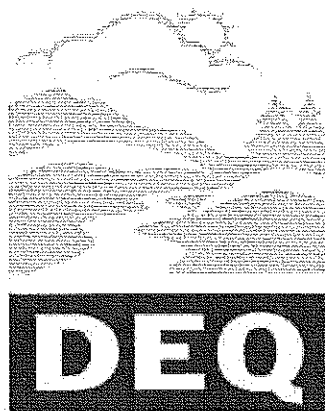


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**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



**State of Oregon
Department of
Environmental
Quality**

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Agenda

Environmental Quality Commission Meeting

July 30, 1976
Medford City Council Chambers
411 W. 8th St.
Medford, Oregon 97501

9:00 a.m.

- A. Minutes of June 25, 1976 EQC Meeting
- B. Monthly Activity Report for June, 1976
- C. Tax Credit Applications
- D. On-site Sewage Disposal Program - Status Report
- E. Medford Region Air Quality Maintenance Area (AQMA) Study - Status Report
- F. Medford Corporation Medium Density Fiberboard Plant Air Emissions - Status Report
- G. Medford Area 208 (Waste-water treatment facility management) Planning - Status Report
- H. Rules for Indirect Sources (OAR Chapter 340, Sections 20-100 through 20-135) - Proposed Adoption of Revised Rules
- I. Fishhawk Lake Sewerage System Performance Bond, Columbia-Clatsop Counties - Petition for Substitution of Alternative Security
- J. Sewage Works Construction Grant Project Priority List for FY '77 - Request Authority for Public Hearing
- K. Proposed Revisions to Open Burning Rule (OAR Chapter 340, Sections 23-005 through 23-020) - Request Authority for Public Hearing
- L. Authority to Invest Funds in Oil Spillage Fund
- M. Proposed Adoption of Temporary Rule to Increase Sub-surface Sewage Disposal Fee Schedule for Marion County

Because of the uncertain time spans involved, the Commission reserves the right to deal with any item at any time in the meeting.

The Commission will be meeting for breakfast at 7:30 a.m., at Stanley's 510 N. Riverside and any of the items above may be discussed. Lunch will be at the Medford Hotel, 406 W. Main.

MINUTES OF SPECIAL MEETING

OF THE

OREGON ENVIRONMENTAL QUALITY COMMISSION

July 30, 1976

At 9:00 a.m. on Friday, July 30, 1976, the Special Meeting of the Oregon Environmental Quality Commission convened in the Medford City Council Chambers at 411 W. 8th Street, Medford, Oregon.

Present were all Commission members: Mr. Joe B. Richards, Chairman; Dr. Morris Crothers, Vice Chairman; Dr. Grace S. Phinney; (Mrs.) Jacklyn L. Hallock; and Mr. Ronald M. Somers. Present on behalf of the Department were its Director, Mr. Loren (Bud) Kramer and several members of the Department's staff from both its Portland Headquarters and its Southeast Regional office.

After the meeting was called to order, it was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and unanimously voted that the Commission waive reading the minutes (previously distributed to all Commissioners), approve the minutes, and adopt the Director's recommendations with regard to Agenda items B (Monthly Activity Report) and C (Tax Credit Applications). As previously distributed, the Director's recommendations with regard to the latter two items were as follows:

June 1976 PROGRAM ACTIVITY REPORT

It is the Director's recommendation that the Commission take notice of the reported program activities and give confirming approval to the Department's actions relative to air quality project plans and specifications as described on page 15 of the report.

TAX CREDIT APPLICATIONS

It is recommended that the Commission issue Pollution Control Certificates T-687R, T-728R, T-759, T-766, T-767, T-771 and T-792 in the amounts indicated.

It was MOVED by Commissioner Somers and seconded by Commissioner Phinney that the Commission adopt the Director's recommendation with regard to Agenda Items J, K, and L. The motion carried with the unanimous support of the Commission. The Director's recommendations on the three subject agenda items were as follows:

SEWAGE WORKS CONSTRUCTION GRANT PROJECT PRIORITY LIST FOR FY '77 - REQUEST AUTHORITY FOR PUBLIC HEARING

It is recommended that the EQC:

1. Approve the proposed changes in priority criteria contained in Attachment II.
2. Authorize the Department to hold a public hearing before the Department Hearings Officer on the proposed priority list. (Such hearing is tentatively scheduled for August 25, 1976.)

EQC MEETING REQUEST FOR AUTHORIZATION FOR PUBLIC HEARINGS: PROPOSED RULES FOR OPEN BURNING

It is the recommendation of the Director that public hearings be authorized by the Commission for the purpose of obtaining public comment concerning the proposed Rules for Open Burning. These hearings shall be held in Portland on September 9, 1976, at 10:00 a.m. in Room 508 of the Terminal Sales Building, 1234 S.W. Morrison Street, Portland 97205, and in Salem, Eugene and either Medford or Roseburg on September 9, 1976 at times and places to be arranged.

PERMISSION TO INVEST MONIES IN OIL SPILLAGE FUND CASH ACCOUNT

It is in the best interests of the Department to maximize the funds available through investment of the Oil Spillage Account; therefore, it is recommended that the Commission approve such investment.

STATUS REPORT: ON-SITE SEWAGE DISPOSAL PROGRAM

Mr. T. Jack Osborne, Supervisor, Sewage Systems Section, addressed the Commission with his approval of the overall performance of the Department's program in this area, mentioning the high approval rate (better than 70%) of the many variance applications under a 1975 legislative provision. He cited the 30 or more experimental systems of a varying nature that had been approved as indication of progress in the area of discovering alternatives to conventional on-site disposal systems. It was Mr. Osborne's information that a currently high rate of approval on applications for standard systems was increasing with the increasing expertise of field personnel.

Commissioner Somers inquired as to the number of alternative systems that had been approved in the Jackson County area. He was told that a number of experimental systems, including evapotranspiration-absorption systems, had been approved with optimism for their evolution from experimentation to recognition as appropriate systems for the area. It was added by Mr. Osborne that some systems, such as that mentioned above and the mounded drainage field, were out of the price range of many applicants and were indicative of a need for more economical alternatives to the conventional systems.

Possibilities mentioned included the "split" system involving, for example, two drainfields with dosing systems. The combination of applicant ideas and consultant implementation had proven ingenious but uneconomical according to Mr. Osborne.

While conceding with the Director that no artificial incentive could match the economic incentive for discovery and patent of a generally viable and economical alternative to conventional systems, Commissioner Somers expressed interest in Mr. Osborne's statement that Oregon State University Soils Department was interested but unfunded for potentially helpful research. The Director recalled the legislature's election not to provide proposed funding for research in 1975 and noted that EPA funding was a possibility. Funding from EPA was a possibility to the liking of Commissioner Somers who noted that present regulations are based on present technology whose unintended result is incentive to place homes on farm land.

Commissioner Hallock observed concern among members of the Senate over progress toward alternatives and asserted the need to present a funding proposal to the next legislature in the event of a finding that federal funds would not be in the offing.

Mr. Kramer, the Director of the Department, pointed out that the aforementioned Senators might find interesting a forthcoming proposal for additional funding to the Emergency Board. The proposal would be based, in part, on a funding deficiency in the legislatively directed experimental program, he reported.

At the request of Commissioner Richards Dr. Robert Paeth, Soil Scientist with the Department's Investigation and Compliance Section, summarized the idiosyncracies of Jackson County soils. It was reported as the only county in Oregon to appear on the General Soils Map of the United States as a Vertisol soil area. The fine textured soils were said to be causative of the on-site disposal problems in Jackson County along with other poor engineering characteristics. Their 60% plus clay content, he said, results in poor receipt of sewage effluent. Shrinking and swelling due to varying moisture, he said, causes an extremely low permeability (and consequently poor treatment of effluent). In Dr. Paeth's view, this could potentially be remedied by a system involving low pressure dosing. Such was being tried in three experimental circumstances in the County. It was Dr. Paeth's estimation that, once proven, the system could have an impact on the Jackson County problem. Current Department emphasis, he said, was on performance rather than theory.

It was reported in answer to inquiry by Commissioner Richards that a proven system involving dosing whose performance could be assured by appropriate regulations might well result in a significant increase in the "approval" rate of applications in Jackson County.

It was MOVED by Commissioner Somers, seconded by Commissioner Crothers, and unanimously approved that the Commission direct the staff to prepare a funding program to propose to the legislature to fund, through the Department, research in the area of on-site disposal by Oregon State University or such other suitable facility as might be found.

STATUS REPORT: STUDY OF MEDFORD REGION AIR QUALITY MAINTENANCE AREA PROBLEM

Mr. John Kowalczyk of the Department's Air Quality program highlighted a previously distributed report on air quality study needs in the Medford area. He mentioned the two objectives of attaining and maintaining air quality standards and their special significance in the Medford area which is recognized as one of the Country's worst ventilation areas. A former problem whose presence in 1972 was evidenced by monitoring of an 11% excess over federal primary standards and a 30% excess over secondary standards was, Mr. Kowalczyk reported, met by an area plan which resulted in a 19% reduction in secondary violations by 1975. Consonant was an achievement of primary standards and a 19% reduction in secondary violations, he said.

It was stated that an expected reduction in particulate due to control of blue haze from plywood veneer dryers would still not result in compliance with secondary standards, despite an expected benefit to visibility. (It was noted parenthetically that a profile of area air quality would soon be available to those interested.)

The failure to attain standards, Mr. Kowalczyk reported, had resulted in an EPA request to revise the Oregon Clean Air Implementation Plan by July of 1977, a request directed toward many other states as well. Microscopic analysis had indicated, he said, a prevalence of wood-related particles whose further control might be found appropriate after additional study.

Maintenance was addressed from its inception in March of 1974 when the Medford-Ashland area was designated as an Air Quality Maintenance Area. Maintenance over the next ten years in the Bear Creek urban region district planning area had been found to be of potential concern and requiring of an air quality maintenance re-evaluation based on a detailed projection of future emissions. The projection, he informed, would be followed by a revised plan. It was added that sampling for motor vehicle related pollutants (carbon monoxide and photochemical oxidants) would be conducted to verify the adequacy of the current plan.

STATUS REPORT: MEDFORD CORPORATION'S MEDIUM DENSITY FIBERBOARD PLANT (AIR EMISSIONS)

Mr. Richard Reiter head of the Department's Southwest Regional Branch, addressed the Commission. He defined the product resulting from the plant

operations to be a medium dense fiberboard product (density between masonite and particleboard) useful in the manufacture of furniture and cabinetry with machined, decorative edging. The plant, he reported, was novel and experiencing an initial air discharge problem. The company's efforts to correct problems, Mr. Reiter said, had included process alteration to eliminate some five emissions sources and were progressing forward from the installation of two baghouses and other improvements targeted through joint Department-Industry scrutiny. The reuse of otherwise emitted air was credited as a better strategy than "add-on" methodology. A wet scrubber for control of dryer emissions was reportedly forthcoming with its promise of emissions well below the permit conditions.

It was noted by Commissioner Richards that the projected 30 pounds per hour would substantially improve upon the regulatory 108 pounds per hour of process weight for such a source. Mr. Reiter mentioned his satisfaction that the wide surpassing of the regulatory standards would bring relief to residents in a nearby trailer court who had been suffering some nuisance from the source.

MEDFORD AREA WASTE WATER MANAGEMENT PLANNING UNDER SECTION 208 OF THE 1972 WATER POLLUTION CONTROL ACT AMENDMENTS

Mr. Jack Churchill introduced himself to the Commission as the head of the current Departmental effort to fund and conduct the planning in Oregon pertaining to area-wide treatment of waste water, particularly non-point source waste water. Having mentioned the differing problems of the State's other designated planning areas, Mr. Churchill noted that the Medford area was needful of planning whose emphasis would be on irrigation return flow, storm water runoff in the Bear Creek watershed, and management of the Ashland area watershed. An initial approval of the Oregon Planning effort (involving a sum of 100,000 dollars) was said to involve a reliance on river basins plans with orientation toward tributaries and non-point sources.

Mr. Churchill pointed out that several agencies would be involved as the program moves from control of point sources to general management of water quality. The State Forest Service and Soil and Water Districts were mentioned as examples. Implementation, not planning, was said to be the emphasis of the program.

The initial process would, Mr. Churchill reported, combine existing information from the 303 basin plans with new studies. Review and reinforcement of the State Forestry Practices Act was said to be in the offing. Also planned was work in the agricultural area, addressed to irrigation and stream-bank erosion problems in a coordinated effort with the Extension Service and others.

November of 1978 was said to be the deadline for submission of plans.

Mr. Churchill reported that the public participation provisions of the federal statute, including the State-wide Policy and Advisory Committee were being approached. Also planned were committees of agency heads, technical task forces, and citizen advisory processes.

Mr. Jeff Gibbs, Water Quality Planning Coordinator of the Rogue Valley COG, addressed the Commission with his concern that the Rogue Valley 208 effort should allow the people of the Valley to determine for themselves how best to meet the federal goals of the planning program. The area was reported to be about half way through its initial two-year planning process.

Mr. Gibbs was impressed with the fact that the program, unlike others, was emphatically addressed to implementation and management, not just planning.

The Bear Creek Greenway and the Ashland Watershed planning efforts were said to be forerunners to the present multi-jurisdictional program.

Organizationally, the area program was outlined in terms of the local decision-making process. Mr. Gibbs reported himself to be relying very heavily on the various participating entities to accomplish the necessary work.

Mr. Gibbs went on to outline the subject-area phases of the program.

In response to inquiry by Commissioner Phinney, Mr. Churchill reported that all of the interested state agencies would be drawn into the planning process. Involvement of the State Water Resources Board was assured.

FISHHAWK LAKE: PETITION TO REDUCE THE SEWERAGE SYSTEM PERFORMANCE BOND

Mr. Harold Sawyer delivered the staff report.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and unanimously carried that the petitioner be allowed to assume the bonding responsibility from the developer provided that a sum of \$11,650 be pledged with not less than \$5,000 initially pledged in the form of a savings account (interest to go to the petitioner) or other readily reachable asset to be incremented by \$1,000 per year until the full balance is reached. In the interim, the petitioner was to secure the balance by a first mortgage on appropriately valuable property at the development.

Mr. Sawyer reported that this arrangement would be consonant with current Department policy as reflected in newly adopted rules.

In response to Commissioner Phinney, Mr. Sawyer reported that the Homeowners' Association had indicated that the homeowners were in favor of the action taken by the Commission.

RULE ADOPTION: PROPOSED REVISIONS TO RULES GOVERNING INDIRECT SOURCES

Mr. Carl Simons of the Department's Air Quality Control Program presented the staff report. Amendments to the rules would include provisions for regional indirect source plans which would minimize paper work on permits, raise the threshold of review on the size of parking lots. Other provisions put the onus on permit applicants to convince the staff that their proposed developments will not violate air quality standards.

The proposals, it was reported, had followed three public hearings and a lengthy examination of Dr. Walter Dabberdt from Stanford Research Institute.

The conclusions and recommendation of the staff report were as follows:

Conclusions

1. As indicated in the staff report of March 12, 1976, it is the Department's opinion that the most effective and efficient method of evaluating and mitigating the impact of indirect sources is through the development of Parking and traffic Circulation Plans (PTCP) in areas where it is indicated that control of parking and circulation is needed to insure attainment and maintenance of federal and State Ambient Air Quality Standards. The major thrust of the proposed amendments is towards that objective (section 20-120).
2. Several of the proposed amendments reflect the Department's concurrence of suggested changes given in the public testimony regarding the review of indirect sources. The following significant amendments are being proposed:
 - a. Modify highway project air quality impact review requirements to consider "worst case" year impacts. (20-129(1)(d)(E), (F), (M), and (N)).
 - b. Amend 20-120(1) to state Department's criteria used for the designation of Parking and Traffic Circulation Plant (PTCP) where needed in specific geographic areas. Findings and conclusions of the Department's Air Quality Maintenance Area Analysis (20-110(2)) should be used as a basis for determination of need for a PTCP.
 - c. Amend and add sections 20-110(16), 20-129(1)(a)(E), 20-129(1)(b)(A), 20-130(5) to allow indirect source applicants to determine costs of compliance prior to submission of an application.
3. Several minor amendments are proposed to clarify the intent of the Rule (20-110(11); 20-110(12); 20-125(3); 20-129(1)(c), (G), (H), (I); 20-130(1)(b); 20-130(2)(a); 20-130(5); 20-135(3)).

Director's Recommendation

It is the recommendation of the Director that the Environmental Quality Commission amend and adopt proposed Rules for Indirect Sources (OAR Chapter 340, Sections 20-100 through 20-135) as indicated in Appendix A.

In response to inquiry by Commissioner Richards, Mr. Simons pointed out that under the proposed revisions, if it did not appear that a source would cause or contribute to a violation of any applicable ambient air standard, the source would not be required to engage in an emissions control program (with the option of transit incentives which had been found objectionable by some witnesses at the hearings).

Commissioner Crothers was concerned with the clarity of the proposed rule, while satisfied with its intent. He asked if it could not be rewritten with an eye to the use of language which an ordinary layman could understand.

Section 20-130(5) was reported by Mr. Simons to have been an object of concern for Mr. Haskins of the Attorney General's office. He suggested that the words "and contribute to" be added to "cause" because of the difficulty that might arise in proving a violation was "caused" by an indirect source.

Mr. Simons proposed that on the bottom of page 16, in 20-130(5)(a) the recommendation be amended to add "or contribute to" after "cause". Also, it was proposed that in Section 20-130(5)(b), "or contribute to a" be added between "cause" and "delay." Finally, "or contribute to" was proposed to be added between "cause" and "a violation." Under section 20-130(5)(c) it was recommended that the proposal be amended to read "...the indirect source causes or contributes to any other indirect source or system of indirect sources to violate..." "To violate" was pointed out by Commissioner Richards as in need of rewording for grammatical purposes. After "contributes to", the language "any violation of any state ambient air quality standard by any other indirect source or system of indirect sources" was proposed by Commissioner Richards.

Commissioner Crothers found in section 20-130(5) the language "may not be issued" needing of refinement. He suggested "may be withheld."

"Withheld" was found inadequate from a legal standpoint because it indicated a state of limbo; neither issuance nor denial. It was pointed out that "shall not be issued" would be too rigid.

The Commission decided to return to this question later.

Mr. Simons set forth the recommendation that the proposed rule, with amendments discussed, be adopted by the Commission. (It had been distributed to Commission members in advance of the meeting.)

Further, Mr. Simons presented information recently gathered from the Department's Air Quality Data Section regarding levels of ambient carbon monoxide (CO) in the Portland Metropolitan Area. The information indicated that in 1975 the eight hour CO standard had been violated at the downtown Continuous Air Monitoring (CAM) station fifty times; at the Fourth and Alder CAM 28 times; at the Hollywood Cam (at Sandy and 42nd), 38 times; and at the Lloyd Center CAM 12 times. In addition, a portable CAM near the I-205 freeway had indicated several violations of the photochemical oxidant standard at a

location well outside the core area. Further, there were cited several impact assessments (including Kruze Way and West Portland Park and Ride) showing significant violations could be expected from future projects. The impact assessment of the Mount Hood Freeway, Mr. Simons reported, had shown very significant violations along its proposed corridor. Mr. Simons reported that he evaluated these matters as conclusive of the presence of violations and the need to regulate indirect sources.

In addition to the above data, Mr. Simons reported 44 violations of the photochemical oxidant standard at the Milwaukie High School CAM, a location downwind and traditionally a primary victim of Portland city traffic.

Commissioner Richards asked about the second sentence of section 20-130(5) (a) which contained language to the effect that a program should only have reasonably definable costs. In response to Commissioner Richard's concern, Mr. Simons reported that the staff was convinced that, if the proposal were adopted, a competent air quality and traffic engineer could assess the impact of an indirect source and indicate the measures needed to bring it into compliance with standards. In addition, it was reported that a pre-application conference usually preceded applications for permits for parking facilities involving more than 1000 spaces. It was Mr. Simon's opinion that, under the present rule, the applicant could go ahead with only a reading of the rule and the hiring of a consultant. He felt the rule itself would give an applicant all information necessary to determine if a control program would be necessary.

Commissioner Somers asked if this assertion was written into the rule. It was pointed out that normally the source does the engineering work and the Department simply reviews it.

Asked for an average cost figure per project, Mr. Simons indicated that he could not produce one without consulting records. He added that the costs were fairly minimal because all that would be needed was a traffic engineering analysis. This, he said, would simply indicate existing traffic on adjacent streets and the increment that could be expected from the new indirect source facility.

In response to further inquiry by Commissioner Somers, Mr. Simons reported that methods of traffic analysis are available for application even to those streets which have never had a traffic count taken. He added that streets where a count has never been taken would usually not pose an air quality problem.

Asked if the proposed rule would enable the Department to solve the existing violations, Mr. Simons was unable to say. He did state, however, that the proposal would enable the Department to continue to exercise control over the indirect sources which are contributing to the problem and that, essentially, Dr. Dabberdt's testimony had supported this conclusion.

Recalling a focal case involving a Mr. Davis, Commissioner Crothers asked what difficulties would be incurred by Mr. Davis under the current proposal. Mr. Simons replied that Mr. Davis would still have to obtain a permit but that neither transit incentive nor any other emission control program would be required if the impact projection of Mr. Davis was correct.

Mr. Simons referred to OAR 340-31-005 as the appropriate place to begin reading the Ambient Air Standards incorporated into the indirect source rules. He did so in response to Commissioner Somer's concern that the proposal should not be referenced with standards which were either vague or difficult to locate in print.

It was the position of Commissioner Crothers that reversion to the old rule, which would be the case in the absence of adoption of the new proposal, would make everyone less happy than would the adoption of the current proposal. He emphasized that, while not satisfied with the language, he was in agreement with the basic thrust of the proposal, particularly its emphasis on the development of regional planning of traffic and parking. He felt that "condominium development" should be stricken from page two.

After brief discussion the Commission decided that, despite the passing of the public participation opportunities on the proposals, it would be equitable to permit brief presentations by Mr. VanNatta, Mr. Alexander, and Mr. Anderson, all of whom represented large groups whose industrial activities were vitally linked with indirect source regulations.

Mr. Richard Alexander, an attorney representing the Association of General Contractors in litigation over indirect source regulation, addressed the Commission. He noted that he would address primarily the procedural points of the history of indirect source regulation, leaving the substantive matters to Mr. VanNatta and Mr. Anderson. It was Mr. Alexander's position that those whom he represented were not opposed to the regulation of indirect sources. The present mode of regulation was said to be both objectionable and the object of much complaint in procedural channels for at least two years. He noted that the indirect source regulation was the first regulation of a state agency to be the object of litigation instigated by the AGC during its history as a nonprofit organization in Oregon since 1924.

The major problem, in Mr. Alexander's view, was the history of difficulty in getting the Department to produce the data which it felt would support present regulations. This included the difficulty, since the inception of litigation, in getting the Department's counsel to agree to conversations with Mr. Simons.

The result, he reported, had culminated in the possession of a document from the Department at a time too late for Dr. Dabberdt's examination of it. The document indicated that, had Mr. Simons had a chance to discuss certain matters with Dr. Dabberdt prior to Dr. Dabberdt's testimony, Dr. Dabberdt might have come to a different conclusion.

This document, in Mr. Alexander's view, involved certain matters that had been made unavailable from Mr. Simons either on his own or by advice of counsel.

It was Mr. Alexander's view that, whether or not what had passed was correct, it was unfair of Mr. Simons to use the approach he used to impeach Dr. Dabberdt's testimony.

Commissioner Somers conceded that, based on Mr. Alexander's argument, there may have been some degree of deficiency in the general policy by which the Department made its records available to the adversaries of its indirect source rule. He underlined his willingness to sit down and review these policies and practices at another time. It was Commissioner Somers' view that, while valid, Mr. Alexander's comments were not aiding the Commission in coming to a decision as to whether it should adopt present proposals or continue the present rule (a rule which had come into effect after the expiration of a temporary rule and which would pose a more strict stance toward developers of indirect sources).

Mr. Alexander concluded his testimony by stating that, in addition to the insufficiencies of procedure, based on Dr. Dabberdt's testimony and the matters that had gone before, Mr. Simons' criticism had been an insufficient reply. Mr. Alexander emphasized that he was not criticizing Department's Counsel, that he regretted the absence of Department's counsel, and that he, if counsel for the Department, might have taken the same precautions which had led to the frustrations that were outlined.

The Commission was recessed and reconvened after lunch.

Mr. Bruce Anderson, attorney for the International Council for Shopping Centers in Oregon et. al., addressed the Commission on two points which, as in the case of Mr. Alexander's address, were said to be an abbreviation of his desired presentation.

First of all, Mr. Anderson cited Dr. Dabberdt as authority that sensible regulation of indirect source rules should be preceded by aerometric data of a type absent in Oregon on a state-wide basis.

Secondly, Mr. Anderson contended that the necessary data was not available in the state of Oregon other than in the Portland Metropolitan Area.

Mr. Anderson introduced to the record a letter of May 19, 1976, from Mr. Haskins of the Justice Department.

Finally, Mr. Anderson suggested that the Commission adopt the federal rule and go back to devising an adequate Oregon rule for those parts of the state where it could be proven to be beneficial. He stated he would even be satisfied if the Commission would adopt the federal rule and insert its own cut-off points.

It was called to the Commission's attention that California, Nevada, and Washington had relinquished their indirect source regulations. He offered to the record letters from those three states indicating this information.

In response to inquiry by Commissioner Richards Mr. Alexander stated that he was not satisfied that Dr. Dabberdt had been given access to all of the files upon which the Department was relying in formulating its indirect source rule.

Commissioner Hallock asked if Dr. Dabberdt would have agreed with state-wide regulation if he had seen all of the studies. The answer was that agreement would not have occurred unless the data in other areas of the state was available, data which Mr. Anderson had sought unsuccessfully for a long time.

Asked if he had seen some of the studies in the Eugene area, Mr. Anderson said he had and was aware of some violations of the secondary standards. He added that proof of a violation would justify a rule but that the type of rule to be used would depend on the gathering of modeling information to enable some assurance that the rule adopted would work to decrease violations.

Commissioner Somers stressed that the Commission's rule-making in the area of indirect source regulation had been preceded not only by the last three hearings but also by the on-going process of two or more years of hearings and staff reports.

Mr. Fred VanNatta of the Oregon Homebuilders Association addressed the Commission. He presented two documents, one proposing three amendments to the proposed rule. The other was a letter from Dr. Dabberdt on the extent to which there are studies on the indirect source impact of residential developments. It was reported that Dr. Dabberdt had seen no studies indicating harmful effects from these developments.

Mr. VanNatta requested that he be provided a copy of any studies or data in the Department's files that specifically address the contribution that residential developments make to the mobile source problem in any region of the state or any area in the country.

Mr. VanNatta's proposed amendment would exempt residential developments from the thrust of the indirect source rule.

Finally, Mr. VanNatta called for an end to the transit incentives used to increase transit ridership at the expense of the developers.

Commissioner Crothers MOVED that "condominium developments" be eliminated from the category of regulated sources and that "apartment," preceding on the list, be changed to "apartments." (See section 20-110(14)(g) of the proposal.)

Commissioner Somers seconded the motion and it was carried with the support of all but Commissioners Hallock and Phinney who opposed the motion.

The Commission had discussed the issue of whether or not "condominium" had reference to a type of indirect source or simply a type of legal ownership applicable to realty of any character.

Commissioner Hallock inquired whether hospitals and religious facilities should also be within the scope of review.

Mr. Simons explained that review of such facilities was undertaken whenever the attendant parking spaces reached the threshold for review of parking facilities.

It was the contention of Commissioner Somers that all categories intended for regulation should be listed so as to avoid the risk of having the listing of some interpreted to mean the exclusion of others.

It was MOVED by Commissioner Hallock that subparagraphs (i) and (j) be added to 20-010(14) to read "hospital facilities," and "religious facilities", respectively. The motion, seconded by Commissioner Crothers, was carried with unanimous support.

Referring to 20-130(4), dealing with the conditions that can be imposed in an indirect source permit, Commissioner Richards inquired of Mr. Simons as to suggestions to amend the proposal to provide that an emissions control program can be required only where the source will cause a violation of some kind without such a program.

Mr. Simons suggested that section 20-129(1)(E) be amended to read "A description of the Indirect Source Emission Control Program if such program is necessary in order to be in compliance with the requirements of Subsections 340-20-130(5)(a), (b), and (c)."

Commissioner Hallock MOVED that such amendment to the proposal be made. The motion was seconded by Commissioner Crothers. It was agreed that the motion should be consolidated with other language that Mr. Simons might suggest and find acceptable to the Commission.

Referring to section 20-129(b)(A), Mr. Simons suggested that the sentence after the first item of information should be amended to read: "The department will request item (E) of subsections 340-20-129(1)(a) where it is necessary in order to be in compliance with the requirements of subsections 340-20-130(5)(a), (b), and (c)."

Mr. Simons stressed that the whole intent of the wording he suggested was to eliminate the Department's powers to tell the applicant what type of program to use.

Turning to section 20-130(4) (a), Mr. Simons suggested that the first sentence be amended to read "An indirect source emission control program where it is necessary in order to be in compliance with the requirements of subsections 340-20-130(5) (a), (b) and (c)."

Commissioner Hallock amended her motion to include all of the suggested language of Mr. Simons. Her amended motion was seconded by Commissioner Crothers and carried unanimously by the Commission.

With reference to section 20-130(5) (a), (b) and (c), it was MOVED by Commissioner Crothers that the proposal be amended to read as follows:

- (5) An indirect Source Construction Permit may be denied if:
 - (a) The indirect source will cause or contribute to a violation of the Clean Air Act Implementation Plan for Oregon.
 - (b) The indirect source will cause or contribute to a delay in the attainment of or cause or contribute to a violation of any state ambient air quality standard.
 - (c) The indirect source causes or contributes to any violation of any State Ambient Air Quality Standard by any other indirect source or system of indirect sources.

The motion was carried with the unanimous support of the Commission.

It was MOVED by Commissioner Somers that a new section 20-136 be added to read: "In no event shall the cost of any program or programs exceed two percent of the total cost of land and improvements described in the application." It was the contention of Commissioner Somers that the problem addressed by the indirect source regulation had been shown, through many hearings, to be real and in need of control. He contended further, however, that regulations should be balanced against the facts that developers are unable to borrow where costs are uncertain, that developers have no certain standards to meet for indirect sources, that the causes of ambient standard violations may often be beyond the control of the developer, and that developers are unable to predict the costs involved in some ongoing emission control programs. Commissioner Somers contended further that the problem at hand was one of primary importance in urban areas. He added, however, that the solution posed by the regulation was open-ended and would come back to haunt the agency in the courts.

Commissioner Somers was also concerned that no tax credit was made available to developers in this area, while tax credits are available for point source control expenses.

Commissioners Hallock and Phinney agreed that developers should be allowed to know their costs but questioned whether the proposed limitation would be viable in cases where a developer proposed higher costs or where items of cost, such as daily implementation, might be in dispute.

Commissioner Crothers agreed that developers must know their costs but argued that the impact of the proposed rules should be tested and should be the subject of detailed information from the Director so that imperfections might be studied as they arise. He felt that the area of indirect source regulations was an area in evolution and to be taken a step at a time with the constant contemplation of further steps. It was his suggestion that the purpose behind Commissioner Somers' proposal was well founded but not yet to be attempted.

It was suggested by Commissioner Richards that the subject of Commissioner Somers' proposal might well be submitted to counsel for draft language that could be reviewed after submission to the staff, the Homebuilders Association, and other interested parties whose input should be considered. The Commission agreed with this suggestion and so Commissioner Somers' motion went without a second.

It was MOVED by Commissioner Crothers, seconded by Commissioner Hallock, and carried with the support of all Commissioners except Commissioner Somers (who voted against the motion) that the proposed regulations regarding indirect sources of air pollution be adopted as amended by previously carried motions of the Commission.

Commissioner Richards had expressed his feeling that the proposals might not be the best of all possible routes for the Commission. He felt, however, that real problems exist in areas of the state other than Portland and that federal requirements called for an attempt to regulate indirect sources in Oregon. He reserved the right to change his position in the light of subsequent data on the problem while asserting that the present proposal was the best solution available at the present time.

Commissioner Somers had said that the regional parking and circulation plans, whether invoked by the legislature or the agency, would improve upon the piecemeal regulation of individual sources and should be awaited in lieu of a proposal whose impact would be a matter of guess for both the Commission and those whose activities would be guided.

CONTESTED CASE REVIEW: VISTA VIEW SUBDIVISION

Returning to the Commission's earlier contemplation of this issue, Commissioner Richards noted that Mr. Alexander had reported the Commission's failure to specify the date when all applications for subsurface sewage and disposal system construction permits filed under the Commission ruling would have to be made.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and unanimously carried that October 28, 1976, be the date described above.

CIVIL PENALTY REMISSIONS

At the request of Commissioner Richards, Mr. Kramer explained that the large number of remissions of civil penalty assessments which were before the Commission and which had been preceded by many past such recommendations were exemplary of the Department's policy of forgiving penalties where the violator had taken adequate measures after assessment. It was, in the Director's view, indicative of the Department's view that neither punitive measures nor monetary gains for the State should be in focus. Instead, the Department was said to be interested only in compliance with the environmental laws. It was noted that most remitted violations were pertaining to septic tanks.

There being no further business, the Commission stood adjourned.



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, July 30, 1976, EQC Meeting
June 1976 Program Activity Report

Discussion

Attached is the June 1976 Program Activity Report.

ORS 468.325 provides for approval or disapproval of Air Quality plans and specifications by the Environmental Quality Commission. Water and Solid Waste facility plans and specifications approvals or disapprovals and issuance, denials, modifications and revocations of permits are prescribed by statutes to be functions of the Department, subject to appeal to the Commission.

The purposes of this report are to provide information to the Commission regarding status of the reported program activities, to provide a historical record of project plan and permit actions, and to obtain the confirming approval of the Commission of actions taken by the Department relative to air quality plans and specifications.

Recommendation

It is the Director's recommendation that the Commission take notice of the reported program activities and give confirming approval to the Department's actions relative to air quality project plans and specifications as described on page 15 of the report.

A handwritten signature in black ink, appearing to read "Loren Kramer", with a long horizontal line extending to the right.

LOREN KRAMER
Director



RLF:ee
7/20/76

Department of Environmental Quality
Technical Programs

Permit and Plan Actions

June 1976

<u>Water Quality Division</u>		<u>Page</u>
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 <u>Air Quality Division</u>		
10	Plan Actions Completed - Summary	1
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DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air, Water and Land
Quality Divisions
(Reporting Unit)

June 1976
(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	11	138	10	145			22
Indirect Sources							
Total	11	138	10	145			22
<u>Water</u>							
Municipal	126	976	166	996			26
Industrial	11	175	17	162		8	9
Total	137	1151	183	1158		8	35
<u>Solid Waste</u>							
General Refuse	10	73	10	88	1	2	12
Demolition		4		4		2	
Industrial	4	28	2	35			4
Sludge	1	4		4		1	
Total	15	109	12	131	1	5	16
<u>Hazardous Wastes</u>							
<u>GRAND TOTAL</u>	163	1398	205	1434	1	13	73

Department of Environmental Quality
 Technical Programs

Monthly Activity Report

Water Quality Division
 (Reporting Unit)

June 1976
 (Month and Year)

PLAN ACTIONS COMPLETED - 183

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Municipal Sewerage Projects - 166</u>			
Umatilla	Pendleton 11-80 Corp. Sewer	6/1/76	Provisional Approval
Multnomah	Portland Extra Bill #6 N. Portland Rd., N. Force Ave. P.S.'s	6/2/76	Approved
Clackamas	Milwaukie Torino 2 Sewers	6/2/76	Provisional Approval
Multnomah	Gresham Inverness Subdivision Sewer	6/2/76	Provisional Approval
Washington	USA (Aloha) Corby Sewer	6/2/76	Provisional Approval
Washington	USA (Aloha) Farmington West #6	6/2/76	Provisional Approval
Washington	USA (Aloha) Choban - Peterkort Sewer	6/2/76	Provisional Approval
Douglas	Green S.D. Circle Drive Sewer	6/2/76	Provisional Approval
Washington	USA (Fanno) S.W. Jamieson Rd. Sewer	6/2/76	Provisional Approval
Benton	Corvallis Timberhill 2nd Addition Phase II	6/2/76	Provisional Approval
Washington	USA (Beaverton) Brook Tree No.3 Sewers	6/2/76	Provisional Approval
Washington	USA (Beaverton) S.W. 131st Ave. Sewer	6/2/76	Provisional Approval
Clackamas	Lake Oswego "LID - 177" Sewers	6/2/76	Provisional Approval
Multnomah	Gresham Kara Terrace Subd. Sewers	6/2/76	Provisional Approval
Lincoln	Newport S.W. 12th Street Sewer	6/2/76	Provisional Approval

Department of Environmental Quality
Technical Programs

Monthly Activity Report

Water Quality Division
(Reporting Unit)

June 1976
(Month and Year)

PLAN ACTIONS COMPLETED (continued)

County	Name of Source/Project/Site and Type of Same		Date of Action	Action
Multnomah	Portland	CO#1 Schmeer #1 P.S.	6/2/76	Approved
Clackamas	Canby	Bristol-Gage Addition Sewers	6/2/76	Provisional Approval
Multnomah	Gresham	Cason Meadows Subd. Sewers	6/2/76	Provisional Approval
Linn	Halsey	Centennial Court Sewer	6/2/76	Provisional Approval
Marion	Woodburn	West Lincoln St. Sewer	6/2/76	Provisional Approval
Lane	Eugene	Oakway First Add. Sewers	6/2/76	Provisional Approval
Lane	Eugene	Century Maples Sewers	6/2/76	Provisional Approval
Umatilla	Umatilla	Second St. Sewer Ext.	6/2/76	Provisional Approval
Klamath	Klamath Falls	1st Addition to Gatewood	6/2/76	Provisional Approval
Umatilla	Hermiston	Orman Addition Block "C" Sewers	6/3/76	Provisional Approval
Umatilla	Hermiston	N.W. 13th Street Sewer	6/3/76	Provisional Approval
Jackson	Medford	Starwood Estates Sewers	6/4/76	Provisional Approval
Marion	Kiezer	Julie Estates Sewers	6/4/76	Provisional Approval
Lane	Veneta	Sewer Extensions	6/4/76	Provisional Approval
Jackson	Howard Prairie Park	Lagoon Modifications	6/7/76	Provisional Approval
Jackson	Willow Lake Park	Lagoon Modifications	6/7/76	Provisional Approval
Clackamas	Sandy	Kari Terrace Subd. Sewer	6/8/76	Provisional Approval

Department of Environmental Quality
Technical Programs

Monthly Activity Report

Water Quality Division
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PLAN ACTIONS COMPLETED (continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Marion	Keizer Crestwood Village Sewers	6/8/76	Provisional Approval
Marion	Keizer Stone Hedge Estates Sewers	6/8/76	Provisional Approval
Clatsop	Warrenton N.W. Cedar Ave. Sewer	6/8/76	Provisional Approval
Malheur	Ontario "LID 19 Sch C" Sewers	6/8/76	Provisional Approval
Douglas	Sutherlin Arvilla Way Sewer	6/8/76	Provisional Approval
Marion	Salem Browing Ave. Sewer	6/8/76	Provisional Approval
Jackson	BCVSA Cascade Village No. 7 Sewers	6/8/76	Provisional Approval
Marion	Stayton Harris Addition Sewers	6/8/76	Provisional Approval
Umatilla	Hermiston Lift Station No. 8	6/8/76	Provisional Approval
Linn	Albany Projects SS-76-1, 4, 8, 11	6/8/76	Provisional Approval
Douglas	Riddle Change Order No. 1 to STP	6/8/76	Approved
Multnomah	Portland Stand-by Power Study for Schmeer Lift Station	6/8/76	Approved
Yamhill	Newberg Brentwood Subdivision Sewers	6/8/76	Provisional Approval
Coos	North Bend STP Modifications (Sludge Dewatering System, 27" New Outfall & 6.00 MGD Comminutor	6/8/76	Provisional Approval
Washington	Hillsboro Golden Acres No. 3 Subd. Sewers	6/8/76	Provisional Approval
Deschutes	Bend CO #2 Bend R & D Project	6/8/76	Approved

Department of Environmental Quality
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PLAN ACTIONS COMPLETED (Continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Clackamas	CCSD #1 Autumn Meadows Subdivision	6/8/76	Provisional Approval
Lane	Springfield SpringRidge Subd. Sewers	6/8/76	Provisional Approval
Lane	" 6th Add. to Laksenen Park Sewers	6/8/76	" "
Deschutes	Bend Edgeclif	6/8/76	Provisional Approval
Benton	Corvallis Timberhill 3rd Subd. Sewers	6/8/76	Provisional Approval
Union	Union Addenda Nos. 1 & 2 to STP Project	6/9/76	Approved
Benton	Corvallis CO's 1-13 for STP Project	6/9/76	Approved
Marion	Salem Chatnicka Hts. #8 Sewers	6/9/76	Provisional Approval
Marion	Salem Herrin Addition Subd. Sewers	6/9/76	Provisional Approval
Clackamas	Oaklodge S.D. Rupert's Street Sewer	6/15/76	Provisional Approval
Multnomah	Portland S.W. 42nd Place Sewer	6/16/76	Provisional Approval
Washington	USA (Aloha) Gifford Oaks - 140 Sewers	6/16/76	Provisional Approval
Multnomah	Portland S.E. Marion St. Sewers	6/16/76	Provisional Approval
Lane	Eugene Panorama View Subd. Sewers	6/16/76	Provisional Approval
Lane	Eugene Coraly Park Subd. Sewers	6/16/76	Provisional Approval
Lane	Eugene Nurnane St. Sewer	6/16/76	Provisional Approval
Lane	Eugene Avalon Ave. Sewer	6/16/76	Provisional Approval
Lane	Eugene Mahlon Sweet Field Sewers	6/16/76	Provisional Approval

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PLAN ACTIONS COMPLETED (continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Clackamas	Oregon City Hillendale Phase IV Sewers	6/16/76	Provisional Approval
Multnomah	Portland S.W. 30th Ave. Sewer	6/16/76	Provisional Approval
Umatilla	Hermiston Cassens 1st Add. Subd. Sewers	6/16/76	Provisional Approval
Umatilla	Hermiston Pine Ave. Sewer	6/17/76	Provisional Approval
Umatilla	Hermiston Butte Crest 1st Add.	6/17/76	Provisional Approval
Marion	Salem Sunnyridge Heights #9 Sewers	6/17/76	Provisional Approval
Jackson	Medford Tara Estates Subd. Sewers	6/17/76	Provisional Approval
Washington	USA (Tigard) Durham Rd. Sewer	6/17/76	Provisional Approval
Clackamas	Estacada Bunyard & Pettit Sewer	6/17/76	Provisional Approval
Marion	Jefferson Grice Acres 1st Add. Sewers	6/17/76	Provisional Approval
Washington	Portland S.W. 39th & S.W. Kanan Dr. Sewer	6/17/76	Provisional Approval
Coos	North Bend Hillside Terrace Sewers	6/17/76	Provisional Approval
Tillamook	NTCSA CO #B-1-3	6/17/76	Approved
Marion	Salem Murray Field Subd. Sewer	6/17/76	Provisional Approval
Marion	Salem Southbrook #2 Subd. Sewer	6/17/76	Provisional Approval
Marion	Labish Village 8-Change Orders for Sewerage Project	6/17/76	Approved

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PLAN ACTIONS COMPLETED (Continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Clatsop	Arch Cape S.D. CO Nos. 1 & 2	6/24/76	Approved
Multnomah	Portland CO No. 2 Gertz-Schmeer Sewer	6/24/76	Approved
Multnomah	Portland Extra Bill No. 7 Portland Rd. P.S.	6/24/76	Approved
Clackamas	Lake Oswego CO #1 to Willamette Marylhurst Int.	6/24/76	Approved
Umatilla	Stanfield Stanfield Heights Sewers	6/25/76	Provisional
Marion	Jefferson Pearl St. Sewer	6/25/76	Provisional Approval
Multnomah	Gresham Mariposa Subd. Sewer	6/25/76	Provisional Approval
Multnomah	Portland Extra Bill No. 1 for NE 3rd & N. Vancouver Way	6/25/76	Provisional Approval
Clackamas	Wilsonville Boones Ferry Rd. Sewer	6/28/76	Provisional Approval
Umatilla	Hermiston Apartment Complex Sewer	6/28/76	Provisional Approval
Tillamook	NTCSL Lateral "X-4"	6/29/76	Provisional Approval
Benton	Philomath DeFrance Subd. Sewers	6/29/76	Provisional Approval
Umatilla	Stanfield Dixon Heights Sewers	6/29/76	Provisional Approval
Jackson	Medford Via-Loma Linda Sewers	6/29/76	Provisional Approval
Multnomah	Portland Mt. Scott Relief Sewer	6/29/76	Provisional Approval
Klamath	Chiloquin Chiloquin Drive Sewer	6/29/76	Provisional Approval

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PLAN ACTIONS COMPLETED (Continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Multnomah	Troutdale Stolls Folley Sewers	6/29/76	Provisional Approval
Clackamas	Lake Oswego LID 174-B	6/29/76	Provisional Approval
Washington	USA (Aloha) Seminole Park Subd.	6/29/76	Provisional Approval
Washington	USA (Aloha) Broad Oak No. 2	6/29/76	Provisional Approval
Washington	USA (Metzger) Jefferson St. Sewer	6/29/76	Provisional Approval
Washington	USA (Forest Grove) Forest Gale #5 Sewers	6/29/76	Provisional Approval
Benton	Skyline West S.D. Fair Oaks Drive Sewers	6/29/76	Provisional Approval
Malheur	Adrian STP & Sewerage System	6/30/76	Provisional Approval
Lane	Eugene 11 Sewer Projects	6/30/76	Provisional Approval
Marion	Keizer Chehalis Subd. Sewers	6/30/76	Provisional Approval
Marion	Salem Brentwood Heights #2 Sewers	6/30/76	Provisional Approval
Washington	USA (Aloha) Suncrest Subd. Sewers	6/30/76	Provisional Approval
Marion	Salem Boone Crest Estates Sewers	6/30/76	Provisional Approval
Deschutes	Bend Bend Medical Center Sewer	6/30/76	Provisional Approval
Deschutes	Bend Holiday Park Subd. Sewers	6/30/76	Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

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PLAN ACTIONS COMPLETED - (continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL WASTE SOURCES</u> (17)			
Coos	Bandon Fisheries Fine Screens	5/20/76	Approved
Lane	Junction City-Bohemia, Inc. Water Reuse	5/27/76	Approved
Jackson	Medford Corporation Storm Drainage Diversion	6/1/76	Approved
Multnomah	Portland N.L. Metals Dilute Sulfuric Acid Disposal	6/2/76	Approved
Hood River	Cascade Locks - Bridge of the Gods - Painting	6/2/76	Approved
Clackamas	Dodge Park, Oregon Bulb Waste Water Control	6/7/76	Approved
Hood River	Hood River, Luhr Jensen & Sons Plating Wastes - May St. Plant	6/10/76	Approved
Lane	Eugene - Pacific Resin Waste Treatment Upgrade	6/10/76	Concept Approved
Lane	Cottage Grove - Weyerhaeuser Flow Measurement	6/10/76	Approved
Morrow	Boardman, Port of Morrow Food Processing Waste Irrigation Modification	6/17/76	Approved
Morrow	Port of Morrow - Addition to Solid Set Irrigation System	6/17/76	Approved Phase I
Douglas	Riddle - Hanna Nickel Smelting Co. Creek Diversion Feasibility	6/18/76	Approved
Hood River	Oak Grove, Luhr Jensen Plating Waste Treatment Facilities	6/18/76	Review Completion projected for 7/28/76
Tillamook	Tillamook - OF & WL East Fork Trask Hatchery Waste Treatment	6/19/76	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY
 TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

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PLAN ACTIONS COMPLETED

(Continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL WASTE SOURCES - Continued</u>			
Deschutes	Oregon Fish & Wildlife Fall River Hatchery Waste Treatment	6/24/76	Approved
Polk	Grand Ronde - Fort Hill Lumber Co. Divert Boiler Blowdown and Dry Kiln Condensate to Non- overflow Pond.	6/25/76	Approved
Coos	Coos Bay - Georgia Pacific Oil Containment Sumps & Dikes	6/29/76	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

June 1976
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SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received				Permit Actions Completed				Permit Actions Pending	Sources Under Permits		Sources Reqr'g Permits			
	Month		Fis. Yr.		Month		Fis. Yr.			*		**	*		**
	*	**	*	**	*	**	*	**							
<u>Municipal</u>															
New	1	3	7	8	0	0	0	10	6	7					
Existing	0	1	2	7	3	0	15	6	3	5					
Renewals	4	0	66	6	5	1	16	20	48	1					
Modifications	4	0	86	3	2	0	66	4	21	0					
Total	9	4	161	24	10	1	97	40	78	13	290	52	299	64	
<u>Industrial</u>															
New	0	0	8	11	0	1	9	16	3	3					
Existing	0	0	11	7	2	3	9	16	10	3					
Renewals	4	0	45	8	5	2	20	30	25	9					
Modifications	2	0	139	4	6	0	107	2	34	2					
Total	6	0	203	30	13	6	145	64	72	17	423	75	436	81	
<u>Agricultural (Hatcheries, Dairies, etc.)</u>															
New	0	0	5	2	1	0	3	0	2	1					
Existing	0	0	0	0	0	2	0	2	0	1					
Renewals	0	0	0	1	0	0	0	0	0	1					
Modifications	2	0	25	0	4	0	21	0	4	0					
Total	2	0	30	3	5	2	24	2	6	3	61	5	63	7	
<u>GRAND TOTALS</u>	17	4	394	57	28	9	266	106	156	33	774	132	798	152	

* NPDES Permits
** State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

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PERMIT ACTIONS COMPLETED (37)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>MUNICIPAL SOURCES (11)</u>			
Douglas	Milo Adventist Academy, Inc. Sewage Disposal	6/3/76	State Permit Renewed
Lane	Fir Cove Sanitation Corp. Sewage Disposal	6/16/76	State Permit Issued
Lane	Lane County Dept. of Environ. Mgt. - Lowell Park	6/16/76	State Permit Issued
Lincoln	City of Siletz Sewage Disposal	6/29/76	NPDES Permit Modified
Union	City of Elgin Sewage Disposal	6/29/76	NPDES Permit Modified
Clatsop	Port of Astoria Sewage Disposal	6/30/76	NPDES Permit Issued
Clackamas	Happy Valley Homes, Inc. Sewage Disposal	6/30/76	NPDES Permit Renewed
Douglas	Douglas High School Sewage Disposal	6/30/76	NPDES Permit Renewed
Josephine	Fleming Jr. High School Sewage Disposal	6/30/76	NPDES Permit Renewed
Josephine	River Haven Mobile Estates Sewage Disposal	6/30/76	NPDES Permit Renewed
Douglas	City of Winston Sewage Disposal	6/30/76	NPDES Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY
 TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality
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PERMIT ACTIONS COMPLETED (37 Continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL & COMMERCIAL SOURCES (19)</u>			
Baker	Chemical Lime & Co. Gold Mining	6/3/76	State Permit Issued
Yamhill	Gray & Company Food Packing	6/3/76	State Permit Renewed
Linn	Morse Brothers Concrete Plant	6/3/76	State Permit Issued
Deschutes	Brooks-Willamette Corp. Particle board Plant	6/3/76	State Permit Issued
Curry	T. L. Freeman Aggregate Plant	6/16/76	State Permit Issued
Lane	Springfield Slaughtering Plant	6/16/76	State Permit Renewed
Clatsop	Crown Zellerbach Wauna	6/29/76	NPDES Permit Modified
Multnomah	Northwest Natural Gas Portland	6/29/76	NPDES Permit Modified
Multnomah	Portland Willamette Company Metal Plating	6/29/76	NPDES Permit Modified
Lane	Bohemia Inc. (Junction City Div.)	6/29/76	NPDES Permit Modified
Lane	Giustin Bros. Lbr. & Plywood Eugene	6/29/76	NPDES Permit Modified
Lane	Simpson Extruded Plastics Co. Eugene	6/29/76	NPDES Permit Modified
Linn	City of Sweet Home filter Plant	6/30/76	NPDES Permit Issued
Coos	Coos Bay - North Bend Water Board Pony Creek Plant	6/30/76	NPDES Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality
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PERMIT ACTIONS COMPLETED (37 continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL & COMMERCIAL SOURCES</u> (19 continued)			
Coos	Coos Bay - North Bend Water Board Shorewood Water Plant	6/30/76	NPDES Permit Renewed
Douglas	Pacific Power & Light Co. Fish Creek - Idleld Park	6/30/76	NPDES Permit Renewed
Douglas	Pacific Power & Light Co. Toketee Plant	6/30/76	NPDES Permit Renewed
Benton	Brand S Corporation Leading Plywood Division	6/30/76	NPDES Permit Issued
Lane	Edward Hines Lumber Co. West Fir	6/30/76	NPDES Permit Renewed
<u>AGRICULTURAL SOURCES</u> (7)			
Marion	Oregon State Penitentiary Dairy Operation	6/30/76	State Permit Issued
Lane	Deerhorn Enterprises Hog Farm	6/16/76	State Permit Issued
Lincoln	Oregon Dept. of Fish & Wildlife Alsea Salmon Hatchery	6/29/76	NPDES Permit Modified
Tillamook	Oregon Dept. of Fish & Wildlife East Fork Trask Rearing Pond	6/29/76	NPDES Permit Modified
Lincoln	Oregon Dept. of Fish & Wildlife Siletz River Salmon Hatchery	6/29/76	NPDES Permit Modified
Douglas	Oregon Dept. of Fish & Wildlife Rock Creek Hatchery	6/29/76	NPDES Permit Modified
Coos	Anadromous Inc. Private Fish Hatchery	6/30/76	NPDES Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality
(Reporting Unit)

June 1976
(Month and Year)

PLAN ACTIONS COMPLETED (10)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (10)</u>			
Douglas	Little River Box Co., Additional secondary control on hog fuel boiler.	6/2/76	Approved
Multnomah	Time Oil Company, New petroleum product storage facility.	6/9/76	Approved
Douglas	Permaneer, Baghouse for cyclones 13 & 14.	6/11/76	Approved
Multnomah	B.W. Feed Company, Inc., Installation of a high efficiency cyclone to control particulate emissions.	6/15/76	Cancelled
Douglas	U.S. Plywood, Modification to four veneer dryers.	6/16/76	Approved
Linn	William Industries, Duraflake, 2 baghouses and rotoclone for sanders.	6/18/76	Approved
Jackson	Medford Corporation, Wet scrubber for #2 dryer.	6/18/76	Approved
Lincoln	Georgia Pacific Corporation, New central emission monitoring center.	6/23/76	Approved
Clackamas	Omark Industries, New lacquer dip tank and oven.	6/26/76	Approved
Clackamas	Omark Industries, Parts washer.	6/26/76	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

June 1976
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions 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	20	3	12	12		
Existing	2	85	10	289	42		
Renewals	6	140	10	109	72		
Modifications	3	57	7	80	17		
Total	12	302	30	490	143*	2133	2187
<u>Indirect Sources</u>							
New	2	43	0	45	12		
Existing	NA	NA	NA	NA	NA		
Renewals	NA	NA	NA	NA	NA		
Modifications	0	1	0	1	--		
Total	2	44	0	46	12	37	NA
GRAND TOTALS	14	346	30	536	155	2170	

* Public notices have been issued on 44 of these pending permit actions.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality
(Reporting Unit)

June 1976
(Month and Year)

PERMIT ACTIONS COMPLETED (30)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Benton	Boise Cascade 02-2478, Plywood (Renewal)	6/15/76	Permit Issued
Clackamas	Milwaukie Plywood 03-1874, Addendum	6/7/76	Addendum Issued
Deschutes	Oregon Woodwork 09-0016, Millwork (Existing)	6/1/76	Permit Issued
Douglas	Ralf K. Hakanson 10-0113, Crusher (Existing)	6/3/76	Permit Issued
Douglas	Jimelcrete 10-0114, Concrete (New)	6/3/76	Permit Issued
Harney	Edward Hines Lumber 13-0001, Addendum	6/8/76	Addendum Issued
Jackson	Boise Cascade 15-0004 Addendum	6/16/76	Addendum Issued
Jackson	Rogue Valley Plywood 15-0020, Plywood (Modification)	6/3/76	Permit Issued
Jefferson	Warm Springs Forest Products 16-0008, Plywood (Existing)	6/3/76	Permit Issued
Klamath	Alpine Veneers 18-0010, Veneer (Modification)	6/3/76	Permit Issued
Klamath	Weyerhaeuser 18-0037, Sawmill (Existing)	6/4/76	Permit Issued
Linn	American Can Co. 22-1001, Sawmill (Renewal)	6/15/76	Permit Issued
Linn	Georgia Pacific 22-1024, Resin Mfg. (Renewal)	6/15/76	Permit Issued
Linn	Eugene Chemical Works 22-4009, Rendering Plant (Renewal)	6/15/76	Permit Issued
Linn	Normarc 22-8035, Seed Cleaning, Feeds (Renewal)	6/3/76	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality
(Reporting Unit)

June 1976
(Month and Year)

PERMIT ACTIONS COMPLETED (con't)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Marion	Shiny Rock Mining 24-2316, Rock Crusher (New)	6/15/76	Permit Issued
Multnomah	Holladay Park Hospital 26-1799, Boiler (New).	6/3/76	Permit Issued
Multnomah	Supreme Perlite 26-2390, Addendum	6/7/76	Addendum Issued
Polk	Boise Cascade 27-4078, Plywood (Renewal)	6/15/76	Permit Issued
Tillamook	Coast Wide Ready Mix 29-0057, Concrete (Existing)	6/8/76	Permit Issued
Umatilla	M & T Lumber 30-0022, Addendum	6/8/76	Addendum Issued
Washington	Van Doren Red-E-Mix 34-2034, Concrete (Renewal)	6/15/76	Permit Issued
Washington	Banks Rock Products 34-2635, Rock Crusher (Existing)	6/15/76	Permit Issued
Portable	Deschutes Ready Mix, Sand & Gravel 37-0026, Asphalt Plant (Renewal)	6/15/76	Permit Issued
Portable	Oregon Hwy Division 37-0098, Asphalt Plant (Renewal)	6/15/76	Permit Issued
Portable	Stukel Rock & Paving 37-0111, Crusher (Existing)	6/3/76	Permit Issued
Portable	Klamath County 37-0019, Crusher (Existing)	6/3/76	Permit Issued
Portable	ACCO Contractors 37-0053, Asphalt Plant (Renewal)	6/3/76	Permit Issued
Portable	M & B Logging 37-0133, Crusher (Existing)	6/3/76	Permit Issued
Portable	S.S. Schnell & Co. 37-0141, Crusher (Existing)	6/3/76	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Land Quality
(Reporting Unit)

June 1976
(Month and Year)

PLAN ACTIONS COMPLETED (12)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Douglas	U. S. Plywood Roseburg Division Existing Site Operational Plan	6/1/76	Provisional Approval
Washington	Frank's Landfill Existing Site Extension of Operations	6/9/76	Rejected
Klamath	Fort Klamath Transfer Station New Site Construction & Operational Plan	6/10/76	Provisional Approval
Lane	Georgia-Pacific Corp. Existing Site Operational Plan	6/10/76	Approved
Douglas	Canyonville Transfer Station New Site Construction & Operational Plan	6/15/76	Provisional Approval
Lake	Adel Landfill Existing Site Operational Plan	6/15/76	Approved
Lake	Plush Landfill Existing Site Operational Plan	6/15/76	Approved
Lake	Christmas Valley Landfill Existing Site Operational Plan	6/15/76	Approved
Lake	Fort Rock Landfill Existing Site Operational Plan	6/15/76	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

<u>Land Quality</u> (Reporting Unit)	<u>June</u> <u>1976</u> (Month and Year)
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PLAN ACTIONS COMPLETED (Cont.)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Marion	Salem Airport Disposal Site Existing Site Operational Plan	6/15/76	Approved
Multnomah	MDC Tire Processing Center Existing Site Operational Plan	6/16/76	Approved
MSD	MSD Recycling Study	6/30/76	Deleted until MSD Board Action

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste
(Reporting Unit)

June 1976
(Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
<u>General Refuse</u>							
New	1	11	2	26	2		
Existing		4	1	45	51 (*50)		
Renewals	2	26	2	32	7		
Modifications	2	12	15	30			
Total	5	55	20	133	60	196	199
<u>Demolition</u>							
New		7		7			
Existing				2	1		
Renewals		4		3	1		
Modifications				4			
Total		11		16	2	13	13
<u>Industrial</u>							
New		8		11			
Existing		8	1	27	15 (*11)		
Renewals		8	2	11	1		
Modifications		2	5	8			
Total		26	8	57	16	92	96
<u>Sludge Disposal</u>							
New		1					
Existing				2			
Renewals	1	2		2	1		
Modifications							
Total	1	3		4	1	8	8
<u>Hazardous Waste</u>							
New				1			
Authorizations	12	22	12	21	1		
Renewals							
Modifications							
Total	12	22	12	22	1	1	1
GRAND TOTALS	18	117	40	232	80	310	317

*Sites operating under temporary permits until regular permits are issued.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Land Quality
(Reporting Unit)

June 1976
(Month and Year)

PERMIT ACTIONS COMPLETED (40)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>General Refuse (Garbage) Facilities (20)</u>			
Klamath	Chiloquin Landfill Existing facility	6/4/76	Permit issued
Umatilla	Pendleton Landfill Existing facility	6/7/76	Permit amended
Lake	Lakeview Disposal Site Existing facility	6/8/76	Permit amended
Lane	Bethel-Danebo Landfill Existing facility	6/11/76	Permit issued (renewal)
Wasco	Tygh Valley Storage Site New facility	6/24/76	Permit issued
Clackamas	Rossmann's Landfill Existing facility	6/24/76	Permit amended
Columbia	Santosh Landfill Existing facility	6/24/76	Permit amended
Douglas	Roseburg Landfill Existing facility	6/24/76	Permit amended
Jackson	Dry Creek Landfill Existing facility	6/25/76	permit amended
Grant	Prairie City Landfill Existing facility	6/28/76	Permit issued (renewal)
Klamath	Ft. Klamath Transfer Station New facility	6/28/76	Permit issued
Coos	Bandon Disposal Site Existing facility	6/30/76	Permit amended
Curry	Port Orford Disposal Site Existing facility	6/30/76	Permit amended

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Land Quality
(Reporting Unit)

June 1976
(Month and Year)

PERMIT ACTIONS COMPLETED (Cont.)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Grant	Hendrix Disposal Site Existing facility	6/30/76	Permit amended
Harney	Burns-Hines Disposal Site Existing facility	6/30/76	Permit amended
Josephine	Grants Pass Landfill Existing facility	6/30/76	Permit amended
Umatilla	Milton-Freewater Landfill Existing facility	6/30/76	Permit amended
Wallowa	Ant Flat Landfill Existing facility	6/30/76	Permit amended
Marion	Macleay Transfer Station Existing facility	6/30/76	Permit amended
Marion	Woodburn Landfill	6/30/76	Permit amended
<u>Demolition Solid Waste Facilities (0)</u>			
<u>Sludge Disposal Facilities (0)</u>			
<u>Industrial Solid Waste Facilities (8)</u>			
Coos	Wilkins Corner Landfill Existing facility	6/15/76	Permit issued (renewal)
Columbia	Coates Tire Disposal Site Existing facility	6/28/76	Letter Authori- zation extended
Lane	Georgia-Pacific, Irving Rd. Existing facility	6/28/76	Permit issued (renewal)
Lane	Georgia-Pacific, Springfield Existing facility	6/29/76	Permit issued
Benton	Paul Barber Hardwood Co. Existing facility	6/29/76	Temporary permit extended

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Land Quality
(Reporting Unit)

June 1976
(Month and Year)

PERMIT ACTIONS COMPLETED (Cont.)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Josephine	Josephine County Industrial Sludge Site Existing facility	6/29/76	Temporary permit extended
Lane	Hines Lumber Co. Existing facility	6/29/76	Temporary permit extended
Marion	Green Veneer, Inc. Existing facility	6/29/76	Temporary permit extended
<u>Hazardous Waste Facilities</u> (12)			
Gilliam	Chem-Nuclear, Inc. Existing facility	6/18/76	Disposal authori- zation approved
Gilliam	Chem-Nuclear, Inc. Existing facility	6/21/76	Disposal authori- zation approved
Gilliam	Chem-Nuclear, Inc. Existing facility	6/22/76	Disposal authori- zation approved
Gilliam	Chem-Nuclear, Inc. Existing facility	6/24/76	Two (2) disposal authorizations approved.
Gilliam	Chem-Nuclear, Inc. Existing facility	6/25/76	Five (5) disposal authorizations approved.
Gilliam	Chem-Nuclear, Inc. Existing facility	6/28/76	Disposal authori- zation approved
Gilliam	Chem-Nuclear, Inc. Existing facility	6/28/76	Disposal authori- zation denied.



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 C, July 30, 1976, EQC Meeting

Tax Credit Applications

Attached are review reports on 7 requests for Tax Credit action. These reports and the recommendations of the Director are summarized on the attached table.

Director's Recommendation

It is recommended that the Commission issue Pollution Control Certificates T-687R, T-728R, T-759, T-766, T-767, T-771 and T-792 in the amounts indicated.

A handwritten signature in black ink, appearing to read "Loren Kramer", with a long horizontal flourish extending to the right.

LOREN KRAMER
Director

Attachments
Tax Credit Summary
Tax Credit Review Reports



Contains
Recycled
Materials

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>
Glacier Sand & Gravel Portland	T-687R	Baghouse, air compressor, cement silo	\$ 1,320.00	80% or more	Issue
McMillan Shingles Co. Grand Ronde	T-728R	Bailing equipment Waste Wood Grinding	43,168.84	80% or more	Issue
Babler Brothers Portland	T-759	Portable asphalt plant	100,240.00	80% or more	Issue
Weyerhaeuser Co. Cottage Grove	T-766	Stack opacity monitor	12,298.00	80% or more	Issue
Weyerhaeuser Cottage Grove	T-767	Stack sampling platform	13,454.00	80% or more	Issue
Weyerhaeuser Cottage Grove	T-771	Oxidation piping system	117,162.00	80% or more	Issue
Amalgamated Sugar Nyssa	T-792	Aeration pond	230,032.00	80% or more	Issue

Proposed July 1976 Totals:

Air Quality	\$ 266,333.92
Water Quality	230,032.00
Solid Waste	<u>21,100.92</u>
	\$ 517,466.84

Calendar Year Totals to date: (Excluding July totals)

Air Quality	\$ 5,558,256.28
Water Quality	5,077,267.27
Solid Waste	<u>814,043.64</u>
	\$ 11,449,567.19

Total Certificates Awarded (monetary values)
since inception of program (excluding
proposed July 1976 certificates)

Air Quality	\$ 104,816,500.50
Water Quality	89,886,536.90
Solid Waste	<u>20,267,076.55</u>
	\$ 214,970,113.95

JUN 28 1976

App# T-687R

Date 6/15/76

State of Oregon
Department of Environmental Quality

Tax Relief Application Review Report

1. Applicant

Glacier Sand & Gravel Company
Pacific Building Materials
3510 Bond Avenue
Portland, Oregon 97201

The applicant owns and operates a ready-mix concrete plant at 3510 Bond Avenue in Portland, Oregon.

2. Description of Claimed Facility

The claimed facility consists of baghouses used on cement silos and a mobile plant:

1. Western Precipitation Pulseflo baghouse, type C8 size 48, used on the mobile plant.
2. Rotary air compressor, I-R VB125AE, used on the Pulseflo baghouse.
3. Six Filter Vent V-16 baghouses, three used on cement silos, two on the mobile plant, and one apparently in use at Vancouver, Washington, plant.
4. Labor, materials, rental fees for installation.

Construction of the claimed facility started on May 11, 1971, part was completed and placed in operation on June 4, 1971, the remainder on August 31, 1973.

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

Facility costs: \$18,140 (accountant's certification was provided).

3. Evaluation of Application

Columbia Willamette Air Pollution Authority requested these air pollution controls at Pacific Building Materials' Curry Street (Bond Ave.) plant. Notices of construction for these baghouses were received on July 6, 1971, September 8, 1971, and March 5, 1973 and later approved by Columbia Willamette.

The value of the reclaimed dust is more than offset by the maintenance and operating costs of the baghouses.

Most of the claimed assets have since been moved to other plants or placed in storage. The cost of the remaining baghouses at the plant site is \$1,320; this cost was verified in several phone calls between the Department (P. Bosserman) and Glacier (P. R. Deleuran). The present baghouses operating at the plant were verified by Departmental inspections on 12/31/75 and 1/2/76 to be operating in compliance with the Department's rules.

