Sewer	10/21/75	Provisional Approval
Corvallis Benton	Michael Addition Sewer	10/21/75	Provisional Approval
Salem (Willow) Marion	Norris Lane & Mill St. Sewers	10/27/75	Provisional Approval
CCSD #1 Clackamas	OK Berry Farm No. 3 Sewers	10/27/75	Provisional Approval
Oak Lodge S.D. Clackamas	Arista Drive Sewers	10/27/75	Provisional Approval

Department of Environmental Quality
Technical Programs

Monthly Activity Report

Water Quality
(Program)

October 1975
(Month and Year)

PLAN ACTIONS COMPLETED (139 Continued)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Municipal Sewerage Projects (continued)</u>			
Reedsport Douglas	S. Hill Terrace Sewers	10/27/75	Provisional Approval
Reedsport Douglas	Lakewood Estates Nos. 2 & 4 Subdivision Sewers	10/27/75	Provisional Approval
Rufus Sherman	C.O. #6 & 7, STP Project	10/28/75	Approval
NTCSA Tillamook	C.O. #A-3 to Sch. I - STP Project	10/28/75	Approval
Portland (Col.) Multnomah	C.O. #2 - Pressure Outfall	10/28/75	Approval
Redmond Deschutes	York's Restaurant Septic Tank C12 & drain hole disposal	10/28/75	Approval
USA (Fanno) Washington	C.O. #4 & 5, Fanno Cr. Int.	10/29/75	Approval
USA (Rock Cr.) Washington	C.O. #1, Contr. 13, STP Project	10/29/75	Approval
USA (Metzger) Washington	S.W. Shady Lane Sewers	10/29/75	Provisional Approval
USA (Aloha) Washington	Bella Vista Subdiv. & Cross Creek South Subdivision Sewers	10/29/75	Provisional Approval
Salem (Wal.) Marion	Chatnicka Hts. Sewer Extensions	10/29/75	Provisional Approval
USA (Forest Gr.) Washington	Senko Village Subdivision Sewers	10/29/75	Provisional Approval
Sublimity Marion	C.O. #1 - Sch. P, Sewer Project	10/30/75	Approval
Pendleton Umatilla	Specs. and Add. #1 - Engine - Generator Set - STP	10/31/75	Provisional Approval

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PLAN ACTIONS COMPLETED (139 Continued)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Municipal Sewerage Projects (continued)</u>			
USA (Rock Cr.) Washington	Contract #35, Sludge Thickener STP	10/31/75	Provisional Approval
USA (Rock Cr.) Washington	Add. #1 to Contr. 21, 22A, 22B, 23, 24, 25, 26 & 27, Add. #2 to Contract 24.	10/31/75	Approval
Lake Oswego Clackamas	Harvey Way Trunk Sewer	10/31/75	Provisional Approval
Pendleton Umatilla	Hillview Addition #1 Sewers	10/31/75	Provisional Approval
<u>Industrial Waste Sources - 14</u>			
Astoria Clatsop	Astoria Plywood, Boiler Blowdown. Water Lagoon	9/16/75	Approval
Trask R. Br. Tillamook	Oregon State Highway Painting Methods	10/1/75	Withdrawn
Eugene Lane	J. H. Baxter Eliminate Process Waste Water Discharges	10/6/75	Approval
Drain Douglas	Drain Plywood Waste Collection	10/8/75	Approval
Eugene Lane	Greene's Meat Co., Drainage System	10/13/75	Approval
Willamina Yamhill	U. S. Plywood - Veneer Dryer Washdown System	10/13/75	Approval
Dayton Yamhill	Cruickshank Dairy Animal Waste	10/16/75	Approval
Portland Multnomah	Ameron Pipe Products - Waste Treatment Facilities	10/21/75	Approval

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PLAN ACTIONS COMPLETED (139 Continued)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Industrial Waste Sources (continued)</u>			
Portland Multnomah	Ross Island Sand & Gravel - Boise Plant - Upgrade Treatment Facilities	10/21/75	Approval
Springfield Lane	Willamette Industries Veneer Dryer Washdown	10/22/75	Approval
Highway 58 Lane	Parker & Son Tire Co. - Oil Sepa- rator for Wash & Service Slab	10/24/75	Approval
Dee Hood River	U. S. Plywood - Cooling Water Recycle	10/29/75	Approval
North Plains Washington	Permapost - Waste Water Collection and Evaporation System	10/29/75	Approval
Eugene Lane	Eugene Water & Electric Board Filter Backwash	10/30/75	Approval

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SUMMARY OF WATER PERMIT ACTIONS

	Applications Received				Permit Actions Completed				Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits			
	Month		Fis.Yr.		Month		Fis.Yr.							
	*]**	**]	*]**	**]	*]**	**]	*]**	**]						
<u>Municipal</u> ^{1/}														
New	0	1	1	1	0	0	0	4	1	2				
Existing	0	4	0	4	7	2	10	3	2	5				
Renewals	1	0	9	0	0	0	0	10	11	6				
Modifications	-	-	-	-	20	0	26	0	26	0				
Total	1	5	10	5	27	2	36	17	40	13	285	43	288	50
<u>Industrial</u>														
New	1	0	3	6	5	0	5	9	5	4				
Existing	1	1	3	4	1	2	3	9	7	11				
Renewals	6	0	10	1	0	0	0	17	13	16				
Modifications	-	-	-	-	12	0	23	1	47	1				
Total	8	1	16	11	18	2	31	36	72	32	415	61	427	75
<u>Other (Hatcheries, Moorages, Etc.)</u>														
New	1	0	2	0	0	0	0	0	2	0				
Existing	0	0	0	0	0	0	0	0	0	1				
Renewals	0	0	0	0	0	0	0	0	0	1				
Modifications	-	-	-	-	0	0	4	0	8	0				
Total	1	0	2	0	0	0	4	0	10	2	58	3	60	4
GRAND TOTALS	10	6	28	16	45	4	71	53	122	47	758	107	775	129

* NPDES Permits

** State Permits

^{1/} Includes all domestic sewage. Does not include municipally operated industrial waste facilities or water filtration plants.

^{2/} Since permit modifications do not always involve an application they have been left out of these totals.

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PERMIT ACTIONS COMPLETED (49)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Municipal Sources (29)			
Portland Multnomah	Columbia River Yacht Club Sewage Disposal	10/3/75	NPDES Permit Issued
Portland Multnomah	Stevens Moorage Sewage Disposal	10/3/75	NPDES Permit Issued
Portland Multnomah	Harbor -1 Moorage Sewage Disposal	10/3/75	NPDES Permit Issued
Drain Douglas	City of Drain Sewage Disposal	10/3/75	NPDES Permit Issued
Portland Multnomah	Pleasant Valley School Dist. Sewage Disposal	10/3/75	NPDES Permit Modified
Beaverton Washington	Unified Sewerage Agency Cedar Hills Treatment Plant	10/3/75	NPDES Permit Modified
Dundee Yamhill	City of Dundee Sewage Disposal	10/3/75	NPDES Permit Modified
Independence Polk	City of Independence Sewage Disposal	10/3/75	NPDES Permit Modified
Monmouth Polk	City of Monmouth Sewage Disposal	10/3/75	NPDES Permit Modified
Lowell Lane	City of Lowell Sewage Disposal	10/6/75	NPDES Permit Modified
Maupin Wasco	City of Maupin Sewage Disposal	10/6/75	NPDES Permit Modified
Monroe Benton	City of Monroe Sewage Disposal	10/6/75	NPDES Permit Modified
Oregon City Clackamas	City of Oregon City Sewage Disposal	10/6/75	NPDES Permit Modified
West Linn Clackamas	City of West Linn Bolton STP	10/6/75	NPDES Permit Modified

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City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Municipal Sources (29 con't)</u>			
West Linn Clackamas	City of West Linn Willamette STP	10/6/75	NPDES Permit Modified
Aumsville Marion	City of Aumsville Sewage Disposal	10/6/75	NPDES Permit Modified
Gervais Marion	City of Gervais Sewage Disposal	10/6/75	NPDES Permit Modified
Sheridan Yamhill	City of Sheridan Sewage Disposal	10/6/75	NPDES Permit Modified
Willamina Yamhill	City of Willamina Sewage Disposal	10/6/75	NPDES Permit Modified
Yamhill Yamhill	City of Yamhill Sewage Disposal	10/6/75	NPDES Permit Modified
Glendale Douglas	City of Glendale Sewage Disposal	10/10/75	NPDES Permit Modified
Lebanon Linn	Fairway Apartments Sewage Disposal	10/10/75	NPDES Permit Issued
Ashland Jackson	Callahan's Siskiyou Lodge Sewage Disposal	10/10/75	NPDES Permit Issued
Shady Cove Jackson	Shady Vista Mobile Park Sewage Disposal	10/10/75	NPDES Permit Issued
Knoxtown Curry	Knoxtown Sanitary Dist. Sewage Disposal	10/20/75	State Permit Issued
Wedderburn Curry	Wedderburn Sanitary Dist. Sewage Disposal	10/20/75	State Permit Issued
Gold Hill Jackson	City of Gold Hill Sewage Disposal	10/30/75	NPDES Permit Modified
Junction City Lane	City of Junction City Sewage Disposal	10/30/75	NPDES Permit Modified

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PERMIT ACTIONS COMPLETED (49)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Industrial & Commercial Sources - (20)</u>			
Sutherlin Douglas	Roseburg Lumber Company Sutherlin Log Pond	10/3/75	NPDES Permit Issued
St. Helens Columbia	Boise Cancade St. Helens Kraft Mill	10/3/75	NPDES Permit Modified
West Linn Clackamas	Crown Zellerbach Corp. West Linn Paper Mill	10/3/75	NPDES Permit Modified
Astoria Clatsop	Bumble Bee Seafoods Elmore Cannery	10/3/75	NPDES Permit Modified
Springfield Lane	Eugene Water & Electric Board Hayden Bridge Filter Plant	10/6/75	NPDES Permit Modified
Portland Multnomah	Simpson Timber Company Cooling Water	10/6/75	NPDES Permit Modified
Astoria Clatsop	Barbey Packing Corporation Portway Street Plant	10/6/75	NPDES Permit Modified
Astoria Clatsop	Ocean Foods of Astoria Fish Processing	10/6/75	NPDES Permit Modified
Harlan Lincoln	3-G Lumber Company Harlan Mill	10/6/75	NPDES Permit Modified
Warrenton Clatsop	Warrenton Deep Sea, Inc. Fish Processing	10/6/75	NPDES Permit Modified
Portland Multnomah	Chempro of Oregon Chemical Disposal	10/10/75	NPDES Permit Issued
Amity Yamhill	City of Amity Filter Plant	10/10/75	NPDES Permit Issued
Rainier Columbia	Cascade Energy Inc. Oil Refinery	10/14/75	NPDES Permit Issued
Columbia City Columbia	Charter Energy Company Oil Refinery	10/14/75	NPDES Permit Issued
Portland Multnomah	Columbia Independent Refinery Oil Refinery	10/14/75	NPDES Permit Issued

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PERMIT ACTIONS COMPLETED (49)

<u>City and County</u>	<u>Name of Source/Project/Site and Type of Same</u>	<u>Date of Action</u>	<u>Action</u>
<u>Industrial & Commercial Sources - (20 con't)</u>			
Albany Linn	Rem Metals Corporation Milling & Lubricating	10/20/75	State Permit Issued
Eugene Lane	Eugene Sand & Gravel Inc. Gravel Operation	10/24/75	State Permit Issued
Eugene Lane	J. H. Baxter & Company Wood Preserving	10/30/75	NPDES Permit Modified
Douglas	Roberts Creek Water District Filter Plant	10/30/75	NPDES Permit Modified

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PLAN ACTIONS COMPLETED

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (9)</u>			
Umatilla, Umatilla	Western Farmers Asso., new bulk fertilizer blending plant	10/1/75	Approved
Salem, Marion	Boise Cascade, new countercurrent pulp washers	10/15/74	Approved
Eagle Creek, Clackamas	Eagle Foundry Co., two new induction furnaces and asso- ciated grinding equipment	10/15/74	Approved
Toledo, Lincoln	Georgia Pacific Corp., wet scrubber on hog fuel boilers	10/16/75	Cancelled
White City, Jackson	Eugene Burrill Lumber, multi- clone for hog fuel boiler	10/20/75	Approved
Toledo, Lincoln	Georgia Pacific Corp., C.P.C. dry scrubbers for hog fuel boilers #3 and #4.	10/20/75	Approved
Central Point, Jackson	Hilton Fuel, two new cyclones to wood waste	10/21/75	Approved
Newport, Lincoln	Pacific Communities Hospital, new 200 lb. batch fed incinerator	10/21/75	Approved
Portland, Multnomah	Columbia Steel Casting, replacement of two existing bag- houses with one baghouse for the sand handling system	10/22/75	Approved

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SUMMARY OF AIR PERMIT ACTIONS

	Applications Received		Permit Actions Completed		Permit Actions Pending	Sources under Permits	Sources Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
<u>Direct Sources</u>							
New	1	2	0	1	3		
1/Existing	9	20	25	262	76		
Renewals	0	3	4	15	19		
Modifications	1	3	6	12	6		
Total	11	28	35	290	104	1983	2062
<u>Indirect Sources</u>							
2/New	6	25	6	11	28		
Existing	NA	NA	NA	NA	NA		
Renewals	NA	NA	NA	NA	NA		
Modifications	0	0	0	0	0		
Total	6	25	6	11	28	18	46
<u>Fuel Burning</u>							
New	(INCLUDED IN DIRECT SOURCES)						
Existing							
Renewals							
Modifications							
Total							
<u>GRAND TOTALS</u>	17	53	41	301	132	2001	2108

Footnotes:

1/ The pending permit actions are for sources that are operating on automatic extensions or on temporary permits. The majority of these permits will be issued during November and December, 1975.

2/ Approximately 50% of these pending permit actions are in the proposed permit stage and most of the remaining are awaiting information requested.

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PERMIT ACTIONS COMPLETED (41)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (35)</u>			
Multnomah, Portland	Rhodia, Inc. (26-2403), Herbicide Mfg.	9/23/75	Permit Issued
Washington, North Plains	Dant & Russel (34-2625), Wood Preserving, Boiler	9/24/75	" "
Multnomah, Portland	Flintkote (26-1845), Asphalt Felt & Coatings, Boiler	9/29/75	" "
Baker, Baker	St. Elizabeth Community Hospital (01-0026), Incinerator	10/10/75	" "
Coos, North Bend	Bayview Mfg. Company (06-0083), Sawmill	10/10/75	" "
Curry, Port Orford	Western Builders Supply (08-0037), Ready Mix	10/10/75	" "
Josephine, Grants Pass	Southern Oregon General Hospital (17-0054), Incinerator	10/10/75	" "
Malheur, Nyssa	Malheur Memorial Hospital (23-0019), Boiler	10/10/75	" "
Multnomah, Portland	Anodizing, Inc. (26-2942), Electroplating	10/10/75	" "
Tillamook, Bay City	Merritt Bros. Wood Products (29-0016), Shake & Shingle Mill	10/10/75	" "
Umatilla, Umatilla	Umatilla Hospital (30-0073), Incinerator	10/10/75	" "
Portable	O'Hair Construction Co. (37-0071), Asphalt Plant	10/10/75	" "
Deschutes, Redmond	Oregon Fir Supply Co. (09-0009), Sawmill	10/6/75	" "
Clackamas, Barton	Barton Sand & Gravel (03-2653), Rock Crusher	10/22/75	" "

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PERMIT ACTIONS COMPLETED (41 - con't)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (35 - con't)</u>			
Columbia, Rainier	Cascade Energy (05-2561), Addendum #1	10/20/75	Addendum Issued
Columbia, St. Helens	Charter Energy (05-2560), Addendum #1	10/20/75	" "
Multnomah, Portland	Columbia Independent Refinery (26-2919), Addendum #1	10/20/75	" "
Portable	Gordon H. Ball (37-0070), Addendum #1	10/16/75	" "
Umatilla, Hermiston	Lamb Weston (30-0075), Boiler	10/13/75	Permit Issued
Multnomah, Portland	Trumbull Asphalt (26-1815), Asphalt Blowing	10/13/75	" "
Multnomah, Portland	Shell Oil Company (26-2028), Asphalt Blowing	10/13/75	" "
Multnomah, Bridal Veil	Millington Lumber (26-2546), Sawmill	10/13/75	" "
Multnomah, Portland	Electro-Chem Metal Finishing (26-2804), Electroplating	10/13/75	" "
Clackamas, Molalla	Molalla Tie Company (03-1787), Sawmill	10/13/75	" "
Columbia, Clatskanie	Boise Cascade (05-1777), Sawmill	10/13/75	" "
Multnomah, Portland	Linnton Plywood (26-2073), Addendum #1	10/13/75	Addendum Issued
Multnomah, Portland	Georgia Pacific (26-2911), Wood Chip Storage	10/21/75	Permit Issued
Curry, Gold Beach	Curry County Road Dept. (08-0035), Rock Crusher	10/23/75	" "

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PERMIT ACTIONS COMPLETED (41 - con't)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (35 - con't)</u>			
Josephine, Grants Pass	Josephine General Hospital (17-0047), Boiler	10/23/75	Permit Issued
Malheur, Ontario	Andrews Seed Company (23-0012), Seed Cleaning	10/23/75	" "
Deschutes, Bend	Deschutes Memorial Gardens (09-0057), Incinerator	10/23/75	" "
Malheur, Nyssa	Albertson's Land & Cattle (23-0018), Boiler	10/23/75	" "
Jackson, Medford	Providence Hospital (15-0075), Boiler	10/23/75	" "
Multnomah, Portland	Owens Illinois (26-1876), Addendum #1	10/29/75	Addendum Issued
Yamhill, McMinnville	Cascade Steel Rolling Mills (36-5034), Steel Mill	10/29/75	Permit Issued
<u>Indirect Sources (6)</u>			
Portland, Multnomah	Steak & Ale Restaurant, 113 space parking facility	10/3/75	Permit Issued
S. E. Area, Multnomah	Albertsons, Inc., 131 space parking addition	10/3/75	" "
Tigard, Washington	McDonald's Inc., 81 space parking facility	10/10/75	" "
Beaverton, Washington	U-Mark Grocery Store, 106 space parking facility	10/31/75	" "
Cedar Mill Area, Washington	Tannasbourne, 201 space parking addition	10/31/75	" "
Portland, Multnomah	Warner-Pacific College, 172 space parking facility	10/31/75	" "

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PLAN ACTIONS COMPLETED (17)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Charleston, Coos	Joe Ney Sanitary Landfill Existing Site Operational Plan	8/6/75*	Provisional Approval
Coos Bay, Coos	City of Coos Bay Sludge Disposal Site Existing Site Operational Plan	8/26/75*	Letter of Authorization
Cascade Locks, Hood River	Cascade Locks Lumber Co. Existing Site Operational Plan	9/29/75*	Letter of Authorization
Oakland, Douglas	Oakland Transfer Station New Site Construction & Operational Plan	10/3/75	Provisional Approval
Green, Douglas	Roseburg Lumber Co. Green Disposal Site Existing Site Operational Plan	10/3/75	Approved
Dixonville, Douglas	Roseburg Lumber Co., Dixonville Disposal Site Existing Site Operational Plan	10/6/75	Approved
Dillard, Oregon	Roseburg Lumber & Plywood Plant #2 Existing Site Operational Plan	10-6-75	Approved
Grant County	Grant County Solid Waste Management Plan Regional Plan	10/7/75	Provisional Approval
Clackamas County	Alford/Gossen Project Gravel Removal - Sanitary Landfill, New Site Construction & Operational Plan	10/7/75	Comments to County Planning Commission
Gold Beach, Curry	City of Gold Beach Sludge Disposal Site Existing Site Operational Plan	10/15/75	Approved

*Not previously reported

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PLAN ACTIONS COMPLETED (continued)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Coos-Curry	Coos-Curry Interim Solid Waste Management Plan Regional Plan	10/15/75	Approved
Roseburg, Douglas	Roseburg Landfill Existing Site Channel Relocation & Operational Plans	10/16/75	Provisional Approval
Salem, Marion	Brown's Island Sanitary Landfill Existing Site Operational Plan	10/17/75	Provisional Approval
Whiteson, Yamhill	Whiteson Sanitary Landfill Existing Site Operational Plan	10/20/75	Provisional Approval
Lyons, Marion	Taylor Park New Site Operational Plan	10/22/75	Letter of Authorization
Moro, Sherman	Sherman County Disposal Site Existing Site Operational Plan	10/24/75	Approved
Joseph, Wallowa	Joseph Drop Box New Site Construction & Operational Plans	10/27/75	*Approved

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SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Applications Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Regr'g Permits
	<u>Month</u>	<u>Fis.Yr.</u>	<u>Month</u>	<u>Fis.Yr.</u>			
<u>General Refuse</u>							
New	<u>2</u>	<u>3</u>	<u>3</u>	<u>10</u>	<u>8</u>		
1/Existing			<u>3</u>	<u>19</u>	<u>73</u>		
Renewals	<u>2</u>	<u>8</u>	<u>3</u>	<u>13</u>	<u>3</u>		
Modifications	<u>2</u>	<u>4</u>		<u>4</u>	<u>2</u>		
Total	<u>6</u>	<u>15</u>	<u>9</u>	<u>46</u>	<u>86</u>	<u>188</u>	<u>196</u>
<u>Demolition</u>							
New		<u>2</u>		<u>2</u>			
Existing			<u>1</u>	<u>1</u>	<u>3</u>		
Renewals		<u>1</u>		<u>1</u>	<u>1</u>		
Modifications							
Total		<u>3</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>15</u>	<u>15</u>
<u>Industrial</u>							
New		<u>2</u>		<u>5</u>			
1/Existing			<u>3</u>	<u>14</u>	<u>24</u>		
Renewals		<u>3</u>		<u>5</u>	<u>3</u>		
Modifications			<u>1</u>	<u>1</u>			
Total		<u>5</u>	<u>4</u>	<u>25</u>	<u>27</u>	<u>77</u>	<u>86</u>
<u>Sludge Disposal</u>							
New							
Existing					<u>1</u>		
Renewals				<u>2</u>			
Modifications							
Total				<u>2</u>	<u>1</u>	<u>8</u>	<u>8</u>
<u>Hazardous Waste</u>							
New					<u>1</u>		
Existing							
Renewals							
Modifications							
Total					<u>1</u>	<u>0</u>	<u>0</u>
<u>GRAND TOTALS</u>							
	<u>6</u>	<u>23</u>	<u>14</u>	<u>77</u>	<u>118</u>	<u>288</u>	<u>305</u>

1/ The pending permit actions are for sites which are operating under a temporary permit. Permits are being drafted and will be issued within the next few months.

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PERMIT ACTIONS COMPLETED (14)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>General Refuse (Garbage) Facilities</u> (9)			
Coos	Shinglehouse Slough Landfill Existing facility	10/9/75	Permit issued.
Grant	Seneca Landfill Existing facility	10/9/75	Permit issued. (renewal)
Coos	Bandon Disposal Site Existing facility	10/15/75	Permit issued.
Coos	Joe Ney Disposal Site Existing facility	10/15/75	Permit issued.
Coos	Allegany Shop Disposal Site New facility	10/15/75	Permit issued.
Coos	Dellwood Shop Disposal Site New facility	10/15/75	Permit issued.
Grant	Hendrix Landfill Existing facility	10/15/75	Permit issued. (renewal)
Linn	Lebanon Landfill Existing facility	10/16/75	Permit issued. (renewal)
Marion	Taylor Park Disposal Site New facility	10/22/75	Letter Auth- orization issued.
<u>Demolition Solid Waste Disposal Facilities</u> (1)			
Polk	Fowler's Demolition Site Existing facility	10/28/75	Permit issued.
<u>Sludge Disposal Facilities</u> - None			

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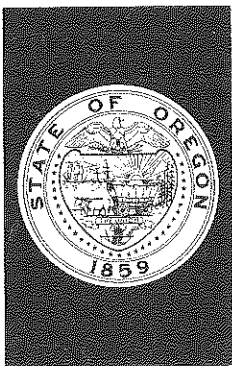
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PERMIT ACTIONS COMPLETED (continued)

City and County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Industrial Solid Waste Disposal Facilities</u> (4)			
Multnomah	Pacific Carbide & Alloys Co. Existing facility	10/7/75	Permit issued.
Linn	Teledyne Wah Chang, Albany Existing facility	10/24/75	Permit amended.
Josephine	Rough & Ready Lumber Co. Existing facility	10/28/75	Permit issued.
Lane	Georgia-Pacific, Irving Road Existing facility	10/31/75	Permit issued.



ENVIRONMENTAL QUALITY COMMISSION

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MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item C, December 12, 1975, EQC Meeting
Tax Credit Applications and Revocations

Attached are review reports on 12 Tax Credit Applications. These reports and the recommendations of the Director are summarized on the attached table.

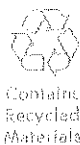
At the September 26, 1975, EQC meeting, tax credit certificates 618, 619 and 620 were issued pursuant to submitted applications, to Kaiser Cement and Gypsum Corporation. By letter dated November 3, 1975, Kaiser Gypsum Company, Inc., notified the Department that the applications which resulted in issuance of tax credit certificates 618, 619 and 620 were typed up in error and the official name in all three cases should have been Kaiser Gypsum Company, Inc. The company returned the three original certificates and requested reissuance of said certificates in the name of Kaiser Gypsum Company, Inc. Subsequently, the Department requested and received a letter from Kaiser Cement and Gypsum Corporation consenting to revocation of tax certificates 618, 619 and 620; expressly waiving the right to a hearing on such action, and specifically requesting re-issuing of the subject certificates in the name of Kaiser Gypsum Company, Inc.

Director's Recommendation

- 1) It is recommended that the Commission act on the twelve (12) applications for tax credit relief after consideration of the Director's recommendations on the attached table.
- 2) It is also the Director's recommendation that Tax Credit Certificates Nos. 618, 619 and 620 issued to Kaiser Cement & Gypsum Corporation be revoked and marked void and reissued as certificates Nos. 626, 627 and 628 to Kaiser Gypsum Co., Inc.

LOREN KRAMER
Director

Attachments
Tax Credit Summary
Tax Credit Review Reports



TAX CREDIT APPLICATIONS

<u>Applicant/Plant Location</u>	<u>Appl. No.</u>	<u>Facility</u>	<u>Claimed Cost</u>	<u>% Allocable to Pollution Control</u>	<u>Director's Recommendation</u>
Boise Cascade Corp. St. Helens	T-550R	Gas and turpentine collection system	\$412,883.00	80% or more	Issue
Jack R. Burkhart Dairy Farm Astoria, Oregon	T-551	Manure collection and storing system	18,933.00	80% or more	Issue
Robert L. Coats Bend, Oregon	T-622	Hot mix asphalt concrete paving plant	9,484.75	80% or more	Issue
Weyerhaeuser Co. Dellwood Sort Yard North Bend, Oregon	T-655	Six endless revolving steel conveyor chains with flights	209,208.00	80% or more	Issue
Weyerhaeuser Co. North Bend, Oregon	T-659R	Rainbird type sprinkler system	3,642.00	80% or more	Issue
Glacier Sand & Gravel Co. Pacific Bldg. Materials Portland, Oregon	T-685R	Recycle cement to concrete readymix plant	19,535.00	80% or more	Issue
Glacier Sand & Gravel Co. Pacific Bldg. Materials Portland, Oregon	T-686R	Recycle concrete truck wash wastes and return solids to aggregate	59,094.00	80% or more	Issue
Weyerhaeuser Company Wood Products Division Springfield, Oregon	T-708	Storage and collection basin for evaporating glue wastewaters	69,220.00	80% or more	Issue
Weyerhaeuser Company Wood Products Division Springfield, Oregon	T-710	Plant drainage ditch outlet control gate	30,690.00	80% or more	Issue

<u>Applicant/Plant Location</u>	<u>Appl. No.</u>	<u>Facility</u>	<u>Claimed Cost</u>	<u>% Allocable to Pollution Control</u>	<u>Director's Recommendation</u>
Weyerhaeuser Company Springfield, Oregon	T-711	Foam Control Tank	\$ 42,293.00	20% or more but less than 40%	Issue
Weyerhaeuser Company Springfield, Oregon	T-712	Wet scrubber for lime dust control	\$ 35,247.00	80% or more	Issue
Timber Products Company Medford, Oregon	T-717	Roofing and enclosing area where trucks dump wood waste	\$ 38,719.26	80% or more	Issue

Proposed November 1975, TOTALS

Air Quality	\$542,269.01
Land Quality	-0-
Water Quality	406,870.00
	<u>\$948,949.01</u>

TOTAL Certificates Awarded (monetary values)
since inception of Program (excludes
Proposed November 1975 Certificates)

Air Quality	\$ 94,399,942.74
Land Quality	18,860,518.27
Water Quality	80,000,286.78
	<u>\$193,260,747.79</u>

1975 Calendar Year TOTALS
(excludes November, 1975, Proposed figures)

Air Quality	\$ 16,662,848.78
Land Quality	4,636,110.63
Water Quality	14,330,448.29
	<u>\$ 35,629,407.70</u>

Certificates revoked at October 24, 1975 EQC Meeting

Air Quality	\$ 102,020.37
Land Quality	-0-
Water Quality	4,914.89
	<u>\$ 106,935.26</u>

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

1. Applicant

Boise Cascade Corporation
Paper Group
St. Helens, Oregon 97051

The applicant operates a pulp and paper mill in St. Helens, Columbia County, Oregon.

2. Description of Facility

The facility claimed in the application is a noncondensable gas and turpentine collection system. The system can be outlined as follows:

a. Vent gas disposal	\$ 71,050
b. Heat Recovery	151,150
c. Turpentine collection	122,510
d. Engineering, mill labor, etc.	68,173
	<u>\$412,883</u>

The facility was completed and placed into operation in November, 1972.

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

Facility costs: \$412,833 (accountant's certification was provided).

3. Evaluation of Facility

The Company was required to control the noncondensable gas from the digesters and multiple-effect evaporators in order to attain compliance with OAR Chapter 340, Section 25-165(d)(A). The Department reviewed and approved the plans and specifications for this facility.

This installation enabled the Company to control odorous gases from the digesters and their respective blow tanks. The noncondensable portion of the gases are ducted to lime kilns where they are burned. The condensibles are collected and separated for the removal of turpentine.

Although the turpentine collection system does give a return on the investment (approximately 1/4 gallon per ton of pulp at an estimated value of 28.5 cents per gallon), it is partly offset by the utilities and maintenance costs. The annual income derived from the claimed facility or value of recovered or reclaimed materials is approximately \$16,135 while the annual operating expenses run about \$9,745. The net annual value of \$6,660 can be realized from a capital expenditure of \$55,502 if a 12% return on investment is assumed. The remainder of the \$412,883 is allocable to pollution control which figures to 86.6%.

T-550 R
11/28/75
Page 2

The claimed facility does adequately reduce odors from the mill site.

It is concluded that while there is a return to the applicant from the claimed facility, 87% of the cost can be allocated to air pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$412,883 be issued for the facility claimed in Tax Credit Application No. T-550 R with 80% or more allocated to pollution control.

PBB:cs
11/28/75

Date October 21, 1975

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

1. Applicant

Jack R. Burkhart
Route 3, Box 403
Astoria, Oregon 97103

The applicant owns and operates a dairy farm, including some beef cattle, at Astoria, Oregon.

2. Description of Claimed Facility

The facilities were installed to collect and store manure for controlled distribution through an irrigation system which keeps drainage out of a tributary of the Lewis & Clark River. The claimed facilities consist of the following:

- a. A 24 foot diameter by 7 foot deep concrete tank with a 3 inch plank top.
- b. A concrete barn floor designed to drain to the manure tank.
- c. Mitchell manure pump.
- d. Irrigation system including 3,000 feet of 4 inch pipe and Rainbird gun mounted on a two wheel trailer.
- e. A Ford 9N tractor with mounted scraper to scrape manure solids to tank.
- f. Milk house and parlor drainage system to manure tank (150 feet of 4 inch pipe).
- g. Honeywagon (800 gallon capacity) and Daniel Brown 990 tractor for spreading manure in event of power or pump failure.

The facility was placed in operation in October, 1973; but not fully completed until September, 1975.

Facility cost: \$18,933.00 (Accountant's certification was provided).
Certification is claimed under the 1973 Act as amended in 1974 with 100% allocated to pollution control.

3. Evaluation of Application

Installation of the claimed facility does eliminate contaminated storm runoff from polluting the waters of the State. The applicant claims that the efficiency of the facility is 100% and that although the irrigation pipe is used for approximately two months per year for water irrigation, there is no profit derived from the installation of the facilities. The staff has verified that the facility is functioning as designed.

T-551
October 21, 1975
Page 2

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$18,933.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-551.

WDL:ahc
10-28-75

Appl T-622

Date November 10, 1975

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

1. Applicant

Robert L. Coats
P. O. Box 1008
Bend, OR 97701

The applicant owns and operates a hot mix asphaltic concrete paving plant, EI #09-0027, located off Johnson Road about three (3) miles north of Bend, Oregon.

2. Description of Claimed Facility

The claimed facility is described to be a dust collecting system consisting of a 6' diameter x 27' high vertical cyclone and a Todd air washer.

The claimed facility was completed and put into service in January 1969.

Certification is claimed under the 1969 Act with 100% being claimed as allocable to pollution control.

Facility cost: \$9,484.75 (Manufacturers invoice and certification were provided.)

3. Evaluation of Claimed Facility

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

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$9484.75, with 80% or more allocable to pollution control, be issued for the facility claimed in Tax Application T-622.

JAB:

Date October 29, 1975

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

1. Applicant

Weyerhaeuser Company
Southwest Oregon Region
Post Office Box 389
North Bend, Oregon 97459

The applicant owns and operates the Dellwood Sort Yard site on the South Fork of the Coos River for log dumping, sorting, rafting, and transportation to usage points such as the North Bend complex.

2. Description of Claimed Facility

The facility described in this application consists of six endless revolving steel conveyor chains with flights which receive logs and lower them slowly into the river. The chain conveyor is hydraulically driven. Loose bark and slab are dropped out to a conveyor which removes this debris to be hauled away. The facility includes:

- a. Log deck, waste conveyor, log conveyor structural steel and drive.
- b. Concrete construction.
- c. Hydraulic Control House and piping.
- d. Hydraulic motors.
- e. Necessary electrical wiring and controls.

Construction of the claimed facility was started in December, 1972. It was placed in operation in June, 1974; but was not finally completed until November, 1974.

Facility cost: \$209,208.00 (Accountant's certification was provided.)

Certification is claimed under the 1973 Act as amended in 1974 with 100% allocated to pollution control.

3. Evaluation of Application

The applicant claims that 9,000 cu. yds. of bark, yard residue, and rock are kept out of the river with the new facilities. The DEQ has, for some time, been receptive to such easy let-down devices for logs as a measure to improve water quality in these log handling areas. The staff has inspected the claimed facility and reports that it is operating as designed.

T-655
October 29, 1975
Page 2

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$209,208.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-655.

WDL:ahc
10-30-75

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

1. Applicant

Weyerhaeuser Company
P. O. Box 389
North Bend, Oregon 97459

The applicant owns and operates a chip export facility at its lumber, plywood and flakeboard mill on the Coos Bay waterfront in the town of North Bend, Oregon.

2. Description of Claimed Facility

The facility claimed in this application is described as a sprinkler system. Weyerhaeuser has installed 180° Rainbird-type sprinklers ten feet above the south chip and sawdust bulkhead to wet down the south end of the chip pile. Wetting down helps to confine the chip and sawdust particles inside the bulkhead. The facility was completed and put into operation on July 1, 1973.

Certification is claimed under the 1973 Act as amended in 1974 and the percentage claimed for pollution control is 80%.

Facility costs: \$3,642 (many receipts and accounting sheets were submitted to substantiate the claimed cost).

3. Evaluation of Application

The claimed facility is used to wet down the chips whenever they get dry enough to start drifting. The sawdust fines can migrate into the air or be blown directly along the ground into Coos Bay. A wetted pile does not drift as easily as a dry pile. The chips which blow onto the adjacent ground are contaminated with dirt. The action of this sprinkler system conserves the product, resulting in some savings. Therefore, Weyerhaeuser is claiming only 80% for tax credit.

The sprinkler system was inspected by the Department and it is believed that it is an effective aid for preventing air pollution from this source. It is concluded that the claimed sprinkler system reduces air and water pollution and that 80% or more of the cost could be allocated to pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$3,642 with 80% or more of the cost allocated to pollution control be issued for the facility claimed in Tax Application T-659.

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

1. Applicant

Glacier Sand & Gravel Company
Pacific Building Materials Division
3510 S.W. Bond Avenue
Portland, Oregon 97201

The applicant owns and operates a rock crushing and concrete ready mix plant on the Willamette River in Portland, receiving rock by river barge.

2. Description of the Claimed Facility

The facility was installed to recycle left over concrete returned in truck to the plant. The claimed facility consists of one Jadair-Slur-Ezz automatic concrete recycling machine with necessary structures, electrical and piping.

The claimed facility was completed and placed in operation October 1973.

Certification is claimed under the 1973 Act as amended in 1974.

Facility Cost: \$19,525 (Accountant's certification was attached to the application.)

3. Evaluation of the Application

Installation of the claimed facility was required by Waste Discharge Permit Condition and resulted in all left over concrete being recycled. Prior to this installation left over concrete was discharged to the banks of the Willamette River and often to the waters of the Willamette.

The applicant claims there is no profit derived from the operation of the claimed facilities.

Staff has inspected the claimed facilities and found them to be operating as designed.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the actual cost of \$19,525 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-685R.

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

1. Applicant

Glacier Sand & Gravel Company
Pacific Building Materials Division
3510 S.W. Bond Avenue
Portland, Oregon 97201

The applicant owns and operates a rock crushing and concrete ready mix plant on the Willamette River in Portland, receiving rock by river barge.

2. Description of Claimed Facility

The claimed facility was installed to recycle concrete truck washing waters and to return solids to the concrete aggregate so that they are not discharged to the river. The claimed facilities consist of:

- a. One Jadair Ready Mix truck wash unit, complete.
- b. One Hach Turbidimeter.
- c. Three sump pump installations.
- d. Necessary electrical wiring and controls.
- e. Pipe, fittings and valves.
- f. Concrete and steel structures.

The claimed facility was placed in operation 7/6/73 but not completed until 9/30/73.

Certification is claimed under the 1973 act as amended in 1974, with 100% allocated to pollution control.

Facility Cost: \$59,094 (Accountant's certification was attached to the application.)

3. Evaluation of the Application

Installation of the claimed facilities was required by waste discharge permit condition and resulted in reuse of all concrete truck washing waters. These waters previously were discharged to the bank of the Willamette River. The applicant claims there is no profit derived from the operation of the claimed facilities.

Staff has inspected the facilities and found them to be functioning as designed.

4. Director's Recommendation

It is recommended that a pollution control facility certificate bearing the actual cost of \$59,094 with 80% or more allocated to pollution control be issued for the facilities claimed in Tax Credit Application T-686R.

Date October 21, 1975

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

1. Applicant

Weyerhaeuser Company
Wood Products Division
Post Office Box 275
Springfield, Oregon 97477

The applicant owns and operates a wood products plant at Cottage Grove, Oregon, as part of the Springfield/Cottage Grove complex producing paperboard, particleboard, lumber, plywood, ply-veneer, and pres-to-logs.

2. Description of Claimed Facility

The claimed facility described in this application was installed to serve as a basin for collecting, storing, and evaporating glue wastewaters to comply with Condition S11 of Permit No. 1534J - "All glue wastewaters will be recirculated or otherwise controlled so they do not enter public waters." The facility consists of the following:

- a. Covered glue wastewater basin which is 34 feet wide by 300 feet long.
- b. Glue basin spray evaporation system.
- c. Concrete sump pump station and piping.
- d. Basin Shelter fence.

The claimed facility was completed and placed in operation April 25, 1975. Notice of Intent to Construct as required by ORS 468.175 was provided on June 13, 1974.

Facility cost: \$69,220.00 (Accountant's certification was provided.)
Certification is claimed under the 1973 Act as amended in 1974.

3. Evaluation of Application

Installation of the claimed facility did remove glue wastes from entering public waters as required by the NPDES permit. The staff has verified that the system is operating as designed.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$69,220.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-708.

Date October 28, 1975

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

1. Applicant

Weyerhaeuser Company
Wood Products Division
Post Office Box 275
Springfield, Oregon 97477

The applicant owns and operates a wood products plant at Cottage Grove, Oregon, part of the Springfield/Cottage Grove complex producing paperboard, particle-board, lumber, plywood, ply-veneer, and pres-to-logs.

2. Description of Claimed Facility

The facility described in this application is a plant drainage ditch outlet control gate which was installed to measure flow, remove oil and floatable solids, and to provide a means of containing spills of hazardous materials. It consists of the following:

- a. Drainage ditch cofferdam and concrete structure.
- b. Sluice gates and catwalk.
- c. Sump and pump to store and remove skimmed material.
- d. Skimmer and weir.
- e. Flow meter and recorder.

Notice of Intent to Construct, as required by ORS 468.175, was provided on June 13, 1974.

The facility was completed and placed in operation December 20, 1974.

Facility cost: \$30,690.00 (Accountant's certification was provided.) Certification is claimed under the 1973 Act as amended in 1974 with 100% allocated to pollution control.

3. Evaluation of Application

Installation of the claimed facility removed pollutants such as oil, grease, and floatable solids from the effluent to the Coast Fork of the Willamette River as required in the NPDES Permit. The applicant claims almost 100% removal. The staff has inspected the claimed facility and reports that it is operating as designed.

T-710
October 28, 1975
Page 2

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$30,690.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-710.

WDL:ahc
10-30-75

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

1. Applicant

Weyerhaeuser Company
P. O. Box 275
Springfield, Oregon 97477

The applicant owns and operates a wood products complex in Springfield, Oregon.

2. Description of Claimed Facility

The claimed facility is a foam tower for the vent of the Kamyr filtrate tank system. The claimed facility consists of:

- a. Tank
- b. Foam-Breakers
- c. Piping
- d. Structural steel and electric motor.

The Kamyr tanks receive black liquor filtrate washed from the pulp. Filtrate contains turpentine, sulfur compounds, fiber and entrained air which foamed and overflowed the tank system. This foam overflow released noxious fumes to the air; it released black liquor, fiber and turpentine to the plant's sewer system. The overflow is now released to the claimed facility where the foam is reduced to a liquid and reclaimed. The products captured are:

- a. Black liquor and fiber, returned to the filtrate,
- b. Turpentine, about 50 gallons per day, reclaimed,
- c. Noncondensibles (including TRS), mostly entrained with the reclaimed filtrate.

The facility was started on May 22, 1973, completed on December 25, 1973 and placed into operation on December 31, 1973.

The application is submitted under the 1973 Act as amended in 1974 and the percentage claimed for pollution control is 100%.

Facility costs: \$42,293 (accountant's certification was provided).

3. Evaluation of Application

Weyerhaeuser was required by the Department to control miscellaneous sources of TRS by Item 22 of their Air Contaminant Discharge Permit No. 20-8850 issued August 2, 1973. Weyerhaeuser knew of this pollutant leak in the Kamyr filtrate system and continued their odor abatement program with this project which was begun in May 1973. There was no notice of construction submitted to the Department on this project, nor was one required by Tax Credit Law at that time.

Besides reducing odor emissions, the project is reclaiming turpentine at an estimated 50 gallons per day. The value of this turpentine has ranged from 17¢ to 40¢ per gallon in 1974 and 1975. An average value is estimated at 28.5¢ per gallon. At 28.5¢ per gallon, 50 gallons per day, 353 days per year, \$5,030 worth of turpentine per year is recovered. This is accomplished by annual expenditures on the facility of \$1,200 for labor, maintenance and utilities estimated by Weyerhaeuser. The net annual value of \$3,830 can be realized from a capital investment of \$31,919 if a 12% return on an investment is assumed. The remainder of the \$42,293 could be allocable to pollution control which figures to 24.5%.

It is therefore concluded that the cost of the foam tower is partly offset by the value of one of the materials reclaimed. Weyerhaeuser can justifiably claim 24.5% of the project's cost for controlling odors.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$42,293 be issued for the facility claimed in Tax Credit Application No. T-711, with 20% or more, but less than 40% allocated to pollution control.

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

1. Applicant

Weyerhaeuser Company
P. O. Box 275
Springfield, Oregon 97477

The applicant owns and operates a linerboard kraft mill in Springfield, Lane County, Oregon.

2. Description of Claimed Facility

The claimed facility is a wet scrubber which captures lime dust from the conveyors and tanks around the mill's three lime kilns. It consists of:

- a. Ducon type UW-4, Model III, size 48 wet scrubber
- b. Pipe and duct work
- c. Structural steel and motors

The facility construction was started on October 4, 1973, completed on February 20, 1974 and placed in operation on February 22, 1974.

The application is submitted under the 1973 act as amended in 1974 and the percentage claimed for pollution control is 100%.

Facility costs: \$35,247 (accountants' certification was provided).

3. Evaluation of Application

The Weyerhaeuser Company recognized that it had a serious fugitive dust problem from the lime dust generated in handling the lime from their kilns through conveyors and elevators to their storage and slaking tanks. The lime dust was a potential health hazard to their own employees and in a lesser degree to the surrounding population. In 1973 they started the claimed facility without the knowledge or approval of the Department or Lane Regional Air Pollution Authority. The project was begun before the prior approval requirement of tax credits became effective.

The project is now complete, it has been inspected by the Department and has controlled the fugitive dust problem. The Ducon scrubber has proved to be a high maintenance item, so that the value of the reclaimed lime is more than offset by the cost of running the scrubber.

It is concluded that the scrubber was installed as an air pollution control project and that 100% of the cost can be allocated for air pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$35,247 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-712.

Date October 27, 1975

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

1. Applicant

Timber Products Company
P. O. Box 1669
Medford, Oregon 97501

The applicant owns and operates a plywood and particleboard plant in Medford, Oregon.

