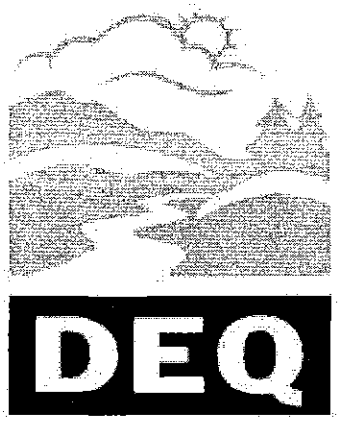
11/18/1977

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS



State of Oregon
Department of Environmental Quality

Environmental Quality Commission Meeting
November 18, 1977
Deschutes County Commission Hearing Room
Courthouse Annex
1164 N.W. Bond
Bend, Oregon

9:00 a.m. A. Minutes of October 21 and October 26, 1977 EQC meetings

B. Monthly Activity Report for October 1977

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. Central Region - Report of Region Manager on significant on-going activities in the Central Region

9:30 a.m. E. Jeld-Wen: Benton's Engineering & Fabrication, Klamath County - Request for variance from open burning rules, OAR 340-23-025 through 23-050

F. Sewage Disposal, Bend Area - Public sewerage considerations within the Bend Urban Growth Boundary

G. City of Bend Sewerage Project - Financial considerations of City of Bend Phase I sewerage project

H. City of Maupin Sewerage Project - Request for extension of time schedule for construction of City of Maupin sewage collection and treatment facilities

I. NPDES July 1, 1977 Compliance Date - Request for approval of Stipulated Consent Orders for NPDES permittees not meeting July 1, 1977 compliance date

J. S.W. 45th Drive Area, Portland, Multnomah County - Certification of plans for sewerage system as adequate to alleviate health hazard, ORS 222.898

K. Medford Air Quality Maintenance Area - Authorization for public hearing to consider amendments to Oregon Clean Air Act Implementation Plan involving particulate control strategy rules for the Medford Air Quality Maintenance Area

L. Motor Vehicle Emission Testing Rules - Authorization for public hearing to consider amendments to motor vehicle emission testing rules to include testing publically owned vehicles

M. Sulfur Content of Fuels Policy - Consideration of adoption of proposed policy on use of low sulfur fuels in Portland Metropolitan Area, OAR 340-22-010

?. N. Motor V. Noise Standards

Because of the uncertain time spans involved, the Commission reserves the right to deal with any item at any time in the meeting, except item E. Anyone wishing to be heard on an agenda item that doesn't have a designated time on the agenda should be at the meeting when it commences to be certain they don't miss the agenda item.

The Commission will breakfast (7:30 a.m.) at the Pine Tavern. Lunch will also be at the Pine Tavern, Foot of Oregon Avenue, Bend.

MINUTES OF THE NINETY-FIRST MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

November 18, 1977

On Friday, November 18, 1977, the ninety-first meeting of the Oregon Environmental Quality Commission convened in the Deschutes County Commission Hearing Room, Courthouse Annex, 1164 N.W. Bond, Bend, Oregon.

Present were Commission members: Joe B. Richards, Chairman; Dr. Grace S. Phinney, Vice-Chairman; Mrs. Jacklyn Hallock and Mr. Albert Densmore. Commissioner Ronald Somers was absent. Present on behalf of the Department were its Director and several members of the Department staff.

Staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the Director's Office of the Department of Environmental Quality, 1234 S.W. Morrison Street, Portland, Oregon.

AGENDA ITEM A - MINUTES OF OCTOBER 21, 1977 AND OCTOBER 26, 1977 EQC MEETINGS

It was MOVED by Commissioner Phinney and seconded by Commissioner Hallock that the minutes of October 21, 1977 and October 26, 1977 be approved as presented. The motion passed unanimously.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR OCTOBER 1977

Commissioner Densmore asked how the Department would get involved in ship emissions in relation to the significant activity item regarding GATX in Columbia County. Mr. E. J. Weathersbee of the Department's Air Quality staff, replied that the Department was trying to determine if this facility would qualify under the EPA definition of a major source. He said that the terminal company said it had no control over the ships and what they did, so the Department was trying to find out how they could control those ship emissions.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney, and carried unanimously that the Monthly Activity Report for October 1977 be approved.

AGENDA ITEM C - TAX CREDIT APPLICATIONS

In connection with application T-843R, Teledyne Wah Chang Albany, Commissioner Hallock asked if the Commission was setting a precedent by approving a tax credit for a monitoring device. Mr. Michael J. Downs of the Department's Program Management Division, replied that the Commission had approved tax credits for monitoring devices in the past with the idea that they helped to control pollution by allowing the Company to keep track of its emissions.

Chairman Richards asked if the wording of the summations in the tax credit review reports matched that of the statutes. Mr. Downs said that 468.170(4) laid out the findings the Commission must make to issue a tax credit, and that that wording is included in the summations of the tax credit reports.

Some discussion followed regarding return on investment in relation to solid waste tax credits. Chairman Richards suggested that it might be a good idea to request the Legislature to review the solid waste portion of the tax credit law. Mr. Downs replied that the Legislature had made changes to the solid waste statutes in the 1977 Session, so they had looked at it recently.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney, and carried unanimously that tax credit applications T-843R, T-854, T-884R, T-898R, T-917, T-919, T-924, T-925, T-926, T-927, T-928, T-930 and T-931 be approved.

AGENDA ITEM D - CENTRAL REGION--REPORT OF REGION MANAGER ON SIGNIFICANT ON-GOING ACTIVITIES IN THE CENTRAL REGION

Mr. John Borden of the Department's Central Region presented the staff report on this matter.

Mr. Borden said that currently the Redmond sewerage project was about 40% completed. He said that a citizens group had challenged Redmond's local share financing formula and had filed suit.

Mr. Borden said that Willamette Industries had essentially been in compliance with Department air quality regulations since 1976. However, he said, they had recently been receiving some particulate complaints in regard to the plant. Mr. Borden said that the Department was setting up a particulate sampling program to verify particulate sources and determine whether air quality standards are being violated by the plant.

In regard to open burning in Central Oregon, Mr. Borden said that little had been done to control the open burning of wastes except for fire hazard control. He further outlined an implementation strategy for the regulation of open burning in the Central Region in accordance with the Commission's adoption of revised open burning regulations on October 15, 1976.

With connection to the hazardous waste regulations adopted by the Commission in 1976, Mr. Borden said that the Central Region began an inventory of hazardous waste storage cans, disposal and application practices, rinsing practices and public feeling regarding the appropriateness of the regulations. He said that one of the things they learned was that persons interviewed felt that the regulations were hindering the desire to properly dispose of these cans. He further said that the Department was looking at just what those disposal practices were and obtaining suggestions as to what citizens would see as adequate regulations. Mr. Borden said that at this time very few pesticide cans were making it to approved disposal sites, and if they were, they were not being rinsed properly.

Mr. Borden said that they were also gathering data on field burning in Jefferson County to determine whether any Department action was required.

Mr. Borden said that a wood waste management and disposal problem had developed in Crook County because of the phase out of wigwam burners. He said that the Department set up a study group of mill representatives, county officials, fire districts and the news media to develop remedies to this problem. He also said that resource re-use was being encouraged.

Mr. Borden then listed a few significant activities outside of the tri-county area. These included the Martin-Marietta Aluminum Company, The Dalles, request for variance from NPDES water pollution control standards which EPA denied; geothermal exploration in Klamath and Lake Counties; the implementation of a sludge utilization disposal program in Hood River County; and the subsurface sewage disposal program in the Central Region.

No action was required by the Commission on this item.

PUBLIC FORUM

Mr. Ladd Henderson of Hood River appeared before the Commission to request the opportunity to go before the Commission instead of a Hearing Officer regarding a subsurface sewage disposal matter on the mobile home park which Mr. Henderson owns. Mr. Henderson said that he felt that since the Hearing Officer's address was the same as the main DEQ headquarters, it would be extremely difficult for the Hearing Officer not to have a pre-knowledge of the circumstances from the Department's point of view.

Chairman Richards told Mr. Henderson that although the Commission did occasionally conduct public hearings themselves on items of great public interest, it would be nearly impossible to conduct them on every matter that required a hearing. Therefore, Chairman Richards said, the Commission had two hearing officers to conduct hearings for them.

Chairman Richards asked if the issue was the denial of a permit. Mr. Henderson replied that it was. Chairman Richards asked if the DEQ had ever been denied access to the property. Mr. Henderson said he had denied access two days before. Chairman Richards asked if Mr. Henderson had obtained permits for all activities prior to construction and installation. Mr. Henderson replied that in the situation DEQ was citing him for he did not have permits. Chairman Richards asked if Mr. Henderson had attempted to get the permit before or after installation. Mr. Henderson replied that he had attempted to get permits before installation. Mr. Henderson said that this problem did not just involve his situation; that there was a whole area that would need a lift station to feed into the City of Hood River system. He said that this delay was holding up several property sales and/or improvements.

Chairman Richards asked the staff to respond in writing to the points Mr. Henderson raised.

AGENDA ITEM E - JELD-WEN: BENTON'S ENGINEERING & FABRICATION, KLAMATH COUNTY--REQUEST FOR VARIANCE FROM OPEN BURNING RULES, OAR 340-23-025 THROUGH 23-050

Mr. Neil Adams of the Department's Central Region staff presented the staff report on this matter. Mr. Adams said that it its April 22, 1977 meeting the Commission denied Jeld-Wen's request for an open burning variance and required them to more fully examine alternatives to open burning. He said that the Company's response to the Commission Order concluded that none of the alternatives examined were practical to the present method of disposal by open burning. Mr. Adams said that the Company again requested a variance and asked permission to burn their dump on an annual basis.

Mr. Adams showed the Commission photographs taken of the dump on August 12, 1977. These photographs showed tires, paint cans, plastics of all types and cardboard and lunchroom refuse which, Mr. Adams said, the Company had previously told the Department were being separated or taken to the Klamath disposal site. He said that a follow-up inspection was done on September 23, 1977 and that Mr. Wayne Benton of Benton's Engineering & Fabrication requested that his approval be received in advance of the Department's inspection. Mr. Adams said that the Department was not allowed to take photographs at that time on Company request. He further said that at that time it looked as if earth had been moved to cover portions of the dump. Mr. Adams said that they did not observe any tires, plastic or cafeteria-types wastes at that time.

Mr. Adams said that Jeld-Wen had provided little new information in their current variance request over that already submitted to the Commission and the Department. He said that although the Company had been asked to do so, they had not submitted a satisfactory or complete analysis of their waste disposal problem.

Mr. Adams presented the following Director's Recommendation:

1. The Director recommends that the Environmental Quality Commission enter a finding that special circumstances rendering strict compliance unreasonable, burdensome, or impractical were not found.

2. It is the Director's further recommendation that Jeld-Wen's August 1, 1977 request for annual industrial and commercial waste open burning be denied.

3. The Director recommends that Jeld-Wen be instructed to develop and implement an approvable plan for industrial solid waste disposal which does not include open burning. That Jeld-Wen be assessed appropriate civil penalties if any other open burning occurs at the plant site or other sites under their ownership or control at any time.

4. The Director also recommends that if Jeld-Wen continues to use their current industrial solid waste disposal site on or after December 15, 1977 without submitting a complete solid waste disposal site application to DEQ for that site by December 15, 1977, Jeld-Wen be assessed appropriate civil penalties. DEQ would favorably act on the IW-SW permit application only if said site is a part of an approvable plan developed as in 3, above.

Chairman Richards asked Mr. Adams if he was involved in this problem in February, March and April of 1977. Mr. Adams replied he was. Chairman Richards said that prior to the April meeting, some burning was observed that the Klamath County Fire Marshal had issued a building demolition permit for. He further said that he assumed that permit did not automatically include permission from DEQ. Mr. Adams replied that the County Fire Marshal did have authority to issue a burning permit, however, this particular permit was not coordinated with DEQ. Mr. Adams said that it was his understanding that even though a permit to burn was issued by the fire mashal, a permit should have been obtained from the Department in compliance with the open burning rules. Further, Mr. Adams said, the Company did not have a solid waste disposal permit and is therefore not allowed to accumulate solid waste on the site. If they did have a permit, he said, that permit would specify that no open burning would be done on the site.

Mr. Stan Meyers, employee of Jeld-Wen, appeared and read a written response to the DEQ staff report. Mr. Meyers said that Jeld-Wen acknowledged that the materials currently in their dump could be handled by Klamath Disposal, Inc.; however the cost of this disposal rendered it impractical. He further stated that the proposal of an off-site disposal site was also logistically and economically impractical. Mr. Meyers said that he knew of no open pit incinerators in operation which handled the same type of wastes as Jeld-Wen. He also said that the conversations with a DEQ representative indicated that an open pit incinerator was not a solution to their problem. Regular incinerators were also ruled out as being economically impractical, he said.

Mr. Meyers said that since the April EQC meeting, the Company had made substantial progress in eliminating those undesirable wastes described in the staff report, and also reduce the volume of wastes going to the dump. He said that the Company had discussed the type of material to be taken to the dump at their monthly manager meetings and had stressed the importance of the situation. Mr. Meyers said that the Company believes that those items now at the dump site would not cause dense smoke or obnoxious odors if the dump were allowed to be burned. He said that burning of the dump could be carried out at a time when DEQ felt that meteorological conditions were favorable.

Mr. Meyers further reiterated the feeling of the Company that no practical alternatives to open burning the dump site could be identified.

Chairman Richards asked Mr. Meyers if he had seen the pictures taken on August 12, 1977. Chairman Richards then showed the pictures to Mr. Meyers after his reply that he had only seen copies of them. In response to Chairman Richards, Mr. Meyers said that the pictures were an accurate representation of the dump on the date they were taken. Mr. Meyers said that he thought with continued effort the Company could keep the objectionable wastes out of the dump.

Chairman Richards asked why the August pictures showed the types of wastes that the Company was told to keep out of the dump in April. Mr. Meyers replied that it was taking time to educate their employees on the types of waste permitted in the dump and that they were making an effort to keep those things out of the dump.

Commissioner Hallock asked if the Company considered disposal costs in the total cost of doing business. Mr. Meyers replied that he did not know how to answer the question; however the costs of collecting the waste from around the plant area, transporting it to their dump on-site and burning it would probably be considered in the cost of doing business.

Commissioner Phinney said that the Company was apparently aware of the undesirability of certain wastes in the dump, but that they seemed unwilling to reduce the amount of combustibles in the dump. She said that just because cardboard is readily combustible did not mean it was acceptable to be put into the dump if there was another alternative, such as recycling. She further said that it disturbed her that the Company did not seem to see anything wrong with the dump. Mr. Meyers replied that they had minimized the material going into the dump a great deal in the past few months. Mr. Meyers said that there was a possibility that something could be done with the cardboard, but that the plant had no use for the rest of the wastes now going into the dump.

Commissioner Densmore asked if there were other facilities in the State comparable to those at Jeld-Wen. Mr. John Borden of the Department's Central Region Office replied that there were some similarities to other mills in the Klamath Basin. However, he said, Jeld-Wen was the only company in the basin that frequently open burned. Commissioner Densmore then asked how other mills handled cardboard. Mr. Borden replied that some take it to the Klamath disposal site where it is banded and recycled.

Commissioner Densmore asked if arrangements could be made with other plants in the area with similar wastes to jointly work on the problem. Mr. Meyers said that that had not been explored. Mr. Borden said that this alternative had been discussed informally with other mills in the Klamath basin at various times.

Mr. Wayne Benton, of Jeld-Wen, told the Commission some background on the plant and their efforts to reduce the refuse in the waste dump. He showed the Commission pictures of the plant in the 1960's to demonstrate that the waste in the dump had been reduced since that time.

Mr. Benton said that he felt the Company's policy has been misinterpreted. He said he did not allow Department staff to take pictures at their September 23 inspection because everytime he talked to Department representatives the facts had been turned around before they got to the Commission. Mr. Benton said that if he had allowed pictures to be taken, they would have shown that the objectionable refuse was not in the dump. He further said that they periodically use a cat to push the pile together and consolidate it, but that no attempt was being made to cover anything up.

Mr. Benton stated that a large pile of refuse was on the property when Jeld-Wen purchased it in approximately 1970. He said that the Company had worked very hard to eliminate this refuse.

Mr. Benton said that the building demolotion burning done early in the year had been done under a permit from the county fire marshal and he did not understand why there was a problem with that. He said that the Company was concerned with what was in the dump and all they were asking was permission to burn the dump once a year. He said that he felt the more they tried to comply, the more trouble they got into. Further, Mr. Benton said that DEQ personnel, off the record, told him that they saw no problem with the Company burning the dump.

Mr. Adams said he could not recall himself or any member of his staff making such a statement. He said that the main problem seemed to be a lack of communication between the Department and the Company. Mr. Adams said that at no time did he feel the Department had not acted in good faith. He said the Department had asked to work with the company to develop a plan so that a solid waste permit could be issued to the plant. Mr. Adams said, however, that the Department did not feel that the Company had acted in good faith, especially by burning the buildings earlier in the year during the same time the Department was negotiating with them not to burn their dump.

In response to Mr. Benton, Mr. Adams said that when he inspected the site the week before the meeting he saw no tires, plastic, paint cans, and very little cardboard.

Commissioner Densmore asked what period of time this variance would cover. He was told it would allow for an annual burn. He said that it had not been demonstrated to his satisfaction that there were no reasonable alternatives to open burning the dump and he would not be able to support the variance request.

Commissioner Hallock MOVED and Commissioner Phinney seconded that the Director's recommendation as stated above be approved.

Chairman Richards asked that if it could be demonstrated to the Department that the particularly obnoxious wastes, such as the tires, paint cans and lunchroom refuse, were separated from the wood wastes on the pile, could a one-time burn be feasible to reduce those wood wastes. Mr. Adams said that they had very little data on what such a burn would do to the air quality.

Commissioner Densmore said it should be made clear that this would not be a procedure that would happen again and that the staff be directed to make every effort to contact affected companies in the area and put together some type of a resource recovery plan, if appropriate and to also get together with the County to explore alternatives.

In response to Mr. Borden, Chairman Richards said that the proposal would be for a one-time burn completely controlled by DEQ and that if any of the obnoxious refuse was burned, civil penalties for open burning violations would be issued. He also said that under no circumstances would he vote to have an additional burn.

Commissioner Hallock amended her motion to say that except for a one-time burn of wood wastes only, at a time and on a date supervised by the Department, the Director's recommendation be approved. The amended motion passed unanimously.

Chairman Richards added for the record the finding of fact that on the exception to the Director's recommendation, it would be unreasonable, burdensome, and impractical to deny the one-time burning of the wood wastes by Jeld-Wen. Chairman Richards also said that the type of material to be burned and the burning time and date were to be strictly under the supervision and control of the Department and not a matter for the Company to decide.

AGENDA ITEM G - CITY OF BEND SEWERAGE PROJECT - FINANCIAL CONSIDERATIONS OF CITY OF BEND PHASE I SEWERAGE PROJECT

Mr. Clarence Hilbrick of the Department's Water Quality Division, presented the staff report on this matter. Chairman Richards asked how the "fair share" concept mentioned in summation 8 of the report was arrived at. Mr. Hilbrick replied that the fair share for Redmond was arrived at as a 50-50 split of the local costs and it appeared from the figures available for Bend that the 50-50 split of costs would be appropriate for them also. Chairman Richards asked how recently the Emergency Board took action on the hardship grant. Mr. Hilbrick said it was approximately a year before.

Mr. Clay Shephard, Mayor of the City of Bend, appeared before the Commission. He said that it was the decision of the Bend City Commission to request additional funding to finance the Bend sewer project because of additional and unexpected costs. In 1969, he continued, DEQ mandated that the City of Bend have a sewer system by 1980. Mayor Shephard said that in December 1976, the City appeared before the Emergency Board and requested a hardship grant because of the geological conditions surrounding the City of Bend and the difficulty encountered when trying to install a sewer system. He said that at that time it was understood the City would be responsible for a bond of $7.5 million to $8 million to cover their part of the matching funds with EPA. He said that the Emergency Board acknowledged that anything beyond the $7.5 million would impose an undue hardship on the City. Mayor Shephard said that the Emergency Board granted the City the $7.5 million to provide matching funds to EPA.

Mayor Shephard said that now the costs have changed upward, inspite of the best estimates the City could obtain at the time they went to the Emergency Board. He said that the City's growth rate was now double that of the whole State of Oregon. Such a growth rate, he said, imposed such hardships as the necessity of seeking more water sources; the building of at least one more fire substation; increased traffic problems; the building of three more schools for which the funding is provided by bonding; and also the Central Oregon Community College was making a study of its future building needs which might require more bonding. Mayor Shephard said that all of this meant that the City would have to be careful about passing additional bonds. He also said that the additional projected population would have to be planned for in setting up the sewerage system.

Mayor Shephard added that the City embarked upon the venture of providing sewer service at the urging of the Commission, and he asked the Commission's continued support of their efforts to get funding.

Chairman Richards asked who was responsible for making sure the final figures reflected the actual costs, DEQ or the City. Mayor Shephard said he did not know; however their plans had been reviewed by DEQ. Chairman Richards asked why the Emergency Board was not being asked for half of the $4 million remaining, and if the City felt it had gone to its limit and any excess would be the responsibility of the State. Mayor Shephard replied that it was the opinion of the City and its consultant that they were just about bonded up to the limit and that they would have trouble selling additional bonds which would place the interest rates higher.

Mr. Charles Long of Bartle Wells, Associates, of San Francisco, financial consultants to the City of Bend, testified that they were hired to help the City plan the financing of a sewerage system project. In response to Chairman Richards, Mr. Long said they had been involved in the project since August of 1976. He said that their approach to a public works project was to consider the entire cost of that project on the citizens impacted. He said that their approach was to make everyone aware of how much the whole project would cost. This included, he continued, presenting to the City the specific cost of the house service connections and the cost of the collection system as well as the treatment and disposal system.

Mr. Long presented charts demonstrating the City's current and projected debt burden. He said that their advise to the City of a reasonable debt burden was based on the current bond market. He said that as soon as the City went over a 5% debt ratio the City would experience a significant adverse cost impact on financing capital projects. Mr. Long said they advised the City that $9 million was as much as they could afford on the sewerage project and still pay reasonable interest rates and maintain sufficient debt capacity to finance other capital projects that the City would be required to finance.

Mr. Long said that the City could not proceed with construction until capital sources had been identified for the project. He said that the original proposal to the City was for the project to be tax supported during the construction years and to later allocate costs to users based upon connection charges and service charges. He said that the City could not continue with the project because the financing was based on being able to complete the project within the capital sources they had available.

Also, he said, delay on the project costs the City money.

Chairman Richards asked about the possibility of the figures they had been given falling short of the actual costs. Mr. Long replied that the City had originally figured in a $1.5 million contingency cost for unanticipated cost increases. However, Mr. Long said, with the $9 million practical limit on city financing, the city's ability to come up with additional costs would be minimal.

Some discussion then followed between the Chairman and the Director on the background and applicability of hardship grants.

In response to Commissioner Densmore, Chairman Richards said that the City could not continue to pursue the sewerage project until the Commission decided to assist because costs were going up each day and the City needed to know whether to go for an additional bond issue.

It was MOVED by Commissioner Phinney, seconded by Commissioner Densmore and carried unanimously that the following Director's recommendation be approved.

It is recommended that:

1. The Environmental Quality Commission concur in the Department's position that the interim use of a drill home for the disposal of highly treated sewage effluent is a positive step forward which will reduce potential adverse impacts on the groundwater while permitting construction to begin before inflation drives costs higher without foreclosing any future options. Such concurrence is conditioned upon immediate further study of ultimate disposal options and a groundwater monitoring program to be conducted by the City in conjunction with the interim drill hole.

2. The Environmental Quality Commission concur in the Department's position that the State hardship grant of $7.5 million still substantially meets the intent of the Department's request to the Emergency Board, and that it would not be appropriate to request additional hardship grant funds at this time.

Chairman Richards asked Mr. Long if it would be possible to come up with some estimates of amounts that would be needed for other services than the sewage project and more hard detail as far as the cost of the project. Mr. Long replied that some of the information asked for would be qualitative in nature and not hard data. For instance, Mr. Long said, future demands on capital projects would be based upon their best speculation documented as well as they could, but it would still be speculation. He said that the City was looking for more than the adoption of the Director's recommendation. He said they were looking for more of a commitment on the part of the Commission to work with the City to find ways out of the capital project bind they are in. Mr. Long said the City would like to see a request from the Commission to receive a full-scale report on the entire solution to the problem which would incorporate a variety of methods of cost reduction, DEQ loans and additional capital sources that could be identified from other places. Chairman Richards assured Mr. Long that the Commission and

the Department had a concerned, continuing interest in the Bend situation.

Commissioner Phinney asked if the Chairman thought a special directive was needed from the Commission to the Department for them to work cooperatively with the City. Chairman Richards replied that he did not think that was necessary.

AGENDA ITEM F - SEWAGE DISPOSAL, BEND AREA - PUBLIC SEWERAGE CONSIDERATIONS WITHIN THE BEND URBAN GROWTH BOUNDARY

Mr. John Borden of the Department's Central Region Office, said that since the early 1900's sewage disposal wells had been used in Central Oregon to dispose of septic tank effluent. After study by a Federal agency it was concluded that continued discharges of septic tank wastes to disposal wells posed a potential threat to groundwater quality. He said that in 1969 regulations were adopted to phase out existing disposal wells, but new wells were permitted under a certain set of conditions. Overall, Mr. Borden said, Bend's sewerage project had had several delays since 1969, along with the complication of rock excavation and local financing difficulties. He continued by saying that because Bend's annual reports showed progress toward sewerage construction DEQ had renewed their permit authorizing sewage disposal wells each year through the present.

Mr. Borden said that much of the growth was outside the City but inside the Urban Growth Boundary and it had occurred with little or no regard for how sewerage connections would be made except as inadvertantly regulated by DEQ by indirect planning strategies. He said that a key factor was the lack of local coordination between the city and county such as a city utility board, a county service district or some form of equivalent control.

Mr. Borden listed the following DEQ alternatives:

1. No action--continue septic tank and drainfield approvals/denials without regard to local planning.

2. Obtain a written program from the Deschutes County Commission which shows how DEQ and the Commission can work together to insure that Phase 2 sewerage construction occurs in accordance with the approved facilities plan and its amendments, which show proposed trunk sewer locations. The program shall diagram an implementation strategy which addresses:

   a. Who will plan collector sewers;
   b. When sewerage facilities will be constructed;
   c. How sewerage facilities will be financed;
   d. Who will implement planning, design and construction;
   e. How development will be handled in the interim to insure that it does not impair implementation.

3. Restrict subsurface sewage disposal systems in the Phase 2 area until at least one of the following occurs:

   a. Deschutes County forms a County Service District to design and construct sewerage facilities in the Phase 2 area to accommodate any county approvals in the UGB; or
   b. An equivalent public body is formed to regulate these activities in accordance with regional sewerage planning.

Mr. Pat Gisler, Bend citizen, testified that the local newspapers reported the current cost estimate on the Bend sewer system was approximately $66 million or $12,000 per house. He said that this made him question the feasibility of an area-wide sewer system for Bend. He said that the testimony he heard previously in the day that estimated perhaps a $3.50 to $5.00 per thousand tax increase to pay for the sewer failed to take into consideration an additional estimated $300 per year increase in property taxes because of increases in assessed valuation. He said that in light of rising costs, the scope of the project should be reduced in scale. He proposed sewering only existing drill holes in the city area.

Mr. Gisler also recommended that the effluent disposal be limited to spray irrigation of treated effluent. He said that dumping effluent into a specific area was more of a hazard to the subsurface water than the existing drill holes. He said that it appeared to him DEQ was more interested in stopping growth in the Bend area by making housing too expensive for anyone but the very wealthy, than it is interested in environmental quality. Mr. Gisler said that the effluent from the treatment plant would probably be safer in the Deschutes River or the irrigation ditches where biological processes can take place than by injecting it into the subsurface. He said that numerous relic stream channels existed between the lava flows, of which many carry water.

Mr. Gisler said he disagreed with Mr. Borden that septic tank and drainfields were interim facilities. He said that properly installed and maintained the septic tank system had a lifetime which meets or exceeds that of the structure to which it is attached. He said that considering the circumstances in Bend, the septic tanks were a safe and reliable system for single-family dwellings.

Mr. Gisler said he felt the Bend area sewer system needed to be rethought to (1) reduce the scale of the project to drain holes only; (2) limit disposal to spray irrigation; (3) go for local basin systems and not a large regional system; (4) encourage the use of septic tank and drainfields for areas that are for single family dwellings; and (5) direct the Department to restrict its attention to environmental quality and stay out of the area of land use planning.

Chairman Richards asked Mr. Gisler about his statement that the effluent from a treatment plant was more dangerous than the drill holes. Mr. Gisler said he was not defending drill holes; however the amount of effluent going into a drill hole in any given location presented a very small volume. He continued by saying that when a large amount of effluent from the City is deposited into one point, even though it is treated, it would make that point a much greater hazard to the subsurface water than individual drill holes. Chairman Richards said that the septic tank system they had been talking about would still permit the effluent to percolate through some rock formations and enter the subsurface water. Chairman Richards said there were areas where septic tank systems were installed with the idea that the area would be sewered and therefore were not meant to be long-term systems.

Mr. Gisler said that the effect of a $12,000 per house sewer system would be to stop growth because most people could not afford homes with the increased expense. Chairman Richards said that the role of the Commission and the Department was not in land planning and he did not see it as a mission of the Commission to make buying homes inexpensive if the result of that would be to contaminate aquifers.

No action of the Commission was needed at this time.

AGENDA ITEM H -CITY OF MAUPIN SEWERAGE PROJECT - REQUEST FOR EXTENSION OF TIME SCHEDULE FOR CONSTRUCTION OF CITY OF MAUPIN SEWAGE COLLECTION AND TREATMENT FACILITIES

Mr. Robert E. Shimek of the Department's Central Region staff presented the staff report on this matter. He said that under the terms of an Order issued by the Commission on October 15, 1976, construction to upgrade the sewage collection and treatment facilities of the City of Maupin should have commenced by November 15, 1977. He said that construction had not started due to the unavailability of federal grant funds up to this point.

Commissioner Hallock MOVED, Commissioner Phinney seconded, and it was carried unanimously that the following Director's Recommendation be adopted:

The Director recommends that the Order signed at the September 15, 1976 EQC meeting be revised as follows:

1. Begin construction within three (3) months of Step III grant offer.
2. Complete construction within twelve (12) months of Step III grant offer.
3. Attain operational level within thirty (30) days of completing construction.

AGENDA ITEM I - NPDES JULY 1, 1977 COMPLIANCE DATE - REQUEST FOR APPROVAL OF STIPULATED CONSENT ORDERS FOR NPDES PERMITTEES NOT MEETING JULY 1, 1977 COMPLIANCE DATE

Mr. Fred Bolton of the Department's Regional Operations staff, presented the staff report on this matter. He requested the Commission to sign stipulated orders for Cities of Cottage Grove and Boardman because they were unable to consistently treat sewage to the required level of secondary treatment.

Commissioner Phinney asked if these stipulated orders would affect the priority list in any way. Mr. Bolton said that both cities were on the priority list and were in the planning and design stages.

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the Director's recommendation, as follows, be approved.

It is the Director's recommendation that the Commission approve the following Consent Orders:

1. Department of Environmental Quality v. City of Cottage Grove, Stipulation and Final Order No. WQ-MWR-77-250.

2. Department of Environmental Quality v. City of Boardman, Stipulation and Final Order No. WQ-ER-77-158.

AGENDA ITEM J - S.W. 45th DRIVE AREA, PORTLAND, MULTNOMAH COUNTY - CERTIFICATION OF PLANS FOR SEWERAGE SYSTEM AS ADEQUATE TO ALLEVIATE HEALTH HAZARD, ORS 222.898

Mr. Clarence Hilbrick of the Department's Water Quality Division staff, presented the summation and Director's recommendation from the staff report. He said that upon the issuance of an annexation order to the City of Portland by the State Health Division on July 5, 1977, the City submitted preliminary plans and specifications to DEQ for review. Pursuant to ORS 222.898, he said, the Commission was required to review the preliminary plans and other submitted documents and certify to the City its approval if it considers the proposed facilities and time schedule adequate to remove or alleviate the dangerous conditions.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that the Director's recommendation to approve the proposal of the City of Portland and certify said approval to the City, be adopted.

AGENDA ITEM K - MEDFORD AIR QUALITY MAINTENANCE AREA - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER AMENDMENTS TO OREGON CLEAN AIR ACT IMPLEMENTATION PLAN INVOLVING PARTICULATE CONTROL STRATEGY RULES FOR THE MEDFORD AIR QUALITY MAINTENANCE AREA

Mr. David Baker of the Department's Air Quality Division staff, presented the Director's recommendation from the staff report.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and unimously carried that the Director's recommendation to authorize a public hearing to take testimony on the question of adopting new administrative rules regarding particulate emissions within the Medford-Ashland Air Quality Maintenance Area, be approved.

AGENDA ITEM L - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER AMENDING VEHICLE EMISSION TESTING RULES TO COVER THE TESTING OF PUBLICLY OWNED VEHICLES

Mr. Ron Householder of the Department's Vehicle Inspection Section, presented the Director's recommendation on this matter. He requested the Commission to authorize a public hearing to consider the amending of the vehicle emission testing rules to include the testing of publicly owned vehicles.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that the Driector's recommendation to authorize the public hearing be approved.

AGENDA ITEM M - SULFUR CONTENT OF FUELS - ADOPTION OF POLICY

Mr. E. J. Weathersbee of the Department's Air Quality Division, said that this was the fifth time this Policy had been before the Commission, and if it was not adopted at this time the idea should probably be abandoned.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney, and carried unanimously that the Director's recommendation be approved with the amendment in section (1)(a) which reads as follows:

(a) Present evidence which indicates that residual oil combustion has [an] a significant adverse air quality impact in the Portland AQMA.

TEMPORARY NOISE REGULATIONS

Mr. John Hector of the Department's Noise Section, appeared before the Commission to request that serious prejudice to the public would result if the Commission did not adopt the temporary noise rules as presented to the Commission at the Breakfast Meeting. He also requested that the Commission authorize a public hearing to adopt permanent rules.

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the temporary noise rules be adopted and a public hearing be authorized to adopt permanent rules.

THOR MORK

Chairman Richards said that Mr. Mork asked the Commission to reconsider their action adopting the priority list for water quality projects. He said that Mr. Mork felt that there were various unconstitutional actions taken by the Commission at the time the list was adopted and he was advised to ask the Commission for reconsideration of the matter before he sued them. Chairman Richards then called for a motion to either reconsider the priority list, or not reconsider it.

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the Commission's action not be reconsidered.