It is concluded that \$1,320 of the claimed cost, or 7.3%, can be allocated to air pollution control. The remainder of the claimed cost, \$16,820, must be dis-allowed because it has been removed from operation, ORS 468.185 (1) (b).

4. Directors Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$1,320 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-687R.

LOREN KRAMER
Director

PBB:ds

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

1. Applicant

McMillan Shingles Company
Box 207
Grand Ronde, Oregon 97347

The applicant owns and operates McMillan Shingle Company, which manufactures cedar shingles and shakes.

2. Description of Claimed Facility

The claimed facility uses cedar waste material generated during plant operations and consists of:

- a. Two hogs
- b. Baling equipment.
- c. Two conveyor systems.
- d. Used truck.
- e. Shed.
- f. Electrical and miscellaneous installations.

The claimed facility was placed in operation in June 1970 and substantially improved in 1973. Certification is claimed under ORS 468.165(1).

Facility Cost: \$43,160.84 (Accountant's certification was attached to application).

3. Evaluation of Application

Installation of the claimed facility was required by the Mid-Willamette Air Pollution Authority and DEQ. Prior to installation of the facility the cedar waste material was burned in a non-conforming wigwam burner. Cedar waste does not make good hog fuel. Presently all the processed waste material is donated to an employee who is selling it to local farmers for bedding, mulch, etc.

From 1969 through 1972, \$22,059.92 was expended to set up baling equipment in the old wigwam burner and is considered to be 100% allocable to air pollution control. The company has made a negligible return on investment on these expenditures. The cedar waste was baled and given away or landfilled.

The remaining \$21,100.92 portion of the claimed facility was expended in 1973-75 for a waste wood grinding facility and related equipment. Two installed hogs process coarse cedar waste into usable mulch and bedding. This coarse material was previously landfilled.

The recommended combined tax credit is then \$43,160.84 for both solid waste and air pollution control. It is concluded that this amount is allocable to pollution control under the combined air and solid waste tax credit laws.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued pursuant to ORS 468.165(1) for the claimed facilities in application T-728R, such certificate to bear the actual cost of \$43,160.84 which is 80% or more.

MS:sa

State of Oregon
Department of Environmental QualityTax Relief Application Review Report

1. Applicant

Babler Brothers, Inc.
4617 S. E. Milwaukie Avenue
Portland, Oregon 97202

The applicant owns and operates a portable asphalt plant, located near Hood River, Oregon, and previously near Lebanon, Oregon.

2. Description of Facility

The facility claimed in this application consists of a wet scrubber. It cleans the dust from the exhaust gases leaving a drum-mix asphalt plant.

The installed cost of the CMI Model HDP-936 Portable Dynamic Precipitator includes washer and frame, duct work, 300 hp fan, drive, damper, 10' diameter exhaust stack, 30 hp water pump, electrical, freight, and installation costs, totalling \$100,240.

The applicant began construction July 10, 1975, completed and placed the claimed facility in operation on August 20, 1975. The applicant notified the Department of the project by a May 15, 1975 letter. The Department elected to handle the project by an Air Contaminant Discharge Permit. Therefore the prior approval requirements of the tax credits was fulfilled by the applicant and the Department.

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

Facility costs: \$100,240 (A company accountant's certification was provided).

3. Evaluation of Application

The company was required to provide the claimed facility by Oregon and Federal Environmental Protection Agency rules. The DEQ/EPA 0.040 gr/scf particulate emission concentration rule for new asphalt plants is very stringent.

The plant had initial difficulties, but after adjustments passed a source test on May 11, 1976. The Department's staff has observed the plant to be in compliance.

The scrubber wash water is put into settling ponds. Sludge from the settling ponds is occasionally scooped out; it has no economic worth and is landfilled into a convenient gravel pit.

It is concluded that 100% of the project cost is allocable to air pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$100,240 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-754.

PBB:h

State of Oregon
Department of Environmental QualityTax 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 Cottage Grove, Lane County, Oregon.

2. Description of Facility

The facility claimed in this application is a stack opacity monitor. It consists of:

- | | |
|---|---------|
| a. EDC model Diga 1100 opacity monitor with a Leeds and Northrup model 430 recorder | \$8,614 |
| b. Platform to mount monitor on | \$3,684 |

The applicant began construction October 13, 1974, completed the installation October 31, 1974, and began monitoring December 9, 1974. The project was not formally submitted to Lane Regional Air Pollution Authority. Since the facility does not prevent, control, or reduce air pollution directly, there was no legal requirement to formally submit per ORS 468.175 or OAR 340-20-030(1). Therefore the prior approval requirement would not apply in this case.

Certification is claimed under the statutes as amended in 1974 and the percentage claimed for pollution control is 100%.

Facility costs: \$12,298 (Independent accountant's certification was provided).

3. Evaluation of Application

The company was required to provide the claimed facility by their Air Contaminant Discharge Permit issued July 1, 1973 by Lane Regional Air Pollution Authority. Section C, Subsection 4, item B requires continuous monitoring of stack opacity. This stack, serving the two large hogged fuel boilers of the complex, has been measured as emitting 510 tons per year of particulate.

The monitor is performing in a manner satisfactory to Weyerhaeuser and Lane Regional Air Pollution Authority. The monitor enables the boiler operators to monitor and review their particulate emissions in terms of stack opacity. Better combustion and less emissions can result. The Lane Regional Air Pollution Authority is provided with evidence to tell whether Weyerhaeuser is keeping their opacity under the 40% limit.

Tax credits have been previously issued for opacity monitors and flue gas measuring instruments: T-754, T-731, T-729, T-676, T-674, T-621, T-594, T-541, etc. These instruments indirectly qualify for tax credit under ORS 468.175, by previous decisions by the Commission as recommended by the staff.

It is concluded, by past precedent, that 100% of the claimed facility is allocable to air pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$12,298 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-766.

PBB:h

State of Oregon
Department of Environmental QualityTax 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 Cottage Grove, Lane County, Oregon.

2. Description of Facility

The facility claimed in this application is a stack sampling platform. It is used as a place to test the flue gas for particulate emissions where the flow is smooth enough for valid readings.

The installed cost was \$13,454.

The applicant began construction on February 1, 1974, completed and used the platform on May 30, 1974. The project was not formally submitted to Lane Regional Air Pollution Authority. Since the claimed facility does not prevent, control, or reduce air pollution directly, there was no legal requirement to formally submit per ORS 468.175 or OAR 340-20-030(1). Therefore the prior approval requirement would not apply in this case.

Certification is claimed under the statutes as amended in 1974 and the percentage claimed for pollution control is 100%.

Facility costs: \$13,454 (Independent accountant's certification was provided).

3. Evaluation of the Application

The company was told that a source test of the boiler from ports in the breeching was not a valid test because of turbulent air flow. Lane Regional Air Pollution Authority told Weyerhaeuser in 1973 to take the test at least 96' up the stack. Thereafter, Weyerhaeuser installed the stack sampling platform and ports and ran a valid test. This stack, serving two large hogged fuel boilers serving the complex, has been measured as emitting 510 tons per year of particulate.

The test performed at this new sampling station has been accepted by Lane Regional Air Pollution Authority as demonstrating compliance.

Tax credits have been previously issued for instruments and testing hardware. They indirectly qualify for tax credit under ORS 468.175, by previous decisions by the Commission, as recommended by the staff.

It is concluded, by past precedent, that 100% of the claimed facility is allocable to air pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$13,454 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-767.

PBB:h

State of Oregon
Department of Environmental Quality

Appl. T-771

Date 7/13/76

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, including a kraft pulping process, in Springfield, Oregon.

2. Description of Facility

The facility claimed in this application is an oxidation piping system for #3 and #4 recovery boilers. It includes:

a.	280,000 gallon tank and foundation	\$72,387
b.	piping	25,257
c.	instrumentation	15,933
d.	engineering	3,585

Construction was begun in October 1974; the facility was completed and placed in operation in March 1975. The project was submitted to the Department on July 1, 1974. Approval occurred September 1, 1974 through ORS 468.325(4). The prior approval requirement for tax credits was fulfilled.

Certification is claimed under the 1974 statutes and the percentage claimed for pollution control is 100%.

Facility costs: \$117,162 (accountant's certification was provided).

3. Evaluation of Application

Weyerhaeuser Company has an on-going program for odor abatement at the Springfield plant which is required by the Department. This particular project was required by Item 16 of their Air Contaminant Discharge Permit.

Operation of Weyerhaeuser's concentration for #4 recovery boiler required boil-out almost once per day. The only route available for the boiled-out black liquor was the oxidation system. These surges were causing the TRS emissions on the #3 recovery boiler to periodically exceed the TRS emission limits. The claimed facility holds surges in black liquor flow, then meters it through the oxidation system at a constant rate.

The claimed facility costs an extra \$7,000 annually in operating expenses, but makes no return to Weyerhaeuser.

It is concluded that the claimed facility assists in reducing odorous emissions and is 100% allocable to air pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$117,162 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application T-771.

PBB:1b

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

1. Applicant

The Amalgamated Sugar Company
Nyssa, Oregon Factory
First Security Bank Building
Ogden, Utah 84401

The applicant owns and operates a beet sugar refining factory at Nyssa, Oregon in Malheur County.

The application was received July 9, 1976

2. Description of Claimed Facility

The claimed facility consists of a 3/4 acre aeration pond, 3-75 hp floating aerators, a 55 acre storage lagoon, an Allis Chalmers 4000 gpm, submerged pump and associated piping, valves and other controls.

The claimed facility was placed in operation in October 1973.

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

Facility costs: \$230,032 (Accountant's certification was provided).

3. Evaluation of Application

This facility was installed in accordance with approved plans. Construction was started prior to October 1973, so preliminary certificate is not required.

Prior to the installation of the claimed facility, untreated waste waters generated in the sugar refining factory were discharged to the Snake River. With the claimed facilities, these waste waters are treated biologically prior to discharge to the Snake River.

The system has not performed up to full expectations, but the addition of a nutrient feed system is expected to remedy these problems.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the costs of \$230,032 with 80% or more of the cost allocated to pollution control be issued for the facility claimed in Tax Application T-792.



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 D, July 30, 1976, EQC Meeting
On-Site Sewage Disposal Program -
Status Report

Under legislation passed in 1973, DEQ was given the responsibility for administering a new statewide permit program for construction of subsurface sewage disposal systems. The Commission was directed to adopt rules establishing minimum standards for such systems plus nonwater-carried waste disposal facilities. In 1975 the law was amended to include alternative systems of on-site sewage disposal and to allow under certain conditions the granting of variances to the minimum standards of construction.

By special agreements with the Department permit programs in 23 counties are presently being conducted by the counties themselves. The Department has responsibility for issuing permits in the other 13 counties. The law requires that except under certain conditions each completed application for a construction permit shall be processed within 20 days after it is received. The agreement counties and DEQ staff have had no serious difficulty in complying with this requirement.

Fees are charged for site evaluations, construction permits, variance applications and sewage disposal service licenses. These fees are used to finance most of the operating costs of the program. Fees collected in the counties remain in the county. Some general fund money was appropriated by the '75 Legislature for a portion of the Department's regional operations.

New or amended rules were adopted by the EQC in August 1975 to cover alternative systems, variances and other provisions contained in measures passed by the 1975 Legislature. Rules have also been adopted permitting the installation of experimental systems.



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During June public hearings were held on proposed subsurface rules amendments. A small number of people attended hearings at Portland, Roseburg and Medford. It is our intent to bring a proposed rule change package to the Commission at the August meeting.

Twelve variance officers have been appointed by the Director. A special two weeks short course in soils was conducted by OSU and DEQ in November 1975 to further qualify persons as variance officers. The first applications for variances were processed last September.

Uniqueness of Program:

The regulation of subsurface sewage disposal is unique in the field of regulatory control. In the enforcement of other codes such as building, plumbing, etc. codes can be complied with in almost every instance. It is merely a matter of changing plans or designs or actual installations to meet codes. Not so with the subsurface sewage disposal rules. Whether a person can comply with the code almost always depends upon natural conditions existing on a particular parcel of land. Quite often limitations on a parcel may be such that they cannot be overcome in a way that would allow construction of a properly operating system. Denials of permits results, in many cases, in devaluing land or in some cases of making it useless. This situation further results in numerous complaints to the Department, the EQC and to legislators. In evaluating such complaints it is necessary to understand that not all land is suitable for subsurface disposal of sewage. To allow development of land unsuited for disposal results in health hazards, nuisances and possibly water pollution. When a permit is denied these are the situations we are trying to prevent. The Department considers prevention of health hazards, nuisances and water pollution as essential to a livable Oregon.

Alternative Systems:

As directed by the 1975 legislative session, rules for three alternative systems were adopted on September 1, 1975. These are three systems that the Department has had some experience with and felt could be utilized under certain circumstances. Sewage stabilization ponds and land irrigation of sewage are systems not previously allowed for single family dwellings. The use of either of these systems will require a fairly large land area and are therefore best suited to rural sites. The third system is holding tanks which is restricted for use by small commercial or industrial sites or for temporary use.

There are a number of other systems that have been utilized to some extent in other states. The Department has no experience with these systems but felt they should be tried in Oregon. With this in mind the experimental systems program was developed and will be explained later in this report.

Aerobic Systems:

Aerobic systems are small home-size sewage treatment plants allowed in some states and given extensive nationwide publicity as the solution to the problem of areas where the septic tank and drainfield cannot be utilized due to soil conditions or other site limitations.

The Department categorically disagrees with the premise that the aerobic system is the answer to septic tank problem areas. To provide for on-site sewage disposal acceptable to the Oregon situation both treatment of the sewage and disposal of the treated effluent must be combined into one system. The aerobic plant provides treatment of raw sewage only and necessitates search for an acceptable effluent disposal method. In effect, the aerobic treatment plant does the job corresponding to the septic tank in the septic tank and drainfield system. It treats sewage but does not provide for disposal of effluent from the plant.

The effluent from the aerobic plant must be disposed of in a manner similar to effluent from the septic tank in order to avoid creation of health hazards, water pollution and odor nuisances.

The Department has been unable to determine that aerobic plants have any advantage over the conventional septic tank. It does indeed have several disadvantages: initial cost, maintenance and operation time and upkeep expense, etc.

Nevertheless as a part of the Department's experimental systems program these plants are being studied in a follow-through on all systems that might hold any possibility of providing answers now or in the future.

Variances:

The Environmental Quality Commission adopted rules to administer requests for variances from specific requirements in subsurface sewage disposal system rules and standards. These rules became effective July 15, 1975. As of June 10, 1976, 116 applications for variances had been received. At that time 42 had been approved; 15 denied; 16 withdrawn; and 43 were pending. Of those 57 carried to completion the overall approval rate was 73%.

We anticipate an increase in the number of variance requests during this building season. It is difficult to accurately predict the number of future applications; however, the level of variance activity has risen sharply since mid-February.

None of the Department's 23 contracting county agents have requested their own variance program. Variance processing costs in form of time and travel expenditures have significantly contributed to county reluctance to participate directly in the program. Our records indicate 2.5 man days plus considerable travel, in some instances, are consumed in processing the average variance. It is too early to determine whether the \$150 application fee provided by legislation will adequately cover program operating expenses.

Experimental Program:

The experimental program, begun in Fall 1975 to find viable alternative systems, has as its primary objective the study and collection of data from installations of new and different types of on-site sewage treatment and disposal methods. We hope that at the conclusion of the period of study we may be able to convert to alternative systems some of the types now

considered as experimental. At the present time the program depends on commitment of donated time from the DEQ regional offices and from some county contract agents.

Experimental systems may use varied concepts and may take many forms. Systems for which permits have already been issued are total evapotranspiration, evapotranspiration-absorption systems, mounded disposal beds, intermittent sand filters, and composting toilets, as well as some variations of the standard septic tank and drainfield.

Evapotranspiration systems depend on the evaporation of liquids from the soil surface coupled with the passing off of liquid through plants on that soil surface. These systems are totally sealed and as a result can only be used where the normal evaporation exceeds precipitation by enough to dispose of the sewage effluent. Actual evapotranspiration rates can be verified by the installation of barrels installed in the same manner as an ET bed. We hope to install a significant number of these barrels in the areas of Southern, Central and Eastern Oregon where more accurate ET rates are needed.

Evapotranspiration-absorption systems are designed primarily to take into account some seepage into the soil and the remaining liquid evaporated as in an ET bed. The system is unlined so certain separation distances must be maintained between it and ground water tables to protect the latter from contamination. In most cases, we expect these systems to be dug into the original soil surface and the poorer soils replaced by sands or sandy loams.

The mounded disposal bed has been studied extensively in Wisconsin and the design developed as a result of that research is the one being tried in this program. The concept is a raised disposal system which allows effluent to pass through a minimum of 30" of medium sand which filters and treats. The effluent is then passed out horizontally through the topsoil layer. One of our concerns with this system is the effect of our winter rainfall pattern, which is much different from that in Wisconsin, on the disposal system.

An intermittent sand filter operates on the same principle as a mound, but is contained in a concrete box rather than a tapered fill. The effluent is collected after passing through the filter and is disposed of in a drainfield.

Finally, composting toilets which are premanufactured are being installed in limited numbers in cooperation with the Department of Commerce. These units treat toilet wastes only, so along with the installations we are looking at some different ways of treating waste from the kitchen sink, bath and laundry facilities, (gray water).

Before permits for any of these or other systems are issued, the design assumptions are clearly stated and supported, and a monitoring program is designed and agreed to by county or regional personnel. The monitoring consists of things like effluent and ground water levels and quality, rainfall, runoff flow and other pertinent information. A cooperative arrangement between the DEQ and some contract county agents will be

responsible for making the program a success. The initial proposal is submitted to the DEQ, comments are solicited from the agency which will perform the monitoring and the permit is issued. The monitoring is performed locally and the data is submitted for tallying to the DEQ. The results and conclusions drawn from the data collected will again be a joint venture.

As of June 17, 1976 the Experimental Review Committee has issued 30 permits for experimental systems and expects the number to expand significantly. We are hoping that by installing and monitoring these systems, we will gain additional options for the people of the state in the years to come.

If these additional options of alternative systems are to become a reality, funding will be necessary. The program now is being operated on a catch-as-catch-can basis by relying upon time donated by counties and time stolen from DEQ region offices. Time in both cases that is taken from other vital tasks.

Jackson County

Jackson County operates the subsurface program by agreement with the Department. The program is a section of the County Department of Planning and Development.

Variances:

As of July 6, 1976 21 variance applications had been received from Jackson County. Of those 8 have been approved, 3 denied, 7 were pending hearing and 3 were incomplete applications. Based on a ratio of approved versus denied, the approval rate was approximately 73%, or essentially the same as the statewide approval rate for variances.

Experimental Systems:

During 1975 Jackson County had the lowest overall approval rate for individual lots of all Oregon counties, except one. The approval rate was only 49%. The primary reason for this low rate is the soil conditions that exist here. (Dr. Bob Paeth, soil scientist, will report on soils following this presentation.)

It seems essential that alternatives be developed for this county. To date 15 permits have been issued for experimental systems; 4 for evapotranspiration, 10 for evapotranspiration-absorption, and 1 for a sand filter. There are 3 other applications being processed.

Rural Areas:

Jackson County has processed as of July 15, 1976 58 rural areas variances with an approval rate of 100%.

In addition the newly renegotiated county contract makes it possible to lower the minimum lot size from 10 acres to 5 acres for rural areas

within Jackson County. This should provide a significant number of additional permits that would otherwise not have been available.

The approval rate for rural areas designations can be attributed to excellent work on behalf of Jackson County staff prior to submission of applications to DEQ for concurrence.

Alternative Systems:

More alternative systems have been approved for residential use in Jackson County than any other county in the state. A number of land parcels that had stood vacant for years due to denial of standard systems are now being developed. As of July 15, 1976, 6 alternative systems had been approved, all of which were sewage stabilization ponds.

The Department recognizes the difficult situation existing in Jackson County with regard to on-site sewage disposal and is doing everything within its power to ease that burden.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

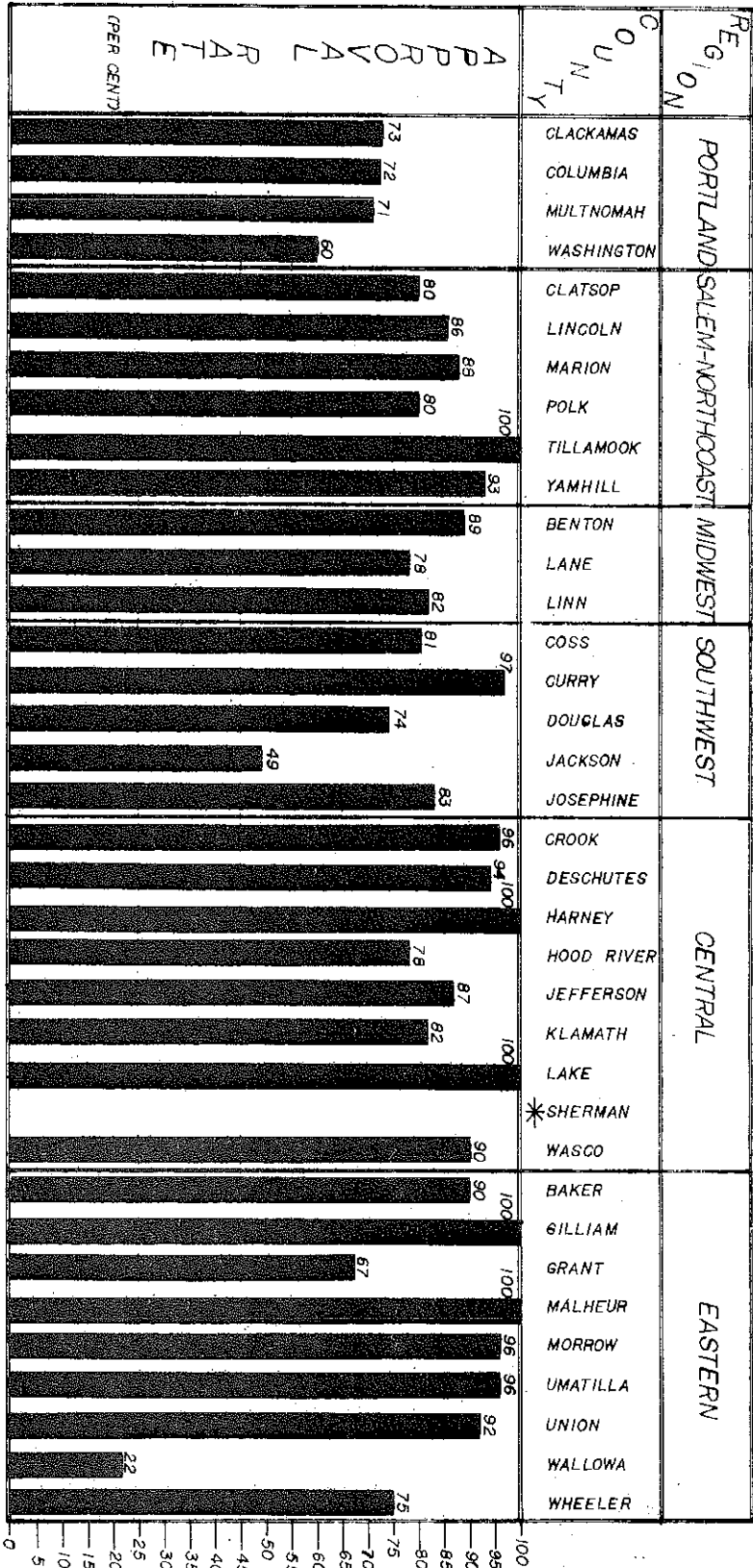
LOREN KRAMER
Director

TJO:md
7/16/76

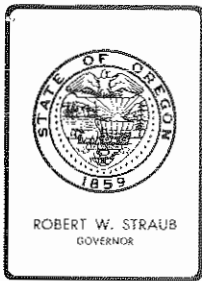
Attachments: Exhibit A: Graph; Individual Lot Approvals
(Evaluation Reports) - 1975.

EXHIBIT A

INDIVIDUAL LOT APPROVALS (EVALUATION REPORTS) - 1975



* NO ACTIVITY



DEPARTMENT OF ENVIRONMENTAL QUALITY

ATTACHMENT

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

Report to EQC: Jackson County

SOILS

Much of the area of fine-textured soils in Jackson County consists of strongly dissected uplands with moderately steep to very steep slopes and intervening gently sloping to sloping fans. The soils are formed in residuum, colluvium and alluvium derived mostly from andesite and volcanic breccias and tuffs but also includes tuffaceous sandstones.

Bedrock that underlies these soils consists of a sequence of volcanic rocks that includes dense andesite, vesicular and scoriaceous lavas, blocky flow breccias, and fine-grained tuffs. The flows range from black through purplish and pinkish gray to white. Some flow breccias are colored dark red by oxides of iron resulting in local areas of associated red clays. Well-bedded sandstones, bedded volcanic shales, and bedded sandy tuffs are interstratified with flow rocks and breccias. These rocks are usually weathered to saprolite near the surface and are mantled with fine textured soils and clayey parent material from two to many feet thick. With depth, the bedrock becomes progressively less weathered and transmits water very slowly.

Carney soils consist of moderately well drained, fine textured soils formed in colluvium from volcanic tuffs and breccias. The surface layer is a very dark grayish brown clay from 8 to 12 inches thick. The subsoil is a very dark grayish brown clay about 20 inches thick with many interesting slickensides. The substratum is interstratified volcanic tuffs, breccias, and tuffaceous sandstones. Andesitic cobbles and stones are common within the soil profile and on the soil surface. Runoff is medium and permeability is very slow. Slopes range from about 25 percent to over 60 percent.

Coker soils consist of somewhat poorly drained, fine textured soils formed in colluvium and alluvium from volcanic tuffs and breccias. The surface is a very dark gray about 30 inches thick. The subsoil is a dark grayish brown clay about 35 inches thick with many intersecting slickensides. Depth to bedrock is usually greater than 60 inches. Runoff is slow to medium and permeability is very slow. Water is usually ponded in closed desiccation cracks during rainy periods. Slopes range up to about 15 percent.



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Carney and Coker are members of very fine, montmorillonitic families of Vertisols. The very fine textural class indicates that both of these soil series have subsoils that are over 60 percent clay. In addition, the montmorillonitic minerology class indicates that clay fractions of these two soils are over 50 percent montmorillonite. Montmorillonite is a plate-like clay material that causes soils to shrink and crack on drying and expand and swell on rewetting.

Vertisols are fine textured soils that form wide cracks on the soil surface on drying and often are remoistened by water that runs into these cracks rather than from water percolating through the soil profile. The soil surface tends to form a mulch of aggregates when dry. These aggregates slough into the cracks. Moistening and swelling of the soil causes shearing within the soil profile and produces slickensides and wedge shaped or parallelepiped structure. As a result of churning, Vertisols have thick A1 horizons with irregular lower boundaries. A1 horizons are usually dark colored. The dark color is due mainly to the clay-organic matter complex rather than high organic matter content.

Vertisols occur under a wide range of CLIMATIC conditions but climates in areas of Vertisols all have in common a warm dry season. Average annual temperature generally ranges between 15.5 and 26.5°C. Summer highs are seldom below 20°C. and range as high as 35°C. Mean annual rainfall is usually between 500 and 1,000 mm but the distribution pattern is distinctly seasonal. The pronounced dry season varies from 4 to 10 months and the wet season from 2 to 8 months. The ratio of RAINFALL/EVAPTRANSPIRATION is usually between 0.1 and 1.0.

PARENT MATERIAL of Vertisols is derived from dark-colored basic rocks, shales, limestones, lacustrine clayey marls, and tuffaceous deposits. All these materials have certain features in common. They are fine textured, contain swelling clays, and are rich in alkaline earths, especially calcium and magnesium. They are also relatively high in plagioclases and ferromagnesian minerals.

Montmorillonitic clays shrink upon drying to form deep cracks in a polygonal pattern in the soil. Polygons may have a diameter ranging up to 4 meters. Cracks may range up to 15 centimeters wide and a meter or more deep.

Many Vertisols form a loose granular mulch up to 10 centimeters thick on the soil surface as a result of drying. While the cracks are open, this granulated surface soil material falls into the cracks. Surface soil material can be dislodged by the action of wind and animals or by the movement of the soil as it dries and shrinks.

When the rainy season comes and the soil becomes rewetted, the clays absorb water and expand. As expansion takes place, the cracks close, but because the cracks have been partially or completely filled by surface material a greater volume is required. The pressure of the swelling soil forces some of the subsoil toward the surface. As one mass of soil material moves past another mass of soil material, polished and grooved aggregate surfaces called slickensides are formed.

SLICKENSIDES occur mainly at a depth of 50 to 80 centimeters. Slickenside surfaces are inclined at angles of 20 to 60° to the horizontal. Often there are so many slickensides that they intersect to form wedge-shaped or parallelepiped structural aggregates.

Movement of sub soil to the surface and falling of surface material into deep cracks results in formation of thick A1 horizons. Each year this process is repeated and the A1 horizon becomes completely mixed. Below the well mixed A1 horizon, tongues of A1 material may extend into the lighter colored C horizon.

Another phenomenon of churning is the formation of gilgai microrelief. The pressure of swelling soil forces subsoil upward to form mounds between the cracks. Hummocks or depressions form in the site of the crack.

As a result of these characteristics Vertisols have many engineering problems associated with them. Structural failures are common. Highways, buildings, fences, pipelines, and utility poles are moved, distorted, and ruptured by the shrinking and swelling action of Vertisols. In addition, these soils will not accept effluent because of their fine texture and the swelling action of the montmorillonite clay which substantially reduces permeability. Percolation tests conducted during the dry season are usually misleading because of the wide vertical cracks present in the soil.



ENVIRONMENTAL QUALITY COMMISSION

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ROBERT W. STRAUB
GOVERNOR

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. E, July 30, 1975 EQC Meeting

Status Report on the Medford-Ashland Air Quality
Maintenance Area Program

Background

The Medford area is considered to have among the poorest ventilation of any area in the country. The area has and continues to have a particulate air quality problem. Emissions from projected growth and development has raised concern that this problem may continue for many years to come.

In 1972, Medford exceeded the annual Federal primary (health) particulate standard by 11% and the annual Federal secondary (welfare) particulate standard by 39%. The Oregon Clean Air Act Implementation Plan to reduce air emissions and achieve compliance with air quality standards by 1975 resulted in a 30% reduction in particulate emissions in Jackson County by 1975. This reduction was achieved primarily through bringing industrial processes, primarily the wood products industry, into compliance with Department regulations.

Particulate air quality has improved in the Medford area since 1972. The Federal Primary Standard was not exceeded in 1975. The Annual Secondary Standard was exceeded by less than 20%.

Gaseous air pollutants have not been of concern in the Medford area. Periodic air sampling and calculations indicate the area is in compliance with sulfur dioxide and carbon monoxide air quality standards.



Preliminary AQMA Analysis

In 1974 an analysis was made to determine if compliance with air quality standards would be maintained in the Medford area once standards were attained. This was the first step taken in the air quality maintenance planning process required by Environmental Protection Agency (EPA) rules. This preliminary analysis indicated that a potential existed for a long-term (at least ten year) standard maintenance problem for particulate. As a result, the Medford-Ashland area was officially designated an Air Quality Maintenance Area (AQMA) for the purposes of conducting further analyses and possibly developing further control strategies. The AQMA boundaries (see Figure 1) were chosen to coincide with the Bear Creek Urban Regional Land Use Planning Area. This action assures that future analysis and control programs would cover the area of projected significant growth and development.

Discussion - Attainment Problem

Since the Medford area has not attained compliance with particulate air quality standards, the Department is committed to developing a revised standards attainment plan for the area before addressing the potential maintenance of standards problem.

In early July 1976 the EPA directed the State of Oregon (and many other states) to revise their deficient implementation plans. The directive requires development and adoption of revised control strategies by July 1977.

The Department has conducted microscopic analysis of particulate air samples in the Medford area and preliminary indications are that the majority of particulate causing continued violations of standards are wood dust, wood char and bark. The revised control strategy will be directed toward sources identified as causing these violations. Future reductions in plywood veneer dryer emissions (as these sources are brought into compliance with Department Rules) is not expected to be sufficient to insure compliance with standards, but the program should noticeably improve visibility.

Discussion - AQMA Plan

Since designation of the Medford-Ashland AQMA the Department has been working on an indepth analysis to determine if the area really will have a standards maintenance problem and if so, over what period of time and over what geographic area the problem will occur. The basic steps in this AQMA analysis are:

1. Develop accurate emission growth projections.
2. Develop a mathematical airshed model.
3. Apply the airshed model in conjunction with existing and projected emissions to predict future air quality.

The Department has contracted with the Portland firm of Seton, Johnson and Odell to complete the above tasks. This work will be completed by September 1976. At this time a determination will be made if an air quality maintenance plan is needed for the area. If needed, a draft plan must be developed by July 1977 with final plan adoption no later than July 1978, according to EPA requirements.

A more detailed schedule of this process is listed below:

1. AQMA Reevaluation Analysis September 1976
Develop emission growth projections and airshed model. Project future air quality levels. Determine if air quality standards maintenance problem exist.
2. Draft AQMA Plan (if needed) July 1977
Complete maintenance control strategy development, evaluation and selection. Public information hearing will be scheduled and advisory committees established to provide public input into the strategy selection. Maintain close coordination with Rogue Valley Council of Governments, cities of Ashland and Medford, Jackson County, industrial groups and the 208 Water Quality Planning Program to insure consideration of land use planning process and other communities needs and concerns.
3. Final AQMA Plan Adoption July 1978
Plan adoption will follow the rule making procedure requiring public hearing, legal notice and Commission action.

The Department will also conduct special sampling within the next three months for carbon monoxide and oxidants. The sampling will determine if decisions based on past data, which indicate that maintenance plans for these pollutants are not required, are still valid.

Further particulate air sampling stations are expected to be established in the area within the same time frame to provide further data to validate the airshed model and assess effectiveness of new control strategies.

Conclusion

1. A revised control strategy to attain particulate air quality standards in the Medford area must be developed by July 1, 1977.
2. A detailed analysis to determine if growth and development in the Medford area will cause a long-term maintenance of particulate air quality standards problem will be completed by September 1976.
3. If needed, an AQMA draft plan will be developed by July 1977 and a final plan adopted by July 1978.
4. Close coordination with Rogue Valley Council of Governments, other local governments, and industrial groups will be needed to insure the AQMA plan development process is best suited to the area's problems and needs, and to insure that land use and other regional plans are compatible with new air pollution control strategies that may be needed to maintain acceptable air quality in the Medford area.

Director's Recommendation

This report is provided for the Commission's information and requires no action at this time.



LOREN KRAMER

JFK:cs
7/20/76
Attachment

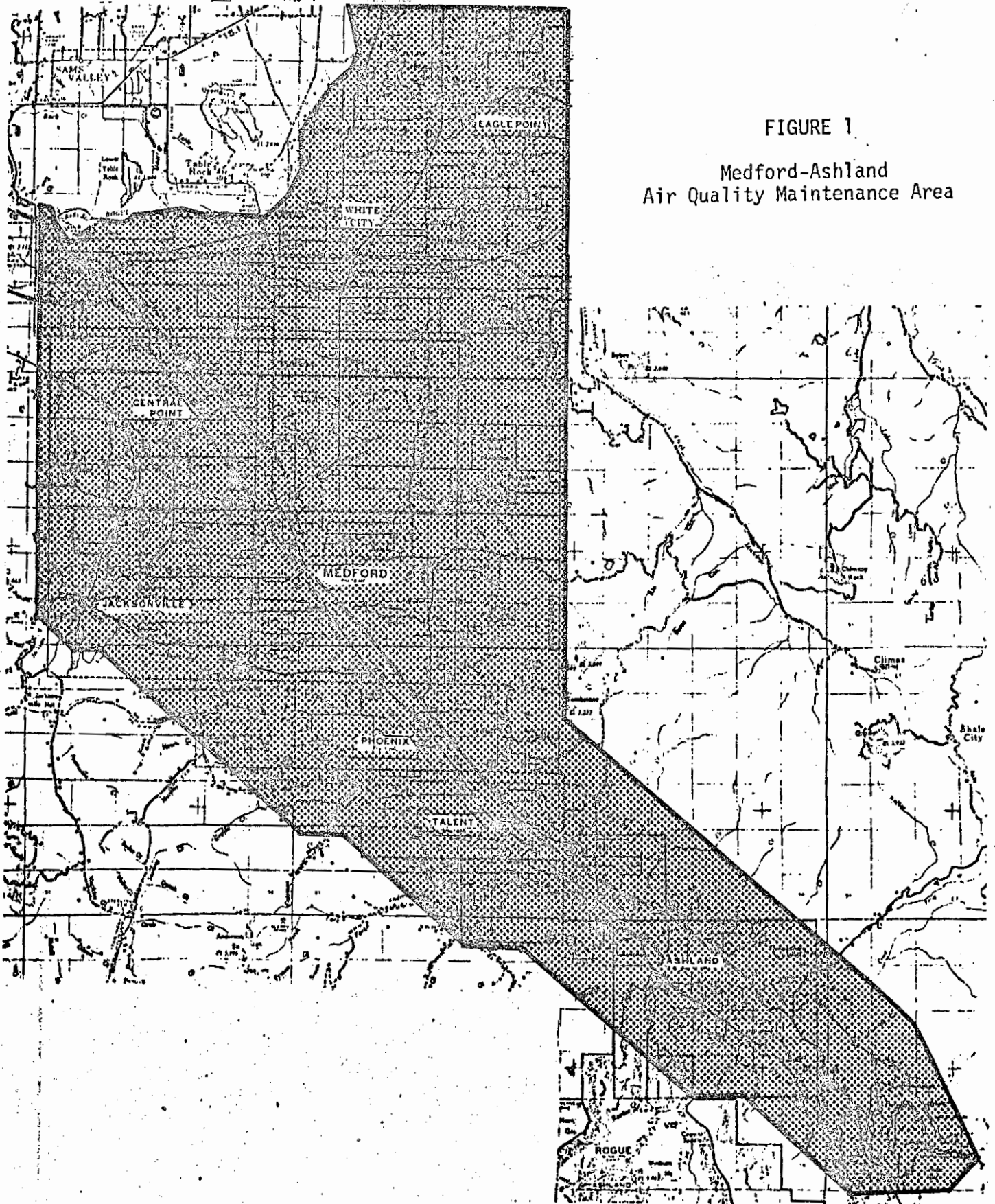


FIGURE 1

Medford-Ashland
Air Quality Maintenance Area



ENVIRONMENTAL QUALITY COMMISSION

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ROBERT W. STRAUB
GOVERNOR

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. F, July 30, 1976 EQC Meeting
Medford Corporation Medium Density Fiberboard Plant
Air Emissions - Status Report

Introduction

The Medford Corporation completed construction in mid-1975 of a facility using new technology to manufacture medium density hardboard at its Medford complex (sawmill, planing mill, plywood plant and hardboard plant). A multiple-source Air Contaminant Discharge Permit which included conditions for the new hardboard plant had been issued for the complex on April 17, 1973. This permit set forth pertinent new source emission limits and required compliance demonstration by source testing and opacity observations within 90 days after startup of the plant.

During July 1975, numerous complaints were received concerning wood fiber fallout at residences generally located northeast to east of the plant. These complaints served to initiate extensive Department efforts with this facility which resulted in the Company submitting a compliance program scheduled to conclude in December 1976. This program, which was developed on the basis of applying highest and best practicable treatment, is expected to reduce emissions well below regulatory limits and resolve off-plant site air quality problems.

Process Description

The raw materials are received by truck. Dry material, i.e., sawdust, sanderdust, etc., is stored in a large covered shed while wet material, i.e., chips, shavings, etc., are placed outside by a radial stacker. This material is conveyed to the process, beginning with the digesters and refiners. The digesters steam cook them to loosen the fibers and the refiners grind the chips. These fibers, at about 40% moisture, are then injected into a dryer tube, collected in a cyclone,



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and introduced into the blender, where the bonding resin is added. There are duplicate refiners, digesters, dryers and blenders for the core (coarse) material and the face (fine) material. These materials are stored in respective storage bins. From the core and face storage bins the material is conveyed to appropriate sections of the forming line.

There are five feeders in the forming line. The first and last lay down the face material, while the middle three lay down the core. Scalpings are collected after each feeder by cyclone and directly returned to the core former feed bin. These materials can also be sent to the core storage bin. A thick mat (about one foot depending somewhat on final desired thickness) is formed and subsequently passes under rollers reducing the thickness to inches. It is then cut and stacked onto the press loader and loaded into the press. A steam heated hydraulic press takes about five minutes to produce twenty hardboards in the range of about 3/8 to 1 inch in thickness. These boards then pass through an air circulation cooler. Finally, the boards are trimmed and stacked for standing, cutting, banding and storage or shipping. Some products may leave without being sanded.

Discussion

Initial responses to the July 1975 complaints included plant site inspections, detailed plant survey, complaint field work and meetings with complainants and local representatives. A substantial amount of the complaints were caused by the emissions resulting from plant startup problems. The Company was able to overcome some of these, make some process changes and install additional control equipment by late 1975 which reduced emissions but not to levels satisfactory to the neighbors, the Department or Medford Corporation.

The Company conducted a comprehensive emission test program in early September 1975. The results indicated some emission points were exceeding the 0.1 grains per cubic foot limitation. Also, the plant site emission limit of 108 pounds per hour was not being met. These test results provided design data for both subsequent process changes and control additions.

Efforts by the Company and Department to develop an adequate control program continued into 1976 and were combined with the renewal of the Air Contaminant Discharge Permit, as the original permit expired on April 1, 1976. A renewed permit was issued on May 26, 1976 and is attached hereto. Permit conditions particularly applicable to the hardboard plant include nos. 1, 2a(2) and (3), 2c, 5, 6, 7, 8 and 9.

Status

The Company is currently in compliance or on schedule with the above referenced permit conditions except for source testing the two recently installed baghouses as required in condition 9d. A request to make these tests when the No. 2 dryer scrubber is completed and as a part of a total plant-wide emission test program has been received from the Company and will be approved by the Department. Thus, the hardboard plant is essentially in compliance with the permit.

The Department is continuing routine surveillance of the facility. A special surveillance effort has been scaled down due to the installation of additional control equipment and process changes within the last month.

So far this summer (May, June and July) no complaints have been received regarding particulate fallout.

The control program undertaken by the Company was and is considered reasonably extensive and included not only control equipment installation but redirection of process streams resulting in elimination of some emission points. An information program was undertaken by the Company and resulted in better public understanding of the problem and progress made by the Company. The emission reductions accomplished and to be accomplished are considered to be significant.

Director's Recommendation

The staff is continuing surveillance of the plant operation and control program. No other action is required at this time.

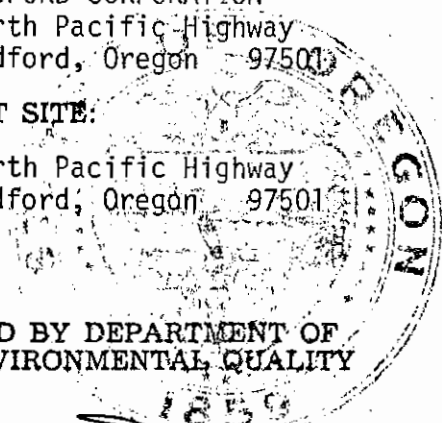



LOREN KRAMER

FAS:cs
7/21/76
Attachment

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: MEDFORD CORPORATION North Pacific Highway Medford, Oregon 97501</p> <p>PLANT SITE: North Pacific Highway Medford, Oregon 97501</p> <p>ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY</p> <p style="text-align: center;"></p> <p style="text-align: center;"> LOREN KRAMER Director</p> <p style="text-align: right;">MAY 26 1976 Date</p>	<p>REFERENCE INFORMATION</p> <p>Application No. 0687</p> <p>Date Received January 29, 1976</p> <p>Other Air Contaminant Sources at this Site:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%;">Source</th> <th style="width: 10%;">SIC</th> <th style="width: 10%;">Permit No.</th> </tr> </thead> <tbody> <tr> <td>(1)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>(2)</td> <td>_____</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	EI No.
Sawmill and Planing Mill (less than 25,000 bd. ft./shift)	2421	15-0048
Plywood Manufacturing (greater than 25,000 sq. ft./hr.)	2436	15-0017
Hardboard Plant	2499	15-0073
Fuel Burning Equipment (5-250 million BTU/hr., wood-fired)	4961	15-0048

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is herewith allowed to discharge exhaust gases containing air contaminants including emissions from those processes and activities directly related or associated thereto in accordance with the requirements, limitations, and conditions of this permit from the air contaminant source(s) listed above.

The specific listing of requirements, limitations and conditions contained herein does not relieve the permittee from complying with all other rules and standards of the Department.

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 emissions of air contaminants are kept at the lowest practicable levels.
2. The permittee shall comply with the following emission limitations:
 - a. Particulate emissions from any single air contaminant source except for the hogged fuel boilers and the veneer dryers shall not exceed any of the following:
 - 1) 0.2 grains per standard cubic foot for sources existing prior to June 1, 1970;
 - 2) 0.1 grains per standard cubic foot for sources installed, constructed, or modified after June 1, 1970; and
 - 3) An opacity equal to or greater than twenty percent (20%) for a period aggregating more than three (3) minutes in any one (1) hour.
 - b. Particulate emissions from all sources at the Plywood Plant, other than from the veneer dryer(s), shall not exceed 50.0 pounds per hour.
 - c. Particulate emissions from all sources at the Hardboard Plant shall not exceed 108.0 pounds per hour.
 - d. The permittee shall operate and control the steam generating boiler(s) in accordance with the following list of boiler operating parameters and emission limitations:

Boiler Identification	Fuel used	Maximum Emission Limits	
		Opacity (1)	Particulates (2)
Stirling (No. 1)	Hogged Fuel	40%	0.2
Stirling (No. 2)	Hogged Fuel	40%	0.2
Riley (No. 3)	H.F./Sanderdust	40%	0.2

- (1) Maximum opacity that shall not be equalled or exceeded for a period or periods aggregating more than three minutes in any one hour, excluding uncombined water vapor.
 - (2) Particulate emission limitation is stated in grains per standard cubic foot, corrected to 12% carbon dioxide.
3. The permittee shall not operate the boiler with other fuels or at greater steam generating rates than those established by Condition 2d without prior written approval from the Department.

4. The permittee shall control and operate all veneer dryers so that the emissions, exclusive of uncombined water, do not exceed an opacity of 10% from any single stack.
5. In addition to the Performance Standards and Emission Limits set forth in Conditions 1 and 2 above, the permittee shall provide the highest and best practicable treatment and control of air contaminant emissions from the Hardboard Plant so as to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels.

Compliance Demonstration Schedules and Special Conditions

6. The permittee shall provide controls for the No. 2 Fiber Dryer in accordance with the following schedule:
 - a. By no later than May 15, 1976, the permittee shall submit a final control strategy, including detailed plans and specifications, to the Department of Environmental Quality for review and approval.
 - b. By no later than July 1, 1976, the permittee shall issue purchase orders for the major components of emission control equipment and/or for process modification work.
 - c. By no later than October 1, 1976, the permittee shall initiate the installation of emission control equipment and/or on-site construction or process modification work.
 - d. By no later than December 1, 1976, the permittee shall complete the installation of emission control equipment and/or on-site construction or process modification work.
 - e. By no later than January 1, 1977, the permittee shall demonstrate that the No. 2 Fiber Dryer is capable of operating in compliance with the applicable Air Quality Rules and Standards.
 - f. Within seven (7) days after each item, b through e above, is completed the permittee shall inform the Department in writing that the respective item has been accomplished.
7. The permittee is prohibited from conducting any open burning at the plant site or facility.
8. By no later than May 1, 1976, the permittee shall submit a report to the Department on the evaluation of the particulate emissions from the following sources:
 - a. Vacuum exhaust fans Nos. 3, 4 and 5
 - b. Cyclone F4 (No. 1 and No. 5 shave-off systems)
 - c. Cyclone F5 (No. 3B shave-off system)

- d. Cyclone B (No. 2, No. 3A and No. 4 shave-off systems)
 - e. Cyclone F3 (Mat reject and edge trim saw systems)
 - f. Sanderdust cyclone
9. The permittee shall provide baghouse filtration controls for a: vacuum exhaust fan No. 3 and cyclone A; and b: vacuum exhaust fans No. 4 and 5 and cyclone D in accordance with the following schedule:
- a. By no later than May 1, 1976, the permittee shall issue purchase orders for the major components of emission control equipment.
 - b. By no later than June 1, 1976, the permittee shall initiate the installation of emission control equipment.
 - c. By no later than June 15, 1976, the permittee shall complete the installation of emission control equipment.
 - d. By no later than July 1, 1976, the permittee shall demonstrate that the baghouse filtration systems are capable of operating in compliance with the applicable Air Quality Rules and Standards.
 - e. Within seven (7) days after each item, b through e above, is completed the permittee shall inform the Department in writing that the respective item has been accomplished.

Monitoring and Reporting

10. The permittee shall report to the Department of Environmental Quality by January 15 of each year this permit is in effect at least the following information for the preceding calendar year:
- a. Normal sawmill operating schedule - (hrs/day)x(days/wk)x(wks/yr)
 - b. Amount lumber produced - Board feet/year
 - c. Amount hogged fuel and sanderdust burned in each boiler - Tons/year
 - d. Normal plywood mill operating schedule - (hrs/day)x(days/wk)x(wks/yr)
 - e. Amount plywood produced - Square feet (3/8 inch basis)/year
 - f. Normal hardboard operating schedule - (hrs/day)x(days/wk)x(wks/yr)
 - g. Amount hardboard produced - Square feet (1/8 inch basis)/year

Fee Schedule

11. The Annual Compliance Determination Fee for this permit is due on March 1, of each year this permit is in effect. The Department will indicate the amount due by an invoice to be mailed about 30 days prior to the above date.

AIR CONTAMINANT DISCHARGE PERMIT
Issued by the
Department of Environmental Quality

General Conditions and Disclaimers

- G1. The permittee shall allow Department of Environmental Quality representatives access to the plant site and pertinent records 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.
- G2. The permittee shall:
- a. Notify the Department in writing using a Departmental "Notice of Construction" form, and
 - b. Obtain written approval
- before:
- a. Constructing or installing any new source of air contaminant emissions, including air pollution control equipment, or
 - b. Modifying or altering an existing source that may significantly affect the emission of air contaminants.
- G3. The permittee shall notify the Department at least 24 hours in advance of any planned shutdown of air pollution control equipment for scheduled maintenance that may cause a violation of applicable standards.
- G4. The permittee shall notify the Department by telephone or in person within one (1) hour of any malfunction of air pollution control equipment or other upset condition that may cause a violation of the Air Quality Standards. Such notice shall include the nature and quantity of the increased emissions that have occurred and the expected duration of the breakdown.
- 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. Application for a modification of this permit must be submitted not less than 60 days prior to the source modification. A Filing Fee and an Application Processing Fee must be submitted with an application for the permit modification.
- G7. Application for renewal of this permit must be submitted not less than 60 days prior to the permit expiration date. A Filing Fee and an Annual Compliance Determination Fee must be submitted with the application for the permit renewal.
- G8. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- G9. This permit is subject to revocation for cause as provided by law.

Department of Environmental Quality
Air Quality Control Division

AIR CONTAMINANT DISCHARGE PERMIT APPLICATION REVIEW REPORT

MEDFORD CORPORATION
Medford, Oregon 97501

Background

1. At Medford Corporation in Medford, Oregon the following activities occur:

<u>SIC</u>	<u>SIC NO.</u>	<u>EI No.</u>
Sawmill & Planing Mill (less than 25,000 bd. ft./shift)	2421	15-0048
Plywood Manufacturing (greater than 25,000 sq. ft./hr.)	2436	15-0017
Hardboard Plant	2499	15-0073
Fuel Burning Equipment (5-250 million BTU/hr., wood-fired)	4961	15-0048

2. The normal sawmill operating schedule is:

(8 hours/day) x (5 days/week) x (49 weeks/year)

3. The normal plywood mill operating schedule is:

(24 hours/day) x (5 days/week) x (49 weeks/year)

4. The normal hardboard plant operating schedule is:

(24 hours/day) x (7 days/week) x 49 weeks/year)

5. The normal boiler operating schedule is:

Boiler No. 1: (24 hours/day) x (7 days/week) x (50 weeks/year)

Boiler No. 2: (24 hours/day) x (7 days/week) x (50 weeks/year)

Boiler No. 3: (24 hours/day) x (7 days/week) x (50 weeks/year)

6. Estimated plant production is:

a. Lumber 24 to 30 x 10⁶ board feet/year

b. Plywood (3/8 inch) 145 x 10⁶ square feet/year

c. Hardboard (1/8 inch) 110 x 10⁶ square feet/year

7. This permit is a renewal of the permit issued on April 17, 1973.

Evaluation

8. Existing visible and particulate emission sources at the plant site consist of the following:

a. Sawmill

- 1) Nine cyclones: in compliance
- 2) One baghouse filter: in compliance
- 3) Two cyclones: inactive
- 4) Three hogged fuel boilers: in compliance
- 5) One unmodified wigwam waste burner: last used in 1971

b. Plywood Mill

- 1) Five cyclones: in compliance
- 2) Four veneer driers: undergoing evaluation

c. Hardboard Plant

- 1) Three baghouse filters: in compliance
- 2) Fifteen cyclones: undergoing evaluation
- 3) Three vacuum fan exhausts: undergoing evaluation
- 4) Two drier exhaust stacks: No. 3 in compliance
No. 2 subject of a compliance schedule

9. Boiler identification:

<u>ID No.</u>	<u>Manufacturer</u>	<u>Type</u>	<u>Date Installed</u>	<u>Rated Capacity</u>
1	Stirling	Dutch Oven	1927	50,000
2	Stirling	Dutch Oven	1927	50,000
3	Riley	Dutch Oven	1952	100,000

Permit Requirements

10. The Hardboard Plant is considered to be the major if not the exclusive source of a wood fiber fall-out nuisance condition currently existing around the site. Solving this problem may require control devices and/or strategies such that resulting emissions may be well below the 108 lbs/hr allowed by Department regulations. Permit Condition No. 5 which requires highest and best practicable treatment and control for the Hardboard Plant is intended to eliminate the nuisance condition.
11. The No. 2 dryer (Core Dryer) of the Hardboard Plant is not in compliance relative to particulate emissions. Condition No. 6 of the permit contains a compliance schedule for this unit.
12. The permittee shall evaluate its particulate emissions from the vacuum exhaust fans, the shave-off system cyclones and the sanderdust cyclone and submit a report to the Department by May 1, 1976. (See permit Condition No. 8.) Control strategies and schedules for each non-complying or problem source are required.



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 No. G July 30, 1976, EQC Meeting

Status Report on Statewide and Rogue Valley COG Water Quality Management Planning

Background

Long range water quality management planning is required by Section 208 of PL 92-500. Four areas have been designated and funded through EPA grant in Oregon. CRAG \$800,000; Lane COG \$300,000; MWV COG \$150,000; RV COG \$180,000. DEQ has been designated by Governor to head statewide plan effort. Grant offer by EPA of \$1,200,000 has been made.

Discussion

Water quality management plans are required by each state for nondesignated areas by November 1978 by Federal Court order. EPA has made a grant offer of \$1.2 million for Oregon 208 program. The attached summary submitted to the Legislative Emergency Board outlines the proposed water quality management program. The new thrust for non-designated areas is in assessing water quality in tributary waters and developing appropriate management programs for reduction of nonpoint source runoff of pollutants.

Rogue COG planning is focusing on areas like Ashland drinking water supply watershed management and irrigation storm water management in Bear Creek.

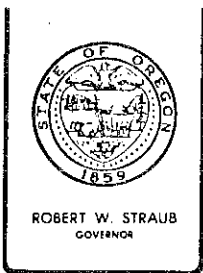
LOREN KRAMER
Director

JRC:kmm

Attachment: State of Oregon Statewide 208 Planning Project - Summary Proposal for Emergency Board Consideration



Contains
Recycled
Materials



DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5324

State of Oregon
Department of Environmental Quality
Statewide 208 Planning Project

SUMMARY PROPOSAL FOR EMERGENCY BOARD CONSIDERATION

BACKGROUND

Public Law 92-500 and related regulations of EPA require all states to initiate and sustain substantial water quality management planning efforts:

- Section 303(e) requires the state to develop water quality management plans for each river basin. DEQ initiated such an effort in 1972 and is nearing completion of the initial development of these plans which concentrate on point sources.
- Section 208 requires development of areawide waste treatment management plans -- either by designated areawide local agencies or by the state for non-designated agencies. Federal funding assistance was initially limited to designated areawide agencies. 208 planning requirements overlapped 303(e) requirements but included more specific requirements relative to non-point source impacts on water quality.
- Continuing Planning Process (CPP) regulations require the DEQ to establish a formal procedure for continuously updating and refining water quality management plans. Substantial public participation is required in this continuing effort.

Pursuant to a recent federal court order which required expansion and acceleration of 208 planning efforts and release of 208 grant money to states as well as areawide agencies, EPA rewrote their separate 208 and 303(e) planning regulations to merge them into a single integrated set of rules. Under these new rules, the 303(e) effort is called Phase I, the statewide 208 effort is Phase II.

The intent is to use available 208 funds to offset costs of expanding Phase I plans to meet Phase II requirements (adding non-point source control elements). It is also intended to utilize existing state agencies with authorities and responsibilities directed to the principal non-point source activities.

DEQ obtained Emergency Board approval in February to apply for a 75% EPA grant from available 208 funds. Near the end of May, EPA awarded DEQ a \$1.2 million grant based on a preliminarily proposed 28 month project with

a total cost of \$1.6 million. Grant conditions require DEQ to develop a much more detailed project work plan for submittal to EPA in September. Until the work plan is approved, EPA will only release money for the administrative costs in developing the work plan.

The Department is in the process of negotiating with other agencies and developing the detailed work plan. In order to accomplish this, staff has been added on a temporary appointment basis -- pending Emergency Board approval to establish positions and expend grant money. The intent was to develop a fully refined and documented proposal for a single presentation which would consolidate and detail the involvement of other state agencies. In order to continue the negotiations and development of the work plan, DEQ needs E-Board approval to establish the needed positions and expend grant monies. Thus, it is necessary to present the planning project as it has been developed to date, request approval for DEQ to expend grant monies and establish necessary positions and secure approval for only those cooperating state agency components that can be sufficiently detailed. A second coordinated presentation to the E-Board will then be necessary for approval of the remaining cooperating agency components.

GENERAL COMMENTS

A. Selection of Contracting Agencies

The DEQ has attempted to select agencies to undertake a leadership role in various elements of the project based on their existing involvement and knowledge, probable continuing involvement and responsibility for implementing developed programs and their expression of interest in mutual cooperation in the planning effort.

B. DEQ Proposed Staff Positions

Table II details the proposed DEQ budget for the project. Five new limited duration positions are proposed as follows:

Program Executive 4	-	Manager of Contracts and Technical Projects
Program Executive 2	-	Public Participation Coordinator and Chief Staff support for the Policy Advisory Committee
Environmental Specialist 2	-	Coordination and Staff Support for Agricultural Projects
Environmental Specialist 3	-	Biologist to be assigned to the assessment element for development and coordination of biological indicator assessment of non-point source water quality impacts
Secretary	-	Provide clerical support to project

Two additional personnel will be involved through the Intergovernmental Personnel Act (IPA). These are federal employees on assignment to DEQ by contract agreement paying a portion of salary to the employing federal agency. The functions of each will be as follows:

- 208 Project Manager (IPA from EPA) - Provide overall project coordination and management; assure that EPA requirements are met.
- Assessment Process Team Leader (IPA from U. S. Geological Survey) - Provide technical leadership of the non-point source impact assessment element of the project.

C. Matching Funds

Since the federal grant is for 75% of project costs, 25% must be provided from non-federal funded sources. The intent of DEQ is to meet this match requirement with in-kind service from existing DEQ and cooperating agency staff without need for additional general fund money. Many of DEQ's existing on-going efforts will provide information and support for various project elements and thus can be counted as match (without jeopardizing the match on the Department's water program grant.) Cooperating state agencies are similarly expected to be able to provide accountable match from their existing efforts -- without removing staff from existing functions and "assigning them to 208".

D. Continuing Planning Efforts

The present 208 funded planning effort is intended to add new detail on non-point source management to the Department's existing water quality management plans. The added staff will terminate in November 1978. Future planning efforts to refine and update the "plan" as required by federal rules will be provided by existing DEQ staff (funded in part by DEQ's existing annual federal program support grant).

E. Plan Implementation

This planning effort can be expected to result in implementation of new efforts to control identified adverse non-point source impacts on water quality either by DEQ regulation or through revised Forest Practices Act rules. The planning effort may also result in proposals for legislative action to deal with identified problems.

The planning effort will provide a basis for better coordination of existing agency efforts and should permit more efficient use of existing manpower to address priority problems in a systematic non-duplicative way.

SUMMARY PROJECT DESCRIPTION

The 208 project has 8 major elements:

- I Forest Practices
- II Agricultural Practices
- III Septic Tank/Vault Toilet Sludge Disposal
- IV Assessment of Non-Point Source Impacts
- V Interagency Coordination
- VI Water Resource Management
- VII Project Management
- VIII Public Participation

A summary of each and the status of development of the work plan of each follows.

I Forest Practices

A. Forest Practices Act Review

Forest practices can adversely affect the quality of runoff water which reaches streams - thus causing water pollution. A major objective of State Forest Practices Act is to develop and efficiently implement practices which minimize such adverse effects. DEQ intends to designate the State Forestry Department as the agency of the State of Oregon to develop and implement forest practices which reasonably protect water quality. Such designation would clearly be consistent with the intent of the legislature and the Forest Practices Act. In order to provide support for this designation so as to secure necessary EPA approval, it is desirable to conduct a more detailed evaluation of the water quality protection effectiveness of the current Forest Practice rules and the administration of the Act.

The evaluation is expected to document (1) the water quality protection achieved by the program, (2) any legislative, regulatory, or administrative improvements that may be desirable to improve the effectiveness of the program, and (3) need of and priority for further research efforts, special studies or program support efforts.

DEQ proposes to contract with the State Department of Forestry for conduct of the study. Forestry will sub contract with the OSU Forest Engineering Department for support including the services of Dr. George Brown who will be chairman of a 6 man technical committee which will direct the evaluation.

A summary of projected costs is shown in Table I.

B. Federal Forest Practices Review

A review of water quality protection practices on federal forest lands is also desirable. The U. S. Forest Service and U. S. Bureau of Land Management have agreed to cooperate and provide resources for the undertaking of such review.

No 208 funds are planned for expenditure on this element.

II Agricultural Practices

A. Bear Creek Study

The Rogue Valley Council of Governments (a designated 208 planning agency) initiated a special study to specifically determine the nature and extent of irrigation return flow impacts, agricultural land runoff and urban runoff on Bear Creek. The project was planned for conduct by the U. S. Geological Survey on a matching fund basis. Lack of funds prevented USGS from providing the essential match support.

It is proposed to contract with Rogue Valley COG to complete the study. It is further proposed to contract with either the local Soil and Water Conservation Districts or the U. S. Soil Conservation Service to develop any programs or practices which may be necessary to correct problems identified by the study.

A summary of projected costs is shown in Table I.

B. Sediment Reduction in Dry Land Farm Area

Water (and wind) erosion of soil in the dry land wheat fallow area of the Columbia Basin is a significant problem which contributes to sediment pollution of streams.

It is proposed to contract with the State Soil and Water Conservation Commission to provide leadership and coordination of local participants in the development of an effective erosion control program for problem areas.

A summary of projected costs is shown in Table I.

C. Stream Corridor Erosion Control

Stream bank erosion is a significant contributor to stream sedimentation in some areas. Alteration of flow patterns or channel characteristics and removal of stream bank vegetation are factors which accelerate erosion.

It is proposed to contract with the State Soil and Water Conservation Commission to provide leadership and coordination in the development of a manual of best management practices and a program for their implementation in identified problem areas.

A summary of projected costs is shown in Table I.

D. Extension Education Program

Long range reduction of non-point source impacts on water quality will be dependent on awareness of individual citizens, particularly land owners, of the potential effects of their activities on surface water runoff.

It is proposed to contract with the Oregon State University Extension Service for development and dissemination of information on prevention and reduction of such problems with particular emphasis on rural land owners and the agricultural community.

A summary of projected costs is shown in Table I.

III Septic Tank/Vault Toilet Sludge Disposal

DEQ presently licenses septic tank pumpers and installers. Sewage and sludge disposal sites are presently regulated by permit. However, no plan has been developed to date to insure that acceptable disposal sites for pumped sludges are reasonably available throughout the state.

DEQ proposes to contract with a consultant to develop a statewide plan for the proper collection, transport, treatment and disposal of sludges pumped from septic tanks and vault toilets to prevent water pollution and health hazards. The consultant would also develop a list of needed facilities and costs in conjunction with sewage treatment plants for incorporation into future federal construction grant priority lists.

A summary of projected costs is shown in Table I.

IV Assessment of Non-Point Source Impacts

DEQ monitoring programs to date provide little information on the nature and extent of non-point source water pollution. Available information is inadequate for development and justification of reduction programs. Substantial useful information is available in other natural resource management agencies. However, such information is not compiled, evaluated, or displayed in a manner which permits effective use at this time.

It is proposed to systematically compile, evaluate and display existing information from multiple state and federal agencies and supplement this with limited field observations such that the information can be used to determine the location, nature and extent of non-point source problems in the areas evaluated. This effort will:

1. Identify areas where problems are minimal and further resources should not be expended at this time.
2. Identify areas where problems exist and where causes are sufficiently known to justify corrective action without further study.
3. Identify and prioritize areas where problems exist and where further study is necessary to develop a course of action.

The assessment process will provide a basis for more efficient coordination and use of the existing limited monitoring and study resources of multiple agencies.

The work plan for the assessment process is still in the early negotiation and development stage. The multi-agency involvement makes this more complex. The extent of coverage of the state will be limited by the final process design and available funds. DEQ will provide primary project leadership.

A summary of presently projected costs is shown in Table I.

V Interagency Coordination

The management of land and natural resources can significantly affect the non-point source impacts on water quality. Development of a proposed program for coordination of the management agencies and process to achieve desired benefits in an effective and efficient way is desirable.

It is proposed to contract with the Office of the Governor's Assistant for Natural Resources to evaluate the coordination problems and needs and propose statutory or regulatory changes which would streamline and simplify the process.

A summary of projected costs is shown in Table I.

VI Water Resource Management

Some work has been done in Oregon to define minimum stream flows necessary for protection of fish and aquatic life. Little work has been done toward defining minimum in-stream flow needs for protection of water quality.

It is proposed to contract with either a consultant or the Department of Water Resources to develop criteria for determining in-stream flow needs based on water quality requirements and standards. Additional details must still be developed for this project.

A summary of presently projected costs is shown in Table I.

VII Project Management

DEQ staff project management functions include overall project coordination and management, contract and technical project element management, coordination of areawide 208 planning efforts and preparation of periodic status reports.

A summary of projected costs is shown in Table I.

VIII Public Participation

Federal regulations require extensive public participation throughout the planning process, including:

1. Formation and use of a citizen policy advisory committee (with majority representation comprised of elected local officials).
2. Solicitation of input and information from the public at all phases of the project.
3. Dissemination of general and specific information to the public regarding project progress and accomplishments.

It is proposed to contract as needed for some portions of the development of informational materials.

A summary of projected costs is shown in Table I.