2. Description of Claimed Facility

The claimed facility consists of roofing and enclosing an area where trucks dump wood waste. The claimed facility consists of:

1. Contractor charges for labor, etc.
2. Wooden beams, lumber, plywood and paint.
3. Viking Automatic Sprinklers.
4. Roofing, 22 squares.
5. Miscellaneous electrical, steel, freight.

The facility was started in January, 1974, operating in October, 1974, and completed in November, 1974.

The application is submitted under the 1969 Act and the percentage claimed for air pollution control is 100%.

Facility costs: \$38,719.26 (Accountant's certification was provided)

3. Evaluation of Application

Timber Products was required by the Department to enclose their truck dumper to minimize sawdust fugitive emissions, as stated in condition 6, section B of their air contaminant discharge permit which was issued December 14, 1973. The permit draft was sent to Timber Products for review on August 6, 1973. A staff member inspected the truck dumper and reviewed plans for the claimed facility on September 25, 1973, indicating Department approval, all of which is documented in a staff report of the same date.

The claimed facility is considered to be operating in compliance with Department standards, and serves no other function. It is concluded that the facility was constructed solely for air pollution control and is eligible for 100% tax credit.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$38,719.26 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-717.



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Bud Kramer cc: KHS, HMP, HLS Date: December 10, 1975
From: E. J. Weathersbee *[Handwritten initials]*
Subject: Tax Credit Applications

Attached are three tax credit applications for which processing was completed by the staff after the deadline for completion, and mailing to EQC members, of materials to be dealt with at the December 12 EQC Meeting.

These applications are as follows:

Applicant/Plant Location	Appl. No.	Facility	Claimed Cost	% Allocable to Poll'n Control	Staff Rec.
Willamette Industries Dallas Plywood Plant	T-718	Veneer dryer controls	\$187,517.87	80% or more	Issue
Georgia-Pacific Corp. Toledo Kraft Pulp & Linerboard Mill	T-720	Particulate monitors	8,647.00	80% or more	Issue
Publishers Paper Co. Oregon City Plant	T-721	Newspaper recycle plant	605,866.00	100%	Issue

The applicants have requested special handling of these applications and consideration by the Commission at the December 12, 1975 meeting, if possible, in order to make the facilities eligible for tax credit during the 1975 tax year.

It is suggested you might bring these to the attention of the Commission members at the breakfast meeting to see if they would want to consider them at the December 12 meeting even though they have not had the staff reports for prior evaluation.

Two of the dollar amounts are quite large but all are considered by the staff to be clearly eligible for tax credit in the amounts recommended.

In addition, we received a telephone call from Weyerhaeuser Co., after the agenda materials were put together and sent, requesting withdrawal of Application T-711. This telephoned request was requested to be backed up by a letter and will be presented by staff at the December 12 meeting.

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

1. Applicant

Willamette Industries
3825 First National Bank Tower
1300 S.W. Fifth Avenue
Portland, Oregon 97204

The applicant owns and operates a plywood plant at Dallas, Linn County, Oregon.

2. Description of Claimed Facility

The facility claimed in this application consists of a Becker Sandair Filter used to clean the blue haze exhaust from three veneer dryers. It is made up of:

a. Becker Sandair Filter, 8 cell unit, treating 34,000 acfm	\$157,900
b. Transformers, 1,000 KVA	11,415
c. Electrical, plumbing, installation (labor and materials)	8,438
d. Transmission line, 240 V, installed	6,302
e. Transformer building	3,463

The facility was begun on April 24, 1975, completed on July 25, 1975, and placed in operation on August 1, 1975.

Certification is claimed under current statutes and the percentage claimed for pollution control is 100%.

Facility costs: \$187,517.87 (Accountant's certification is provided).

3. Evaluation of Claimed Facility

The Dallas plant of Willamette Industries was required by Mid-Willamette Valley Air Pollution Authority Regulation 33-145 to clean up the blue haze being emitted from their three veneer dryers. The specific requirements were written into Stipulation and Order 72-2432-13 and into their Air Contaminant Discharge Permit. After investigating several systems, the Becker Sandair filter was chosen. Mid-Willamette Valley Air Pollution Authority records substantiate that Willamette Industries gave prior notice on the project and received approval from the Authority.

The claimed facility was inspected for compliance twice in August 1975 and twice in September 1975. The Salem Office of the Department has confirmed that the unit is accepted as being in compliance and that it effectively limits the emissions to a level not exceeding 5% opacity.

The claimed facility gives Willamette Industries no economic return, so that it is concluded that 100% of its cost can be allocated to air pollution control.

T-718
11/20/75
Page 2

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$187,517.87 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-718.

PBB:cs
11/24/75

State of Oregon
 Department of Environmental Quality
 Tax Relief Application Review Report

1. Applicant

Georgia-Pacific Corporation
 Toledo Division
 P. O. Box 580
 Toledo, Oregon 97391

The applicant owns and operates an unbleached kraft pulp and linerboard mill in Toledo, Oregon.

2. Description of Facility

The facility claimed in this application consists of particulate measuring instruments which monitor the Na_2SO_4 escaping from the three electrostatic precipitators which clean the stack gas from the three recovery furnaces. The claimed facility is:

a. Uni-Loc Model 1032 and ancillary equipment	\$7,095
b. Installation	1,012
c. Materials and supplies	540

The facility was ordered in July 1973 and initially placed in operation in October 1973 and fully completed in March 1974.

Certification is claimed under current statutes and the percentage claimed for pollution control is 100%.

Facility costs: \$8,647 (receipts and invoices were submitted to substantiate the cost).

3. Evaluation of Application

Georgia-Pacific was required to do this work by Monitoring and Reporting Condition 21 b of their Air Contaminant Discharge Permit No. 21-0005 issued by the Department on August 2, 1973. A draft of the permit was sent to Georgia-Pacific on July 12, 1973.

No request for approval was made to the Department on this project, nor was one requested or required by Tax Credit Law at that time.

The equipment is providing data to Georgia-Pacific and to the Department monthly and is serving to discover upsets and early performance degradation in the electrostatic precipitators cleaning the waste flue gas from the mill's recovery furnaces. It is an effective tool in controlling the emissions from this equipment besides measuring the emissions.

Therefore, it is concluded that 100% of the claimed facility's net cost is allocable to air pollution control.

T-720
12/2/75
Page 2

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$8,647 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-720.

PBB:cs
12/5/75

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

1. Applicant

Publishers Paper Company
419 Main Street
Oregon City, Oregon 97045

The applicant owns and operates the Publisher's Paper Company Pulp and Paper Mill at Oregon City, Oregon. The applicant established a prototype waste newsprint recycling plant by utilizing new and converted used equipment from the existing plant in a new process.

2. Description of Claimed Facility

The claimed facility is utilizing used newspaper which is pulped, deinked and processed to produce reusable pulp for paper manufacturing and consists of:

- A. Process equipment
 - a. Feed system
 - b. Repulper and extraction box
 - c. Dump chest
 - d. High density cleaner
 - e. Deflaker and rough screen
 - f. First and second stage extractor's
 - g. Screens, cleaner, thickener
 - h. High density tank
- B. Storage facilities and other structures
- C. Other ancillary equipment including tanks, pumps, agitators, piping and valves, electrical and control equipment.

The claimed facility was placed in operation in October 1975. Certification is claimed under ORS 468.165 (1)(b) as a facility which obtains useful material or energy resources from material that would otherwise be solid waste. Facility cost: \$605,866 (Accountant's certification was attached to application.)

3. Evaluation of Application

The primary reason for installation of this facility was to achieve viable utilization of a used newsprint. The newly developed demand for this secondary material will create a stable market for the sale of waste newspaper collected by the public for recycling. On a daily basis the facility will convert about 40 tons of used newspapers into a reusable pulp for manufacture of newsprint or industrial towellings.

T-721
12/9/75
Page 2

The facility is discharging the ink containing water to the existing biological treatment facility.

The annual income derived from the value of recovered newspaper and the annual operating expense are unknown at the present time. The company claims that the lowest acceptable return on an investment, before taxes, which will justify an investment is 40%.

The Department concludes that the claimed facility meets the requirements of ORS 468.165 (1) (b) and is therefore eligible for certification.

4. Director's Recommendations

It is recommended that a Pollution Control Facility Certificate be issued pursuant to ORS 468.165 (1) (b) for the claimed facilities in Application T-721, such certificate to bear the actual cost of \$605,866.

MS:sa
12/9/75



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The Dalles

To: Environmental Quality Commission

From: Director

Subject: Agenda Item D(1), December 12, 1975 EQC Meeting

Recommendation to Adopt Permanent Rule re: Amendments to Regulations Pertaining to Deposit of Motor Vehicle Bodies and Accessories into Waters of the State (to Permit Construction of Artificial Fishery Reefs Using Discarded Tires, Pursuant to SB944).

Background

This rule (Attachment A) was adopted as a temporary Rule by the EQC on August 22, 1975. See the staff report (Attachment B) of that meeting for additional information.

Discussion

Mr. Butler of the Fish and Wildlife Commission's Newport Laboratory reports that delay in gaining approval from the Corps of Engineers has prohibited the commencement of construction of the proposed fishery enhancement reef in Tillamook Bay. This project has been approved by the Department. As of November 12, the necessary approval from the Corps of Engineers was expected to be forthcoming shortly. It is the intent of the Fish and Game Commission, Mr. Butler reports, to commence construction immediately upon approval. If the reef is found satisfactory, more reefs are contemplated for offshore locations.

The temporary rule was filed on August 27 and, unless made permanent, will expire on December 26.

A public hearing on the proposed rule, preceded by the statutorily required notice, was conducted on November 10, 1975, and resulted in neither written nor oral testimony.



Contains
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Materials

Conclusions

1. A permanent rule amendment is needed to facilitate the construction of the Tillamook Bay fishery enhancement reef and other desired reefs after the expiration of the temporary rule.
2. No adverse testimony has been offered regarding the proposed rule.
3. All public participation requirements requisite to a permanent rule have been served.

Recommendation

It is the Director's recommendation that the temporary OAR Chapter 340, sections 46-015 to 46-025 be adopted as a permanent rule, effective upon filing by the Department with the Secretary of State on or prior to December 26, 1975.

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LOREN KRAMER
Director

ATTACHMENT A

(Proposed OAR Chapter 340, Sections 46-005(1) and 46-025(2) as adopted temporarily effective on August 27, 1975: DEQ 95).

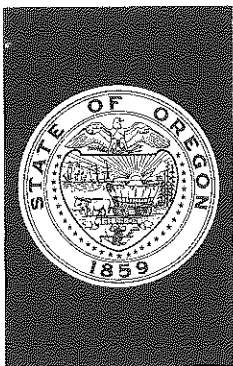
The PROPOSED AMENDMENTS are as follows (new matter underscored, deleted matter in brackets):

46-015 BENEFICIAL USES. Beneficial uses of motor vehicle bodies and parts thereof in the waters of the state or in locations where they may be likely to escape or be carried into said waters by any means.

- (1) The following are conditionally approved beneficial uses of motor vehicle ~~[shells]~~ bodies and parts thereof:
 - (a) Land reclamation projects
 - (b) Erosion control projects
 - (c) The construction of artificial reefs for fishery enhancement under auspices of the State of federal fishery management agencies.
- (2) Any approval of or permit for the projects in subsection 1 is subject to the more detailed requirements prescribed by these regulations and will not be approved where a more efficient method of control is readily available.
- (3) No other beneficial uses are approved by the Department.

46-025 SPECIFIC REQUIREMENTS.

- (1) If authorized for use, all motor vehicle bodies and parts thereof shall, prior to their deposit be:
 - (a) Effectively drained of all oil and fuel, chemicals and lubricants and any other potential water pollutant or contaminant.
 - (b) Have all glass and windows removed.
- (2)(a) Except as noted in sub-paragraph (b), any motor vehicle bodies and parts thereof deposited shall be completely covered and shall be secured with concrete or rock riprap or by other equivalent means in a manner to prevent their exposure and displacement.
- (b) Any motor vehicle bodies and parts thereof used in the construction of artificial reefs for fishery enhancement shall be secured in a manner to prevent their displacement.
- (3) The engineering plan required by Section 46-020 shall consider incorporation of natural surrounding ground cover as part of its design and shall provide an aesthetically compatible finished appearance.



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MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item L, August 22, 1975, EQC Meeting

Proposed Amendments to Regulations Pertaining to Deposit of Motor Vehicle Bodies and Accessories into Waters of the State to Permit Construction of Artificial Fishery Reefs Using Discarded Tires, Pursuant to SB 944

Background

By passing Senate Bill 944, the 1975 Oregon legislative assembly amended ORS 468.750 (when motor vehicle parts may be placed in waters of the State) to allow the inclusion of tires, which were previously excluded. The intent of SB 944 is to permit the use of automotive tires in the construction of artificial reefs for fishery enhancement.

The existing rules relative to ORS 468.750 contemplate the use of motor vehicle bodies and parts thereof for only two limited purposes: (a) land reclamation and (b) erosion control. Thus, certain changes in the existing rules are needed to permit the use of tires for the construction of artificial reefs.

Proposed Rule

Pursuant to the intent of SB 944, the DEQ hereby proposes the following amendments to Oregon Administrative Rules Chapter 340, Division 4, Sub-division 6:

46-015 (1) Add a new sub-paragraph (c) as follows:

(c) The construction of artificial reefs for fishery enhancement under the auspices of the State or federal fishery management agencies.



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46-025 (2) Modify the existing section and add a new sub-paragraph as follows:

(2) (a) Except as noted in sub-paragraph (b), any motor vehicle....

(b) Any motor vehicle bodies and parts thereof used in the construction of artificial reefs for fishery enhancement shall be secured in a manner to prevent their displacement.

Copies of SB 944 (ORS 468.750 as amended) and OAR Chapter 340, Division 4, Sub-division 6, with proposed changes, are attached herewith for your information.

Discussion

Senate Bill 944 becomes law in mid September, 90 days following closure of the legislative session. In anticipation of the law's effective date, the Oregon Department of Fish and Wildlife has applied for the three required permits that would allow them to build a desired experimental, artificial reef in Tillamook Bay. These permits must be issued separately by the Oregon Division of State Lands, Department of Environmental Quality and the US Army Corps of Engineers.

The Department of Fish and Wildlife is anxious to complete the reef construction before the fall storms begin, about mid October. Otherwise, construction must be delayed until the summer of 1976.

The Corps of Engineers has circulated a public notice (No. 071-OYA-1-001683) relative to the permit application. Their public notice also carried attached a public notice from the DEQ announcing the State's intention to certify the project in keeping with the dictates of Section 401, Public Law 92-500. Neither the Corps nor the DEQ received any adverse comment, from either the public or other agencies, on the proposed artificial reef project. Likewise, the Division of State Lands has not received opposing comments.

The crux of the situation lies in the fact that the Corps cannot issue their permit without Division of State Lands approval, and the Division of State Lands cannot take action until the DEQ adopts necessary regulations and issues a permit.

It is therefore proposed that the EQC adopt the above proposed rule changes on a temporary basis, to become effective the same day the law becomes effective. The DEQ will, in turn, work with the Department of Fish and Wildlife on the preparation and issuance of a permit that will also become effective simultaneously with the law.

Director's Recommendation

It is recommended that the Commission act as follows:

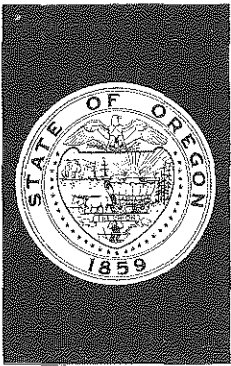
- 1) Enter a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the parties involved for the specific reason that unless the proposed temporary rule is adopted to allow the prompt issuance of a permit, the construction of the experimental reef in Tillamook Bay will be delayed until the summer of 1976.
- 2) Adopt the proposed temporary rule amendment to become effective immediately upon the effective date of SB 944.
- 3) Instruct the Department to initiate the requisite public notice and hearing procedures toward the possible adoption of the proposed rule on a permanent basis.



LOREN KRAMER

GDC:elk

August 18, 1975



ENVIRONMENTAL QUALITY COMMISSION

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ROBERT W. STRAUB MEMORANDUM

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The Dalles

To: Environmental Quality Commission

From: Director

Subject: Agenda Item D(2), December 12, 1975, EQC Meeting

Recommended Permanent Rule Adoption of the Temporary
Rule Broadening Exemptions from Surety Bond Requirements
for Certain Subsurface Sewage Disposal Facility Construction

Background

The proposed rule (Attachment A) was adopted as a temporary rule on September 26, 1975 (DEQ 99). See the staff report from the September 26 meeting (Attachment B) for additional details.

Discussion

The temporary version of the proposed rule became effective on October 1, 1975 and, unless perpetuated, will expire on January 29, 1976.

The rule implements recent legislation and addresses itself to circumstances of subsurface sewage disposal facility construction wherein adequate safeguards alternative to the filing of a surety bond are available and more desirable. Its perpetuation as a permanent rule is founded in the same logic which prompted its temporary adoption.

A public hearing preceded by the requisite public notice requirements resulted in no testimony, oral or written.

Conclusions

1. The proposed rule is needed to implement enabling legislation and to relieve builders from unwarranted surety bond requirements.
2. The requisite public participation statutorily required for rule making actions has been afforded.



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Materials

Recommendation

It is the Director's recommendation that OAR Chapter 340, sections 15-010 through 15-015 (as adopted temporarily on September 26 (DEQ 99)) be adopted as a permanent rule to become effective upon filing with the Secretary of State on or before January 29, 1976.

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LOREN KRAMER
Director

PWM:vt
11/13/75
Attachments A and B

Proposed Amendments to Rules Pertaining to Surety Bonds
or
Other Approved Equivalent Security
(OAR Chapter 340, Division 1, Subdivision 5)

I. Amend OAR Chapter 340 Section 15-010 to read as follows:

15-010 DEFINITIONS. As used in these rules, unless the context requires otherwise:

(1) "Alternative sewage disposal system" has the same meaning as in
ORS 454.605(2).

(2) [(1)] "Commission" means the Environmental Quality Commission.

(3) [(2)] "Construct" or "Construction" includes installation, repair, and
major modification or addition.

(4) [(3)] "Department" means the Department of Environmental Quality.

[(4) "Dwelling" means any structure, building, or any portion thereof which
is used, intended, or designed to be occupied for human living purposes including,
but not limited to, houses, houseboats, boathouses, mobile homes, hotels, motels,
and apartments.]

(5) "NPDES waste discharge permit" means a waste discharge permit issued
in accordance with requirements and procedures of the National Pollutant Discharge
Elimination System required by the Federal Water Pollution Control Act Amendments
of 1972 (Public Law 92-500) and of OAR Chapter 340, Sections 45-005 through
45-065.

(6) [(5)] "Person" means any person as defined in ORS 174.100 but does not
include, unless the contract specifies otherwise, any public officer acting in
his official capacity or any political subdivision, as defined in ORS 237.410.

(7) [(6)] "Subsurface sewage disposal system" has the same meaning as in
ORS 454.605 (14) [(13)].

II. Amend OAR Chapter 340 Section 15-015 to read as follows:

15-015 SURETY BOND REQUIRED. (1) Every person proposing to construct facilities for the collection, treatment or disposal of sewage shall file with the Department a surety bond, or other approved equivalent security, of a sum determined under section 15-025 of these rules.

(2) The following shall be exempt from the provision of subsection (1) of this section:

(a) Any subsurface, alternative or other sewage disposal system or systems designed [for and] or used [in not to exceed a four-family dwelling or to serve any other dwelling or dwellings projected to have not more than 1200 gallons per day of sewage flow] to treat or dispose of a sewage flow of not more than 5,000 gallons per day.

(b) Any subsurface, alternative or other sewage disposal system or systems, regardless of size, used to serve any food handling establishment, mobile home or recreation park, tourist and travelers facilities, or other development operated by a public entity or under a valid license or certificate of sanitation issued by the State Health Division or Department of Commerce.

(c) [(b)] Any sewage collection, treatment, or disposal facility owned and operated by a state or federal agency, city, county, county service district, sanitary authority, sanitary district, or other public body, including, but not limited to, a school district or port district.

(d) Any sewage collection, treatment or disposal facilities of an industrial plant or commercial development having a valid NPDES Waste Discharge Permit or Water Pollution Control Facilities Permit issued by the Department pursuant to ORS 468.740 provided such facilities serve only employees or customers but no permanent residences.



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RONALD M. SOMERS
The Dalles

To: Environmental Quality Commission
From: Director
Subject: Agenda Item H(2) September 26, 1975 EQC Meeting

Consideration of Adoption of a Proposed Temporary Rule
Broadening the Exemptions to the Requirement that Surety
Bonds or Equivalent Security be Filed with DEQ for
Construction of Certain Sewage Disposal Facilities.

Background

ORS 454.425 requires every person proposing to construct facilities for the collection, treatment or disposal of sewage to file with DEQ a surety bond or approved equivalent security of a sum specified by the Commission, not to exceed the sum of \$25,000.

By statute any subsurface sewage disposal system for a residential structure serving not more than four families is exempt from this requirement. Under authority granted by the 1973 Legislature the Commission by rule adopted on January 24, 1975 broadened the exemptions to include (a) any subsurface sewage disposal system serving other classes of dwellings having sewage flows of not more than 1200 gallons per day and (b) any sewage facilities owned and operated by a public entity such as a state or federal agency, city, county or special service district.

Chapter 248, Oregon Laws 1975, (SB 456) which became effective on September 13, 1975, authorizes the Commission to adopt rules exempting other facilities from this requirement.

When the surety bond requirement was first adopted by the Legislature in 1957 (initially ORS 449.043, later recodified as 449.400 and now 454.425) it pertained only to privately owned sewerage systems serving more than 25 families or 100 persons. It was adopted at that time for the purpose of controlling more effectively the construction, operation and maintenance of the several privately owned sewerage systems which were being installed by developers to serve new residential subdivisions located in unincorporated areas. In 1973 the Legislature lowered from 25 families to only 4 families the size of the systems exempt from this requirement.



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Experience has shown that it is extremely difficult, if not impossible, for a person to obtain a surety bond of the type needed to comply with the requirements of ORS 454.425. The rules of the Commission, under authority granted by the Legislature, permit the substitution of other security such as the assignment to DEQ of an insured savings account with interest earned by such account made payable to the assignor. In many instances the assignment of an insured savings account constitutes a serious economic hardship to the person proposing to construct the sewerage facilities.

In recent years other means for effecting control over the construction, operation and maintenance of sewerage systems have been established by the Legislature. They include the waste discharge permit program established in 1967, the state-wide permit program for subsurface systems established in 1973, and the authority to assess civil penalties. The need for the surety bond requirement is, as a consequence, not as great now as it was in 1957 when the law was first passed.

Conclusions

1. It is extremely difficult, if not impossible, for a person to obtain a surety bond of the type needed to comply with ORS 454.425, the surety bond law pertaining to construction of sewerage facilities.
2. The assignment to DEQ of an insured savings account as an approved equivalent security is in many cases a serious economic hardship to the person proposing construction of sewerage facilities.
3. The need for a surety bond or approved equivalent security in order to insure proper construction, operation and maintenance of certain sewerage facilities is not as great now as it was previously because of other means which have been established by the Legislature for effecting such control.
4. As of September 13, 1975 the Commission has authority to adopt rules broadening the exemptions to the surety bond requirement. Such action will save both the Department and the persons proposing construction of sewerage facilities valuable time and unnecessary expense.
5. Attachment A contains proposed amendments to the surety bond rules (OAR Chapter 340, Division 1, Subdivision 5) which, if adopted, would broaden the exemptions to include any subsurface, alternative or other sewage disposal system having capacity to handle not more than 5,000 gallons of sewage flow per day, any such system regardless of size if it is operated under a valid license or certificate of sanitation issued by the State Health Division or Department of Commerce, and any sewerage system serving an industrial plant or commercial development operating under a valid NPDES or other permit issued pursuant to ORS 468.740 and serving no permanent residences. This broadening of exemptions will not jeopardize the effectiveness of the Department's control and regulation of new sewage disposal facilities installed throughout the state.

6. Failure to act promptly in the adoption as a temporary rule of the attached proposed amendments will result in serious prejudice to the public interest or the interest of parties concerned for the specific reason that it would delay construction of certain facilities at least until next year's building season thereby preventing the development and use of properties and causing economic losses.

Recommendation

It is the Director's recommendation that the Commission:

- (1) Enter a finding that failure to act promptly in this matter will result in serious prejudice to the public interest or the interest of parties concerned for the specific reason stated above.
- (2) Adopt as a temporary rule to be filed promptly with the Secretary of State to become effective upon filing the proposed amendments contained in Attachment A, and authorize the holding of a public hearing to be held as soon as possible for the purpose of adopting them as a permanent rule within 120 days thereafter.



LOREN KRAMER
Director

KHS:mm
Attachment (1) Attachment A



ENVIRONMENTAL QUALITY COMMISSION

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ROBERT W. STRAUB
GOVERNOR

To: Environmental Quality Commission

JOE B. RICHARDS
Chairman, Eugene

From: Director

GRACE S. PHINNEY
Corvallis

Subject: Agenda Item No. D(3), December 12, 1975, EQC Meeting

JACKLYN L. HALLOCK
Portland

MORRIS K. CROTHERS
Salem

Rule Adoption Re: Subsurface Sewage Installation Moratoria
in Kingston and Princeton Heights - Benton County

RONALD M. SOMERS
The Dalles

Introduction

The subject rule (an order pursuant to ORS 468.685) was a temporary rule which previously expired on September 27, 1975. Its reconsideration as a permanent rule is sought by the Department pursuant to a petition received of 53 residents of Kingston Heights and its first addition, and the urging of Commissioner Simerville of Benton County and Roger Heyden, Benton County Sanitarian.

Background

On May 23, 1975, after public hearing, the Commission, pursuant to ORS 454.685 adopted a temporary rule (hereinafter moratoria) ordering that no new installation of subsurface sewage disposal systems be authorized in areas of Benton, Columbia, Douglas, Linn, Jackson, Josephine and Marion Counties. These moratoria areas had previously been subject to similar local prohibition until the statutorily preemptive state wide regulation took effect in January of 1974. Filed as temporary rules on May 30, these moratoria expired on September 27, 1975. Three of them expired on June 10 due to Commission revocation on an immediate (temporary rule) basis.

On June 10 Commission members expressed anxiety that the direct effect on property ownership involved in the moratoria might procedurally require extension of notice and an opportunity to each owner of property within the moratorium areas to be heard prior to any permanent moratoria.

There had been expert testimony by those who felt that newly proposed subsurface sewage regulations calling for site by site evaluation of each new system along many dimensions (size, porosity of soils, depth to restrictive layers, depth to groundwater, etc.) would serve to protect health and waters adequately and supplant the need for any further moratoria.



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Some of the Commission had expressed concern, in view of the above, over the propriety of forbidding installations which would conform to the rules and, arguably, succeed where this would be done upon the rationale of protecting the users from their neighbors' pollution, encouraging community sewer services, or otherwise benefiting the community at the expense of owners of undeveloped parcels.

The matter was taken under advisement by staff. Upon consideration of the Commission's concerns, the thousands of property owners who would have to be notified, and the opinions of those who felt that the new regulations would afford adequate protection, it was staff's decision to forego pursuit of permanent moratoria.

Upon the expiration of the moratoria, some 53 residents of Kingston Heights and its first Addition moved the Department to invoke a permanent moratorium in that area. It was the opinion of both Commissioner Simerville and the Benton County Sanitarian that Princeton Heights and its First Addition should be included also.

It was discovered through the Assessor's Office that a manageable number of property owners were involved in the respective areas and the number of residents supporting a moratorium in Kingston Heights appeared to be a substantial majority.

A public hearing on the matter was held in the Linn County Courthouse on the evening of November 6. (See Public Testimony on Attachment B) In addition to the notice procedure required in rule making matters by ORS Chapter 183, notice of the hearing was sent to each owner at his address of record with the Benton County assessor's Office. Notices returned were sent to alternative addresses as found on the petition, in the telephone book, or (in default of these) to general delivery at the Albany Post Office. Ultimately the number of second mailings returned indicates only one owner of property in Princeton Heights could not be reached. The notice of hearing invited both written and oral response to the proposed moratoria.

Discussion

At the time of hearing an explicit invitation to any owners of undeveloped property to come forward with testimony went unanswered. No adverse comment was received in the mail.

In addition to public testimony the record is inclusive of the following testimony regarding the categories of consideration provided for by statute:

- a) Present and Projected Density of Population.

Kingston Heights and its First Addition: The North Albany area wherein this subdivision lies contains 2700 acres and has a population somewhat in excess of 4,000. It is projected to

have a population of 17,000 by 1995 (given adequate sewerage). The subdivision itself has 55 lots and 40 single family dwellings, leaving 15 unoccupied.

Princeton Heights and its First Addition: The subdivision itself has 56 lots of which 25 are undeveloped. There are 31 dwellings present.

- b) Size of Building Lots. Kingston Heights area: Approximately 1/2 acre. Princeton Heights Area: Approximately 1/3 acre.
- c) Topography.
Kingston Heights Area: Located on a knoll with 5 to 20% slopes in all directions.
Princeton Heights Area: On a single directional slope ranging from 3 to 20%.
- d) Porosity and absorbancy of soils.
Both areas are predominated by Veneta soils with an undulating restrictive layer ranging no more than 45 inches below the surface. These soils have been designated as generally marginal to unsuitable for subsurface systems due to slow permeability, shallow restrictive layers, perched water tables, and steep slopes.
- e) Adverse geological formations. Shallow restrictive layers, soils of limited permeability, and occasional steep slopes as above stated.
- f) Ground and surface water conditions and their variations.
There are ground water eruptions present in both areas, accompanied by seasonal perched water tables ranging from 12 to 30 inches in depth. In general, the ground water supply is protected by restrictive layers and pollution of groundwaters is not a problem.
- g) Climatic Conditions.
Rainfall averaging 40.7" per year saturates the soils whose restrictive layer and low permeability frequently causes effluent to surface and discharge upon the ground. The situation is particularly acute during October through April when 34.8 inches is average. Further these rains result in a 13 inch surplus of precipitation over evapotranspiration during winter. Finally, saturated soils impede aerobic digestion of effluent, an essential of drain field treatment.

- h) Present and projected availability of water from unpolluted sources. Both areas are served by a community well system serving about 500 users. Twelve other community systems are present in North Albany. Only two wells are nearby, ranging from 180 to 300 feet in depth. They are protected from effluent by a sandstone restrictive layer.
- i) Type of and proximity to existing domestic water supply sources. See above. Also, the North Albany Area aquifers have been found to contain high nitrates and coliform bacteria which may be caused by the porous underlay of river bottom areas (not characteristic of the two subdivisions in issue).
- j) Type of and proximity to existing surface waters. The nearest surface waters are the Willamette River and Thornton Lake. The distance to the river is 1 3/4 miles from Princeton Heights and 3/4 of a mile from Kingston Heights. Thornton Lake is a greater distance from both. Surfacing effluent, due to the gradients involved, could run off ultimately to the Willamette River.
- k) As of January, 1975, 25% of the systems in Kingston Heights were concluded by Benton County officials to be failing. Further, a survey in 1971 in Princeton Heights revealed a 39% failure rate in Princeton Heights with 68% of all systems having a history of failure at some time.

The Benton County Health Department has concluded that correction of failing systems may be feasible only for short periods of time due to the soils limitations, topography, and other considerations.

While no hard data was offered to determine what percentage of failures could be avoided in new systems installed under current, stringent rules, Benton County sanitarian Roger Heyden has expressed skepticism as to the success of new complying systems. Further, Dr. Robert Paeth, a soils scientist of 25 years' experience stated he would not purchase a lot with the purpose of installing a system even in the areas where the restrictive layer is deepest (45 inches). This was due to his understanding of the characteristics of Veneta soils and the subsurface disposal problems accompanying them not only in North Albany but in other areas of the state.

While only 13 persons attended the hearing and only 5 offered support for the moratoria, it was informally conjectured by some that many property owners are reluctant to publicly acknowledge the failure of their systems. It was stated that many residents attempt to conceal the surfacing of effluent in their yards.

Regarding the Commission's previously expressed apprehension that invoking the moratoria would constitute a quasi judicial action, the following should be considered:

- 1) Counsel advises that such is not the case and that, despite the use of the term "order" in ORS 454.685, the current proposal would constitute a legislative rule-making activity.
- 2) The Court of Appeals has recently concluded that zoning activity by the City of Lake Oswego involving a comparable number of land owners was legislative in nature. Parelius v. City of Lake Oswego, 75 Adv Sh 3081, _____ Or App _____, _____ P2d _____ (1975).
- 3) As a matter of fundamental fairness, the Department's efforts described above appear to have been reasonably calculated to reach all affected property owners.
- 4) No property owners have expressed opposition to the moratoria.

There remains the issue of whether the skepticism of the Benton County Sanitarian as to new installations in the areas should be served sufficiently by the provision of OAR Chapter 340, Section 71-020(1)(a). This provides that the Director or his authorized representative shall not permit installation of conforming systems if in his judgment it would degrade the quality of state waters or cause a health hazard (including by definition the surfacing of effluent or other malfunction of a system).

Some practical considerations tend to vitiate the effectiveness of such a provision:

- 1) Such an exercise of judgment is quasi judicial when applied to an individual site and carries with it a somewhat vague burden of proof in the event a hearing is sought.
- 2) Such an exercise of judgment by a sanitarian may often be exposed to severe politicization in the event developers or builders seek to have this judgment overturned by legislators, or County Commissioners.
- 3) A broadly discretionary act such as the rule allows, except in the most clearcut case, tends to invite personal liability actions against the official making the judgment. Even the threat of such a suit is unfortunately likely to be an unconscious factor influencing judgment.

The Benton County Sanitarian's evaluation of the undeveloped parcels indicates as follows: In Kingston Heights and its First Addition 12 of the 15 undeveloped lots would be likely to receive permits under current rules. In Princeton Heights and its First Addition 9 of 25 vacant lots are potentially suitable.

On behalf of local government we have a statement by Sanitarian Roger Heyden offered in support of the subject moratoria in an earlier (June 16) hearing. Also, Mr. Novak offered the support of the North Albany Service District of which he is chairman.

Added hereto for further information are a summary of testimony offered, a study of the North Albany Geology by Dr. Paeth and Mr. Sitzler, and Mr. Heyden's lot by lot evaluations.

It would seem that the subject areas are attended by many circumstances which argue for moratoria and few of the detracting circumstances which caused the Commission to be skeptical of the previously proposed moratoria in several, larger areas of the state.

Conclusions

1. Notice and opportunity to be heard has been reasonably calculated to reach all affected property owners.
2. It appears that actual notice reached all but one owner who may well have been informed by the media or word of mouth.
3. Recent case law and the advice of counsel render it doubtful that moratoria could be set aside for lack of actual notice.
4. Statutory and regulatory requirements for public notice in rulemaking matters have been served.
5. The subject areas have a history of system failure above average as do other areas of similar geological condition.
6. Absent moratoria, some 21 additional systems may be installed in this high risk area.
7. No affected property owners, though specifically invited to do so, have offered resistance to the proposed moratoria.
8. The moratorium proposed for Kingston Heights enjoys the support of a majority of residents.
9. Both proposed moratoria are supported by local government and without opposition from any quarter.

Recommendation

It is the Director's recommendation that the Commission adopt the proposed moratoria (Attachment A) as a permanent rule to become effective upon its prompt filing by the Department with the Secretary of State.



LOREN KRAMER
Director

PMcS:11/14/75

Attachments A and B

ATTACHMENT A

PROPOSED OAR CHAPTER 340, Section 71-020(6)

(6) Pursuant to ORS 454.685, neither the Director nor his authorized representatives shall issue construction permits for subsurface sewage disposal systems within the boundaries of the following geographic areas of the State:

- a) Kingston Heights Subdivision in Benton County.
- b) Kingston Heights Subdivision, First Addition in Benton County.
- c) Princeton Heights Subdivision in Benton County.
- d) Princeton Heights Subdivision, First Addition in Benton County.

Summary of Public Testimony at November 6 Public Hearing on Subsurface Sewage Disposal System Construction Prohibition for Kingston and Princeton Heights.

Mr. Joseph Novak, Chairman of the North Albany Service District: Mr. Novak supports the moratoria. He added they will not solve the problem in North Albany but only prevent its growing worse. He called for assistance from the Department in solving the area's sewage problem. He criticized a recent Attorney General's Opinion which held that Albany could require agreement of North Albany users not to resist annexation as a condition to hook up to the Albany sewer line.

(Mrs.) Susan Thorne, resident of Kingston Heights: Mrs. Thorne supports the moratorium. She recalled the premature failure of the system at her residence and pointed to efforts of her neighbors to hide their surfacing effluent.

(Mrs.) Carol Steele, resident of Kingston Heights: Mrs. Steele supports the moratorium. She said effluent is running down grade from one yard to another in her neighborhood. She contended that the rate of failure exceeds that estimated by the County Sanitarian.

Dr. Richard Thorne, resident of Kingston Heights. By letter of September 22, Dr. Thorne protests the lifting of the previous moratorium. He cited ubiquitous, visible raw sewage and its attendant health hazard.

Mr. Dan Paulson: Mr. Paulson wrote on October 13 to support the moratoria. He cited five years of experience and ignored testimony as indicative that new dwellings of any size should be curtailed until the entire area has sewer service.

DEPARTMENT OF ENVIRONMENTAL QUALITY

GEOLOGICAL STUDY

NORTH ALBANY

BENTON COUNTY

AUGUST 1975

REGIONAL OPERATIONS

INVESTIGATION AND COMPLIANCE DIVISION

MIDWEST REGION

*Prepared by soil scientists
+
hydrologist*

DEPARTMENT OF ENVIRONMENTAL QUALITY
INVESTIGATION & COMPLIANCE DIVISION

GEOLOGICAL STUDY

NORTH ALBANY

BENTON COUNTY

August 1975

BACKGROUND

In response to a request by the Benton County Commissioners relative to health hazards and ground water contamination in an area commonly known as "North Albany", a geological study has been conducted involving staff from the Benton County Health Department, the Oregon Water Resource Department and the Oregon Department of Environmental Quality (DEQ).

"North Albany" is a rapidly growing residential area currently consisting of over 4,000 people located across the Willamette River from the City of Albany. This area is populated in small developments of perhaps 30 to 40 homes. In regard to sewage disposal, one development is served by a small sewage treatment plant and the rest of the homes in "North Albany" are served by individual septic tanks and drainfields. Each development is served by a community water system which taps ground water by means of a well usually located within close proximity.

Previous studies have been conducted by the Benton County Health Department, the Oregon State Health Division, the U.S. Soil Conservation Service, the U.S. Government Survey and Clark and Groff Engineers, Inc. This report will review and consolidate these previous studies adding new information on soils prepared by the DEQ and on ground water prepared by the Oregon Water Resource Department. The Benton County Health Department has previously surveyed subsurface sewage disposal systems and water systems in "North Albany" revealing a high failure rate of individual sewage disposal systems in the two areas examined. Their reports show bacterial contamination in several domestic wells serving the area. Studies of the water supplies serving "North Albany" conducted by the Oregon State Health Division indicate both chemical and bacteriological contamination of the ground water. Two community wells are located in close proximity to a drainageway which carries sewer effluent from the Riverview Heights Package Treatment Plant to the Willamette River. This is an interim sewage collection and treatment facility serving approximately 100 homes until an area-wide sewage treatment system is available.

In view of the sewage disposal problems and the expected rapid population growth in "North Albany", the Benton County Commissioners retained Clark and Groff Engineers, Inc., as consultants to draft a report giving a preliminary design of domestic sewerage as well as cost and environmental comparisons of several alternatives for sewerage service to "North Albany." They conducted

a complete study of "North Albany" in 1974 and indicated that there is a potential for ground water pollution in "North Albany" and that the nitrate concentrations are higher than desirable. Their report states that the ground water "source of supply is susceptible to pollution." Although there have been several approaches to eliminating the concern over increased density on subsurface sewage disposal systems in an area of marginal to unsuitable soils and in an area where the ground water may be contaminated from waste disposal systems, the sewage disposal questions between the public entities, individuals, and public agencies relative to the method to sewer "North Albany" has not been resolved. This report does not attempt to advise on the specific sewerage methods most suited to solve the sewage problems, but does examine and update the scope of the problem of continued and expanded use of subsurface sewage disposal systems.

PURPOSE

The purpose of this study is to provide the following:

1. To update and consolidate all past studies of the soils and the ground water in "North Albany".
2. To relate the use of subsurface sewage disposal systems to the soils.
3. To relate the use of subsurface sewage disposal systems to the potential contamination of ground water.
4. To relate the population densities to area and soils.
5. To relate previously documented septic tank failures to specific soils.

SURVEY AREA

The study area is bounded by the Willamette River on the East and extends westward to include areas of low rolling hills in the vicinity of Spring Hill (Map 1, Appendix A).

HISTORY AND DOCUMENTED PROBLEMS

A survey of the Princeton Heights Subdivision located in Area A, Map 5, Appendix A, conducted by the Benton County Health Department in August, 1971 indicated a 30% failure rate with 68% of the systems reportedly having a history of failure. Another survey of the Kingston Heights located in Area A, Map 5, Appendix A, revealed a failure rate of 25%. These results led the County Health Department to the conclusion that correction of the failing systems may be feasible for only a short term due to limitations of soil, topography, and size of lots. The Oregon State Health Division conducted chemical analyses of the community water supplies in 1971-1972 and found that some of the systems exceed the standards for nitrate-nitrogen as shown in Table 1. (The Oregon State Health Division drinking water standards set the nitrate-nitrogen limit at 10 mg/l.)

TABLE I

<u>Water System</u>	<u>Sample Date</u>	<u>Chloride Concentration (mg/l)</u>	<u>Nitrate-Nitrogen Concentration (mg/l)</u>
Gibson Hills	4/1/72	8.10	3.3
Evergreen	1/26/71	27.2	9.2
Orchard Park	1/26/71	27.7	4.5
Fairway	1/26/71	169.0	3.6
Country Village	1/26/71	12.0	11.0
Evergreen	1/26/71	26.7	16.0
Fairview	1/26/71	2.0	0.05

Table II represents a five (5) year summary (1966-1970) of data from samples of ground water taken from private wells and routine State Health Division sampling of community wells. The data in the table indicates the presence of coliform bacteria.

TABLE II

<u>Water System</u>	<u>Samples with Coliform Bacteria</u>
Gibson Hill	11/67 6/69, 8/69, 11/69
Parker Oakgrove	1/66, 6/66 2/67, 5/67, 12/67 2/69, 12/69 8/70, 11/70, 12/70
Evergreen	1/66, 11/66 10/69
Fairway	Not Sampled
Orchard Park	1/66, 2/66 6/68, 8/68 11/67 8/69, 9/69, 10/69, 11/69, 12/69 3/70, 8/70, 10/70, 11/70, 12/70
North Albany Water Improvement Dist. Golf View (Golf Club Add.)	Samples not submitted 1966 4/66, 5/66, 9/66

In addition to the above 5-year summary, additional surveys indicate the presence of bacterial contamination as listed in Table III.

TABLE III

<u>Water System</u>	<u>Sample With Coliform Bacteria</u>
Gibson Hill	1/10/72, 1/24/72 1/7/75, 4/30/75, 5/28/75, 6/24/75
Parker-Oakgrove	1/3/72, 1/10/72, 1/24/72 Sporadic throughout 1973
Riverview	8/14/73
Country Village	Approximately 7/18/72
FirView	8/26/73

Sampling of some of the private wells in the area in February 1972 indicated bacterial contamination in four wells as marked in Map 3, Appendix A as well as one in an unknown location on Hebergal Loop. Complete records of sampling since 1970 are not available at the time of this writing, so it is unknown if other contamination was discovered during the 1970-1975 interval.

This report provides an integrated consideration of geomorphology, soils, and ground water characteristics (hydrogeology) of "North Albany." There are three (3) geomorphic land surfaces in "North Albany" with distinctly different limitations relative to the subsurface disposal of sewage. These are delineated as Low Rolling Hills (Area A), Valley Floor (Area B), and River Bottom (Area C).

Soil maps prepared by the United States Department of Agriculture Soil Conservation Service show that there are three (3) general soil areas associated with these surfaces (Map 2, Appendix A).

Area A -

Veneta, Dupee, Hazelair, and Waldo soils are associated with the Low Rolling Hills that rise out of the valley floor.

Area B -

Woodburn, Amity, Concord, Dayton, and Waldo soils are associated with the Valley Floor.

Area C -

Camas, Newberg, Chehalis, Wapato and Malabon soils are associated with the River Bottom adjacent to the Willamette River.

Bedrock that underlies these soils consists of a sequence of marine sandstones and shales known as the Spencer Formation. These rocks are well cemented and transmit water very slowly. Overlying the Spencer Formation in the River Bottom (Area C) are sands and gravels deposited by the Willamette River. These alluvial deposits are porous, highly permeable and are capable of supplying large quantities of ground water to wells. A gravel pit located in the northeast part of the area provides an excellent cross section of the materials from the surface down to the water table. The north face of the pit shows gravel layers with a sandy matrix from 9 feet below land surface on down to the water table. Above this gravel bed are gravel lenses up to about 5 feet below land surface embedded in loose sands. All these materials are highly permeable and may permit downward movement of septic tank effluent without mechanical filtering of all of the bacteria and without removal of chemical contaminants such as chlorides and nitrates. In the Low Rolling Hills (Area A) and the Valley Floor (Area B) soils contain restrictive or impervious layers preventing sewage effluent from entering the ground water. Many of these soils are poorly drained causing sewage to surface creating a health hazard. For a detailed description of the geomorphology, soils and groundwater see Appendix B.

GENERAL HYDROLOGY

Surface water bodies in "North Albany" consist of Thornton Lake and the Willamette River (Map 1, Appendix A). Thornton Lake occupies a meander scar left when the Willamette River abandoned a higher stream channel. Surface elevation of the lake is approximately 186 feet. The Willamette River flows northward around the area and its surface elevation varies from approximately 176 feet in the south to approximately 168 in the north. The gradient of the river is approximately 1-3 feet/mile and the ground water gradient is toward the river and the Spencer Formation.