Chairman Richards asked that Mr. Mork be informed of the Commission's action on this matter.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Carol A. Splettstaszer
Recording Secretary

ROBERT W. STRAUB
GOVERNOR

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 B, November 18, 1977, EQC Meeting

October Program Activity Report

Discussion

Attached is the October 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 8 of the report.

Bill

WILLIAM H. YOUNG

M. Downs:mjb
229-6485
11-10-77

Department of Environmental Quality
Technical Programs

Permit and Plan Actions

October 1977

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air, Water & Solid Waste Divisions (Reporting Unit) — October 1977 (Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	Pending
Air							
Direct Sources	16	54	14	47			29
Total	16	54	14	47			29
Water							
Municipal	107	563	126	655			22
Industrial	8	40	5	36			11
Total	115	603	131	691			33
Solid Waste							
General Refuse	7	16	3	8			10
Demolition	2	3		1			3
Industrial	3	11	1	7			7
Sludge	1	1	1	1			
Total	13	31	5	17			20
Hazardous Wastes							
GRAND TOTAL	144	688	150	755			82

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division — October 1977

PLAN ACTIONS COMPLETED - 131

County	Name of Source/Project/Site and Type of Same		Date Rec'd	Date of Action	Action	Time to Complete Action
	Municipal Sources - 126					
10	GLIDE	PARTIAL UNIT B	V081177	090677	PROV APP	29
10	SUTHERLIN	RIDGEWATER ESTATES	V082477	092877	LETTER	35
36	NEWBERG	LENVIEW SUBD	J092777	100377	PROV APP	06
26	PORTLAND	SW STONEBROOK COURT & DR, PP	J092877	100377	PROV APP	05
21	NEWPORT	NEWPORT PROJECT NO 4-1977	J092877	100477	PROV APP	06
26	GRESHAM	FLEMING PLACE	K092877	100577	PROV APP	07
2	CORVALLIS	CORVALLIS SOLIDS STORAGE BAS	V100677	100677	PROV APP	00
34	USA ALOHA	STEPHANIE HEIGHTS 638	K092777	100677	PROV APP	10
20	EUGENE	MUSHROOM	K092977	100677	PROV APP	07
12	JOHN DAY	JOHN DAY SS	K080977	100777	PROV APP	60
20	SPRINGFIELD	CAMELLIA PARK SUBD	K093077	100777	PROV APP	07
21	SILETZ	STROME ADD	J091577	101077	PROV APP	20
36	DUNDEE	DUNDEE EXPANSION	V080877	101177	COMMTS	65
34	USA	UPPER TUALATIN INTERCEPTOR	V091577	101177	PROV APP	26
20	EUGENE	NORKENZIE ROAD	K091977	101177	PROV APP	22
34	USA DURHAM	WEST FIR 636	K092277	101177	PROV APP	19
34	USA ALOHA	GREENLEAF SUBD 632	K092377	101177	PROV APP	18
34	USA FOREST GR	QUAIL PARK SUBD	K092377	101177	PROV APP	18
32	WALLOWA	EVERGREEN DISTRICT	K092677	101177	PROV APP	15
34	USA FOREST GR	DAVIS STREET APTS	K092777	101177	PROV APP	14
34	USA DURHAM	COSTON PLACE	K093077	101177	PROV APP	11
24	SALEM	KRYSTI SUBD	J092277	101277	PROV APP	20
29	NTCSA	NEAH KAH NIE MTN BLKS 7 & 8	J092777	101277	PROV APP	15
24	SALEM WILLOW	DAVCOR INDUSTRIAL CENTER	J092377	101277	PROV APP	19
20	EUGENE	FOCH STREET	K091977	101277	PROV APP	23
20	EUGENE	SOUTH SHASTA LOOP	K091977	101277	PROV APP	23
4	WARRENTON	ALDER CREEK ACRES	K092777	101277	PROV APP	15
21	GLENEDEN SD	EVERGREEN EXT	J100477	101377	PROV APP	09
24	SALEM	TRAVER HTS SUBD	J100777	101377	PROV APP	06
21	SILETZ	REVISED-STROME ADD.	J100777	101377	PROV APP	06
24	SALEM	SKYLINE VILLAGE PHASE II	J101177	101377	PROV APP	02
16	GRANTS PASS	HILLCREST LANE	J100377	101377	PROV APP	10
2	CORVALLIS	OAK GLEN SUBD	K092277	101377	PROV APP	21
34	USA FOREST GR	TARRYBROOKE V CORNELIUS	J093077	101377	PROV APP	13
6	NORTH BEND	NEWMARK ST	J092977	101377	PORV APP	14
17	GRANTS PASS	CAROL DR-GILBERT CREEK LAT	J093077	101377	PROV APP	13
17	GRANTS PASS	HAWTHORNE AVENUE	J092777	101377	PROV APP	16
20	SPRINGFIELD	PACIFIC 6 MOTOR INN	K100777	101477	PROV APP	07
34	USA	BANY RIDGE	K101177	101477	PROV APP	03
34	USA FOREST GR	LOR MAR 4	K101177	101477	PROV APP	03
34	USA	HEATHERWOOD REV	K101277	101477	PROV APP	02
34	USA ALOHA	JASON ACRES 646	K101277	101477	PROV APP	02
34	USA ALOHA	ST MARY BOYS HOME EXT	K101277	101477	PROV APP	02
23	ONTARIO	SW 4TH AVE	K092877	101477	PROV APP	16
20	SPRINGFIELD	MILL & G STREETS	K092877	101477	PROV APP	16
34	USA ALOHA	CHAMPION DUPLEXES 644	K101277	101577	PROV APP	03
24	SALEM	ALLEY BTWN COMM. & LIBERTY	J100677	101777	PROV APP	11
2	RIVER HTS SUBD	RIVERVIEW HEIGHTS 1ST ADD	J092977	101777	PROV APP	18
26	PORTLAND	JAN TREE CT & SW 60TH AVE	J100677	101777	PROV APP	11
26	PORTLAND	N CECILIA ST & N BERKELEY AV	J100677	101777	PROV APP	11
24	SALEM	ALLEY BTWN CHEMEKETA-COURT	J100677	101777	PROV APP	11
26	GRESHAM	WILLOWBROOK PHASE III W	J100777	101777	PROV APP	10
26	GRESHAM	WILLOWFROOK PH III E	J101177	101777	PROV APP	06

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division — October 1977

PLAN ACTIONS COMPLETED (cont.)

County	Name of Source/Project/Site and Type of Same	Date Rec'd	Date of Action	Action	Time to Complete Action
26	PORTLAND SW 38TH PL, SW 39TH DR & PP	J101177	101777	PROV APP	06
24	SALEM ALLEY BTWN HIGH & CHURCH	J100677	101777	PROV APP	11
24	E SALEM S & D WIL-DOR PARK SUBD	J101177	101877	PROV APP	07
24	SALEM WILLIAMSBURG SUBD	J101277	101877	PROV APP	06
14	MT HOOD MT HOOD MEADOWS SURGE TANK	PV100377	101977	PROV APP	16
24	SALEM ALLELUIA HEIGHTS	J100677	101977	PROV APP	13
33	MAUPIN MAUPIN STP 2 SETS	V101177	101977	PROV APP	08
9	CHOCTAW V SD BUTLER MARKET INT	K101177	101977	PROV APP	08
9	CHOCTAW V SD CHOCTAW VILLAGE	K101977	101977	PROV APP	00
26	MULTNOMAH CO HOLCOMB HEIGHTS	J101977	101977	PROV APP	01
20	EUGENE MAHLON SWEET FIELD AIRPORT	V091477	101977	PROV APP	35
26	TROUTDALE SANDEE PALISADES II	J100477	102077	PROV APP	16
34	HILLSBORO FURROW I	J100677	102077	PROV APP	14
36	NEWBERG ADEC	K101177	102077	PROV APP	09
34	HILLSBORO HILLWOOD	J100577	102077	PROV APP	15
34	HILLSBORO ROOD BRIDGE ROAD	J100577	102077	PROV APP	15
3	WEST LINN THE WISHING WELL	J101477	102077	PROV APP	06
34	USA FOREST GR RANCHO VERDE	K100377	102177	PROV APP	18
3	MILWAUKIE JANET ADDITION	J100377	102177	PROV APP	18
34	USA FOREST GR LOR MAR NO 3	K100477	102177	PROV APP	17
3	WILSONVILLE CHARB SINGLE FAM EAST 2ND AD	J100477	102177	PROV APP	17
34	USA ALOHA PEPPER TREE NO 2 642	K100477	102177	PROV APP	17
20	SPRINGFIELD RAINBOW LOOP AT FAIRVIEW DR	K100677	102177	PROV APP	15
24	SALEM WILLOW SKYLINE VILLAGE PH 2A	K101177	102177	PROV APP	10
30	UMATILLA REV. MCNARY DIV NO 7	K101877	102177	PROV APP	03
21	YACHATS MERRIT-NASH PROJECT	K100677	102177	PROV APP	15
15	ASHLAND BENNER SUBD	J101477	102477	PROV APP	10
3	LAKE OSWEGO WESTRIDGE 3	K100677	102577	PROV APP	19
26	WOOD VILLAGE DEREK ESTATES	J101477	102577	PROV APP	11
2	PHILOMATH GREEN ST IMP	K102477	102577	PROV APP	01
18	S SUBURBAN SD 9TH ADD SUNSET VILLAGE	K100477	102677	PROV APP	22
10	ROSEBURG FAIRHILL DRIVE	K100777	102677	PROV APP	19
24	SALEM WILLOW DAVCOR IND CENTER REV	J101777	102677	PROV APP	09
20	EUGENE SHALAR	K101777	102677	PROV APP	09
24	SALEM BERRY ST ABANDONMENT	J101977	102677	PROV APP	07
10	NUMPQUA SD TRUST SUBD	K101977	102677	PROV APP	07
21	DEPOE BAY LOT A SUNDOWNE ADD	J102477	102677	PROV APP	02
34	USA DURHAM NORTHERN PINE	J102477	102677	PROV APP	02
34	USA TUALATIN ARROWOOD OFFSITE	K102077	102777	PROV APP	07
26	GRESHAM KELLEY CR MEADOWS PUD	K100677	102777	PROV APP	21
20	EUGENE TARA HILLS	K100777	102777	PROV APP	20
15	ASHLAND GRIZZLY INDUSTRIAL PARK	K100777	102777	PROV APP	20
30	HERMISTON MOYER SUBD	K101177	102777	PROV APP	16
8	GOLD BEACH ELEVENTH ST SS	K101277	102777	PROV APP	15
26	PORTLAND SE MALDEN & SE 105TH AVE	K101477	102777	PROV APP	13
2	CORVALLIS LOT 1 CLOVERLAND VILL 1ST AD	K101477	102777	PROV APP	13
24	SALEM FURER SUBD IMPS	J101977	102777	PROV APP	08
8	HARBOR SD LUCAS ESTATES & ADJ PROPERTY	K102077	102777	PROV APP	07

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division — October 1977

PLAN ACTIONS COMPLETED (cont.)

County	Name of Source/Project/Site and Type of Same	Date Rec'd	Date of Action	Action	Time to Complete Action
26	PORTLAND SW WOODS CR CT	K102077	102777	PROV APP	07
34	HILLSBORO SEWELL STATION 2	K102577	102777	PROV APP	02
20	FLORENCE FRASIER BERRYS SUB 36 & 37	K102677	102877	PROV APP	02
10	REEDSPORT COHO RECR VEHICLE PARK	J092777	102877	RETURNED	31
2	CORVALLIS CORVALLIS CHANGE 70	V100477	102877	APPROVED	24
34	USA ROCK CR ADD 2 CONTR 52 C410485	V100777	102877	APPROVED	21
2	CORVALLIS CORVALLIS ADD NO 1 SSB	V101177	102877	APPROVED	17
3	CCSD #1 ARMSTRONG ACRES	J101277	102877	PROV APP	16
2	CORVALLIS CHANGE ORD NO 75, 69A AND 73	V101477	102877	PROV APP	14
34	USA CED HILLS CEDAR HILLS TRUNK-CHANGE I	V102477	102877	APPROVED	04
15	BUTTE FALLS BUTTE FALLS SCH II CHANGE 7	V102477	102877	APPROVED	04
2	CORVALLIS CORVALLIS CHANGE NOS 74 & 77	V102477	102877	APPROVED	04
3	WEST LINN CHANGE NO 1 C410313	V102177	102877	APPROVED	07
34	USA DURHAM SNOOPY VILLAGE 650	K102577	102877	PROV APP	03
17	REDWOOD SSSD CHANGE NO 1	V100177	102877	APPROVED	27
29	PACIFIC CITY ADDENDUM NO 1	V100477	102877	APPROVED	24
3	WEST LINN REVISED WISHING WELL	J102777	102877	PROV APP	01
23	ONTARIO COLLEGE GREEN EST DIV NO 4	K102777	102877	PROV APP	01
3	WILSONVILLE STP EXPANSION	V091277	102877	PROV APP	36
34	USA DURHAM CHANGE OR NOS 43 & 44	V092977	102877	APPROVED	30
10	N ROSEBURG N BANK PUMP ST, PR-MN & REL	V101177	103177	VERB APPROV	20
24	WOODBURN FAIRWAY PLAZA SHOP CTR EXT	K103177	103177	PROV APP	00
2	CORVALLIS NW WITHAM HILL DR EXT	K102777	103177	PROV APP	04
3	OAK LODGE SD OAK LODGE TRUNK D REL LOWER	K103177	103177	PROV APP	00
24	SALEM CAM ADDITION JO 506	K103177	110177	PROV APP	01

INDUSTRIAL WASTE SOURCES (5)

Marion	Mr. Joe Plas-Scotts Mills Hog Waste	10-1-77	Approved
Marion	Marion Mist Dairy Jefferson	10-1-77	Approved
Linn	Teledyne Wah Chang-Albany Relocation Hafnium Oxide Kiln	10-6-77	Air Quality Review
Linn	Teledyne Wah Chang-Albany Berm, Spill Control, Acid/Caustic Storage at Neut.	10-6-77	Approved Facility
Washington	Tektronix, Inc. - Beaverton Experimental Irrigation of Park Grounds With Treated Waste Water	10-31-77	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit) — October 1977 (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.							
	*	**	*	**	*	**	*	**	*	**	*	**	*	**
Municipal														
New				1				2	3	2				
Existing				2				3		2				
Renewals	8		3				13	3	83	2				
Modifications			7		1		2		10					
Total	8		10	3	1		15	8	96	6	299	72	302	76
Industrial														
New	1	2	3	4			3	5	4	6				
Existing				2				4	1	1				
Renewals	5	1	10	4	1/ 5	1	18	4	47	5				
Modifications			7	1	1		5	1	13					
Total	6	3	20	11	6	1	26	14	65	12	434	99	439	106
Agricultural (Hatcheries, Dairies, etc.)														
New						1	1							
Existing														
Renewals														
Modifications														
Total						1	1				66	10	66	10
GRAND TOTALS	14	3	30	14	1/ 7	2	42	22	161	18	799	181	807	192

* NPDES Permits
** State Permits

1/ Includes one reissued.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — October 1977 (Month and Year)

PERMIT ACTIONS COMPLETED (9)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Columbia	Reichhold Chemical Inc. St. Helens	10-6-77	NPDES Permit Renewed
Douglas	Champion Building Products Rifle Range	10-6-77	NPDES Permit Renewed
Jackson	Medford Corporation Rogue River Site	10-6-77	NPDES Permit Renewed
Josephine	City of Grants Pass Filter Plant	10-28-77	NPDES Permit Renewed
Marion	Weyerhaeuser - Springfield Aquaculture	10-28-77	State Permit Issued
Washington	Flavorland Foods Forest Grove	10-28-77	State Permit Issued
Multnomah	Mobile Oil Corporation Bulk Plant	10-28-77	NPDES Permit Re-Issued
Clatsop	Pacific Shrimp Seafood	10-31-77	Modification Dropped
Lane	City of Oakridge Sewage Disposal	10-31-77	Modification Dropped

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality (Reporting Unit) — October 1977 (Month and Year)

PLAN ACTIONS COMPLETED (15)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Direct Stationary Sources (15)			
Union (NC913)	Boise Cascade Corp., Elgin. Boiler control.	4/29/77	Approved.
Clackamas (NC914)	Portable Equipment Salvage Company. Aluminum secondary smelter.	8/31/77	Approved.
Jackson (NC954)	Oregon Cutstock and Moulding. Chip cyclone.	9/30/77	Approved.
Linn (NC969)	Teledyne Wah Chang Albany. Relocate Columbium Oxide Calciner.	8/22/77	Approved.
Linn (NC977)	Teledyne Wah Chang Albany. Baghouse revision for coke vents.	10/3/77	Approved.
Linn (NC978)	Teledyne Wah Chang Albany. ZrO_2 scrubber improvement.	10/3/77	Approved.
Marion (NC991)	Aegean Marble. Cultured marble manufacturing.	9/30/77	Approved.
Multnomah (NC994)	Louis Dreyfus Corporation. Dust control for ship loading.	9/16/77	Approved.
Gilliam (NC996)	Cargill, Inc. Added grain storage capacity.	10/5/77	Approved.
Hood River (NC997)	William R. Gale. Orchard fan.	9/22/77	Approved.
Douglas (NC998)	Champion Building Products. Increased chipping capability.	10/5/77	Approved.
Multnomah (NC1000)	Reynolds Aluminum. Add on baghouse for rapping ESP.	9/27/77	Approved.
Portable (NC1001)	Acme/Central, A Joint Venture. Ready mix concrete plant.	10/4/77	Approved.
Clackamas (NC1004)	Hawkins Timber Co. Open pit incinerator.	10/10/77	Approved.
Washington (NC1006)	Forest Fiber Products. Sanderdust baghouse.	10/26/77	Approved.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality (Reporting Unit) — October 1977 (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.			
Direct Sources							
New	4	22	2	13	9		
Existing	4	53	5	20	33		
Renewals	5	46	3	19	27		
Modifications	15*	292	14*	279	13		
Total	28	413	24	331	82	1,746	1,788
Indirect Sources							
New	0	8	5	11	10		
Existing							
Renewals							
Modifications	0	1	0	1	0		
Total	0	9	5	12	10	64	
GRAND TOTALS	28	422	29	343	92		

*Includes 10 permits converted to Minimal Source Permits.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality (Reporting Unit) — October 1977 (Month and Year)

PERMIT ACTIONS COMPLETED (29)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Direct Stationary Sources (24)			
	10 sources converted to minimal sources.		Permits Issued
Benton	Oregon State University 02-2524, Renewal	9/26/77	Permit Issued
Clackamas	Satrum-Dybvad Milling 03-2661, Existing	9/26/77	Permit Issued
Clackamas	Eagle Creek Sand and Gravel 03-2664, Existing	9/26/77	Permit Issued
Clatsop	Bumble Bee Seafood 04-0036, New	9/26/77	Permit Issued
Coos	Weyerhaeuser 06-0007, Modification	9/27/77	Permit Issued
Coos	Coos City Lumber Manufacturing 06-0092, Existing	9/26/77	Permit Issued
Crook	Ochoco Pellet Plant 07-0013, Modification	9/26/77	Permit Issued
Linn	R. Veal and Son 22-1506, Renewal	9/26/77	Permit Issued
Linn	H & H Cedar Products 22-6003, Renewal	9/26/77	Permit Issued
Multnomah	William Herzog 26-0305, Modification	9/26/77	Permit Issued
Wallowa	Hurricane Creek Lumber 32-0012, New	9/26/77	Permit Issued
Portable	Bi-State Ready Mix 37-0056, Modification	9/26/77	Permit Issued
Portable	Lloyd M. Hill 37-0161, Existing	9/26/77	Permit Issued
Portable	Lloyd M. Hill 37-0162, Existing	9/26/77	Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Air Quality (Reporting Unit) — October 1977 (Month and Year)

PERMIT ACTIONS COMPLETED (29 con't)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Indirect Sources (5)			
Multnomah	E. Burnside-Sandy Boulevard, intersection revision. File No. 26-7002	10/28/77	Final permit issued.
Multnomah	Holgate Boulevard Overpass structure widening. File No. 26-7003	10/28/77	Final permit issued.
Multnomah	Holiday Inn - Airport motel with 460 spaces. File No. 26-7009	10/25/77	Final permit issued.
Washington	First Church of the Nazarene, 400 spaces. File No. 34-7012	10/28/77	Final permit issued.
Washington	Intel-Aloha III Electronics Plant, 764 spaces. File No. 34-7014	10/28/77	Final permit issued.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — October 1977 (Month and Year)

PLAN ACTIONS COMPLETED (5)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Klamath	Klamath Falls Landfill Existing site Expansion plan	10/3/77	Conditional approval
Lake	Louisiana-Pacific, Lakeview Existing site Operational plan	10/10/77	" "
Crook	Crook County Landfill Existing site Operational plan	10/21/77	" "
Crook	Crook County Landfill New facility Lagoon Construction plan	10/21/77	" "
Union	Union County Solid Waste Processing Facility New site Specifications and Construction plans	10/27/77	" "

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — October 1977 (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.			
General Refuse							
New		4	1	4	3		
Existing		3		5	19	(**)	
Renewals	5	19*	3	6	17		
Modifications	2	4*		5	2		
Total	7	30	4	20	41	187	190
Demolition							
New			1	1			
Existing				1			
Renewals					1		
Modifications							
Total	0	0	1	2	1	18	19.
Industrial							
New		2	1	5	1		
Existing				2	5	(**-3)	
Renewals		3		3	5		
Modifications				1			
Total	0	5	1	11	11	94	97
Sludge Disposal							
New							
Existing							
Renewals		1		1	2		
Modifications							
Total	0	1	0	1	2	4	4
Hazardous Waste							
New							
Authorizations	12	51	11	70	5		
Renewals							
Modifications							
Total	12	51	11	70	5	1	1
GRAND TOTALS	19	87	17	104	60	305	311

*Thirteen applications recorded last month as modifications should have been recorded as renewals. Correction made this month.

**Sites operating under temporary permits until regular permits are issued - total 22.

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — October 1977 (Month and Year)

PERMIT ACTIONS COMPLETED (17)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
General Refuse (Garbage) Facilities (4)			
Klamath	Klamath Falls Landfill New facility	10/31/77	Permit issued.
Tillamook	Manzanita Disposal Site Existing facility	10/31/77	Permit issued. (renewal)
Tillamook	Pacific City Disposal Site Existing facility	10/31/77	Permit issued. (renewal)
Tillamook	Tillamook Disposal Site Existing facility	10/31/77	Permit issued. (renewal)
Demolition Waste Facilities (1)			
Linn	Roche Road Site Expansion New facility	10/31/77	Permit issued.
Sludge Disposal Facilities - None			
Industrial Waste Facilities (1)			
Columbia	Longview Fibre Company New facility	10/31/77	Permit issued.
Hazardous Waste Facilities (11)			
Gilliam	Chem-Nuclear Systems Inc. Existing facility	10/7/77	Disposal authorization amended (chemical cleaning solutions).
"	" "	10/12/77	Disposal authorization approved (paint waste).

DEPARTMENT OF ENVIRONMENTAL QUALITY
TECHNICAL PROGRAMS

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — October 1977 (Month and Year)

PERMIT ACTIONS COMPLETED (Continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Gilliam	Chem-Nuclear Systems Inc. Existing facility	10/13/77	Three (3) disposal authorizations amended (solvents, phenols and sodium borohydrate solution).
"	" "	10/17/77	Disposal authorization approved (heavy metals).
"	" "	10/24/77	Disposal authorization approved (isocyanate and polyurethane resin).
"	" "	10/25/77	Disposal authorization approved (caustic oily wastes).
"	" "	10/26/77	Disposal authorization approved (cleaning solvent containing ammonia, citric acid and EDTA).
"	" "	10/27/77	Disposal authorization approved (still bottoms from a solvent recovery operation).
"	" "	10/31/77	Disposal authorization amended (phenolic wastes).

ROBERT W. STRAUB
GOVERNOR

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. C., November 18, 1977, EQC Meeting

Tax Credit Applications

Attached are review reports on 13 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 to issue Pollution Control Facility Certificates for 13 tax credit applications: T-843R, T-854, T-884R, T-898R, T-917, T-919, T-924, T-925, T-926, T-927, T-928, T-930 and T-931

Bill

WILLIAM H. YOUNG

M.J. Downs:cs
229-6484
11/7/77
Attachments
1. Tax Credit Summary
2. Tax Credit Application Table
3. 13 Review Reports

Contains Recycled

DEQ-46

Attachment 1

Proposed November 1977 Totals

Air Quality	$ 197,834,71
Water Quality	73,146.21
Solid Waste	5,202,220.72
	$ 5,473,201.64

Calendar Year Totals to Date:
(Excluding November 1977 Totals)

Air Quality	$ 6,146,036.16
Water Quality	3,981,659.75
Solid Waste	446,661.00
	$ 10,574,356.91

Total Certificates Awarded (Monetary Values) Since Beginning of Program (Excluding November 1977 Totals):

Air Quality	$103,844,894.95
Water Quality	75,579,014.80
Solid Waste	13,609,675.18
	$193,033,584.93

TAX CREDIT APPLICATIONS SUMMARY

Applicant/ Plant Location	Appl. No.	Facility	Claimed Cost	% Allocable To Pollution Control	Director's Recommendation
Teledyne Wah Chang Albany Albany	T-843R (AQ)	Ambient air monitoring stations	$ 3,670.00	80% or more	Issue Certificate
Georgia-Pacific Toledo	T-854 (SW)	Waste paper cleaning and pulping System	4,712,366.00	100%	Issue Certificate
Harris Pine Mills Pendleton	T-884R (AQ)	Kiper & Sons scrubber on Boiler #4	23,375.00	80% or more	Issue Certificate
Georgia-Pacific Coos Bay	T-898R (WQ)	Two oil/water separator sumps	3,966.38	80% or more	qIssue Certificate
Willamette Ind., Inc. Albany	T-917 (SW)	Waste paper cleaning system	489,854.72	100%	Issue Certificate
Morton Milling Company Medford	T-919 (AQ)	TECO 42" slab model grinder bale buster	16,008.00	80% or more	Issue Certificate
Stayton Canning Dayton	T-924 (WQ)	Waste water collection and aeration basin	34,677.66	80% or more	Issue Certificate
Oregon Portland Cement Co. Lake Oswego	T-925 (AQ)	Transfer belt enclosure	28,634.70	80% or more	Issue Certificate
Oregon Portland Cement Co. Lake Oswego	T-926 (AQ)	Two baghouse filters	81,081.16	80% or more	Issue Certificate
Willamette Ind., Inc. Millersburg	T-927 (AQ)	Carter-Day Baghouse	44,334.23	80% or more	Issue Certificate
Oregon Portland Cement Co. Huntington	T-928 (AQ)	Industrial Clean Air Modulator III "pulse clean" baghouse system	20,731.62	80% or more	Issue Certificate
Tektronix, Inc. Beaverton	T-930 (WQ)	Two ISCO high speed and composite samplers and accessories	3,303.17	80% or more	Issue Certificate
Champion Building Prod. Odell	T-931 (WQ)	Log deck springling water recycling system	31,199.00	80% or more	Issue Certificate

Appl T-843R

Date 10-26-77

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Teledyne Wah Chang Albany
P. O. Box 460
Albany, Oregon 97321

The applicant owns and operates a zirconium, hafnium, tantalum, and niobium production plant at 1600 N. E. Old Salem Road in Albany.

Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application consists of three separate ambient air monitoring stations. Each station has a pumping and gas measuring system preceding a gas absorption system. Each unit collects samples from which the chlorine, chloride and ammonia concentrations may be determined.

The claimed facility was installed to meet a condition in a permit proposed by the Mid-Willamette Valley Air Pollution Authority (MWVAPA) in May 1973. Therefore, it is assumed that MWVAPA gave verbal approval for the project. Neither MWVAPA or Midwest Regional Office have any record of plan approval. Preliminary Certification for Tax Credit not required.

Construction was initiated on the claimed facility in January 1974, completed in July 1974, and the facility was placed into operation in July 1974.

Facility Cost: $3,670 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to the installation of the claimed facility, grab samples were the only available means of determining chlorine, chloride and ammonia concentrations. The claimed facility allows for continuous monitoring.

4. Summation

A. Facility was constructed after receiving verbal approval to construct from MWVAPA issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.

D. The facility was required by MWVAPA and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. The facility has no purpose other than air pollution monitoring. The monitoring is needed to assist in developing pollution control strategies.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $3,670 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-843R.

F. A. Skirvin:sw
(503) 229-6414
October 26, 1977

Appl. T-854

Date 11/4/77

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Georgia Pacific Corporation
Toledo Division
900 S. W. Fifth Avenue
Portland, Oregon 97204

The applicant owns and operates a pulp and paper mill at Toledo, Oregon. Application was made for tax credit for a solid waste pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a new waste paper cleaning and pulping system. This installation is designed to reprocess up to 300 tons per day (presently reprocessing 150 tons per day) of waste material.

Baled waste is slushed, cleaned and dewatered. Contaminants such as metal, glass, plastic, wax and garbage are removed from the recyclable fibers. The system is 97 percent effective in utilizing the waste paper and consists of:

1.	Grounds preparation	$1,449,799
2.	Waste pulp system	2,359,356
3.	Electrical	392,657
4.	Instrument and control	176,347
5.	Engineering	232,017
6.	Miscellaneous	102,190
	TOTAL	$4,712,366

Request for Preliminary Certification for Tax Credit was made October 27, 1975, and approved October 28, 1975.

Construction was initiated on the claimed facility October 1975, completed December 1976 and the facility was placed into operation December 1976.

Facility cost: $4,712,366 (accountant's certification was provided).

3. Evaluation of Application

The primary reason for installation of this facility was to increase utilization of waste paper. The increased demand for this secondary material will create a stable market for the sale of waste paper collected by the public for recycling.

The only waste generated by the facility are 3 percent by weight of contaminants extracted from cleaning of the waste paper.

The annual income derived from the value of recovered waster paper is $8,372,000.

4. Summation

A. Facility was constructed after receiving approval to construct and preliminary certification issued pursuant to ORS 468.175.

B. Facility was under construction on or after January 1, 1973, as required by ORS 468.165(1)(c).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing solid waste.

D. The facility satisfies the intents and purposes of ORS Chapter 459 and the rules adopted under that chapter.

E. Facility qualifies for 100 percent of actual cost as stipulated in ORS 468.165(2).

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $4,712,366.00 with 100 percent allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-854.

William Dana/kz
229-5913
11/4/77

Appl T-884R

Date 10-5-77

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Harris Pine Mills
2203 S. W. Court Place
Pendleton, Oregon 97801

The applicant owns and operates a sawmill and furniture manufacturing plant at Pendleton, Oregon.

Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a scrubber to control emissions from the No. 4 boiler.

Request for Preliminary Certification for Tax Credit was made on December 1, 1976, and approved on January 18, 1977.

Construction was initiated on the claimed facility on December 28, 1976, completed on March 8, 1977, and the facility was placed into operation on March 8, 1977.

Facility Cost: $23,375.00 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant has installed a scrubber built by Kipper and Sons to control emissions from the No. 4 boiler. This facility has been source tested at .056 gr/scf which is below the limit of 0.1 gr/scf.

4. Summation

A. Facility was constructed after receiving approval to construct and preliminary certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.

D. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. There is no economic benefit to the company from the installation of this equipment. Therefore, 100% is allocable to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $23,375.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-884R.

F. A. Skirvin:sw
(503) 229-6414
October 5, 1977

Appl. No. T-898 R

State of Oregon

Date 11/3/77

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Georgia-Pacific Corporation
900 S. W. Fifth Avenue
Portland, OR 97204

The applicant owns and operates a wood products manufacturing complex at Coos Bay, Oregon, on Isthmus Slough.

Application was made for tax credit for water pollution control facility.

2. Description of Claimed Facility

The facility described in the application is part of an oil containment program, consisting of two oil/water separator sumps installed in line on plant area storm sewers.

Request for Preliminary Certification for Tax Credit was made June 23, 1976.

Construction was initiated on the claimed facility in June, 1976, completed and was placed into operation July 1976.

Facility Cost: $3,966.38 (statements for materials and labor were provided).

3. Evaluation of Application

Oil from plant areas is prevented from entering Coos Bay in storm runoff, by the claimed facility. The claimed facility was required by the DEQ.

4. Summation

A. Facility was constructed after receiving approval to construct and Preliminary Certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing water pollution.

D. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. Applicant claims 100% of costs allocable to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-898 R, such Certificate to bear the actual cost of $3,966.38 with 80% or more allocable to pollution control.

Kent C. Ashbaker:aes
229-5325
11/3/77

Appl. T-917

Date 10/31/77

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Willamette Industries, Inc.,
Western Kraft Paper Group
Albany Mill Division
3800 First National Bank Tower
Portland, Oregon 97201

The applicant owns and operates a pulp and paper mill at Albany, Oregon. Application was made for tax credit for a solid waste pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a new waste paper cleaning system. With the addition of the new cleaning and handling equipment, Western Kraft increased the utilization of waste paper from 135 tons to 200 tons per day.

The waste paper is pulped in a hydrapulper in hot waste mill water. Contaminants such as metal, glass, plastic, wax and garbage are removed from the recyclable fibers. The cleaning system is 96% effective in utilizing the waste paper and consists of:

Engineering	$ 14,972.15
Control Room	1,657.00
Electrical	66,984.29
Process Controls	70,814.40
Pipes, Valves and Pumps	134,769.69
Barrier Screen	32.436.52
Wandel Screen	21,467.51
Cellusizer	32,758.51
Liquid Cyclone	15,129.70
Selectifier Screens	67,646.21
Dewatering Screws	26,341.59
Extraction Plates	4,877.15
	$489,854.72

Request for Preliminary Certification for Tax Credit was made December 9, 1976 and approved February 3, 1977.

Construction was initiated on the claimed facility January 10, 1977, completed July 7, 1977 and the facility was placed into operation August 8, 1977.

Facility Cost: $489,854.72 (Accountant's certification was provided).

3. Evaluation of Application

The primary reason for installation of this facility was to increase utilization of waste paper. The increased demand for this secondary material by Western Kraft will create a stable market for the sale of waste paper collected by the public for recycling.

The system, is 96% effective in reclaiming waste paper fiber. 2% by weight of the fiber is lost to the sewer and 2% by weight of contaminants are extracted from cleaning of the waste paper.

The annual gross income derived from the sale of recovered waste paper from this new equipment is $4,786,000.

4. Summation

A. Facility was constructed after receiving preliminary certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1973 as required by ORS 468.165(1)(c).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing solid waste.

D. The facility satisfies the intents and purposes of ORS Chapter 459 and the rules adopted under that Chapter.

E. Facility qualifies for 100% of actual cost as stipulated in ORS 468.165(2).

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $489,854.72 with 100% allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-917.