July 22, 1976
HLS:ak

TABLE I

	Contractor	Participants or Sub-Contractor	208 Funds		Eligible Match	
			to Contractor thru DEQ	to DEQ	DEQ	Contract
<u>I. Forest Practices</u>						
A - Forest Practices Act Review	Dept. of Forestry	OSU, Forestry Engr.	\$76,000	-	\$10,000	\$20,000
B - Federal Forest Practice Review		US: For. Svcs/BLM	-	-		
				\$44,867		
<u>II. Agricultural Practices</u>						
A - Bear Creek Study	Rogue Valley COG		80,000			
	Local SWCD/SCS		20,000			
B - Sediment Reduction in Dry Land Farm Area	State SWCC		31,000			
C - Stream Corridor Erosion Control	State SWCC		35,000			23,000
D - Extension Education	OSU		45,000			36,000
<u>III. Septic Tank/Vault Toilet & Sludge Disposal</u>						
	Private Consultant		100,000		10,000	
<u>IV. Assessment of Non-Point Source Impacts</u>						
	Various (not finalized)		185,000	99,662	170,000	121,000
<u>V. Interagency Co-ordination</u>						
	Governor's Office		50,000			
<u>VI. Water Resources Management</u>						
	Undetermined		25,000			
<u>VII. Project Management</u>						
				238,396		
<u>VIII. Public Participation</u>						
				170,075	10,000	
TOTAL			\$647,000	\$553,000	\$200,000	\$200,000
				<u>\$1,200,000</u>		<u>\$400,000</u>

TABLE II

Categories	FY77	FY78	FY79	TOTAL	Forest	Agric.	Septic Tank	Assmt.	Inter Agency Coord.	Water Res.	Proj. Mgnt.	Public Part.
<u>Personal Services</u>												
P.E. 4 (Tech.Prog.Mgr.)	\$18,851	\$21,553	\$7,392	\$47,796							\$47,796	
P.E. 2 (Public Participation)	17,112	19,552	6,704	43,368								\$43,368
E.S. 2 (Ag.Proj.Coord.)	13,395	15,322	5,252	33,969		\$33,969						
E.S. 3 (Assmt.Biol.)	15,491	17,739	6,088	39,318				\$39,318*				
Secretary	7,200	8,224	2,816	18,240							18,240	
TOTAL Salaries	\$72,049	\$82,390	\$28,252	\$182,691	\$ -	\$33,969	\$ -	\$39,318*	\$ -	\$ -	\$66,036	\$43,368
OPE	12,248	14,418	5,085	31,751		5,898		6,833*			11,483	7,537
TOTAL - P.S.	\$84,297	\$96,808	\$33,337	\$214,442	\$ -	\$39,867	\$ -	\$46,151	\$ -	\$ -	\$77,519	\$50,905
<u>Services and Supplies</u>												
Travel												
In-State (staff)	15,000	15,000	5,000	35,000				15,000			15,000	
In-State (Adv.Com.)	8,040	8,040	1,340	17,420		5,000						17,420
Out-of-State	5,000	5,000	2,000	12,000							12,000	
Rent	6,000	6,000	2,000	14,000							14,000	
Office Expenses	2,500	2,500	1,000	6,000							6,000	
Publications & Printing	11,938	16,712	-	28,650							8,650	20,000
Legal	3,300	3,575	3,700	10,575							10,575	
Contract Prof.Svcs. (IPA)	18,912	20,047	6,880	45,839							45,839	
Contract Prof.Svcs. (IPA)	14,521	15,559	5,381	35,461				35,461				
Misc. Contract Svcs.	44,080	35,420	-	79,500								79,500
Major Element Contracts	647,000	-	-	647,000	\$76,000	211,000	\$100,000	185,000	\$50,000	\$25,000		
TOTAL - S & S	\$776,291	\$127,853	\$27,301	\$931,445	\$76,000	\$216,000	\$100,000	\$235,461	\$50,000	\$25,000	\$112,064	\$116,920
<u>Capital Outlay</u>												
Office Furniture & Equipment	6,116	-	-	6,116							6,116	
Tape/Slide Equipment	2,250	-	-	2,250								2,250
Field & Lab Equipment	3,050	-	-	3,050				3,050				
TOTAL - C.O.	\$11,416	\$ -	\$ -	\$11,416	\$ -	\$ -	\$ -	\$3,050	\$ -	\$ -	\$6,116	\$2,250
<u>Indirect Cost</u>	17,310	19,324	6,063	42,697							42,697	
GRAND TOTAL	\$889,314	\$243,985	\$66,701	\$1,200,000	\$76,000	\$255,867	\$100,000	\$284,662	\$50,000	\$25,000	\$238,396	\$170,075
DEQ Match Estimate	-	-	-	\$200,000	\$10,000	\$ -	\$10,000	\$170,000	-	-	-	\$10,000
Other Agencies Match	-	-	-	200,000	20,000	59,000	-	121,000	-	-	-	-
TOTAL	\$ -	\$ -	\$ -	\$1,600,000	\$106,000	\$314,867	\$110,000	\$575,662	\$50,000	\$25,000	\$238,396	\$180,075

*To Laboratory; Remainder to Water Quality Division



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. H, July 30, 1976 EQC Meeting

Rules for Indirect Sources Proposed Amendments to OAR Chapter 340,
Sections 20-100 through 20-135

Background

On March 12, 1976, the Commission adopted temporary Rules for Indirect Sources and authorized the Director to conduct necessary public hearings within the 120 day limit of the temporary rule for the purpose of taking public testimony for consideration in the adoption of permanent amendments to the Rules for Indirect Sources (OAR Chapter 340, Sections 20-100 through 20-135). Public hearings were held on May 18 in Eugene and May 20 and 21 in Portland. At the request of Mr. Bruce Anderson, representing his clients, The International Council of Shopping Centers, et.al., an additional public hearing was held on June 18 to allow oral testimony to be given by his expert witness, Dr. Walter Dabberdt. In consideration of testimony received, the temporary rule was revised and is attached (Appendix A) and is hereby submitted to the Commission for consideration.

Discussion

A copy of the Hearings Officer's report is attached (Appendix B) and is considered to be an accurate summarization of the testimony received. The Department's detailed response to the technical issues listed in the Hearings Officer's report is contained in Attachment C. Therefore, this section of the staff report will not discuss all the testimony received, but will address those issues raised in the public testimony which the staff believes are significant in terms of recommended amendments to the Rules for Indirect Sources.

Many of the proposed amendments to the Rules for Indirect Sources were included in the adopted temporary Rules for Indirect Sources. The staff report of March 12, 1976 states the reasons for these changes and therefore this discussion will be limited to only those additional proposed amendments based on the public testimony and staff recommendations.



Contains
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One of the significant differences between the existing Rules for Indirect Sources and the proposed Rule is the requirement that Parking and Traffic Circulation Plans (PTCP) be required in areas where it is indicated that the control of parking spaces and traffic circulation is needed to insure attainment and maintenance of National and State Ambient Air Quality Standards. The Department received a significant number of public comments requesting that the "criteria" used by the Department for its determination that a PTCP be required in a specific geographic area be included in the Rule. In response to those comments, language has been added to the Rule (20-110(1), and (2); 20-120(1)) which states the findings and conclusions of the Department's air quality maintenance area (AQMA) analysis will be used as the criteria for designating the areas needing a PTCP. The Department is also recommending the inclusion of a provision for a public hearing prior to designation of an area as in need of a PTCP.

The Oregon State Highway Division (OSHD) requested that the air quality analysis for highway projects be limited to a "worst case" year analysis. While the Department sees benefit in obtaining "worst case" year air quality data, it will only be of marginal usefulness if a highway project violates air quality standards over several years. The Department therefore proposes amendments contained in subsections 20-129(1)(d)(E), (F), (M) and (N) which it believes is responsive to the OSHD request while ensuring air quality impacts of proposed highway projects are evaluated over the appropriate time period.

After reviewing the comments received from several agencies and individuals regarding section 20-130 (Issue or Denial of Permits) of the Rule, the Department is proposing several amendments it believes should provide an adequate air quality assessment of indirect sources while being responsive to the concerns expressed in the public testimony. Specifically, sections 20-110(16), 20-129(1)(a)(E), 20-129(1)(b)(A), 20-130(4) have been added or amended to ensure an Indirect Source Emission Control Program (ISECP), i.e., transit incentives, carpool program, etc. is developed only when it may be necessary for the indirect source to be in compliance with subsections 20-130(5)(a), (b) and (c) of the Rule (i.e., to maintain compliance with State and National Ambient Air Quality Standards). These proposed amendments clearly define the "standards" by which a transit incentive program or other emission control program for indirect sources would be required thereby allowing the applicant the opportunity to determine his costs associated with an ISECP prior to submission of an Indirect Source Construction Permit application to the Department. Only ISECP's which have reasonably definable costs would be included as indirect source permit conditions. It is recognized that the determination of costs using the above standards may not be an easy task for all applicants, but is possible for all applicants if they chose to use professional assistance in the areas of traffic and air quality engineering. For developers of smaller parking facilities (less than 1000 parking spaces) the Department can provide guidance as to whether or not an ISECP may be required by suggesting the developer submit the basic information required for all parking facilities (subsection 20-129(1)(b)(A)) prior to submission of a formal application. By using this technique, most applicants can obtain a preliminary assessment of the costs associated with an Indirect Source Permit.

It should be noted that the inclusion of these amendments will basically remove the Department's authority to require transit incentive or other ISECP for all approved indirect sources. However, these proposed amendments should expedite the processing of indirect source applications thereby allowing additional staff time to develop PTCP's, which in the long run should have a greater air quality benefit than requiring only new projects to implement an ISECP. There are several additional minor changes to the proposed rule which are self-explanatory.

Conclusions

1. As indicated in the staff report of March 12, 1976, it is the Department's opinion that the most effective and efficient method of evaluating and mitigating the impact of indirect sources is through the development of Parking and Traffic Circulation Plans (PTCP) in areas where it is indicated that control of parking and circulation is needed to insure attainment and maintenance of federal and State Ambient Air Quality Standards. The major thrust of the proposed amendments is towards that objective (section 20-120).
2. Several of the proposed amendments reflect the Department's concurrence of suggested changes given in the public testimony regarding the review of indirect sources. The following significant amendments are being proposed:
 - a. Modify highway project air quality impact review requirements to consider "worst case" year impacts. (20-129(1)(d)(E),(F), (M) and (N)).
 - b. Amend 20-120(1) to state Department's criteria used for the designation of Parking and Traffic Circulation Plant (PTCP) where needed in specific geographic areas. Findings and conclusions of the Department's Air Quality Maintenance Area Analysis (20-110(2)) should be used as a basis for determination of need for a PTCP.
 - c. Amend and add sections 20-110(16), (20-129(1)(a)(E), 20-129(1)(b)(A), 20-130(5) to allow indirect source applicants to determine costs of compliance prior to submission of an application.
3. Several minor amendments are proposed to clarify the intent of the Rule (20-110(11); 20-110(12); 20-125(3); 20-129(1)(c), (G), (H), (I); 20-130(1)(b); 20-130(2)(a); 20-120(5); 20-135(3)).

Director's Recommendation

It is the recommendation of the Director that the Environmental Quality Commission amend and adopt proposed Rules for Indirect Sources (OAR Chapter 340, Sections 20-100 through 20-135) as indicated in Appendix A.



LOREN KRAMER

CAS:cs
7/22/76
Attachments

PROPOSED
RULES FOR INDIRECT SOURCES

20-100 POLICY. The Commission finds and declares Indirect Sources to be air contamination sources as defined in ORS 468.275. The Commission further finds and declares that the regulation of Indirect Sources is necessary to control the concentration of air contaminants which result from Motor Vehicle Trips and/or Aircraft Operations associated with the use of Indirect Sources.

20-105 JURISDICTION AND DELEGATION. The Commission finds that the complexity or magnitude of Indirect Sources requires state-wide regulation and assumes or retains jurisdiction thereof. The Commission may, however, when any Regional Authority requests and provides evidence demonstrating its capability to carry out the provisions of these rules relating to Indirect Sources, authorize and confer jurisdiction upon such Regional Authority to perform all or any of such provisions within its boundary until such authority and jurisdiction shall be withdrawn for cause by the Commission.

20-110 DEFINITIONS. (1) "Air Quality Maintenance Area (AQMA)," means any area that has been identified by the Department having the potential for exceeding any State ambient air quality standard.

(2) "Air Quality Maintenance Area (AQMA) Analysis," means an analysis of the impact on air quality in an AQMA of emissions from existing air contaminant sources and emissions associated with projected growth and development.

(3)[(1)] "Aircraft Operations" means any aircraft landing or takeoff.

(4)[(2)] "Airport" means any area of land or water which is used or intended for use for the landing and takeoff of aircraft, or any appurtenant areas, facilities, or rights-of-way such as terminal facilities, parking lots, roadways, and aircraft maintenance and repair facilities.

(5)[(3)] "Associated Parking" means a parking facility or facilities owned, operated, and/or used in conjunction with an Indirect Source.

(6)[(4)] "Average Daily Traffic" means the total traffic volume during a given time period in whole days greater than one day and less than one year divided by the number of days in that time period, commonly abbreviated as ADT.

(7)[(5)] "Commence Construction" means to begin to engage in a continuous program of onsite construction or on-site modifications, including site clearance, grading, dredging, or landfilling in preparation for the fabrication, erection, installation, or modification of an indirect source. Interruptions and delays resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(8)[(6)] "Commission" means Environmental Quality Commission.

(9)[(7)] "Department" means the Department of Environmental Quality.

(10)[(8)] "Director" means the Director of the Department or Regional Authority and authorized deputies or officers.

(11) "Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

(12) "Freeway" means an Expressway as defined in 340-20-110(9) with full control of access.

(13)[(9)] "Highway Section" means a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program.

(14)[(10)] "Indirect Source" means a facility, building, structure, or installation, or any portion of combination thereof, which indirectly causes or may cause mobile source activity that results in emissions of an air contaminant for which there is a State standard. Such Indirect Sources shall include, but not be limited to:

- (a) Highways and Roads
- (b) Parking Facilities
- (c) Retail, commercial, and industrial facilities
- (d) Recreation, amusement, sports, and entertainment facilities
- (e) Airports
- (f) Office and Government Buildings
- (g) Apartment, Condominium Developments and Mobile Home Parks
- (h) Educational Facilities

(15)[(11)] "Indirect Source Construction Permit" means a written permit in letter form issued by the Department or Regional Authority having jurisdiction, bearing the signature of the Director, which authorizes the permittee to commence construction of an Indirect Source under construction and operation conditions and schedules as specified in the permit.

(16) "Indirect Source Emission Control Program (ISECP)" means a program which reduces Mobile Source emissions resulting from the use of the Indirect Source. An ISECP may include, but is not limited to:

- (a) Posting transit route and scheduling information.
- (b) Construction and maintenance of bus shelters and turn-out lanes.
- (c) Maintaining mass transit fare reimbursement programs.
- (d) Making a car pool matching system available to employees, shoppers, students, residents, etc.
- (e) Reserving parking spaces for car pools.
- (f) Making parking spaces available for park-and-ride stations.
- (g) Minimizing vehicle running time within parking lots through the use of sound parking lot design.
- (h) Ensuring adequate gate capacity by providing for the proper number and location of entrances and exits and optimum signalization for such.
- (i) Limiting traffic volume so as not to exceed the carrying capacity of roadways.
- (j) Altering the level of service at controlled intersections.
- (k) Obtaining a written statement of intent from the appropriate public agency(s) on the disposition of roadway improvements, modifications, and/or additional transit facilities to serve the individual source.
- (l) Construction and maintenance of exclusive transit ways.
- (m) Providing for the collection of air quality monitoring data at Reasonable Receptor and Exposure Sites.
- (n) Limiting facility modifications which can take place without resubmission of a permit application.

(17)[(12)] "Mobile Source" means self-propelled vehicles, powered by internal combustion engines, included but not limited to automobiles, trucks, motorcycles, and aircraft.

(18)[(13)] "Off-street Area or Space" means any area or space not located on a public road dedicated for public use.

(19)[(19)] ["Regional] Parking and Traffic Circulation Plan" means a plan developed by a city, county or regional government or Regional Planning Agency, the implementation of which assures the attainment and maintenance of the state's ambient air quality standards.

(20)[(14)] "Parking Facility" means any building, structure, lot or portion thereof, designed and used primarily for the temporary storage of motor vehicles in designated parking spaces.

(21)[(15)] "Parking Space" means any Off-Street Area of Space below, above or at ground level, open or enclosed, that is used for parking one motor vehicle at a time.

(22)[(16)] "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State and any agencies thereof, and the federal government and any agencies thereof.

(23)[(17)] "Population" means that population estimate most recently published by the Center for Population Research and Census, Portland State University, or any other population estimate approved by the Department.

(24)[(18)] "Regional Authority" means a regional air quality control authority established under the provisions of ORS 468.505.

(25)[(20)] "Regional Planning Agency" means any planning agency which has been recognized as a substate-clearinghouse for the purposes of conducting project review under the United States Office of Management and Budget Circular Number A-95, or other governmental agency having planning authority.

(26)[(21)] "Reasonable Receptor and Exposure Sites" means locations where people might reasonably be expected to be exposed to air contaminants generated in whole or in part by the Indirect Source in question. Location of ambient air sampling sites and methods of sample collection shall conform to criteria on file with the Department of Environmental Quality.

(27)[(22)] "Vehicle Trip" means a single movement by a motor vehicle which originates or terminates at or uses an Indirect Source.

20-115 INDIRECT SOURCES REQUIRED TO HAVE INDIRECT SOURCE CONSTRUCTION PERMITS. (1) The owner, operator, or developer of an Indirect Source identified in subsection 340-20-115(2) of this section shall not commence construction of such a source after December 31, 1974 without an approved Indirect Source Construction Permit issued by the Department or Regional Authority having jurisdiction.

(2) All Indirect Sources meeting the criteria of this subsection relative to type, location, size and operation are required to apply for an Indirect Source Construction Permit:

(a) The following sources in or within five (5) miles of the municipal boundaries of a municipality with a Population of 50,000 or more, including but not limited to Portland, Salem, and Eugene:

(A) Any Parking Facility or other Indirect Source with Associated Parking being constructed or modified to create new or additional parking (or Associated Parking) capacity of 250 [50] or more Parking Spaces[.], except within the municipal boundary of Portland where the minimum number of Parking Spaces associated with an Indirect Source requiring Department approval shall be 150.

(B) Any Highway Section being proposed for construction with an anticipated annual average daily traffic volume of 20,000 or more motor vehicles per day within ten years after completion, or being modified so that the annual Average Daily Traffic on that Highway Section will be increased to 20,000 or more motor vehicles per day or will be increased by 10,000 or more motor vehicles per day within ten years after completion.

(b) Except as otherwise provided in this section, the following sources within Clackamas, Lane, Marion, Multnomah, or Washington Counties:

(A) Any Parking Facility or other Indirect Source with Associated Parking being constructed or modified to create new or additional parking (or Associated Parking) capacity of 500 or more Parking Spaces.

(B) Any Highway Section being proposed for construction with an anticipated annual Average Daily Traffic volume of 20,000 or more motor vehicles per day within ten years after completion, or being modified so that the annual Average Daily Traffic on that Highway Section will be 20,000 or more motor vehicles per day, or will be increased by 10,000 or more motor vehicles per day within ten years after completion.

(c) Except as otherwise provided in this section, the following sources in all areas of the State:

(A) Any Parking Facility or other Indirect Source with Associated Parking being constructed or modified to create new or additional parking (or Associated Parking) capacity of 1,000 or more parking spaces.

(B) Any Highway Section being proposed for construction with an anticipated annual Average Daily Traffic Volume of 50,000 or more motor vehicles per day within ten years after completion, or being modified so that the annual Average Daily Traffic on that Highway Section will be 50,000 or more motor vehicles per day, or will be increased by 25,000 or more motor vehicles per day, within ten years after completion.

~~(d) Any Airport being proposed for construction with projected annual aircraft operations of 50,000 or more within ten years after completion, or being modified in any way so as to increase the projected number of annual Aircraft Operations by 25,000 or more within 10 years after completion.~~

~~(3) Where an Indirect Source is constructed or modified in increments which individually are not subject to review under this section, and which are not part of a program of construction or modification in planned incremental phases approved by the Director, all such increments commenced after January 1, 1975 shall be added together for determining the applicability of this rule.~~

~~(4) An Indirect Source Construction Permit may authorize more than one phase of construction where commencement of construction or modification of successive phases will begin over acceptable periods of time referred to in the permit; and thereafter construction or modification of each phase may be begun without the necessity of obtaining another permit.~~

~~20-120 ESTABLISHMENT OF AN APPROVED [REGIONAL] PARKING AND TRAFFIC CIRCULATION PLAN(S) BY A CITY, COUNTY, OR REGIONAL GOVERNMENT OR REGIONAL PLANNING AGENCY. [(1) Any city, county or Regional Planning Agency may submit a Regional Parking and Circulation Plan to the Department or to the Regional Authority having jurisdiction for approval. Such a plan shall include, but not be limited to:~~

- ~~(a) Legally identifiable plan boundaries.~~
- ~~(b) Reasonably uniform identifiable grids where applicable.~~
- ~~(c) Total parking space capacity allocated to the plan area.~~
- ~~(d) An emission density profile for each grid or plan.~~
- ~~(e) Other applicable information which would allow evaluation of the plan such as, but not limited to, scheduling of construction, emission factors, and criteria, guidelines, or ordinances applicable to the plan area.]~~

(1) Upon determination by the Department or Regional Authority that control of Parking Spaces and traffic circulation is necessary to ensure attainment and maintenance of state and national ambient air quality standards (S/NAAQS), the Department or Regional Authority shall notify the Commission of the geographic areas determined or projected to be in noncompliance. The basis for the Department's determination shall be the findings and conclusions of an Air Quality Maintenance (AQMA) Analysis or similar air quality study. Upon submission of its findings to the Commission, the Department shall give notice to cities,

counties, regional governmental units or Regional Planning Agencies located in geographic areas determined or projected to be in noncompliance with S/NAAQS, that a public hearing shall be held on the Department's findings related to the need to control Parking Spaces and Traffic Circulation. After reviewing the public hearing testimony and the Department's findings, the Commission shall determine if it is in concurrence with the Department's findings. Upon the Commission's concurrence of the Department's findings, the Department or Regional Authority shall so notify the city, county, regional government unit or Regional Planning Agency of the geographic areas determined or projected to be in non-compliance.

Within one-hundred twenty (120) days of receipt of such notification, the appropriate city, county, regional or other local governmental unit or planning agency shall proceed, in accordance with a specific plan and time schedule agreed to by the appropriate governmental unit or planning agency and the Department to develop and implement a Parking and Traffic Circulation Plan. The Parking and Traffic Circulation Plan, where required, shall be developed in coordination with the local and regional comprehensive planning process pursuant to the requirements of ORS 197.005 et.seq. The required plan shall be submitted to the Department or Regional Authority for approval within the agreed time schedule but shall not be more than three (3) years after the appropriate city, county or regional government or Regional Planning Agency is notified of the necessity for a Parking and Traffic Circulation Plan for an area within its jurisdiction.

[(2) The Department or Regional Authority having jurisdiction shall hold a public hearing on each Regional Parking and Circulation Plan submitted, and on each proposed revocation or substantial modification thereof, allowing at least thirty (30) days for written comments from the public and from interested agencies.]

(2) Within sixty (60) days of the notification that development and submittal of Parking and Traffic Circulation Plans are required under section 340-20-120(1) of this Rule, each designated city, county or regional government or Regional Planning Agency shall notify the Department or Regional Authority in writing the agency or department and individual responsible for coordination and development of Parking and Traffic Circulation Plans.

[(3) Upon approval of a submitted Regional Parking and Circulation Plan, the plan shall be identified as the approved Regional Parking and Circulation Plan, the appropriate agency shall be notified and the plan used for the purposes and implementation of this rule.]

(3) The Department or Regional Authority having jurisdiction will include in its notification:

(a) The geographic area requiring the development of Parking and Traffic Circulation Plans,

(b) The time period over which the Plan shall attain and maintain S/NAAQS, and

(c) The air contaminants for which the plan is to be developed.

[(4) The appropriate city, county or Regional Planning Agency shall annually review an approved Regional Parking and Circulation Plan to determine if the plan continues to be adequate for the maintenance of air quality in the plan area and shall report its conclusions to the Department or Regional Authority having jurisdiction.]

(4) The Parking and Traffic Circulation Plan shall include, but not be limited to:

(a) Legally identifiable plan boundaries,

(b) Total Parking Space capacity allocated to the plan area, where applicable.

(c) Measures as necessary to provide for the attainment and maintenance of S/NAAQS for the air contaminants for which the Parking and Traffic Circulation Plan area was identified.

(d) Duly enforceable rules, regulations and ordinances that implement measures that provide for attainment and maintenance of S/NAAQS for a period to be specified by the Department or Regional Authority.

(e) A description of the air quality levels expected as a result of the implementation of the Parking and Traffic Circulation Plan.

(f) Other applicable information which would allow evaluation of the plan such as, but not limited to, scheduling of construction, emission factors, and criteria, guidelines and zoning ordinances applicable to the plan area.

(g) A description of the administrative procedures to be used in implementing each control measure included in the Parking and Traffic Circulation Plan.

(h) A description of the enforcement methods used to ensure compliance with measures adopted as part of the Parking and Traffic Circulation Plan.

(i) Identification and responsibilities of each city, county and regional government or Regional Planning Agency designated under subsection 340-20-120(1) of this Rule to implement the Parking and Traffic Circulation Plan.

[(5) The Department or Regional Authority having jurisdiction shall initiate a review of an approved Regional Parking and Circulation Plan if it is determined that the Regional Parking and Circulation Plan is not adequately maintaining the air quality in the plan area.]

(5) The Department or Regional Authority having jurisdiction shall hold a public hearing on each Parking and Traffic Circulation Plan submitted and on each proposed revocation or substantial modification thereof, allowing at least thirty (30) days for written comments from public and other interested agencies.

(6) Upon approval of a submitted Parking and Traffic Circulation Plan, the plan shall be identified as the approved Parking and Traffic Circulation Plan, the appropriate governmental unit or planning agency shall be notified and the plan used for the purposes and implementation of this rule.

(7) The appropriate city, county, or regional government or Regional Planning Agency shall annually review an approved Parking and Traffic Circulation Plan to determine if the plan continues to be adequate for the maintenance of air quality in the plan area and shall report its conclusions to the Department or Regional Authority having jurisdiction.

(8) The Department or Regional Authority having jurisdiction shall initiate a review of an approved Parking and Traffic Circulation Plan if it is determined that the Parking and Traffic Circulation Plan is not adequately maintaining the air quality in the plan area.

(9) A city, county or regional government or Regional Planning Agency may submit a Parking and Traffic Circulation Plan to the Department or Regional Authority having jurisdiction for approval without being required to do so as stated in 340-20-120(1).

20-125 INFORMATION AND REQUIREMENTS APPLICABLE TO INDIRECT SOURCE(S) CONSTRUCTION PERMIT APPLICATIONS WHERE AN APPROVED [REGIONAL] PARKING AND TRAFFIC CIRCULATION PLAN IS ON FILE. (1) Application Information Requirements:

- (a) Parking Facilities and Indirect Sources Other Than Highway Sections:
- (A) A completed application form;
 - (B) A map showing the location of the site;
 - (C) A description of the proposed and prior use of the site;
 - (D) A site plan showing the location and quantity of Parking Spaces at the Indirect Source and Associated Parking area, points of motor vehicle ingress and egress to and from the site and Associated Parking;
 - (E) A ventilation plan for subsurface and enclosed parking;
 - (F) A written statement from the appropriate planning agency that the Indirect Source in question is consistent with an approved [Regional] Parking and Traffic Circulation Plan or any adopted transportation plan for the region.

(G) A reasonable estimate of the effect the project has on total parking approved for any specific grid area and [Regional] Parking and Traffic Circulation Plan area.

(b) Highway Section(s):

(A) Items (A) through (C) of Subsection 340-20-125(1)(a).

(B) A written statement from the appropriate governmental unit or planning agency that the Indirect Source in question is consistent with an approved [Regional] Parking and Traffic Circulation Plan and any adopted transportation plan for the region.

(C) A reasonable estimate of the effect the project has on total vehicle miles travelled within the [Regional] Parking and Traffic Circulation Plan Area.

(2) Within 15 days after the receipt of an application for a permit or additions thereto, the Department or Regional Authority having jurisdiction shall advise the owner or operator of the Indirect Source of any additional information required as a condition precedent to issuance of a permit. [An application shall not be considered complete until the required information is received by the Department or Regional Authority having jurisdiction.]

(3) An application shall not be considered complete until the required information is received by the Department or Regional Authority having jurisdiction.

20-129 INFORMATION AND REQUIREMENTS APPLICABLE TO INDIRECT SOURCE(S) CONSTRUCTION PERMIT APPLICATION WHERE NO APPROVED [REGIONAL] PARKING AND TRAFFIC CIRCULATION PLAN IS ON FILE. (1) Application Information Requirements:

(a) For Parking Facilities and other Indirect Sources with Associated Parking, other than Highway Sections and Airports, with planned construction resulting in total parking capacity for 1000 or more vehicles, the following information shall be submitted:

(A) Items (A) through (E) of subsection 340-20-125(1)(a).

(B) Subsection 340-20-125(2) and (3) shall be applicable:

[(C) Measured or estimated carbon monoxide and lead concentrations at Reasonable Receptor and Exposure Sites. Measurements shall be made prior to construction and estimates shall be made for the first, tenth, and twentieth years after the Indirect Source and Associated Parking are completed or fully operational. Such estimates shall be made for average and peak operating conditions.]

(C) An estimate of the average and maximum daily vehicle trips detailed in one and eight hour periods, generated by the movement of mobile sources to and from the Parking Facility and/or Associated Parking Facility for the following time periods:

(i) First, fifth and tenth years after completion of construction of each planned incremental phase of the Indirect Source and having a total parking capacity of more than 5000 parking spaces.

(ii) First and fifth years after completion of each planned incremental phase of the Indirect Source having a total parking capacity of 5000 or less parking spaces.

[(D) Evidence of compatibility of the Indirect Source with any adopted transportation plan for the area.]

(D) A description of the availability and type of mass transit presently serving or projected to serve the proposed Indirect Source. This description shall only include mass transit operating within 1/4 mile of the boundary of the Indirect Source.

[(E) An estimate of the effect of the operation of the Indirect Source on total vehicle miles travelled.]

(E) A description of the Indirect Source Emission Control Program where it may be necessary in order to be in compliance with the requirements of subsections 340-20-130(5)(a), (b) and (c).

[(F) An estimate of the additional residential, commercial, and industrial developments which may occur concurrent with or as the result of the construction and use of the Indirect Source. This shall also include an air quality impact assessment of such development.]

(F) An estimate of the Average Daily Traffic, peak hour and peak eight hour traffic volumes for all roads, streets, and arterials within 1/4 mile of the Indirect Source and for all Freeways and Expressways within 1/2 mile of the nearest boundary of the Indirect Source for the time periods as stated in subsections 340-20-129(1)(a)(C)(i) and 340-20-129(1)(a)(C)(ii).

[(G) Estimates of the effect of the operation and use of the Indirect Source on traffic patterns, volumes, and flow in, on or within 1/4 mile of the Indirect Source.]

(G) An estimate of the gross emissions of carbon monoxide, lead, reactive hydrocarbons and oxides of nitrogen based on the analysis performed in subsections 340-20-129(1)(a)(C) and 340-20-129(1)(a)(F).

[(H) An estimate of the Average Daily Vehicle Trips, detailed in terms of the average daily peaking characteristics of such trips, and an estimate of the maximum Vehicle Trips, detailed in one hour and eight hour periods, generated by the movement of people to and from the Indirect Source in the first, tenth, and twentieth years after completion.]

(H) Measured or estimated carbon monoxide and lead concentrations at Reasonable Receptor and Exposure Sites. Measurements shall be made prior to construction and estimates shall be made for the first, fifth and tenth years after the Indirect Source and Associated Parking are completed or fully operational. Such estimates shall be made for the average and peak operating conditions.

[(I) A description of the availability and type of mass transit presently serving or projected to serve the proposed Indirect Source. This description shall only include mass transit operation within 1/4 mile of the boundary of the Indirect Source.]

(I) Evidence of the compatibility of the Indirect Source with any adopted transportation plan for the area.

[(J) A description of any emission control techniques which shall be used to minimize any adverse environmental effects resulting from the use of the Indirect Source.]

(J) An estimate of the additional residential, commercial, and industrial developments which may occur concurrent with or as the result of, the construction and use of the Indirect Source. This shall also include an air quality impact assessment of such development.

(b) For Parking Facilities and other Indirect Sources with Associated Parking, other than Highway Sections and Airports, with planned construction of parking capacity for [50] 150 to 1000 vehicles; the following information shall be submitted:

(A) Items (A) through (E) of subsection 340-20-125(1)(a) and items (C) through (D) of subsection 340-20-129(1)(a). Upon review of this information, the Department may request item (E) of subsections 340-20-129(1)(a) where it may be necessary in order to be in compliance with the requirements of subsections 340-20-130(5)(a), (b) and (c).

(B) Subsections 340-20-125(2) and (3) shall be applicable. Such additional information may include such items as [(C)] (F) through (J) of subsection 340-20-129(1)(a).

(c) For Airports, the following information shall be submitted:

(A) Items (A) through (E) of subsection 340-20-125(1)(a).

(B) Subsections 340-20-125(2) and (3) shall be applicable.

(C) A map showing the topography of the area surrounding and including the site.

(D) Evidence of the compatibility of the Airport with any adopted Transportation Plan for the area.

(E) An estimate of the effect of the operation of the Airport on total vehicle miles travelled.

(F) Estimates of the effect of the operation and use of the Airport on traffic patterns, volumes, and flow in, on or within one-fourth mile of the Airport.

(G) An estimate of the average and maximum number of Aircraft Operations per day by type of aircraft in the first, fifth and tenth, [and twentieth] years after completion of the Airport.

(H) Expected passenger loadings in the first, [tenth and twentieth] fifth and tenth years after completion.

(I) Measured or estimated carbon monoxide and lead concentrations at Reasonable Receptor and Exposure Sites. Measurements shall be made prior to construction and estimates shall be made for the first, [tenth and twentieth] fifth and tenth years after the Airport and Associated Parking are completed or fully operational. Such estimates shall be made for average and peak operating conditions.

(J) Alternative designs of the Airport, i.e., size, location, parking capacity, etc., which would minimize the adverse environmental impact of the Airport.

(K) An estimate of the additional residential, commercial, and industrial development which may occur within 3 miles of the boundary of the new or modified Airport as the result of the construction and use of the Airport.

(L) An estimate of the area-wide air quality impact analysis for carbon monoxide, photochemical oxidants, nitrogen oxides, and lead particulate. This analysis would be based on the emissions projected to be emitted from mobile and stationary sources within the Airport and from mobile and stationary source growth within 3 miles of the boundary of the Airport. Projections should be made for the first, [tenth and twentieth] fifth and tenth years after completion.

(M) A description of the availability and type of mass transit presently serving or projected to serve the proposed Airport. This description shall only include mass transit operating within 1/4 mile of the boundary of the Airport.

(d) For Highway Sections, the following information shall be submitted:

(A) Items (A) through (C) of subsection 340-20-125(1)(a).

(B) Subsection 340-20-125(2) shall be applicable.

(C) A map showing the topography of the Highway Section and points of ingress and egress.

(D) The existing average and maximum daily traffic on the Highway Section proposed to be modified.

(E) An estimate of the maximum traffic levels for one and eight hour periods in the [first, tenth and twentieth years after completion.] year in which the maximum air quality impact is projected and the first and last years the Highway Section is projected not to be in compliance with the requirements of subsections 340-20-130(5)(a), (b) and (c).

(F) An estimate of vehicle speeds for average and maximum traffic volumes [in the first, tenth and twentieth years after completion.] for the year in which the maximum air quality impact is projected and the first and last years the Highway Section is projected not to be in compliance with the requirements of subsections 340-20-130(5)(a), (b) and (c).

(G) A description of the general features of the Highway Section and associated right-of-way.

(H) An analysis of the impact of the Highway Section on the development of mass transit and other modes of transportation such as bicycling.

(I) Alternative designs of the Highway Section, i.e., size, location, etc. which would minimize adverse environmental effects of the Highway Section.

(J) The compatibility of the Highway Section with an adopted comprehensive transportation plan for the area.

(K) An estimate of the additional residential, commercial, and industrial development which may occur as the result of the construction and use of the Highway Section, including an air quality assessment of such development.

(L) Estimates of the effect of the operation and use of the Indirect Source on major shifts in traffic patterns, volumes, and flow in, on or within one-fourth mile of the Highway Section.

(M) An analysis of the area-wide air quality impact for carbon monoxide, photochemical oxidants, nitrogen oxides, and lead particulates [in the first, tenth, and twentieth years after completion.] for the year in which maximum air quality impact is projected and the first and last years the Highway subsection is projected not to be in compliance with the requirements of subsections 340-20-130(5)(a), (b) and (c). This analysis would be based on the change in total vehicle miles travelled in the area selected for analysis.

(N) The total air quality impact (carbon monoxide and lead) of maximum and average traffic volumes. This analysis would be based on the estimates of an appropriate diffusion model at Reasonable Receptor and Exposure Sites. Measurements shall be made prior to construction and estimates shall be made for the [first, fifth, tenth and twentieth years after the Highway Section is completed or fully operational.] year in which maximum air quality impact is projected and the first and last years the Highway Section is projected not to be in compliance with the requirements of subsections 340-20-130(5)(a), (b) and (c).

(O) Where applicable and requested by the Department, a Department approved surveillance plan for motor vehicle related air contaminants.

20-130 ISSUANCE OR DENIAL OF INDIRECT SOURCE CONSTRUCTION PERMITS. (1) Issuance of an Indirect Source Construction Permit shall not relieve the permittee from compliance with other applicable provisions of the Clean Air Act Implementation Plan for Oregon.

(2) Within 20 days after receipt of a complete permit application, the Department or Regional Authority having jurisdiction shall:

(a) Issue a 20 day notice and notify [the Administrator of the Environmental Protection Agency,] appropriate newspapers, and any interested person(s) who has requested to receive such notices in each region in which the proposed Indirect Source is to be constructed of the opportunity for written public comment on the information submitted by the applicant, the Department's evaluation of the proposed project, the Department's proposed decision, and the Department's proposed construction permit where applicable.

(b) Make publicly available in at least one location in each Department region in which the proposed Indirect Source would be constructed, the information submitted by the applicant, the Department's evaluation of the proposed project, the Department's proposed decision, and the Department's proposed construction permit where applicable.

(3) Within 60 days of the receipt of a complete permit application, the Department or Regional Authority having jurisdiction shall act to either disapprove a permit application or approve it with possible conditions.

[(4) Conditions of an Indirect Source Construction Permit may include, but are not limited to:

- (a) Posting transit route and scheduling information.
- (b) Construction and maintenance of bus shelters and turn-out lanes.
- (c) Maintaining mass transit fare reimbursement programs.

(d) Making a car pool matching system available to employees, shoppers, students, residents, etc.

(e) Reserving parking spaces for car pools.

(f) Making parking spaces available for park-and-ride stations.

(g) Minimizing vehicle running time within parking lots through the use of sound parking lot design.

(h) Ensuring adequate gate capacity by providing for the proper number and location of entrances and exits and optimum signalization for such.

(i) Limiting traffic volume so as not to exceed the carrying capacity of roadways.

(j) Altering the level of service at controlled intersections.

(k) Obtaining a written statement of intent from the appropriate public agency(s) on the disposition of roadway improvements, modifications, and/or additional transit facilities to serve the individual source.

(l) Construction and maintenance of exclusive transit ways.

(m) Providing for the collection of air quality monitoring data at Reasonable Receptor and Exposure Sites.

(n) Limiting facility modifications which can take place without resubmission of a permit application.

(o) Completion and submission of a Notice of Completion form prior to operation of the facility.]

(4) Conditions of an Indirect Source Construction Permit may include but not be limited to:

(a) An Indirect Source Emission Control Program where it may be necessary in order to be in compliance with the requirements of subsections 340-20-130(5) (a), (b) and (c). The ISECP shall only contain control measures which have reasonably definable costs.

(b) Completion and submission of a Notice of Completion form prior to operation of the Indirect Source.

(5) An Indirect Source Construction Permit may [be withheld] not be issued if:

(a) The Indirect Source will cause a violation of the Clean Air Act Implementation Plan for Oregon.

(b) The Indirect Source will delay the attainment of or cause a violation of any state ambient air quality standard.

(c) The Indirect Source causes any other Indirect Source or system of Indirect Sources to violate any state ambient air quality standard.

(d) The applicable requirements for an Indirect Source Construction Permit applications are not met.

(6) Any owner or operator of an Indirect Source operating without a permit required by this rule, or operating in violation of any of the conditions of an issued permit shall be subject to civil penalties and[/or] injunctions.

(7) Nothing in this section shall preclude a Regional Authority authorized under section 340-20-105 from setting the permit conditions for areas within its jurisdiction at levels more stringent than those detailed in sections 340-20-100 through 340-20-135.

(8) If the Department shall deny, revoke, or modify an Indirect Source Construction Permit, it shall issue an order setting forth its reasons in essential detail.

[(9) An Indirect Source Construction Permit Application shall not be considered complete until the applicant has provided to the Department evidence that the Indirect Source in question is not in violation of any land use ordinance or regulation enacted or promulgated by a constitutive local governmental agency having jurisdiction over the subject real property.]

(9) An Indirect Source Construction Permit shall be applied for at least 90 days in advance of the anticipated start of construction.

20-135 PERMIT DURATION. (1) An Indirect Source Construction Permit issued by the Department or a Regional Authority having jurisdiction shall remain in effect until modified or revoked by the Department or such Regional Authority.

(2) The Department or Regional Authority having jurisdiction may revoke the permit of any Indirect Source operating in violation of the construction, modification, or operation conditions set forth in its permit.

(3) An approved permit may be [revoked without a hearing] conditioned to expire if construction or modification is not commenced within 18 months after receipt of the approved permit; and, in the case of a permit granted covering construction of modification in approved, planned incremental phases, a permit may be [revoked] conditioned to expire as to any such phase as to which construction or modification is not commenced within 18 months of the time period stated in the initial permit for the commencing of construction of that phase. The Director may extend such time period upon a satisfactory showing by the permittee that an extension is justified.



ENVIRONMENTAL QUALITY COMMISSION

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

ROBERT W. STRAUB
GOVERNOR

July 26, 1976

To: Environmental Quality Commission
From: Hearing Officer

PNM

Addendum - Hearing Report on Indirect Source Regulations

By letter of July 16, 1976, from Mr. Bruce Anderson, we are informed that California has no indirect source regulation despite the clear statutory authority of its air pollution control districts to adopt such. A former regulatory scheme was abandoned by the Bay Area Air Pollution Control District when EPA ceased implementation of the federal scheme.

The district having authority in the rural counties of Alpine, Inyo, and Mono is considering adoption of a regulation on Indirect Sources.

cc: Bruce Anderson
cc: Richard Alexander
cc: Carl Simons



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ENVIRONMENTAL QUALITY COMMISSION

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

ROBERT W. STRAUB
GOVERNOR

TO: Environmental Quality Commission

FROM: Hearing Officer

SUBJECT: Hearing Report on Public Testimony Regarding Proposed Amendments to OAR Chapter 340, Sections 20-100 through 20-140 (Rules Governing Indirect Sources of Air Pollution).

SUMMARY

Pursuant to required notice, the hearing commenced as scheduled at 10:00 a.m. in Eugene on May 18, and again at 10:00 a.m. on May 20 and 21 in Portland. Approximately ten persons were present in Eugene of whom five testified. On May 20 in Portland, only four persons were present and one testified. On May 21, five persons attended and two offered testimony.

On May 18, Mr. Bruce Anderson, on behalf of his clients, the International Council of Shopping Centers, et. al. (see Court of Appeals Case No. CA-5767) and W.E.T.A. et. al. (see Lane County Circuit Court Case No. 75-3551), moved for a continuance of not less than two weeks from May 21. The purpose of his motion was to permit the examination of the Agency's documents relating to the indirect source rule by Dr. Walter Dabberdt.

Dr. Dabberdt submitted written comments and, on June 18, gave oral testimony.

In addition to that of Dr. Dabberdt, testimony was as follows: (This does not include the procedural and briefing contributions made at various times by attorneys Bruce Anderson, Richard Alexander, Thomas Donaca, and Robert Haskins.)

1. Air, Land, Water
Gary W. Wilburn
2. City of Eugene Department of Public Works
Donald Allen



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3. City of Portland Southeast Uplift Program
Virginia Seidel
4. Jean Johnson (oral only)
5. Lane Council of Governments Staff Evaluation
Bill Guenzler
6. Lane County Department of Transportation
Al Driver
7. League of Oregon Cities
Noel J. Klein
8. Multnomah County Board of Commissioners
Mel Gordon
9. Northwest District Association
Martin Davis (oral only)
10. Oregon Association of Realtors
John R. Munro
11. Oregon Association of Realtors Environmental Committee
Douglas Larkin (oral only)
12. Oregon State Highway Division
R. L. Schroeder
13. Oregon State Home Builders Association
Fred Van Natta
14. Joan Rich (oral only)
15. Stanford Research Institute
Dr. Walter Dabberdt
16. Tri-Met
Steve McCarthy

SUMMARY OF TESTIMONY

GENERAL COMMENT

1. Air Quality Problem caused by indirect sources not sufficiently demonstrated to exist (Dabberdt, Johnson, Munro, Van Natta).
2. The rules do not operate efficiently to solve any problem that may exist and constitute an unwarranted use of Department's resources which could be spent on more needful projects (Munro, Van Natta).
3. The rule puts an undue burden on developers (Dabberdt, Munro, Van Natta) and serves to price people out of housing (Munro, Van Natta). The rule is in conflict with LCDC Goal #10 regarding adequate housing (Munro).
4. Auto emissions should be regulated not indirectly, but at the source (Larkin, Munro), particularly at the manufacturing stage (Larkin).
5. The rule constitutes a circuitous and unauthorized subsidy of mass transit (Munro, Van Natta).
6. The Department's implementation of the rule has, in the past, constituted a time consuming, expensive process to builders (Van Natta), including the Highway Division (Schroeder).
7. It would be better to revert to federal regulations or repeal the entire rule until or unless a more worthwhile rule is drafted (Munro).
8. Air Quality in relation to indirect sources can best be implemented through the enforcement of the LCDC goal pertaining to protection of the airshed (Munro, Van Natta).

SECTION 20-100 (Statement of Policy)

1. Commission should not make a "finding" about necessity of controlling indirect sources until or unless evidence of the gravity of the problem can be demonstrated (Munro).

SECTION 20-110 (Definitions)

1. "Associated Parking" is vaguely defined. The phrase "in conjunction with" is a catch all that leaves the Department free to play a numbers game that could mean thousands of dollars to developers (Van Natta).

SECTION 20-110 (Definitions) (cont.)

2. "Average Daily Traffic (ADT)" should be further defined for circumstances of source construction or expansion that involve intersections or interchanges (Allen).
3. The inclusion of "condominium developments" in the definition of indirect sources is arbitrary. A condominium is a type of ownership, not a type of structure. (Van Natta).
4. The inclusion of "mobile home parks" in the definition of indirect sources is inappropriate because their impact on air quality is negligible. Planned unit developments whose streets are not dedicated to the public should not be considered indirect sources. They will be under the definition of "off-street area or space" (Van Natta).
5. The definition of "parking and traffic circulation plan" is problematic in that even the best of plans might not "assure" the attainment and maintenance of ambient standards for pollutants whose cause is not vehicular (Guenzler).
6. Indirect sources consisting of dwellings should not be regulated because if people do not dwell in one area, they will dwell in another and the problem will not be alleviated (Van Natta).
7. "Reasonable receptor and exposure sites" is without adequate definition (Dabberdt).
8. "Temporary permit" is a superfluous definition because not used other than in the fee schedule. A permit by its own conditions can specify its duration (Allen).

SECTION 20-115 (Permit Required)

1. This section should exempt projects with mass transit incentives or incentives to trip-making by modes other than the single passenger auto. Also, the projections required for future ADT's should be relaxed or confined to projections of the "worst year" only. Sources causing 20,000 ADT whose modification will result in less than a 10,000 ADT increase in ten years should be exempt from the permit requirements. Finally, where most of any 20,000 ADT projected increase or more will be attributable to factors other than the source, the source should be exempt (Schroeder).
2. Portland's permit threshold for parking facilities should not have been changed from 50 to 150 spaces. This lets in entire city blocks for parking lot development without a permit. Such causes a hardship on dense, multi-use neighborhood residents (Davis, Seidel). The "50,000 population" threshold of 50 spaces should be restored to protect the air quality of the Eugene - Springfield area (Wilburn).

SECTION 20-115 (Permit Required) (cont.)

3. The size of parking facilities requiring review should be raised to 1,000 spaces like the federal regulations require. Review of smaller facilities is unwarranted in terms of time and expense (Munro).
4. The threshold numbers imposed are arbitrary (Dabberdt, Rich).

SECTION 20-120 (Establishment of Parking and Traffic Circulation Plans)

1. Constraints of time, expertise, and/or money, may render the requirements unworkable to local jurisdictions called upon to formulate plans unless some assistance is given (Driver, Gordon, Guenzler, and Schroeder).
2. There can be no meaningful Parking and Traffic Plans without the Air Quality Maintenance Plan which will not come into being for some time (Munro).
3. Criteria for Department's determination that plans are required should be set forth in detail (Allan, Dabberdt, Gordon, Guenzler, Klein, Schroeder).
4. Decision to require a parking and traffic circulation plan should be preceded by local input, including at least one public hearing (Gordon).
5. The time frame for submission of required plans is unrealistically short (Gordon, Schroeder).
6. Parking and traffic circulation plans are worthwhile. They will abbreviate the review process to the benefit of developers and the taxpayers alike (Dabberdt, Gordon, Schroeder).
7. The Department should be required to lend its expertise in the development of such plans to avoid duplication in personnel necessary to state and local agencies (Gordon).
8. The requirement of an estimate of the air quality to be expected as the result of a plan (20-120(4)(e)) is unreasonably burdensome since annual review of the plans is necessary (Gordon).
9. Local governments should be allowed to prepare plans voluntarily if they desire (Klein).
10. Scheduling of construction should not be a plan element. It invites local abuse of building permit activities (Van Natta).

SECTION 20-120 (cont.)

11. The plan should not attempt to allocate on-street and single family spaces unless it can be shown that such an expensive regulatory program aspect is justified (Gordon).

SECTION 20-125 (Information Required from Permit Applicants)

1. The application information requirements are too complex and pose an expensive burden for source owners or developers (Munro).
2. Subsections 20-125(1)(c) and (d) should clearly provide that airports and highways requiring permits are only those defined in the "Definitions" sections (Driver).

SECTION 20-129 (Application Where No Plan is on File)

1. The number of time periods for projected ADT estimates is oppressive and should be reduced to a "worst year" only requirement (Schroeder).
2. Description of transit incentives which might be required should be deleted. It amounts to unwarranted and unauthorized subsidy of mass transit (Munro, Van Natta).
3. The requirement of an estimate of additional growth which may be resultant from or concurrent with the source is a worthwhile criterion. It is necessary to insure land use will not conflict with air quality (Wilburn).
4. This requirement is excessive and requiring of nearly impossible judgments. The need would be served better by the requirement of an EIS such as is required for highway construction (Allen).
5. "Reasonable receptor exposure sites" is too vague. It should be better defined (Dabberdt).
6. This section should make clear whether "no plan on file" areas are all such areas or only those areas where a plan requirement has been imposed but there's no plan yet (Driver).

SECTION 20-130 (Issuance or Denial of Permits)

1. The Department has repeatedly failed to notify persons on the list prescribed by 20-130(2)(a) (Van Natta).
2. Requiring transit incentives as a possible permit condition is an unauthorized and inappropriately circuitous subsidy of Tri-Met and does not serve to prevent pollution (Van Natta).

SECTION 20-130 (Issuance or Denial of Permits) (cont.)

3. Requiring transit incentives as a possible permit condition is laudable from a standpoint of air quality and works well to preserve air quality (McCarthy).
4. Removal of the requirement for evidence of conformance with applicable land use law is unwise as it relinquishes a valuable tool for the regulation of land use (Davis, Seidel). Such removal is a wise proposal because the agency has no authority to regulate land use per se (Van Natta).
5. "Shall be applied for" is wording which poses a trip wire in the requirement that an application made 90 days before the beginning of construction. A permit might be denied on this technicality. The process outlined in the rules will serve to delay any project for at least ninety days in any event. (Van Natta). The time frame for issuance or denial is too lengthy (Allen, Van Natta).
6. In 20-130(5)(b), a failure to issue a permit should not occur simply because of a finding that a source will delay attainment of a standard. What standards? What does "delay" mean? Starting a bulldozer could delay attainment. (Van Natta).
7. 20-130(2)(b)(4) allows the imposition of permit conditions that might unwisely take certain planning options away from local and elected officials (Driver).

SECTION 20-140 (Fees)

1. Except for the filing fees, the fee schedule is exorbitant. Distinction should be made in favor of governmental applicants (Allen).
2. The difference in fees for different quantities of planned spaces appears unreasonable and abusive of the police power (Munro).
3. To have to pay a fee at all is an insult heaped upon developers who are already injured by the rule (Van Natta).

NOTE

1. The foregoing presumes the Commission is already aware of the contentions of litigants represented by Attorneys Bruce Anderson and Richard Alexander who sponsored Dr. Dabberdt's testimony. His written testimony is attached hereto (along with other written testimony) and is of a technical nature which, due to its relative brevity, is best read in full for full understanding. We do not attempt to paraphrase the contentions of the litigants as they may have been repeated by counsel from time to time during the proceedings. Such procedural disputes over the record in this matter as may remain in contention between Department and the above litigants may be addressed separately with the advice of counsel.

NOTE (cont.)

2. The lengthy studies which were cited in support of Dr. Dabberdt's testimony and that of Mr. Al Schroeder are not substantive criticism of proposals, but serve to illustrate only. Hence, while part of the record in this matter, they are not deemed necessary to Commission evaluation of the testimony they serve.
3. We are informed through documents presented by Mr. Anderson that Indirect Source regulation in Nevada has been suspended by statute to a level no more stringent than the federal level with regard to size cutoffs (1975 Nevada Assembly Bill 480). Further, the State of Washington has relinquished regulation of indirect sources, reasoning inter alia:

The purpose is to take the Department of Ecology and local air pollution control authorities out of the business of dictating land use decisions on the basis of predicted levels of air contaminants in the immediate vicinity of projects.

There is substantial doubt that the program is an effective means of maintaining air quality. Complex source decisions are likely to have the effect of dispersing facility development, thus increasing the total vehicle miles travelled in a given region. The net effect may be to increase pollutant loads on a community-wide basis.

Moreover, the program tends to make carbon monoxide predictions the controlling consideration in land-use decision making, influencing development in a manner which may be contrary to community planning efforts based on a far broader set of criteria and concerns.

* * *

The review of complex sources involves significant manpower and resources, both public and private. The air pollution control benefit, if any, does not appear commensurate with the large expenditure of time, talent and money -- not the least of which is in litigation costs.

RECOMMENDATION

Your Hearing Officer makes no recommendation in this matter.

Respectfully submitted,



Peter W. McSwain

Attachments

cc: Loren Kramer
E. J. Weathersbee
Carl Simons



STANFORD RESEARCH INSTITUTE
Menlo Park, California 94025 · U.S.A.

Technical Report

June 14, 1976

COMMENTS ON PROPOSED RULES FOR INDIRECT SOURCES FOR THE STATE OF OREGON

By: WALTER F. DABBERDT

Prepared for:

MR. BRUCE L. ANDERSON
COONS, COLE AND ANDERSON
EUGENE, OREGON 97401

SRI Project 5412

Approved by:

R. T. H. COLLIS, *Director*
Atmospheric Sciences Laboratory

RAY L. LEADABRAND, *Executive Director*
Electronics and Radio Sciences Division

COMMENTS ON PROPOSED RULES FOR INDIRECT
SOURCES FOR THE STATE OF OREGON

by

Walter F. Dabberdt
Environmental Meteorology Program
Atmospheric Sciences Laboratory

I INTRODUCTION

At the request of Coons, Cole & Anderson,¹ Stanford Research Institute has undertaken a review of those proposed Rules for Indirect Sources presently under consideration by the Oregon Department of Environmental Quality (DEQ). These comments are based on conversations with and material supplied by Mr. Robert L. Haskins, Assistant Attorney General, to Dr. Walter F. Dabberdt on May 21, 1976. The scope of this review encompasses four aspects of the proposed rules:

- Local vs. regional strategies
- Cut-off criteria
- Receptor representivity
- Technical basis.

¹Coons, Cole & Anderson, 101 East Broadway, Eugene, Oregon 97401.

II LOCAL vs. REGIONAL STRATEGIES

As currently proposed, the Oregon rules for indirect sources differ from those regulations for the review of indirect sources proposed earlier by the United States Environmental Protection Agency.² The latter required assessment of the area-wide and local air quality impacts of roadways and airports, but only local assessment for other (parking) facilities. By way of its provision for parking and traffic circulation plans (PTCP), the Oregon rule implies the need for both local and area-wide assessment of all facilities (including parking related ones). However, the EPA regulations refer to a possible need for area-wide review in areas where the need for regional transportation control measures has been demonstrated. Furthermore, the advantages of this dual approach have been addressed earlier by SRI,^{3,4} among others.

While we concur in principle with the PTCP concept, there is at least one major limitation that warrants comment: the proposed rules do not state the specific intent, scope, or structure of the plans. Our

² Federal Register, Vol. 39, No. 38, February 25, 1974.

³ Dabberdt, W. and R. Sandys (1974): "Assessment of the Air Quality Impact of Indirect Sources," SRI Report 2947, for J.C. Penney Co., Stanford Research Institute, Menlo Park, California 94025.

⁴ Roddin, M. et al., (1974): "An Analysis of the Proposed Parking Management Regulations of the Environmental Protection Agency," Prepared for California Business Properties Association, Stanford Research Institute, Menlo Park, California 94025.

review of the DEQ indirect-source file identified only two references that document air quality problems and control strategies in Oregon: (1) the Oregon State Implementation Plan (SIP), and (2) the Transportation Control Strategy (TCS). One aspect of the SIP is that on the basis of available measurements, only the Portland Interstate Air Quality Control Region required a reduction in current or proposed mobile source emissions to attain compliance with the national ambient air quality standards (NAAQS) for carbon monoxide (CO), nitrogen dioxide (NO₂), photochemical oxidants (O_x) and hydrocarbons (NMHC); no reference was made to a need for transportation controls elsewhere to maintain the NAAQS. Furthermore, the TCS states that the single Portland CAM Station⁵ used in the SIP reflects primarily local conditions characteristic of the central business district (CBD). [Moreover, there is no available information that objectively documents the degree to which the CAM station data are representative of CBD-wide air quality.] As a reasonable conjecture based on prior experience, it would seem likely that the CAM data might reflect "hot-spot" conditions for CO, NO₂, and NMHC, and sub-maximum conditions for O_x. There appear, however, to be no supplemental aerometric measurements or model simulations that document worst-case concentrations throughout the region. Yet these types of measurements and analyses (together with available emission inventory data) would be required as the basis for preparing an objective PTCP to minimize air pollution impacts.

Thus we see a need for the proposed rules to clearly state their intent as regards local vs. regional problems and their control; e.g., the rules should indicate whether the PTCP is to minimize CO impacts in hot-spot locations by reducing either: (1) local emissions (say, from nearby streets) and/or (2) the background component from area-wide emissions.

⁵718 West Burnside Street, Portland.

The proposed PTCP should also address the possible need for alternative strategies based on the time period of the standard under consideration. It would also be helpful if the rules would set forth the requirements for analysis under and compliance with the PTCP. As currently proposed, the rules are quite precise in specifying the review criteria for those cases where a PTCP is not available, but are imprecise and open-ended with regard to the PTCP itself.

III CUT-OFF CRITERIA

The proposed rules specify cut-off criteria that determine the size of those facilities that require construction permits; these criteria vary with location throughout the state.

Generally indirect-source review⁶ must be accomplished as a two-part process: First, the impact of the facility on local emissions (and their subsequent contribution to air quality) must be assessed. Second, the background or non-local air quality contribution must be determined and added to the local contribution to assess the total impact. The relative importance of the background and local contributions, in turn, reflects three factors:

- Area size and density
- Time of day and duration of averaging period
- Facility size and design.

It has been shown,³ for example, that a small shopping center with poor design can have a more adverse local impact than a large center with good design. Previous studies^{3,4} have also shown that a number of small facilities spread throughout a metropolitan area can also produce a larger flux of NMHC and CO emissions than a single facility having an equal amount of gross leasable area.

⁶Dabberdt, W. and R. Sandys (1976): "Technical Guidelines for the Review of Indirect Sources," Draft Report to Environmental Protection Agency, EPA Contract No. 68-02-2073, SRI Project 4429, Stanford Research Institute, Menlo Park, California 94025.

The basic feature of these other studies is that facility size alone is not necessarily a good indicator of air pollution potential. Background levels are also important,⁷ and the relative importance of local emissions depends further on the time of day (e.g., peak vs. off-peak traffic, meteorology) and the duration of the averaging period. With this in mind, it appears that the locational variation of the cut-off criteria is somewhat arbitrary. It appears to be based on the use of urban size as an indicator of background contribution; however, the indirect-source record, as reviewed, did not document the rationale.

⁷ Ludwig, F.L.; N.J. Berg and A.J. Hoffman (1976): "The Selection of Sites for Air Pollution Monitoring," presented to Annual Meeting of Air Pollution Control Association, Portland, June 28-July 2.

IV RECEPTOR REPRESENTIVITY

The concept of the representativeness of air quality data measured or estimated at receptor locations was briefly discussed earlier in Section II of this review. The receptor-representivity concept is important for several, related reasons: First is the specification of the location(s) where such assessment shall be made and the techniques (e.g., modeling, monitoring) that shall be employed to determine air quality levels. Second, and equally important, is the development of a meaningful procedure for the interpretation of such data. The proposed rules simply state the air quality impact shall be determined at "reasonable receptor and exposure sites" which are defined to mean such "locations where people might reasonably be expected to be exposed to air contaminants generated in whole or in part by the Indirect Source."

These issues are especially appropriate when considering exposure to primary pollutants on the local scale of the indirect source, where concentrations vary significantly in time and space. For example, Dabberdt, Ludwig and Johnson⁸ have shown that CO concentrations can regularly vary by a factor of 2 to 3 from one side of the street to the other in the central business district. Similarly, Ott and Mage⁹ report urban variations in measured CO of a factor of two among five monitoring

⁸ Dabberdt, W., F. Ludwig and W. Johnson (1973): "Validation and Applications of an Urban Diffusion Model for Vehicular Pollutants," Atm. Env. (7), pp. 603-618.

⁹ Ott, W. and D. Mage (1972): "The Representativeness of Urban Air Monitoring Stations with Respect to Carbon Monoxide," presented at 2nd Ann. Env. Eng. and Sc. Conf., Louisville, Kentucky (April).

stations located within a circular area of 150 feet radius. Unfortunately, however, the proposed rules do not provide a methodology for specifying when and where ambient air quality levels shall be assessed, nor do they state how air quality data shall be interpreted for assessment of their impact on the public health and welfare in view of the ambient (time-averaged) pollutant standards.

For example, one may visualize an indirect source where air quality levels have been specified at, say, some 100 locations as a result of the application of a dispersion model, ambient monitoring, or some combination thereof. Suppose further that the average one-hour CO concentration is 15 ppm, the mode 10 ppm, the median 13 ppm, and the maximum 40 ppm. To interpret these data one should consider the nature of the receptors (i.e., people) and their mobility in the vicinity of the indirect source and within the time period of the ambient air quality standards. Only in this manner can one truly assess the impact of air quality through consideration of reasonable exposure of people, as required by the proposed rules. If the area of peak concentration is sufficiently large compared with the movement of people over the hourly period of the ambient standard, then an adverse impact can surely be anticipated. On the other hand, if the CO maximum were found to be isolated and situated within an area characterized by high mobility of people, then the exposure of even the worst-case receptor to the higher concentrations might occur over a very short time interval--perhaps seconds. In this case, the true impact of the source would not be represented by the maximum concentration and the projected impact may not be adverse.

In an earlier study, SRI¹⁰ proposed the use of a population exposure index (PEI) for the interpretation of air quality data in the determination of possible adverse environmental impacts. The PEI concept incorporates the consideration of the intrasource distribution of both pollutants and people, and their subsequent interaction.

¹⁰ Dabberdt, W., R. Sandys and P. Buder (1974): "A Population Exposure Index for Assessment of Air Quality Impact," SRI Report 3364, Prepared for California Business Properties Association, Stanford Research Institute, Menlo Park, California 94025.

V TECHNICAL BASIS

Section 20-120 (1) of the proposed rules states that a PTCP shall be established "...[upon] determination by the Department or Regional Authority that control of Parking Spaces and traffic circulation is necessary to ensure attainment and maintenance of state and national ambient air quality standards..." Examination of the DEQ indirect-source record indicated that the Portland Interstate AQCR exceeded the NAAQS for O_x and CO. The SIP presumed the NMHC standard to have been exceeded by reason that the NO_2 standard was not exceeded; NMHC were not monitored. This reasoning does not, however, account for natural sources of O_x . The SIP data did not include lead concentrations.

On the basis of the available data and analyses, it would seem that a technical basis for a PTCP would only exist in Portland. Even then, the data do not necessarily reflect adverse region-wide air quality conditions. Accordingly, it would appear desirable that the indirect-source rules set down specific criteria to determine the need for and scope of a PTCP, and that the necessary aerometric and traffic data bases be generated.

VI SUMMARY

In general we can conclude that the proposed rules for indirect sources are comprehensive and, in principle, consistent with the overall objective of minimizing adverse mobile-source impacts on air quality. Yet, there are certain aspects that require further clarity or definition. First, there need to be better criteria for establishing the need for indirect-source review through the PTCP philosophy of Section 20-120, as well as better definition of the scope and technical aspects of the PTCP. Second, a more explicit recognition of local vs. regional problems and controls is recommended. Third, we recommend that the definition and interpretation of reasonable receptors be expanded both to exclude the potential for regional solutions to local problems, and to be more consistent with assessing human exposures. And fourth, we suggest re-examination or documentation of the appropriateness of establishing variable cut-off criteria.

Common to all of the above statements is the limited extent of available aerometric monitoring and modeling information, and the restrictions subsequently placed on the adequate assessment of the likely effectiveness of and the need for the proposed rules in specific areas of the state.

WILLIAMS, STARK, HIEFIELD, NORVILLE & GRIFFIN, P. C.

ATTORNEYS AND COUNSELORS AT LAW

BOISE CASCADE BUILDING

PORTLAND, OREGON 97201

TELEPHONE 222-9966

DAVID R. WILLIAMS
DONALD R. STARK
PRESTON C. HIEFIELD, JR.
OLIVER I. NORVILLE
JAMES E. GRIFFIN
RICHARD E. ALEXANDER
GARY M. ANDERSON
MICHAEL D. WILLIAMS

July 6, 1976

IN REPLY PLEASE REFER TO
FILE NO.

HAND DELIVERED

Mr. Peter McSwain
Hearing Officer
Department of Environmental Quality
1234 S. W. Morrison
Portland, Oregon 97205

Re: Hearing on Indirect Source Regula-
tions - Our File 75-138

Dear Mr. McSwain:

At the continued hearings on the indirect source regulations on June 18, 1976, you will recall that I intended to ask Mr. Simons of the Department of Environmental Quality certain questions with respect to any comments he had on the assumptions and conclusions of Dr. Dabberdt. Mr. Haskins indicated that he would prefer it if these questions were submitted in writing, and that Mr. Simons would respond to them in writing. As a result, on June 24, 1976, I had hand delivered to Mr. Haskins a letter, a copy of which I enclose, containing questions for Mr. Simons to respond to with respect to Dr. Dabberdt's testimony. You will note in the letter I requested that Mr. Simons' response be made in sufficient time to allow us to respond to it by July 6, 1976, the date by which you indicated we could supplement the record.

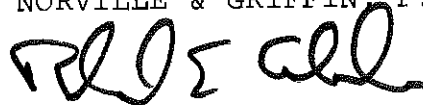
We have not yet received Mr. Simons' response. I have discussed this with Mr. Haskins, and he has indicated that he would have no objection if, after receiving Mr. Simons' response, any comments we had on it could be forwarded directly to the Environmental Quality Commission for its consideration at its meeting of July 30, 1976.

Finally, as I am certain the record by now reflects, the Associated General Contractors of America, Inc., Oregon-Columbia Chapter, is very much opposed to the indirect source regulations as they are now promulgated and proposed.

While the Associated General Contractors, Inc., has, on many occasions in the past, questioned and been opposed to regulations promulgated by various agencies of the State of Oregon, it is noteworthy that this is the first time since the 1920's, when the Oregon-Columbia Chapter of the Associated General Contractors of America, Inc., was organized, that its members have been so opposed to such regulations that it has determined it necessary to institute litigation. The prospective cost of construction, together with the absence of any sufficient, representative information upon which such regulations could be based, we believe justifies the Environmental Quality Commission's electing to discontinue the current regulations and abide by those promulgated at the federal level, at least until such time as the Department of Environmental Quality can produce some sufficient information or data on which to reliably and validly base any change from the federal standards.

Very truly yours,

WILLIAMS, STARK, HIEFIELD,
NORVILLE & GRIFFIN, P.C.