HYDROGEOLOGY - RIVER BOTTOM (AREA C)

The aquifer supplying water to the wells in Area "C" of North Albany consists of the alluvial sands and gravels comprising the upper 30 feet of earth materials. Recharge to these materials results from incident precipitation, runoff from the hills to the west, perhaps a minor amount from the Willamette River during flood stage, and a very small amount from discharge from the Spencer Formation. The latter two sources are probably unimportant in terms of quantity because the ground water gradient is toward the river, except during flood stage, and the Spencer Formation has a very low hydraulic conductivity.

As indicated in the discussion on General Hydrology, the Thornton Lake surface, which is the water table, is approximately 10 feet higher than the river surface on the south and approximately 18 feet higher than the river surface on the north. As a result, ground water may be expected to move generally northeastward under the "North Albany" area. However, zones of high hydraulic conductivity such as buried stream channels, may modify that general flow direction drastically. As a result, it is not possible to accurately predict the direction of migration of contaminated ground water.

The Firview well (Map 1, Appendix A) is in the extreme northern part of the study area. The water quality there is more nearly representative of native water quality than any other sample taken thus far. Nitrate-nitrogen and chloride concentrations are significantly lower there than in the area east of Spring Hill.

The bacteriological and chemical data presented in Tables I, II, & III (History and Documented Problems Section) indicate the presence of contamination in the ground water. Furthermore, it is likely that conditions have become somewhat more severe by now simply due to the probable increase in population in the area since an adequate chemical and bacteriological survey has been done.

BRIEF DESCRIPTION - SEPTIC TANK AND DRAINFIELD SYSTEM

In Oregon and in particular, North Albany, the predominate method of subsurface sewage disposal incorporates the septic tank and drainfield system. A septic tank system is simple enough in theory. Wastes from the bathroom, kitchen and laundry flow into an underground tank where bacteria, by a natural process of digestion, convert part of the bulk to gas. The gas is vented to the air, the heavier solids settle to the bottom of the tank as sludge and the lighter ones float to the top to become scum.

When leftover liquid, called effluent, reaches a certain level, it flows from the tank into a system of open-jointed or perforated pipes beneath the ground. The buried pipes distribute the liquid through the drainfield (absorption field) so that it can be soaked up by the surrounding earth.

It should be clearly understood that a septic tank does not make sewage fit to drink. In fact, it is the crudest type of treatment device. Septic tank effluent contains sewage particles (fine settleable and suspended solids) and may also contain harmful (pathogenic) bacteria which cause typhoid fever, dysentery, and other gastrointestinal diseases. A septic tank functions by conditioning sewage so that it will percolate into the ground without clogging the pores of the soil. During the effluent absorption process, the organic substances including bacteria in the effluent are acted upon by soil organisms. Oxidation of the organic materials in the zone of aeration of porous soils results in chemical products that dissolve and are absorbed into the soil. Absorption of the effluent into the soil is an essential part of a successfully operating septic tank and drainfield system.

SUMMARY OF SUITABILITY OF SOILS FOR SEPTIC TANK DRAINFIELDS

Soils occurring on the Low Rolling Hills (Area A) are marginal to unsuitable for use as septic tank drainfields because of a combination of slow permeability, presence of restrictive layers, perched water tables, and fairly steep slopes. Field surveys by the Benton County Health Department showed that about 30 percent of the existing homes in two subdivisions in this soil area have failing septic tank systems. Four of these systems were installed in Dupee silt loam, 3 to 12 percent slope, one was installed in Veneta silt loam, 2 to 7 percent slope, and the remainder were installed in Veneta silt loam, 7 to 20 percent slope. There is no ground water pollution hazard in the Low Rolling Hills (Area A), but surfacing effluent does constitute a public health hazard and may result in contamination of surface waters.

Most soils occurring on the Valley Floor (Area B) are unsuitable for use as septic tank drainfields because of slow to very slow permeability, presence of restrictive layers, perched water table, ponding of water, and high shrink-swell potential. Pollution of ground water is no hazard, but surfacing of effluent and contamination of surface waters is a distinct possibility.

Soils occurring on the River Bottom (Area C) are generally permeable enough to be acceptable for use as septic tank drainfields. In spite of relatively high population densities, no septic tank system failures have been reported. However, soils on this geomorphic surface and the underlying "coarse grained materials" appear to be permeable enough to allow improperly treated septic tank effluent to contaminate the ground water. (River)

For a detailed description of the suitability of soils for subsurface sewage disposal systems, see Appendix C.

CONCLUSIONS

1. Soils in the Low Rolling Hills (Area A) are marginal to unsuitable for subsurface sewage disposal systems because of slow permeability, presence of restrictive layers, perched water table, and fairly steep slopes. A history of septic tank drainfield failures is associated with soils in this area. There is no ground water pollution hazard but surfacing effluent is a public health hazard and may result in contamination of surface waters.

2. Soils on the Valley Floor (Area B), with the exception of Willamette and Woodburn soils are not suitable for subsurface sewage disposal systems because of a combination of slow to very slow permeability rates, presence of restrictive layers, perched water tables at or near the soil surface, ponding of surface water, and high shrink-swell potentials. Some areas of Willamette and Woodburn soils are suitable for installation of septic tank drainfields.

3. Soils on the Low Rolling Hills (Area A) and the Valley Floor (Area B) have natural restrictive or impervious barriers to the downward migration of contaminants, thus the deep ground water is protected from contamination from septic tanks and drainfields.

4. Soils on the River Bottom (Area C) and the underlying "coarse grained materials" are too permeable to provide adequate filtering, absorption by vegetation or even perhaps aerobic treatment of effluent before it reaches the water table. No natural barriers are present to the downward migration of contaminants and no impervious horizons are available to seal wells into. Thus, protecting the ground water from sewage contamination is probably not possible as long as septic tanks and drainfields are used in these soils.

5. Contamination in water wells in the North Albany area may be due to faulty well construction or to aquifer contamination by drainfield effluent. Wells must be sealed in accordance with Health Division Standards before they can be approved for a community supply. In addition, a faulty seal would only explain bacterial contamination and not nitrate or chloride contamination. Thus, it is likely that the aquifer has become contaminated by drainfield effluent.

6. There are existing and potential sewage disposal problems generally throughout the "North Albany" area.

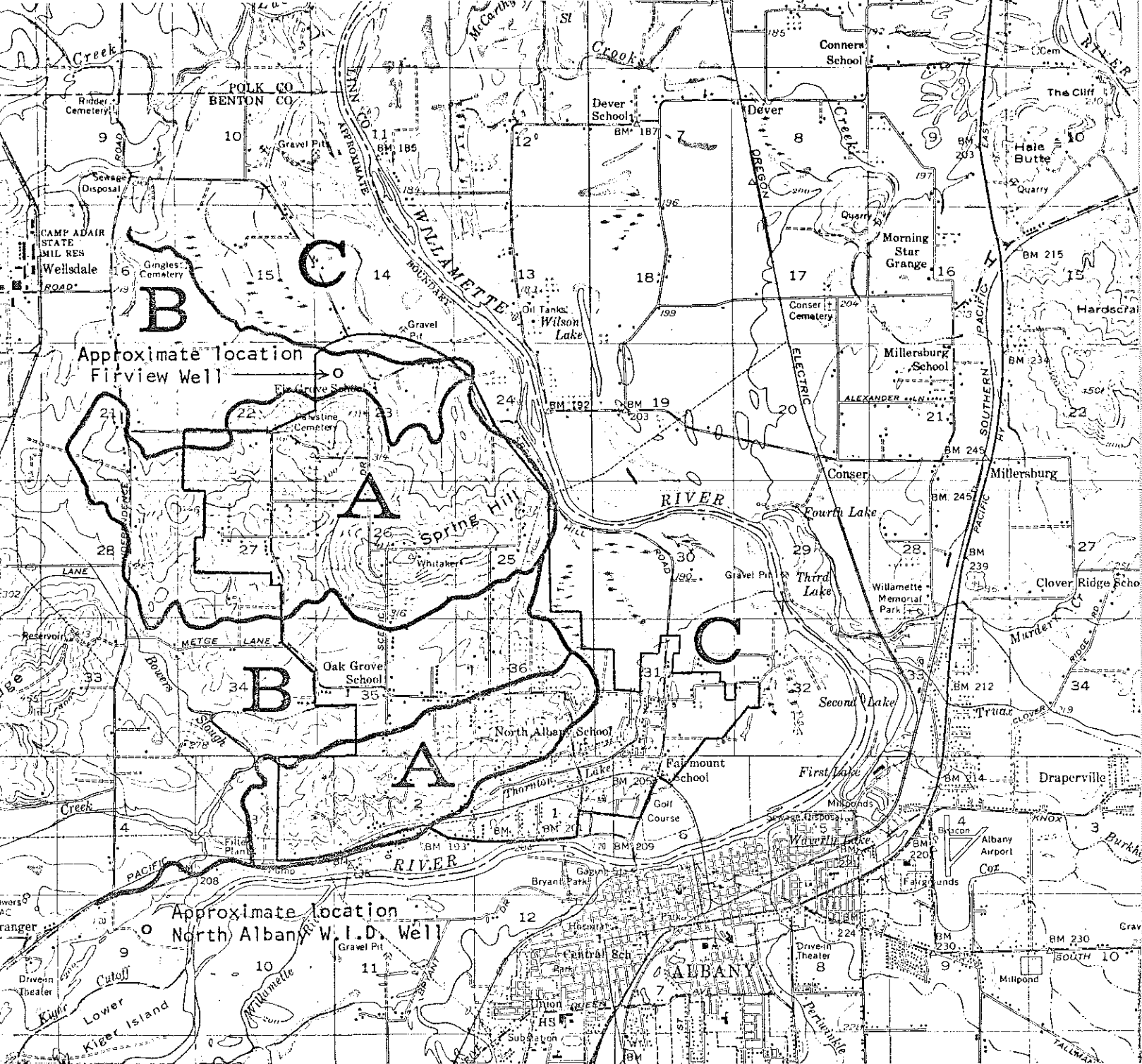
7. The Department of Environmental Quality finds that the previous studies conducted by the Benton County Health Department and subsequent findings accurately represent the sewage disposal problems in "North Albany."

RECOMMENDATIONS

1. An area-wide sewage collection and treatment facility is needed to serve the "North Albany" area for both existing and future development.

2. Based on the findings in this report, if immediate measures are not taken to sewer the "North Albany" area, the D.E.Q. should consider imposing a moratorium to limit or prohibit the use of subsurface sewage disposal systems in "North Albany."

3. A monitoring program of the ground water in "North Albany" should be conducted to update the bacteriological and chemical data to the hazard herein presented and the urgency of making corrections.



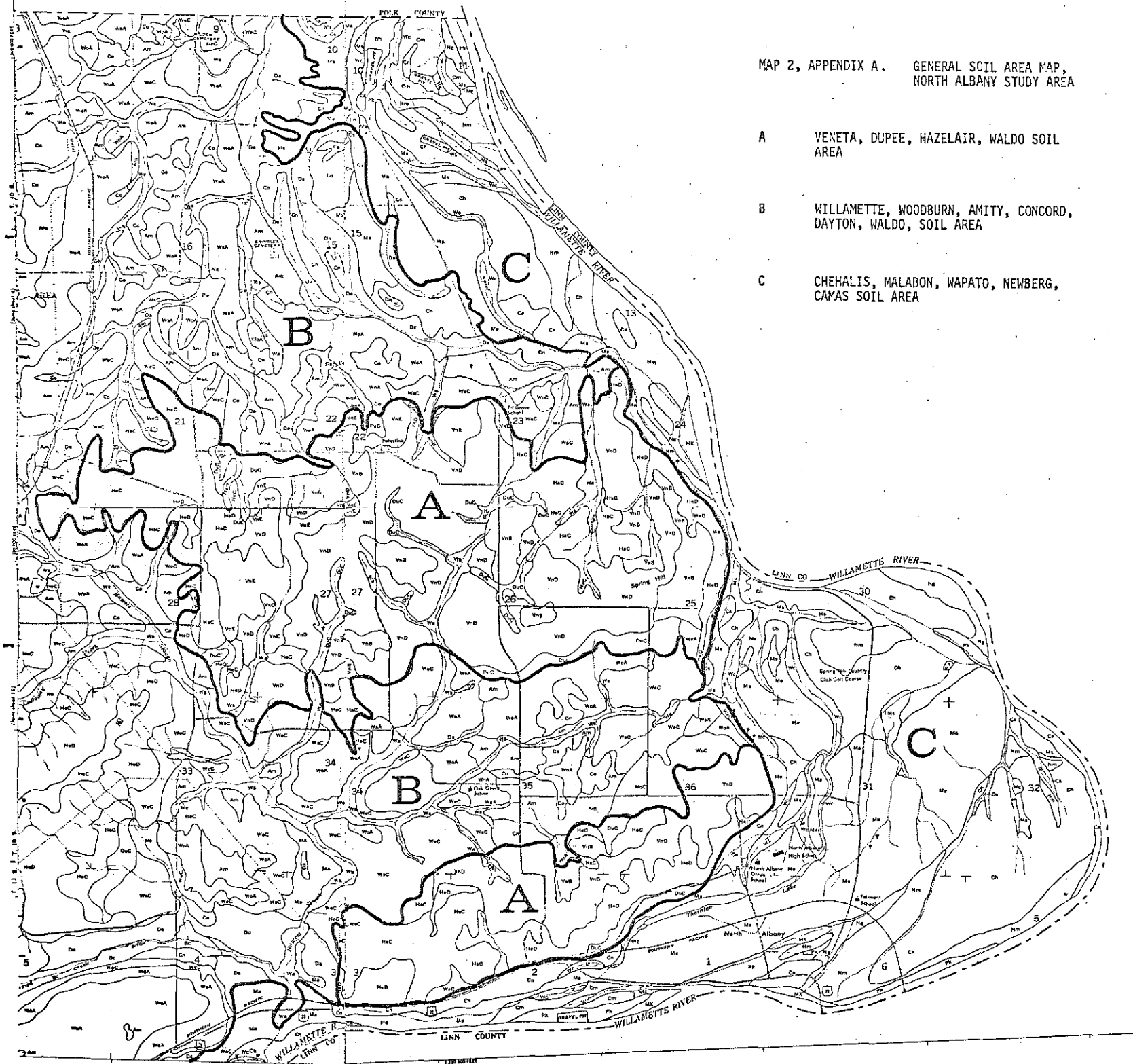
LEGEND

- Study Area Boundary
- A - Low Rolling Hills
- B - Valley Floor
- C - River Bottom

Map 1. Appendix A. North Albany Study Area

MAP 2, APPENDIX A. GENERAL SOIL AREA MAP,
NORTH ALBANY STUDY AREA

- A VENETA, DUPEE, HAZELAIR, WALDO SOIL AREA
- B WILLAMETTE, WOODBURN, AMITY, CONCORD, DAYTON, WALDO, SOIL AREA
- C CHEHALIS, MALABON, WAPATO, NEWBERG, CAMAS SOIL AREA



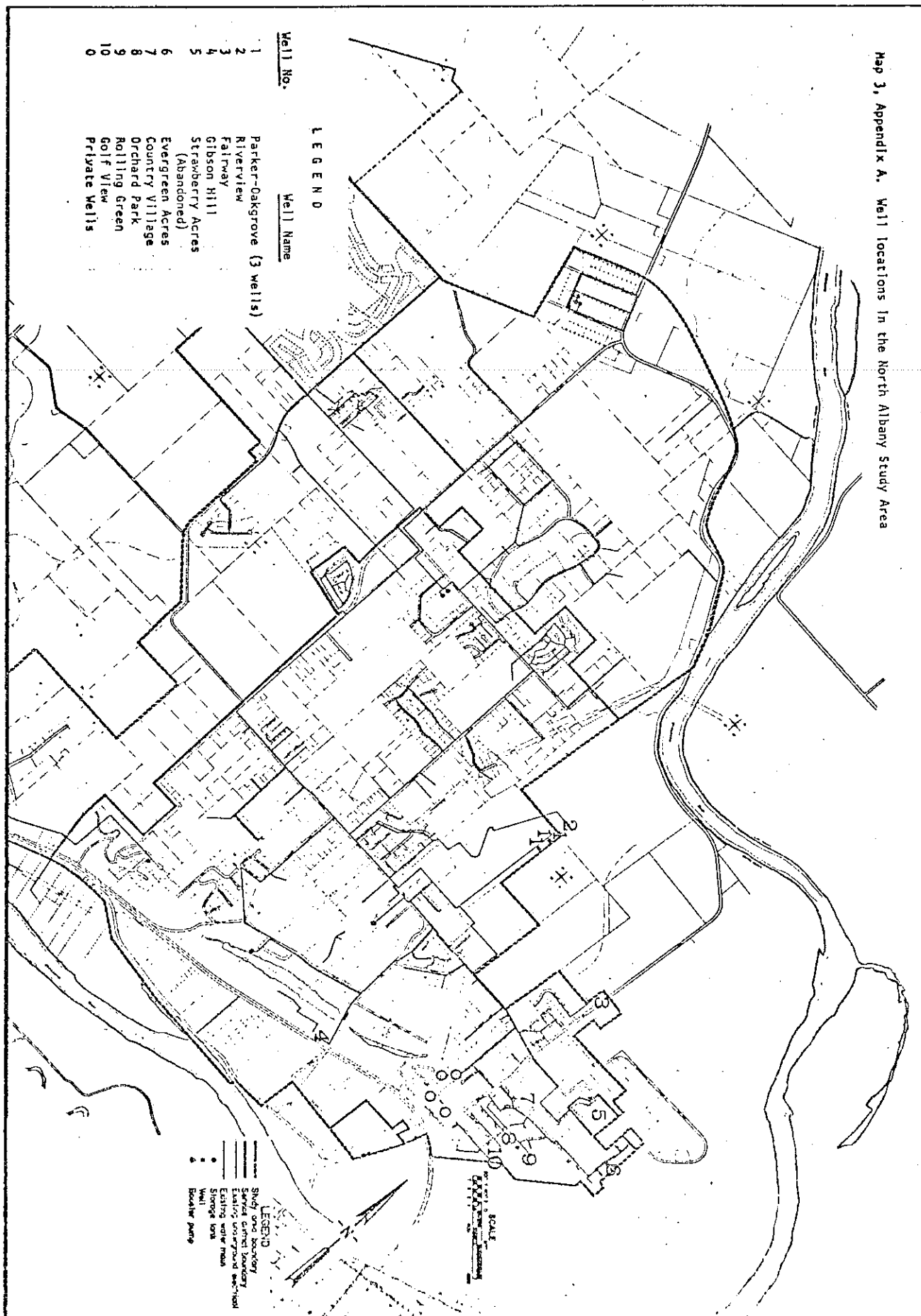
This map is based on the 1:25,000 scale map of the Willamette Valley, Oregon, published by the U.S. Geological Survey, and the Oregon State University Soil Survey. It is a general soil area map and does not show individual soil types or soil properties. It is intended for general reference only.

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Map 3, Appendix A. Well locations in the North Albany Study Area



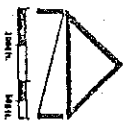
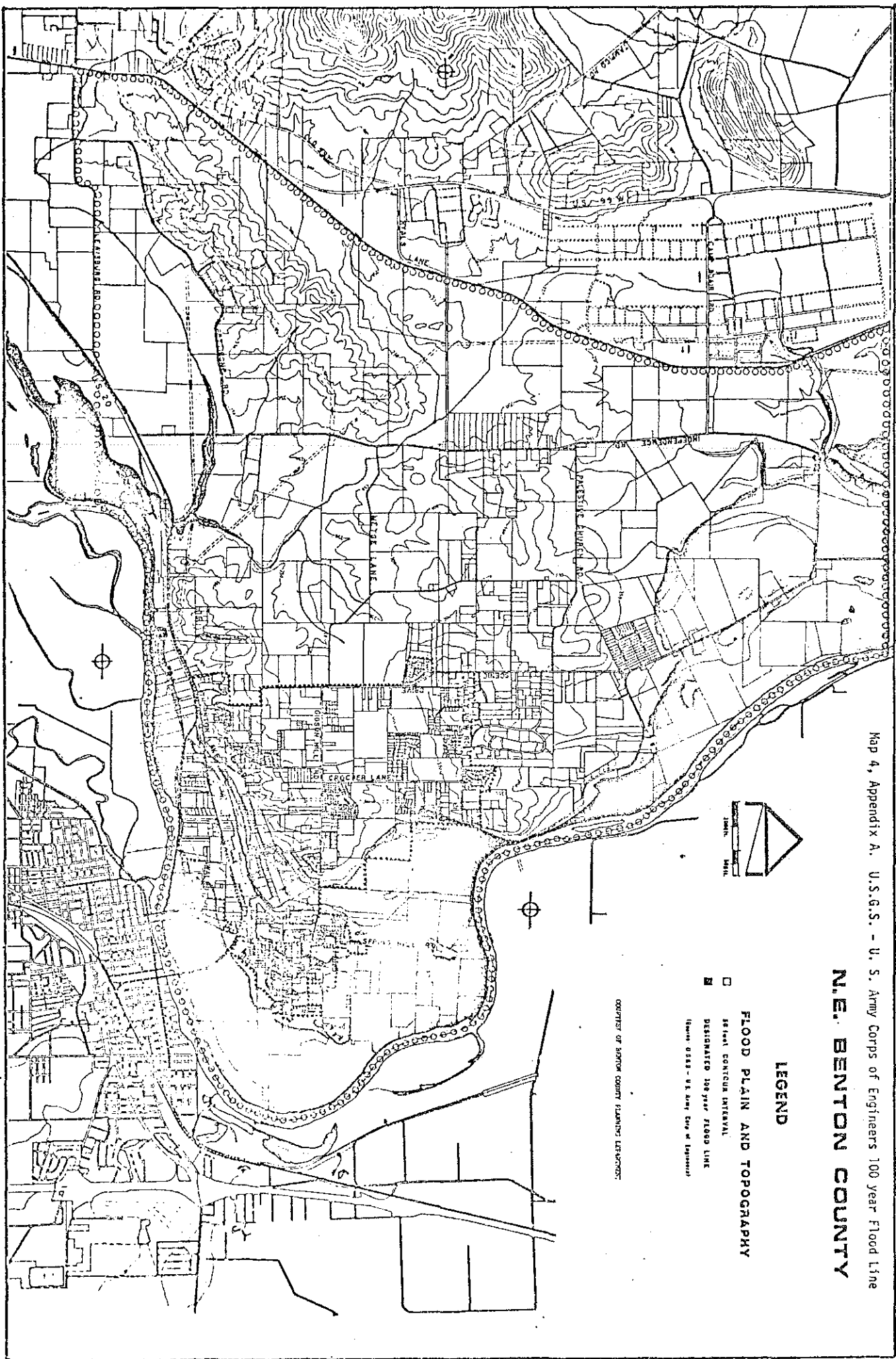
LEGEND

Well No.	Well Name
1	Parker-Oakgrove (3 wells)
2	Riverview
3	Fairway
4	Gibson Hill
5	Strawberry Acres
6	(Abandoned)
7	Evergreen Acres
8	Country Village
9	Orchard Park
10	Rolling Green
0	Golf View
0	Private Wells

LEGEND

—	Study boundary
—	Service center boundary
—	Existing underground well field
—	Existing water main
—	Storage tank
—	Well
—	Booster pump

Map 4, Appendix A. U.S.G.S. - U. S. Army Corps of Engineers 100 Year Flood Line
N.E. BENTON COUNTY



LEGEND

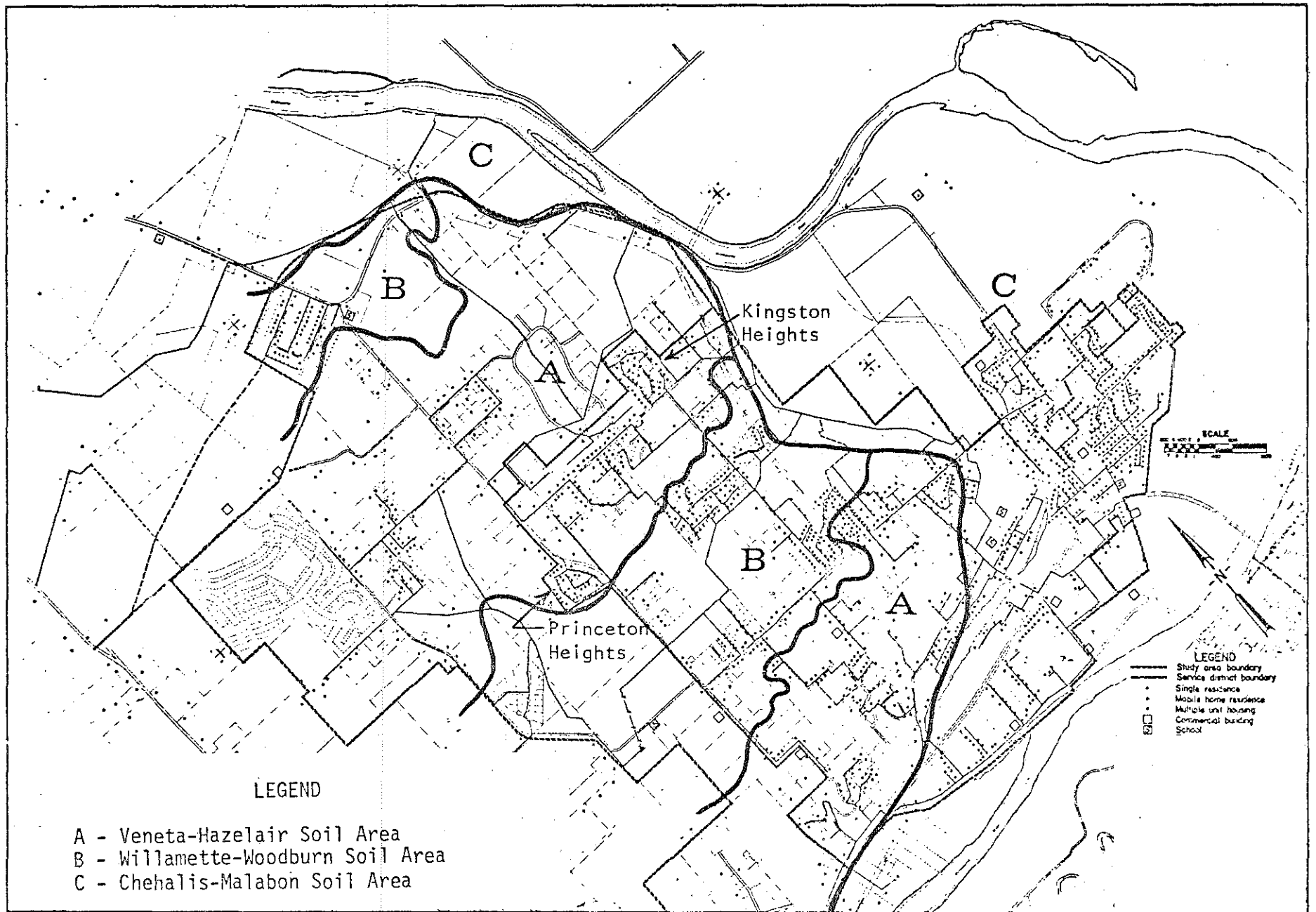
FLOOD PLAIN AND TOPOGRAPHY

□ 10 FOOT CONTOUR INTERVAL

⊞ DESIGNATED 100 YEAR FLOOD LINE

(Source: G.S.S. - U.S. Army Corps of Engineers)

OFFICES OF BENTON COUNTY PLANNING DEPARTMENT



Map 5, Appendix A, Population Density in Relation to Soil Areas

APPENDIX B

GEOMORPHOLOGY & SOILS - AREAS A, B, & C

As has been indicated in the "General Geology" section of this report, "North Albany" consists of three (3) natural geomorphic surfaces: Low Rolling Hills (Area A), Valley Floor (Area B), and River Bottom (Area C), (Map 1, Appendix A).

The Low Rolling Hills (Area A) are remnants of sandstone and siltstone formations that were eroded and truncated by streams to form rolling topography. Dissection has formed a well-organized drainage pattern. Elevation ranges from about 200 feet to 475 feet with maximum relief of about 300 feet. Veneta, Dupee, Hazelair, and Waldo soils occur on the Low Rolling Hills (Map 2, Appendix A).

Veneta soils consist of well to moderately well drained, moderately fine textured soils formed from old alluvium over weathered sandstone. The surface layer is friable silt loam about 14 inches thick. The subsoil is firm, plastic clay loam about 24 inches thick. The substratum, to a depth of about 40 inches, is dense clay. Depth to weathered sandstone bedrock may be as shallow as 15 inches. Permeability is slow and a perched water table may occur at a depth of 2 1/2 to 3 feet from November to May.

Dupee soils are moderately well or somewhat poorly drained, moderately fine textured soils formed from colluvium overlying weathered sandstone. The surface layer is friable silt loam about 15 inches thick. The substratum is weathered sandstone. Permeability is moderately slow and water may be perched in the soil at a depth of 2 to 3 feet from December to March.

Hazelair soils are moderately well to somewhat poorly drained, fine textured soils formed from clayey parent material on slightly convex footslopes. The surface layer is friable silt loam 10 inches thick. The subsoil is firm, distinctly mottled silty clay about 8 inches thick. The substratum, to a depth of about 40 inches, is dense, very plastic, distinctly mottled grayish to olive brown clay. Weathered sandstone bedrock occurs below the clay. Permeability is slow. Runoff and lateral movement of water, from higher areas of Veneta soils causes seepage to occur on lower slopes of Hazelair soils.

The long narrow valley that dissects the Low Rolling Hills (Area A) north-east to southwest belongs to a group of land surfaces associated with the Willamette Valley Floor (Area B). Elevation ranges from about 200 feet to 300 feet. This surface has a maximum of 110 feet of relief and a fairly well organized drainage pattern. Willamette, Woodburn, Amity, Waldo, Dayton, and Concord soils occur on this surface (Map 2, Appendix A).

Willamette soils are well drained, moderately fine textured soils formed from silty alluvium. The surface layer is friable silt loam 24 inches thick. The subsoil is firm silty clay loam about 30 inches thick. The substratum is friable silty clay loam or silt loam many feet thick. Permeability is moderate. Perched water may occur at a depth of 2 1/2 to 5 feet from November to May.

Woodburn soils are moderately well drained, moderately fine textured soils formed from silty alluvial deposits. The surface layer is friable silt loam 18 inches thick. The lower part of the subsoil is mottled silt loam. The substratum is friable silt loam many feet thick. Permeability is moderate in the upper subsoil and slow in the lower part. Perched water may occur at a depth of 2 to 3 feet from December to April.

Amity soils are somewhat poorly drained, moderately fine textured soils formed from old alluvium. The surface layer is friable silt loam 22 inches thick. The upper subsoil is faintly mottled silty-clay loam about 6 inches thick. The lower subsoil is distinctly mottled silty clay loam about 7 inches thick. The substratum is distinctly mottled silty clay loam or silt loam several feet thick. Permeability is moderately slow and a seasonal high water table may occur at a depth of 6 inches to 1 1/2 feet from November to May.

Waldo, Concord, and Dayton soils are poorly drained - fine textured soils formed from silty and clayey alluvium in slightly concave positions and drainage-ways. Surface layers are distinctly mottled silt loams. Subsoils, to a depth of 30 to 42 inches, are distinctly mottled heavy clay loams and clays. Substratum textures range from silt loams to silty clay loam in Concord and Dayton soils and from silty clay to clay in Waldo soils. Permeability ranges from slow to very slow. Surface runoff is slow to ponded. The water table is perched at or near the soil surface from November to May. Waldo soils also occur along drainageways in the Low Rolling Hills (Area A).

Soils on the Valley Floor (Area B) are not flooded by the Willamette River, but are subject to surface runoff from the surrounding Low Rolling Hills (Area A).

The River Bottom (Area C) lies adjacent to the Willamette River. Elevation ranges from about 185 feet to 200 feet with a maximum relief of 20 feet. The lower flood plain level, of the River Bottom (Area C) has low relief that includes the channel of the river and associated features. Point bar deposits, channel fillings, and meander scrolls are common. Camas and Newberg soil occur on this part of the flood plain (Map 2, Appendix A).

Camas soils are excessively drained, gravelly, moderately-coarse textured soils formed from recent sandy and gravelly alluvium. Typically, the surface layer is friable, gravelly sandy loam about 12 inches thick. The substratum is loose, single-grained very gravelly sand to a depth of at least 60 inches. Permeability is very rapid.

Newberg soils are somewhat excessively drained, medium and moderately coarse-textured soils formed from recent alluvium. The surface layer is friable fine sand loam to a depth of 18 inches. The substratum is very friable, massive fine sandy loam to loamy sand that may be very gravelly. Permeability is moderately rapid. These soils are subject to frequent brief periods of flooding from November to May.

The higher of the two flood plain levels of the Willamette River is undulating with a maximum relief of about 8 feet. The relief is due to the action of an overloaded stream which formed a series of subparallel ridges and intervening channels. Chehalis and Wapato soils occur on this part of the flood plain.

Chehalis soils are well-drained, moderately-fine textured soils formed from recent alluvium. Typically, the surface layer is friable silty clay loam about 20 inches thick. The subsoil is firm silty clay loam about 28 inches thick. The substratum is a silty clay loam to a sandy loam to a depth of 6 to 9 feet. Coarse sand and gravel occur below this depth. Permeability is moderate in the silty clay loam and moderately rapid in the sandy loam.

Wapato soils are poorly drained, moderately fine to fine textured soils formed from recent alluvium in meandering sloughs and low-lying areas along the Willamette River. The surface layer is distinctly mottled silty clay loam about 16 inches thick. The subsoil is distinctly mottled silty clay loam 16 inches thick. The substratum, to a depth of 60 inches, is light gray silty clay with distinct mottles. Permeability is slow. Surface runoff is slow to ponded. Wapato soils also occur in association with Malabon soils.

The Willamette River commonly floods the lower part of the flood plain for brief periods from November to May, but seldom inundates the higher ridges. The entire flood plain, however, lies below the U.S.G.S. - U.S. Army Corps of Engineers 100 year Flood Line and would be inundated by a 100 year flood event (Map 4, Appendix A).

The terrace element of the River Bottom (Area C) has surface morphology of an abandoned flood plain. Low relief and subparallel corrugations of old channels are still apparent. Meandering sloughs and bypass channels are also present. Malabon and Wapato soils occur on this terrace.

Malabon soils are well-drained, fine textured soils formed from mixed silty and clayey alluvium. Typically, the surface layer is friable silty clay loam 12 inches thick. The subsoil is firm, subangular blocky silty clay about 30 inches thick. The substratum is friable clay loam to sandy loam to a depth of 5 to 9 feet. Coarse sand and gravel occur below this depth. Permeability is moderately slow to 3 1/2 feet and moderate to rapid below. Most areas of Malabon soils lie above the U.S.G.S - U. S. Army Corps of Engineers 100 year Flood Line but flooding may occur very briefly in lower areas from November to April.

APPENDIX C
SUITABILITY OF SOILS FOR SUBSURFACE SEWAGE DISPOSAL

Soils that have slight limitations for use as septic tank drainfields are well drained, are not subject to flooding, do not have a permanent water table within six feet of the natural ground surface, are more than 36 inches deep to an impervious layer, are on the upper end of moderate permeability, and have slopes of less than 12 percent.¹ Soils that have moderate limitations for use of septic tank drainfields are moderately well to somewhat poorly drained, subject to a temporarily perched water table, are on the lower end of moderate permeability, and have slopes of 12 to 25 percent. Soils that have severe limitations for this same use are somewhat poorly to very poorly drained, have a high water table, are subject to flooding, are less than 36 inches deep to an impervious layer, have moderately slow to very slow permeability, and have slopes in excess of 25 percent.

Soils in the "North Albany" Study area fall naturally into three general soil areas. The Chehalis, Malabon, Wapato, Newberg, Camas Soil Area consists of soils that are generally permeable enough that they present no problem in absorbing septic tank effluent.

Camas soils have a severe limitation because of annual flooding from November to May and very rapid permeability. According to the OR-SOILS-1, coarse grained materials are encountered within 7 inches of the soil surface. Similarly, Newberg soils have a severe limitation because of frequent periods of flooding from November to May. They have moderately rapid permeability and are underlain by "coarse grained materials" at a depth of about 9 feet below the surface.

Chehalis and Malabon soils have a moderate limitation for use of a septic tank drainfields. Chehalis soils have moderate permeability but they are subject to occasional brief flooding from November to May. Malabon soils have moderately slow permeability to a depth of 42 inches. From 42 inches to about 9 feet, the permeability ranges from moderate to moderately rapid. "Coarse grained materials" occur under Chehalis and Malabon soils at a depth of about 9 feet.

Wapato soils have a severe limitation for use as a drainfield because of slow permeability, high water table, annual flooding, and fine texture. In addition, they have a high shrink-swell potential (OR-SOILS-1 attached).

These soils, with the exception of Wapato, are permeable enough to be suitable for septic tank drainfields. In spite of the high population density associated with these soils, no subsurface sewage disposal system failures have been reported.² These soils and the underlying "coarse grained materials", appear to be permeable enough to allow untreated effluent to contaminate the ground water.

¹Oregon Administrative Rules Chapter 340, Division 7 Subdivision 1, Section 71-030 Subsurface Sewage Disposal State of Oregon, DEQ, August 1975.

² Personal communication, Roger Heyden, Benton County Sanitarian.

Part of this General Soil area lies within the area designated Residential Urban by the Benton County Planning Commission. Pockets of high density population occur on Malabon soils in this general soil area (Map 5, Appendix A).

The Veneta, Dupee, Hazelair, Waldo Soil Area consists of soils that have severe limitations for use of septic tank drainfields because of moderately slow to slow permeability, presence of restrictive layers, perched water tables, and fairly steep slopes (OR-SOILS-1 attached).

Veneta and Hazelair soils have slow permeability and a "restrictive layer" at about 18 inches. Veneta has a perched water table 2-1/2 to 3 feet below the surface from November to May and Hazelair has a perched water table at 1 to 2 feet below the surface during the same period. Hazelair soils are subject to runoff and seepage from areas of Veneta soils. Both soils occur on slopes up to 20 percent.

Dupee soils have moderately slow permeability and a water table perched at 2 or 3 feet below the surface from December to March.

Waldo soils have slow permeability, a "restrictive layer" at 10 inches, and a perched water table at or near the soil surface from November to May.

This General Soil area lies within the area designated Urban Residential by the Benton County Planning Commission. Development, thus far, has resulted in single family dwellings and apartments in a modern cluster design of pockets of high population density surrounded by relatively open areas (Map 5, Appendix A).

The Benton County Health Department conducted field surveys of sewage disposal problems. The survey of the Princeton Heights Subdivision was completed on August 3, 1971. Results of this survey showed that 68 percent of the dwellings in the Subdivision had at one time or another experienced sewage disposal problems. At the time of the survey, 30 percent of the existing houses had septic tank drainfield failures. One of these failing systems was installed in Veneta silt loam, 2 to 6 percent slope. The remainder of the failing systems were installed in Veneta silt loam, 7 to 20 percent slope.

The Kingston Heights Subdivision has fifty five lots, forty of which support single family dwellings. Results of this survey, completed January 31, 1975, showed that 25 percent of the existing homes had failing subsurface sewage disposal systems. Four of these failing systems were installed in Dupee silt loam, 3 to 12 percent slope. The remainder of the failing systems were installed in Veneta silt loam, 7 to 20 percent slope.

These failures were due largely to slow rates of permeability, presence of a restrictive layer, and a perched water table, which ranged from 9 to 42 inches below the soil surface on April 30, 1963.

The Willamette, Woodburn, Amity, Concord, Dayton, Waldo Soil Area consists of soils that have moderate to severe limitations for use as septic tank drainfields because of moderate to very slow permeability rates, presence of restrictive layers, perched water tables, ponding of surface water, and high shrink-swell potentials (OR-SOILS-1 attached).

Willamette soils have a moderate limitation because of permeability rates on the lower end of moderate and an apparent perched water table at 2 1/2 feet below the soil surface from November to May.

Woodburn soils have a severe limitation because of slow permeability and a perched water table at a depth of 2 to 3 feet below the soil surface from November to May.

Amity soils have a severe limitation because of moderately slow permeability and a perched water table at or near the soil surface from November to May.

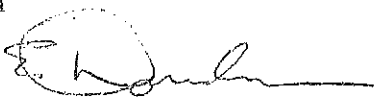
Concord and Waldo soils have a severe limitation because of slow permeability, a high shrink-swell potential, a restrictive layer within 15 inches of the soil surface and a perched water table at or near the surface from November to May. In addition, these two soils are subject to ponding from water that runs off of adjacent higher areas of Willamette, Woodburn, and Amity soils.

Dayton soils have a severe limitation because of very slow permeability, a high shrink-swell potential, a restrictive layer at 17 inches below the soil surface, a perched water table at or near the soil surface from November to May and ponding of water on the soil surface.

The General Soil area lies mainly within the area designated Urban Residential. The northern and western part of the River View Heights Subdivision and all of the Country Villa and Meadowwood Subdivisions are in this soil area. The soils are Willamette and Woodburn silt loams with slopes up to 12 percent. These three pockets of high density population are surrounded by open agricultural land and low density housing.

Benton County Health Department

Benton Plaza - 408 S.W. Monroe Ave.
Corvallis, Oregon 97330
753-4423

DATE: September 30, 1975
TO: Daryl Johnson
FROM: Ed Dornlas 
RE: Kingston Heights Subdivision and 1st Addition to Kingston Heights Subdivision

The following information has been taken from our files and from information personally known to the staff:

- Block 1: Lots 1 and 2 are vacant and have not been investigated recently - permits might or might not be issued.
- Block 2: Lots 9,10,14,16,17 and 18 are vacant. Lot 16 has a prior approval. It is likely that permits could be issued for all of these lots.
- Block 3: Lots 6,10, and 11 are vacant. It is likely that permits could be issued for these lots.
- Block 4: Lots 7,9, and 11 are vacant. Lots 9 and 11 have been checked during winter months and found to have high water tables. Only lot 7 is likely to have a permit issued.
- Block 5: (1st Addition) No vacant lots.
- Block 6: (1st Addition) Lot 4 is vacant, but a permit would probably not be issued due to a shallow restriction layer and a high water table.

In summary, there are 15 vacant lots and of those, it is likely that installation permits could be issued under current rules for 12 of those lots.

Enclosure - Subdivision Plat

cc: F.M. Bolton
T.J. Osborne
Ken Spies
Benton County Commissioners

RECEIVED

OCT 2 1975

SOLID WASTE SECTION

Vacant lots

PRINCETON HEIGHTS

Block 1 Lot 1 - 7

These lots have a high winter water table and probably restrictive layers less than 30" from the ground surface. Installment of curtain drains and lot size would limit development to no more than half of the lots, providing they could be paired as follows: 6 and 7, 4 and 5 and 1, 2, and 3. Lot 9 is probably too small so that block 1 would probably have a potential of 3 more houses.

Block 2

Lots 2 through 5

All these lots are probably unsuitable due to the need for curtain drain which would pick up sewage from the adjacent up hill lots.

Lots 9, 11 and 15 might be suitable.

Block 3

Lots 2, 3 and 4 would be unsuitable due to the need for curtain drains.

Lots 7, 8 and 9 might be suitable for 2 houses by dividing Lot 8.

Block 4

Lots 3 and 8 will not be suitable due to curtain drain requirements.

Block 5

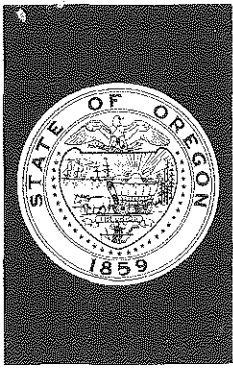
Lot 2 is not suitable due to the need for curtain drainage.

Lots 7 and 8 may be suitable for 1 house by combining the 2 lots.

In Summary:

Lots Potentially Suitable	Block
3	1
3	2
2	3
0	4
<u>1</u>	5
9 lots	

6/9/41



ENVIRONMENTAL QUALITY COMMISSION

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

ROBERT W. STRAUB
GOVERNOR

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item No. E(1), December 12, 1975 EQC Meeting

Public Hearing to Adopt Temporary Agricultural Burning
Rules as Permanent

Background

Pursuant to the requirements of Senate Bill 311, the Environmental Quality Commission adopted rules for agricultural burning at its July 10, 1975 meeting. To avoid prejudice to the public interest, and to allow immediate implementation of summer burning rules, emergency action was taken and the rules were adopted as temporary.

Rules promulgated under such emergency conditions lose effect after 120 days and consequently the rules regarding open field burning expired on November 8, 1975.

Discussion

At present, the Department is in the process of preparing revisions to the expired agricultural burning rules for Commission consideration and adoption prior to the 1976 burning season. Included in these proposed revisions are rules governing the use of mobile field sanitizers.

In order to maintain continuity in the program regulating agricultural open burning, it is necessary to adopt as permanent rules the agricultural burning rules originally adopted as temporary at the July 10, 1975 EQC meeting, prior to the adoption of any revisions to these rules.

Director's Recommendation

It is the Director's recommendation that the Commission, subject to any changes found appropriate in light of recommendations made to the Commission or findings reached after this hearing (December 12, 1975), repeal OAR Chapter 340, Sections 26-005 through 26-020 (adopted June 4, 1971) and adopt the agricultural burning rules, OAR Chapter 340, Division 2, Subdivision 6, originally adopted as temporary rules on July 10, 1975 as permanent rules.