William Dana:mm
229-5913
October 31, 1977

Appl T-919

Date 10-26-77

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Morton Milling Company
500 Rossanely Drive
Medford, Oregon 97501

The applicant owns and operates a feed mill at Medford, Oregon.

Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a TECO 42" slab model grinder with bale buster.

Request for Preliminary Certification for Tax Credit was made on November 14, 1975, and approved on November 20, 1975.

Construction was initiated on the claimed facility on February 19, 1977, completed on February 25, 1977, and the facility was placed into operation on February 25, 1977.

Facility Cost: $16,008 (Accountant's Certification was provided).

3. Evaluation of Application

This facility is the second phase of a three phase project to reduce particulate emissions from this mill. The first phase was granted a tax credit certificate on December 20, 1976. The third phase of the project, which consists of a baghouse, will be completed in early 1978.

The claimed facility eliminates a cyclone which was in violation of the Department's regulations by replacing the bale buster and hammer mill. The bale buster was three years old and the hammer mill was rebuilt three years ago.

The facility has been inspected by the Department and is operating satisfactorily.

The value of the material which is collected by this facility is less than the operating expenses. Therefore, it is concluded that the facility was installed solely for air pollution control.

4. Summation

A. Facility was constructed after receiving approval to construct and preliminary certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.

D. The facility was required by the Department and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. The Department has concluded that 100% of the cost of this facility is allocable to air pollution control since the facility was installed solely for air pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $16,008 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-919.

F. A. Skirvin:CRC:sw
(503) 229-6414
October 26, 1977

Appl. No. T-924

State of Oregon

Date 11/3/77

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Stayton Canning Company, Cooperative
Dayton (Plant #3)
P. O. Box 458
Stayton, OR 97383

The applicant owns and operates a vegetable processing and freezing plant at Dayton, Oregon.

Application was made for tax credit for water pollution control facility.

2. Description of Claimed Facility

The facility described in this application consists of a new 18 inch tile line with manholes to an existing basin which has been extensively modified (reduced in size to 200 feet by 400 feet with a maximum depth of 12 feet). The modification involved constructing a new dike.

Two 50 horsepower aerators were installed in the basin and secured with mooring cables. An irrigation pump was also installed. Necessary electrical gear and labor for the above was involved in the construction of the facility.

Notice of intent to construct was submitted by Stayton Canning's letter of November 17, 1976. Preliminary Certification for tax credit was made verbally by staff prior to start of construction, in order to expedite the work. This was later confirmed in writing (August 1, 1977).

Construction was initiated on the claimed facility May 15, 1977, completed July 15, 1977, and placed into operation July 18, 1977.

Facility Cost: $34,667.66 (Certified Public Accountant's statement was provided).

3. Evaluation of Application

Prior to the installation of the claimed facility odor problems persisted and untreated waste waters were being discharged into the Willamette River. (Complaint dated September 1976) DEQ letter of December 28, 1976 to Stayton Canning approved preliminary concept put forth in Stayton Canning letter of November 17, 1976 to resolve waste water problems. Staff acknowledged satisfactory completion of project by letter of September 1, 1977. Applicant claims that no monetary gain is realized from claimed facilities.

4. Summation

A. Facility was constructed after receiving approval to construct and Preliminary Certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing water pollution.

D. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under the chapter.

E. Applicant claims 100% of costs allocable to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-924, such Certificate to bear the actual cost of $34,677.66 with 80% or more allocable to pollution control.

Kent C. Ashbaker:es
229-5325
11/3/77

Appl T-925

Date 10-24-77

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Oregon Portland Cement Company
111 S. E. Madison Street
Portland, Oregon 97214

The applicant owns and operates a cement manufacturing plant at 148 North State Street in Lake Oswego.

Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a steel framed structure with siding enclosing the No. 4 and No. 6 clinker transfer belts. These belts were not previously enclosed.

Request for Preliminary Certification for Tax Credit was made on December 28, 1976, and approved on December 29, 1976.

Construction was initiated on the claimed facility on January 15, 1977, completed on March 14, 1977, and the facility was placed into operation on March 14, 1977.

Facility Cost: $28,634.70 (Accountant's Certification was provided).

3. Evaluation of Application

The facility was constructed to solve a fugitive emission problem from the No. 4 and No. 6 clinker transfer belts. The facility was successful in solving this problem and the No. 4 and No. 6 clinker transfer belts are now in compliance.

4. Summation

A. Facility was constructed after receiving approval to construct and preliminary certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.

D. The facility was required by the Department and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. The facility was installed for the sole purpose of eliminating a fugitive emission problem from the No. 4 and No. 6 clinker transfer belts. While the clinker dust is now contained and reclaimed, the recovered dust has negligible value. Annual operating expenses including average annual depreciation are expected to be $2,203. The facility has a negative return on investment. Thus, a finding that the facility is 80% or more allocated to pollution control seems appropriate.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $28,634.70 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-925.

F. A. Skirvin:sw
(503) 229-6414
October 24, 1977

Appl T-926

Date 10-25-77

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Oregon Portland Cement Company
111 S. E. Madison Street
Portland, Oregon 97214

The applicant owns and operates a cement manufacturing and agricultural lime products facility at 145 North State Street in Lake Oswego, Oregon.

Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application consists of two size 12090, Model 108, Series 6P Wheelabrator-Frye Ultra Jet Dust Collectors for cleaning the vent air associated with a 30 ton/hour agricultural lime ball mill and one Model SHR 8-10, Style 5-2051 Johnson-March Bag Filter Collector for controlling emissions from the agricultural lime storage silos.

Request for Preliminary Certification for Tax Credit was made on September 30, 1976, and approved on December 1, 1976.

Construction was initiated on the claimed facility in November 1976, completed in March 1977, and the facility was placed into operation in March 1977.

Facility Cost: $81,081.16 (Accountant's Certification was provided).

3. Evaluation of Application

The agricultural lime ball mill was previously utilized as a wet process mill which required no emission control devices. When it was reconstructed for dry process grinding, the emission control devices were necessary, thus the installation of the two Wheelabrator dust collectors. The Johnson-March collector was added in order to control emissions resulting from the increased use of the agricultural lime storage and handling facilities. These facilities are currently operating in compliance with Departmental regulations.

4. Summation

A. Facility was constructed after receiving approval to construct and preliminary certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.

D. The facility was required by the Department and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. The value of the collected dust is estimated to be $300 per year and the annual operating cost including depreciation is estimated to be $7,610. Thus, the facility has a negative return on investment and is considered to be 80% or more allocated to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $81,081.16 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-926.

F. A. Skirvin:sw
(503) 229-6414
October 25, 1977

Appl T-927

Date 10-5-77

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Willamette Industries, Inc.
Duraflake Division
3825 First National Bank Tower
1300 S. W. Fifth Avenue
Portland, Oregon 97201

The applicant owns and operates a particle board manufacturing plant at Millersburg, Oregon.

Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a baghouse to control emissions from a materials handling cyclone.

Request for Preliminary Certification for Tax Credit was made on May 17, 1977, and approved on June 2, 1977.

Construction was initiated on the claimed facility on July 1, 1977, completed on July 18, 1977, and the facility was placed into operation on July 18, 1977.

Facility Cost: $44,334.23 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant installed a Carter Day baghouse, Model 72RJ96, and associated equipment to control emissions from Cyclone 206. This is the best and highest degree of control available for the type of emissions from Cyclone 206.

4. Summation

A. Facility was constructed after receiving approval to construct and preliminary certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.

D. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. The material collected by the baghouse has no economic value. The only purpose of this installation is air pollution control; therefore, 100% of the cost is allocated to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $44,334.23 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-927.

F. A. Skirvin:sw
(503) 229-6414
October 5, 1977

Appl T-928

Date 10-25-77

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Oregon Portland Cement Company
111 S. E. Madison Street
Portland, Oregon 97214

The applicant owns and operates a cement and pozzolan manufacturing plant near Huntington, Oregon.

Application was made for tax credit for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application is an industrial Clean Air Modulator III "pulse clean" baghouse system, size 500-3, 1,500 square foot filter area. The facility cleans the vent air from finish grind department, clinker handling and clinker storage.

Notice of Intent to Construct was made on February 2, 1975, and approved on February 10, 1975. Preliminary Certification for Tax Credit not required.

Purchase orders for the claimed facility were issued on April 1, 1975. On-site construction was initiated on the claimed facility on November 1, 1975, completed on January 23, 1976, and the facility was placed into operation on January 23, 1976.

Facility Cost: $20,731.62 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility, vent air from finish grind department, clinker handling, clinker storage, clinker feed bin and pre-grind ball mill was cleaned by an existing baghouse. The air from finish grind department, clinker handling and clinker storage cooled the moist air from the clinker feed bin and pre-grind ball mill to below the dew point causing condensation. The claimed facility has relieved this problem and these sources are now in compliance.

4. Summation

A. Facility was constructed after receiving approval to construct issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.

D. The facility was required by the Department and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. The value of the reclaimed material is estimated to be $400 per year. Total annual operating expenses including depreciation are estimated to be $4,485. Thus, the claimed facility has a negative return on investment and is considered 80% or more allocated to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of $20,731.62 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-928.

F. A. Skirvin:sw
(503) 229-6414
October 25, 1977

Appl. No. T-930

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

Date 11/4/77

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

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

The applicant owns and operates a complex at the Tektronix Industrial Park for the manufacture of electronic equipment, oscilloscopes, information display and television products.

Application was made for tax credit for water pollution control facility.

2. Description of Claimed Facility

The facility described in this application consists of two ISCO Model 1680 high speed and composite samplers complete with accessories.

Request for perliminary certification for tax credit was made September 6, 1977 and approved September 14, 1977.

Construction was initiated on the claimed facility September 15, 1977, completed and placed into operation September 19, 1977.

Facility cost: $3,303.17 (Statement for samplers was provided.)

3. Evaluation of Application

Samplers allow applicant to monitor all industrial waste streams to the treatment plant. Monitoring the waste streams insures better treatment plant operation and control of effluent quality. The only benefit to be derived from this project is pollution control.

Staff verified that the samplers were operating as intended.

4. Summation

A. Facility was constructed after receiving approval to construct and Preliminary Certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165 (1)(a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing water pollution.

D. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under the chapter.

E. Applicant claims 100% of costs allocable to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-930, such Certificate to bear the actual cost $3,307.17 with 80% or more allocable to pollution control.

Kent C. Ashbaker:es
229-5325
11/4/77

Appl. No. T-931

Date 11/7/77

State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Champion International Corporation
Champion Building Products Division
P. O. Box 10228
Eugene, OR 97401

Neal Creek Plant

The applicant owns and operates a sawmill and planing mill producing lumber, chips, sawdust, shavings and bark from Douglas Fir, White Fir and Hemlock near Odell, Oregon.

Application was made for tax credit for water pollution control facility.

2. Description of Claimed Facility

The claimed facility consists of the following:

A. Two log deck runoff collection systems, a pond, overflow culvert (concrete), and one sump and pump.

B. Log deck runoff holding pond, adjacent to existing fire pond, with water level control and pump for makeup water from fire pond.

C. Pump house and foundations for necessary pumps.

D. Suction screens on sprinkler pumps with back flush capability.

E. New log deck sprinkler pipe lines.

Request for Preliminary Certification for Tax Credit was made and approved May 14, 1976. Construction was initiated on the claimed facility August 1, 1976, completed November 1, 1976, and placed into operation May 1, 1977.

Facility cost $31,199.00 (Certified Public Accountant's statement was provided.)

3. Evaluation

Claimed facility was required by special condition 1 of NPDES 2267 J permit. The installation of log deck sprinkling recycle system eliminated discharge of bark and debris in the runoff from discharge into Johnson Creek.

The projects only purpose was pollution control. Staff verified the facility was functioning as such.

4. Summation

A. Facility was constructed after receiving approval to construct and Preliminary Certification issued pursuant to ORS 468.175.

B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165 (1) (a).

C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing water pollution.

D. The facility was required by the Department of Environmental Quality and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

E. Applicant claims 100% of costs allocable to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-931, such Certificate to bear the actual cost of $31,199.00 with 80% or more allocable to pollution control.

Kent C. Ashbaker:aes
229-5325
11/7/77

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

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

MEMORANDUM

To: Environmental Quality Commission

From: Regional Manager, DEQ Central Region

Subject: Agenda Item No. D, November 18, 1977
EQC Meeting

Significant Activities, Central Region

Significant activities covered under separate agenda items are not covered in this memorandum.

Redmond Sewerage Project

Redmond is constructing sewerage facilities to phase out sewage disposal wells in lava terrain. The project is about 40% complete. Redmond is the fourth Central Oregon city to construct sewerage facilities for this purpose.

There have been some blasting damage problems associated with this project.

A citizens group is challenging Redmond's local share financing formula. A suit has been filed.

Willamette Industries Fallout Study, Bend

Willamette Industries (previously Brooks-Willamette) essentially achieved compliance with Department air quality regulations in 1976. Beginning in early 1977, DEQ began receiving wood particulate fallout complaints in Bend. These complaints were similar to those received in 1972, and in the same general localities that caused DEQ to negotiate a compliance schedule with Willamette Industries beginning in 1972.

Accordingly, DEQ is setting up a particulate sampling program in the noted "plume path" to verify particulate sources and determine whether air quality standards are being violated.

Central Oregon Open Burning Control Program

Historically, little has been done in Central Oregon to regulate open burning of wastes except for fire hazard control.

With the Commission's adoption of revised open burning regulations on October 15, 1976, Central Region developed an implementation strategy:

1. Meet with fire departments in special control areas for informational purposes. Discuss regulations.

2. Follow up visits with discussion handouts (see Attachment A). Develop cooperation agreements which include maps showing 3 mile burning boundaries.

3. Follow through fine-tuning meetings.

4. Meet with fire districts outside special control areas and use similar format.

At present, the Department has a working agreement with Klamath Falls and Bend, and is developing one with Redmond.

Central Oregon Pesticide Can Study

Regulations pertaining to handling and disposal of environmentally hazardous wastes were adopted by the Commission in 1976. Part of the program involved designation and use of area landfills for rinsed pesticide containers.

Only a few container disposal sites were authorized in Central Oregon. Since it is well known that large quantities of herbicides and pesticides are used locally, but that few containers are received at the authorized sites, there are questions regarding the success of the program here.

Accordingly, Central Region began an inventory of EHW cans, disposal, storage and application practices, rinsing practices and public feeling regarding the appropriateness of the regulations. Air applicators, suppliers, ranchers and farmers have been interviewed.

Our survey is essentially complete in the tri-county area, and 40% complete in the remaining six counties. Recommendations will be presented in a summary report.

Jefferson County Field Burning Study

Approximately 20,000 acres of wheat, blue grass and rye grass are burned each year in Jefferson County. This does not include mint propaning acreages. Central Region is currently gathering data to determine whether any Department action is required in this matter. Currently, controls are self-imposed and voluntary.

Crook County Mill Waste Project

For years there has been a wood waste management and disposal problem in Crook County involving up to 10 area mills. While there have been individual projects which have reduced waste quantities (e.g., hogged fuel, particleboard, firewood, chips), there has remained much waste. This waste has usually been burned at the Crook County Landfill, or at local mill sites. Past efforts to find a cooperative remedy, such as a disposal site, energy facility, modified wigwam burner, etc., have failed.

DEQ has set up a study group of mill representatives, county officials, fire districts and the news media to develop individual or group remedies. Goals are to encourage waste use (resource), reduce solid waste, and improve air quality. To date, some projects have been accomplished, and others are under consideration.

Outside the tri-county area, there are a number of significant activities.

Martin-Marietta Aluminum Company, The Dalles

The Environmental Protection Agency has denied Martin-Marietta's request for a variance from NPDES water pollution control standards. This action in effect requires that Martin-Marietta revise their plans to accommodate air pollution-water pollution-solid waste management trade-offs.

Geothermal Exploration, Klamath and Lake Counties

There is much interest in "hot water"geothermal wells in Klamath and Lake Counties. Proposals to date are primarily for space heating, greenhouses and shrimp rearing.

Pursuant to HJR 50, DEQ has proposed water pollution control guidelines for geothermal waste waters.

Hood River Sludge Management

The City of Hood River is currently implementing a sludge utilization/ disposal program in Hood River County. Key to the plan is use of the sludge on apple and pear orchards.

Central Region Subsurface Sewage Disposal Program

The Department is conducting this program in Klamath, Lake and Harney Counties. DEQ contracts the program with Hood River, Wasco, Sherman, Crook, Jefferson and Deschutes Counties.

OPEN BURNING IN OREGON

1. Open burning of industrial and commercial wastes is prohibited statewide.

2. Open burning of construction and demolition wastes is prohibited in Special Control Areas (all areas within incorporated cities having a population of 4,000 or more and within 3 miles of the corporate limits of any such city).

3. Open burning of domestic wastes is allowed except in the Willamette Valley.

4. Open burning of any material which will create dense smoke, noxious odors, or other nuisances is prohibited. Specifically, the following shall not be open burned:

   a. garbage
   b. plastic
   c. wire insulation
   d. auto bodies
   e. asphalt
   f. waste oils
   g. rubber
   h. dead animals
   i. food service wastes

5. DEQ may prohibit open burning in certain areas on certain days if weather conditions trap smoke. This would happen if an "Air Stagnation Advisory" is issued in that area over the police network.

6. Exceptions to 1 and 2 above can occur under special circumstances with a DEQ permit. Special conditions for such cases are defined in OAR 340-23-045(7).

7. DEQ can be contacted at 382-6446.

Definitions

1. Commercial waste refers to combustible waste generated by commercial, industrial, governmental, or institutional organizations or by housing facilities with more than four units. It may include boxes, office scrap-paper, magazines, wrapping paper, etc.

2. Construction and demolition waste includes combustible waste occurring as the result of any construction project or from the destruction of any buildings. It may include logs, trees, brush, materials from the structure, sweepings, broken wood, etc.

3. Domestic waste refers to combustible household waste generated in a dwelling housing 4 families or less. It may include paper, cardboard, leaves, yard clippings, clean wood, etc. but does not include garbage (putrescible items).

4. Industrial waste refers to combustible waste produced as the direct result of any manufacturing or industrial process. It may include by-products such as wood wastes, trimmings, sawdust, etc.

ROBERT W. STRAUB
GOVERNOR

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. E, November 18, 1977, EQC Meeting, Bend

Variance Request from Jeld-Wen: Benton's Engineering and Fabrication, Klamath County - Request for Variance from Open Burning Rules, OAR 340-23-025 through 23-050

Background

1. Jeld-Wen, Inc. includes a complex of five wood products plants north of Klamath Falls. Benton's Engineering and Fabrication is part of Jeld-Wen, Inc., and provides engineering, maintenance and other services. Maintenance of the "company dump" is part of their responsibility.

2. In January 1977, Jeld-Wen requested DEQ permission to burn miscellaneous industrial waste, wood pallets and building demolition. DEQ denied the request. Jeld-Wen then requested a variance.

3. At its April 22, 1977 meeting, the Commission denied Jeld-Wen's request, and required Benton's Engineering and Fabrication to more fully examine alternatives to open burning, and submit the selected alternative to the Department for review and approval by no later than August 1, 1977 (see Attachment A). At the Commission meeting, but prior to the Order, Jeld-Wen presented testimony supporting their variance request (see Attachment B).

4. The Department received Jeld-Wen's response to the Commission Order on August 2, 1977 (Attachment C). Jeld-Wen ". . .concluded that none of the alternatives examined above (see Attachment C) are practical alternatives to the present method of disposal. Further, we know of no other alternatives, in addition to those examined above, which are being used in the industry to dispose of this type and quantity of material.

   "We, therefore, reiterate our request for a variance as allowed for under ORS 468.345(1)(b). . .and ask for permission to burn our dump on an annual basis."

5. On August 12, 1977, DEQ staff inspected the dump and took photographs (Attachment D).

Evaluation

1. Based on the Department's August 12, 1977 field inspection, several statements in Jeld-Wen's August 1, 1977 response (Attachment C) appear to be in error or are unclear as follows:

   1-B) If Jeld-Wen's description of what should now be waste is correct, the materials should not be so difficult to handle anymore.

   DEQ contacted Klamath Disposal. They are willing to take Jeld-Wen's wastes. Their cost estimates differ from Jeld-Wen's estimates. Klamath Disposal currently accepts woodwastes from Columbia Plywood (3 - 42 yard boxes per day 5 to 6 days per week), Zenny Wood Products, Hudson Lumber, D-G Shelter Products, and cafeteria wastes from Weyerhaeuser Company.

   According to Klamath Disposal, Jeld-Wen does have some "temporary" drop boxes on site. Ben-Fab has one 3-yard container for domestic refuse. Klamath County plans to operate a regional landfill beginning July 1978, and has shown interest in Jeld-Wen's wastes.

   Jeld-Wen's off-site disposal analysis does not appear to include disposal at a site under their ownership or lease.

   2-A) ". . .frequent use of this type (forced air pit incineration) of facility may be more objectionable to local air quality than. . .open burning. . .once per year. . ." is not justified.

   Paragraph 3, Page 3) Although "all lunchroom garbage and restroom refuse is being separated and is being removed to the Klamath Disposal Site," the August 12 photographs show lunchroom-type wastes in the dump.

2. The August 12 photographs also show tires, paint cans, plastic string, cardboard and plastic, which could be easily taken to Klamath Disposal or recycled (cardboard). Local grocery stores currently recycle cardboard.

3. Staff conducted a follow-up inspection of the dump on September 23, 1977. Wayne Benton requested that all future DEQ inspections receive his approval in advance. Staff was not allowed to photograph the dump. It appeared that earth had been moved in to cover portions of the dump. Tires, plastic and cafeteria-type wastes noted on August 12 were not observed on September 23.

Summation

1. Jeld-Wen has essentially rehashed information previously submitted to the Commission and the Department. In-depth cost and management analysis is not included with the evaluation. With the exception of the hammer-hog entry, little new information has been provided (e.g., incineration, a Jeld-Wen owned or leased IW - SW site away from the plant, refined details on previously discussed alternatives, etc.).

2. Some information appears to be in error. The August 12 photographs verify lunchroom-type wastes in the dump.

3. Many items such as tires, cardboard, plastic, paint cans and lunchroom-type wastes should not be in the dump in any case.

4. Many of these materials, such as tires, plastic and paint residues, would emit dense smoke or noxious odors if burned with the other material. The partial earth cover noted on September 23 would probably cause smouldering.

5. Although given the opportunity to do so in the April 22, 1977 Commission Order, Jeld-Wen has not produced a satisfactory or complete analysis of their waste disposal problem. Additionally, effective communication of the alleged dump policy throughout the management ranks does not appear to have occurred prior to August 12, 1977.

6. While Benton's Engineering and Fabrication can at any time reexamine alternatives to open burning and implement a Department approved alternative, Jeld-Wen may be assessed appropriate civil penalties if any unauthorized open burning occurs at the plant site or other sites under their ownership or control at any time.

Director's Recommendation

1. The Director recommends that the Environmental Quality Commission enter a finding that special circumstances rendering strict compliance unreasonable, burdensome or impractical were not found.

2. It is the Director's further recommendation that Jeld-Wen's August 1, 1977 request for annual industrial and commercial waste open burning be denied.

3. The Director recommends that Jeld-Wen be instructed to develop and implement an approvable plan for industrial solid waste disposal which does not include open burning.

4. The Director also recommends that if Jeld-Wen continues to use their current industrial solid waste disposal site on or after December 15, 1977 without submitting a complete solid waste disposal site application to DEQ for that site by December 15, 1977, Jeld-Wen be assessed appropriate civil penalties. DEQ would favorably act on the IW - SW permit application only if said site is a part of an approvable plan developed as in 3, above.

Bill

WILLIAM H. YOUNG

John E. Borden:sw
(503) 382-6446
October 28, 1977
Attachments (4): A - Memorandum regarding Agenda Item F, April 22, 1977 EQC meeting, with Attachments; B - Letter dated April 21, 1977 to EQC from Benton's Engineering and Fabrication; C - Letter dated August 1, 1977 to DEQ from Ben-Fab; D - Photographs of Jeld-Wen solid waste disposal site

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item F, EQC Meeting, April 22, 1977

Variance Request From Jeld Wen: Benton's Engineering and Fabrication, Klamath County - Request for Variance from Open Burning Rules, OAR 340-23-025 through 23-050

Background

1. Jeld-Wen, Inc., includes a complex of five wood products plants north of Klamath Falls. Benton's Engineering & Fabrication is part of Jeld-Wen, Inc., and provides engineering, maintenance and other services. Maintenance of the "company dump" is part of their responsibility.

2. Since as early as 1972 Jeld-Wen has burned accumulated waste materials from the plant site, usually once per year at their dump. They estimate the annual accumulation of wastes to be approximately 1350 cu.ft., Attachment II.

3. The Department assessed a $200 civil penalty on Jeld-Wen, Inc., on April 3, 1972 for two days of recorded, unauthorized open burning. Later, Jeld-Wen acknowledged that they open burn, but that the cited violations should have been upon Thomas Lumber Company, then a separate entity, but now a part of Jeld-Wen, Inc.

4. DEQ issued a Notice of violation on March 31, 1976 to Jeld-Wen, Inc. for open burning noted on March 20, 1976. In their April 16, 1976 response, Jeld-Wen indicated that "persons unknown" had started the fire, and further that a "boy about twelve years old was caught... starting several fires in the same location" on April 2, 1976. The Department took no further action.

5. In January, 1977, Jeld-Wen requested DEQ permission to burn approximately 100 cubic yards of miscellaneous industrial waste, wood pallets and building demolition. DEQ staff inspected the proposed burn site on January 18, 1977. Jeld-Wen provided a "Dump Use Policy " statement, Attachment II. DEQ left a copy of Oregon's open burning regulations with Jeld-Wen.

   Even though the Klamath County Fire Marshall had issued a burn permit, DEQ denied the burn request on January 24, 1977, requested an analysis of alternatives to open burning, and indicated that an appeal to the EQC was possible, Attachment I.

6. On February 7, 1977, Jeld-Wen responded to the inquiries, and asked for an EQC variance to burn in 1977 and to continue burning once per year thereafter, Attachment II.

7. Due to a developing fire hazard resulting from then local drought conditions, DEQ authorized a "one-time burn" for 1977 on March 4, 1977 subject to several provisions, Attachment III. The letter also stated that the EQC would consider the once-per-year burn variance request later.

Evaluation

1. On March 8, 1977 DEQ staff inspected the site prior to the burn. Significant quantities of new material had been added to the pile including several substances such as plastic, rubber, paint and some domestic refuse. DEQ had not observed these items during earlier inspections. DEQ documented these findings in a March 11 1977 letter to Jeld-Wen, Attachment IV, but did not rescind the burning authorization.

2. On March 21, 1977 Jeld-Wen rebutted these claims in a letter to Fred Bolton, Attachment V.

3. DEQ staff observed the authorized burn on March 10, 1977. Significant quantities of smoke were noted but no complaints were received.

4. Unknown to, and in violation of the open burning rules, Jeld-Wen Inc. obtained a separate burning permit from the Klamath County Fire Marshall for building demolition from old homes at Thomas Lumber Division. DEQ staff incidentally observed this burn on March 23, 1977. Appliances, asphalt roofing and the like were noted in the pile. Photographs of the still burning pile were taken on March 25, 1977. Significant quantities of smoke were observed but no complaints were received.

5. On February 7, 1977, Jeld-Wen submitted a study of alternatives to open burning, Attachment II.

A. On-site Landfill - The staff agrees primarily due to possible contamination of local high groundwater.

B. Off-site landfill - The staff disagrees. Contacts with Klamath County indicate that industrial solid waste quantities of the magnitude Jeld-Wen generates could be managed at either the County or the Klamath Disposal site.

C. Forced-air pit incineration - The staff disagrees with some of Jeld-Wen's claims since DEQ has observed these installations within visual compliance. Also, the units do not appear to be a fire hazard when used under appropriate meteorological conditions and do not have to be used during windy conditions.

Cost estimates for currently available pit incinerators range from $5,000 to $48,500 depending on the size and manufacturer. One large unit 14 tons/hr.) is currently available from Seattle on a rental basis for $500 per week.

D. Waste Generation reduction - The DEQ staff agrees with the content of Jeld-Wen's "Dump Use Policy" statement. However, some of the reusable or recycleable materials were noted in the burn piles.

E. Recycling and/or reuse - The DEQ staff agrees that Jeld-Wen, Inc., has recycled many "waste products" into marketable items or energy resources. Jeld-Wen should be commended in this effort and encouraged to continue in this endeavor.

6. Despite Jeld Wen's contrary claim, DEQ staff believes that open burning does impact the local environment. Further, local complaints have been received.

7. The company has requested a variance (and implied permit modifications) from OAR Chapter 340-23-045(4) and 5(a) under ORS 468.345(1)(b) which states..."The Environmental Quality Commission may grant specific variances which may be limited in time from the particular requirement 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."

Conclusions

1. The industrial waste management problem at the Jeld-Wen, Inc., complex is not unique. Analyses of alternatives to open burning have not been exhausted, and some data presented may be inaccurate.

2. The DEQ has a documented history of open burning problems at this complex. Adequate time has been allowed for Jeld-Wen to find alternatives. Some industrial and commercial waste burning has occurred without DEQ knowledge or permission.

3. Wastes in quantities generated by Jeld-Wen can be handled at the County or the Klamath disposal site.

Director's Recommendations

1. The Director recommends that the Environmental Quality Commission enter a finding that special circumstances rendering strict compliance unreasonable, burdensome or impractical were not found.

2. It is the Director's further recommendation that this request for industrial and commercial waste open burning at Jeld-Wen be denied.

3. The Director also recommends that Benton's Engineering and Fabrication be instructed to more fully examine alternatives to open burning, and submit the selected alternative to the Department for review and approval by no later than August 1, 1977.

Bill

WILLIAM H. YOUNG
Director

Attachments
RLV:lb
4/8/77

Attachment I

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

CENTRAL REGION

2150 N.E. STUDIO ROAD, BEND, OREGON 97701 PHONE (503) 382-6446

January 24, 1977

Mr. Stan Meyers
Benton's Engineering & Fabrication
P.O. Box 472
Klamath Falls, OR 97601

AP - Jeld Wen Inc.
EI# 18-0006
Klamath County
18 B 77001

Dear Mr. Meyers:

This is in response to your January, 1977 request for Department of Environmental Quality authorization to burn approximately 100 cubic yards of miscellaneous industrial waste, wood pallets and building demolition at your Jeld-Wen complex north of Klamath Falls. The burning would begin as soon as possible with estimated rapid burn-down in 24 hours and long-term burn-down in two weeks. Gil Hargreaves and I inspected the material with you and Mr. Halvorsen on January 18, 1977.

Oregon Administrative Rules (OAR) for open burning allow me to issue permits for open burning subject to a number of conditions (see regulations I left at your office January 18). Most important in your proposal, however, are the burn location in the Klamath Basin, the quantity of material, and the type of material.

Your request is hereby denied. I verbally denied your request on January 18, 1977. As you know, your several Air Contaminant Discharge Permits also prohibit this type of burning.

During our January 18 inspection, we discussed the following alternatives to open burning:

1. Landfilling
   a. on-site
   b. off-site at public or private landfills

2. Forced-air pit incineration [see OAR 340-23-040(12)]

3. Waste generation reduction

4. Recycling and/or reuse

Since it appears that you may continue to annually generate significant volumes of waste materials, I recommend that you investigate forced-air pit incineration. DRIALL Air Curtain Destructor is one such device, but there are others.

I appreciate your January 9, 1977 "Dump Use Policy" staff memorandum. It should help reduce wastes at your complex. I also appreciate your cooperation in this matter.

You may appeal this denial to the Environmental Quality Commission (EQC) within 14 days after receipt of this letter. If you wish to appeal, please direct your request to:

Mr. William H. Young, Director
Department of Environmental Quality
1234 SW Morrison
Portland, OR 97205

Please contact me in Bend if you have questions or comments.

Sincerely,

WILLIAM H. YOUNG
Director

for

John E. Borden
Regional Manager

JEB:sm

cc: Dale Drew, Klamath County Fire
Ken Moore, Jeld-Wen
Dick Vogt via D. D. Fraley
Klamath Falls Branch Office
Central Region

Attachment II

BENTON'S ENGINEERING & FABRICATION

DESIGN AND SALES OF CUSTOM BUILT MACHINERY

P. O. BOX 472 -:- Phone (503) 884-9930

KLAMATH FALLS, OREGON 97601

February 7, 1977

William H. Young
Director
Department of Environmental Quality
1234 S.W. Morrison
Portland, Oregon 97205

Dear Mr. Young:

We wish to appeal an administrative decision by John Borden relative to an open burning on our property in Klamath Falls. Mr Borden's letter of January 24 is attached.

JELD-WEN, Inc. includes a complex of five wood products plants for which Benton Engineering and Fabrication as a part of JELD-WEN, Inc., provides engineering, maintenance and other services. Included in the maintenance services is waste removal and operation of our company dump, operated pursuant to the attached policy.

For several years we have burned the accumulated materials, usually once a year. The present accumulation inspected by Mr. Borden is approximately twice the normal amount due to the demolition of a planer mill which was replaced with a new structure.

Referring to Mr. Borden's letter, we address each of his alternatives to open burning as follows:

1. A. On-Site land Fill
This alternative is neither feasible nor desirable inasmuch as the material would not provide a suitable foundation for future industrial structures or agricultural use. In addition, land fill is not desirable due to the proximity of Klamath Lake.

B. Off-Site Land Fill
We believe the nature of the materials would not be suitable for sanitary land fills because of dimensions and the difficulty of compacting or dismantling. Additionally, these materials would be difficult to handle, and breaking down the materials to manageable size for loading, hauling and disposal offers serious hazards to our workmen.

BENTON'S ENGINEERING & FABRICATION
DESIGN AND SALES OF CUSTOM BUILT MACHINERY
P. O. BOX 472 -:- Phone (503) 884-9930
KLAMATH FALLS, OREGON 97601

2. Forced-Air Pit Incineration
This alternative is far too expensive for application to our operations. We estimate a capital investment of $30,000.00 to $75,000.00, plus an unknown annual maintenance cost, neither of which is financially feasible as a component part of our manufacturing and maintenance operations. Very dry windy conditions exist during the majority of the year which may cause forced-air pit incineration to be a fire hazard to adjacent fields and log yards. Conversations with people in the incineration field indicate that many open pit installations have yielded poor results and that use of several of these pits has been abandoned. In addition, frequent use of this type of facility may be more objectionable to local air quality than our present procedure of open burning of these materials on a once per year basis.