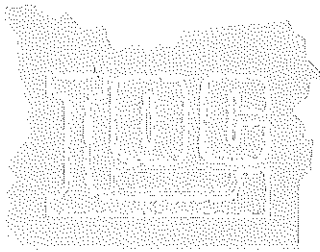
RICHARD E. ALEXANDER

4:6:1

REA:hn

Enclosure

cc: Robert L. Haskins
Assistant Attorney General
Department of Justice, Portland Division
555 State Office Building
Portland, Oregon 97201



SALEM: Local Government Center
1201 Court Street N.E.

P.O. Box 928, Salem 97308

Telephone: (503) 588-6466

EUGENE: Hendricks Hall
University of Oregon

P.O. Box 3177, Eugene 97403

Telephone: (503) 686-5232

League of Oregon Cities

Salem, Oregon

June 17, 1976

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

Gentlemen:

At a June 3 meeting of the Association of Oregon Counties and the League of Oregon Cities Joint Technical Advisory Committee on Transportation, the Department of Environmental Quality proposed rules for indirect sources were considered. Information already provided to your office by the City of Eugene and the Lane Council of Governments was discussed and the following additional comments are forwarded for inclusion in the public record relating to this matter.

Amendments incorporated in the proposed rules would remove the right of cities to prepare parking and traffic circulation plans voluntarily. At the same time it allows the Department of Environmental Quality to order cities to prepare such a plan. There is a need for more specific language in the rule, addressing the questions of funding and technical assistance to those local governments which become involved in the development, implementation and monitoring of the required plans.

As the proposed rules are constructed, the department will determine that a parking and traffic circulation plan is necessary to attain and maintain ambient air quality standards. Since permits are required for the construction of indirect sources, and since the burdens imposed on the permittee are less onerous when a plan is on file, it is suggested that the rule contain a requirement for testing to determine the need for a plan. This determination should be made, by DEQ, within a specified time period. To provide further clarity, the rule should also indicate the criteria which would be used to make that determination.

We respectfully request that these comments of the AOC/LOC joint technical advisory committee be entered into the record and considered by the commission in determining the final rules.

Sincerely yours

Noel J. Klein
Senior Staff Associate

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUN 21 1976
AIR QUALITY CONTROL

TESTIMONY ON THE PROPOSED RULES FOR "INDIRECT SOURCES"

Presented by Fred VanNatta, on behalf of the
OREGON STATE HOME BUILDERS ASSOCIATION TO THE DEPARTMENT OF
ENVIRONMENTAL QUALITY HEARINGS OFFICER

Eugene, Oregon - May 18, 1976

The Oregon State Home Builders is an association of firms in the residential single-family and multiple-family construction business in Oregon. Our 2,500 members include not only the contractors but the subcontractors, material suppliers, financial institutions, etc.

Our business is providing homes and apartments for people either to buy or rent. We are having increasing difficulty accomplishing that job. Recent construction cost increases have had a dramatic impact on the ability of people to purchase their homes. Rents have not risen fast enough in Oregon to make multi-family construction feasible, and the serious short-fall in rental units continues. The State Housing Division estimates 8,000 to 9,000 rental units are needed each year...and we will be perhaps 40% short in 1976, the second year in a row we have failed to meet the need.

This may seem irrelevant to the issue before you....but it isn't. In fact, it is precisely on point.

The "indirect source" rule has been a source of expense, frustration and delay to those projects unfortunate enough to be entwined in it since it was adopted in an expanded form effective January 1975.

We charged in testimony at that time that it was our suspicion the DEQ's real effort was to develop a subsidy for mass transit funded through the interim construction financing of the developer or added on the first month's rent of the tenants.

Unfortunately, we were all too correct.

I have talked to many people involved in the indirect permit application process and, at least in Portland, the procedure is to send the applicant to Tri-Met to negotiate their "cut". Tri-Met recommends "incentives" which the DEQ generally just attaches to the permit as a requirement.

I have advised developers caught in this web to put on their tattered overalls, catch a bus to the Tri-Met office and plead poverty. I have even had DEQ officials proudly say they waived most of the conditions on "low income" apartments. Money raising, not violation of air standards, is clearly the thrust of the enforcement.

My point is.....There is never any showing the project will create a violation of the air standard in an area. There is never any showing that forcing the developer or owner to purchase mass transit tickets really makes the air cleaner. It just increases the first month's rent--or all rents--depending upon how the owner raises the money to buy the tickets.

The rules become just a way of "back door" financing of the mass transit systems. Forcing a property owner to give free bus tickets to his tenants--even if they don't ride the bus--is one of the simple absurdities of this rule.

The trouble is, it does not stop there. A recent case found the DEQ requiring the property owner to pay a portion of the cost of extending the bus line to a subdivision. The greed for money knows no limit.

For our part, we don't believe free mass transit tickets help clean the air. We do believe it is a high-handed shakedown which is beyond the statutory authority of the DEQ.

We urge that the entire "horrorlist" of mass transit incentives be deleted from 20-130. That includes 4A through F. We challenge them as being unproven techniques to clean the air, and as being beyond DEQ's statutory authority. If they are not deleted it is fair to say we can't afford to rest until the legislature or the courts, or both, have spoken to the issue.

Other specific areas of the rules which concern us are:

20-110 - 12 (g) includes "condominium developments". I explained in the last round of hearings that a condominium is a TYPE OF OWNERSHIP, not a type of building. I simply ask the Hearing Officer to develop the rationale for covering a condominium duplex with these rules, and not covering the conventionally owned duplex. Obviously, neither should be covered.

There is no justification for covering mobile home parks. The Director of the EPA said in the Federal Register (Feb. 25, 1974, P. 7273), "In the administrator's judgement, a simple-family tract development does not produce sufficient emission density to yield meaningful results for air quality impact analysis."

Not only do mobile home parks specifically fall under the rule, but so do most Planned Unit Developments, at least those where the streets are not dedicated to the public. Fortunately, those responsible for administering the rule apparently do not understand this, but some day someone will, and a great new source of revenue, both for the Department (see the new fee scheduled attached) and the mass transit districts, will be tapped. The potential home buyers will be the losers.

The single-family Planned Unit Development is covered because of the definition of "off-street area or space".

I would also note the size cut off (See 20-115) uses "Associated Parking", and the definition of that phrase included on street parking. The intent of the rules simply is not clear, but unquestionably, an eager administrator could count the street parking within a reasonable distance of the mobile home park or apartment or condominium project, arguing it was "associated parking".

It is a sloppy rule when tens of thousands of dollars ride on "the count". Actually, I guess in the case of shoppingcenters, it is hundreds of thousands of dollars.

We object strongly to size cut off. No evidence has been presented about the negative impact on the air of a 150 or 250-space project. The 1,000-space cut off used in the Federal Rules (which even they apparently have abandoned, at least temporarily) is more than adequate. You would have an opportunity to review the design and traffic flow of these major facilities, and perhaps that is justifiable. You are not tormenting every little project then.

If you recommend a lesser number than the 1,000, you certainly had better have some evidence about impact on the air. Particularly, I request you produce some evidence that single-family Planned Unit Developments and mobile home parks with 250 spaces contribute to air pollution.

I earnestly ask you to reflect on the delay, cost, and conditions involved in this review process to see if they are justified in these circumstances.

Unless you find evidence we have not found, you must conclude that including residential projects is not justified.

If you won't increase the number of spaces substantially, exclude all residential projects. After all, you are not going to stop people

from living somewhere....you simply make it more expensive by this process. We strongly urge an exclusion for all residential projects.

Let us turn our attention to the Parking and Traffic Circulation Plan. On Page 8, sub (f), reference is made to "Scheduling of Construction". That implies broad new authority for a new plan to allocate building permits or numbers of apartment units constructed, etc.

It appears these rules are simply constructing a huge, regulatory house of cards where one level of government justifies its actions, based on some rule from another level. (You know there is no state law regarding "indirect source" regulation. Proponents argue it is necessary to meet Federal clean air regulations.) I can see a city saying its PTCP requires it to "schedule construction", thus it must limit building permits.

That offensive language simply must be deleted. It has got to go. This regulatory house of cards must quit growing.

Perhaps I should refer to Rule 20-130. The Department has not been following that rule of issuing notice. I have tried to get on the list several times and always receive assurances I am on it, but have received only four or five notices in the last six or eight months. If I, as one of the ruled, got caught by the Department violating their laws, they would do terrible things to me. The Department can apparently ignore their own rules with impunity.

That is an unfortunate commentary, both on the Department and government today.

Also in 20-130 (5) b, I must object once again to the language which states the permit may be withheld if the "indirect sources" will "delay the attainment of ...any state ambient air quality standard". Starting one bulldozer to break ground can delay the attainment of an

air quality standard.

Incidentally, that is a good question...What "ambient air quality standards does this rule refer to? They should be specified.

The deletion of 20-130 (9) is good. The staff report urging the Commission take that action in the temporary rule quoted almost verbatim from my previous testimony on that suggestion. I guess it distresses me it took them a year and a half to realize something they should have understood even without being told in the last hearings process.

The new (9) is objectionable, however. It says the "indirect source" permit "SHALL" be applied for 90 days in advance of the anticipated start of construction.

Is violation of that rule the basis for denial of the permit? Obviously, this rule causes 90 days' delay at the minimum, and usually many months delay in construction. I have never seen a rule written in this way before and it seems highly inappropriate.

Is it the intent of staff to use this rule to hang up construction projects they can't catch on anything else? It seems to me they have the all purpose phrase I referred to before (cause a delay in the attainment of any air standard) to stop any project they want to stop. This additional boobytrap is certainly overkill.

Frankly, my indignation is almost exhausted by the time I get to the new fee schedule. To have to pay a fee to be shaken down by the mass transit system and delayed in the construction project simply adds insult to injury.

We object strongly. The only redeeming feature is it will make the citizens caught up in this madder, and the madder they are the more support there will be for unraveling this entire senseless and ineffective process.

Mr. Hearings Officer, I appreciate your patience. I have testified so many times against these rules in so many places in the past two years, and attended so many meetings on the subject, I am very weary of them. That inspires my final recommendation.

Why don't you simply do something that has never been done in government to my knowledge in history. Review the evidence carefully and I believe you will find there is no justification for any portion of these rules. It should all be taken care of by the Clean Air Goal of the LCDC. Just recommend to the Commission they all be repealed in the entirety. It would save everyone time and money, and DEQ staff could devote its attention to the many constructive DEQ programs.

Thank You.

* * * * *



DEPARTMENT OF
ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 6279

ROBERT W. STRAUB
GOVERNOR

February 10, 1976

Mr. F. Howard Davis
P. O. Box 37
Hillsboro, Oregon 97123

Re: Indirect Source Application
No. 03-5041

Dear Mr. Davis:

This letter is to confirm our agreement regarding the proposed transit incentive program for the Harewood Development to be located at 2555 N. W. Jackson School Road, Hillsboro, Oregon. As indicated to you in our telephone conversation of January 23, 1976, the following elements would be included in the Harewood transit incentive program:

1. If Tri-Met provides an extension of transit service to the Harewood Development, the developer (permittee) will guarantee to Tri-Met that 40% of the operating costs of this extension (approximately two miles) will be met from ridership revenues and/or a subsidy provided by the developer. Tri-Met will provide 60% of the costs of new service to the development. The costs associated with this extension shall be based upon a maximum level of service of 30 minute service during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) and 60 minute service during non-peak hours. All costs associated with a higher level of service (e.g., 30 minute headway service during non-peak hours) shall be the direct responsibility of Tri-Met. The condition shall be in effect for a period not to exceed two years after the initiation of the extension of service to the Harewood development. The permittee shall be relieved of the responsibilities contained within this condition if Tri-Met cannot provide the above service within three years after completion of the multiple-occupancy dwellings (apartments and condominiums) within the Harewood development.

TESTIMONY PRESENTED BY
JOHN R. MUNRO, LEGISLATIVE DIRECTOR
OREGON ASSOCIATION OF REALTORS

Before The

ENVIRONMENTAL QUALITY COMMISSION
Portland, Oregon

May 28, 1976

It is no small wonder that the public has an increasing feeling of having been overgoverned. It could be hoped that the existence of governmental programs can be justified by some basis in fact. When such programs cannot and they have the unfortunate residual affect of raising havoc not only in the private sector but elsewhere in the public sector, there is significant reason to wonder. Rules for indirect sources are seemingly so inherently suspect.

One should start to take a measure of the rules for indirect sources by examining the policy (20-100) and jurisdiction and delegation (20-110) upon which they are built. There is a problem simply by virtue of definition (ORS 468.275). Auto emissions are contaminants as, technically, is the dust shaken from the suburban housewife's dust-cloth. If there is a problem, the logical approach would be to regulate it at the source or at some point inherently related to that source such as by taxing gasoline. However, these rules are directed toward a much more difficult end, regulating the probable location of a mobile object.

The second sentence in the policy statement notes that the "Commission further finds....". One would hope that at least some showing of substantial evidence would be made before such a conclusion is drawn. A finding is generally based on something more than mere supposition. Unfortunately, for the inquisitive public member, no such showing has been made, or could be. It then must be doubly confusing for that member to note that the "problem" is of such "complexity" or magnitude that statewide regulation is deemed necessary. In fact, the magnitude of the "problem", as it exists, is unknown and the degree to which the primary source contributes to that problem is likewise currently unknown and unprovable.

The Air Quality Maintenance Plan (AQMP) is not something that currently exists, nor will it in the near future. Without such data, parking and circulation plans are merely hollow words on a sheet of paper. There is not, nor will there be in the near future, an adequate data base to prove that the problem exists, that the auto is the primary contributor to that problem, that this solution can be implemented, or that it can accomplish what it purports to do. When faced with a situation in which it appears that the foundation policy statements are unverifiable, it would seem that the rules would fall of their own weight. In light of the evidence and the complete absence of data with which they can be implemented or verified, one would have to believe that their imposition is designed to accomplish an end other than the stated one. A brief look at the conditions upon which a permit issuance may rest

leaves one with a suspicion that therein lies a mass transit promotional or subsidy program. The experience to date would seemingly bear that fact out. There is certainly no indication, based in fact, that such conditions will lend anything positive to the protection of the air shed.

One must also find it very curious that the EQC in its quest to solve an uncertain problem of an unknown dimension by the administration of a program whose curative effect is equally unknown and unprovable, would find itself working contrary to its own best interest and those of other state agencies. EQC, one has to assume, has finite resources. Even with regard to air quality, there are particulate loading problems, completely divorced from any automobile activity, that plague parts of the state. To expend resources on an indirect source program based on such tenuous and unverifiable grounds appears to be an exercise of most questionable judgment.

The Housing Division of the Department of Commerce and the Oregon Land Conservation and Development Commission both have stated goals of providing for the housing needs of the citizens of the state. Statewide Planning Goals and Guidelines (goal #10) call for encouraging the availability of an "adequate number of housing units at price ranges and rent levels which are commensurate with the financial capability of Oregon households" and an allowance for flexibility in location, type and density.

While I will leave it to those more qualified than myself to speak to the manner in which these questionable conditions add considerably to the cost of constructing shelters, those in the profession that I

represent would note that with each additional incremental cost added to the final price, a significant number of Oregon families are priced out of a shelter market that is already inaccessible to a significant number of our citizens.

These rules generally do not apply to the single family dwelling, which an increasing proportion of our population now finds financially inaccessible, but do apply to, and add a cost to, the higher density but traditionally lower cost apartment and planned unit development complexes. This is an anomaly of considerable concern for it is doubtful that a family tract development will be a source of emissions of a density such as to have a significantly adverse impact on air quality. Turnover and usage frequencies are simply negligible. This fact seems to be clearly reflected in the federal standards which are appropriately higher.

The information requirements for permit applications (20-125 and 20-129) are worthy of comment. In order to comply, any developer subject to the rule must contract for specialized engineering/air quality help and find a seer capable of making the long-term projections that are demanded. Such a cost is incurred to provide uncertain projections to be compared with a standard and against data that does not exist.

The proposed fee schedule is unaccompanied by any justification to explain the categorization. There is no discernible difference between the filing fees on a 150-space source and one of 999, except the fee charged. The information that must be submitted in both cases

is identical (20-129bA). The bulk of the application data should be similar, as should be the staff time needed to evaluate it. Yet that fee is considerably different. It should be cautioned that this is regulation based on the state's police power. Manifestations of that power must meet the test of reasonableness. There is no apparent indication that the differentiations noted within this fee schedule can meet such a test.

In conclusion, we have a rule that is not directed at the primary source, was enacted without evidence to support the tenuous conclusions upon which it is based, and one whose impact cannot even now be verified. Its negative impact is obvious and the rule should clearly be repealed. The protection of the air shed should be, and can be, accommodated through the statewide planning effort.

If repeal is impossible, the federal standards should be utilized in order to avoid the obviously adverse impact on the housing market and those related goals of other state agencies that are directed toward providing adequate housing at prices within financial capability of Oregon citizens.

#



LAND AIR WATER

An Independent Law Student
Environmental Research Committee

UNIVERSITY OF OREGON
School of Law
Eugene, Oregon 97403
(503) 686-3828

RECEIVED
MAY 20 1976

May 18, 1976

DEPT. OF ENVIRONMENTAL QUALITY

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

To The Responsible Hearings Officer:

This letter is intended to be written testimony submitted for consideration by the Department of Environmental Quality concerning the proposed amendment of the indirect source rules. These rules would affect Sections 340-20-100 to 340-20-140 of the Oregon Administrative Rules. I am submitting this testimony on behalf of Land-Air-Water, an environmental law research group at the University of Oregon Law School. Land-Air-Water has a membership of approximately 30 law students.

We are opposed to the proposed amendment to OAR 340-20-115(2)(A), which would have the effect of eliminating the requirement of Indirect Source Construction Permits for facilities with parking spaces of 50 to 250 in cities over 50,000 in population. Facilities within this range are very significant in terms of air pollutant contribution, and when constructed near other indirect sources, present a primary threat to the maintenance of the national ambient air quality standards. The Eugene-Springfield Metropolitan Area has been designated an Air Quality Maintenance Area by the Environmental Protection Agency for particulates. Automobiles are a prime source of fine particulates, which are the most dangerous of the particulates in terms of human health. For the same reason, the relaxation of the permit requirement for the Portland area to 150 spaces or larger will have undesirable effects on pollutant discharges which will not be outweighed by the decrease in burdens on the facilitiesbuilders or on the review functions of the DEQ.

Land-Air-Water supports the proposed OAR 340-20-129(1)(a)(J), which by its language is assumed to require an assessment of possible growth-inducing effects of the construction of the indirect source. By the very nature of the indirect source strategy of air pollution control, the land use effects of indirect sources must be monitored for ultimate air quality control. This is especially important where a high degree of air quality must be maintained, as is the case throughout much of Oregon.

Land-Air-Water does not maintain a position as to any of the other proposed indirect source rules. Thank you for your consideration.

Respectfully Submitted,

Gary W. Wilburn
Coordinator



OREGON STATE HIGHWAY DIVISION

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAY 27 1976
OFFICE OF THE DIRECTOR

HIGHWAY BUILDING • SALEM, OREGON • 97310

ROBERT W. STRAUB
GOVERNOR

May 26, 1976

F. B. KLABOE
Administrator of Highways

Mr. Loren Kramer, Director
Department of Environmental Quality
1234 SW Morrison Street
Portland, OR 97205

Dear Mr. Kramer:

The Highway Division has reviewed the proposed Indirect Source Rules which we understand are to be presented for public hearings on May 18, 20, and 21, 1976. The following are our comments on the proposed rules.

Traffic Projections

Your Department currently requires traffic projections for each alternative (including no build) for the 1st, 10th, and 20th years after completion of the facility. Now the 5th year is proposed for addition to the requirements. The number of alternatives on most projects is about 4: no build plus 3 build options. Assuming 3 man-days of analysis per alternative, times 4 alternatives, for 4 time periods, we estimate 48 man-days per project just for traffic data generation on an average project. (These estimates assume that all basic data for traffic analysis is available.) We estimate this to be a 25 percent increase in manpower requirements over the indirect source rules as presently written.

Since one of the intended purposes of generating these sets of data is to arrive at worst case years for air quality, we suggest that applicants for indirect source permits be allowed to calculate, document and generate traffic for the worst year alone. This would significantly reduce manpower and dollar requirements for our studies, and still allow adequate air quality predictions to be made.

Or, as a minimum alternative, your Department should consider dropping the 10th and 20th years for traffic analysis, since at this time 1st through the 5th years are generally most critical.

Mr. Loren Kramer
May 26, 1976
Page Two

It is the Highway Division's opinion that the emphasis on the number, sets, and times that traffic projections are required has exceeded a point of maximum utility, and further requirements accomplish little or no opportunity for improving air quality in Oregon.

Parking and Traffic Circulation Plans

This Division has already received an increasing number of requests for regional traffic analysis and detailed traffic projections as a result of the existing indirect source regulations. Your proposal to make Parking and Traffic Circulation Plans required for appropriate governmental or regional planning agencies will again further increase our workload.

Except for qualified consulting firms, the Highway Division is likely the only agency capable of developing regional traffic, parking and circulation plans; and the impact of developing such plans, or the base data for such plans, would severely alter our current working priorities.

Criteria by which DEQ could require the development of such circulation plans are not listed or referenced in the proposed rules. We feel there needs to be some discussion of this matter before this regulation is adopted.

This Division does see a benefit, however, in the preparation of Regional Parking and Traffic Circulation Plans. If they were developed, we would assume that the indirect source applications for specific projects could be processed more rapidly and that technical projections and studies could be reduced in scope. But we would estimate that four years is the earliest possible time a Regional Parking and Traffic Circulation Plan could be completed and approved, and therefore the regulation as proposed provides very little short-term relief.

Specific Comments

Section 20-115(2)(a)(B)

We feel the regulations should include the following situations, with regard to the necessity of Indirect Source Review:

1. Modifications of facilities presently in excess of 20,000 ADT, where such modification will not increase ADT by 10,000 or more vehicles within ten years after completion do not require an indirect source review.
2. Modifications of facilities for which it can be demonstrated that increases of 10,000 or more vehicles will

Mr. Loren Kramer

May 26, 1976

Page Three

occur on both the build and no build alternatives and further where the net differences between these volumes is less than 10,000 ADT do not require an indirect source review. (i.e., the majority of traffic volume increase is due to normal traffic growth and is not caused solely by the modification of the facility in question.)

General Conclusions Regarding the Indirect Source Process

While the staff of this Division has developed a good technical working relationship with the staff of DEQ, we still feel that an excessive amount of resources in manpower and planning is being put into air quality studies on highway and transit projects advanced for construction in the Portland Metropolitan Region. We are submitting an example--the West Portland Park and Ride Station in southwest Portland.

Since early 1971 the Highway Division has been actively planning that park and ride facility. Late in 1973 the project actively entered a long series of public meetings, neighborhood and government organization coordinating meetings, public hearings, and detailed environmental studies.

On July 14, 1975, the final environmental statement was approved and filed with CEQ and on August 20, 1975, this Division requested an Indirect Source Permit and requested expeditious processing.

On April 1, 1976, the permit was finally issued. During those years of planning, and particularly during the final year, many resources and dollars were expended by both DEQ staff and OSHD staff in asking and answering numerous technical questions.

All of this expenditure of man-hours and computer time occurred, even when the Environmental Protection Agency noted the purpose of the project and found it consistent with the State Implementation Plan. To illustrate my point, attached are the studies and correspondence that occurred during this period of time.

We are also concerned about your Department's reaction to the Sunset and Banfield Transitway projects as indicated in your letter of April 14, 1976. You stated, "We believe that the proposed transitway's impact to existing ambient noise levels and air quality may cause harmful effects to the environment." We have no doubt that there is potential for air quality and noise impacts implementing the transitway projects, or in implementing any major transportation project in the region.

Mr. Loren Kramer
May 26, 1976
Page Four

The Department of Environmental Quality should recognize that any transit projects advanced for development to serve a part of a regional plan contain, as part of their purpose, provisions for tripmaking by modes other than the single auto. This in itself renders these projects consistent with some phases of the Clean Air Implementation Plan. Our process for project development will focus on studies of those impacts and for minimizing adverse impacts whenever feasible. Primary corridor impacts of noise and air quality are items to be evaluated, but within the goals of a Regional Transportation and Land Use Plan.

In conclusion, we ask that DEQ seriously consider relaxing the rules for indirect source review in general. We specifically ask that transit projects, park and ride facilities, and other facilities envisioned to discourage automobile dependence be considered exempt from indirect source review and be processed in our own project development procedures.

This Division stands ready to continue strengthening the planning process for transportation facilities and to assist DEQ in that effort.

Thank you for your consideration.

Very truly yours,

F. B. Klaboe
Administrator of Highways

By



R. L. Schroeder
Assistant State Highway Engineer

Enclosures



DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

ROBERT W. STRAUB
GOVERNOR

April 14, 1976

Sunset/Banfield Transitways
Technical Advisory Committee
Oregon State Highway Division
5821 N.E. Glisan Street
Portland, Oregon 97213

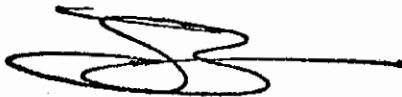
Attention: Don Adams
Transitway Project Engineer

Dear Sirs:

We wish to inform the Transitways Technical Advisory Committee of our comments on the draft of the "Transitway Goals and Objectives" as presented at the March 2, 1976 TAC meeting. We believe that the proposed transitway's impact to existing ambient noise levels and air quality may cause harmful effects to the environment.

The draft goals and objectives did not adequately address the elements of air quality and noise for the transitways. Therefore, the Department has drafted air quality and noise goals and objectives for these projects. Attached are our suggested goals and objectives for your consideration.

Sincerely,



LOREN KRAMER
Director

JH:ct
Enclosure
cc: George Baldwin
Gary Potter
Fred Klaboe

DEPARTMENT OF ENVIRONMENTAL QUALITY

SUNSET-BANFIELD TRANSITWAY GOALS AND OBJECTIVES

NOISE

Goals

The transportation system will maintain and improve the environmental quality in the region.

Objectives

- 1) The existing traffic noise levels adjacent to the corridor will not be allowed to increase due to the implementation of the transitway.
- 2) In noise sensitive areas of presently excessive traffic noise levels found to be injurious to public health, safety and welfare, a stricter noise level standard shall be established and a program of noise reduction implemented with the construction of the transitway.

AIR QUALITY

Objectives

- 1) The Sunset and Banfield Transitway projects shall not exacerbate any existing violations of state or federal ambient air standards. This does not mean that the transitway projects cannot be completed until state and federal ambient air standards are attained, only that the proposed facilities should not increase pollutant concentrations beyond levels that already exist.
- 2) The Sunset and Banfield Transitway projects must not contribute to a violation of a state or federal ambient air standard for which no concentrations in violation of standards have been measured.
- 3) The Sunset and Banfield Transitway shall not delay the attainment of any state or federal ambient air standard.
- 4) The Sunset and Banfield Transitway projects shall not interfere with maintenance of any state or federal ambient air standard, once the standard has been attained.

4/13/76

TRI-COUNTY
METROPOLITAN
TRANSPORTATION
DISTRICT
OF OREGON



TRI-MET

PACIFIC BUILDING
520 S.W. YAMHILL STREET
PORTLAND, OREGON 97204
(503) 238-4844

May 20, 1976

RECEIVED
MAY 24 1976

DEPT. OF ENVIRONMENTAL QUALITY

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

Commissioners:

The Tri-County Metropolitan Transportation District of Oregon strongly supports retention of indirect source facility regulations (OAR Ch. 340, Sections 20-100 through 20-135) in the Oregon Clean Air Plan. Specifically, Tri-Met urges that you retain those sections of the Indirect Source Rules which call for the development of transit incentive programs.

In order to help you meet the goals of the Clean Air Plan, Tri-Met has dedicated its resources and efforts to increasing the use of mass transit in the Portland region by improving Tri-Met service, offering fare incentives, and purchasing millions of dollars worth of new equipment.

Within the Clean Air Plan, an important parallel to Tri-Met's efforts to increase mass transit ridership is the review of proposed increases in the number of parking spaces for automobiles in order to protect the region from unchecked proliferation of parking facilities, an important potential source of air quality degradation.

The transit incentive programs which often result from those reviews provide a means of ensuring that mass transit ridership at each land use development is maximized. According to the size, type and location of the development, transit incentive programs are designed to ensure that mass transit at new and existing developments is as visible, easy to access and convenient as possible, within the plans and capabilities of Tri-Met.


Transit incentive programs do work. The Washington Square Transit Incentive Program, the largest such program to date, has resulted in an increase in transit ridership at Washington Square between April 1975 and April 1976 of 108 percent (from 4,506 to 9,402 riders per week). This co-operative effort between Tri-Met, the DEQ and Washington Square has

Oregon Environmental Quality Commission
May 20, 1976
Page Two

reduced unnecessary automobile usage and has thus provided an undeniable benefit to the region's air quality maintenance efforts.

Tri-Met, therefore, supports retention of transit incentive programs as an important part of Oregon's Indirect Source Rules and Clean Air Implementation Plan.

Sincerely,



Stephen R. McCarthy
Assistant General Manager

SRM/dh

MEL GORDON
COMMISSIONER

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

MAY 24 1976

May 20, 1976

OFFICE OF THE DIRECTOR

Mr. Loren Kramer, Director
Department of Environmental
Quality
1234 S.W. Morrison Street
Portland, Oregon 97205

Dear Bud:

I have reviewed DEQ's proposed amendments to its Indirect Source Rules, OAR, Sections 20-100 through 20-140, with Multnomah County's land planning and development staff, and I would like the following comments to be entered into the hearing record. My comments are limited to Section 20-120, because I feel that the amendments to this section, regarding parking and traffic circulation plans, have the greatest potential for impact on the County.

Generally, I support the concept of requiring parking and traffic circulation plans where air quality conditions warrant their imposition. However, I have several items I would like to see addressed in the rules before I could endorse their adoption by the Environmental Quality Commission. My comments and requests are as follows, by subsection:

20-120 (1) - According to the first paragraph of this subsection, DEQ will determine if parking and traffic circulation plans are required. That is fine except that there is no provision made, for those who must do the work, to be heard prior to the imposition of the requirement. There should be consultation with the affected local jurisdictions, and at least one public hearing before the EQC, prior to the final determination by DEQ that such plans are required.

Second, before DEQ requires parking and traffic circulation plans outside of the downtown Portland area, it should prove that a potential air quality problem exists, for those contaminants that it wishes to see a plan prepared to address, by establishing an air quality monitoring system in the areas proposed to be included in the plan. I realize that such a system may require additional personnel and equipment at DEQ, but it is only fair that if local jurisdictions are going to

Mr. Loren Kramer
May 20, 1976
Page 2

expend money to help solve what DEQ says is a problem, they be shown that a problem exists and be given a "measuring stick" that will show how successful their efforts are and when the problem is licked. I would support a request by DEQ to the Legislature for the funds necessary to establish an adequate air quality monitoring system.

The second paragraph of Section 20-120 (1) states that the required plan must be submitted to DEQ for approval within three years of being notified that such a plan is required. If Multnomah County were notified this year that a plan was required, I have serious doubts that we could submit a completed plan within three years. We are working very hard at the present time to revise our comprehensive land use plans to meet LCDC requirements. Without additional funds, the extra workload imposed by the requirement to undertake a parking and traffic circulation plan could not be completed for five years. The earliest we could begin work on such a plan would be March 1977. If everything went well, we could have the traffic circulation plan done in 2½ years. But, the parking plan, zoning ordinances, technical studies and other requirements could not be completed for five years.

The second paragraph of Section 20-120 (1) also states that within 120 days of notification that plans are required, the local jurisdictions must have an approved work program for undertaking the planning study. I believe that the level of air quality technical expertise necessary to put together a meaningful work program, and coordinate the activities of the various local jurisdictions, is beyond the reach of CRAG and the local jurisdictions. Logically, DEQ should already have this expertise, and it would be an extremely expensive duplication of effort for CRAG or the local jurisdictions to attempt to match it. I think it makes good sense for DEQ, in cooperation with local jurisdictions and CRAG, to prepare the work program and coordinate the work of these agencies on the plans.

Section 20-120 (4) (b) - this subsection requires that the plans contain the total number of parking spaces that will be allocated to the plan area. Does this mean that DEQ wants to know how many on-street spaces and single family dwelling spaces there will be in the area? I would only like to warn you that a determination of the number of such spaces, and control of their use, would be very expensive and time-consuming. I would like to see a clarification of DEQ's intent here and a

Mr. Loren Kramer
May 20, 1976
Page 3

justification for including such parking spaces, if that is your intent.

Section 20-120 (4) (e) - this subsection states that we must determine what air quality levels would be expected as a result of implementing the required plans. I submit that this is a totally unreasonable requirement, especially in the light of Section 20-120 (7) which requires that we annually review the plans to determine if they are adequate to maintain air quality. This would mean that CRAG or the local jurisdictions would have to spend literally hundreds of thousands of dollars to duplicate the technical expertise that already exists, or should exist, at DEQ. I strongly feel that DEQ should provide essentially all of the air quality technical expertise and guidance that development and implementation of these plans would require. Again, if that means DEQ would have to request additional funds from the Legislature, I am prepared to support that request.

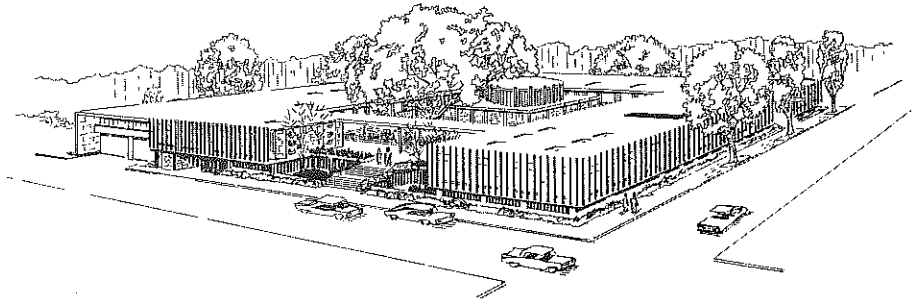
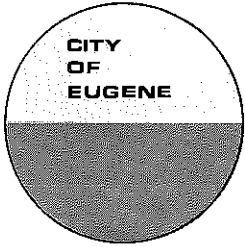
I hope DEQ will be able to respond positively to my comments. With these changes incorporated into the rule I think you will have an excellent rule which I will feel comfortable supporting.

Sincerely,



Mel Gordon
Commissioner

MG:sb
cc: EQC

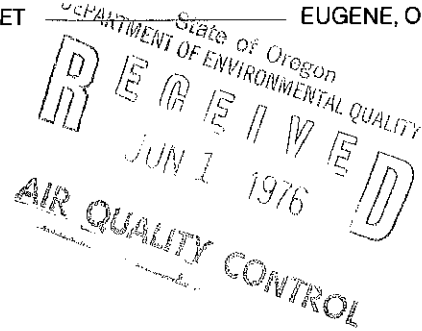


DEPARTMENT OF PUBLIC WORKS

858 PEARL STREET

EUGENE, OREGON 97401

May 28, 1976



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

RE: PROPOSED RULES FOR INDIRECT SOURCES, MAY 1976

We have reviewed the proposed revisions and would like to offer the following comments.

1) "Temporary Indirect Source Construction Permit."

Although this type of permit is defined in Section 20-110(24) and then later discussed again under Section 20-140 on fees, the temporary permit does not get any treatment under Section 20-135, "Permit Duration". In fact our reading of Section 20-135 implies that a new clause allowing for temporary permits is not needed, as permits can be revoked under the existing rules if they are found to be in violation of the conditions set forth in the permit.

2) Parking facility size.

We support the change proposed in Section 20-115(2)(a)(A). There is still a problem with the figures being arbitrary, but it seems impossible to quantify the air pollution caused by a 50-space parking lot other than by incorporating the facility into an overall plan with a larger number of spaces.

3) Highway section criteria.

Section 20-115(2)(a)(B) is not being changed, and we feel the present wording is adequate with one exception: The rules should clarify how the ADT is to be computed in the case of an intersection or interchange modification.

4) Parking and Traffic Circulation Plan.

Section 20-120 appears to be an improvement over the previous wording, but it still leaves us guessing as to whether this requirement will be imposed on us in the Eugene area. We realize this is not yet known, but it would

be an improvement if these rules contained the criteria for that determination.

5) Requirements for permit where there is no Parking and Traffic Circulation Plan.

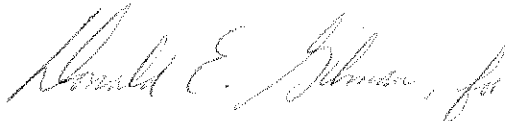
(Section 20-129). Many of these requirements are in our opinion excessive and we feel the intent of the rules could be met in other ways. In particular, Section 20-129(1)(a)(J) and its counterparts for highways and airports are examples of assessments that are nearly impossible to make, other than by purely qualitative judgments. For highways, much of the information listed would normally be developed in the preparation of an air quality assessment; rather than spelling this out in detail it would be preferable simply to require an EIS of similar scope to those required for Federal projects.

6) Application due 90 days in advance of construction.

(Section 20-130(9)). We feel this is an unreasonable time period, especially in relation to most other time limits imposed by local or State government. In most cases the developer will not be made aware of the required permit from DEQ until he applies for a local building permit, and a 90-day waiting period after that may work a hardship on the builder. This will be a more acute problem if the present rules remain in effect for 50 or more parking spaces, as a higher proportion of small-to-medium size developments will be affected.

7) Fees.

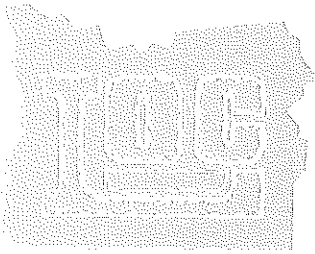
(Section 20-140). Other than the nominal filing fee, the charges listed in Appendix A appear to be exorbitant. We are aware of the extensive manpower and time involved in review of applications, even where an environmental assessment has been prepared by a consultant or government applicant. However we feel that this fee schedule should make a distinction between public and private applicants, since public agencies already contribute to the ongoing operations of DEQ and/or regional authorities by paying annual dues.



Donald P. Allen, Director
Department of Public Works

DPA:fw

cc: League of Oregon Cities
Bill Guenzler, L-COG



SALEM: Local Government Center
 1201 Court Street N.E.
 P.O. Box 928, Salem 97308
 Telephone: (503) 588-6466

EUGENE: Hendricks Hall
 University of Oregon
 P.O. Box 3177, Eugene 97403
 Telephone: (503) 686-5232

League of Oregon Cities

Salem, Oregon
 June 3, 1976

RECEIVED
 JUN - 7 1976

Mr. Carl Simons
 Department of Environmental Quality
 1234 S. W. Morrison St.
 Portland, Oregon 97205

DEPT. OF ENVIRONMENTAL QUALITY

Dear Carl:

Thank you for attending our meeting today and explaining the proposed indirect source rules. I trust the discussions will be mutually beneficial to both yourself and representatives from cities and counties present.

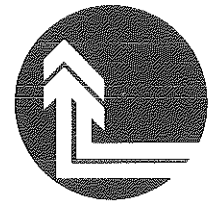
Being in daily contact with cities all throughout the state who are now experiencing voter rejection of their budgets, I must honestly say that the cost implications contained in the rules, without some more specific identification of funding sources, are a major bone of contention.

Thanks again for taking the time to visit and I look forward to meeting you again.

Sincerely yours,

Noel J. Klein
 Senior Staff Associate

State of Oregon
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 RECEIVED
 JUN 7 1976
 AIR QUALITY CONTROL



May 20, 1976

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

Re: Proposed Indirect Source Rules

Gentlemen:

The Lane County Department of Transportation wishes to provide the following summary of our comments and observations with respect to the proposed indirect source rules.

Section 340-20-120 of the proposed rules discuss establishment of an approved parking and traffic circulation plan for various jurisdictions. A number of specifications are cited with respect to what such a plan should include and schedules to be followed in establishing such a plan. We are very concerned as to where the funds for this planning are going to be derived. The proposed rules make no mention of funds to be provided.

Section 340-20-129 of the proposed rules addresses information and requirements applicable to indirect source construction permit applications where no approved parking and traffic circulation plan is on file. This Section is ambiguous as it is not clear if these requirements are applicable only to areas in which the Department or Regional Authority has determined that a Parking and Traffic Circulation Plan is necessary, or if it applies to all areas that do not have such a plan, whether required or not.

Subsection 340-20-125(1)(c) of the proposed rules should be clarified so that it is clear that airports requiring indirect source construction permits are only those as identified in Section 340-20-115. Similarly, Subsection 340-20-125(1)(d) should be clarified so that it is clear that highway sections requiring indirect source construction permits are only those as identified in Section 340-20-115.

We are extremely concerned with the wording of Subsection 340-20-130(b)(4) of the proposed rules and the powers that would be delegated by this rule. The proposed conditions that an indirect source construction permit may include appear to take certain planning options away from local jurisdictions and elected officials, and places this decision-making authority with an agency that may not be responsive to local needs and desires. This department feels that the provisions of this subsection would be clearly unacceptable to the majority of the citizens of Lane County and, for the most part, impossible to enforce.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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MAY 24 1976
AIR QUALITY CONTROL

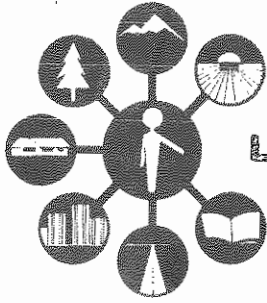
As a final observation, the proposed fee schedule contains no provision for exemption of public agencies.

Thank you for the opportunity to review and comment on the proposed rules.

Very truly yours,



Al Driver, Director
Department of Transportation



LANE COUNCIL OF GOVERNMENTS

SERVING CITIZENS OF LANE COUNTY FOR MORE THAN A QUARTER OF A CENTURY

135 SIXTH AVENUE EAST
EUGENE, OREGON 97401
(503) 687-4283

May 14, 1976

Department of Environmental Quality
1234 SW Morrison Street
Portland, Oregon 97205

Re: Proposed Indirect Sources Rule

Gentlemen:

The following comments are professional remarks on the proposed indirect source rule and do not necessarily represent the policies of the Lane Council of Governments' Board of Directors.

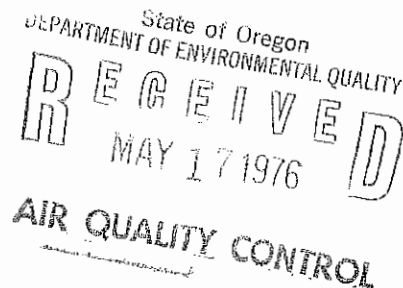
1. Definitions

Parking and Traffic Circulation Plan:

As stated the parking and circulation plan would assure the attainment and maintenance of ambient air quality standards. The definition seems too general. It's possible that the most perfect parking and traffic circulation plan might not attain standards in the case where the standard being violated is not of vehicular origin.

Establishment of an Approved Parking and Traffic Circulation Plan:

The proposed regulation says that the Department or Regional Authority may determine that a parking and traffic circulation plan is necessary. The rule should also contain the criteria the Department would use to determine whether a plan is to be required. Without the criteria as part of the regulation the Department's authority with respect to designating an area for a plan will remain undesirably obscure.



Department of Environmental Quality
Page Two
May 14, 1976

The proposed rule also says that a city, county or regional government may be "notified" when a plan is required; then within 120 days the appropriate unit will proceed on plan development. If Lane Council of Governments is to be considered as an "appropriate unit" then planning funds must accompany the notification that a plan is required. L-COG budget consists of contracts for services that obligates it to do other things. It could not legally ignore these responsibilities simply because DEQ has made a new planning requirement. A strong precedent has been established for higher levels of government to fund requirements it makes; EPA funding to DEQ is only one example.

Thank you for the opportunity to comment.

Sincerely,



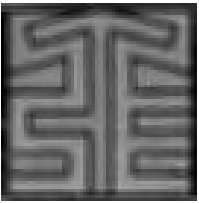
Bill Guenzler, P.E.
Transportation Coordinator

BG:plt
CDS

cc Dave Reinhard, Eugene Public Works



CITY OF PORTLAND SOUTHEAST UPLIFT PROGRAM
 4318 S.E. HAWTHORNE BOULEVARD PORTLAND, OREGON 97215 PHONE 233-6236 233-6237



May 19, 1976

State of Oregon
 DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
 MAY 20 1976

AIR QUALITY CONTROL

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

Gentlemen:

As chairman of the SEUL Advisory Board, made up of representatives from 14 neighborhood associations and members-at-large appointed by the Mayor, I would like to address two aspects of proposed changes in DEQ regulations regarding indirect source facilities:

- 1) I understand that you are proposing to increase the minimum size of parking facilities requiring permits. It has been our experience in reviewing zone changes and conditional uses in Southeast Portland that the permit requirement for 50 or more spaces was quite workable and assisted in protecting air quality and neighborhood liveability. Parking facilities with larger capacities, however, should be evaluated and regulated according to air quality standards because they are too often in close proximity to schools and residential neighborhoods.
- 2) According to my understanding of what is being proposed, deletion of requirements of evidence from applicants regarding conformance to land use regulations would in certain respects negate many positive aspects of the "Fasano Decision". The burden of proof that proposed developments involving large vehicular facilities will be of benefit to the community, should address affects on air quality, as well as land use, per se.

I do not feel we can fairly judge the merits of large parking facility, for instance, unless it can be shown that there is no detrimental impact on air quality. In the same respect, air quality standards should not be judged without consideration of land use impacts. Enforcement of land use regulations in conjunction with air quality standards help assure that neighborhood liveability will not be negatively affected by uses which are too intensive for the area concerned.

I appreciate the opportunity to comment on this matter. I regret, however, that we were not informed of this hearing in time to study the proposals in sufficient detail. I would appreciate it if you would put the SEUL office on your mailing list.

Sincerely,

Virginia Seidel

Virginia Seidel, Chairperson
 SEUL Advisory Board.

KZ:VS:rd

Portland Development Commission



APPENDIX C
Department Response to Summarized Comments
in Hearings Officer's Report (Appendix B)

GENERAL COMMENT

1. Air Quality problem caused by indirect sources not sufficiently demonstrated to exist (Dabberdt, Johnson, Munro, Van Natta).

Response: The Department's Indirect Source files indicate existing and potential air quality problems associated with various types of indirect sources, eg. parking facilities, highways. In addition, the Department's ambient monitoring data which is collected at several sites in the Portland Air Quality Control Region (AQCR) shows a significant number of violations of the 8-hr carbon monoxide (CO) and photochemical oxidant standards. Both these standards are related to automobile emissions generated by the movement of traffic to and from indirect sources. Therefore, the Department believes it had adequate justification to designate Indirect Sources as an Air Contaminant Sources and included an Indirect Source Rule as part of its Clean Air Implementation Plan.

2. The rules do not operate efficiently to solve any problem that may exist and constitute an unwarranted use of Department's resources which could be spent on more needful projects (Munro, Van Natta).

Response: The Department believes that the source-by-source review procedure used under the existing rule has resulted in some air quality improvements related to the operation of Indirect Sources,. The proposed amendment to require Parking and Traffic Circulation Plans in areas where they are needed to ensure attainment and maintenance of federal and state ambient air standards (Section 20-120) represents a more effective and efficient method for reviewing these facilities.

3. The rule puts an undue burden on developers (Dabberdt, Munro, Van Natta) and serves to price people out of housing (Munro, Van Natta). The rule is in conflict with LCDC Goal #10 regarding adequate housing (Munro).

Response: No documentation of this allegation has ever been presented to the Department. It has been the Department's experience that the costs associated with the Indirect Source Rule are relatively minor as compared to the benefits of improved air quality. When compared to the actual costs associated with the construction and maintenance of such developments, the costs of such condition such as transit incentives are almost negligible and therefore does not conflict with the LCDC housing goal.

4. Auto emissions should be regulated not indirectly, but at the source (Larkin, Munro), particularly at the manufacturing stage (Larkin).

Response: While the emissions of automobiles are directly regulated through the implementation of the Federal Motor Vehicle Emission Control Program (FMVECP) (under EPA's jurisdiction), it is recognized that the concentration of motor vehicles can cause violations of national and state ambient air standards and supplemental control programs are needed. Under the requirements of the Clean Air Act of 1970, the State of Oregon was required to develop a State Clean Air Implementation Plan in

order to attain and maintain air quality standards. As part of its Clean Air Plan, DEQ adopted an indirect source rule, as part of its overall control strategy to ensure compliance with standards. It is the Department's opinion that this Rule is needed in order to adequately review and regulate the air quality impacts of motor vehicles where their concentration or dispersion may violate air quality standards.

5. The rule constitutes a circuitous and unauthorized subsidy of mass transit (Munro, Van Natta).

Response: At no time did the requirement of transit incentives as conditions of approval represent an unauthorized subsidy of mass transit. Under the existing rules for Indirect Sources, the Department may require a transit incentive program as stated in 20-130(4). In addition, most air contaminant sources, including indirect sources, have been expected to apply highest and best practicable control measures to minimize the impact of the source. The Department has applied this requirement (OAR Chapter 340, Section 20-001) in the design of transit incentive programs for indirect sources. To clarify the intent of the use of such conditions of approval, additional language has been added which clearly states that a transit incentive program may be necessary for the indirect source to be in compliance with subsections 20-130(5)(a), (b) and (c) of the Rule.

6. The Department's implementation of the rule has, in the past, constituted a time consuming, expensive process to builders (Van Natta), including the Highway Division (Schroeder).

Response: The Department believes the costs associated with the preparation and processing of an Indirect Source Application are reasonable in relation to the potential impact of the source under review. As indicated in comment #3 of this section, compliance costs are almost negligible as compared to construction and maintenance costs.

7. It would be better to revert to federal regulations or repeal the entire rule until or unless a more worthwhile rule is drafted (Munro).

Response: A majority of parking spaces constructed in the Portland metropolitan area are contained in lots of less than 1000 parking spaces (minimum review point under proposed EPA Indirect Source rules). The Department concludes that in order to adequately control air contaminants related to indirect sources, the review of parking facilities containing 150 or more parking spaces must be conducted in the geographic areas specified by the Rule.

8. Air Quality in relation to indirect sources can best be implemented through the enforcement of the LCDC goal pertaining to protection of the airshed (Munro, Van Natta).

Response: The proposed wording in subsection 20-120(1) of the Rule supports the concept of integrating of air quality standards into the comprehensive planning process as required by LCDC. Until such time, Parking and Traffic Circulation Plans are incorporated into the comprehensive planning process and approved by the Department, source-by-source review of indirect sources will be needed to ensure compliance with ambient air standards.

SECTION 20-100 (Statement of Policy)

1. Commission should not make a "finding" about necessity of controlling indirect sources until or unless evidence of the gravity of the problem can be demonstrated (Munro).

Response: Refer to Department's response to comment #1 under the section "General Comments."

SECTION 20-110 (Definitions)

1. "Associated Parking" is vaguely defined. The phrase "in conjunction with" is a catch all that leaves the Department free to play a numbers game that could mean thousands of dollars to developers (Van Natta).

Response: No documentation has been given by Van Natta where the Department has used "Associated Parking" as a "numbers game." It is the Department's opinion that the term "associated parking" is adequately defined for purposes of reviewing the air quality impact of indirect sources.

2. "Average Daily Traffic (ADT)" should be further defined for circumstances of source construction or expansion that involve intersections or interchanges (Allen).

Response: It is the Department's opinion that projects involving construction or expansion of interchanges which could generate sufficient ADT to meet the review requirements of the Rule is covered by the definition "Highway Section". An interchange is considered a "highway section" or part of a "highway section" since it is generally considered a system of interconnecting roadways in conjunction with one or more grade separations, providing for the interchange of traffic between two or more roads or highways.

3. The inclusion of "condominium developments" in the definition of indirect sources is arbitrary. A condominium is a type of ownership, not a type of structure (Van Natta).

Response: While a condominium may be a type of ownership, generally it is developed as a multiple occupancy residential structure which may generating sufficient parking density requiring review under the Rules for Indirect Sources. It is therefore the Department's opinion that this type of development be included in the definition of types of indirect sources requiring review.

4. The inclusion of "mobile home parks" in the definition of indirect sources is inappropriate because their impact on air quality is negligible. Planned unit developments whose streets are not dedicated to the public should not be considered indirect sources. They will be under the definition of "off-street area or space." (Van Natta)

Response: No documentation of the allegation that "mobile home parks" have negligible impact on air quality has been presented to the Department. This type of development may generate sufficient parking density to have a quantifiable impact on air quality. Under the existing and proposed Rules for Indirect Sources, single family residential structures which are part of planned unit developments are excluded from review.

5. The definition of "parking and traffic circulation plan" is problematic in that even the best of plans might not "assure" the attainment and maintenance of ambient standards for pollutants whose cause is not vehicular. (Guenzler)

Response It is not the intent of the Parking and Traffic Circulation Plan (PTCP) to control pollutants that are primarily not related to motor vehicle activities. As indicated in the proposed rule, PTCP's would only be required in areas where the control of parking spaces and traffic circulation is necessary to ensure attainment and maintenance of ambient air standards (20-120(1)).

6. Indirect Sources consisting of dwellings should not be regulated because if people do not dwell in one area, they will dwell in another and the problem will not be alleviated (Van Natta).

Response No comment, since this issue is found not relevant to the proposed Rule.

7. "Reasonable receptor and exposure sites" is without adequate definition (Dabberdt).

Response: It is the Department's opinion the definition of "reasonable receptor and exposure sites" is adequate in terms of defining areas where the air quality impact of a proposed indirect source should be evaluated. In addition, the Department keeps on file criteria for methods of sample collection and site location. Since this material is periodically updated and is voluminous in content, it is the Department's opinion it would be inappropriate to list all this detailed technical information in the Rule.

8. "Temporary permit" is a superfluous definition because not used other than in the fee schedule. A permit by its own conditions can specify its duration (Allen).

Response: The definition "temporary permit" has been dropped from final proposed version of the Rule.

Section 20-115 (Permit Required)

1. This section should exempt projects with mass transit incentives or incentives to trip making by modes other than the single passenger auto. Also, the projections required for future ADT's should be relaxed or confined to projections of the "worst year" only. Sources causing 20,000 ADT whose modification will result in less than a 10,000 ADT increase in ten years should be exempt from the permit requirements. Finally, where most of any 20,000 ADT projected increase or more will be attributable to factors other than the source, the source should be exempt (Schroeder).

Response: While the benefits of projects designed to improve mass transit ridership (i.e., park and ride stations) are recognized, it is the Department's position that any area-wide improvement in air quality should not be offset by a potential degradation of local air quality. Therefore, "mass transit" projects which are covered by the Rules for Indirect Sources should be reviewed as any other indirect source to ensure compliance with ambient air standards for both area-wide and local impacts.

2. Portland's permit threshold for parking facilities should not have been changed from 50 to 150 spaces. This lets in entire city blocks for parking lot development without a permit. Such causes a hardship on dense, multi-use neighborhood residents (Davis, Seidel). The "50,000 population" threshold of 50 spaces should be restored to protect the air quality of the Eugene-Springfield area (Wilburn).

Response: As previously noted in the Department's staff report to the EQC of March 12, 1976, it was concluded that by raising the present minimum parking space review point from 50 to 250 spaces, there would be a substantial reduction (58%) in workload while having minimal impact on the overall effectiveness of the Indirect Source Program. This additional staff time could be then used to develop Parking and Traffic Circulation Plans which should have greater long-term air quality benefits than reviewing all small (less than 150 space) parking facilities.

3. The size of parking facilities requiring review should be raised to 1,000 spaces like the federal regulations require. Review of smaller facilities is unwarranted in terms of time and expense (Munro).

Response: Refer to response to Comment #7 under the section "General Comments."

4. The threshold numbers imposed are arbitrary (Dabberdt, Rich).

Response: Ambient air data collected by the Department indicates that generally the more highly urbanized areas of the state with associated higher levels of automotive traffic are characterized by general higher background levels of motor vehicle related pollutants. This observation is also supported by various independent studies conducted by EPA and others. The cutoff criteria is based on these observations, plus the need to efficiently administrate the review of parking facilities.

Section 20-120 (Establishment of Parking and Traffic Circulation Plans)

1. Constraints of time, expertise, and/or money, may render the requirements unworkable to local jurisdictions called upon to formulate plans unless some assistance is given (Driver, Gordon, Guenzler and Schroeder).

Response: A review of existing Federal and State rules and regulations dealing with land use and transportation planning indicates there are existing planning and potential funding mechanisms which support the development of RP&C plans. Briefly these are:

- A. The Federal Highway Administration (FHWA) requirement that regional transportation plans be annually reviewed as to their consistency with the Department's Clean Air Implementation Plan (23 CFR 770).
- B. SB 100 required that county comprehensive plans be in conformance with adopted Land Conservation and Development Commission (LCDC) goals. Goal #6 requires that air quality discharges from existing and future developments "shall not threaten to violate, or violate applicable State or Federal environmental quality statutes, rules and standards."
- C. SB 769 (passed by Oregon Legislature 1973) gives CRAG the authority to develop criteria for the siting of regional facilities and the delineation of areas of regional concern. Implied in this authority could be development of air quality criteria for the location of Indirect Sources having regional impact, e.g., regional shopping centers, highways, airports, etc.

Upon designation of the need to develop a Parking and Traffic Circulation Plan (PTCP), the Department would provide technical expertise to local jurisdictions to assist in the development of PTCP's. In addition, there is presently pending in front of Congress an amendment to the Clean Air Act of 1970 which would provide significant funding for the development of transportation plans in areas where attainment and maintenance of ambient air standards are required.

2. There can be no meaningful Parking and Traffic Circulation Plans without the Air Quality Maintenance Plan which will not come into being for some time (Munro).

Response: As indicated by the language in this section of the Rule, PTCP's would be required based on the findings of the Air Quality Maintenance Area (AQMA) Analysis. This analysis would determine if an AQMA Plan would be needed. As part of the control strategies for an AQMA Plan, Parking and Traffic Circulation Plans (PTCP) may be included. Therefore, there will most likely be close coordination between AQMA Plans and PTCP development.

3. Criteria for Department's determination that plans are required should be set forth in detail (Allan, Dabberdt, Gordon, Guenzler, Klein and Schroeder)

Response "Criteria" has been added to the proposed Rule. Refer to Section 20-120(1) and Director's report to EQC.

4. Decision to require a parking and traffic circulation plan should be preceded by local input, including at least one public hearing (Gordon).

Response: The Department concurs with this suggestion and has added amendments to 20-120(1) to allow for a public hearing prior to final designation of areas needing PTCP's.

5. The time frame for submission of required plans is unrealistically short (Gordon, Schroeder).

Response: While it is recognized the development of PTCP's will be complex and time consuming process, it is the Department's opinion at this time, that proposed time schedule for their development is realistic in relationship to the

time to fulfill other related planning requirements. As previously noted, the Department will provide technical assistance to those areas designated in need of a PTCP, in order to expedite their development.

6. Parking and Traffic Circulation Plans are worthwhile. They will abbreviate the review process to the benefit of developers and the taxpayers alike (Dabberdt, Gordon, Schroeder).

Response: Agree.

7. The Department should be required to lend its expertise in the development of such plans to avoid duplication in personnel necessary to state and local agencies (Gordon).

Response: See response to comments #1 and #5 of this section.

8. The requirement of an estimate of the air quality to be expected as the result of a plan (20-120(4)(e)) is unreasonably burdensome since annual review of the plans necessary (Gordon).

Response: As indicated in the above responses, DEQ would basically provide the air quality technical expertise needed in developing a PTCP. Before a plan is implemented, it is important to know its projected air quality impact in future years to determine its initial adequacy. After the plan is operational, it is important from an air quality viewpoint to determine if it is achieving its goal -- therefore the annual review. The Department will try to provide the maximum amount of technical assistance possible within budgetary restraints to accomplish these tasks.

9. Local governments should be allowed to prepare plans voluntarily if they desire (Klein).

Response: Section 20-120(9) allows for voluntary submission of a PTCP.

10. Scheduling of construction should not be a plan element. It invites local abuse of building permit activities (Van Natta).

Response: To the degree that scheduling of construction of various indirect sources needs to be known in order to evaluate their air quality impact, it should be included in the PTCP. This does not mean it will be used as a mechanism to abuse local building activities, only as a method to inventory the future impact of proposed indirect sources. Without this information it would be difficult to quantify the total impact of a PTCP.

11. The plan should not attempt to allocate on-street and single family spaces unless it can be shown that such an expensive regulatory program aspect is justified (Gordon).

Response: Agreed, the Department has no intention to control the parking spaces for this type of development unless it is justified.

Section 20-125 (Information Required from Permit Applicants)

1. The application information requirements are too complex and pose an expensive burden for source owners or developers (Munro).

Response: For the exception of only larger indirect source projects, i.e., parking facilities over 1,000 parking spaces, highways and airports, the amount of basic information required in an application is minimal (refer to section 20-129(1)(b)(A)). Generally most of this information is readily available from a local or county traffic engineer and/or from the developer's own analysis of the trip generation characteristics of the indirect source.

2. Subsections 20-125(1)(c) and (d) should clearly provide that airports and highways requiring permits are only those defined in the "definitions" sections (Driver).

Response: The Department has reviewed these sections of the proposed Rule and believes "airports" and "highways" are adequately defined and reference to section 20-110.

Section 20-129 (Application where no Plan is on File)

1. The number of time periods for projected ADT estimates in oppressive and should be reduced to a "worse year" only requirement (Schroeder).

Response: Refer to Director's Report for Department response to this comment.

2. Description of transit incentives which might be required should be deleted. It amounts to unwarranted and unauthorized subsidy of mass transit (Munro, Van Natta).

Response: Refer to Department's response to comment #5 under the Section "General Comments."

3. The requirement of an estimate of additional growth which may be resultant from or concurrent with the source is a worthwhile criterion. It is necessary to insure land use will not conflict with air quality (Wilburn).

Response: No comment required.

4. This requirement is excessive and requiring of nearly impossible judgments. The need would be served better by the requirement of an EIS such as is required for highway construction (Allen).

Response: It has been the Department's experience that the information required for proposed highway projects is not excessive and is reasonable in terms of adequately reviewing the air quality impacts of such projects. Since generally an EIS also requires information which is not directly related to air quality, e.g., water quality impact, land use impact, etc., this method of reviewing highway air quality impacts would far exceed the statutory basis of the Rule.

5. "Reasonable receptor exposure sites" is too vague. It should be better defined (Dabberdt).

Response: Refer to response to comment #7 under section 20-110 (definitions

6. This section should make clear whether "no plan on file" areas are all such areas or only those areas where a plan requirement has been imposed but there's no plan yet (Driver).

Response: It is the Department's opinion that 20-129 applies to all areas not having an "approved" (refer to section 20-120(6)) Parking and Traffic Circulation Plan which is required to develop a PTCF by a specified time.

Section 20-130 (Issuance or Denial of Permits)

1. The Department has repeatedly failed to notify persons on the list prescribed by 20-130(2)(a), (Van Natta).

Response: This comment is not directly related to proposed rule making action, but will be responded to by direct communication with Mr. Van Natta.

2. Requiring transit incentives as a possible permit condition is an unauthorized and inappropriately circuitous subsidy of Tri-Met and does not serve to prevent pollution (Van Natta).

Response: Refer to Department's response to comment #5 under the section "General Comments" and the Director's report to the EQC.

3. Requiring transit incentives as a possible permit condition is laudable from a standpoint of air quality and works well to preserve air quality (McCarthy).

Response: No comment required.

4. Removal of the requirement for evidence of conformance with applicable land use law is unwise as it relinquishes a valuable tool for the regulation of land use (Davis, Seidel). Such removal is a wise proposal because the agency has no authority to regulate land use per se (Van Natta).

Response: In response to Davis and Seidel's comments, it has been the Department's experience that many local jurisdictions prefer to have DEQ review and approval prior to making final land use decisions on particular proposed indirect source. In several cases, local jurisdictions have required that Departmental approval be received prior to consideration of land use approval or issuance of a building permit. It is the Department's judgment that this requirement has resulted in several unnecessary delays in the construction of facilities that have received an Indirect Source Construction Permit. It is also our opinion that better transportation and land use decisions can be made with this proposed rule change since air quality impact review could be an integral part of the comprehensive planning process.

5. "Shall be applied for" is wording which poses a trip wire in the requirement that an application made 90 days before the beginning of construction. A permit might be denied on this technicality. The process outlined in the rules will serve to delay any project for at least ninety days in any event (Van Natta). The time frame for issuance of denial to too lengthy (Allen, Van Natta).

Response: While the processing of most indirect sources permit applications takes from approximately 35 to 40 days (this includes the mandatory 20 day public notice period, section 20-130(2)(a)) from the time an application is submitted to the time a final permit is issued, occasionally additional time is needed due to the fact the applicant has submitted an incomplete application and/or additional air quality studies are required to comply with the requirements of the Rule. In order to ensure that there is adequate time to fully review most indirect sources, the wording in section 20-130(9) is proposed. It has been the Department's experience that most developers are aware, well in advance of 90 days, of their anticipated start of construction date.

6. In 20-130(5)(b), a failure to issue a permit should not occur simply because of a finding that a source will delay attainment of a standard. What standards? What does "delay" mean? Starting a bulldozer could delay attainment (Van Natta).

Response: The standards referred to are the state ambient air standards as stated in OAR Chapter 340, Section 31-005 through 31-050. In determining whether a particular indirect source may delay attainment with standards, several factors are considered. First, will the source cause ambient air standards to be violated beyond the attainment date as determined by EPA. Secondly, what is the magnitude of the projected violations, and finally over what time period and area will the violations occur. If any project is shown to cause a significant delay towards attaining the air quality standards using the above criteria, then it may be deemed sufficient grounds for denying the permit.

7. 20-130(2)(b)(4) allows the imposition of permit conditions that might unwisely take certain planning options away from local and elected officials (Driver).

Response: While the Department is not quite sure what the author of this comment means by the "taking of certain planning options away from local and elected officials," the proposed amendment to 20-130(4) should clarify the intent of the proposed rule and hopefully satisfy his concerns.

Section 20-140 (Fees)

1. Except for the filing fees, the fee schedule is exorbitant. Distinction should be made in favor of governmental applicants (Allen).

Response: After reconsidering the benefits and costs associated with implementing a fee schedule at this time, the Department proposes to delete this section from the final version of the proposed rule presented to the Commission for its consideration and adoption.

2. The difference in fees for different quantities of planned spaces appears unreasonable and abusive of the police power (Munro).

Response: Refer to response to comment #1 in this section.

3. To have to pay a fee at all is an insult heaped upon developers who are already injured by the rule (Van Natta).

Response: Refer to response to comment #1 in this section.



DEPARTMENT OF JUSTICE

PORTLAND DIVISION
555 STATE OFFICE BUILDING
PORTLAND, OREGON 97201
TELEPHONE: (503) 229-5725

July 27, 1976

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

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JUL 28 1976
AIR QUALITY CONTROL

Re: Indirect Source Rules

Dear Carl:

On July 26, 1976 I received a copy of the "Proposed Rules for Indirect Sources". I have briefly scanned them.

I suggest that OAR §340-20-130(5) (a)-(c) be amended. Subparagraphs (a) through (c) provide the standards for determining when an Indirect Source Emission Control Program may be required. If in a particular area an ambient air quality standard is exceeded, or if it is close to being exceeded and a violation is projected, it would be very difficult, if not impossible, to prove that any one indirect source would "cause", in the legal sense, a violation, or a delay in attainment, of an ambient standard, given the background contribution of other actual or proposed air contaminant sources. Therefore, I suggest that the standard should also be whether the indirect source would "contribute" to a violation.

I propose that OAR §340-20-130(5) be amended as follows:

OAR §340-20-130

* * * *

"(5) An Indirect Source Construction Permit may [be withheld] not be issued if:

"(a) The Indirect Source will cause or contribute to a violation of the Clean Air Act Implementation Plan for Oregon.

"(b) The Indirect Source will cause or contribute to a delay in the attainment of, or cause or contribute to a violation of any state ambient air quality standard[.] by the Indirect Source or

Mr. Carl Simons
Page 2
July 27, 1976

"[(c) The Indirect Source causes] any other Indirect Source or system of Indirect Sources. [to violate any state ambient air quality standard.]

"[(d)] (c) The applicable requirements for an Indirect Source Construction Permit applications are not met."

The above changes would require the citation to OAR "§340-20-130 (5) (a), (b) and (c)" in proposed OAR §340-20-130(4)(a) to be changed to OAR "§340-20-130(5) (a) and (b)". I have not checked to see if there are any other cross references which would have to be similarly changed.

Please call me if you have any questions.

Sincerely,



Robert L. Haskins
Assistant Attorney General

pjw

cc: Mr. Joe Richards
Dr. Morris Crothers
Dr. Grace Phinney
Mr. Ronald Somers
Mrs. Jacklyn Hallock
Mr. Loren Kramer
Mr. W. Michel Gillette



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 No. I, July 30, 1976, EQC Meeting

Fishhawk Lake Sewerage System Performance Bond, Columbia-Clatsop Counties - Petition for Substitution of Alternative Security.

