

EQC MEETING
2/25/1977

2/25/1977

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



**State of Oregon
Department of
Environmental
Quality**

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Environmental Quality Commission Meeting

February 25, 1977

Hearing Room 50, State Capitol Building

Salem, Oregon

9:00 a.m.

- A. Minutes of January 14, 1977 EQC Meeting
- B. Monthly Activity Report for December 1976
- C. Tax Credit Applications

PUBLIC FORUM - Opportunity for any citizen to give a brief oral or written presentation on any environmental topic of concern. If appropriate the Department will respond to issues in writing or at a subsequent meeting. The Commission reserves the right to discontinue this forum after a reasonable time if an unduly large number of speakers wish to appear

- D. Vehicle Emission Testing Rules - Authorization for public hearing to consider amending Vehicle Emission Testing rules to include gasoline powered heavy duty vehicles Householder
- E. Noise Control Rules - Authorization for public hearing to consider amending Noise Control rules on stationary test standards for in-use motorcycles and to consider housekeeping amendments to Noise Control Regulations for industry and commerce Hector
- F. Clatsop Plains Sewage Disposal - Authorization for public hearing to consider Clatsop Plains Sewerage Study Bolton
- G. Water Quality Permit Fee Schedule - Adoption of modified Water Quality Permit Fee Schedule Ashbaker
- Deleted ~~H. PGE-Trojan-NPDES-Permit--Discussion of possible modification to NPDES permit for the Trojan Nuclear Power Generating Plant~~
- I. Subsurface Variance Appeal - Review of subsurface sewage disposal variance granted to Mr. E.R. Jabour Osborne
- J. Hudspeth Lumber Company, John Day - Request for variance from Air Quality emission limitation regulations Skirvin
- K. Oregon State Highway Division, St. Louis - Request for variance from Air Quality emission limitation regulations for an asphaltic concrete recycling project St. Louis
- L. Field Burning-EQC Report to Legislature Freeburn

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 breakfast at 7:30 a.m. in the Blue Room of the State Capitol and any of the above items may be discussed. The Commission will also lunch in the Blue Room at noon.

MINUTES OF THE EIGHTY-THIRD MEETING
of the
Oregon Environmental Quality Commission
February 25, 1977

At 9:10 a.m., on Friday, February 25, 1977, the eighty-third meeting of the Oregon Environmental Quality Commission convened in Hearing Room 50 of the State Capitol Building in Salem, Oregon.

Present were all Commission members: Mr. Joe B. Richards, Chairman; Dr. Morris Crothers, Vice Chairman; Dr. Grace S. Phinney; Mrs. Jacklyn Hallock; and Mr. Ronald Somers. Present on behalf of the Department were its Director, Mr. William H. Young, and several members of the Department's staff.

MINUTES OF JANUARY 14, 1977 EQC MEETING AND MONTHLY ACTIVITY REPORT FOR DECEMBER, 1976

It was MOVED by Commissioner Somers and seconded by Commissioner Hallock that the minutes of the January 14, 1977 meeting be approved. Commissioner Phinney asked if the staff would, when reporting actions of Chem Nuclear, indicate what materials are being stored. Director Young indicated this could be done. Commissioner Crothers questioned why there was no activity in indirect source plan actions. Mr. Michael Downs indicated that indirect source have only permit actions and not plan actions. The motion carried unanimously.

TAX CREDIT APPLICATIONS

It was MOVED by Commissioner Somers that the Tax Credit Applications be approved with the qualification that item T-817, Winter Products Company, approval not be effective until it is approved by an Attorney General's opinion. The motion was seconded by Commissioner Hallock and carried unanimously. Chairman Richards clarified that if the Attorney General issues the opinion that the Company had complied with precertification requirements of the statute that it would be automatically approved at the time that opinion is received by staff and no further action would be needed on the part of the EQC.

PUBLIC FORUM

Mr. and Mrs. Lee Kindrick appeared regarding the Douglas County-Glendale Transfer Station. Mrs. Kindrick read a statement stating the opposition of themselves and several residents to this transfer station. In response to a question by Commissioner Somers, Mr. Kindrick indicated that slabs of concrete for the box to be placed on have been finished at this point, but they had asked the County to stop construction. Mr. Kindrick also replied to Commissioner Somers that this was a county project. Mr. Kindrick indicated that the drop box would be hooked up to an existing septic tank. Commissioner Somers questioned if this was allowable. Mr. Fred Bolton indicated he was not familiar with the septic tank in question. Chairman Richards requested that Mr. Bolton have Mr. Rich Reiter send a letter to him with copies to the rest of the Commission advising them on the use of this particular septic tank.

No one else wished to speak on any subject.

VEHICLE EMISSION TESTING RULES - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER AMENDING VEHICLE EMISSION TESTING RULES TO INCLUDE GASOLINE POWERED HEAVY DUTY VEHICLES

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and passed unanimously that the public hearing be authorized amending the vehicle emission testing rules.

NOISE CONTROL RULES - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER AMENDING NOISE CONTROL RULES ON STATIONARY TEST STANDARDS FOR IN-USE MOTORCYCLES AND TO CONSIDER HOUSEKEEPING AMENDMENTS TO NOISE CONTROL REGULATIONS FOR INDUSTRY AND COMMERCE

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and passed with Commissioner Crothers dissenting that the public hearing be authorized to consider amending noise control rules.

CLATSOP PLAINS SEWAGE DISPOSAL - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER CLATSOP PLAINS SEWERAGE STUDY

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and passed unanimously that the public hearing be authorized to consider the Clatsop Plains Sewerage Study.

WATER QUALITY PERMIT FEE SCHEDULE - ADOPTION OF MODIFIED WATER QUALITY PERMIT FEE SCHEDULE

Mr. Harold Sawyer presented the staff report on this matter, indicating that the permit fees associated with Water Quality Permits have been in effect since July 1, 1976 and after implementing the fee schedule it was determined that some minor amendments were needed.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and passed unanimously that the Director's recommendation regarding the Water Quality Permit fee schedule be adopted.

Chairman Richards indicated that Agenda Item H had been deleted.

SUBSURFACE VARIANCE APPEAL - REVIEW OF SUBSURFACE SEWAGE DISPOSAL VARIANCE GRANTED TO MR. E. R. JABOUR

Mr. T. J. Osborne presented the staff report on this matter. Commissioner Phinney asked Mr. Osborne if Mr. Milo offered any evidence for his view that Fox Hollow Creek would be polluted if the Jabour's variance was granted. Mr. Osborne indicated that this was just Mr. Milo's personal opinion. Chairman Richards indicated that they had Mr. Milo's letter of December 30, 1976 and asked if Mr. Milo wished to make a statement in addition to that. Mr. Milo was not present at this time. (Mr. and Mrs. Milo appeared later in the meeting; however Chairman Richards did not permit them to testify because the matter was already closed.) Mr. Jabour stated that he felt Mr. Milo's main concern was not to have any more families build on Fox Hollow Road. Chairman Richards asked Mr. Jabour if he was correct, that at the time the Milo's bought their

property the area had already been subdivided into small acreages. Mr. Jabour stated that the property had been divided into 3-5 acre homesites. Mr. Jabour said that he had nothing more to add to the statement provided with the staff report.

Commissioner Somers MOVED, Commissioner Hallock seconded, and the motion passed unanimously that the Director's recommendation be adopted.

OREGON STATE HIGHWAY DIVISION, ST. LOUIS - REQUEST FOR VARIANCE FROM AIR QUALITY EMISSION LIMITATION REGULATIONS FOR AN ASPHALTIC CONCRETE RECYCLING PROJECT

Mr. David St. Louis presented the Director's recommendation from the staff report. Commissioner Somers questioned Mr. St. Louis on the energy saving aspects of this project. Commissioner Somers indicated he felt this was a very worthwhile project.

Commissioner Somers MOVED that the Director's recommendation be approved because of the special circumstances of the asphalt being stored, the probability of it being lost, the energy conservation which will take place, and the necessity of encouraging a new process to dispose of solid waste in a usable, recyclable manner are in the public interest. Dr. Crothers seconded the motion and it was adopted unanimously.

FIELD BURNING - EQC REPORT TO LEGISLATURE

Mr. Scott Freeburn presented the staff report and summarized the EQC report to the Legislature. Commissioner Somers asked Mr. Freeburn if it would be appropriate for the Commission to narrow things down to one or two recommendations. Mr. Freeburn said that in examining the paragraph after the recommendations that numbers 3 and 4 were possible alternatives. Some discussion followed regarding the statement in the staff report of the staff not being able to see any difference in particulate because of the use of field sanitizers due to the lack of data on the subject, and also on EPA's recommended phase-down of field burning based on their own data. Dr. Crothers asked what were the most significant other sources of air pollution in the area. Mr. Freeburn said that that depended upon the time of year; however slash burning and particulate emitted by combustion equipment, such as boilers, are other sources.

Mr. Greg Page presented a statement on behalf of the City of Eugene. Commissioner Crothers asked Mr. Page what position the City of Eugene was taking in regard to the other major sources of air pollution, such as slash burning. Mr. Page said that as far as he knew, the City had taken no stand on slash burning at all. Chairman Richards stated he understood that the City Council of Eugene had looked into alternatives to slash burning as well as the Commission. Chairman Richards said he thought it was in the interest of the Commission to make a statement to the Legislature in this report as to how it feels about slash burning. Commissioner Somers stated that he would like the report to strongly state that slash burning contributed a greater extent to the overall degradation of air quality in the state than did field burners. Commissioner Somers said that it was not right for the federal government to take such a strong stand on field burning when slash burning the federal forest land also contributed to significant deterioration. Some discussion then followed regarding slash burning on federal and state lands.

Commissioner Phinney said that the instructions concerning the report were that the EQC address the topic of reduction of acreage to be burned. Commissioner Phinney said that she agreed with the other Commission members on the slash burning, but that it might not be appropriate to put it in the recommendations since they are instructed to address only the acreage concerns. Commissioner Phinney stated that perhaps it could better be handled in a letter which accompanied the report which would put it more forcefully than just being included in the report.

Chairman Richards recommended on alternative 4, that all of the first line be deleted except the words "enact legislation". He said that two things were important in proposing to permit burning above the 95,000 acres, (1) the EQC might wish to modify or add to that criteria, and (2) he would want an absolute limit on the kind of acreage that would be subject to any emergency burning. He said that because of the reduction from 195,000 to 95,000 acres and the lack of any data which would support that field sanitizers would work any better in the future, that the possibility exists for emergency burning to go as high as 20,000 or 30,000 acres. He said that he would be comfortable with 125,000 to 135,000 acres total.

Commissioner Hallock said that if the Legislature considered modifying the law, that the Commission would recommend that they continue with current acreage limitations and then go into alternative number 4 and allow certain emergency or special open burning of additional acreage. Commissioner Crothers cited the following four points: (1) based strictly on the air quality considerations, retention of the current statutory acreage limits is required; (2) the Commission recognizes that field sanitizers have not been shown to be a useful substitute to open field burning; (3) the Commission recommends that the Legislature consider some special open burning criteria; and (4) the problem of slash burning should be addressed by the Legislature. Discussion then followed on these points, and the problem of preparing a report to the Legislature within the next 30 days.

Chairman Richards stated what the recommendation would be. On page 4 of the report, instead of what the staff stated under Alternative Recommendations Considered, replace that language with; if the Legislature considers modifying the law, it enact legislation that would authorize the EQC to permit special open burning of acreage in an amount not to exceed 30,000 acres per year and that such authorization not continue for more than the 1977-78 season. Second, that several EQC members want to put in that DEQ's smoke management is severely handicapped by the fact that there is insufficient restraint on slash burning smoke management, and ask to have an interpretation of the existing law to see to what extent our staff can be more forceful in imposing a program for slash smoke management that is identical to that of field smoke management so that program would be operated in essence by Mr. Freeburn, and other people in DEQ who would be making the daily decision on whether slash would be burned. Chairman Richards asked agreement that that authority should be exercised to the maximum legislative capacity. The Commission agreed.

It was MOVED by Commissioner Crothers and seconded by Commissioner Somers that the language stated by Chairman Richards be drafted and mailed to the Commission, and that a conference call be organized to adopt it. The motion carried unanimously.

HUDSPETH LUMBER COMPANY, JOHN DAY - REQUEST FOR VARIANCE FROM AIR QUALITY
EMISSION LIMITATION REGULATIONS

Mr. Larry Jack of the Department's Eastern Region office presented the Summary and Conclusions from the staff report. Mr. Jack also submitted some additional letters from residents of John Day and photographs of the Hudspeth Sawmill.

Mr. James F. Bodie, an attorney in Prineville, Oregon, appeared representing Hudspeth Lumber Company. Mr. Bodie explained that the facility had recently changed hands and the corporation that now owns Hudspeth Lumber Company in John Day and also a similar facility in Prineville assumed numerous debts and obligations of the original owner. Mr. Bodie said that the company had decided which boilers to put in in approximately June of 1975; however numerous requirements of federal agencies, such as the Forest Service, had put the Company in a poor financial condition. Mr. Bodie said the Company is now researching the possibility of another boiler which would manufacture electricity for the plant and have some electricity to sell to the community.

Chairman Richards asked Mr. Bodie if it was still the company's position that it was asking for a five-year variance. Mr. Bodie said the Company thought it could get the necessary work completed in three years.

Mr. Ron Hudspeth, general managing partner of Hudspeth Sawmill Company, explained that the study which they were working on now to determine which type of boiler they should put in, would make it easier to obtain financing for the project, which would cost approximately \$800,000. Mr. Hudspeth also explained a little about their financial obligations. Chairman Richards said that the staff report only stated that the variance was being requested for financial hardships. He asked Mr. Hudspeth if he had ever been asked to explain exactly what the hardships were. Mr. Hudspeth replied that they had not been asked to substantiate their request before, but were prepared to do that today. Some discussion followed regarding Department requests for compliance schedules and Hudspeth's replies. Letters concerning this are contained in the staff report.

Mr. Dennis Reynolds appeared on behalf of Hudspeth Sawmill Company. Mr. Reynolds stated that they would like to install a boiler which would produce energy also and give them a return on their investment. Mr. Reynolds listed three things that he thought would reduce their particulate emissions at this time. Mr. Reynolds said that because of regulations on wigwam burners, they went to a barker and now burn more bark than chips. Mr. Reynolds said that due to the smaller size of the bark, it gets exhausted through the stack in an uncombusted state more easily than if it were wood which burns more completely. Therefore, if they increase the size of the fuel this should cut down on some of the particulate. Mr. Reynolds said the second proposal is to change the method in which the boilers are fired. He said they are now run mechanically, but they propose to have people trained to maintain a constant fire level so the fuel would burn more completely. Mr. Reynolds' third proposal is to establish screens on top of the stacks. Mr. Reynolds said one thing they are looking into is installing mechanical drafts on the stacks. He said

that by doing this they can make available more steam to meet their demands which would cut back on the necessity to run the boilers at higher capacity. Mr. Reynolds then cited some other solutions to the problem.

Commissioner Somers asked Mr. Reynolds what the Company could do within the next 10 to 25 days to remedy the fly ash problem. Mr. Reynolds said they have already increased the fuel size and changed the methods by which the boilers are fired. Mr. Reynolds said he did not know how long it would take to obtain the mechanical draft inducers. Commissioner Crothers indicated that before he would vote for any change in the Director's recommendation, he would have to be convinced that the Company was going to do something immediately to remedy the problem.

Mr. Andy Thomas presented some figures from the Hudspeth Company's financial statement for the year ending December 31, 1976 to substantiate the company's debt obligations.

Mr. George Casseday, President of the Western Council of Lumber Production and Industrial Workers, appeared representing the employees of the Company. Mr. Casseday was concerned about the possibility of the plant being shut down because they did not meet standards. Mr. Casseday asked the Commission what would happen if the company did not do something immediately as asked. Chairman Richards replied that the company would then be subject to civil penalties, the economic impact of which might shut the mill down. Commissioner Somers said that a Cease and Desist Order could also be issued. Mr. Casseday urged the Commission to grant the variance.

Commissioner Hallock asked the Company if a longer compliance schedule were granted and a shorter variance time, on what date would the Company be able to commit to the Department and the Commission that the new equipment had been ordered. Mr. Bodie replied that they did not know how long the study of which alternatives to choose would take, but they were working on it at the present time. Mr. Bodie said that they had to have the study and after the study a proper determination could be made. Mr. Bodie suggested that a temporary compliance schedule be adopted and a time schedule for completing the study, and also time to get the financing.

Chairman Richards concluded public testimony and asked what the feeling of the Commission was on this matter. Commissioner Crothers stated his feeling that the Company would have to show the Commission within the next 60 days that they have done something to significantly reduce particulate emissions. Commissioner Crothers said that if they hadn't reduced emissions within that 60 days then enforcement action would have to be taken. Commissioner Crothers said that they would have to give the EQC a firm program within 120 days.

Mr. E. J. Weathersbee suggested that the staff meet with the new management of the Company and formulate a short-term permit for a three year program with proper increments of progress dates and then return to the Commission with this schedule.

It was MOVED by Commissioner Crothers, and seconded by Commissioner Somers that the Commission defer action for 60 days upon the assumption that the Company take strong action to make immediate reduction of fly ash emissions. The motion passed unanimously.

It was MOVED by Commissioner Somers, seconded by Commissioner Phinney that a Commission member appear before the Legislative Committee on SB 526 to urge adoption of the philosophy of SB 526 and add that the notices of public hearing contain a statement of what the staff relied upon and the reasons for adoption of the rule. The motion passed unanimously.



To: Bill Young

Date: 3/1/77

From: Mike Downs

Subject: EQC Directions to Staff Given at February 25, 1977 Meeting

Breakfast Meeting

1. Amendments to NPDES permit procedures rules per Cris Kittel's suit:

Ron Somers wanted to know if we had requested EQC authorization for a public hearing on the permanent rule changes.

2. Motor vehicle emission control program:

Ron Somers says that some local police would like to remove the catalytic converters from their police cars because of maintenance problems and replace with standard exhaust system. Under state law this is prohibited. Question is whether there is any means by which local police can be allowed to make such modifications and if so, what the procedure is to obtain approval. This question to be discussed at next EQC breakfast meeting.

3. Clatsop Plains fly-over in National Guard helicopter:

All of the Commission members expressed an interest in such a flight if it could be arranged for late afternoon of March 31.

4. SB247 - Commission asked staff to request Legislature to table the bill.
Formal Meeting

1. Monthly Activity Report:

Commission would like "Permit Actions Completed" table for Solid Waste Division to include short description of the type of materials approved for disposal at the Arlington EHW site in future reports.

2. Tax Credits:

The tax credit for Winter Products Co. (T-817) was approved subject to an Attorney General's informal letter opinion that the pre-notification provisions of the law were satisfied.

3. Public Forum:

Commission wants a letter from staff reviewing the status of the Glendale Road garbage drop box under construction in Douglas County. Specifically, respond to the testimony of Mr. and Mrs. Kendrick. Also, Ron Somers wants to know if OAR 71-016 was complied with relative to connecting the drop box to an existing septic tank.

4: Subsurface Variance Appeal

Commission wants all DEQ employees notified that whenever they get inquiries from people interested in testifying on a particular item on the agenda, they should inform the potential witnesses that they must appear at the EQC meeting at the designated starting time if they want to be certain they will not miss the agenda item they are interested in. The exception would be agenda items which have a specific time designated on the agenda. Commission further requested that items, such as variances, which we know people will want to testify on be given a specific time to be heard on the agenda.

Put in agenda as note

5. SB 526 and 527:

Commission asked Jim Swenson and Morris Crothers to testify before the Legislature, on behalf of EQC, in favor of these bills.

6. Prevention of Significant Deterioration:

Joe Richards asked for a report from staff on what we are doing relative to developing a PSD program.

7. Hudspeth variance:

Commission delayed action for 60 days on condition that the Company take immediate steps to reduce fly ash and demonstrate reduction. Also asked staff to work with Company on fly ash reduction program.

8. Field Burning:

Commission decided to drop the alternative recommendations portion of the report. Instead a combination of alternatives 3 and 4 was inserted to the following effect: Commission recommends continuing the present statutory acreage phasedown, however if the Legislature considers modifying the law it should enact legislation that would authorize the EQC to permit special open burning of acreage in an amount not to exceed 30,000 acres per year and that such authorization not continue for more than the 1977-78 season.

Further, the EQC wanted a statement included in the report that our smoke management program is severely handicapped by the fact that there is insufficient control over slash burning. The Commission asked staff for an interpretation of the existing law to determine to what extent our staff can be more forceful in imposing a smoke management program for slash burning, essentially identical to the program for field burning, such that it would be under the control of DEQ personnel who would make the daily decision on whether slash could be burned.

The Commission also asked that a statement be included in the last paragraph on page 2 of the report mentioning the wide variability and scantiness of data available on the type and quantity of particulate emissions discharged from field sanitizing machines.

/cs

9. Commission wants to deal with HLS exception rule for emergency conditions in some conference call they have to deal with field burning.

...the Commission is currently reviewing the proposed rule changes and will be holding a public hearing on the matter in the near future. The Commission is also conducting outreach activities to ensure that all stakeholders have an opportunity to provide input.

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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, February 25, 1977, EQC Meeting
December Program Activity Report

Discussion

Attached is the December 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 9 of the report.

William H. Young

WILLIAM H. YOUNG
Director



Contains
Recycled
Materials

RLF:eve
2/2/77

Department of Environmental Quality
Technical Programs

Permit and Plan Actions

December 1976

<u>Water Quality Division</u>	<u>Page</u>
73 Plan Actions Completed - Summary	1
Plan Actions Completed - Listing	2
22 Plan Actions Pending - Summary	1
19 Permit Actions Completed - Summary	6
Permit Actions Completed - Listing	7
122 Permit Actions Pending - Summary	6
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12 Plan Actions Completed - Summary	1
Plan Actions Completed - Listing	9
28 Plan Actions Pending - Summary	1
11 Permit Actions Completed - Summary	10
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150 Permit Actions Pending - Summary	10
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12 Plan Actions Completed - Summary	1
Plan Actions Completed - Listing	12
9 Plan Actions Pending - Summary	1
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DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division

December 1976

Plan Actions Completed - 73

County	Name of Source/Project/Site and Type of Same	Date Rec'd	Date of Action	Action	Time to Complete Action
	<u>Municipal Sources - 64</u>				
3	MILWAUKIE STEARNS ADDITION	J112476	121076	PROV APP	15
21	GLENEDEN S.D. CHANGE ORDERS 1,2,3,4	V120976	121076	APPROVED	01
22	SWEET HOME FOSTER-MIDWAY INT #PRELIM.*	V110176	121376	VERBAL APPROV	43
20	SPRINGFIELD BARNES PLAT	K112476	121376	PROV APP	18
18	MERRILL HUD PROJECT PRELIM	V121076	121376	PRLM APPRV	03
24	SALEM #WILLOW*COURTSIDE NO 2 PHASE 1	J112476	121476	PROV APP	19
24	SALEM KLEEN ESTATES	J112976	121476	PROV APP	14
21	DEPOE BAY KEENE ST. DECKER PROP	J120876	121476	PROV APPR	06
03	CANBY AMUNDSON ESTATES ANNEA NO 1	J121376	121576	PROV APP	12
27	INDEPENDENCE RIVERWOOD SUBD	K112976	121576	PROV APP	15
15	ROGUE RIVER CHANGE ORDERS 11THRU 8	V121376	121576	APPROVED	02
34	USA/ALOHA SEMINOLE PARK M.H. COURT	J121176	121576	PROV APPR.	04
17	REDWOOD SERV. DISTRICT ADD. #3. 1	V120976	121676	APPROVED	07
24	EAST SALEM TIERRA COURT #REVISED*	J120776	121776	PROV APP	10
17	HARBÉCK-FRUIT LAT K-18 LAT K-19	K120276	121776	PROV APP	15
26	GRESHAM SE HOOD AVE	J120976	121776	PROV APP	08
21	DEPOE BAY S E AREA WINCHELL BENJELL	J120876	121776	PROV APP	09
34	USA/DURHAM GARDEN VIEW ZUMWALI	K120976	122076	PROV APP	10
24	WOODBURN KOTKA SUBD.	K121376	122176	PROV APP	08
26	GRESHAM HOLT SUBD.	K121376	122176	PROV APP	07
34	LAURELWOOD HOLDING LAGOON	121776	122176	PROV APP	03
15	ROGUE RIVER CHANGE ORDER #1,2,&3 SCHED Bv	121776	122176	APPROVED	04
30	UKIAH COLLECTION SYSTEM #PRELIM*	K120376	122276	VERBAL APP	19
34	USA DURHAM CHANGE ORDER 30	v122076	122276	APPROVED	02
10	ROSEBURG TODD BLDG	K122076	122276	PROV APP	02
03	GOV. CAMP S.D. CHANGE ORDERS #4*	V122076	122276	APPROVED	02
09	REDMOND PUMP STATIONS	K122376	122876	PROV APP	05

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division

December 1976

Plan Actions Completed

County	Name of Source/Project/Site and Type of Same	Date Rec'd	Date of Action	Action	Time to Complete Action
36 NEWBERG	HIGHWAY 99 SEWER	J100876	101076	PROV APP	02
27 DALLAS	MTN VIEW ESTATES	K111576	112376	PROV APP	08
21 YACHATS	SOUTH REEVES DR. □REVISED*	K112276	112376	PROV APP	01
27 SALEM □WEST*	HIDDEN VALLEY ESTATES NO. 1	J112476	112976	PROV APP	05
1 BAKER	MAIN-SIPHON 4TH-ELM ST □SO*	K100976	113076	PROV APP	21
1 BAKER	OLD HWY 30 "H" STREET	K100976	113076	PROV APP	21
18 SO SUBURBAN	SDHAGAR ANNEXATION E-MAIN	J112276	120176	PROV APP	09
18 SU SUBURBAN	SDHILYARD ANNEXATION D-38 LTRLJ	J112276	120176	PROV APP	09
34 USA/CORNELIUS	NUT TREE ESTATES	K111876	120276	PROV APP	13
34 USA / BANKS	WOODMAN AVE	K111676	120276	PROV APP	15
34 USA / DURHAM	CARMELSTONE - BEAVERTON	K111776	120276	PROV APP	14
03 CANBY	PELIII ADDITION	J112376	120276	PROV APP	09
34 USA/ALOHA	THE BLUFFS NO. 3	K112376	120276	PROV APP	09
21 NEWPORT	NYE BEACH	K101076	120376	PROV APP	32
19 LAKEVIEW	SS MT VIEW ADD	090176	120676	PROV APP	98
34 TUALATIN	□LAKEOSWEGO* L.I.D. #3 □REV*	J112276	120676	PROV APP	24
15 BUTTE FALLS	SHOP DRANINGS STP	V111276	120776	PROV APP	25
26 PORTLAND	C. O. NO. 1 ORE. CONST. CO.	V120676	120876	APPROVED	02
26 PORTLAND	CO1 BLVD CHANGE ORDER 14	V101176	120876	APPROVED	58
34 USA/ROCK CR	SIP CONTRACT 53-ADD. NO1	V120676	120876	APPROVED	02
15 BUTTE FALLS	C. O. NO. 1	V120276	120876	APPROVED	06
34 USA/ROCK CREEK	AWT PLANT CHANGE 1 CONT. 38	V120176	120876	APPROVED	07
34 USA/ROCK CREEK	AWT PLANT-TWENTY CHANGES	V101876	120876	APPROVED	50
26 PORTLAND	C.O. NO. 3 SCHMEER II	V120276	120876	APPROVED	06
26 PORTLAND	C. O. NO. 2 SCHMEER II	V120276	120876	APPROVED	06
30 HERMISTON	LATHROP ADDITION	K120376	120976	PROV APP	05
15 ASHLAND	ORCHARD STREET EXTENSION	J112276	121076	PROV APP	17

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division

December 1976

Plan Actions Completed

County	Name of Source/Project/Site and Type of Same	Date Rec'd	Date of Action	Action	Time to Complete Action
09 REDMOND	COLLECTION SYSTEM FIVE SCHEDK	122176	122876	PROV APP	07
09 REDMOND	IRRIGATION SYSTEM	V122176	122876	PROV APP	07
09 REDMOND	STP RREVISIED*	V122176	122876	PROV APP	07
26 GRESHAM	NW 6TH W OF NW 351H	J121376	122876	PROV APP	14
24 ILLAHE HILLS	DISINFECTION RREVISIED*	v122076	122976	PROV APP	09
26 PORT OF PTLND	MARINA SEWER RREVISIED*	J121776	122976	PROV APP	12
34 USA	ROCK CREEK HIGHLANDS #6 P.S.	J121376	122976	PROV APP	15
25 BOARDMAN	HANSEN FIRST ADD RREVISIED*	K122276	123076	PROV APP	09
24 SALEM	32ND PLACE N. OF HYACINIH	J121776	123076	PROV APP	13
34 USA/ALOHA	WESTWAY IND PK-GARY BONES	J122076	010377	PROV APP	14

Monthly Activity Report

Water Quality Division
 (Reporting Unit)

December, 1976
 (Month and Year)

