

9/13/1977

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



**State of Oregon
Department of
Environmental
Quality**

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MINUTES OF THE SPECIAL MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION
September 13, 1977

At 4:30 p.m., Tuesday, September 13, 1977, a special conference call meeting of the Oregon Environmental Quality Commission was convened.

Connected by conference telephone call were Commission members: Mr. Joe B. Richards, Chairman; Dr. Grace S. Phinney, Vice-Chairman; Mr. Ronald Somers; Mrs. Jacklyn Hallock and Mr. Al Densmore. Representing the Department were its Director, Mr. William H. Young, and several members of the Department Staff.

Awarding of Bid for Pollution Control Bonds

Mr. William Young, Director, told the Commission that the bids had been opened at 2:00 p.m. that afternoon and that there were five bidders with bids ranging from a low of 4.9551 to a high of 4.975. Mr. Young said that Lee Darby of Bartle Wells had verified that the low bidder was Bache, Halsey, Stuart, Inc., 100 Gold Street, New York, New York 10036, at a true interest cost of 4.9551%. He said that it would be his recommendation that the Commission accept that as the apparent low bid. Chairman Richards asked if a premium had been calculated into that bid. Ms. Lee Darby said that there was a premium on the low bid of \$3,000 and that the premium was computed into the true interest cost. Ms. Darby said that the next lowest bidder was at 4.9557, so that the bids were actually decided at the fourth decimal place.

Commissioner Somers said that he had discussed this matter with Mr. Howard Rankin and was advised that the successful bidder should be contacted and asked for a waiver of disclosure. Commissioner Phinney said she had no objection to a waiver of disclosure, however from reading the material she did not see that it was necessary because the State had the primary obligation on the bonds and if the cities did not pay anything, the State would still be responsible. Chairman Richards asked Commissioner Somers if Bond Counsel felt it was necessary to waive disclosure. Commissioner Somers said he was advised that it would not make a difference to the purchaser and that there would be no substantial problem with a waiver. In response to Commissioner Phinney, Commissioner Somers said it was his understanding that the waiver of disclosure would not jeopardize the sale of the bonds.

Chairman Richards asked Commissioner Somers to explain what the waiver of disclosure meant. Commissioner Somers replied that a matter had come up several years before prior to the time Chairman Richards and Commissioner Densmore were on the Commission, where a matter that ordinarily would have been disclosed as part of the prospectus was not. Commissioner Somers said that in his opinion this matter had been resolved, and that the current prospectus was correct except to the degree of disclosure. Commissioner Somers said Bond Counsel had told him that this matter had been discussed with some of the bidders, but he did not know if this particular bidder was involved. Mr. Lee Barrett of the Department staff said he was not aware that the matter had been discussed with some of the bidders, however, he had received a call from the Bond Department of First National Bank and had informed them of the facts of the matter.

Chairman Richards said he was uncomfortable with asking for a waiver of disclosure without informing the purchaser of the rumor and then the true facts. He said he would have no problem with asking the purchaser for a waiver of disclosure if the purchaser were informed of this matter. Commissioner Somers said that that was the intent.

Commissioner Somers MOVED, Commissioner Hallock seconded, and it was carried unanimously that the low bid with a true interest cost of 4.9551 be accepted and that as a condition that there be a waiver of disclosure signed by the purchaser after revealing the facts of the rumor.

Authorization for Public Hearing on Clatsop Plains Moratorium

Mr. Young recalled for the Commission that at a meeting in Clatsop County earlier in the year a moratorium was placed on certain portions of that county known as Clatsop Plains. He said that Clatsop County in conjunction with DEQ's North Coast Office had completed a review of the Clatsop Plains aquifer and believed that they now had sufficient information to propose a modification of that moratorium making it more limited in nature in terms of the areas it covered. Mr. Young told the Commission that because the information had been received late the week before, it was necessary to get public notice of a public hearing on this matter out and that the Department had proceeded to do so. Mr. Young said that the hearing to consider modification of the Clatsop Plains moratorium was scheduled for October 11, 1977. He also said that hearings were not normally scheduled without Commission approval, but that he understood that the time frame was important in this case.

Commissioner Somers MOVED, Commissioner Hallock seconded, and it was carried unanimously that the actions of the Director in scheduling a public hearing on the modification of the Clatsop Plains moratorium be ratified.

EQC Meeting Schedule

Mr. Young said that due to the cancellation of the meeting in Coos Bay in August, 1977, the staff felt that it was important to meet there sometime in the near future to fulfill commitments made to persons in that area. Mr. Young proposed that the October meeting be conducted in Coos Bay and that the November meeting be in Bend. He said the effect of this would be to delay the meeting scheduled for the Hermiston area to discuss the aquifer problem there until the first of the year. In response to Commissioner Densmore, Mr. Young said that the staff felt it was critical to meet in Medford in December to discuss the air quality problems there, and that that meeting should probably not be adjusted. Mr. Young said that the Commission schedule would then be Coos Bay in October, Bend in November, Medford in December, and Hermiston in January.

Commissioner Phinney MOVED, Commissioner Somers seconded, and it was carried unanimously that the October Commission meeting be scheduled for Coos Bay and the other meeting places be approved tentatively.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Carol A. Spletstaszer".

Carol A. Spletstaszer
Recording Secretary