Background

At the September 20, 1974 meeting of the EQC, Fishhawk Lake Recreation Club, Inc. requested a reduction in the amount of the maintenance performance bond and the substitution of a mortgage lien on real property for the present corporate surety. After some discussion, the Commission rejected the proposal. A copy of the September 1974 staff report and minutes are attached.

The EQC in June 1976 received a petition (a copy is attached) from both Fishhawk Lake Recreation Club, Inc. and Fishhawk Lake Estates, Inc. proposing the following:

1. The Commission reduce the bond amount to \$5,000.
2. The Commission accept a \$5,000 mortgage on an unimproved lot in lieu of a surety.
3. The Club will make cash deposits of not less than \$1,000 per year to a savings account. When the account reaches a value of \$5,000, the Club will then pledge the account in lieu of bond.
4. The Commission release the existing bond and accept the proposals of the petition.

Current Status of Fishhawk Lake Development

1. Nearly all of the 320 lots in the development have been sold. The remaining unsold lots have been turned over to the recreation club.



Contains
Recycled
Materials

2. There are currently 40 recreational homes constructed and connected to the sewer system, only 11 of which are occupied on a day-to-day basis.
3. The recreation club has exhibited a sincere desire and ability to accept full responsibility for all appropriate community functions.

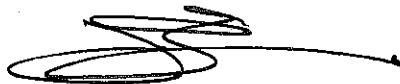
Discussion

Specific rules on bonds for construction, operation and maintenance of sewerage facilities were adopted by the EQC and became effective February 25, 1975. OAR 340-15-025 provided for the bond value to be based on \$1.00 a gallon of installed capacity with a minimum of \$2,000 and a maximum of \$25,000. OAR 340-15-020(3) authorizes the Commission to accept "other security in such form and amount as specifically approved". Based on installed capacity, the bond value should be \$25,000. If based on projected waste flows from current connections, the bond value would be \$11,650. The petition of the Fishhawk Lake Recreation Club, Inc. appears a logical step in assigning full responsibilities for utilities operation to the entity with management capabilities and control. However, the Department staff believes that the minimum bond or equivalent should not be less than the amount calculated based on \$1.00 per gallon of projected flow from present connections.

Recommendation

It is therefore recommended that the Commission:

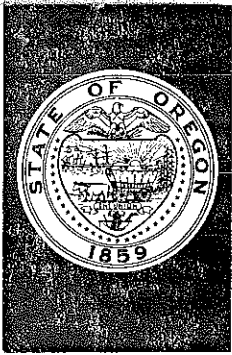
1. Authorize reduction of the amount of the bond to \$11,650.
2. Accept a mortgage lien on real property held by the recreation club until cash deposits to an assigned savings account at the rate of at least \$1,000/year reach \$11,650.
3. Authorize the staff, legal counsel and petitioners to prepare and enter into the appropriate agreements.



LOREN KRAMER
Director

CPH/HLS:ak
July 19, 1976

Encl.



DEPARTMENT OF ENVIRONMENTAL QUALITY

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

TOM McCALL
GOVERNOR

KESSLER R. CANNON
Director

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. L, September 20, 1974, EQC Meeting

Fishhawk Lake Recreation Homesites:
Domestic Sewerage System Maintenance Performance Bond

Background:

The Fishhawk Lake domestic sewerage system in Clatsop/Columbia Counties was constructed in 1971 to serve approximately 320 recreation homesites. At that time, a maintenance performance bond with Aetna Casualty & Surety Company as corporate surety, was submitted to DEQ. The amount of the bond is \$25,000. The bond principal is "Fishhawk Lake Estates, Inc." which is a corporate affiliate of the Brown Development Company, developers of Fishhawk Lake Estates.

According to information submitted to DEQ in 1971, the ownership of the sewerage system, along with other community properties, was transferred by bill of sale to the Fishhawk Lake Recreation Club, Inc., a nonprofit corporation comprised of lot purchasers in the Fishhawk Lake development. Since that time, management, operation and maintenance of the sewerage utility has been accomplished by the recreation club.

A Waste Discharge Permit was issued by the State in 1972 to the Fishhawk Lake Recreation Club, Inc., permitting operation of the subject utility with discharge to Fishhawk Creek at river mile 6.0. Limits of the permit include 20 mg/L BOD and suspended solids and flow of 0.1 MGD. Effluent disinfection is required prior to discharge.

The Fishhawk Lake Recreation Club, Inc. is requesting a reduction of the maintenance performance bond and substitution of a mortgage lien on the real property for the present corporate surety. More precisely, the club has prepared an agreement with the EQC to the effect that:



1. The recreation club is the entity acting on behalf of the property owners;
2. The club has shown that a \$5,000 bond is sufficient to ensure compliance with permit requirements, and has proposed a substitute of a mortgage lien on real property valued at \$5,000;
3. A document creating a mortgage lien on an unimproved lot within the plat will be delivered to the Commission;
4. The club agrees to deposit not less than \$1,000 per year cash in a savings account until the account reaches \$5,000, at which time the club will assign or pledge the account to the Commission as security in place of the mortgage lien on the lot. The \$5,000 cash deposit will be permanent and recoverable by the Commission only. Interest will be payable to the club.

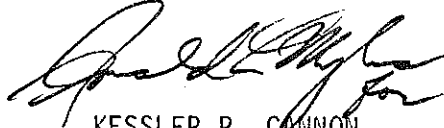
Evaluation:

1. Operation of the sewerage system and sewage treatment plant has been effective and adequate, although DEQ monitoring and operational reporting have not been adequate to show continuity in this regard.
2. There are currently 7 recreational homes connected to the sewer system, only 3 of which are occupied on a day-to-day basis.
3. The recreation club has exhibited a sincere desire and ability to accept full responsibility for all appropriate community functions.
4. The recoverable value of the security proposed in lieu of a cash bond or corporate surety will at least sustain its nominal value over the time involved. Subsequently, the savings account assignment can be increased in the future if appropriate.

Recommendation:

The request of the Fishhawk Lake Recreation Club, Inc. appears

to be well supported and a logical step in assigning full responsibilities for utilities operation to the entity with management capabilities and control. It is therefore recommended that the Commission reduce the amount of bond required to \$5,000 and, further, to accept in lieu of other security a real property mortgage lien against Lot 32, Division II of the plat of Fishhawk Lake Estates in Columbia County. The appropriate document of agreement is available for signature of the Chairman.



KESSLER R. CANNON
Director

PDC:rgs

attachment

9-12-74

It was MOVED by Mr. Somers that the Director's recommendation be approved with the addition that the matter immediately be processed for adoption as a permanent rule. There being no objection, it was so ordered by unanimous consent.

FISHHAWK LAKE RECREATION HOMESITES: DOMESTIC SEWERAGE SYSTEM MAINTENANCE PERFORMANCE BOND

Mr. Curran presented the staff memorandum report and responded to questions by the Commission. The Fishhawk Lake Recreation Club, Inc. requested a reduction of the \$25,000 maintenance performance bond and substitution of a mortgage lien on the real property for the present corporate surety and proposed the following agreement with the Environmental Quality Commission:

1. The recreation club is the entity action on behalf of the property owners;
2. The club has shown that a \$5,000 bond is sufficient to ensure compliance with permit requirements, and has proposed a substitute of a mortgage lien on real property valued at \$5,000;
3. A document creating a mortgage lien on an unimproved lot within the plat will be delivered to the Commission;
4. The club agrees to deposit not less than \$1,000 per year cash in a savings account until the account reaches \$5,000, at which time the club will assign or pledge the account to the Commission as security in place of the mortgage lien on the lot. The \$5,000 cash deposit will be permanent and recoverable by the Commission only. Interest will be payable to the club.

It was the Director's recommendation that the Commission reduce the amount of bond required to \$5,000 and, further, to accept in lieu of other security a real property mortgage lien against Lot 32, Division II of the plat of Fishhawk Lake Estates in Columbia County.

Mr. Somers objected to the recommendation principally on the basis that the developer must be held liable in perpetuity rather than being allowed to turn over the responsibility to the purchasers.

It was MOVED by Mr. Somers, seconded by Dr. Crothers and unanimously carried to deny the Director's recommendation.

WEYERHAEUSER COMPANY, KLAMATH FALLS--REQUEST FOR TIME EXTENSION

Mr. Ashbaker summarized the staff memorandum report on the company's inability to comply with the schedule deadline of October 1, 1974, requiring Weyerhaeuser

1 BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
2 OF THE STATE OF OREGON

3 In the Matter of the) NO.
4 Substitution of Security)
5 for the Fishhawk Lake)
6 Estates Sewage Treatment)
7 System.) PETITION

8 Come now Fishhawk Lake Recreation Club, Inc. a non-
9 profit Oregon corporation and Fishhawk Lake Estates, Inc.,
10 an Oregon corporation, and petition the Commission and
11 represent as follows:

12 I

13 The purpose of this petition is to obtain a reduction
14 in the amount of the bond posted pursuant to ORS 454.425.
15 The history of the development and of the treatment plant in
16 question will be set forth in detail to aid in understanding
17 of the matter by the commissioners.

18 II

19 Fishhawk Lake Estates, Inc. was the developer of a
20 recreational subdivision situated in Columbia and Clatsop
21 Counties, Oregon. There is no municipal organization nor
22 sanitary district having jurisdiction over the subdivision
23 for the purpose of operation of a sewage collection system.
24 The subdivision was platted in 1967. At that time the lots
25 were platted at a size to meet the then standards required
26 for septic tanks for subsurface disposal. Approval was
27 given by the respective health authorities of Clatsop and

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OREGON CITY, OREGON

1 Columbia Counties. Some lots in the subdivision were sold
2 but before the development was completed, by reason of a
3 state directive, the standards were changed and the in-
4 stallation of septic tanks was prohibited. The developer
5 had not included the cost of a sewage treatment system in
6 its budget nor in its lot costs. The developer had no funds
7 available in its financing to be able to install a sewage
8 collection and treatment system. Further, the lots were of
9 a much larger size than would have been used had the subdivision
10 not been planned for subsurface sewage disposal. Consequently
11 the developer had no opportunity to obtain the capital from
12 sale of a greater number of lots necessary to install a
13 sewage treatment plant.

14 III

15 Fishhawk Lake Recreation Club, Inc. was incorporated
16 for the purpose of acting as the lot owners association for
17 the development. It has been acting as such since its
18 inception. The subdivision is essentially completed with
19 regard to sales. When the order was made prohibiting the
20 construction of houses on lots within the subdivision unless
21 a sewer was installed, both the developer and the club
22 started working together to find financing and obtain the
23 installation of a sewage treatment system. The club had
24 only the small resources available to a beginning organization
25 in that it was the owner of the common facilities and club
26 house and of certain lots for common purposes in the subdivision.

1 It also had only limited potential for dues income because
2 lot owners were unable to use their lots effectively. The
3 developer had exhausted all sources of financing at that
4 time and, in addition, the economy and availability of
5 credit took a severe downturn during 1968 and '69.

6 IV

7 Fishhawk Lake Estates, Inc. did not have a legal
8 obligation to install a sewage collection and treatment
9 system because the initial sales had been made on the basis
10 of an approved subsurface system. However, the president of
11 Fishhawk Lake Estates, Inc. believed the company should
12 assume a moral obligation to work out the matter and also it
13 had a few lots yet to sell. The club agreed to use its
14 assessment powers to assess all lots within the subdivision
15 for the cost of construction of the sewage collection and
16 treatment system. The developer negotiated on behalf of the
17 club with Pacific National Bank of Washington to finance the
18 system. Said bank required as a condition of a loan to
19 finance the system that liens be placed on the property and
20 assigned to it, that the developer also guarantee the loan
21 and that the president guarantee the loan personally. All
22 of this was done and the sewage collection and treatment
23 system was installed. In order to meet the bond requirement
24 under ORS 454.425 it was necessary to borrow an additional
25 \$25,000 and use that as collateral for the bond. The bond

26 ---

1 was posted and the plant has been in operation successfully
2 by the club since its completion.

3 V

4 The \$25,000 collateral for the bond is the property of
5 the developer, Fishhawk Lake Estates, Inc. It is actually
6 posted for the benefit of the club which operates the plant.
7 The club does not have cash to collateralize such a bond and
8 no surety company will sign such a surety bond without cash
9 collateral. The club believes that the developer has more
10 than fulfilled its obligations and that its money should
11 have been released to it long ago. The club also believes
12 that its successful operation of the plant without significant
13 adverse incidents merits the reduction of the bond pursuant
14 to OAR 340-15-025 to the sum of \$5,000.

15 VI

16 Your petitioners therefore propose the following:

- 17 1. The Commission reduce the amount of the required
18 bond or security to the sum of \$5,000.
- 19 2. The Club will execute and deliver to the Commission
20 a document creating a mortgage lien on an unimproved lot
21 within the plat of Fishhawk Lake Estates warranted and
22 appraised as having a current fair market value of at least
23 \$5,000. The mortgage document shall recite that it is to secure
24 an obligation of \$5,000 and may be foreclosed if the club fails to
25 comply with the requirements of the statutes and regulations
26 for operation of the treatment plant under ORS 545.425.

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1 3. The club shall agree to deposit not less than
2 \$1,000 per year in a savings account. The club shall
3 continue to make such deposits and not to make withdrawals
4 until such time as the account reaches \$5,000. At such time
5 as it reaches \$5,000 the club proposes to pledge the same in
6 lieu of bond pursuant to OAR 340-15-020(2).

7 4. The Commission shall release the existing bond and
8 accept the mortgage as other security pursuant to OAR 340-
9 15-020(3).

10 WHEREFORE the petitioners respectfully request that the
11 proposal above set forth be adopted.

12 DATED this 11 day of June, 1976.

13
14 FISHHAWK LAKE RECREATION CLUB, INC.

15
16 BY *Donald Walton* - PRESIDENT

17 FISHHAWK LAKE ESTATES, INC.

18
19 BY *John Brown* - VICE PRESIDENT
20
21
22
23
24
25
26

RECEIVED

JUN 29 1976

SOLID WASTE SECTION



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 No. J, July 30, 1976, EQC Meeting

Sewage Works Construction Grant Project Priority List for
FY '77 - Request Authority for Public Hearing

Background

Each year, DEQ must develop a Sewerage Works Construction priority list for federal construction grants. The EQC approved prioritization criteria on April 25, 1975 and adopted the FY '76 Priority List on July 10, 1975. It is now necessary to proceed to public hearing for adoption of a priority list for federal FY '77 (October 1, 1976 through September 30, 1977).

Status Report on FY '76

As of June 30, 1976, DEQ has committed by State priority certification approximately 93% of the grant dollars planned for commitment. The Department has not certified as many grant applications as projected, but has done very well dollarwise as shown by the following data:

	<u>Planned</u>	<u>Actual</u>
<u>Step I Grants (Facility Planning)</u>		
# certified/# awarded	85	74/63
\$'s certified	\$ 1,479,000	\$ 1,897,000
<u>Step II Grants (Facility Design)</u>		
# certified/# awarded	92	34/16
\$'s certified	\$11,548,000	\$ 4,777,000
<u>Step III Grants (Construction)</u>		
# certified/# awarded	52	35/28
\$'s certified	\$38,104,000	\$40,879,000
<u>Total Grants</u>		
# certified/# awarded	229	148/107
\$'s certified	\$51,131,000	\$47,553,000*

*Note: \$'s rounded to nearest \$1,000



Contains
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Materials

In order to put the program in proper perspective, it's enlightening to compare where we are now versus where we were when the proposed FY '76 Grants Priority List was presented to the EQC for ratification. The following grant funds were available for FY '76 on June 20, 1975:

FY '75 Carryover	\$11,306,187.00
FY '76 Funding	<u>\$77,582,900.00</u>
Total Available	\$88,889,087.00

In a little over one year \$49,236,141.00 has been awarded* to Oregon grant applicants enabling needed sewage works planning, design and construction to proceed. If all goes as projected, the remaining grant balance of \$39,652,946.00 will be committed through State certification by December 31, 1976. According to federal regulation, we have until December 31, 1977 to obligate these remaining funds.

The extra quarter added to this fiscal year by the federal government should be a busy one. As shown by the following projections, we expect to certify 43 additional applications to the Environmental Protection Agency by September 30, 1976:

	<u>Planned</u>
<u>Step I Grants</u>	
# certified	10
\$'s certified (thousands)	\$ 210
<u>Step II Grants</u>	
# certified	24
\$'s certified (thousands)	\$ 3,370
<u>Step III Grants</u>	
# certified	9
\$'s certified (thousands)	\$17,628
<u>TOTAL</u>	
# certified	43
\$'s certified (thousands)	\$21,208

We will undoubtedly have a carryover of funds into FY '77 of approximately \$18,000,000.00. We have not received any new funding commitment from EPA for FY '77. Planning to date is based on the assumption that \$43.5 million will be made available. If funding is not forthcoming, Oregon will run out of money in December 1976.

A listing of current project status is included as Attachment I.

* (Some grants were awarded during FY '76 based on certifications made in FY '75).

Proposed Revisions in Criteria for Priority Ranking

Based on our experiences during FY '76, we need to make several changes in our "Criteria for Priority Ranking" for FY '77 to allow (1) greater flexibility in project scheduling, (2) reinstate the 15% reserve for grant increases and cost adjustments, and (3) formally adopt a special and separate reserve for Step I and Step II grant projects under the authority of 40 CFR 35.915(i).

The changes which have been suggested are discussed individually to allow evaluation of the need for change and what would be involved should the suggestions be approved by the EQC.

1. Schedule Flexibility. Projected grant certification schedules are best guesses by water quality grant program staff and are fairly realistic at the time the priority list is prepared. Schedules established by DEQ are optimistic and intended to push projects. As a result, schedules frequently are not met and projects are completed more slowly than originally estimated. Funds reserved for particular grants by priority list schedule remained "reserved for the project" throughout FY '76 unless the Department notified each applicant involved of DEQ's intent to reallocate the funds to other projects proceeding expeditiously during FY '76. This notification procedure also had to allow opportunity for hearing, with resultant delays.

We suggest that we notify all potential grant applicants of our intent to reallocate funds reserved for a particular grant project if the applicant does not stay on schedule or formally request and justify a change in schedule within 30 days of the "reserved" date. This notification would be contained within the priority criteria, would eliminate the need for individual notification when a schedule is changed, and would allow the Director to allocate funds for other projects on the approved priority list which could not previously be reached with available funds.

2. Reinstate the 15% Reserve. In FY '76, we set aside an 8% reserve for use during the year for grant increases or cost adjustments (i.e., when amount requested by applicant is more than amount estimated and reserved on the priority list). That reserve had to be increased to approximately 15% during the fiscal year since projects on or ahead of schedule required more funds than had originally been estimated. For example, the USA Rock Creek STP project, since it was accelerated, took almost all of the 8% reserve during FY '76, which left almost nothing for other active projects.
3. Formally Recognize Reserve Under 40 CFR 35.914(i). A portion of the 15% reserve should be tagged for use by the Director under 40 CFR 35.915(i). This identification of the special reserve

fund will recognize that the EQC wishes to establish this reserve for Step I and Step II projects and will formally authorize the Director to use the reserve "at his discretion". This reserve could also be used to insure that a proportional share of construction grant funds would be reserved for small communities, as related to water pollution needs. Such a reserve was established for FY '76 by the EQC by separate action in August 1975.

4. Editorial Changes. A few editorial changes are proposed. The most significant is to use the word "certified" instead of awarded since DEQ has control over certification of an application to EPA but cannot control or predict award dates.

Criteria for priority ranking with proposed revisions is attached as Attachment II.

Proposed Priority Ranking for FY '77

Included as Attachment III is the proposed list of projects with priority point assignment -- and priority ranking assigned. Attachment IV is a list of projects in priority order with estimated costs and projected scheduling.

The above lists were developed based on project status as of July 23, 1976. The asterisk (*) in the Project Need Point column means that a Step II or Step III application has been certified to EPA under the FY '76 list. Under the priority criteria, such projects move to the top of the next list (FY '77) in the same relative order as they appeared on the FY '76 list.

If FY '77 money were available, it would be possible to adopt and convert to a new list immediately for the balance of FY '76 and all of FY '77. Since this is not the case, the following will be required:

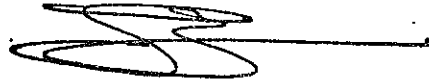
1. Between adoption of the list and notice of allotment of FY '77 funds, projects will be certified pursuant to the FY '76 list.
2. Any Step II or III projects certified will be moved to the top of the FY '77 list in the same rank order as they appeared on the FY '76 list and the priority numbers will be re-assigned. All projects below the asterisk (*) level will maintain the same relative priority order.
3. When the FY '77 allotment is announced, the list will be frozen, and future grant certifications will be based on the FY '77 list. The cutoff line will be established by the Director after deducting the 15% contingency reserve from the available funds (carryover FY '76 plus FY '77).

EPA rules require the Department to hold a public hearing on the proposed priority list prior to adoption.

Director's Recommendation

It is recommended that the EQC:

1. Approve the proposed changes in priority criteria contained in Attachment II.
2. Authorize the Department to hold a public hearing before the Department Hearings Officer on the proposed priority list. (Such hearing is tentatively scheduled for August 25, 1976.)



LOREN KRAMER
Director

THB/HLS:ak

July 19, 1976

JULY 19, 1976: UPDATED PROJECT CERTIFICATION
SCHEDULE (CHRONOLOGICAL LISTING)

ATTACHMENT I

PROJ. NO.	PRIORITY NO.	PROJECT	ENGR. CODE	PROJ. DESCR	STEP	PROJ. OR ACTUAL GRT. AMT.	TARGET CERT.	ACTUAL CERT.	GRANT AWARD DATE	COMMENTS
448	127	AURORA	26	STP, INT	1	00012		0875	091775	
480	003	BROOKINGS	33	INT	3	00124		0575	091775	
511	074	CANNON BEACH	16	STP IMP	1	00024		0975	100275	
488	020	CANYONVILLE	33	STP IMP	1	00013		0875	091775	
542	138	CARMEL-FOULWEATHER S D	43	STP, INT	1	00028		0975	101075	
423	047	CAVE JUNCTION	30	STP IMP	1	00009		0975	102975	
393	107	CHARLESTON-BARVIEW S D	33	INT	3	01745		0875	112575	
373	086	CHILOQUIN	32	STP IMP	2	00026		0575	090975	
373	086	CHILOQUIN	32	STP IMP	3	00039		0875	091775	REHAB
461	036	CLACKAMAS CO S D #1	16	INT	3	00444		0875	120875	
392	002	CLATSKANIE	86	STP IMP	2	00080		0275	061775	
392	002	CLATSKANIE	86	STP IMP	3	00055		0675	072475	
355	001	CORVALLIS	06	STP IMP	3	05958		0775	081575	
386	005	CULVER	63	STP, INT	3	00161		0475	100275	
473	094	DUFUR	63	STP IMP	1	00003		0975	100175	
415	009	FRUITDALE-HARBECK	40	INT	3	00080		1074	061775	
441	083	GOVERNMENT CAMP S D	56	STP IMP	3	00680		0975	012076	
361	090	HUNTINGTON	03	CL2	3	00030		0675	102475	
519	092	JOSEPH	01	STP IMP	1	00004		0975	100775	
516	084	KLAMATH FALLS REGIONAL	33	STP	1	00069		0975	120875	
484	096	LABISH VILLAGE	09	INT	3	00123		0675	080575	
440	095	LAKE OSWEGO-WILLAMETTE	16	INT	3	00360		0975	121875	
530	120	LAKE SIDE	33	STP, INT	1	00006		0975	100975	
403	024	LONG CREEK	67	STP	3	00214		0875	103175	
444	069	MOLALLA	84	STP EXP	2	00070		0975	012376	
534	129	NEWBERG NORTHWEST*	43	INT	1	00010		0975	101675	
417	122	PACIFIC CITY S D	26	STP IMP	1	00021		0575	071875	
556	050	REEDSPORT	33	INT	1	00020		0975	100175	
349	017	RIDDLE	47	STP	3	00520		0875	112075	
515	080	SCIO	36	STP IMP	1	00005		0875	090575	
506	067	SHERIDAN-WILLAMINA	47	STP IMP	1	00026		0975	100975	
400	004	UMATILLA-MCNARY	67	INT	3	00163		1074	091775	
338	007	UNION	54	STP, INT	2	00048		0675	082575	
485-01	025	USA ROCK CREEK*	14	STP	2	01721		0775	080875	
485-02	025	USA ROCK CREEK*	14	STP	3	03121		0775	081575	
485-02	025	USA ROCK CREEK*	14	STP	3	00247		0975	100675	INCR
425	016	USA WILLOW CK - PHASE 3*	16	INT	3	00265		75	050275	
385	082	VENETA	52	STP EXP	3	00320		0875	101775	
373	086	CHILOQUIN	32	STP IMP	3	00247	1075	1075	103175	INCR
554	093	ENTERPRISE	01	STP IMP	1	00009	1075	1075	110375	
454	030	EUGENE-SPRINGFIELD	14	STP	1	00037	1075	1175	022376	
476	070	GERVAIS WOODBURN* 476-509	09	STP IMP	1	00023	1075	1075	101675	
490	027	HARRISBURG	52	STP	1	00012	1075	1175	120575	
422	089	HINES	09	CL2	3	00107	1075	1075		
510	073	JEFFERSON	84	STP, INT	1	00008	1075	1075	111175	
438	021	JOHN DAY-CANYON CITY	01	STP, INT	1	00021	1075	1075	120275	
496	037	JUNCTION CITY	09	STP IMP	1	00028	1075	1075	102975	
323	006	NETARTS-OCEANSIDE	43	STP, INT	2	00214	1075	1275	021376	
326	013	PORTLAND GERTZ-SCHMEER*		SYSTEM	3	01220	1075	1075	101675	INCR
347	011	REDMOND	43	SYSTEM	2	00518	1075	1175	011976	
570	030	SPRINGFIELD I/I STUDY*		STP IMP	1	00017	1075	1075	022375	
485-02	025	USA ROCK CREEK*	14	STP	3	01146	1075	1075	102475	INCR
427	063	AUMSVILLE	36	STP IMP	1	00009	1175	1075	111375	

PROJECT No.	PRIORITY No.	PROJECT	ENGR. CODE	PROJ. DES.	STEP	PROJ. OR ACTUAL GR. AMT.	TARGET CERT.	ACTUAL CERT.	GRANT AWARD DATE	COMMENTS
428	081	BROWNSVILLE	36	STP IMP	2	00027	1175	1275	030376	
430	066	DAYTON	84	STP IMP	1	00008	1175	1075	111975	
472	057	ELGIN	01	STP IMP	1	00009	1175	1175	120175	
413	046	GOLD HILL	33	STP IMP	1	00016	1175	1175	111975	
489	023	HILLSBORO-IRRIGATION		STP	1	00013	1175	0176	030876	
475	056	LAGRANDE-ISLAND CITY	12	STP, INT	1	00025	1175	1275	040976	
446	071	LEBANON	14	STP IMP	2	00173	1175	1175	032976	
450	075	LINCOLN CITY PHASE 1*	56	INT	2	00093	1175	1075	022376	
374	040	MAUPIN	67	STP IMP	1	00012	1175	1075	112575	
452	029	MONMOUTH-INDEPENDENCE	09	STP	1	00071	1175	1075	120275	
439	022	MT VERNON	45	STP, INT	1	00017	1175	1075	120275	
494	035	NEWBERG-DUNDEE	84	REG STP	1	00018	1175	1275	011976	
514	079	OAKRIDGE	47	STP IMP	1	00012	1175	1275	012076	
455	110	SHADY COVE	30	STP, INT	1	00011	1175	1275	020576	
485-02	025	USA ROCK CREEK*	14	STP	3	00327	1175	1175	121275	INCR
485-02	025	USA ROCK CREEK*	14	STP	3	00533	1175	1175	122975	INCR
509	070	WOODBURN GERVATS* 509=475	16	STP, INT	1	00036	1175	1075	120875	
544	145	ADRIAN	12	STP, INT	2	00018	1275	1275	021876	
431	091	BAKER	12	STP IMP	1	00021	1275	1275	012076	
453	087	BONANZA	78	STP IMP	2	00031	1275	1075	011976	
513	078	CRESWELL	40	STP IMP	1	00012	1275	1075	102975	
429	045	EAGLE POINT	87	STP IMP	2	00021	1275	0176		Returned
434	043	GLENDALE	33	STP IMP	2	00128	1275	1275	042076	
562	157	IMBLER	67	STP, INT	1	00007	1275	1275	011976	
498	049	JACKSONVILLE	30	INT	1	00008	1275	1275	021876	
524	101	LAKE OSWEGO HARVEY WAY*	16	INT	2	00018	1275	0176	032976	
525	102	LAKE OSWEGO TERRACE*	88	INT	2	00016	1275	0176	021876	
545	147	PRINEVILLE LAUGHIN-MELROSE*43	43	INT	2	00021	1275	1275	042976	
538	139	ROADS END S D	33	INT	2	00067	1275	1275	031276	
565		STANFIELD	67	STP IMP	1	00013	1275	1175	030376	
436	044	SUTHERLIN	33	STP IMP	2	00160	1275	1275	031076	
443	126	TURNER	09	STP, INT	1	00020	1275	1175	040876	
485-03	028	USA ROCK CREEK*	16	INT	3	05693	1275	1275	123175	
404	064	YAMHILL	84	STP IMP	2	00007	1275	1075		Recert 0576
553	160	BANDON JOHNSON*	33	INT	1	00027	0176	1275	012276	
512	077	COTTAGE GROVE	47	STP IMP	1	00047	0176	0176	021876	
528	118	COVE	50	STP IMP	2	00025	0176	1075	121775	
475	056	LA GRANDE-ISLAND CITY	12	STP, INT	1	00072	0176	0176	011976	INCR
446	071	LEBANON	14	STP IMP	2	00028	0176	0176	032976	INCR
564		NORTH POWDER	47	STP IMP	1	00006	0176	1275	012676	
557	053	PORTLAND SLUDGE		STP IMP	1	00125	0176	0176	030976	
485-02	025	USA ROCK CREEK*	14	STP	3	07343	0176	0176	021376	INCR
508	068	AMITY	20	STP IMP	1	00008	0276	0276	031976	
527	113	BCVSA - CENTRAL PT	14	INT	1	00045	0276	0276	041276	
558	055	BCVSA - WHITE CITY	14	INT	1	00217	0276	0276	061176	
497	038	EUGENE AIRPORT		STP IMP	1	00008	0276	0376	041276	RESCH
533	125	FLORENCE	47	STP IMP	1	00020	0276	0576	063076	RESCH
432	012	FOSTER-MIDWAY	14	SYSTEM	2	00233	0276	0476	061176	RESCH
567		HAPPY VALLEY	08	INT	1	00018	0276	0376	051176	RESCH
577		HOOD RIVER - WESTSIDE	63	INT	1	00012	0276	0476	052676	
463	103	LAKE OSWEGO EVERGREEN*	91	INT	2	00023	0276	0276		RESCH
530	120	LAKESIDE	33	STP, INT	2	00083	0276	0576		RESCH
426	115	MULT CO INVERNESS #8*		INT	3	00375	0276			

PROJ. NO.	PRIORITY NO.	PROJECT	ENGR. CODE	PRJ-DESC.	STEP PROJ OR ACTUAL GR. AMT.	TARGET CERT.	ACTUAL CERT.	GRANT AWARD DATE	COMMENTS
566		PORT OF PORTLAND		INT	2 00015	0276	0176	051176	
466	060	PORT OF TILLAMOOK BAY	04	INT	1 00013	0276			RESCH
341	026	PORTLAND □TRYON*	16	STP	3 04263	0276	0276	042876	RESCH
500	054	PORTLAND □UMATILLA*		INT	3 00252	0276	0376	060176	RESCH
539	142	ST HELENS	86	INT	1 00048	0276	0276	052476	RESCH
555	039	SALEM □GLEN CREEK*		INT	3 00206	0276	0476		
572		THE DALLES □FOLEY LAKES*	63	INT	1 4	0276	0276		
578		TROUTDALE	38	INT & EXP	1 00017	0276	0376	042076	
547	150	UKIAH	01	STP	2 00030	0276	0376	042976	RESCH
561	141	AGATE BEACH S.D.		INT	1 00016	0376			RESCH
427	063	AUMSVILLE	36	STP IMP	2 00002	0376			
448	127	AURORA	26	STP, INT	2 00066	0376	0576		RESCH
424	048	BOARDMAN	80	STP IMP	3 01125	0376			
412	112	BUTTE FALLS	40	STP, INT	3 00323	0376	0576	063076	RESCH
535	130	CANBY	60	INT	2 00021	0376			RESCH
470	106	COBURG	14	STP, INT	1 00022	0376			RESCH
356	117	COLUMBIA CITY □ST HELENS*	86	INT	1 00004	0376	0276	052476	
546	149	CRESCENT		STP, INT	1 00006	0376			
435	108	GLIDE-IDLEYLD		STP, INT	2 00126	0376			RESCH
465	116	GRESHAM □RUBY JCT*-LINNEMAN	56	INT	1 00020	0376	0476	052876	RESCH
502	059	HAMMOND	43	INT	1 00009	0376	0326		RESCH
517	085	HERMISTON	56	STP, INT	2 00263	0376			RESCH
519	092	JOSEPH	01	STP IMP	1 00005	0376	0376		INCR
475	056	LA GRANDE-ISLAND CITY	12	STP, INT	1 00002	0376	0376	040976	INCR
585		LAKE OSWEGO □GLENMORRIE*		COLL SYS	2 00030	0376			
462	104	LAKE OSWEGO □LAKEVIEW*		INT	3 00129	0376	0476	062276	RESCH
446	071	LEBANON	14	STP IMP	2 00128	0376	0376	032976	INCR
580		LEXINGTON	63	STP, INT	1 00012	0376	0676		
573		LOWELL		STP IMP	1 00030	0376	0576	063076	
579		MADRAS	14	INT	1 00018	0376	0276	030876	
447	134	MILL CITY	09	STP, INT	1 00022	0376			RESCH
569		MONROE	47	STP IMP	1 00008	0376			
520	097	NORTH BEND	47	STP IMP	3 00494	0376	0676		RESCH
417	122	PACIFIC CITY S D	26	STP, INT	2 00041	0376	0576		RESCH
556	050	REEDSPORT	33	INT	2 00041	0376			
560	137	ROSEBURG □RIFLE RANGE RD*		INT	1 00003	0376			RESCH
523	100	ST PAUL	20	STP, INT	1 00007	0376	0176	021876	
551	158	SANDY	04	INT	1 00005	0376			RESCH
468	161	SCOTTS MILLS		STP, INT	1 00016	0376			
467	153	SILVERTON		STP IMP	1 00007	0376	0376	051176	RESCH
471	132	TANGENT		INT	1 00013	0376			
505	065	TILLAMOOK CITY	16	STP IMP	2 00063	0376			RESCH
451	136	TWIN ROCKS S D □BARVIEW*	50	INT	3 00150	0376	0776		RESCH
410	019	WINSTON-GREEN	56	STP	2 00300	0376	0276		RESCH
576		USA □BANKS*	43	INT	1 00009	0376			RESCH
382-02	015	USA □FANNO - PHASE 5*	56	INT	3 00139	0376			RESCH
575		USA □GASTON*	43	INT	1 00009	0376			RESCH
491	032	USA □LOWER TUALATIN*	16	INT	2 00150	0376			RESCH
313	109	WEST LINN □LOWER TUALATIN*	20	INT	2 00028	0376			RESCH
550	155	WILSONVILLE □BOECKMAN*	16	INT	1 00004	0376			RESCH
458	031	CORVALLIS AIRPORT	43	STP	1 00012	0476			RESCH
501	058	CORVALLIS-CRESCENT VALLEY		INT	2 00115	0476			RESCH
430	066	DAYTON	84	STP IMP	2 00024	0476			RESCH

PROJECT NO.	PRIORITY NO.	PROJECT	ENGR. CODE	PRJ. DES.	STEP PROJ. OR ACTUAL	GRT. AMT.	TARGET CERT.	ACTUAL CERT.	GRANT AWARD DATE	COMMENTS
477	162	DETROIT		STP, INT	1	00016	0476			
473	094	DUFUR	63	STP IMP	2	00006	0476			
568		ELKTON	47	STP	1	00010	0476			
532	124	HWY 101 S D		INT	1	00004	0476			RESCH
549	154	HILLSBORO WESTSIDE*		STP AUTO	1	00006	0476			RESCH
583		IONE		STP, INT	1	00010	0476	0376	042076	
582		IRRIGON		STP, INT	1	00008	0476	0676		
510	073	JEFFERSON	84	STP, INT	2	00033	0476			RESCH
540	143	MERRILL		STP IMP	1	00002	0476			RESCH
534	129	NEWBERG NORTHWEST*	43	INT	2	00017	0476			RESCH
411	008	REDWOOD S D	14	STP, INT	3	00700	0476			RESCH
515	080	SCIO	36	STP IMP	2	00012	0476			RESCH
503	061	SEASIDE	56	STP IMP	1	00045	0476			RESCH
548	151	SUMPTER		STP, INT	1	00004	0476			RESCH
492	033	USA UPPER TUALATIN*	16	INT	2	00153	0476			RESCH
437	114	WAUNA-WESTPORT	16	STP, INT	1	00022	0476			
428	081	BROWNSVILLE	36	STP IMP	3	00194	0576			
511	074	CANNON BEACH	16	STP IMP	2	00050	0576			RESCH
488	020	CANYONVILLE	33	STP IMP	2	00069	0576			
423	047	CAVE JUNCTION	30	STP IMP	2	00025	0576	0676		RESCH
513	078	CRESWELL	40	STP IMP	2	00033	0576			
531	121	DUNES CITY		STP, INT	1	00013	0576			
434	043	GLENDALE	33	STP IMP	3	00516	0576			
587		HAINES	01	STP, INT	1	00012	0576	0676	063076	
490	027	HARRISBURG	52	STP	2	00031	0576			RESCH
489	023	HILLSBORO-IRRIGATION		STP	2	00008	0576			RESCH
438	021	JOHN DAY-CANYON CITY	01	STP, INT	2	00165	0576			RESCH
559	078	LINCOLN CITY PHASE 2*	56	STP, INT	2	00337	0576			
374	040	MAUPIN	67	STP IMP	2	00019	0576			
514	079	OAKRIDGE	47	STP IMP	2	00025	0576			
518	088	ONTARIO	12	STP IMP	2	00040	0576			RESCH
342	052	PORTLAND SE RELIEVING*		INT	3	02625	0576			RESCH
455	110	SHADY COVE	30	STP, INT	2	00066	0576			
584		SILETZ		STP IMP	1	00010	0576			
436	044	SUTHERLIN	33	STP IMP	3	01511	0576			
338	007	UNION	54	STP, INT	3	00316	0576	0476	052676	RESCH
431	091	BAKER	12	STP IMP	2	00016	0676			RESCH
486	010	BEND	56	SYSTEM	2	01201	0676			RESCH
453	087	BONANZA	78	STP IMP	3	00387	0676			
526	105	CLACKAMAS CO RHODO.-W*	56	STP IMP	2	00042	0676			RESCH
512	077	COTTAGE GROVE	47	STP IMP	2	00105	0676			RESCH
497	038	EUGENE AIRPORT		STP IMP	2	00017	0676			
432	012	FOSTER-MIDWAY	14	SYSTEM	3	01866	0676			RESCH
562	157	IMBLER	67	STP, INT	2	00021	0676			
463	103	LAKE OSWEGO EVERGREEN*	91	INT	3	00194	0676			
524	101	LAKE OSWEGO HARVEY WAY*	16	INT	3	00129	0676			
525	102	LAKE OSWEGO TERRACE*	88	INT	3	00100	0676			
536	133	LAPINE		STP, INT	1	00006	0676			
446	071	LEBANON	14	STP IMP	3	01800	0676			RESCH
450	075	LINCOLN CITY PHASE 1*	56	INT	3	00484	0676			
456	111	MERLIN-COL. VALLEY	40	STP, INT	1	00022	0676			
589		MILTON-FREEWATER		STP IMP	1	00010	0676			
452	029	MONMOUTH-INDEPENDENCE	09	STP	2	00066	0676			RESCH

PROJECT NO.	PRIORITY NO	PROJECT	ENGR. CODE	PRJ. DES.	STEP	PROJ. OR ACTUAL CRT. AMT.	TARGET CERT.	ACTUAL CERT.	GRANT AWARD DATE	COMMENTS
588		MT ANGEL	84	STP, IMP	1	00012	0676			
439	022	MT VERNON	45	STP, INT	2	00050	0676			
521	098	N ALBANY S D	09	INT	2	00117	0676			RESCH
566		PORT OF PORTLAND		INT	3	00129	0676			RESCH
499	051	PRAIRIE CITY	80	STP, INT	3	00247	0676			RESCH
586		RAINIER		STP, IMP	1	00010	0676			
538	139	ROADS END S D	33	INT	3	00193	0676			
544	145	ADRIAN	12	STP, INT	3	00116	0776	0676		
508	068	AMITY	20	STP, IMP	2	00017	0776			
527	113	BCVSA - CENTRAL PT	14	INT	2	00082	0776			
558	055	BCVSA - WHITE CITY	14	INT	2	00094	0776			
535	130	CANBY	60	INT	3	00129	0776			
498	049	JACKSONVILLE	30	INT	2	00074	0776			
475	056	LA GRANDE-ISLAND CITY	12	STP, INT	2	00074	0776			RESCH
585		LAKE OSWEGO #GLENMORRIE*		COLL SYS	3	00400	0776			
581	018	NORTH ROSEBURG S D	14	INT & PS	2	00050	0776			METRO
557	053	PORTLAND #SLUDGE*		STP, IMP	2	00252	0776			
545	147	PRINEVILLE #LAUGHIN-MELROSE*	43	INT	3	00200	0776			
273	072	ROCKAWAY	33	STP, IMP	2	00184	0776			RESCH
563	156	ROSEBURG #LOOKINGGLASS*		INT	1	00008	0776			RESCH
487	018	ROSEBURG METRO	14	STP	2	01113	0776			RESCH
565		STANFIELD	67	STP, IMP	2	00083	0776			
226	062	WHEELER-NTCSA INCREASE-	50	INT	3	00800	0776			
509	070	WOODBURN #GERVAIS* 509-476	16	STP, INT	2	00132	0776			RESCH
427	063	AUMSVILLE	36	STP, IMP	3	00016	0876			
553	160	BANDON #JOHNSON*	33	INT	2	00060	0876			
542	138	CARMEL-FOULWEATHER S D	43	STP, INT	2	00124	0876			RESCH
473	094	DUFUR	63	STP, IMP	3	00048	0876			
429	045	EAGLE POINT	87	STP, IMP	3	00113	0876			RESCH
474	041	EUGENE #EASTSIDE*	14	INT	2	00472	0876			RESCH
454	030	EUGENE-SPRINGFIELD	14	STP	2	00634	0876			RESCH
567		HAPPY VALLEY	08	INT	2	00064	0876			
442	123	MAPLETON	72	STP, INT	2	00063	0876			RESCH
444	069	MOLALLA	84	STP, EXP	3	00193	0876			RESCH
564		NDRTH POWDER	47	STP, IMP	2	00032	0876			
347	011	REDMOND	43	SYSTEM	3	09824	0876			
560	137	ROSEBURG #RIFLE RANGE RD*		INT	2	00010	0876			
523	100	ST PAUL	20	STP, INT	2	00037	0876			
471	132	TANGENT		INT	2	00050	0876			
491	032	USA #LOWER TUALATIN*	16	INT	3	02000	0876			RESCH
561	141	AGATE BEACH S.D.		INT	2	00062	0976			RESCH
448	127	AURORA	26	STP, INT	3	00516	0976			
470	106	COBURG	14	STP, INT	2	00083	0976			RESCH
356	117	COLUMBIA CITY		INT	2	00016	0976			
546	149	CRESCENT		STP, INT	2	00025	0976			
477	162	DETROIT		STP, INT	2	00058	0976			
533	125	FLORENCE	47	STP, IMP	2	00050	0976			RESCH
476	070	GERVAIS #WOODBURN* 476-509	09	STP, IMP	2	00066	0976			RESCH
502	059	HAMMOND	43	INT	2	00033	0976			RESCH
489	023	HILLSBORO-IRRIGATION		STP	3	00065	0976			RESCH
577		HOOD RIVER - WESTSIDE	63	INT	2	00100	0976			
510	073	JEFFERSON	84	STP, INT	3	00258	0976			RESCH
519	092	JOSEPH	01	STP, IMP	2	00050	0976			RESCH

PROJECT NO.	PRIORITY NO.	PROJECT	ENGR. CODE	PROJ. DES.	STEP	PROG. OR ACTUAL	GRT. AMT.	TARGET CERT.	ACTUAL CERT.	GRANT AWARD DATE	COMMENTS
406	037	JUNCTION CITY	09	STP	IMP	2	00029	0976			RESCH
447	134	MILL CITY	09	STP,	INT	2	00083	0976			RESCH
323	006	NETARTS-OCEANSIDE	43	STP,	INT	3	00967	0976			RESCH
494	035	NEWBERG-DUNDEE	84	REG	STP	2	00099	0976			RESCH
534	129	NEWBERG NORTHWEST*	43	INT		3	00110	0976			RESCH
522	099	NORTH PLAINS		INT		1	00007	0976			
466	060	PORT OF TILLAMOOK BAY	04	INT		2	00050	0976			RESCH
556	050	REEDSPORT	33	INT		3	00322	0976			
539	142	ST HELENS	86	INT		2	00150	0976			RESCH
551	158	SANDY	04	INT		2	00021	0976			RESCH
468	161	SCOTTS MILLS		STP,	INT	2	00058	0976			
467	153	SILVERTON		STP	IMP	2	00024	0976			RESCH
578		TROUTDALE	38	INT	6EXP	2	00080	0976			
443	126	TURNER	09	STP,	INT	2	00066	0976			RESCH
492	033	USA UPPER TUALATIN*	16	INT		3	01834	0976			RESCH
437	114	WAUNA-WESTPORT	16	STP,	INT	2	00083	0976			
574		WESTSIDE S D - K. FALLS	32	STP/INT		2	00100	0976			
404	064	YAMHILL	84	STP	IMP	3	00090	0976			RESCH
460	131	ALBANY NORTHEAST*		INT		2	00115	1076			
423	047	CAVE JUNCTION	30	STP	IMP	3	00193	1076			RESCH
458	031	CORVALLIS AIRPORT	43	STP		2	00052	1076			RESCH
501	058	CORVALLIS-CRESCENT VALLEY		INT		3	00710	1076			RESCH
430	066	DAYTON	84	STP	IMP	3	00187	1076			RESCH
445	128	DONALD	09	STP,	INT	2	00042	1076			RESCH
554	093	ENTERPRISE	01	STP	IMP	2	00044	1076			RESCH
449	148	FALLS CITY		STP,	INT	1	00011	1076			RESCH
465	116	GRESHAM RUBY JCT*-LINNEMAN	56	INT		2	00157	1076			RESCH
517	085	HERMISTON	56	STP,	INT	3	01987	1076			RESCH
549	154	HILLSBORO WESTSIDE*		STP	AUTO	2	00025	1076			RESCH
582		IRRIGON		STP,	INT	2	00020	1076			
469	144	MODOC POINT		STP,	INT	1	00006	1076			RESCH
503	061	SEASIDE	56	STP	IMP	2	00165	1076			
506	067	SHERIDAN-WILLAMINA	47	STP	IMP	2	00025	1076			RESCH
548	151	SUMPTER		STP,	INT	2	00016	1076			
572		THE DALLES FOLEY LAKES*	63	INT		2	40	1076			
547	150	UKIAH	01	STP		3	00203	1076			RESCH
576		USA BANKS*	43	INT		2	00060	1076			
575		USA GASTON*	43	INT		2	00060	1076			
550	155	WILSONVILLE BOECKMAN*	16	INT		2	00020	1076			
410	019	WINSTON-GREEN	56	STP		3	01174	1076			RESCH
529	119	BIGGS JCT		INT		1	00004	1176			
511	074	CANNON BEACH	16	STP	IMP	3	00500	1176			RESCH
488	020	CANYONVILLE	33	STP	IMP	3	00542	1176			
490	027	HARRISBURG	52	STP		3	00242	1176			RESCH
532	124	HWY 101 S D		INT		2	00017	1176			
583		IONE		STP,	INT	2	00035	1176			
580		LEXINGTON	63	STP,	INT	2	00040	1176			
579		MADRAS	14	INT		2	00050	1176			
569		MONROE	47	STP	IMP	2	00035	1176			
581	018	NORTH ROSEBURG S D	14	INT &	PS	3	00480	1176			METRO
417	122	PACIFIC CITY S D	26	STP,	INT	3	00323	1176			RESCH
455	110	SHADY COVE	30	STP,	INT	3	00516	1176			
464	014	TERREBONNE		SYSTEM		1	00022	1176			

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493	034	TRI-CITY - COUNTY	56	REG STP	2	00619	1176			RESCH
543	140	BAY TO BAY S D	43	STP, INT	2	00189	1276			
528	118	COVE	50	STP IMP	3	00516	1276			
472	057	ELGIN	01	STP IMP	2	00007	1276			RESCH
568		ELKTON	47	STP	2	00040	1276			
497	038	EUGENE AIRPORT		STP IMP	3	00129	1276			
435	108	GLIDE-IDLEYLD		STP, INT	3	00774	1276			RESCH
413	046	GOLD HILL	33	STP IMP	2	00031	1276			
530	120	LAKESIDE	33	STP, INT	3	00645	1276			RESCH
573		LOWELL		STP IMP	2	00100	1276			
540	143	MERRILL		STP IMP	2	00008	1276			RESCH
447	134	MILL CITY		STP, INT	3	00645	1276			
563	156	ROSEBURG □LOOKINGGLASS*		INT	2	00030	1276			RESCH
584		SILETZ		STP IMP	2	00030	1276			
537	135	SW LINCOLN CO S D	43	STP, INT	2	00231	1276			
313	109	WEST LINN □LOWER TUALATIN*	20	INT	3	00172	1276			RESCH
533	125	FLORENCE	47	STP IMP	3	00600	0177			RESCH
475	056	LAGRANDE-ISLAND CITY	12	STP, INT	3	01800	0177			RESCH
536	133	LAPINE		STP, INT	2	00025	0177			
439	022	MT VERNON	45	STP, INT	3	00386	0177			RESCH
514	079	OAKRIDGE	47	STP IMP	3	00193	0177			
552	159	POWERS	33	STP IMP	1	00003	0177			RESCH
523	100	ST PAUL	20	STP, INT	3	00290	0177			
515	080	SCIO	36	STP IMP	3	00097	0177			RESCH
541	146	SISTERS	33	STP, INT	1	00009	0177	0476	051176	RESCH
527	113	BCVSA - CENTRAL PT	14	INT	3	00638	0277			
558	055	BCVSA - WHITE CITY	14	INT	3	00375	0277			
513	078	CRESWELL	40	STP IMP	3	00258	0277			
477	162	DETROIT		STP, INT	3	00451	0277			
562	157	IMBLER	67	STP, INT	3	00164	0277			
559	076	LINCOLN CITY □PHASE 2*	56	STP, INT	3	02663	0277			
374	040	MAUPIN	67	STP IMP	3	00152	0277			
456	111	MERLIN-COL. VALLEY	40	STP, INT	2	00083	0277			RESCH
494	035	NEWBERG-DUNDEE	84	REG STP	3	00774	0277			
557	053	PORTLAND □SLUDGE*		STP IMP	3	03900	0277			
586		RAINIER		STP IMP	2	00030	0277			
467	153	SILVERTON		STP IMP	3	00193	0277			
471	132	TANGENT		INT	3	00387	0277			
553	160	BANDON □JOHNSON*	33	INT	3	00162	0377			
486	010	BEND	56	SYSTEM	3	19949	0377			RESCH
542	138	CARMEL-FOULWEATHER S D	43	STP, INT	3	00967	0377			RESCH
526	105	CLACKAMAS CO □RHODO.-W*	56	STP IMP	3	00258	0377			RESCH
546	149	CRESCENT		STP, INT	3	00193	0377			
531	121	DUNES CITY		STP, INT	2	00050	0377			RESCH
449	148	FALLS CITY		STP, INT	2	00041	0377			RESCH
587		HAINES	01	STP, INT	2	00025	0377			
502	059	HAMMOND	43	INT	3	00258	0377			RESCH
549	154	HILLSBORO □WESTSIDE*		STP AUTO	3	00194	0377			
498	049	JACKSONVILLE	30	INT	3	00451	0377			
519	092	JOSEPH	01	STP IMP	3	00387	0377			RESCH
479	152	JUNTURA		STP, INT	1	00002	0377			RESCH
442	123	MAPLETON	72	STP, INT	3	00387	0377			RESCH
589		MILTON-FREEWATER		STP IMP	2	00030	0377			

PROJECT NO.	PRIORITY NO.	PROJECT	ENGR. CODE	PRJ. DESC.	STEP	PROJ. OR ACTUAL GRT. AMT.	TARGET CERT.	ACTUAL CERT.	GRANT AWARD DATE	COMMENTS
452	029	MONMOUTH-INDEPENDENCE	09	STP		3 00516	0377			RESCH
588		MT ANGEL	84	STP IMP		2 00045	0377			
521	098	N ALBANY S D	09	INT		3 01233	0377			
522	099	NORTH PLAINS		INT		2 00018	0377			
564		NORTH POWDER	47	STP IMP		3 00258	0377			
560	137	ROSEBURG RIFLE RANGE RD*		INT		3 00077	0377			
539	142	ST HELENS	86	INT		3 01000	0377			
551	158	SANDY	04	INT		3 00161	0377			
565		STANFIELD	67	STP IMP		3 00645	0377			
505	065	TILLAMOOK CITY	16	STP IMP		3 00387	0377			
437	114	WAUNA-WESTPORT	16	STP, INT		3 00645	0377			
561	141	AGATE BEACH S.D.		INT		3 00485	0477			RESCH
470	106	COBURG	14	STP, INT		3 00645	0477			RESCH
459	042	CORVALLIS MOBILE PK		INT		3 00525	0477			
512	077	COTTAGE GROVE	47	STP IMP		3 00645	0477			RESCH
567		HAPPY VALLEY	08	INT		3 00518	0477			
577		HOOD RIVER - WESTSIDE	63	INT		3 00500	0477			
582		IRRIGON		STP, INT		3 00300	0477			
466	060	PORT OF TILLAMOOK BAY	04	INT		3 00387	0477			RESCH
503	061	SEASIDE	56	STP IMP		3 01290	0477			
572		THE DALLES FOLEY LAKES*	63	INT		3 00300	0477			
578		TROUDALE		INT & EXP		3 00500	0477			
509	070	WOODBURN GERVAIS* 509-476	16	STP, INT		3 01032	0477			RESCH
508	068	AMITY	20	STP IMP		3 00129	0577			
529	119	BIGGS JCT		INT		2 00020	0577			
356	117	COLUMBIA CITY		INT		3 00129	0577			
445	128	DONALD	09	STP, INT		3 00258	0577			RESCH
474	041	EUGENE EASTSIDE*	14	INT		3 04000	0577			
583		IONE		STP, INT		3 00400	0577			
438	021	JOHN DAY-CANYON CITY	01	STP, INT		3 01290	0577			RESCH
580		LEXINGTON	63	STP, INT		3 00400	0577			
579		MADRAS	14	INT		3 00200	0577			
569		MONROE	47	STP IMP		3 00300	0577			
584		SILETZ		STP IMP		3 00300	0577			
548	151	SUMPTER		STP, INT		3 00250	0577			
576		USA BANKS*	43	INT		3 00400	0577			
550	155	WILSONVILLE BOECKMAN*	16	INT		3 00200	0577			
460	131	ALBANY NORTHEAST*		INT		3 01000	0677			
431	091	BAKER	12	STP IMP		3 01100	0677			RESCH
458	031	CORVALLIS AIRPORT	43	INT		3 00323	0677			RESCH
472	057	ELGIN	01	STP IMP		3 00009	0677			RESCH
554	093	ENTERPRISE	01	STP IMP		3 00336	0677			RESCH
476	070	GERVAIS WOODBURN* 476-509	09	STP IMP		3 00516	0677			RESCH
413	046	GOLD HILL	33	STP IMP		3 00242	0677			
465	116	GRESHAM RUBY JCT*-LINNEMAN	56	INT		3 00967	0677			RESCH
532	124	HWY 101 S D		INT		3 00200	0677			
516	084	KLAMATH FALLS REGIONAL	33	STP		2 00500	0677			
573		LOWELL		STP IMP		3 00600	0677			
518	088	ONTARIO	12	STP IMP		3 00350	0677			RESCH
468	161	SCOTTS MILLS		STP, INT		3 00451	0677			
443	126	TURNER	09	STP, INT		3 00516	0677			RESCH
575		USA GASTON*	43	INT		3 00500	0677			
454	030	EUGENE-SPRINGFIELD	14	STP		3 10446	0777			RESCH

PROJECT NO.	PRIORITY NO.	PROJECT	ENGR. CODE	PRJ. DES.	STEP PROJ. OR ACTUAL GRNT. AMT.	TARGET CERT.	ACTUAL CERT.	GRANT AWARD DATE	COMMENTS
456	111	MERLIN-COL. VALLEY	40	STP, INT	3	00645	0777		
589		MILTON-FREEWATER		STP, IMP	3	00400	0777		
469	144	MODOC POINT		STP, INT	2	00023	0777		RESCH
552	159	POWERS	33	STP, IMP	2	00012	0777		RESCH
586		RAINIER		STP, IMP	3	00300	0777		
273	072	ROCKAWAY	33	STP, IMP	3	01000	0777		RESCH
487	018	ROSEBURG METRO	14	STP	3	06837	0777		RESCH
541	146	SISTERS	33	STP, INT	2	00033	0777		RESCH
464	014	TERREBONNE		SYSTEM	2	00060	0777		
574		WESTSIDE S D - K. FALLS	32	STP/INT	3	00800	0777		
543	140	BAY TO BAY S D	43	STP, INT	3	01800	0877		
568		ELKTON	47	STP	3	00400	0877		
587		HAINES	01	STP, INT	3	00400	0877		
540	143	MERRILL		STP, IMP	3	00064	0877		RESCH
522	099	NORTH PLAINS		INT	3	00100	0877		
563	156	ROSEBURG BLOOKINGGLASS*		INT	3	00232	0877		RESCH
537	135	SW LINCOLN CO S D	43	STP, INT	3	02000	0877		
496	037	JUNCTION CITY	09	STP, IMP	3	00226	0977		RESCH
536	133	LAPINE		STP, INT	3	00193	0977		
588		MT ANGEL	84	STP, IMP	3	00600	0977		
531	121	DUNES CITY		STP, INT	3	00500	1077		
529	119	BIGGS JCT		INT	3	00200	1277		
449	148	FALLS CITY		STP, INT	3	00322	1277		RESCH
479	152	JUNTURA		STP, INT	2	00007	1277		RESCH
469	144	MODOC POINT		STP, INT	3	00181	0178		RESCH
552	159	POWERS	33	STP, IMP	3	00097	0178		RESCH
506	067	SHERIDAN-WILLAMINA	47	STP, IMP	3	00193	0178		RESCH
541	146	SISTERS	33	STP, INT	3	00684	0178		RESCH
464	014	TERREBONNE		SYSTEM	3	00800	0378		
493	034	TRI-CITY - COUNTY	56	REG STP	3	04922	0378		RESCH
516	084	KLAMATH FALLS REGIONAL	33	STP	3	05000	0578		
479	152	JUNTURA		STP, INT	3	00200	0678		
556	050	Reedsport	33	Int	1	20	0576	062176	Incr (5565)
		Lebanon					0376	032976	Incr.
		Clatskanie					0476	051776	Incr.
		N. Roseburg S.D.			1		0576		Returned
		Dallas			1		0576	06376	
		Tri City			1		0576		Reimb.
		Redwood S.D.			2		0676		Reimb.
		John Day - Canyon City					0676		Incr.
		Mt. Angel			1		0676		
		Cannon Beach					0676		Incr.
		Jacksonville (EIS)					0676		Incr.
		N. Roseburg S.D.			2		0776		
		Klamath Falls					0776		Incr.
		Douglas Co. (Roseburg)			1		0776		Reimb.
		Enterprise			1		0776		Incr.

Criteria for Priority Ranking
of
Sewerage Works Construction Needs for FY 76 77

I Purpose

The criteria and rules for application set forth herein shall be used to govern the priority ranking of identified sewerage works construction needs for construction grant funding pursuant to applicable state and federal law and regulations from ~~July 1, 1975 through June 30, 1976.~~ The criteria and rules for application shall be reevaluated prior to ~~June 30, 1976~~ to assess the necessity for changes based on availability of funds relative to needs.

Oct. 1, 1976
through
Sept. 30, 1977.

Sept. 30, 1977

II Definition

Applicable definitions from ORS Chapters 468 and 454 shall apply.

III Development and Adoption of Project Priority List

At least annually, and prior to the beginning of the ^{Federal} fiscal year related to the available grant funds, the Department shall prepare a proposed project priority list pursuant to the criteria and rules for application set forth herein. As required by federal rules and after appropriate notice, a hearing shall be held on the proposed list. Following evaluation of testimony received and modification as necessary, the Commission shall adopt a project priority list which shall be the official Sewerage Works Construction Grant Priority list of the State of Oregon. The adopted list may be revised at any time following appropriate notice and hearing.

IV Priority Criteria

Identified needs shall be ranked using a numerical point system.

Table A contains the schedule for points assignment within each of the five categories of:

- a) Project Need
- b) Regulatory Emphasis
- c) Stream segment ranking
- d) Project Type
- e) Step Status

Except for projects receiving ⁹⁹⁹ ~~1000~~ total points under the Project Need category, each need or project will be assigned appropriate points in each of five categories. The points for each project will then be added and sum therefrom will be the point total used for developing the project priority list. The project with the highest point total will be the highest priority project.

V Rules for Application of Criteria

A Assignment of Points

Points shall be assigned for each project based on best available data at the time of ranking for adoption of a list. In the event additional information justifies a change in point assignment, change in ranking shall be accomplished in accordance with B or C below.

B Additions or Elevation in Ranking

Projects may be added to the list or elevated in ranking at the discretion of the Director subject to the following procedure:

1. Points shall be assigned in accordance with Table A and the point total will determine the ranking of the project with respect to projects already on the list.
2. Sponsors of those projects which have fewer total points than the new or re-ranked project shall be notified of the proposed list modifications and a public hearing shall be scheduled with appropriate notice given for the purpose of receiving testimony on the list modifications.
3. Following the evaluation of testimony received, the Commission may adopt the modified list as under Section III.

C Deletion or Reduction in Ranking

Projects may be deleted from the list or reduced in ranking by the Director without public hearing either in the event of a project's receiving full funding, or by reassessment of point totals or basic project desirability. Sponsors of projects thus deleted or reduced in ranking shall be notified of the revised status of the project and may request a hearing before the Commission regarding the revised status. Such a hearing request must be made to the Director within 20 days following receipt of the notification of revised status and the Director shall schedule a hearing before the Commission within 60 days.

D Carryover of Projects to Subsequent Year Lists

1. All projects which have ^{been certified for} received a Step II or Step III grant in a given fiscal year and are not completed will automatically be placed at the top of the priority list for the next fiscal year in the same relative ranking as they appeared in the prior year in order to assure continuity and funding.
2. ^{been certified for} All projects which have not yet received any grant or have ^{been certified for} received only a Step I grant will be subject to reprioritization along with all new projects for the next year's list.

E Project Scheduling

Funds shall be reserved for each project for those phases that are scheduled for ~~initiating within three months of the end~~ of the fiscal year. Phases which will not be initiated within that time frame will be scheduled for funding from subsequent year funds. ~~In the event of schedule slippage, the Department~~

Certification prior to the end

Insert
In the event of unavoidable schedule slippage, and upon formal request and justification by the applicant, the Director may modify the schedule for the project and continue the reservation of funds provided that such modified schedule does not extend beyond the end of the fiscal year. If request and justification for schedule modification is not received within 30 days after the scheduled date, the Director may reallocate the funds to other projects on the list.

~~may either reserve the funds for an additional three months or may allocate same to the next project on the list awaiting funds. The Department shall notify the applicant of its intent to take such action.]~~

F Contingency Reserve

A minimum of ~~8%~~^{15%} of each fiscal year's allocation of grant funds shall be set aside as a contingency reserve for grant increases and cost adjustments. A portion of the contingency reserve may be allocated to initiate new projects three months prior to the end of the fiscal year if it appears that the total reserve will not need to be maintained.

VI Eligibility for Funding

A Except as noted in B below, facilities eligible for grant assistance shall be limited to sewage treatment works, interceptor sewers, major pumping stations and pressure mains, and such public sewer system rehabilitation as can be shown to have an obvious cost effective benefit related directly to size, effective life or performance of the sewage treatment plant.

B For FY ~~76~~⁷⁷ collection systems shall be eligible for grant assistance where such systems are required to comply with a mandatory annexation order issued pursuant to ORS 222 or DEQ regulations requiring elimination of Waste Disposal Wells (OAR Chapter 340 Section 44-005 et seq). This eligibility of collection systems will not be extended beyond ~~June 30, 1976~~ unless the Environmental Quality Commission finds that sufficient federal funds are available to permit extension without jeopardizing the construction program for essential treatment works and interceptor sewers.

Sept 30, 1977

HLS:ak
April 18, 1975
July 10, 1975

Insert

A portion of the contingency reserve not to exceed \$500,000 shall be set aside for Step I and Step II projects pursuant to 40 CFR 35.915(i). The Director is authorized to allocate this portion of the reserve at his discretion for Step I and Step II projects which may or may not be on the priority list. The Director may return any portion of this special reserve to the main reserve if it will not be used prior to the end of the fiscal year for Step I and II grants.

Table A

Project Priority Ranking Criteria for FY 76

<u>Point Assignment</u>	<u>Point Categories</u>
999 [1000] Total*	<p><u>Project Need</u></p> <p>Project necessary to comply with mandatory annexation order under ORS 222 or Waste Disposal Well Schedule under OAR Chapter 340, Section 44-005 et seq. (Includes sewage collection system, where appropriate).</p> <p>(*Points for regulatory emphasis, stream segment ranking, project type, and step status included in total.)</p>
800	Project necessary to achieve compliance with in-stream Water Quality Standards contained in OAR Chapter 340 Division 4 Subdivision 1 or eliminate a contribution to standards violation.
700	Project necessary to comply with minimum waste treatment standards or effluent standards established by the Department of Environmental Quality or the Environmental Protection Agency.
600	Project needed to minimize or eliminate documented "non point source" contamination of groundwater or surface waters relating to subsurface sewage disposal system malfunction in known urban or urbanizing areas.
400	Project desirable for prevention of potential water pollution problems.
	<u>Regulatory Emphasis</u>
100	Environmental Quality Commission Order or Regulation.
90	NPDES or State Waste Discharge Permit.
80	Letter directive, preliminary planning approval or project authorization from the Department of Environmental Quality.
50	Other written statement of project desirability by DEQ or the Commission.
	<u>Stream Segment Ranking</u>
77 maximum	Streams ranked in inverse order to that shown in "Annual State Water Strategy - FY 75".
	<u>Project Type</u>
10	Sewage treatment plant projects including cost-effective sewer rehabilitation.
8	Interceptor sewers, major pumping stations and pressure mains.

Table A
Page 2

Point
Assignment

Point
Categories

Step Status

- | | |
|---|--|
| 1 | Step I - Facilities plan preparation. |
| 2 | Step II - Preparation of plans and specifications. |
| 3 | Step III - Project construction. |

STREAM SEGMENT RANKING
from "Annual State Water Strategy -- FY 75"

<u>Number</u>	<u>Name of Segment (*)</u>
1	Tualatin River
2	Willamette River
3	Coos Bay
4	Deschutes River
5	South Umpqua River
6	Umpqua and North Umpqua River
7	Rogue River
8	Bear Creek
9	Columbia River
10	John Day River
11	Grande Ronde River
12	Sandy River
13	Skipanon River
14	Necanicum River
15	Neacoxie Creek
16	Nehalem River
17	Nehalem Bay
18	Wilson River
19	Trask River
20	Tillamook River
21	Tillamook Bay
22	Nestucca River

(*) Named segment includes tributaries thereto unless such tributaries are otherwise listed.