3. Waste Generation Reduction
We have made considerable efforts in this line. Implementation of our corporate policy on dump usage (copy attached) places substantial emphasis on minimizing the amount of materials taken to the dump. Specifically, only those materials which are not suitable for chipping or hogging are taken to the dump. All materials which can be chipped or hogged are used in manufacturing operations, the boiler, or are sold to outside customers. All scrap metal is collected and sold to scrap dealers and all banding materials are reduced in band choppers and sold for scrap. Implementation of these policies and procedures has resulted in an absolute minimum of waste materials for which we have no alternate means of disposal.

4. Recycling and/or Reuse
JELD-WEN, Inc. has a very large investment in plants and equipment, much of which recycles or reuses materials which would otherwise be waste products. Fingerjoint machines, edge glue machines, and other processes allow us to utilize material as end products which would otherwise be waste for which outside markets would have to be found. All of our plants including the sawmill, planning mill, millwork, door, and fiber door plants utilize chippers and hogs to maximize material retrieval and minimize waste accumulation. The recently installed waste wood fired boiler utilizes some 1,250,000 cubic feet of hog fuel per year. Approximately 75% of this material is hogged bark which, under previous ownership, had been collected in a large pile and for which no consistent local market exists. Our fiber door plant, representing a very substantial investment, utilizes some 1,500,000 cubic feet of waste material from our other manufacturing operations. Further, we transfer the materials for our boiler and fiber board plant by underground pipes in lieu of open conveyors. These and other efforts too numerous to mention are evidence of implementation of our policies on waste reduction and utilization and the environment generally.

BENTON'S ENGINEERING & FABRICATION
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P. O. BOX 472 -:- Phone (503) 884-9930
KLAMATH FALLS, OREGON 97601

Out of some 5,000,000 cubic feet of logs and lumber, which enter our operations each year, we accumulate approximately 1,350 cubic feet per year of combustible waste which is contaminated with metal and is not reclaimable for use in our manufacturing facilities. This represents only approximately 0.027% of the material volume processed through our facilities.

The Klamath Basin has an airshed which is of high quality most of the time. It is, therefore, practical to select a time for open burning which will create a minimum disturbance to the air quality in the area. Our experience with previous burning of the material has been that no significant disturbance to our local environment has occurred and we have received no complaints to the contrary. It is our conclusion that open burning, once per year of the relatively small quantity of material, is our only practical alternative and that the effect on our local environment is not detrimental.

In addition, JELD-WEN Inc. has an exemplary record in providing manufacturing facilities which enhance the esthetics of our local area that is second to none among our industries in the Klamath Basin. We maintain approximately 8 acres of our site in lawns and landscaping. We are currently preparing all of our useable grounds for planting of alfalfa and grasses which will enhance their appearance considerably. We are proud of our record of citizenship in the community and our continued efforts in this regard are expressed in our corporate policies which are included with this request.

Therefore, in consideration of the above, we respectfully request the Commission's approval to allow us to burn the materials presently in the dump and also to rule favorably upon our request to continue burning of this material on a once per year basis.

Sincerely,

Stanley K. Meyers, P.E.
Assistant Corporate Engineer

SKM/jh

CC: John Borden

DUMP USE POLICY

A. General

The purpose of the corporate dump is for disposal and destruction of materials which have no use or sale value. Therefore, it is assumed that material which has been deposited at the dump has no value to any JELD-WEN Company or private individual. Furthermore, in order to avoid problems associated with security, removal of defective or damaged products from the plant site, and unauthorized use of the dump, its use by unauthorized persons, Company employees (except as noted in D), or private individuals, for dumping or for salvage, will be expressly prohibited.

B. Materials

1. All materials taken to the dump should be intended for destruction and should be combustible.

2. No clean wood, which can be hogged or chipped, should go to the dump.

3. No metal which is separable from other materials should go to the dump. Banding should be chopped and scrap metal should be collected for sale.

4. All steel barrels should be returned or sold if possible. If feasible, steel barrels which cannot be sold or returned should be substituted for with cardboard barrels or other combustible containers. Steel barrels should be taken to the dump only as a last resort.

C. Persons Authorized to Deposit Material

1. Only the clean-up services manager, or those people designated by him and in his employ, are authorized to deposit material in the dump.

2. The only exception to this is an employee(s) of a JELD-WEN plant, for dumping of company refuse, when conditons preclude the use of the clean-up services personnel for a particular disposal operation.

D. Persons Authorized to Remove Material

1. No material, except under unusual circumstances, is to be removed from the dump.

2. Only under special circumstances, and with the written authorization from the affected plant manager, designating both the person and the material to be removed, will material be allowed to be taken from the dump.

Excerpts From JELD-WEN, inc. Company Policy

110.c. Fiber and Waste Products (Effective 12/72; revised 1/77)

We will endeavor to fully utilize the wood waste from that part of the lumber and millworks operations that in the past has been of little or no value. This includes short pieces of cutstock, sawdust and shavings, material with defects, and machine waste. Products that are developed from this material should also be restricted to component parts of a home.

700. Environment (Effective 12/72)

It is our policy to do everything within reason in conducting our business to avoid serious harm to the environment or any of its inhabitants. It is our policy to conduct our business in such manner so that we contribute to social advances and general improvement of our environment.

Attachment III, Central

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

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

March 4, 1977

Mr. Stan Meyers, P.E.
Assistant Corporate Engineer
Benton's Engineering & Fabrication
P.O. Box 472
Klamath Falls, OR 97601

AP - Jeld Wen Inc.
EI# 18-0006, Klamath County
18 B 77 002

Dear Mr. Meyers:

Thank you for your February 7, 1977 letter. You expressed two requests to open burn:

1. Burn materials presently in the dump in 1977 and
2. Continue burning accumulated materials once per year thereafter.

Regarding your request to burn in 1977, you are hereby authorized to carry out this one time burn subject to the following:

1. All material shall be piled to burn as cleanly as possible. All efforts shall be made to minimize burn duration.
2. Burning shall not be conducted during periods of poor ventilation as determined by the Department of Environmental Quality or the Klamath Fire District.
3. Contact both the Klamath County Fire Department and Neil Adams, DEQ, Klamath Falls prior to starting the burn.
4. The burn shall be subject to any requirements established by the Klamath County Fire Department.
5. Authorization may be recinded for any or all of the project if problems arise from the open burning.

Regarding your request to burn accumulated materials annually after 1977, your request is again denied. However, your February 7, 1977 appeal will be considered by the Environmental Quality Commission in Seaside on April 1, 1977 at the Seaside Convention Center. The Department will complete its review of your request, and John Borden will forward you a copy of our staff report prior to the meeting.

Please contact Mr. Borden in Bend at 382-6446 if you have comments or questions.

Sincerely,

WILLIAM H. YOUNG
Director

Fred M. Bolton
Administrator
Regional Operations

JEB:sm

cc: Dale Drew, Klamath County Fire Dept.
Ken Moore, Jeld Wen
bcc: Dick Voft via D. D. Fraley
Klamath Branch Office
Central Region

Attachment IV

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

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

March 11, 1977

Mr. Stan Meyers, P.E.
Assistant Corporate Engineer
Benton's Engineering & Fabrication
P.O. Box 472
Klamath Falls, OR 97601

AP - Jeld-Wen Inc.
Klamath County
EI #18-0006
(Re: 18 B 77 002)

Dear Mr. Meyers:

On March 8, 1977 my staff and I conducted an inspection of your proposed open burn pile with Stan Meyers in followup to your request for an annual burning variance from the DEQ. In addition to the demolition and clean wood wastes noted by Gil Hargreaves and John Borden during their January 18, 1977 inspection, I noted assorted plastic sheets, rubber goods, tires, paint, plastic drums, lunch room waste, recyclable cardboard and household refuse in an apparent "new" waste pile during my inspection.

Had I realized that you intended to burn these items, I would not have authorized this one time "emergency" burn. In fact I am not rescinding our March 4, 1977 authorization only because the Klamath County Fire Marshall has indicated to my staff that burning may be the most acceptable disposal method for the present waste accumulation in place as of 11:00 a.m., March 8, 1977.

While I realize that you have a pending appeal to the Environmental Quality Commission for continued annual waste burning, I believe my staff was in error in recommending approval of this one-time burn in 1977. I hope you will seriously evaluate all possible alternatives to open burning of industrial wastes prior to the Environmental Quality Commission's evaluation of your Appeal. As you pointed out, there are more possible options to burning than those DEQ suggested.

Please contact us if you have comments or questions.

Sincerely,

WILLIAM H. YOUNG
Director

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAR 2 [illegible]
BEND DISTRICT OFFICE

Fred M. Bolton
Administrator
Regional Operations

JEB:sm
cc: Dale Drew
Air Quality
Klamath Branch
Central Region

Continue Recycling

Attachment V

BENTON'S ENGINEERING & FABRICATION
DESIGN AND SALES OF CUSTOM BUILT MACHINERY
P. O. BOX 1540 Phone (503) 883-3373
KLAMATH FALLS, OREGON 97601

March 21, 1977

Mr. Fred M. Bolton
Administrator, Regional Operations
Department of Environmental Quality
1234 S.W. Morrison Street
Portland, OR 97205

AP - JELD-WEN, inc.
Klamath County
EI #18-0006
Re: 18 B 77 002

Dear Mr. Bolton,

I have received your letter of March 11, 1977, and have some comments and observations which I feel are pertinent to our pending appeal with the Environmental Quality Commission. Your letter mentions several items which are described as "in addition" to the demolition and clean wood wastes noted by John Borden and Gil Hargreaves during their inspection of January 18. Our lunch room and office wastebasket materials, collected in lightweight, household type garbage bags, and cardboard material have always been taken to the dump and were also present during the inspection of January 18. The large plastic sheets and large, cardboard lumber package end protectors were new items in the pile. These originated from our current warehouse expansion construction and are materials which are not part of the normal make-up of the dump.

During the March 8 inspection I noticed one (1) tire and have been told by one of our employees that one or two others were present. These could have easily been removed had such a request been made. Also during the inspection, John and I inspected one small deposit, approximately 4 cubic feet, of household refuse which I assume is what your reference is to in your letter. In addition I viewed a small amount of miscellaneous materials in the dump and several plastic jugs (the largest gallon size). The total of all of these types of items was quite small in relation to the volume of wood waste in the dump. My personal observations did not include any appreciable amount of items referred to as "rubber goods". The "new" waste pile referred to was the material accumulated from January 18 to March 8, a period of almost two months. The overall cleanliness and make-up of the materials in the dump are attested to by the lack of seagulls, rodents, or other trash seeking animals at the dump site. The absence of these animals is a good measure of the lack of "garbage" in the waste pile.

The waste pile in question was burned on March 10 under a burning permit issued by the Klamath County Fire Marshal. I am pleased to report that the burn was very successful and was accomplished without smoke problems or harmful effects to the environment. Comments from the Fire Marshal also support this observation. To date I have not received or been notified of any complaints from the surrounding community.

Although we are investigating alternative methods of waste disposal, collecting these materials and burning them on a yearly basis is presently the only feasible method of disposal. With this in mind, I would like to urge your favorable consideration of our pending appeal.

Sincerely,

Stan Meyers, P.E.
Assistant Corporate Engineer

SM:dcp
cc: John E. Borden
Dale Drew

BENTON'S ENGINEERING & FABRICATION

DESIGN AND SALES OF CUSTOM BUILT MACHINERY

P. O. BOX 1540 Phone (503) 883-3373

KLAMATH FALLS, OREGON 97601

April 21, 1977

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

Dear Commission Members:

I would like to respond to your memorandum in reference to Agenda Item F, EQC meeting, April 22, 1977, which I received on Wednesday, April 20, 1977.

In reference to Evaluations:

Item 5-B: Approximately one-half of the materials in the dump burned on March 10, 1977, were of a size that could not have been loaded into hoppers or trucks to be hauled to the Klamath Disposal Site without considerable further dismantling. Specifically, these items were the demolition from the planer mill tear down which occured in the spring of 1976.

From estimates of box rental and dumping fees from Klamath Disposal and discussions with others we estimate a cost of from $5,000.00 to $12,000.00 per year for off-site disposal. Based on this cost we conclude that off-site disposal is not a practical alternative to the present methods.

Item 5-C: Forced Air Pit Incineration: Although some of these units have been observed by DEQ to be within compliance, proper operation is affected by the condition of the pit walls, material level in the pit, and wind conditions. In addition cardboard and lightweight materials come out of the air stream and also create fly-ash problems. In addition, our plant site does not provide an area where an "in ground" pit may be dug. This would necessitate the purchase of refractory pit liners at an additional cost of $10,000.00 for the smallest machine available. This included with transportation and other installation preparations is the basis for our minimum investment estimate of approximately $30,000.00. This, in addition to our reports from Cam-Ran Corp. of questionable performance of these units and that some of these units have been removed from service, reinforces our conclusion that an on-site pit incinerator is not a practical alternative.

The rental cost of $500.00 per week quoted in the staff report does not include the transportation charges of $2.00 per mile each way, plus the need to provide a front end loader at a cost of $40.00 per hour during the operation of the unit. Our contract estimate,

from Cam-Ran Corp., to burn the pile in place on March 10 was $5,000.00. They also stated that unless they had other contracts in the area, even at this price, they did not feel this contract was a practical thing for them because of the distance involved.

Item 6: JELD-WEN, inc., maintains that open burning of the dump properly carried out is not a detriment to the local environment. It is also significant, as stated in the memorandum, that no complaints were received during the March, 1977, burning of the dump and the demolished homes at the Thomas Lumber Company site.

In addition to the usage of hogs and chip bins, installation of our waste wood fired boiler plant, construction of the fiber door plant, collection of scrap metal and banding, we have instituted further efforts, since the DEQ letter of March 11, 1977, to minimize further the collection of materials in our dump. These include cycling some materials through the hogs which were previously taken to the dump and removal of refuse from the present building expansion to off-site disposal.

Conclusions:

1. JELD-WEN, inc., has made a very substantial effort to minimize materials which cannot be utilized in manufacturing operations.

2. The Klamath Basin has an airshed which is of high quality most of the time. Burning of the dump, once per year, at a time when vertical air rising and geological conditions are favorable, does not detrimentally impact the local environment. This is supported by the success of the burns conducted in March, 1977, and is very significantly attested to by the fact that no complaints were received by the DEQ, the Klamath County Fire Marshal, or JELD-WEN, inc.

3. The amount of waste which is burned in the dump pile is small in comparison to that which is annually burned in frequent slash fires, agricultural burns, and even the wood consumed in domestic fireplaces for home heating in the area.

4. Present alternatives are not economically practical in relation to the present method of disposal and its lack of harmful effects on the quality of the local airshed.

Members of the Commission, we have demonstrated in fact that alternatives to the present method of disposal are impractical and that harmful effects to the airshed from this once per year burn are not caused. We, therefore, request the Commission to rule favorably to burn the dump on an annual basis.

Stan Meyers, P.E.
Assistant Corporate Engineer

SM:dcp
cc: William H. Young, Director

Attachment C

BEN-FAB

DESIGN AND SALES OF CUSTOM BUILT MACHINERY
P. O. BOX 1540 .:. PHONE (503) 883-3373
KLAMATH FALLS, OREGON 97601

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
AUG 8 1977

BLM DISTRICT OFFICE

August 1, 1977

Mr. William H. Young, Director
Department of Environmental Quality
1234 S.W. Morrison Street
Portland, Oregon 97205

Dear Mr. Young:

In response to the Commissions request for more information concerning possible alternatives to open burning of the dump on an annual basis I would like to first restate those alternatives which were presented prior to and at the Commission's meeting of April 22, 1977.

1. A. On-Site Land Fill: "This alternative is neither feasible nor desirable inasmuch as the material would not provide a suitable foundation for future industrial structures or agricultural use. In addition, land fill is not desirable due to the proximity of Klamath Lake." Correspondence from the DEQ supports our conclusion on this item.

   B. Off-Site Land Fill: "We believe the nature of the materials would not be suitable for sanitary land fills because of dimensions and the difficulty of compacting or dismantling. Additionally, these materials would be difficult to handle, and breaking down the materials to manageable size for loading, hauling and disposal offers serious hazards to our workmen." Further explanation of this item was included with our letter of April 22, 1977, as follows:

   Item 5-B: "Approximately one-half of the materials in the dump burned on March 10, 1977 were of a size that could not have been loaded into hoppers or trucks to be hauled to the Klamath Disposal Site without considerable further dismantling. Specifically, these items were the demolition from the planer mill tear down which occured in the spring of 1976.

   From estimates of box rental and dumping fees from Klamath Disposal and discussions with others we estimate a cost of from $5000.00 to $12,000.00 per year for off-site disposal. Based on this cost we conclude that off-site disposal is not a practical alternative to the present methods."

2. A. Forced-Air Pit Incineration: "This alternative is far too expensive for application to our operations. We estimate a capital investment of $30,000.00 to $75,000.00 plus an unknown annual maintenance cost, neither of which is financially feasible as a component part of our manufacturing and maintenance operations.

2. A. Cont.: Very dry, windy conditions exist during the majority of the year which may cause forced-air pit incineration to be a fire hazard to adjacent fields and log yards. Conversations with people in the incineration field indicate that many open pit installations have yielded poor results and that use of several of these pits has been abandoned. In addition, frequent use of this type of facility may be more objectionable to local air quality than our present procedure of open burning of these materials on a once per year basis." Further explanation of this alternative and the DEQ reference to rental of these units was included with our letter of April 22, 1977, as follows:

"Item 5-C: Forced Air Pit incineration: Although some of these units have been observed by DEQ to be within compliance, proper operation is affected by the condition of the pit walls, material level in the pit, and wind conditions. In addition cardboard and lightweight materials come out of the air stream and also create fly-ash problems. In addition, our plant site does not provide an area where an "in ground" pit may be dug. This would necessitate the purchase of refractory pit liners at an additional cost of $10,000.00 for the smallest machine available. This included with transportation and other installation preparations is the basis for our minimum investment estimate of approximately $30,000.00. This, in addition to our reports from Cam-Ran Corp. of questionable performance of these units and that some of these units have been removed from service, reinforces out conclusion that an on-site pit incinerator is not a practical alternative.

The rental cost of $500.00 per week quoted in the staff report does not include the transportation charges of $2.00 per mile each way, plus the need to provide a front end loader at a cost of $40.00 per hour during the operation of the unit. Our contract estimate, from Cam-Ran Corp., to burn the pile in place on March 10 was $5,000.00. They also stated that unless they hac other contracts in the area, even at this price, they did not feel this contract was a practical thing for them because of the distance involved."

3. Waste Generation Reduction: "We have made considerable efforts in this line. Implementation of our corporate policy on dump usage places substantial emphasis on minimizing the amount of materials taken to the dump. Specifically, only those materials which are not suitable for chipping or hogging are taken to the dump. All materials which can be chipped or hogged are used in manufacturing operations, the boiler, or are sold to outside customers. All scrap metal is collected and sold to scrap dealers and all banding materials are reduced in band choppers and sold for scrap. Implementation of these policies and procedures has resulted in an absolute minimum of waste materials for which we have no alternate means of disposal."

4. Recycling and/or Reuse: "JELD-WEN, Inc. has a very large investment in plants and equipment, much of which recycles or reuses materials which would otherwise be waste products. Fingerjoint machines, edge glue machines, and other processes allow us to utilize material as end products which would otherwise be waste for which outside markets would have to be found. All of our plants including the sawmill, planning mill, millwork, door, and fiber door plants utilize chippers and hogs to maximize material retrieval and minimize waste accumulation.

4. Cont. The recently installed waste wood fired boiler utilizes some 1,250,000 cubic feet of hog fuel per year. Approximately 75% of this material is hogged bark which, under previous ownership, had been collected in a large pile and for which no consistent local market exists. Our fiber door plant, representing a very substantial investment, utilizes some 1,500,000 cubic feet of waste material from our other manufacturing operations. Further, we transfer the materials for our boiler and fiber board plant by underground pipes in lieu of open conveyors. These and other efforts too numerous to mention are evidence of implementation of our policies on waste reduction and utilization and the environment generally."

In addition to the items enumerated above, which have been a part of our previous correspondence, we have examined cycling all material, pallets, nails, paper, etc., through a large hammer hog. Our quotation for two hogs for this application are $32,000.00 and $37,000.00 without motor. Including motor, foundation, material delivery and take-away conveyors, and installation our estimate for such an installation is between $75,000.00 and $100,000.00. Our conclusion is that this is not a practical alternative to burning of the dump.

JELD-WEN has also investigated the possibility of separating our lunch-room and rest-room garbage and refuse from the other materials taken to the dump. We have taken positive action in this regard. All our lunch room garbage and rest room refuse is being separated and is being removed to the Klamath Disposal Site. JELD-WEN is continuing to investigate any alternatives which arise in further attempts to minimize or eliminate the materials taken to the dump.

We believe that it is significant to our request for variance that the Klamath Basin has a high quality air shed. JELD-WEN continues to maintain that burning of the dump during favorable conditions, once per year, does not detrimentally affect the local environment. We have offered to carry out the burning at a time when DEQ monitoring of meteorological conditions would show them to be favorable. As previously stated, the above conclusions are supported by the success of the burns conducted in March, 1977, and is also attested to by the fact that no complaints were received by the DEQ, the Klamath County Fire Marshal, or JELD-WEN, Inc..

It is concluded that none of the alternatives examined above are practical alternatives to the present method of disposal. Further, we know of no other alternatives, in addition to those examined above, which are being used in the industry to dispose of this type and quantity of material.

We, therefore, reiterate our request for a variance as allowed for under ORS 468.345 (1)(b) and ask for permission to burn the dump on an annual basis.

Sincerely yours,

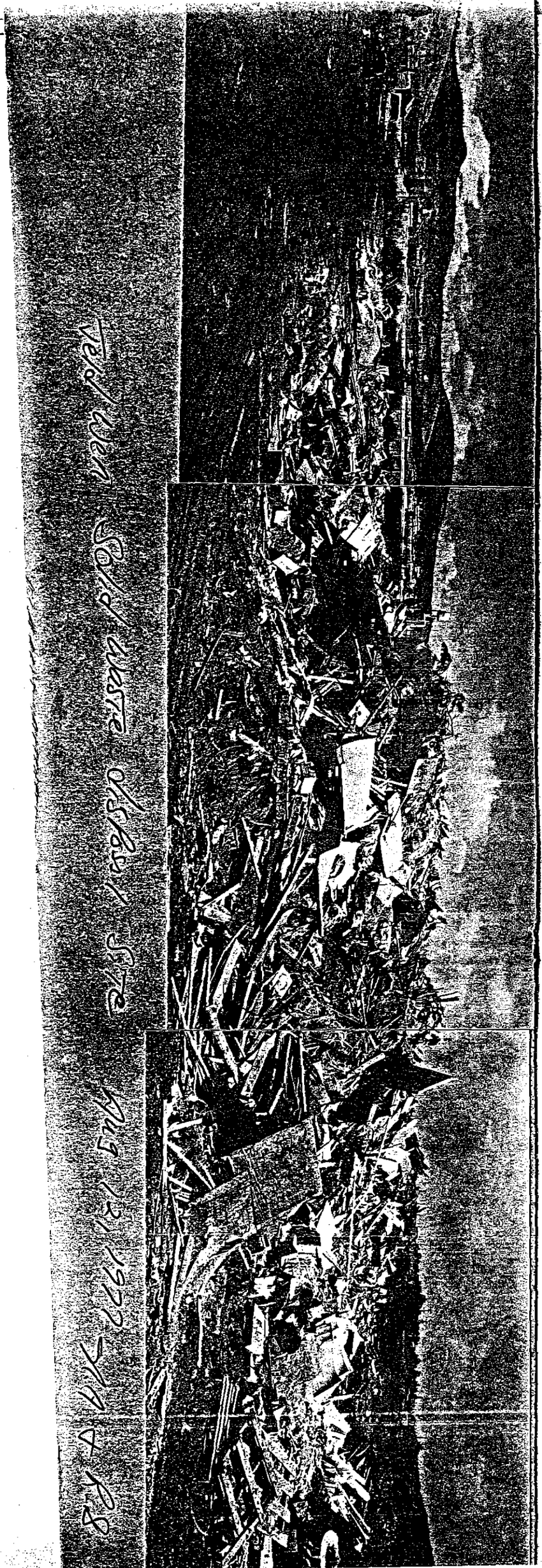
S. K. Meyers

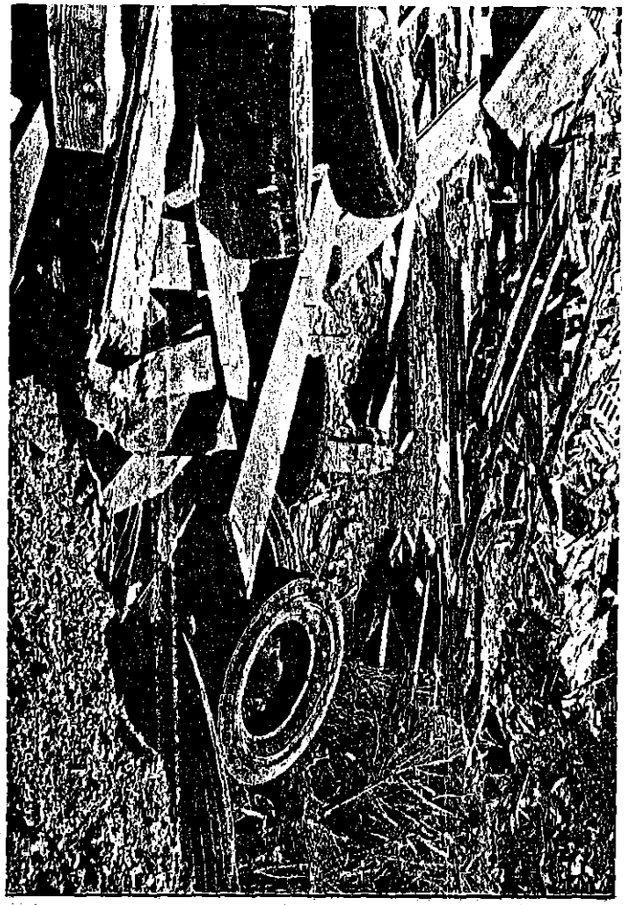
Stanley K. Meyers, P.E.

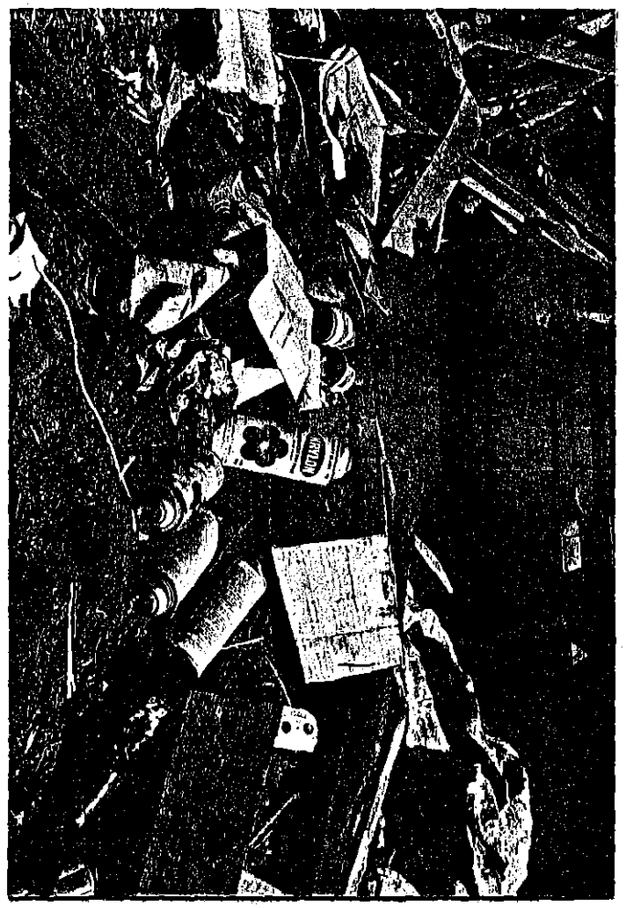
SKM/jh

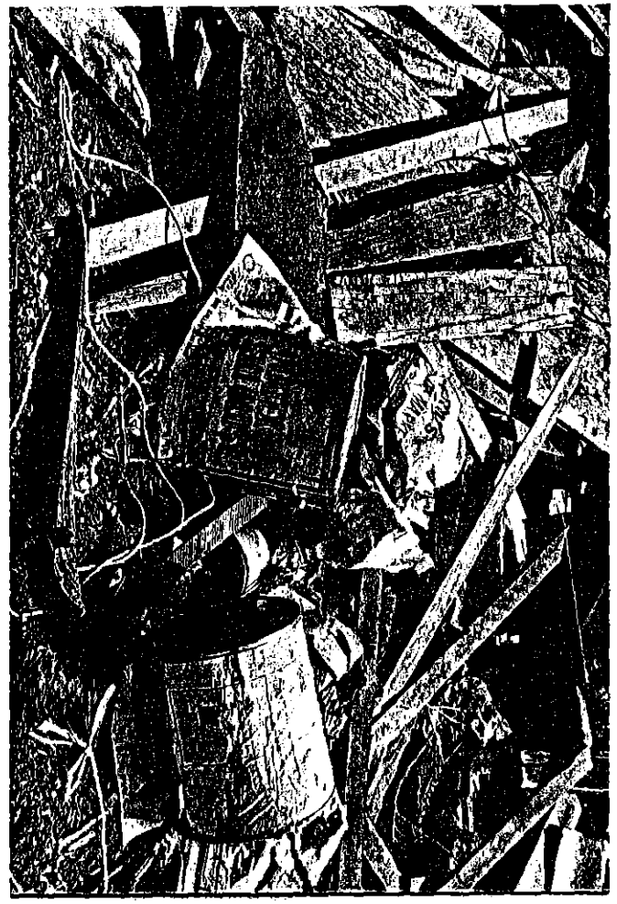
cc: John Borden
Ken Moore

Attachment D



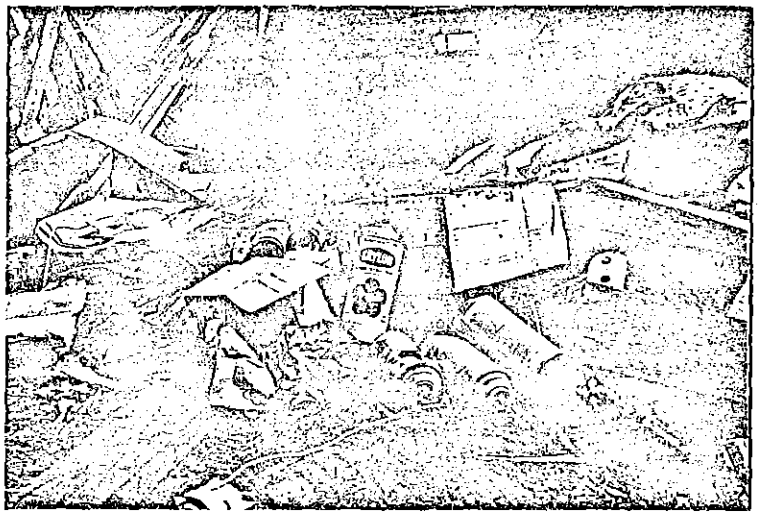


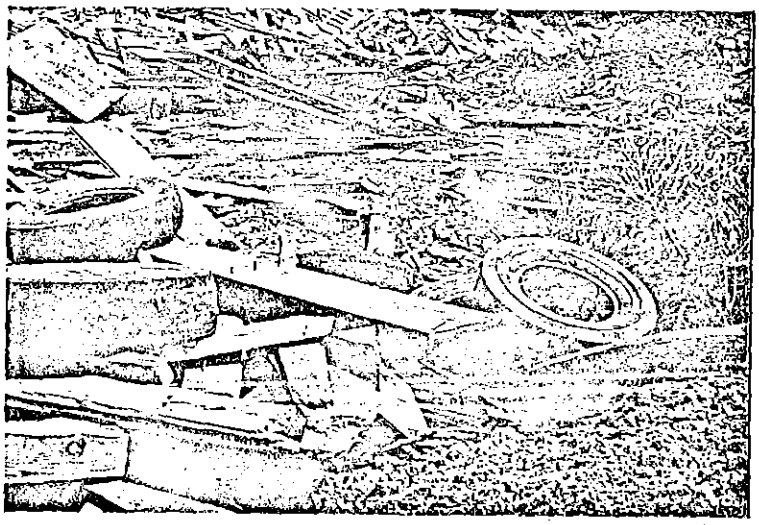


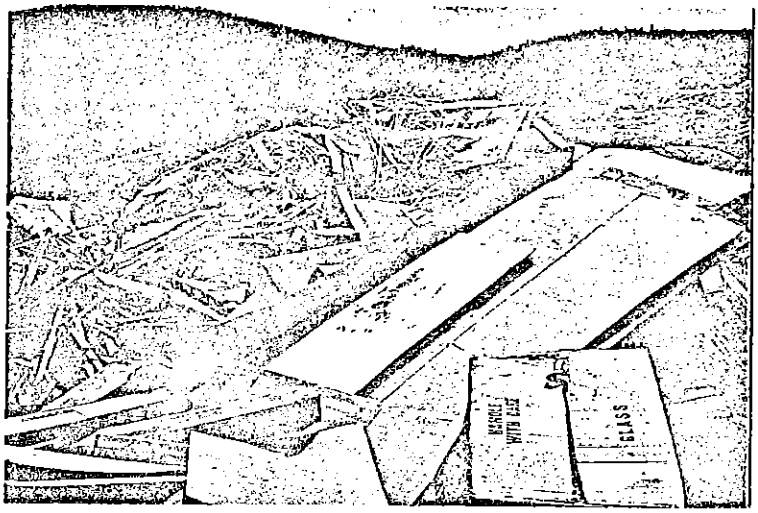


HANDLE
WITH CARE
GLASS

Attachment D



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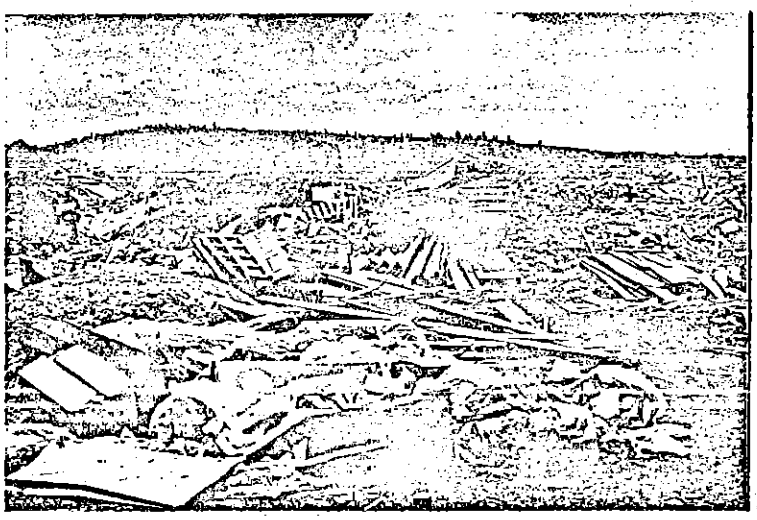


ROBERT W. STRAUB
GOVERNOR

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. F, November 18, 1977, EQC Meeting

Public Sewerage Considerations Within Bend Urban Growth Boundary

Background

1. Since the early 1900s, central Oregonians have been disposing septic tank effluent down lava fissures and dry wells (sewage disposal wells) rather than using conventional drainfields. This practice prompted a study of disposal well practices in 1968 by FWPCA. FWPCA (predecessor to the EPA) concluded that continued discharges of septic tank wastes to disposal wells pose a potential threat to groundwater quality. Accordingly, the EQC adopted regulations on May 13, 1969 to phase out disposal wells for inadequately treated wastes. Exhibit A illustrates the general concepts.