PLAN ACTIONS COMPLETED - 73

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL WASTE SOURCES - 9</u>			
Columbia	Portland General Electric, Trojan Low Volume Waste Separation	12/ 7/76	Approved
Tillamook	Wright Hog Farm - Bay City Animal Waste Disposal	12/ 8/76	Approved
Marion	Mallorie's Dairy - Silverton Animal Waste Facilities	12/ 9/76	Approved
Klamath	Weyerhaeuser - Klamath Falls Wastewater Force Main	12/ 9/76	Approved
Klamath	Weyerhaeuser - Klamath Falls Bank Debris Control Klamath River	12/ 9/76	Approved
Columbia	Portland General Electric, Trojan Oil Water Separation Basin	12/ 9/76	Approved
Polk	Lautenbach Dairy - Dallas Animal Waste Disposal Facilities	12/15/76	Approved
Douglas	Oregon Fish & Wildlife - Rock Creek Pond Cleaning Wastewater Treatment Basic Concept	12/20/76	Approved
Yamhill	Murray Paoli Hog Farm - Yamhill Animal Waste Facilities	12/28/76	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December, 1976
(Month and Year)

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	0	0	0	2	0	2	7	6	0	3				
Existing	0	0	0	0	1	0	2	2	1	4				
Renewals	5	0	21	2	3	0	29	2	39	1				
Modifications	3	1	16	1	2	0	25	1	10	1				
Total	8	1	37	5	6	2	63	11	50	9	299	60	300	67
<u>Industrial</u>														
New	1	0	4	4	0	1	1	6	5	1				
Existing	0	0	0	1	2	0	6	11	0	0				
Renewals	5	0	27	6	0	1	19	9	36	4				
Modifications	4	0	23	2	4	1	33	1	17	0				
Total	10	0	54	13	6	3	59	27	58	5	429	85	434	86
<u>Agricultural (Hatcheries, Dairies, etc.)</u>														
New	0	0	1	0	2	0	3	1	1	0				
Existing	0	0	0	0	0	0	0	1	0	0				
Renewals	0	0	0	0	0	0	0	0	0	0				
Modifications	0	0	9	0	0	0	11	0	0	0				
Total	0	0	10	0	2	0	14	2	1	0	64	8	65	8
<u>GRAND TOTALS</u>	18	1	101	18	14	5	136	40	109	13	792	153	799	161

* NPDES Permits
** State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division
(Reporting Unit)

December, 1976
(Month and Year)

PERMIT ACTIONS COMPLETED (19)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Multnomah	Rose City Yacht Club Sewage Disposal	12/10/76	NPDES Permit Transferred
Wasco	Stadelman Fruit The Dalles	12/12/76	Permit Modification Denied
Lane	Country Squire Motel Sewage Disposal	12/15/76	NPDES Permit Transferred
Wasco	The Dalles Cherry Growers The Dalles	12/15/76	Permit Modification Denied
Marion	Agripac, Inc. Food Processing	12/16/76	NPDES Permit Issued
Benton	Boise Cascade Corp. Camp Adair	12/16/76	NPDES Permit Renewed
Douglas	City of Drain Sewage Disposal	12/16/76	NPDES Permit Renewed
Hood River	Department of Fish & Wildlife Herman Creek Rearing Pond	12/16/76	NPDES Permit Issued
Clackamas	Department of Fish & Wildlife Clackamas Hatchery	12/16/76	NPDES Permit Issued
Clackamas	Southwood Park Sanitary District Sewage Disposal	12/16/76	NPDES Permit Renewed
Douglas	Spendthrift Mobile Home Park Domestic Sewage	12/16/76	NPDES Permit Issued
Lane	Swanson Bros. Lumber Lumber Mill	12/16/76	NPDES Permit Issued
Multnomah	Widing Transportation, Inc. Truck Washing	12/30/76	NPDES Permit Modified
Marion	Dessert Seed, Inc. Independence Plant	12/30/76	State Permit Modified

DEPARTMENT OF ENVIRONMENTAL QUALITY
 TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division
 (Reporting Unit)

December, 1976
 (Month and Year)

PERMIT ACTIONS COMPLETED - 19 con't

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Yamhill	C. C. Meisel Gravel Screening	12/30/76	State Permit Renewed
Marion	Dessert Seed Company, Inc. Brooks Plant	12/30/76	State Permit Issued
Umatilla	City of Echo Sewage Disposal	12/30/76	State Permit Issued
Grant	City of Seneca Sewage Disposal	12/30/76	State Permit Issued
Grant	Seneca Sawmill Seneca	12/30/76	Modification Dropped

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality
(Reporting Unit)

December, 1976
(Month and Year)

PLAN ACTIONS COMPLETED - 12

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (12)</u>			
Clackamas (799)	Oregon Portland Cement, Ball mill for agriculture lime.	12/1/76	Approved.
Morrow (807)	E. Oregon Farm. Co., Baghouse on alfalfa hammermill.	12/3/76	Approved.
Columbia (817)	Boise Cascade, New residual oil boiler.	12/3/76	Approved.
Linn (816)	U. S. Plywood, Lebanon, Duct veneer dryer haze to boiler to incinerate.	12/3/76	Approved.
Coos (836)	Weyerhaeuser, North Bend, New cyclone for green shavings.	12/3/76	Approved.
Hood River (837)	Bichford Orchards, Orchard fan.	12/6/76	Approved.
Hood River (840)	Bichford Orchards, Orchard fan.	12/7/76	Approved.
Multnomah (826)	Chevron Asphalt, Portland, Mist eliminator.	12/9/76	Approved.
Jackson (841)	Culbertson Orchards, Orchard Sprinklers.	12/9/76	Approved.
Yamhill (829)	U. S. Plywood, Willamina, Choke air to veneer dryers.	12/14/76	Approved.
Hood River (855)	Tallman Orchards, Orchard fan.	12/27/76	Approved.
Hood River (856)	Willis Orchard, Orchard fan.	12/27/76	Approved.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality
(Reporting Unit)

December, 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	<u>1</u>	<u>14</u>	<u>1</u>	<u>17</u>	<u>6</u>		
Existing	<u>1</u>	<u>28</u>	<u>3</u>	<u>49</u>	<u>23</u>		
Renewals	<u>10</u>	<u>85</u>	<u>1</u>	<u>77</u>	<u>97</u>		
Modifications	<u>9</u>	<u>19</u>	<u>6</u>	<u>82</u>	<u>13</u>		
Total	<u>21</u>	<u>146</u>	<u>11</u>	<u>225</u>	<u>139*</u>	<u>2190</u>	<u>2222</u>
<u>Indirect Sources</u>							
New	<u>5</u>	<u>13</u>	<u>0</u>	<u>14</u>	<u>11</u>		
Existing							
Renewals							
Modifications	<u>0</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>0</u>		
Total	<u>5</u>	<u>15</u>	<u>0</u>	<u>16</u>	<u>11</u>	<u>49</u>	
<u>GRAND TOTALS</u>	<u>26</u>	<u>161</u>	<u>11</u>	<u>241</u>	<u>150</u>	<u>2239</u>	

*Public notices have been issued or will be issued during January on 74 of these sources.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality
(Reporting Unit)

December 1976
(Month and Year)

PERMIT ACTIONS COMPLETED - 11

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Benton	Jayte'el Co. 02-7089, Crusher (Renewal)	12/9/76	Permit Issued
Clackamas	Mt. Hood Box Co. 03-2625, Addendum	11/23/76	Addendum Issued
Coos	Weyerhaeuser 06-0007, Addendum	12/15/76	Addendum Issued
Jackson	Cascade Electric Motor Service 15-0097, Incinerator (New)	12/9/76	Permit Issued
Klamath	Presbyterian Intercommunity Hospital 18-0056, Addendum	12/1/76	Addendum Issued
Klamath	Maywood Industries 18-0063, Addendum	12/16/76	Addendum Issued
Marion	Champion International 24-5667, Addendum	12/1/76	Addendum Issued
Morrow	Eastern Oregon Farming Co. 25-0012, Addendum	12/3/76	Addendum Issued
Tillamook	Coast Hardwoods Co. 29-0014, Hardwood Mills (Existing)	12/9/76	Permit Issued
Washington	Oregon Roses 34-2633, Boiler (Existing)	12/9/76	Permit Issued
Washington	Oregon Roses 34-2641, Boiler (Existing)	12/9/76	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 1976
(Month and Year)

PLAN ACTIONS COMPLETED (12)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Coos	Ocean Spray Cranberries, Inc. New Site Operational Plan	11/15/76	Letter of authorization
Port of Umpqua	Energy Recovery Study, Phase I	12/3/76	Accepted with comments
Multnomah	LaVelle & Yett Demolition Site Existing Site Operational Plan	12/2/76	Approved
Marion	I.C. Thomasson Energy Recovery Study	12/6/76	Accepted with comments
Jackson	Boise Cascade Disposal Site Existing Site Operational Plan	12/9/76	Approved
Lane	Delta Sand & Gravel Co. New Demolition Site Operational Plan	12/9/76	Disapproved
Deschutes	Knott Pit Sanitary Landfill Existing Site Operational Plan	12/20/76	Provisional approval
Deschutes	Alfalfa Sanitary Landfill Existing Site Operational Plan	12/20/76	Disapproved
Deschutes	Fryrear Landfill Existing Site Operational Plan	12/20/76	Disapproved
Deschutes	Bend Demolition Site Existing Site Operational Plan	12/20/76	Provisional approval
Coos	Shinglehouse Slough Disposal Site Existing Site Operational Plan	12/28/76	Provisional approval
Washington	Frank's Sanitary Landfill Existing Site Closure Plan	12/29/76	Provisional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 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		5	1	5	2 (*)		
Existing				14	34 (*)		
Renewals	1	6	2	11	2		
Modifications	1	4	2	9	1		
Total	2	15	5	39	39	191	191
<u>Demolition</u>							
New		2		3			
Existing				1			
Renewals		1		1	1		
Modifications							
Total	0	3	0	5	1	13	13
<u>Industrial</u>							
New		2		5			
Existing				3	8 (*-3)		
Renewals		4	2	8	3		
Modifications		1	1	3			
Total	0	7	3	19	11	86	89
<u>Sludge Disposal</u>							
New		2		2			
Existing							
Renewals	1	1		2	1		
Modifications	1	2		1	1		
Total	2	5	0	5	2	9	9
<u>Hazardous Waste</u>							
New							
Existing	6	46	4	48	1 (*)		
Renewals							
Modifications							
Total	6	46	4	48	1	1	1
<u>GRAND TOTALS</u>							
	10	76	12	116	54	300	303

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

December 1976
(Month and Year)

PERMIT ACTIONS COMPLETED (13)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>General Refuse (Garbage) Facilities (5)</u>			
Josephine	Grants Pass Landfill Existing Facility	12/13/76	Permit issued (renewal)
Lane	Short Mountain Landfill New Facility	12/20/76	Permit issued
Coos	Fairview Disposal Site Existing Facility (Closed)	12/22/76	Permit revoked
Columbia	Vernonia Landfill Existing Facility	12/29/76	Permit issued
Douglas	Lookingglass Landfill Existing Facility	12/30/76	Permit amended
<u>Demolition Waste Facilities (0)</u>			
<u>Sludge Disposal Facilities (0)</u>			
<u>Industrial Waste Facilities (4)</u>			
Douglas	Sun Studs, Inc. Existing Facility	12/1/76	Permit issued (renewal)
Columbia	Crown Zellerbach, Vernonia Existing Facility	12/13/76	Permit issued (renewal)
Clatsop	Wauna Mill Existing Facility	12/21/76	Permit amended
Coos	Ocean Spray Cranberries, Inc. New Facility	11/15/76	Letter authorization issued. Not reported last month.

DEPARTMENT OF ENVIRONMENTAL QUALITY
 TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste Division
 (Reporting Unit)

December 1976
 (Month and Year)

PERMIT ACTIONS COMPLETED (Continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Hazardous Waste Facilities (4)</u>			
Gilliam	Chem-Nuclear Systems, Inc. Existing Facility	12/15/76	Disposal authorization approved.
"	"	12/21/76	Two (2) disposal authorizations approved
"	"	12/22/76	Disposal authorization approved



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. C, February 25, 1977, EQC Meeting

Tax Credit Applications

Attached are review reports on 15 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 act on the tax credit requests as follows:

1. Issue certificates for 7 applications: T-817, T-851, T-853, T-861, T-862, T-863, T-864.
2. Revoke Certificate No. 363 issued to Georgia Pacific Corporation because the claimed facility has been removed from service (authorizing letter attached).
3. Revoke Certificates 427, 534 and 539 issued to Publishers Paper Company, Portland plywood plant because the plant has ceased operation (authorizing letter attached).

William H. Young
WILLIAM H. YOUNG
Director

/cs

Attachments
Tax Credit Summary
Tax Credit Review Reports



Contains
Recycled
Materials

TAX CREDIT APPLICATIONS

Plant Location	Appl. No.	Facility	Claimed Cost	% Allocable to Pollution Control
Products Co.,	T-817	3,670 sq.ft. bldg, and the waste-water control facilities contained therein	\$144,286.00	80% or more
, Inc.	T-851	Settling pond	6,195.00	80% or more
regon Diesel, Inc.	T-853	50 GPM Tricellorator used to separate oil from wastewater	14,140.00	80% or more
orporation	T-861	Supplemental Kason screens for mill effluent	27,294.00	80% or more
, Inc.,	T-862	Chrome drain modification, building 38	4,156.02	80% or more
, Inc.,	T-863	Chrome wastewater drainlines, building 16	501.26	80% or more
, Inc.,	T-864	Two high speed sequential and composite wastewater samplers	3,270.00	80% or more

TAX CREDIT SUMMARY

Proposed February 1977 Totals:

Air Quality.....	0
Water Quality.....	\$199,842.58
Solid Waste.....	0
	<u>\$199,842.58</u>

Calendar Year Totals to Date:
(excluding February totals)

Air Quality.....	\$ 15,890.00
Water Quality	0
Solid Waste	0
	<u>\$ 15,890.00</u>

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

1. Applicant

Winter Products Company
3604 S. W. Macadam Avenue
Portland, Oregon 97201

The applicant owns and operates a furniture hardware manufacturing plant on Macadam Avenue in Portland, Oregon in Multnomah County.

The application was received August 31, 1976.

2. Description of Claimed Facility

The facility claimed in this application consists of a 3670 square foot building containing both waste control facilities and oxidizing (production) facilities. Waste control facilities claimed include wastewater collection drains, collection sump, a 5,000 gallon settling tank, 3 Tamco electric mixers, 8 chemical transfer pumps, 1 Barrett centrifuge and associated valves, piping, and electrical controls. Also included are actual production facilities consisting of specially designed oxidizing and rinsing tanks, mechanical equipment for transferring product from one tank to another, and related controls.

The claimed facility was completed and put in operation in December, 1974.

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

Facility costs: \$144,286 (Accountant's certification was provided).

3. Evaluation of Application

The facility was installed as a result of pretreatment requirements of the City of Portland and was not a requirement of the state. Plans for the facility were not submitted to the Department for approval as required by ORS 468.175. The applicant has submitted copies of purchase orders dated prior to October, 1973, indicating its commitment to construct the facility before ORS 468.175 went into effect. Based on this information, the Department believes the Company was not required to obtain precertification of the facility as required by ORS 468.175.

Prior to the installation of the claimed facility, wastes from the oxidizing process were discharged untreated into the City of Portland sewer system. With the claimed facility, the Company has reduced the quantity of pollutants discharged to the sewer to comply with the City's sewer code (except cyanide which is slightly over the code requirement).

The Company claims the only economically viable solution for meeting the City's code requirements was moving the oxidizing process into a new building. The part of the building previously occupied by the oxidizing line had ceilings that were too low for a new rotating barrel drag-out system to be employed. This drag-out system keeps more oxidizing chemical in the oxidizing tanks rather than losing it into the rinse tanks. Water from the rinse tanks are the primary source of contaminated water.

The Company also claims that they could not have provided an adequate waste water collection system for the old oxidizing line without shutting the line down for several weeks. This would have caused them to shut the plant down also for several weeks. They claim that, due to the extreme competitiveness in their business, a shutdown for two weeks would cost them a good number of accounts.

The Company points out that the new oxidizing line does not have any additional production capability over their old line. The floor space devoted to the new oxidizing line is only 90 square feet over that used by the old line. The number of employees in the oxidizing process has not decreased due to mechanization of the process. Consequently, the Company has not benefitted economically with the installation of the claimed facility.

Based on the above statements, the Department believes the claimed facility should be considered entirely as pollution control facilities.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the costs of \$144,286 with 80% or more of the cost allocated to pollution control be issued for the facility claimed in Tax Application No. T-817.

RJN:ts
1/11/77

Date 1/17/77

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

1. Applicant

Anodizing, Inc.
7933 N. E. 21st Avenue
Portland, OR 97211

Anodizing, Inc. leases property at the above address to provide oxide coatings (anodizing) on aluminum extrusions and other aluminum products.

2. Description of the Claimed Facility

The claimed facility consists of an additional earthen settling pond (approximately 156,000 gallon capacity) and concrete collection troughs to collect and settle aluminum precipitates, to discharge clear effluents to the Columbia Slough.

The claimed facility was completed and placed into operation in November 1976. Certification is claimed with 100% of the cost allocated to pollution control.

Facility Cost: \$6,195.36 (statements of facility costs were attached to the application).

3. Evaluation of the Application

Existing settling pond did not offer sufficient retention time for complete settling. The addition of the claimed facility doubles the retention time. Staff has confirmed that the effluent to the slough is clear and within permit limits.

The settled solids are not marketable and provide no profit.

The applicant obtained preliminary certification for the claimed facilities.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facilities claimed in Application T-851, such certificate to bear the actual cost of \$6,195.30 with 80% or more allocable to pollution control.

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

1. Applicant

Cummins Oregon Diesel, Inc.
2257 N. W. Vaughn Street
Portland, Oregon 97210

The applicant owns and operates a plant to disassemble, clean, inspect, reassemble and test Cumming diesel engines and their components.

2. Description of Claimed Facility

The claimed pretreatment facility consists of a model 50 GPM Tricellorator wastewater treatment system, manufactured by Pollution Control Engineering, Inc., Downey, California. It is designed to separate oil from wastewater resulting from steam cleaning diesel engines and components at engine rebuilding facilities. Oil is hauled off by a disposal company. Electrical, piping, pumping equipment were also required.

The claimed facilities were completed and placed into operation in January, 1975. Certification is claimed with 100% of the cost allocated to pollution control.

Facility cost: \$14,140 (Accountant's certification was attached to the application).

3. Evaluation of Application

Installation of waste treatment equipment by the applicant for meeting the City of Portland's oil limits in effluent to the sanitary sewer were set forth by the City of Portland's Department of Public Works letter of May 8, 1973. Negotiations for construction of facilities were entered into subsequently. DEQ staff was generally aware of such negotiations.

City of Portland Department of Public Works approved the above-described facilities verbally and by letter dated May 27, 1975 from performance tests. (oil content below Portland's requirements).

Staff considered, at the time, that requirements of prenotification were met by the applicant in negotiations with the City of Portland, generally known to the DEQ staff.

T-853

January 11, 1977

Page 2

4. Director's Recommendation

It is recommended that a Pollution Control Certificate be issued for the facilities claimed in application T-853, such certificate to bear the actual cost of \$14,140 with 80% or more of the cost applicable to pollution control.

WDL:ts

1/11/77

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

1. Applicant

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

The applicant owns and operates a plant to manufacture corrugating medium from hardwood chips, softwood sawdust and recycled container board.

2. Description of Claimed Facility

The claimed facility consists of the installation of two Kason screens which supplement two existing Dorr Oliver screens, to scalp out of mill effluent stock loss, pulp chips, tapes, etc. prior to flow to the settling basins, in order to attain adequate screening capacity.

The claimed facility was completed and placed into operation in March of 1976, certification is claimed with 100% of the cost allocated to pollution control.

Facility Cost: \$27,294 (Accountant's certification was attached to the application).

3. Evaluation of the Application

Plans were submitted by Menasha to the DEQ on December 9, 1975, for the proposed facilities. They were approved by this Department by letter of December 29, 1975. They were to be installed because the existing Dorr Oliver Screens were incapable of handling the entire waste water from the mill.

Staff has inspected the completed installation and found it to be functioning as designed.

The applicant claims no income is derived from this installation so that the only benefits are pollution control.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facilities claimed in Application T-861, such certificate to bear the actual cost with 80% or more allocable to pollution control.

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

1. Applicant

Tektronix, Inc.
P. O. Box 500
Beaverton, OR 97007

The applicant owns and operates an industrial complex, manufacturing electronic equipment, oscilloscopes, information display and television products.

2. Description of Claimed Facilities

The claimed facility consists of the installation of new drain lines from the acid-alkal area in Building 38 to the chrome waste sump. Also chrome plating tank washdown drains have been extended to the chrome drainage system in Building 38.

The claimed facility was completed and placed into operation in November 1976. Certification is claimed with 100% of the cost allocated to pollution control.

Facilities Cost: \$4,156.02 (statements for the cost were attached to the application)

3. Evaluation of the Application

Before the installation of the claimed facilities the possibility of accidental dumping of chrome waste into the acid-alkalali system existed. It would pass through the system untreated, in that event. This possibility no longer exists.

A preliminary Certification for Tax Credit was issued by the DEQ for the claimed facilities.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in application T-862, such certificate to bear the actual cost of \$4,156.02 with 80% or more allocable to pollution control.

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

1. Applicant

Tektronix, Inc.
P. O. Box 500
Beaverton, OR 97007

The applicant owns and operates an industrial complex, manufacturing electronic equipment, oscilloscopes, information display and television products.

2. Description of Claimed Facilities

The claimed facilities consist of the installation of drain lines to the chrome waste water sump in Building 16.

The claimed facilities were installed and placed into operation December 1976. Certification is claimed with 100% allocated to pollution control.

Facility Cost: \$501.26 (statement for the facility cost was attached to the application).

3. Evaluation of the Application

The installation insures that all chrome waste water generated at this location is treated and removed from the total effluent.

A preliminary Certification for Tax Credit was issued by the DEQ for the claimed facility.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the claimed facility in Application T-863, such certificate to bear the actual cost of \$501.26 with 80% or more allocable to pollution control.

WDL:em
February 14, 1977

Date 2/8/77

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

1. Applicant

Tektronix, Inc.
P. O. Box 500
Beaverton, OR 97077

The applicant owns and operates an industrial complex manufacturing electronic equipment, oscilloscopes, information display and television products.

2. Description of Claimed Facilities

The claimed facility consists of the installation of two ISCO Model 1680 High Speed Sequential and Composite Samplers complete with accessories.

The claimed facility was installed and placed into operation in December 1976. Certification is claimed with 100% of the cost allocated to pollution control.

Facility Cost: \$3,270.00 (statement for the equipment is attached to the application)

3. Evaluation of the Application

The existing NPDES Waste Discharge Permit requires composite sampling. Effluent sampling of waste waters before and after treatment maintains control of the quality of effluent discharged to Beaverton Creek.

A preliminary certification for tax credit was issued by the Department of Environmental Quality for the claimed facility.

4. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in application T-864, such certificate to bear the actual cost with 80% or more of the cost of \$3,270.00 allocable to pollution control.

WDL:em
February 8, 1977



Georgia-Pacific Corporation

900 S.W. Fifth Avenue
Portland, Oregon 97204
Telephone (503) 222-5561

January 27, 1977

Mr. Michael J. Downs, Coordinator
Technical Programs Coordination Office - DEQ
1239 S.W. Morrison Street
Portland, OR 97205

Dear Mr. Downs:

It has been brought to our attention by Darrell McLaughlin of our Toledo Division that all of the equipment claimed in Certificate No. 363 (issued on March 2, 1973) has been removed from service or modified for another use not pertaining to pollution control.

Sincerely,

T. W. Mayberry
Assistant Controller-Operations

RMC/lis

cc: Mr. L. R. Chabot
Ms. R. M. Crockford
Mr. R. C. Dubay
Mr. D. McLaughlin
Mr. V. J. Tretter

Technical Programs Office
Dept. of Environmental Quality
RECEIVED
JAN 31 1977



February 9, 1977

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

Attention: Tax Credits Section

Gentlemen:

On January 28, 1977 Publishers Paper Co. ceased operations at its Portland plywood plant. The following pollution control certificates were issued by your agency applicable to the plywood plant: 427, 534, and 539.

Accordingly, we will not claim tax credit against these certificates commencing with 1977.

Yours very truly,

H. A. McAnelly
H. A. McAnelly
Treasurer & Controller

cj

cc: Pete Schnell
Bud Smith
Jim Murray

Technical Programs Office
Dept. of Environmental Quality
RECEIVED
FEB 14 1977



OREGON C.U.P. AWARD
Publishers Paper Co. has been named the first recipient of the Oregon C.U.P.
(Cleaning Up Pollution) Award for outstanding achievements in protecting the
environment.

419 MAIN ST., OREGON CITY, OREGON 97045, TELEPHONE (503) 656-5211

6/5/24

Reference: C-101

Department of Environmental Protection
100 Water Street, 5th Floor
Boston, MA 02109

Attention: Mr. [Name]

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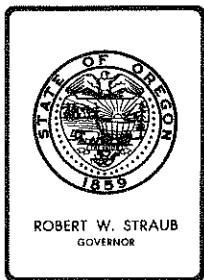
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Environmental Quality Commission

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 PHONE (503) 229-5696

MEMORANDUM

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item No. D, February 25, 1977, EQC Meeting

Vehicle Emission Testing Rules - Authorization for public hearing to consider amending Vehicle Emission Testing rules to include gasoline powered heavy duty vehicles

ORS 481.190 provides for the emission inspection of motor vehicles registered in the Metropolitan Service District including the City of Portland as a prerequisite to registration renewal. Currently, the Department has regulations and procedures for the inspection of light duty motor vehicles (those with a manufacturer's gross vehicle weight rating of 8,400 lbs. or less). At the time of the adoption of those light duty inspection regulations, the heavy duty vehicles were to be postponed until the mechanics of the inspection system was complete. The first cycle of the light duty vehicle program is almost complete, and the proposed mechanics of a heavy duty inspection have been formalized.

Early finalization of the inspection program criteria is desirable so as to provide the service industry and the trucking industry with sufficient advance notice of the program's requirements. It would be desirable to have regulations in effect covering licensing procedures, test requirements, and other program criteria, by no later than July 1, 1977.

The Department requests authorization to schedule a public hearing to receive testimony regarding proposed inspection program criteria for heavy duty vehicles. It is proposed that a hearing be held by a Hearings Officer and be scheduled in the Portland Metropolitan Area, and that these hearings be held early enough so that the Commission could consider the proposed criteria at its April or May meeting.

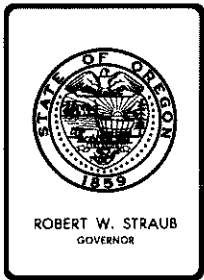
The proposed rules and discussion report are attached.

William H. Young
WILLIAM H. YOUNG



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WPJ:mg
February 10, 1977
Attachments



Department of Environmental Quality

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 Telephone (503) 229-6235

MEMORANDUM

To: General Distribution
From: Vehicle Inspection Program
Subject: Heavy Duty Motor Vehicle Emission Inspection

Background

The Department of Environmental Quality has been operating a motor vehicle emission inspection program, pursuant to ORS 481.190, within the boundaries of the Metropolitan Service District which includes the City of Portland. The inspection program began voluntary testing of motor vehicles in 1974, and on July 1, 1975 began mandatory operation. Mandatory operation requires that, as a prerequisite to vehicle registration and/or registration renewal, certain motor vehicle classes must comply with established in-use pollution criteria. At the time of implementation, the inspection program was directed at the largest segment of motor vehicles in the area: cars, pickup trucks, and vans with a manufacturer's gross weight rating of 8,400 lbs. or less. The program was limited to this light duty vehicle class because that vehicle class was the largest and contributed more than any other to the motor vehicle pollution problem. The time frame was also very constricted, so it did not allow the Department the development time necessary to concurrently implement a heavy duty vehicle inspection program. This postponement of heavy duty vehicle testing allowed for an orderly implementation of the inspection program, with a minimum amount of confusion. After the light duty inspection program was operational, other vehicle classes could be brought into the inspection process. However, as the testing volume was picking up, and the last of the inspection stations were being brought on line, the House Task Force on Auto Emission Control recommended that all gasoline powered vehicles be included in the inspection program.

Objective

The objective of the vehicle emission inspection program is to reduce the contribution of motor vehicle emissions to the environment. In the Commission's recent report to the legislature, significant pollution reduction from the automobile was detailed. As the contribution



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from the light duty vehicle class is reduced, the relative contribution from other classes increases. There are effectively three major classes of vehicles which are not now required to comply with the inspection: heavy duty trucks, motorcycles, and publicly owned vehicles. Publicly owned vehicles are currently legislatively exempt. Motorcycles currently are unregulated with regard to exhaust emissions, since there is no new motorcycle emission control requirement, and the techniques for proper testing in-use motorcycles are not developed to a point where they are reliable.

Heavy duty vehicles are broken into two classes: gasoline powered and diesel powered vehicles. The proposed rules presented here apply only to gasoline powered heavy duty vehicles. Diesel powered vehicles are not included at this time for several reasons. These include:

1. The total number of diesel fueled heavy duty vehicles in the Metropolitan Service District is estimated at 10% or less of the total amount of heavy duty vehicles. Gasoline powered heavy duty vehicles currently make up the majority of this heavy duty class, and the test procedures proposed have demonstrated satisfactory emission reductions for reasonable costs.
2. The test procedures for in-use intra-city diesel vehicles are not developed to a point where they are satisfactory.
3. The major complaint about heavy duty diesel powered vehicles is the exhaust smoke and diesel odor. On-road diesel smoke is currently covered by existing regulations (OAR 340-24-015). Diesel odor is extremely subjective, and no reliable means currently exist for its quantification.