NumberName of Segment

23	Netarts Bay
24	Siuslaw River
25	Chetco River and Chetco Cove
26	Coquille River
27	South Coquille River
28	Yaquina River
29	South Yamhill River
30	Mill Creek
31	North Yamhill River
32	Yamhill River
33	Pudding River
34	Molalla River
35	South Santiam River
36	Santiam and North Santiam River
37	Pacific Ocean
38	Coast Fork Willamette River
39	Middle Fork Willamette River
40	Clackamas River
41	McKenzie River
42	Rickreall Creek
43	Luckiamute River
44	Marys River
45	Calapooia River
46	Long Tom River
47	Columbia Slough

NumberName of Segment

48	Hood River
49	Umatilla River
50	Klamath River
51	Sprague River
52	Lost River
53	Williamson River
54	Snake River
55	Silvies River
56	Salmon River
57	Alsea River
58	Lower Umpqua River
59	Lewis and Clark River
60	Klaskanine River
61	White River
62	Warm Springs River
63	Crooked River
64	Metolius River
65	Spring River
66	Fall River
67	Little Deschutes River
68	North Fork John Day River
69	South Fork John Day River
70	Walla Walla River
71	Powder River
72	Wallowa River

Number

Name of Segment

73	Owyhee River
74	Silver River
75	Donner and Blitzen River
76	Chewaucan River
77	Thomas Creek

FISCAL YEAR 1977
NEEDS PRIORITY RANKING

July 20, 1976

Applicant	Project Need Points	Emphasis Points	River Segment Pt.	Project Type Pts.	Step Status	Total Points	Priority Number
NETARTS-OCEANSIDE	*						1
REDWOOD S D	*						2
REDMOND	*						3
FOSTER MIDWAY	*						4
WINSTON-GREEN REG.*	*						5
USA LOWER TUALATIN*	*						6
SALEM - GLEN CREEK	*						7
GLENDALE	*						8
SUTHERLIN	*						9
EAGLE POINT	*						10
CAVE JUNCTION	*						11
WHEELER - ADDENDUM TO NTCSA GRANT	*						12
YAMHILL	*						13
MOLALLA	*						14
LEBANON	*						15
LINCOLN CITY - PHASE I	*						16
BROWNSVILLE	*						17
VENETA	*						18
CHILOQUIN	*						19
BONANZA	*						20
NORTH BEND	*						21
LAKE OSWEGO HARVEY WAY *	*						22
LAKE OSWEGO TERRACE*	*						23
LAKE OSWEGO EVERGREEN*	*						24
COVE	*						25
LAKESIDE	*						26
PACIFIC CITY S.D.	*						27
AURORA	*						28
TWIN ROCKS S.D. BARVIEW*	*						29
ROADS END S.D.	*						30
ADRIAN	*						31
PRINEVILLE LAUGHLIN-MELROSE*	*						32
UKIAH	*						33
PORT OF PORTLAND	*						34
NORTH ROSEBURG S. D.	*						35
BEND	999					999	36
TERREBONNE	999					999	37
L. OSWEGO GLENMORRIE*	999					999	38
MADRAS	999					999	39
USA FANNO-PHASE 5*	800	90	77	8	3	978	40
ROSEBURG METRO - REG.*	800	90	73	10	2	975	41
ROSEBURG SEWER REHAB.*	800	90	73	10	2	975	42
CANYONVILLE	800	90	73	10	2	975	43
JOHN DAY-CANYON CITY	800	90	68	10	2	970	44
CANYON CITY	800	90	68	10	2	970	45
PORTLAND ELK ROCK*	800	80	76	8	1	965	46
MT. VERNON	800	80	68	10	2	960	47
HILLSBORO-IRRIGATION	700	100	77	10	2	889	48
USA - GASTON	700	90	77	10	1	878	49
USA - BANKS	700	90	77	10	1	878	50
JUNCTION CITY	700	90	76	10	2	878	51
EUGENE AIRPORT	700	90	76	10	2	878	52
HARRISBURG	700	90	76	10	2	878	53

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Applicant	Project Need Points	Emphasis Points	River Segment Pt.	Project Type Pts.	Step Status	Total Points	Priority Number
MONMOUTH-INDEPENDENCE	700	90	76	10	2	878	54
EUGENE-SPRINGFIELD	700	90	76	10	2	878	55
CORVALLIS AIRPORT	700	90	76	10	2	878	56
TRI-CITY - COUNTY	700	90	76	10	2	878	57
NEWBERG-DUNDEF	700	90	76	10	2	878	58
SPRINGFIELD	700	90	76	10	2	878	59
USA □UPPER TUALATIN*	700	90	77	8	2	877	60
HALSEY	700	90	76	10	1	877	61
USA BRONSON CK.	700	90	77	8	2	877	62
USA - ROCK CK. TRUNK	700	90	77	8	2	877	63
MAUPIN	700	90	74	10	2	876	64
EUGENE □EASTSIDE*	700	90	76	8	2	876	65
GOLD HILL	700	90	71	10	2	873	66
OAKLAND	700	90	72	10	1	873	67
BOARDMAN	700	90	69	10	3	872	68
REEDSPORT	700	90	72	8	2	872	69
JACKSONVILLE	700	90	71	8	2	871	70
PRAIRIE CITY	700	90	68	10	3	871	71
PORTLAND □SLUDGE*	700	90	69	10	2	871	72
BCVSA - WHITE CITY	700	90	71	8	2	871	73
PORTLAND □SE RELIEVING*	700	90	69	8	3	870	74
RAINIER	700	90	69	10	1	870	75
LAGRANDE - ISLAND CITY	700	90	67	10	2	869	76
ELGIN	700	90	67	10	2	869	77
CORVALLIS - CRESCENT VLY.	700	80	76	8	2	866	78
IONE	700	80	69	10	2	861	79
HAMMOND	700	80	69	8	2	859	80
BAY CITY	700	90	57	10	1	858	81
SILETZ	700	90	56	10	1	857	82
PORT OF TILLAMOOK BAY	700	90	57	8	1	856	83
SEASIDE	700	90	54	10	1	855	84
AUMSVILLE	700	90	48	10	2	850	85
TILLAMOOK CITY	700	80	57	10	2	849	86
DAYTON	700	90	46	10	2	848	87
SHERIDAN - WILLAMINA	700	90	46	10	2	848	88
AMITY	700	90	46	10	2	848	89
WOODBURN - GERVAIS	700	90	45	10	2	847	90
CARLTON	700	90	46	10	1	847	91
JEFFERSON	700	90	42	10	2	844	92
ROCKAWAY	700	90	41	10	2	843	93
CANNON BEACH	700	90	41	10	2	843	94
LINCOLN CITY - PHASE II	700	90	41	10	2	843	95
COTTAGE GROVE	700	90	40	10	2	842	96
CRESWELL	700	90	40	10	2	842	97
OAKRIDGE	700	90	39	10	2	841	98
LOWELL	700	90	39	10	2	841	99
ESTACADA	700	90	38	10	1	839	100
DALLAS	700	90	36	10	2	838	101
SCIO	700	90	35	10	2	837	102
MT. ANGEL	700	90	35	10	2	837	103
MONROE	700	90	32	10	1	833	104
KLAMATH FALL REG. □CO.*	700	90	28	10	2	830	105
UMATILLA	700	90	29	10	1	830	106

Applicant	Project Need Points	Emphasis Points	River Segment Pt.	Project Type Pts.	Step Status	Total Points	Priority Number
HERMISTON	700	90	26	10	2	828	107
ONTARIO	700	90	24	10	2	826	108
BAKER	700	90	7	10	2	809	109
MILTON-FREEWATER	700	90	8	10	1	809	110
NORTH POWDER	700	90	7	10	2	809	111
JOSEPH	700	90	6	10	2	808	112
ENTERPRISE	700	90	6	10	2	808	113
DUFUR	700	90	1	10	2	803	114
NORTH ALBANY S. D.	600	90	76	8	2	776	115
NORTH PLAINS	600	80	77	10	1	768	116
ST. PAUL	600	80	76	10	2	768	117
CLACKAMAS CO. - □RHODAWELCHES*	600	90	66	10	2	768	118
WEST LINN □LOWER TUALATIN*	600	80	76	8	2	766	119
HAPPY VALLEY	600	80	76	8	2	766	120
GLIDE - IDELYLD	600	80	72	10	2	764	121
SHADY COVE	600	80	71	10	2	763	122
MERLIN - COL. VALLEY	600	80	71	10	1	762	123
BCVSA - □CENTRAL POINT WESTSIDE*	600	80	71	8	2	761	124
IRRIGON	600	80	69	10	2	761	125
WAUNA - WESTPORT	600	80	69	10	1	760	126
MULINOMAH COUNTY □INVERNESS #8*	600	80	69	8	2	759	127
GRESHAM □LINNEMAN*	600	80	69	8	2	759	128
COLUMBIA CITY	600	80	69	8	2	759	129
HOOD RIVER □WESTSIDE*	600	80	69	8	2	759	130
THE DALLES □FOLEY LAKES*	600	80	69	8	2	759	131
DUNES CITY	600	80	63	10	1	754	132
HIGHWAY 101 S.D.	600	80	57	8	2	747	133
SILVERTON	600	90	45	10	2	747	134
MAPLETON	600	80	54	10	2	746	135
FLORENCE □SLUDGE*	600	80	54	10	2	746	136
TURNER	600	80	48	10	2	740	137
DONALD	600	50	76	10	2	738	138
NEWBERG □NW*	600	50	76	8	2	736	139
TANGENT	600	50	76	8	1	735	140
ALBANY □NE*	600	50	76	8	1	735	141
LAPINE	600	50	74	10	1	735	142
MILL CITY	600	80	42	10	1	733	143
S.W. LINCOLN CO. S.D.	600	80	41	10	2	733	144
CARMEL - FOULWEATHER S.D.	600	80	41	10	2	733	145
ROSEBURG □RIFLE RANGE RD.*	600	50	73	8	1	732	146
BAY TO BAY S.D.	600	80	41	8	2	731	147
AGATE BEACH	600	80	41	8	1	730	148
BCVSA - WHETSTONE	600	50	71	8	1	730	149
ST. HELENS	600	50	69	8	2	729	150
MERRILL □E.MERRILL*	600	90	26	10	1	727	151
WESTSIDE S.D.	600	80	28	10	2	720	152
MODOC POINT	600	80	28	10	1	719	153
SISTERS	600	80	15	10	2	707	154
FALLS CITY	600	50	35	10	1	696	155
CRESCENT	600	50	11	10	1	672	156
HAINES	600	50	7	10	2	669	157
CORVALLIS MOBIL PARK	400	90	76	8	1	575	158
YONCALLA	400	90	72	10	1	573	159

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Applicant	Project Need Points	Emphasis Points	River Segment Pt.	Project Type Pts.	Step Status	Total Points	Priority Number
COBURG	400	80	76	10	1	567	160
CLACKAMAS CO. S.D. □KELLOGG SLUDGE*	400	80	76	10	1	567	161
USA - BROOKWOOD TRUNK	400	80	77	8	2	567	162
USA - SUNSET TRUNK	400	80	77	8	2	567	163
USA - REEDSVILLE TRUNK	400	80	77	8	2	567	164
BIGGS JUNCTION	400	80	69	8	1	558	165
HILLSBORO □R&D - WESTSIDE*	400	50	77	10	1	538	166
OAKLODGE S.D.	400	50	76	10	1	537	167
CANBY	400	50	76	8	1	535	168
ELKTON	400	50	72	10	1	533	169
ROSEBURG □LOOKINGGLASS*	400	50	73	8	1	532	170
MEDFORD	400	50	71	10	1	532	171
LEXINGTON	400	50	69	10	2	531	172
WARRENTON	400	50	69	10	1	530	173
ARLINGTON	400	50	69	10	1	530	174
BCVSA - WEST MEDFORD	400	50	71	8	1	530	175
BCVSA - WAGNER CK.	400	50	71	8	1	530	176
IMBLER	400	50	67	10	2	529	177
TROUTDALE	400	50	66	10	2	528	178
CASCADE LOCKS	400	50	69	8	1	528	179
CLATSKANIE	400	50	69	8	1	528	180
SANDY	400	50	66	8	1	525	181
POWERS	400	50	51	10	1	512	182
BANDON □JOHNSON*	400	50	52	8	2	512	183
SCOTTS MILL	400	50	45	10	1	506	184
DETROIT	400	50	42	10	1	503	185
STANFIELD	400	50	29	10	2	491	186
ELMIRA	400	50	32	8	1	491	187
NEKOWIN	400	50	22	10	1	483	188
SUMPTER	400	50	7	10	1	468	189
JUNTURA	400	50	7	10	1	468	190
WALLOWA LAKE S.A.	400	50	6	10	1	467	191

DEPARTMENT OF ENVIRONMENTAL QUALITY
FY 1977 PRIORITY LIST AND SCHEDULE

July 20, 1976

PROJECT NO.	PROJECT	NPDES NO.	ENGR CODE	PROJECT DESCR.	STEP	ESTIMATED PROJ. COST (\$,000)	TARGET CERT. (MM/YR)	ACTUAL CERT. (MM/YR)	COMMENT	PRIOR NO.
323	NETARTS-OCEANSIDE S	D002988	43	STP, INT	3	1400	0976			1
411	REDWOOD S D	002994	14	STP, INT	3	1300	0876			2
347	REDMOND	NA	43	SYSTEM	3	11000	0976			3
432	FOSTER-MIDWAY	NA	14	SYSTEM	3	1866	1076			4
410	WINSTON-GREEN	002879	56	STP	2	300	0376	0276		5
410	WINSTON-GREEN	002879	56	STP	2	451	0376	0676	RECERTIF	5
410	WINSTON-GREEN	002879	56	STP	3	1500	0377			5
491	USA - LOWER TUALATIN	NA	16	INT	2	150	0776	0776		6
491	USA - LOWER TUALATIN	NA	16	INT	3	2200	0976			6
555	SALEM - GLEN CK	NA		INT	3	102	0276	0476		7
434	GLENDALE	002273	33	STP IMP	3	867	1276			8
436	SUTHERLIN	002084	33	STP IMP	3	1652	1276			9
429	EAGLE POINT	002229	87	STP IMP	2	21	1275	0176		10
429	EAGLE POINT	002229	87	STP IMP	3	124	0177			10
423	CAVE JUNCTION	002833	30	STP IMP	2	28	0675	0576		11
423	CAVE JUNCTION	002833	30	STP IMP	3	213	0177			11
226	WHEELER - NICSA INCR	002068	50	INT	3	880	0776	0776		12
404	YAMHILL	002280	84	STP IMP	2	7	1275	1075		13
404	YAMHILL	002280	84	STP IMP	2	11	1275	0576	RECERTIF	13
404	YAMHILL	002280	84	STP IMP	3	120	0177			13
444	MOLALLA	002238	84	STP EXP	3	293	1176			14
446	LEBANON	002081	14	STP IMP	3	1800	1076			15
450	LINCOLN CITY-PHASE 1	NA	56	INT	3	500	0177			16
428	BROWNSVILLE	002008	36	STP IMP	3	213	0377			17
385	VENETA	002053		PS -STP	3	30	0776		INCR	18
373	CHILJQUIN		32	PS & INT	3	25	1076			19
453	BONANZA		78	STP IMP	3	425	1076			20
520	NORTH BEND	002336	47	STP IMP	3	343	0776	0676		21
524	LAKE OSWEGO -HARVEY	NA	16	INT	3	142	0976			22
525	LAKE OSWEGO -TERRACE	NA	88	INT	3	110	0776			23
463	LAKE OSWEGO -EVERGRN	NA	91	INT	2	23	0276	0276		24
463	LAKE OSWEGO -EVERGRN	NA	91	INT	3	213	1176			24
528	COVE	NA		STP IMP	3	568	1276			25
530	LAKESIDE	002999	33	STP, INT	2	91	0676	0576		26
530	LAKESIDE	002999	33	STP, INT	3	709	0377			26
417	PACIFIC CITY S D		26	STP, INT	2	45	0576	0576		27
417	PACIFIC CITY S D		26	STP, INT	3	355	0177			27
448	AURORA		26	STP, INT	2	72	0576	0576		28
448	AURORA		26	STP, INT	3	568	0477			28
451	TWIN ROCKS S D	002349	50	INT, STP	3	150	0776	0776		29
538	ROADS END S D	NA	33	INT	3	212	1176			30
544	ADRIAN		12	STP, INT	3	238	1176			31
545	PRINEVILLE -LAUGHLIN	NA	43	INT	3	220	0177			32
547	UKIAH	NA	01	STP, INT	3	267	1076			33
566	PORT OF PORTLAND	NA		INT	3	141	1076			34
581	NORTH ROSEBURG S D	002359	14	INT & PS	2	50	0876	0776		35
581	NORTH ROSEBURG S D	002359	14	INT & PS	3	480	0477			35
486-01	BEND PHASE 1A	NA	56	SYSTEM	2	700	0876			36
486-02	BEND PHASE 1A	NA	56	SYSTEM	3	11000	0677			36
486-03	BEND PHASE 1B	NA	56	SYSTEM	2	950	0777			36
486-04	BEND PHASE 1B	NA	56	SYSTEM	3	18000	0379			36
464	TERREBONNE			SYSTEM	1	22	1177			37
464	TERREBONNE			SYSTEM	2	50	0778			37

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PROJECT NO.	PROJECT	NPDES NO.	ENGR CODE	PROJECT DESCR.	STEP	ESTIMATED PROJECT COST (1,000)	TARGET CERT. (MM/YY)	ACTUAL CERT. (MM/YY)	COMMENT	PRIOR NO.
464	TERREBONNE			SYSTEM	3	800	0379			37
585	LAKE OSWEGO -GLENMOR	NA		COLL SYS	2	80	0876			38
585	LAKE OSWEGO -GLENMOR	NA		COLL SYS	3	600	0477			38
579	MADRAS	NA	14	INT	2	35	1176			39
579	MADRAS	NA	14	INT	3	250	0577			39
382-02	USA - FANNO PHASE 5	NA	56	INT	3	139	0776			40
487-02	ROSEBURG METRO	002258	14	STP, INT	2	1300	0976			41
487-03	ROSEBURG METRO	002258	14	STP, INT	3	8300	1077			41
616	ROSEBURG SEWER REHAB	002258	14	STP, INT	2	300	0776		PHASED	42
616	ROSEBURG SEWER REHAB	002258	14	STP, INT	3	2000	0677		PHASED	42
616	ROSEBURG SEWER REHAB	002258	14	STP, INT	2	500	1177		PHASED	42
616	ROSEBURG SEWER REHAB	002258	14	STP, INT	3	4000	1078		PHASED	42
488	CANYONVILLE	002072	33	STP IMP	2	69	0976			43
488	CANYONVILLE	002072	33	STP IMP	3	600	0577			43
438	JOHN DAY-CANYON CITY	002722	01	STP, INT	2	165	0776			44
438	JOHN DAY-CANYON CITY	002722	01	STP, INT	3	1290	0577			44
600	CANYON CITY	NA		INT	2	30	0776			45
600	CANYON CITY	NA		INT	3	250	0377			45
605	PORTLAND - ELK ROCK	NA		INT	3	225	0877			46
439	MT VERNON		45	STP, INT	2	50	0876			47
439	MT VERNON		45	STP, INT	3	400	0377			47
489	HILLSBORO-IRRIGATION	002334		STP	2	8	0876			48
489	HILLSBORO-IRRIGATION	002334		STP	3	71	0177			48
575	USA - GASTON	002015		STP IMP	1	9	0776			49
575	USA - GASTON	002015		STP IMP	2	50	0377			49
575	USA - GASTON	002015		STP IMP	3	450	0677			49
576	USA - BANKS	002012		STP IMP	1	9	0776			50
576	USA - BANKS	002012		STP IMP	2	60	0377			50
576	USA - BANKS	002012		STP IMP	3	450	1177			50
496	JUNCTION CITY	002656	09	STP IMP	2	32	0976			51
496	JUNCTION CITY	002656	09	STP IMP	3	248	0677			51
497	EUGENE AIRPORT	002648	14	STP IMP	2	19	0876			52
497	EUGENE AIRPORT	002648	14	STP IMP	3	142	0377			52
490	HARRISBURG	002075	52	STP	2	34	0876			53
490	HARRISBURG	002075	52	STP	3	302	0377			53
452	MONMOUTH-INDEPENDENCE	002061	09	STP	2	72	0976			54
452	MONMOUTH-INDEPENDENCE	002061	09	STP	3	567	0377			54
454-02	EUGENE-SPRINGFIELD	002620	14	STP	2	697	0976			55
454-03	EUGENE-SPRINGFIELD		14	REHAB	3	2000	0777			55
454-04	EUGENE-SPRINGFIELD	002620	14	STP	3	21500	0178		PHASED	55
458	CORVALLIS AIRPORT	002250	43	STP	2	57	1076			56
458	CORVALLIS AIRPORT	002250	43	STP	3	305	0677			56
493	TRI-CITY S D		56	REG STP	3	6722	0378			57
493	TRI-CITY S D		56	REG STP	2	670	0677			57
494	NEWBERG-DUNDEE	002025	84	REG STP	2	108	0976			58
494	NEWBERG-DUNDEE	002025	84	REG STP	3	851	0677			58
570	SPRINGFIELD	002632		STP IMP	2	200	1276			59
570	SPRINGFIELD	002632		STP IMP	3	1500	1077			59
492	USA - UPPER TUALATIN	NA	16	INT	2	153	0776			60
492	USA - UPPER TUALATIN	NA	16	INT	3	2017	0277			60
595	HALSEY	002239		STP IMP	1	12	0277			61
595	HALSEY	002239		STP IMP	2	30	1077			61
595	HALSEY	002239		STP IMP	3	250	0778			61

PROJECT NO.	PROJECT	NPDES NO.	ENGR CODE	PROJECT DESCR.	STEP	ESTIMATED PROJ. COST (1,000)	TARGET CERT. (MM/YY)	ACTUAL CERT. (MM/YY)	COMMENT	PRIOR NO.
603	USA - BRONSON CK	NA		INT	2	60	0976			62
603	USA - BRONSON CK	NA		INT	3	400	0377			62
611	USA - ROCK CK TRUNK	NA		INT	2	200	1176			63
611	USA - ROCK CK TRUNK	NA		INT	3	2000	0777			63
374	MAUPIN	002260	67	STP IMP	2	31	0776			64
374	MAUPIN	002260	67	STP IMP	3	357	0377			64
474	EUGENE - EASTSIDE	NA	14	INT	2	900	1276			65
474	EUGENE - EASTSIDE	NA	14	INT	3	8000	1277			65
413	GOLD HILL	002259	33	STP IMP	2	34	1276			66
413	GOLD HILL	002259	33	STP IMP	3	266	0677			66
617	OAKLAND	002049		STP IMP	1	15	0177			67
617	OAKLAND	002049		STP IMP	2	45	1177			67
617	OAKLAND	002049		STP IMP	3	300	0778			67
424	BOARDMAN	002070	80	STP IMP	3	1247	0876			68
556	REEDSPORT	NA	33	INT	2	45	1176			69
556	REEDSPORT	NA	33	INT	3	354	0777			69
498	JACKSONVILLE	002079	30	INT	2	81	1076			70
498	JACKSONVILLE	002079	30	INT	3	495	0577			70
499	PRAIRIE CITY	002003	80	STP, INT	3	272	1176			71
557	PORTLAND - SLUDGE	NA		STP IMP	2	277	0876			72
557	PORTLAND - SLUDGE	NA		STP IMP	3	4290	0477			72
558	BCVSA - WHITE CITY	002246	14	INT	2	103	1176			73
558	BCVSA - WHITE CITY	002246	14	INT	3	412	0577			73
342	PORTLAND - SE RELIEV	NA		INT	3	2888	0976			74
586	RAINIER	002038		STP IMP	1	10	1076			75
586	RAINIER	002038		STP IMP	2	35	0577			75
586	RAINIER	002038		STP IMP	3	300	0178			75
475	LA GRANDE-ISLAND CITY	002046	12	STP, INT	2	181	0776			76
475	LA GRANDE-ISLAND CITY	002046	12	STP, INT	3	1980	0177			76
472	ELGIN	002243	01	STP IMP	2	31	1276			77
472	ELGIN	002243	01	STP IMP	3	357	0677			77
501	CORVALLIS-CRESCENT V	NA		INT	2	111	0976			78
501	CORVALLIS-CRESCENT V	NA		INT	3	791	0677			78
583	IONE		63	STP, INT	2	35	1176			79
583	IONE		63	STP, INT	3	300	0577			79
502	HAMMOND	002274	43	INT	2	36	0177			80
502	HAMMOND	002274	43	INT	3	284	0777			80
590	BAY CITY	002257		STP IMP	1	12	1276			81
590	BAY CITY	002257		STP IMP	2	40	1077			81
590	BAY CITY	002257		STP IMP	3	300	0678			81
584	SILETZ	002041		STP IMP	1	10	1276			82
584	SILETZ	002041		STP IMP	2	35	0677			82
584	SILETZ	002041		STP IMP	3	300	0378			82
466	PORT OF TILLAMOOK BAY	002291	04	STP IMP	1	13	0876			83
466	PORT OF TILLAMOOK BAY	002291	04	STP IMP	2	50	0277			83
466	PORT OF TILLAMOOK BAY	002291	04	STP IMP	3	387	0178			83
503	SEASIDE	002040	56	STP IMP	1	49	1076			84
503	SEASIDE	002040	56	STP IMP	2	182	0577			84
503	SEASIDE	002040	56	STP IMP	3	1419	0478			84
427	AUMSVILLE	002272	36	STP IMP	2	36	0876			85
427	AUMSVILLE	002272	36	STP IMP	3	387	0277			85
505	TILLAMOOK CITY	002066	16	STP IMP	2	69	0976			85
505	TILLAMOOK CITY	002066	16	STP IMP	3	426	0677			86

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PROJECT NO.	PROJECT	NPDES NO.	ENGR. CODE	PROJECT DESCR.	STEP	ESTIMATED PROJ. COST (1,000)	TARGET CERT. (MM/Y)	ACTUAL CERT. (MM/Y)	COMMENT	PRIOR NO.
430	DAYTON	002363	84	STP IMP	2	27	0876			87
430	DAYTON	002363	84	STP IMP	3	206	0377			87
506	SHERIDAN-WILLAMINA	002064	47	STP IMP	2	48	1076			88
506	SHERIDAN-WILLAMINA	002064	47	STP IMP	3	516	0173			88
508	AMITY	002621	20	STP IMP	2	21	0876			89
508	AMITY	002621	20	STP IMP	3	238	0577			89
476	GERVAIS	002739	09	STP/ INT	2	66	0976			90
509	WOODBURN	002000	16	STP, INT	2	132	0976			90
509	WOODBURN	002000	16	STP, INT	3	1135	0477			90
476	GERVAIS	002739	09	STP/ INT	3	567	0677			90
615	CARLTON	002054		STP IMP	1	20	1076			91
615	CARLTON	002054		STP IMP	2	60	0677			91
615	CARLTON	002054		STP IMP	3	350	0378			91
510	JEFFERSON	002045	84	STP, INT	2	36	0876			92
510	JEFFERSON	002045	84	STP, INT	3	284	0277			92
273	ROCKAWAY	002330	33	STP IMP	2	184	0976			93
273	ROCKAWAY	002330	33	STP IMP	3	1100	0777			93
511	CANNON BEACH	002022	16	STP IMP	2	74	0876			94
511	CANNON BEACH	002022	16	STP IMP	3	830	0377			94
559	LINCOLN CITY PHASE 2	002047	56	STP, INT	2	337	0876			95
559	LINCOLN CITY PHASE 2	002047	56	STP, INT	3	2929	0477			95
512	COTTAGE GROVE	002055	47	STP IMP	2	105	0976			96
512	COTTAGE GROVE	002055	47	STP IMP	3	645	0777			96
513	CRESWELL	002754	40	STP IMP	2	36	1076			97
513	CRESWELL	002754	40	STP IMP	3	284	0577			97
514	OAKRIDGE	002231	47	STP IMP	2	28	0776			98
514	OAKRIDGE	002231	47	STP IMP	3	212	0177			98
573	LOWELL	002004		STP IMP	2	50	0177			99
573	LOWELL	002004		STP IMP	3	400	1277			99
594	ESTACADA	002057		STP IMP	1	20	1276			100
594	ESTACADA	002057		STP IMP	2	80	0578			100
594	ESTACADA	002057		STP IMP	3	650	0279			100
592	DALLAS	002073		STP IMP	2	35	0477			101
592	DALLAS	002073		STP IMP	3	200	1077			101
515	SCIO	002930	36	STP IMP	2	14	1176			102
515	SCIO	002930	36	STP IMP	3	137	0677			102
588	MT ANGEL	002876	84	STP IMP	2	35	0377			103
588	MT ANGEL	002876	84	STP IMP	3	300	0977			103
569	MONROE	002920	47	STP IMP	1	10	0776			104
569	MONROE	002920	47	STP IMP	2	40	0377			104
569	MONROE	002920	47	STP IMP	3	300	0577			104
516	KLAMATH FALLS REGION	002630	33	STP	2	497	0677			105
516	KLAMATH FALLS REGION	002630	33	STP	3	5500	0578			105
571	UMATILLA	002230		STP EXP	1	15	0976			106
571	UMATILLA	002230		STP EXP	3	350	0377			106
571	UMATILLA	002230		STP EXP	2	50	0677			106
517	HERMISTON	002076	56	STP, INT	2	263	0976			107
517	HERMISTON	002076	56	STP, INT	3	2186	0577			107
518	ONTARIO	002062	12	STP IMP	2	44	0977			108
518	ONTARIO	002062	12	STP IMP	3	385	0678			108
431	BAKER	002069	12	STP, IMP	2	146	0977			109
431	BAKER	002069	12	STP, IMP	3	1217	0673			109
589	MILTON-FREEWATER	002278		STP IMP	1	50	0776			110

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PROJECT NO.	PROJECT	NPDES NO.	ENGR CODE	PROJECT DESCR.	STEP	ESTIMATED PROJ. COST (1,000)	TARGET COST. (MM/YY)	ACTUAL COST. (MM/YY)	COMMENT	PRIOR NO.
589	MILTON-FREEWATER	002278		STP IMP	2	135	0377			110
589	MILTON-FREEWATER	002278		STP IMP	3	800	0977			110
564	NORTH POWDER	002240	47	STP IMP	2	35	0976			111
564	NORTH POWDER	002240	47	STP IMP	3	300	0477			111
519	JOSEPH	002060	01	STP IMP	2	39	0976			112
519	JOSEPH	002060	01	STP IMP	3	387	0377			112
554	ENTERPRISE	002056	01	STP IMP	2	44	1076			113
554	ENTERPRISE	002056	01	STP IMP	3	370	0377			113
473	DUFUR	002905	63	STP IMP	2	12	1176			114
473	DUFUR	002905	63	STP IMP	3	96	0577			114
521	N ALBANY S D	NA	09	INT	2	117	0477			115
521	N ALBANY S D	NA	09	INT	3	1233	0178			115
522	NORTH PLAINS	NA		INT	1	10	0977			116
522	NORTH PLAINS	NA		INT	2	21	0378			116
522	NORTH PLAINS	NA		INT	3	135	0878			116
523	ST PAUL		20	STP, INT	2	41	0876			117
523	ST PAUL		20	STP, INT	3	359	0177			117
526	CLACKAMAS CO - RHODO-W		56	STP IMP	2	46	0677			118
526	CLACKAMAS CO - RHODO-W		56	STP IMP	3	284	0378			118
313	WEST LINN-LOWER TUAL	NA	20	INT	3	112	0876			119
567	HAPPY VALLEY	NA	08	INT	2	35	0277			120
567	HAPPY VALLEY	NA	08	INT	3	300	0877			120
435	GLIDE-IDLEYLD			STP, INT	2	0				121
435	GLIDE-IDLEYLD			STP, INT	3	0				121
455	SHADY COVE		30	STP, INT	2	72	0876			122
455	SHADY COVE		30	STP, INT	3	368	0277			122
456	MERLIN-COLONIAL VALLEY		40	STP, INT	1	24	0677			123
456	MERLIN-COLONIAL VALLEY		40	STP, INT	2	91	0278			123
456	MERLIN-COLONIAL VALLEY		40	STP, INT	3	709	0878			123
527	BCVSA - CENTRAL PT		14	INT	2	90	0976			124
527	BCVSA - CENTRAL PT		14	INT	3	702	0277			124
582	IRRIGON			STP, INT	2	30	0877			125
582	IRRIGON			STP, INT	3	260	0478			125
437	WAUNA-WESTPORT		16	STP, INT	1	24	0876			126
437	WAUNA-WESTPORT		16	STP, INT	2	91	0377			126
437	WAUNA-WESTPORT		16	STP, INT	3	709	0977			126
426	MULT CO-INVERNESS #8	NA		INT	3	413	0776			127
465	GRESHAM - LINNEMAN	NA	56	INT	2	157	1076			128
465	GRESHAM - LINNEMAN	NA	56	INT	3	1061	0677			128
356	COLUMBIA CITY	002071		INT	2	21	0976			129
356	COLUMBIA CITY	002071		INT	3	200	0577			129
577	HOOD RIVER-WESTSIDE	NA	63	INT	2	15	0577			130
577	HOOD RIVER-WESTSIDE	NA	63	INT	3	100	0977			130
572	THE DALLES - FOLEY	NA	63	INT	2	20	0277			131
572	THE DALLES - FOLEY	NA	63	INT	3	100	0777			131
531	DUNES CITY			STP, INT	1	14	0577			132
531	DUNES CITY			STP, INT	2	55	0378			132
531	DUNES CITY			STP, INT	3	500	1078			132
532	HWY 101 S D	NA		INT	2	17	1176			133
532	HWY 101 S D	NA		INT	3	200	0677			133
467	SILVERTON	002065		STP IMP	2	26	1276			134
467	SILVERTON	002065		STP IMP	3	212	0577			134
442	MAPLETON		72	STP, INT	2	69	1178			135

PROJECT NO.	PROJECT	NPDES NO.	ENGR CODE	PROJECT DESCR.	STEP	ESTIMATED PROJ. COST (\$1,000)	TARGET CERT. (MM/YY)	ACTUAL CERT. (MM/YY)	COMMENT	PRIOR NO.
442	MAPLETON		72	STP, INT	3	550	0579			135
533	FLORENCE	002074	47	STP IMP	2	69	0577			136
533	FLORENCE	002074	47	STP IMP	3	600	0178			136
443	TURNER		09	STP, INT	2	72	1277			137
443	TURNER		09	STP, INT	3	568	0978			137
445	DONALD		09	STP, INT	2	46	0577			138
445	DONALD		09	STP, INT	3	284	0178			138
534	NEWBERG - NORTHWEST	NA	43	INT	2	20	0876			139
534	NEWBERG - NORTHWEST	NA	43	INT	3	121	0277			139
471	TANGENT			INT	1	14	0377			140
471	TANGENT			INT	2	55	0877			140
471	TANGENT			INT	3	415	0278			140
460	ALBANY - NORTHEAST	NA		INT	1	20	0277			141
460	ALBANY - NORTHEAST	NA		INT	2	115	1077			141
460	ALBANY - NORTHEAST	NA		INT	3	1000	0678			141
536	LAPINE			STP, INT	1	12	0976			142
536	LAPINE			STP, INT	2	55	0477			142
536	LAPINE			STP, INT	3	415	1277			142
447	MILL CITY		09	STP, INT	1	22	0976			143
447	MILL CITY		09	STP, INT	2	91	0577			143
447	MILL CITY		09	STP, INT	3	709	0278			143
537	SW LINCOLN CO S D		43	STP, INT	2	254	0876			144
537	SW LINCOLN CO S D		43	STP, INT	3	2200	0277			144
542	CARMEL-FOULWEATHER S D		43	STP, INT	2	136	0876			145
542	CARMEL-FOULWEATHER S D		43	STP, INT	3	1063	0377			145
560	ROSEBURG -RIFLE RNG	NA		INT	1	9	1176			146
560	ROSEBURG -RIFLE RNG	NA		INT	2	25	0777			146
560	ROSEBURG -RIFLE RNG	NA		INT	3	110	0478			146
543	BAY TO BAY S D		43	STP, INT	2	207	1276			147
543	BAY TO BAY S D		43	STP, INT	3	1980	0877			147
561	AGATE BEACH S D	NA		INT	1	18	0377			148
561	AGATE BEACH S D	NA		INT	2	68	0977			148
561	AGATE BEACH S D	NA		INT	3	533	0478			148
607	BCVSA - WHETSTONE	NA		INT	1	12	0177			149
607	BCVSA - WHETSTONE	NA		INT	2	70	0977			149
607	BCVSA - WHETSTONE	NA		INT	3	500	0478			149
539	ST HELENS	NA	86	INT	2	165	0976			150
539	ST HELENS	NA	86	INT	3	1100	0677			150
540	MERRILL	002048		STP, INT	1	12	0477			151
540	MERRILL	002048		STP, INT	2	38	1277			151
540	MERRILL	002048		STP, INT	3	364	0878			151
574	WESTSIDE S D - K FALLS		32	STP/ INT	2	80	0976			152
574	WESTSIDE S D - K FALLS		32	STP/ INT	3	650	0777			152
469	MODOC POINT			STP, INT	1	12	1177			153
469	MODOC POINT			STP, INT	2	38	0778			153
469	MODOC POINT			STP, INT	3	364	0179			153
541	SISTERS		33	STP, INT	2	55	0177			154
541	SISTERS		33	STP, INT	3	434	0877			154
449	FALLS CITY			STP, INT	1	12	0177			155
449	FALLS CITY			STP, INT	2	45	0577			155
449	FALLS CITY			STP, INT	3	354	0278			155
546	CRESCENT			STP, INT	1	12	0976			156
546	CRESCENT			STP, INT	2	38	0377			156

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546	CRESCENT			STP, INT	3	364	1077			156
587	HAINES		01	STP, INT	2	35	0377			157
587	HAINES		01	STP, INT	3	300	0877			157
459	CORVALLIS MOBILE PK	NA		INT	1	15	0378			158
459	CORVALLIS MOBILE PK	NA		INT	2	35	1178			158
459	CORVALLIS MOBILE PK	NA		INT	3	525	0679			158
597	YONCALLA	002245		STP IMP	1	12	1176			159
597	YONCALLA	002245		STP IMP	2	50	0777			159
597	YONCALLA	002245		STP IMP	3	400	0378			159
470	COBURG		14	STP, INT	1	22	0377			160
470	COBURG		14	STP, INT	2	91	0977			160
470	COBURG		14	STP, INT	3	710	0478			160
604	CLACK CO-KELLOGG SL	002622		STP IMP	1	10	0477			161
604	CLACK CO-KELLOGG SL	002622		STP IMP	2	20	1277			161
604	CLACK CO-KELLOGG SL	002622		STP IMP	3	200	0678			161
608	USA - BROOKWOOD TRNK	NA		INT	2	2	1076			162
608	USA - BROOKWOOD TRNK	NA		INT	3	6	0377			162
610	USA - SUNSET TRUNK	NA		INT	2	40	0976			163
610	USA - SUNSET TRUNK	NA		INT	3	320	0577			163
613	USA - REEDSVILLE TRNK	NA		INT	2	90	0177			164
613	USA - REEDSVILLE TRNK	NA		INT	3	450	0777			164
529	BIGGS JCT	NA		INT	1	12	1177			165
529	BIGGS JCT	NA		INT	2	32	0578			165
529	BIGGS JCT	NA		INT	3	265	1278			165
549	HILLSBORO - WESTSIDE	002334		STP AUTO	1	6	0776			166
549	HILLSBORO - WESTSIDE	002334		STP AUTO	2	25	1276			166
549	HILLSBORO - WESTSIDE	002334		STP AUTO	3	194	0577			166
598	OAK LODGE S D	002614		STP IMP	1	15	0277			167
598	OAK LODGE S D	002614		STP IMP	2	50	0977			167
598	OAK LODGE S D	002614		STP IMP	3	400	0578			167
535	CANBY	NA	60	INT	1	10	1176			168
535	CANBY	NA	60	INT	2	23	0377			168
535	CANBY	NA	60	INT	3	142	0877			168
568	ELKTON		47	STP	1	10	0177			169
568	ELKTON		47	STP	2	40	0877			169
568	ELKTON		47	STP	3	360	0478			169
563	ROSEBURG - LOOKINGGL	NA		INT	1	10	1076			170
563	ROSEBURG - LOOKINGGL	NA		INT	2	25	0577			170
563	ROSEBURG - LOOKINGGL	NA		INT	3	194	1277			170
599	MEDFORD	002626		STP EXP	1	75	0878			171
599	MEDFORD	002626		STP EXP	2	400	0679			171
599	MEDFORD	002626		STP EXP	3	4500	0580			171
580	LEXINGTON		63	STP, INT	2	44	0277			172
580	LEXINGTON		63	STP, INT	3	380	0877			172
596	WARRENTON	002087		STP IMP	1	20	0978			173
596	WARRENTON	002087		STP IMP	2	60	0779			173
596	WARRENTON	002087		STP IMP	3	480	0380			173
614	ARLINGTON	002019		STP EXP	1	6	1076			174
614	ARLINGTON	002019		STP EXP	2	20	0477			174
614	ARLINGTON	002019		STP EXP	3	150	0378			174
609	BCVSA - WEST MEDFORD	NA		INT	1	10	0377			175
609	BCVSA - WEST MEDFORD	NA		INT	2	45	1277			175
609	BCVSA - WEST MEDFORD	NA		INT	3	300	0978			175

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PROJECT NO.	PROJECT	NPDES NO.	ENGR. CODE	PROJECT DESCR.	STEP	ESTIMATED PROJ. COST (1,000)	TARGET CERT. (MM/YY)	ACTUAL CERT. (MM/YY)	COMMENT	PRIOR NO.
612	BCVSA - WAGNER CK	NA		INT	1	6	0577			176
612	BCVSA - WAGNER CK	NA		INT	2	30	0178			176
612	BCVSA - WAGNER CK	NA		INT	3	200	0678			176
562	IMBLER		67	STP, INT	2	21	1276			177
562	IMBLER		67	STP, INT	3	164	0577			177
578	TROUTDALE	002052	38	INT & FXP	2	66	0177			178
578	TROUTDALE	002052	38	INT & EXP	3	400	1077			178
591	CASCADE LOCKS	NA		INT	1	8	0377			179
591	CASCADE LOCKS	NA		INT	2	15	1177			179
591	CASCADE LOCKS	NA		INT	3	100	0578			179
606	CLATSKANIE	NA		INT	1	8	0976			180
606	CLATSKANIE	NA		INT	2	15	0477			180
606	CLATSKANIE	NA		INT	3	100	0877			180
551	SANDY	NA	04	INT	1	5	0377			181
551	SANDY	NA	04	INT	2	21	0977			181
551	SANDY	NA	04	INT	3	161	0379			181
552	POWERS	002693	33	STP IMP	1	3	0177			182
552	POWERS	002693	33	STP IMP	2	12	0777			182
552	POWERS	002693	33	STP IMP	3	97	0178			182
553	BANDON - JOHNSON	NA	33	INT	2	46	1076			183
553	BANDON - JOHNSON	NA	33	INT	3	262	0577			183
468	SCOTTS MILLS			STP, INT	1	16	0377			184
468	SCOTTS MILLS			STP, INT	2	58	0977			184
468	SCOTTS MILLS			STP, INT	3	451	0678			184
477	DETROIT			STP, INT	1	16	0477			185
477	DETROIT			STP, INT	2	58	0977			185
477	DETROIT			STP, INT	3	451	0278			185
565	STANFIELD	002697	67	STP IMP	2	43	1176			186
565	STANFIELD	002697	67	STP IMP	3	335	0677			186
593	ELMIRA	NA		INT	1	8	0177			187
593	ELMIRA	NA		INT	2	19	0777			187
593	ELMIRA	NA		INT	3	80	0278			187
602	NESKOWIN			STP, INT	1	15	1276			188
602	NESKOWIN			STP, INT	2	45	0877			188
602	NESKOWIN			STP, INT	3	300	0578			188
548	SUMPTER			STP, INT	1	4	0477			189
548	SUMPTER			STP, INT	2	16	1077			189
548	SUMPTER			STP, INT	3	250	0578			189
479	JUNTURA			STP, INT	1	4	0377			190
479	JUNTURA			STP, INT	2	16	1277			190
479	JUNTURA			STP, INT	3	250	0678			190
601	WALLOWA LAKE S A			STP, INT	1	10	0277			191
601	WALLOWA LAKE S A			STP, INT	2	25	1077			191
601	WALLOWA LAKE S A			STP, INT	3	200	0478			191



ENVIRONMENTAL QUALITY COMMISSION

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

ROBERT W. STRAUB
GOVERNOR

To: Environmental Quality Commission

From: Air Quality Division

Subject: Agenda Item K, July 30, 1976
EQC Meeting Request for Authorization for Public Hearings;
Proposed Rules for Open Burning

Background

On March 28, 1975 the Department proposed adoption of revised Rules for Open Burning. Because of possible pending legislation concerning open burning the proposed rules were not adopted at that time. In order to allow domestic open burning to be continued, that section which pertained to special practices in the Portland metropolitan area was adopted as a special rule for the affected area.

Discussion

The anticipated legislation pertaining to open burning practices did not materialize during the last legislature, and the Department has developed a revised version of the rules presented at the March 28, 1975 meeting. The rules have been substantially changed, including many revisions which were made as a result of input from the regional offices and other sources. During the time since the revised Rules were first proposed a second air pollution authority was dissolved. This resulted in two special area rules concerning open burning, one for the Portland metropolitan area, and another which covered the area formerly under the jurisdiction of the Mid-Willamette Valley Air Pollution Authority. The proposed rule incorporates the provisions of both of these special area rules and the special rules would be abolished with the adoption of the present proposal. Certain inequities inherent in the old open burning rules have been eliminated, and two special control areas have been reduced in size to conform more realistically with airshed configurations and population centers. Additional changes have been made to provide more flexibility of enforcement and clarity of definition.



Contains
Recycled
Materials

Summary

The revised open burning rules first proposed in 1975 have been significantly modified in the current proposal. The staff feels that these changes are of sufficient significance to warrant additional public hearings prior to adoption. The Department is requesting that hearings be authorized by the Commission in order to provide opportunity for additional public comment. If authorized, it is proposed that a total of four hearings be held, one in Portland on September 9, 1976, at 10:00 a.m. in the fifth floor conference room of the Terminal Sales Building; one in Salem, one in Eugene and one in either Roseburg or Medford, all on September 9 at times and places to be arranged.

Director's Recommendation

It is the recommendation of the Director that public hearings be authorized by the Commission for the purpose of obtaining public comment concerning the proposed Rules for Open Burning. These hearings shall be held in Portland on September 9, 1976, at 10:00 a.m. in Room 508 of the Terminal Sales Building, 1234 S. W. Morrison Street, Portland 97205, and in Salem, Eugene and either Medford or Roseburg on September 9, 1976 at times and places to be arranged.



LOREN KRAMER
Director

RMJ:ds

Attachment: Proposed Rules for Open Burning

DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED RULES FOR OPEN BURNING

June 28, 1976

OAR Chapter 340, Sections 23-005 through 23-020, 28-005(1), (4), (5) and (6), 28-010 through 28-020, and 29-055 through ~~29-060~~ are repealed and new Sections 23-025 through 23-050 are adopted in lieu thereof.

23-025 POLICY.

In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the State, it is the policy of the Environmental Quality Commission: to eliminate open burning disposal practices where alternative disposal methods are feasible and practicable; to encourage the development of alternative disposal methods; to emphasize resource recovery; to regulate specified types of open burning; to encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible; and to require specific programs and timetables for compliance with these rules.

23-030 DEFINITIONS. As used in these Rules unless otherwise required by context:

- (1) "Commercial Waste" means combustible waste which is generated by any activity of wholesale or retail commercial offices or facilities, or by industrial, governmental, institutional, or charitable organization offices and facilities, or by housing facilities with more than four living units including but not limited to apartments, hotels, motels, dormitories and mobile home parks, but does not include any waste which is defined as industrial waste under subsection (9) of this Section or which is prohibited in Section 23-040(7).

- (2) "Commission" means the Environmental Quality Commission.
- (3) "Construction and Demolition Waste" means combustible waste which is generated by the removal of debris, logs, trees, brush, or demolition material from any site in preparation for land improvement or a construction project; any waste occurring as the result of a construction project; or any waste resulting from the complete or partial destruction of any man-made structures such as houses, apartments, commercial buildings, or industrial buildings.
- (4) "Department" means the Department of Environmental Quality.
- (5) "Director" means the Director of the Department of Environmental Quality or his delegated representative pursuant to ORS 468.045(3).
- (6) "Domestic Waste" means combustible household waste, other than wet garbage, such as paper, cardboard, leaves, yard clippings, wood, or similar materials generated in a dwelling housing four (4) families or less, or on the real property on which the dwelling is situated.
- (7) "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.
- (8) "Forced-air Pit Incineration" means any method or device by which burning of waste is done in a subsurface pit or above ground enclosure with combustion air supplied under positive draft or air curtain, and controlled in such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.
- (9) "Industrial Waste" means combustible waste produced as the direct result of any manufacturing or industrial process.

(10) "Open Burning" means burning conducted in such a manner that combustion air and combustion products may not be effectively controlled, including but not limited to burning conducted in open outdoor fires, burn barrels, and backyard incinerators.

(11) "Open Burning Control Area" means an area established to control specific open burning practices or to maintain specific open burning standards which may be more stringent than those established for other areas of the State, including but not limited to the following areas:

(a) All areas within incorporated cities having a population of four thousand (4,000) or more and within three (3) miles of the corporate limits of any such city.

(b) The Coos Bay Open Burning Control Area, as generally depicted on Attachment 1, and as defined as follows:

Beginning at a point approximately 4-1/2 miles WNW of The City of North Bend, Coos County, at the intersection of the north boundary of T25S, R13E and the coast line of the Pacific Ocean; thence east to the NE corner of T26S, R12E; thence south to the SE corner of T26S, R12E; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean; thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13E, the point of beginning.

(c) The Rogue Basin Open Burning Control Area, as generally depicted on Attachment 2, and as defined as follows:

Beginning at a point approximately 4-1/2 miles NE of The City of Shady Cove, Jackson County at the NE corner of T34S, R1W, Willamette Meridian; thence south along the Willamette Meridian to the SW

corner of T37S, R1W; thence East to the NE corner of T38S, R1E; thence South to the SE corner of T38S, R1E; thence East to the NE corner of T39S, R2E; thence South to the SE corner of T39S, R2E; thence West to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence West to the SW corner of T38S, R2W; thence North to the SW corner of T36S, R2W; thence West to the SW corner of T36S, R4W; thence South to the SE corner of T37S, R5W; thence West to the SW corner of T37S, R6W; thence North to the NW corner of T36S, R6W; thence East to the SW corner of T35S, R1W; thence North to the NW corner of T34S, R1W; thence East to the point of beginning.

- (d) The Umpqua Basin Open Burning Control Area, as generally depicted on Attachment 3, and as defined as follows:

Beginning at a point approximately 4 miles WNW of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian; thence South to the SE corner of T25S, R5W; thence East to the NE corner of T26S, R4W; thence South to the SE corner of T27S, R4W; thence West to the SE corner of T27S, R5W; thence South to the SE corner of T30S, R5W; thence West to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence West to the SW corner of T28S, R7W; thence North to the NW corner of T27S, R7W; thence East to the NE corner of T27S, R7W; thence North to the NW corner of T26, R6W; thence East to the NE corner of T26, R6W; thence North to the NW corner of T25S, R5W; thence East to the point of beginning.

(e) The Willamette Valley Open Burning Control Area, defined as follows:

All of Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties.

- (12) "Person" means any individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the State and any agency thereof, and the Federal Government and any agency thereof.
- (13) "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.
- (14) "Regional Authority" means the Lane Regional Air Pollution Authority.
- (15) "Waste" means any useless or discarded materials.

23-035 EXCEPTIONS, STATEWIDE

The provisions of these rules shall not apply to:

- (1) Fires set for traditional recreational purposes and traditional ceremonial occasions for which a fire is appropriate provided that no waste materials which may emit dense smoke or noxious odors as prohibited in Section 22-040(7) are included as any part of the fuel used for such fires.
- (2) Any barbecue equipment not used for commercial or fund raising purposes, nor to any barbecue equipment used for commercial or fund raising purposes for no more than two periods in any calendar year, each such period not to exceed two consecutive weeks, in any single area.

- (3) Fires set or allowed by any public agency when such fire is set or allowed to be set in the performance of its official duty for the purpose of weed abatement, instruction of employes in the methods of fire fighting, or for prevention or elimination of a fire hazard, and which are necessary in the opinion of the public agency responsible for such fires.
- (4) Open burning as a part of agricultural operations which is regulated in part by OAR Chapter 340, Division 2, Subdivision 6, Agricultural Operations.
- (5) Open burning on forest land permitted under the Smoke Management Plan filed pursuant to ORS 477.515.
- (6) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

23-040 GENERAL REQUIREMENTS AND PROHIBITIONS

- (1) No person shall cause or allow to be initiated or maintained any open burning which is prohibited by any rule of the Commission.
- (2) Open burning in violation of any rule of the Commission shall be promptly extinguished by the person in attendance or person responsible when notified to extinguish the fire by either the Department, or by any other appropriate public official.
- (3) Any person who owns or controls, including the tenant of, property on which open burning occurs or who has caused or allowed such open burning to be initiated or maintained shall be considered the person responsible for the open burning.
- (4) Open fires allowed by these rules shall be constantly attended by a responsible person until extinguished.

- (5) All combustible material to be open burned shall be dried to the extent practicable to prevent emissions of excessive smoke.
- (6) All combustible material to be open burned shall be stacked or windrowed in such a manner as to eliminate dirt, rocks and other non-combustible material, and to promote efficient burning. Equipment and tools shall be available to periodically re-stack the burning material to insure that combustion is essentially complete and that smoldering fires are prevented.
- (7) Open burning of any waste materials which normally emit dense smoke, noxious odors, or which may tend to create a public nuisance such as, but not limited to household garbage, plastics, wire insulation, auto bodies, asphalt, waste petroleum products, rubber products, animal remains, and animal or vegetable wastes resulting from the handling, preparation, cooking, or service of food is prohibited.
- (8) If the Department determines that open burning allowed by these rules may cause or is causing a public nuisance, the Department may require that the burning be terminated or that auxiliary combustion equipment or combustion promoting materials to be used to insure complete combustion and elimination of the nuisance. Auxiliary combustion equipment required under this subsection may include, but is not limited to, fans or air curtain incinerators. Combustion promoting materials may include but are not limited to propane, diesel oil or jellied diesel.
- (9) No open burning shall be initiated in any part of the State on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed in that part of the State because of adverse meteorological or air quality conditions.

- (10) No open burning shall be initiated in any area of the State in which an air pollution alert, warning, or emergency has been declared pursuant to OAR Chapter 340, Sections 27-010 and 27-025(2), and is then in effect. Any open burning in progress at the time of such declaration shall be promptly extinguished by the person in attendance or person responsible when notified of the declaration by either the Department or any other appropriate public official.
- (11) Open burning authorized by these rules does not exempt or excuse any person from liability for, consequences, damages or injuries resulting from such burning, nor does it exempt any person from complying with applicable laws, ordinances or regulations of other governmental agencies having jurisdiction.
- (12) Forced-air pit incineration may be approved as an alternative to open burning prohibited by these rules, provided that the following conditions shall be met:
 - (a) The person requesting approval of forced air pit incineration shall demonstrate to the satisfaction of the Department or Regional Authority that no feasible or practicable alternative to forced-air pit incineration exists.
 - (b) The forced air pit incineration facility shall be designed, installed and operated in such a manner that visible emissions do not exceed forty percent (40%) opacity for more than three (3) minutes out of any one (1) hour of operation following the initial thirty (30) minute startup period.

(c) The person requesting approval of a forced-air pit incineration facility shall obtain an Air Contaminant Discharge Permit, if required therefor, and the person shall be granted an approval of the facility only after a Notice of Construction and Application for Approval is submitted pursuant to OAR Chapter 340, Section 20-020 through 20-030.

23-045 REQUIREMENTS AND PROHIBITIONS BY AREA

(1) LANE COUNTY

The rules and regulations of the Lane Regional Air Pollution Authority shall apply to all open burning conducted in Lane County, provided that the provisions of such rules and regulations shall be no less stringent than the provisions of these rules.

(2) SOLID WASTE DISPOSAL

Open burning at solid waste disposal sites is prohibited statewide except as authorized by a Solid Waste Permit issued as provided in OAR Chapter 340, Sections 61-005 through 61-085.

(3) COMMERCIAL WASTE

Open burning of commercial waste is prohibited within open burning control areas except as may be provided in subsection (7) of this section.

(4) INDUSTRIAL WASTE

Open burning of industrial waste is prohibited statewide except as may be provided in subsection (7) of this section.

(5) CONSTRUCTION AND DEMOLITION WASTE

Except as may be provided in subsection (7) of this section, open burning of construction and demolition waste, including non-agricultural land clearing debris, is prohibited as follows:

- (a) Within all open burning control areas in Baker, Benton, Clatsop, Coos, Crook, Deschutes, Douglas, Hood River, Jackson, Josephine, Klamath, Lincoln, Linn, Malheur, Marion, Polk, Tillamook, Umatilla, Union, Wasco and Yamhill Counties.
- (b) In Multnomah County west of the Sandy River.
- (c) In Washington County in all areas within rural fire protection districts, including the areas of incorporated cities within or surrounded by said districts.
- (d) In Columbia and Clackamas Counties within control areas established as:
 - (i) Any area in or within three (3) miles of the boundary of any city of more than 1,000 but less than 45,000 population.
 - (ii) Any area in or within six (6) miles of the boundary of any city of 45,000 or more population.
 - (iii) Any area between areas established by this rule where the boundaries are separated by three (3) miles or less.
 - (iv) Whenever two or more cities have a common boundary, the total population of these cities will determine the control area classification and the municipal boundaries of each of the cities shall be used to determine the limit of the control area.

(6) DOMESTIC WASTE

Open burning of domestic waste is prohibited within the Willamette Valley Open Burning Control Area, except such burning is permitted until July 1, 1979:

- (a) In Columbia County excluding the area within the Scappoose Rural Fire Protection District.
- (b) In the Timber and Tri-City Rural Fire Protection Districts of Washington County.
- (c) In the following rural fire protection districts of Clackamas County:
 - (i) Clarkes Rural Fire Protection District.
 - (ii) Estacada Rural Fire Protection District No. 69.
 - (iii) Colton-Springwater Rural Fire Protection District.
 - (iv) Molalla Rural Fire Protection District.
 - (v) Hoodland Rural Fire Protection District.
 - (vi) Monitor Rural Fire Protection District.
 - (vii) Scotts Mills Rural Fire Protection District.
 - (viii) Aurora Rural Fire Protection District.
- (d) In Multnomah County east of the Sandy River.
- (e) In all other parts of the Willamette Valley Open Burning Control Area except Lane County, for the burning of wood, needle, or leaf materials from trees, shrubs, or plants from yard clean-up on the property at which one resides, during the period commencing with the first day of November and terminating at sunset on the third Sunday of December, and the period commencing the second Friday in April and terminating at sunset on the third Sunday in May.
- (f) In Lane County, in accordance with the Rules and Regulations of the Lane Regional Air Pollution Authority.

- (g) Domestic open burning is allowed under this section only between 7:30 a.m. and sunset on days when the Department has advised fire permit issuing agencies that open burning is allowed.

In the event that meteorological ventilation conditions or inclement weather prevent reasonable accomplishment of domestic waste burning during the period ending on the third Sunday in December, additional burning days may be allowed by the Department between the third Sunday in December and the second Friday in April. Such additional burning days shall be allowed only when meteorological ventilation conditions permit and weather conditions are favorable and will preferably be weekend days. No more than six (6) total burning days shall be allowed during the period from the third Sunday in December to the second Friday in April.

(7) OPEN BURNING ALLOWED BY LETTER PERMIT

Burning of commercial, industrial and construction and demolition waste on a singly occurring or infrequent basis may be allowed by a letter permit issued by the Department, provided that the following conditions are met:

- (1) No practicable alternative method for disposal of the waste is available.
- (2) Application for disposal of the waste by burning is made in writing to the Department, listing the quantity and type of waste to be burned, and all efforts which have been made to dispose of the waste by other means.

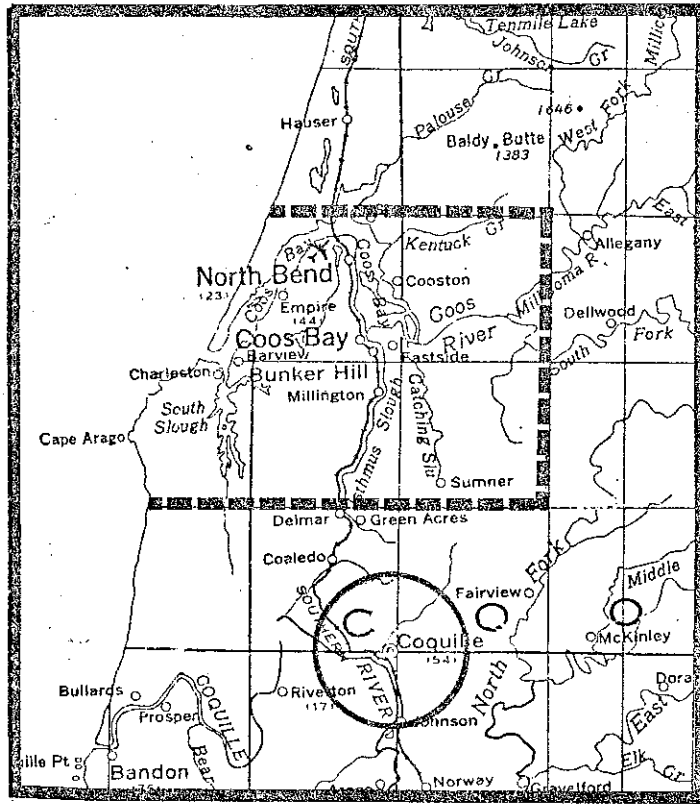
- (3) The Department shall evaluate all such requests for open burning taking into account reasonable efforts to use alternative means of disposal, the condition of the particular airshed where the burning will occur, other emission sources in the vicinity of the requested open burning, remoteness of the site and methods to be used to insure complete and efficient combustion of the waste material.
- (4) If the Department is satisfied that reasonable alternative disposal methods are not available, and that significant degradation of air quality will not occur as the result of allowing the open burning to be accomplished, the Department may issue a letter permit to allow the burning to take place. The duration and date of effectiveness of the letter permit shall be specific to the individual request for authorization of open burning, and the letter permit shall contain conditions so as to insure that the burning is accomplished in the most efficient manner and over the shortest time period attainable.
- (5) Failure to conduct open burning according to the conditions of the letter permit, or any open burning in excess of that allowed by the letter permit, shall be considered cause for revocation of the letter permit and for enforcement action by the Department.

23-050 RECORDS AND REPORTS

As required by ORS 478.960(7), fire permit issuing agencies shall maintain records of all open burning permits and the conditions thereof, and shall submit such records or summaries thereof to the Commission as may be required. Forms for any reports required under this section shall be provided by the Department.