2. The concept of the regulations was to phase out existing sewage disposal wells in rural areas by January 1, 1975, but to allow new wells in populated areas where an acceptable sewerage construction program had been approved by DEQ. The latter areas would be classed by DEQ as "permit authorized areas" within which DEQ (or a county Health Department) could issue temporary disposal well permits. After January 1, 1980, no new disposal wells would be permitted in the "authorized" areas, and existing wells at that time would be sealed and abandoned.

3. To qualify as a permit authorized area, applicants had to agree to sewerage construction thus:

a. Hire consulting engineer by July 1, 1969
b. Submit preliminary engineering report by January 1, 1971
c. Start construction by August 1, 1971
d. Complete construction by January 1, 1980
e. Submit annual reports to DEQ which show reasonable progress

4. Madras, Culver, Metolius, Redmond, and Bend were designated permit authorized areas. The status today of each is as follows:

a. Madras--city sewerage system complete in 1976--urban area sewerage planning (Step I) in progress
b. Metolius--system complete 1975
c. Culver--sewerage system complete 1976
d. Redmond--system under construction--about 40% complete
e. Bend--Sewerage Planning (Step I) complete within Urban Growth Boundary (UGB). Final design (Step II) underway within current city limits (Phase 1), but not within the UGB outside the city limits (Phase 2). There is no design or sewerage construction proposal pending for the Phase 2 area at this time.

5. Overall, Bend's sewerage project has been beset with delays since 1969. To date, the following sewerage planning has occurred:

a. Report on a Preliminary Study of a Sewage Collection and Treatment Facilities--CH2M 1967 (sewage treatment plant serving about 10% of Bend constructed in 1970)
b. Report on Cost Updating of a Proposed Sewerage System for Bend, Oregon--Clark & Groff 1972
c. Preliminary Design and Final Plans for East Pilot Butte Interceptor Sewer--Clark & Groff and city staff 1972-1974 (not built)
d. Study of the Feasibility of Accepting Privy Vault Wastes at the Bend Treatment Plant--Clark & Groff 1973 (built)
e. Preliminary Report Sewerage Study (for the City of Bend)--Century West, paid for by Brooks Resources 1974
f. Sewerage Facilities Plan, City of Bend, Oregon--Stevens, Thompson & Runyan, Inc. and Tenneson Engineering Corp. 1976--approved by DEQ and EPA
g. Supplemental Environmental Impact Assessment Draft, 23 September 1977--BECON
h. Step II underway for Phase 1 of ST&R plan

6. All the central Oregon sewerage projects have been complicated by rock excavation and local financing difficulties, but each community has overcome these obstacles. Bend overwhelmingly passed a $9,000,000 bond issue. Bend experienced some additional time delays due to:

a. Analysis of experimental vacuum and pressure sewer systems
b. Excessive cost discussions before accurate cost estimates were actually pinned down.

Indeed, cost estimate inaccuracy is largely responsible for Bend's decision to return to the E-Board for more hardship funding, but that is covered under a separate Commission agenda item.

7. Because Bend's annual reports showed progress towards sewerage construction (although behind schedule) DEQ has renewed their permit authorized status for sewage disposal wells each year through present.

8. Believing sewerage construction to be in the offing, DEQ authorized several dry sewer projects with "interim" drainfield and disposal well facilities. The facilities plan addresses the entire urban area, but due to cost projections it soon became clear that an immediate project was likely only inside the city limits. Unfortunately, most current subdivision activity (and homesite construction) is actually occurring within the Urban Growth Boundary (UGB), but outside Bend city limits. The Phase I sewerage project will not serve construction outside the city limits.

9. DEQ recognized this dilemma as early as 1973, and began tentative negotiations with city and county officials (staffs and commissions) to jointly participate in sewerage planning and construction within the UGB. Although the city and county both endorsed the facilities plan on October 6, 1976. Deschutes County has not implemented any of its recommendations.

The facilities plan includes an adopted Urban Growth Boundary (UGB) which influenced the plan. A quotation from the facilities plan describes the relation of the City of Bend General Plan to sewerage service:

> "Since 1970 rapid population growth in the Bend area has occurred mostly in Deschutes County rather than the City. Population growth within the City has occurred mainly because of annexation policies.
>
> "Flexibility has been a major objective in establishing the plan and it has provided for alternate population densities in outlying areas to accommodate future growth trends which are difficult to anticipate at this time. The major determining factor for higher densities will be the provision for sewering. It is important to recognize that proper land use planning should precede sewerage planning. The plan would provide a north-south center strip of industrial and commercial activities with varying types of residential activities extending from this central core. The greatest population densities would be located in the central area with lower densities toward the outer edges of the urban area."

10. Much of the growth outside the city, but inside the UGB (i.e. the Phase 2 area) actually has occurred with little or no regard for how sewerage connections would be made except as inadvertantly regulated by DEQ by "indirect" planning strategies. Examples are shown in Exhibit B. The City of Bend is powerless to implement planning decisions outside their city limits.

11. By 1976, the interface conflict and Phase 2 growth without sewers was obviously serious. DEQ continued meetings with city and county officials. The city was becoming conspicuously concerned about their possible "inheritance." Thus on June 1, 1977 and July 5, 1977, DEQ was successful in conducting joint sewerage policy planning sessions among City-County-DEQ.

At the July 5, 1977 meeting, it seemed appropriate to turn initiative for further meetings over to local officials since planning is a local function. Deschutes County requested a follow-up meeting on September 12, 1977. At that meeting with the County Commission DEQ volunteered that it was unable to justify continued sewerage "concessions" in the Phase 2 area, since no sewerage implementing authority, such as a County Service District, was operational there. The concept of a septic tank moratorium to halt conflicts with the sewerage plan was discussed.

A joint City-County urban planning commission concept was proposed (Exhibit C), but Deschutes County felt that to be a premature move. Instead, a joint committee to study differing building standards between city and county was extablished (Exhibit D). Intensive development continued in the Phase 2 area without sewerage services, except for Choctaw Village Sanitary District.

Bend changed its annexation policy after forming a citizens' group to study subdivision standards (Exhibit E).

12. Unlike many urban growth areas, Deschutes County planning ordinances permit development at low (up to 5 acre lot sizes) as well as high densities within the UGB. This aggravates sewerage construction by permitting "leap-frogging" densities. For example, on a given radius from Bend you might encounter 1000 feet of 1/3 acre lots, then 1000 feet of 2-1/2 acre lots, then 2000 feet of 1/2 acre lots, etc. The net result is expensive ultimate sewerage service to urban densities not immediately adjacent to Bend's existing urban densities.

13. The key item lacking is local coordination such as a City Utility Board, a County Service District, or some form of equivalent control.

Evaluation

1. Sewerage construction in Bend proper (Phase I) will not likely be complete and available at the city limits until at least 1981.

2. At least 230 sewage disposal wells exist in the Phase 2 area which are not now scheduled for phase out by a sewerage system although the facilities plan shows how that could be done.

3. There are not many alternatives for sewage disposal in the Phase 2 area other than dry or wet community sewers due to:

a. Unavailability of a municipal sewerage system
b. Disposal wells not permitted per Oregon Administrative Rules (OAR) 340-44-005 through 44-045
c. Shallow soils often prevent drainfield construction
d. Package sewage treatment plants are not viable unless they have a large number of service connections

e. Experimental septic systems are costly, and encourage low density
f. Alternate systems usually turn out to be big and costly drainfields

Thus, through Geographic Region Rule A which allows drainfield construction in shallower soils in central Oregon, DEQ has actually aggravated the planning and sewerage construction costs by allowing these systems which, in turn, encourage low density development.

4. DEQ has documented 28 surfacing sewage failures in the Craven Road-Cessna Drive area adjacent to Bend, which generally have no alternative for repair other than a regional sewerage system. The city is unwilling to annex because the water system does not meet city specifications, and the county has discussed an LID. But nothing has happened. DEQ attended several local meetings to develop interest in annexation, LID's or a County Service District with no success. The sewage continues to surface.

5. DEQ is pressured daily for sewage disposal well repair permits within the UGB. Short of vacation of the premises, drillhole repairs are the only immediate option (although illegal), since a regional sewerage system is not available and drainfields are usually not possible due to small lot sizes and/or shallow soils. Authorization of such repairs actually undermines support for regional sewerage construction since the problem is moved out of sight but not solved by such repairs.

6. DEQ is pressured daily to approve compromise subsurface systems within the UGB for many subdivisions. In so far as has been possible, DEQ has agreed to complex terms to facilitate sewerage planning, allow interim facilities, not aggravate densities, and to prevent high denial rates. Unfortunately, lacking regional sewerage systems, the "interim" facilities become "permanent"--they are not designed to function permanently, and usually do not.

7. Since federal construction grants were projected based on regional sewerage facilities, there is risk of losing such funding if the Phase 2 area is developed without a sewerage system.

Summation

1. The UGB was adopted by the City of Bend and the Deschutes County Commission on June 2, 1976. The facilities plan was adopted by City of Bend and Deschutes County Commission on October 6, 1976, and is the approved sewerage services component within the UGB. The Oregon Department of Land Conservation and Development has not yet adopted the UGB.

2. Since there is no implementing mechanism or authority for sewerage services within the UGB and outside the Bend city limits, DEQ has been unable to develop guidelines consistent with the facilities plan which do not aggravate sewerage construction in that area.

3. Thus a question exists as to whether DEQ and its contract agent, Deschutes County Health Department, can continue septic tank approvals in the Phase 2 area when such approvals are or may be in conflict with local plan elements. To what extent are DEQ actions controlled by planning laws is a key question.

4. Possible DEQ alternatives range as follows:

a. No action--continue septic tank and drainfield approvals/denials without regard to local planning.

b. Obtain a written program from the Deschutes County Commission which shows how DEQ and the Commission can work together to insure that Phase 2 sewerage construction occurs in accordance with the approved facilities plan and its amendments, which show proposed trunk sewer locations. The program shall diagram an implementation strategy which addresses:

1) Who will plan collector sewers;
2) When sewerage facilities will be constructed;
3) How sewerage facilities will be financed;
4) Who will implement planning, design and construction;
5) How development will be handled in the interim to insure that it does not impair implementation.

c. Restrict subsurface sewage disposal systems in the Phase 2 area until at least one of the following occurs:

1) Deschutes County forms a County Service District to design and construct sewerage facilities in the Phase 2 area to accommodate any county approvals in the UGB; or
2) An equivalent public body is formed to regulate these activities in accordance with regional sewerage planning.

Director's Recommendation

1. The Director recommends that the Commission direct the staff to work with the Deschutes County Commission to obtain a written agreement outlining how DEQ and the County Commission can work together to solve the problems discussed in this report, and further direct the staff to schedule a public hearing on November 29, 1977 in Bend to take testimony on the proposed working agreement between DEQ and the County and on other alternative causes of action the EQC could pursue.

2. The Director recommends no further action at this time, but suggests that the Commission consider findings from the November 29 hearing at its next meeting.

Bill

WILLIAM H. YOUNG

John E. Borden
382-6446
11/2/77

Attachments: A through F

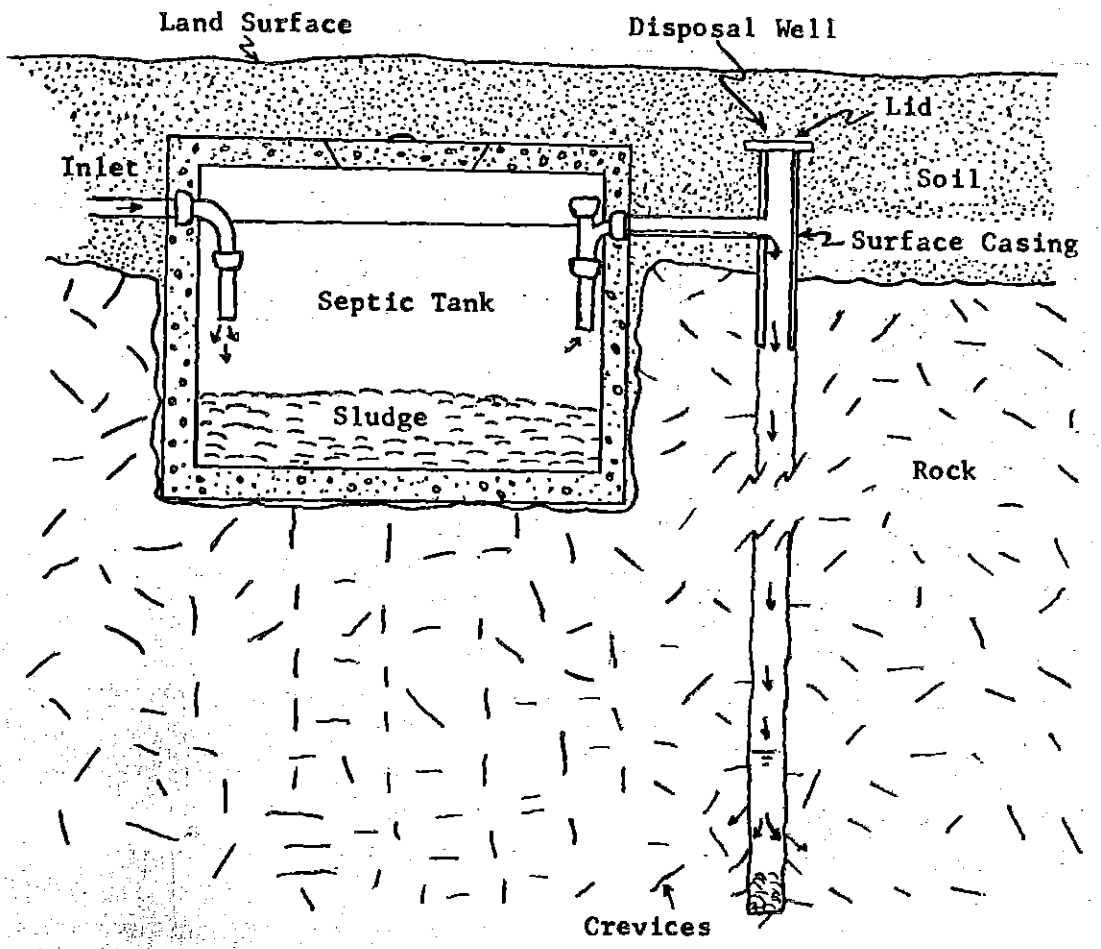
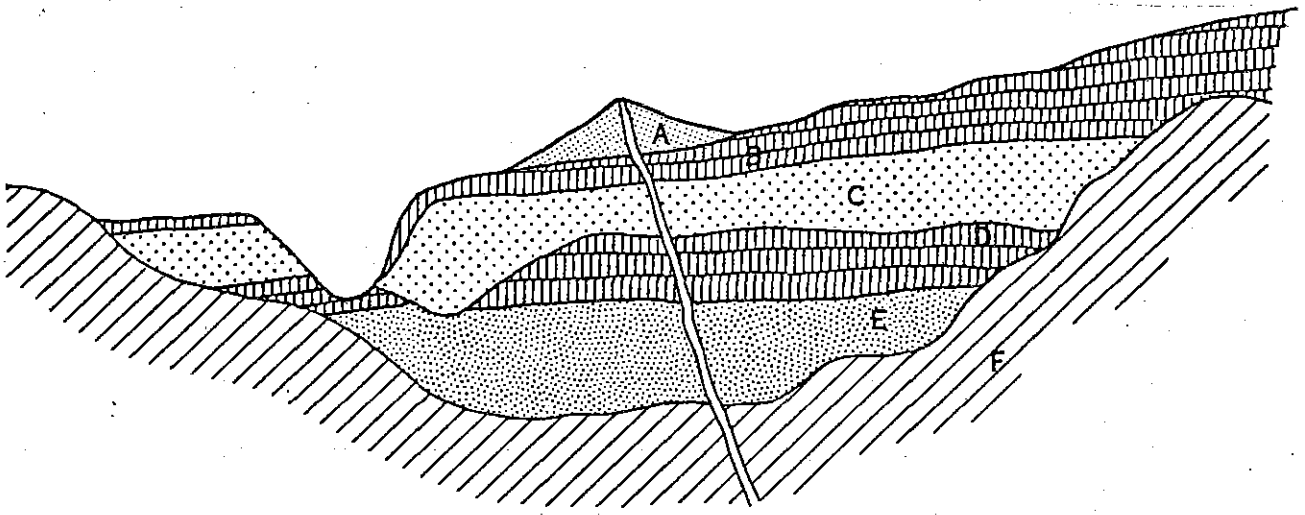


FIGURE 6.--DIAGRAM OF A TYPICAL DOMESTIC SEWAGE DISPOSAL SYSTEM IN THE MIDDLE DESCHUTES BASIN



Designation in Figure	Unit Name	Character	Water-bearing Characteristics
A	Quaternary pyroclastic deposits	Chiefly cinders associated with cinder cones.	Rocks of this unit are generally well drained and not sources of ground water. Where saturated they are capable of yielding large supplies of ground water.
B	Quaternary lavas	Chiefly basaltic lava flows associated with Newberry Crater, and volcanic eruptions in the Cascade Range.	Contains numerous porous lava flows. At most places are well drained and are unproductive. Where they are saturated, they are capable of yielding moderate to large supplies of ground water.
C	Madras formation	Chiefly stratified layers of sand, silt, ash, pumice with some gravel lenses. Contains some interbedded lava flows.	This formation is in large part fine grained and not a productive aquifer. At places it contains permeable lenses of gravel that are capable of yielding moderate supplies of ground water. Some of the interbedded volcanic rocks are permeable and are capable of yielding large supplies of ground water.
D	Columbia River basalt	Series of basaltic lava flows.	Contact zones between individual lava flows serve as aquifers. This formation is generally capable of yielding moderate to large supplies of ground water.
E	John Day formation	A sedimentary formation composed of silt, sand, and volcanic ash.	The fine grained character of this formation precludes it from being a productive source of ground water.
F	Clarno formation and older rocks undifferentiated	Chiefly consolidated sedimentary rocks, volcanic rocks and associated pyroclastics.	All of these rocks are believed to be of low permeability and not capable of furnishing more than meager supplies of ground water.

FROM UNPUBLISHED REPORT - OREGON STATE ENGINEER

FIGURE 3. --MAJOR ROCK UNITS IN THE DESCHUTES RIVER BASIN

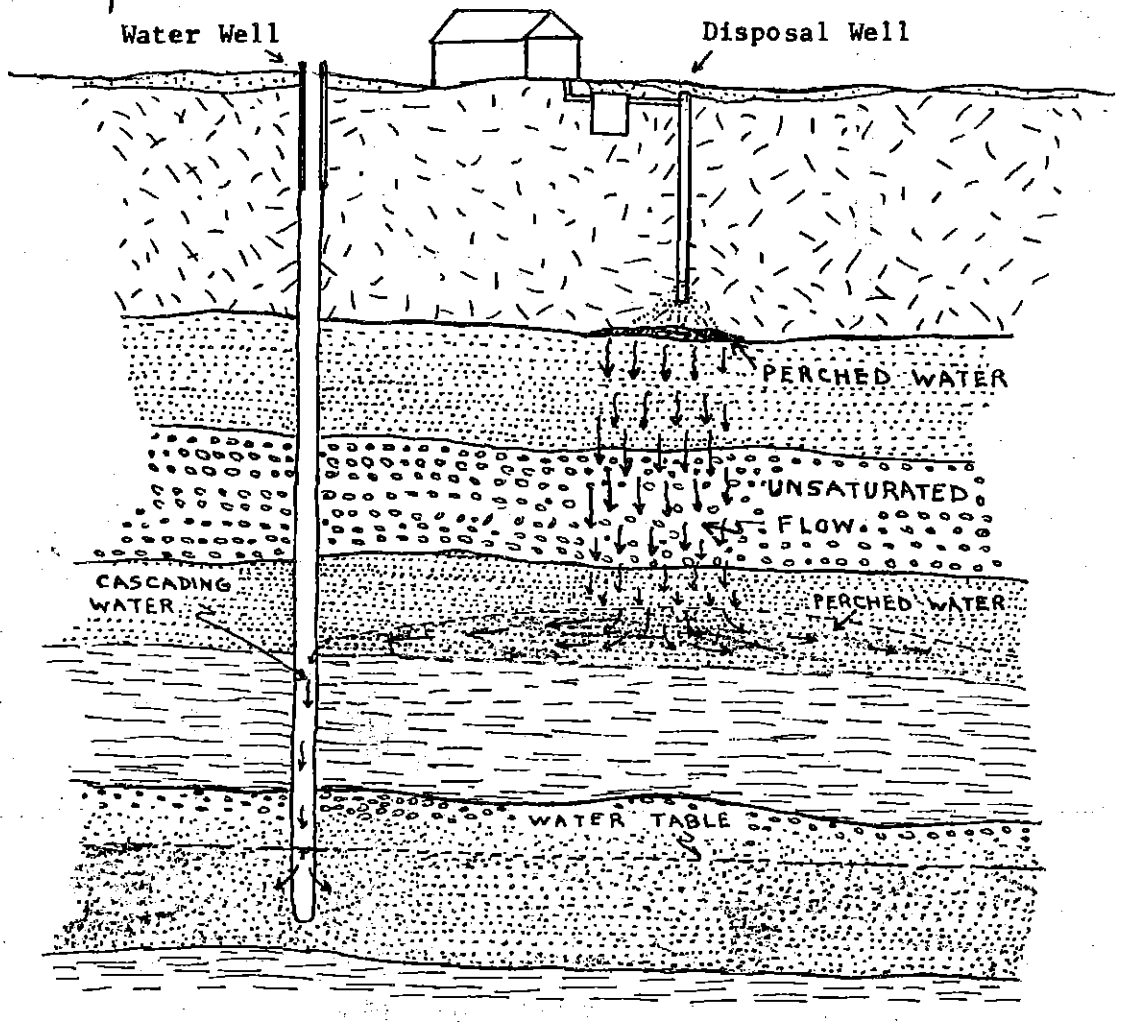


FIGURE 15.--DIAGRAM SHOWING HOW AN UNCASED WATER WELL CAN SERVE AS A CONDUIT FOR THE MOVEMENT OF PERCHED WATER TO THE REGIONAL WATER TABLE

Exhibit C

City, county officials set joint planning session

Bend Bulletin 8-10-77

Bend City Commissioners and Deschutes County Commissioners will meet tonight at 7:30 at Bend City Hall to discuss how to plan Bend's growth.

Bend City Manager Art Johnson said the commissioners will consider the possibility of creating an urban area planning commission. Such a body would replace the Bend Planning Commission, which deals with planning inside the city limits.

It also would take over some of the duties of the Deschutes County Planning Commission, which handles all planning within areas of Deschutes County not now incorporated. An urban area planning commission would have jurisdiction with the Bend Urban Area, which has its boundary outside the Bend city limits.

The commissioners also will consider widening Neff Road between the city limits and St. Charles Medical Center. The section is located between Pilot Butte Junior High School and St. Charles.

Bend's sign code will be discussed at the request of Deschutes County Commissioner Bob Montgomery. He said signs are becoming too numerous along county roads as well as along some city streets, and he wondered what the city's code involves.

Exhibit D

Bend Bulletin 8-11-77

Jim Swenson

City, county to appoint joint committee to study differing building standards

By Steve Boyer
Bulletin Staff Writer

Bend and Deschutes County commissioners Wednesday night took a step toward closer cooperation in controlling growth in the Bend Urban Area.

In a joint session at Bend City Hall, the commissioners set up a committee and city and county officials to determine what differences exist between city and county construction standards for developers. The study will focus on roads and water and sewer systems, the areas of the greatest differences.

At the meeting, city commissioners expressed concern that the city may become surrounded by developments which use private water and sewer systems, a number of which already exist outside the city limits. The private systems often are incompatible with the city's. If the developments were to be annexed, said city commissioners, their existing water systems would have to be replaced with ones which meet city standards.

If the city were to become completely surrounded by private water and sewer systems, it could become locked into a fixed area and tax base.

Then, said commissioners, city residents would be forced to pay an increasingly higher tax rate to provide services to the expanding population living outside the city limits but coming into the city to work and shop.

"If we allow this situation to degenerate, we're all laying down on the job," said Bend Mayor Clay Shepard.

Members of the joint committee are Dave Hoerning, Deschutes County director of public works; Charles Plummer, county engineer; Pete Hansen, Bend fire chief; Gary DeBernardi, county project coordinator, and John Hossick, city planner.

When the committee has completed its study of the differences in standards, commissioners decided, it will report back to them. Then they can get together again to attempt to resolve the discrepancies.

"We all have to bend a little bit, and I think we should," said Deschutes County Commissioner Bob Montgomery. "There's no question about it. We have to have the same standards."

In setting up the joint committee, the commissioners rejected, at least for now, Shepard's idea of creating a planning commission for the Bend urban area. Part of the urban area, outlined in the Bend Urban Area Comprehensive Plan, lies outside the city limits.

The Bend Planning Commission, which has jurisdiction inside the city limits, would be dissolved, said Shepard.

An urban area planning commission would take over its functions as well as those within that part of Deschutes County located inside the urban area boundary. County planning now is handled by the Deschutes County Planning Commission.

Urban area planning commission members would be appointed, said Shepard, some by the county commission and some by the city commission.

On matters affecting areas inside the city limits, he said, the urban area commission would report to the city commission. In the rest of the urban area, it would report to the county commission.

Shepard said the urban area commission would be able to resolve many of the differences in standards.

While he won support from City Commissioner Dick Carlson, the proposal earned mostly questions from the three county commissioners.

County Commissioner Don Grubb said once a citizens' committee completes its work on zoning within the urban area, all a planning commission will be required to do is grant variances, or exceptions to the zoning requirements.

Montgomery wondered if the city still would need a planning department if the urban area commission were created. Commissioner Abe Young said two planning commissions still would be required, one for the urban area and one for the rest of the county.

"I don't think there's a dire need for one (urban area) planning commission, but I do think there's dire need for common standards," said Montgomery.

Exhibit E

Bend Bulletin 10-6-77

Bend reverses city annexation policy in agreement with planner's suggestion

The City of Bend will begin to annex undeveloped land in a 180-degree shift from previous policy after the Bend City commission approved the change at its Wednesday night meeting.

The change had been recommended by the Bend Planning Commission following the presentation of a report by City Planner John Hossick.

The report compared the costs of annexing land before and after it is fully developed. Hossick told commissioners that regardless of which policy is pursued, the city will have to pay to improve streets, water lines and other services in areas which are annexed.

The report advocates annexing land before it is developed so the city has room to expand its area, population and tax base. The early annexations also will allow the city to gain tax revenue earlier than if it waited until after development, which is the present policy.

If the city continues its present policy, it also could become surrounded by developments with private sewer and water systems which have no wish to annex. Then the city would stagnate while residents moved to the suburbs, the report said.

Hossick and the commissioners emphasized that the report is simply a study, not a concrete proposal to annex the study area an 1,800-acre parcel of land located just north and east of the city. Hossick said the city cannot unilaterally annex land except when residents or developers have previously agreed to annex in return for city water or sewer service.

Otherwise, said Hossick, state law requires that the city be presented with a petition signed by residents with majorities of the land, population and assessed valuation in the area. A single property owner adjacent to the city limits may also make an individual request, he said. The city can also call an election in which an area's property owners would vote on annexation.

Motel and restaurant owners in Bend's downtown area got the support of the commission in their attempts to be allowed to advertise their establishments along U.S. Highway 97. The commission authorized Mayor Clay Shepard to write a letter to the Oregon Department of Transportation supporting the request.

The commission made its decision after Delvin Plagman, owner of the Rainbow Motel in Bend, showed them a petition signed by Allan Crisler, director of the Bend Chamber of Commerce, and 24 restaurant and motel owners in town. The signs would be placed at the intersections of NE Third Street and NE Franklin Avenue and of N. Highway 97 and NE First Street.

The Department of Transportation controls what signs may be placed along Highway 97.

The commission also:

—Agreed to provide sewer service to the proposed Winchester subdivision, located north and east of St. Charles Medical Center. The subdivision will consist of 112 single-family residences and duplexes.

—Awarded a contract to Hap Taylor Inc. of Bend for the construction of a water line from the city's second well soon to be constructed, to the city water system on the east side of the Deschutes River. The company was the low bidder for the project at $89,914. The cost of the entire project is $458,000. Half is being paid by the city and half by the U.S. Economic Development Agency.

EXHIBIT B

SUBDIVISION ACTIVITY SINCE JULY 1, 1969

Subdivision Name	Plat Date	Number of Lots	Subdivision Acreage	Proposed or Existing Sewage Disposal Status
Awbrey Meadows	7-28-71	45		Septic tank/drainfield
Mitchell		6	2.4	Septic tank/drainfield
Sherman Park	1976			Septic tank/drainfield
BID 1	1975			Septic tank/drainfield
BID 2	1976			Septic tank/drainfield
BID 3	1977			Septic tank/drainfield
Swalley View	6-76	18	49	Septic tank/drainfield
Hunters Circle	6-77	96	43	Septic tank/drainfield
Country View Estates	5-74	13	33	Septic tank/drainfield
Sunny Acres	5-75	14	40	Septic tank/drainfield
Bee Tree	5-72	15	40	Septic tank/drainfield
Kerr Heights	9-77 Appealed	24	48	Septic tank/drainfield
Ronald Acres	9-8-72	6	29	Septic tank/drainfield
Valhalla Heights	Not final	193	100	Septic tank/drainfield -- dry sewers
Bel Air	7-77	40	20	Septic tank/drainfield -- dry sewers
Boyd Estates	Not final			Septic tank/drainfield
Chocktaw Village	6-77	85	85	City sewer under construction
Add. A	Not final	16	5	
Valley View Estates	Not final	13	3	City sewer

Subdivision Name	Plat Date	Number of Lots	Subdivision Acreage	Proposed or Existing Sewage Disposal Status
Vintage Fare	10-77	40	28	Septic tank/drainfield
Desert Woods	4-77	81	50	Septic tank/drainfield
Paulina View Estates	4-73	61	38	Septic tank/drainfield
Nottingham Square	11-73	170	97	Private sewer system (Juniper Utilities)
Kings Forest	6-76, 3-77	90	79	Septic tank/drainfield
Trapper Club Road Estates	8-76	22	8	Septic tank/drainfield -- some disposal wells
Ridgeview Park	City - not final	12	4	Septic tank/drainfield
Woodriver Village	11-72	159	25	Septic tank/drainfield
Basque Tranquiles	Not final	--	--	Septic tank/drainfield
High Country	8-73	30	16	Septic tank/drainfield
Chuckanut Estates	6-77	45	17	Septic tank/drainfield
American West	Not final	56	20	Septic tank/drainfield
Timber Ridge	6-76	184	94	Private sewer system (Juniper Utilities)
Mountain High	Not final	121	71	Private sewer system (Juniper Utilities)
Mountain High - 1st Add.	Not final	24	18	Private sewer system (Juniper Utilities)
Tillicum Village	1-13-73	--	--	Juniper Utilities and disposal wells, and drainfields
Ambrosia Acres	Not final	30	20	Septic tank/drainfield
Pinebrook	8-74, 9-76, 5-77	89	57	Septic tank/drainfield
Larkwood Estates	7-77	--	--	Septic tank/drainfield

Subdivision Name	Plat Date	Number of Lots	Subdivision Acreage	Proposed or Existing Sewage Disposal Status
H lliday Park	5-74, 10-76	83	31	City sewer
Edgecliff Estates	6-76	8	16	City sewer
Williamson Park	Not final	93	100	Proposed city sewer
The Winchestor:				Proposed city sewer
" " W. Arms	Not final	42	10	Proposed city sewer
" " W. Square	Not final	81	40	Proposed city sewer
Quail Ridge Park	Not final	21	70	Septic tank/drainfield
Overturf Butte	Not final	56	18	Septic tank/disposal wells -- dry sewer
Knoll Heights	3-74, 3-76	34	14	Septic tank/disposal wells -- dry sewer
Broadway Terrace	City - not final	13	5	Septic tank/disposal wells
Prophets Den	Not final	60	29	Septic tank/drainfield
Ramsey 5th	City - not final	23	15	Septic tank/disposal wells -- dry sewer
Aero Acres	4-72, 4-73	35	16	Septic tank/drainfield
Air Park Estates	9-77	36	20	Unknown
Thomas Acres	7-76	23	14	Septic tank drainfield
Davis Additions	4-73, 4-74	82	50	Septic tank/drainfield
Reed Market Estates	9-73, 4-76, 7-70	48	19	Septic tank/drainfield
Daily Estates	7-70	29	19.5	Septic tank/drainfield

Subdivision Name	Plat Date	Number of Lots	Subdivision Acreage	Proposed or Existing Sewage Disposal Status
Romaine Village	5-74, 2-70, 11-72 6-73, 7-75, 4-76	309	130	Septic tank/drainfield (some large systems)
Homestead	9-73, 5-74, 3-76	79	49	Septic tank/drainfield
Golden Mantle	5-71, 8-72, 6-74	54	27	Septic tank/drainfield
Golden Rain	6-72, 6-73, 7-74	24	15	Septic tank/drainfield
Frontier West	6-76	16	8.5	Septic tank/drainfield
St. James Square				City sewer
Shradon Estates	Not Final			City sewer
Janela Court	2-77			Septic tank/drainfield
Crown Villa				Private sewer system (Juniper Utilities)
Crown Villa, 1st Add.	Site plan-- not subdivision		27	Private sewer system (Juniper Utilities)
Missionary First Baptist (with dormitory facilities)	1977			Septic tank/drainfield
Heritage	Not final			City sewer
Deprada Court	Not final			City sewer
Sunrise Village	Not final			Possible private sewerage system
Renwick Acres	10-14-77 Not final	16	6	Unknown
Brightenwood	Final - may be in UGB if changes approved			Septic tank/drainfield

EXHIBIT "A"

EXHIBIT F

Development Alternative in UGB

For Discussion
Amendment to Comprehensive Plan
Development Alternative and Urban Service
Policies

Background

The City, on May 24, 1977, passed a $9 million bond issue for construction of a regional sewer system. Final design is now underway. BECON, the sewer consultants, will be presenting a project delivery program report within the next several months and have indicated that construction is targeted to start early in 1978.