Method

ORS 481.190 requires those vehicles registered within the boundaries of the Metropolitan Service District to meet emission requirements prior to registration renewal. With the inclusion of the heavy duty vehicles, this will include all classes of vehicles which are not legislatively exempt, except motorcycles, in the inspection regime. The test proposed is a two-stage idle emission check, where heavy duty vehicles would be required to meet criteria at not only idle, but also at a 2500 rpm check point. The reason for proposing this additional requirement, over and above the test procedure now in use for light duty vehicles, is founded in work done by New York City under an EPA grant. Various test cycles were evaluated from idle check through chassis dynamometer mass emission checks, in conjunction with catalyst retrofit studies, and the two-stage idle test offered the best emission reduction at the lowest cost.

The standards selected have been chosen using the same criteria as was applied earlier in generating the standards for light duty vehicles.

The additional check for CO at the 2500 rpm point provides some insight to the higher speed carburetor circuitry. While this area has been discounted as to its effectiveness on light duty vehicles, it has the advantage of measuring an area of engine operation common to heavy duty vehicles. The emission reduction potentials predicted by the New York City work for carbon monoxide on both the idle and the two-stage idle test are:

<u>Test Method</u>	<u>Reject Rate</u>	<u>CO Emission Reduction</u>
Idle + 2500 rpm	30%	12%
Idle Only	30%	8%

While the two-stage idle test showed the greatest potential for CO emission reduction, it was not the case for hydrocarbons. They found significant electrical system malfunctions at idle which resulted in persistent engine misfires. Excess hydrocarbon emissions were the result. This may be due to severe operating service of this vehicle class when compared to light duty vehicles. Typical emission reduction potentials predicted by the New York City work are:

<u>Test Method</u>	<u>Reject Rate</u>	<u>HC Emission Reduction</u>
Idle	10%	29%
Idle	30%	42%

During 1976, the Department solicited the cooperation of several of the fleets, licensed for self inspection in our light duty motor vehicle emission program, to participate in a heavy duty vehicle emission study. A short test study was proposed in which the heavy duty vehicles would be forwarded to the Department for analysis. Initially, five fleets stated that they would cooperate and provide information on their heavy duty vehicles. However, a number of problems arose which severely limited the participation of these fleets. These problems centered upon the inability of the fleets to schedule the larger trucks for this inspection outside of their normal maintenance periods. In a six week period, however, tests on 47 heavy duty gasoline powered trucks were obtained.

The results of this survey indicate that the average emissions for these fleet vehicles was high. The following lists the results of that survey:

Fleet A:	5.6% CO	225 ppm HC
Fleet B:	4.3% CO	335 ppm HC
Fleet C:	4.7% CO	415 ppm HC
Fleet D:	4.75% CO	150 ppm HC
Department tested heavy duty vehicles	2.4% CO	150 ppm HC

These data look at only the idle check. On those fleets tested, only 64% of the vehicles passed the proposed limits. If a no tolerance 2500 rpm check were then included, overall pass rate would drop to approximately 35%.

Impact -- Air Quality

The emission inventory maintained by the Department estimates that in the tri-county area, 94% of the carbon monoxide is attributable to motor vehicles (89% light duty, 5% heavy duty). The emission inventory estimates that the total hydrocarbon contribution from motor vehicles is 73% (68% light duty and 5% heavy duty). If the emission reductions being experienced by our present light duty program are transferred through to include heavy duty vehicles, or the reduction potentials projected in the New York report are achieved, there would be a significant decrease of the CO and HC pollution contribution from heavy duty vehicles.

Impact -- Inspection System

Motor Vehicles Division estimates the following as the number of vehicles registered as trucks in the tri-county area. This does not include the apportioned vehicles.

Clackamas County	3,672
Multnomah County	14,516
Washington County	2,649
TOTAL	20,837

Truck registration is done annually, usually in December or January, rather than biennially as with autos. Trucks may even register quarterly. If these 21,000 trucks are assumed to be 75% gasoline powered, that would provide for approximately 16,000 vehicles subject to the inspection. An estimate of the potential for fleet self inspection is approximately 40%. This would provide for about 10,000 heavy trucks to be tested, normally between November through January each year in our inspection stations. The only station which is currently capable of handling this vehicle class is the St. Helens Road Station. During the last year its average workload was about 300 vehicles per day. If the workload of those 10,000 trucks could be evenly spread out over that three month period, it would bring the average load to 420 vehicles per day. There would be problems with congestion of these heavy duty vehicles with the light duty vehicles. It most likely would also be necessary to provide additional testing locations, perhaps by mobile units in some major commercial areas.

The impact on the fleet inspection program is also to be considered on the Department workload. Currently there are fourteen licensed fleets. That number could more than triple, especially with a combination of light and heavy duty vehicles. It would require one DEQ staff position, half to full time to monitor and provide surveillance on these fleets.

Impact -- Other Vehicle Classes

The numbers presented account for those trucks bearing Oregon "T" plates. There are over 130,000 vehicles that carry Oregon PUC plates and

"Y" (apportioned) license plates. A staff memorandum from the Attorney General's Office questions the appropriateness and legality of requiring those vehicles engaged in interstate commerce, bearing these apportioned plates, to comply with the provisions of the emission inspection law, and suggests legislative clarification. A copy of that memorandum is included as Attachment A.

Proposed Rules

Proposed rules have been drafted and are included as Attachment B. The following is a section-by-section discussion of the rule highlights.

Section 24-315

A step-by-step description of the emission test procedure and conditions by which the vehicle emission inspector can issue a Certificate of Compliance and inspection are covered. Provision is made to permit measurement of noise levels of vehicles which may be operating in excess of the noise standards.

The exhaust emission test is in two parts consisting of: a) idle mode, and b) fast idle mode. The vehicle must comply with emission criteria in each mode established according to make and year of engine manufacture before a Certificate of Compliance is issued.

Section 24-325

A vehicle test, in order to be considered valid, must satisfy the following criteria, in addition to achieving the emission standards:

1. Vehicle exhaust system free from excessive leaks;
2. Vehicle idle speed within limits;
3. Factory-installed motor vehicle pollution control equipment present and operative.

Vehicles with an exchange engine are classed by the model year and make of the exchange engine. Evaporative control systems are based upon the model year of the vehicle classes.

Section 24-335

Emission standards for this class of vehicle are listed by make and model year. Standards apply to carbon monoxide, hydrocarbons, and visible emissions from the vehicle.

Sections 24-340 and 24-350

These sections are modified to incorporate provisions for both heavy duty and light duty motor vehicle testing by both the Department and Department licensed fleets. The criteria covering current light duty fleets are expanded to include the heavy duty vehicle operation.

Conclusion

The proposed rules will allow for the updating of the emission inspection program to include heavy duty gasoline vehicles. It will increase by about 20,000 vehicles the number tested each year and complying with inspection criteria. There should be continued reductions in vehicle air pollution from the addition of the heavy vehicle class. The inspection system will be stressed, since there are limited facilities for heavy trucks, and it may be necessary to construct a reservation system for this vehicle class to insure orderly processing.

DEPARTMENT OF JUSTICE

Memorandum

TO: Mr. Raymond P. Underwood
Chief Counsel

DATE: December 14, 1976

FROM: Thane Tienson
Law Clerk

SUBJECT: Applicability of Certification Requirements (ORS 481.190)
to Commercial Vehicles Operating in Oregon under
Reciprocal Registration and Proration Agreements

ORS 481.190(1) requires all motor vehicles registered within the boundaries of the Oregon portion of the Portland Standard Metropolitan Statistical Area to obtain a certificate of compliance prior to registration or renewal of registration. The certificate demonstrates that the vehicle complies with certain motor vehicle pollutant, noise control and emission standards. Presently, both those commercial vehicles operating within the Portland metropolitan area under reciprocity agreements and those vehicles registered in the Portland area, but operating out of state under reciprocal agreements are not required to obtain the certificate by the Motor Vehicles Division. However, those vehicles registered in Oregon and operating in other states under reciprocity agreements are apparently being required to submit to out-of-state safety inspections and to comply with pollution standards of the foreign state. DEQ has received complaints about the unfairness of this situation and the Department wants to know whether there is statutory authority to require these vehicles to obtain compliance certificates. I answered that in my opinion there was not sufficient authority to subject the vehicles registered out of state to the certification requirements, but that vehicles registered in the Portland area may be subject to the requirements regardless of the reciprocity agreement.

On its face, ORS 481.190, requiring compliance certificates, applies only to vehicles "registered within the boundaries" of the Oregon sector of the Portland metropolitan area. Although the statute does contain certain express exemptions in ORS 481.190(3), there is no exemption established for Oregon vehicles registered within the Portland area, but operating out of state under a reciprocity agreement. It would appear then that, as long as the vehicle is registered in the Portland area, it must satisfy the certification requirement. However, ORS 481.730(1) states that:

"[T]he provisions of ORS 481.620 to 481.730 shall constitute complete authority for the registration of fleet vehicles upon a proportional registration basis

without reference to or application of any other statutes of this state except as expressly provided in ORS 481.620 to 481.730." (Emphasis supplied.)

ORS 481.620 to 481.730 apply not only to foreign vehicles operating within Oregon under reciprocity agreements, but also Oregon registered fleet vehicles operating out of state under reciprocity agreements. Read literally, this statutory provision would appear to exempt Portland area registered vehicles from the certification requirements of ORS 481.190 if the vehicles are fleet vehicles operating under a proportional registration basis.

This construction of the statutory provision is weakened, however, by subsection (2) of ORS 481.730 which provides that:

"ORS 481.602 to 481.730 shall be construed as a part of and supplemental to the motor vehicle registration laws of this state." (Emphasis supplied.)

This construction is also weakened by the fact that ORS 481.730(1) was adopted by the legislature prior to the adoption of the certification requirements in ORS 481.190 and by the fact that these vehicles were not expressly exempted from the certification requirements in ORS 481.190(3) unlike several other categories of vehicles. However, the Division of Motor Vehicles finds the legislative intent unclear; and until the legislation is amended to resolve the issue, no change in the policy of the Division of Motor Vehicles with respect to these vehicles is likely to occur.

With respect to foreign vehicles operating in Oregon under reciprocity agreements, there is nothing in the statutes governing reciprocal registration or reciprocal prororation that requires certification requirements to be met. ORS 481.184(2)(c), governing reciprocal registration and licensing, and ORS 481.635, governing reciprocal prororation, provide that reciprocity comprehends only the exemption "from the payment . . . of any vehicle license or registration fees. . . ." According to the Prorate and Reciprocity section of the Motor Vehicles Division, this is, in fact, the only privilege accorded under the statutes. Moreover, the language contained in ORS 481.730(1) may forbid the imposition of additional requirements upon such vehicles in order to be granted the privilege of using this state's highways.

It is highly unlikely, however, that such a requirement would constitute an unconstitutional burden on interstate commerce, another possible reason for not imposing the requirement. For one thing, the certification process is aimed not at the regulation of commerce, but at protecting the health and welfare of Oregon's citizens by minimizing the introduction of pollutants into the environment. Secondly, only those out-of-state vehicles licensed to operate in intrastate commerce are likely to operate very much within the Portland metropolitan area and therefore, the certification requirement would impose very little burden on interstate commerce. Finally, the certification requirement itself is not unduly burdensome and it does not single out the out-of-state vehicle or the vehicle engaged in interstate commerce for special treatment. Thus, it would appear that the burden imposed on interstate commerce would be reasonable relative to the public interest being advanced and the law should accordingly be upheld.

Although there is nothing in the statutes governing reciprocal registration and proration of commercial vehicles that would prevent the "Reciprocity Officer" (the Administrator of the Motor Vehicles Division) from requesting that foreign vehicles operating under reciprocal agreements in the Portland metropolitan area comply with certification standards, there are serious practical considerations that militate against such an alternative. First, only those out-of-state companies with a "fleet" of vehicles (three or more) operating within the state are actually required to register their vehicles with the Motor Vehicles Division. Other vehicles are not required to prorate their registration fees and they are therefore not required to register with the Division. Secondly, such a practice would necessarily subject those Oregon registered motor vehicles operating out of state under reciprocity agreements to the same requirements. More importantly, it may cause the sister state to withdraw altogether from its existing reciprocity agreement with the state, resulting in a loss of revenue to the state. According to Dale Boyer, the head of the Reciprocity and Prorate Section of the Motor Vehicles Division, this is a very real possibility.

In sum, if the Department of Environmental Quality desires to subject commercial vehicles operating under reciprocity agreements to the certification requirement, it would appear that the best approach is to propose to the Legislature that the present statutory provision contained within ORS 481.190 be amended clearly to subject those commercial vehicles operating under reciprocity agreements primarily within the Portland area or registered in the Portland area to the same certification requirements that are imposed upon other vehicles registered within that

area. For reasons of comity, the Legislature may wish to restrict any amendment to vehicles registered in the Portland area. In the alternative, the Department may request the Administrator of the Motor Vehicles Division to include such a provision in the reciprocity agreements in which the state enters into. The Division appears reluctant to do this, however, for fear of inviting retaliation by sister states in the form of the abrogation of existing reciprocity agreements and the consequent loss of revenue to the state. Therefore, the first suggestion appears to be the more feasible.

ej

24-315 HEAVY DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL TEST METHOD

- (1) The vehicle emission inspector is to insure that the gas analytical system is properly calibrated prior to initiating a vehicle test.
- (2) The department approved vehicle information data form is to be completed prior to the motor vehicle being inspected.
- (3) The vehicle is to be in a neutral gear if equipped with a manual transmission, or in "park" position if equipped with an automatic transmission.
- (4) All vehicle accessories are to be turned off.
- (5) An inspection is to be made to insure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of section 24-325.
- (6) With the engine operating at idle speed, the sampling probe of the gas analytical system is to be inserted into the engine exhaust outlet.
- (7) The engine is to be accelerated with no external loading applied, to a speed of between 2200 RPM and 2700 RPM. The engine speed is to be maintained at a constant speed within this speed range for sufficient time to achieve a steady-state condition whereupon the steady-state levels of the gases measured by the gas analytical system shall be recorded on the department approved vehicle information form. The engine speed shall then be returned to an idle speed condition.
- (8) The steady-state levels of the gases measured at idle speed by the gas analytical system shall be recorded on the department approved

vehicle information form. The idle speed at which the gas measurements were made shall also be recorded.

(9) If the vehicle is equipped with a dual exhaust system, then steps (6) through (8) are to be repeated on the other exhaust outlet(s). The readings from the exhaust outlets are to be averaged to determine a single reading for each gas measured in each step (7) and (8).

(10) The reading from the exhaust outlet, or the average reading from the exhaust outlets obtained in each step (7) and (8) are to be compared to the standards of section 24-335.

(11) If the motor vehicle is capable of being operated with both gasoline and gaseous fuels, then steps (6) through (8) are to be repeated so that emission test results are obtained for both fuels.

(12) If it is ascertained that the motor vehicle may be emitting noise in excess of the noise standards adopted pursuant to ORS 467.030, then a noise measurement is to be conducted in accordance with the test procedures adopted by the Commission or to standard methods approved in writing by the department.

(13) If it is determined that the motor vehicle complies with the criteria of section 24-325 and the standards of section 24-335, then, following receipt of the required fees, the vehicle emission inspector shall issue the required certificates of compliance and inspection.

(14) The inspector shall affix any certificate of inspection issued to the lower left-hand side (normally the driver side) of the front windshield, being careful not to obscure the vehicle identification number nor to obstruct driver vision.

(15) No certificate of compliance or inspection shall be issued unless the vehicle complies with all requirements of these rules and those applicable provisions of ORS 468.360 to 468.405, 481.190 to 481.200, and 483.800 to 483.825.

24-325 HEAVY DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL TEST CRITERIA.

(1) No vehicle emission control test shall be considered valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, tests will not be considered valid if the exhaust gas is diluted to such an extent that the sum of the carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet is 8% or less.

(2) No vehicle emission control test shall be considered valid if the engine idle speed either exceeds the manufacturer's idle speed specifications by over 200 RPM on 1970 and newer model vehicles, or exceeds 1250 RPM for any age model vehicle.

(3) No vehicle emission control test conducted after June, 1977, for a 1970 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in subsection (5):

(a) Positive crankcase ventilation

(b) Exhaust modifier system

Examples: Air injection reactor system

Thermal reactor system

(c) Exhaust gas recirculation (EGR) systems

(d) Evaporative control system

(e) Spark timing system

Examples: Vacuum advance system

Vacuum retard system

(f) Special emission control devices

Examples: Orifice spark advance control (OSAC)

Speed control switch (SCS)

Thermostatic air cleaner (TAC)

Transmission controlled spark (TCS)

Throttle solenoid control (TSC)

(4) No vehicle emission control test conducted after June, 1977, for a 1968 or newer model vehicle shall be considered valid if any element of the factory-installed motor vehicle pollution control system has been modified or altered in such a manner so as to decrease its efficiency or effectiveness in the control of air pollution in violation of ORS 483.825(2), except as noted in subsection (5). For the purposes of this subsection, the following apply:

(a) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part solely for purposes of maintenance according to the vehicle or engine manufacturer's instructions, or for repair or replacement of a defective or worn out part, is not considered to be a violation of ORS 483.825(2), if a reasonable basis exists for knowing that such use will not adversely effect emission control efficiency. The department will maintain a listing of those parts which have been determined to adversely effect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or

system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such part or system is listed on the exemption list maintained by the department.

(c) Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2).

(5) A 1970 or newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

(6) For the purposes of these rules, a motor vehicle with an exchange engine shall be classified by the model year and manufacturer make of the exchange engine, except that any requirement for evaporative control systems shall be based upon the model year of the vehicle chassis.

24-335 HEAVY DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL EMISSION STANDARDS.

(1) Carbon monoxide idle emission values not to be exceeded:

	<u>Base Standard</u> <u>%</u>
CHRYSLER CORPORATION	
pre-1970	6.0
1970 through 1971	4.0
1972 through 1977	2.0
 FORD MOTOR COMPANY	
pre-1970	6.0
1970 through 1971	4.0
1972 through 1973	3.0
1974 through 1977	2.0
 GENERAL MOTORS CORPORATION	
pre-1970	6.0
1970 through 1971	4.0
1972 through 1973	3.0
1974 through 1977	2.0
 INTERNATIONAL HARVESTER	
pre-1968	6.0
1968 through 1969	5.0
1970 through 1971	4.0
1972 through 1974	3.0
1975 through 1977	2.5

	<u>Base Standard</u> %
MISCELLANEOUS, NOT LISTED	
pre-1968	6.5
1968 through 1969	5.0
1970 through 1971	4.0
1972 through 1974	3.0
1975 through 1977	2.0

(2) Carbon monoxide nominal 2500 RPM emission values not to be exceeded:

	<u>Base Standard</u> %
ALL	
pre-1970	3.0
1970 through 1974	2.0
1975 through 1977	1.5
Fuel Injected	No Check

(3) Hydrocarbon idle emission values not to be exceeded:

	<u>Base Standard</u> %
ALL	
pre-1968	1300
1968 through 1969	600
1970 through 1971	500
1972 through 1974	300
1975 through 1977	200

(4) There shall be no visible emission during the steady-state unloaded engine idle portion of the emission test from either the vehicle's exhaust system or the engine crankcase.

24-340 CRITERIA FOR QUALIFICATIONS OF PERSONS ELIGIBLE TO INSPECT MOTOR VEHICLES AND MOTOR VEHICLE POLLUTION CONTROL SYSTEMS AND EXECUTE CERTIFICATES.

- (1) Three separate classes of licenses are established by these rules.
 - (a) [~~Light-duty~~] Motor vehicle fleet operations.
 - (b) Fleet operation vehicle emission inspector.
 - (c) State employed vehicle emission inspector.
- (2) Application for a license must be completed on a form provided by the department.
- (3) Each license shall be valid for 12 months following the end of the month of issuance.
- (4) No license shall be issued until the applicant has fulfilled all requirements and paid the required fee.
- (5) No license shall be transferable.
- (6) Each license may be renewed upon application and receipt of renewal fee if the application for renewal is made within the 30 day period prior to the expiration date and the applicant complies with all other licensing requirements.
- (7) A license may be suspended, revoked, or not renewed if the licensee has violated these rules or ORS 468.360 to 468.405, 481.190 or 483.800 to 483.820.
- (8) A fleet operation vehicle emission inspector license shall be valid only for inspection of, and execution of certificates for, motor vehicle

pollution control systems and motor vehicles of the [~~light-duty~~] motor vehicle fleet operation by which the inspector is employed on a full time basis.

(9) To be licensed as a vehicle emission inspector, the applicant must:

(a) Be an employee of the Vehicle Inspection Division of the department, or

(b) Be an employee of a licensed [~~light-duty~~] motor vehicle fleet operation.

(c) Complete application.

(d) Satisfactorily complete a training program conducted by the department. Only persons employed by the department or by a [~~light-duty~~] motor vehicle fleet operation shall be eligible to participate in the training program unless otherwise approved by the Director. The duration of the training program for persons employed by a [~~light-duty~~] motor vehicle fleet operation shall not exceed 24 hours.

(e) Satisfactorily complete an examination pertaining to the inspection program requirements. This examination shall be prepared, conducted, and graded by the department.

(10) To be licensed as a [~~light-duty~~] motor vehicle fleet operation, the applicant must:

(a) Be in ownership, control, or management, or any combination thereof of 100 or more Oregon registered in-use [~~light-duty~~] motor vehicles.

(b) Be equipped with an exhaust gas analyzer complying with criteria established in section 24-350 of these rules.

(c) Be equipped with a sound level meter conforming to "Requirements for Sound Measuring Instruments and Personnel" (NPCS-2) manual, revised

September 15, 1974, of the department.

(11) No person licensed as a [~~light-duty~~] motor vehicle fleet operation shall advertise or represent himself as being licensed to inspect motor vehicles to determine compliance with the criteria and standards of sections 24-320 and 24-330.

24-350 GAS ANALYTICAL SYSTEM LICENSING CRITERIA.

(1) To be licensed, an exhaust gas analyzer must:

(a) Conform substantially with either:

(A) All specifications contained in the document

"Specifications for Exhaust Gas Analyzer System Including Engine Tachometers" dated July 9, 1974, prepared by the department and on file in the office of the Vehicle Inspection Division of the department, or

(B) The technical specifications contained in the document

"Performance Criteria, Design Guidelines, and Accreditation Procedures For Hydrocarbon (HC) and Carbon Monoxide (CO) Analyzers Required in California Official Motor Vehicle Pollution Control Stations", issued by the Bureau of Automotive Repair, Department of Consumer Affairs, State of California, and on file in the office of the Vehicle Inspection Division of the department. Evidence that an instrument model is approved by the California Bureau of Automotive Repair will suffice to show conformance with this technical specification.

(b) Be under the ownership, control, or management, or any combination thereof, of a licensed [~~light-duty~~] motor vehicle fleet operation or the department.

(c) Be span gas calibrated and have proper operational characteristics verified by the department.

(2) Application for a license must be completed on a form provided by the department.

(3) Each license issued for an exhaust gas analyzer system shall be valid for 12 months following the end of the month of issuance, unless returned to the department or revoked.

(4) A license for an exhaust gas analyzer system shall be renewed upon submission of a statement by the [~~light-duty~~] motor vehicle fleet operation that all conditions pertaining to the original license issuance are still valid and that the unit has been gas calibrated and its proper operation verified within the last 30 days by a vehicle emission inspector in their employment.

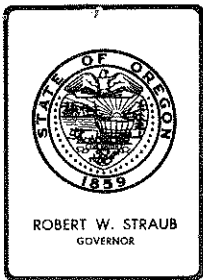
(5) Grounds for revocation of a license issued for an exhaust gas analyzer system include the following:

(a) The unit has been altered, damaged, or modified so as to no longer conform with the specifications of subsection (1)(a) of this section.

(b) The unit is no longer owned, controlled, or managed by the [~~light-duty~~] motor vehicle fleet operation to which the license was issued.

(6) No license shall be transferable.

(7) No license shall be issued until all requirements of subsection (1) of this section are fulfilled and required fees are paid.



Environmental Quality Commission

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 PHONE (503) 229-5696

MEMORANDUM

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item E, February 25, 1977, EQC Meeting

Noise Control Rules - Authorization for Public Hearing to Consider

- 1) Amending Noise Control Rules on Stationary Test Standards for In-Use Motorcycles
- 2) Housekeeping Amendments to Noise Control Regulations for Industry and Commerce

Background

The Environmental Quality Commission was directed by the 1972 Legislative Assembly to promulgate noise control regulations establishing maximum permissible noise levels for various noise source categories. In late 1974, following a series of public meetings and a public hearing, the present regulations covering new and in-use motor vehicle and industrial and commercial source categories were adopted.

After working with these rules for approximately two years, the Department has found that several provisions in the industrial and commercial section are inadequately drafted and in need of clarification. These needed changes are primarily organizational, although the effect of several rules is slightly altered so as to more accurately reflect the purpose for which they were originally intended, and drafted.

We have also become aware of the need for more efficient enforcement of the in-use motor vehicle standards, especially as they relate to motorcycles and other off-road recreational vehicles. This has resulted in important proposed changes to pertinent testing procedures and corresponding tables of standards.

Evaluation

These proposed amendments have been grouped and are discussed under two headings. Housekeeping and In-Use Motor Vehicles.

1. Staff "Housekeeping" Recommendations to Noise Control Regulations for Industry and Commerce (OAR 340-35-035)



Contains
Recycled
Materials

2.

These revisions would add to deficient portions of the rule, correct organizational problems, and clarify several ambiguities. Recommendations will be presented (OAR 340-35-035) in the following areas:

- a) Clarification of the ambient non-degradation standard for new industrial and commercial sources located in areas not previously used by such sources by rewording the rule, drafting a new definition, and setting a definite time period from which the determination as to applicability of this rule can be made.
 - b) Addition of metric units to the English units of weights and measures now used.
 - c) Clarification of octave band and one-third octave band standards so as to avoid confusion over the way such measurements are to be taken and evaluated.
 - d) Correction of typographical errors in references to appropriate procedure manuals in the noise measurement section.
 - e) Amendment of exemptions for railroads and airport activities so as to make clear that these sources are exempt from state regulation only in so far as they are preemptively regulated by federal agencies.
 - f) Clarification of exemption for entertainment events by describing more specifically what such an event is.
 - g) Amendment of language in several sections so that potential contradictions due to inconsistent choices of words do not confuse intended meanings.
 - h) Addition of several definitions to clarify meanings and correct typographical errors.
2. Revisions to the In-Use Motor Vehicle Regulations and Procedure Manuals (OAR 340-35-030 and Manual NPC5-21).

The first change that we recommend would replace the present 25 foot stationary test for motorcycles, found in Table B, with a 20 inch near-field test similar to that recently adopted for automobiles. This change is needed to make testing of motorcycles practicable in locations with restricted working areas. It would also be necessary before motorcycles could be included in a vehicle noise testing program at the Department's emission test stations.

The second change that we recommend concerns the off-road recreational vehicle standards in Table D. We would replace the present table with one separating vehicles into categories of motorcycles, snowmobiles and "all others." Appropriate standards would then be specified for each category. A near-field test would replace the 25 foot stationary test for motorcycles and "all others", giving greater accuracy to compliance measurements and improve enforcement capabilities. The moving test would be eliminated for all categories because our field experience has been that such tests are of little practical value in an enforcement situation. It is simply too difficult to set up a proper test area quickly and accurately.

Finally , we would recommend that the appropriate procedure manuals be amended to reflect the changes set forth above.

Director's Recommendation

It is the Director's recommendation that the Commission authorize the Department to hold a public hearing, before a hearings officer, at a time and location to be established by the Director. The hearings officer would then receive testimony limited to:

- 1) Staff recommendations for "housekeeping" amendments; and
- 2) Proposed revisions to In-Use Vehicles Regulations and Procedure Manual.

William H. Young
WILLIAM H. YOUNG
Director

Attachments: Proposed Amendments to:
OAR 340-35-030
OAR 340-35-035
Procedure Manual NPC5-21 Ch. 6

NDS:dro
JH:1b
2/14/77

DEPARTMENT OF ENVIRONMENTAL QUALITY
PROPOSED AMENDMENTS TO NOISE REGULATION
PROCEDURE MANUAL
MOTOR VEHICLE SOUND MEASUREMENT PROCEDURE
MANUAL NPCS-21

Procedure Manual NPCS-21 is hereby proposed to be amended as follows: material deleted is lined-out; material to be added is indicated by brackets.

CHAPTER 6

NEAR FIELD STATIONARY MOTOR VEHICLE

SOUND LEVEL MEASUREMENTS

20 Inches (1/2 Meter)

- 6.1 Scope. This Chapter establishes procedures for setting up and calibrating sound measuring equipment and conducting tests to determine the sound level output of a stationary vehicle as measured 20 inches (.5 meter) from the exhaust exit. This procedure allows testing indoors and at sites limited in open space.
- 6.2 Initial Inspection.
- 6.2.1 Subjective Evaluation. Before a vehicle is tested to the near field procedures, a subjective evaluation of the vehicle noise shall be made by experienced personnel to determine if an objective test is necessary. The subjective test, using the human ear as a sensing device, shall be conducted at engine idle and during rapid partial throttle opening in neutral gear. The inspector shall stand on the exhaust exit side and near the rear of the vehicle during this evaluation. The exhaust noise shall not be discernably louder than the engine noise and they shall blend together to be acceptable.