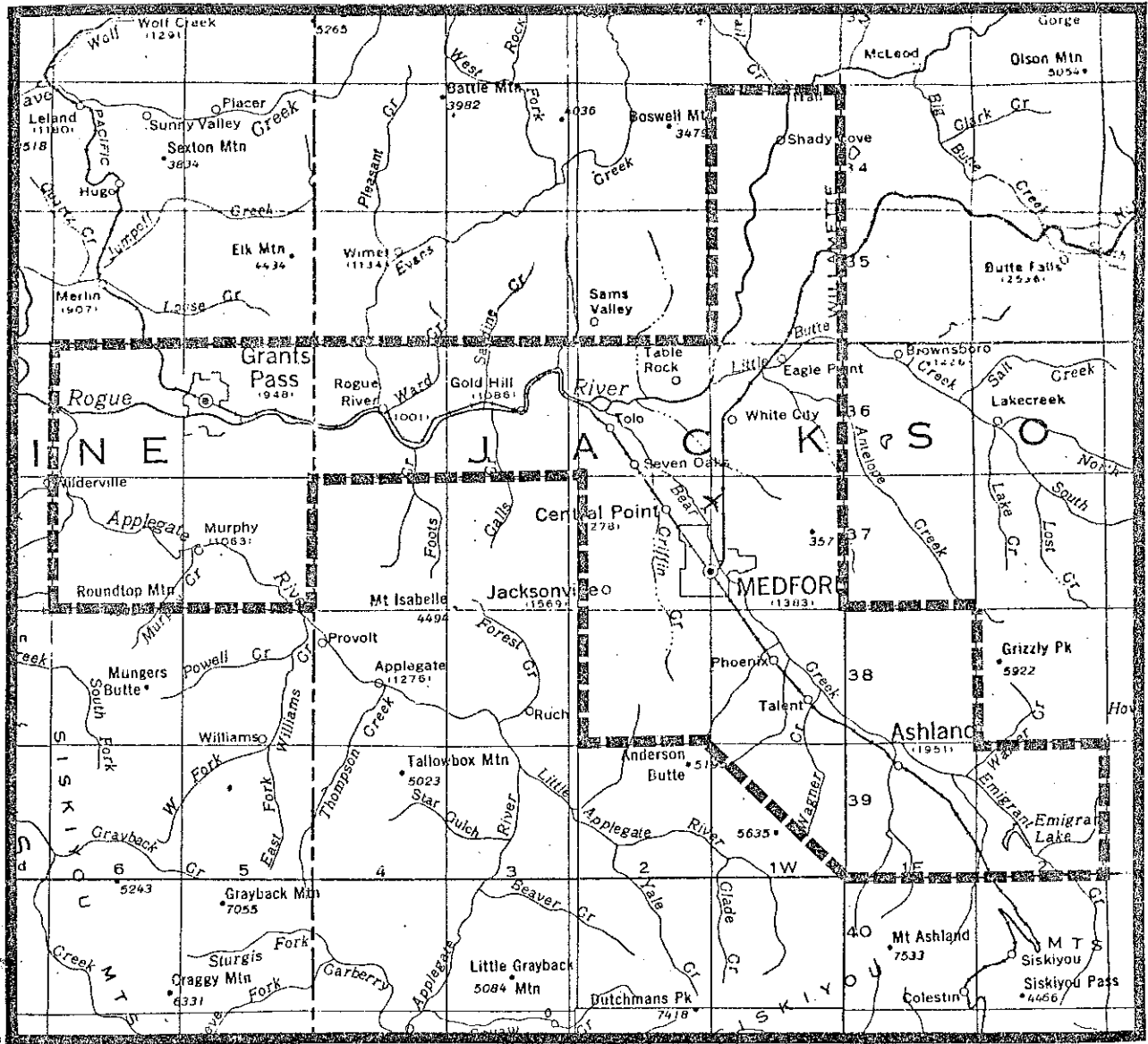
ATTACHMENT 1

COOS BAY OPEN BURNING CONTROL AREA
(Coquille Control Area Shown As Circle)



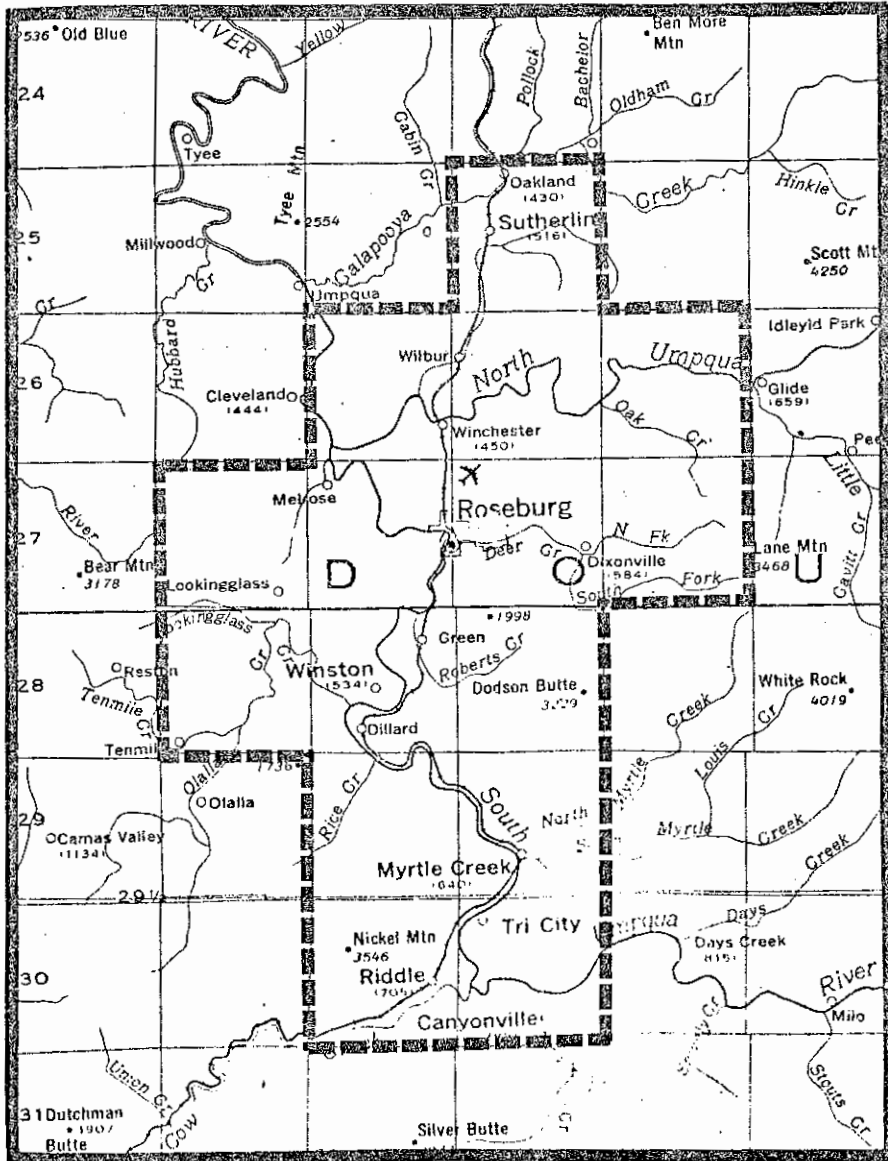
ATTACHMENT 2

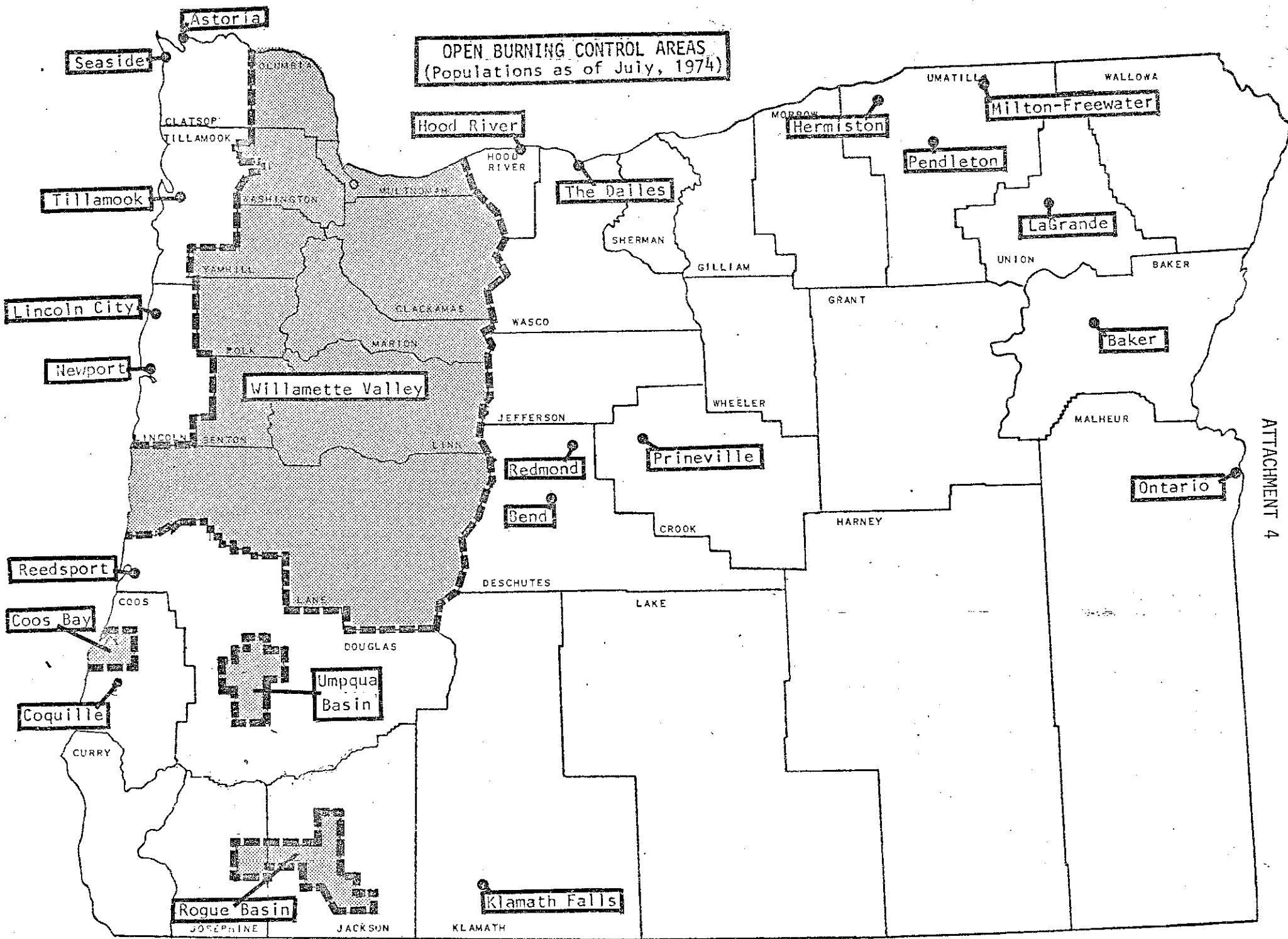
ROGUE BASIN OPEN BURNING CONTROL AREA



ATTACHMENT 3

UMPQUA BASIN OPEN BURNING CONTROL AREA





OPEN BURNING CONTROL AREAS
(Populations as of July, 1974)

ATTACHMENT 4



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 No. L, July 30, 1976, EQC Meeting

Permission to Invest Monies in Oil Spillage Fund Cash Account

Background

The Department, on levying civil penalties for Water Quality infractions, receives and deposits monies in the Oil Spillage Cash Account according to ORS 468.810 (1). The account has a current balance of \$30,250 as of June 30, 1976.

Discussion

It is the opinion of the Attorney General that this account is eligible to receive an apportionment of the State General Fund excess interest. However, according to ORS 468.810 (2), approval must be obtained from the Environmental Quality Commission to invest such funds.

Conclusion

To receive interest, the Fund must be included in the funds being invested in the excess interest pool. The earnings from such investment will increase the funds available for oil spill clean-up contingency, with essentially no risk to the Department of loss of funds. Even though invested, the funds are continuously available to the Department for use as authorized. (It should be noted that the nature of this type of funding for emergency actions omits it from normal budgetting and that Emergency Board authorization of expenditures from the fund, after the fact, would be the normal course of events.)




Contains
Recycled
Materials

MEMORANDUM

Environmental Quality Commission
Agenda Item No. L, July 30, 1976, EQC Meeting

Director's Recommendation

It is in the best interests of the Department to maximize the funds available through investment of the Oil Spillage Account; therefore, it is recommended that the Commission approve such investment.

A handwritten signature in black ink, appearing to be 'Loren Kramer', with a long horizontal stroke extending to the right.

LOREN KRAMER

JCS:ahc
07-20-76

Attachment:
ORS 468.810 Oil Spillage Control Fund

468.810 Oil Spillage Control Fund (1)
All penalties recovered under subsection (3) of ORS 468.140 shall be paid into the Oil Spillage Control Fund, which account is hereby established within the General Fund. The fund shall be administered by the department solely for the advancement of costs incurred in carrying out actions authorized by subsection (1) of ORS 468.800 and in carrying out the rehabilitation authorized by ORS 468.745.

(2) With the approval of the commission, the moneys in the Oil Spillage Control Fund may be invested as provided by ORS 293.701 to 293.776 and earnings from such investment shall be credited to the



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 M, July 30, 1976, EQC Meeting

Consideration of Adoption of a Proposed Temporary Rule Changing Fee Schedule for Subsurface Sewage Disposal Permits and Site Evaluations in Marion County

Background

ORS 454.745 establishes maximum fees that may be charged for subsurface or alternative sewage disposal system permits and fees for site evaluations. By rule of the Commission counties may be allowed to charge fees less than the maximum.

Discussion

When ORS 454.745 was amended in the 1975 legislative session establishing an increased fee structure, Marion County chose not to increase its fees but to continue with the old fee schedule. The County now has budgetary constraints that necessitate increased fees to operate the program at an effective level.

Conclusions

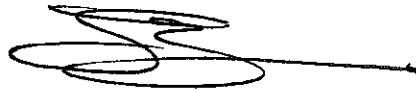
1. An increase in subsurface and alternative sewage systems permit fees and fees for site evaluations is necessary for Marion County to continue to operate an efficient program.
2. Failure to act promptly in the adoption of the attached proposed amendment to OAR 340 72-015(4) will result in serious prejudice to the public interest and the interest of Marion County for the specific reason that the revenue generated as a result of this rule amendment is needed to defray expenses of the program and that failure to obtain this additional revenue could result in a cutback in necessary program services.



Recommendations

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 and to the interest of Marion County 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 amendment contained in Attachment A, and authorize the holding of a public hearing to be held as soon as possible for the purpose of adopting it as a permanent rule within 120 days thereafter.

A handwritten signature in black ink, appearing to read 'Loren Kramer', with a long horizontal line extending to the right.

LOREN KRAMER
Director

TJO:md
7/22/76

Attachment: Attachment A, July 30, 1976, Proposed Temporary Rule
Amending Oregon Administrative Rules Chapter 340,
Division 7

ATTACHMENT A

July 30, 1976

PROPOSED TEMPORARY RULE
AMENDING OREGON ADMINISTRATIVE RULES
CHAPTER 340, DIVISION 7





In subsection 72-015(4) line 7, delete "Marion" and add a new paragraph (d) to read as follows:

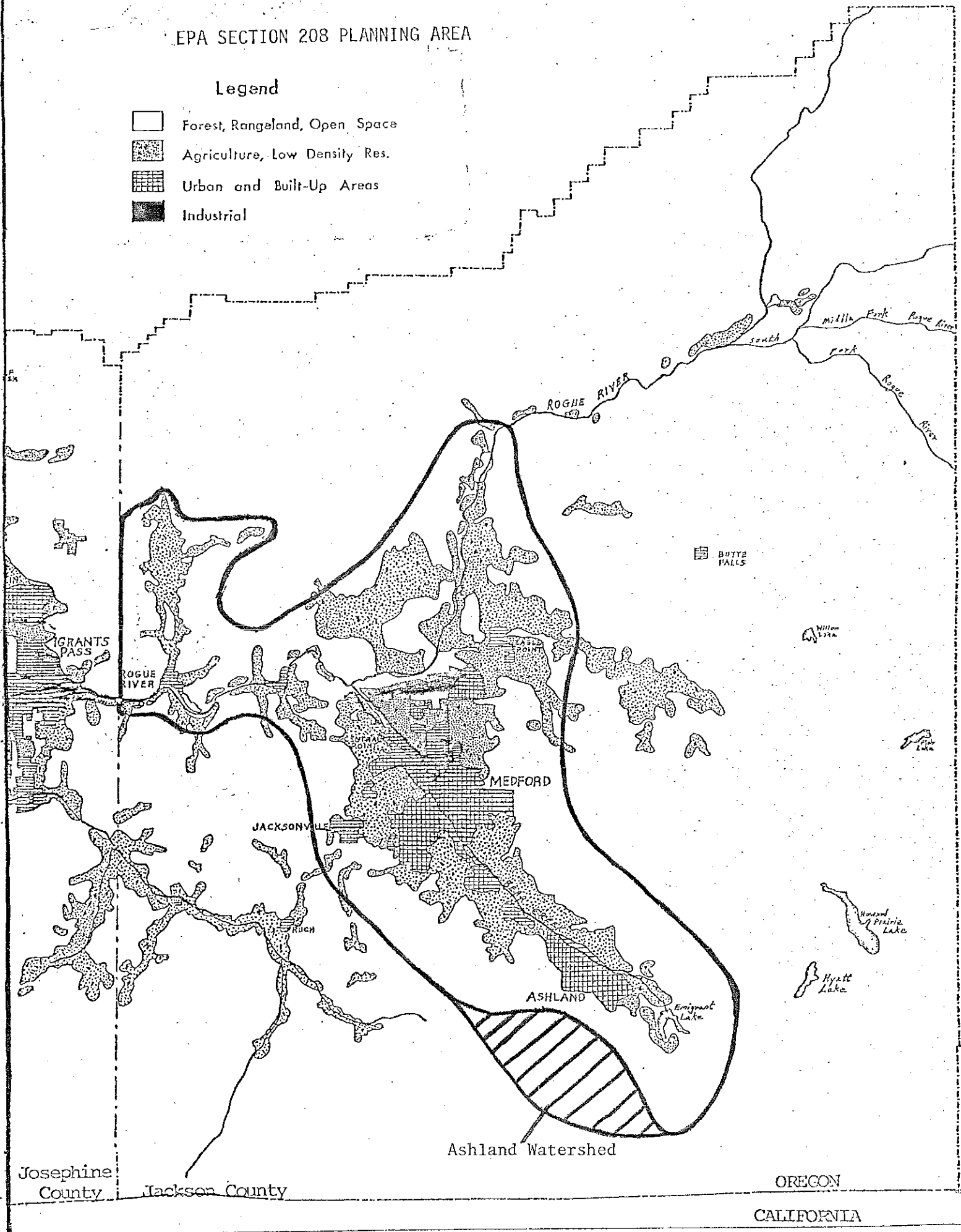
"And (d) the fees to be charged by the County of Marion shall be as follows:

New Construction Installation Permit	\$75.00
Alteration, Repair or Extension Permit	25.00
Evaluation Reports	37.50"

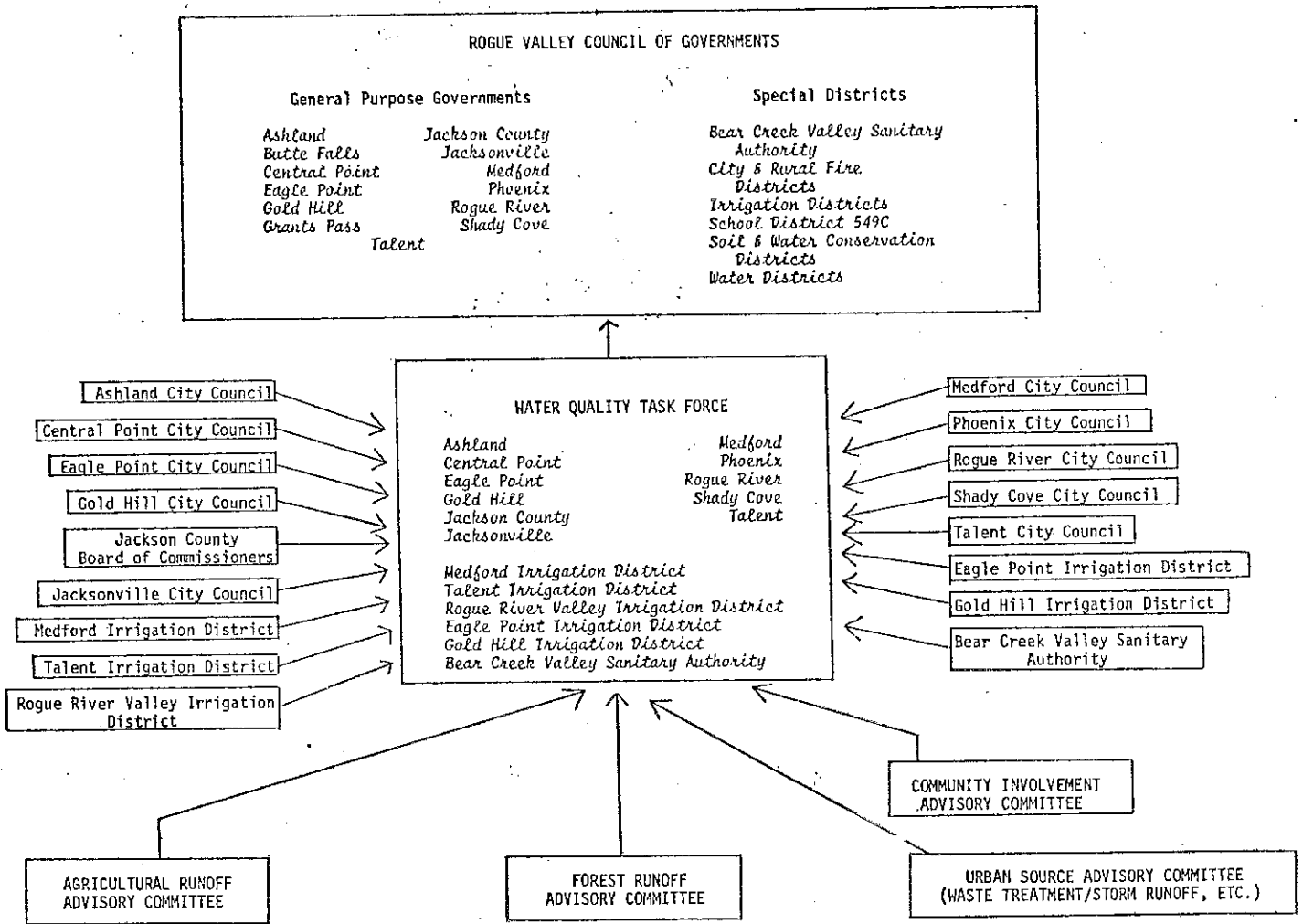
EPA SECTION 208 PLANNING AREA

Legend

-  Forest, Rangeland, Open Space
-  Agriculture, Low Density Res.
-  Urban and Built-Up Areas
-  Industrial



ROGUE VALLEY COUNCIL OF GOVERNMENTS
 WATER QUALITY MANAGEMENT PLANNING PROGRAM
 POLICY DETERMINATION STRUCTURE



Participants

US Soil Conservation Service
 Oregon DEQ
 US Bureau of Reclamation
 US Geological Survey
 Jackson County*
 State Engineer (Water Master)
 Jackson Soil & Water Conservation District*
 Ag. Stabilization & Conservation Service*
 Rogue River Valley Irrigation District*
 Medford Irrigation District*
 Talent Irrigation District*
 Eagle Point Irrigation District*
 Rogue Basin Flood Control & Water Resource Association*
 OSU Ag. Experiment Station
 Jackson County Stockmans Association*
 Fruit Growers League*
 Farm Bureau*
 RVCOG Urban Source Advisory Committee*
 RVCOG Forest Runoff Advisory Committee*
 Mid-Willamette 208 Program

Participants

City of Ashland*
 Public Works Planning
 City Administrator
 City Attorney
 US Forest Service
 US Bureau of Land Management
 US Fish & Wildlife
 US Soil Conservation Service
 Southern Oregon Timber Industries Assoc.*
 Oregon DEQ
 Jackson County*
 RVCOG Agricultural Runoff Advisory Committee*
 RVCOG Urban Source Advisory Committee*

Participants

City of Ashland*
 City of Central Point*
 City of Eagle Point*
 City of Gold Hill*
 City of Jacksonville*
 City of Medford*
 City of Phoenix*
 City of Rogue River*
 City of Shady Cove*
 City of Talent*
 Jackson County*
 Bear Creek Valley Sanitary Auth.*
 RVCOG Agricultural Runoff Advisory Committee*
 RVCOG Forest Runoff Advisory Committee*
 US Geological Survey
 Oregon DEQ

*Voting Members -- Additional voting members may be approved by the Task Force.

ROGUE VALLEY COUNCIL OF GOVERNMENTS
WATER QUALITY MANAGEMENT PLANNING PROGRAM
PLAN ADOPTION PROCEDURES

April 1976

1. Technical Committees Prepare proposed plan elements.
2. Program Staff Prepares preliminary draft plan.
3. Task Force Gives preliminary approval by simple majority vote. Plan redrafted if necessary.
4. Affected Entities Make comments and suggestions on draft plan, certify conformance with comprehensive plans, etc.
5. Task Force Makes any necessary changes in plan. Approves final draft plan by simple majority vote.
6. Affected Entities Give final approval to all parts of the plan concerning their respective statutory jurisdictions.
7. Task Force If any disapprovals, Task Force will try to resolve conflict. If no resolution, objections attached to plan as a minority report.
8. Task Force Public participation: 1.) Holds public hearings, 2.) Present to interested groups.
9. Task Force Makes any desired changes in plan by simple majority vote.
10. Affected Entities Give approval to any revisions in those parts of the plan concerning their respective statutory jurisdictions.
11. Council of Governments Receives plan. If changes are made, Step 10 is repeated. Resolves differences. If any entity still disapproves, their proposals will be submitted to the Governor together with the adopted plan. Adopts final plan.

PRIORITY WATER QUALITY PROBLEMS AND OUTPUTS - ROGUE VALLEY COUNCIL
OF GOVERNMENTS

Grant Amount - \$318,000

Amount reserved for last quarter - (to be negotiated - presently \$31,528)

PROBLEM

Severe turbidity and sedimentation conditions in Ashland Creek are impairing water quality and aquatic life and threatening the City of Ashland's municipal water supply. Annual sluicing of sediments out of the reservoir grossly violates the Rogue River water quality standards and poses a hazard for adult steelhead trout migrations and spawning in the Bear Creek system.

OUTPUT

Determination of the technical requirements for removal of accumulated sedimentation from the Ashland municipal reservoir and a management program to minimize forest land runoff in the Ashland Watershed.

Scheduled beginning date of major work - December, 1975

Scheduled completion date - December, 1976

Percent of grant amount budgeted for output - 15%

MILESTONES

December, 1975 - Award of Contract

October, 1976 - Draft plan describing the system modifications needed on Hosler Dam and around Reeder Reservoir for use during periods of high turbidity runoff. Also, an identification of best management practices for timber harvesting, road construction, and recreation in the upper watershed.

December, 1976 - Final plan for the Ashland Watershed

April, 1977 - Interagency review and local adoption

June, 1976 - Certification of the Plan by the State

PROBLEM

Rapid urbanization and intensified agricultural practices have changed the character and function of the area's urban drainage system. Debris-choked drainage facilities, runoff, and failing septic tanks -- in conjunction with non-porous soils and low stream flows -- have combined to produce high water tables, periodic flooding, and health hazards.

OUTPUT

Determination of urban stormwater runoff control system for the urbanized area.

Scheduled beginning date of major work - January, 1976

Scheduled completion date - June, 1977

Percent of grant amount budgeted for output - 15%

MILESTONES

January, 1976 - Beginning of Phase I - Problem Definition
(based on water quality monitoring program)

July, 1976 - Beginning of Phase II - Development of Control Programs

October, 1976 - Draft Plan detailing specific control measures for identified problems and areas, including recommendations for structural modifications to ditches and changes in management practices for certain activities such as agricultural practices and irrigation practices.

December, 1976 - Final plan for Urban Stormwater Runoff

April, 1977 - Interagency review and local adoption

June, 1977 - Certification of the Plan by the State

PROBLEM

Coliform concentrations are high in most of the streams, and have impaired the use of these waters for water-contact recreation and drinking water supplies. Coliform levels of several thousand MPN are common in comparison to standard of 1000 MPN on Bear Creek and the Rogue River and 240 MPN on other tributaries. Bear Creek and its tributaries have a particularly high coliform level which is believed to be caused in part by large populations of grazing animals in the heavily irrigated areas. Blooms of algae, combined with high turbidity levels, often give the waters of the area an opaque green color, especially where irrigation return flows are heaviest. The amount of nutrients -- nitrogen and phosphorous -- throughout the area is excessive.

OUTPUT

Determination of control measures to minimize pollution from irrigation return flows and agricultural practices.

Scheduled beginning date of major work - January, 1976 .

Scheduled completion date - June, 1977

Percent of grant amount budgeted for output - 15%

MILESTONES

January, 1976 - Beginning of Phase I - Problem Definition

July, 1976 - Beginning of Phase II - Development of Control Program

October, 1976 - Draft plan on Agricultural Practices and Irrigation Return Flows, including a description of the extent to which these activities are degrading in-stream water quality throughout the 208 area, plus recommended management practices and regulatory control measures.

December, 1976 - Final Plan

April, 1977 - Interagency review and local adoption

June, 1977 - Certification of Plan by the State

PROBLEM

Lack of sewerage works master plan for the designated area. There are eight sewerage treatment facilities -- serving five cities, one sewer district, and two parks -- processing domestic sewerage for a combined population of 57,000. Several facilities are approaching their design capacities and will soon have to be expanded and upgraded. Current planning in the Greater Bear Creek Valley calls for regionalization of all sewerage treatment facilities, excepting Ashland, with the Medford regional treatment facility.

OUTPUT

The adoption of a master sewerage works plan for Jackson County which is fully consistent with an adopted land use plan and with State of Oregon water quality standards and waste treatment requirements.

Scheduled beginning date of major work - December, 1975

Scheduled completion date - June, 1977

Percent of grant amount budgeted for output - 10%

MILESTONES

March, 1976 - Interim Output - Land Application Feasibility Study

December, 1976 - Estimated availability of service areas

- March, 1977 - Estimated Final Plan
- April, 1977 - Estimated Interagency Review and Local adoption
- June, 1977 - Certification of Plan by the State



STANFORD RESEARCH INSTITUTE
MENLO PARK, CALIFORNIA 94025
(415) 326-6200

July 20, 1976

Mr. Fred VanNatta
Oregon State Home Builders Association
565 Union Street
Salem, Oregon 97301

Dear Mr. VanNatta:

Enclosed is a summary of a literature review we conducted during our indirect-source analysis for EPA. To my recollection, we did not uncover any studies dealing with residential developments.

Sincerely yours,

Walter F. Dabberdt
Manager
Environmental Meteorology Program
Atmospheric Sciences Laboratory

WFD:km
Enclosure (1)

Table 2

SUMMARY OF INDIRECT SOURCE LITERATURE REVIEW †

REPORTS	1 MODELING	2 SITING	3 PERSISTENCE	4 EMISSIONS	5 METEOROLOGY	6 BACKGROUND	7 DATA BASE	NOT APPLICABLE
Williams, M. (1975)	-	-	-	*	-	-	-	-
Goldberg, P., et al (1975)	-	-	-	-	-	-	-	+
Fay, J., et al (1975)	+	-	-	-	-	-	-	-
Environmental Technology Assessment, Inc. (1974)	-	-	-	-	-	-	*	-
Larsen, R. (1973)	-	-	*	-	-	-	-	-
Larsen, R. (1974)	-	-	*	-	-	-	-	-
Hanna, S. (1971)	+	-	-	-	-	-	-	-
Gifford, F., et al (1973)	+	-	-	-	-	-	-	-
Ott, W., et al (1973)	-	+	-	-	-	-	-	-
Weitzman, L., et al (1975)	+	-	-	-	-	-	-	-
Burns, R. (1975)	-	-	-	-	-	-	-	+
Meyer, E., et al (1972)	-	-	-	-	+	-	-	-
Noll, K., et al (1975a,b)	-	*	-	-	+	*	-	-
deNevers, N. et al (1975)	+	-	-	-	-	-	-	-
Holzworth, G. (1972)	+	-	-	-	+	-	-	-
Calspan Corp. (1973)	-	-	-	+	-	-	*	-
TRW (1969)	+	-	-	-	-	-	-	-
Smith, J., et al (1974)	+	-	-	-	-	+	*	-
Dabberdt, W. & Sandys, R. (1974)	*	-	+	-	-	+	-	-
EPA (1975)	-	-	-	*	-	-	-	-
Business Week (Dec., 1974)	-	-	-	-	-	-	-	+

† For key to symbols see page 23

(Table 2 continued)

REPORTS	MODELING ¹	SITING ²	PERSISTENCE ³	EMISSIONS ⁴	METEOROLOGY ⁵	BACKGROUND ⁶	DATA BASE ⁷	NOT APPLICABLE
EPA (1974a)	-	-	-	-	-	-	-	+
EPA (1974b)	-	-	-	-	-	-	-	+
EPA (1974c)	-	-	-	-	-	-	-	+
EPA (1974d)	-	-	-	-	-	-	-	+
EPA (1974e)	-	-	-	-	-	-	-	+
EPA (1974f)	-	-	-	-	-	-	-	+
EPA (1974g)	-	-	-	-	-	-	-	+
EPA (1974h)	-	-	-	-	-	-	-	+
EPA (1974i)	-	-	+	-	-	-	-	-
EPA (1974j)	-	-	-	-	-	+	-	-
EPA (1974k)	+	-	-	-	-	-	-	-
EPA (1974l)	-	-	-	-	-	-	-	+
EPA (1975a)	-	-	-	-	-	-	-	+
EPA (1975b)	-	-	-	-	-	-	-	+
Automotive Environmental Systems, Inc. (1973)	-	-	-	+	-	-	*	-
NAPCA (1970)	-	-	-	-	-	-	-	+
Zimmerman, J., et al (1975)	*	-	-	-	-	-	-	-
Busse, A., et al (1973)	+	-	-	-	-	-	-	-
Noll, K., et al (1975c)	+	-	-	-	-	-	-	-
Larsen, R.I. (1971)	-	-	*	-	-	-	-	-
Turner, D., et al (1973)	+	-	-	-	-	-	-	-

(Table 2 continued)

REPORTS	MODELING ¹	SITING ²	PERSISTENCE ³	EMISSIONS ⁴	METEOROLOGY ⁵	BACKGROUND ⁶	DATA BASE ⁷	NOT APPLICABLE
Hotchkiss, R., et al (1973)	+	-	-	-	-	-	-	-
Williams, M., et al (1974)	-	-	-	+	-	-	*	-
Grinberg, L., et al (1974)	-	-	-	+	-	-	+	-
Miles, D., et al (1974)	-	-	-	+	-	-	+	-
Ashby, H., et al (1974)	-	-	-	+	-	-	+	-
Patterson, R., and F. Record (1974)	-	-	-	-	-	-	*	-
Patterson, R. (1975a)	+	-	-	-	-	-	-	-
Patterson, R., et al (1974)	**	-	-	-	-	-	*	-
Turner, D., (1969)	+	-	-	-	-	-	-	-
Bach, W., et al (1973)	-	-	-	-	-	-	+	-
Conn, W., et al (1974)	-	-	-	-	-	-	-	+
Gerhardt, B., et al (1972)	+	-	-	-	-	-	+	-
EPA (1974m)	-	-	-	-	-	-	-	+
Harbridge House, Inc. (1974)	-	-	-	-	-	-	-	+
Cosby, J. (1973)	-	-	-	-	-	-	-	+
Chock, D. (1975)	-	-	-	-	-	-	-	+
Eisinger, R. (1975)	-	-	-	-	-	-	-	+
Levitt, S., et al (1975)	-	-	-	-	-	-	-	+
Transportation Planning & Engineering, Inc. (1974)	-	-	-	-	-	-	-	+
Norco, J., et al (1973)	-	-	-	+	-	-	-	-

(Table 2 concluded)

REPORTS	MODELING ¹	SITING ²	PERSISTENCE ³	EMISSIONS ⁴	METEOROLOGY ⁵	BACKGROUND ⁶	DATA BASE ⁷	NOT APPLICABLE
Environment Resources Assoc. (1974)	-	-	-	-	-	-	*	-
Fisher, N., et al (1972)	+	-	-	-	-	-	-	-
Lavery, T., et al (1973)	-	-	-	-	-	-	-	+
Hovind, E., et al (1972)	-	-	-	-	-	-	-	+
Donaldson, C., et al (1971)	*	-	-	-	-	-	-	-
Darling, E., Jr. (1972)	+	-	-	-	-	-	-	-
Patterson, R. (1975b)	*	-	-	-	-	-	-	-

Key:

- + Contains some information pertinent to Guidelines review
- * Report is of special interest to Guidelines review
- ** Report is a validation of Interim Guidelines screening procedure
- No basic information for Guidelines development

- 1 Modeling procedures
- 2 Receptor siting
- 3 Projection from 1-hr to 8-hr concentrations
- 4 Emission factors
- 5 Meteorology
- 6 Background concentrations
- 7 Microscale data base

Table 3

SUMMARY OF INDIRECT SOURCE TRAFFIC †
LITERATURE REVIEW

REPORTS	MODELING	QUEUEING	CAPACITY	PARKING	CONGESTION	PLANNING/ PROJECTIONS	EMISSION FACTORS	DATA BASE	NOT APPLICABLE
Watson, H.C. (1972)	+	-	-	-	-	-	+	-	-
Kurtzweg, C.L. (1972)	-	-	-	-	-	+	+	-	-
Gordian Assoc. (1975)	+	-	-	+	-	-	-	-	-
Patterson, R.M. (June 1975)	+	*	-	-	-	-	+	-	-
Patterson, R.M. (1975)	+	+	-	-	-	-	+	-	-
Technical Council on Urban Transportation (1969)	+	-	-	-	-	+	-	+	-
Beaton, J. (1972)	-	-	-	-	-	+	-	-	-
Dunne, M.C. (1972)	-	-	+	-	-	-	-	-	-
Burrage, R. (1957)	-	-	-	-	-	-	-	-	+
ICSC Bulletin (1974)	+	-	-	-	-	-	+	-	-
Patterson and Mahoney (1974)	+	-	-	-	-	-	+	+	-
Hart, F.C. (1974)	-	-	-	+	-	-	-	+	-
Ashwood, J.E. (19)	+	-	-	-	-	-	-	-	-
Leisch, J.E. (1967)	-	-	*	-	-	-	-	-	-
Pignataro, L.J. (1974)	-	-	-	-	+	-	-	-	-
Tittlemore, L. (1972)	-	-	-	-	-	+	-	-	-
Cesario, F. (1974)	+	-	-	-	-	+	-	-	-
Lieberman, W. (1974)	-	-	-	-	-	+	-	-	-
Watkins, R. (1974)	-	-	-	-	-	+	-	-	-
Horowitz, J. (1974)	-	-	-	-	-	-	+	-	-

† For key to symbols see page 23

REPORTS	MODELING	QUEUEING	CAPACITY	PARKING	CONGESTION	PLANNING/ PROJECTIONS	EMISSION FACTORS	DATA BASE	NOT APPLICABLE
EPA (1973)	+	-	-	-	-	-	-	-	-
Sagi, G.S. (1969)	-	*	-	-	-	-	-	-	-
Hillier, F. (1967)	-	*	-	-	-	-	-	-	-
Hart, B. (1975)	+	-	-	-	-	-	-	+	-
May, A. (1968)	-	-	-	-	-	-	-	-	+
May, A. (1969)	-	-	-	-	-	-	-	-	+
Haefner, L. (1976)	+	-	-	-	-	-	-	-	-
Benioff, B. (1970)	-	-	-	-	+	-	-	-	-
Kunselman, P. (1974)	+	-	-	-	-	-	+	-	-
Architectural Record (1972)	-	-	-	-	-	+	-	-	+
Baker, G. (1951)	-	-	-	-	-	-	-	-	+
Baker, G. (1958)	-	-	-	+	-	-	-	-	-
Webb, G. (1956)	-	-	+	-	-	-	-	-	-
Urban Land Institute (1965)	-	-	-	+	-	-	-	-	-
Gruen, V. (1960)	-	-	-	-	-	-	-	-	+
Lynch, K. (1962)	-	-	-	-	-	-	-	-	+
May, A. (1961)	-	-	+	-	+	-	-	-	-
Edie, L.C. (1963)	-	-	-	-	+	-	-	-	-
Thayer, S. (1973d)	**	-	-	-	-	-	-	-	-
Thayer, S. (1973c)	**	-	-	-	-	-	-	-	-
Axtell, K. (1974)	**	-	-	-	-	-	-	-	-
Thayer, S. (1974)	**	-	-	-	-	-	-	-	-
Thayer, S. (1973b)	**	-	-	-	-	-	-	-	-
Thayer, S. (1973a)	**	-	-	-	-	-	-	-	-

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PROPOSED AMENDMENTS "Rules For Indirect Sources", as presented to the
Environmental Quality Commission, July 30, 1976, Agenda Item No. H,

Presented by Fred VanNatta

On Page 2, 20-110 (14) "Indirect Source" means a facility, building, structure, or installation, or any portion of combination thereof, which indirectly causes or may cause mobile source activity that results in emissions of an air contaminant for which there is a State standard. Such Indirect Sources shall include ~~but-not-be-limited-to:~~

- (a) Highways and Roads
- (b) Parking Facilities
- (c) Retail, commercial, and industrial facilities
- (d) Recreation, amusement, sports, and entertainment facilities
- (e) Airports
- (f) Office and Government Buildings
- ~~(g) Apartments, Condominium Developments, and Mobile Home Parks~~
- (g) Educational Facilities

REASON: Exempt residential development. There is no evidence presented by the Department of Environmental Quality that residential developments make a significant contribution to air pollution. By the nature of their design, hundreds of cars are not operating at one time, trying to enter or depart from such developments and, by the nature of their occupancy, mobile source emissions are scattered throughout the day. The very thorough review of the literature as noted in the accompanying letter from Stanford Research Institute suggests perhaps no one has evidence suggesting review and regulation of residential development for auto emission control is productive.

You further continue to carry forward the specific regulation of "Condominium Developments". Obviously, we are not being heard and people do not understand what a Condominium is. At least as distinguished Counsel on this Commission knows, it is a type of ownership which could well apply to single-family dwellings. Requiring "Condominium Developments" to be regulated is the same as saying, "All developments owned in partnership shall be subject to the regulations".

Without evidence to justify regulation of residential development, it must be exempt.

On Page 3, (Indirect Source Emission Control Program)

Delete "(c) maintaining mass transit fare reimbursement programs."

"(f) making parking spaces available for park-and-ride stations"

The mass transit subsidy programs have generated a public relations backlash against mass transit because individuals caught up in them don't consider they are equitable and view them as simple extortion. Your authority to levy them is questionable. Their cost generally is unpredictable, and they should be no part of this program.

The parking spaces for "park-and-ride" apparently has caused no problem to date, but the potential for trouble is very real. You may divert needed parking from the developer's project. You can levy a terrific cost for the construction, maintenance, taxes and security for such a parking lot. The point is, operators and users of "park-and-ride" transit systems should PURCHASE OR RENT necessary lots. It makes no sense and there is no justice in attaching such costs to the front-end charges on a residential development where the home owners or renters will have to pay for it and continue to subsidize it. It is not the right thing to do.

perforative language ←

And please don't respond, "We have never required this from residential developments and we never will." I have bought that kind of story from regulatory agencies and been burned too many times.

Page 5, 20-115 (2) (A), Change the proposed 250 spaces to 1,000 spaces.

The figure, wherever you put it, will be somewhat arbitrary, but the Federal Government suggested 1,000 spaces in its proposed regulation. Your Department 1974 study indicated that a 1,000-space cutoff would result in half of the parking spaces being reviewed...that half in the larger lots. This proposal would free staff time to work on the Parking and Traffic Circulation Plans.

These amendments would make your program most cost effective and allow staff time for Park and Circulation Plans.



DEPARTMENT OF JUSTICE

PORTLAND DIVISION
555 STATE OFFICE BUILDING
PORTLAND, OREGON 97201
TELEPHONE: (503) 229-5725

May 19, 1976

Mr. Bruce Anderson
Coons, Cole and Anderson
Attorneys at Law
355 Forum Building
777 High Street
Eugene, Oregon 97401

Re: Oregon Indirect Source Rules and Proposed
Amendments Thereto

Dear Mr. Anderson:

This is in response to your letter dated April 27, 1976.

As I indicated to your associate Mr. Young in our telephone conversation of May 13, 1976, and as you have known for a long time, we disagree with your interpretation of the function and purpose of a rulemaking public hearing. The purpose is not to require the agency to make a record in support of its rule, but rather it is to give the public an opportunity to offer comments regarding the proposed rules. You apparently have confused a public participation hearing with a contested case hearing. It is in a contested case hearing, in which the specific rights and duties of an individual party are litigated, that the agency is required to make a case based on substantial evidence on the record of the hearing. Indeed, each of your client's members is entitled to a contested case hearing if he should actually be dissatisfied with any of the terms of an indirect source permit issued to him.

In your letter you requested copies of certain written material

"that has been or will be utilized or relied upon by the Department of Environmental Quality, its staff, agents or employees in support of the Indirect Source Regulations."

You indicated that we have a legal obligation to supply the information.

Bruce Anderson
Page 2
May 19, 1976

The Department does not keep separate files which it characterizes as being "in support", or "in opposition" of its rules. The scope, nature and substance of the rules are evident on the face of the rules themselves.

Generally, the Department's records which pertain to the indirect source rules and the permit program consist of the following:

- (1) Records of rulemaking hearings (i. e. tape recordings of rulemaking public hearings and proceedings, minutes of EQC meetings, exhibits entered into the record of the hearings, and DEQ staff reports prepared for the hearings and EQC meetings);
- (2) Records of the permit program (i. e. applications, action taken on applications, correspondence related to applications and the action taken thereon, and statistics related to the program);
- (3) Indirect source master chronological file organized by year, or part thereof;
- (4) Miscellaneous books owned by the Department and by Carl Simons personally;
- (5) Files maintained by Carl Simons including:
 - (A) Modeling techniques
 - (B) Court suits generally
 - (C) Historical files regarding (i) Western Environmental Trade Association et al. v. Oregon Environmental Quality Commission, (Lane County Circuit Court number 75-3351) (ii) Oregon-Columbia Chapter, The Associated General Contractors of America, Inc. v. Environmental Quality Commission of the State of Oregon, (Multnomah County Circuit Court, number 424-274); (iii) Petition by the Oregon-Columbia Chapter, The Associated General Contractors of America, Inc., et al. before the Environmental Quality Commission to amend or repeal indirect source rules.
 - (D) Monthly reports to EQC and United Stated Environmental Protection Agency;
 - (E) Miscellaneous (i. e. newspaper clippings, rules of other agencies, miscellaneous memoranda, etc.).

Of course, the Department's records pertaining to the indirect source rules and permit program are public records. As such, they are generally open to public inspection during office hours. You also may obtain copies of whichever documents you wish, at reasonable rates.

You and I have tentatively arranged for you and your consultants to review the above records at the DEQ offices, 1234 S.W. Morrison Street, in Portland on Thursday, May 20, 1976 following the scheduled public hearing regarding the subject rules. If you wish

Mr. Bruce Anderson
Page 3
May 19, 1976

to review all the above records, you may. However, if you wish to review less than all the records, please inform us which records you would like to review so that we will not have to undertake any unnecessary preparation.

Please call me if you have any questions.

Sincerely,



Robert L. Haskins
Assistant Attorney General

pjw

cc: Joe Richards
Morris K. Crothers, M.D.
Grace Phinney, Ph.D.
Ronald Somers
Jacklyn Hallock
Loren Kramer
Carl Simons
W. Michael Gillette

WILLIAMS, STARK, HIEFIELD, NORVILLE & GRIFFIN, P. C.

ATTORNEYS AND COUNSELORS AT LAW

BOISE CASCADE BUILDING

PORTLAND, OREGON 97201

TELEPHONE 222-9966

DAVID R. WILLIAMS
DONALD R. STARK
PRESTON C. HIEFIELD, JR.
OLIVER I. NORVILLE
JAMES E. GRIFFIN
RICHARD E. ALEXANDER
GARY M. ANDERSON
MICHAEL D. WILLIAMS

April 27, 1976

IN REPLY PLEASE REFER TO
FILE NO.

Mr. Robert L. Haskins
Assistant Attorney General
Department of Justice
Portland Division
555 State Office Building
Portland, Oregon 97201

Re: Oregon Indirect Source Regulations
and Proposed Amendments Thereto -
Our File 75-38

Dear Mr. Haskins:

As you know, we represent the Associated General Contractors of America, Oregon-Columbia Chapter, with respect to certain litigation that has been filed by it against the Department of Environmental Quality and others concerning the Indirect Source Regulations. We have received a notice of a hearing on those regulations, which is scheduled for May 18, 20 and 21, 1976.

As you know, one of the claims made by Associated General Contractors of America, Inc., in the litigation that has been filed is that the Department of Environmental Quality has had no sufficient evidence before it to support any of the regulations concerning indirect sources. It appears from the notice of hearing on the Indirect Source Regulations that it will consider not only the proposed amendments to those regulations but also any comments with respect to the Indirect Source Regulations in their entirety. ✓ As I am certain you can appreciate, it will be difficult, if not impossible, for our office or anyone to prepare comments to the Indirect Source Regulations or an adequate response to the proposed amendments without knowing what information the Department of Environmental Quality has relied upon in promulgating the Indirect Source Regulations or in proposing the various amendments.

✓ As a result, we would appreciate receiving copies of all written reports, memoranda, or other documents or printed material (including statistical summaries and other technical air quality information) that has been or will be

utilized or relied upon by the Department of Environmental Quality, its staff, agents, or employees in support of its position concerning the scope, nature, and substance of the Indirect Source Regulations, OAR Chapter 340, §20-100 et seq., including the proposed amendments thereto. It is our position that the Department of Environmental Quality has a legal obligation to supply this information to us, and further that the Department of Environmental Quality must submit such information in support of its position at the hearing. Moreover, we would appreciate receiving it as soon as possible as it may be that we would like to interview or depose certain individuals upon whom the Department of Environmental Quality is relying to support its position.

We would appreciate hearing from you at your earliest convenience.

Very truly yours,

WILLIAMS, STARK, HIEFIELD,
NORVILLE & GRIFFIN, P.C.

RICHARD E. ALEXANDER

4:22:4
REA:hn

WILLIAMS, STARK, HIEFIELD, NORVILLE & GRIFFIN, P. C.
ATTORNEYS AND COUNSELORS AT LAW
BOISE CASCADE BUILDING
PORTLAND, OREGON 97201

DAVID R. WILLIAMS
DONALD R. STARK
PRESTON C. HIEFIELD, JR.
OLIVER I. NORVILLE
JAMES E. GRIFFIN
RICHARD E. ALEXANDER
GARY M. ANDERSON
MICHAEL D. WILLIAMS

TELEPHONE 222-9966

May 18, 1976

IN REPLY PLEASE REFER TO
FILE NO. 75-138

Mr. Robert L. Haskins
Assistant Attorney General
Department of Justice
Portland Division
555 State Office Building
Portland, Oregon 97201

HAND DELIVERED

Re: Associated General Contractors of America, Inc.
v. Environmental Quality Commission, et al

and

Western Environmental Trade Association, et al
v. Environmental Quality Commission, et al

and

Hearings on Indirect Source Regulations
scheduled for May 18, 20 and 21

Dear Rob:

This will confirm our telephone conversation of May 17, 1976, in which I advised you that our expert would be in Portland on May 20, 1976. We intend to be present at the hearings on the Indirect Source Regulations and then review the Environmental Quality Commission's files with respect to these regulations at the Department of Environmental Quality. As I understand it, you will attempt to have all of the documents organized and set aside for our review. In the event we have any questions concerning those documents, we will call you before conferring with any representatives of the Department of Environmental Quality.

Thank you for your consideration.

Very truly yours,

WILLIAMS, STARK, HIEFIELD,
NORVILLE & GRIFFIN, P.C.

REA/kkh
cc: Mr. Bruce Anderson

RICHARD E. ALEXANDER

WILLIAMS, STARK, HIEFIELD NORVILLE & GRIFFIN, P. C.
ATTORNEYS AND COUNSELORS AT LAW
BOISE CASCADE BUILDING
PORTLAND, OREGON 97201

TELEPHONE 222-9966

DAVID R. WILLIAMS
DONALD R. STARK
PRESTON C. HIEFIELD, JR.
OLIVER I. NORVILLE
JAMES E. GRIFFIN
RICHARD E. ALEXANDER
GARY M. ANDERSON
MICHAEL D. WILLIAMS

June 10, 1976

IN REPLY PLEASE REFER TO
FILE NO

Mr. Peter McSwain
Department of Environmental Quality
1234 S. W. Morrison
Portland, Oregon 97205

Re: Hearings on Indirect Source Regulations -
Our File 75-138

Dear Peter:

As you know, the Associated General Contractors of America, Inc., together with the parties represented by Mr. Bruce Anderson in the litigation filed in Lane County and in the Court of Appeals, have retained Dr. Walter Daubberdt to testify with respect to the indirect source regulations, and the proposed amendments thereto, promulgated by the Department of Environmental Quality.

We have had many discussions concerning extensions of time in order for Dr. Daubberdt to review the information necessary to fully prepare himself to testify. You indicated our requests would be granted and we would be provided to at least June 15, 1976, within which to allow Dr. Daubberdt to prepare his testimony and present it to you. You indicated the request for an extension would be granted so long as the Associated General Contractors of America, Inc., together with the clients represented by Mr. Anderson, had no objection if the indirect source regulations were considered by the Environmental Quality Commission at its Medford meeting which was then scheduled for July 23, 1976, and is now being scheduled for July 30, 1976, and if we were satisfied with the Department of Environmental Quality's cooperation with respect to providing the information necessary for Dr. Daubberdt to prepare his testimony.

This is to advise you, on behalf of Mr. Anderson and myself, that we have no objection to this matter being considered at the Medford meeting of the Environmental Quality Commission, and we do believe the Department of Environmental Quality has provided us a reasonable opportunity, in terms of time, for Dr. Daubberdt to prepare his

testimony. With respect to the information the Department of Environmental Quality has made available to us, we assume the Department of Environmental Quality has provided us with an opportunity to review all of the information in support of the indirect source regulations and, particularly, has provided us with access to any and all technical studies to support the regulations. Based upon this assumption, we are also satisfied that the Department of Environmental Quality has made all reasonable efforts to comply with our requests for inspection of documents.

It should be expressly understood that, by agreeing that we are satisfied with the Department of Environmental Quality's efforts to provide us with access to the information we have requested, we are not indicating that we concur that any of the information supplied to us supports the regulations.

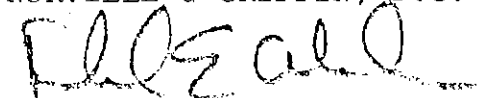
With respect to that testimony, I understand you are in agreement that Dr. Daubberdt may testify anytime during the week of June 15, 1976, with the exception of June 17, which is an inconvenient date for you. We have discussed this with Dr. Daubberdt, and he can be available on June 18 at 10:30 a.m. for continuation of the hearings. As a result, I would appreciate it if you would discuss this possible time with other interested parties and advise me of when you would like to continue the hearing.

In the event the hearing before the Environmental Quality Commission continues to be held on July 23, 1976, as originally planned, we would appreciate it if Dr. Daubberdt were also allowed to appear before it and answer any questions the Commissioners may have. However, he will be unavailable from July 26, 1976, until August 13, 1976, and in the event the hearing is on July 30, 1976, as I understand it is presently planned to be, Dr. Daubberdt will not be able to appear before the Environmental Quality Commission.

Thank you for your continued consideration in this matter.

Very truly yours,

WILLIAMS, STARK, HIEFIELD,
NORVILLE & GRIFFIN, P.C.



RICHARD E. ALEXANDER

4:1:12
REA:hn

cc: Robert L. Haskins
Assistant Attorney General
555 State Office Building
Portland, Oregon 97201

bcc: George Morton
Cascade Construction Company, Inc.
P.O. Box 4267
Portland, Oregon 97208

Kenneth W. Twedt
Associated General Contractors of America, Inc.
1008 N. E. Multnomah
Portland, Oregon 97232

Normandie Denny
Associated General Contractors of America, Inc.
1008 N. E. Multnomah
Portland, Oregon 97232

Bruce L. Anderson
Coons, Cole & Anderson
South Park Building
101 East Broadway, Suite 303
Eugene, Oregon 97401

Dr. Walter Daubberdt
Stanford Research Institute
333 Ravenswood Avenue
Menlo Park, California 94025

WILLIAMS, STARK, HIEFIELD, NORVILLE & GRIFFIN, P. C.

ATTORNEYS AND COUNSELORS AT LAW

BOISE CASCADE BUILDING
PORTLAND, OREGON 97201

TELEPHONE 222-9966

DAVID R. WILLIAMS
DONALD R. STARK
PRESTON C. HIEFIELD, JR.
OLIVER I. NORVILLE
JAMES E. GRIFFIN
RICHARD E. ALEXANDER
GARY M. ANDERSON
MICHAEL D. WILLIAMS

June 24, 1976

IN REPLY PLEASE REFER TO
FILE NO.

HAND DELIVERED

Mr. Robert L. Haskins
Assistant Attorney General
Department of Justice
555 State Office Building
Portland, Oregon 97201

Re: Hearings on Indirect Source Regulations

Dear Mr. Haskins:

As agreed in the continued hearings on the indirect source regulations on June 18, 1976, I am submitting questions to be answered by Mr. Simons with respect to the testimony of Dr. Daubberdt.

First, in Dr. Daubberdt's written testimony, he made the following statements:

1. "Our review of the DEQ indirect-source file identified only two references that document air quality problems and control strategies in Oregon: (1) The Oregon State implementation plan (SIP) and (2) the transportation control strategy (TCS)." - pages 2 and 3

2. After stating that the SIP indicates only the Portland interstate air quality control region requires a reduction in current or proposed mobile source emissions to attain compliance for carbon monoxide, nitrogen dioxide, photochemical oxidants and hydrocarbons, Dr. Daubberdt stated that: "No reference was made to a need for transportation controls elsewhere to maintain the national ambient air quality standards." - page 3

3. "(Moreover, there is no available information that objectively documents the degree to which the CAM station data are representative of the CBD-wide air quality.)" - page 3

4. "There appear, however, to be no supplemental aerometric measurements or model simulations that document worst-case concentrations throughout the region." - page 3

Mr. Robert L. Haskins
June 24, 1976
Page two

5. After stating that the local variation of the cut-off criteria is somewhat arbitrary, Dr. Daubberdt stated: "It appears to be based on urban size as an indicator of background contribution; however, the indirect-source record, as reviewed, did not document the rationale." - page 6

6. "Unfortunately, however, the proposed rules do not provide a methodology for specifying when and where ambient air quality levels shall be assessed, nor do they state how air quality data shall be interpreted for assessment of their impact on the public health and welfare in view of the ambient (time-averaged) pollutant standards." - page 8

7. "On the basis of the available data and analysis, it would seem that a technical basis for a PTCP would only exist in Portland. Even then the data do not necessarily reflect adverse region-wide air quality conditions." - page 10

As discussed, I would appreciate it if you would have Mr. Simons review each of these statements and indicate if he agrees or disagrees with the statements and, if he disagrees, to state the studies, analysis, facts or other information, together with its location, upon which he relies.

Second, I would like to know if Mr. Simons or any other representative of the Department of Environmental Quality is aware of any aerometric surveys, model simulations, studies or data analysis of any kind in the file of the Department of Environmental Quality for indirect sources other than that information referred to by Dr. Daubberdt in his comments. In the event there is such information, we would appreciate being advised of its nature and its location.

Finally, with respect to all of the information requested above, we would appreciate being advised as to whether it was used in the preparation of the indirect source regulations and whether it was provided to Dr. Daubberdt.

As I advised you on the telephone on June 21, 1976, we would appreciate receiving this information within a reasonable time prior to July 6, 1976, the date by which we are to submit additional materials to Mr. McSwain as we intend to review Mr. Simons' response and provide our comments thereon to Mr. McSwain. I am certain you can appreciate that the information requested is very important and constitutes one of the major, if not the major, disagreement between the clients represented by Mr. Anderson and myself and the Department of Environmental Quality. It is

WILLIAMS, STARK, HIEFIELD, NORVILLE & GRIFFIN, P. C.

Mr. Robert L. Haskins
June 24, 1976
Page three

information that first Mr. Anderson, and later myself and Mr. Anderson, have been attempting to obtain for almost two years and we believe that Mr. Simons, or some other representative of the Department of Environmental Quality, should certainly know the location of such information if indeed it exists.

If you cannot provide us with the information within a sufficient time to give us a reasonable opportunity to review it and comment to Mr. McSwain by July 6, 1976, we will request that the Environmental Quality Commission allow us to comment upon it at its scheduled hearing on July 30, 1976.

Thank you for your consideration in this matter.

Very truly yours,

WILLIAMS, STARK, HIEFIELD,
NORVILLE & GRIFFIN, P.C.

RICHARD E. ALEXANDER

REA:vw

cc: Bruce Anderson
George Morton
Ken Twedt

WILLIAMS, STARK, HIEFIELD, NORVILLE & GRIFFIN, P. C.

ATTORNEYS AND COUNSELORS AT LAW

BOISE CASCADE BUILDING
PORTLAND, OREGON 97201

TELEPHONE 222-9966

DAVID R. WILLIAMS
DONALD R. STARK
PRESTON C. HIEFIELD, JR.
OLIVER I. NORVILLE
JAMES E. GRIFFIN
RICHARD E. ALEXANDER
GARY M. ANDERSON
MICHAEL D. WILLIAMS

July 6, 1976

IN REPLY PLEASE REFER TO
FILE NO.

HAND DELIVERED

Mr. Peter McSwain
Hearing Officer
Department of Environmental Quality
1234 S. W. Morrison
Portland, Oregon 97205

Re: Hearing on Indirect Source Regula-
tions - Our File 75-138

Dear Mr. McSwain:

At the continued hearings on the indirect source regulations on June 18, 1976, you will recall that I intended to ask Mr. Simons of the Department of Environmental Quality certain questions with respect to any comments he had on the assumptions and conclusions of Dr. Dabberdt. Mr. Haskins indicated that he would prefer it if these questions were submitted in writing, and that Mr. Simons would respond to them in writing. As a result, on June 24, 1976, I had hand delivered to Mr. Haskins a letter, a copy of which I enclose, containing questions for Mr. Simons to respond to with respect to Dr. Dabberdt's testimony. You will note in the letter I requested that Mr. Simons' response be made in sufficient time to allow us to respond to it by July 6, 1976, the date by which you indicated we could supplement the record.

We have not yet received Mr. Simons' response. I have discussed this with Mr. Haskins, and he has indicated that he would have no objection if, after receiving Mr. Simons' response, any comments we had on it could be forwarded directly to the Environmental Quality Commission for its consideration at its meeting of July 30, 1976.

Finally, as I am certain the record by now reflects, the Associated General Contractors of America, Inc., Oregon-Columbia Chapter, is very much opposed to the indirect source regulations as they are now promulgated and proposed.

While the Associated General Contractors, Inc., has, on many occasions in the past, questioned and been opposed to regulations promulgated by various agencies of the State of Oregon, it is noteworthy that this is the first time since the 1920's, when the Oregon-Columbia Chapter of the Associated General Contractors of America, Inc., was organized, that its members have been so opposed to such regulations that it has determined it necessary to institute litigation. The prospective cost of construction, together with the absence of any sufficient, representative information upon which such regulations could be based, we believe justifies the Environmental Quality Commission's electing to discontinue the current regulations and abide by those promulgated at the federal level, at least until such time as the Department of Environmental Quality can produce some sufficient information or data on which to reliably and validly base any change from the federal standards.

Very truly yours,

WILLIAMS, STARK, HIEFIELD,
NORVILLE & GRIFFIN, P.C.

RICHARD E. ALEXANDER

4:6:1

REA:hn

Enclosure

cc: Robert L. Haskins
Assistant Attorney General
Department of Justice, Portland Division
555 State Office Building
Portland, Oregon 97201

bcc: George Morton
Cascade Construction Co.
Foot S. W. Abernathy
Portland, Oregon 97201

Normandie Denny
Associated General Contractors
of America, Inc.
1008 N. E. Multnomah
Portland, Oregon 97232

Ken Twedt
Associated General Contractors
of America, Inc.
1008 N. E. Multnomah
Portland, Oregon 97232

bcc: (cont'd)

Bruce Anderson
101 E. Broadway, #303
Eugene, Oregon 97401



DEPARTMENT OF JUSTICE

PORTLAND DIVISION
555 STATE OFFICE BUILDING
PORTLAND, OREGON 97201
TELEPHONE (503) 229-5725

July 23, 1976

Mr. Richard Alexander
Williams, Stark, Hiefield,
Norville & Griffin
Attorneys at Law
Suite 775
1600 S.W. Fourth Avenue
Portland, Oregon 97201

Re: Indirect Source Rules

Dear Mr. Alexander:

In response to your letter to me dated June 24, 1976, I requested Carl Simons of the Department of Environmental Quality ("DEQ") staff to prepare a response. Enclosed is a copy of Mr. Simons' July 16, 1976 letter to me, along with a copy of his memorandum to me (through John F. Kowalczyk), dated July 15, 1976.

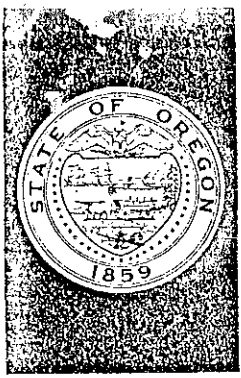
As the enclosures indicate, it is indeed unfortunate that Dr. Walter Dabberdt did not take full advantage of the opportunity which was afforded him to review all the pertinent DEQ records. Nevertheless, DEQ records remain open should Dr. Dabberdt wish to review all of the relevant records.

Please call me if you have any questions.

Sincerely,

ROBERT L. HASKINS
Assistant Attorney General

ej
Enc.



**DEPARTMENT OF
ENVIRONMENTAL QUALITY**

RECEIVED

JUL 16 1976

**ATTORNEY GENERAL
PORTLAND, OREGON**

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-6279

ROBERT W. STRAUB
GOVERNOR

July 16, 1976

Mr. Robert L. Haskins
Assistant Attorney General
Department of Justice
555 State Office Building
Portland, Oregon 97201

Re: Indirect Source Rules

Dear Rob:

Attached is the Department's detailed response to the issues raised in Mr. Alexander's letter of June 24, 1976. Please excuse the delayed response to your request but the combination of the Air Pollution Control Association's annual meeting in Portland in the last week of June, plus the July 4th holiday period had caused this delay.

As indicated in my attached memo, I believe many of Dr. Dabberdt's comments related to the proposed Indirect Source Rule are a result of the fact he did not spend sufficient time to review all relevant files and supporting data for the Rules for Indirect Sources. The Department has vast quantities of ambient air monitoring data and numerous air quality studies in its Indirect Source Permit files which have been used in the development of the Indirect Source program. All this information was made available to Dr. Dabberdt on his visit to the Department on May 20, 1976. Normally it would take an individual at least several days to review through all this material in order to fully comprehend all the information used in support of the proposed rule. While it appears Dr. Dabberdt did not fully investigate this information, I have provided several examples of ambient air quality studies and sources of data which should respond to most of the issues raised in Mr. Alexander's letter.

If Dr. Dabberdt had spent sufficient time reviewing these files, I believe he would have had a better understanding of the Department's Indirect Source program and the data used in the development of the existing and proposed rules.

Mr. Robert L. Haskins
July 16, 1976
Page 2

If I can be of any further assistance, please advise.

Sincerely,

LOREN KRAMER
Director



C. A. Simons, Engineer
Transportation and Air Quality
Maintenance Planning
Air Quality Division

CAS:ds

Attachment

cc: Loren Kramer
Joe B. Richards
Morris K. Crothers, M.D.
Grace S. Phinney, Ph.D.
Ronald M. Somers
Mrs. Jacklyn L. Hallock



To: Rob Haskins through JFK

Date: July 15, 1976

From: CAS *OAS*

Subject: Response to R. Alexander's Letter of 6/24/76 - Hearings in I. S. Rule

The following is a response to each point raised in Richard Alexander's letter of 6/24/76 to you.

1. As indicated in your letter to Bruce Anderson dated 5/19/76 there was information available, eg. "records of the permit program" indicating air quality impacts from various Indirect Sources. For example, if Dr. Dabberdt had reviewed for "West Portland Park and Ride Station" and/or the "Interstate I-205" files he would have found detailed air quality information related to the impact of indirect sources on ambient air quality. In addition, it was mentioned to Dr. Dabberdt on 5/20/76 that the Department has extensive ambient monitoring data which was available for his inspection. It appears he did not review this data which would have clearly indicated violations of the carbon monoxide and photochemical oxidant standards at several locations throughout the Portland AQCR.
2. If Dr. Dabberdt had thoroughly researched the Department's Indirect Source files plus my personnel files (he only spent several hours on 5/20/76 reviewing the files) he would have discovered that the Portland Metro area has been designated as an Air Quality Maintenance Area (AQMA) for CO and photochemical oxidants. I am sure Dr. Dabberdt is aware that the maintenance sections of most State Implementation Plans (SIP's) including Oregon's were rejected by EPA. DEQ in response to EPA's action submitted a preliminary AQMA designation document on March 18, 1974. This preliminary AQMA designation document had indicated potential long term maintenance problems for carbon monoxide and photochemical oxidants within a section of the Portland AQCR. This preliminary designation document has been followed up by a more extensive "AQMA Analysis" which will be submitted to EPA in late August of this year. This document will provide detailed air quality information related to the impact of mobile sources (autos, trucks, etc.) towards maintaining state or National Ambient Air Quality Standard on a regional basis. Again, if Dr. Dabberdt had spent the time here to thoroughly evaluate the Department's files this information would have become self evident.
3. It has never been claimed that the ambient air data collected at the CAM Station is representative of "CBD-wide" air quality. This site is in conformance with EPA Criteria for a street canyon monitor and is representative of air quality for similiar locations throughout the CBD. It should be noted that air quality data taken at our other CBD monitoring site (S. W. 4th and Alder) generally supports the air quality trends indicated at the CAM Station.
4. If Dr. Dabberdt had spent sufficient time to review the Indirect Sources files alone with the Department's ambient air quality and meteorological files he would have found several documents indicating "worse case" concentrations throughout the region. A thorough review of some of the Depart-

ment's indirect source files would have revealed several studies simulating "worse case" air quality and meteorological conditions within the region. For example, the "Kruse Way", "West Portland Park and Ride Station", and "Interstate I-205" indirect source permit files contain extensive air quality and meteorological information simulating "worse case" conditions within the Portland AQCR.

5. Again a thorough review of ambient air quality data collected would have revealed that generally the more highly urbanized areas of the state with associated higher levels of automotive traffic are characterized by generally higher background levels. This observation is supported by numerous studies sponsored by EPA and others, many of which I am sure Dr. Dabberdt is aware of. The cut-off criteria is based on these observations, plus the need to efficiently administrate the review of parking facilities.
6. Section 340-20-129 (1) (a) (H) speaks for itself as to when and where ambient air quality data shall be taken and sections 20-130 (5) (a), (b), (c), and (d) indicate the criteria against which the air quality data collected and projected shall be evaluated in terms of protecting public health and welfare.
7. It has never been claimed that a PTCP would be required, at this time, for any other area other than possible for the Portland Metropolitan area. A review of the Department's ambient air quality monitoring data along with numerous studies in the indirect source permit files would indicate existing or projected violation of mobile-source-related air quality standards in several areas of the Portland region. If after further analysis of existing and future ambient air quality data along with modeling projections indicates attainment and maintenance problems with state and federal mobile-source-related ambient air standards in other areas of the state, then a PTCP may be required for those areas.

In response to the remaining sections of Alexander's letter I would state there are numerous documents, studies, air quality and meteorological data, letters, memorandums, etc. that have been used as a basis for the development of the Rules for Indirect Sources. The development of the Indirect Source Rules is a collective process that reflects the ideas of numerous individuals each of which use their own past experiences and informational sources to formulate the Rule. As stated previously, the major problem here is the fact that Dr. Dabberdt did not spend sufficient time to review all relevant files in order to fully evaluate the supporting data for the Rules for I. S.

I am convinced that if I had the opportunity to informally discuss with Dr. Dabberdt his concerns regarding the underlying data and assumptions supporting the I. S. Rule, that his comments would not have been nearly as negative and possibly positive.

/ds

cc: Peter McSwain
Tony George

AIR RESOURCES BOARD

1709 - 11th STREET
SACRAMENTO 95814



July 12, 1976

Mr. Bruce Anderson
Coons, Cole and Anderson
Attorneys at Law
South Park Building
101 East Broadway, Suite 303
Eugene, Oregon 97401

Dear Mr. Anderson:

I am writing in response to your inquiries regarding the status of regulation of indirect sources of air pollution in California.

As I indicated to you during our phone conversation Thursday morning, the California Attorney General has ruled that the State's air pollution control districts (hence, by extension, the Air Resources Board) are clearly authorized to regulate indirect sources of air pollution, and can deny authority to construct such sources where the emissions indirectly generated thereby would prevent the attainment or maintenance of federal or state air quality standards. This ruling can be found at 53 Opinions of the Attorney General 531 (1973).

Despite the above-cited authority, the Air Resources Board has not, to date, adopted any indirect source regulations which would have a statewide effect, and, with one historical exception, none of the county, regional, or unified air pollution control districts have now or have ever had any indirect source regulations.