LOREN KRAMER

SAF:cs

11/25/75
Attachment (1)



Contains
Recycled
Materials

DEPARTMENT OF ENVIRONMENTAL QUALITY

CH. 340

Subdivision 6

Agricultural Operations

AGRICULTURAL BURNING

26-005 DEFINITIONS. As used in this general order, regulation and schedule, unless otherwise required by context:

- (1) Burning seasons:
 - (a) "Summer Burning Season" means the four month period from July 1 through October 31.
 - (b) "Winter Burning Season" means the eight month period from November 1 through June 30.
- (2) "Department" means the Department of Environmental Quality.
- (3) "Marginal Conditions" means conditions defined in ORS 468.450(1) under which permits for agricultural open burning may be issued in accordance with this regulation and schedule.
- (4) "Northerly Winds" means winds coming from directions in the north half of the compass, at the surface and aloft.
- (5) "Priority Areas" means the following areas of the Willamette Valley:
 - (a) Areas in or within 3 miles of the city limits of incorporated cities having populations of 10,000 or greater.
 - (b) Areas within 1 mile of airports serving regularly scheduled airline flights.
 - (c) Areas in Lane County south of the line formed by U.S. Highway 126 and Oregon Highway 126.
 - (d) Areas in or within 3 miles of the city limits of the City of Lebanon.
 - (e) Areas on the west side of and within 1/4 mile of these highways; U. S. Interstate 5, 99, 99E and 99W. Areas on the south side of and within 1/4 mile of U. S. Highway 20 between Albany and Lebanon, Oregon Highway 34 between Lebanon and Corvallis, and Oregon Highway 228 from its junction south of Brownsville to its rail crossing at the community of Tulsa.
- (6) "Prohibition Conditions" means atmospheric conditions under which all agricultural open burning is prohibited (except where an auxiliary fuel is used such that combustion is nearly complete, or an approved sanitizer is used).
- (7) "Southerly Winds" means winds coming from directions in the south half of the compass, at the surface and aloft.

(8) "Willamette Valley" means the areas of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties lying between the crest of the Coast Range and the crest of the Cascade Mountains, and includes the following:

(a) "South Valley", the areas of jurisdiction of all fire permit issuing agents or agencies in the Willamette Valley portions of the Counties of Benton, Lane or Linn.

(b) "North Valley", the areas of jurisdiction of all other fire permit issuing agents or agencies in the Willamette Valley.

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

(10) "Local Fire Permit Issuing Agency" means the County Court or Board of County Commissioners or Fire Chief of a Rural Fire Protection District or other person authorized to issue fire permits pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(11) "Open Field Burning Permit" means a permit issued by the Department pursuant to Section 2 of SB 311.

(12) "Fire Permit" means a permit issued by a local fire permit issuing agency pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(13) "Validation Number" means a unique two-part number issued by a local fire permit issuing agency which validates a specific open field burning permit for a specific field on a specific day. The first part of the validation number shall indicate the number of the month and the day of issuance and the second part the hour of authorized burning based on a 24 hour clock. (e.g. a validation number issued Aug. 26 at 2:30 p.m. would be 826-1430.)

(14) "Open Field Burning" means burning of any perennial grass seed field, annual grass seed field or cereal grain field in such manner that combustion air and combustion products are not effectively controlled. Field burning utilizing a device other than an approved field sanitizer shall constitute open field burning.

(15) "Approved Field Sanitizer" means any field burning device that has been

approved by the Field Sanitation Committee and the Department as a feasible alternative to open field burning.

26-010 GENERAL PROVISIONS. The following provisions apply during both summer and winter burning seasons in the Willamette Valley unless otherwise specifically noted.

(1) Priority for Burning. On any marginal day, priorities for agricultural open burning shall follow those set forth in ORS 468.450 which give perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.

(2) Permits Required.

(a) No person shall conduct open field burning within the Willamette Valley without first obtaining a valid open field burning permit from the Department and a fire permit and validation number from the local fire permit issuing agency for any given field for the day that the field is to be burned.

(b) Applications for open field burning permits shall be filed on Registration/Application forms provided by the Department.

(c) Open field burning permits issued by the Department are not valid until acreage fees are paid pursuant to ORS 468.430(1)(b) and a validation number is obtained from the appropriate local fire permit issuing agency for each field on the day that field is to be burned.

(d) As provided in ORS 468.465(1), permits for open field burning of cereal grain crops shall be issued only if the person seeking the permit submits to the issuing authority a signed statement under oath or affirmation that the acreage to be burned will be planted to seed crops (other than cereal grains, hairy vetch, or field pea crops) which require flame sanitation for proper cultivation.

(e) Any person granted an open field burning permit under these rules shall maintain a copy of said permit at the burn site at all times during the burning operation and said permit shall be made available for at least one year after issuance for inspection upon request by appropriate authorities.

(f) At all times proper and accurate records of permit transactions and copies of all permits shall be maintained by each agency or person involved in the issuance of permits, for inspection by the proper authority.

(g) Permit agencies or persons authorized to participate in the issuance of permits shall submit to the Department, on forms provided, weekly summaries of field burning permit data, during the period July 1 - October 15.

(h) All debris, cutting and prunings shall be dry, cleanly stacked and free of dirt and green material prior to being burned, to insure as nearly complete combustion as possible.

(i) No substance or material which normally emits dense smoke or obnoxious odors may be used for auxiliary fuel in the igniting of debris, cutting or prunings.

(j) Use of approved field sanitizers shall require a fire permit, and permit agencies or agents shall keep up-to-date records of all acreages burned by such sanitizers.

26-012 REGISTRATION AND AUTHORIZATION OF ACREAGE TO BE OPEN BURNED.

(1) On or before July 1, 1975 and on or before April 1 of each subsequent year, all acreages to be open burned under this rule shall be registered with the local fire permit issuing agency or its authorized representative.

(2) Registration of acreage after July 1, 1975 and after April 1 of each subsequent year, shall require:

(a) Approval of the Department,

(b) An additional late registration fee of \$1 per acre if the late registration is determined by the Department to be the fault of the late registrant.

(3) Copies of all Registration/Application forms shall be forwarded to the Department promptly by the local fire permit issuing agency.

(4) The local fire permitting agency shall maintain a record of all registered acreage by assigned field number, location, type of crop, number of acres to be burned and status of fee payment for each field.

(5) Burn authorizations shall be issued by the local fire permit issuing agency up to daily quota limitations established

by the Department and shall be based on registered fee-paid acres and shall be issued in accordance with the priorities established by sub-section 26-010(1) of these rules, except that fourth priority burning shall not be permitted from July 15 to September 15 of any year unless specifically authorized by the Department.

(6) No local fire permit issuing agency shall authorize open field burning of more acreage than may be sub-allocated annually to the District by the Department pursuant to Section 26-013(5) of these rules.

26-013 LIMITATION AND ALLOCATION OF ACREAGE TO BE OPEN BURNED. (1) Maximum acreage to be open burned under these rules each year shall not exceed the following:

(a) During 1975, not more than 234,000 acres.

(b) In 1978 and each year thereafter, the Commission, after taking into consideration the factors listed in sub-section (2) of ORS 468.460, may by order issue permits for the burning of not more than 50,000 acres.

(2) On or before May 1 of any year, the Commission shall seek certification from the Field Sanitation Committee of the numbers of acres that can be sanitized by feasible alternative methods and the Committee's recommendations as to the general location and types of fields to be sanitized utilizing feasible alternative methods.

(3) On or before July 10, 1975 and June 1 of each subsequent year, the Commission shall, after public hearing, establish an allocation of registered acres that can be open burned that year. In establishing said acreage allocation, the Commission shall consult with OSU and the Oregon Field Sanitation Committee and may consult with other interested agencies and shall, pursuant to ORS 468.460(2) and ORS 468.475(4) consider means of more rapid reduction of acres burned each year than provided by ORS 468.475(2).

(4) Acres burned on any day by approved field sanitizers shall not be applied to open field burning acreage allocations or quotas, and such sanitizers may be operated under either marginal or prohibition conditions.

(5) In the event that more than 234,000 acres are registered to be open burned in 1975, the Department shall make an effort to obtain voluntary reductions in the acres

registered. If by July 17, 1975, sufficient voluntary reductions are not realized, the Department shall sub-allocate the total acreage allocation established by the Commission to the respective fire permit issuing agencies on the basis of the acreage registered within each fire permit issuing agency jurisdiction as of July 10, 1975, to the total acreage registered as of July 10, 1975.

(6) The Department may authorize burning on an experimental basis, and may also, on a fire district by fire district basis, issue limitations more restrictive than those contained in these regulations when in their judgment it is necessary to attain air quality.

26-015 WILLAMETTE VALLEY SUMMER BURNING SEASON REGULATIONS. (1) Classification of Atmospheric Conditions. All days will be classified as marginal or prohibition days under the following criteria:

(a) Marginal Class II conditions: Forecast northerly winds and maximum mixing depth greater than 3500 feet.

(b) Marginal Class S conditions: Forecast southerly winds.

(c) Prohibition conditions: Forecast northerly winds and maximum mixing depth 3500 feet or less.

(2) Quotas.

(a) Except as provided in this subsection, the total acreage of permits for open field burning shall not exceed the amount authorized by the Department for each marginal day. Daily authorizations of acreages shall be issued in terms of basic quotas or priority area quotas as listed in Table 1, attached as Exhibit A and incorporated by reference into this regulation and schedule and defined as follows:

(A) The basic quota represents the number of acres to be allowed throughout a permit jurisdiction, including fields located in priority areas, on a marginal day on which general burning is allowed in that jurisdiction.

(B) The priority area quota represents the number of acres allowed within the priority areas of a permit jurisdiction on a marginal day when only priority area burning is allowed in that jurisdiction.

(b) Willamette Valley permit agencies or agents not specifically named in Table 1 shall have a basic quota and priority area quota of 50 acres only if they have registered acreage to be burned within their jurisdiction.

(c) In no instance shall the total acreage of permits issued by any permit issuing agency or agent exceed that allowed by the Department for the marginal day, except as provided for 50 acre quotas as follows: When the established daily acreage quota is 50 acres or less, a permit may be issued to include all the acreage in one field providing that field does not exceed 100 acres and provided further that no other permit is issued for that day. For those districts with a 50 acre quota, permits for more than 50 acres shall not be issued on 2 consecutive days.

(d) The Department may designate additional areas as Priority Areas, and may adjust the basic acreage quotas or priority area quotas of any permit jurisdiction, where conditions in their judgment warrant such action.

(3) Burning Hours may begin at 9:30 a.m. PDT, under marginal conditions but no open field burning may be started later than one-half hour before sunset. Burning hours may be reduced by the fire chief or his deputy when necessary to protect from danger by fire.

(4) Extent and Type of Burning.

(a) Prohibition. Under prohibition conditions no fire permits or validation numbers for agricultural open burning shall be issued and no burning shall be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially complete, or an approved field sanitizer is used.

(b) Marginal Class N Conditions. Unless specifically authorized by the Department, on days classified as Marginal Class N burning may be limited to the following:

(A) North Valley: one basic quota may be issued in accordance with Table 1.

(B) South Valley: one priority area quota for priority area burning may be issued in accordance with Table 1.

(c) Marginal Class S Conditions. Unless specifically authorized by the Department on days classified as Marginal Class S conditions, burning shall be limited to the following:

(A) North Valley: One basic quota may be issued in accordance with Table 1 in the following permit jurisdictions: Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portion of the Clackamas-Marion Forest Protection District. One priority area quota may be issued in accordance with Table 1 for priority area burning in all other North Valley jurisdictions.

(B) South Valley: One basic quota may be issued in accordance with Table 1.

(d) Special Restrictions on Priority Area Burning. No field may be burned on the upwind side of any city, airport, or highway within a priority area.

TABLE 1
FIELD BURNING ACREAGE QUOTAS
NORTH VALLEY AREAS

<u>County/Fire District</u> <u>North Valley Counties</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>Clackamas County</u>		
<u>Canby RFPD</u>	<u>50</u>	<u>50</u>
<u>Clackamas County #54</u>	<u>50</u>	<u>0</u>
<u>Clackamas - Marion FPA</u>	<u>50</u>	<u>0</u>
<u>Estacada RFPD</u>	<u>75</u>	<u>0</u>
<u>Molalla RFPD</u>	<u>50</u>	<u>0</u>
<u>Monitor RFPD</u>	<u>50</u>	<u>0</u>
<u>Scotts Mills RFPD</u>	<u>50</u>	<u>0</u>
<u>Total</u>	<u>375</u>	<u>50</u>

<u>Marion County</u>		
<u>Aumsville RFPD</u>	<u>50</u>	<u>0</u>
<u>Aurora-Donald RFPD</u>	<u>50</u>	<u>50</u>
<u>Drakes Crossing RFPD</u>	<u>50</u>	<u>0</u>
<u>Hubbard RFPD</u>	<u>50</u>	<u>0</u>
<u>Jefferson RFPD</u>	<u>225</u>	<u>50</u>
<u>Marion County #1</u>	<u>100</u>	<u>50</u>
<u>Marion County Unprotected</u>	<u>50</u>	<u>50</u>
<u>Mt. Angel RFPD</u>	<u>50</u>	<u>0</u>
<u>St. Paul RFPD</u>	<u>125</u>	<u>0</u>
<u>Salem City</u>	<u>50</u>	<u>50</u>
<u>Silverton RFPD</u>	<u>300</u>	<u>0</u>
<u>Stayton RFPD</u>	<u>150</u>	<u>0</u>
<u>Sublimity RFPD</u>	<u>250</u>	<u>0</u>
<u>Turner RFPD</u>	<u>50</u>	<u>50</u>
<u>Woodburn RFPD</u>	<u>125</u>	<u>50</u>
<u>Total</u>	<u>1675</u>	<u>350</u>

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Polk County</u>		
Polk County Non-District	50	0
Southeast Rural Polk	400	50
Southwest Rural Polk	125	50
<u>Total</u>	<u>575</u>	<u>100</u>
<hr/>		
<u>Washington County</u>		
Cornelius RFPD	50	50
Forest Grove RFPD	50	0
Forest Grove, State Forestry	50	0
Hillsboro	50	50
Washington County FPD #1	50	50
Washington County FPD #2	50	50
<u>Total</u>	<u>300</u>	<u>200</u>
<hr/>		
<u>Yamhill County</u>		
Amity RFPD	125	50
Carlton RFPD	50	50
Dayton RFPD	50	50
Dundee RFPD	50	
McMinnville RFPD	150	75
Newberg RFPD	50	0
Sheridan RFPD	75	50
Yamhill RFPD	50	0
<u>Total</u>	<u>600</u>	<u>275</u>
<hr/>		
<u>North Valley Total</u>	<u>3575</u>	<u>975</u>

SOUTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>South Valley Counties</u>		
<u>Benton County</u>		
<u>County Non-District & Adair</u>	<u>350</u>	<u>175</u>
<u>Corvallis RFPD</u>	<u>175</u>	<u>125</u>
<u>Monroe RFPD</u>	<u>325</u>	<u>50</u>
<u>Philomath RFPD</u>	<u>125</u>	<u>100</u>
<u>Western Oregon FPD</u>	<u>100</u>	<u>50</u>
<u>Total</u>	<u>1075</u>	<u>500</u>

<u>Lane County</u>		
<u>Coburg RFPD</u>	<u>175</u>	<u>50</u>
<u>Creswell RFPD</u>	<u>75</u>	<u>100</u>
<u>Eugene RFPD</u>		
<u>(Zumwalt RFPD)</u>	<u>50</u>	<u>50</u>
<u>Junction City RFPD</u>	<u>325</u>	<u>50</u>
<u>Lane County Non-District</u>	<u>100</u>	<u>50</u>
<u>Lane County RFPD #1</u>	<u>350</u>	<u>50</u>
<u>Santa Clara RFPD</u>	<u>50</u>	<u>50</u>
<u>Thurston-Waterville</u>	<u>50</u>	<u>50</u>
<u>West Lane FPD</u>	<u>50</u>	<u>0</u>
<u>Total</u>	<u>1225</u>	<u>450</u>

<u>Linn County</u>		
<u>Albany RFPD</u>		
<u>(inc. N. Albany, Palestine,</u>		
<u>Co. Unprotected Areas)</u>	<u>625</u>	<u>125</u>
<u>Brownsville RFPD</u>	<u>750</u>	<u>50</u>
<u>Halsey-Shedd RFPD</u>	<u>2050</u>	<u>200</u>
<u>Harrisburg RFPD</u>	<u>1350</u>	<u>50</u>
<u>Lebanon RFPD</u>	<u>325</u>	<u>325</u>
<u>Lyons RFPD</u>	<u>50</u>	<u>0</u>
<u>Scio RFPD</u>	<u>175</u>	<u>0</u>
<u>Tangent RFPD</u>	<u>925</u>	<u>325</u>
<u>Total</u>	<u>6250</u>	<u>1075</u>

<u>South Valley Total</u>	<u>8550</u>	<u>2025</u>
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26-020 WINTER BURNING SEASON REGULATIONS.

(1) Classification of atmospheric conditions:

(a) Atmospheric conditions resulting in computed air pollution index values in the high range, values of 90 or greater, shall constitute prohibition conditions.

(b) Atmospheric conditions resulting in computed air pollution index values in the low and moderate ranges, values less than 90, shall constitute marginal conditions.

(2) Extent and Type of Burning.

(a) Burning Hours. Burning hours for all types of burning shall be from 9:00 a.m. until 4:00 p.m., but may be reduced when deemed necessary by the fire chief or his deputy. Burning hours for stumps may be increased if found necessary to do so by the permit issuing agency. All materials for burning shall be prepared and the operation conducted, subject to local fire protection regulations, to insure that it will be completed during the allotted time.

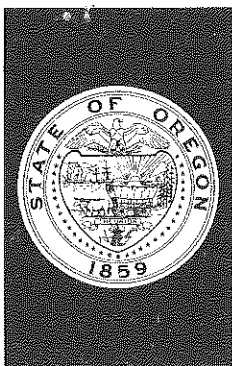
(b) Certain Burning Allowed Under Prohibition Conditions. Under prohibition conditions no permits for agricultural open burning may be issued and no burning may be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially complete, or an approved field sanitizer is used.

(c) Priority for Burning on Marginal Days. Permits for agricultural open burning may be issued on each marginal day in each permit jurisdiction in the Willamette Valley, following the priorities set forth in ORS 468.450 which gives perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.

26-025 CIVIL PENALTIES. In addition to any other penalty provided by law: (1) Any person who intentionally or negligently causes or permits open field burning contrary to the provisions of ORS 468.450, 468.455 to 468.485, 476.380 and 478.960 shall be assessed by the Department a civil penalty of at least \$20, but not more than \$40 for each acre so burned.

(2) Any person planting contrary to the restrictions of subsection (1) of ORS 468.465 shall be assessed by the Department a civil penalty of \$25 for each acre planted contrary to the restrictions.

(3) Any person who violates any requirements of these rules shall be assessed a civil penalty pursuant to OAR Chapter 340, Division 1, Sub-Division 2, CIVIL PENALTIES.



ENVIRONMENTAL QUALITY COMMISSION

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

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The Dalles

TO: Environmental Quality Commission
From: Director
Subject: Agenda Item No. E(2), December 12, 1975, EQC Meeting

Public Hearing Relating to Adoption of Proposed Rules:
Emission and Operating Standards for Alternative Methods
of Field Sanitation (Mobile Field Sanitizers)

Background

Senate Bill 311 outlines the responsibilities of the Commission and the Department regarding alternative methods of field sanitizing as follows:

Section 9. "The Commission shall establish emission standards for certified alternative methods to open field burning."

Section 12(1)(c). "The fee required by paragraph (b) of this subsection shall be refunded for any acreage where efficient burning of stubble is accomplished with equipment using an auxiliary fuel or Mobile Field Sanitizer which has been approved by the Committee and the Department for field sanitizing purposes or for any acreage not burned.:

One of the recognized alternative methods of field sanitation is the use of Mobile Field Sanitizers.

The Oregon Field Sanitation Committee asked the Department to formulate rules for the manufacture and operation of Mobile Field Sanitizers. The consulting engineers for the Committee indicated that their development of the present field sanitizers was nearing completion. Further, development should be initiated and accomplished through private manufacture and field use. The request was accompanied by a field inspection tour for the benefit of staff members and for the gathering of emission data, to supplement observations made by the staff during the field burning season.



Contains
Recycled
Materials

The tour and numerous other field observations by the Department's field burning staff covered six different machines representing three distinct designs. These sanitizers operated successfully in a limited range of field conditions and, based on this performance, two of the three designs appear to be capable of meeting the proposed standards. Operation outside design ranges resulted in any of the following: severe smoking, loss of fire, dangerous fire spread, or overheating of the machine structure.

Present Mobile Field Sanitizers appear to do an excellent job of sanitizing (destruction of harvest shattered seed, weed seed, and plant diseases). They also allow the burning of wet or green grass stubble under conditions which preclude open field burning.

A second recognized alternative method is the propane field sanitizer. The generally high emissions and confusion surrounding the operating criteria of this auxiliary fuel sanitizer require clarifying rules.

Discussion

The Committee consulting engineers feel that, though present Mobile Field Sanitizers do not operate satisfactorily under all conditions, the basic principles required of field sanitizers have been proved this season. Further progress toward a truly practicable field sanitizer can only be made by increased use and experimentation involving many machines in field use. To attain this goal, private manufacture and field use must be promoted.

Manufacturers of such early units will require emission standards to establish design requirements. Buyers of these machines will require assurance not only that their sanitizers will meet the emission standards (and therefore be usable in the field) but also that expected future changes to standards will not prematurely prohibit use of the unit or amortization of its cost.

It was the staff's proposal to allow the amortization of field sanitizer costs over a period of years, as a policy of the Department. However, the Oregon Field Sanitation Committee has expressed the need to have this commitment as part of the rule. If this is the desire of the Commission, the staff will recommend inclusion of Section 26-011(2)(b)(C) as per Attachment B. It must be noted that in order to use and amortize the mobile field sanitizers over a period of years, the sanitizer must be adequately maintained.

Comment received from the Oregon Environmental Council and others since the initial distribution of the proposed rules for Mobile Field Sanitizers indicates that the term "Approved Field Sanitizer" applied to present units is somewhat misleading since today's machines are obviously not the ultimate desired solution to mobile field sanitizing and should not be represented as such. At present, the field sanitizers are not fully satisfactory from either economic or air quality viewpoints.

Oregon Seed Council representatives indicates that the proposed rules would not necessarily induce growers to buy the machines but felt that emission and amortization features should be included for those growers willing to invest. The Seed Council also says the amortization period should be extended to seven years to allow the machines to qualify for the maximum Federal Investment Tax Credit which demands seven years usability.

Tax credit is based on a sliding scale:

<u>Years Amortized</u>	<u>Percent Allowable</u>
7	10% of 100% value
5-7	10% of 2/3 value
3-5	10% of 1/3 value
3	0

In response to these comments, the following revisions have been made to the original proposed rules:

Add definition of Approved Pilot Field Sanitizer as:

26-005(20). "Approved Pilot Field Sanitizer" means any field burning device that has been observed and endorsed by the Committee and the Department as an acceptable temporary alternative to open burning, the operation of which is expected to contribute information useful to further development of Field Sanitizers.

26-011(1). Insert the word "pilot" between "Approved" and "field."

26-011(2). Insert the word "pilot" between "Approved" and "field."

26-011(2)(a). Insert the word "pilot" between "of" and "field."

26-011(2)(a)(ii). Revise to read "acreage and emission performance data and rated capacity."

26-011(2)(a)(vi). Delete.

26-011(2)(b). Insert the word "pilot" between "Approved" and "field."

26-011(2)(b)(A). Insert the word "pilot" between "Approved" and "field."

26-011(2)(b)(B). Insert the word "pilot" between "the" and "field."

26-011(2)(c). Insert the word "pilot" between "approved" and "field."

26-011(2)(c)(A). Insert the word "pilot" between "approved" and "field."

26-011(2)(b)(C). Insert the words "approved pilot" between "decertify" and "field" and insert the word "pilot" between "approved" and "field."

26-011(4)(c)(B). Revise to read, "The field has been flail-chopped, mowed, or otherwise cut close to the ground and the straw removed to reduce the straw fuel load as much as practicable."

Conclusions

1. Mobile Field Sanitizers appear to be agronomically superior to open field burning.
2. In their present stage of development, Mobile Field Sanitizers do not appear to be satisfactory from an air quality standpoint.
3. Present sanitizers are economically unacceptable on all but very specialized seed types.
4. Sanitizers, when operating under design or optimum conditions, do a good job of burning with acceptable emissions.
5. Field observations indicate improvements are needed relative to operating reliability and fugitive smoke escapement.
6. There is hope that through continued development that sanitizers acceptable from agronomic and air quality standpoints will be forthcoming.

To overcome these major drawbacks to the use of field sanitizers, further development must proceed as rapidly as practicable. The attached rules are designed to allow more rapid development through manufacture, approval, and use of increased numbers of machines than in the past.

Director's Recommendation

It is the recommendation of the Director that the attached proposed rules for Mobile Field Sanitizers be adopted with the following revisions:

1. Add definition of Approved Pilot Field Sanitizer as 26-005(20).
2. Insert the word "pilot":
 - in 26-011(2)(a) between "of" and "field."
 - in 26-011(2)(b)(B) between "the" and "field."
 - in 26-011(1), (2), (2)(b), (2)(b)(A), (2)(c), (2)(c)(A), and (2)(b)(C) between "approved" and "field."

3. Revise 26-011(2)(a)(ii) to read "acreage and emission performance data and rated capacity."
4. Delete 26-011(2)(a)(vi).
5. In 26-011(2)(b)(C), insert the words "approved pilot" between "decertify" and "field."
6. Revise 26-011(4)(c)(B) to read, "The field has been flail-chopped, mowed, or otherwise cut close to the ground and the straw removed to reduce the straw fuel load as much as practicable."



Director

RLV:cs
11/25/75

Attachments (2)

ATTACHMENT A

ADDITIONS TO THE PROPOSED AMENDMENTS TO
OAR CHAPTER 340, SECTIONS 26-005 and 26-011

- 26-005 (16) "Approved Experimental Field Sanitizer" means any field burning device that has been approved by the Field Sanitation Committee and the Department as a potentially feasible alternative to open field burning, or the operation of which may contribute information useful to further development of field sanitizers.
- (17) "After-Smoke" means persistent smoke resulting from the burning of a grass seed or cereal grain field with a field sanitizer, and emanating from the grass seed or cereal grain stubble or accumulated straw residue at a point ten (10) feet or more behind a field sanitizer.
- (18) "Leakage" means any smoke which is not vented through a stack and is not classified as after-smoke, and is produced as a result of using a field sanitizer.
- (19) "Committee" means Oregon Field Sanitation Committee.
- (20) "Approved Pilot Field Sanitizer" means any field burning device that has been observed and endorsed by the Committee and the Department as an acceptable temporary alternative to open burning, the operation of which is expected to contribute information useful to further development and improved performance of field sanitizers.
- 26-011 Certified Alternatives to Open Field Burning
- (1) Approved pilot field sanitizers, approved experimental field sanitizers, or propane flammers may be used as alternatives to open field burning subject to the provisions of this section.
- (2) Approved Pilot Field Sanitizers
- (a) Procedures for submitting application for approval of pilot field sanitizers.

Applications shall be submitted in writing to the Department and shall include, but not be limited to, the following: (i) design plans and specifications; (ii) acreage and emission performance data and rated capacities; (iii) details regarding availability of repair service and replacement parts; (iv) operational instructions; (v) letter of approval from the Field Sanitation Committee[; ~~(vi)-rated-acreage-capacity~~].

(b) Emission Standards for Approved Pilot Field Sanitizers.

(A) Approved pilot field sanitizers shall be required to demonstrate the capability of sanitizing a representative and harvested grass field or cereal grain stubble with an accumulative straw and stubble fuel load of not less than 1.0 tons/acre, dry weight basis, and which has an average moisture content not less than 10%, at a rate of not less than 85% of rated maximum capacity for a period of 30 continuous minutes without exceeding emission standards as follows: (i) 20% average opacity out of main stack; (ii) leakage not to exceed 20% of the total emissions; (iii) no significant after-smoke originating more than 25 yards behind the operating machine.

(B) The Department shall certify in writing to the Field Sanitation Committee and the manufacturer, the approval of the pilot field sanitizer within thirty (30) days of the receipt of a complete application and successful compliance demonstration with the emission standards of 2(b)(A). Such approval shall apply to all machines built to the specifications of the Department certified field sanitation machine.

(c) Operation and/or modification of approved pilot field sanitizers.

(A) Operating approved pilot field sanitizers shall be maintained to design specifications (normal wear excepted), i.e., skirts, shrouds, shields, air bars, ducts, fans, motors, etc., shall be in place, intact and operational.

- (B) Modifications to the structure or operating procedures which will knowingly increase emissions shall not be made.
 - (C) Any modifications to the structure or operating procedures which result in increased emissions shall be further modified or returned to manufacturer's specifications to reduce emissions to original levels or below as rapidly as practicable.
 - (D) Open fires away from the sanitizers shall be extinguished as rapidly as practicable.
- (3) Experimental field sanitizers identified in writing as experimental units by the Committee and not meeting the emission criteria specified in 2(b)(A) above, may receive Department authorization for experimental use for not more than one season at a time, provided:
- (a) The Committee shall report to the Department field burning manager the locations of operation of experimental field sanitizers.
 - (b) The Committee shall provide the Department an end-of-season report of experimental field sanitizer operations.
 - (c) Open fires away from the machines shall be extinguished as rapidly as practicable.
- (4) Propane Flamers. Open propane flaming is an approved alternative to open field burning provided that all of the following conditions are met.
- (a) Field sanitizers are not available or otherwise cannot accomplish the burning.
 - (b) The field stubble will not sustain an open fire.
 - (c) One of the following conditions exist:
 - (A) The field has been previously open burned and appropriate fees paid.
 - (B) The field has been flail-chopped, mowed, or otherwise cut close to the ground [~~e~~ipped-so-that-stubble-is no-longer-than-2"] and loose straw has been removed to reduce the straw fuel load as much as practicable.

ATTACHMENT B

26-011(2)(b)(C)

In the event of the development of significantly superior field sanitizers, the Department may decertify approved pilot field sanitizers previously approved, except that any unit built prior to this decertification in accordance with specifications of previously approved pilot field sanitizers shall be allowed to operate for a period not to exceed seven years from the date of delivery provided that the unit is adequately maintained as per (2)(c)(A).



DEPARTMENT OF ENVIRONMENTAL QUALITY
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November 14, 1975

Mr. Richard Vogt, Chief
Air Quality Division
Department of Environmental Quality
1234 S.W. Morrison
Portland, Oregon 97205

Dear Mr. Vogt:

We appreciated the opportunity to discuss the proposed standards for alternatives to open field burning with you and your staff in Salem yesterday.

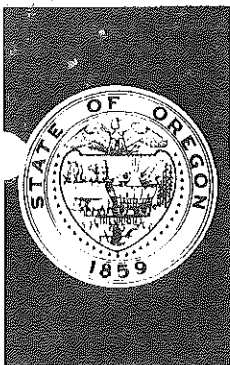
It is the recommendation of the Oregon Seed Council's committee, on emission standards for alternatives, that the adoption of the standards in their current form would be premature. The committee and the Seed Council support the need to encourage continued development and field use of the mobile field sanitizers as one of the possible alternatives to open field burning. It is our understanding that the primary purpose of adopting permanent standards would be to provide incentives for growers to invest in sanitizers for continued development and experimentation. However, from our many discussions with seed growers it is our opinion that adoption of the standards would not encourage growers to make such investments. The record of performance this past year has negated the possibility of getting farmers to invest the \$35 per acre for straw removal and machine sanitation except in perhaps 10 to 12 isolated cases. Adoption of emission standards for "certified alternatives to open field burning" as proposed would be detrimental to future use by reframing the political battles through the inference that the machines are workable because they meet the standards for "certified alternatives."

We do feel that adoption of standards for experimental, pilot or developmental machines would be valuable. The standards should clearly state that they are for development use and are designed to facilitate fee refund, pollution control facility tax treatment of the investment, and seven year amortization of the investment. The purpose of the seven year period is to qualify the investment for federal investment credit tax treatment.

We are ready to work with you and the department to help accomplish our mutual goal of developing satisfactory alternatives to open field burning wherever possible.

Sincerely,

Bob Lorence, President



ENVIRONMENTAL QUALITY COMMISSION

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ROBERT W. STRAM MEMORANDUM
GOVERNOR

To: Environmental Quality Commission

From: Loren Kramer

Subject: December 12, 1975, Environmental Quality Commission Meeting,
Revision of Fee Schedule for Air Contaminant Discharge Permits.
Public Hearing. Agenda Item F.

Background

ORS 468.065(2) authorizes the Commission to establish by rule a schedule of air permit fees based on the cost of filing and investigating the application, issuing or denying the permit and of an inspection program to determine compliance or non-compliance with the permit. The air permit system has been operating for two years and most sources have received a permit.

The air permit program since the regulation became effective on July 28, 1972 through June 30, 1975, resulted in revenues of \$460,106;^{1/} and for the past biennium period only, revenues were \$382,006.^{1/} The existing regulatory schedule of permit fees is expected to raise revenues of approximately \$174,000^{1/} during the current biennium. The estimated permit fee income as stated in the Department's budget for this biennium is \$291,000. While a portion of the discrepancy is attributable to better records, it is also a result of the exclusion of small boilers outside the Willamette Valley. The issuance of permits, inspection and monitoring of these small boiler sources outside the valley is not cost effective nor do they contribute in a demonstrable way to air quality problems in that area.

The legislature in approving the Department's current budget for the air quality control program has required that the air contaminant discharge permit fees support be increased to \$411,682, excluding personal service increases granted by the legislature. Current permit fee needs, including salary increases, are estimated to be about \$538,000.^{1/}

The fees contained in the attached revised proposed Table A were developed to reflect the Department's estimate of the relative amount of time and other costs required to process or maintain permits based on source type and to produce a biennial income of about \$540,000.^{1/}

^{1/} Differs from figures in Department's September 26, 1975, report by inclusion of five county area formerly under MWVAPA jurisdiction.

11/12/75

Air Permit Program Activities and Costs

The present air permit program includes at least the following functions:

1. Identifying sources requiring permits and forwarding applications.
2. Processing applications and fees.
3. Determining the compliance status of sources.
4. Inspecting plant sites and equipment.
5. Adopting source control strategies.
6. Reviewing and approving of control equipment, plans and specifications.
7. Issuing proposed and final permits.
8. Evaluating impact of sources on air quality.
9. Monitoring compliance control strategy progress for the duration of the permit.
10. Monitoring the compliance status of all sources on permits and reporting the status of major sources to the US EPA.

In addition, the review of sources relative to procedural requirements of Significant Deterioration, and in some cases New Source Performance Standards has increased the staff time necessary to process applications.

The permit applications are received by the headquarters staff. The applications are logged in, the fees recorded and forwarded to the regional office staff for drafting of the permit. In order to draft the permit, a determination of the compliance status of each air contaminant source at the site must be made. All data in the application is verified at the same time. If the source is in compliance with Department regulations, a permit containing the emission limitations and monitoring requirement is drafted. If the source is not in compliance with Department regulations, the draft permit contains a schedule for development and implementation of a control strategy to bring the source into compliance with the regulations. The draft permit is returned to headquarters staff. It is reviewed for completeness. The applicant is given 14 days for comment and the public is given 30 days for comment on the proposed permit prior to issuance. Public hearings are required if the state implementation plan is changed, if a compliance schedule extends beyond July, 1975 or if a source is controversial.

On at least an annual basis, each source is reviewed to insure that compliance with regulations is maintained. Quarterly reports on the compliance status of sources state-wide is made to the Federal Environmental Protection Agency (EPA).

In order to compare the legislatively directed costs of the Air Contaminant Discharge Permit program to those actually incurred, the Department made a time allocation cost study. As the Department has been administering the permit system for over two years current costs of the overall program and costs to process applications can be estimated.

The allocation of time spent by personnel in the Air Quality Control Division and Regional Offices in carrying out activities such as numbers 1-10 previously listed was made. The percent of time spent on the Air Contaminant Discharge Permit program was multiplied by each individual's salary to obtain a personal service cost. A service and supply increment (rent, travel, office supplies, administration, etc.) of 30% was added to obtain the total individual staff cost. The total air permit program operation cost is considered to be the sum of individual staff costs attributable to permit related activities. The Department's current cost for conducting the Air Contaminant Discharge Permit program is approximately \$1,100,000 for this biennium. The Department's cost for conducting the total air quality program for the same period is approximately \$4,100,000.^{2/}

Fee Schedule

The proposed fee schedule is estimated to raise approximately \$542,000^{1/} if all fees are collected. Based upon this estimate, the air contaminant discharge permit program for this biennium would be funded approximately 49% by air contaminant discharge permit fees with the remaining portion coming from the General Fund and Federal Funds. The estimates in this report do not include the income from or costs associated with those air contaminant sources under jurisdiction of the Lane Regional Air Pollution Authority.

As previously mentioned most permits have been issued. The vast majority of them were issued for a five year period. Filing fees and application processing fees will be an insignificant part of the monies received in the current biennium due to the low percentage of new and modified permits. The Department is proposing to continue not charging (except for filing fees) for applications for renewal of permits where little or no modification of the permit is involved by exempting such renewals from the processing fee.

^{1/} Differs from figures in Department's September 26, 1975, report by inclusion of five county area formerly under MWVAPA jurisdiction.

^{2/} Revised budget figure which includes laboratory and regional office operations.

Additional Rule Changes

A number of changes, in addition to those in Table A, have been proposed in the regulations on air contaminant discharge permits. The changes were made to simplify and clarify the regulations and make them easier to understand. Changes have also been made in the types and amounts of fees to be submitted with the different kinds of applications as discussed in question 6. Other changes are largely housekeeping in nature. Portions of the detailed requirements for Regional Air Pollution Authority have been deleted as they are deemed no longer necessary.

On several occasions since September 26, 1975, the Department has conferred with representatives of industry. The following is a list of their questions to date and the Department's responses:

- 1) Are all of the items 1-10 listed above related to the specific authorization contained in the statutes?

It is the Department's opinion that items 1 through 10 are essential parts of the permit system and authorized by ORS, Section 468.065. In regard to item no. 5, if an air contaminant source is not in compliance with Department regulations, it is necessary to determine the measures the company proposes to take to control the sources and the adequacy of these measures before the permit is issued. Item no. 10 is required by the Department and the US EPA, and the information is obtained from a review of the compliance status of the permitted sources. The cost to the Department associated with item no. 10 is approximately 5% of the cost of the permit system.

- 2) Do air quality permits contain more requirements or detail than permitted by statute?

The Department does not believe that permits contain more requirements or details than permitted by statute. Permits issued do contain specific requirements directly related to the areas of emissions, compliance schedules and monitoring and reporting. These areas are considered to be legitimate statute authorized Department concerns.

- 3) The income and expenses of the Mid-Willamette Valley Air Pollution Authority were not in the Ways and Means committee concerns. What were the costs and expenses attributed to the former MWVAPA area?

MWVAPA's budget for the current biennium was approximately \$304,000. The Department's budget for this area is \$301,000. Permit income versus permit costs are assumed to be the same as for the other 30 counties under the Department's jurisdiction.

- 4) What is the expected revenue on an SIC basis?

Attached is a list of the expected annual revenue for each SIC classification.

- 5) How much additional revenue do you expect to raise by the application of source categories #57 through 61?

Items no. 57 and 58 which pertain to boilers actually decrease the number of boilers required to obtain permits. Boilers located outside the Portland, Salem, Eugene and Medford areas which have a heat input of less than 30×10^6 BTU/hr are not required to apply for a permit. The Department intends to concentrate its efforts to control boilers in areas where air quality problems exist and fuel combustion may be a significant part of the air quality control problem. Individual boiler fees have not been increased. However, industrial sources which have boilers which would require a permit would have to pay the annual fee for the boiler in addition to the appropriate industrial source annual fee from Table A.

Items 59 and 60 pertaining to new sources with potential emissions greater than 10 tons per year or having a potential odor problem, are contained in the existing regulation (Section 20-033.08, 2a and b). These source types have now been included in the new Table A. Approximately ten sources of these types have been issued permits to date.

Item no. 61 is intended to allow the Department to permit a source not included in Table A which is found to be an actual air quality problem. It is estimated that 1 to 5 sources may be permitted under item no. 61. This item is not intended to cover Indirect Source permits. The Indirect Source activity is a separate program. The Department will consider a schedule of fees for the Indirect Source program within the next six months.

- 6) Do you believe that every application for modification of an existing pollution control facility justifies the full application processing fee? Does it make sense to require on renewal a total application processing fee which would be returned in the majority of cases? Could your program be modified by effectively terminating a permit at the time a modification is requested and re-issuing the permit for a five year period? Even under this new proposal, as under the old permit fees, your income will have peaks and valleys as you get a substantial amount of application processing fees in a single year and then you fall back solely and almost totally to annual compliance fees. You indicate that this will be accomplished by spreading renewals. When will this be accomplished? How did you arrive at your \$100,000 biennial estimate of income [from application and processing fees]?

After considering these questions the Department has changed the proposed regulation to resolve these problems.

In the regulation proposed on September 26, 1975, any modification of a source which changed, increased or decreased emissions, required application for a modified permit and payment of the filing fee and application processing fee. Application for renewal of a permit required the submission of the filing fee, application processing fee and annual compliance determination fee. All or a portion of the processing fee could be returned, if little or no work was required to modify the permit. Income was based on an estimate of the number of sources requiring a modified permit and an average processing fee.

The current proposal would require application for a modified permit and payment of the filing fee and application processing fee only if the modification would significantly increase emissions. If emissions are decreased, the Department must be notified, but no fees are required. Applications for renewed permits must be accompanied by the filing fee and the annual compliance determination fee. All new construction is controllable under the Notice of Construction and subsequent plan review and approval procedures.

These changes would eliminate the refunding of monies, and the surges in revenue when large numbers of permits are renewed at the same time. The Department still intends to spread out renewals to balance the workload.

It is the Department's intent to extend the expiration date for a modified permit unless special circumstances dictate otherwise. The Department does not intend to maximize revenue by manipulating expiration dates.

- 7) How many people are involved in the permit program? Do you have a table of organization? How were the total air quality and air permit costs determined?

Attached is a list of air quality personnel, the section to which they are assigned and the percentage of time spent on the permit program. The air permit program costs were derived from this list (salaries plus overhead). The total air quality program cost is from the budget for the current biennium.

- 8) As these fees are levied under the police power reasonable regulation and inspection in relation to the fee will be generally required. Do you have the manpower?

It is the Department's intention to inspect each permitted source at least on an annual basis and to enforce the regulations and permit conditions as necessary. Manpower is a problem and compliance assurance activities will have to be kept within manpower limits allocated to the permit program activities.

- 9) Does the Environmental Protection Agency require a permit program? Would you not be required to prove compliance without such a permit program?

EPA does not require the State to operate a permit program; however, compliance with all regulations and standards is required whether or not a permit program is operating. Permits provide an efficient method for prescribing specific compliance requirements and for assuring compliance with these requirements.

- 10) Were the costs of the self monitoring of many sources, which occasion substantial costs to those sources, taken into consideration when arriving at the annual compliance determination fees? Should self monitoring be reduced?

The Department is aware that those sources that monitor their own emissions and the ambient air and report the results to the Department (mainly pulp mills and aluminum plants) do so at considerable expense to themselves. The costs of the self monitoring were not considered when determining the annual compliance determination fees. As previously stated, the proposed fees were adjusted to reflect the relative time spent on the permit program activities for the various categories of sources.

Monitoring requirements for individual sources may be reviewed and revised at any time either upon request of the permittee or upon initiation by the Department. It is the intent of the Department that self monitoring activities and costs be kept to minimum levels necessary to insure compliance.

- 11) Regarding the application processing fee, can that portion of the program be streamlined? Are the plan review fees proposed actually related to time spent or needed to be spent?

Some streamlining of the application processing procedure has already taken place. Sample permit formats based on source type are distributed to personnel drafting permits, and increasing use of computers speeds up the processing of applications. Further streamlining and simplification of the processing of forms are planned.

The time spent in reviewing plans and developing individual permits is not always directly related to the application processing fee. In general, Department costs exceed application processing fees. The processing fees reflect only the relative average costs of processing permits for various source types. The Department is developing refined records of time spent on various activities which will serve as background data to determine if the costs of developing permits are wholly offset by the application processing fees.

- 12) Have you reviewed the size of the fees that you are proposing to charge versus the fees charged by other regulatory agencies in the State, such as the Department of Agriculture and other like agencies?

The Department is aware that fees are charged by other agencies, but has not taken the fees of other agencies into consideration because the programs are not related and the amount of income to be raised by AQCD permit fees has been determined by the Legislature.

- 13) Have you given any consideration to charging permit fees to certain of the area sources such as backyard burning, for instance?

The Department has compared the emission of backyard burning to a small oil fired boiler (one of the least significant sources in Table A). On an hourly basis the amount of emission is approximately the same, but on an annual basis the boiler emits 1,000 times the particulate matter of the backyard burning. In addition, backyard burning is not a source that is readily controlled by an air contaminant discharge permit.

Summary

The Department is authorized to regulate air contaminant sources by permit and to charge fees, established by the Commission, to defray the costs of the permit program.

The 1975 Oregon Legislature, in approving the Department's biennial budget and salary increases, has required air permit fees to be increased to generate approximately \$540,000. The Department is proposing a revised schedule of fees based on relative costs of processing and assuring compliance for the various source types.

The Department has conferred with representatives of industry and answered questions regarding the proposed air permit regulation changes. The proposal presented on September 26, 1975, has been revised in the areas of modified and renewed permits as a result of the meetings with industry. The costs of the air programs in the areas formerly under the jurisdiction of the Mid-Willamette Valley Air Pollution Authority have been included in the Department's costs.

Conclusion

It is the staff's conclusion that the air contaminant discharge permit fees must be increased at least to those levels in the attached proposed revision of Table A in order to offset the increased costs of maintaining the permit program. The proposed permit fees if fully implemented and collected will raise about \$542,000 and will pay for approximately 49% of the costs attributed to processing, maintaining and enforcing the air contaminant discharge permit program during this biennium.

Director's Recommendation

It is recommended by the Director that OAR Chapter 340, Section 20-033.02 through 20-033.20 be amended as proposed herein, with such further amendments as may be deemed appropriate after consideration of information developed as a result of this hearing.



LOREN KRAMER
Director

Attachments

- 1) Proposed Air Contaminant Discharge Permit regulation
- 2) Changes proposed in current regulation
- 3) Current fees compared to proposed fees
- 4) Permit income from source categories using proposed fees
- 5) Organizational chart of the Department of Environmental Quality
- 6) Estimates of time spent on the permit program on an individual basis

AIR CONTAMINANT DISCHARGE PERMITS

Existing rules 20-033.02 through 20-033.20 are to be repealed and the following adopted in their place.