6.2.2 Visual Inspection. If a vehicle is found to be subjectively loud, a visual inspection of the exhaust system shall be conducted. This inspection should include the entire system from the engine to the outlet pipe.

Comment: Under Oregon Administrative Rules Chapter 340 Section 35-035 the following defects are a violation.

- a) No muffler
- b) Leaks in the exhaust system
- c) A pinched outlet pipe

6.2.3 Near Field Test. If the subjective evaluation warrants further inspection and the visual check does not disclose a violation, then the vehicle shall be subjected to the near field noise test as described in Section 6.5. This test uses a sound level meter to measure the noise level of the vehicle under controlled test conditions.

6.3 Measurement Sites.

6.3.1 Vehicle Location. The vehicle must rest on the open pavement, the shop floor, or on a dynamometer. It should not be on a hoist, rack, or over a pit. Shop doors should be open to avoid excessively high readings and reflective surfaces should be as far as possible from the sound level meter.

6.3.2 Bystanders. Bystanders should not stand within 10 feet [3 meters] of the microphone or vehicle during noise tests, except for operating personnel.

6.3.3 Wind. Do not conduct noise measurements when wind velocity at the test location exceeds 10 [20] miles per hour [(32 km/hr)].

6.3.4 Precipitation. Do not conduct noise measurements if precipitation is falling, unless the microphone and instruments are protected from moisture.

Warning: Do not let any moisture on microphone. This will cause damage.
Do not attempt to clean microphone.

6.3.5 Ambient Noise. The ambient noise levels shall be at least 10 dBA below the sound level of the vehicle being tested.

[Comment: For rear engine automobiles and light trucks, close the engine hood as much as possible to minimize engine noise.]

6.4 Equipment Setup and Use.

6.4.1 Meter Specifications. The specifications for sound level meters are defined in Noise Pollution Control Section manual NPC-2 Requirements for Sound Measuring Instruments and Personnel. The minimum meter required is a Type II as defined by American National Standards Institute number S.I. 4-1971.

6.4.2 Battery. A battery check shall be conducted on the Meter and Calibrator before each calibration.

6.4.3 Calibration. The sound level meter shall be field calibrated immediately prior to use following procedures described by the manufacturer's instruction manual. Meters should be calibrated at least at the beginning and end of each business day and at intervals not exceeding 2 hours when the instrument is used for more than a 2-hour period.

Comment: If the instrument is damaged or in need of service, contact the Noise Pollution Control office or Motor Vehicles office.

6.4.4 Annual Calibration. Within one year prior to use, each set of sound level meters shall receive a laboratory calibration in accordance with the manufacturer's specifications. This calibration shall be traceable to the National Bureau of Standards.

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

6.4.5 Windscreens. Windscreens of open cell polyurethane foam furnished by the manufacturer shall be placed over the microphone after calibration. This will protect it from dust or other airborne matter.

Warning: Do not let exhaust gases impinge on microphone.

6.4.6 Meter Setting. The meter shall be set on the "A" scale and used in the slow response mode.

6.4.7 Tachometer. A calibrated engine tachometer shall be used to determine when the test RPM is attained. Tachometers shall have the following characteristic:

Steady state accuracy of $\pm 2\%$ of full scale.

The tachometer shall be calibrated at least once a year in accordance with manufacturer's calibration procedures.

6.5 Sound Level Measurements.

6.5.1 Preliminary Steps:

- a) Field calibration.
- b) Windscreen on.
- c) Set meter to the appropriate range to measure the anticipated sound level.
- d) Switch to "A" weighting scale and slow response mode.
- e) Turn meter on.

6.5.2 Mounting. The sound level meter shall be hand-held or placed on a tripod according to the manufacturer's instructions.

6.5.3 Orientation. The orientation of the sound level meter microphone shall be according to factory instructions.

Comment: Generally, the operating personnel will be to one side. The

"General Radio" 1565B Sound Level Meter shall be oriented such that the microphone points aft and the sound path will "graze" the surface of the microphone. (See Figure 1)

6.5.4 Microphone Position. The microphone for the sound level meter shall be at the same height as the center of the exhaust outlet but no closer to the pavement than 8 in. (203 mm). The microphone shall be positioned with its longitudinal axis parallel to the ground, 20 in. (508 mm) from the edge of the exhaust outlet, and 45 ± 10 deg from the axis of the outlet (Figure 6.1[& 6.2]). For exhaust outlets located inboard from the vehicle body, the microphone shall be located at the specified angle and at least 8 in. (203 mm) from the nearest part of the vehicle.

[Note: If a measuring device is attached to the exhaust outlet and the meter to maintain proper distance, ensure no vibrations from the vehicle are transmitted to the instrument.]

6.5.5 Vehicle Operation. Vehicles tested to determine exhaust system sound levels shall be operated as follows:

- a) Automobiles and Light Trucks. The engine shall be operated at normal operating temperatures with transmission in park or neutral. Sound level measurements shall be made at $3/4$ (75%) of the RPM for rated horsepower \pm 50 RPM of meter reading.

Comment: Tables of the 75% RPM (test RPM) versus the engines are given in the Near Field Motor Vehicle Test RPM Tables, NPC-31.

- b) Motorcycles. (All new material) [The rider shall sit astride the motorcycle in a normal riding position with both feet on the ground. The engine shall be operated at normal operating temperatures with

the transmission in neutral. If no neutral is provided, the motorcycle shall be operated either with the rear wheel 5-10 cm (2-4 in) clear of the ground, or with the drive chain or belt removed. The sound level measurement shall be made with the engine speed stabilized at one of the following values:]

[(A) If the motorcycle engine data is available, test the motorcycle at 1/2 (50%) of the RPM for maximum rated horsepower \pm 50 RPM.]

[(B) If the engine data is not available and if the motorcycle has a tachometer indicating the manufacturer's recommended maximum engine speed ("Red Line"), test the motorcycle at 45% of the "Red Line" RPM \pm 50 RPM.]

[Note: Motorcycle tachometers generally show a red area at the upper part scale. The "Red Line RPM" is the lowest value within the red area.]

[(C) If the engine data and red line RPM are not available, test the motorcycle at:]

[(i) 3500 RPM \pm 50 RPM for motorcycles with total cylinder displacement between 0-950 cc (0-58 in³)]

[(ii) 2800 RPM \pm 50 RPM for motorcycles with total cylinder displacement greater than 950 cc (58 in³)]

c) Trucks and Buses. To be determined.

6.5.6 Reported Sound Levels. The reported exhaust system sound level reading shall be the highest reading obtained during the test, exclusive of peaks due to unrelated ambient noise or extraneous impulsive type noise obtained during

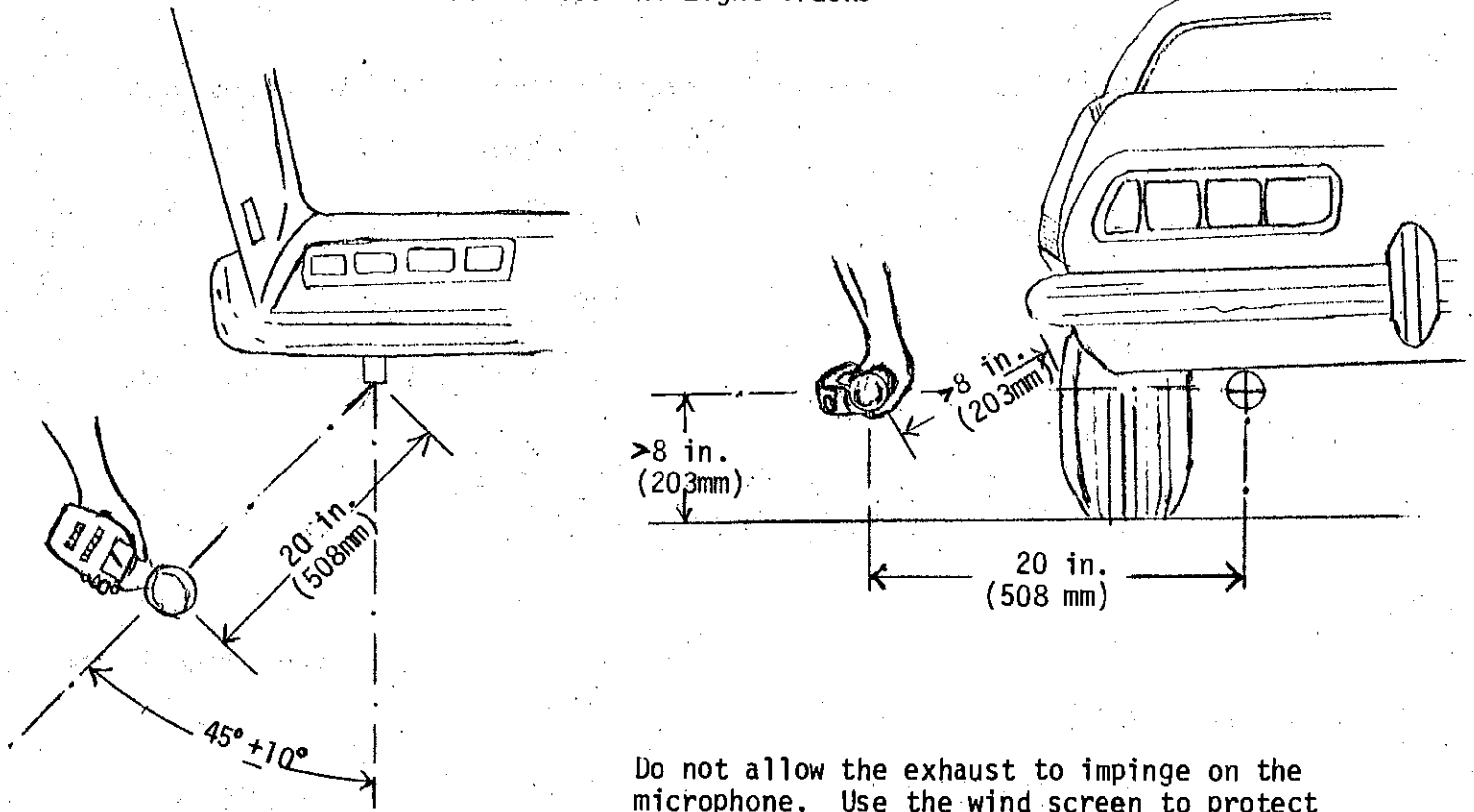
the acceleration or deceleration portion of the test. When there is more than one exhaust outlet, the reported sound level shall be for the loudest outlet.

Comment: The purpose of this test is to measure exhaust noise, so there should not be any other noises within 10 dBA below the exhaust noise. (See Ambient Noise)

6.5.7 Variations. Allowances are necessary due to unavoidable variations in measurement sites and test equipment. Vehicles are not considered in violation unless they exceed the regulated limit by the value shown in the following table or more.

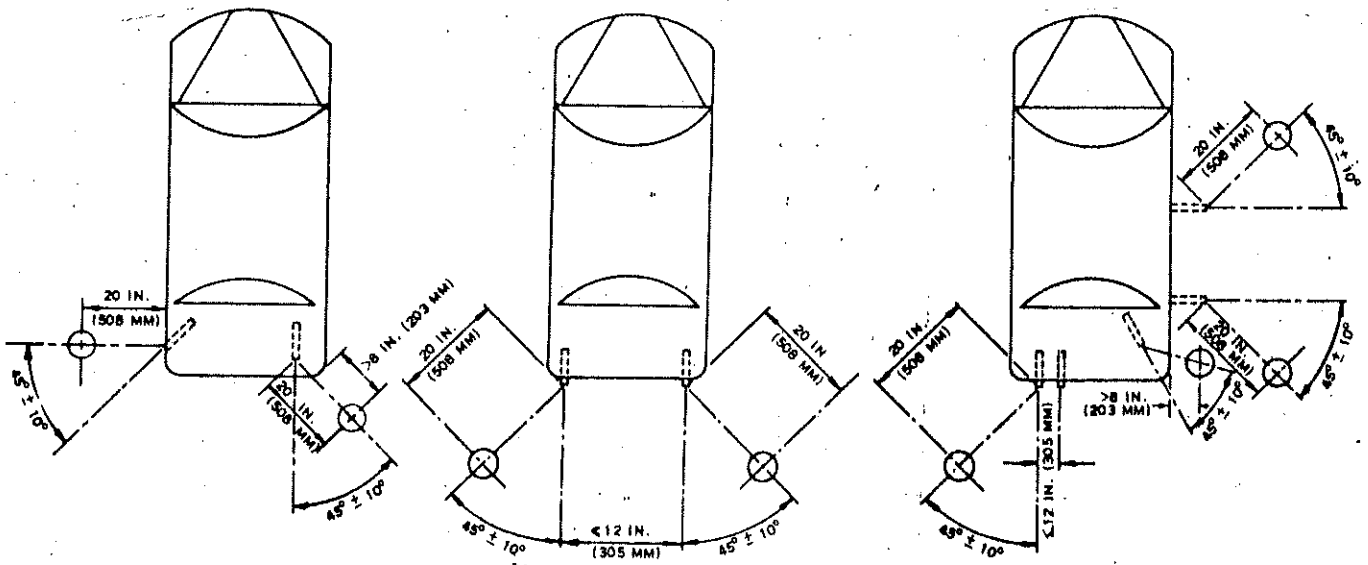
<u>Sound Level Meter Type</u>	<u>Allowable Exceedance</u>
ANSI Type I	1 dBA
ANSI Type II	2 dBA

Figure 1
Microphone Placement for
Automobiles and Light Trucks



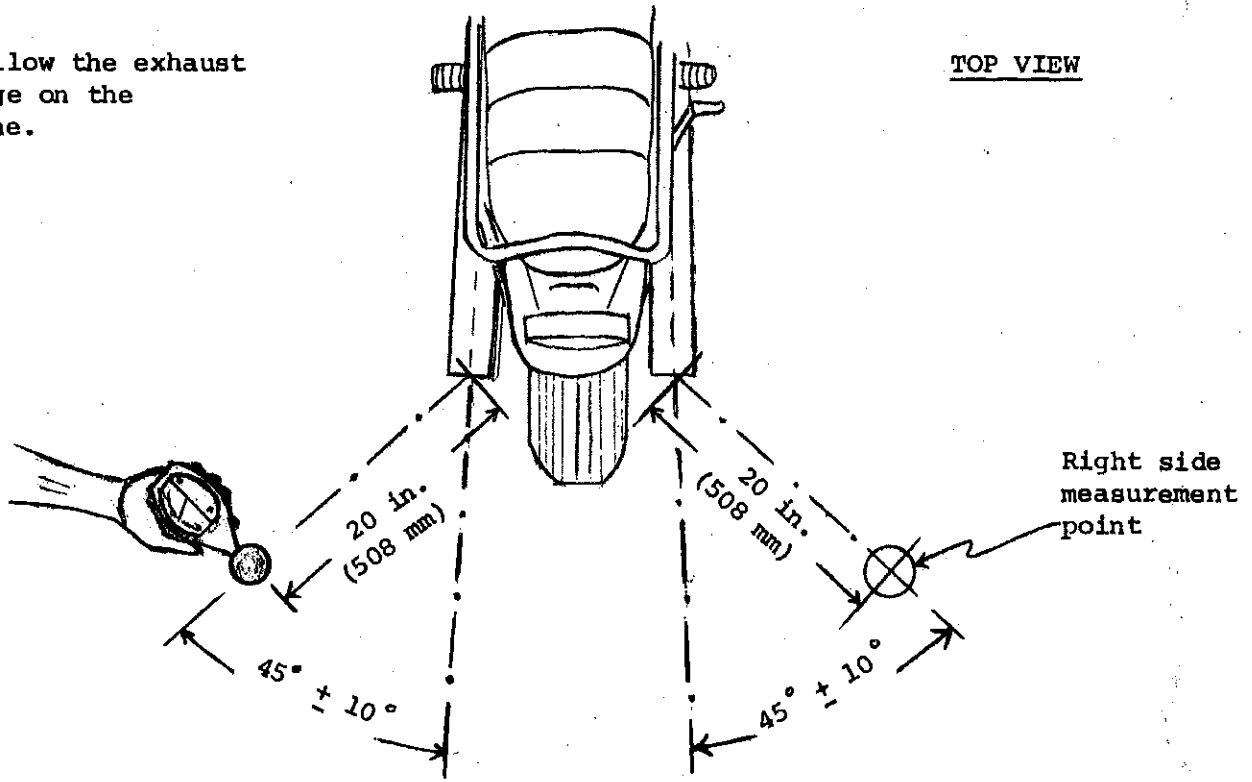
Do not allow the exhaust to impinge on the microphone. Use the wind screen to protect the microphone.

For dual exhausts, measure both and record the higher of the two readings.



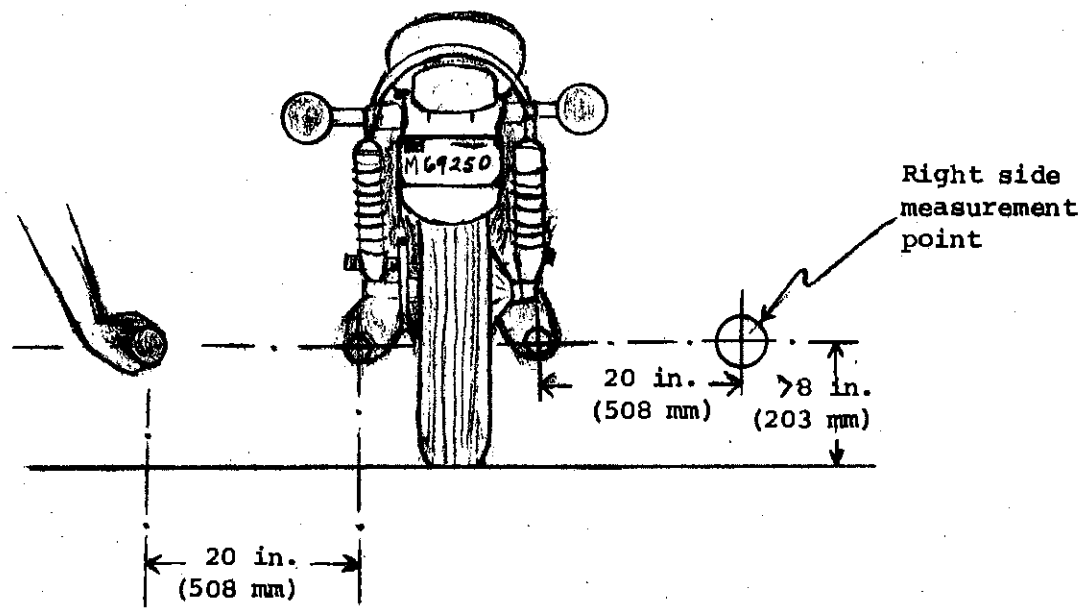
[Figure 6.2]
Microphone Placement for
Motorcycles

Do not allow the exhaust
to impinge on the
microphone.



For exhaust outlets on both sides, measure both and report the highest of the two readings.

Rear View



DEPARTMENT OF ENVIRONMENTAL QUALITY
 PROPOSED AMENDMENT TO CHAPTER 340, OREGON ADMINISTRATIVE RULES

DIVISION 3

AIR POLLUTION CONTROL STANDARDS FOR AIR PURITY AND QUALITY

Subdivision 5

NOISE CONTROL REGULATIONS

Subdivision 5 is hereby proposed to be amended as follows: new material is indicated by brackets; material deleted is lined out.

35-035 NOISE CONTROL REGULATIONS FOR INDUSTRY AND COMMERCE.

(1) ~~Noise Standards~~ [Standards and Regulations]

- (a) [Existing Noise Sources]. No person owning or controlling an [existing] industrial or commercial noise source shall cause or permit the operation of that noise source if the statistical noise levels generated by that source and measured at ~~the~~ [an] appropriate measurement point exceed ~~these~~ [the] levels specified in Table G, except as otherwise provided in these rules.

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

(b) New Noise Sources.

- [(A) New Sources Located on Previously Used Sites.] ~~After January 1, 1975,~~ No person owning or controlling a new industrial or commercial noise source [located on a previously used industrial or commercial site] shall cause or permit the operation of that noise source, if the [statistical] noise levels generated by that new source and measured at ~~the~~ [an] appropriate [measurement] point exceed the ~~noise~~ levels [specified] in Table H, except as otherwise provided in these rules.

- [(B) New Sources Located on Previously Unused Site.]

[(i)] ~~Notwithstanding the allowable levels in Table H~~ No person [owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site] shall cause or permit the operation of a new industrial or commercial [that] noise source ~~on property previously un-~~ occupied by an industrial or commercial noise source if the noise levels generated [or indirectly caused] by that new industrial or commercial noise source increase the ambient statistical noise levels, L_{10} or L_{50} , in any one hour by more than 10 dBA [in any one hour, or exceeds the levels specified in Table H], as measured at the [an] appropriate measurement point.

[(ii)] The ambient statistical noise level of the [a] new [industrial or commercial noise] source shall include all noises emitted [generated or indirectly caused] by the industrial or commercial [that] source [as a result of both its direct] and related activities. Exemptions defined in subsection [Sources exempted from the requirements of section 35-035(1), which are identified in subsections] (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(j), (5)(k) and (5)(l) of this section [below], ~~will~~ [shall] not be excluded from this ambient measurement.

(c) Modified Noise Sources. After January 1, 1975 and before January 1, 1978, no person owning or controlling an existing industrial or commercial noise source shall modify that noise source so as to violate the following rules:

(A) If prior to modification an industrial or commercial noise source does not exceed the noise levels in Table H, the modified industrial or commercial noise source shall not exceed the noise levels in Table H, except as otherwise provided in these rules.

(B) If prior to modification an existing industrial or commercial noise source exceeds the noise levels in Table H, but does not exceed the noise levels in Table G, then the modification shall not cause an increase in the existing statistical noise levels, except as otherwise provided in these rules.

- (d) Quiet Areas. [(A)] No person [owning or controlling an industrial or commercial noise source located outside the boundaries of a Quiet Area] shall cause or permit ~~industrial or commercial noise levels to~~ [the operation of that noise source if the statistical noise levels generated by that source] exceed the ~~statistical noise levels~~ specified in Table I as measured at the boundary of any area designated a Quiet Area.
- [(B) No person owning or controlling an industrial or commercial noise source located] ~~If the noise source lies within the boundaries of a Quiet Area the levels detailed in Table I shall not be exceeded at~~ [shall cause or permit the operation of that noise source if the statistical noise levels generated by that source exceed the levels specified in Table I as measured not less than] 400 feet [(122 meters)] from the noise source.
- (e) Impulse Sound. Notwithstanding the noise rules in Tables G through I, no person [owning or controlling an industrial or commercial noise source] shall cause or permit the operation of an ~~industrial or commercial~~ [that] noise source ~~which emits~~ [if] an impulsive sound [is emitted] in air [by that source which exceeds the peak sound pressure levels specified below], as measured at the [an] appropriate measurement point: ~~which has a peak sound pressure level in excess of 100 dB during the hours 7 a.m. to 10 p.m. and 80 dB between the hours of 10 p.m. and 7 a.m.,~~ except as otherwise provided in these rules.

(f) Octave Bands and Audible Discrete Tones. When the Director has reasonable cause to believe that ~~statistical noise levels specified in Tables G, H, or I~~ [requirements of (1)(a), (1)(b), (1)(c) or (1)(d)] do not adequately protect the health, safety or welfare of the public as ~~provided~~ for in [pursuant to] ORS Chapter 467, the Department may require the noise source to meet the following rules:

- (A) [Octave Bands.] No person [owning or controlling an industrial or commercial noise source] shall cause or permit the operation of an ~~industrial or commercial~~ [that] noise source ~~for more than 6 minutes~~ [if] in any one hour [such operation generates a median octave band sound pressure level which], as measured at the [an] appropriate measurement point, ~~if such operation generates octave band sound pressure levels which exceed these~~ [exceeds applicable levels] specified in Table J, [for any continuous or non-continuous time periods equal to or greater than six (6) total minutes.]
- (B) [One-third Octave Bands.] No person [owning or controlling an industrial or commercial noise source] shall cause or permit the operation of an ~~industrial or commercial~~ [that] noise source ~~for more than 6 minutes~~ [if] in any one hour [such operation generates an audible one-third octave band sound pressure level which], as measured at the [an] appropriate measurement point ~~if such operation generates an audible one-third octave band sound pressure level which when measured~~ [and] in a one-third octave band at the [a] preferred frequencies [frequency], exceeds the arithmetic average of the sound pressure levels of the two adjacent one-third octave bands [for any continuous or non-continuous time periods equal to or greater than six (6) total minutes] on either side of such one-third octave band by:

- (i) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;
- (ii) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;
- (iii) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

This rule shall not apply to audible discrete tones having a one-third octave band sound pressure [level] 10 [dB] or more dB below the allowable sound pressure levels specified in Table J for the octave band which contains such one-third octave band.

(2) Compliance. Upon written notification from the Director, the owner or controller of an industrial or commercial noise source operating in violation of the adopted rules shall submit a compliance schedule acceptable to the Department. The schedule will set forth the dates, terms, and conditions by which the person responsible for the noise source shall comply with the adopted rules.

(3) Measurement

(a) Sound measurements [procedures] shall conform to ~~test~~ [those] procedures [which are] adopted by the Commission [and set forth] in ~~procedure manual~~ entitled ~~Noise Pollution Control Section 4~~ [Sound Measurement Procedures Manual] (NPCS-2[1]), or to [such other] ~~methods~~ [procedures as are] approved in writing by the Department.

(b) [Unless otherwise specified], the appropriate measurement point used shall be that point on the noise sensitive property, (A) or (B) whichever [described below], which is further from the noise source:

(A) 25 feet [7.6 meters]] toward the noise source from that point on the noise sensitive building nearest the noise source,

(B) ~~A~~ That point on the noise sensitive property line nearest the noise source.

(4) Monitoring and Reporting

(a) Upon written notification from the Department, persons owning or controlling an industrial or commercial noise source shall monitor and record the statistical noise levels and operating times of equipment, facilities, operations, and activities, and shall submit such data to the Department in the form and on the schedule requested by the Department. [Procedures for] such measurements shall conform to ~~the test~~ [those] procedures [which are] adopted by the Commission [and set forth] in ~~Noise Pollution Control Section--7~~ [Sound Measurement Procedures Manual] (NPCS-2[1]).

(b) Nothing in this section shall preclude the Department from conducting separate or additional noise tests and measurements. Therefore, when requested by the Department, the owner or operator of an industrial or commercial noise source shall provide the following:

(A) access to the site,

(B) reasonable facilities, where available, including but not limited to electric power and ladders adequate to perform the testing,

(C) cooperation in the reasonable operation, manipulation, or shutdown of various equipment or operations as needed to ascertain the source of sound and measure its emission.

- (5) Exemptions: The rules in section 35-035 (1) shall not apply to:
- (a) Emergency equipment not operated on a regular or scheduled basis.
 - (b) Warning devices not operating continuously for more than 5 minutes.
 - (c) Sounds created by the tires or motor used to propel any road vehicle complying with the noise standards for road vehicles.
 - (d) Sounds created by railroad trains. This exception applies only when such railroad train is either in motion or idling during loading, unloading, coupling, uncoupling, refueling, or other similar operations, provided that the total idling time for such operations does not exceed 60 minutes. [Sounds resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad to the extent that such equipment or facility is regulated by pre-emptive federal regulations as set forth in Part 201 of Title 40 of the Code of Federal Regulations, promulgated pursuant to section 17 of the Noise Control Act of 1972, 86 Stat. 1248, Pub.L. 92-574; but subject to any standard, control, license, regulation, or restriction necessitated by special local conditions which is approved by the Administrator of the EPA after consultation with the Secretary of Transportation pursuant to procedures set forth in section 17 (c)(2) of the Act.]
 - (e) Sounds created by bells, chimes, or carillons.
 - (f) Sounds not electronically amplified [which are] created by [or generated at] sporting, amusement, and entertainment events, except [those sounds] as ~~controlled~~ [are regulated] under other noise standards. [An event is a noteworthy happening and does not include informal, frequent or ongoing activities such as, but not limited to, those which normally occur at bowling alleys or amusement parks operating in one location for a significant period of time.]

- (g) Sounds that originate on construction sites.
 - (h) Sounds created in repairing or replacing the capital equipment of a public utility distribution system.
 - (i) Sounds created by lawn care maintenance and snow removal equipment.
 - (j) Sounds ~~that originate at airports that are directly related to aircraft flight operations (i.e., taxiing, landing, takeoff and flight)~~[generated by the operation of aircraft and subject to preemptive federal regulation.]
This exception does not apply to aircraft engine testing, ~~or any other~~ activity conducted at the airport that is not directly related to flight operations, [and any other activity not preemptively regulated by the federal government.]
 - (k) Sounds created by the operation of road vehicle auxiliary equipment complying with the noise rules for such equipment.
 - (l) Sounds created by agricultural activities, other than silviculture.
- (6) Exceptions: - Upon written request from the owner or controller of ~~the~~ [an] industrial or commercial noise source, the Department may authorize exceptions to ~~the rules~~ [section 35-035(1)], pursuant to section ~~35-035(4)~~ [35-010], for:
- (a) Unusual and/or infrequent events.
 - (b) Industrial or commercial facilities previously established in areas of new development of noise sensitive property.
 - (c) Those industrial or commercial noise sources whose statistical noise levels at the appropriate measurement point are exceeded by any noise source external to the industrial or commercial noise source in question.
 - (d) Noise sensitive property owned or controlled by the person who controls or owns the noise source or noise sensitive property located on land zoned exclusively for industrial or commercial use.