The City's existing sewage treatment plant has a capacity for approximately 1 million gallons per day. The disposal of effluent is to an open crevice. The amount of effluent the crevice can take is unknown. Several developments in the City and adjacent to the existing plant have been proposed. The developments could create more effluent than the plant and crevice can handle.

The City is striving to coordinate the development of a regional sewage system. It is taking steps to try to accommodate growth until the City's sewer system is enlarged. The provision of sewer service on an areawide basis will need the concurrence of the City, County and DEQ. An agreement should be reached on the regional sewerage system as the basis for future development. Steps should be taken to establish detailed engineering for Phase II areas; caution should be used in the formation of small districts that could impede the development of the regional system; and policies established that clarify when, how and under what type of jurisdiction the "interim" facilities may be permitted.

Several factors now appear to be true:

1) The City's sewer system is now assured.

2) Land available to be developed at greater densities is now greatly increased.

3) State law allows interim facilities in areas where a regional system is or will exist. DEQ's role is to protect the environment and under present regulations cannot deny or control small package plants without a local policy to support such action.

4) The development of half-acre lots is generally wasteful of land and can form a barrier to future sewer line construction due to high unit cost. A density of 10-12 people/acre is generally needed to jointly pay for sewers. This is 3 to 4 houses per acre.

5) The City and County do not have a definitive policy regarding sewer development within the urban area.

6) The history from other communities points to the need for close coordination of decisions effecting District formations, interim plants and provision of sewer services within an urban area.

7) There may be more development than the City's existing plant can handle without enlarging parts of the existing plant or development of temporary facilities.

Suggested Policies:

The Development Alternative specifies the need to make provision for sewer service when a financial commitment exists and the sewers will be available within 5 years. It is expected that the design definition timetable will give us a reasonable idea on those areas adjacent to the City that will be so situated.

1) Within the Phase II area discourage larger lot (1/2 acre +) developments that would form barriers to line extensions or make provisions for dry sewer lines to pass through such an area at the time of development or require dry line or wet line sewers and drill holes where a timetable and financial commitment exists.

2) Ask for Environmental Quality Commission approval of subsurface regulation for smaller lots without drainfield replacement areas or drill hole usage in areas where sewer lines are financially committed and assured within a 3-5 year period and where domestic or developed water sources would not be endangered. Also for approval of drill hole usage where the developer will complete the necessary lines to bring the development project sewage effluent to a point where it will connect to an assured system in a 3 to 5 year period provided that the lines so constructed are consistent with the overall facilities plan and meet any neighborhood drainage basin needs.

The City has made a financial commitment to a regional sewage system. The long term benefits to the community were the basis of this decision. We need to take steps that will make it attractive and practical to implement a regional system.

1) The County should consider formation of County Service district to provide sewer service.

2) Steps should be taken to implement Phase II sewer design. Aerial topographic mapping of the Phase II areas and design of drainage basin systems should be started.

JCH:ve
8/12/77

The County has just begun to consider becoming involved in this problem and with good reason. Historically, there have been few problems with septic tank drainfields or drill holes in the County. Recently, changes in State regulations have virtually eliminated the use of drill holes for new development and have created an awareness and concern about future growth using drainfields.

The County has many problems to consider and much to do in the process of planning and establishing sewer service in the urban growth area. As mentioned earlier, a small area east of Pilot Butte could be served now. To provide service over fairly extensive areas would require formation of a service district and several years of planning and construction. Since there is no apparent problem in the area now, it may be very difficult to get voter approval of a sewer district. The most difficult part of this entire situation is that the problems all lie in the future and there are few if any indications of them today.

However, the purpose of any plan is to look to the future and attempt to foresee and avoid problems. If the plan is to be successful, problems must be solved in a context acceptable to the people of the community today. It is not possible at this time to set forth detailed and specific guidelines for Development Alternative areas because the options for development are not clear. Will the County initiate sewer service districts? Will the State regulations eventually require sewer service? Would large parts of the area be interested in annexation to the City as a means of obtaining services? How soon will enough new growth occur to make the problems more obvious? These and many other questions may remain unanswered for several years.

There are some things we do know about the future. The rock will continue to make construction cost higher than normal. The rock will probably continue to require blasting. The Bend Area will continue to grow. Growth pressure will increase land values and reduce lot sizes. Smaller lots will not work as well for individual disposal systems. Sanitation problems will result and, eventually, sewers will be required. It is not a question of whether or not sewers will be necessary, but rather, how to minimize the cost.

The solution to services and increased housing densities must be a joint public and private effort. If services are to be provided, the city and county must participate by doing those things which individual property owners or small developers cannot do for themselves. Facility planning for systems, establishment of districts and unification of standards are examples of functions and responsibilities of local government. As the city and county proceed with these activities, development alternative standards may change for some areas as additional engineering data becomes available.

The Development Alternative symbol consists of two colors in each case. The colors correspond in meaning to those used for other residential areas on the map. The color which symbolizes the larger lot size is the recommended housing density for that area without community services. It recognizes lot sizes generally found in the area at the present time. The second color symbolizes the recommended housing

density if all community services are provided. If community water service is provided, and if the area to be developed is preplanned to the approximate higher density shown on the plan, lots of less than 2-1/2 or less than 5 acres may be developed. The following general policies are recommended for Development Alternative areas:

Urban Standard Residential Areas -

1. Within community sewer facilities planning area or areas with existing community sewer system:

   6,000 - 14,000 square foot lot size

   Requirement: - Community sewer and water system or
   - Septic tank, dril hole, dry sewer and community water system.

2. Outside community sewer facilities planning area but within development alternative area for future community sewer system:

   14,000 - 20,000 square foot lot size

   Requirement: - Preplanned subdivision or land partition
   - Community water system
   - Septic tank and drain field

Multiple Family Areas -

1. Within community sewer facilities planning area:

   1,000 - 3,000 square foot/dwelling unit

   Requirement: - Install community sewer and water system

   3,000 - 14,000 square foot/dwelling unit

   Requirement: - Community sewer system or dry sewer and community water system

2. Outside community sewer facilities planning area, but within development alternative area for future community sewer system:

   14,000 - 20,000 square foot/dwelling unit

   Requirement: - Preplanned development
   - Community water system
   - Septic tank and drain field

ROBERT W. STRAUB
GOVERNOR

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. G, November 18, 1977, EQC Meeting

City of Bend Sewerage Project - Financial Considerations of City of Bend Phase I Sewerage Project

Background

The City of Bend contracted with a consulting engineer in February 1975 for the development of a sewerage works facility plan. The Department on May 7, 1975 entered into a loan agreement with the City of Bend for funding the facility plan. The Department has provided $60,000 to the City for the facility plan. The facility plan was to be completed by December 1975, however, the plan was not complete and accepted until September 1976.

Based on the costs developed as part of the facility planning process the Department requested the State Emergency Board to provide hardship grant assistance up to 7.5 million dollars to the City of Bend. The grant funds are to come from the Pollution Control Bond Fund. The hardship grant was based on the excessive construction costs and City paying a fair share of the construction cost. This was the same approach used for the City of Redmond. The November 1976 E-Board approved the Department's request. When construction bids are received, the Department will make the formal grant offer to the City.

After the completion of the facility plan the City started to interview engineers to perform design and construction management services to implement Phase I of the Sewerage Program. In February of this year the City retained Bend Engineering Consultants (BECON) a joint venture of Century West Engineering, John Carollo Engineers and CH_2M Hill. The first task for the consultants was to define the design process and allocate resources to accomplish the design. This is referred to as the Design Definition phase of the work. During Design Definition, BECON found some problems with the cost effective alternative approved in the facility plan (listed below):

1. The proposed irrigation site (site "C") on field inspection did not have sufficient area to dispose of the treated effluent.

2. The waste sludge handling and disposal methods had not been sufficiently addressed in the facility plan.

3. Environmental questions were being raised about expanding the existing sewage treatment plant (i.e. noise and odor problems with housing development at the plant property lines).

4. Effluent irrigation site loading rates as proposed in the facility plan would produce crop loss due to hydraulic and nutrient overloading of the soils.

As a result of the above concerns and other questions, the design consultants developed six alternatives summarized below which would resolve the questions raised to date.

ALTERNATIVE 1
- Collection System and Pump Stations
- Expand Existing STP
- Filter Secondary Effluent
- Drill Hole Disposal

ALTERNATIVE 2
- Collection System and Pump Stations
- Construct New STP at Site E
- Filter Secondary Effluent
- Drill Hole Disposal

ALTERNATIVE 3
- Collection System and Pump Stations
- Construct New STP at Site E
- Total Crop

ALTERNATIVE 4
- Collection System and Pump Stations
- Construct New STP at Site E
- Filter 6.0 MGD
- Crop 3.5 MGD
- Drill Hole Disposal 2.5 MGD

ALTERNATIVE 5
- Collection System and Pump Stations
- Construct New STP at Site E
- Crop 3.5 MGD
- Hydraulic Disposal 2.5 MGD

ALTERNATIVE 6
- Collection System and Pump Stations
- Construct New STP at Site E
- Evaporation/Precipitation Pond

Preliminary cost estimates of the alternatives in August 1977 ranged from $48.56 million on Alternative No. 1 to $66.33 million on Alternative No. 3 as listed above. (Alternative 3 above would implement the concept of the facility plan alternative. The cost estimate in the facility plan was $43.5 million.)

Proceeding with the design definition, the consultants refined and updated the preliminary project estimates. After screening and modifying some of the alternatives and reviewing such things as social, climatological and energy impacts only three alternatives were completely developed and evaluated. They are listed below:

Alternative A: Expand the facilities at the existing treatment plant, adding preliminary treatment, anaerobic digestion and sludge loading facilities in addition to those processes now existing. Sludge would be hauled by tankers to Disposal Site E or to local farms where it could be spread directly on the ground.

Alternative D: Utilize the existing facilities to their maximum capacity with very minimal changes. Add additional treatment capacity at Disposal Site E. Sludge from the existing facilities would be hauled to Disposal Site E for spreading with the sludge generated at Site E.

Alternative E: Build a new treatment facility at Disposal Site E. The existing treatment facilities would not be utilized for waste water treatment. All sludge would be spread at Site E.

It should be noted that the sewage collection system for Alternatives A, D, and E are very similar in design and cost.

In the final analysis the Alternatives further evolved into two treatment alternatives and two effluent disposal alternatives as listed below:

Existing Treatment Site (Alternative 1)

This alternative calls for expansion of waste water treatment facilities to be located at the existing treatment plant site. The site is approximately one-half mile northeast of Pilot Butte near the intersection of Neff Road and Purcell Road. Physical construction would involve adding to the existing facilities and resulting in a complex approximately four times as large as that which currently exists. This alternative would include the purchase of two to five and one-half sections of land from the BLM to provide for sludge spreading and effluent disposal.

Northeast Treatment Site (Alternative 2)

This alternative calls for expansion of waste water treatment facilities to be located at a site near the proposed effluent disposal area. The

site would be approximately six miles northeast of Pilot Butte, on land that would be purchased from the Bureau of Land Management. As a point of reference, the site would be one-and-three-quarters miles north of the intersection of Dicky Road and Butler Market Road. Physical construction would include a complex similar to that described in Alternative 1. Under this alternative, the structures at the existing treatment plant would not be utilized.

Effluent Disposal by Spray Irrigation (Alternative A)

This alternative calls for irrigation of the effluent. A crop management system would be developed to maximize water and nutrient uptake. Waste water facilities would include a fixed sprinkler irrigation system, storage capacity for peak irrigation demand and irrigation pumps.

The disposal site selected is basically Site E as presented in the Facilities Plan. Six to eight sections of land would be purchased from the BLM. The land would be used for irrigation, sludge disposal, treatment plant construction (Treatment Site Alternative 2), buffer zones and access roads. The site is located six miles northeast of Pilot Butte.

Effluent Disposal By Subsurface Discharge (Alternative B)

This alternative calls for high quality secondary treatment of the waste water and disposal via lava tubes or cracks or drill holes. Under this alternative, gravity filtration would be added to the proposed activated sludge system.

Lava tubes, or cracks or disposal wells would be located in the same area as proposed for spray irrigation.

The detailed cost comparisons for the final alternatives are listed below:

PROJECT AND CAPITAL COST COMPARISON
($1,000)

Treatment Site Alternative	Alt. 1 Existing	Alt. 2 Northeast	Alt. 1 Existing	Alt. 2 Northeast
Effluent Disposal	Alt. B Subsurface	Alt. B Subsurface	Alt. A Irrigation	Alt. A Irrigation
Item				
1. Collection System - Interceptors, Sewers, House Services, etc.	$24,654	$26,034	$24,654	$26,034
Outfall from exist. Site to Disposal Site E	1,886	(1)	1,886	(1)

2.	Wastewater Treatment				
	Treatment Facility	6,237	6,840	6,237	6,840
	Sludge Handling	941	877	941	877
	Effluent Filtration	1,426	1,426	N/A	N/A
3.	Effluent Disposal				
	Land, Fencing, Site Roads, Drill Hole	505	505	1,147	1,147
	Solids Set Irrigation System, Clearing	N/A	N/A	14,623	14,623
4.	Construction Reserve Fund, 5%	1,782	1,784	2,474	2,476
5.	Est. Const. Cost (@ ENR 2900) (2)	37,431	37,466	51,962	51,997
6.	Est. Const. Cost Adjusted to ENR 3050 (3)	39,340	39,377	54,612	54,649
7.	Tech. Services, Admin., Contingencies, Legal	10,000	10,000	11,500	11,500
8.	PROJECT COST @ 3050	$49,340	$49,377	$66,112	$66,149

NOTES:

(1) Cost to transport sludge is included in sewer cost for this alternative.
(2) ENR index used in facility plan as cost factor in Jan. 1979.
(3) New projected ENR index for Jan. 1979 (revised inflation estimate).
(4) ENR index 2893 as of October 1977.

PROJECT FUNDING CAPABILITIES

Item	Alternative 1 (Existing Site) Subsurface	Alternative 2 (Northeast Site) Subsurface	Alternative 1 (Existing Site) Irrigation	Alternative 2 (Northeast Site) Irrigation
1. EPA Eligible Facilities	$37,529	$37,569	$54,712	$54,750
2. EPA Non-Eligible Facil.	11,811	11,808	11,400	11,399
3. Total Est. Project Cost	49,340	49,377	66,112	66,149
4. Est. EPA Grant*	(-)28,146	(-)28,177	(-)41,034	(-)41,063
5. State of Oregon	(-) 7,500	(-) 7,500	(-) 7,500	(-) 7,500
6. Gen. Obligation Bonds	(-) 9,000	(-) 9,000	(-) 9,000	(-) 9,000
7. Apparent Deficit	$ 4,694	$ 4,700	$ 8,578	$ 8,586

* 75% of line 1

Evaluation and Discussion

The Design consultants have presented a new evaluation of alternatives because the adopted facility plan alternative did not appear to be implementable -- either technically or financially. The background information presented above summarizes the results of this process. Staff evaluation and comments are as follows:

1. The staff concurs that the facility plan alternative does not appear implementable as proposed.

   - Site C upon further study is not adequate for irrigation disposal.
   - Site E can be expanded and developed as on alternate site but at greatly increased cost.
   - Expansion at the present site would necessitate increased costs for noise and odor control. Only the present expansion could be undertaken due to site size limitations. Thus, ultimate abandonment of the site is probable.

2. Development of any site for irrigation disposal would be more costly than originally anticipated. Consideration of nutrient loading rates and resultant crop impact (a factor not previously evaluated) in addition to hydraulic loading rates will necessitate acquiring and developing more land.

3. The apparent effluent disposal options available to the City regardless of treatment plant site are as follows:

   a. Continue use of individual drill holes for septic tank effluent (Status Quo).

      This would provide no reduction of inadequately treated discharges to groundwater. Such discharges would increase if growth in the area continues.

   b. Drill hole disposal of highly treated effluent (Secondary plus filtration).

      This would reduce the adverse impact on groundwater resulting from present disposal practices.

   c. Irrigation disposal (seepage plus evapotranspiration) of treated effluent (secondary) on a site owned and developed by the City.

      Costs for development and operation (manpower, equipment, energy) would be large. Crop value would probably never amortize the investment. Thus, this would be "disposal" rather than "beneficial use".

d. Discharge highly treated effluent to the Deschutes River either directly or via an irrigation drain (Secondary treatment with filtration to meet present 10/10 standard).

This option, while technically acceptable to the staff in terms of compliance with water quality standards is unacceptable to the public (based on extensive testimony).

e. Discharge of highly treated effluent (Secondary plus filtration) to North Unit Irrigation canal for utilization.

This option is not presently implementable due to lack of acceptance by the present irrigation district board. Storage of effluent during the winter may be required but could be accomplished at site E. Further study and a little time could make this the best long range option since the waste water and nutrients would be conserved for beneficial use.

4. The options realistically available to the city today appear to be:

a. Maintain present practices and study the disposal options more.

This would result in an increase rather than a reduction of pollutant discharge to groundwater. Inflation would cause costs to rise further, making it more difficult to implement any solution.

b. Rapidly initiate construction of the sewage collection and treatment facilities that will be necessary parts of any of the above ultimate treated effluent disposal systems and utilize a drill hole as the least costly interim disposal option pending a final decision.

This will minimize adverse inflationary impacts. It would reduce the discharge of pollutants to groundwater pending a final effluent disposal decision. It would not foreclose any of the presently identified options for ultimate effluent disposal.

c. Fully develop the irrigation disposal alternatives at Site E immediately.

This will require $16.8 million additional funds plus a commitment for high operating (and energy) costs -- much of which could be wasted if the North Unit utilization alternative could be pursued further.

5. The staff concludes that proceeding on alternative b. in 4 above makes the most sense. The staff further concludes that approval of such an alternative should be conditioned upon immediate further study of ultimate disposal alternatives and establishment of an extensive monitoring program in conjuction with the interim drill hole usage.

6. Bend has indicated a desire to have the department to seek E Board approval for an increase in the Hardship grant to cover the present funding deficit for the alternative noted in 5 above ($4.7 million).

7. The original department request to the E Board was based on the following assumption:

a. Construction costs would be excessive due to rock excavation.

b. The local (non Federal grant) share of the cost of the effluent disposal system, treatment works, interceptors and collection system was $15.5 million.

c. Collection system includes lines constructed in the public right of way but does not include house connection lines constructed on private property.

d. Locally raised funding should pay for at least half of the local share -- i.e., the hardship grant should not exceed 50%.

(In the case of Redmond, based on pre-construction estimates, the locally raised share was to be not less than $3 million and the state grant was not to exceed $3 million. Locally raised share is now expected to be $3.8 million exclusive of house connection lines constructed on private property which are to be paid by the property owner).

e. The department requested and received E Board approval of a $7.5 million hardship grant for Bend (based on $15.5 million non Federal Share).

8. After the E Board approval, Bend submitted a $9 million Bond issue to the voters ($8 million balance of non Federal share plus $1 million cushion for cost increases). The Bond issue was approved. Apparently the city represented that the bond issue covered the cost of house connection lines on private property for a distance of 40 feet. The department staff was not aware that these costs for work on private property were included in the collection system cost estimates. The revised cost estimates presented earlier in this report also include the cost for construction on private property.

9. For purposes of comparison and further analysis, the project costs are revised as follows for the alternative noted in 5 above:

Total project cost	$49,377,000	
Less cost of house connection lines on private property	-4,782,000	(1)
Net project cost for State participation	44,595,000	
Less EPA grant	-28,177,000	(2)
Net Non Federal Share	16,418,000	
Less approved State Hardship Grant	-7,500,000	
Net Local Share	8,918,000	
Less local Funds available	4,218,000	(3)
Net shortage	$ 4,700,000	

Notes:

(1) From R.C. Humphrey of BECON - 45.9% of $10,418,000 = $4,782,000 which is cost of construction of house connection for 40 feet on private property.

54.1% of $10,418,000 = cost of house connection from lateral in street to property line.

(2) EPA grant = 75% of $37,569,000 eligible project cost.

(3) Local funds available = $9,000,000 Bond issue less $4,782,000 for private property construction per bond issue commitment.

10. If the net non federal share from 9 above were split 50/50 for state hardship/local funding, the shares would be $8,209,000 each based on current estimates. This would be an increase of $709,000 hardship funding and an increase of $3,991,000 in local funds. Thus, it appears that Bend will have to return to the voters for not less than $4 million and perhaps $5 to $6 million additional funds unless alternative local financing is available.

11. The options available to the Department appear to be as follows:

    a. Return to the E Board now for an increase in hardship funding of approximately $709,000.

    b. Defer any return to E Board until later (bids received and need demonstrated) and have Bend seek additional local funding of up to $5 million.

Option b. seems preferable given the nature of the cost estimates. If alternate a. were pursued and actual costs were higher, a 3rd appearance before the E Board would possibly be necessary -- such would not be desirable.

12. The staff concludes that any return to the E Board for increased funding should not occur until firm costs are known and need demonstrated. Further, the City should plan at this time to cover the present projected project deficit of $4.7 million with locally raised funds.

Summation

1. The City of Bend is required to construct a sewerage system to end the use of individual disposal wells (drill holes).

2. The City of Bend has an approved facilities plan for the construction of the sewerage system and an EPA grant for design of that system.

3. The E Board has approved a hardship grant of up to $7.5 million to aid the City in constructing the sewerage system.

4. As a result of the increased costs and problems subsequently identified, the consultants have evaluated new alternatives and proposed a revised project consisting of a new treatment plant to be located at site "E" with interim effluent disposal to a drill hole. The City has approved the alternative.

5. The Department staff, upon review, feels that the revised project with interim effluent disposal will meet immediate needs as well as provide the maximum flexibility for any future required modifications and will initiate major elements of construction before inflation drives costs up further.

6. The proposed high quality effluent (10/10) disposed of via a drill hole will provide a reduction in the pollutants discharged to the groundwater in Central Oregon pending further study, and decision on ultimate effluent disposal.

7. The City has indicated an intent to request additional State support for the construction of the sewerage system to cover a projected $4.7 million deficit.

8. Based on the "Fair Share" concept upon which the Emergency Board approval was obtained (and compared to Redmond) additional hardship grant funds do not appear justified at this time.

Director's Recommendation

It is recommended that:

1. The Environmental Quality Commission concur in the Department's position that the interim use of a drill hole for the disposal of highly treated sewage effluent is a positive step forward which will reduce potential adverse impacts on groundwater while permitting construction to begin before inflation drives costs higher without foreclosing any future options. Such concurrance is conditioned upon immediate further study of ultimate disposal options and a groundwater monitoring program to be conducted by the City in conjunction with the interim drill hole.

2. The Environmental Quality Commission concur in the Department's position that the State hardship grant of $7.5 million still substantially meets the intent of the Department's request to the Emergency Board, and that it would not be appropriate to request additional hardship grant funds at this time.

Bill

WILLIAM H. YOUNG

Clarence P. Hilbrick, Jr:em/es
229-5311
November 4, 1977

ROBERT W. STRAUB
GOVERNOR

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. H, November 18, 1977, EQC Meeting

City of Maupin Extension of Time Schedule to Construct New Sewage Collection and Treatment Facilities

Background

1. The Commission Issued an Order on October 15, 1976 to the City of Maupin to upgrade sewage collection and treatment facilities (attached).

2. The City is currently in compliance with Condition 1 of the October 15, 1976 Order.

Evaluation

1. Condition 2 of the Order calls for construction to commence by November 15, 1977.

2. Maupin has submitted a proper and complete Step III grant application for construction funds.

3. Construction grant funds for the State of Oregon have not yet been appropriated by Congress.

4. Maupin is currently ranked #32 on the Grant Priority list and will receive a Step III grant offer shortly after grant funds are released.

Summation

1. The delay in grant fund availability could not have been predicted in October 1976.

2. The Step III grant is necessary to assure completion of the project.

3. The existing schedule should be modified to reflect the timing of the Step III grant offer.

Director's Recommendation

The Director recommends that the Order signed at the September 15, 1976 EQC Meeting be revised as follows:

1. Begin construction within three (3) months of Step III grant offer.

2. Complete construction within twelve (12) months of Step III grant offer.

3. Attain operational level within thirty (30) days of completing construction.

WILLIAM H. YOUNG Bill

JEB:gcd
382-6446
Sept. 12, 1977
Attachment - Environmental Quality Commission Order to City of Maupin dated September 15, 1976.

- Amendment to the September 15, 1976 Order.

Before the Environmental Quality Commission

of the State of Oregon

In the matter of Request by the City of Maupin to Amend Special Condition S1 of NPDES Waste Discharge Permit 1664-J	))))	Order of the Commission

WHEREAS the Commission finds as follows:

The City of Maupin holds NPDES Waste Discharge Permit Number 1664-J as issued July 22, 1974 and amended October 6, 1975. The City of Maupin has requested a delay in its compliance with the terms of Special Conditions S1, S4, S5, and S7 of said permit.

The City of Maupin has been required to show cause, if any there be, why strict compliance with the said conditions of said permit should not be required. On October 15, 1976, the Commission was fully advised on the issues by the City of Maupin. Insufficient reason was shown to allow the City of Maupin time beyond October 1, 1978 to fully comply with the said conditions of their permit.

THEREFORE IT IS HEREBY ORDERED:

That the City of Maupin shall eliminate all discharges to state waters or shall provide plant modification capable of achieving the effluent limitations in Condition S4 of NPDES Waste Discharge Permit 1664-J in accordance with the following time schedule:

1. Submission of final engineering plans to the Department shall occur no later than June 15, 1977.
2. Construction shall be commenced no later than November 15, 1977.
3. Construction shall be completed no later than September 1, 1978.

The Department of Environmental Quality is hereby authorized and instructed to initiate any enforcement action provided by law or regulation to obtain strict compliance to NPDES waste discharge permit 1664-J, or to punish non-compliance by civil penalty or otherwise, in the event it finds non-compliance by the City of Maupin with this Order.

SO ORDERED this 15 day of September, 1976.

ENVIRONMENTAL QUALITY COMMISSION

Joe B. Richards, Chairman

Morris K. Crothers, Vice-Chairman

Grace S. Phinney, Member

Ronald M. Somers, Member

Jacklyn L. Hallock, Member

ROBERT W. STRAUB
GOVERNOR

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. 1, November 18, 1977 EQC Meeting

NPDES July 1, 1977 Compliance Date - Request for approval of Stipulated Consent Orders for permittees not meeting July 1, 1977 compliance deadline.

Background

The Department has been taking enforcement action against NPDES Permittees that are in violation of the July 1, 1977 deadline for achieving secondary treatment or implementing best practicable control technology currently available. That action has been by stipulated consent orders which impose a reasonably achievable and enforceable compliance schedule.

Summation

The Cities of Cottage Grove and Boardman are unable to consistently treat sewage to the required level of secondary treatment. The City of Boardman will construct facilities to eliminate the discharge of all waste waters to public waters. Cottage Grove will modify the existing facilities to treat its sewage to a level greater than secondary treatment. The consent orders provide for interim treatment limitations until the new or modified waste water treatment facilities are completed. The Department has now reached agreement with the above cities on reasonable construction schedules.

Director's Recommendation

I recommend that the Commission approve the following Consent Orders:

1. Department of Environmental Quality v. City of Cottage Grove, Stipulation and Final Order No. WQ-MWR-77-250.

2. Department of Environmental Quality v. City of Boardman, Stipulation and Final Order No. WQ-ER-77-158.

WILLIAM H. YOUNG

FMB:gcd
229-5372
November 3, 1977
Attachments: 1. City of Cottage Grove Final Order
2. City of Boardman Final Order

Contains Recycled

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY, of the STATE OF OREGON, Department	)	STIPULATION AND FINAL ORDER WQ-ER-77-158 MORROW COUNTY
v.	)	
CITY OF BOARDMAN, Respondent.	)	

WHEREAS

1. The Department of Environmental Quality ("Department") issued National Pollutant Discharge Elimination System Waste Discharge Permit ("Permit") number 2181-J to City of Boardman ("Respondent") pursuant to Oregon Revised Statutes ("ORS") 468.740 and the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500. The Permit authorizes the Respondent to construct, install, modify or operate waste water treatment, control and disposal facilities and discharge adequately treated waste waters into waters of the state in conformance with the requirements, limitations and conditions set forth in the Permit. The Permit expires on February 29, 1980.

2. The Permit prohibits the discharge of all waste water to public waters after July 1, 1977.

3. Respondent proposes to comply with the waste discharge prohibition requirement of its Permit by constructing and operating a new or modified waste water treatment facility. Respondent has not completed construction and has not commenced operation thereof.

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4. Respondent presently is capable of treating its effluent so as to meet the following effluent limitations, measured as specified in the Permit:

Parameter	Average Effluent Concentrations Monthly	Weekly	Effluent Loadings Monthly Average kg/day	(lb/day)	Weekly Average kg/day	(lb/day)	Daily Maximum kg	(lbs)
BOD	50 mg/l	75 mg/l	19	(42)	29	(63)	38	(84)
TSS	85 mg/l	128 mg/l	32	(71)	48	(106)	64	(142)

5. The Department and Respondent recognize and admit that:

a. Until the proposed new or modified waste water treatment facility is completed and put into full operation, Respondent will violate the waste discharge prohibition requirement set forth in Paragraph 2 above, the vast majority, if not all of the time.

b. Respondent did not construct new facilities as required by Condition 1 of the Permit and in accordance with the following time schedule:

1) Submit final engineering plans by July 1, 1976.

2) Start construction by November 1, 1976.

3) Report on progress by February 1, 1977.

4) Complete construction by July 1, 1977.

6. The Department and Respondent also recognize that the Environmental Quality Commission has the power to impose a civil penalty and to issue an abatement order for any such violation. Therefore, pursuant to ORS 183.415 (4), the Department and Respondent wish to resolve those violations in advance by stipulated final order requiring certain action, and waiving certain legal rights to notices, answers, hearings and judicial review on these matters.

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7. The Department and Respondent intend to limit the violations which this stipulated final order will settle to all those violations specified in paragraph 5 above, occurring through (a) the date that compliance with all effluent limitations is required, as specified in paragraph A(1) below, or (b) the date upon which the Permit is presently scheduled to expire, whichever first occurs.

8. This stipulated final order is not intended to settle any violation of any effluent limitations set forth in paragraph 4 above. Furthermore, this stipulated final order is not intended to limit, in any way, the Department's right to proceed against Respondent in any forum for any past or future violation not expressly settled herein.

NOW THEREFORE, it is stipulated and agreed that:

A. The Environmental Quality Commission shall issue a final order:

(1) Requiring Respondent to comply with the following schedule:

(a) Submit final and completed engineering plans and specifications by January 1, 1978.

(b) Start construction of new facilities by April 15, 1978.

(c) Complete construction and eliminate all discharge to public waters by April 1, 1979.

(2) Requiring Respondent to meet the interim effluent liminations set forth in paragraph 4 above until the date set in the schedule in paragraph A(1) above for achieving compliance with the final effluent limitations.

(3) Requiring Respondent to comply with all the terms, schedules and conditions of the Permit, except those modified by paragraphs A(1) and (2) above.

B. Regarding the violations set forth in paragraph 5 above, which are expressely settled herein, the parties hereby waive any and all of their rights

under United States and Oregon Constitutions, statutes and administrative rules and regulations to any and all notices, hearings, judicial review, and to service of a copy of the final order herein.

C. Respondent acknowledges that it has actual notice of the contents and requirements of this stipulated and final order and that failure to fulfill any of the requirements hereof would constitute a violation of this stipulated final order. Therefore, should Respondent commit any violation of this stipulated final order, Respondent hereby waives any rights it might then have to any and all ORS 468.125(1) advance notices prior to the assessment of civil penalties for any and all such violations. However, Respondent does not waive its rights to any and all ORS 468.135 (1) notices of assessment of civil penalty for any and all violations of this stipulated final order.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Date: _____ 197 .

By _____
WILLIAM H. YOUNG
Director

RESPONDENT

Date Nov 2 1977.

By _____ MAYOR
Name
Title

FINAL ORDER

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

Date: _____ 197 .

By _____
WILLIAM H. YOUNG, Director
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

ROBERT W. STRAUB
GOVERNOR

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. J, November 18, 1977, EQC Meeting

S. W. 45th Drive Area (Portland-Multnomah County Health Hazard Annexation -- Certification of Plans for Sewerage System

Background

The Oregon Health Division, after following all due process required by ORS 222.850 to ORS 222.915, issued on annexation order to the City of Portland on July 5, 1977. The order, finding that a danger to public health exists, covers the area known as S. W. 45th Drive. The area was surveyed in April of 1976 and a 43% subsurface sewage disposal system failure rate was documented.

The City has 90 days after the date of the annexation order to prepare preliminary plans and specifications together with a time schedule for removing or alleviating the health hazard.

Evaluation

The preliminary plan and specifications together with a schedule for the completion of design and construction of gravity sewers to serve the 45th Drive annexation area were prepared by the City Engineers office, approved by the City Council, and submitted to DEQ on October 6, 1977. The documents submitted appear to be sufficient to satisfy the law.

The conditions dangerous to public health within the territory annexed can be removed or alleviated by the construction of sanitary sewers, as proposed.

Summation

1. Pursuant to the provisions of ORS 222.850 to 222.915 the State Health Division issued an annexation order to the City of Portland July 5, 1977.

2. The City submitted preliminary plans and specifications together with a time schedule to the DEQ for review.

3. ORS 222.898(1) requires the Commission to review the preliminary plans and other documents submitted by the City within 60 days of receipt.

4. The staff has reviewed the documents submitted and found the proposed sewerage project will remove the conditions dangerous to public health within the area annexed.

5. ORS 222.898(2) requires the Commission to certify to the City its approval if it considers the proposed facilities and time schedule adequate to remove or alleviate the dangerous conditions.

Director's Recommendation

The Commission approve the proposal of the City of Portland and certify said approval to the City.

Bill

WILLIAM H. YOUNG
Director

Clarence P. Hilbrick:es
229-5311
10/31/77

ROBERT W. STRAUB
GOVERNOR

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, November 18, 1977 EQC Meeting

Authorization for Public Hearing to Consider Amendments to Oregon Clean Air Act Implementation Plan Involving Particulate Control Strategy Rules for the Medford-Ashland AQMA.