As to the historical exception, on December 11, 1974, the Bay Area Air Pollution Control District did promulgate a regulation providing for the review of indirect sources by the district. This regulation was adopted in order to comply with regulations applicable to indirect sources which had been promulgated by the federal Environmental Protection Agency. The Bay Area indirect source review rule, which was set forth in Division 13 of Regulation 2 of the BAAPCD's rules, was comprehensive. It applied to highways and roads, parking lots and garages, shopping centers and other retail facilities, recreational centers and amusement parks, sports

July 12, 1976

stadiums, airports, residential, commercial or industrial developments, metropolitan redevelopment centers, government buildings, hospitals and other medical facilities, educational institutions, hotels and motels, office buildings, restaurants, and theaters. Among its provisions, for example, was a requirement that all facilities which would have a new associated parking area with a capacity of 1,000 cars or more, or which was being modified to increase existing parking capacity by more than 500 cars, would be required to meet the requirements of all regulations of the district. However, several months after this rule was adopted, it was rescinded. Just as the rule had been promulgated in order to satisfy the mandate of the EPA, it was set aside when Congress, at the end of 1974, told the EPA to cease implementation of its indirect source review program.

Although aside from the above no APCD in California has ever adopted an indirect source review regulation, one of the APCD's, the Great Basin Unified Air Pollution Control District, which has authority in the rural counties of Alpine, Mono and Inyo, is currently in the process of formulating such a rule. Since the final shape which this proposed rule will take has not as yet been determined, it is not yet available for public comment, and any inquiries which you may have with respect to this rule may be addressed to Mr. Lawrence D. Odle, Operations Specialist, Great Basin Unified APCD, 192-C East Line Street, Bishop, California 93514.

I hope that the above answers your questions sufficiently. If you have any further need to contact us in this matter, please feel free to do so.

Sincerely,



Laurence G. Chaset
Legal Counsel

LGC:lkt

JUN - 1 1976

May 27, 1976

State of
Washington
Department
of Ecology



Mr. Douglas M. DuPriest
Law Clark
Coons, Cole and Anderson
South Park Building
101 E. Broadway, Suite 303
Eugene, Oregon 97401

Dear Mr. DuPriest:

This is in reply to your letter of May 21, 1976, requesting information about Washington State's history with the indirect source regulation.

The Department of Ecology adopted an indirect source review requirement in the Department Regulation, WAC 18-24. This requirement was rescinded in June, 1975 so that at this time, there is no statewide requirement for a pre-construction review of an indirect source.

The Puget Sound Air Pollution Control Agency, which is the regional agency for Seattle, Tacoma and Everett, has adopted a local regulation for indirect sources which is currently in effect.

I am enclosing copies of statements and other information that explain the department's basis for rescinding the regulation.

If additional information is needed, please do not hesitate to call upon me.

Sincerely,

OFFICE OF AIR PROGRAMS

A handwritten signature in cursive script that reads "Henry F. Droege".

Henry F. Droege, Supervisor
Air Resource Division

encs.

HFD/js

INFORMATION MEMORANDUM

June 20, 1975

State of
Washington
Department of
Ecology



REQUIREMENT FOR PRECONSTRUCTION REVIEW
OF COMPLEX SOURCES - REPEALED

Two hearings were held to receive public comment on this proposal. The Department's position was stated in two documents, "Background-Complex Source" and "Additional Statement". In these documents is a summary of the history of the regulation. The regulation was originally adopted to meet an EPA requirement and the record of the development of the regulation shows that the major concern was to satisfy EPA criteria. The department testified that the preconstruction review requirement does not appear to have any effect upon the two recognized problems resulting from emissions of carbon monoxide:

1. The occurrence of carbon monoxide concentrations in excess of the standard in Seattle and Spokane; and,
2. The possibility that high concentrations may occur at other locations.

There were approximately 20 people at the hearing on May 22 in Lacey. Six people testified in favor of the repeal and said that the requirement is expensive because of the cost of the application, the cost of litigation, and the cost of delay. The standards may be unjustified and too stringent.

Two people spoke against the repeal and said that it is needed for control of emissions, that modeling provides an index and that is needed in order to attain standards.

There were about 30 people at the hearing on June 9th in Seattle. Seven speakers opposed the repeal. They said that the regulation is needed to protect residential areas; local agencies could enforce the regulations; may need to be amended but do not repeal it - lower the limits and add residential projects; delay and additional cost for the developer may be beneficial; possibly other criteria should be added; it is needed as a planning tool; SEPA is not an answer; AQMA is untried and unknown.

Four speakers favored repeal. They said that the program was a piecemeal approach; single criteria planning; expensive and ineffective; control effort is disdirected; a balanced approach is needed and current approach is ineffective and counterproductive.

In addition, approximately a dozen letters were received from individual citizens opposing repeal. A letter from John Spellman


opposed repeal because of the increased water, sewer, fire, police and school service cost and because the "absence of complex source regulations which might require private developments to include traffic operational improvements to insure adequate traffic flow... would oblige the public sector to 'bear the' burden for such improvements."

The Eastside Citizen's Action League has sent a copy of a Notice of Violation which they have filed with EPA because of this proposal.

The Department's position is that:

1. The regulation was adopted because EPA required it.
2. EPA has suspended implementation of its own regulation.
3. The regulation is ineffective in reducing emissions of carbon monoxide in Seattle and Spokane.
4. Although many individuals have indicated a need for some control on new shopping centers, the department's position as stated in several public hearings in 1973 and 1974 was that the review would not and could not consider the beneficial or adverse effects of the new complex source. The only effect to be considered was the potential increase of carbon monoxide concentrations resulting from the new source.
5. The carbon monoxide ambient air standard is not an issue. It should be noted that at one time, the department proposed that traffic be banned in downtown Seattle and Spokane whenever the standard was exceeded. There was very little support for this position.
6. Most of the testimony opposing repeal indicated some concern about shopping centers. It should be noted that the sources which have been reviewed so far included office buildings, schools, motels, and churches in addition to shopping centers.

The regulation was not intended to control the location of new shopping centers.


Henry Droege, Supervisor
Air Resource Division
State of Washington
Department of Ecology

BACKGROUND - COMPLEX SOURCES

The proposal is to eliminate the state-adopted complex source review program. If this is done, the state will submit the action to EPA as a revision to the Washington State Implementation Plan for National Ambient Air Quality Standards.

The purpose is to take the department of ecology and local air pollution control authorities out of the business of dictating land use decisions on the basis of predicted levels of air contaminants in the immediate vicinity of projects resulting from motor vehicles attracted to such projects.

There is substantial doubt that the program is an effective means of maintaining air quality. Complex source decisions are likely to have the effect of dispersing facility development, thus increasing the total vehicle miles travelled in a given region. The net effect may be to increase pollutant loads on a community-wide basis.

Moreover, the program tends to make carbon monoxide predictions the controlling consideration in land-use decision making, influencing development in a manner which may be contrary to community planning efforts based on a far broader set of criteria and concerns.

The program was adopted in response to federal requirements, developed as an outgrowth of litigation, necessitating the development of effective means for maintaining national ambient air quality standards. It is questionable, as noted, that the complex (or indirect) source program is an effective means to this end. But for whatever reasons, the federal involvement in this matter has been a history of uncertainty and delay. As time has gone on, the future of federal efforts has become no clearer. At present EPA has suspended the effectiveness of federal complex source review provisions in areas where EPA, rather than the states, is directly administering the program.

Washington got into the complex sources business in an effort to satisfy requirements emanating from EPA. Now it is at least clear that had the state not done so (Washington was one of only a few states to enter the complex sources field) there would at the moment be no such program in effect in Washington.

The ultimate thrust of the present proposal is an attempt to return the program to the federal government (EPA), and, in effect to wait for some clarification of direction at that level. This will mean, if it can be accomplished, that the program ultimately implemented in this state will be consistent

with the program ultimately implemented nationally, both in substance and timing.

The state can always apply to get back into this area at some future time. At present, however, the effort to run such a program does not appear justified. The review of complex sources involves significant manpower and resources, both public and private. The air pollution control benefit, if any, does not appear commensurate with the large expenditure of time, talent and money -- not the least of which is in litigation costs.

The history of complex sources is rather involved. The highlights in brief are as follows:

(a) January 31, 1973 - U.S. Court of Appeals for District of Columbia Circuit decides case of Natural Resource Defense Council, Inc. v. Environmental Protection Agency, 475 F.2d 968 (D.C. Cir. 1973). Paragraph 9 of Court's order directs EPA to review all state air quality implementation plans to determine whether they adequately provide for maintenance of federal air quality standards after such standards are attained.

(b) March 8, 1973 - EPA disapproves all state plans as inadequate regarding future maintenance of standards and announces intention to require states to supplement existing programs for pre-construction review of new stationary air pollution sources with a program of pre-construction review of "complex sources" - stationary facilities which attract mobile source activity resulting in increased emissions.

(c) June 18, 1973 - EPA promulgates rules requiring states to submit complex source regulations as part of implementation plans.

(d) July 5, 1973 - DOE proposes complex source rules, amending Chapter 18-24 WAC.

(e) August 7, 22, 1973 - Hearings in Olympia and Spokane on DOE proposals. Substantial critical comment.

(f) September 17, 1973 - DOE proposes revised complex source rules.

(g) October 1, 2, 1973 - Hearings in Seattle and Spokane on revised DOE proposals.

(h) October 10, 1973 - DOE adopts complex source rules and submits them to EPA as implementation plan revision.

(i) October 30, 1973 - EPA proposes federal complex source rules to apply in states without approved complex source programs. Proposals differ from DOE program.

(j) November 12, 1973 - EPA adopts transportation control plan for Washington setting up parking management program in King, Pierce, Snohomish, Kitsap and Spokane Counties. The federal rule conflicts with DOE program.

(k) November 16, 1973 - DOE suspends effectiveness of its complex source program pending resolution of conflicts with federal rules and proposals.

(l) November 20, 1973 - DOE proposes to repeal its complex source regulations.

(m) December 17, 1973 - Hearing in Olympia on repeal of DOE program. Testimony unanimously favors continued effort to retain a state complex sources program rather than acquiesce in a federally-managed scheme.

(n) December 27, 1973 - DOE determines not to repeal its complex source program.

(o) January 15, 1974 - EPA defers effective date of any complex source review it may conduct until January 1, 1975. EPA likewise suspends its parking management program until January 1, 1975 in all areas of Washington State except the central business districts of Spokane and Seattle.

(p) February 13, 1974 - DOE continues suspension of effectiveness of its complex source program for an additional ninety (90) days.

(q) February 25, 1974 - EPA adopts final rules for complex sources and officially disapproves DOE rules as submitted on October 10, 1973. EPA's rules, however, have an effective date of July 1, 1974, and are applicable only to complex sources commencing construction on or after January 1, 1975.

(r) March 28, 1974 - DOE proposes another version of complex source rules. Hearings are held in Spokane and Seattle.

(s) May 17, 1974 - DOE adopts revised complex source rules.

(t) June 13, 1974 - DOE submits revised rules to EPA for approval.

(u) August 15, 1974 - DOE revised rules become effective.

(v) November 21, 1974 - EPA approves DOE program and withdraws federal program in this state, with exception of retaining administration of requirements prohibiting increase in residential parking spaces within the central business districts (CBD's) of Seattle and Spokane.

(w) December 30, 1974 - EPA suspends implementation of federal complex sources program until July 1, 1975.

(x) February 1975 - EPA tells a federal court it will engage in additional rule making before complex source regulations are reimposed. If additional rule making is completed by July 1, EPA says complex source review provisions will not apply to any source on which construction has begun within six months of the regulation's effective date.

(y) February 7, 1975 - DOE adopts emergency rule eliminating denials of complex source projects but keeping the ability to impose conditions of approval in the interests of air quality maintenance.

(z) May 7, 8, 1975 - DOE extends emergency rule for another 90 days and announces hearings on proposal to repeal complex source program on May 22 in Lacey and June 9 in Seattle.

The emergency rule now in force was adopted in response to EPA's latest suspension of its program and its indication of some intention to make further modifications before reimposing the program. DOE's intention was to continue air quality review of complex sources and provide for imposition of reasonable conditions to minimize effects of motor vehicle emissions, but to suspend the power to prohibit outright any project while the whole subject was again evaluated at the state level.

The proposal to eliminate the state's program is the outgrowth of this re-evaluation.

PROPOSED FORM OF RULE IF COMPLEX SOURCE
PROVISIONS ARE ELIMINATED

Chapter 18-24 WAC

STATE JURISDICTION OVER MOTOR VEHICLES

NO CHANGE

WAC 18-24-010 STATEMENT OF PURPOSE AND APPLICABILITY. These regulations are enacted under the provisions of the Washington Clean Air Act to provide for the assumption of jurisdiction by the department of ecology over motor vehicles, as defined herein, for the purpose of preventing and controlling air contaminant emissions resulting from the operation of motor vehicles.

AMENDED

WAC 18-24-020 DEFINITIONS. (1) "Department" means the department of ecology.

(2) "Motor vehicles" means any operating vehicle or one capable of being operated which has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.

AMENDED

WAC 18-24-030 ASSUMPTION OF JURISDICTION. The department finding that the prevention and control of air pollution from motor vehicles should be regulated on a statewide basis, hereby assumes jurisdiction over motor vehicles for the purpose of controlling air contaminant emissions from the operation of such motor vehicles.

NO CHANGE

WAC 18-24-040 STANDARDS OF MOTOR VEHICLES. No person shall remove or render inoperable any devices or components of any systems on a motor vehicle installed as a requirement of federal law or regulation for the purpose of controlling air contaminant emissions, subject to the following conditions:

(1) The components or parts of emission control systems on motor vehicles may be disassembled or reassembled for the purpose of repair and maintenance in proper working order.

(2) Components and parts of emission control systems may be removed and replaced with like components and parts intended by the manufacturer for such replacement.

(3) The provisions of this section (WAC 18-24-040) shall not apply to salvage operations on wrecked motor vehicles when the engine is so damaged that it will not be used again for the purpose of powering a motor vehicle on a highway.

SECTIONS TO BE REPEALED: WAC 18-24-050, 18-24-060, 18-24-070, 18-24-080,
18-24-090, 18-24-100, 18-24-110, 18-24-120,
18-24-130

NOTE: Essentially this proposal returns the regulation to the form and content it had when originally adopted in 1968 and eliminates all additions relating to complex sources made since October 1973.

ADDITIONAL STATEMENT ON COMPLEX SOURCES

The history of this regulation shows that there has been a major attempt to obtain comment from interested citizens prior to the adoption and implementation of the regulation. Six public hearings were held. In addition, there were at least as many meetings to discuss the regulation with small and medium-sized groups. Several meetings were held with the staff of the Environmental Protection Agency (EPA) in order to satisfy their requirements. The regulation was adopted after considering the ideas of all interested individuals and groups.

A review of the hearings and discussions shows that the major and almost only theme of the proponents of this regulation was that the complex source review program should be conducted by a state or local agency rather than by EPA. There was very little testimony at any of the hearings or concern expressed at the various discussion meetings as to the effect of this regulation upon the two defined problems in the State of Washington. These two problems are:

1. High carbon monoxide concentrations have occurred and are still occurring in Spokane and Seattle and occasionally in certain other communities.
2. A potential that carbon monoxide concentrations in excess of the standard may occur in the future in other areas of the state.

There is considerable doubt that the current program will help to resolve either of these problems. I believe there is a considerable agreement that some evaluation of the impact of complex sources is needed, but it seems apparent to us at this time that this evaluation should include other factors besides a calculation of the projected carbon monoxide concentration at selected points.

Complex sources include office buildings, schools, auditoriums, churches, theaters, hospitals, and any other type of installation which will require more than the minimum number of parking facilities described in the regulation. There is no doubt that these complex sources will affect the total vehicle miles traveled in an area. In some instances, it may be shown that the overall effect will be to reduce the total vehicle miles traveled in the area, although there will be an increase in the immediate area of the proposed source. The complex source may improve traffic flow in an area or increase the congestion. It may provide a needed or desirable service which is beneficial to the community or its total effect may be detrimental and disruptive. Quite possibly, SEPA requirements and the preparation of an impact assessment may be a far better way of reviewing the effect of this new source than the regulation under consideration today. There is a possibility that the program required for certain areas in this state under the Air Quality Maintenance Area planning may also provide a tool for this evaluation.

At this time, we believe there are four reasons why the provisions requiring a pre-construction review of complex sources should be repealed.

1. The requirement for a complex source review has the effect of dispersing public facility developments which may be contrary to community planning efforts and may increase the total vehicle miles traveled in any given region.
2. The review procedure and requirement has no impact on already existing major motor vehicle attractors.
3. The impact of the complex source regulation has no direct effect on the pollutant sources, namely the motor vehicle.
4. The review procedure for complex sources requires a rather detailed analysis using significant manpower and resources.

The reduction achieved by the review process appears to be insignificant or non-existent in relation to the sources

required.

For these reasons, the department proposes to repeal the portions of the regulation requiring a pre-construction review of complex sources. The effective date of this action will be after July 1, when the federal regulation will become effective.

Henry Droege
May 22, 1975



MAY 28 1976

STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
ENVIRONMENTAL PROTECTION SERVICES
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

May 26, 1976

Mr. Doug Du Priest
Coons, Cole & Anderson
Suite 303
101 E. Broadway
Eugene, Oregon 97401

Dear Doug:

I have enclosed a copy of the NAQR and Complex Source Application forms as you requested with our phone call today and will briefly outline the history of the Complex Source Regulations (Article 13).

The original complex source regulations were similar to the original proposed EPA regulations and were adopted February 25, 1974 (copy enclosed). These regulations were changed by legislative mandate by the 1975 Legislature (A.B. 480, copy enclosed) and are contained in the NAQR (copy enclosed).

I hope this brief outline and the enclosures satisfy your questions. If you need more information, please call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert E. Smith".

Robert E. Smith
Environmental Specialist
Air Quality Control

RS/ba

Enclosure

-APPLICATION-
COMPLEX SOURCE REGISTRATION

Department of Human Resources
Environmental Protection
Capitol Complex, 201 South Fall Street
Carson City, Nevada 89710
702-885-4670

Name of Applicant _____

Address _____ Phone _____

City _____ State _____ Zip Code _____

Company Official or Person to Contact Regarding this Application:

_____ Phone _____

City _____ State _____ Zip Code _____

Engineering or Architectural Firm Responsible for Design and/or Technical Data:

Firm Name _____ Phone _____

City _____ State _____ Zip Code _____

Person to Contact _____ Title _____

Name of Facility: _____

Street _____ City _____ State _____

Location - UTM Coordinates:

East _____ North _____

The following required documents are submitted as part of this application:

Scaled Plot Plan _____

Air Quality Background Data _____

Meteorological Data _____

Traffic Analysis _____

Air Quality Impact Statement _____

1. Type of Project

- | | |
|--|---|
| <input type="checkbox"/> Apartment or Condominium Bldg. | <input type="checkbox"/> Educational Facility |
| <input type="checkbox"/> Highways & Roads | <input type="checkbox"/> Shopping Center |
| <input type="checkbox"/> Drive-In Theater | <input type="checkbox"/> Institutional Facility |
| <input type="checkbox"/> Sports & Entertainment Facility | <input type="checkbox"/> Commercial Facility |
| <input type="checkbox"/> Parking Lot or Garage | <input type="checkbox"/> Recreational Facility |
| <input type="checkbox"/> Other-Please Specify _____ | |

2. Type of Activity

- New Construction Modified Source

3. Dates of Construction & Operation (Estimated)

Start of Construction _____ Completion of Construction _____

Start of Operation _____ (For phase developments, enter estimated

date of operation for each phase) _____

4. Project Description

A. Total Acreage to be Developed _____ Existing _____

B. Number of Parking Spaces Serving Facility- _____ New _____

New Construction _____

Modified Source _____

C. Number of Entrance Gates _____ Exit Gates _____

D. Number of Dwelling Units or Room Accommodations (Apartment & Commercial only) _____

E. Describe the Sizes and Types of Facilities in Development _____

5. Normal Operating Hours of Facility _____ (am)(pm) to _____ (am)(pm)

6. Describe the Availability and Type of Mass Transit Existing and Proposed to Serve the Facility _____

7. Expected Average Daily Number of People Using or Engaging in Activities of Facility _____

8. Anticipated Traffic Data
 A. Vehicle Trips Generated Daily by Facility _____
 B. Maximum No. of Vehicle Trips Generated in:
 1 Hour _____ Identify 1-Hour Period _____
 8 Hours _____ Identify 8-Hour Period _____
 C. Identify Supporting Document _____

9. Expected Number of Employees of Facility _____

10. Air Quality Impact Summary
 A. Meteorological Data

<u>Parameters</u>	<u>Assumed Conditions for Impact Analysis</u>
Stability Class	_____
Wind Direction (Degrees)	_____
Wind Speed (Meters/Sec)	_____

B. A scaled plot plan of facility and surrounding area shall be part of this application.

C. Maximum Expected Impact on Air Quality*

<u>Receptor Pt.</u>	<u>Total Predicted Impact</u>	<u>Applicable Air Quality Standard</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Identify supporting document _____

11. Statement by the Applicant _____

Application is hereby made to register the above source and to obtain an approval for construction of same.

Signed _____ Date _____
 Title _____

-FOR AGENCY USE ONLY-

Application received, Environmental Protection, by _____
 Date _____ Time _____
 Fee Paid _____ Check Number _____

COMPLEX SOURCES

1. Parking facilities
 - a. New 1,000 or more motor vehicles
 - b. Modified 500 or more motor vehicle increase

2. Highway projects
 - a. New 20,000 or more motor vehicles per day within ten (10) years
 - b. Modified 10,000 or more motor vehicles per day within ten (10) years increase

3. Airports
 - a. New
 - (1) 50,000 or more operations per year
 - (2) 1,000,000 or more passengers per year
 - b. Modified
 - (1) 50,000 or more operations per year increase
 - (2) 1,000,000 or more passengers per year increase

4. Retail, commercial and industrial facilities.

5. Recreation, amusement, sports and entertainment facilities.

6. Office and government buildings.

7. Apartment and condominium buildings.

8. Educational facilities

COMPLEX SOURCES

1. Parking facilities
 - a. New 1,000 or more motor vehicles
 - b. Modified 500 or more motor vehicle increase

2. Highway projects
 - a. New 20,000 or more motor vehicles per day within ten (10) years
 - b. Modified 10,000 or more motor vehicles per day within ten (10) years increase

3. Airports
 - a. New
 - (1) 50,000 or more operations per year
 - (2) 1,000,000 or more passengers per year
 - b. Modified
 - (1) 50,000 or more operations per year increase
 - (2) 1,000,000 or more passengers per year increase

4. Retail, commercial and industrial facilities.

5. Recreation, amusement, sports and entertainment facilities.

6. Office and government buildings.

7. Apartment and condominium buildings.

8. Educational facilities

STATIONARY SOURCES

Chemical

1. Acid production
2. Plastics manufacturing

Mining

1. Screening or sizing equipment
2. Crushing or grinding equipment
3. Land clearing of over 8 hectares (20 acres)
4. Asphalt batch plants
5. Cement batch or processing plants
6. Refractories
7. Large ovens or furnaces
8. Boilers rated at over 1 million kilogram-calories per hour (4 million BTU's per hour)
9. Gypsum processing
10. Rock, gravel, and sand processing
11. Diatomaceous earth processing

Agriculture

1. Feed and grain processing
2. Rendering facilities
3. Alfalfa processing
4. Seed cleaning and bagging
5. Cotton ginning
6. Fertilizer production

Petroleum Products

1. Storage of greater than 150 kiloliters (40,000 gallons)
2. Refining

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 480

ASSEMBLY BILL NO. 480—ASSEMBLYMAN MAY

MARCH 25, 1975

Referred to Committee on Environment and Public Resources

SUMMARY—Changes terminology respecting certain air pollution sources and modifies requirements for their regulation. Fiscal Note: No. (BDR 40-1241)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to air pollution control; revising definitions respecting certain sources of air pollution and modifying requirements for their regulation; making changes in the composition of local air pollution control hearing boards; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. Chapter 445 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 1. *No regulation adopted pursuant to any provision of NRS 445.401*
4 *to 445.601, inclusive, may be enforced as to indirect sources which is*
5 *more stringent with respect to size cutoffs as established for designated*
6 *areas pursuant to the United States Clean Air Act of 1963 and the rules*
7 *and regulations adopted in furtherance thereof.*

8 2. *Should the United States Environmental Protection Agency delay*
9 *the effective date for enforcement of its indirect source regulations beyond*
10 *January 17, 1977, the state's authority to review new complex sources*
11 *shall expire. Those projects approved prior to that date shall continue*
12 *under the guidelines established in their permit.*

13 SEC. 2. NRS 445.446 is hereby amended to read as follows:

14 445.446 1. "Source" means any property, real or personal, which
15 directly emits or may emit any air contaminant.

16 2. "Complex source" means any property or facility that has or
17 solicits secondary or adjunctive activity which emits or may emit any air
18 contaminant for which there is an ambient air quality standard, notwith-
19 standing that such property or facility may not itself possess the capability
20 of emitting such air contaminants. Complex sources include, but are not
21 limited to:

22 (a) [Shopping centers;

23 (b) Sports complexes;

- (c) Drive-in theaters;
- (d) Parking lots and garages;
- (e) Residential, commercial, industrial or institutional developments;
- (f) Amusement parks and recreational areas;
- (g) Highways;
- (h) Sewer, water, power and gas lines,] *Highways and roads;*
- (b) *Parking facilities;*
- (c) *Retail, commercial and industrial facilities;*
- (d) *Recreation, amusement, sports and entertainment facilities;*
- (e) *Airports;*
- (f) *Office and government buildings;*
- (g) *Apartment and condominium buildings;*
- (h) *Educational facilities;*

and other such property or facilities which will result in increased air contaminant emissions from motor vehicles or other stationary sources.

SEC. 3. NRS 445.481 is hereby amended to read as follows:

445.481 1. The governing body of any district, county or city authorized to operate an air pollution control program under NRS 445.401 to 445.601, inclusive, may appoint an air pollution control hearing board.

2. The air pollution control hearing board appointed by a county, city or health district shall consist of [five] seven members who are not employees of the state or any political subdivision of the state. One member of hearing board shall be an attorney admitted to practice law in Nevada, [and] one member shall be a professional engineer registered in Nevada [.] and one member shall be licensed in Nevada as a general engineering contractor or a general building contractor as defined by NRS 624.215. [Two] Three shall be appointed for a term of 1 year, [two] three shall be appointed for a term of 2 years and one shall be appointed for a term of 3 years. Each succeeding term shall be for a period of 3 years.

SEC. 4. NRS 445.546 is hereby amended to read as follows:

445.546 1. The district board of health, county board of health or board of county commissioners in each county which has a population of 100,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, shall establish an air pollution control program within 2 years after July 1, 1971, and administer such program within its jurisdiction unless superseded.

2. The program shall:

(a) Establish by ordinance or local regulation standards of emission control, emergency procedures and variance procedures which: [equivalent to or stricter than]

(1) *In the case of complex sources, are equivalent to, but not stricter than; and*

(2) *In the case of all other sources, are equivalent to or stricter than,* those established by statute or state regulation; and

(b) Provide for adequate administration, enforcement, financing and staff.

3. The district board of health, county board of health or board of

county commissioners is designated as the air pollution control agency of the county for the purposes of [this act,] NRS 445.401 to 445.601, inclusive, and the federal act insofar as it pertains to local programs, and such agency is authorized to take all action necessary to secure for the county the benefits of the federal act.

4. Powers and responsibilities provided for in NRS 445.461, 445.-476 to 445.526, inclusive, 445.571 to 445.581, inclusive, and 445.601 shall be binding upon and shall inure to the benefit of local air pollution control authorities within their jurisdiction.

5. The local air pollution control board shall carry out all provisions of NRS 445.466 with the exception that notices of public hearings shall be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, once a week for 3 weeks, which notice shall specify with particularity the reasons for the proposed rules or regulations and provide other informative details. Such rules or regulations may be more restrictive, *except as provided in subsection 2,* than those adopted by the commission. NRS 445.466 shall not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445.598.

6. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the state, or may establish its own air pollution control program. If such county establishes such program, it shall be subject to the approval of the commission.

7. No existing compliance schedule, variance order or other enforcement action relating to air pollution by fossil fuel-fired steam generating facilities, with a capacity greater than 1,000 megawatts, may be enforced until July 1, 1977.

8. The state environmental commission shall hold 1 or more public hearings prior to July 1, 1976, for the purpose of reviewing air contaminant emission standards applicable to fossil fuel-fired steam generating facilities.



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Agency..... State.....
.....
Environmental Commission

Classification of action..... Air Quality Regulations.....

Brief description of action..... Adoption of amendments to the Air Quality Regulations for the
..... review and approval of complex sources.....

Authority citation..... NRS 233B and 445.....

Notice date..... 9/23, 10/3, 10/10, 10/17, 11/9, 11/19, Hearing date..... October 24 and December 10, 1973
..... 11/29

Date of adoption..... February 25, 1974..... Effective date..... March 27, 1974.....

AMENDMENTS
TO THE
STATE OF NEVADA AIR QUALITY REGULATIONS

- 1.59 Complex source. Any property or facility that has or solicits secondary or adjunctive activity which emits or may emit any air contaminant for which there is an ambient air quality standard, notwithstanding that such property or facility may not itself possess the capability of emitting such air contaminants. Complex sources include, but are not limited to:
- a. Shopping centers;
 - b. Sports complexes;
 - c. Drive-in theaters;
 - d. Parking lots and garages;
 - e. Residential, commercial, industrial or institutional developments;
 - f. Amusement parks and recreational areas;
 - g. Highways;
 - h. Sewer, water, power and gas lines;
- and other such property or facilities which will result in increased air contaminant emissions from motor vehicles.
- 1.44 Registration certificate. A document issued and signed by the Director certifying adequate empirical data for the single or complex source has been received and shall constitute approval of location.
- 1.60 Vehicle trip. A single movement by a motor vehicle which originates or terminates at the single or complex source.
- 1.61 Contiguous Property. Any property which is in physical contact, touching, near or adjoining. Public property or public right-of-way shall not be deemed as a break in any contiguous property.
- 3.1.9 Registration certificates for single and complex sources and operating permits for single sources may be issued through an approved local air pollution control program.
- 3.2.4 Within 5 days after receiving an application for registration, the Director shall determine what, if any, additional information is needed. Within 15 days after receiving adequate information the Director shall make a preliminary determination to issue or deny issuance of a registration certificate. Within 75 days after receiving adequate information, pursuant to Article 13, the Director shall issue or deny issuance of a registration certificate.
- 3.2.5 A registration certificate shall only expire if construction of a new or modified source, including a complex source, is not commenced within one year from the date of issuance thereof or construction of the facility is delayed for one year after initiated.
- 3.3.2 A stop order can be issued at any time before the operating permit is granted, except that a stop order for a source shall not be issued after construction or modification has commenced if the construction is in accordance with the provisions of the registration certificate as submitted and approved by the Director under Article 13 hereof.

- 13.1 General provisions for the review of new sources.
- 13.1.1 Prior to the issuance of any registration certificates in accordance with this Article the applicant shall submit to the Director an environmental evaluation and any other information the Director may deem necessary to make an independent air quality impact assessment.
- 13.1.2 The preliminary intent to issue or deny issuance of a registration certificate for a complex source shall be made within 15 days after receiving adequate information for reviewing the registration application. The application, the Director's review and preliminary intent to issue or deny shall be made public and maintained on file with the Director during normal business hours at 201 South Fall Street, Carson City, Nevada and in the Air Quality Region where the source is located, at a site specified in a public announcement by the Director for thirty (30) days to enable public participation and comment. All comments on the Director's review and preliminary intent for issuance or denial shall be submitted in writing to the Director within 30 days after the public announcement. Within the time period prescribed by Article 3.2.4, the Director shall make his decision, taking into account written public comments on the Director's review and preliminary intent for issuing or denial, project proponent submittal and the effect of such a facility on the maintenance of the ambient air quality standards as contained in Article 12 and the control strategy contained in the Air Quality Implementation Plan.
- 13.1.3 The Director shall not issue a registration certificate for any source if the environmental evaluation submitted by the applicant, or if the Director determines, in accordance with the provisions of this Article, that the source will prevent the attainment and maintenance of the State Ambient Air Quality Standards or will cause a violation of the applicable control strategy contained in the approved Air Quality Implementation Plan.
- 13.1.4 The Director may impose any reasonable conditions on his approval, including conditions requiring the source owner or operator to conduct ambient air quality monitoring at the facility site for a reasonable period prior to commencement of construction or modification, and for any specified period after the source has commenced operation.
- 13.1.5 Where a proposed source located on contiguous property is constructed or modified in increments which individually are not subject to review as provided in this Article, all such increments occurring since the effective date of this Article shall be added together for determining the applicability of this Article.
- 13.1.6 Approval and issuance of a registration certificate to any source construction or modification shall not affect the responsibilities of the owner or owners to comply with any other portion of the control strategy.
- 13.1.7 Any source or proposed facility shall, upon written application to the Director, receive within thirty (30) days a written notice of his determination, either requiring the submittal of an environmental evaluation or exempting the source from such requirement.

- 13.2 The following new complex sources or a modification to an existing complex source which would cause increases to the existing complex source as specified below, or other such facilities as the Director may specify upon written notice shall apply for registration certificates in accordance with this Article.
- 13.2.1 Shopping centers with motor vehicle parking areas of greater than 500 spaces or which generate greater than 1,000 motor vehicle trips/hour or 5,000 motor vehicle trips/eight hours.
- 13.2.2 Sports complexes with motor vehicle parking areas greater than 1,000 spaces or a seating capacity of greater than 3,000 persons.
- 13.2.3 Drive-in theaters with motor vehicle parking facilities of greater than 500 spaces.
- 13.2.4 Motor vehicle parkings lots or garages with greater than 500 spaces.
- 13.2.5 Residential, governmental, commercial, industrial or institutional developments which can generate greater than 1000 vehicle trips/hour or 5,000 vehicle trips per any eight hour period or which have parking facilities of greater than 1000 spaces or residential development with greater than 500 individual or multiple occupancy units or commercial or institutional facilities with greater than 500 sleeping or rooming accommodations.
- 13.2.6 Amusement parks and recreational areas with motor vehicle parking areas of greater than 1,000 spaces and which can generate greater than 1,000 vehicle trips/hour or 5,000 vehicle trips/eight hour period.
- 13.2.7 Highways with anticipated average annual daily traffic volumes of greater than 10,000 motor vehicles per day.
- 13.2.8 Sewer, water, power and gas lines which are designed to serve greater than 5,000 new connections over the next ten years.
- 13.2.9 Airports which are expected to generate greater than 25,000 landings and take-off operations per year by regularly scheduled airlines or charter flights over the next ten years or with parking areas of greater than 500 spaces or which generate greater than 1,000 vehicle trips/hour or 5,000 vehicle trips/eight hours.
- 13.3 The following new single sources or modifications to an existing single source which would cause increases to existing single sources as specified below shall submit an environmental evaluation with their application(s) for registration:
- 13.3.1 Any single source which can cause, allow or permit the emission of an air contaminant of greater than 50 pounds/hour.
- 13.3.2 Any combination of single sources located at a single premise which can cause, allow or permit the emission of an air contaminant of greater than 50 pounds/hour.
- 13.3.3 Any single source, upon written notice from the Director.

13.4 Environmental Evaluation

13.4.1 The environmental evaluation required for new or modified single or complex sources, as determined by this Article or as required by the Director, shall include the following:

13.4.1.1 An environmental evaluation shall be a careful and detailed assessment of the environmental aspects of a proposed action.

13.4.1.2 An environmental evaluation shall contain adequate environmental safeguards to be implemented by the applicant to provide for the maintenance of acceptable air quality and shall consider:

a. Ambient air concentrations before, during and after construction, empirically calculated with recognized methods as approved by the Director; or, in the case of existing ambient air concentrations, they may be measured with approved methods at approved site locations for not less than one year. Estimates shall be empirically determined for ambient air concentration immediately contiguous to the facility and at the point of predicted maximum concentration within the surrounding region.

b. Diffusion models used to determine the location and estimated value of highest air contaminant concentration shall contain:

1. Assumptions and premises.
2. Evaluation at the recorded most adverse meteorological conditions in the last 100 years.
3. Evaluation at the recorded most adverse meteorological conditions in the last year.
4. Geographic area considered in the evaluation.
5. Dispersion equations.
6. Predicted contaminant buildup.
7. Location, type and amount of emissions.
8. Meteorological information

c. Alternate proposals which could be implemented as conditions of approval.

d. Other probable environmental effects, before, during and after construction shall be considered in the narrative portion of the evaluation.

13.5 The following are exempt from Article 13.2:

1. Complex source or single sources existing prior to February 25, 1974 and remaining unmodified thereafter or those facilities which have received local approval and necessary building or construction permits by April 1, 1974; and commence a continuous program of construction before July 1, 1974

2. Those complex sources or single sources obtaining an exemption granted by the President under section 118 of the Clean Air Act of 1970.

ADOPTION, NOW, THEREFORE, By affirmative vote of the members of the Nevada State Environmental Commission, these Amendments to the State of Nevada Air Quality Regulations are hereby adopted and compliance therewith ordered.

MAR 27

To become effective _____, 1974



Norman Glaser, Chairman
Nevada State Environmental Commission

STATE OF NEVADA

AIR QUALITY REGULATIONS

September 1974

Amended January 15, 1975

Amended June 17, 1975

Amended September 18, 1975

Norman Glaser, Chairman
Mrs. Ellen Shirley
William C. Vincent
Thorne Butler, M.D.
Roland Westergard
Thomas W. Ballow
Glen Griffith
George Zappettini
Clark H. Tester
Ken Boyer, Executive Secretary

Adopted By

Nevada State Environmental Commission
Norman Glaser, Chairman

Administered By

Department of Human Resources
Roger Trounday, Director

Environmental Protection Services
E. G. Gregory, Acting Administrator
Carson City, Nevada

and

Department of Motor Vehicles
Howard Hill, Director
Carson City, Nevada

NEVADA STATE AIR QUALITY REGULATIONS

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STATE OF NEVADA
AIR QUALITY REGULATIONS

WHEREAS, the protection of the air resources of the State is deemed necessary for (1) the protection of the health, safety, and well-being of its citizens, (2) the prevention of injury to plant and animal life and to property, (3) the protection of the comfort and convenience of the public and the protection of the recreational resources of the State, (4) for the preservation of visibility and scenic, aesthetic, and historical values of the State; and

WHEREAS, the problem of air quality in this State is closely related to the problem of air quality in adjoining states; and

WHEREAS, Nevada Revised Statutes direct the adoption and enforcement of reasonable rules and regulations, and clearly reveal that it is the public policy of the State to preserve the air resources of the State, and to protect, maintain, and improve the quality thereof; and to cooperate with other agencies of the State, agencies of other states, and the federal government in carrying out these objectives; and

WHEREAS, with the advancement of technology, these regulations will be subject to revision and amendment;

NOW, THEREFORE, the Nevada State Environmental Commission adopts the following regulations:

ARTICLE 1 - DEFINITIONS

- 1.1 Air-conditioning equipment. Equipment utilized to heat or cool the interior of a building or structure.
- 1.2 Air contaminant. Any substance discharged into the atmosphere except water vapor and water droplets.
- 1.3 Air pollution. The presence in the outdoor atmosphere of one or more air contaminants or any combination thereof in such quantity and duration as may tend to:
 - 1.3.1 Injure human health or welfare, animal or plant life, or property.
 - 1.3.2 Limit visibility or interfere with scenic, aesthetic, and historical values of the State.
 - 1.3.3 Interfere with the enjoyment of life or property.
- 1.4 Ambient air. That portion of the atmosphere surrounding people, animal, and plant life.
- 1.5 Approved inspector. An individual person who has qualified by passing the written examination as prepared by the State Environmental Commission, has met an equivalency requirement acceptable to the Department of Motor Vehicles, and has been issued a certificate as an Approved Inspector.
- 1.6 Associated parking area. A parking facility or facilities owned and/or operated in conjunction with a complex source.
- 1.7 Atmosphere. All of the air surrounding the earth and external to buildings and structures.
- 1.8 Authorized station. A station licensed by the Department of Motor Vehicles for inspecting motor vehicles and pollution control devices for compliance with NRS 445 or any applicable federal or Commission regulation and for installing, repairing, and adjusting pollution control devices and motor vehicles to meet the Commission's requirements.
- 1.9 British thermal units - BTU. That quantity of heat required to raise the temperature of one pound of water from 62° Fahrenheit to 63° Fahrenheit.
- 1.10 Certificate of Compliance. A certificate issued by an approved inspector in a licensed, authorized station that the motor vehicle identified on the certificate is properly equipped with the MVPC devices indicated on the certificate that such devices conform with the requirements of NRS 445 and rules and regulations as adopted by the State Environmental Commission.
- 1.11 Combustible refuse. Any waste material which can be consumed by combustion.

- 1.12 Commercial fuel oil. A liquid or liquefiable petroleum product normally produced, manufactured, used, or sold for the purpose of creating useful heat.
- 1.13 Commission. The Environmental Commission as defined in NRS 445.
- 1.14 Complex source. Any property or facility that has or solicits secondary or adjunctive activity which emits or may emit any air contaminant for which there is an ambient air quality standard, notwithstanding that such property or facility may not itself possess the capability of emitting such air contaminants. Complex sources include, but are not limited to:
- a. Highways and roads;
 - b. Parking facilities;
 - c. Retail, commercial, and industrial facilities;
 - d. Recreation, amusement, sports, and entertainment facilities;
 - e. Airports;
 - f. Office and government buildings;
 - g. Apartment and condominium buildings;
 - h. Education facilities;
- and other such property or facilities which will result in increased air contaminant emissions from motor vehicles.
- 1.15 Confidential information. Information or records which:
- 1.15.1 Relate to quantities or dollar amounts of production or sales; or
 - 1.15.2 Relate to processes or production unique to the owner or operator; or
 - 1.15.3 Would tend to affect adversely the competitive position of the owner or operator, if disclosed.
- 1.16 Contiguous property. Any property under single or joint ownership or operatorship which is in physical contact, touching, near, or adjoining. Public property or public right-of-way shall not be deemed as a break in any contiguous property.
- 1.17 Crankcase emissions. Air contaminants emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.
- 1.18 Diesel fuel. Low viscosity oil normally used in compression ignition engines.
- 1.19 Director. The Director of the Department of Human Resources or his designee or person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations.
- 1.20 Dusts. Particulate matter released into ambient air by natural, mechanical, or chemical forces or processes.

- 1.21 Effective date. Thirty days after these regulations or amendments to these regulations have been filed with the Secretary of State.
- 1.22 Emission. The act of passing into the atmosphere an air contaminant or a gas stream which contains, or may contain, an air contaminant; or the material passed to the atmosphere.
- 1.23 Established place of business. (1) the permanent structure owned either in fee or leased with sufficient space to test, inspect, or adjust, if needed, one or more vehicles for which a certificate of compliance may be issued; and (2) large enough to accommodate the office or offices of an authorized station to provide a safe place to keep the books, certificates of Compliance, and all other records of this authorized station, at which site or location the principal portion of such licensee's business shall be open to inspection during usual business hours by any authorized agent of the Director of the Department of Motor Vehicles or any authorized agent of the Department of Human Resources.
- 1.24 Exhaust emissions. Air contaminants emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.
- 1.25 Exhaust gas analyzer. A device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle.
- 1.26 Existing source. Equipment, machines, devices, articles, contrivances, or facilities which are constructed, purchased, or in operation on the effective date of these regulations; except that any existing equipment, machine, device, article, contrivance, or facility which is altered, replaced, or rebuilt which increases the total emission after the effective date of these regulations shall be reclassified as a "new source".
- 1.27 Fleet owner. An owner of three or more vehicles.
- 1.28 Fuel. Any form of combustible matter (solid, liquid, vapor, or gas), excluding combustible refuse.
- 1.29 Fuel burning equipment.
- 1.29.1 Indirect heat transfer fuel burning equipment. Any device except internal combustion engines used for the combustion of fuel in which heat is transferred from the products of combustion indirectly for the production of useful heat or power.
- 1.29.2 Direct heat transfer fuel burning equipment. Any device except internal combustion engines used for the combustion of fuel in which heat is transferred from the products of combustion directly for the production of useful heat or power.
- 1.30 Fugitive dust. Any dust which becomes airborne other than that being emitted through a stack or chimney.
- 1.31 Garbage. Putrescible animal or vegetable refuse.

1.44 Opacity. The property of a substance tending to obscure vision and measured in terms of percent obscuration. The relationship between opacity and Ringelmann number is approximately equal to the following in shades of white to gray.

Opacity (Percent)	Ringelmann Number
20.	1
40.	2
60.	3
80.	4
100.	5

1.45 Open burning. Any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney.

1.46 Operating permit. A document issued and signed by the Director approving, with or without restrictions, the operation of a new or existing single source of air contaminants.

1.47 Particulate matter. Any material except uncombined water that exists in a finely divided form as a liquid or solid at reference conditions.

1.48 Pathological wastes. Human and animal remains consisting of carcasses, organs, and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources.

1.49 Person. The State of Nevada, any individual, group of individuals, partnership, firm, company, corporation, association, trust, estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.

1.50 Process weight. The total weight of all materials introduced into a single source operation, including solid fuels, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion of the fuel.

1.51 Process weight rate. A rate established as follows:

1.51.1 For continuous or long-run steady-rate operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portions thereof.

1.51.2 For cyclical or batch unit operations or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the number of hours of actual process operation during such a period.

1.51.3 Where the nature of any process, operation, or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value of allowable emission shall apply.

- 1.52 Process equipment. Any equipment used for storing, handling, transporting, processing, or changing any material, excluding that equipment specifically defined in these regulations as fuel burning equipment or incinerators.
- 1.53 Reference conditions. All measurements of ambient air quality are corrected to a reference temperature of 25° C. and to a reference pressure of 760 millimeters of mercury (1,013.2 millibars).
- 1.54 Registered owner. An individual, firm, corporation, or association whose name appears in the files of the motor vehicle registration division of the Department of Motor Vehicles as the person to whom the vehicle is registered.
- 1.55 Registration certificate. A document issued and signed by the Director certifying that:
- a. Adequate empirical data for a single source has been received and shall constitute approval of location; or
 - b. An environmental evaluation has been submitted for a complex or a large stationary source and that all portions of Article 13 and any other Articles of these regulations have been complied with and shall constitute approval of location and for construction.
- 1.56 Ringelmann chart. The chart published by the U.S. Bureau of Mines, which illustrates graduated shades of gray to black, for use in estimating the light obscuring capacity of smoke.
- 1.57 Salvage operation. Any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.
- 1.58 Single source. All similar process operations located at a single premise which can technically and economically be replaced by a single process that performs the same function. Two or more pieces of equipment or processes that handle different materials or produce dissimilar products will be treated separately.
- 1.59 Smoke. Small particles consisting predominantly, but not exclusively, of carbon, ash, or other combustible material, resulting from incomplete combustion.
- 1.60 Source. Any property, real or personal, which directly emits or may emit any air contaminant.
- 1.61 Special mobile equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a paved roadway.
- 1.62 Stack or chimney. Any flue, conduit, or duct arranged to conduct an air contaminant to the atmosphere.
- 1.63 Stop order. A written notice by the Director served on a person or persons causing or engaging in the construction, installation, or alteration of work involving an air contaminant source or sources ordering such work to be stopped.

- 1.64 Submerged fill pipe. Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 15 cm (6 inches) above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is two times the fill pipe diameter above the bottom of the tank.
- 1.65 Uncombined water. Visible mist or condensed water vapor.
- 1.66 Vehicle trip. A single movement of a motor vehicle which originates or terminates at a single or complex source.
- 1.67 Volatile organic compounds. Any compound, containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element, which has a vapor pressure of 1,055 kilograms per square meter (1.5 pounds per square inch) absolute or greater, under actual storage conditions.
- 1.68 Waste. Useless, unneeded, or superfluous matter; discarded or excess material.
- 1.69 Wet garbage. Any combination of waste and garbage which contains greater than 50 percent moisture.

ARTICLE 13 - COMPLEX SOURCES AND LARGE STATIONARY SOURCES

13.1 General Provisions for the Review of New Sources

13.1.1 Prior to the issuance of any registration certificates in accordance with this Article, the applicant shall submit to the Director an environmental evaluation and any other information the Director may deem necessary to make an independent air quality impact assessment. The environmental evaluation must have approval for any street or highway changes or improvements from the county, regional, or State highway agency having jurisdiction over the streets and highways affected by the complex source prior to submittal to the Director.

13.1.2 The preliminary intent to issue or deny issuance of a registration certificate for a single or complex source shall be made within 15 days after receiving adequate information for reviewing the registration application. The application, the Director's review, and preliminary intent to issue or deny shall be made public and maintained on file with the Director during normal business hours at 1209 Johnson Street, Carson City, Nevada, and in the Air Quality Region where the source is located at a site specified in a prominent advertisement by the Director for thirty (30) days to enable public participation and comment. All comments on the Director's review and preliminary intent for issuance or denial shall be submitted in writing to the Director within thirty (30) days after the public announcement. Within the time period prescribed by Article 3.2.4, the Director shall make his decision, taking into account written public comments on the Director's review and preliminary intent for issuance or denial, project proponent submittal, and the effect of such a facility on the maintenance of the ambient air quality standards as contained in Article 12 and the control strategy contained in the Air Quality Implementation Plan.

13.1.3 The Director shall not issue a registration certificate for any source if the environmental evaluation submitted by the applicant shows, or if the Director determines, in accordance with the provisions of this Article, that the source will prevent the attainment and maintenance of the State and national ambient air quality standards or will cause a violation of the applicable control strategy contained in the approved Air Quality Implementation Plan.

13.1.4 The Director may impose any reasonable conditions on his approval, including conditions requiring the source owner or operator to conduct ambient air quality monitoring at the facility site for a reasonable period prior to the commencement of construction or modification, and for any specified period after the source has commenced operation.

13.1.5 Where a proposed source located on contiguous property is constructed or modified in increments which individually are not subject to review as provided in this Article, all such increments occurring since the effective date of this Article shall be added together for determining the applicability of this Article.

- 13.1.6 Approval and issuance of a registration certificate to any source construction or modification shall not affect the responsibilities of the owner or owners to comply with any other portion of the control strategy.
- 13.1.7 Any source or proposed facility shall, upon written application to the Director, receive within thirty (30) days a written notice of his determination, either requiring the submittal of an environmental evaluation or exempting the source from such requirement.
- 13.1.8 The Director shall issue a notice of violation to any owner or operator who:
- a. fails to construct a complex source in accordance with the application as approved by the Director; or
 - b. fails to construct and operate a complex source in accordance with the conditions imposed by the Director as conditions of the registration certificate; or
 - c. commences construction or modification of a complex source without applying for and receiving a registration certificate as required by these regulations.
- 13.2 The following new complex sources or a modification to an existing complex source which would cause increases to the existing complex source as specified below or other such facilities as the Director may specify upon written notice shall apply for registration certificates in accordance with this Article.
- 13.2.1 New parking areas or facilities or other new complex sources with associated parking areas or facilities with capacities of 1,000 motor vehicles or more.
- 13.2.2 Modified parking areas or facilities or modification of complex sources with associated parking areas or facilities which increase parking capacities by 500 motor vehicles or more.
- 13.2.3 New highway projects with anticipated average annual daily traffic volumes of 20,000 or more vehicles per day within ten years of construction.
- 13.2.4 Modified highway projects which will increase average annual daily traffic volumes by 10,000 or more vehicles per day within ten years after the modification.
- 13.2.5 Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification.
- a. New airport: 50,000 or more operations per year by regularly scheduled air carriers or use by 1,000,000 or more passengers per year.

b. Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations or increase of 1,000,000 or more passengers per year.

13.3 The following new single sources or modifications to an existing single source which would cause increases to existing single sources as specified below shall submit an environmental evaluation with their application(s) for registration.

13.3.1 Any single source which can cause, allow, or permit the emission of an air contaminant of greater than 23 kilograms (50 pounds) per hour.

13.3.2 Any combination of single sources located at a single premise which can cause, allow, or permit the emission of an air contaminant of greater than 23 kilograms (50 pounds) per hour.

13.3.3 Any single source, upon written notice from the Director.

13.4 Environmental Evaluation:

13.4.1 The environmental evaluation required for new or modified single or complex sources, as determined by this Article or as required by the Director, shall include the following:

13.4.1.1 An environmental evaluation shall be a careful and detailed assessment of the environmental aspects of a proposed complex source and shall contain the following information:

a. The name and address of the applicant.

b. The name, address, and location of the complex source.

c. A description of the proposed complex source, including the normal hours of operation of the facility and the general types of activities to be operated therein.

d. A map showing the location of the complex source and the topography of the area with existing principal streets, roads, and highways within three miles of the complex source.

e. A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

f. An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the complex source.

g. An estimate, as of the first year after the date the complex source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to Article 13.4.1.1, section f, located within one-fourth mile of all boundaries of the site.

h. Availability of existing and projected mass transit to service the site.

i. Where approval is sought for complex sources to be constructed in incremental phases, the information required by Article 13.4.1.1 shall be submitted for each phase of the construction project.

j. Any additional information or documentation that the Director deems necessary to determine the air quality impact of the complex source, including the submission of measured air quality data at the proposed site prior to construction or modification.

13.4.1.2

The environmental evaluation for an airport, in addition to those items in Article 13.4.1.1, shall contain:

a. An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth, and tenth years after the date of expected completion.

b. A description of the commercial, industrial, residential, and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

c. Expected passenger loadings at the airport.

13.4.1.3

The environmental evaluation for a highway project shall contain:

a. A description of the average and maximum traffic volumes for one, eight, and 24-hour time period expected within ten years of date of expected completion.

b. An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

c. A map showing the location of the highway project, including the location of buildings along the right-of-way.

d. A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

e. Any additional information or documentation that the Director deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

13.4.1.4

An environmental evaluation shall contain adequate environmental safeguards to be implemented by the applicant to provide for the maintenance of acceptable air quality and shall consider:

- a. Ambient air concentrations before, during, and after construction empirically calculated with recognized methods as approved by the Director; or, in the case of existing ambient air concentrations, they may be measured with approved methods at approved site locations for not less than one year. Estimates shall be empirically determined for ambient air concentration immediately contiguous to the facility and at the point of predicted maximum concentration within the surrounding region.
- b. Diffusion models used to determine the location and estimate value of highest air contaminant concentration shall contain:
 1. assumptions and premises;
 2. evaluation at the recorded most adverse meteorological conditions in the last ten years;
 3. evaluation at the recorded most adverse meteorological conditions in the last year;
 4. geographic area considered in the evaluation;
 5. dispersion equations;
 6. predicted contaminant buildup;
 7. location, type, and amount of emissions;
 8. meteorological information.
- c. Alternate proposals which could be implemented as conditions of approval.
- d. Other probable environmental effects before, during, and after construction shall be considered in the narrative portion of the evaluation.

13.5 The following are exempt from Article 13.2:

- 13.5.1 Complex sources or single sources existing prior to February 25, 1974, and remaining unmodified thereafter or those facilities which have received local approval and necessary building or construction permits by April 1, 1974; and commence a continuous program of construction before July 1, 1974.
- 13.5.2 Those complex sources or single sources obtaining an exemption granted by the President under section 118 of the Clean Air Act of 1970.



STANFORD RESEARCH INSTITUTE
MENLO PARK, CALIFORNIA 94025
(415) 326-6200

July 20, 1976

Mr. Fred VanNatta
Oregon State Home Builders Association
565 Union Street
Salem, Oregon 97301

Dear Mr. VanNatta:

Enclosed is a summary of a literature review we conducted during our indirect-source analysis for EPA. To my recollection, we did not uncover any studies dealing with residential developments.

Sincerely yours,

Walter F. Dabberdt
Manager
Environmental Meteorology Program
Atmospheric Sciences Laboratory

WFD:km
Enclosure (1)

Table 2

SUMMARY OF INDIRECT SOURCE LITERATURE REVIEW †

REPORTS	1 MODELING	2 SITING	3 PERSISTENCE	4 EMISSIONS	5 METEOROLOGY	6 BACKGROUND	7 DATA BASE	NOT APPLICABLE
Williams, M. (1975)	-	-	-	*	-	-	-	-
Goldberg, P., et al (1975)	-	-	-	-	-	-	-	+
Fay, J., et al (1975)	+	-	-	-	-	-	-	-
Environmental Technology Assessment, Inc. (1974)	-	-	-	-	-	-	*	-
Larsen, R. (1973)	-	-	*	-	-	-	-	-
Larsen, R. (1974)	-	-	*	-	-	-	-	-
Hanna, S. (1971)	+	-	-	-	-	-	-	-
Gifford, F., et al (1973)	+	-	-	-	-	-	-	-
Ott, W., et al (1973)	-	+	-	-	-	-	-	-
Weitzman, L., et al (1975)	+	-	-	-	-	-	-	-
Burns, R. (1975)	-	-	-	-	-	-	-	+
Meyer, E., et al (1972)	-	-	-	-	+	-	-	-
Noll, K., et al (1975a,b)	-	*	-	-	+	*	-	-
deNevers, N. et al (1975)	+	-	-	-	-	-	-	-
Holzworth, G. (1972)	+	-	-	-	+	-	-	-
Calspan Corp. (1973)	-	-	-	+	-	-	*	-
TRW (1969)	+	-	-	-	-	-	-	-
Smith, J., et al (1974)	+	-	-	-	-	+	*	-
Dabberdt, W. & Sandys, R. (1974)	*	-	+	-	-	+	-	-
EPA (1975)	-	-	-	*	-	-	-	-
Business Week (Dec., 1974)	-	-	-	-	-	-	-	+

† For key to symbols see page 23

(Table 2 continued)

REPORTS	MODELING ¹	SITING ²	PERSISTENCE ³	EMISSIONS ⁴	METEOROLOGY ⁵	BACKGROUND ⁶	DATA BASE ⁷	NOT APPLICABLE
EPA (1974a)	-	-	-	-	-	-	-	+
EPA (1974b)	-	-	-	-	-	-	-	+
EPA (1974c)	-	-	-	-	-	-	-	+
EPA (1974d)	-	-	-	-	-	-	-	+
EPA (1974e)	-	-	-	-	-	-	-	+
EPA (1974f)	-	-	-	-	-	-	-	+
EPA (1974g)	-	-	-	-	-	-	-	+
EPA (1974h)	-	-	-	-	-	-	-	+
EPA (1974i)	-	-	+	-	-	-	-	-
EPA (1974j)	-	-	-	-	-	+	-	-
EPA (1974k)	+	-	-	-	-	-	-	-
EPA (1974l)	-	-	-	-	-	-	-	+
EPA (1975a)	-	-	-	-	-	-	-	+
EPA (1975b)	-	-	-	-	-	-	-	+
Automotive Environmental Systems, Inc. (1973)	-	-	-	+	-	-	*	-
NAPCA (1970)	-	-	-	-	-	-	-	+
Zimmerman, J., et al (1975)	*	-	-	-	-	-	-	-
Busse, A., et al (1973)	+	-	-	-	-	-	-	-
Noll, K., et al (1975c)	+	-	-	-	-	-	-	-
Larsen, R.I. (1971)	-	-	*	-	-	-	-	-
Turner, D., et al (1973)	+	-	-	-	-	-	-	-

(Table 2 continued)

REPORTS	MODELING ¹	SITING ²	PERSISTENCE ³	EMISSIONS ⁴	METEOROLOGY ⁵	BACKGROUND ⁶	DATA BASE ⁷	NOT APPLICABLE
Hotchkiss, R., et al (1973)	+	-	-	-	-	-	-	-
Williams, M., et al (1974)	-	-	-	+	-	-	*	-
Grinberg, L., et al (1974)	-	-	-	+	-	-	+	-
Miles, D., et al (1974)	-	-	-	+	-	-	+	-
Ashby, H., et al (1974)	-	-	-	+	-	-	+	-
Patterson, R., and F. Record (1974)	-	-	-	-	-	-	*	-
Patterson, R. (1975a)	+	-	-	-	-	-	-	-
Patterson, R., et al (1974)	**	-	-	-	-	-	*	-
Turner, D., (1969)	-	-	-	-	-	-	-	-
Bach, W., et al (1973)	-	-	-	-	-	-	+	-
Conn, W., et al (1974)	-	-	-	-	-	-	-	+
Gerhardt, B., et al (1972)	+	-	-	-	-	-	+	-
EPA (1974m)	-	-	-	-	-	-	-	+
Harbridge House, Inc. (1974)	-	-	-	-	-	-	-	+
Cosby, J. (1973)	-	-	-	-	-	-	-	+
Chock, D. (1975)	-	-	-	-	-	-	-	+
Eisinger, R. (1975)	-	-	-	-	-	-	-	+
Levitt, S., et al (1975)	-	-	-	-	-	-	-	+
Transportation Planning & Engineering, Inc. (1974)	-	-	-	-	-	-	-	+
Norco, J., et al (1973)	-	-	-	+	-	-	-	-

(Table 2 concluded)

REPORTS	MODELING ¹	SITING ²	PERSISTENCE ³	EMISSIONS ⁴	METEOROLOGY ⁵	BACKGROUND ⁶	DATA BASE ⁷	NOT APPLICABLE
Environment Resources Assoc. (1974)	-	-	-	-	-	-	*	-
Fisher, N., et al (1972)	+	-	-	-	-	-	-	-
Lavery, T., et al (1973)	-	-	-	-	-	-	-	+
Hovind, E., et al (1972)	-	-	-	-	-	-	-	+
Donaldson, G., et al (1971)	*	-	-	-	-	-	-	-
Darling, E., Jr. (1972)	+	-	-	-	-	-	-	-
Patterson, R. (1975b)	*	-	-	-	-	-	-	-

Key:

- + Contains some information pertinent to Guidelines review
- * Report is of special interest to Guidelines review
- ** Report is a validation of Interim Guidelines screening procedure
- No basic information for Guidelines development

- 1 Modeling procedures
- 2 Receptor siting
- 3 Projection from 1-hr to 8-hr concentrations
- 4 Emission factors
- 5 Meteorology
- 6 Background concentrations
- 7 Microscale data base

Table 3

SUMMARY OF INDIRECT SOURCE TRAFFIC †
LITERATURE REVIEW

REPORTS	MODELING	QUEUEING	CAPACITY	PARKING	CONGESTION	PLANNING/PROJECTIONS	EMISSION FACTORS	DATA BASE	NOT APPLICABLE
Watson, H.C. (1972)	+	-	-	-	-	-	+	-	-
Kurtzweg, C.L. (1972)	-	-	-	-	-	+	+	-	-
Gordian Assoc. (1975)	+	-	-	+	-	-	-	-	-
Patterson, R.M. (June 1975)	+	*	-	-	-	-	+	-	-
Patterson, R.M. (1975)	+	+	-	-	-	-	+	-	-
Technical Council on Urban Transportation (1969)	+	-	-	-	-	+	-	+	-
Beaton, J. (1972)	-	-	-	-	-	+	-	-	-
Dunne, M.C. (1972)	-	-	+	-	-	-	-	-	-
Burrage, R. (1957)	-	-	-	-	-	-	-	-	+
ICSC Bulletin (1974)	+	-	-	-	-	-	+	-	-
Patterson and Mahoney (1974)	+	-	-	-	-	-	+	+	-
Hart, F.C. (1974)	-	-	-	+	-	-	-	+	-
Ashwood, J.E. (19)	+	-	-	-	-	-	-	-	-
Leisch, J.E. (1967)	-	-	*	-	-	-	-	-	-
Pignataro, L.J. (1974)	-	-	-	-	+	-	-	-	-
Tittémore, L. (1972)	-	-	-	-	-	+	-	-	-
Cesario, F. (1974)	+	-	-	-	-	-	-	-	-
Lieberman, W. (1974)	-	-	-	-	-	+	-	-	-
Watkins, R. (1974)	-	-	-	-	-	+	-	-	-
Horowitz, J. (1974)	-	-	-	-	-	-	+	-	-

† For key to symbols see page 23.

REPORTS	MODELING	QUEUEING	CAPACITY	PARKING	CONGESTION	PLANNING/ PROJECTIONS	EMISSION FACTORS	DATA BASE	NOT APPLICABLE
EPA (1973)	+	-	-	-	-	-	-	-	-
Sagi, G.S. (1969)	-	*	-	-	-	-	-	-	-
Hillier, F. (1967)	-	*	-	-	-	-	-	-	-
Hart, B. (1975)	+	-	-	-	-	-	-	+	-
May, A. (1968)	-	-	-	-	-	-	-	-	+
May, A. (1969)	-	-	-	-	-	-	-	-	+
Haefner, L. (1976)	+	-	-	-	-	-	-	-	-
Benioff, B. (1970)	-	-	-	-	+	-	-	-	-
Kunselman, P. (1974)	+	-	-	-	-	-	+	-	-
Architectural Record (1972)	-	-	-	-	-	+	-	-	+
Baker, G. (1951)	-	-	-	-	-	-	-	-	+
Baker, G. (1958)	-	-	-	+	-	-	-	-	-
Webb, G. (1956)	-	-	+	-	-	-	-	-	-
Urban Land Institute (1965)	-	-	-	+	-	-	-	-	-
Gruen, V. (1960)	-	-	-	-	-	-	-	-	+
Lynch, K. (1962)	-	-	-	-	-	-	-	-	+
May, A. (1961)	-	-	+	-	+	-	-	-	-
Edie, L.C. (1963)	-	-	-	-	+	-	-	-	-
Thayer, S. (1973d)	**	-	-	-	-	-	-	-	-
Thayer, S. (1973c)	**	-	-	-	-	-	-	-	-
Axtell, K. (1974)	**	-	-	-	-	-	-	-	-
Thayer, S. (1974)	**	-	-	-	-	-	-	-	-
Thayer, S. (1973b)	**	-	-	-	-	-	-	-	-
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August 9, 1976

Mr. John C. Caldwell
Attorney at Law
710 Center Street
P.O. Box 667
Oregon City, Oregon 97045

Re: Fishhawk Lake Sewerage System
Performance Bond

Dear Mr. Caldwell:

This is to inform you that the Commission acted on the petition of your clients at its July 30 meeting.

It was the Commission's decision that the Fishhawk Lake Recreation Club, Inc. should be allowed to substitute the existing bond with an \$11,650 bond or equivalent. The equivalent is to consist of at least \$5,000 in cash in an assigned savings account or such other readily attachable asset as the Attorney General's Office may approve. The Commission accepted the concept of the Club's giving a first mortgage on suitably valuable property to secure the remainder of the performance obligation until such time as yearly deposits of \$1,000 by the Club make up the remaining \$6,650 of the obligation.

Further, it was the sense of the Commission that the Club would be entitled to any interest which might accrue on assigned assets.

Please feel free to contact Mr. Robert Haskins at the Portland Office of the Department of Justice (229-5901) toward formalizing an arrangement consonant with the Commission action.

Sincerely, Original Signed By
Loren Kramer

AUG 9 1976
LOREN KRAMER
Director

PWM:vt

cc: Robert Haskins
Donald Walton
Harold Sawyer
E.J. Weathersbee



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Clarence Hilbrick thru HLS

Date: August 6, 1976

From: Peter McSwain

Subject:

Donald Walton of the Fishhawk Lake Recreation Club, Inc. was in Thursday. He would like to learn what degree of security the monies to be placed in a savings account and pledged in lieu of a bond will provide in an emergency. That is, if an emergency occurs and the Club is unable to assess repair monies fast enough, would the agency move against the account (or any bond which might succeed it) and use it to accomplish rapid repair.

Please see if it is appropriate for someone to draft a letter of intent which, after review by counsel, might explain our policy for the Club's benefit.

Thank you.

dh

cc: John Caldwell
Robert Haskins
Don Walton

May 24, 1976

Ms. Kathy Davis
City Manager's Office
Medford City Hall
411 W. 8th Street
Medford, Oregon 97501

Re: Reservation of Council Chambers

Dear Ms. Davis:

This is to confirm our reservation of your Council Chambers for an Environmental Quality Commission meeting on the day of July 23, 1976.

Sincerely,

LOREN KRANER
Director

Peter W. McSwain
Hearing Officer

PWM:vt



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Peter

Date: May 20, 1976

From: Vi

Subject: EQC Meeting, July 23, 1976

Reserved the City Council Chambers, Medford for all day (8 to 5 p.m.) on July 23 for an EQC Meeting. Per Kathy Davis, City Manager's Office (776-7503). Address is 411 W. 8th Street, Medford 97501.




State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

P. McSwain

INTEROFFICE MEMO

To: Environmental Quality Commission
and Division Heads

From: Bud Kramer 

Subject: EQC Meeting

Date: May 20, 1976

We have tentatively scheduled a Commission meeting for Friday, July 23rd, starting at 10:00 a.m. in the Medford City Council Chambers at 411 W. 8th Street. Please keep this date and place in mind for Commission business of interest to southern Oregonians.

LK:cm

RECEIVED
MAY 20 1976

DEPT. OF ENVIRONMENTAL QUALITY