35-015 Definitions. As used in this subdivision:

- (1) "Ambient Noise" means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.
- (2) "Any one hour" means any period of 60 consecutive minutes during the 24-hour day.
- (3) "Commission" means the Environmental Quality Commission.
- (4) "Construction" shall mean building or demolition work and shall include all activities thereto such as clearing of land, earthmoving, and landscaping, but shall not include the production of construction materials.
- (5) "Department" means the Department of Environmental Quality.
- (6) "Director" means the Director of the Department.
- (7) "Emergency Equipment" means noise emitting devices required to avoid or reduce the severity of accidents. Such equipment includes, but is not limited to, safety valves and other pressure relief devices.
- (8) "Existing Industrial or Commercial Noise Source" means any Industrial or Commercial Noise Source ~~in operation on or before~~ [for which installation or construction was commenced prior to] January 1, 1975.
- (9) "Farm Tractor" means any Motor Vehicle designed primarily for use in agricultural operations for drawing or operating plows, mowing machines, or other implements of husbandry.
- (10) "Impulse Sound" means either a single pressure peak or a single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound pressure measuring instrument.
- (11) "In-Use Motor Vehicle" means any Motor Vehicle which is not a New Motor Vehicle.
- (12) "Industrial or Commercial Noise Source" means that source of noise which generates Industrial or Commercial Noise Levels.

- (13) "Industrial or Commercial Noise Levels" means those noises generated by a combination of equipment, facilities, operations, or activities employed in the production, storage, handling, sale, purchase, exchange, or maintenance of a product, commodity, or service and those noise levels generated in the storage or disposal of waste products. Noise levels generated in the construction or maintenance of capital equipment are not included in this definition.
- (14) "Motorcycle" means any Motor Vehicle, except Farm Tractors, designed to travel on not more than three wheels which are in contact with the ground.
- (15) "Motor Vehicle" means any vehicle which is, or is designed to be self-propelled or is designed or used for transporting persons or property. This definition excludes airplanes, but includes water craft.
- (16) "New Industrial or Commercial Noise Source" means any Industrial or Commercial Noise Source for which installation or construction was commenced after January 1, 1975 on a site not previously occupied by the industrial or commercial noise source in question.
- (17) "New Motor Vehicle" means a Motor Vehicle whose equitable or legal title has never been transferred to a Person who in good faith purchases the New Motor Vehicle for purposes other than resale. The model year of such vehicle shall be the year so specified by the manufacturer, or if not so specified, the calendar year in which the new motor vehicle was manufactured.
- (18) "Noise Level" means weighted Sound Pressure Level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA.
- (19) "Noise Sensitive Property" means real property on [or in] which people normally sleep, attend [or on which exist facilities normally used by people as] schools, churches, and [or] public libraries. Property used in industrial or agricultural activities is not defined to be Noise Sensitive Property unless it meets the above criteria in more than an incidental manner.

- (20) "Octave Band Sound Pressure Level" means the sound pressure level for the sound being measured within the specified octave band. The reference pressure is 20 micropascals (20 micronewtons per square meter).
- (21) "Off-Road Recreational Vehicle" means any Motor Vehicle, including water craft, used off Public Roads for recreational purposes. When a Road Vehicle is operated off-road the vehicle shall be considered an Off-Road Recreational Vehicle if it is being operated for recreational purposes.
- (22) "One-Third Octave Band Sound Pressure Level" means the sound pressure level for the sound being measured within the specified one-third octave band at the Preferred Frequencies. The reference pressure is 20 micropascals (20 micronewtons per square meter).
- (23) "Person" means the United States Government and agencies thereof, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatever.
- (24) Preferred Frequencies" means those mean frequencies in Hertz preferred for acoustical measurements which for this purpose shall consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.
- [(25) "Previously Unused Industrial or Commercial Site" means property which has not been used by any industrial or commercial noise source during the 20 years immediately preceding commencement of construction of a new industrial or commercial source on that property. Agricultural activities and silvicultural activities of an incidental nature shall not be considered as industrial or commercial operations for the purposes of this definition.]

- (25) [(26)] "Propulsion Noise" means that noise created in the propulsion of a Motor Vehicle. This includes, but is not limited to, exhaust system noise, induction system noise, tire noise, cooling system noise, aerodynamic noise and, where appropriate in the test procedure, braking system noise. This does not include noise created by Road Vehicle Auxiliary Equipment such as power take-offs and compressors.
- (26) [(27)] "Public Roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof in this state used by the public or dedicated or appropriated to public use.
- (27) [(28)] "Quiet Area" means any land or facility [designated by the Commission,] such as a wilderness area, national park, state park, game reserve, wildlife breeding area, amphitheater, or any other [appropriate] area ~~designated by the Commission~~ as an area where the qualities of serenity, tranquility, and quiet are of extraordinary significance and serve an important public need. The Department will submit recommended areas to the Commission for designation as Quiet Areas.
- (28) [(29)] "Racing Events" means any competition using Motor Vehicles, conducted under a permit issued by the governmental authority having jurisdiction or, if such permit is not required, under the auspices of a recognized sanctioning body. This definition includes, but is not limited to, events on the surface of land and water.
- (29) [(30)] "Racing Vehicle" means any Motor Vehicle that is designed to be used exclusively in Racing Events.
- (30) [(31)] "Road Vehicle" means any Motor Vehicle registered for use on Public Roads, including any attached trailing vehicles.
- (31) [(32)] "Road Vehicle Auxiliary Equipment" means those mechanical devices which are built in or attached to a Road Vehicle and are used primarily for the handling or storage of products in that Motor Vehicle. This includes, but is not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, blowers, and other mechanical devices.

- (32) [(33)] "Sound Pressure Level" (SPL) means 20 times the logarithm to the base 10 of the ratio of the root-mean-square pressure of the sound to the reference pressure. SPL is given in decibels (dB). The reference pressure is 20 micropascals (20 micronewtons per square meter).
- (33) [(34)] "Statistical Noise Level" means the Noise Level which is equalled [equalled] or is exceeded a stated percentage of the time. An $L_{10} = 65$ dBA implies that
- (34) [(35)] in any hour of the day 65 dBA can be equalled or exceeded only 10% of the time, or for 6 minutes.
- (35) [(35)] "Warning Device" means any device which signals an unsafe or potentially dangerous situation.

TABLE A

New Motor Vehicle Standards

Moving Test At 50 Feet (15.2 meters)

<u>Vehicle Type</u>	<u>Effective For</u>	<u>Maximum Noise Level, dBA</u>
Motorcycles	1975 Model	86
	1976 Model	83
	1977-1982 Models	81
	1983-1987 Models	78
	Models after 1987	75
Snowmobiles as defined in ORS 481.048	1975 Model	82
	1976-1978 Models	78
	Models after 1978	75
Truck in excess of 10,000 pounds GVWR	1975 Model	86
	1976-1981 Models or Models manufactured after Jan. 1, 1978 and before Jan. 1, 1982	83
	Models manufactured after Jan. 1, 1982 and before Jan. 1, 1985	80
	Models manufactured after Jan. 1, 1985	(Reserved)
Automobiles, light trucks, and all other road vehicles	1975 Model	83
	1976-1980 Models	80
	Models after 1980	75
Bus as defined under ORS 481.030	1975 Model	86
	1976-1978 Models	83
	Models after 1978	80

TABLE B

In-Use Vehicle Standards

Stationary Test

<u>Vehicle Type</u>	<u>Model Year</u>	<u>Maximum Noise Level, dBA</u>	<u>Minimum Distance from Vehicle to Measurement Point</u>
Vehicles in excess of 10,000 pounds GVWR or GCWR engaged in interstate commerce as permitted by Title 40, Code of Federal Regulations, Part 202, Environmental Protection Agency (Noise Emission Standards-Motor Carriers Engaged in Interstate Commerce)	All	88	50 feet (15.2 meters)
All other trucks in excess of 10,000 pounds GVWR	Before 1976	94	25 feet (7.6 meters)
	1976-1981	91	25 feet (7.6 meters)
	after 1981	88	25 feet (7.6 meters)
Motorcycles	Before-1976	94	25 feet (7.6 meters)
	[1975 and Before]	[102]	[20 inches (1/2 meter)]
	1976	91	25 feet (7.6 meters)
	1977-1982	89	25 feet (7.6 meters)
	1983-1987	86	25 feet (7.6 meters)
	After 1987- [After 1975]	83 [99]	25 feet (7.6 meters) [20 inches (1/2 meter)]
Front-engine automobiles, light trucks and all other front-engine road vehicles	All	95	20 inches (1/2 meter)
Rear-engine automobiles and light trucks and mid-engine automobiles and light trucks	All	97	20 inches (1/2 meter)
Buses as defined under ORS 481.030	Before 1976	94	25 feet (7.6 meters)
	1976-1978	91	25 feet (7.6 meters)
	After 1978	88	25 feet (7.6 meters)

TABLE C

In-Use Vehicle Standards

Moving Test At 50 Feet (15.2 meters) Or Greater At Vehicle Speed

<u>Vehicle Type</u>	<u>Model Year</u>	<u>Maximum Noise Level, dBA</u>	
		35 mph or less	Greater than 35 mph
Vehicles in excess of 10,000 pounds GVWR or GCWR engaged in interstate commerce as permitted by Title 40, Code of Federal Regulations, Part 202, Environmental Protection Agency (Noise Emission Standards-Motor Carriers Engaged in Interstate Commerce)	All	86	90
	All other trucks in excess of 10,000 pounds GVWR		
	Before 1976	86	90
	1976-1981	85	87
	After 1981	82	84
Motorcycles	Before 1976	84	88
	1976	81	85
	1977-1982	79	83
	1983-1987	76	80
	After 1987	73	77
Automobiles, light trucks and all other road vehicles	Before 1976	81	85
	1976-1980	78	82
	After 1980	73	77
Buses as defined under ORS 481.030	Before 1976	86	90
	1976-1978	85	87
	After 1978	82	84

TABLE D

Off-Road Recreational Vehicle Standards

Allowable Noise Limits

[Stationary Test]

<u>Model-Year</u>	<u>Maximum-Noise-Level, -dBA</u>	
	<u>Stationary-Test-</u> <u>25-Feet-(7.6-meters)-Or-Greater</u>	<u>Moving-Test</u> <u>50-Feet-(15.2-meters)-Or-Greater</u>
Before-1976	94	88
1976	91	85
1977-1982	89	83
1983-1987	86	80
After-1987	83	77

<u>[Vehicle Type]</u>	<u>[Model Year]</u>	<u>[Maximum Noise Level, dBA]</u>	<u>[Minimum Distance from Vehicle to Measurement Point]</u>
[Motorcycles]	[1975 and Before]	[102]	[20 inches (1/2 meter)]
	[After 1975]	[99]	[20 inches (1/2 meter)]
[Snowmobiles]	[1975 and Before]	[90]	[25 feet (7.6 meters)]
	[1976-1978]	[86]	[25 feet (7.6 meters)]
	[After 1978]	[83]	[25 feet (7.6 meters)]
[All Others]			
[Front Engine]	[All]	[95]	[20 inches (1/2 meter)]
[Mid and Rear Engines]	[All]	[97]	[20 inches (1/2 meter)]

TABLE E

[Ambient Standards for Vehicles Operated Near Noise Sensitive Property]

Allowable Noise Limits

<u>Time</u>	<u>Maximum Noise Level, dBA</u>
7 a.m. - 10 p.m.	60
10 p.m. - 7 a.m.	55

TABLE F

[Auxiliary Equipment Driven by Primary Engine Noise Standards]

Stationary Test At 50 Feet [15.2 meters] Or Greater

<u>Model Year</u>	<u>Maximum Noise Level, dBA</u>
Before 1976	88
1976-1978	85
After 1978	82

TABLE G

[Existing Industrial and Commercial Noise Source Standards]

Allowable Statistical Noise Levels in Any One Hour

<u>Pre-1978</u>		<u>Post - 1977</u>	
<u>7 a.m.k- 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>	<u>7 a.m. - 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>
L ₅₀ - 60 dBA	L ₅₀ - 55 dBA	L ₅₀ - 55 dBA	L ₅₀ - 50 dBA
L ₁₀ - 65 dBA	L ₁₀ - 60 dBA	L ₁₀ - 60 dBA	L ₁₀ - 55 dBA
L ₁ - 80 dBA	L ₁ - 65 dBA	L ₁ - 75 dBA	L ₁ - 60 dBA

TABLE H

[New Industrial and Commercial Noise Source Standards]

Allowable Statistical Noise Levels in Any One Hour

<u>7 a.m. - 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>
L ₅₀ - 55 dBA	L ₅₀ - 50 dBA
L ₁₀ - 60 dBA	L ₁₀ - 55 dBA
L ₁ - 75 dBA	L ₁ - 60 dBA

TABLE I

[Industrial and Commercial Noise Source Standards for Quiet Areas]

Allowable Statistical Noise Levels in Any One Hour

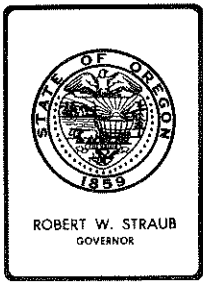
<u>7 a.m. - 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>
L ₅₀ - 50 dBA	L ₅₀ - 45 dBA
L ₁₀ - 55 dBA	L ₁₀ - 50 dBA
L ₁ - 60 dBA	L ₁ - 55 dBA

TABLE J

[Octave Band Standards for Industrial and Commercial Noise Sources]

Allowable Octave Band Sound Pressure Levels

<u>Octave Band Center Frequency, Hz</u>	<u>7 a.m. - 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>
31.5	68	65
63	65	62
125	61	56
250	55	50
500	52	46
1000	49	43
2000	46	40
4000	43	37
8000	40	34



Environmental Quality Commission

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item F, February 25, 1977, EQC Meeting

Clatsop Plains Sewage Disposal Authorization for Public Hearing to Consider an Order Limiting or Prohibiting Construction of Subsurface Sewage Disposal Facilities in the Clatsop Plains Moratorium Area

Background

In April of 1970, the Commission resolved inter alia to discourage installation of subsurface sewage disposal systems serving more than 5 families or 50 people resulting from future high-density development within the so-called "Clatsop Plains" Region (see attached public notice for a more particular description).

This resolution was based in large measure upon the identification, in 1968, of a sizable aquifer within the unconsolidated sands characteristic of this area. This aquifer is a resource of considerable present and potential value to the area.

Discussion

Clatsop Plains has many areas presently zoned to permit high density development on unsewered parcels. Such development would increase the number of septic tank drainfields in the area. While the unconsolidated sand in the area treats septic tank effluent pathogens adequately, the ammonia present is converted to nitrates of nitrogen which are not adequately removed by surface root activity. This is due to rapid, saturated, conditions of flow to ground water. The level of nitrates accumulates both over time and over the number of systems contributing.

As has been previously discussed with the Commission in conjunction with Geographic Region Rule B (dealing with drainfields installed in unconsolidated sand), there is presently a need to review the Clatsop Plains moratorium to determine the need for protection of the valuable ground water in the area. The issue of adequate protection is closely related to the progress of community sewer plans.



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Review of this matter by the Commission should include a public hearing in the affected region to enable the Commission to assess the views of those whose interests are at stake and to serve the requirements of ORS 454.685 and the Administrative Procedure Act.

Conclusions

1. The Clatsop Plains moratorium should be reviewed to determine if it sufficiently protects a valuable aquifer from the chemical pollution associated with increasing numbers of septic tank drainfields.

2. A public hearing should be held in the affected area.

Recommendation

It is your Director's recommendation that the Commission resolve to hold a public hearing commencing at 7:30 p.m. on March 31, 1977 in the Seaside Convention Center to consider modifying the Clatsop Plains moratorium.

William H. Young
WILLIAM H. YOUNG
Director

PWM:vt
2/8/77

Attached: Notice of Hearing on Clatsop
Plains Subsurface Sewage
Installation Moratorium

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
of the
STATE OF OREGON

NOTICE OF PUBLIC HEARING ON CLATSOP PLAINS SUBSURFACE SEWAGE INSTALLATION
MORATORIUM. (ORDER LIMITING OR PROHIBITING CONSTRUCTION)

NOTICE is hereby given that a public hearing will be conducted by the Commission at the time and place set forth below.

PURPOSE. The hearing will be to receive testimony on the advisability of continuing, modifying, relaxing, or tightening (by rule pursuant to ORS 454.685) the April 1970 resolution not to approve plans for subsurface sewage disposal systems serving more than 5 families or 50 people resulting from future high-density development within the Seaside-Gearhart-Sunset Lake-Cullaby Lake-Fort Stevens-Warrenton-Hammond region.

More specifically, the moratorium addresses itself to all areas in Clatsop County located south of the Columbia River, west of the Skipannon River (or Waterway), and north of Cullaby Lake. Also included is the area within the Shoreline Estates Sanitary District and all areas south of Cullaby Lake, and north of the northern most part of Neawanna Creek, save and except those lands more than one-half mile due east of U.S. Highway 101. However, within the bounds mentioned above, consideration will be given to limiting or prohibiting construction of new subsurface sewage disposal systems only where there is either unconsolidated sand or unconsolidated loamy sand to the surface. The above-described boundaries may be refined or made more precise in any order which may be issued. The general description set forth above is for the purpose of notifying those whose interests may be affected.

The order, if issued, will be issued pursuant to ORS 454.685 and the rulemaking provisions of the Administrative Procedure Act.

The Commission will consider testimony on issues including the following:

- a) Present and projected density of population
- b) Size of building lots
- c) Topography
- d) Porosity and absorbency of soil

- e) Any geological formations which may adversely affect the disposal of sewage effluent by subsurface means
- f) Ground and surface water conditions and variations therein from time to time
- g) Climatic conditions
- h) Present and projected availability of water from unpolluted sources
- i) Type of and proximity to existing domestic water supply sources
- j) Type of and proximity to existing surface waters
- k) Capacity of existing subsurface sewage disposal systems
- l) Whether an order should issue prohibiting construction of any new subsurface sewage disposal systems in the above-mentioned area

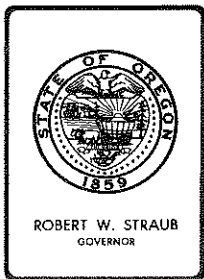
TIME AND PLACE March 31, 1977 beginning at 7:30 p.m. in the Seaside Civic and Convention Center, First and Edgewood, Seaside.

TESTIMONY may be offered orally or in writing at the time of the hearing.

Also, written testimony may be mailed prior to March 20 to Mr. Russell Fetrow, Salem/North Coast Regional Office, Department of Environmental Quality, 796 Winter Street, N.E., Salem, Oregon 97310.

INQUIRY regarding the hearing may be addressed to Mr. Fetrow at the above address (378-8240) or to Mr. Peter McSwain at 1234 S.W. Morrison St., Portland, Oregon 97205 (229-5383). Please inform those whom you feel would have an interest in this matter.

COPIES of the Department's proposal may be obtained upon its completion at either of the above Portland or Salem address by visit or mail. The proposal is planned for completion by February 18, 1977.



Environmental Quality Commission

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 PHONE (503) 229-5696

To: Environmental Quality Commission
From: Director
Subject: Agenda Item G, February 25, 1977 EQC Meeting

Adoption of Minor Amendments to Water Quality Permit Fee Schedule,
OAR, Chapter 340, Section 45-070, Table A

Background

Permit fees associated with Water Quality Permits have been in effect since July 1, 1976. After implementing the fee schedule, it was determined that minor changes in industrial category definitions were necessary in that the fruit processing industry had been inadvertently left out and the hardboard industry was not adequately described.

It was also determined that the fee schedule needed a special category for small placer mining operations. The standard fees were too large for the small, short duration placer operations.

At the November 19, 1976, EQC meeting, the Commission authorized a public hearing regarding the proposed changes.

A hearing notice of the proposed changes was circulated. In addition to the regular notice list, a copy of the notice was sent to all those permittees who would be affected by the changes.

Prior to the hearing we had some inquiries about the proposed changes from representatives of the fruit and mining industry, but no one appeared at the public hearing held January 21, 1977.

After the hearing, we received one letter from a recreational placer miner which stated that the \$50 fee was too high. We answered his letter and informed him that the recreational miners using portable suction dredges are exempt from the permit and fee requirements.

Director's Recommendation

The Director recommends that the Water Quality Permit Fee Schedule be modified as proposed, by adoption of the attached amended rule.

William H. Young
WILLIAM H. YOUNG



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CKA:ts
2/3/77

TABLE A

PERMIT FEE SCHEDULE

1. FILING FEE. A filing fee of \$ 25.00 shall accompany any application for issuance, renewal, modification, or transfer of an NPDES Waste Discharge Permit or Water Pollution Control facilities Permit. This fee is non-refundable and is in addition to any application processing fee or annual compliance determination fee which might be imposed.
2. APPLICATION PROCESSING FEE. An application processing fee varying between \$50.00 and \$150.00 shall be submitted with each application. The amount of the fee shall depend on the type of application required (See Table B) as follows:

a.	NPDES Standard Form A (Municipal).....	\$	100.00
b.	NPDES Standard Form C (Manufacturing and Commercial).....	\$	150.00
c.	NPDES Short Forms A,B,C or D.....	\$	50.00
d.	Application to the Department for a Water Pollution Control Facilities permit (WPCF-N).....	\$	50.00
e.	Application for Renewal of an NPDES or WPCF permit where no increase in the discharge or disposal of waste water is requested.....	\$	None
f.	Application for Renewal of an NPDES or WPCF permit where an increase in the discharge or disposal of waste water is requested.....	\$	50.00
g.	Request for modification or transfer of an NPDES or WPCF permit which does not include a request for an increase in discharge or disposal of waste water.....	\$	None
h.	Request for modification or transfer of an NPDES or WPCF permit which does include a request for an increase in the discharge or disposal of waste water.....	\$	50.00

3. ANNUAL COMPLIANCE DETERMINATION FEE SCHEDULE

- a. Domestic Waste Sources
(Select only one category per permit)

CATEGORY	DRY WEATHER DESIGN FLOW	INITIAL AND ANNUAL FEE
(1) Sewage Discharge	10 MGD or more	\$ 750.00
(2) Sewage Discharge	At least 5 but less than 10 MGD	\$ 600.00
(3) Sewage Discharge	At least 1 but less than 5 MGD	\$ 300.00
(4) Sewage Discharge	Less than 1 MGD	\$ 150.00
(5) No scheduled discharge during at least 5 consecutive months of the low stream flow period		1/2 of above rate
(6) Land disposal-no scheduled discharge to public waters.....		\$ 50.00
(7) Chlorinated septic tank effluent from facilities serving more than 5 families and temporarily discharging to public waters.....		\$ 50.00
(8) Chlorinated septic tank effluent from facilities serving 5 families or less and temporarily discharging to public waters.....		\$ 30.00
(9) Chlorinated septic tank effluent from facilities serving more than 25 families or 100 people and temporarily discharging to waste disposal wells as defined in OAR 340-44-005 (4).....		\$ 30.00

b. Industrial, Commercial and Agricultural Sources

Source	(For multiple sources on one application select only the one with highest fee)	Initial and Annual Fee 1/
(1)	Major pulp, paper, paperboard, <u>hardboard</u> and other [wet] <u>fiber</u> pulping industry discharging process waste water <u>other than log pond overflow</u>	\$ 950.00
(2)	Major sugar beet processing, potato and other vegetable processing, and <u>fruit processing</u> industry discharging process waste water	\$ 950.00
(3)	Fish Processing Industry:	
	a. Bottom fish, crab and/or oyster processing.....	\$ 75.00
	b. Shrimp processing.....	\$ 100.00
	c. Salmon and/or tuna canning.....	\$ 150.00
(4)	Electroplating industry with discharge of process water (excludes facilities which do anodizing only). Rectifier output capacity of 15,000 Amps or more.....	\$ 950.00
	Rectifier output capacity of less than 15,000 Amps.....	\$ 450.00
(5)	Primary Aluminum Smelting.....	\$ 950.00
(6)	Primary smelting and/or refining of non-ferrous metals utilizing sand chlorination separation facilities.....	\$ 950.00
(7)	Primary smelting and/or refining of ferrous and non-ferrous metals not elsewhere classified above.....	\$ 450.00
(8)	Alkalies, chlorine, pesticide, or fertilizer manufacturing with discharge of process waste waters.....	\$ 950.00
(9)	Petroleum Refineries with a capacity in excess of 15,000 barrels per day discharging process waste water.....	\$ 950.00
(10)	Cooling water discharges in excess of 20,000 BTU/sec.....	\$ 450.00
(11)	Milk products processing industry which processes in excess of 250,000 pounds of milk per day and discharges process waste water to public waters.....	\$ 950.00
(12)	Fish hatching and rearing facilities.....	\$ 75.00
(13)	<u>Small placer mining operations which process less than 50 cubic yards of material per year and which:</u>	
	(a) <u>discharge directly to public waters</u>	\$ 50.00
	(b) <u>do not discharge to public waters</u>	<u>None</u>
[13] (14)	All facilities not elsewhere classified with discharge of process waste water to public waters.....	\$ 150.00
[14] (15)	All facilities not elsewhere classified which discharge from point sources to public waters (i.e. small cooling water discharges, boiler blowdown, filter backwash, etc.).....	\$ 75.00
[15] (16)	All facilities not specifically classified above (1-12) which dispose of all waste by an approved land irrigation or seepage system.....	\$ 50.00

1/ For any of the categories itemized above (1-14) which have no discharge for at least 5 consecutive months of the low stream flow period, the fee shall be reduced to 1/2 of the scheduled fee or \$50.00, whichever is greater.

For any specifically classified categories above (1-12) which dispose of all waste water by land irrigation, evaporation and/or seepage, the fee shall be reduced to 1/4 of the scheduled fee or \$50.00, whichever is greater.



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, February 25, 1977, EQC Meeting

Appeal of Subsurface Sewage Disposal Variance Granted to
E. R. Jabour, Lane County

Background

ORS 454.657 provides that the Commission may grant variances from the requirements of any rule or standard pertaining to subsurface sewage disposal systems. In addition, ORS 454.660 allows the Commission to delegate the power to grant variances to special variance officers appointed by the Director. OAR 340-75-030 sets forth qualifications for variance officers. ORS 454.660 also provides that decisions to grant variances may be appealed to the Commission.

Discussion

On October 14, 1976, a variance was granted to Mr. Ernest R. Jabour of Lane County, located on property described as Section 19, Township 04, Range 04, Tax Lot 1700, W.M., four and six-tenths acres in size.

A variance was granted to OAR 340-71-020(2)(d), setbacks from surface public waters, after proper application was received and required hearing held. The variance would allow one corner of the drainfield to be installed with a setback of 75 feet from Fox Hollow Creek. The remainder of the drainfield would be a greater distance from the creek; up to 130 feet. The variance officer, Mr. Daryl Johnson, after evaluating the soil between Fox Hollow Creek and the proposed drainfield site concluded that the system could be installed in such manner as not to create a health hazard or pollution of the creek.

On December 30, 1976, Mr. S. R. Milo, who lives in the vicinity, appealed to the Commission for a reversal of the variance decision in accordance with ORS 454.660. It is Mr. Milo's contention that the system will contribute to pollution of Fox Hollow Creek.



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The file indicates soil conditions conducive to good drainage and filtration of sewage effluent; loam from surface to twelve to eighteen inches, then loam mixed with highly fractured bedrock to a depth greater than thirty-six inches. This soil condition is considered neither restrictive nor rapidly draining. Slopes are within acceptable minimums. Two repair areas are available in the event of drainfield failure. All other required setbacks can be maintained (property lines, home, etc.).

Conclusions

Statutes and rules provide for variances to be granted by special variance officers who are qualified by experience and training in the field of subsurface sewage disposal. Application for a variance was in order and a hearing held as provided by law. The decision to grant the variance was lawful and based on facts contained in the file, in accord with good practice in the field of subsurface sewage disposal. The variance was granted by a qualified variance officer.

Director's Recommendation

It is the Director's recommendation that the decision to grant the variance in question be upheld by the Commission.

William H. Young
WILLIAM H. YOUNG
Director

TJO:ak
February 9, 1977

Attachment

143 W. 8th St.
Leadville, Colo. 80461
1 Feb 1977

Environmental Quality Commission
1234 S.W. Morrison St
Portland, Oregon 97205

Dear Gentlemen of the Commission:

We have been informed of Mr. Milo's attempt to have struck down ~~our~~ septic variance for TL 1700, S 19, T4S, R 4W, WM, obtained 14 Oct. 76. Since we have the misfortune of having temporarily removed to Colorado recently and are still in a state of upheaval, and it would be costly and disruptive to our family to be bodily present at the hearing tentatively scheduled for 25 Feb 77, we wish to present our views in this letter and wish that they not be considered less at the hearing for our not being present ourselves.