Background

The Medford-Ashland Air Quality Maintenance Area (AQMA) consists of about 228 square miles in the Bear Creek Valley of Southwestern Oregon. The cities of Medford and Ashland are the main population centers in the AQMA. A map of the AQMA is shown in Figure 1. The majority of Jackson County's industry, which is mainly wood products oriented, is also located in this area. Mountains ranging in elevation from 3000 to 9500 feet (MSL) surround the valley floor which varies from 1300 to 2000 feet in elevation. The combination of the geographical formation and the local weather patterns cause frequent occasions of temperature inversions in the valley which tend to prevent the escape of air pollutants. National Weather Service data indicates that Southwestern Oregon is one of the two areas in the continental United States most susceptible to poor ventilation.

Total Suspended Particulate (TSP) has long been recognized as a problem within the AQMA. High volume samplers, the Federal reference method for TSP, were run at the Jackson County Courthouse in Medford as long ago as 1961. TSP concentrations measured at that site have dropped considerably over the years. The average yearly geometric mean during the 1960's was 105 micrograms per cubic meter ($\mu g/m^3$). The corresponding average for the last 7 years was 80.4, including the 1976 value of 103.2 which occurred during the worst meteorological year we have had for some time (possibly 100 years). The Oregon State ambient air standard for TSP is 60 $\mu g/m^3$ as a yearly geometric mean. This is also the Federal secondary standard for TSP. This level was exceeded every year, during which measurements were taken, from 1961 through 1976.

A high volume sampler site has been operated continuously at the Ashland City Hall since 1970. Concentrations recorded at that site have never exceeded the 60 $\mu g/m^3$, yearly geometric mean.

The TSP data indicates a greater problem in Medford than in Ashland. This is to be expected as the majority of population and industry is located in the northern portion of the Bear Creek Valley, much closer to Medford than to Ashland.

As mentioned before, the trend in TSP concentrations, measured at the Medford site, has been downward. This reduction can be attributed mainly to the phase out of wigwam waste burners and some control of other sources in the wood products industry. Despite the improvement, the area still was not meeting the ambient air standard and was declared an Air Quality Maintenance Area in 1974. This designation was triggered by an analysis which indicated the area could exceed TSP standards for at least the next 10 years. The designation also triggered a program to develop an air quality maintenance plan (AQMP) which would attain and maintain compliance with the TSP standard over at least the next 10 years.

The first step in the AQMP process was the awarding of a contract to a consultant to study the problem. The study began in early 1976 and was concluded in October of that year. The major tool of the study, and of much of the work done since then by the Department, was a computerized air shed dispersion model used to estimate TSP concentrations for different input conditions. The model used was the latest state-of-the-art. Input to the model includes data on pollution sources and meteorology. The consultant and the Department spent much time verifying and upgrading the emission inventory. Also, an effort was made to predict the changes in emission sources through the year 1995. The model predicted that the maximum TSP concentrations would be expected in the Medford and White City areas. Figure 2 portrays TSP air quality with all point sources in compliance with existing Department rules through the use of isopleths (lines of equal TSP concentration).

In late 1976, three high volume sampler sites were added to the network. These were at White City, North Medford and Eagle Point. Also, a cascade impactor was installed at the Jackson County Courthouse in Medford in order to obtain size distribution data on the collected particulate. Some microscopy work was also done at this time to identify the portion of the collected particulate which was greater than about 2 microns in diameter. This information has been used to identify sources contributing to the TSP problem and effectiveness of potential new control strategies.

The Medford-Ashland AQMA Advisory Committee (21 members) was formed in March 1977 by a joint approval of the Jackson County Board of Commissioners and the Department. This committee's responsibilities are to: 1) Advise the Department on control strategy selection, 2) Advise the Department on the development of emergency action plans, and 3) Provide air quality information to the public. Members of the committee represent: 1) the public-at-large, 2) industry, 3) local elected officials, 4) agriculture, 5) fire districts, 6) governmental agencies and other interested groups.

Meetings of the committee have been frequent. The first were informational in nature and attempted to give the committee a common knowledge of the problems they were to address. Included was a tour of several of the area industries. Later meetings were spent discussing the details of particular air pollution sources and possible strategies for their control. Most of the meetings have focused on the TSP problem. Industry, the Department and independents were given the opportunity to present technical information and views of Medford's TSP problem and potential solutions.

The Department provided airshed computer estimated reductions in TSP for various control strategies along with estimates of cost and energy usage for each alternative. Also provided was the necessary reduction to meet and maintain the ambient air standard. Therefore, the committee could review the available information and recommend the most acceptable combination of control strategies. Tables 1 and 2 are the information given to the committee regarding the effect of various control strategies on the Medford (Jackson County Courthouse) and White City receptors. Table 3 lists the alternative industrial strategies voted on by the committee and the results of the voting. Attached to Table 3 is a policy statement approved by the committee at the same meeting at which they voted upon the industrial control strategies. The committee recommended a strategy which would attain and maintain TSP standards through 1985.

The Department has taken the committee recommendations under advisement and has proposed the attached regulation titled "Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area". The committee has also recommended that the criteria for slash burning in the area surrounding the AQMA be investigated to determine if it is adequate, and the Department intends to implement this recommendation. Recommendations on other area sources will be made by the Committee and the Department will respond to each. The Department attempted to follow the intent of the committee's recommendations on industrial sources and open burning in drafting the proposed regulations. However, in some cases the form of the regulation is changed from that in the recommendation although the degree of control required has not been changed.

Evaluation

The committee made recommendations, and the Department has drafted regulations, for six categories of particulate emission sources: 1) Wood Waste Boilers (including the charcoal furnace), 2) Air Conveying Systems (i.e., cyclones), 3) Veneer Dryers, 4) Wood Particle Dryers at Particleboard and Hardboard Plants, 5) Wigwam Burners, and 6) Open Burning. Following is information on the specific proposed regulation for each of these source categories and also for those sections of the proposed regulations which apply to all sources:

1) Wood Waste Boilers and Charcoal Furnaces - The committee recommendation was that particulate emission concentration for this source category be limited to 0.05 grains per standard cubic foot (gr/SCF). This essentially means that a low to medium pressure drop scrubber must be installed on all sources not already so equipped. Three scrubbers of this type have been installed on boilers in the AQMA to meet the existing new source limitation of 0.10 gr/SCF. The source tests on all three of these boilers showed them to be emitting at less than 0.05 gr/SCF. Industry has questioned whether scrubber performance will deteriorate with time. The Department contends that such deterioration can be offset if maintenance is adequate.

   One other alternative investigated was the use of a bag filter control system. This would have been about ten times as costly and would have resulted in a 34% greater reduction in TSP. This technology is not nearly as well proven for wood combustion sources as are scrubbers.

   The charcoal furnace was considered with the other wood combustion sources but is somewhat unique because its exhaust gas temperature of 1800°F is much higher than the usual 500-600°F from a boiler. This necessitates either cooling the gas stream or passing it through a waste heat boiler before control. The Department contends that either alternative is feasible.

2) Air Conveying Systems - The committee recommendation was that bag filters be required on all air conveying systems emitting greater than ten tons of particulate per year. This control equipment is widely used presently to control sanderdust systems. There have been some serious problems with explosions but the Department believes that adequate safety devices exist and are in widespread use to minimize such hazards. One alternative control device which might approach the high efficiency of a bag filter would be a venturi scrubber. This would eliminate the explosion hazard but would require much more power and water recycling equipment.

   An alternative investigated was the requirement to have bag filters installed on all air conveying systems emitting greater than one ton per year. This would have tripled the control cost and would have resulted in a 33% increase in TSP reduction.

3) Veneer Dryers - The committee recommended that 45% control of veneer dryer emissions be required. This requires treatment equivalent to that required by the statewide (non AQMA) opacity rule. Low pressure drop scrubbers have demonstrated that they can meet this level of efficiency. Another alternative investigated was 85% control. This would consist of a catalytic afterburner or a scrubber followed by a mist eliminator. This higher level of control would almost double the reduction of TSP and increase the capital cost from 2 to 3.5 times, depending upon the control equipment selected, but the annualized cost per unit of TSP reduction would actually decrease.

The scrubber and mist eliminator control system has been well demonstrated, but only by one company. There have been doubts expressed by industry as to how well a mist eliminator would perform on a scrubber other than the one with which it has been used. The Department believes that there is basically no reason why a mist eliminator would not be adaptable to almost any scrubber, although this has not been demonstrated.

Equipment installed to meet the 45% control regulation will be required to have the capability of being upgraded to 85% control. This stipulation is in conformance with the committee's policy statement.

4) Wood Particle Dryers at Hardboard and Particleboard Plants - The committe recommended that 80% additional control of particulate emissions from this source be required. Wet electrostatic precipitators would most likely be the type of control equipment used to meet this regulation. There were no other alternatives considered other than not changing the present regulations.

This would be a technology forcing type regulation as wet electrostatic precipitators have not actually been applied to this particular type of source. However, they have been successfully applied to sources with somewhat similar particulate characteristics. The annualized cost per unit TSP reduction and the capital cost are the highest of any of the control measures recommended. The Department believes that 85% control of veneer dryer emissions would be a more practicable and cost effective strategy to adopt than this strategy. However, industry is opposed to the more restrictive veneer dryer control at this time.

5) Wigwam Waste Burners - The committee recommended that wigwam burners be eliminated. This would affect the only two remaining wigwam burners in the AQMA. There were no other alternatives considered other than not changing the present regulations. The Department believes that the wood waste presently being incinerated can either be utilized in a plant to produce board from the wood fiber or disposed of in a landfill.

6) Open Burning - The Committee recommended that air quality be included in the criteria used to determine if a fire permit should be issued. A total ban on open burning was also considered.

7) Compliance Schedules - The proposed regulations include dates by which each source category shall attain compliance with its specific regulation. However, if it is practicable for a source to attain compliance sooner than the deadline, then it will be required to do so. All strategies are proposed to be completed no later than January 1, 1982.

Charcoal producing plants are proposed to have the longest compliance date because it appears that a two-step process including installation of expensive heat recovery systems will be needed. It is anticipated that under the proposed Rule the Georgia Pacific charcoal plant at White City will reduce its particulate emissions from 1058 tons/yr to 340 tons/yr by July 1, 1979 and then to 170 tons/yr by January 1, 1982.

Since no controls of the type needed to meet limits proposed for charcoal plants and particleboard dryers have been demonstrated, a public hearing review date is proposed to determine the progress and feasibility of meeting the proposed limits. If emission limits are determined to be impracticable, other alternative source control strategies will have to be implemented to achieve the needed reduction of airshed particulate emissions.

8) Continuous Monitoring - This section of the proposed regulations gives the Department authority to require instrumentation to help ensure that pollutant levels are maintained as low as practicable. This section, and the one on source testing, implement a portion of the policy statement of the committee. This will be a great advantage in evaluating the continued compliance of sources rather than having to depend on infrequent source tests and occasional opacity readings.

9) Source Testing - This section of the proposed regulations establishes a minimum source testing frequency. This will enable the Department to keep more up to date on source status with regard to compliance and will also result in the generation of better input to dispersion models and other studies the Department may wish to carry out. Industry and the Advisory Committee have urged the Department to continually develop better data for future control strategy development should it be needed.

The results predicted by the computer dispersion model, assuming that the proposed regulations are attained by the required compliance dates, are illustrated in Figure 3 for the yearly geometric mean. This figure shows a significant reduction in TSP concentrations, to below the yearly ambient air standard for a period of about 3 years. The statistical relationship by which the second highest 24-hour concentration is predicted indicates that this standard will continue to be marginally violated. However, there are reasons to believe that the situation will be better than predicted and compliance will be achieved. Two recommendations have already been made which may have significant effects during adverse meteorological conditions. One is a recommendation, which has been incorporated into these proposed rules, that the local fire districts use air quality as a factor in determining whether fire permits will be issued. This would eliminate open burning during days when high TSP levels are likely to occur, thereby reducing peak TSP concentration. The other is a recommendation that the conditions for allowing slash burning near the Bear Creek Valley be studied to determine if they are sufficient to protect the valley. This may possibly result in less intrusion of slash smoke. The continuous monitoring allowed by the proposed regulations would tend to reduce the variation in source emissions and would alert plant personnel and Department inspectors immediately when problems occur. Finally, the Department's inspection force in the AQMA has been increased. This should reduce the occurrence of violations which are not noticed.

It should be noted that industry has questioned the validity of the computer dispersion model used by the Department. They have suggested as an alternative that all sources in the AQMA be brought into compliance with existing regulations and then the need for further control would be determined. However, the Department maintains that the model used is the latest state-of-the-art and is much superior to any available alternatives. The model predicts that TSP concentrations would continue to substantially violate the annual geometric mean ambient air standard even if all sources were in compliance with existing regulations and, therefore, the Department does not consider that a viable alternative to meet the requirements of the Clean Air Act.

Figure 3 indicates that the increase in TSP will be gradual throughout the period until 1995. This is encouraging as it means that the amount of further control necessary to maintain compliance throughout that period should not be extreme. More study will be carried out over the next several years by the Department, mainly on area and background sources, in order to identify new strategies which can be implemented by 1985 to maintain TSP concentrations below ambient air standard levels. The Department is hopeful that this study will result in identifying cost and energy effective control strategies.

Summation

1) The Medford-Ashland AQMA is violating the State daily and annual ambient air standards and the Federal secondary daily and annual ambient air standard for Total Suspended Particulate (TSP).

2) The Environmental Protection Agency has called for revision to Oregon's State Implementation Plan to attain and maintain ambient TSP standards in the AQMA.

3) The Medford-Ashland Air Quality Maintenance Area Advisory Committee has recommended several control strategies for the reduction of TSP. The Department concurs with these recommendations and has incorporated them into these proposed regulations.

4) The requirements in these proposed regulations are predicted to bring the AQMA into compliance with TSP standards and maintain that compliance through 1985.

5) Further study will be done by the Department to identify additional control strategies which will allow maintenance of standards beyond 1985. These strategies will most likely involve control of area particulate sources. However, the Department believes that the data base and analysis for the proposed control strategies are adequate and implementation of presently proposed control strategies should proceed immediately.

Director's Recommendation

It is the Director's recommendation that the Commission authorize a public hearing, before the Commission at its meeting on December 16, 1977 in Medford, to take testimony on the question of adopting new administrative rules regarding particulate emissions within the Medford-Ashland AQMA. Public Notice is to be given as required, and copies of the proposed rules are to be made available to the public.

Bill

WILLIAM H. YOUNG

Attachments:
Figure 1 - Map of AQMA
Figure 2 - TSP (isopleths)
Figure 3 - Results of Computer Dispersion Model
Table 1, 2, 3

Dave M. Baker:lb
(503)229-6446
November 10, 1977

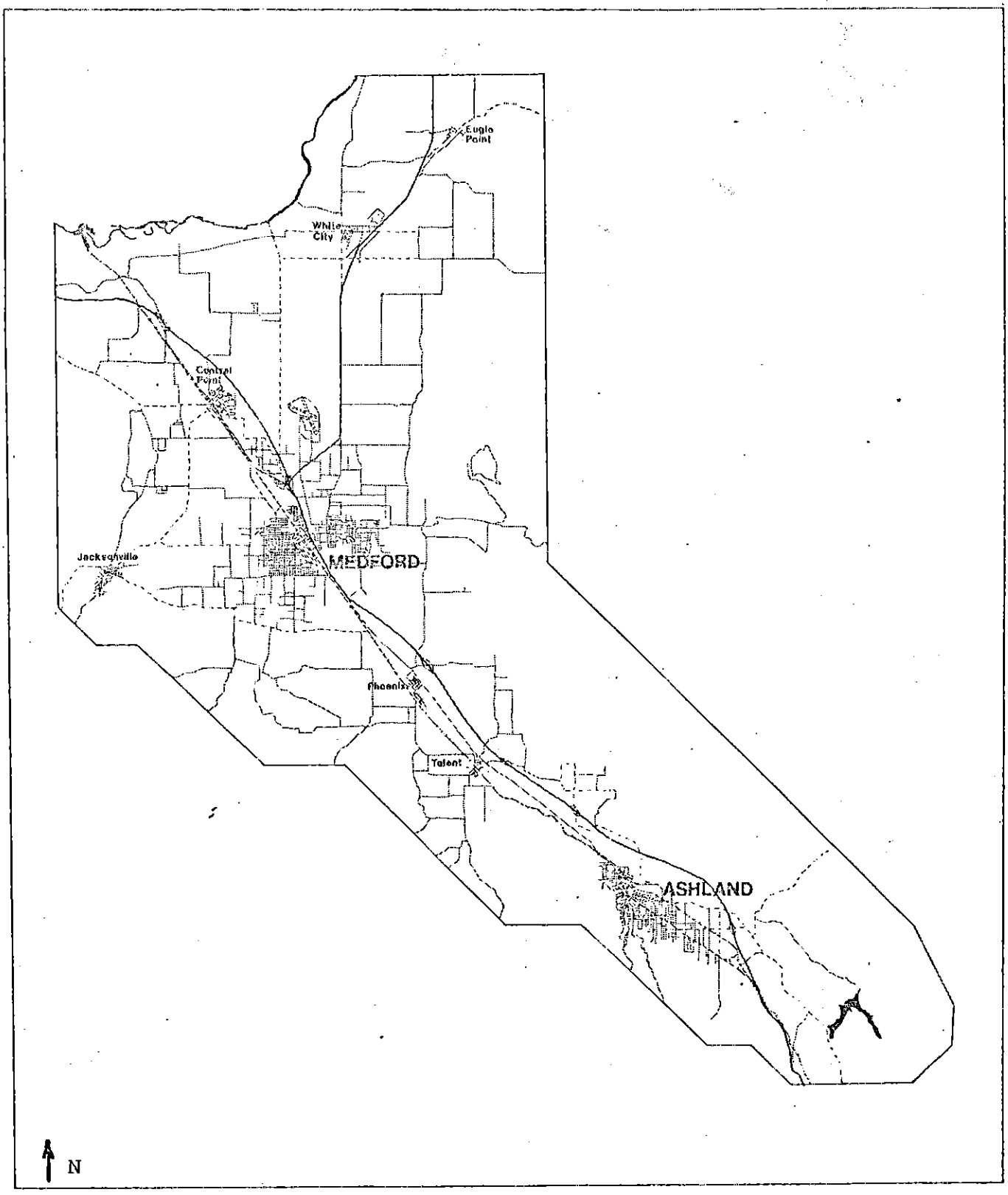

Figure 1

MEDFORD-ASHLAND AQMA

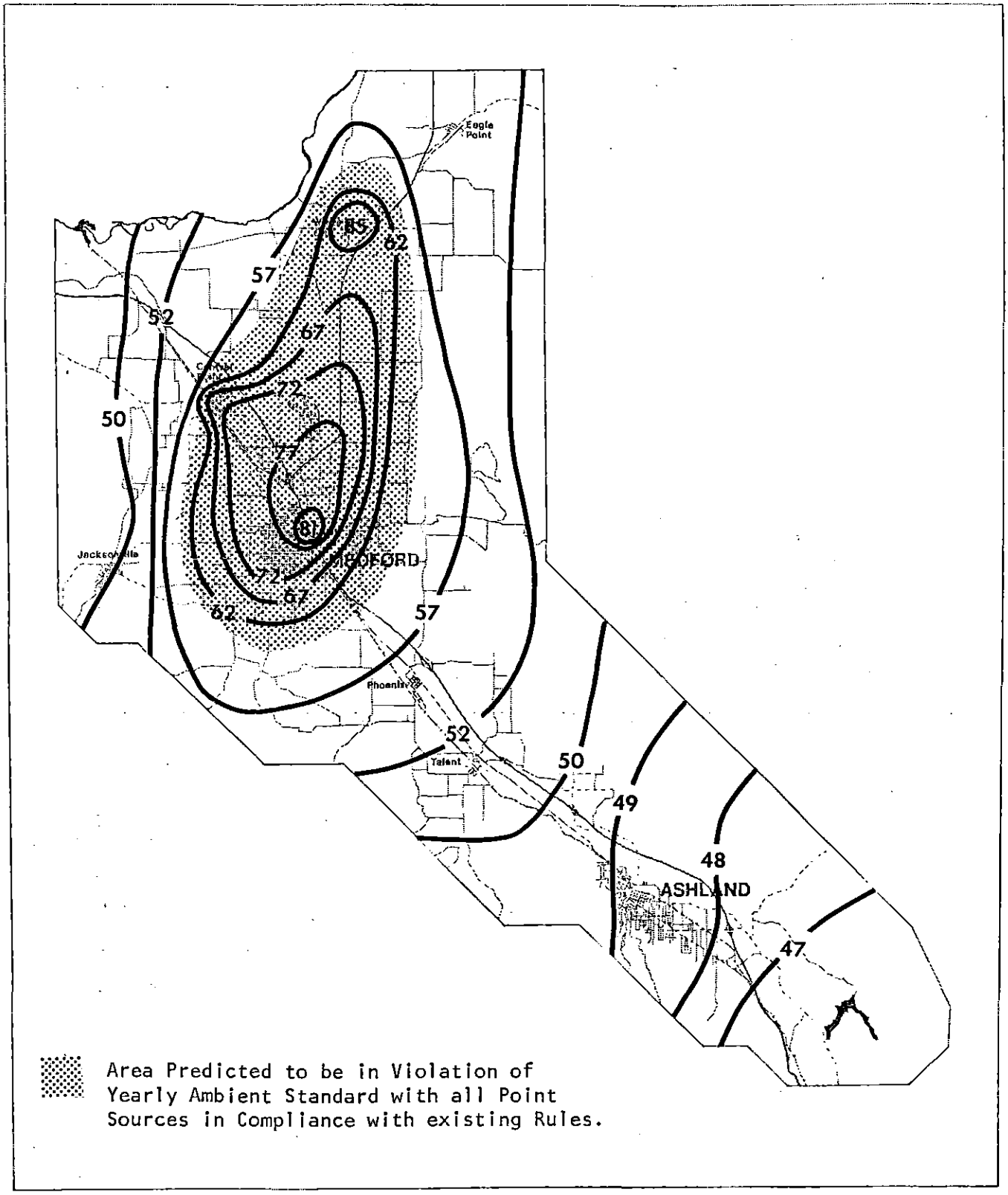

Figure 2

COMPLIANCE ISOPLETHS
PREDICTED ANNUAL GEOMETRIC MEAN ($\mu g/m^3$)

Figure 3

Predicted Yearly Geometric Mean TSP ($\mu g/m^3$)

Medford Courthouse Receptor
(Includes Interim Charcoal Producing Plant Reduction in 1979)

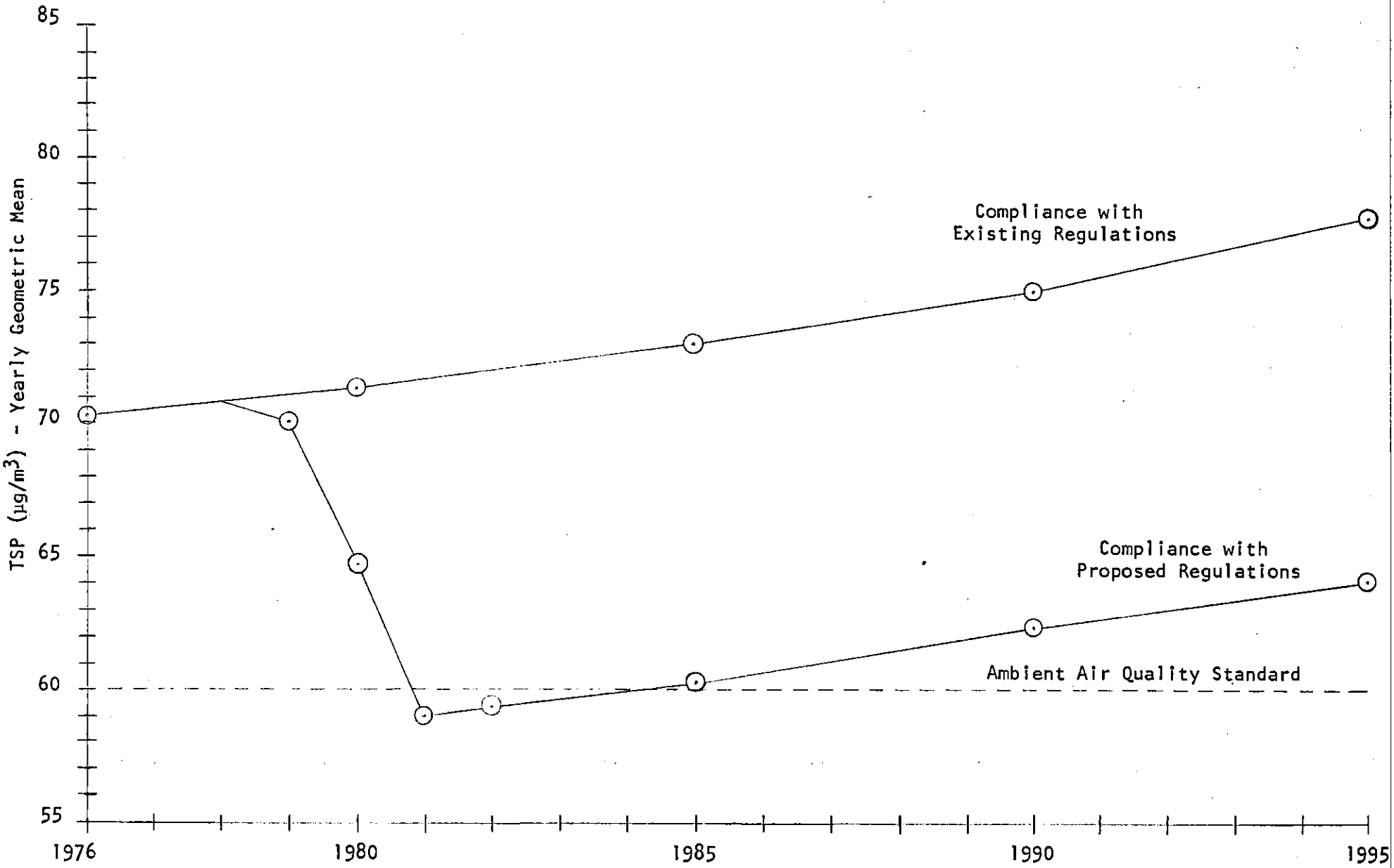

TABLE I

MEDFORD/ASHLAND AIR QUALITY MAINTENANCE AREA
POTENTIAL PARTICULATE CONTROL STRATEGIES FOR ALL CONTROLLABLE SOURCES
MEDFORD COURTHOUSE RECEPTOR

Strategy	$\mu g/m^3$ Reduction	Particulate Reduction (Tons/Year)	Control Equipment Capital Cost ($)	Cost Effectiveness[A] (annualized $/$\mu g/m^3$)	Energy Effectiveness ($HP/\mu g/m^3$)
1. Hog Fuel Boilers					
a. limited to 0.05 gr/scf, or	5.9*	1,760	$1,280,000	$18,000	390
b. limited to 0.01 gr/scf	7.9	2,300	$11,300,000	$140,000	600
2. Cyclones					
a. baghouses for all emitting over 10 T/year each	4.9*	450	$642,000	$34,000	74
b. baghouses for all emitting from 1 to 10 T/year each	1.6	160	$1,120,000	$180,000	390
3. Veneer Dryers[B]					
a. 45% control	1.6*	219	$1,170,000	$250,000	180
b. 85% control	3.0	372	$2,440,000-$4,170,000	$160,000-$210,000	870-900
4. Prohibit Residential Space Heating with Wood	1.9	938	None	$980,000	17,000
5. Particle Board Dryers (80% Additional Control)	1.9*	298	$4,170,000	$350,000	100
6. Prohibit Open Burning	0.3	150	Negligible	$1,500,000	Unknown
7. Replace Oil-Fired Orchard Heaters with Propane Systems	0.2	110	$1,610,000	$800,000	No Increase
8. Ban Modified Wigwam Burners	0.1*	80	$200,000	$110,000	Negligible

Compliance	(1976)	1980	1985	1990	1995
Needed Reduction to Meet Annual Standard ($\mu g/m^3$)	11.7	12.9	14.7	17.0	19.0
Needed Reduction to Meet Daily Standard ($\mu g/m^3$)	16.8	18.0	19.9	22.1	24.2

* Strategies Implemented in Proposed Rules
Total Reduction = 14.4 $\mu g/m^3$

Footnotes

[A] Annualized cost is ammortized capital cost plus annual operating cost.

[B] Cost could be reduced by approximately 40% if air choke off system installed.

TABLE 2

MEDFORD/ASHLAND AIR QUALITY MAINTENANCE AREA
POTENTIAL PARTICULATE CONTROL STRATEGIES FOR ALL CONTROLLABLE SOURCES

White City Receptor

Strategy	$\mu g/m^3$ Reduction at White City Receptor	Particulate Reduction (Tons/Year)	Control Equipment Capital Cost ($)	Cost Effectiveness[A] (annualized $/$\mu g/m^3$)	Energy Effectiveness (HP/$\mu g/m^3$)
1. Hog Fuel Boilers					
a. limited to 0.05 gr/scf, or	9.5*	1,760	$1,280,000	$11,000	240
b. limited to 0.01 gr/scf	12.8	2,300	$11,300,000	$86,000	370
2. Cyclones					
a. baghouses for all emitting over 10 T/year each	1.7*	450	$642,000	$97,000	210
b. baghouses for all emitting from 1 to 10 T/year each	0.8	160	$1,120,000	$350,000	780
3. Veneer Dryers[B]					
a. 45% control	2.5*	219	$1,170,000	$160,000	120
b. 85% control	4.7	372	$2,440,000-$4,170,000	$100,000-$130,000	560-580
4. Prohibit Residential Space Heating with Wood	1.2	938	None	$1,600,000	270
5. Particle Board Dryers (80% Additional Control)	3.0*	298	$4,170,000	$220,000	63
6. Prohibit Open Burning	0.2	150	Negligible	$2,300,000	Unknown
7. Replace Oil-Fired Orchard Heaters with Propane Systems	0.1	110	$1,610,000	$1,600,000	No Increase
8. Ban Modified Wigwam Burners	0.3*	80	$200,000	$37,000	Negligible

Compliance	(1976)	1980	1985	1990	1995
Needed Reduction to Meet Annual Standard	14.4	15.2	16.3	17.6	18.9
Needed Reduction to Meet Daily Standard	16.5	17.2	18.4	19.7	20.9

* Strategies Implemented in Proposed Rules
Total Reduction = 17.0 $\mu g/m^3$

Footnotes

(A) Annualized cost is ammortized capital cost plus annual operating cost.

(B) Cost could be reduced by approximately 40% if air choke off system installed.

Table 3

Results of Votes on Industrial Particulate Control Strategies
by AQMA Advisory Committee

		First Vote	Second Vote
1)	Wigwam Burners		
	a) Eliminate	18	-
	b) No Change	1	-
	c) Abstain	0	-
2)	Particle Board Dryers		
	a) 80% Additional Reduction	14	-
	b) No Change	4	-
	c) Abstain	1	-
3)	Veneer Dryers		
	a) 85% Control	6	4
	b) 45% Control	11	11
	c) Existing State Regulations	2	2
	d) Abstain	0	2
4)	Hog Fuel Burners		
	a) Limit to less than 0.01 gr/SCF	3	2
	b) Limit to less than 0.05 gr/SCF	10	11
	c) No Change	6	5
	d) Abstain	0	1
5)	Cyclones		
	a) Baghouse or equivalent on all cyclones in excess of one ton/year	5	-
	b) Baghouse or equivalent on all cyclones in excess of ten tons/year	13	-
	c) Baghouse or equivalent on problem sources only	1	-
	d) No Change	0	-
	e) Abstain	0	-

Proposed POLICY STATEMENT - Particulate Emission Control

It is the concensus of this committee that DEQ must proceed without delay to take the necessary steps to reduce the emission of particulates from industrial processes in the Medford/Ashland AQMA.

Specifically, we recommend that DEQ and industry focus immediately on the following:

(a) intensified industry efforts to ensure that equipment generating particulate emissions is properly maintained and operated, monitoring of its own equipment, and regularly providing source data to DEQ. The program should be reinforced, as necessary, by DEQ surveillance.

(b) attainment of a reduction of 20 micrograms per cubic meter by 1985*

(c) install control equipment with add-on capabilities in case reduction of particulates generated by non-industrial-process sources does not fill the gap between industrial process reduction and the reduction required to meet the daily average standard in 1995.

The committee will focus on reduction of particulate pollution from other than industrial process sources in forthcoming meetings, but wishes to avoid further delay in DEQ/industry action.

(*Note that this is substantially less than the reduction needed to meet and maintain the required daily standard by 1995.)

DIVISION 30

SPECIFIC AIR POLLUTION CONTROL RULES FOR THE MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA

PURPOSES AND APPLICATION

340-30-005 The rules in this Division shall apply in the Medford-Ashland Air Quality Maintenance Area (AQMA). The purpose of these rules is to deal specifically with the unique air quality control needs of the Medford-Ashland AQMA. These rules shall apply in addition to all other rules of the Environmental Quality Commission. The adoption of these rules shall not, in any way, affect the applicability in the Medford-Ashland AQMA of all other rules of the Environmental Quality Commission and the latter shall remain in full force and effect, except as expressly provided otherwise. In cases of apparent duplication, the most stringent rule shall apply.

DEFINITIONS

340-30-010 As used in these rules, and unless otherwise required by context:

(1) "Medford-Ashland Air Quality Maintenance Area" is defined as beginning at a point approximately one mile NE of the town of Eagle Point, Jackson County, Oregon, at the NE corner of Section 36, T35S, R1W; thence South along the Willamette Meridian to the SE corner of Section 25, T37S, R1W; thence SE along a line to the SE corner of Section 9, T39S, R2E; thence SSE to the SE corner of Section 22, T39S, R2E; thence South to the SE corner of Section 27, T39S, R2E; thence SW to the SE corner of Section 33, T39S, R2E; thence West to the SW corner of Section 31, T39S, R2E; thence NW to the NW corner of Section 36, T39S, R1E; thence West to the SW corner of Section 26, T29S, R1E; thence NW along a line to the SE corner of Section 7, T39S, R1E; thence West to the SW corner of Section 12, T39S, R1W; thence NW along a line to the SW corner of Section 20, T39S, R1W; thence West to the SW corner of Section 24, T38S, R2W; thence NW along a line to the SW corner of Section 4, T38S, R2W; thence West to the SW corner of Section 5, T38S, R2W; thence NW along a line to the SW corner of Section 31, T37S, R2W, thence North along a line to the Rogue River, thence North and East along the Rogue River to the North boundary of Section 32, T35S, R1W; thence East along a line to the point of beginning.

(2) "Charcoal Producing" Plant means an industrial operation which uses the destructive distillation of wood to obtain the fixed carbon in the wood.

(3) "Air Conveying System" means an air moving device, such as a fan or blower, associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving airstream.

(4) Particulate Matter" means any matter, except uncombined water, which exists as a liquid or solid at standard conditions.

(5) "Standard Conditions" means a temperature of 60° Fahrenheit (15.6° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).