20-033.02 PURPOSE. The purpose of these rules is to prescribe the requirements and procedures for obtaining Air Contaminant Discharge Permits pursuant to ORS 468.310 to 468.330 and related statutes for stationary sources.

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

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

(2) "Commission" means Environmental Quality Commission.

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

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

(5) "Regional Authority" means Lane Regional Air Pollution Authority.

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

20-033.08 PERMIT REQUIRED. (1) No person shall construct, install, establish, develop or operate any air contaminant source which is referred to in Table A, appended hereto and incorporated herein by reference, without first obtaining a permit from the Department or Regional Authority.

(2) No person shall modify any source covered by a permit under these rules such that the emissions are significantly increased without first applying for and obtaining a modified permit.

(3) No person shall modify any source covered by a permit under these rules such that, (a) the process equipment is substantially changed or added to or (b) the emissions are significantly changed without first notifying the Department.

(4) Any source may apply to the Department or Regional Authority for a special letter permit if operating a facility with no or insignificant, air contaminant discharges. The determination of applicability of this special permit shall be made solely by the Department or Regional Authority having jurisdiction. If issued a special permit, the application processing fee and/or annual compliance determination fee, provided by Section 20-033.12, may be waived by the Department or Regional Authority.

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

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

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

20-033.12 FEES. (1) All persons required to obtain a permit shall be subject to a three part fee consisting of a uniform non-refundable filing fee of \$25.00, an application processing fee and an annual compliance determination fee which are determined by applying Table A. The amount equal to the filing fee, application processing fee, and the annual compliance determination fee shall be submitted as a required part of any application for a new permit. The amount equal to the filing fee and the application processing fee shall be submitted with any application for modification of a permit. The amount equal to the filing fee and the annual compliance determination fee shall be submitted with any application for a renewed permit.

(2) The fee schedule contained in the listing of air contaminant sources in Table A shall be applied to determine the permit fees, on a Standard Industrial Classification (SIC) plant site basis.

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

(4) Applications for multiple-source permits received pursuant to Section 20-033.10 shall be subject to a single \$25.00 filing fee. The application processing fee and annual compliance determination fee for multiple-source permits shall be equal to the total amounts required by the individual sources involved, as listed in Table A.

(5) The annual compliance determination fee shall be paid at least 30 days prior to the start of each subsequent permit year. Failure to timely remit the annual compliance determination fee in accordance with the above shall be considered grounds for not issuing a permit or revoking an existing permit.

(6) If a permit is issued for a period less than one (1) year, the applicable annual compliance determination fee shall be equal to the full annual fee. If a permit is issued for a period greater than 12 months, the applicable annual compliance determination fee shall be pro-rated by multiplying the annual compliance determination fee by the number of months covered by the permit and dividing by twelve (12).

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

(8) Upon accepting an application for filing, the filing fee shall be non-refundable.

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

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

(11) All fees shall be made payable to the permit issuing agency.

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

20-033.16 OTHER REQUIREMENTS. (1) No person shall construct, install, establish, modify or enlarge any air contaminant source requiring an air contaminant discharge permit or facilities for controlling, treating, or otherwise limiting air contaminant emissions from air contaminant sources requiring an air contaminant discharge permit without notifying the permit issuing agency as required by ORS 468.325 and rules promulgated thereunder (Notice of Construction).

(2) Prior to construction, installation, establishment, modification or enlargement of any air contaminant source requiring an air contaminant discharge permit or modification of an air contaminant discharge permit or facilities for controlling, treating, or otherwise limiting air contaminant emissions from air contaminant sources requiring an air contaminant discharge permit or modified air contaminant discharge permit, detailed plans and specifications shall be submitted to and approved in writing by the Department or Regional Authority upon request as required by ORS 468.325 and rules promulgated thereunder (Notice of Construction).

20-033.18 REGISTRATION EXEMPTION. Air contaminant sources constructed and operated under a permit issued pursuant to these regulations shall be exempted from registration as required by rules adopted pursuant to ORS 468.320.

20-033.20 PERMIT PROGRAM FOR REGIONAL AIR POLLUTION AUTHORITY. Subject to the provisions of this section, the Commission authorizes the Regional Authority to issue, modify, renew, suspend and revoke air contaminant discharge permits for air contamination sources within its jurisdiction.

(1) Each permit proposed to be issued or modified by the Regional Authority shall be submitted to the Department at least thirty (30) days prior to the proposed issuance date.

(2) A copy of each permit issued, modified or revoked by the Regional Authority shall be promptly submitted to the Department.

TABLE A - AIR CONTAMINANT SOURCES AND
ASSOCIATED FEE SCHEDULE

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
1. Seed cleaning located in Special Control Areas (not elsewhere included)	0723	25	75	150	250	175	100
2. Smoke houses with 5 or more employees	2013	25	75	100	200	175	100
3. Flour and other grain mill products in Special Control Areas	2041						
a) 10,000 or more T/y		25	250	300	575	325	275
b) Less than 10,000 T/y		25	200	150	375	175	225
4. Cereal preparations in Special Control Areas	2043	25	250	200	475	225	275
5. Blended and prepared flour in Special Control Areas	2045						
a) 10,000 or more T/y		25	250	200	475	225	275
b) Less than 10,000 T/y		25	200	100	325	125	225
6. Prepared feeds for animals and fowls in Special Control Areas	2048						
a) 10,000 or more T/y		25	250	300	575	325	275
b) Less than 10,000 T/y		25	150	150	325	175	175
7. Beet sugar manufacturing	2063	25	300	500	825	525	325
8. Rendering plants	2077	25	200	250	475	275	225
9. Coffee roasting	2095	25	150	100	275	125	175

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
11. Sawmill and/or planing	2421						
a) 25,000 or more bd.ft./shift		25	150	200	375	225	175
b) Less than 25,000 bd.ft./shift		25	50	100	175	125	75
11. Hardwood mills	2426	25	50	100	175	125	75
12. Shake and shingle mills	2429	25	50	100	175	125	75
13. Mill work with 10 employees or more	2431	25	125	100	250	125	150
14. Plywood manufacturing	2435 & 2436						
a) Greater than 25,000 sq.ft./hr, 3/8" basis		25	500	500	1025	525	525
b) Less than 25,000 sq/ft./hr, 3/8" basis		25	350	350	725	375	375
15. Veneer manufacturing only (not elsewhere included)	2435 & 2436	25	75	125	225	150	100
16. Wood preserving	2491	25	125	100	250	125	150
17. Particleboard manufacturing	2492	25	500	500	1025	525	525
18. Hardboard manufacturing	2499	25	500	500	1025	525	525
19. Battery separator manufacturing	2499	25	75	100	200	125	100
20. Furniture and fixtures	2511						
a) 100 or more employees		25	150	125	300	150	175
b) 10 employees or more but less than 100 employees		25	100	100	225	125	125

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
21. Pulp mills, paper mills, and paper board mills	2611 2621 2631	25	1000	2000	3025	2025	1025
22. Building paper and building board mills	2661	25	150	150	325	175	175
23. Alkalies and chlorine manufacturing	2812	25	275	200	500	225	300
24. Calcium carbide manufacturing	2819	25	300	400	725	425	325
25. Nitric acid manufacturing	2819	25	200	200	425	225	225
26. Ammonia manufacturing	2819	25	200	250	475	275	225
27. Industrial inorganic and organic chemicals manufacturing (not elsewhere included)	2819	25	250	300	575	325	275
28. Synthetic resin manufacturing	2821	25	200	175	400	200	225
29. Charcoal manufacturing	2861	25	275	200	500	225	300
30. Herbicide manufacturing	2879	25	500	500	1025	525	525
31. Petroleum refining	2911	25	1000	2000	3025	2025	1025
32. Asphalt production by distillation	2951	25	200	200	425	225	225
33. Asphalt blowing plants	2951	25	200	200	425	225	225

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
38. Asphaltic concrete paving plants	2951						
a) Stationary		25	200	225	450	250	225
b) Portable		25	200	275	500	300	225
37. Asphalt felts and coating	2952	25	200	200	425	225	225
30. Blending, compounding or re-refining of lubricating oils and greases	2992	25	175	150	350	175	200
38. Glass container manufacturing	3221	25	200	200	425	225	225
38. Cement manufacturing	3241	25	625	625	1275	650	650
39. Redimix concrete	3273	25	75	100	200	125	100
40. Lime manufacturing	3274	25	300	125	450	150	325
42. Gypsum products	3275	25	150	150	325	175	175
42. Rock Crusher	3295						
a) Stationary		25	175	200	400	225	200
b) Portable		25	175	250	450	275	200
43. Steel works, rolling and finishing mills	3312	25	500	350	875	375	525
44. Incinerators							
a) 1,000 lbs/hr. and greater capacity		25	300	200	525	225	325
b) 40 lbs/hr. to 1,000 lbs/hr. capacity		25	100	50	175	75	125

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
45. Gray iron and steel foundries	3321						
Malleable iron foundries	3322						
Steel investment foundries	3324						
Steel foundries not elsewhere classified	3325						
a) 3,500 or more T/y production		25	500	400	925	425	525
b) Less than 3,500 T/y production		25	125	200	350	225	150
46. Primary aluminum production	3334	25	1000	2000	3025	2025	1025
47. Primary smelting and refining of ferrous and nonferrous metals not elsewhere classified	3339						
a) 2,000 or more T/y production		25	500	350	875	375	525
b) Less than 2,000 T/y production		25	100	75	200	100	125
48. Secondary lead smelting	3341	25	225	250	500	275	250
49. Non Ferrous Metals Foundries	3361 3362	25	125	200	350	225	150
50. Electroplating, polishing and anodizing with 5 or more employees	3471	25	100	100	225	125	125
51. Galvanizing and pipe coating--exclude all other activities	3479	25	100	150	275	175	125
52. Battery manufacturing	3691	25	125	150	300	175	150
53. Grain elevators - intermediate storage only, located in Special Control Areas	4221						
a) 20,000 or more T/y		25	175	400	600	425	200
b) Less than 20,000 T/y		25	100	125	250	150	125

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
54. Electric power generation	4911*						
a) Greater than 25MW		25	1000	1000	2025	1025	1025
b) Less than 25MW		25	350	500	875	525	375
55. Gas production and/or manufacturing	4925	25	375	225	625	250	400
56. Grain elevators - Terminal elevators primarily engaged in buying and/or marketing grain--in Special Control Areas	5153						
a) 20,000 or more T/y		25	500	400	925	425	525
b) Less than 20,000 T/yr		25	150	125	300	150	175
57. Fuel burning equipment within the boundaries of the Portland, Eugene-Springfield, and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area***	4961**		(Fees will be based on the total aggregate heat input of all boilers at the site.)				
a) Residual oil fired, wood fired or coal fired							
1) 250 million or more btu/hr (heat input)		25	150	100	325	175	175
2) 5 million or more but less than 250 million btu/hr. (heat input)		25	100	50	225	125	125
3) Less than 5 million btu/hr (heat input)		25	25	25	100	75	50
b) Distillate oil fired							
1) 250 million or more btu/hr (heat input)		25	150	100	325	175	175
2) 5 million or more but less than 250 million btu/hr. (heat input)		25	25	25	100	75	50

* Excluding hydroelectric and nuclear generating projects, and limited to utilities.

** Including fuel burning equipment generating steam for process or for sale but excluding power generation (SIC 4911).

*** Maps of these areas are attached. Legal descriptions are on file in the Department.

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

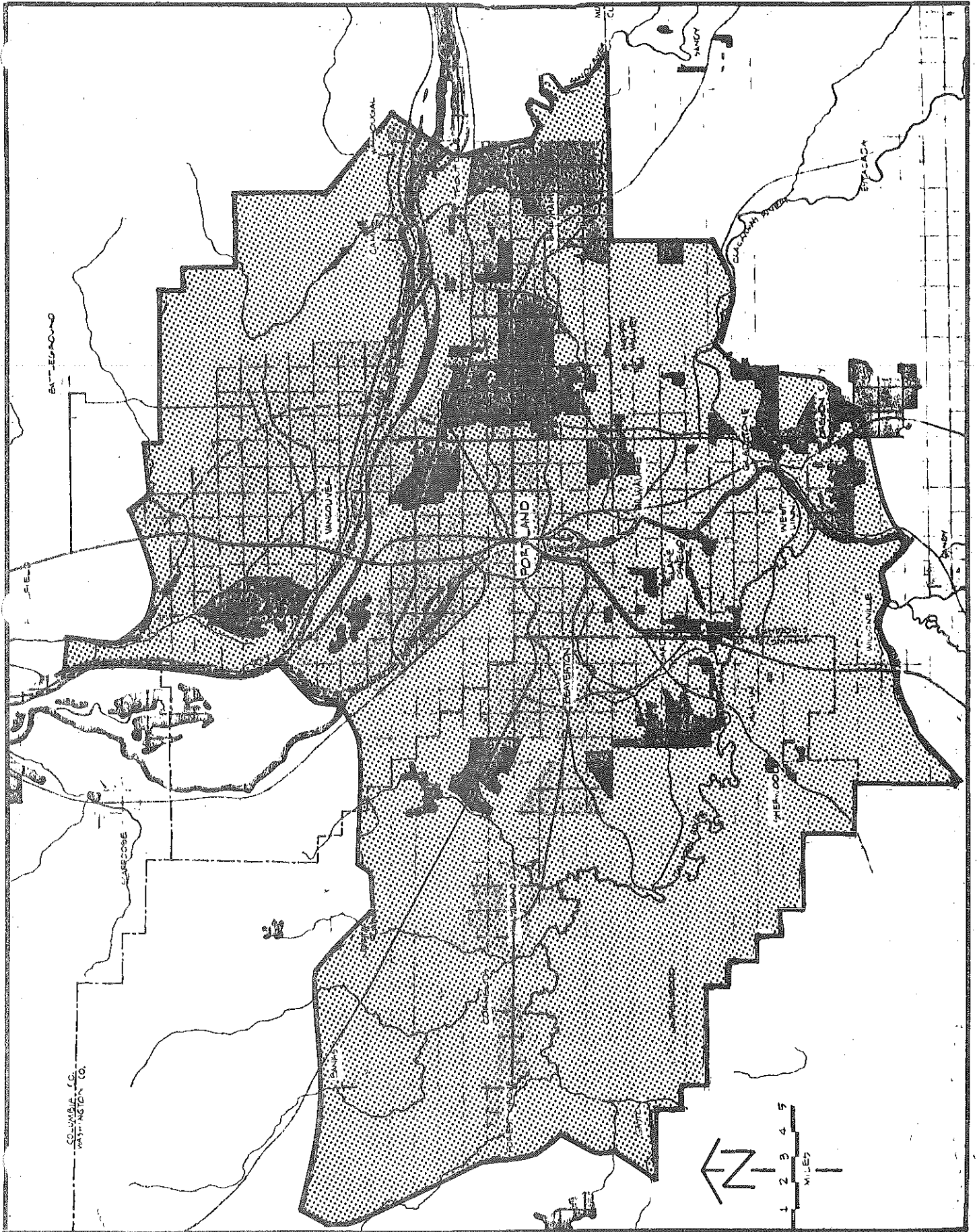
Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
58. Fuel burning equipment outside the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area.	4961**		(Fees will be based on the total aggregate heat input of all boilers at the site.)				
All wood, coal and oil fired greater than 30 x 10 ⁶ BTU/hr (heat input)		25	100	50	225	125	125
59. New sources not listed above which would emit 10 or more tons per year of any air contaminants including but not limited to particulates, SO _x , NO _x or hydrocarbons, if the source were to operate uncontrolled.		****	****	****	****		****
60. New sources not listed above which would emit significant malodorous emissions, as determined by Departmental or Regional Authority review of sources which are known to have similar air contaminant emissions.		****	****	****	****		****
61. Existing sources not listed above for which an air quality problem is identified by the Department or Regional Authority.		****	****	****	****		****

**** Sources required to obtain a permit under items 59, 60 & 61 will be subject to the following fee schedule to be applied by Department based upon the anticipated cost of processing and compliance determination.

<u>Estimated Permit Cost</u>	<u>Application Processing Fee</u>	<u>Annual Compliance Determination Fee</u>
Low cost	\$50.00 - \$200.00	\$50.00 - \$150.00
Medium cost	\$200.00 - \$500.00	\$150.00 - \$400.00
High cost	\$500.00 - \$1,000.00	\$400.00 - \$750.00

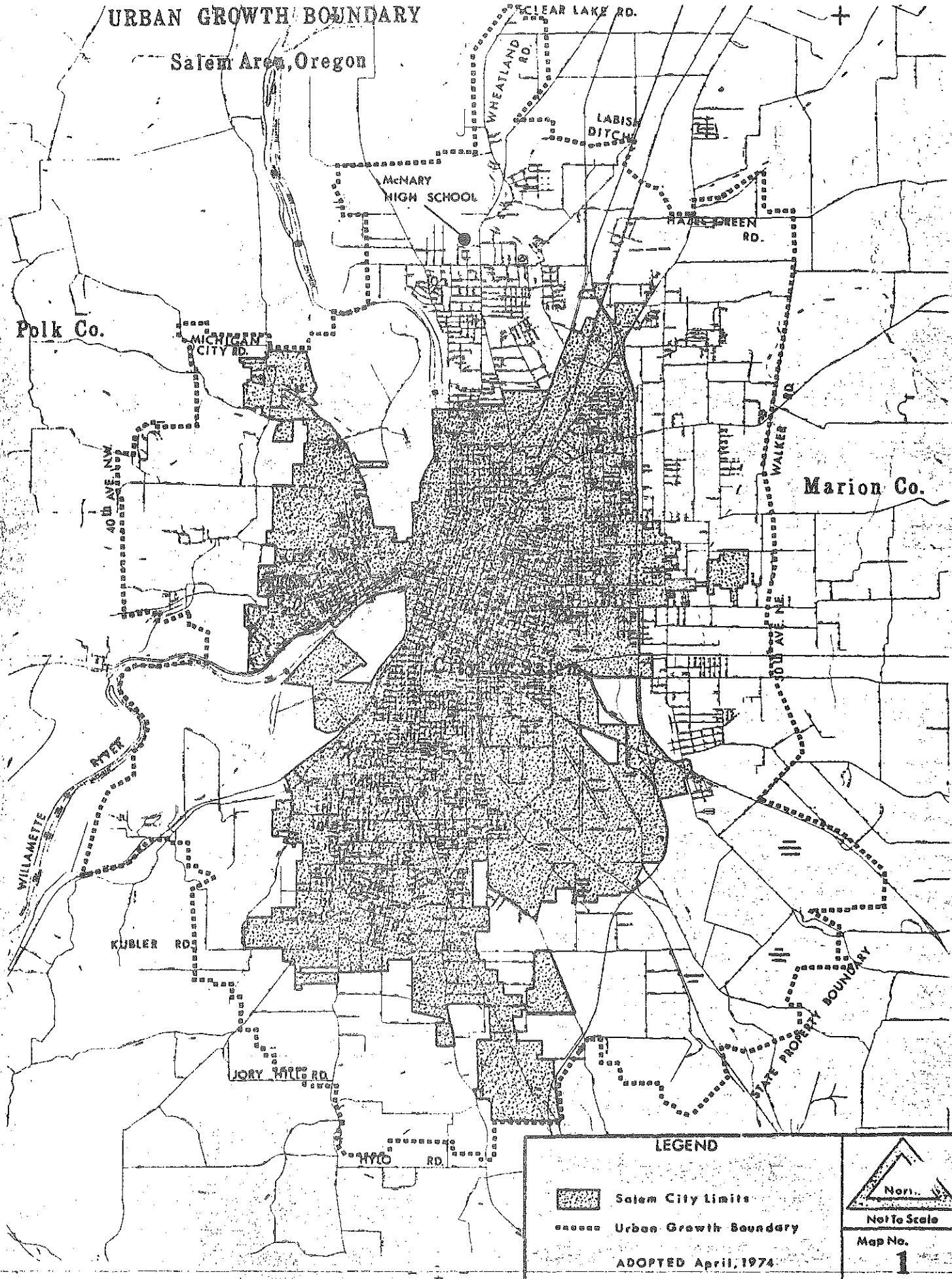
As nearly as possible, applicable fees shall be consistent with sources of similar complexity as listed in Table A.

PORTLAND METROPOLITAN AIR QUALITY MAINTENANCE AREA



URBAN GROWTH BOUNDARY



Salem Area, Oregon

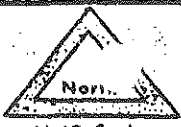


Polk Co.

Marion Co.

LEGEND

-  Salem City Limits
-  Urban Growth Boundary



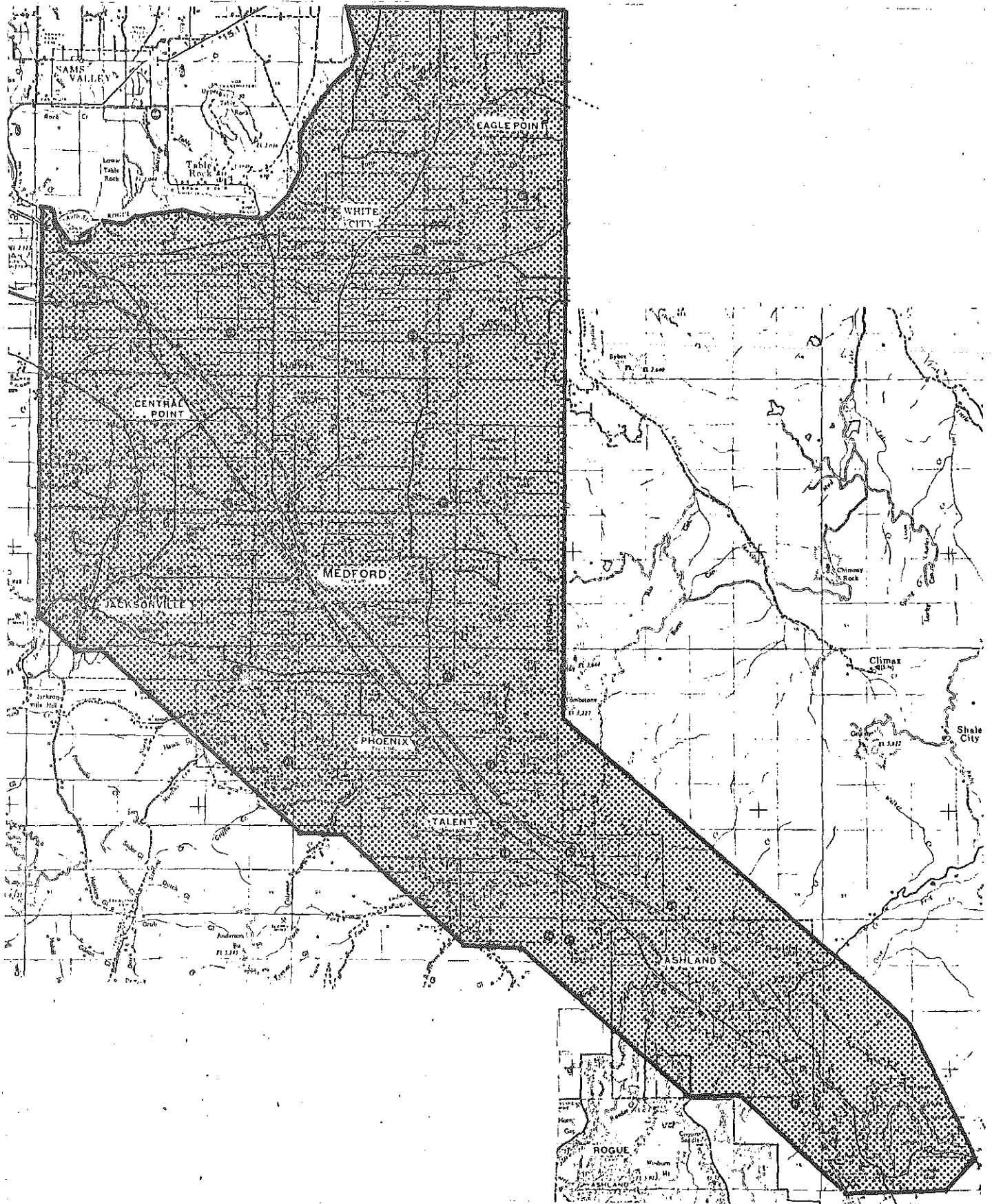
Not To Scale

Map No.

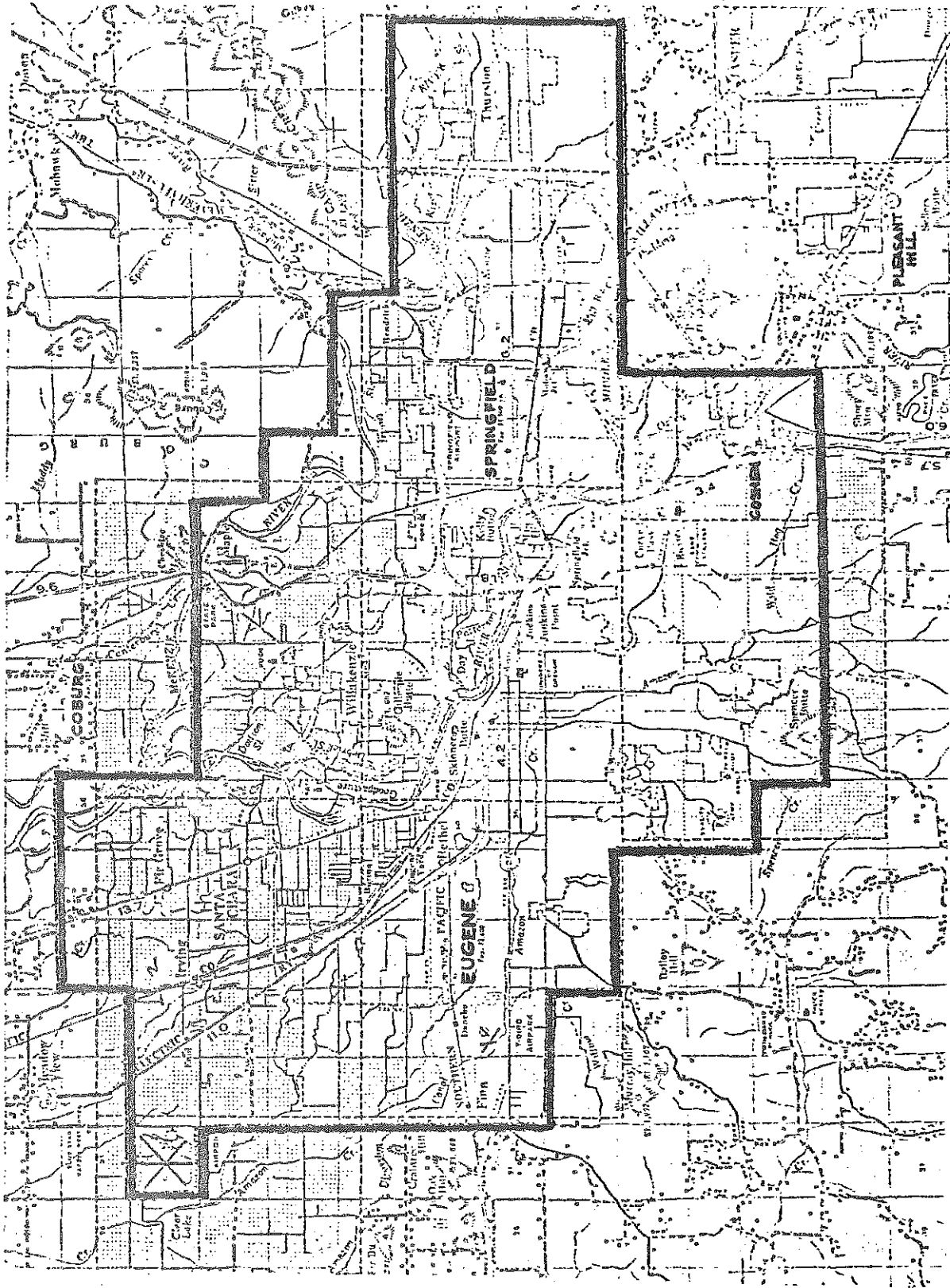
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ADOPTED April, 1974

Medford-Ashland Air Quality Maintenance Area



Eugene-Springfield Air Quality Maintenance Area



DEPARTMENT OF ENVIRONMENTAL QUALITY

CH 340

20-033.02 PURPOSE. The purpose of these regulations is to prescribe the requirements and procedures for obtaining Air Contaminant Discharge Permits pursuant to ORS ~~449.727 to 449.739~~ 468.310 to 468.330 and related statutes for stationary sources.

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

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

(2) "Commission" means Environmental Quality Commission.

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

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

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

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

20-033.08 PERMIT REQUIRED. (1) No person shall construct, install, establish, develop or operate any air contaminant source, ~~including those processes and activities directly related or associated thereto which are listed~~ which is referred to in Table A, appended hereto and incorporated herein by reference, without first obtaining a permit from the Department or Regional Authority.

(2) No person shall modify any source covered by a permit under these rules such that the emissions are significantly increased without first applying for and obtaining a modified permit.

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

~~(a) 10 tons or more per year, if the source were to operate uncontrolled, of any air contaminants, including, but not limited to, particulates, SO_x, NO_x, or hydrocarbons; or~~

~~(b) malodorous emissions, as determined by the Departmental or Regional Authority review of sources which are known to have similar air contaminant emissions.~~

(3) No person shall modify any source covered by a permit under these rules such that, (a) the process equipment is substantially changed or added to or (b) the emissions are changed without first notifying the Department.

~~(3)~~ (4) Any source ~~listed in Table A~~ may apply to the Department or Regional Authority for a special letter permit if operating a facility with no, or insignificant, air contaminant discharges. The determination of applicability of this special permit shall be made solely by the Department or Regional Authority having jurisdiction. If issued a special permit, the Application ~~Investigation and Permit Issuing or Denying~~ Processing Fee and/or Annual ~~Permit~~ Compliance Determination Fee, provided by Section 20-033.12, may be waived by the Department or Regional Authority.

~~/(6)/~~ (5) ~~/At least one Annual Permit Compliance Determination Fee shall be paid prior to final issuance of a permit.--- Thereafter,~~ The Annual ~~Permit/~~ Compliance Determination Fee shall be paid at least 30 days prior to the start of each subsequent permit year. Failure to timely remit the Annual ~~Permit/~~ Compliance Determination Fee in accordance with the above shall be considered grounds for not issuing a permit or revoking an existing permit.

~~/(7)/~~ (6) If a permit is issued for a period less than one (1) year, the applicable Annual ~~Permit/~~ Compliance Determination Fee shall be equal to the full annual fee. If a permit is issued for a period greater than 12 months, the applicable Annual ~~Permit/~~ Compliance Determination Fee shall be prorated by multiplying the Annual ~~Permit/~~ Compliance Determination Fee by the number of months covered by the permit and dividing by twelve (12).

~~/(8)/~~ (7) In no case shall a permit be issued for more than five (5) years.

~~/(9)/~~ (8) Upon accepting an application for filing, the Filing Fee shall be ~~considered as/~~ non-refundable.

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

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

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

~~/(11)/~~ (9) When an air contaminant source which is in compliance with the rules of a permit issuing agency relocates or proposes to relocate its operation to a site in the jurisdiction of another permit issuing agency having comparable control requirements, application may be made and approval may be given for an exemption of the Application ~~Investigation and Permit Issuing or Denying/~~ Processing Fee. The permit application and the request for such fee reduction shall be accompanied by (1) a copy of the permit issued for the previous location,

and (2) certification that the permittee proposes to operate with the same equipment, at the same production rate, and under similar conditions at the new or proposed location. Certification by the agency previously having jurisdiction that the source was operated in compliance with all rules and regulations will be acceptable should the previous permit not indicate such compliance.

~~/(12)/~~ (10) If a temporary or conditional permit is issued in accordance with adopted procedures, fees submitted with the application for an air contaminant discharge permit shall be retained and be applicable to the regular permit when it is granted or denied.

~~/(13)/~~ Sources required to obtain a permit under Section 20-033.03(2) not included in Table A shall be subject to, in addition to the Filing Fee of \$25.00, the following fee schedule to be applied in each case by the Department based upon the anticipated cost of issuing or denying the permit, and of compliance inspections:

Schedule	Application Investigation and Permit Issuing or Denying Fee	Annual Permit Compliance Determination Fee
if low cost	\$25.00	\$25.00
if medium cost	\$150.00	--\$100.00-
if high cost	\$450.00	\$325.00-

As nearly as possible, application fees shall be consistent with sources of similar complexity as listed in Table A; /

~~/(14)/~~ (11) All fees shall be made payable to the permit issuing agency.

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

20-033.16 OTHER REQUIREMENTS. (1) No person shall construct, install, establish, modify or enlarge any air contaminant source requiring an air contaminant discharge permit

20-033.10 MULTIPLE SOURCE PERMIT.

When a single site includes more than one ~~/of the/~~ air contaminant sources ~~/listed in Table A, /~~ a single permit may be issued including all sources located at the site. For uniformity such applications shall separately identify by sub-section each air contaminant source included from Table A.

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

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

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

20-033.12 FEES. (1) All persons required to obtain a permit shall be subject to a three part fee consisting of a uniform non-refundable filing fee of \$25.00, an application processing fee and an annual compliance determination fee which are determined by applying Table A.

The amount equal to the filing fee, application processing fee, and the annual compliance determination fee shall be submitted as a required part of any application for a new permit. The amount equal to the filing fee and the application processing fee shall be submitted with any application for modification of a permit. The amount equal to the filing fee and the annual compliance determination fee shall be submitted with any application for a renewed permit.

(2) The fee schedule contained in the listing of air contaminant sources ~~/listed/~~ in Table A ~~/appended hereto/~~ shall be applied to determine the ~~/variable/~~ permit fees, on a Standard Industrial Classification (SIC) plant site basis ~~/, except that for multiple devices of fuel burning equipment, fees may be increased by twenty percent (20%)/~~

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

~~/ (4) (3) Modifications of existing, unexpired permits which are instituted by the Department or Regional Authority due to changing conditions or standards, receipts or additional information or any other reason pursuant to applicable statutes and do not require /sub-~~ mission of the Filing Fee or the Application Investigation and Permit Issuing or Denying Fee, / refiling or review of an application or plans and specifications shall not require submission of the filing fee or the application processing fee.

~~/ (5) (4) Applications for multiple source permits received pursuant to Section 20-003.10 shall be subject to a single \$25.00 Filing Fee. The Application /Investigation and Permit Issuing or Denying/ Processing Fee and Annual /Permit/ Compliance Determination Fee for multiple source permits shall be equal to the total amounts required by the individual sources involved, as listed in Table A.~~

~~/listed in Table A,~~ without notifying the permit issuing agency as required by ~~ORS 449.712/~~ ORS 468.325 and rules promulgated thereunder. (Notice of Construction).

(2) Prior to construction, installation, establishment, modification or enlargement of any air contaminant source requiring an air contaminant discharge permit or modification of an air contaminant discharge permit /listed in Table A/ or facilities for controlling, treating, or otherwise limiting air contaminant emissions from air contaminant sources requiring an air contaminant discharge permit, /listed in Table A, detailed plans and specifications shall be submitted to and approved in writing by the Department or Regional Authority upon request as required by ~~ORS 449.712/~~ ORS 468.325 and rules promulgated thereunder. (Notice of Construction).

20-033.18 REGISTRATION EXEMPTION.

Air contaminant sources constructed and operated under a permit issued pursuant to these regulations shall may be exempted from registration as required by rules adopted pursuant to ~~ORS 449.707/~~ ORS 468.325.

20-033.20 PERMIT PROGRAM S/ FOR REGIONAL AIR POLLUTION AUTHORITY IES/ Y
Subject to the provisions of this section 20-033.20/, the Environmental Quality Commission authorizes each/ the Regional Authority to issue, modify, renew, suspend and revoke air contaminant discharge permits for air contamination sources within its jurisdiction.

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

~~/2) (1) Each permit proposed to be issued or revised/ modified by /a/ the Regional Authority shall be submitted to the Department /of Environmental Quality/ at least thirty (30) days /fourteen (14) days/ prior to the proposed issuance date. /Within the fourteen (14) day period, the Department shall give written notice to the Regional Authority of any objection the Department has to the proposed permit or revised permit or its issuance. No permit shall be issued by a Regional Authority unless all objections thereto by the Department shall be resolved prior to its issuance. If the Department does not make any such objection, the proposed permit or revised permit may be issued by the Regional Authority.~~

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

~~(4) If as a result of objection by the Department regarding a proposed or revised permit, the Regional Authority is unable to meet the time provisions of either this regulation or those contained in an existing permit, the Regional Authority shall issue a temporary permit for a period not to exceed 90 days.~~

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

~~/6) (2) A copy of each permit issued, modified or revoked /or revised/ by /a/ the Regional Authority /pursuant to this section/ shall be promptly submitted to the Department.~~

8/15/75

TABLE A - AIR CONTAMINANT SOURCES AND ASSOCIATED FEE SCHEDULE

Attachment #3

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
1. Seed cleaning located in Special Control Areas (not elsewhere included)	0723	25	75 (0)*	150 (0)	250	175	100
2. Smoke houses with 5 or more employees	2013	25	75 (75)	100 (50)	200	125	100
3. Flour and other grain mill products in Special Control Areas	2041						
a) 10,000 or more T/y		25	250 (250)	300 (150)	575	325	275
b) Less than 10,000 T/y		25	200 (50)	150 (50)	375	175	225
4. Cereal preparations in Special Control Areas	2043	25	250 (250)	200 (50)	475	225	275
5. Blended and prepared flour in Special Control Areas	2045						
a) 10,000 or more T/y		25	250 (250)	200 (150)	475	225	275
b) Less than 10,000 T/y		25	200 (50)	100 (50)	325	125	225
6. Prepared feeds for animals and fowls in Special Control Areas	2048						
a) 10,000 or more T/y		25	250 (250)	300 (150)	575	325	275
b) Less than 10,000 T/y		25	150 (50)	150 (50)	325	175	175
7. Beet sugar manufacturing	2063	25	300 (150)	500 (100)	825	525	325
8. Rendering plants	2077	25	200 (150)	250 (100)	475	275	225
9. Coffee roasting	2095	25	150 (100)	100 (75)	275	125	175

FEEES IN () ARE CURRENT FEEES

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
11. Sawmill and/or planing	2421						
a) 25,000 or more bd.ft./shift		25	150 (75)	200 (50)	375	225	175
b) Less than 25,000 bd.ft./shift		25	50 (25)	100 (25)	175	125	75
11. Hardwood mills	2426	25	50 (50)	100 (25)	175	125	75
12. Shake and shingle mills	2429	25	50 (50)	100 (25)	175	125	75
13. Mill work with 10 employees or more	2431	25	125 (75)	100 (50)	250	125	150
14. Plywood manufacturing	2435 & 2436						
a) Greater than 25,000 sq.ft./hr, 3/8" basis		25	500 (150)	500 (100)	1025	525	525
b) Less than 25,000 sq/ft./hr, 3/8" basis		25	350 (150)	350 (100)	725	375	375
15. Veneer manufacturing only (not elsewhere included)	2435 & 2436	25	75 (75)	125 (75)	225	150	100
16. Wood preserving	2491	25	125 (75)	100 (50)	250	125	150
17. Particleboard manufacturing	2492	25	500 (300)	500 (150)	1025	525	525
18. Hardboard manufacturing	2499	25	500 (200)	500 (100)	1025	525	525
19. Battery separator manufacturing	2499	25	75 (75)	100 (50)	200	125	100
20. Furniture and fixtures	2511						
a) 100 or more employees		25	150 (125)	125 (100)	300	150	175
b) 10 employees or more but less than 100 employees		25	100 (75)	100 (50)	225	125	125

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
21. Pulp mills, paper mills, and paper board mills	2611 2621 2631	25	1000	(300) 2000(175)	3025	2025	1025
22. Building paper and building board mills	2661	25	150	(150) 150(100)	325	175	175
23. Alkalies and chlorine manufacturing	2812	25	275	(225) 200(175)	500	225	300
24. Calcium carbide manufacturing	2819	25	300	(225) 400(150)	725	425	325
25. Nitric acid manufacturing	2819	25	200	(100) 200(75)	425	225	225
26. Ammonia manufacturing	2819	25	200	(200) 250(125)	475	275	225
27. Industrial inorganic and organic chemicals manufacturing (not elsewhere included)	2819	25	250	(250) 300(125)	575	325	275
28. Synthetic resin manufacturing	2821	25	200	(100) 175(100)	400	200	225
29. Charcoal manufacturing	2861	25	275	(200) 200(100)	500	225	300
30. Herbicide manufacturing	2879	25	500	(225) 500(175)	1025	525	525
31. Petroleum refining	2911	25	1000	(450) 2000(325)	3025	2025	1025
32. Asphalt production by distillation	2951	25	200	(75) 200(50)	425	225	225
33. Asphalt blowing plants	2951	25	200	(100) 200(75)	425	225	225

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
34. Asphaltic concrete paving plants	2951						
a) Stationary		25	200 (100)	225 (100)	450	250	225
b) Portable		25	200 (100)	275 (100)	500	300	225
35. Asphalt felts and coating	2952	25	200 (150)	200 (100)	425	225	225
36. Blending, compounding or re-refining of lubricating oils and greases	2992	25	175 (100)	150 (75)	350	175	200
38. Glass container manufacturing	3221	25	200 (100)	200 (75)	425	225	225
38. Cement manufacturing	3241	25	625 (300)	625 (150)	1275	650	650
39. Redimix concrete	3273	25	75 (75)	100 (50)	200	125	100
40. Lime manufacturing	3274	25	300 (150)	125 (100)	450	150	325
41. Gypsum products	3275	25	150 (100)	150 (75)	325	175	175
42. Rock Crusher	3295						
a) Stationary		25	175 (100)	200 (75)	400	225	200
b) Portable		25	175 (100)	250 (75)	450	275	200
43. Steel works, rolling and finishing mills	3312	25	500 (300)	350 (175)	875	375	525
44. Incinerators							
a) 1,000 lbs/hr. and greater capacity		25	300 (100)	200 (100)	525	225	325
b) 40 lbs/hr. to 1,000 lbs/hr. capacity		25	100 (75)	50 (50)	175	75	125

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit		
45. Gray iron and steel foundries	3321								
Malleable iron foundries	3322								
Steel investment foundries	3324								
Steel foundries not elsewhere classified	3325								
a) 3,500 or more T/y production		25	500	(300) 400	(150)	925	425	525	
b) Less than 3,500 T/y production		25	125	(100)	200	(100)	350	225	150
46. Primary aluminum production	3334	25	1000	(300)	2000	(175)	3025	2025	1025
47. Primary smelting and refining of ferrous and nonferrous metals not elsewhere classified	3339								
a) 2,000 or more T/y production		25	500	(300)	350	(175)	875	375	525
b) Less than 2,000 T/y production		25	100	(100)	75	(75)	200	100	125
48. Secondary lead smelting	3341	25	225	(225)	250	(175)	500	275	250
49. Non Ferrous Metals Foundries	3361 3362	25	125	(75)	200	(50)	350	225	150
50. Electroplating, polishing and anodizing with 5 or more employees	3471	25	100	(75)	100	(50)	225	125	125
51. Galvanizing and pipe coating--exclude all other activities	3479	25	100	(75)	150	(50)	275	175	125
52. Battery manufacturing	3691	25	125	(100)	150	(75)	300	175	150
53. Grain elevators - intermediate storage only, located in Special Control Areas	4221								
a) 20,000 or more T/y		25	175	(150)	400	(100)	600	425	200
b) Less than 20,000 T/y		25	100	(50)	125	(50)	250	150	125

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
54. Electric power generation	4911*						
a) Greater than 25MW		25	1000	(350) 1000(225)	2025	1025	1025
b) Less than 25MW		25	350	(350) 500(225)	875	525	375
55. Gas production and/or manufacturing	4925	25	375	(350) 225(225)	625	250	400
56. Grain elevators - Terminal elevators primarily engaged in buying and/or marketing grain--in Special Control Areas	5153						
a) 20,000 or more T/y		25	500	(300) 400(225)	925	425	525
b) Less than 20,000 T/yr		25	150	(50) 125(50)	300	150	175
57. Fuel burning equipment within the boundaries of the Portland, Eugene-Springfield, and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area***	4961**		(Fees will be based on the total aggregate heat input of all boilers at the site.)				
a) Residual oil fired, wood fired or coal fired							
1) 250 million or more btu/hr (heat input)		25	150	(150) 100(100)	325	175	175
2) 5 million or more but less than 250 million btu/hr. (heat input)		25	100	(100) 50(50)	225	125	125
3) Less than 5 million btu/hr (heat input)		25	25	(25) 25(25)	100	75	50
b) Distillate oil fired							
1) 250 million or more btu/hr (heat input)		25	150	(150) 100(100)	325	175	175
2) 5 million or more but less than 250 million btu/hr. (heat input)		25	25	(25) 25(25)	100	75	50

* Excluding hydroelectric and nuclear generating projects, and limited to utilities.