We are not scientists ourselves, but the variance officer is, and it is our hope that all the natural conditions of our proposed drainfield site have been taken into consideration in the engineering of our variance. It has been engineered specifically for that location and its unique conditions and problems, the elevation of the site is far above any previous flood levels of Fox Hollow Creek, and it does, contrary to Mr. Milo's contention, meet the necessary distance requirement from Fox Hollow Creek. As for the "known septic failures in the area", which systems failed, when did they fail, and are they still failing? (And if it comes to investigating existing systems in the area the Milo's should not be overlooked.) Ours has received more scrutiny than theirs. Our engineered system allows for two repair areas in case of the unlikely failure of a first. Also, the system has been designed to support a family much larger than ours. We are only 3 members and there will be no more. I'm sure with all the study already made of our property that our system, once installed, will be more effective than the Milo's who got only a very chancy straight septic approval prior to the present standards.

We have no doubt that the Milo's will present an impressive case against our variance. They are known strong advocates in environmental issues. They have scientist friends who can furnish them with unlimited alarmist data to seem to support their protest. But we wish to stress to the committee that they keep in mind their true cause for opposing our variance, which is to keep any additional families from building on Fox Hollow Road.

They were our neighbors and we thought they were our friends. As such, we kept them informed of all our attempts over a 2-year period (and our frustrations) in merely obtaining the use of our own private land. They know well of the expense and anguish we suffered on the road to getting this variance in the first place. And they admitted that they would wish it didn't go through because they don't want any more homes on Fox Hollow Road. If they wanted to oppose the variance they had every opportunity for input prior to the variance. Instead they have waited until we finally thought we had the use of our land, and furthermore they waited until we are gone from the area to insert their knife in the back. When Milo's bought their property several years before we bought ours, those adjoining parcels were already divided into their present size tax lots and they knew that eventually their owners would want to build on them. If they wanted to be surrounded by 200+ acres of virgin land they should

have bought that amount instead of their own 3-acre parcel they now own (ours is nearly 4 $\frac{1}{2}$) and then try to control what their neighbors wish to do with theirs. All we want to do is what they have already done — build a modest home on our own land. We will not rape the land any more than they would. Our feces will not pollute any more than theirs. But they are already very comfortably established even to allow themselves the leisure to maliciously meddle into the affairs of their neighbors. (Incidentally, they are not even adjacent to our land, our land is not even visible from their property!)

Before we left Oregon we asked the DEQ if there was any way the variance could be put in jeopardy within the next couple of years. We were answered no, only a change in legislature would affect it. Accordingly we did not immediately install a septic system but trusted that we could come back in the near future to do so. That the Milo's could obviate the relief we finally felt we had is cruel-malicious.

They would have you believe that we have no stake in Fox Hollow Rd. This is not true and I hope our present absence from Oregon will not lend credence to this argument in the minds of the commission members. We bought that land as an intended home site. We have paid taxes on it since 1974 as a home site. One would hardly have more stake than owning a piece of property there on which we have wanted to live all along, and which some neighbors would now have rendered useless to us through this hearing.

In conclusion, we hope it will be evident to the commission that the manner of proceeding of the Milo's against us has been one of bad faith and unjustifiable meddling into the use of our private property, that their true concern in this case is not environmental but a selfish exclusivistic desire to keep the use of Fox Hollow Road to themselves.

We ask that the commission dismiss their appeal as the meddling that it is and let our variance stand. If there is still some question about the variance at the conclusion of the hearing, we wish to have the opportunity of defending our property interest in an advocacy hearing before any final decision is made.

Sincerely yours,

Jane Jabour
Rhett Jabour

Jane Jabour
Rhett Jabour

DEPT. OF ENVIRONMENTAL QUALITY
MADISON, WISCONSIN 53703

RECEIVED

R E C E I V E D

FEB - 3 1977

DEPT. OF ENVIROMENTAL QUALITY

Water Quality Division
Dept. of Environmental Quality

R E C E I V E D
FEB 3 1977



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. J, February 25, 1977, EQC Meeting

Variance Request by Hudspeth Sawmill Company to Operate Their
Hogged-Fuel Boilers Out of Compliance with the Applicable Air
Quality Regulations

Background

Hudspeth Sawmill Company operates a sawmill at the outskirts of John Day, Oregon. The mill employs about 80 people directly with an additional 85 people employed in the forest and road crews. The annual payroll is about two million dollars.

Air Contaminant Discharge Permit, No. 12-0004, was issued to the Company on July 26, 1976. This permit includes a compliance schedule to install two new hogged-fuel boilers while phasing out the four existing boilers. This schedule was developed and agreed to in conference with the Company.

The four existing boilers fail to comply continuously with Oregon Administrative Rules, Chapter 340, Section 21-020, Particulate Emission Limits and Section 21-015, Visible Emission Limits. The boilers are required to meet a 0.2 Gr/SCF particulate emission limit and a 40% opacity limit. Particulate emissions source tests indicate loadings in the range of 0.102 to 0.80 Gr/SCF.

The Department's emission inventory lists these boilers having emissions averaging 35 lbs/hr of particulate each with the four boilers annually contributing 200 tons per year of particulates.

Analysis

As early as August 24, 1972 (see Attachment I) Hudspeth Sawmill Company was notified by the Department that they would be required to demonstrate that the hogged fueled boilers could operate in compliance with Commission rules and that, if they failed, a compliance attainment program would have to be developed.



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The four existing hogged-fuel boilers at the Hudspeth Sawmill are old and are in poor condition. The operating controls are antiquated and there is no emission control equipment.

The existing boilers are not adequate to supply the steam requirements of the mill at all times while complying with the Department's Air Quality Regulations. During the winter months, when the boilers are operated with a steam induced draft in order to satisfy the high seasonal steam demand, full time compliance appears especially unlikely. It is concluded that the boiler system is inadequate, inefficient and significant particulate emissions to the local environment have been observed.

The Department's Regional Office in Pendleton has received numerous complaints concerning particulate emissions fallout from the four boilers at Hudspeth Sawmill. The Regional Office staff has observed heavy fallout on buildings, cars and the ground in the vicinity of the mill.

Particulate emissions source tests were conducted in October, 1972. Two boilers were operated at high steam load with steam injection to induce draft and two were operated at low steam load (no steam injection). The source tests indicate that at a high steam load the boilers were operating out of compliance (i.e., 0.15 to 0.8 Gr/SCF) and that at low steam load the boilers could operate in compliance (i.e., 0.102 to 0.208 Gr/SCF).

Following the receipt of the source test results, some modifications to the boiler and dry kiln system were made to reduce the steam load to the boilers. A second source test was never made; however, subsequent visible emission observations showed that the boilers were not operating in continuous compliance with Commission rules.

The Department reminded Hudspeth Sawmill Company of the requirements for boiler compliance with emission limits by letter of January 12, 1976 (see Attachment II) and again by letter of April 26, 1976 (see Attachment III). Hudspeth Sawmill Company submitted a tentative compliance schedule in a letter dated May 3, 1976 (see Attachment IV). This compliance schedule was expanded somewhat and incorporated into the Air Contaminant Discharge Permit, No. 12-0004, for the Hudspeth Sawmill Company.

In February, 1976, Hudspeth Sawmill requested Seattle Boiler Works to analyze their boiler installation for emission control equipment. Seattle Boiler Works recommended that two new spreader-stoker boilers be installed to replace the four existing Dutch Oven boilers. The new boilers were proposed to be 725 horsepower each, while the existing boilers are 150 horsepower each. This new installation was to include a scrubber for particulate emissions control (see Attachment V). In April 1976, Seattle Boiler Works indicated that at that time about two years would be required for fabrication, delivery and installation of the boiler system with particulate emissions control.

In a letter to the Department dated August 6, 1976, Hudspeth Sawmill Company (Attachment VI) requested a variance to exempt their boilers from the applicable Air Quality Regulations for a period of five years. Economic considerations and cash flow problems were cited as reasons for the variance request. The economic hardships alleged by the Company remain unsubstantiated.

Although Hudspeth Sawmill Company did not cite specific statutes in their August 6, 1976 variance request letter, it is the Department's interpretation that the variance is requested under ORS, Chapter 468.345(b), which states "The Environmental Quality Commission may grant specific variances which may be limited in time from the particular requirements of any rule, regulation or order...if it finds that... special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause."

It is concluded the company has not justified their request for a five year variance from the applicable Air Quality Rules, without accompanying action to correct the particulate and visible emissions problem at the boilers.

The Department recommends denial of the five year variance request and updating the compliance schedule set forth in Air Contaminant Discharge Permit No. 12-0004 to phase out the four existing boilers and to install two new boilers. The Department also recommends that the first two increments of the five increment compliance attainment program in Permit Condition No. 4 be updated to accommodate time lost in implementing the original schedule. These two increments appear as follows:

- a. By no later than March 15, 1977 the permittee shall resubmit the control strategy, including detailed plans and specifications, to the Department of Environmental Quality for review and approval.
- b. By no later than April 1, 1977 the permittee shall issue purchase orders for the major components of emission control equipment and/or for process modification work.

Increments 4c through 4e remain unchanged.

The complete, updated compliance schedule appears in the Director's Recommendation section. The updates will be incorporated in the permit after Commission action in this matter.

Summary and Conclusions

1. Hudspeth Sawmill Company owns and operates a sawmill in John Day, Oregon, and about 160 jobs are dependent upon the sawmill's operation.
2. The four existing boilers are old and have no emissions control equipment. They are incapable of complying continuously with Oregon's particulate and visible emission limits (ie., OAR, Chapter 340, Sections 21-020 and 21-015, respectively).

3. The boilers may be able to comply with the applicable Air Quality Regulations under low steam load conditions, but this appears unlikely during the winter when excess steam is required to run the induced draft steam injection system on the boilers.
4. The Department has received complaints about the emissions from the boilers and Regional Office field personnel have observed significant particulate fallout from the boilers in the vicinity of the mill. The boilers have been observed, by Departmental personnel, operating out of compliance with visible emission limits. Recent complaints and field observations confirm that the air quality problem still exists.
5. Hudspeth Sawmill Company consulted with the Seattle Boiler Works about emissions control equipment for their four boilers. The consultant recommended replacing the four boilers with two new ones, including a scrubber for particulate removal.
6. In June, 1976, Hudspeth Sawmill submitted plans to the Department for the installation of the two boilers as per the consultant's recommendation. A compliance schedule for the installation was agreed upon and included in the company's Air Contaminant Discharge Permit, No. 12-0004.
7. In a letter dated August 6, 1976, Hudspeth Sawmill Company requested a five year variance to operate the four existing boilers out of compliance with the applicable Air Quality Regulations. In effect this would delay any emissions control program for five years. The variance request was based upon economic hardship and cash flow problems.
8. A five-year variance appears unwarranted in view of the lack of hard evidence corroborating the Company's claim of economic hardship, the severity of the local fall-out problem and the lack of a specific program for either immediate emission reduction or long-term standards compliance.

Director's Recommendation

The Director recommends that the Environmental Quality Commission enter a finding of the following:

- 1) That the criteria set forth in ORS 468.345, "Variances from Air Contamination Rules and Standards," have not been satisfied sufficiently and that the Hudspeth Sawmill Company located in John Day, Oregon, be denied the requested five-year variance to operate their four existing boilers out of compliance with the appropriate Air Quality Regulations.
- 2) That the Hudspeth Sawmill Company proceed to control the emissions from the hogged fuel boilers in accordance with their air contaminant discharge permit Condition 4. modified to read as follows:

"The Hudspeth Sawmill Company shall install two new hogged fuel boilers including control equipment according to the following schedule:

- a. By no later than March 15, 1977 the permittee shall resubmit the control strategy, including detailed plans and specifications, to the Department of Environmental Quality for review and approval.
 - b. By no later than April 1, 1977 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 July 1, 1977 the permittee shall initiate the installation of emission control equipment and/or on-site construction or process modification work.
 - d. By no later than April 1, 1978 the permittee shall complete the installation of emission control equipment and/or on-site construction or process modification work.
 - e. By no later than July 1, 1978 the permittee shall demonstrate that the two new hogged-fuel boilers are 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."
3. That the Hudspeth Sawmill Company immediately shall take the necessary steps to minimize particulate emissions to the extent practicable to resolve the local particulate emissions fallout problem.

William H. Young

WILLIAM H. YOUNG
Director

Attachments:

- I. 8/21/72 letter to San Juan Lumber (i.e. Hudspeth Sawmill Co.) from DEQ
- II. 1/12/76 letter to Hudspeth Pine from DEQ
- III. 4/26/76 letter to Hudspeth Pine from DEQ
- IV. 5/3/76 letter to DEQ from Hudspeth Sawmill Co.
- V. 4/28/76 letter to Hudspeth from Seattle Boiler Works
- VI. 8/6/76 letter to DEQ from Hudspeth Sawmill Co.

Brant

August 24, 1972

San Juan Lumber Co., Inc.
P.O. Box 18
John Day, Oregon

Attn: Mr. Emit North

Re: Hog Fuel Boiler Emissions,

Gentlemen:

As an operator of Hog fuel boilers, you are subject to certain emission standards contained in Oregon Administrative Rules, Chapter 340, Sections 21-005, 21-010, 21-015 and 21-020.

The Department requests that you demonstrate that the boilers can operate in compliance with the above requirements by isokinetically sampling the stack emissions as prescribed in OAR, Chapter 340, Section 20-040 and in accordance with Department established procedures. All test data must be submitted to the Department to confirm compliance on or before October 30, 1972.

In the event that you cannot demonstrate compliance by the isokinetic test results, you must submit a Compliance Program to the Department as prescribed in OAR, Chapter 340, Sections 20-032. All plans and specifications covering any additions or modifications to your hog fuel boilers that may be required to attain compliance must be submitted to the Department for review and approval prior to any construction or modification work. It is recommended that you seek the assistance of an engineer experienced in this field if any modifications to your hog fuel boilers are necessary.

The Department, if so requested, can furnish names and addresses of some of the companies or consultants that are experienced in doing isokinetic testing work. If the Department can be of assistance, or if there are questions, do not hesitate to call.

Very truly yours,

R. A. Royer
Associate Engineer

RAR:l
cc: District Engineer



**DEPARTMENT OF
ENVIRONMENTAL QUALITY**

Dept. of Environmental Quality
Eastern Regional Office
P.O. Box 1538
Pendleton, OR 97801
Office at: 245 S.E. 4th
Telephone: 276-6131 x 283

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

EXPLAINED WITH THE APPLICANT'S COMPLIANCE PLAN AND
STANDARDS.
January 12, 1976

Hudspeth Pine Inc. compliance schedule. If acceptable to the Department
Prinville, Oregon 97754
of the Air Quality Control Discharge Permit for
the San Juan Lumber Mill.
Attn: Mr. Stan Lenard

If you have any questions or would prefer a compliance schedule
to preparing a compliance schedule

Re: San Juan Lumber Mill,
John Day, OR
EI 12-0004
ENF-AQ-ER-35

Gentlemen:

Stan Lenard
Director

Per our phone conversation of January 5, 1976, the Department must reiterate the requirement for bringing the San Juan hogged fuel boilers into compliance. The boiler emissions continue to be in violation with OAR, Chapter 340, Section 21-015(1) (Visible air contaminant limitations) and Section 21-020 (1) (Fuel Burning Equipment Limitations). The boiler emissions are also the source of local heavy fallout of fly ash and partially burned or charred material which has precipitated complaints to the Department.

The Department hereby requires that you submit by February 6, 1976 a control strategy (i.e. add emission controls to existing boilers or install new boilers) and a proposed compliance schedule to include the following increments of progress:

1. On or before _____ submit a detailed plans and specifications, to the Department of Environmental Quality for review and approval.
2. On or before _____ issue purchase orders for the major components of emission control equipment and/or for process modification work.
3. On or before _____ initiate the installation of emission control equipment and/or on-site construction or process modification work.
4. On or before _____ complete the installation of emission control equipment and/or on-site construction or process modification work.

COPY

REPORT OF
Hudspeth Pine Inc.
January 12, 1976
Page -2-
AIR QUALITY

Dept. of Environmental
Engineering and Control
1700 Bay Street
New York, N.Y. 10014
January 2, 1976

5. On or before _____ demonstrate that the _____ is capable of operating in compliance with the applicable Air Quality Rules and Standards.

The proposed compliance schedule, if acceptable to the Department will become a part of the Air Contaminant Discharge Permit for the San Juan facility.

If you have any questions or would prefer a conference prior to preparing a compliance schedule please call this office.

Sincerely,

LOREN KRAMER
Director

Steven F. Gardels
Regional Engineer
Eastern Region

SFG:mlr
cc: F.A. Skirvin thru Fred Bolton

COPY



DEPARTMENT OF ENVIRONMENTAL QUALITY

Dept. of Environmental Quality
Eastern Regional Office
P.O. Box 1538
Pendleton, OR 97801

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

April 26, 1976

Hupspeth Pine Inc.
Prinville, Oregon 97754

Attn: Mr. Stan Lenard

Gentlemen:

RECEIVED
MAY 10 1976
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OREGON
ENFORCEMENT

Re: Blue Mt. Mills, John Day, OR
EI 12-0004
ENF-AQ-ER-76-16
(Former San Juan Lumber Co.)

Please refer to the January 12, 1976 letter from the Department whereby you were required to submit by February 6, 1976 a compliance schedule for the boilers at your John Day Lumber Mill. Mr. Gardels of the Pendleton Office has called you repeatedly concerning the status of the compliance schedule. To date the only reply to our inquiries has been that you are working on it.

It is becoming apparent that positive action towards establishing a compliance schedule may not be forthcoming from Hudspeth Pine, Inc. Therefore, if the Eastern Regional Office does not receive a compliance schedule by May 7, 1976 we will have no alternative but to refer the non-compliance matter for enforcement actions. Your prompt attention in this matter will be appreciated.

Sincerely,

LOREN KRAMER
Director

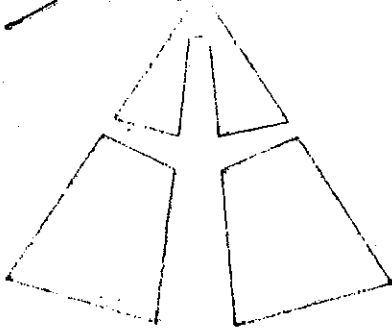
Steven F. Gardels
Regional Engineer
Eastern Region

SFG:mlr

cc: F. A. Skirvin thru F.M. Bolton

COPY

File



HUDSPETH PINE INCORPORATED

P. O. BOX 628 • PRINEVILLE, OREGON 97754 • PHONE 447-5622

May 3, 1976

Mr. Steven F. Gardels, Regional Engineer
Department of Environmental Quality
PO Box 1538
Pendleton, Or 97801

Re: John Day Boilers
Compliance Schedule

Re: EI-12-0004

ENF-AQ-ER-76-16
Hudspeth Sawmill Company
(Former: San Juan Lumber Co
& Blue Mountain Mills)

Dear Sir,

In answer to your letter of April 26, 1976 and in reply to other correspondence relating to our plans to put the boilers in John Day in compliance; I am sending you a copy of a letter from Seattle Boiler Works received today. We hope to follow these dates provided Seattle Boiler Works are ready as planned.

We should be able to issue purchase orders July 1st, 1976, take delivery July 1st, 1977 and should be in full compliance or at least ready to make tests by July 1st, 1978.

Sincerely,

HUDSPETH PINE, INC.

Ron Hudspeth
Ron Hudspeth, President

Stan Leonard
Stan Leonard, General Manager

arp
Encl. 1

DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAY 4 1976

PENDLETON DISTRICT OFFICE



Seattle Boiler Works

Incorporated

5237 EAST MARGINAL WAY SOUTH
SEATTLE, WASHINGTON 98134

April 28, 1976

San Juan Lumber Company
c/o Hudspeth Pine, Inc.
P. O. Box 628
Prineville, Oregon 97754

Attention: Mr. Ron Hudspeth

Reference: Boilers for John Day Plant

Gentlemen:

Complete plans for the reference installation will be in your hands on or before June 15th. The long delay in completion of these plans has been due, to some extent, to completion of the installation at your Durango, Colorado plant where we have, as you know, revised the standard setting so as to reduce particulate emissions from the smoke outlet ahead of the flyash arrester to a minimum. During the week of May 1st, we will have our light off engineer in this plant to make final adjustments to this operation.

At the John Day plant, in order to bring the plant into compliance with the Eastern Oregon Department of Environmental Quality, the settings are being patterned after the Durango installation and will utilize, in addition to the overfire air and other modifications, one American Air Filter Type N Rote Clone Hydrostatic precipitator common to both boilers. Enclosed is a reproduction of the type of unit we will be using to give you some idea of the type of equipment that will be used. The unit on the plans will be installed between the two boilers with the ejector outlet on the back side rather than under the inlet as shown in the photograph. Size-wise it will be either a #36 or #40 as shown on the line drawing. American is currently computing the gas volumes and controls for this installation so that the final size won't be known until their engineers have completed their calculations.

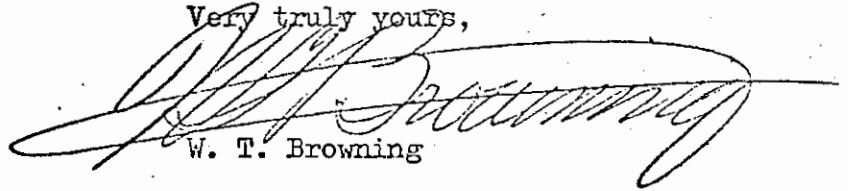
Time-wise, provided an order is placed by July 1, 1976 for the two boilers, stokers, pumps and flyash removal equipment, we should make full delivery by July 1, 1977. We realize you are anxious to get this installation completed, however, availability and delivery of some of the component parts necessary for us to complete our shop fabrication requires that we allow ourselves time after delivery to complete fabrication.

April 28, 1976

Dependent upon our work load for our outside crew, it will require approximately four months to complete erection of the steelwork. Severity of the winter weather could delay completion of the brickwork until the following Spring of 1978 which should allow for full completion and testing by July 1, 1978 at the latest.

During the week of May 1, we will have completed the preliminary plans for your inspection and suggestions. In order to complete final plans by the June 15th target date, your prompt attention would be appreciated.

Very truly yours,

A large, stylized handwritten signature in dark ink, appearing to read 'W. T. Browning', is written over the typed name below it.

W. T. Browning

WTB/dz

Enc.

HUDSPETH SAWMILL COMPANY
P. O. Box 628
Prineville, OR 97754

Attachment VI -1

RECEIVED
NOV 8 1976

AIR QUALITY CONTROL

August 6, 1976

File 12-0004

Mr. Loren Kramer, Director
Department of Environmental Quality
Eastern Region
P. O. Box 1538
Pendleton, OR 97801

Re: EI-12-0004
ENF-AQ-ER-76-16
Hudspeth Sawmill Company and
Blue Mountain Mills, Inc.

Gentlemen:

We request a temporary variance for a period of five years to continue operating the present boilers at the John Day lumber mill. The reason for the request is that recent economic developments have made financing of new boilers extremely difficult if not impossible. For this reason, strict compliance with your regulation at the present time may result in a substantial curtailment of the operation or closing down of the plant in John Day. There are several factors which contributed to the situation which we will try to explain.

The U. S. Forest Service is requiring a switch from mill deck scaling to some other method. It will probably be a roll out scaling method. This will require a cash outlay of several hundred thousand dollars to convert the Prineville plant. It will require filling in the pond, buying log handling equipment and changing the slip from a water feed to some form of conveyor.

Hudspeth Pine, Inc. spent several hundred thousand dollars for new boilers in Prineville and a blower system to be able to shut down the wigwam burners in Prineville. A chipper and barker has been installed in John Day primarily for the purpose of closing down the wigwam burner. While these expenses were incurred by another corporation, they are reflected in the sale price and have resulted in fewer liquid assets of Blue Mountain Mills, Inc.

Mr. Loren Kramer
August 6, 1976
Page 2

Since the representative from Seattle Boiler Works inspected the John Day operation on February 11, there has been a substantial drop in the lumber market. Our cash flow has become increasingly tighter. We have been unable to obtain financing for the new boilers.

Hudspeth Sawmill Company, a co-partnership, has purchased the stock of Blue Mountain Mills, Inc. of John Day and also purchased the corporate stock of Hudspeth Pine, Inc.

I would like to emphasize that we do not question the need for ultimately converting to the new boilers. Because of financial conditions, however, we are simply unable to comply at this time. We request the variance for a temporary period to allow us to get into a financial position to make the necessary changes. Your consideration in this matter is appreciated.

Very truly yours,

BLUE MOUNTAIN MILLS, INC.

By [Signature]

HUDSPETH SAWMILL COMPANY

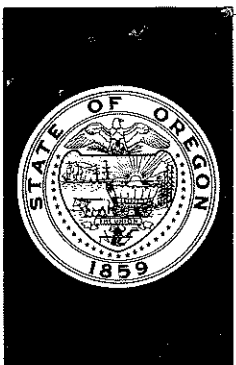
By [Signature]

mc

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
AUG 13 1976

PENDLETON DISTRICT OFFICE



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 J, February 25, 1977 Meeting

Addendum - Correspondence Received Relative to the Variance Request by Hudspeth Sawmill to Operate Their Hogged-Fuel Boilers Out of Compliance with the Applicable Air Quality Regulations.

Discussion

Attached are copies of letters received by the Department regarding the air quality problem in John Day. The letters are divided into two chronological groups, the ones received before the announcement of the Environmental Quality Commission variance request and those received after the announcement.

All the letters received complained about the black, sooty particulate fallout which apparently comes from the Hudspeth Sawmill. This material covers lawns, houses and automobiles and causes extensive soiling and cleaning problems.

Questions are also raised about the health effects of this material.

Letters received after the variance request announcement, indicate that the people in the community desire relief from the particulate emissions fallout, as soon as possible, and they are opposed to granting the five-year variance request.

A list of the letters received and an outline of their contents is also attached.

William H. Young
WILLIAM H. YOUNG
Director

AFB:eve
Attachments
2/24/77
Contains
Recycled
Materials

Letters Received Before the Variance Request Announcement

	<u>Party</u>	<u>Date</u>	<u>Contents</u>
1.	Mrs. Velma Semmes John Day, OR 97845	1/10/77	"Black flying objects" from the mill.
2.	Mrs. Mary Jackson West Highway John Day, OR 97845	1/10/77	Black sooty specks from mill have soiled clothing, car and house.
3.	Mrs. Norene Wohlford John Day, OR 97845	1/21/77	Black soot from mill causes soiling and cleaning problems.
4.	Ken & Mary Ivers P. O. Box 355 John Day, OR 97845	1/77	Sent photographs of particulate fallout to the Department.
5.	R. T. Wright P. O. Box 274 John Day, OR 97845	1/12/77	Black soot fallout from the mill is soiling cars, clothes and their house.

Letters Received After the Variance Request Announcement

	<u>Party</u>	<u>Date</u>	<u>Contents</u>
6.	Louis & Dorothy Dearborn Box 51 John Day, OR 97845	2/14/77	Recounts fallout problem; suggests that Hudspeth Sawmill Co. has had plenty of time already to correct the problem.
7.	Mr. & Mrs. Robert L. Pereira West Star Route John Day, OR 97845	2/10/77	Control the boiler emissions in a "tight but reasonable time schedule". Company should reduce the soot fallout.
8.	Mrs. Allan Jones Box 411 John Day, OR 97845	2/14/77	Soot fallout is a problem at her household; she even had cinder in her eye one day.
9.	Ken & Jo Ann Cowitz Box 505 John Day, OR 97845	2/14/77	Black and brown "snowflakes" fall all the time.
10.	Roselea & Murl Anderson 494 W. Elizabeth Street Roseburg, OR 97470	2/14/77	Mrs. Anderson's parents are residents of John Day, and black soot from the mill coats the inside and outside of their house; there are many related cleaning problems.

(2)

	<u>Party</u>	<u>Date</u>	<u>Contents</u>
11.	Mrs. Rueben Weickum West Highway John Day, OR 97845	2/14/77	Shoveled soot off sidewalk; lawn and house also covered with soot; also inside their auto.
12.	Bruce & Emma Galbreath John Day Trailer Park 660 West Main John Day, OR 97845	2/18/77	Owners of John Day Trailer Park. They say that their tenants complain frequently about the soiling problems caused by the fallout.
13.	Mr. & Mrs. Melvin Kite 661 West Main John Day, OR 97845	2/17/77	Water backs up behind soot and cinders on their roof; this may ruin their roof. Soiling problems in their house, car and clothes due to the soot.
14.	Mary & Ken Ivers P. O. Box 355 John Day, OR 97845	2/77	List of problems caused by the soot plus a list of people from John Day who support the variance denial and the schedule to control the fallout problem.

1. Mrs. Velma Semmes

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E C E I V E D
JAN 10 1977

AIR QUALITY CONTROL

TO THE EDITOR:

AN OPEN LETTER TO:

Hudspeth Sawmill Company
John Day, OR

Since you apparently are unable to control your
B F O (Black Flying Objects), will you pay my
carpet cleaning bills?