(6) "Wood Waste Boiler" means equipment which uses indirect heat transfer from the products of combustion of wood waste to provide heat or power.

(7) "Veneer Dryer" means equipment in which veneer is dried.

(8) "Wigwam Waste Burner" is defined in Section 340-25-005(4).

(9) "Collection Efficiency" means the overall performance of the air cleaning device in terms of ratio of weight of material collected to total weight of input to the collector.

WOOD WASTE BOILERS

340-30-015 No person shall cause or permit the emission of particulate matter from any wood waste boiler with a heat input greater than 15 million BTU/hr in excess of 0.050 grain per standard cubic foot of exhaust gas, corrected to 12 percent carbon dioxide as an annual average or

0.10 grains per standard cubic foot of exhaust gas corrected to 12 percent carbon dioxide as a two hour average test. Control equipment shall be installed to meet a design criteria of 0.05 grains per standard cubic foot corrected to 12 percent carbon dioxide. The equipment shall demonstrate capability to meet their design level during the startup phase of operation.

VENEER DRYERS

340-30-020 No person shall cause or permit any veneer dryer to violate the rules in Section 340-25-315(1) except that, for the purposes of this Section, subsection 340-25-315(1)(c) shall become applicable on April 1, 1978. In addition, air pollution control equipment installed to meet the opacity requirements of Section 340-25-315(1) shall be designed such that the particulate collection efficiency can be practicably upgraded to approximately 85% over uncontrolled emissions.

[NOTE: Section 340-25-315(1) is the veneer dryer rule which has been in effect in areas of the state outside of special problem areas. It is attached to these proposed rules for reference.]

AIR CONVEYING SYSTEMS

340-30-025 All air conveying systems emitting greater than 10 tons per year of particulate matter to the atmosphere at the time of adoption of these rules shall, with the prior written approval of the Department, be equipped with a control system with collection efficiency equivalent to that of a bag filter.

WOOD PARTICLE DRYERS AT HARDBOARD AND PARTICLEBOARD PLANTS

340-30-030 No person shall cause or permit the emission of particulate matter from wood particle dryers to exceed 0.35 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis.

WIGWAM WASTE BURNERS

340-30-035 No person shall cause or permit the operation of any wigwam burner, except for an emergency condition when operation is authorized in writing by the Director of the Department.

CHARCOAL PRODUCING PLANTS

340-30-040(1) No person shall cause or permit the emission of particulate matter from charcoal producing plant sources including, but not limited to, charcoal furnaces, heat recovery boilers and wood dryers using any portion of the charcoal furnace off-gases as a heat source, in excess of a total from all sources within the plant site of 10.0 pounds per ton of charcoal produced.

(2) Emissions from char storage, briquet making, boilers not using charcoal furnace off-gases, and fugitive sources are excluded in determining compliance with subsection (1).

(3) Charcoal producing plants as described in (1) above shall be exempt forom the limitations of 340-21-030(1) and (2) and 340-21-040 which concern particulate emission concentrations and process weight.

COMPLIANCE SCHEDULES

340-30-045 The person responsible for an existing emission source subject to 340-30-015 through 340-30-040 shall proceed promptly with a program to comply as soon as practicable with these rules. A proposed program and implementation plan shall be submitted no later than April 1, 1978 for each emission source to the Department for review and written approval.

The Department shall establish a schedule of compliance, including increments of progress, for each affected emission source. Each schedule shall include the dates, as soon as practicable, by which compliance shall be achieved, but in no case shall full compliance be later than the following dates:

(a) Wood Waste Boilers shall comply with Section 340-30-015 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1980.

(b) Veneer Dryers shall comply with Section 340-30-020 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1980.

(c) Air Conveying Systems shall comply with Section 340-30-025 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1981.

(d) Wood Particle Dryers at Hardboard and Particleboard Plants shall comply with Section 340-30-030 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1981.

(e) Wigwam Waste Burners shall comply with Section 340-30-035 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1979.

(f) Charcoal Producing Plants shall comply with Section 340-30-040 as soon as practicable, in accordance with approved compliance schedules, but by no later than January 1, 1982.

The compliance schedule for Charcoal Producing Plants and Wood Particle Dryers at Hardboard and Particleboard Plants shall contain reasonably expeditious interim dates and pilot testing programs for control to meet the emission limits in 340-30-040(1) and 340-30-030, respectively. If pilot testing and cost analysis indicates that meeting the emission limits of these rules may be impractical, a public hearing shall be held no later than July 1, 1980 for Charcoal Producing Plants and January 1, 1980 for Wood Particle Dryers at Hardboard and Particleboard Plants to consider amendments to this limit.

CONTINUOUS MONITORING

340-30-050 The Department may require the installation of instruments and recorders for measuring emissions and/or the parameters which affect the emission of air contaminants from sources covered by these rules to ensure that the sources and the air pollution control equipment are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instruments and recorders shall be periodically calibrated. The method and frequency of calibration shall be approved in writing by the Department. The recorded information shall be kept for a period of at least one year and shall be made available to the Department upon request.

SOURCE TESTING

340-30-055 The person responsible for the following sources of particulate emissions shall make or have made tests to determine the type, quantity, quality and duration of emissions, and/or process parameters affecting emissions, in conformance with test methods on file with the Department at the following frequencies:

Source	Test Frequency
Wood Waste Boilers	Once every year*
Veneer Dryers	Once every 3 years
Wood Particle Dryers at Hardboard and Particleboard Plants	Once every 2 years
Charcoal Producing Plants	Once every year

* If this test exceeds .05 grains/scf at 12% CO_2 then 3 additional tests shall be required at 3 month intervals with all four tests being averaged to determine compliance with the annual standard.

These source testing requirements shall remain in effect unless waived in writing by the Department because of adequate demonstration that the source is consistently operating at lowest practicable levels.

TOTAL PLANTSITE EMISSIONS

340-30-060 The Department shall have the authority to limit the total amount of particulate matter emitted from a plantsite, consistent with requirements in these rules. Such limitation will be applied, where necessary, to ensure that ambient air quality standards are not caused to be exceeded by the plantsite emissions and that plantsite emissions are kept to lowest practicable levels.

NEW SOURCES

340-30-065 New sources shall be required to comply with these rules immediately upon initiation of operation.

OPEN BURNING

340-30-070 No open burning of domestic waste shall be initiated on any day or at any time when the Department advises fire permit issuing agencies that open burning is not allowed because of adverse meteorological or air quality conditions.

Board Products Industries
(Veneer, Plywood, Particleboard, Hardboard)

Definitions

340-25-305 (1) "Department" means Department of Environmental Quality.

(2) "Emission" means a release into the outdoor atmosphere of air contaminants.

(3) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(4) "Operations" includes plant, mill, or facility.

(5) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(6) "Person" means the same as ORS 468.005(5).

(7) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(8) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

(9) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(10) "Opacity" is defined by section 340-21-005(4).

(11) "Visual opacity determination" consists of a minimum of 25 opacity readings recorded every 15 to 30 seconds and taken by a trained observer.

(12) "Opacity readings" are the individual readings which comprise a visual opacity determination.

(13) "Fugitive emissions" are defined by section 340-21-050(1).

(14) "Special problem area" means the formally designated Portland, Eugene-Springfield, and Medford AQMA's and other specifically defined areas that the Environmental Quality Commission may formally designate in the future. The purpose of such designation will be to assign more stringent emission limits as may be necessary to attain and maintain ambient air standards or to protect the public health or welfare.

Statutory Authority: ORS 468.295

Hist: Filed 3-31-71 as DEQ 26,
Eff. 4-25-71
Amended by DEQ 132,
Filed and Eff. 4-11-77

General Provisions

340-25-310 (1) These regulations establish minimum performance and emission standards for veneer, plywood, particleboard, and hardboard manufacturing operations.

(2) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in section 340-25-315.

(3) Emission limitations established herein and stated in terms of pounds per 1000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.

(4) Upon adoption of these regulations, each affected veneer, plywood, particleboard, and hardboard plant shall proceed with a progressive and timely program of air pollution control, applying the highest and best practicable treatment and control currently available. Each plant shall at the request of the Department submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with these regulations.

Statutory Authority: ORS 468.295

Hist: Filed 3-31-71 as DEQ 26,
Eff. 4-25-71
Amended by DEQ 132,
Filed and Eff. 4-11-77

Veneer and Plywood Manufacturing Operations

340-25-315 (1) Veneer Dryers:

(a) Consistent with section 340-25-310(1) through (4), it is the objective of this section to control air contaminant emissions, including, but not limited to, condensible hydrocarbons such that visible emissions from each veneer dryer located outside special problem areas are limited to a level which does not cause a characteristic "blue haze" to be observable.

(b) No person shall operate any veneer dryer outside a special problem area such that visible air contaminants emitted from

any dryer stack or emission point exceed:

(A) A design opacity of 10%,

(B) An average operating opacity of 10%, and

(C) A maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply.

(c) After July 1, 1977, no person shall operate a veneer dryer located outside a special problem area unless:

(A) The owner or operator has submitted a program and time schedule for installing an emission control system which has been approved in writing by the Department as being capable of complying with subsection 340-25-315(1)(b)(A), (B), and (C),

(B) The veneer dryer is equipped with an emission control system which has been approved in writing by the Department and is capable of complying with subsection 340-25-315(1)(b), (B) and (C), or

(C) The owner or operator has demonstrated and the Department has agreed in writing that the dryer is capable of being operated and is operated in continuous compliance with subsection 340-25-315(1)(b)(B) and (C).

(d) Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emission of air contaminants are kept at the lowest practicable levels.

(e) No person shall willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule.

(f) Where effective measures are not taken to minimize fugitive emissions, the Department may require that the equipment or structures in which processing, handling, and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

(g) The Department may require more restrictive emission limits than provided in section 340-25-315(1)(b) for an individual plant upon a finding by the Commission that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emissions expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

(2) Other Emission Sources:

(a) No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including, but not limited to, sanding machines, saws, presses, barkers, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of one (1.0) pound per 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent.

(b) Excepted from subsection (a) are veneer dryers, fuel burning equipment, and refuse burning equipment.

(3) Monitoring and Reporting: The Department may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program shall be subject to review and approval by the Department and shall consist of the following:

(a) A specified minimum frequency for performing visual opacity determinations on each veneer dryer emission point;

(b) All data obtained shall be recorded on copies of a "Veneer Dryer Visual Emissions Monitoring Form" which shall be provided by the Department of Environmental Quality or on an alternative form which is approved by the Department; and

(c) A specified period during which all records shall be maintained at the mill site for inspection by authorized representatives of the Department.

Statutory Authority: ORS 468.295
Hist: Filed 3-31-71 as DEQ 26,
Eff. 4-25-71
Amended 2-15-72 by DEQ 37,
Eff. 3-1-72
Amended by DEQ 43(Temp),
Filed and Eff. 5-5-72 through
9-1-72

ROBERT W. STRAUB
GOVERNOR

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. L, November 18, 1977, EQC Meeting

Authorization for Public Hearing to consider amending vehicle emission testing rules to cover the testing of publicly owned vehicles.

Background

The 1977 Oregon legislature passed SB 832 which requires the emission testing of all publicly owned vehicles registered within the boundaries of the Metropolitan Service District. There are approximately 5,500 such vehicles which the bill will require to be tested on an annual basis.

Evaluation

When the 1975 legislature tied the emission testing requirement to the registration renewal, publicly owned vehicles were excluded from the testing requirement. This was changed with the passage of SB 832. While the total number of cars and trucks that will be added is a relatively small amount, the proposed procedures will allow for public agencies to do their fair share in the effort to reduce auto air pollution.

The scope of the rule amendments is simply to lay out in a clear manner, certain extra or different procedures in the certification process that apply only to governmental agencies because of the character of the Oregon licensing law.

There are three specific rule additions proposed and attached as Appendix A. The first adds a definition to create a staggered testing schedule for non-expiring government plated vehicles. The schedule is arbitrary and attempts to ease the workload over a year's period.

The other two rule modifications proposed allow for smaller government units who normally would not qualify for independent fleet testing to enter into contractual agreements with other governmental units for

that purpose. Numerous smaller agencies, like many local companies, do not have enough vehicles to qualify for fleet privileges. Unlike private companies, however, small governmental units often contract with larger government agencies for specific intergovernmental services. Examples of types of contracts include everything from police and fire protection to purchasing and vehicle maintenance. Because these types of arrangements are often common among governmental units, but are not normally used in the private sector, contract cooperative fleet testing is being proposed for governmental vehicles only. All agreements would be subject to the Director's approval.

It is projected that the overall procedure will work in the following manner. Public agencies would receive annual notice of the testing and compliance requirements. The agency, like any other individual or company, would have its vehicle tested and have a Certificate of Compliance issued. Those agencies which were operating self inspection fleet programs would be charged a service fee, to be established, while agencies using the Department's inspection lanes would pay the $5.00 fee.

Because publicly owned vehicles are issued non-expiring license plates, a slight deviation from conventional surveillance occurs. After the Certificate of Compliance has been issued, the Department, in conjunction with the Motor Vehicles Division, will review and compare the certified vehicle with the registration records. The staff has prepared a request for the Attorney General's office concerning what action can be taken against non-complying agencies.

Summation

The overall effect will be that publicly owned vehicles will now be tested and certified annually, as to their compliance with the State's air pollution regulations. Many agencies will opt to having their vehicles processed through the inspection lanes. Other agencies will have a sufficient quantity of cars and trucks to make self certification an attractive option or to co-op with larger fleets. The rule amendments provide for that choice.

Director's Recommendation

It is the Director's recommendation that authorization for a public hearing to consider these proposed rule amendments be granted.

Bill

WILLIAM H. YOUNG

Ron Householder:mg
229-6200
November 1, 1977
Attachment (1): Appendix A

OAR 340-24-306 is new and is added.

Publicly Owned Vehicles Testing Requirements

340-24-306

(1) All motor vehicles registered as government-owned vehicles under ORS 481.125 which are required to be certified annually pursuant to ORS 481.190 shall, as means of that certification, obtain a Certificate of Compliance.

(2) For the purposes of providing a staggered certification schedule for vehicles registered as government-owned vehicles under ORS 481.125, such schedule shall be on the basis of the final numerical digit contained on the vehicle license plate. Such certification shall be completed by the last day of the month as provided below:

Last Digit	Month
1	January
2	February
3	March
4	April
5	May
6	June
7	July
8	August
9	September
0	October

OAR 340-24-340 (8) is amended as follows:

(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 motor vehicle fleet operation by which the inspector is employed on a full time basis [.], except as provided in subsection (a).

(a) A fleet operation vehicle emission inspector employed by a governmental agency may be authorized by the Department to perform inspections and execute Certificates of Compliance for vehicles of other governmental agencies that have contracted with that agency for that service and that contract having the approval of the Director.

OAR 340-24-340 (10) is amended as follows:

(10) To be licensed as a 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 motor vehicles.

(b) Be a governmental agency that has entered into a contract to provide for the inspection and execution of Certificates of Compliance for other governmental agencies. The combination of motor vehicles owned by the agency providing the service plus those covered under the contract must total 100 or more.

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

[~~(c)~~] (d) Be equipped with a sound level meter conforming to "Requirements for Sound Measuring Instruments and Personnel" (NPCS-2) manual, revised September 15, 1974, of this Department.

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

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MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item M, November 18, 1977, EQC Meeting

Sulfur Content of Fuels - Adoption of Policy

Background

At the October 21, 1977 EQC meeting (Agenda Item J), the Department proposed a statement of policy concerning the sulfur content of residual oil in the Portland Air Quality Maintenance Area (AQMA). Objections were raised to the policy statement and a number of word changes were suggested in a letter to Mr. Somers from Mr. Tom Donaca of Associated Oregon Industries (AOI). Mr. Donaca's major point was that the policy statement should not become a self-fulfilling prophecy which guarantees the future passage of lower sulfur content regulations. After some discussion, the Department's staff was instructed to respond to each of Mr. Donaca's recommendations and to report back to the Commission at the November meeting.

A policy statement concerning the sulfur content of residual fuels in the Portland AQMA was first proposed to the EQC by the Department at the July 29, 1977 EQC meeting (Agenda Item F). The EQC declined to adopt that policy statement, and requested that the Department draft a stronger policy statement. At the September 23, 1977 EQC meeting (Agenda Item K) the Department proposed such a modified policy statement. This policy statement was not accepted by the EQC on the grounds that the timetable which was specified therein (for when more stringent sulfur content regulations might be adopted) would not allow the passage of new low sulfur content regulations before July 1979, even if the need became apparent sooner. The EQC wanted the policy statement to clarify that low sulfur regulations might be adopted prior to July 1979 if the Portland AQMA Data Base Improvement Project study (to be completed October 1978) clearly indicates a need for lower sulfur residual fuel before July 1979.

Evaluation

The primary concern raised by Mr. Donaca's letter is that this policy statement should not become a self-fulfilling prophesy which guarantees that new more stringent sulfur content regulations are adopted for the Portland AQMA. The Department acknowledges this issue. Any new more stringent sulfur content

regulations will require a full hearing before adoption. Prior to the adoption of such regulations, it would be necessary for the Department to demonstrate that such regulations:

1. Would provide a significant and necessary air quality improvement,
2. Would be preferable to other alternatives, and
3. Would justify the costs associated with such regulations.

Mr. Donaca notes in his letter that SO_2 levels in the Portland AQMA are well below the Federal and State standards and therefore questions whether residual oil combustion has a significant adverse air quality impact. He goes on to note that there may be a need to develop a particulate strategy and a sulfate strategy but asserts that "this rule was primarily designed to solve a SO_2 problem relating to the sulfur content of fuels and thus it seems that you are impressing on this rule problems broader than covered by the existing regulation on the sulfur content of fuels".

The Department reminds Mr. Donaca that this policy statement is not a rule as he suggests but actually a policy statement designed to clarify the EQC's position on sulfur content regulations in the Portland AQMA. The Department does not agree that this policy statement should limit itself to considerations of SO_2 air quality alone, since residual oil sulfur content also has an impact on particulate and sulfate concentrations. Regarding the adverse air quality impact of residual oil combustion, Mr. Donaca is referred to discussion on that subject at the May 27, 1977 EQC meeting (Agenda Item M). Residual oil combustion is estimated to account for 55% of SO_2 emissions within the Portland AQMA, and a similar proportion of the sulfate particulate. Microscopic analysis of ambient particulate samples indicates that oil soot and coked oil droplets are contributing an average of about 19% of the large particulate.

Mr. Donaca briefly discusses the EPA emission trade-off policy (which enables new large sources to move into areas violating National Ambient Air Quality Standards) and states "it seems a little early to suggest that this [sulfur content] rule should have to bear the brunt of such trade-offs as suggested in Section 1(e)". The Department acknowledges that when future emission trade-offs are necessary, then a number of options will be considered and not merely more stringent sulfur content regulations. Modifications to the wording of Section (1) in the policy statement should lessen Mr. Donaca's criticism of Section 1(e).

Mr. Donaca goes on to state that Section (3) virtually indicates that a new sulfur content regulation will be developed by January 1979, and states that the cost and availability of cleaner fuels are not considered. Section (3) has been amended to clarify that the schedule presented is for all revisions to the State Implementation Plan for the Portland AQMA, and that more stringent sulfur content regulations may or may not be part of those revisions.

With regard to the issues of cost and availability of cleaner fuels, the Department fully concurs that these aspects will need to be addressed in detail before future more stringent sulfur content regulations are adopted.

Mr. Donaca closes his letter by proposing a number of substantive changes in the policy statement. The Department has revised the policy statement to incorporate Mr. Donaca's suggested revisions in Sections (1), (1)a), (1)b), and (3). Sections (1)c), (1)d), and (1)e) were not deleted as requested because the Department believes that these factors may justify in part future more stringent sulfur content regulations.

This policy statement would clarify the Commission's position regarding future low sulfur content regulations for the Portland AQMA, and would encourage users and suppliers to seek the cleanest fuels practically available. The policy statement would clarify when such more stringent sulfur content regulations might be adopted. Following its adoption, it would be circulated by the Department to a wide variety of users and suppliers, and other interested parties.

Summation

The residual oil sulfur content policy statement which was proposed at the October 21, 1977 EQC meeting has been modified in response to some of the revisions requested in a letter to Ron Somers by Tom Donaca of AOI. In response to Mr. Donaca's major concern, that the policy statement should not automatically become a self-fulfilling prophesy which guarantees future adoption of more stringent sulfur content regulations, all normal rule making steps would have to be taken and due consideration given to public testimony.

Director's Recommendation

It is the Director's recommendation that a policy statement be adopted (see Attachment A) regarding the EQC's position on more stringent sulfur content of fuel regulations for the Portland AQMA.

Since the proposed policy statement is not an administrative rule, no specific statutory authority is necessary for the EQC to adopt the policy statement.

WILLIAM H. YOUNG

William T. Greene:sw
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November 2, 1977
Attachments (2): A - Proposed Policy Statement Concerning the Sulfur Content of Residual Oil; B - October 18, 1977 letter from Tom Donaca of AOI

ATTACHMENT A

STATEMENT OF POLICY OF THE ENVIRONMENTAL QUALITY COMMISSION
CONCERNING SULFUR CONTENT OF RESIDUAL FUEL OIL

The following statement of general policy is set forth to guide both users and suppliers of residual fuel oil in the Portland Air Quality Maintenance Area (AQMA) regarding the Environmental Quality Commission's (EQC) position on more stringent sulfur content regulations for the Portland AQMA.

(1) A potential future need for low sulfur residual oil in the Portland AQMA exists considering:

a) Present evidence which indicates that residual oil combustion has an adverse air quality impact in the Portland AQMA.

b) Potential increases in the use of high sulfur residual oil and the possibility of increased sulfur levels in residual fuels due to a projected oversupply on the West Coast of high sulfur oil.

c) The need to develop a new particulate attainment/maintenance strategy for the Portland AQMA.

d) The likely adoption of sulfate ambient air quality standards by the U. S. Environmental Protection Agency during the early 1980's.

e) The need for future emission trade-offs in the Portland AQMA to allow for continued industrial growth.

(2) In consideration of the adverse air quality impact of residual oil combustion, it is the policy of the Environmental Quality Commission to encourage the supply and use of the cleanest fuel oils practicably available in the Portland AQMA, and to encourage oil suppliers to develop new supplies of cleaner fuel oils to this area in the shortest time practicable and in consideration of the timetable set forth in (3) and (4) below.

(3) So that interested parties may know when such more stringent sulfur content regulations may be adopted, the following schedule is presented for the process of revising the State Implementation Plan for the Portland AQMA. Such revisions may or may not include new sulfur content regulations.

a) A Draft Plan for new particulate control strategies and, if needed, new sulfur dioxide control strategies to be established for the Portland AQMA by January 1979.

b) Public hearings on the Draft Plan to begin by April 1979.

c) Revisions to the State Implementation Plan for the Portland AQMA to be adopted by July 1979.

(4) If the ongoing Portland AQMA Data Base Improvement Project indicates a need for lower sulfur oil in order to attain and maintain National Ambient Air Quality Standards, it is the intent of the Commission to promulgate rules requiring the use of lower sulfur content residual oil in the area at the earliest practicable time, which may be earlier than the dates in (3) above.

(5) The Department is directed to monitor and report to the Commission on a semiannual basis, beginning in January 1978, the progress of oil suppliers in securing the cleanest oil supplies available.

ATTACHMENT B

2187 S. W. Main St.
Portland, Oregon 97205

October 18, 1977

Mr. Ronald M. Somers
P.O. Box 618
The Dalles, OR 97058

RE: AGENDA ITEM "J"

Dear Ron:

At the outset let me say that it is probably good policy to have some kind of ongoing review of potential problem areas. However, such reviews should not become self-fulfilling prophecies, which is what I am afraid the proposed Statement of Policy Relating to Residual Fuel Oil will become.

In spite of the fact that residual fuel oil is used in the Portland AQMA by industry and for space heating (particularly in apartment houses, governmental buildings and schools) there is no current SO_2 problem in the Portland AQMA and we are well below both the Federal and State standards. Therefore, I find it difficult to comprehend Section 1(a) that this has "significant adverse air quality impact". Nor does it necessarily follow that we will receive more high sulphur oil than we are currently as suggested by Section 1(b). I am told by the staff that the average being received is 1.4%.

There may be a need to develop a particulate strategy and perhaps a sulfate strategy, but this rule was primarily designed to solve a SO_2 problem relating to the sulphur content of fuels and thus it seems that you are impressing on this rule problems broader than covered by the existing regulation on the sulphur content of fuels. If such strategies are needed, they will cover virtually all sources, including the burning of my furnace and fire place and not just the sources covered by the existing rule (see Section 1(c) & (d)).

The Clean Air Act amendments of 1977 do comprehend emission trade offs, but until we see the EPA regulations and have some experience with them, it seems a little early to suggest that this rule should have to bear the brunt of such trade offs as suggested in Section 1(e). What the proposal seems to suggest is that we must upgrade to distilate fuels or natural gas regardless of their cost or availability.

Oregon oil suppliers, if we are talking about local oil distributors, have virtually no control over their supplies and it is doubtful that the oil companies can do much better than they are doing now in view of the uncertainty which exists with regard to supply, the national energy policy, etc.

Section 3 virtually indicates that there will be a new strategy developed by January 1979, whether or not the facts dictate it, nor is there any consideration of the cost for other fuels which would be $1.50 to $3.00 a barrel higher in cost, or whether or not such supplies are practically available.

With regard to the AQMA study, no definitive information will be available until late in 1978 because the air sampling program will not be completed until the end of Spring 1978 and the best estimate is that it will take at least six months for proper evaluation which must occur before any report can be written.

If I had my druthers, I would simply suggest that the only policy that be adopted would be a rewriting of Section 5 to which I would add the following: "The findings of the Portland AQMA study relating to the effect of residual fuel oil combustion, and the requirements of the Environmental Protection Agency, if any, relating to particulates and sulfates as they relate to residual fuel oil".

If I can't have my druthers, I am enclosing a copy of Attachment A with the changes that I would propose. Sorry I can't be with you on the 21st.

Cordially,

Thomas C. Donaca

TCD:jp

Enclosure

Draft Policy Statement Proposed At 10-21-77 EQC Meeting and Revisions For 11-18-77 EQC Meeting.

ATTACHMENT A

STATEMENT OF POLICY OF THE ENVIRONMENTAL QUALITY COMMISSION CONCERNING SULFUR CONTENT OF RESIDUAL FUEL OIL

The following statement of general policy is set forth to guide both users and suppliers of residual fuel oil in the Portland Air Quality Maintenance Area (AQMA) regarding the Environmental Quality Commission's (EQC) position on more stringent sulfur content regulations for the Portland AQMA.

(1) A potential future need for low sulfur residual oil in the Portland AQMA exists ~~is highly probable~~ considering:

a) Present evidence which indicates that residual oil combustion has an ~~significant~~ adverse air quality impact in the Portland AQMA.

b) Potential increases in the use of high sulfur residual oil in the Portland AQMA because of the projected West Coast oversupply of high sulfur oil. (Modified slightly)

c) The need to develop a new particulate attainment/maintenance strategy for the Portland AQMA. (No Change)

d) The likely adoption of sulfate ambient air quality standards by the U. S. Environmental Protection Agency during the early 1980's. (No Change)

e) The need for future emission trade-offs in the Portland AQMA to allow for continued industrial growth. (No Change)

(2) In consideration of the adverse air quality impact of residual oil combustion, it is the policy of the Environmental Quality Commission to encourage the supply and use of the cleanest fuel oils practicably available in the Portland AQMA, and to encourage oil suppliers to develop new supplies of cleaner fuel oils to this area in the shortest time practicable and in consideration of the timetable set forth in (3) and (4) below. (No Change)

(3) So that interested parties may know when such more stringent sulfur content regulations may be adopted, the following schedule is presented for the process of revising the State Implementation Plan for the Portland AQMA. (Sentence added)

a) A Draft Plan for new particulate control strategies and, if needed, new sulfur dioxide control strategies for the Portland AQMA to be established by January 1979.

b) Public hearings on the Draft Plan to begin by April 1979. (No Change)

c) Revisions to the State Implementation Plan for the Portland AQMA to be adopted by July 1979. (No Change)

Draft Policy Statement Proposed At 10-21-77 EQC Meeting and Revisions For 11-18-77 EQC Meeting

(4) If the ongoing Portland AQMA Data Base Improvement Project indicates a need for lower sulfur oil in order to attain and maintain National Ambient Air Quality Standards, it is the intent of the Commission to promulgate rules requiring the use of lower sulfur content residual oil in the area at the earliest practicable time, which may be earlier than the dates in (3) above. (NoChange)

(5) The Department is directed to monitor and report to the Commission on a semiannual basis, beginning in January 1978, the progress of oil suppliers in securing the cleanest oil supplies available. (NoChange)

ROBERT W. STRAUB
GOVERNOR

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 N, November 18, 1977, EQC Meeting

Staff Report - Consideration of Adoption of Temporary Rule Revisions to OAR Chapter 340, Section 35-030, Pertaining to Equivalency Between Commission-Adopted Motor Vehicle Noise Standards and Standards Referenced in 1977 Oregon Law, Chapter 273

Background

The Environmental Quality Commission adopted noise standards and testing procedures for in-use motor vehicles on July 19, 1974. These standards included a stationary test measured 25 feet from the vehicle and a moving test measured 50 feet from the vehicle.

It subsequently became evident that the 25 foot stationary noise test was not adequate to test vehicles in confined areas, such as the Department's motor vehicle inspection centers. Therefore, in August of 1976 and again in May of 1977, the 25 foot stationary tests for the category of automobiles and light trucks and the category of motorcycles were amended to a "near field test", which establishes allowable noise emissions 20 inches from the end of the exhaust pipe.

The 1977 Legislative Session amended the Oregon Motor Vehicle Code relating to excessive noise (Senate Bill 241; Attachment 1) to reference the Department's noise standards. The Legislature essentially placed the originally adopted 25 foot stationary test standards into the law as base-line levels. They also stated that any other standards "determined by the DEQ to be substantially equivalent" could also be enforced under this statute. Thus, the law enforcement agencies administering the motor vehicle code using the near field, 20 inch test or any other test, must have such a determination to continue their enforcement actions.

Concern has been raised to the Department by a Commissioner that local law enforcement agencies cannot continue to enforce motor vehicle noise rules until the equivalency of these standards is determined. Although a formal equivalency comparison was not conducted by the Department prior to adoption,

these various standards were intended to be substantially equivalent. In light of this new Legislation, the Department will conduct a formal equivalency study.

Evaluation

The Department believes that the motor vehicle noise standards using the various test procedures (moving and stationary) are substantially equivalent. At the time of adoption of the original standards in 1974, and the subsequent amendments to these standards, the Department intended that each test would provide the same end result.

As various law enforcement agencies are attempting to enforce this new statute, and the 25 foot stationary test is the least desirable procedure, the Department finds that it is in the public interest to promptly resolve the matter of equivalent motor vehicle noise standards.

Without such a resolution, the law enforcement agencies attempting to provide motor vehicle noise enforcement are forced to use test procedures that the Department has discarded.

Summation

1. The 1977 Legislative Session amendments to the Motor Vehicle Code regarding excessive vehicle noise require the Commission to define noise emission standards that are "substantially equivalent" to those referenced in the statute.

2. Local police agencies are not able to administer noise tests referenced in the new statute, and thus a ruling that other emission standards are substantially equivalent must be promptly found to protect the public health and welfare.

3. The original intent of adopting various in-use motor vehicle standards was to provide different enforcement options. Thus, either a moving test or a stationary test procedure could be used. Therefore, the Department's intent was that the various standards for the 50 foot moving test, the 25 foot stationary test and the 20 inch stationary test are substantially equivalent.

4. A temporary rule for a period of 120 days stating that existing in-use motor vehicle standards are substantially equivalent to the 25 foot standards in the statute, will provide immediate relief to this enforcement problem. (See Attachment 2)

Director's Recommendation

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

1. Find that serious prejudice to the public interest will result by the inability of law enforcement agencies to administer the

noise emission standards specified in 1977 Oregon Law, Chapter 273. The following reasons justify this finding:

a. The base-line standards referenced in 1977 Oregon Law, Chapter 273 cannot be administered by police agencies until the Department has determined that a given standard is substantially equivalent to the guidelines set forth in the statute.

b. The public health and welfare is threatened due to the lack of motor vehicle noise enforcement by various agencies under this law.

2. Adopt the proposed amendment to OAR 340-35-030, as attached, as a temporary rule for a period of 120 days as provided under ORS 183.335 and ORS 467.030 to be effective upon prompt filing with the Secretary of State.

3. Authorize the Department to hold a public hearing, before a hearings officer, at a time and date to be set by the Director, to receive testimony on the adoption of a permanent rule.

Bill

WILLIAM H. YOUNG

John Hector;dro
229-5989
11/18/77
Attachments (2)

1. B-Eng. SB 241
2. Proposed Temporary Rule Amendment

A BILL FOR AN ACT

Relating to motor vehicle exhaust systems; creating new provisions; and repealing ORS 483.448.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 483.448 is repealed and section 2 of this Act is enacted in lieu thereof.

SECTION 2. (1) No person shall operate a motor vehicle on any public road, street or highway of this state unless it is equipped with an exhaust system that:

(a) Is in good working order;

(b) Is in constant operation; and

(c) Meets noise emission standards determined by the Department of Environmental Quality to be substantially equivalent to the following standards based upon a stationary test conducted at a distance of 25 feet in accordance with procedures established by the Department of Environmental Quality:

Vehicle type	Maximum level, dBA	Model, Year
Vehicles licensed under paragraph (a) of subsection (2) of ORS 481.205	94	before 1976
	91	1976 and after
Vehicles licensed under paragraphs (a) to (c) of subsection (3) of ORS 481.205	94	before 1976
	91	1976
	89	after 1976
Vehicles licensed under paragraph (b) of subsection (1) of ORS 481.210	92	before 1976
	88	1976 and after

(2) No person shall operate upon any public road, street or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.

(3) The court in its discretion may dismiss the citation issued under subsection (1) of this section if evidence is presented that the exhaust system complies with or has been repaired or modified to comply with subsection (1) of this section.

(4) A person who violates this section commits a Class B traffic infraction.

DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED TEMPORARY RULE AMENDMENT TO

CHAPTER 340, OREGON ADMINISTRATIVE RULES

NOISE CONTROL REGULATIONS

35-030 NOISE CONTROL REGULATIONS FOR IN-USE MOTOR VEHICLES

A new OAR 35-030(4) to read as follows:

(4) Substantially Equivalent. It has been determined that the in-use road vehicle standards specified in Tables B and C are substantially equivalent to the 25 foot stationary test standards specified in 1977 Oregon Law, Chapter 273.

Attachment 2
John Hector 11/11/77