** Including fuel burning equipment generating steam for process or for sale but excluding power generation (SIC 4911).

*** Maps of these areas are attached. Legal descriptions are on file in the Department.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Air Control Discharge Permit
Income by SIC for all Permitted Sources (Excluding Lane County)

<u>SIC</u>	<u>Description</u>	<u>Number of Sources</u>	<u>ACDF</u>	<u>Revenue From SIC</u>
0723	Seed Cleaning	51	150	7650
3295	Rock Crusher	121/36	200/250	33200
2013	Smoke House	7	100	700
2041	Flour Mill	1/1	300/150	450
2048	Animal Feeds	6/39	300/150	7650
2043	Cereal Preparation	6	200	1200
2045	Blended Flour	0/1	200/100	100
2063	Beet Sugar Mfg.	1	500	500
2077	Rendering	15	250	3750
2095	Coffee Roasting	3	100	300
2421	Sawmill	196/24	200/100	41600
2426	Hardwood Mill	7	100	700
2429	Shake & Shingle	27	100	2700
2431	Millwork	34	100	3400
2436	Plywood	50/29	500/350	35150
2436	Veneer Mfg.	32	125	4000
2491	Wood Preserving	3	100	300
2492	Particleboard	14	500	7000
2499	Hardboard	10	500	5000
2499	Battery Separator Mfg.	1	100	100
2511	Furniture	5/7	125/100	1325
2611,	Pulp & Paper	12	2000	24000
2621,				
2631				
2661	Building Board	3	150	450
2812	Alkalies & Chlorine	1	200	200
2819	Calcium Carbide	1	400	400
2819	Nitric Acid	1	200	200
2819	Ammonia Mfg.	1	250	250
2819	Inorganic & Organic Chemicals	1	300	300
2821	Synthetic Resins	4	175	700
2861	Charcoal Mfg.	1	200	200
2879	Herbicides	1	500	500
2911	Petroleum Refining	3	2000	6000
2992	Re-refining	2	150	300
2951	Asphalt by Distillation	1	200	200
2951	Asphalt Blowing	3	200	600
2951	Asphaltic Concrete	63/34	225/275	9350
2952	Asphalt Felts	6	200	1200
3221	Glass Containers	1	200	200
3241	Cement Mfg.	2	625	1250
3273	Ready Mix Concrete	116	100	11600
3274	Lime Mfg.	1	125	125
3275	Gypsum	0	150	0
3312	Steel Works	4	350	1400
	Incinerators	1/61	200/50	3250

<u>SIC</u>	<u>Description</u>	<u>Number of Sources</u>	<u>ACDF</u>	<u>Revenue From SIC</u>
3339	Metal Smelting	1/0	350/75	350
3321	Foundries	9/15	400/200	6600
3334	Primary Aluminum	3	2000	6000
3341	Secondary Lead Smelting	3	250	750
3361 - 3362	Non-Ferrous Foundries	16	200	3200
3471	Electroplating	7	100	700
3479	Galvanizing	6	150	900
3691	Battery Mfg.	8	150	1200
4221	Grain Elevators (Storage)	1/29	400/125	4025
4911	Power Generation	1/2	1000/875	2750
4925	Gas Production	0	225	0
5153	Grain Elevators (Terminal)	4/0	400/125	1600
4961	Boilers (Port, Salem, Medford)	402/252/3	25/50/100	22950
	Boilers	235	50	11750
	New Sources - greater than 10 TPY	12		

NOTE: Persons who operate boilers shall include fees as indicated in items #57 or 58 in addition to fees for any other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
58. Fuel burning equipment outside the boundaries of the Portland, Eugene-Springfield and Medford-Ashland Air Quality Maintenance Areas and the Salem Urban Growth Area.	4961**		(Fees will be based on the total aggregate heat input of all boilers at the site.)				
All wood, coal and oil fired greater than 30 x 10 ⁶ BTU/hr (heat input)		25	100 (100)	50 (50)	225	125	125
59. New sources not listed above which would emit 10 or more tons per year of any air contaminants including but not limited to particulates, SO _x , NO _x or hydrocarbons, if the source were to operate uncontrolled.		****	****	****	****		****
60. New sources not listed above which would emit significant malodorous emissions, as determined by Departmental or Regional Authority review of sources which are known to have similar air contaminant emissions.		****	****	****	****		****
61. Existing sources not listed above for which an air quality problem is identified by the Department or Regional Authority.		****	****	****	****		****

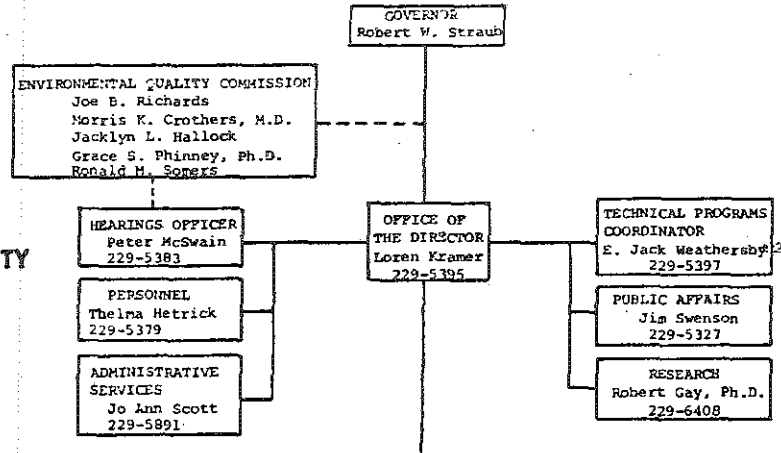
**** Sources required to obtain a permit under items 59, 60 & 61 will be subject to the following fee schedule to be applied by Department based upon the anticipated cost of processing and compliance determination.

<u>Estimated Permit Cost</u>	<u>Application Processing Fee</u>	<u>Annual Compliance Determination Fee</u>
Low cost	\$50.00 - \$200.00	\$50.00 - \$150.00
Medium cost	\$200.00 - \$500.00	\$150.00 - \$400.00
High cost	\$500.00 - \$1,000.00	\$400.00 - \$750.00

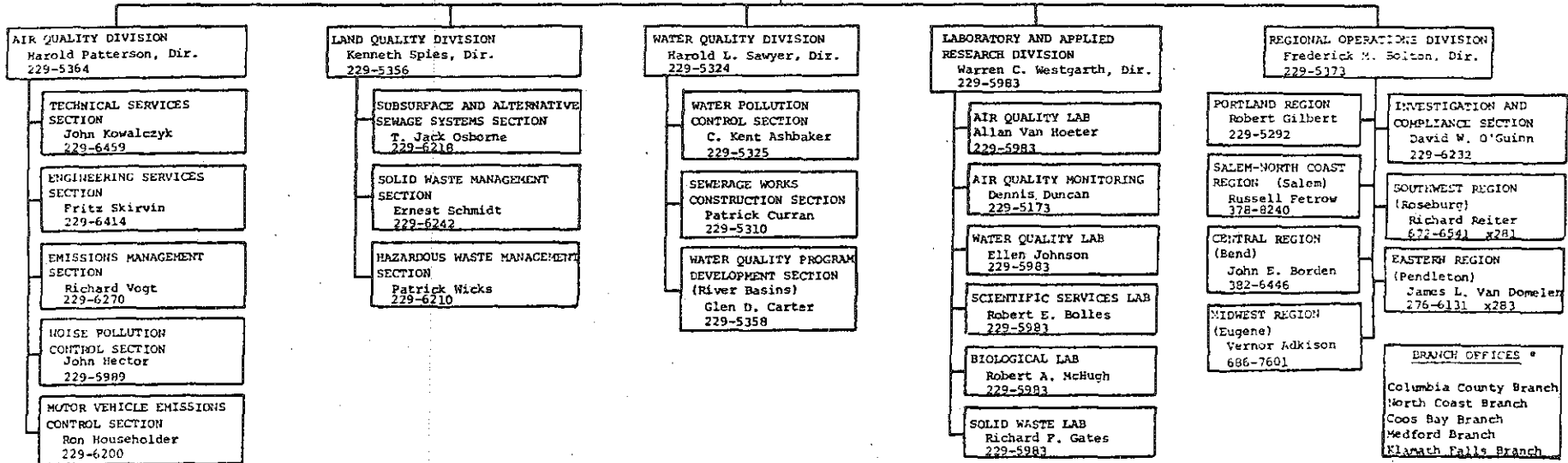
As nearly as possible, applicable fees shall be consistent with sources of similar complexity as listed in Table A.



DEPARTMENT OF ENVIRONMENTAL QUALITY



DEQ Information 229-5696
 Recycling Switchboard 229-5555
 Vehicle Inspection Hotline 229-6234



*See Reverse Side

DEPARTMENT OF ENVIRONMENTAL QUALITY

REGIONAL OPERATIONS

HEADQUARTERS 229-5372/5630

1234 SW Morrison St.
Portland, Oregon 97205

PORTLAND REGION 229-5263

1234 SW Morrison St.
Portland, Oregon 97205

Columbia County Branch 397-0592

161 St. Helens St.
St. Helens, Oregon 97051

SALEM REGION 378-8240/8306

2595 State St.
Salem, Oregon 97301

North Coast Branch 842-5831

1914 Second St.
Tillamook, Oregon 97141

MIDWEST REGION 686-7601

16 Oakway Mall
Eugene, Oregon 97401

SOUTHWEST REGION 672-6541 x281

1000 SE Stephens St.
Rosaburg, Oregon 97470

Coos Bay Branch 756-4244

1860 Virginia St., Rm 4
North Bend, Oregon 97459

Medford Branch 776-6010

223 W. Main St., Rm 202
Medford, Oregon 97501

CENTRAL REGION 276-6131 x283

2150 NE Studio Road
Bend, Oregon 97701

Klamath Falls Branch 884-2747

260 Main Street
Klamath Falls, Oregon 97601

EASTERN REGION 276-6131 x283

Hess Building
245 SE 4th
Pendleton, Oregon 97801

PO Box 1538 (Mail)

LABORATORY 229-5983

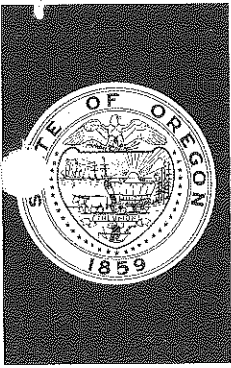
8148 SW Beaverton Hwy
Portland, Oregon 97225

CAM STATION 229-5173

718 W. Burnside
Portland, Oregon 97205

The following is the listing of estimated time spent on the air quality program by AQCD and Regional Offices. The total budget for air quality programs (excluding the noise and motor vehicle programs) is approximately \$4.1 million. The total cost of the permit program (estimated from the following list) is approximately \$1.2 million.

Name	Percentage of Time Spent on Permit Program	Section or Regional Office	Name	Percentage of Time Spent on Permit Program	Section or Regional Office
Payne	38	TSS	Bispham	85	PRO
Bosserman	61	TSS	Close	50	PRO
Hawthorne	6	EMS	Wixom	80	PRO
Arristia	11	EMS	Dulay	45	PRO
Haines	80	ESS	Sells	80	PRO
Johnson	5	TSS	Burton	45	PRO
Ober	80	TSS	Sec	40	PRO
Woods	95	ESS	Sec	40	PRO
Potts	100	ESS	Sec	40	PRO
Broad	95	ESS	Reiter	30	SWRO
Clinton	90	ESS	Neff	50	SWRO
Bender	10	EMS	Baker	15	SWRO
Vogt	0	EMS	Sec	25	SWRO
Simons	0	TSS	Sec	25	SWRO
Skirvin	85	ESS	Davison	50	SWRO
Bronck	0	EMS	Sec	15	SWRO
Ericksen	80	EMS	Grimes	40	SWRO
Crews	0	TSS	Sec	25	SWRO
Willis	0	TSS	Borden	35	CRO
Ewing	50	TSS	Shimek	35	CRO
Freeburn	0	EMS	PHE II	20	CRO
Oliver	0	EMS	Sec	20	CRO
Dolby	0	EMS	VanDomelen	10	ERO
Harris	10	EMS	Gardels	50	ERO
Rendar	2	EMS	Sec	15	ERO
Hanrahan	10	EMS	PHE II	35	MWRO
Patterson	60	AQCD	PHE II	35	MWRO
Altig	5	AQCD	ES II	90	MWRO
Core	0	TSS	Sec	20	MWRO
Kowalczyk	30	TSS	Fetrow	30	SNCRO
Percy	0	TSS	St. Louis	90	SNCRO
Fisher	50	ASD	Demeray	90	SNCRO
Estvold	50	ASD	Jack	75	SNCRO
Fritzler	15	ASD	Tilson	30	SNCRO
Fraley	50	ICS	Sec	25	SNCRO
Davis	15	ICS	Sec	35	SNCRO
Zilka	70	PRO	Sec	35	SNCRO
Willingham	40	PRO			
Baker	60	PRO			
Patterson	50	PRO			
Carter	30	PRO			
Gilbert	30	PRO			



DEPARTMENT OF ENVIRONMENTAL QUALITY

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

ROBERT W. STRAUB
GOVERNOR

December 4, 1975

TO: Oregon State Senators
Oregon State Representatives

FROM: Loren Kramer
Director

SUBJECT: Fee Increase -- Air Permits

On December 12, the Environmental Quality Commission (EQC) will consider adoption of a new rule that -- at the direction of the 1975 Legislature -- will result in a hefty increase in fees paid for air contaminant discharge permits by businesses and industries in the state. The purpose of this letter is to advise you of this action which is likely to become an issue of importance to you. It is also intended to offer you some background on the matter.

WHY A PERMIT PROGRAM?

The DEQ's activities in the air program are mandated by state and federal statutes. The permit system was selected because of its proven value as a management tool for controlling sources of pollution and in other regulatory areas. The permit approach also provides the state with an opportunity for supporting part of the program with fee generated revenues.

The program has existed since July, 1972. Charges include a permit filing fee, an application processing fee and an annual compliance determination fee. Fees vary greatly from source to source, depending on the amount of work necessary.



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Oregon State Senators
Oregon State Representatives
December 4, 1975
Page Two

HOW MUCH DOES THE PROGRAM COST?

We've completed a time allocation cost study and have determined the cost of the air permit program for the biennium will be \$1,100,000. This constitutes approximately 27% of our overall air quality program. Under the proposed fee schedule half of the air permit program would be supported by fees. Between 30 and 35 full-time positions are devoted to the air permit activity.

HOW WAS THE PROPOSED FEE INCREASE DETERMINED?

The Ways and Means Committee during the budget session directed that those who are regulated by the program should pay a greater portion of the operation of the regulation activity. The 1975 Legislature established our air permit fee spending level at \$411,000. Since then, the Legislature approved salary increases and the DEQ absorbed the operation of the Mid-Willamette Valley Air Pollution Authority, their resources, staff and expenses. It is now estimated that this spending limitation, because of these factors, will have to be increased to about \$538,000. The proposed fee schedule therefore is designed to bring in an estimated \$540,000 in response to the anticipated spending level.

ISN'T THE INCREASE BIGGER THAN WE EXPECTED?

Very much so. When the DEQ was in budget process at the Legislature prior to my appointment to the Department, they estimated fee revenues of \$291,000. An increase from that to the original \$411,000 level didn't sound all that big to many people. But I am at a loss to explain where the estimate (\$291,000) came from. Including the revenue estimates from the Mid-Willamette Valley Air Pollution Authority under the present schedule, we can expect to collect only \$174,000 in fees in 1975-77. One possibility is that the budget people were anticipating revenues similar to previous years. That was an unsound assumption considering that the previous biennium was the phase when most

Oregon State Senators
Oregon State Representatives
December 4, 1975
Page Three

permits were issued for the first time. There will be comparatively very few first-time permits in the current period. So the anticipated income from new permit applications was greatly exaggerated.

The new increase is actually from \$174,000 to \$540,000. You can see why the permit holders are concerned: in some cases, fees more than triple.

WHAT ARE SOME OF THE OTHER CHANGES?

The Department intends to begin concentrating more seriously on smaller "boilers" which, although required to obtain permits under present regulations, have not yet been asked to do so. The proposed changes limit the requirements on small boilers to those where special air quality problems exist. This is a much more cost-effective and pollution control effective technique than requiring boilers statewide to be under permit. It may mean that a policy question will have to be decided: should public bodies (schools, city and county governments) be required to pay the fees for their heating boilers?

Also, after discussions with industry representatives we have reduced the fee structure for renewal or modification of permits to more accurately reflect the lesser amount of staff work necessary for modification and to provide an incentive for further abatement of emissions.

WHAT ARE THE CONSEQUENCES OF NOT INCREASING FEES?

Obviously, if the revenue is not provided from one source or another, program cutbacks must occur.

A significant reduction in the program would see the state default in its administration of the Clean Air Act and intervention by the Environmental Protection Agency...a prospect which I don't even want to consider.

But more than that it would mean giving up on the State's major air pollution control program, a

Oregon State Senators
Oregon State Representatives
December 4, 1975
Page Four

program that has made significant improvements in the quality of our environment.

There are many other subtle issues that could fill several pages and in fact, if you are interested, a staff report is available from my office. But I wanted to apprise you of an issue that we will be dealing with shortly that certainly could affect many of your constituents.

I have examined our costs and resources carefully and am confident we're doing the best job we can to bring good management to this program and keep its costs to reasonable levels. In fact we've made significant progress in air quality. But, as you see, achieving and maintaining clean air is not inexpensive.

LK:cm

NOTICE OF INTENDED AGENCY ACTION AND RESCHEDULED PUBLIC HEARING THEREON

NOTICE is hereby given that the ENVIRONMENTAL QUALITY COMMISSION of the State of Oregon intends to amend OAR Chapter 340, sections 20-033.02 et seq. pertaining to the requirements and procedures for obtaining Air Contaminant Discharge Permits. The amendments will constitute a revision of the State's Clean Air Act Implementation Plan. Of significant impact will be revisions in the fee schedule for such permits.

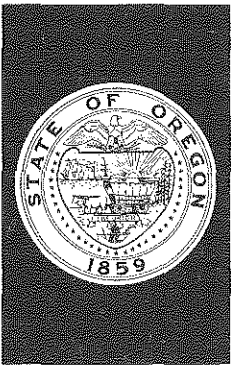
NOTICE is further given that a PUBLIC HEARING on the proposed amendments will be conducted before the Environmental Quality Commission on Friday, December 12, commencing at 11:00 a.m. The place of hearing will be in Room 602 of the Multnomah County Courthouse, 1021 S.W. 4th Avenue, Portland, Oregon.

A public hearing previously scheduled for November 21, 1975 has been CANCELLED.

Written or oral TESTIMONY may be presented by interested persons attending the hearing. Oral presentations shall be subject to such reasonable time limitations as may be imposed by the Commission at any time during the proceedings. Written testimony may also be submitted by mailing to the Commission at 1234 S.W. Morrison Street, Portland, Oregon 97205. It must be received by November 19 to be assured of inclusion in the record. To insure clarity of the record, oral testimony should be accompanied by a written copy.

COPIES of the proposed amendments will be available on or after November 10, and may be obtained upon request at the address above.

Please inform anyone you feel may have an interest in this matter.



ENVIRONMENTAL QUALITY COMMISSION

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

ROBERT W. STRAUB
GOVERNOR

JOE B. RICHARDS
Chairman, Eugene

GRACE S. PHINNEY
Corvallis

JACKLYN L. HALLOCK
Portland

MORRIS K. CROTHERS
Salem

RONALD M. SOMERS
The Dalles

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. G(1), December 12, 1975, EQC Meeting
PGE - Bethel Combustion Turbine Facility
Response To Directives From EQC At October 24, 1975
Meeting

Background

The Commission held a public meeting on September 29, 1975 in Salem to obtain testimony on the issues of air quality and noise control regarding Portland General Electric's Bethel Turbine Generating Plant located near Salem.

At this meeting, the Commission voted to hold the record open for fifteen (15) days, directed the Department to respond to testimony submitted, and to schedule this matter for further consideration at the regular monthly Commission meeting on October 24, 1975.

At the October 24, 1975 meeting the Department presented a report and a modified Air Contaminant Discharge (ACD) permit in response to testimony received at the September 29, 1975 meeting. Modifications to the proposed ACD permit included delineating applicable noise limits and requiring periodic noise compliance monitoring.

At the October 24, 1975 meeting the Commission discussed, in depth, whether the proposed permit effectively limited operations of the Bethel facility to the absolute minimum. The enforceability of the permit provision allowing operation under emergency conditions was also seriously questioned. The Commission finally directed the Department to further investigate the feasibility of modifying the proposed permit in the following three areas.



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1. Emergency Operation - Pursue developing more definitive and enforceable criteria for limiting operation of Bethel to emergency conditions with the Bonneville Power Administration (BPA) and the Public Utility Commissioner (PUC).
2. Operating Hour Limit - Further investigate the possibility of limiting the total hours of operation per year of the Bethel facility.
3. Permit Length - Investigate the possibility of limiting the permit expiration date to less than five years, and preferably not more than two years.

Emergency Operation

The Department formally requested comments and recommendations from the Bonneville Power Administration and the Public Utility Commissioner as to the specific wording which may be incorporated in the Bethel ACD permit which would insure legally enforceable criteria to assess when emergency conditions exist which would justify allowing operation of the Bethel facility.

The Bonneville Power Administration submitted a letter dated November 13, 1975 in response to the Department's request (Attachment 1). In essence, BPA indicated that the criteria contained in the draft ACD permit defining emergency operations were quite measurable and the only other reasonable criteria that might be included would be "that PGE use all power that reasonably can be obtained from other sources."

The Public Utility Commissioner submitted a letter dated November 24, 1975 in response to the Department's request (Attachment 2). The PUC submitted a recommended definition of emergency conditions which generally was in harmony with, but in much greater detail than the definition in the draft ACD permit.

On November 26, 1975, the Department held a meeting with representatives of the Public Utility Commissioner, Bonneville Power Administration and Portland General Electric Company. Agreement was reached that the emergency condition definition suggested by the PUC was in general the most restrictive and legally enforceable definition that could be devised considering the complexity of the physical and legal interties of the Northwest's electrical generating network. The revised emergency definition has been incorporated into Condition 10 of the proposed ACD permit.

Operating Hour Limit - Permit Expiration Date

PGE has objected to an operating hour limit. The PUC and BPA in their letters sent to the Department in November, 1975, questioned the wisdom of imposing an operating hour limit on Bethel. The PUC indicated that the length of an emergency condition could not be forecast and that requiring a shutdown of the facility during an emergency when an arbitrary hour limit was reached would not be in the best interest of the public.

In considering the desire of the Commission to limit operating hours and reduce the permit expiration date, the Department proposed an operating hour limit which, when reached, would automatically terminate the permit. Since the Mid-Willamette Valley Air Pollution Authority (MWVAPA) proposed renewal ACD permit for Bethel contained an operating hour limitation of 500 hours per year, and PGE had estimated a maximum facility use of 1000 hours per year, the Department proposed to PGE to limit operation of the Bethel facility to a compromise 750 hours (approximately one month continuous operation). Upon reaching this operating use, or the maximum permit length of five years, whichever came first, the permit would expire. PGE indicated general acceptance of this approach of satisfying the desire of the Commission.

PGE has recently projected system loads and resources for the next ten years under critical water conditions. These projections indicate that the Bethel facility would not be expected to operate for at least the next three years provided no emergency failures in existing generating facilities occurred. This would imply that permit expiration would not be expected in less than three years. Extensive operation has been projected thereafter if critical water conditions occur or other planned generating resources do not come on line as anticipated.

Other Issues

It is the Department's belief that if the Bethel facility is operated within ACD permit provisions, including noise standards, a community air pollution or noise problem should not occur. As the facility has not operated for commercial power generation since noise mufflers were installed to meet Department noise standards, no information exists to indicate the Department noise standards are not adequate to protect against community noise problems. Therefore, no justification can be given at this time to prohibit the facility from remaining at its present location.

The Department intends to pursue evaluation of the adequacy of its noise rules as they pertain to the Bethel turbines. The Department has requested assistance from EPA to help determine if Department noise rules are adequate to protect against community noise problems and to determine whether any hazard possibility exists from the characteristic low frequency turbine noise. The Department and EPA are currently trying to define the magnitude of the study that should be conducted to provide desired answers.

Question was raised at the October 24, 1975 meeting as to whether PGE actually owned the residential property located less than 900 feet from the Bethel facility and whether this property should be considered exempt from Department noise rules as provided in OAR Chapter 340, Section 35-035(6)(d). PGE has submitted documentation deemed adequate to grant PGE the exemption and the Department has subsequently formally granted this exemption.

It has now been determined that the nearest noise sensitive property (Bache residence) is within 1090 feet of the Bethel facility instead of 1200 feet. Therefore, applicable noise limits have been adjusted to this distance. Operating limitations to insure compliance with Department noise rules would not change because of this small adjustment (a reduction of 0.7 db from previously allowable levels).

Conclusions

1. The criteria for allowing emergency operation of the Bethel facility originally proposed by the Department, is generally considered by the BPA and PUC as sufficient to insure minimal operation of the facility.
2. The PUC has recommended specific elaborations of the Department's emergency operation criteria which are felt to represent an improvement in the clarity and enforceability of the criteria. These suggested changes have been incorporated in Condition 10 of the proposed ACD permit.
3. By limiting the length of the Bethel ACD permit to a time when 750 hours of operation is reached or five years, whichever occurs first, it is believed that the Commission's desire to impose a practicable operating hour limit and minimum length permit can be satisfied.
4. If the Bethel facility is operated within the proposed permit limits, it is believed that operation will be kept to the absolute minimum and that no community air or noise problem should occur.
5. The Department should pursue further evaluation of the adequacy of the Department's noise standards relative to the Bethel noise problem. Particular emphasis should be placed on evaluating noise impact with the recently installed muffler system if and when the facility is operated.

Director's Recommendation

It is the Director's recommendation that the Department proceed toward issuance of the attached proposed Air Contaminant Discharge Permit (Attachment A) for the Bethel facility by giving 30 day public notice, considering public comment subsequently received, making changes in the ACD permit as may be warranted, and finally issuing an ACD permit.



LOREN KRAMER

JFK:cs
12/1/75
Attachments (3)

PROPOSED
AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
Issued by the
Department of Environmental Quality for
PORTLAND GENERAL ELECTRIC COMPANY (Bethel Plant)

Issuance Date: _____
Expiration Date See Cond. 14
Page 2 of 9
Appl. No.: 034
File No.: 24-2318

Performance Standards and Emission Limits

1. The permittee shall at all times maintain and operate all air contaminant generating processes and all contaminant control equipment at full efficiency and effectiveness such that the emission of air contaminants are kept at the lowest practicable levels.
2. Emission of air contaminants shall not exceed any of the following when operating at base load except where otherwise specified:
 - A. Particulate matter restrictions:
 - (1) 6.8 kilograms (15 pounds) per hour of particulate for any single turbine when distillate fuel is burned.
 - (2) 3.2 kilograms (7 pounds) per hour of particulate for any single turbine when natural gas is burned.
 - B. Nitrogen oxides restrictions:
 - (1) 145.1 kilograms (320 pounds) per hour of nitrogen oxides (NO_x) for any single turbine when distillate fuel is burned.
 - (2) 49.9 kilograms (110 pounds) per hour of nitrogen oxides (NO_x) for any single turbine when natural gas is burned.
 - C. Carbon monoxide restrictions:
 - (1) 7.9 kilograms (17.5 pounds) per hour of carbon monoxide (CO) for any single turbine burning distillate fuel.
 - (2) 95.3 kilograms (210 pounds) per hour of carbon monoxide (CO) for any single turbine burning natural gas.
 - (3) 20.4 kilograms (45 pounds) per hour of carbon monoxide (CO) for any single turbine at half load burning distillate fuel.
 - (4) 81.6 kilograms (180 pounds) per hour of carbon monoxide (CO) for any single turbine at half load burning natural gas.
 - D. Visible smoke emissions from each stack shall be minimized such that Von Brand Reflectance Number 95 or better is achieved at all times and shall not exceed 10 percent opacity except for the presence of uncombined water.

Special Conditions

3. The permittee shall store the petroleum distillate having a vapor pressure of 12mm Hg (1.5 psia) or greater under actual storage conditions in pressure tanks or reservoirs or shall store in containers equipped with a floating roof or vapor recovery system or other vapor emission control device. Further, the tank loading facilities shall be equipped with submersible filling devices or other vapor emission control systems. Specifically, volatile hydrocarbon emissions from the 200,000 barrel fuel storage tanks shall not exceed 34 kilograms (75 pounds) per day under normal storage conditions.

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PORTLAND GENERAL ELECTRIC COMPANY (Bethel Plant)

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Appl. No.: 034
File No.: 24-2318

4. Turbines shall always be started on natural gas.
5. The permittee shall burn the lowest sulfur and ash content distillate oil available, but in no case shall a lower grade than ASTM No. 2 distillate be burned.
6. The sulfur content of the fuel burned shall not exceed 0.3 percent by weight at any time.
7. Fuel delivery by truck shall be kept to a minimum and only between the hours of 9 a.m. and 2 p.m. and 5 p.m. and 9 p.m. For specific instances with good cause shown, the Department may authorize other hours.
8. Operation of any combustion turbine at other than power output of 15 to 30 megawatts (-1.1 degrees C ambient basis) shall not exceed more than five percent of the operating time.
9. Prior to modification or renewal of this permit, a public hearing shall be held to assess the operation of the plant.
10. The permittee shall limit operation of the combustion turbines to emergency conditions in accordance with the following criteria.
 - a. The permittee shall operate the Bethel plant only if failure to operate the plant shall result in denial of service to customers entitled to firm service. Prior to any operation PGE shall determine that:
 - (1) No other resources normally operated by PGE are available,
 - (2) Power cannot be obtained under any power exchange contracts,
 - (3) Diligent effort has been made to generate or purchase power from any other resources which may be reasonably brought on line. "Reasonably" shall not be construed to require use of units which are clearly excessive in cost to put into operation or to operate relative to the benefits expected, or which threaten the environment to a greater extent than operation of the Bethel plant.
 - b. If PGE is called upon to supply power to persons outside of its service territory by virtue of any agreement it may have with others. PGE shall diligently pursue with other contract signatories all alternative sources of power covered by the contract and shall exhaust all reasonable possibilities for purchasing power for resale before using combustion turbines at Harborton or Bethel.
 - c. Nothing in Paragraphs a or b above shall be construed to hamper PGE's discretion to operate Bethel in response to an unanticipated breakdown of facilities or other emergency requiring immediate generation to satisfy firm power requirements; provided that PGE shall at the first reasonable opportunity change its dispatch of generation capacity to comply with Paragraphs a and b.

Nor shall Paragraphs a and b be construed to interfere with required turbine maintenance, including periodic exercise under Special Condition 13 below.

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- d. At the earliest reasonable opportunity, either prior to an anticipated emergency or immediately after startup of the Bethel units if the emergency cannot be anticipated, PGE shall advise the Department and shall demonstrate the nature and extent of such emergency to the satisfaction of the Department. PGE may be required to participate in discussion of any operation of Bethel with representatives of the Public Utility Commissioner, Department of Energy, Bonneville Power Administration or any other interested agency or utility.
11. The permittee shall provide NO_x control to meet limits prescribed by the Department when the Department determines NO_x control is practicable. NO_x control will not be required if the operation of the facility is less than 200 hours per year. The permittee shall submit semi-annual progress reports to the Department on the developments in practicable NO_x control for turbines.
12. The permittee shall comply with the following requirements regarding noise:
- a. Sound pressure levels emitted from the turbines shall not exceed the limitations specified in Table I of this condition, when measured at any location 400 feet from the geometric center of the turbine engine installation. Sound pressure levels may be measured at a distance other than 400 feet and corrected, according to the inverse square law, to a reference distance of 400 feet.

Table I

Maximum Sound Pressure Levels at 400 Feet

<u>Octave Band Center Frequency, Hz</u>	<u>7 a.m. - 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>
31.5	76.8	73.8
63	73.8	70.8
125	69.8	64.8
250	63.8	58.8
500	60.8	54.8
1000	57.8	51.8
2000	54.8	48.8
4000	51.8	45.8
8000	48.8	42.8

- b. The facility operation shall be limited to operation of both twin paks at base load during the hours of 7 a.m. to 10 p.m. and to one twin pak during the hours of 10 p.m. and 7 a.m. at a load which the Department acknowledges in writing complies with applicable noise limits in (a) above.

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Expiration Date See Cond. 14
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Appl. No.: 034
File No.: 23-2418

- c. The permittee shall demonstrate compliance with the limits in (a) above annually and shall submit data to the Department in conformance to the applicable measurement procedures. The Department shall be notified prior to such compliance tests.
13. Periodic scheduled turbine engine exercise to insure proper operation of the facility and prevent equipment damage shall be allowed in accordance with an exercise schedule approved by the Department in writing.
14. The permit shall expire when commercial operation of the Bethel facility exceeds 750 hours or by 8/1/80 which ever occurs first.

Compliance Schedule

None Required.

Monitoring and Reporting

15. The permittee shall regularly monitor and inspect the operation of the plant to insure that it is operated in continual compliance with the conditions of this permit. In the event that any monitoring equipment becomes inoperative for any reason, the permittee shall immediately notify the Department of said occurrence. Specifically the permittee shall:
- A. Calibrate, maintain and operate in a manner approved by the Department, an emission monitoring instrument for continually monitoring and recording emissions of oxides of nitrogen.
- B. Calibrate, maintain and operate in a manner approved by the Department an emission monitoring instrument for continually monitoring and recording emissions of carbon monoxide.
- C. Obtain and record representative sulfur analysis and ash analysis by methods approved by the Department of fuel oils as burned for every delivery lot or whenever the source of supply is changed. In addition, the permittee shall maintain facilities for obtaining representative samples from the fuel handling system at the plant site as approved by the Department and provide with the Department analysis of periodic samples upon request.
- D. Maintain and submit to the Department a log of operating incorporating, but not limited to, the following parameters:
- (1) Time of operation.
 - (2) Quantities and types of fuel used relative to time of operation.
 - (3) Electrical output relative to time of operation.
 - (4) Stack emissions relative to time of operation.
 - (a) oxides of nitrogen (NO_x) in ppm and pounds per hour
 - (b) carbon monoxide (CO) in ppm and pounds per hour

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AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
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Expiration Date See Cond. 14
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- (c) percent oxygen (O₂)
 - (5) Ambient conditions relative to time of operation.
 - (a) oxides of nitrogen (NO_x) in ppm and micrograms per cubic meter
 - (b) sulfur dioxide (SO₂) in ppm and micrograms per cubic meter
 - (c) particulate concentration in ppm and micrograms per cubic meter
 - (6) Wind direction and velocity relative to time of operation.
 - (7) Ambient temperature, pressure and humidity.
 - (8) This log is to be submitted on or before the 25th of the month following the month logged and will indicate the instantaneous, hour by hour conditions existent at the plant site and ambient monitoring station. Any malfunctions occurring and the duration shall be noted in the log. Stack and ambient data will be submitted whether or not the turbines are operating.
16. Portland General Electric Company shall conduct a particulate, sulfur dioxide and oxides of nitrogen monitoring program in the vicinity of the Bethel site to determine ground level concentrations. The monitoring program shall be conducted in a manner approved by the Department. Appropriate meteorological parameters shall be determined. These data are to be incorporated in the log specified in condition 13-D.
17. In the event that the permittee is temporarily unable to comply with any of the provisions of this permit, the permittee shall notify the Department by telephone as soon as is reasonably possible, but not more than one hour, of the upset and of the steps taken to correct the problem. Operation shall not continue without approval nor shall upset operation continue during Air Pollution Alerts, Warnings, or Emergencies or at any time when the emissions present imminent and substantial danger to health.

Emergency Emission Reduction Plan

18. The permittee will implement an emission reduction plan during air pollution episodes when so notified by this Department.
19. As a minimum, the permittee will implement the following emission reduction plan during air pollution episodes when so notified by the Department.
- A. ALERT: Prepare to shut down all turbines.
 - B. WARNING: Shut down all combustion turbines.
 - C. EMERGENCY: Continue WARNING measures.

PROPOSED
AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
Issued by the
Department of Environmental Quality for
PORTLAND GENERAL ELECTRIC COMPANY (Bethel Plant)

Issuance Date: _____
Expiration Date: _____ See Cond. 14
Page 7 of 9
Appl. No.: 034
File No.: 23-2418

20. In addition, the permittee shall cease operation of the combustion turbines upon notification from the Department that air quality at any downwind continuous monitoring site in Marion County has reached the following:
- A. 95 percent of the adopted particulate standard taken as 142 micrograms per cubic meter of air, 24 hour average. Operation shall remain curtailed until particulate air quality is below 135 micrograms per cubic meter of air, 24 hour average.
 - B. 95 percent of the adopted sulfur dioxide standard taken as 247 micrograms per cubic meter of air, 24 hour average and 123 micrograms per meter of air, 3 hour average. Operation shall remain curtailed until sulfur dioxide air quality is below 234 micrograms per cubic meter of air, 24 hour average, and 1170 micrograms per cubic meter of air, 3 hour average.
 - C. 95 percent of the adopted photochemical oxidant standard taken as 152 micrograms per cubic meter of air, 1 hour average. Operation shall remain curtailed until photochemical oxidant air quality is expected to be less than 120 micrograms per cubic meter of air, 1 hour average during the next 24 hours.

PROPOSED
AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
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PORTLAND GENERAL ELECTRIC COMPANY (Bethel Plant)

Issuance Date: _____
Expiration Date See Cond. 14
Page 8 of 9
Appl. No.: 034
File No.: 23-2418

General Conditions

- G1. A copy of this permit or at least a copy of the title page and complete extraction of the operating and monitoring requirements and discharge limitations shall be posted at the facility and the contents thereof made known to operating personnel.
- G2. This 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. The permittee is prohibited from conducting any open burning at the plant site or facility.
- G4. The permittee is prohibited from causing or allowing discharges of air contaminants from source(s) not covered by this permit so as to cause the plant site emissions to exceed the standards fixed by this permit or rules of the Department of Environmental Quality.
- G5. The permittee shall at all times conduct dust suppression measures to meet the requirements set forth in "Fugitive Emissions" and "Nuisance Conditions" in OAR, Chapter 340, Section 21-050.
- G6. (NOTICE CONDITION) The permittee shall dispose of all solid wastes or residues in manners and at locations approved by the Department of Environmental Quality.
- G7. The permittee shall allow Department of Environmental Quality representatives access to the plant site and record storage areas at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise conducting all necessary functions related to this permit.
- G8. The permittee, without prior notice to and written approval from the Department of Environmental Quality, is prohibited from altering, modifying or expanding the subject production facilities so as to affect emissions to the atmosphere.
- G9. The permittee shall be required to make application for a new permit if a substantial modification, alteration, addition or enlargement is proposed which would have a significant impact on air contaminant emission increases or reductions at the plant site.

PROPOSED
AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
Issued by the
Department of Environmental Quality for
PORTLAND GENERAL ELECTRIC COMPANY (Bethel Plant)

Issuance Date: _____
Expiration Date: See Cond. 14
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Appl. No.: 034
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G10. This permit is subject to revocation for cause, as provided by law, including:

- a. Misrepresentation of any material fact or lack of full disclosure in the application including any exhibits thereto, or in any other additional information requested or supplied in conjunction therewith;
- b. Violation of any of the requirements, limitations or conditions contained herein; or
- c. Any material change in quantity or character of air contaminants emitted to the atmosphere.

G11. The permittee shall notify the Department by telephone or in person within one (1) hour of any scheduled maintenance, malfunction of pollution control equipment, upset or any other conditions that cause or may tend to cause a significant increase in emissions or violation of any conditions of this permit. Such notice shall include:

- a. The nature and quantity of increased emissions that have occurred or are likely to occur,
- b. The expected length of time that any pollution control equipment will be out of service or reduced in effectiveness,
- c. The corrective action that is proposed to be taken, and
- d. The precautions that are proposed to be taken to prevent a future recurrence of a similar condition.

G12. Application for a modification or renewal of this permit must be submitted not less than 60 days prior to permit expiration date. A filing fee and Application Investigation and Permit Issuing or Denying Fee must be submitted with the application.

G13. The permittee shall submit the Annual Compliance Determination Fee to the Department of Environmental Quality according to the following schedule:

<u>Amount Due</u>	<u>Date Due</u>
\$225.00	July 1, 1976
\$225.00	July 1, 1977
\$225.00	July 1, 1978
\$225.00	July 1, 1979
(See G12)	June 1, 1980

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

NOV 14 1975

OFFICE OF THE DIRECTOR

NOV 13 1975

OFFICE OF
THE ADMINISTRATOR

In reply refer to: P

United States Department of the Interior

BONNEVILLE POWER ADMINISTRATION
P.O. BOX 9611, PORTLAND, OREGON 97208

Mr. Loren Kramer, Director
Department of Environmental Quality
1234 SW. Morrison Street
Portland, Oregon 97205

Dear Mr. *Bear* Kramer:

We have reviewed your letter of October 27 and its attachments regarding the air contaminant discharge permit for Portland General Electric's Bethel facility. These reflect the efforts of both your organization and Portland General Electric Company working toward a common goal; that is, limiting operation of Bethel and other combustion turbines to the minimum.

We question the wisdom of trying to be overly specific in defining emergency conditions in the permit since there are many variables that affect utility operation. Your letter indicates considering a strict limitation of the hours the plant could be operated in any year. You also discussed considering an allowance only after the company obtains all available power regardless of price. Constraints such as these may produce inequities among the coordinated power systems of the Northwest.

Condition 10 of the proposed permit establishes two quite measurable standards defining emergency conditions: (1) "All other available generating resources are in full operation" and (2) "Failure to operate the facility will result in denial of service to customers entitled to firm service." Another standard might provide that PGE "use all power that reasonably can be obtained from other sources." Enforcement of these standards would require an after-the-fact determination. However, such determinations could be made.

You are aware that the utilities in the Pacific Northwest have operated as a "power pool" for over 30 years. It is occasionally necessary for one utility to come to the assistance of another utility in the event of an emergency such as the loss of generation or transmission. Assistance might be required in the Willamette Valley as well as any other portion of the Northwest. If strict operating constraints were applied to all of the generating

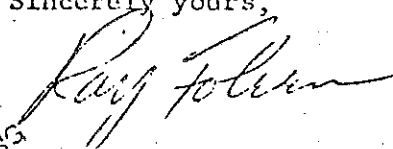
Ltr. to Loren Kramer, Portland, Oreg., Subj: ACD Permit for Portland General Electric's Bethel Facility

facilities of the Northwest it would be difficult, if not virtually impossible, to provide the mutual support that has been a strong point in the operation of the Northwest Power Pool in the past.

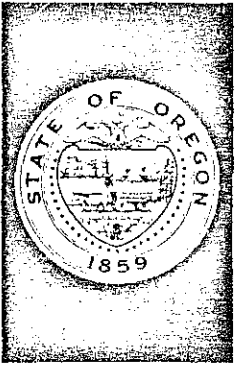
The company's goal of limiting operation of the turbines is undoubtedly the same as that of the Environmental Quality Commission. We can assure you that any utility is sensitive to its operating costs and continually strives to keep these costs as low as possible. The operating costs of combustion turbines are high; hence, the operation of this type of generating plant is generally deferred until load or resource conditions absolutely require its operation. You seem to have the company's assurance, in Mr. Snedecor's letter of September 8, 1975, that it will strive for minimal operation.

Likely this is not the in-depth response you were seeking to your letter. Perhaps a discussion between our staffs might be desirable. We would be glad to meet with representatives of your Department, Portland General Electric Company, and the Public Utility Commission for such a discussion.

Sincerely yours,


ACTING Administrator

cc:
Mr. Charles Davis, PUC
Mr. Estes Snedecor, Jr., PGE



PUBLIC UTILITY COMMISSIONER OF OREGON

LABOR & INDUSTRIES BUILDING • SALEM 97310 • Telephone (503) 378-6240

ROBERT W. STRAUB
GOVERNOR

November 24, 1975

CHARLES DAVIS
Commissioner

Refer to File - Bethel Plant PGE

Loren Kramer
Department of Environmental Quality
1234 SW Morrison Street
Portland, OR 97205

Dear Mr. Kramer:

This somewhat lengthy letter is in response to your request of October 27, 1975 for further definition of "emergency conditions" during which the Bethel combustion turbines would be permitted to operate. Specific language I recommend is attached.

As you are aware, the Public Utility Commissioner is charged with the responsibility of assuring reliable and reasonably-priced services from Oregon's investor-owned utilities. While I sympathize fully with the environmental concerns expressed in the testimony over the operation of the Bethel station, it is incumbent upon me to point out that tradeoffs are being made and to elaborate on some of the compromises to reliability and cost which should not be carried too far. The following discussion is based on review of recent testimony related to the Bethel station, conversations with PGE and our own working knowledge of the western electrical system.

PGE's facilities are part of much larger electrical network which is tied together physically and legally. The trend is away from the isolation of individual utilities facilities and toward regionalization. All participants and their customers have and will continue to benefit from this arrangement in a number of ways, including reduction of costly peaking and reserve capacity and increased use of inexpensive, renewable energy resources such as surplus water runoff. In addition to reducing cost and improving reliability, this arrangement has undoubtedly reduced the environmental burden of electrical consumption in the Pacific Northwest.

One can say without hesitation that if there were simply no other resource for satisfying firm demand of PGE customers (e.g. Salem residents) the Bethel units should be permitted to operate. However, we must deal with a number of other "what ifs": What if the emergency occurs in the state of Washington? What if the emergency occurs in California? What if an emergency is merely anticipated (e.g., critical water conditions are being experienced)?

Mr. Kramer
November 24, 1975
Page Two

The Pacific Northwest Coordination Agreement, the Western Systems Coordinating Council Agreement and a number of contracts between individual utilities could require the use of generating stations such as Bethel. The customers of PGE can likewise draw power from unused facilities of other participating utilities and this interaction may indeed permit the Bethel station to remain shut down. The benefits and obligations are mutual.

PGE has indicated that Bethel could be withdrawn from the Pacific Northwest Coordination Agreement. However, PGE might then be required to remove a commensurate amount from its load, thereby isolating part of the PGE system from the benefits of the larger system. This would be administratively difficult and a substantial step backwards.

California utilities experience a summer peak while Oregon utilities experience a winter peak. This fortunate situation permits power flow back and forth to the benefit of both states. PGE has a contract which could require the shipment of firm power to California during the summer even if the Bethel station were required. We believe such an eventuality to be unlikely as a practical matter, however. Conversely, PGE can require from California under the same contract firm power during the winter months and this could require the use of combustion turbines in California. At this writing, PGE informs us that it has a positive energy balance under this contract for use during the 1975-76 winter. Any attempt to absolutely remove the Bethel station from use for California could result in reciprocation.

I simply cannot recommend as beneficial to the Oregon user any degrogation of the power exchange agreements noted above. You can ask, however, that PGE make a bona fide effort to explore alternate resources with the signatories of these agreements and exhaust all reasonable possibilities for purchasing power for resale. In any event you will be in a position to review the circumstances surrounding each usage of the Bethel station with an eye toward modification of the ACD permit or other remedial action.