Velma Semmes
John Day, OR

cc: D E Q, Air Quality Division
1234 SW Morrison
Portland, OR

R E C E I V E D
JAN 18 1977

2. Mrs. Mary Jackson

12-0004
~~4~~

Letter to the Editor: PENDLETON DISTRICT OFFICE

Another open letter to Hudspeth Sawmill Col, John Day, Ore.
I was interested in the comments made by Velma Semmes concerning the BFO's (black flying objects). I too, have the same problem. My carpet is turning black, along with my linoleum, car seats and my lawn. I have some clothing that has been ruined by the little black soot specks.

I cannot hang any of my laundry outdoors to dry.

Before Christmas, I was involved in making an article that had to be sprayed with white enamel paint. I usually do this sort of thing outside. I noticed that as fast as I was spraying the article white, the black flecks were settling on it. I wonder how much of them we are breathing!

I am sure there are many people in the area who feel that something must be done soon about the soot. I would like to hear their comments also. Perhaps if enough of us say something about it and to the proper authorities, something will be done about it.

I too, am sending a copy of this letter to the DEQ.

Mary Jackson *Mary Jackson*
West Highway
John Day, Ore. 97845

The west end of John Day is beginning to look like a coal town.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E C E I V E D
JAN 31 1977

AIR QUALITY CONTROL

UU JAN 26 1977 (U)

AIR QUALITY CONTROL

January 21, 1977

To the Editor:

Another open letter to the Hudspeth Sawmill Company, John Day. I was very interested in the comments made by Velma Semmes and Mary Jackson, concerning the BFO's (black flying objects). I to, have the same problem.

My hardwood floor, linoleum, and yard is turning black. Drying clothes outside is usually out of the question. To take part in outdoor activities you must first scrub these things clean, bicycles or what have you. Maybe I don't own a car, but I do know many people in my area who are unable to keep their cars clean. I can never as much as walk from my home to the shopping center without getting these little black objects on me. Besides wearing this soot, we must breath it. Is this good for our health? Something should be done about this problem.

We the residents near this mill, should speak up now without delay, and to the proper authorities, then something can be done about this soon.

I to, am sending a copy of this letter to the DEQ.

Norene Wohlford
John Day, Oregon 97845

Copy: DEQ

Mary and Ken Ivers
P.O.B. 355
John Day, OR 97845

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

Dear Sirs:

Enclosed are some photographs. Please look at them closely and imagine what it would be like to have to live with black snow, black grass, a black roof (our roof is not black) and, of course, black rugs no matter how careful you are.

The snow fell white a few days before the pictures were taken so this is not an accumulation over a longer period of time.

We put plastic over the outside vents of the car to try to keep the soot out of the car--it still gets in.

No one wears shoes in our house--yellow rugs and black soot do not get along--our rug is getting less yellow all the time.

We have a cat. I have to give him a bath before he can come in--soot on a long haired cat is terrible.

Of course, we have the added cost of trying to keep everything clean.

Much of the soot is larger than an eighth of an inch. Almost every time we go by the Hudspeth Sawmill the screens are up off the stacks. Even if these were kept down it would help. If the fire were kept at a constant, high temperature much of the soot would be burnt up.

We have been talking to several people and thousands like that even if and when Hudspeth meets your requirements for older mills we are still going to get most of this soot. Since the soot seems to be getting worse rather than better we would like to know what we can do about it.

A copy of this letter is being sent to Hudspeth Lumber Company, Governor Straub, Senator Packwood, Congressmen Ullman and Simpson.

Thank you.

Sincerely,

Mary and Ken Ivers

Mary and Ken Ivers

that could start a fire. I heard they
were given and extension to take care
of the problem, and that was several
years ago. I believe a filter or some
thing could solve the situation.

Hens Lumber Company and Mill. One mile
west has a beautiful new mill and
no problem. Lets see if you can help
us in the John Day area. You seem
to do things in other parts of state
so maybe you can help us here now.

Please let us know

Thanks!

R.T. Wright

PO 274 John Day Oregon

P.S. Lots of people in this area feel just
like my wife & I do! Something
should be done!

Sending a letter from our
weekly paper! 1-6-77

Dr. O Air Quality

Portland Division
OREGON

I wrote to DEQ in Salem weeks
ago and did not receive an answer!!

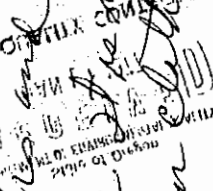
I would appreciate you at least looking
into the problem in John Day OREGON
It is Hudsapeta Saw Mill Co. of
John Day. The problem is falling in

our air! This company is putting black
silty stuff in air shed black flying objects
as they say wall over our house, cars
it is stuck in to our home

a mess and does damage you
or any thing it goes on. You can never
have any thing on the lines as in a few

minutes it would be black! It comes out
of the saw mill tall pipes and some
times it even throws out fire

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
JAN 14 1977
AIR QUALITY CONTROL



Dear Mr. Weatherbee,

In answer to the article in the John Day paper concerning the Gladys Pitts trial. I feel that they have had plenty of time to try to do something about this terrible fall out which is getting worse instead of better. My house, rug, car & clothes are black most of the time. Even with the car windows rolled up I have to take a towel & put it on the car seat in the morning when I go to work & keep my uniform clean. In no way can I hang out clothes or sit on our porch.

They cited their concern about the dead bird requirement. This just went into effect so should have had no bearing on the previous five years. It appears to me that they have been breaking the law and went to

continue another seven years to do so. I feel that they have had plenty of time (5 yrs) to comply with the law & should be made to do so. Thank you for your time.

Sincerely

Louis & Dorothy Dearborn

637 W Main

John Day, Oreg

97845

RECEIVED

NOV 10 1950

NOV 10 1950

February 10, 1977

Robert L. Pereira

West Star Route

John Day, Oregon 97845

Department of Environmental Quality

1234 S.W. Morrison Street

Portland, Oregon 97205

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITYRECEIVED
FEB 14 1977

AIR QUALITY CONTROL

Dear Sirs;

In our local paper, the Eagle you had an article in February 10th issue, that we feel tells just the way we feel. Deny the variance and order the company to submit a schedule to control the boilers "within a tight but reasonable time schedule."

We live right behind the Hudspeth Sawmill and we think it is worst this year than before and would like the company to do something with the soot so it is reduced as much as possible.

Thank you,

Mr. + Mrs. Robert L. Pereira

Feb 14, 77

Sirs:

Concerning Hudspeth fall out! Why should a company have any expense - or any detrimental factor?

I live in the John Day Trailer Park: At all times the ground, track, cars and everything else is covered with snow. It sits in the house. My carpet is a mess. Not counting the furnishings!!!

During Christmas season - early one evening as I walked home from the shopping center - a piece of exidur flew in my eye. I had to stop at another trailer to have it removed.

So this what they can continue to do to us Toy Trays?

Please help

Mrs Alan Jones

Box 411

John Day Ore

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
FEB 17 1977

AIR QUALITY CONTROL

7 AS

3

Box 505

John Day, Oregon
Feb. 14, 1977

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

Dear Sir,

I'm writing this letter in regards to the article in the Blue Mountain Eagle the February 10, 1977 issue about the Hudspeth Sawmill Company, John Day, Oregon.

We live in Mobil City which is just a ways from the Sawmill. But people who live on the other end of town has the same problem with the fall out.

Any way it looks like (black or brown which ever you prefer. To call it) snow flakes falling all the time. Some days it fine's other

days they are bigger. The ground our walk and steps always has the fall out on them. We can clean the car this morning and by night time it was a wadded effort as it's right back inside as well as out side.

Then it comes in between the storm windows so it never looks as if a person never cleans in between them. Then it's on the drapes, furniture tables, counter tops, clothes closets, dresser drawers, and most of all it tracks in on the rug's. But you can clean house in the morning and you can dust again by afternoon then again by bed time. It's really a mess.

A person can't put on light colored clothes if they are planning on going somewhere, or if the do why they have black spots where they

Also I've seen the fall out at
the John Day Ploys outside the
Stores as well as on the inside.
And it's impossible to hang
clothes outside to dry or just
to air.

3

Have sit and if they're moving why
it is a big mess.

Then another thing you cannot
leave a window open because I
did in our bedroom and you should
have seen the bed spread. I was so up
set I cried.

If you blow your nose you
can see the fall out in it so we
are beating it as well as drinking,
sating and wearing it.

Now I'd hate to see Hudup etc
close down but I'd hate to see this
problem go on. But I'm just plain
tired of the mess all the time which
I have to clean up as well as all
the other people who run a house
hold. And I do know it isn't good
for our health.

Thank you.

Sincerely,
Agn. Jo Ann Cowing

494 W. Elizabeth Street
Roseburg, OREGON 97470
February 14, 1977

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

ATTENTION: E. J. WEATHERBEE (AIR QUALITY)

Dear Mr. Weatherbee:

My "home-town newspaper" arrived today, "The Blue Mountain Eagle, John Day, Oregon, Thursday, February 10, 1977, Volume 109, Number 6." A front-page article, "State EQC to weigh Hudspeth variance February 25, in Salem," compels me to ask your Department's help!

Upon retirement, having lived in Portland for thirty years, my parents, Mr. and Mrs. Glenn Eddy, Sr., moved back to John Day in October, 1973. My brother and his family, still residents of John Day, my family and the aforementioned Eddy, Srs. all planned and hoped that the beloved parents and grandparents would be able to enjoy the optimum of "the good life"--peace and happiness, cloaked in the security of surrounding family, in their newly acquired and very nice home on West Highway. Their residence is located just outside the city limits of this fascinating and beautiful Eastern Oregon city that had, at one time, been their family home. It is a quarter of a mile or so West of the Hudspeth Sawmill.

Soon after "settling in", they became aware that little black specks of greasy soot from the mill were coating both the inside and outside of their home, their outbuildings, and even their car. Long ago, they gave up the luxury of trying to dry or air clothes outside, and the extent of the soot problem has become more and more acute. The status is now close to "unbearable." Their frustrations in trying to cope with the sooty fallout problem are endless. If something isn't done soon to eliminate the faulty emission problem at the mill, how can they and the many other residents of the area continue to live there? A black, sooty coating lays 24 hours a day on the front porch and the back porch. Every single square foot of their property is covered with the fallout. Consequently, the rugs and linoleums are blackened with the residue that fills their air. Daily cleanings and moppings are imperative only to find more black, sooty specks on the window sills, tables, upholstery, floors, clothes closets, and all surfaces--inside and out within a few hours after the thorough cleanings. Because there isn't room for a dryer inside my retired parents' house, a dryer was placed in an outbuilding nearby. The doors to the building, used also

for storage, are kept closed, and you would have to see the inside of that building to believe the density of the black soot and film my parents constantly fight! Even more important, if this same residue coats every surface around which they live, are they not breathing the same residue? How can the fallout be healthy for them to breathe?

It is my understanding that:

1. The Hudspeth Sawmill Company has been aware that regulations governing their boilers have been in effect since 1970;
2. The boilers were tested in 1972, which demonstrated non-compliance;
3. The Department of Environmental Quality has been trying to get the company to repair the boilers since 1972;
4. The company had determined that the best solution would be to replace the boilers with a new efficient low-emission boiler system;
5. The company had agreed to begin construction of new boilers by July 1, 1977, thereby obtaining greater efficiency with the new installation;
6. In late 1976, the company requested the five-year variance to operate as is;
7. The residents of the John Day area, particularly those directly affected by the fallout problem, have been more than patient. The frequent complaints and inquiries as to when the problem will be corrected attest to the urgency of this matter.

Thanks to your efforts and those of your department, it is a well-established fact that every citizen has a right to breathe clean air and live in a clean-air atmosphere. If there is a solution to the fallout problem, and there is, even though it is very expensive, then I believe our governmental agencies such as yours, owe to these citizens enforcement of the law, thereby lawfully mandating that The Hudspeth Sawmill Company complies without further delay.

My parents and their fellow tax-paying citizens have a right to anticipate that the day will soon come when they can better occupy their time with more enjoyable and creative activities than battling the needless and progressively worsening black, sooty fallout.

Department of Environmental Quality
February 14, 1977
Page Three

Since the company most recently applied for the continued variance, their concern about the Forest Service's sealed-bidding requirement and its impact on local mills' timber supplies, has been alleviated somewhat, and they should not be allowed to further use the requirement as an excuse to further postpone their obligation.

The Hudspeth Sawmill Company has been in its present location for many years--for as long as I can remember--even as a child growing up in John Day. The mill has made a significant contribution to the economy of that area, and it is now time the company makes a significant contribution to the people of the community that made it so successful. There are few barriers that are unsurmountable, particularly when the air that people breathe is polluting their well-being.

Please--can we count on you for help in seeing to it that The Hudspeth Sawmill Company is forced to conform to the laws? The DEQ and the people involved have been more than tolerant and understanding of the company's situation. It would seem unreasonable to further deny these citizens their rights by approving any other alternative than denying the variance for which The Company has, again, applied and ordering immediate compliance. Seven years is too long to allow any company to perpetuate the fallout problem by doing little--if anything to correct and eliminate said problem. Perhaps you have been too lenient! The time to demand compliance is N O W!

If you need further verification of my parents' dilemma, feel free to contact them.

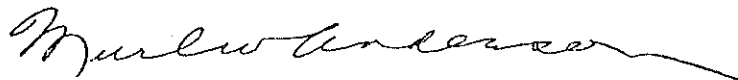
Mr. and Mrs. Glenn Eddy, Sr.
P. O. Box 244
John Day, OREGON 97845

Your assistance and insistence will be most appreciated.

Sincerely,



Roselea Anderson (Daughter of Mr. and Mrs. Glenn Eddy, Sr.)



Murl W. Anderson (Son-in-Law)

ra

cc: Mr. and Mrs. Glenn Eddy, Sr.

Steven F. Gardels, Eastern Region Manager for Oregon D.E.Q.,
Pendleton, OREGON

RECEIVED
FEB 22 1977

AIR QUALITY CONTROL 2-14-77

Dear Mrs.:

I just have to write and let you know how we feel about the five year warranty that Huelphth Sewmill is asking for, concerning the coat and cinders that we have to live with. I'll bet if they lived as close to the mill as we do, they would've done something about it a long time ago.

We've lived here close to the mill for a year and a half now & have just about had it. Last week instead of snow, I was shoveling snow off of my sidewalk. A broom wouldn't do it. The grass on my front lawn is as full of soot, I doubt if

3.

on the fan blow the soot in
our eyes & on our clothes & in
our hair. The thought of
living 5 more years like
this is more than I want
to think about.
I am thankful however
that I do not have any
small children anymore
as I would not dare let
them go out to play in
the soot or to breathe
the air.

Please do something!

Yours truly,
The Kuehns' Checksum

John Day, Ore 97845

it will grow. The soot be
able to have barbeques
outdoors this summer, we'd
get black & so would our
steaks. Hanging laundry
outside is out of the
question. The get cinders
on our clothes just standing
outside. Our rain drains
are plugged with soot.
We don't dare open our
windows in the summer.
I'm because it comes in
through the screens.
Our carpet is ruined
because Jim stepped it
to death. I keep a mop
bucket by the kitchen door
to wipe up the black tracks
as you can't get it off
your shoes.

We can't use our heaters
in the car in winter & the
air conditioner in the summer

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
FEB 22 1977
AIR QUALITY CONTROL

John Day Trailer Park
John Day, OR 97845
February 18, 1977

Dept. of Enviornmental Quality
1234 S.W. Morrison St.
Portland, OR 97205

Attn: E.J. Weatherbee
Dear Sir:

In regards to the request of Hudspeth Sawmill Company of John Day for a 5 year variance. This should be denied and order the company to submit a schedule to control or replace the boilers within a short but reasonable time.

The uncertainty of obtaining saw logs will likely be the same in 5 years. Also in all probability the cost will be more.

We hate to think of having to fight this fallout indefinetly.

Here is a list of a few of our complaints:

- Our tenants complain frequently
- Our patio is a disgrace
- The carpet needs constant cleaning
- Soot sticks to my laundry on the clothesline
- The flowers become ugly
- Our car is covered inside as well as outside
- Also I wonder how mich of this soot we inhale into our lungs.

Speaking for the people of West John Day, the D.E.Q. is our only hope of putting an end to this soot.

Yours truly,

Bruce & Emma Galbreath

John Day Trailer Park

John Day, Oregon

Feb. 17 1977

D.E.Q.

1234 S. W. Morrison St.

Portland, Oregon 97205

Dear Mr. Weathersbee,

In regard to the Hudspeth sawmill company's fallout problem, We live in the vicinity of the sawmill and certianly know about the soot and cinders, Had to replace the roof because of them, The roof is now three year's old with such a build up of cinders under the edge of each shingle that the water backs up behind them and is ruining this roof also.

If a car is left in the yard even a ^{short} ~~short~~ time it is covered with them as well as being in the vent ducts to blow back on your clothes, hair and face.

It is nessary to remove shoes befor comming inside ~~as~~ wiping only smears it.

We have a clothes line we would like to use to save on the electric bill but the clothes would be covered with it befor they could start to dry.

We raise a garden but again the cinders foul it up, they build up in the corn stalks, on everything and really impossible to raise such vegetables as lettuce. By useing water pressure from the well we can raise the studier plants, this means washing the plants down each morning.

We have considered selling out and moving away from it ,But since we are past the fifty mark and live close enough to walk to the stores, ect. feel we would rather see if something can be done about the situation.

If the new Hines mill in the same vicinity can control their waste it should be possible for Hudspeth to do the same.

We could go on and on, but this should be sufficient reason for wanting somthing done about it.

Thank you.

Sincerely yours,

*Mr & Mrs Melvin Kite
661 W. Main St.
John Day, Ore. 97845*

DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
FEB 23 1977

AIR QUALITY CONTROL

Ivers
P.O.Box 355
John Day, OR 97845

Department of Environmental Quality
Attention Mr. E. J. Weathersbee
1234 S.W. Morrison Street
Portland, OR 97205

Dear Sir:

We would like to submit our comments for your February 25, 1977, meeting concerning Hudspeth Sawmill Company's request for a variance. From the variance request staff report and our own knowledge we do not think that Hudspeth's variance request should be granted.

From the pictures we sent to you previously, you can see we have a very real problem with soot. Listed below are some of the problems encountered:

- 1) There is no way we can keep the inside of our house really clean--the rugs have to be cleaned frequently and still look less than clean; no doors or windows may be left open; shoes have to be taken off at the door
- 2) Automobiles--no windows can be left open yet there is still soot inside(it can be vacuumed out one day and the next there will be soot inside); the paint job is being ruined
- 3) Health--from the large amount of soot, we can see how much are we breathing
- 4) Pets--you cannot let pets go in and out because of the large amount of soot they bring in
- 5) House value--because of the soot the looks and value of our house is lower than it could be; at times our red roof looks black
- 6) Yard--we have piles (several inches thick) of soot all over, especially in the flower beds; our grass is more black than green; working in the yard you can plan on getting very sooty; our snow turns black within a day; no clothes can be hung out; children cannot play outside

When we moved into our house in August, 1974 there was some soot. Since then it has been getting worse and this winter has been unbearable. We look forward to times when the wind is blowing constantly--at least our roof turns back to red.

We would appreciate knowing that we could look forward to clean, healthful living in the near future.

These are some of our problems but many people in the area are affected more or less. The following people from the John Day area are in agreement with our position:

DENY THE VARIANCE AND ORDER THE COMPANY TO SUBMIT A SCHEDULE TO CONTROL THE BOILERS WITHIN A TIGHT BUT REASONABLE TIME SCHEDULE.

Everett M. King 315 7th 3rd, John Day
Gerald W. Peters 101 Webber Ln. Canyon City
Ann Serell 755 S.W. Brent, John Day
Gene D. Ann 105 Junther, John Day
Annie D. Ardy 755 S.W. Brent, John Day
Nelly Cook Gen. Delaney John Day
MR & MRS Robert Pereira West Star St John Day
Marenes Hoklford W. Highway, John Day
Dale L Jackson W. Hwy John Day
Arlis Weckum W. Hwy John Day, Ore.
Beth Spell 608 W Main John Day, Oregon
Jim Spell 608 W Main John Day, Oregon
Marylin Searley St 4 Franke Dr John Day, Ore
Patricia Johnston 209 S. Humbolt Canyon City, Oregon
James H. Allen 200 N.W. Bridge John Day, Ore
Tom K. Speakman West Highway John Day Ore
Jan Lourance 241 N.W. 1st John Day, Ore
Karen Boethin 224 NW 2nd John Day, Ore.
Mona L. Nodine Mt. Vernon, Ore.
Tom Nodine Mt. Vernon Ore
Dorothy E. Smith Canyon City, Ore.
Jenna V. Kerr John Day, Ore.
Mark A. Day John Day, Ore.
Daryl Phillips Daryl Phillips

Silvia F. Nelson
Betty R. Holman
Sally W. Allen

Dene Finn
Dene Nash

Memo Janet
Paddy Helleway
Lucy Nelson

Verden Crane
Harlow M. Groszopel

Carmi Pierpont
Hoyt J. Officer

Rod Allen
Louann Halland
Dennis Berry
Cheyenne Berry

Oliver Campbell

Fern C. Campbell — John Day
You can't even park outside
the John Day Plaza Shopping Center
without getting your car covered with soot.

Beulah Campbell
Amy & Howard

Irvin W. Housinger
O. Glenn Eddy Jr.

Olis M. Eddy
O. Glenn Eddy Sr
Debbie Baker

343 W. Humboldt

John Day
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Dicie C. Johns
Robert Tarant
Ken Brunner

H.T. Gvingley
Leomarie Caridnett

Linda Matheson
Mary Jackson

Clark Baucus

Carrie Black

Mary Williams
Jack Williams

Frances G. Moore
Mrs. P. R. Baynes

Taylor Hallen

Verna Flicker

Mary Wickox

Cecil Sharp

Mabel Sharp

Herb Bezona

Elsie Bezona

Evelyn Culp

Mabel Bragga

Romona Morris

Mrs. & Mrs. Vinton Hensley

John Day, OR.
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R. & Mrs. Bobby E. Garrison

Jim Durham

Mark Lyane

Ernest Robwayne

James W. Duke

Richard Caraway

Mary and Ken Ivers

Bedamae Campbell

Mt. Vernon, OR 97865

John Day, Or. 97845

John Day Or. 97845

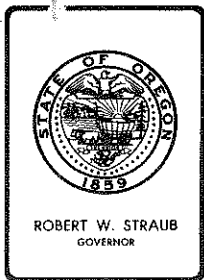
130 Government Rd John Day Or 97845

John Day, Or. 97845

John Day Dr. 97845

John Day

John Day



Environmental Quality Commission

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. K, February 25, 1977 EQC Meeting. Variance Request by Oregon State Highway Division for Operation of Experimental Plant to Recycle Salvaged Asphaltic Concrete Pavement near St. Louis.

Introduction

The Oregon State Highway Division has requested a variance from the Department's visible emission limitations for an experimental asphaltic concrete recycling project. Emission limitations applicable to asphaltic concrete plants are:

1. OAR Chapter 340, Section 21-015 and 25-535(6)(B) restrict visible emissions to less than 20% opacity.
2. OAR Chapter 340, Section 25-110 limits the mass rate of emissions in lbs/hr.
3. OAR Chapter 340, Sections 21-030 and 25-535(6)(A) limit the emission concentration in gr/SCF.

Background

The recycling project would consist of the re-use of 50,000 tons of asphaltic concrete pavement salvaged and stockpiled from an I-5 improvement project completed three years ago. The recycled mix would be applied to the St. Paul-Woodburn section of the Hillsboro-Silverton Highway. The salvaged asphalt pavement is stockpiled near St. Louis, which would be the site of the proposed recycling plant.

There have been no asphalt pavement recycling efforts in Oregon. Excavated pavement has been used as fill material or buried. The Highway Division has estimated up to 100,000 tons of asphaltic materials could be salvaged each year saving aggregate and asphalt.

Recycling efforts in other areas of the country have shown that control of visible emissions to levels below 20% opacity is nearly impossible with pug-mix and drum mix type asphalt plants even with conventional high efficiency control methods. More visible emissions are expected on this project than on other recycling projects for which information is available as the salvaged pavement is relatively new and is rich in asphalt (3-4 years old and 6% asphalt). All previous recycling projects have used older asphaltic concrete and required a softening agent.



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Discussion

The salvaged pavement chunks must be crushed before being processed in the asphaltic concrete plant. Dust emissions from the crushing operation can be controlled by conventional control methods and are not expected to exceed emission standards.

There has been a small number of projects, perhaps a dozen or less, utilizing recycled asphaltic concrete pavement. Most of these projects have been conducted in Arizona, Iowa, Nevada, Utah and Texas. Unlike the Oregon proposal, these projects utilized asphalt pavement at least 10 years old and have lower "live" asphalt contents.

Early recycling efforts involved the use of unmodified drum mixer asphaltic concrete plants equipped with conventional scrubbing devices for emission control. In pug-mix and drum mix type asphalt plants, the aggregate is first heated by a direct flame in a rotary drum dryer. When the crushed, salvaged asphalt pavement was placed in the dryer drum on these unmodified plants, visible blue smoke emissions were far above the 20% opacity limitations. The heavy smoke was apparently caused by vaporization or partial burning of the asphalt when it contacted the direct flame in the dryer. To minimize flame-asphaltic concrete contact, modifications to the plants were attempted.

Four modified asphaltic concrete plants have successfully recycled old pavement and have complied with emission limitations very similar to the Department's 20% opacity restriction. The modifications to these plants consisted essentially of removing the direct flame from the rotary dryer drum. This was accomplished in one of the following three ways:

1. The burner on the dryer was moved 10 to 20 feet from the end of the dryer. The open flame dissipated before reaching the recycled mix.
2. A ceramic grid was placed in front of the burner flame in the dryer drum. The grid prevented flame propagation into the drum and thus direct contact with the recycled mix.
3. A series of square tubes were placed longitudinally in the dryer drum, creating a heat exchanger. The burner flame passed on the inside of the tubes, while the recycled mix tumbled on the outside.

Despite modifications to these plants, low production rates and low mix discharge temperatures remained essential to minimizing visible emissions. When production rates exceeded 300-400 tons/hr, and/or mix temperatures of 250°F at the point of discharge, the visible emission limitation of 20% opacity was greatly exceeded. However, even with lower mix temperatures and production rates the above methods may not be able to comply with the 20% opacity limitations for this project due to the freshness of the material being recycled.

The bid specifications published by the Oregon State Highway Division call for a maximum mix temperature of 325°F and a lay-down temperature of 200°F to 300°F. These relatively high temperatures will assure a workable mix and a long lasting pavement. The high temperatures, however, in conjunction with the newness and high asphalt content of the salvaged pavement, are expected to cause heavy smoke emissions. Due to this, any successful bidder will have to modify his plant or emission controls to reduce emissions. Should modifications not reduce emissions, the mix temperatures and/or production rates may have to be limited to minimize emissions to the greatest extent practicable.

Emission control systems capable of controlling the visible emissions expected on this project are available such as wet ESP's. However, they are unconventional for asphaltic concrete plants and their high cost would clearly defeat any potential savings gained through the recycling effort and possibly could cause the project to be cancelled. The Oregon State Highway Division has emphasized that if this experimental recycling effort using conventional plants and control methods shows that recycling cannot be cost-competitive with other methods, it will not be considered on future projects.

The proposed plant site is on the west side of Interstate 5, approximately 3 miles southwest of the I-5 Woodburn interchange (the site is very visible from Interstate 5). The surrounding land use is largely agricultural; a few residences are in the area, but are more than 1/2 mile away. A large azalea nursery, the Willamette Valley Nursery, is located 1/2 mile to the north. Emissions from the plant are not expected to affect the nursery or the residents. During the summer months, the winds are predominantly from the northwest. Emissions from the plant are also not expected to interfere with traffic on Interstate 5. The adverse effects of the anticipated emissions are expected to be limited to aesthetics, mainly blue smoke.

If the Commission grants this variance, the Department intends to incorporate the conditions into an Air Contaminant Discharge Permit or an addendum for an existing Air Contaminant Discharge Permit for the asphaltic concrete plant that will be used on this project.

Summary

1. The Oregon State Highway Division proposes to recycle 50,000 tons of asphaltic concrete at a site about three miles southwest of the I-5 Woodburn Interchange in an experimental project, and have requested a variance from the visible emission limitations applicable to the project.
2. The Oregon State Highway Division potentially could salvage up to 100,000 tons of old pavement throughout the state annually, saving both energy and raw materials.

3. Recycling efforts in other states have shown that emission limitations may be exceeded even if conventional plants and emission controls are modified and production rates and mix temperatures are reduced.
4. The pavement was originally salvaged and stockpiled with recycling in mind and contains an unusually high content of asphalt. In addition, the pavement is only three years old. These factors are expected to contribute heavily to the emission problem. This would be the first recycling project of this type of material in Oregon as well as the nation.
5. The Oregon State Highway Division anticipates contractors making use of modified conventional plants and control methods to keep costs competitive. Although low production rates and mix temperatures are a means for minimizing emissions, they are not expected to be adequate to achieve compliance with standard opacity limits.
6. There are a few residences 1/2 mile from the proposed plant site and a large nursery 1/2 mile to the north. Emissions from the plant, however, are not expected to have any adverse effects at these locations. The plant will be visible from Interstate 5, but is not expected to interfere with freeway traffic.

Conclusions

The granting of a variance for the asphaltic concrete recycling project visible emissions could be allowed in accordance with ORS 468.345 which states "The Environmental Quality Commission may grant specific variances which may be limited in time from the particular requirements of any rule, regulation or order... if it finds that... Special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or causes; or strict compliance would result in substantial curtailment or closing down of a business, plant or operation".

The granting of a variance for visible emissions is not expected to have any adverse air quality effects on the surrounding property with the exception of a possible aesthetic nuisance.

Director's Recommendations

The Director recommends that the Environmental Quality Commission enter a finding that strict compliance is inappropriate because it would tend to prevent the development of alternative methods of recycling asphalt which are not yet available. The Director further recommends that the Commission grant to the contract agent of the Oregon State Highway Division, as awarded the bid, a variance to operate an asphaltic concrete pavement recycling plant out of compliance with OAR Chapter 340, Sections 21-015, and 25-535(6)(B), subject to the following conditions:

1. The Oregon State Highway Division shall notify the Environmental Quality Commission of the contract agent upon awarding the project bid.

2. The variance shall apply for a period involving not more than 50 operating days during the calendar years 1977 and 1978.
3. The use of a drum dryer asphalt plant equipped with a Venturi scrubber normally capable of meeting the Environmental Protection Agency's Standards of Performance for New Stationary Sources (OAR Chapter 340, Section 25-535(6)) or other plants and emission control equipment offering an equivalent degree of control shall be used. The control system shall be properly maintained and operated at all times. Plans for the control equipment and operating procedures shall be submitted to and approved by the Department prior to starting operation.
4. All reasonable efforts shall be required to keep the emissions at the lowest practicable level including the application and operation of high performance control equipment as well as requiring reduced mix temperatures and/or production as appropriate.
5. The variance shall apply only to visible exhaust stack emissions from the asphaltic concrete plant. Grain loading and mass rate of emissions from the exhaust stack, and the crushing operation, yard dust, or any other activity shall be required to be in strict compliance with all applicable rules.
6. The emissions exempted by the variance shall not create or tend to create a hazard to human, animal, or plant life, or unreasonably interfere with agricultural operations, recreational areas, or the enjoyment of life and property.
7. The Department reserves the right to curtail operation of the plant should emissions from the asphalt plant, or smoke from field burning in the area singularly or in combination create significant problems for the residents.
8. Four days shall be allowed for adjustments and plant calibrations during which visible emissions may exceed 40% equivalent opacity. If after four days of operation the facility cannot comply with a 40% opacity limitation, the project shall be terminated until such time as it can be determined what additional controls or operating conditions can be required or implemented to insure continuous compliance with the 40% opacity limitation.
9. During at least two days, the plant shall be operated to restrict visible emissions to 20% equivalent opacity or less. This two day phase must be performed at a time earlier than seven operating days prior to the conclusion of the project.
10. During the remaining portion of the project, visible emissions shall be restricted to an equivalent opacity of 40% or less.

11. Stack testing must be conducted in accordance with State of Oregon Department of Environmental Quality Source Sampling Method 5 (EPA Method 5) on at least two occasions. One of the tests shall be conducted during the period when visible emissions exceed 20% equivalent opacity but are less than or equal to 40% equivalent opacity. These tests will be conducted on a schedule to be determined by the Oregon State Highway Division and the Department of Environmental Quality.
12. The plant shall not be operated when the Department advises that an air stagnation advisory is in effect.

William H. Young
WILLIAM H. YOUNG
Director

JAB:ds
2/14/77



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 L, February 25, 1977, EQC Meeting
Field Burning-EQC Report to Legislature

ORS 468.475(2)(e) requires the EQC to report to the Fifty-ninth Legislative Assembly with recommendations for possible modifications to the open field burning acreage limitation goals listed in ORS 468.475(2)(c) (1977, 95,000 acres) and (d) (1978 and each year thereafter, 50,000 acres).

The staff is currently preparing for your consideration on February 25, 1977, a summary report which will satisfy the specific requirements of ORS 468.475(2)(e). The report will be sent to you by February 21, 1977.

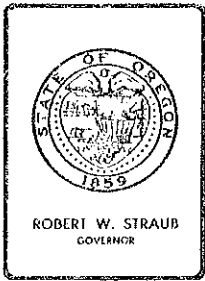
William H. Young
WILLIAM H. YOUNG
Director

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Environmental Quality Commission

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 PHONE (503) 229-5696

To: Environmental Quality Commission
From: Director
Subject: Agenda Item L, February 25, 1977, EQC Meeting, Field Burning.

Background

The EQC is required by law (ORS 468.475(2)(e)) to report its recommendation to the 59th Legislative Assembly with regard to the acreage limitations for open field burning in 1977, 1978 and later. Currently, these limitations are 95,000 acres in 1977 and 50,000 acres after 1977.

Discussion

Attachment A to this staff report is a copy of the proposed Commission report to the legislature. Briefly, it summarizes what is known about field burning's effect on air quality, current mobile field sanitizers, and possible revision to the smoke management program.

The staff emphasized air quality considerations; its area of expertise. Consequently, the extensive arguments related to agronomic needs and indicating the need for increased field burning are not included.

Director's Recommendations

The Director recommends that Attachment A of this staff report be adopted as the report of the Environmental Quality Commission and transmitted to the 59th Legislative Assembly as required by ORS 468.475(2).

William H. Young
WILLIAM H. YOUNG
Director

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2/18/77



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Attachment A

FIELD BURNING -- EQC REPORT TO THE LEGISLATURE

BACKGROUND

The Environmental Quality Commission is required by Oregon Law (ORS 468.475(2)(e)) to report to the 59th Legislative Assembly its recommendation for acreage to be open field burned in the Willamette Valley with particular regard to the acreage phasedown limitations of Oregon Revised Statutes 468.475(2). These limitations are currently 95,000 acres during 1977 and 50,000 after 1977.

The Environmental Quality Commission, as the policy making body for the Department of Environmental Quality, must concern itself with preserving and improving the land, air, and water quality of this State. Though a change in agricultural practices is likely to affect all three of these areas of concern, field burning's major deleterious effect is on air quality and, therefore, the Commission must emphasize air quality when reviewing possible recommendations regarding acreage limitations. Any assessment regarding effects on land and water quality due to changes in acreage burned would be highly speculative due to the dearth of assembled information.

DISCUSSION

Air Quality

In general, open burning and the geography of the Willamette Valley are not compatible with good air quality. Smoke, from any source, released during periods of poor atmospheric ventilation will have an adverse effect on air quality. Such periods are common in the Willamette Valley.

Field burning smoke causes increased particulate loading, periods of reduced visibility, disagreeable odor, ash fallout, and contributes to violations of state and federal particulate standards and tend to aggravate respiratory problems. Though not all of the above effects are standard measurements of air contaminants together they comprise "smoke effect indicators" which are used to identify and compare the air quality impacts of field burning.

Total suspended particulate (TSP) data from the Eugene-Springfield area show violations of the secondary ambient air quality standards for both annual geometric mean and 24 hour average. Such violations are contributed to by field burning smoke. TSP data collected during the summers of 1973-1976 indicate roughly 20% higher loadings for days with a minimum estimated visibility of 12 miles or less due to field burning compared to days not so affected. However, due to the relatively light weight of field burning particulate, violation of the 24 hour standard due solely to a smoke intrusion is not likely.

The most obvious effect of field burning smoke is reduced visibility. In general, southern valley summertime visibilities have been improving over the last several years. This may be attributed, in great part, to the Department's smoke management program. During 1976, visibility reductions attributable to field burning and estimated to be 12 miles or less by nephelometer readings, occurred for about 10 hours in Eugene and Springfield. These 10 hours were accumulated over 3 days of the season. Salem had no visibility reduction below 12 miles attributable to field burning. Field burning also contributes to visibility reductions in the Eugene and Salem area with minimums greater than 12 miles on a more or less regular basis as well as in non-monitored areas throughout the Willamette Valley.

Two reports, produced external to the Department also indicate field burning as a serious air quality problem. The Environmental Protection Agency (EPA), after their own analysis, reported field burning and slash burning in connection with visibility reductions and contributing to 24 hour particulate violations. Microscopic analyses by both EPA and McCrone and Associates (for DEQ) again indicate field burning contributes substantially to particulate loadings in the Eugene-Springfield area.

Finally, citizen complaints are filed each summer recording a variety of problems ranging from difficulty in breathing to ash fallout and odor. In 1975, 761 complaints were filed in comparison to 318 filed in 1976.

The Commission has noted a general improvement in smoke effects indicators in the first two seasons of the acreage phasedown. This appears to be a promising trend. However, considering the wet conditions of the previous two summers, and the evolutionary improvements in smoke management program, it is probably too early to draw a direct correlation between acreage burned and smokiness in the Valley.

Mobile Field Sanitizers

The current acreage phasedown was predicated upon a clean alternative to open field burning becoming available to seed growers. Hopes have been placed with the mobile field sanitizer as the most likely alternative. Though other alternative treatments of grass fields, such as increased use of herbicides, straw incorporation, and "crew-cutting" have been explored to varying degrees with some limited successes, the bulk of phased-out acreage was contemplated by current legislation to be treated by a successful field sanitizer.

After careful analysis of this year's mobile field sanitizer emission data, DEQ staff cannot show mass emissions of fine particulate from machines to be less than those from open field burning. In stating this conclusion, it should be noted that the staff had to rely on limited data of wide variability. Such wide variability is to be expected considering the conditions under which the machines operated, but makes accurate assessment of their capabilities difficult. Extensive additional testing during 1977 on the current generation of machines is necessary

to allow comparison with present emission data. The Department intends to provide backup support to the Oregon Field Sanitation Committee consulting engineers in their testing program during 1977. In the meantime, a reduction in fine particulate emission cannot be guaranteed by switching from open burning to machine burning.

If machine emissions are not substantially less than open burning emissions, their effects on air quality and people are expected to be greater due to their much reduced plume height compared to open burning. If, on the other hand, machine emissions (after further testing) prove to be lower than open burning, some form of elaborate mathematical modeling will be required to better compare the two types of sources. The Department can, to a limited degree, do such modeling. However, a much more thorough analysis of comparative air quality than can be reasonably contemplated by the Department is currently underway at Oregon State University. The Livermore Regional Air Quality (LIRAQ) computer model is being applied to the Willamette Valley. Present plans for LIRAQ include a comparative analysis of mobile field sanitizer and open burning emissions under typical conditions in the Valley. Unfortunately, the most useful results from LIRAQ are not expected to be available until late 1977 or 1978, though unverified results may be available sooner.

Smoke Management

Under a smoke management program, smoke impacts, their strength and probability of occurrence are tied closely to daily weather, acreage burned, human decision making and decision implementation. Estimates of the overall annual smoke intrusions due to field burning therefore must consider the variability of the season's weather, the number of decisions to be made, the average acreage involved in each decision and the precision to which each decision can be carried out. Though in general reduced acreage can be expected to result in reduced smokiness, non-seasonal or highly variable weather can severely alter the expected smoke situation.

Three possible additions to smoke management operational procedures which appear to offer some promise for incremental improvements in minimizing smoke effects from field burning are special rapid lighting techniques, an improved communication system, and an improved air monitoring system.

Tests during 1976 indicated ground level smoke emissions from open field burning could be reduced below the levels now resulting from the use of typical lighting procedures by employing rapid lighting techniques on relatively large acreages.

Meteorological requirements generally restrict burning release times to the afternoon. To minimize the time required for burning release after meteorological criteria have been met requires direct DEQ to farmer contact. A properly designed radio system could accomplish this goal. In addition, the radio system would provide the direct communication link desired to stop burning when wind directions change unexpectedly.

A Valley wide visibility and particulate monitoring system, providing real time information, would be immediately useful to the smoke management program as it would provide smoke effect data useful for curtailment of inappropriate burning. In addition, it would allow better analysis of smoke incidents especially in areas not now monitored.

Each of these changes would require relatively large additional expenditures compared to the present smoke management budget.

Alternative Recommendations Considered

Four possible recommendations were considered, in light of the above Background and Discussion, as follows:

- (1) Reduce the acreage limitation below current statutory levels.
- (2) Raise the acreage limitations above current statutory levels or remove total acreage limitations entirely.
- (3) Continue with current statutory acreage limitations and phase-down program.
- (4) Continue current statutory acreage limitations, but enact legislation which would authorize EQC to permit "Special" open burning of additional acreage in accordance with formally adopted criteria such as:
 - a) Fields not burned for the previous one or two year period.
 - b) Fields with soil types or slopes which make them unsuitable for alternative cropping.
 - c) Fields located such that they could be burned under specified meteorological conditions and not impact any sensitive receptor.
 - d) Fields qualifying under the emergency or hardship provisions of ORS 468.475(5).

Item (1) is clearly not supported by assembled hard air quality impact data. Item (2) does not address timely resolution of the air quality impact of field burning with any degree of certainty. Item (3) guarantees substantial reduction of air quality impact within a specified time, but may not be justified in consideration of economic and agronomic factors. Item (4) may be worthy of further detailed investigation; however, such a program would be difficult and resource-demanding to develop and administer in a time-responsive and equitable manner.

RECOMMENDATION

Based strictly on air quality considerations, retention of the current statutory acreage limitations on open field burning is recommended; however, it is conceded that field sanitizing machines have not developed to the point where they should be considered either a substitute for open field burning or a large-scale practical alternative method of field sanitizing.

EQC Meeting 2/25/77 (Field Burning, Item L)

Scott Freeburn: Stated that the staff analysis kept generally to the air quality aspects of field burning and did not get involved in the numerous other agricultural and economic problems of the issue. He then presented the alternative recommendations as stated in the staff report.

Ron Somers asked Mr. Freeburn if it would be appropriate for the Commission to narrow things down to one or two recommendations.

Mr. Freeburn said that in examining the paragraph after the recommendations that numbers 3 and 4 were possible alternatives.

Grace Phinney asked Mr. Freeburn a question about page 2, last paragraph of the staff report regarding the Staff not being able to see any difference in particulate due to the use of field sanitizers due to the lack of available data.

Mr. Somers stated that EPA has clearly made their intent known on the field burning issue in the Valley.

Mr. Freeburn stated that EPA has recommended phase-down of field burning based on their own data.

Mr. Somers asked Mr. Freeburn if irregardless of what the Legislature says, the federal government has the authority to completely stop field burning.

Mr. Young stated that the question EPA responded to was whether the air program could be amended to allow phase down rather than outright ban. He understood that they did agree to the phase down but whether they could retreat from that phase down decision he did not know. He said that they have some judgments they may wish to exercise in the matter and they do have that kind of authority.

Mr. Freeburn said that the comment has been from EPA that they will accept amendments to the Clean Air Plan on a case-by-case basis, and that in the future amendments to the plan especially in the future would have to be submitted by the Department to EPA long before the change was to take place. Mr. Freeburn stated that if field burning were to extend beyond the phase-down period, then we would have to roll back some of our other sources to make up the difference from the field burning.

Dr. Crothers asked what was the most significant other source.

Mr. Freeburn said that that depended upon the time of year, looking at the emissions inventory, there was slash burning and particulate emitted by combustion equipment, which would be subject to roll back. He said he was thinking mostly of permitted combustion sources such as boilers, etc. rather than private heating and automobiles.

Mr. Greg Page then testified on behalf of the City of Eugene (this portion of the tape was so poor I was unable to transcribe it).

Dr. Crothers asked Mr. Page what position the City of Eugene was taking in regard to the other major sources of air pollution, such as slash burning.

Mr. Page said that as far as he knew, the City had taken no stand on slash burning at all.

Dr. Crothers questioned if this was because the City of Eugene depended as much on the lumber industry as the grass seed industry.

Mr. Richards stated he understood that the City Council had look into alternatives to slash burning as well as the Commission. He said that he thought it was in the interest of the Commission to make a statement to the Legislature in this report as to how it feels about slash burning.

Mr. Somers stated that he would like the report to strongly state that slash burning contributed to a greater extent to the overall degradation of air quality in the state than do field burners. He said that it was not right for the federal government to take such a strong stand on field burning when slash burning the federal forest land also contributed to significant deterioration.

Mr. Weathersbee stated that the Prevention of Significant Deterioration law and rule was administered by the federal government.

Mr. Richards said that burning on state forest lands was within the purview of the Commission. He said that Tom Donaca of AOI who helped develop the Smoke Management Plan, had written a letter to the effect that he believes the intent was that the EQC have a final say in the Smoke Management Plan and that in effect they did not have to live with a plan that was unsatisfactory to the Commission. Mr. Richards said that so far it had been based on a veto power approach, and that he was under the belief that if the State Forestry Department wished to veto our smoke management plan there would be no plan and that half a plan was better than no plan at all. Mr. Richards said he would like to see a staff recommendation incorporating some of Mr. Donaca's legislative history-citations, stating that the EQC intends to assert a stronger position in the smoke management plan as it relates to slash burning.

Mr. Somers said that in reading Chapter 468 that the EQC had no control over federal or state forests.

Dr. Phinney said that the instructions concerning the report are that the EQC address the topic of reduction of acreage to be burned. She said that she agreed with the other Commission members on the slash burning, but that it might not be appropriate to put it in the recommendations since they are instructed to address only the acreage concerns. She stated that perhaps it could better be handled in a letter which accompanied the report which would put it more forcefully than just concluded in the report.

Mr. Richards recommended that on alternative 4 that all of the first line be deleted except "enact legislation". He said that two things were important in proposing to permit burning above the 95,000 acres (1) the EQC might wish to modify or add to that criteria and (2) he would want an absolute limit on the kind of acreage that would be subject to any emergency burning. He said that because of the reduction from 195,000 to 95,000 and the lack of any data which would support that field sanitizers would work any better in the future, that ~~the possibility exists for emergency burning to go as high as 20,000 or 30,000~~ acres. He said that he would be comfortable with 125,000 to 135,000 total.

Mrs. Hallock said that if the Legislature considered modifying the law, that the Commission would recommend that they continue with the current acreage limitation and then go into alternative no. 4 and allow certain emergency or special open burning of additional acreage.

Dr. Crothers cited four things (1) based strictly on the air quality considerations, retention of the current statutory acreage limits is required, (2) we recognize that field sanitizers have not been shown to be a useful substitute, (3) we recommend that the Legislature consider some special open burning criteria, (4) the problem of slash burning should be addressed by the legislature.

Mrs. Hallock said that if the Legislature is considering modifying the law, the EQC would like it to give them the authority.

Dr. Phinney said it bothered her to have the statement about the sanitizing machines listed as a recommendation. She said that that point had been made in the report.

Dr. Crothers said that the EQC recommended that they recognize what's in the report.

Mr. Richards said that he would like to have as part of the EQC recommendation, that first they refer to the Department's report to the Legislature. He said he thought that would take care of pages 1, 2, and 3. He asked Mr. Freeburn if there was anything in pages 1, 2, and 3 that was not covered in the Department's report. He said he would like to attach the Department's report as an exhibit to the EQC report.

Mr. Freeburn said that when the Annual Field Burning Report was written the data from the machines had not been analyzed and that that information was now contained in the EQC report.

Mr. Richards said he would retract his suggestion.

Mr. Somers asked what the problem would be in recompiling the report and getting it in within the next 30 days.

Mr. Richards said they were concerned that the Legislature might take action within the next 30 days, and that the language might be worked out by conference call. Mr. Richards said that what the recommendation would be on page 4, instead of what the staff stated under Alternative Recommendations Considered, is that if the Legislature considers modifying the law, that it enact legislation that would authorize the EQC to permit special open burning of acreage in an amount not to exceed 30,000 acres per year and that such authorization not continue for more than the 1977-78 season. Second, that several members want to put in that our smoke management is severely handicapped by the fact that there is insufficient restraint on slash burning smoke management, and ask to have an interpretation of the existing law to see to what extent our staff can be more forceful in imposing a program for slash smoke management that is identical to that of field smoke management so that that program will be operated in essence by Mr. Freeburn, and other people in DEQ who would be making the daily decision on whether slash would be burned. He asked agreement that that authority should be exercised to the maximum legislative capacity. The Commission agreed. He said he would like to have the foregoing language drafted and mailed to the Commission, and a conference call could be organized to adopt it.

} slash

Dr. Crothers so moved and Mr. Somers seconded.

Mr. Richards clarified for Mr. Weathersbee that the alternative recommendations section would be dropped completely and instead adopt a combination of no. 3 continuing statutory acreage limitations, however if the Legislature.....that would all fall under recommendation and add the following language of Dr. Phinney which is adopted by consensus.

Dr. Phinney: On the last paragraph on page 2, the mention of the fact that the consulting engineer's report to the field sanitation committee had a very different attitude toward the reduction of fine particle emissions, ought to be included in order to show the different types of interpretation have been made. She indicated that this was not necessarily the exact language she wanted adopted.

The motion was adopted unanimously



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Daryl Johnson, Midwest Region

Date: February 1, 1977

From: Jack Caborn, Subsurface and Alternative Sewage Systems Section

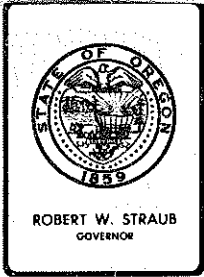
Subject: Appeal of Jabour Variance

The appeal of Jabour's granted variance is being scheduled for the February 23, 1977 meeting of the Environmental Quality Commission (EQC) in Salem. Since you were the variance officer, you should plan to attend that meeting. You may be asked questions, but you will not be expected to make a presentation.

A copy of the EQC meeting agenda will be sent to you as soon as available.

FJO/jms

cc: Fred Bolton
Joe Lassiter
Sherman Olson
Hal Sawyer



Department of Environmental Quality

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 Telephone (503) 229- 6218

February 1, 1977

Ernest R. Jabour
29324 Fox Hollow Road
Eugene OR 97405

Dear Mr. Jabour:

The decision to grant a variance to the subsurface sewage disposal rules for your 4.6 acre property on Fox Hollow Road, Lane County, has been appealed to the Environmental Quality Commission. The appellant, Mr. S. R. Milo, contends that a subsurface system installed on this property will create a public health hazard by contaminating surface waters (Fox Hollow Creek).

A hearing on this appeal has been scheduled before the Environmental Quality Commission at its February 25, 1977, meeting in Salem. You will be supplied with a copy of the meeting agenda when available. You may wish to attend that meeting to answer questions. You may also make a statement if you so desire. Or you may supply a written statement to be read into the record.

Sincerely,

WILLIAM H. YOUNG
Director

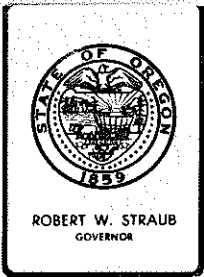
T. J. Osborne, Supervisor
Subsurface and Alternative
Sewage Systems Section
Water Quality Division

TJO:km

cc: Daryl Johnson
Roy Burns, Lane County
Sherman Olson



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Department of Environmental Quality

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 Telephone (503) 229-6218

February 1, 1977

S. R. Milo
29236 Fox Hollow Road
Eugene OR 97405

Dear Mr. Milo:

Your appeal of the decision to grant a variance to the subsurface sewage disposal rules for the 4.6 acre Jabour property on Fox Hollow Road has been scheduled for hearing before the Environmental Quality Commission February 25, 1977, in Salem. A copy of the EQC meeting agenda will be supplied to you when available.

You may wish to appear at that meeting in support of your appeal. You may make a statement orally or in writing. You should be prepared to answer questions also.

If you have any questions ahead of the hearing, call me at 229-6218.

Sincerely,

WILLIAM H. YOUNG
Director

T. J. Osborne, Supervisor
Subsurface and Alternative
Sewage Systems Section
Water Quality Division

TJO:km

cc: Daryl Johnson
Roy Burns, Lane County
Sherman Olson



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March 23, 1977

Mr. James F. Larson
Bodie, Minturn, Van Voorhees,
Larson and Dixon
Attorneys at Law
P.O. Box 623
Prineville, Oregon 97754

Re: February 25 EQC Meeting
(Your client: Hudspeth Sawmill Co.)

Dear Mr. Larson:

Enclosed is a transcription of the February 25 action of the Commission regarding your client's difficulties with air pollution at his John Day sawmill.

You may expect a letter detailing the Department's understanding on this problem shortly.

Sincerely,

WILLIAM H. YOUNG
Director

Peter W. McSwain
Hearing Officer

PWM:vt

Enc.

cc: E.J. Weathersbee
Steve Gardels
Ed Woods

2/25/77 EQC Action

Hudspeth Lumber Company, John Day - Request for variance from Air Quality emission limitation regulations

Chairman Richards: What is the feeling of the Commission on this matter?

Dr. Crothers: Well Mr. Chairman, I don't know whether we need to have a resolution as I think I stated my own feelings that we ought to set a time limit on this study. I'm uncomfortable with them saying "we don't know how long this study will take." I think we ought to give them a very rigid and firm time. They will have to get the people--they'll have to acquire the people to make the study; if they don't have them there. Perhaps July 1st is the absolute outer limits of conclusion of that study. In the meantime they will have to show us within the next 60 days that they have done something that has significantly reduced pollution, particulate emissions. And if they haven't done that within 60 days, then that's all she wrote--that's too bad. We can't go on. We just have to use the forces of the law.

Chairman Richards: So that I understand your motion--you're asking in effect, in 60 days there would be evidence of a substantial reduction and in 120 days--you're really then moving the compliance schedule back 120 days.

Dr. Crothers: They would have to give us the compliance schedule then by the 120 days--their new proposal, the new equipment they are going to plan to put in and give us a firm program. I don't know whether I want to call it a compliance schedule at that stage or not, but give us a firm program by that date as to what they're going to do for a permanent solution to this.

Chairman Richards: I guess what I'm asking is--this showed that April 1st of 78 would have been the time they would complete installation. Are you in effect backing things up four months?

Dr. Crothers: I don't know whether they can, with their new study--the new kinds of boilers--I don't know whether that's going to be available to be completed and installed by that date.

Mrs. Hallock: Its item A I think we're moving back. The date in which they'll submit the control strategy so we would move that...(unable to transcribe).

Dr. Crothers: Yes

Mr. Somers: You're moving the others back too, the installation date.

Mrs. Hallock: Well I know but until we know what equipment they're going to install, I don't think we should be dithering around with installation dates.

Mr. Somers: You're right. I second Morrie's motion.

Chairman Richards: Just a moment--asking for a comment from staff--
Mr. Weathersbee.

Mr. Weathersbee: I think we're getting into the process here that we're probably needing some modifications to the permit, which means that we would have to draft a proposed permit, put out the notice and give the people of John Day a chance to respond. As a suggestion--we may get guidance from the Commission here--that staff get with this new management. We've had constant contact with the present mill manager through our field staff--the local mill manager--get with the new management and see if we can hammer out a permit for short term--three year program with proper increments of progress dates and take it to hearing and back to the Commission.

Dr. Crothers: I think thats essentially what I had in mind.

Chairman Richards: Alright, except I didn't hear you granting a three-year variance.

Dr. Crothers: No, I wasn't granting a three-year variance. I was trying to set some guidelines. They've got to go something now--and they've got to come back within a reasonable time here with a firm proposal on which then the staff will write the appropriate compliance schedule.

Chairman Richards: Lets ask Mr. Skirvin.

Dr. Phinney: May, can I ask a question of Dr. Crothers? What you're essentially saying is that we're not prepared now to comment on the variance until these other problems are solved.

Dr. Crothers: Thats right. We've got to suspend this whole variance thing on the condition that they do something right now and they come back with a firm proposal in a short length of time. I think they're going to have to go out and hire some people, experts. Maybe they can make the decision themselves as to what kind of boiler, what kind of system they're going to use--but its got to be done quickly.

Chairman Richards: May I take Mr. Skirvin's comment.

Mr. Skirvin: Two things. I was thinking that maybe the time required for the variance depended upon their immediate action or what they see down the road. I have a problem with three years because this problem really comes to a head in the wintertime when they start really needing the extra amount of steam. If we could avoid one winter season we would avoid one troublesome period with the natives. The other thing is that maybe we could get back to you in a month --negotiate something with the company

Dr. Crothers: Certainly in 60 days. Preferably in one months.

Mr. Somers: The problem that I'm concerned with--I support Morries motion and I support his basic idea. The basic problem is--they have requested a variance, they are out of compliance at the present time, and where does this leave the rule? We're not saying on one hand we'll do it 60 days down the road. I agree that some immediate action.

Dr. Phinney: They've been out of compliance since 1972. I can't see that 30 more days is going to make that much difference.

Mr. Somers: I understand that. It makes a lot of difference to Morrie, it makes a lot of difference to me that they show some immediate improvement so that it makes it a little softer to grant them some additional time to get their financing rounded up to put in the boiler. The problem is in the motion, the way it stands, what have we done? A. We will defer action for 60 days. Is that correct?

Dr. Crothers: Right.

Mr. Somers: Our outlook on it at that time would depend on how much progress the mill makes in the 60 days and we can have a compliance schedule looked at at that time. But there would have to be some very strong improvement made on fly ash in the next 60 days.

Chairman Richards: Is there any further comment by members of the Commission? Dr. Crothers, is the motion then to defer action for 60 days with the idea, I guess we better state it as a motion, upon the assumption that the Company will take strong action to make immediate reduction of fly ash emissions.

Dr. Crothers: Yes, thats right.

Mr. Somers: No, not take strong action, there will be. I'll second the motion.

Chairman Richards: Is there discussion? Call the roll.

Mr. Young: Commissioner Somers (aye); Hallock (aye); Phinney (aye); Crothers (aye); Chairman Richards (aye).

Chairman Richards: The motion is adopted.