The most prevalent criteria for dispatching generating units is based on economics. Marginal costs for all alternatives are determined and the alternative with the lowest is selected to generate the next increment of power. Far and away the most costly facilities operated by PGE are its Bethel and Harborton stations which were planned, designed and installed to handle short term peak requirements. We place the cost penalty to operate the Bethel unit at full power to be over \$50,000 per day relative to other PGE units (excluding other combustion turbines). Indeed, these stations are probably the most costly to operate in the entire Northwest and would be called upon last. Economic dispatch as presently employed by PGE is generally consistent with keeping the use of Bethel to an absolute minimum. (The only inconsistency we envision is where Bethel is run in preference to combustion turbines in California which also result in substantial transmission losses.) Nevertheless, I have recommended that some of the restrictions on dispatch of Bethel be made a matter of law by restatement in the ACD permit rather than be left as an economic matter. The consistency of economic dispatch and the aim of Special Condition No. 10 makes a detailed and rigorous set of additional restrictions unnecessary.

Mr. Kramer
November 24, 1975
Page Three

The anticipated emergency must also be recognized in the ACD permit. When critical or near-critical water conditions are being encountered, it is simply not prudent to ignore the potential of a future shortage (emergency). This consideration has given rise to "Rule Curves" which set limits on the drafting of reservoirs. The Rule Curves are defined and enforced through the Pacific Northwest Coordination Agreement, to which PGE is a signatory. It is conceivable that during critical water conditions Bethel would be called upon even though short-term capacity exists all over the Northwest. A great deal of judgement is clearly needed in selecting the level of risk to be imposed on the user of electricity. Oregon cannot change the risk criteria set up by the Rule Curves. I do not suggest at this point indirectly foreclosing options for dealing with anticipated emergencies by great specificity in Special Condition No. 10. However, the critical water situation does permit advance discussion of alternative strategies. PGE should be required to advise appropriate state agencies of the circumstances related to anticipated operation of Bethel and explore the alternatives with you.

Combustion turbines characteristically can respond rapidly to load changes. Full power can be achieved in somewhere between 3 and 8 minutes depending on the level of risk to the equipment one is willing to assume. While the Bethel station doesn't comply with the response requirement of spinning reserve, it does have value in being able to satisfy load requirements temporarily while more environmentally satisfactory units are brought on line. I have recommended that Bethel not be restricted from such operation. However, PGE should be required to account to the appropriate state agencies for the reasonableness of such usage.

Although some emergencies can be foreseen and discussed beforehand, there are situations where PGE should be given discretion in dispatching Bethel without prior discussion with state agencies. A full power trip of Trojan during peak load requirements is an example. The reasonableness of PGE's use of Bethel in such situations would again be reviewed by state agencies. Appropriate remedies for the abuse of this discretion are available as discussed later.

Even though the Bethel station has not operated substantially since about January, 1974, I recommend against an arbitrary hour limitation on its operation in the future. Clearly, during a bona fide emergency, the user would not be best served by shutting down the station when the hour limit was reached. This reasoning also argues for a qualification of the night time limitation. During a severe emergency it might not be acceptable to shut down two of the Bethel units at 10:00pm. This contingency is of course very remote since the load is much reduced during the night.

The phrase "use of all power available, regardless of price" disregards the tradeoffs which must realistically be made. A number of older and highly inefficient plants in the Northwest which have been incapacitated to varying degrees, could conceivably be called upon under this criteria. Two plants of this type are the Lincoln station owned by PP&L and the Station L owned by PGE, both on the Willamette River inside the city limits of Portland. Recommissioning and operating these two units for

Mr. Kramer
November 24, 1975
Page Four

a short period could be exorbitantly costly in both dollar and the environmental terms. A rule of reason must be used. Oregon state agencies and utilities would naturally have little authority to activate such units in other states.

I advise against outright revocation of the ACD permit as a remedy for lack of compliance with conditions contained therein, as suggested in some hearing testimony. The user and not PGE would be penalized, since the station could not then respond to legitimate emergencies. A disallowance of rate relief for the incremental cost of operating Bethel might be more appropriate. The most recent rate order (No. 75-832) issued by this office provides little financial coverage for projected operation of Bethel, rather it requires PGE to return for such relief if and when PGE's combustion turbines are needed. In addition, the ACD permit could be amended to prevent specific utility actions deemed objectionable. I do not, however, suggest removal of General Condition G10 granting the DEQ the ultimate remedy of revocation for lack of compliance.

We read recent testimony on the Bethel unit to say that the objective standards set up by the DEQ will be met by compliance with all the conditions of the ACD permit other than Special Condition No. 10 dealing with emergency operation. The rather subjective nature of the environmental intrusions addressed by Special Condition No. 10 has given us relatively more concern over significant derogation of electrical system reliability and cost which might result from an overly restrictive definition of emergency conditions.

To the extent similar issues are raised in the upcoming hearings on the Harborton station, the above discussion would be relevant. I understand from PGE that the Harborton and Bethel stations will, unless ACD permits require otherwise, cover load demand in the ratio of two kw from Harborton for every one kw from Bethel. The ratings of these units are roughly in this ratio.

I encourage a meeting on the subject of this letter between representatives of BPA, DEQ, PGE and the PUC. Please notify Dallas A. Marckx (378-6240) if you should decide to set one up. You may wish also to arrange (if you haven't already) discussions with the environmental departments of our neighboring states on restricting generating units to emergency conditions in light of our power exchange agreements. We would be happy to participate in these also.

While I can't assure complete enforceability of all of the language in the attachment, it hopefully will provide some workable guidelines for reducing the use of Bethel to a minimum.

If you should have any questions or comments on this matter, don't hesitate to call.

Sincerely,

Dallas A. Marckx

Dallas A. Marckx, Utility Engineer
Service and Operations

ATTACHMENT

10. Emergency Operation Only

A. PGE shall operate the Bethel plant only if failure to operate the plant shall result in denial of service to customers entitled to firm service. Prior to any operation PGE shall determine that:

- (1) No other resources normally operated by PGE are available,
- (2) Power cannot be obtained under any power exchange contracts, including but not limited to, the Pacific Northwest Coordination Agreement,
- (3) Diligent effort has been made to generate or purchase power from any other resources which may be reasonably brought on line. "Reasonably" shall not be construed to require use of units which are clearly excessive in cost to put into operation or to operate relative to the benefits expected, or which threaten the environment to a greater extent than operation of the Bethel plant.

B. If PGE is called upon to supply power to persons outside of its service territory by virtue of any agreement it may have with others, the last station to operate shall be Bethel. PGE shall diligently pursue with other contract signatories all alternative sources of power covered by the contract and shall exhaust all reasonable possibilities for purchasing power for resale.

C. Nothing in Paragraphs 10A or 10B above shall be construed to hamper PGE's discretion to operate Bethel in response to an unanticipated breakdown of facilities or other emergency requiring immediate generation to satisfy firm power requirements; provided that PGE shall at the first reasonable opportunity change its dispatch of generation capacity to comply with Paragraphs 10A and 10B.

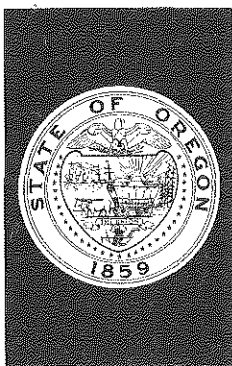
Nor shall Paragraphs 10A and 10B be construed to interfere with required turbine maintenance, including periodic exercise under Special Condition 13 below.

D. At the earliest reasonable opportunity, either prior to an anticipated emergency or immediately after startup of the Bethel units if the emergency cannot be anticipated, PGE shall advise the Department and shall demonstrate the nature and extent of such emergency to the satisfaction of the Department. PGE may be required to participate in discussion of any operation of Bethel with representatives of the Public Utility Commissioner, Department of Energy, Bonneville Power Administration or any other interested agency or utility.

(Give telephone numbers and other information which would expedite communication with the DEQ.)

Add the following Special Condition No. 12:

d. Under certain emergency conditions, PGE may seek and the Department may waive in writing the restriction to operation in Paragraph 12B above limiting nighttime operation to one twin pak.



ENVIRONMENTAL QUALITY COMMISSION

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

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Salem

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The Dalles

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item No. G(2), December 12, 1975, EQC Meeting

PGE Harborton - Authorization for Public Hearing to
Consider Issuing a New Air Contaminant Discharge Permit

Background

The Portland General Electric Company's (PGE) 254 megawatt combustion turbine electric generating facility located at Harborton, about nine miles northwest of Downtown Portland, is a large air contaminant emission source. It is capable of burning up to 20,000 gallons of oil per hour and emitting the following quantity of air contaminants:

Particulate	-	431 tons per year
Sulfur Oxides	-	3660 tons per year
Nitrogen Oxides	-	8760 tons per year
Carbon Monoxide	-	525 tons per year

The Harborton facility had already been constructed when the Department assumed jurisdiction of the facility on July 1, 1973 as a result of the demise of the Columbia-Willamette Air Pollution Authority (CWAPA).

The Department issued the original Air Contaminant Discharge (ACD) permit for the Harborton facility in September 1973 in view of the critical need for interim electrical generation capacity to meet the immediate needs of the people. The original permit was stringently conditioned to minimize environmental impact of the facility. Conditions included:

1. An overall limit on operating hours.
2. Restriction of fuel use to natural gas to the maximum extent available.



Contains
Recycled
Materials

3. Restriction of operation on oil to only good ventilation and air quality days.
4. Curtailment of operation to prevent violation of air quality standards.

A projection of air quality impact of the facility conducted prior to issuance of the original ACD permit indicated that the Harborton facility could significantly contribute to violation of air quality standards and that the facility should not be permanently located in the Portland metropolitan area as emissions in general were already considered too great and existing control programs to reduce emissions were considered not clearly assured of success in meeting and maintaining air quality standards. In light of these facts, the Department included a condition in the original ACD permit which required cessation of operation at the Harborton location after the Trojan Nuclear Power Plant became commercially operational, or by September 1, 1975, whichever first occurred.

In February 1974, the Department provided, at PGE's request, turbine siting criteria for the purpose of finding a suitable relocation site for Harborton. After a public hearing was held in May 1974, PGE's ACD permit was amended to include the following:

1. Require compliance with newly adopted Department noise regulations.
2. Require a special air monitoring program to be conducted to assess actual air quality impact of the facility.
3. Require submission of monthly progress reports detailing steps taken to meet the requirements for cessation of operation.

Subsequently, PGE indefinitely postponed installation of noise control mufflers at Harborton pending evaluation of similar equipment being installed at their Bethel Plant.

PGE's consultant did conduct the special air monitoring program in March and July of 1975 which was required by the Department to:

1. Provide accurate information for regulating the remaining operation of Harborton to insure protecting public health and welfare.
2. Provide accurate information for assessing suitability of possible relocation sites for the Harborton facility.

In October 1974, PGE's consultant completed a site selection study for relocating the Harborton facility. Approximately 500 sites were identified within a 200 mile radius of Portland which would meet DEQ and PGE turbine siting criteria. Subsequently, PGE monthly reports indicated little progress was made toward actually relocating the facility.

In July 1975, PGE submitted an ACD permit application for the Harborton facility which requested authorization to allow the facility to remain at the existing site. PGE indicated operation would be limited to emergency conditions and air quality impact of the facility based on recent studies is minimal. PGE further indicated Bethel-type noise suppression equipment which was extremely bulky and heavy would not be installed at Harborton until a decision to allow the facility to remain at its present site was made by the City of Portland.

The Department believes that evaluation of PGE's request for a new ACD permit necessitates a thorough evaluation of:

1. Future projected operation,
2. The results of the special air impact measurement report, and
3. The current and future air quality control program in the Portland metropolitan area.

Evaluation

Harborton Operation

The critical need for interim electrical energy generation capacity has for the present subsided. Harborton operation has diminished from approximately 600 hours of operation during the 1973-1974 winter to essentially no operation during the 1974-1975 winter. According to ten year load-resource projections recently completed by PGE, no need to operate Harborton is anticipated for the next two to three years, even under critical water (hydro) conditions, unless unexpected failures of a major existing generating facility occur. Thereafter, operation of Harborton could increase to near continuous operation if critical water conditions are experienced or if slippage of operation of planned new generating plants occurs.

In evaluating the impact of further operation at Harborton a conservative assumption of projecting continuous operation would not be unrealistic. Since control programs for the Portland area have been formulated with Harborton considered as a non existent source (due to the cessation of operation requirement in PGE's permit), Harborton must be evaluated as a new source in the airshed. Natural gas does not appear to be available anymore, so plant operation solely on oil must also be assumed.

Air Quality Impact

Actual measurements of air quality impact of Harborton were made by a PGE consultant on March 5 and 6, 1975 and July 8 and 9, 1975.

The DEQ required measurements to be made under the following meteorological conditions:

1. Strong east wind toward the Harborton hillside.
2. Poor ventilation with northerly winds toward Portland.
3. Average ventilation with northerly winds toward Portland.

Conditions 1 and 2 were felt to represent most severe air quality impact conditions which would coincide with most probable operation of the facility (i.e., fall operation to prevent excessive drain on reservoir storage during low water years and winter cold periods when peak electric load occurs). Condition 3 was included to characterize air quality impact under extended plant operation.

The measurement data collected by PGE's consultant has been extensively analyzed by the Department. The following conclusions have been derived as far as the adequacy of the impact measurements.

1. Sufficient data was collected to characterize the strong east wind -- Harborton hillside impact.
2. Sufficient data was collected to characterize impact on elevated terrain in the west hills of Portland under average ventilation and northerly wind conditions.
3. Insufficient data was collected to fully characterize impact under poor ventilation and ground level in the Downtown Portland-Willamette River corridor.

Since the measurement data were collected with only one turbine operating, extrapolation of results had to be made to characterize impact of all eight turbines operated. This was done using conservative but realistic and extensive information about turbine plume interactions obtained from studies conducted at the PGE Beaver facility. Since the measurement data were not collected under poor ventilation conditions, extrapolation of impact to poor ventilation conditions was necessary.

Results of the impact measurement study with extrapolation to eight turbine operation and poor ventilation conditions are presented in Tables 1 and 2. These results indicate that:

1. Maximum daily and annual air quality impact projections are only slightly less than originally projected by CWAPA and DEQ in 1973. These projections indicate that Harborton can significantly contribute to violation of air quality standards and significantly deteriorate air quality even under average ventilation conditions.
2. Measurement data and projected air quality impacts are most applicable to elevated terrain in Portland's Forest Park and West Hills where Harborton impact was greatest and most frequent during the actual measurement periods.
3. Portland's West Hills would receive a greater frequency of impact than Downtown Portland with extended periods of Harborton operation since it appears, as a result of the special study, that upper air winds carry the hot-bouyant turbine exhaust towards the West hills when surface winds are from Harborton towards Downtown Portland.
4. Ground level impact in Downtown Portland from Harborton air emissions would probably be less than projected for Portland's West Hills due to the lower elevation of terrain, however, some measureable ground level impact would be expected since there is a significant occurance of upper level winds from Harborton toward Downtown. Further measurements test under this ventilation condition would be needed to fully quantify this air quality impact.
5. Hillside impact under strong wind conditions is considerably less than projected in 1973 and well below levels that would cause concern.

Portland Air Quality Control Strategy

Particulate, and photochemical oxidant air quality standards are still being violated in the Portland area and projections indicate sulfur dioxide air quality standards could be violated in the future due to growth and changes in availability of fuels.

An interim policy was adopted as a Department rule in October 1974 to limit increases of air emissions from new or expanded sources in the Portland Special Air Quality Maintenance Area (AQMA) to not more than 430 tons per year of particulates and 1430 tons per year of SO₂ with allocation to any one source not to exceed one-quarter of these amounts. This policy is to remain effective at least until long range control plans can be developed and airshed capacity can be precisely defined. The concept of this policy was to provide criteria in terms of maximum allowable emission increases which new emission sources must meet to insure that air quality standards which are projected to be met in the near future because of ongoing control programs are not caused to again be violated because of over allocation of airshed capacity.

Allocation of about one-half of the 430 tons per year of allowable particulate emissions, and one-third of the 1430 tons per year of allowable SOx emissions under the interim policy has already been made to new or expanded sources.

Allocating the maximum allowable emissions to Harborton would necessitate restricting its operation to not more than 850 hours per year. This restriction is based on the limiting factor of a maximum 357 tons per year of SOx emissions allocable to any one source. Only about a quarter of the particulate and one-third of the SOx emission allocations would remain available for other new growth in the community.

Since the operating hour limitation alone would not be sufficient to insure that Harborton would not contribute to short term air quality standards violations, operation would still have to be curtailed when air quality levels approached standards (as provided in the original ACD permit).

Operation of the Harborton facility at all times within limitations stated above would not be considered likely as much of the projected needed operation of Harborton (during cold weather periods and dry fall periods) would coincide with poor ventilation and poor air quality conditions. During these times it would be expected that the overriding demand of the community to avoid electrical service curtailment would exceed the desire to maintain compliance with air quality standards.

Even if Harborton operated at all times within the above stated operating limitations, significant deterioration of air quality could occur when winds blew towards the West Hills of Portland. This deterioration could be characterized as of a magnitude to use up 80% of the particulate and 168% of the SO₂ Federal Class II deterioration increments.

Noise

The Harborton facility without additional noise suppression would exceed DEQ octave band daytime noise standards if run at more than one-half power and would exceed nighttime noise standards if run at more than one-quarter power.

Retrofit with further noise mufflers has been delayed by PGE pending evaluation of the recently installed new mufflers and other miscellaneous sound proofing measures at PGE's Bethel facility and a decision of the City Council whether to allow Harborton to remain at its present site.

Recent tests of Bethel indicate if identical sound proofing to the Bethel facility were applied to Harborton, then the entire Harborton facility (eight turbines) would comply with DEQ daytime noise limits. Operation would have to be restricted to not more than six turbine operation at night to meet DEQ nighttime noise limits.

Installation of the bulky and heavy noise suppression equipment would take several months.

Relocation Alternative

In consideration of the impracticality of regulating Harborton operation and maintaining compliance with environmental quality standards and the growth potential that would be curtailed if Harborton remains at its present site, it would appear desirable to relocate the Harborton facility to a site where stringent regulation was not necessary to insure meeting environmental standards. PGE could then operate the turbines with maximum flexibility to satisfy all demands on its system as well as demands placed upon the entire Northwest power pool, of which PGE is a member.

PGE's consultant has estimated a relocation cost of \$5 million along with some increased operating cost if Harborton is moved to one of the sites identified as meeting PGE and DEQ turbine siting criteria. These costs might be less if:

1. PGE is able to recuperate some of its costs for fuel storage facilities.
2. More efficient fuel transportation systems materialize, or
3. Siting criteria can be somewhat relaxed to allow consideration of more economically advantageous sites.

A distinct possibility exists for some or all of these speculations to materialize.

Since need for operation of the Harborton facility would be at an absolute minimum during the next two to three years, it would appear that if relocation is to occur, it should take place within the next two years. Thereafter, the need and demand for maintaining an operable standby generating facility such as Harborton will accelerate.

In any event, limiting operation of the Harborton facility as long as it remains at its present location to emergency conditions in a manner suggested by the Public Utility Commissioner (PUC) to insure minimal operation of the PGE Bethel facility appears justified to minimize environmental impact.

If the combustion turbine facility is required to be removed from Harborton, it would not seem prudent, at least economically, to require retrofit with expensive and heavy noise mufflers or NOx control (if it becomes available) during the interim, PGE could request exemption from the Department noise rules under OAR 35-035(6)(a) for the interim time Harborton would remain at its existing location. Progress on development of practicable NOx control will be monitored through the Bethel ACD permit and NOx retrofit can be required after relocation of the Harborton turbines, if and when practicable control is available.

Relocation of Harborton would probably take two years, since new site approval from other government agencies would take, according to PGE, a minimum of nine months and construction of fuel storage facilities would take the remaining time.

Conclusions

1. The 254 megawatt PGE Harborton combustion turbine electric generating facility is a large air contaminant emission source capable of burning up to 20,000 gallons of fuel oil per hour.
2. The Department issued an ACD permit for PGE's Harborton facility in September 1973 in order to allow PGE to meet a critical need for interim electrical generating capacity.
3. The ACD permit required cessation of operation of the Harborton facility when the PGE Trojan nuclear power facility became operational, but no later than September 1, 1975, to prevent further and permanent overloading of the Portland airshed.
4. A study to identify suitable sites for relocation of the Harborton facility completed in October 1974 by a PGE consultant concluded that approximately 500 areas existed within a 200 mile radius of the present Harborton site which met PGE and DEQ turbine siting criteria. Estimated relocation costs are about \$5 million plus increased operating costs. These costs would presumably be passed on to PGE's customers.
5. Since October 1974, PGE did not pursue relocation of Harborton, but instead PGE, in July 1975, filed an ACD permit application with the Department which requested permission to allow the Harborton facility to remain at its present site on the basis that operation would be restricted to emergency conditions and that air quality impact would be minimal.
6. The critical need for interim electrical energy generation capacity has, for the present, subsided. No need to operate Harborton is anticipated for the next two to three years, but thereafter, operation could increase to near continuous operation.
7. Under the Department's interim rule for allocating Portland's limited airshed capacity, the Harborton facility would have to be considered as a new source to the Portland Airshed, operating year round, in evaluating the merits of issuing a new ACD permit to allow the facility to remain at its present site.
8. Air quality impact measurements when Harborton has operated have confirmed that Harborton could significantly contribute to violation of air quality standards and significantly deteriorate air quality within the Portland airshed.

9. To insure that further Harborton operation would not exceed the allowable emission allocations contained in the Department's interim rule for the Portland airshed and would not cause or significantly contribute to violation of ambient air quality standards, operation would have to be restricted to no more than 850 hours per year and operation would have to terminate under poor ventilation conditions and when air quality levels approach applicable air quality standards.
10. To insure that further Harborton operation would comply with Department noise standards, operation would have to be restricted to one-half power during daytime and one-quarter power during nighttime operation until further noise suppression equipment is applied. Thereafter operation would have to be restricted to three-quarter power at night.
11. Even within operating limitations considered necessary by the Department, further operation of Harborton would utilize a significant portion of the remaining Portland airshed capacity and, as a result, area growth potential (within environmental quality requirements) would be significantly reduced.
12. It is expected that there would be numerous instances that Harborton would need to operate and would be operated under emergency conditions despite existence of Department operating limitations established to insure compliance with air and noise standards.
13. It is concluded to be impractical to both regulate the operation of Harborton to insure compliance with air and noise standards and allow operation under emergency conditions due to the very limited airshed capacity in the Portland area, the unpredictable nature and extent of emergency conditions, and the expected overriding demand of the community to avoid curtailment of electrical service at the sacrifice of meeting environmental quality standards. Therefore, the facility should be moved to a site where such rigorous regulation is not necessary to assure meeting environmental standards.
14. Allowing two years to complete dismantling and relocation of Harborton turbines would be reasonable considering the time required for obtaining approval of a new site and constructing necessary support facilities. The next two years would be the optimum time to relocate Harborton. Disruption to PGE's electrical generating system resources would be minimal since the need for operation of Harborton turbines would be at an absolute minimum during this time based on PGE's projections.

Director's Recommendation

It is the Director's recommendation to proceed as soon as practicable to schedule a public hearing in Portland before a hearings officer to consider issuance of the proposed new ACD permit for the PGE Harborton facility (attachment A) which contains the following Department recommendations:

1. Restrict operation at the Harborton site to emergency conditions and require termination of operation by December 31, 1977.
2. Impose a maximum 850 hour per year operating limit.
3. Give an exception to strict compliance with noise standards for the remaining operation at the Harborton site, with appropriate conditions to avoid creation of a community noise problem.
4. Waive requirements for NOx control at the Harborton site.
5. Continue all other pertinent operating restrictions contained in the original Harborton permit, including restricting operation during poor ventilation or poor air quality conditions.
6. Require PGE to submit for Department approval, a detailed program and time schedule including means for evaluating increments of progress toward relocation of the turbines no later than 60 days after issuance of the permit.



LOREN KRAMER

JFK:cs
12/2/75
Attachments (3)

TABLE 1

HARBORTON AIR QUALITY IMPACT (Other than strong East wind condition)
(ug/m³)

	Measured ⁽¹⁾ Max. 1 hr. (1 turbine)	Predicted Max. Based on Measurements ⁽²⁾			Air Quality Standard		Deterioration ⁽³⁾ Limit	
		1 hr. avg. (8 turbines)	24 hr. avg.	Annual	24 hr.	Ann.	24 hr.	Annual
Particulate	2	40	24	2	150	60	30	10
SO _x at .2% sulfur fuel	9	192	112	8	260	60	100	15
SO _x at .3% sulfur fuel		288	168	16	260	60	100	15
NO _x	33	696	408	32	(500) ⁽⁴⁾	100 ⁽⁵⁾	-	-

(1) From July 1975 Tracer Measurements by PGE Consultant Under Average Ventilation Conditions.

(2) Predictions Based on Extrapolation of Measurements to Most Adverse Ventilation and at Elevations Above 600 Feet on Portland's West Hills.

(3) Federal Class II Deterioration Limit.

(4) California Standard - No Federal or Oregon Standard.

(5) NO₂ Standard.

TABLE 2
 HARBORTON AIR QUALITY IMPACT (Strong East Wind)
 ug/m³

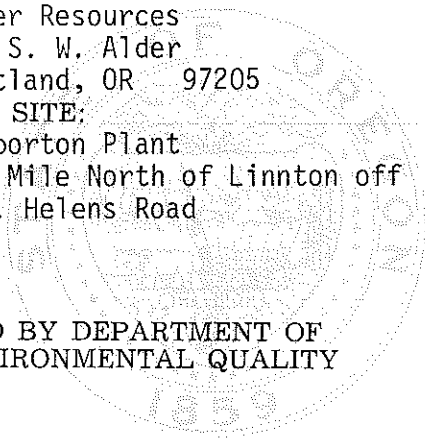
	Measured Max. 1 hr. (1 turbine)	Predicted Max. Based on Measurements ⁽¹⁾ (8 turbines)	
		1 hr. avg.	24 hr. avg.
Particulate	1	8	5
SO _x at .2% sulfur fuel	3	24	14
SO _x at .3% sulfur fuel		36	22
NO _x	11	88	53

(1) On West Hills near Skyline Blvd., West of Harborton, at 20 mph East Wind.

AIR CONTAMINANT DISCHARGE PERMIT

Department of Environmental Quality
1234 S.W. Morrison Street
Portland, Oregon 97205
Telephone: (503) 229-5696

Issued in accordance with the provisions of
ORS 468.310

<p>ISSUED TO: PORTLAND GENERAL ELECTRIC COMPANY Power Resources 621 S. W. Alder Portland, OR 97205</p> <p>PLANT SITE: Harborton Plant One Mile North of Linnton off St. Helens Road</p> <p>ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY</p>  <p>_____ LOREN KRAMER Director</p> <p>_____ Date</p>	<p>REFERENCE INFORMATION</p> <p>Application No. <u>0566</u></p> <p>Date Received <u>July 3, 1975</u></p> <p>Other Air Contaminant Sources at this Site:</p> <table border="1"> <thead> <tr> <th>Source</th> <th>SIC</th> <th>Permit No.</th> </tr> </thead> <tbody> <tr> <td>(1) _____</td> <td></td> <td></td> </tr> <tr> <td>(2) _____</td> <td></td> <td></td> </tr> </tbody> </table>	Source	SIC	Permit No.	(1) _____			(2) _____		
Source	SIC	Permit No.								
(1) _____										
(2) _____										

SOURCE(S) PERMITTED TO DISCHARGE AIR CONTAMINANTS:

Name of Air Contaminant Source	Standard Industry Code as Listed
ELECTRIC POWER GENERATION	4911

Permitted Activities

Until such time as this permit expires or is modified or revoked, Portland General Electric Company is herewith permitted in conformance with the requirements, limitations and conditions of this permit to discharge treated exhaust gases containing air contaminants from its eight (8) Pratt and Whitney (FTC4C-1 combustion turbines) fuel burning devices located at the Harborton substation approximately one (1) mile north of Linnton, Oregon, including emissions from those processes and activities directly related or associated thereto.

Compliance with the specific requirements, limitations and conditions contained herein shall not relieve the permittee from complying with all rules and standards of the Department and the laws administered by the Department.

PROPOSED
AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
Issued by the
Department of Environmental Quality for
PORTLAND GENERAL ELECTRIC COMPANY (Harborton Plant)

Performance Standards and Emission Limits

1. The permittee shall at all times maintain and operate all air contaminant generating processes and all contaminant control equipment at full efficiency and effectiveness such that the emission of air contaminants are kept at the lowest practicable levels.
2. When the turbines are fired with natural gas, emissions of air contaminants shall not exceed any of the following:
 - a. An opacity (as defined by OAR, Chapter 340 Section 21-005(4)) equal to or greater than ten percent (10%) for a period or periods aggregating more than three (3) minutes in any one (1) hour from any single turbine plume or combination of turbine plumes,
 - b. The maximum allowable emission rates of particulate matter from any single combustion turbine shall be a function of heat input as determined from Figure 1 of this permit for new sources.
 - c. 3.2 kilograms (7.0 pounds) per hour of particulate matter for any single turbine,
 - d. 85.9 kilograms (188 pounds) per hour of Nitrogen Oxide (NO_x) for any single turbine,
 - e. 0.6 kilograms (1.3 pounds) per hour of Sulfur Dioxide (SO₂) for any single turbine,
 - f. 75.4 kilograms (165 pounds) per hour of Carbon Monoxide (CO) for any single turbine.
3. When the turbines are fired with distillate fuel oil, emissions of air contaminants shall not exceed any of the following:
 - a. An opacity equal to or greater than ten percent (10%) for a period or periods aggregating more than three (3) minutes in any one (1) hour, for any single turbine plume or combination of turbine plumes,
 - b. The maximum allowable emission rates of particulate matter from any single combustion turbine shall be a function of heat input as determined from Figure 1 of this permit for new sources,
 - c. 14.2 kilograms (31.3 pounds) per hour of particulate matter for any single turbine,
 - d. 162.2 kilograms (355 pounds) per hour of Nitrogen Oxide (NO_x) for any single turbine,
 - e. 47.9 kilograms (105 pounds) per hour of Sulfur Dioxide (SO₂) for any single turbine,
 - f. 6.9 kilograms (15.2 pounds) per hour of Carbon Monoxide (CO) for any single turbine, or
 - g. Smoke spot number 2 as measured by the American Society for Testing Material procedure D2156-65 for any single turbine.

PROPOSED
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PORTLAND GENERAL ELECTRIC COMPANY (Harborton Plant)

Special Conditions

4. Fuel usage shall conform to the following:
 - a. The Department and the permittee shall limit usage of distillate fuel oil to periods of most favorable ventilation and dispersal of air contaminants and use of fuels other than natural gas is prohibited during actual or forecasted periods of poor ventilation poor dispersal of air contaminants.
 - b. Any fuel oil used shall be the lowest sulfur content distillate fuel oil available, but in no case shall distillate fuel oil with a sulfur content greater than 0.3% be used.
 - c. The permittee shall always start the combustion turbines on natural gas regardless whether sustained operation will be on oil or gas. To the extent that natural gas is available the permittee shall shut the turbines down utilizing natural gas.
5. The permittee shall notify the Department each day that any combustion turbines are operated or are expected to be operated.
6. The permittee shall cease operation of all combustion turbines on oil when notified by the Department that adverse meteorological conditions are forecasted or particulate or sulfur dioxide (SO₂) air quality levels at any affected monitoring site operated or required by the Department in the Portland metropolitan areas has reached or is expected to reach 142 micrograms of suspended particulate matter per cubic meter of air (24 hour average), 247 micrograms of sulfur dioxide (SO₂) per cubic meter of air (24 hour average) or 1,235 micrograms of SO₂ per cubic meter of air (3 hour average) and the permittee shall not resume operation on oil until specifically authorized by the Department.
7. The permittee shall cease operation of all combustion turbines whether oil or gas fired when notified by the Department that photochemical oxidant air quality levels at any affected monitoring site operated or required by the Department has reached or is expected to reach 152 micrograms per cubic meter of air (1 hour average), 268 micrograms of nitrogen dioxide (NO₂) per cubic meter of air (24 hour average), or 1,075 micrograms of NO₂ per cubic meter of air (1 hour average), and the permittee shall not resume operation of the turbines on oil or gas until specifically authorized by the Department.
8. No combustion turbine shall be operated for more than 1 hour in any 24 hour period, on any fuel at a power output greater than 30 megawatts or less than 15 megawatts (30°F ambient basis) except for start-up or shut-down operation.

PROPOSED
AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
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PORTLAND GENERAL ELECTRIC COMPANY (Harborton Plant)

9. The permittee shall limit operation of the combustion turbines to emergency conditions in accordance with the following criteria.

a. The permittee shall operate the Harborton plant only if failure to operate the plant shall result in denial of service to customers entitled to firm service. Prior to any operation PGE shall determine that:

- (1) No other resources normally operated by PGE are available.
- (2) Power cannot be obtained under any power exchange contracts, including but not limited to, the Pacific Northwest Coordination Agreement,
- (3) Diligent effort has been made to generate or purchase power from any other resources which may be reasonably brought on line. "Reasonably" shall not be construed to require use of units which are clearly excessive in cost to put into operation or to operate relative to the benefits expected, or which threaten the environment to a greater extent than operation of the Harborton plant.

b. If PGE is called upon to supply power to persons outside of its service territory by virtue of any agreement it may have with others, PGE shall diligently pursue with other contract signatories all alternative sources of power covered by the contract and shall exhaust all reasonable possibilities for purchasing power for resale before using combustion turbines at Harborton or Bethel.

c. Nothing in Paragraphs a or b above shall be construed to hamper PGE's descretion to operate Harborton in response to an unanticipated breakdown of facilities or other emergency requiring immediate generation to satisfy firm power requirements; provided that PGE shall at the first reasonable opportunity change its dispatch of generation capacity to comply with Paragraphs a and b.

Nor shall Paragraphs a and b be construed to interfere with required turbine maintenance, including periodic exercise under Special Condition 13 below.

d. At the earliest reasonable opportunity, either prior to an anticipated emergency or immediately after startup of the Harborton units if the emergency cannot be anticipated, PGE shall advise the Department and shall demonstrate the nature and extent of such emergency to the satisfaction of the Department. PGE may be required to participate in discussion of any operation of Harborton with representatives of the Public Utility Commissioner, Department of Energy, Bonneville Power Administration or any other interested agency or utility.

10. The permittee shall not operate the combustion turbine facility for commercial power generation more than 850 hours in any 12 consecutive month period during the duration of this permit.

PROPOSED
AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
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Department of Environmental Quality for
PORTLAND GENERAL ELECTRIC COMPANY (Harborton Plant)

Issuance Date: _____
Expiration Date 12/31/77
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File No.: 26-2499

11. The permittee shall restrict operating hours and/or power output levels as specified by the Department and upon notification from the Department if noise levels present a significant community noise problem.
12. The permittee shall not operate the combustion turbines at the Harborton site after December 31, 1977.
13. The permittee shall submit for Department review and approval a detailed program and time schedule outlining the steps (and their completion date) which the permittee will take to relocate the Harborton combustion turbines and meet requirements of Condition 12. This program and time schedule shall be submitted to the Department within 60 days after issuance of this permit and shall contain, at a minimum, increments of progress spaced no longer than 3 months apart.
14. The permittee shall submit monthly reports by the first of each month detailing progress towards achieving compliance with Condition 12. If at any time it is apparent that inadequate progress is being made toward achieving compliance with Condition 12, this permit shall be subject to revocation.

Compliance Schedule

None Required.

Monitoring and Reporting

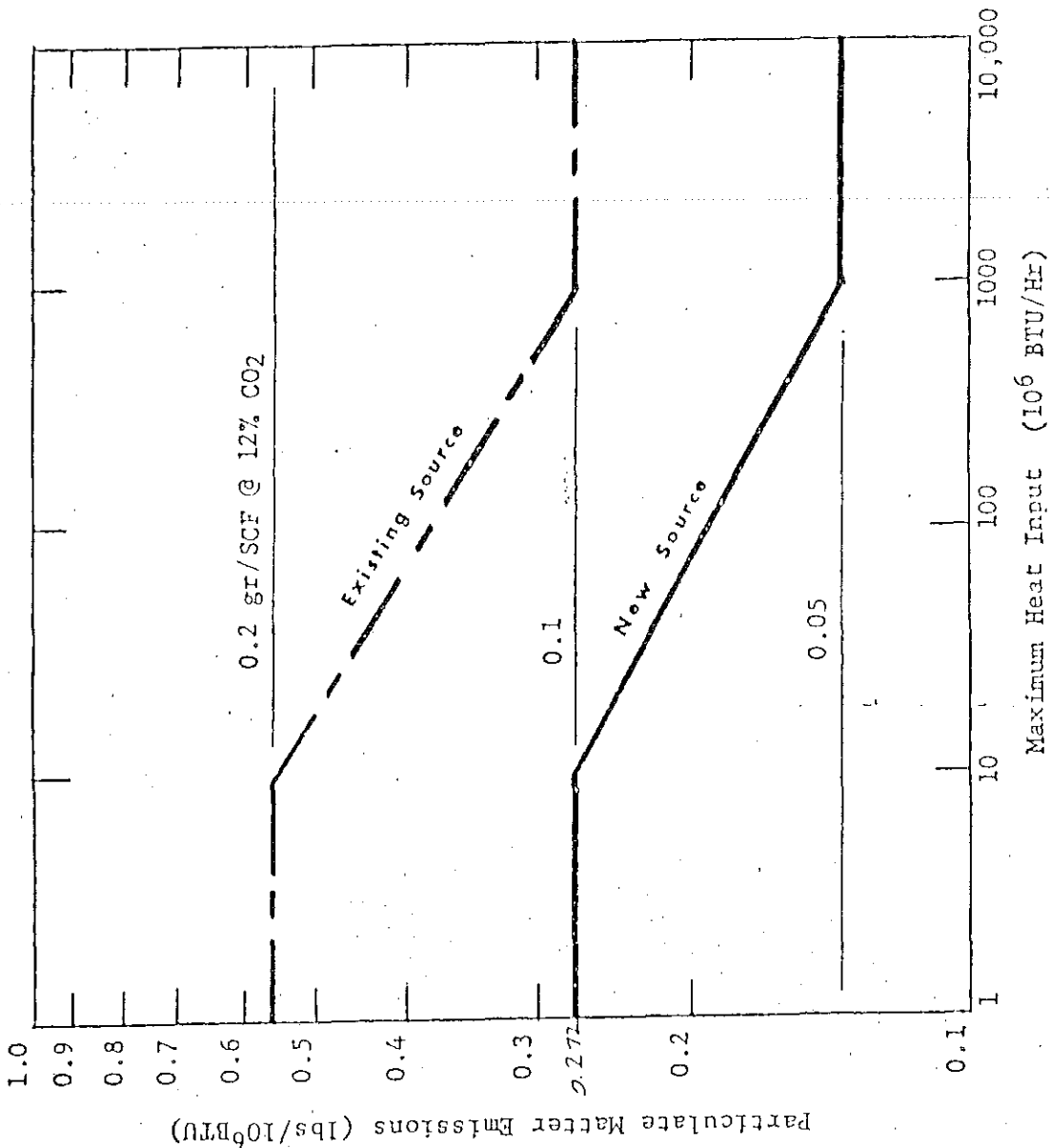
15. The permittee shall effectively monitor the operation and maintenance of each combustion turbine. Unless otherwise specified in writing information shall be collected and submitted for each turbine in accordance with procedures filed by the permittee and approved by the Department and shall include, but not necessarily be limited to, the following parameters and testing frequencies:
 - Time of operation,
 - Quantities and types of fuel used related to time of operation,
 - Electrical output related to time of operation,
 - Fuel additives used related to time of operation,
 - Smoke spot, daily when operated on oil
 - Nitrogen Oxides (NO_x): continuous when operating, and
 - Carbon Monoxide (CO): continuous when operating.
16. The permittee shall document to the Department, by type in a manner that will permit accurate computation of SO₂ emissions resulting from turbine operations, the sulfur content of all fuel oils utilized.
17. The permittee shall install and operate in the Harborton area an ambient air monitoring program, that has been approved by the Department, to continuously determine ground-level concentrations of particulates, SO₂, CO, oxides of nitrogen and meteorological parameters. The program shall be in operation prior to commercial operation.

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18. The permittee shall conduct other emission tests and report the results thereof as may be specified in writing by the Department.
19. Unless otherwise specified in writing by the Department the permittee shall at all times maintain available for inspection at the site and shall submit all data required to be collected under conditions 15, 16 and 17 not later than fifteen (15) days after the end of each calendar month of operation.

PORTLAND GENERAL ELECTRIC COMPANY (Harborton Plant)



PARTICULATE MATTER EMISSION STANDARDS FOR FUEL BURNING EQUIPMENT

Figure 1

PROPOSED
AIR CONTAMINANT DISCHARGE PERMIT PROVISIONS
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PORTLAND GENERAL ELECTRIC COMPANY (Harborton Plant)

Issuance Date: _____
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General Conditions

- G1. A copy of this permit or at least a copy of the title page and complete extraction of the operating and monitoring requirements and discharge limitations shall be posted at the facility and the contents thereof made known to operating personnel.
- G2. This 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. The permittee is prohibited from conducting any open burning at the plant site or facility.
- G4. The permittee is prohibited from causing or allowing discharges of air contaminants from source(s) not covered by this permit so as to cause the plant site emissions to exceed the standards fixed by this permit or rules of the Department of Environmental Quality.
- G5. The permittee shall at all times conduct dust suppression measures to meet the requirements set forth in "Fugitive Emissions" and "Nuisance Conditions" in OAR, Chapter 340, Section 21-050.
- G6. (NOTICE CONDITION) The permittee shall dispose of all solid wastes or residues in manners and at locations approved by the Department of Environmental Quality.
- G7. The permittee shall allow Department of Environmental Quality representatives access to the plant site and record storage areas at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise conducting all necessary functions related to this permit.
- G8. The permittee, without prior notice to and written approval from the Department of Environmental Quality, is prohibited from altering, modifying or expanding the subject production facilities so as to affect emissions to the atmosphere.
- G9. The permittee shall be required to make application for a new permit if a substantial modification, alteration, addition or enlargement is proposed which would have a significant impact on air contaminant emission increases or reductions at the plant site.

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G10. This permit is subject to revocation for cause, as provided by law, including:

- a. Misrepresentation of any material fact or lack of full disclosure in the application including any exhibits thereto, or in any other additional information requested or supplied in conjunction therewith;
- b. Violation of any of the requirements, limitations or conditions contained herein; or
- c. Any material change in quantity or character of air contaminants emitted to the atmosphere.

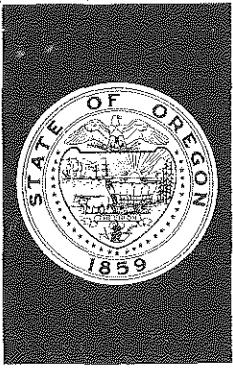
G11. The permittee shall notify the Department by telephone or in person within one (1) hour of any scheduled maintenance, malfunction of pollution control equipment, upset or any other conditions that cause or may tend to cause a significant increase in emissions or violation of any conditions of this permit. Such notice shall include:

- a. The nature and quantity of increased emissions that have occurred or are likely to occur,
- b. The expected length of time that any pollution control equipment will be out of service or reduced in effectiveness,
- c. The corrective action that is proposed to be taken, and
- d. The precautions that are proposed to be taken to prevent a future recurrence of a similar condition.

G12. Application for a modification or renewal of this permit must be submitted not less than 60 days prior to permit expiration date. A filing fee and Application Investigation and Permit Issuing or Denying Fee must be submitted with the application.

G13. The permittee shall submit the Annual Compliance Determination Fee to the Department of Environmental Quality according to the following schedule:

<u>Amount Due</u>	<u>Date Due</u>
\$225.00	July 1, 1976
\$225.00	July 1, 1977



ENVIRONMENTAL QUALITY COMMISSION

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

ROBERT W. STRAUB
GOVERNOR

JOE B. RICHARDS
Chairman, Eugene

GRACE S. PHINNEY
Corvallis

JACKLYN E. HALLOCK
Portland

MORRIS K. CROTHERS
Salem

RONALD M. SOMERS
The Dalles

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item H, December 12, 1975, EQC Meeting

Authorization for Public Hearing on Revision of Administrative Procedure Rules

DISCUSSION

In view of recent amendments to the Administrative Procedure Act it is advisable to review the Commission's procedural rules toward eliminating some of the requirements which are more stringent than those now imposed by statute.

The Attorney General's Office recognizes that its new model rules, while addressing themselves to as many needs as possible, may not be optimal for some of this agency's particular needs.

In reviewing the rules, the Department proposes to re-evaluate some of the procedural requirements in an effort to attain more flexibility of procedure. This is important in part because of the limited funds available for procedural matters.

It is deemed advisable for the Department's proposals to be evaluated by Counsel before public hearing. A final set of proposals drafted pursuant to counsel's advice can be readied for public hearing before a hearing officer. The resulting proposals may then be brought before the Commission for consideration during a regular Commission Meeting.

CONCLUSIONS

- 1) The current procedural rules should be re-evaluated in the light of statutory amendments and potential spending problems.
- 2) The proposed revisions should be taken to public hearing after review by Counsel.



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Materials

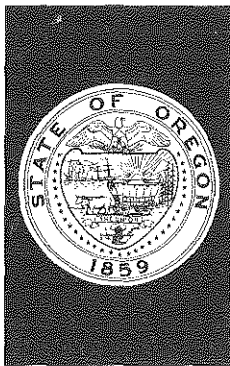
- 3) The Commission, at a future regular meeting, can consider proposals as they may be amended subsequent to public hearing.

DIRECTOR'S RECOMMENDATION

It is the Director's recommendation that the Commission authorize the Department to conduct a public hearing before a designated hearing officer on proposed amendments to the administrative procedure rules as they may be refined after consultation with counsel.



LOREN KRAMER
Director



ENVIRONMENTAL QUALITY COMMISSION

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

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MORRIS K. CROTHERS
Salem

RONALD M. SOMERS
The Dalles

TO: Environmental Quality Commission

From: Director

Subject: Agenda Item No. I, December 12, 1975, EQC Meeting

Petition to Amend OAR Chapter 340, Section 72-015, (Authorization for Public Hearing).

Discussion

The attached Petition from Linn County has the Department's support in so far as it is reflective of the County's costs in conducting their subsurface sewage disposal program. The Department is in agreement with the principle that fees should be reflective of costs involved. To expedite the rule-making procedure required with relation to fees (ORS 454.745), it appears appropriate to hold a hearing on the matter before a hearing officer in Linn County and return to the Commission with the results at the next regular Commission Meeting.

Conclusions

The attached petition by Linn County to amend the rule governing fees charged for subsurface sewage regulatory services in that county should be granted.

Authorization should be given to conduct a public hearing on the matter before a designated hearing officer in Linn County.

Recommendation

It is the Director's recommendation that the Commission take the following actions:

- 1) Grant Linn County's petition to amend OAR Chapter 340, Section 72-015.
- 2) Authorize the Department to conduct a Public Hearing in Linn County on the proposed rule amendment and return to the Commission with the result of the hearing at the earliest convenient regular Commission Meeting.


Director



PWM: dh
12/4/75
Attachemnts



Telephone 926-4495

LINN COUNTY
BOARD OF COMMISSIONERS
P.O. Box 100
ALBANY, OREGON 97321

COMMISSIONERS:
GEO. K. MILLER
VERNON SCHROCK
IAN TIMM

STAFF ASSISTANT:
JON LEVY

26 November 1975

Environmental Quality Commission
1234 SW Morrison
Portland, Oregon

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
DEC 2 1975

Dear Mr. Chairman:

OFFICE OF THE DIRECTOR

The Linn County Board of Commissioners petitions the Environmental Quality Commission to change permit fees for waste disposal systems in Linn County.

Oregon Administrative Rules, Chapter 340, Section 72-015, Fees for Permits and Licenses, established fees for Linn County as follows:

Construction Installation Permit	\$50.00
Alteration, Repair or Extension Permit	15.00
Evaluation Report (Fee is deducted from permit fee)	25.00

The Board of County Commissioners recommend the following changes:

Construction Installation Permit	\$75.00
Repair Permit	5.00
Alteration, Extension Permit	25.00
Evaluation Report (Fee is deducted from permit fee)	50.00

We believe the proposed fees are more realistic to cost comparisons except the repair permit. We wish to reduce the cost burden of persons who desire to repair their septic systems and maintain a safe environment.

Your prompt attention in this matter is appreciated.

LINN COUNTY BOARD OF COMMISSIONERS

Geo. K. Miller
Chairman

Vernon Schrock
Commissioner

Ian Timm
Commissioner

Subdivision 2

FEEES FOR PERMITS, LICENSES AND EVALUATION REPORTS

72-010 DEFINITIONS. The definitions contained in ORS 454.605 and Section 71-010 shall apply as applicable.

72-015 FEES FOR PERMITS AND LICENSES. (1) Except as provided in subsection (4) of this Section the following nonrefundable fees are required to accompany applications for permits and licenses issued under ORS 454.655 and 454.695:

<u>Subsurface or Alternative Sewage Disposal System</u>	<u>Fee</u>
<u>Construction Installation Permit</u>	<u>\$100</u>
<u>Alteration Permit</u>	<u>\$ 25</u>
<u>Repair Permit</u>	<u>\$ 25</u>
<u>Extension Permit</u>	<u>\$ 25</u>
<u>Sewage Disposal Service Business License</u>	<u>\$100</u>

(2)

A twenty-five dollar (\$25) fee shall be charged for renewal of an expired permit issued under ORS 454.655.

(3) Each fee received pursuant to ORS 454.755, subsection (4) of this section, and Section 72-025

for a report of evaluation applied for under Section 72-020 of site suitability or method or adequacy of a new subsurface sewage disposal system, shall be

deducted from the amount of the fee otherwise required for the subsequent issuance of a permit for the installation or construction of the new facility or system for which the site evaluation was conducted, provided its findings are still valid or another evaluation study is not considered necessary.

(4) Pursuant to ORS 454.745(4) as contained in Section 10 of Chapter 167, Oregon Laws 1975, and to requests of the respective governing bodies of the following counties all of which have agreements with the Department under ORS 454.725, and notwithstanding the fees listed in subsection (1) of this section and subsection (1) of section 72-025, the fees to be charged by the counties of Clatsop, Crook, Curry, Deschutes, Douglas, Hood River, Jackson, Jefferson, Josephine, Lincoln, Linn, Malheur, Marion, Sherman, Tillamook and Wasco shall be as follows:

<u>New Construction Installation Permit</u>	<u>\$50</u>
<u>Alteration, Repair or Extension Permit</u>	<u>\$15</u>
<u>Evaluation Reports</u>	<u>\$25</u>

except that in Douglas County the fee for alteration, repair or extension permit shall be \$5, and (b) the fees to be charged by the county of Clackamas shall be as follows:

New Construction Installation Permit	\$25 (in addition to evaluation report fee)
Alteration, Repair or Extension Permit	\$25
Evaluation Report	
- Applicant provides soil information obtained by registered sanitarian or professional engineer	\$40
- Applicant provides test holes for evaluation by county	\$55
- Test holes dug and evaluated by county	\$75

72-020 APPLICATION FOR EVALUATION REPORT. (1) An application may be made to the Department by any person, pursuant to the provisions of ORS 454.665 and 454.755, for an evaluation report of a method of sewage disposal required pursuant to section 20, Chapter 643, Oregon Laws 1975, of a site suitability for a subsurface or alternative sewage disposal system, or part thereof, pursuant to ORS 454.655, or of the adequacy of a sewage disposal system or method required



DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P. O. BOX 2946
PORTLAND, OREGON 97208

REPLY TO
ATTENTION OF:

NPPEN-PL-2

12 November 1975

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
NOV 18 1975

WATER QUALITY CONTROL

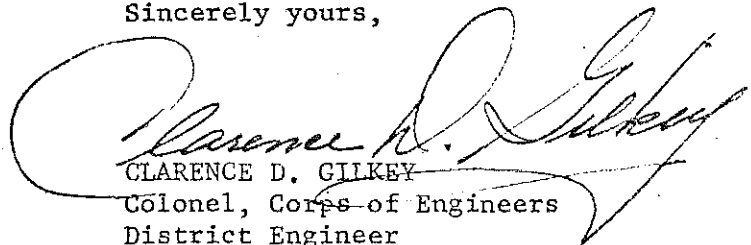
Gentlemen:

I am writing in response to the notice of proposed amendments to OAR Chapter 34, Sections 46-005(1) and 46-025(2) relating to the deposit of motor vehicle bodies and accessories into waters of the State. There is no objection to the proposed amendment in Section 46-015, paragraph 1c, considering the use of motor vehicle bodies for artificial reefs for fishery enhancement. However, Section 46-105, paragraph 1b, presently approving motor vehicle bodies for flood or erosion control projects should be deleted, thereby prohibiting the use of these bodies in structures subject to high water velocities such as in flood and erosion control structures. High water velocities tend to expose and displace material which cover the motor vehicle's body, thus providing a weak point for a potential failure of the structure, and sometimes actual displacement of the body.

Secondly, I would urge the addition of a section (4) to 46-025 which would read as follows:

"Any approval of a permit to deposit motor vehicle bodies and accessories into the waters of the state is contingent upon the permittee securing all required permits, including a Department of the Army permit under Section 404 of the Federal Water Pollution Control Act Amendments of 1972 where applicable."

Sincerely yours,


CLARENCE D. GILKEY
Colonel, Corps of Engineers
District Engineer

December 19, 1975

Mr. Charles D. Schmidt
Administrative Consultant
Oregon School Boards Association
1201 Court Street, N.E.
Salem, Oregon 97301

Dear Mr. Schmidt:

We will forward your concerns regarding the air contaminant discharge permit fee schedule to the Commissioners.

While the Commission adopted proposals without the benefit of your viewpoint, it did order a task force to review the permit program. Your proposals, along with many other ideas, will be considered for future action.

Mr. E. J. Weathersbee of this office (229-5397) will be happy to discuss your proposals and the progress of the task force.

Sincerely,

LOREN KRAMER
Director

LK:cm

cc: EQC
E. J. Weathersbee
H. M. Patterson



OREGON SCHOOL BOARDS ASSOCIATION

1201 COURT STREET N.E.

SALEM, OREGON 97301

PHONE (503) 588-2800

MAILING ADDRESS: P.O. BOX 1068

SALEM, OREGON 97308

December 16, 1975

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Field Representative

Charles D. Schmidt,
Administrative Consultant

Shirley Johnson,
Administrative Assistant

Pat Fitzwater,
Administrative Assistant

CONSULTANT

Edward C. Harms, Jr.
Legal Counsel

Mr. Loren Kramer, Director
Department of Environmental Quality
1234 S. W. Morrison Street
Portland, Oregon 97205

Dear Mr. Kramer:

It had been the intent of the Oregon School Boards Association to have representation at the Commission's hearing in Portland on December 12, 1975, where fees and other provisions of Air Contaminant Discharge Permits were discussed. Because of an error in calendar noting here, we were not represented at the meeting. The purpose of this letter is to call to your attention and the Commission's attention some matters of concern this Association has with the proposed fee structure as it would affect local school districts. Hopefully, you will convey these concerns to the Commission.

Generally we are opposed to the proposition that one tax supported governmental agency (local school districts) should be charged fees by another tax supported governmental agency (DEQ) for the privilege of putting contaminants in the atmosphere. However, the legislature did establish that the DEQ does have the authority to assess the fees, so we must, at least at this time, accept that principle. However, we do seriously object to the fees structure as proposed at the December 12 meeting. Our objections center on the proposed annual compliance determination fees and the renewal application fee, each of which is discussed below.

Annual Compliance Determination Fee

The body of the material prepared for the December 12 hearing implies that the annual compliance fee will be assessed automatically. Enclosed is a copy of a budget note from a subcommittee of Ways and Means during the 1974 special session of the legislature, chaired by Harvey Akeson, which directs that school districts are not to be billed for an annual compliance fee unless and until an actual inspection has been made. We request that the Commission comply with this directive.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E C E I V E D

DEC 17 1975

OFFICE OF THE DIRECTOR

December 16, 1975

Renewal Application Fee

We can see no justification for payment of renewal fees by school districts. Once a school district has filed an original application fee for a specific school building in that school district, for all practical purposes, the use to which that building is put does not change for a thirty, forty, or even fifty year period. In those rare cases when a use change or a heating plant change does occur, the modification permit fee should suffice. We see no reason of value to school districts and the public of Oregon for reshuffling paper every five years on a business as stable in terms of location and use as are school buildings. We feel this would be a completely unjustified burden on local taxpayers.

Again, I'm sorry we were not represented at the December 12 meeting in Portland, and I respectfully request, even though the Commission may have already acted on the proposed rules, that you pass the concerns expressed above on to the Commission members so that we may be on record for any future related considerations by that body.

Sincerely yours,

Chas. D. Schmidt

Charles D. Schmidt
Administrative Consultant

CDS:sj
Enclosure

Budget Note: The Subcommittee directed the Department of Environmental Quality and the Legislative Fiscal Office to return to the 1975 Regular Session with a report on the effectiveness of the inspection program, including an analysis of the vehicle rejection rates and the cost of necessary vehicle repairs.

Laboratory

The Subcommittee recommended deferral to the Emergency Board of action on the construction of a new laboratory.

Air Quality Permit Fees

Budget Note: The Subcommittee, after hearing testimony regarding difficulties facing school districts in paying air quality permit fees for boilers, directed that the Department of Environmental Quality not bill school districts for air permit fees until actual inspections have been made. The Subcommittee further directed DEQ to allow school districts to pay the permit fees in their next budget after responding to DEQ their intent to do so.

Feb 1974
Spec. Session
CS

(from Jay Gould)



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Distribution Below
From: Peter McSwain *PMM*
Subject: December 12 Commission Meeting

Date: October 27, 1975

The November 21, 1975 Commission Meeting is cancelled. The Commission will meet Friday, December 12, 1975 in Room 602 of the Multnomah County Courthouse (1021 S.W. 4th Street, Portland) at 9:00 a.m.

It looks now as though the agenda will include Moratoria, Harborton and Bethel, Field Sanitizing, and other controversial matters.

The policy regarding deadlines for mailing packets to the Commission has the Commission's reaffirmation.

The staff reports should be handled as follows:

- 1) Submitted to the Director no later than Monday, November 24 and
- 2) Mailed to the EQC on Wednesday, December 3.

Since postponement gives additional time, those of us who will be tardy in submitting our materials might benefit by getting together early to prepare novel and innovative excuses.

dh

Distribution:

Bolton
Hector
Householder
Patterson
Sawyer
Scott
Spies
Swenson
Weathersbee

October 24, 1975

Mrs. Nancy Gilliam
Clerk of the Board
Multnomah County Courthouse
1021 S.W. 4th Street
Portland, Oregon 97205

Re: Reservation of Room 602

Dear Mrs. Gilliam:

This is to confirm our telephone arrangement whereby we have cancelled our reservations for November 21, and December 10, and reserved Room 602 for all day on Friday, December 12.

Sincerely,

LOREN KRAMER
Director

Peter W. McSwain
Hearing Officer

PWM:dh

JACKSON COUNTY
BOARD OF COMMISSIONERS



JACKSON COUNTY COURT HOUSE
MEDFORD, OREGON
97501

December 4, 1975

Oregon Environmental
Quality Commission
Multnomah County Courthouse
Room 602
1021 S.W. Fourth
Portland, Oregon 97402

Gentlemen:

Please send one copy of your Authorization
for Public Hearing on Revision for Rules
Governing Administrative Procedure, which
was in your tentative agenda of December
12, 1975.

Your promptness will be appreciated.

Sincerely,

JACKSON COUNTY BOARD OF COMMISSIONERS

Tam Moore (cc)

Tam Moore, Chairman

TM:cl

"There's Better Living For Everyone In Jackson County"

TESTIMONY BEFORE THE ENVIRONMENTAL QUALITY COMMISSION ON AIR PERMIT FEES

The Lane Regional Air Pollution Authority supports in total the proposed amendments to OAR Chapter 340, sections 20-033.02 et seq, containing the revised Air Contaminant Discharge Permit Fees.

In supplemental application of the DEQ testimony, the LRAPA wishes to provide the Commission with information about the air contaminant discharge permit system in Lane County.

Actual man-years expended during the 1974/75 fiscal year for the permit program by LRAPA was 2.4 years. This number would have been somewhat higher if it were not for a limited availability of personnel during this time. The projected man-years for the 1975/76 fiscal year is 3.5 years. These are planned man-hour expenditures established in LRAPA's planned program budget. It is felt by the LRAPA that 3.5 man-years provides the minimum coverage and does not reflect the necessary level of work outlined by the EPA in the federal grant document.

Fees collected during the 1974/75 fiscal year came to approximately \$26,265. Direct program personnel salary costs amounted to approximately \$33,004. Fees collected only 79 percent of the program costs, not including overhead, travel, supplies, and other costs.

Under the current fee schedule, the income from the program expected to diminish to approximately \$17,000. At the same time total program costs to the Agency are projected to be \$52,600.

Page 2.

The fees, therefore, are expected to cover only 32 percent of the total program.

It is important to stress the support of the air contaminant discharge permit program by the Lane Regional Air Pollution Authority. At the same time, the agency wishes to stress its support of increased fees as outlined in the ammended regulations. We believe the permit fee schedule brings the State and Local Agency closer to assuring that the pollutor pays the way.

With any increase in fees, the people of the State of Oregon will be assured the pollutor is aiding in the reduction of air contaminants. In addition to reducing the load on the agency budgets, the increased permit fees will free funds to pay for major studies as to the impact of industry on the airshed. This type of studies, especially to define and identify the pollutants, will aid greatly the Lane Regional Air Pollution Authority to explain why we are the only area to exceed the federal air quality standards.

My name is Tom Donaca and I am here today representing the Air Quality Committee of Associated Oregon Industries.

In order to avoid redundancy in testimony I am limiting my remarks this morning to a very small number of issues presented by the staff report.

We met with your staff on several occasions and most of the questions raised and answered in the staff report were raised by Associated Oregon Industries. Some significant changes were made in the regulations which will be of assistance both in the operation of the program as well as for the sources who must pay permit fees, with particular ^{in W, 7H} regard to the application processing fee on renewals.

We have been unable to ascertain where the \$291,000 anticipated revenue figure came from but that figure was misleading we believe both to the Legislature as well as to ourselves. We sat through the last hearing ^{of W & Means} and understood the desire of the Ways and Means Committee to increase permit fees. In the budget report of the Ways and Means Committee it very clearly shows that the general fund for the Air Quality Permit Program was reduced by \$120,000 and other funds--permit fees were increased by \$120,000.

The ~~statement~~ budget note in that report states "An approximate 50% increase in air permit revenues was approved by the Subcommittee." The Subcommittee's intent was to finance a greater portion of total program expenditures from fee revenues and thus reduce general fund subsidy of this program."

Your actual revenue adjusted by Mid-Willamette Valley is estimated now at only \$174,000 under current permit fees but will jump to approximately \$540,000 ~~in~~ ^{of} a biennium under the proposal before you. During the consideration/the Ways & Means Committee we understood, ~~in~~ but did not like the 50% increase, but in view of other action of the Ways & Means Committee on other budgets we did not protest the fee increase. Had ~~we~~ ^{would} realized that permit fee increases would be significantly greater than 100% we should have.

The failure of the Department to provide an accurate forecast of revenue precluded us from ^{IMPLEMENTING} including the legislative body on this matter which we certainly would have had we understood the magnitude of the increase.

We note also that small boilers outside of AQMA's and the Salem urban growth boundary are to be excluded from this program in the future. At least in a monetary sense and an equity sense, although it may not be cost effective, it does not seem that these boilers should have been removed. But more importantly, of the boilers that remain, they constitute 892 of the 2060 permits. No increase was ~~placed~~ placed upon those boilers and incidentally on small ^{EXCLUSIONS, HOWEVER,} small incendiary boilers which constitute a total of 953 of the total number of sources not subject to an increase. Thus almost half of those sources subject to permit did not receive a fee increase, That meant that 1107 permits had to carry an increase of \$366,000 or an average increase of \$330,000 per biannium per source increase.

The magnitude of the increase ^{INDICATE BOTH THE PERMIT PROGRAM NEED} coupled with the management of the program seemed to ~~be~~ need review. We would offer this suggestion which would perhaps occasion some reduction in complaints from the sources that they are being subject to 2 inspections for 2 different ^{REASONS} things by 2 different agencies-yet the boiler is the source of the inspection need. The Department of Commerce Boiler Division is required by law to inspect high pressure boilers both when they are down and under pressure once ~~XXXXXX~~ each year and low pressure boilers are examined each two years, one year internally when the boiler is down and the other year when it is under pressure. In view of Gov. Straub's desire to eliminate duplicating functions it would seem well to investigate an intergovernmental cooperation ^{AGREEMENT} ~~part~~ between the Department and the Boiler Division ^{OF THE DEPT OF COMMERCE} wherein they would conduct these kinds of inspection. We are certain that their manpower could be trained, if they need additional people they could be paid for by the Dept. of Environmental Quality and reduce the burden on your staff. We understand that boilers in general do not create significant contributions and generally do not need the level of control by the agency that other sources do. We think investigation of such a step would be of assistance to the work load in your agency, assist the Dept. of Commerce

in doing their job and at the same time, obtain the measure of control required by the State both for environmental and safety reasons and meet the objectives of the Gov.

It has concerned us that the statutory language contained in ~~ORS~~ ORS 468.065, Subsection 2 seems to limit the cost of the program to three items--the filing of investigation fee, the issuance or denial of the permit and an inspection program to determine compliance. It concerns us that the 10 items, actually 11 because the next paragraph after item 10 on page 2 is also included in the Permit Program, are beyond the statutory directive for which charges may be made. We do not believe it was the intention of the Legislature in '71 nor was it when the Legislature met in 1975 that industry pay for more than that. Specifically we would suggest that those provisions having to do with your compliance with EPA and reporting requirements of EPA should not be borne by industry under the Permit Program. We think this entire list should be reviewed in light of the statutory directive to determine as a matter of law whether or not all of the items listed are as a matter of fact includable as cost items. A

Also, on page 2 there is a complete outline of the procedure that must be gone through which would establish a new permit. However, the staff report indicates that virtually all permits have now been issued and the primary responsibility is the renewal ~~of~~ of the permits. It is our belief that at ~~xxxxxx~~ about 80% of the sources for which permits are now issued will require no modification on renewal and essentially all that needs to be done is to reissue the permit. When the permit comes into the office the person checking the compliance on that should be able to pull the file and look at the last departmental check on compliance to determine whether it was in compliance at that time. The renewal should also require a verification that to the best of the knowledge and belief the applicant the sources in compliance at the time the renewal was requested and ~~xxxx~~ under those conditions the permit should be reissued as it stands. Many agencies go through this same procedure including the Boiler Division of the Dept. of Commerce, and are able to renew permits on a less costly basis than the Dept. proposes. Obviously, the Other 20% will require additional work and we think this portion of the program should be re-examined to determine how that should be handled.

We fully understand the nature of the fiscal problem which you are facing with the current budget. We therefore recommend to you that you adopt this schedule only for the year 1976 and that you direct your staff in conjunction with other interested parties to review the entire Permit Program, including all facets of the program prior to January 1, 1977 and make a new determination on utilization of manpower and the costs of the program. We understand that this means additional work and from the standpoint of the source it means uncertainty as to the future costs, which we do not like, but nonetheless this is still a new program and most programs have to be shaken down and this one ~~may~~ appears to need some reexamination to determine whether or not it is meeting the objectives that it set out to achieve.

The Air Quality Permit Program is one of the few/^{fee}programs ~~that does not have~~ of any agency that does not have a statutory monetary limit. The Legislature has ^{ALWAYS} ~~already~~ ^{FEW} been concerned about the programs which are controlled only by the agency getting out of hand, and we think that you should keep this concern in mind as you direct review of the program.



WESTERN ENVIRONMENTAL TRADE ASSOCIATION, INC.

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 Odyssey Productions, Inc.

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 Union No. 37

S. H. ELLINGSON
 Ellingson Lumber Company

HAL FISCHL
 Painters District Council 55

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 Attorney

FRANK GILCHRIST
 Gilchrist Timber Company

JACK HAZLITT
 Commerce Mortgage Company

BLAKE MERING
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 Machinists and Aerospace
 Workers

EARL KIRKLAND
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 Pacific Building
 Trades Council

WALT LARSEN
 Wilmotte Iron & Steel Co.

JERRY S. LAUSMANN
 Jerry S. Lausmann Co.

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 Freightliner Corporation

IRVY LUTTEN
 Weyemauser Corporation

E. J. MANEY
 Hanna Nickel Smelting Co.

W. W. MARSH
 Rocky-Mars Public Relations

CARL MASON
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J. H. McCLAIN
 Telegre Wash Chang Co.

LYNN NEWBRY
 Oregonator

E. E. PATTERSON
 State Representative

THOMAS V. PERRY
 Lumber Bee Sawtooth

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PETER SCHWELL
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 Portland General Electric

LEONARD A. WILDISH
 Wilson Sand & Gravel

TOM WILLISROFF
 Marsma Corporation

TESTIMONY OF LYNN ENGDAHL AT THE EQC HEARINGS OF DECEMBER 12

HIGHLIGHTS:

1. Since the permit program is mandated by law to relate the fee amount to the cost of processing the permit and the cost assuring compliance, we expect that exact cost accounting is available from the Government agencies. When industries are required to provide massive reams of specific data to this and other related bodies, it is not asking too much that D. E. Q. provide more than a single column "estimated" percentage of time spent by your employees as justification for the new financial demands.
2. Does the new request for fees recognize the difference between initial permit application and permit renewal. WETA committee members agree that an initial permit is a headache. Many tests must be run and decisions made. Now, however, most permits are ongoing and the annual new fee may require some effort but certainly, we assert, not as much as the original permits required. It is strange to us that now, when the bulk of the initial permit process have been completed at your old budget level that you ask increased funding for less complicated renewals.
3. Since it is possible for an agency to spend any amount of money provided it, we must see some standard other than D. E. Q. cost by which to judge your needs. What efforts have been made to reduce cost? How can we be sure that this demand simply doesn't reflect an unnecessary redundancy of employees who duplicate efforts? Again, it is not too much to ask that documentation of efficiency be provided.
4. WETA (Western Environmental Trade Association), must demonstrate our continued concern for the environment. We have not been able to find your justification for this permit fee increase as it relates to the environment. Unless you are hoping that some marginal plant will close and thereby reduce the amount of material in the air (because they can't afford the increased fee) we can't relate the fees to the environment. We expected some statement that this increased fee schedule would result in some percentage of cleaner air and for you to give us documented justification but we have been unable to discover it. Please help us locate your documentation.

5. Finally, this seems to be funding through administrative procedure rather than by legislative procedure. We must insist that you provide some justification other than legislative unwillingness to meet your budget for increasing your fee schedule.

6. we urge that you consider alternatives

HARRISBURG
P. O. BOX 205
PHONE 995-6336

LEBANON
P. O. BOX 7
PHONE 258-8141

ALBANY
1759 S. E. KENNEL RD.
PHONE 928-2547

CORVALLIS
P. O. BOX 1126
PHONE 752-3428

SWEET HOME
2903 GREEN RIVER RD.
PHONE 367-6174



MORSE BROS., INC.

December 11, 1975

Environmental Quality Commission
1234 S.W. Morrison St.
Portland, Oregon 97205

Commissioners:

As a Mid-Willamette Valley aggregate, asphalt and concrete producer, formally representing the membership for the Oregon Asphalt Paving Association and as Secretary-Treasurer of the Oregon Concrete and Aggregate Producers Association, I would like to share with you the concerns that our industry membership has regarding the proposed increase in air contaminant discharge permit fees.

The original legislative basis for determining permit fees (ORS 468.065) namely, filing, investigating, issuing, denying, and inspecting has been expanded to the list of ten functions identified by Mr. Kramer in his memo to the Commission of Dec. 12, 1975. Even if all of these functions are required it is misleading to assume they apply equally to every industry. The following is a review of the functions relevant to the aggregate, asphalt and concrete industry.

1. "Identifying sources requiring permits and forwarding applications." This basically does not apply to our industry. Existing sources have been identified and are in the vast majority of sites operating in compliance with existing regulations. New source applications are an extremely small percentage of the total.

3. "Determining the compliance status of sources." Industry is required to finance its own compliance testing using firms approved by the DEQ such as CH₂M, Glen O'Dell (former employee of DEQ), M. Welman, OSU Professor Baubell, Mogul Corporation, and Beake Consultants. These individuals are qualified and competent to perform the required testing. Yet the DEQ fails to accept the independent conclusions of these qualified persons and insists on physically reproducing the results on every test by re-calculating the detailed test data. Is this time consuming process necessary? If the results of the DEQ approved firms are not acceptable, then

why require their services? If the DEO is going to reproduce every test, then why not let industry eliminate the thousands of dollars required for independent testing and let the DEO do the actual testing? They are presently duplicating a large percentage of the testing process. Rather than increase an unnecessary function we are asking you to consider reducing this activity, thus helping to maintain the existing fee structure.

4. "Inspecting plants and equipment."

This is a valid function. But the nature of the aggregate, concrete, and asphalt industry should be examined. The construction industry in Oregon is seasonal. There are no plants, either concrete, asphalt or crushing that operate on a twenty-four hour, twelve month basis. In fact our industry averages 200 operating days per year with basic single shifts. While DEO inspection is necessary, the percentage of DEO time applied to our industry should be significantly less than other less seasonal industries.

5. "Adopting source control strategies."

Compliance with the regulations has been met in the overwhelming percentage of cases in our industry. There should be no increased amount of time required by DEO personnel with this function as it relates to the aggregate, concrete, and asphalt industry.

6. "Reviewing and approving of control equipment, plans and specifications."

If plant operations are in compliance, what additional time should be required to monitor controls, plans and specifications? This should apply to permit modifications and new applications.

8. "Evaluating impact of sources on air quality."

When the Clean Air Implementation Plan was introduced Jan. 24, 1972, it was determined that emissions in the aggregate, concrete and asphalt industry represented less than 1% of the total particulate problem in Oregon. Yet the reported fee income from our industry by the Standard Industrial Classification (SIC) represents 23% of the total fees collected. The 100%+ proposed increase in fees will exaggerate even more the apparent disproportionate share of the program our industry carries.

9. "Monitoring compliance control strategy progress for the duration of the permit."

The need for DEO involvement in our industry to monitor progress has been minimal. In the Lane Regional Authority it is interesting to note that of the 558 complaints for the month of Sept. only one complaint involved our industry. In the Mid-Willamette Valley,

Page 3
Air Contaminant Discharge Permit Fees

Morse Bros. the firm I represent, has received one air discharge complaint since the permit process was instituted. Information gained from our industry membership indicates that complaints are minimal statewide. The need to monitor, if present, would express itself through citizen complaint.

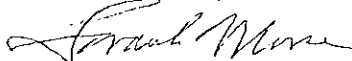
As these air permit activities are applied to more specific situations, the need to increase fees becomes even more questionable. Morse Bros. with plants in Albany, Corvallis, Lebanon, Sweet Home, and Harrisburg now has air discharge permits for five asphalt plants, seven ready-mix concrete plants, five crushers and one boiler. Our existing total fees are \$1,625. The proposed fee is \$3,250 representing a 100% increase. Our firms involvement with the DEQ in the past year has been limited to one visit. We have demonstrated no problem, received no complaints, have operated in compliance with state regulations and now must face a 100% increase in fees. Morse Bros. has installed the equipment, the air scrubbers, the bag houses, the fans, ducts, sprays, etc. Compliance has been achieved. The DEQ has successfully led us through to compliance. (MWVPA) Now that the major task of achieving compliance has been accomplished, the DEQ is suggesting that the fees be increased 100% to help underwrite increased Department activities.

The proposed percentage increase is not justified. The Environmental Quality Commission has the responsibility to protect and enhance living conditions in Oregon. But it has equal responsibility to examine closely the way in which the DEQ administers the law. Rather than giving blanket approval to fund an expanding bureaucracy, the Commission must scrutinize the activities and administration of the Department.

One must question why DEQ personnel have increased 366% since 1970.

As our industry relates to clean air standards, one must question why the Department requires a 100% increase in fees to administrate compliance to regulations that have already largely been accomplished. Thank You for your consideration.

Sincerely yours,



Frank Morse
Vice President

TESTIMONY BEFORE THE ENVIRONMENTAL QUALITY COMMISSION ON AIR PERMIT FEES

The Lane Regional Air Pollution Authority supports in total the proposed amendments to OAR Chapter 340, sections 20-033.02 et seq, containing the revised Air Contaminant Discharge Permit Fees.

In supplemental application of the DEQ testimony, the LRAPA wishes to provide the Commission with information about the air contaminant discharge permit system in Lane County.

Actual man-years expended during the 1974/75 fiscal year for the permit program by LRAPA was 2.4 years. This number would have been somewhat higher if it were not for a limited availability of personnel during this time. The projected man-years for the 1975/76 fiscal year is 3.5 years. These are planned man-hour expenditures established in LRAPA's planned program budget. It is felt by the LRAPA that 3.5 man-years provides the minimum coverage and does not reflect the necessary level of work outlined by the EPA in the federal grant document.

Fees collected during the 1974/75 fiscal year came to approximately \$26,265. Direct program personnel salary costs amounted to approximately \$33,004. Fees collected only 79 percent of the program costs, not including overhead, travel, supplies, and other costs.

Under the current fee schedule, the income from the program expexpected to diminish to approximately \$17,000. At the same time total program costs to the Agency are projected to be \$52,600.

TESTIMONY ON
AIR CONTAMINANT DISCHARGE PERMIT
PROPOSED FEE AMENDMENTS

BEFORE THE
ENVIRONMENTAL QUALITY COMMISSION

DECEMBER 12, 1975

PRESENTED BY

MATTHEW GOULD

CORPORATE DIRECTOR

ENERGY AND ENVIRONMENT

GEORGIA-PACIFIC CORPORATION

We are concerned with the precedent set by arbitrarily raising fees this year because DEQ has not operated within its fiscal budget. The agency is seeking to recoup its deficit by an inequitable and improper reassessment of permit fees. We feel that the real issue lies with the lack of sound fiscal judgement and sound management practices in the overall administration of the program.

Industry wishes to avoid becoming involved in internal agency affairs; however, when we are asked to bail the department out of a difficult financial situation, then we feel it necessary to take a look at the overall administration of the DEQ air quality permit program.

A review of the staff report reveals that a determination of whether the proposed revisions are fair and equitable is not possible at this time because of the wide range of numbers that have been quoted without adequate clarification.

Depending upon which set of numbers in the report are used, the range of increase in the cost of the permit program varies from 13% to 309%.

Further, in the staff memorandum it states that most of the permits have already been issued, and the vast majority of them were issued for a five year period.

Thus, during the period when we would expect this program to be winding down, we are being asked to substantially increase our share of an expanded program.

The staff report concludes that these fees will be "an insignificant part of the money received in the current biennium." However, when the annual compliance fee for pulp mills has been increased by 1,000 percent the fee for sawmills increased by 300 percent and for plywood plants by 300 percent, there are clearly degrees of "insignificance."

With the proposed revision of the fee schedule for air contaminant discharge permits, we respectfully submit the following comments and recommendations on the proposed revision and overall management of the air contaminant discharge program.

PERMIT PROGRAM

There is a problem with the administration of the existing permit issuance program. A good deal of time is being spent in negotiating special permit provisions, containing conditions not specifically set out in the regulations promulgated by the Environmental Quality Commission. This slows the permit issuing process and results in higher costs for both the department and industry.

The Oregon statute (468.065) specifically requires that "any permit issued by the department shall specify its duration, and the conditions for compliance with the rules and standards, if any, adopted by the Commission pursuant to the various environment section."

In order to streamline the air permit issuance program, we would make the following recommendations:

- (1) The overall function of the permit program should
 - (a) set out the state regulation
 - (b) set out the state ambient standards
 - (c) spell out the civil penalties schedule for violation of those standards, and
 - (d) specify the monitoring and reporting of emissions required.

- (2) the permit should not
 - (a) detail operational procedures, and
 - (b) debate the types of equipment to be purchased, its charge is to address itself only to the performance standards necessary to comply with state and federal laws.

NON-DEGRADATION REGULATION

A good deal of unnecessary delay results from OAR 20-001 which requires the utilization of the highest and best practicable treatment and control. This regulation originally was intended to be the significant deterioration standard. In that EPA has required an amendment to the overall air implementation program for Oregon to modify significant deterioration provisions, and the federal significant deterioration provisions are under review in Congress, this regulation no longer satisfies its intended purpose. Also, this provision is incompatible with legally enforceable numerical standards. We urge the EQC and staff to initiate rule making to repeal this section.

PERSONNEL

Attachment No. 6 contains a breakdown of DEQ staff personnel and their percentage of time in the air permit program. It should be noted that 1/3 of staff personnel spends over half of its time on the permit program, 1/3 of the staff spends somewhere between 10 and 50 percent of its time on the permit program, and the remaining 1/3 of the staff spends a nominal amount of time on the permit program. It is our opinion that there are too many people involved in the mechanics of issuing permits rather than practical implementation of the program.

We would urge the Director to review administrative procedures for the issuance of air permits.

FISCAL ACCOUNTING

In page 1 of the DEQ staff report, it concluded that:

The issuance of permits, inspection and monitoring of these small boiler sources outside the valley is not cost effective nor do they contribute in a demonstrable way to air quality problems in that area.

This seems to be a strange interpretation of the law and appears to be contrary to federal law. The staff has not presented data to support this contention. To quantify the amount and distribution of fees to be levied, we recommend that the EQC consider a "management by objective" budgeting process, to

- (1) insure maximum utilization of both dollars and manpower,
- (2) provide guidance for the utilization of revenue sources and,
- (3) provide meaningful basis for the Legislature, the Commission, industry and the public to review the overall management of the state's environmental program.

Such budgeting systems have been instituted by many state and local agencies and are proving successful. We do not quarrel with the idea that perhaps the fee schedule should have a greater spread among SIC categories, nor do we quarrel with the idea that 50 percent of the cost of the permit program should be borne by point sources. This is adequately supported by data in the 1974 Oregon Air Quality Report which shows that approximately half of the particulate emissions come from controlled point sources and the other half come from areawide, non-point sources. Any different apportionment of the air program costs would be the responsibility of the Oregon State Legislature. With the development of a "management by objectives" budget system, and the development of fiscal criteria by which to assess overall management performance, proposed revisions in the apportionment of the fee schedule would be addressed on a sound factual basis. This would insure that each source bear its proportionate share of the cost of the program.

LEGISLATIVE BASIS FOR FEE SCHEDULE

Under Oregon statute (468.065(2)), it provides that:

By rule and after hearing, the Commission may establish a schedule of permit fees for permits issued pursuant to ORS 468.310, 468.315, and 468.535. The permit fees contained in the schedule shall be based upon the anticipated cost of filing and investigating the application, of issuing or denying the requested permit, and of an inspection program to determinate or non-compliance with the permit.

It would be recalled that the original Oregon permit schedule was based upon the then Los Angeles permit fee schedule. We submit that this schedule is inappropriate because of the very different industrial base in that populous community.

The recommended "fiscal management by objectives" will provide a sounder and more defensible fee schedule.

SUMMARY RECOMMENDATIONS

In view of the statutory mandate that there be a close correlation between the cost of the permit program and the generation of fees therefrom, we respectfully submit that there is a need to develop additional financial information. We recommend that, with the cooperation of AOI, a representative Task Force be appointed by the Commission to make a 90 day review of resource and manpower of the permit program. That the Task Force be charged with the development of sound fiscal criteria objectives and then report to the Environmental Quality Commission for appropriate action. The permit fees should be retroactive to January 1, 1976, to insure a sound financial base for the program.

Industry does not want to become a watchdog of a public agency; the overall management of the program is the responsibility of this Commission and we submit that the tools to effectively administer a fiscally responsible permit program need to be developed.

Finally, to reiterate, the fee program was authorized by the legislature to recover the administrative costs of the permit program--not to finance the day to day operations of the agency as a whole. Like the general public, we pay corporate income taxes for that purpose.

24 31 24
12/50
10/50

TO: Joe B. Richards, Chairperson
Environmental Quality Commission

RE: December 12 presentation, Cup Awards

Today we are presenting five Oregon CUP (Cleaning Up Pollution) Award Renewals which were approved by this Commission at its September 26 meeting. This program, instituted in 1972, gives recognition to any industry, organization, institution, corporation, governmental unit or individual for outstanding efforts "beyond the call of duty" in preventing or cleaning up pollution in Oregon.

The five renewals which are being presented today permit the companies to continue to display the Oregon CUP insignia on products manufactured at the plants for which the award is given. The insignia is meant to indicate to consumers which local companies are making extra efforts to safeguard the environment.

It is with great pleasure that I present these award renewals to:

Publisher's Paper Company, Oregon City & Newberg mills - Peter Schnell
Director of Public Relations

American Can Company, Halsey pulp and paper plant - George J. Wagner
Mill Manager

Willamina Lumber Company - John Hampton, President

Esco Corporation - Doug MacGowen, Manager of Plant Engineering, &
Nello Vanelli, Director of Public Affairs

Cascade Construction Company - George R. Morton, Vice President of Engineering

Bud Kramer

December 17, 1975

Pete McSwain

Revision of Air Contaminant Discharge Permit Fee
Schedule and Procedural Rule

It has been brought to my attention that the motion carried in the subject rule adoption action left some unresolved issues:

1. The motion made no reference to the rules or the Director's recommendation. It referred only to "fee schedules" (See Attachment A).
2. The motion was for the rule to be effective only for the 1976 calendar year, a provision which should be included in the text of the rule -- applying to fee schedules only.
3. The motion to adopt was conditioned on the Department's approach to the E. Board and its provision for rebate if E. Board funds are forthcoming. Another condition was the assignment of a management review task force. This gives problems -- adopting a present writing based on a future act:
 - a.) Is the schedule ineffective until the actions are taken?
 - b.) If it is effective now, would it become ineffective if the actions are subject to delay?

Ray Underwood and I advise a conference call (3 Commissioners) in which you would present a supplemental Director's Recommendation (Attachment B) in the hope that the Commissioners would vote to resolve some of the difficulties.

In addition, Ray suggests (with my concurrence) that a future practice be adopted of having Commissioner Richards restate motions (other than to adopt the Director's Recommendation verbatim) regarding rule-making to provide a moment of pause so that procedural sufficiency can be reviewed.

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ATTACHMENT A

I MOVE that the fee schedules as submitted be adopted for the calendar year of 1976 conditioned on:

a. That the Director make a request of the Emergency Board to restore some of the General Funds needed because of the overestimation of income made by the Ways and Means Committee and the direction of the Ways and Means Committee to increase fees by approximately 50% and that if restoration of the General Funds is made, partial refunds will be made on an equitable basis to be determined by the Commission, to persons who have filed for permits or renewals prior to such restoration as well as to make changes in the fee schedule for the balance of 1976 to reflect the restoration of General Funds; and

b. That the Director initiate a study and appoint a task force to study the entire air quality permit program and its costs, utilizing both staff and persons outside the agency. And such a study should be completed and in the hands of the Commission prior to July 1, 1976, so that its on hand well before our next budget is formulated. That's basically the motion.

ATTACHMENT B

The Commission action of December 12, 1975 with regard to the rules of procedure and fee schedule for Air Contaminant Discharge Permits should be amended prior to its filing with the Secretary of State as follows:

- 1) On page 3, section 20-033(6)(a), sentence 1, line 4 is amended as follows: After "Table A" add "which shall be applicable during the period of January 1, through December 31, 1976."
- 2) On Table A, after "ASSOCIATED FEE SCHEDULE," add:"FOR 1976 CALENDAR YEAR."
- 3) The conditions imposed on the Department for adoption be withdrawn.
- 4) Proposed amendments to OAR Chapter 340, Section 20-033.2 through 20-033.20 before the Commission on December 12, in addition to the proposed fee schedule and subject to the amendments set forth in paragraphs 1, 2, and 3 hereof, be adopted as permanent rules effective upon filing with the Secretary of State.
- 5) The Department be instructed to carry out the activities set forth in the conditions withdrawn in paragraph (3) hereof.

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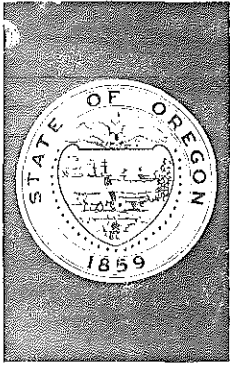
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**DEPARTMENT OF
ENVIRONMENTAL QUALITY**

RECEIVED
MAY 27 1976

DEPT. OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 5372

ROBERT W. STRAUB
GOVERNOR

May 27, 1976

Honorable William F. Gwinn
Oregon House of Representatives
P. O. Box 923
Albany, Oregon 97321

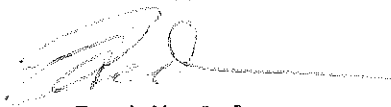
Dear Mr. Gwinn:

As you suggested, we checked with the Benton County Planning Department and determined that there is not a Princeton Heights subdivision, First Addition, in North Albany.

Thank you for bringing this to our attention and thereby setting our records straight.

Sincerely,

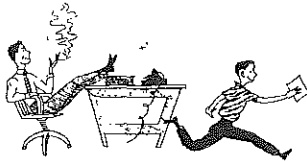
LOREN KRAMER
Director


Fred M. Bolton
Administrator
Regional Operations

FMB/bw

cc: Midwest Region
cc: Peter McSwain, Hearings Officer ✓
cc: Subsurface Sewage and Alternative System Section

10/13/75



FROM THE DESK OF

Dan Paulson

Environmental Quality Comm.

Dear Sirs:

Experiences and ignored testimonies over the last 5 years indicate that construction of new dwellings of any size should, most certainly, be curtailed until an adequate sewer service is available to all of the geographic areas listed.

Sincerely yours,

Dan Paulson
2671 N.W. Poplar

Albany, Oregon 97321

OFFICE OF ENVIRONMENTAL QUALITY

RECEIVED

OCT 15 1975

DEPT. OF ENVIRONMENTAL QUALITY

NOTICE OF INTENDED AGENCY ACTION AND PUBLIC HEARING THEREON

NOTICE IS HEREBY GIVEN that the Environmental Quality Commission of the State of Oregon will consider issuing an order pursuant to ORS 454.685 prohibiting the construction of subsurface sewage disposal systems in certain proposed protected areas of Benton County as follows:

PROPOSED OAR CHAPTER 340, SECTION 71-020(6)

Pursuant to ORS 454.685, neither the Director nor his authorized representatives shall issue construction permits for subsurface sewage disposal systems within the boundaries of the following geographic areas of the State:

- (a) Kingston Heights Subdivision in Benton County
- (b) Kingston Heights Subdivision, First Addition in Benton County
- (c) Princeton Heights Subdivision in Benton County
- (d) Princeton Heights Subdivision, First Addition in Benton County

A PUBLIC HEARING on the proposed action will be held on Thursday, November 6, 1975 commencing at 7:00 p.m. in the East Basement Conference Room of the Linn County Courthouse in Albany, Oregon.

ISSUES to be decided include whether the order should issue in view of:

- (a) Present and projected density of population
- (b) Size of building lots
- (c) Topography
- (d) Porosity and absorbancy of soil
- (e) Any geological formations which may adversely affect the disposal of sewage effluent by subsurface means
- (f) Ground and surface water conditions and variations therein from time to time
- (g) Climactic conditions
- (h) Present and projected availability of water from unpolluted sources
- (i) Type of and proximity to existing surface waters
- (j) Type of and proximity to existing domestic water supply sources
- (k) Capacity of existing subsurface sewage disposal systems

TESTIMONY may be presented by any interested persons either orally at the hearing or by writing to the Environmental Quality Commission, 1234 S.W. Morrison Street, Portland, Oregon 97205.

The hearing will be conducted before a hearing officer designated by the Commission.