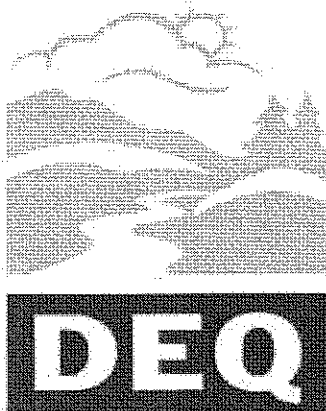


5/26/1978

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



State of Oregon
**Department of
Environmental
Quality**

This file is digitized in **black and white** using Optical Character Recognition (OCR) in a standard PDF format.

Standard PDF Creates PDF files to be printed to desktop printers or digital copiers, published on a CD, or sent to client as publishing proof. This set of options uses compression and downsampling to keep the file size down. However, it also embeds subsets of all (allowed) fonts used in the file, converts all colors to sRGB, and prints to a medium resolution. Window font subsets are not embedded by default. PDF files created with this settings file can be opened in Acrobat and Reader versions 6.0 and later.

ENVIRONMENTAL QUALITY COMMISSION MEETING

May 26, 1978

Portland City Council Chambers
1220 S. W. Fifth Avenue
Portland, Oregon

- 9:00 am A. Minutes of the March 31, 1978 and April 28, 1978 EQC meetings
- B. Monthly Activity Report for April 1978
- 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. NPDES July 1, 1977 Compliance Date - Request for approval of Stipulated Consent Orders for NPDES permittees not meeting July 1, 1977 compliance date
- E. Hazardous Waste Rules - Request for authorization to conduct a public hearing on proposed amendments to rules governing procedures for licensing hazardous waste management facilities, OAR Chapter 340, Sections 62-005 through 62-045
- 9:30 am F. Browns Island Landfill, Marion County - Request for concurrence of Commission with plans for expansion of Browns Island Landfill
- ~~G. Al Peirce Lumber Company - Request for variance to allow extension of time to install easy-let-down device until September 1, 1982~~ DELETED
- H. Proposed revision to sewerage works construction grant priority criteria
- I. Status Report - Water Quality "208" planning project
- J. City of Gold Hill - Proposed amendment to Stipulation and Final Order, WQ-SWR-77-253, Jackson County
- K. Field Burning - Consideration of adoption of revised temporary rules pertaining to agricultural burning

Because of uncertain time spans involved, the Commission reserves the right to deal with any item at any time in the meeting, except item F. 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 am) at the Portland Motor Hotel, 1414 S. W. Sixth Avenue, Portland. Lunch will be catered in Conference Room 3A on the third floor of the DEQ offices, 522 S. W. Fifth Avenue, Portland.

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

May 26, 1978

On Friday, May 26, 1978, the ninety-seventh meeting of the Oregon Environmental Quality Commission convened in the Portland City Council Chambers, 1220 S. W. Fifth Avenue, Portland, Oregon.

Present were all Commission members: Mr. Joe B. Richards, Chairman; Dr. Grace S. Phinney, Vice-Chairman; Mrs. Jacklyn Hallock; Mr. Ronald Somers; and Mr. Albert Densmore. 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, 522 S. W. Fifth Avenue, Portland, Oregon.

AGENDA ITEM A - MINUTES OF MARCH 31, 1978 AND APRIL 28, 1978 EQC MEETINGS

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and carried unanimously that the minutes of the March 31, 1978 and April 28, 1978 EQC meetings be approved.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR APRIL 1978

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the Monthly Activity Report for April 1978 be approved; and that the Commission would be reviewing the Indirect Source rule with the possibility of some proposed rule modifications or procedural modifications at the June 1978 meeting.

AGENDA ITEM C - TAX CREDIT APPLICATIONS

Mr. Jerry Butler appeared on behalf of Stayton Canning Company. He said that the application for tax relief involved 95 acres of land which the Company added to their Brooks processing facility. He said that the recommendation to deny this application was because the Company inadvertently failed to obtain prior approval to construct. He said the purpose of this land was solely to extend the present waste water facility. Mr. Butler said they did not believe they violated the intent of the law.

Commissioner Somers said he accepted what Mr. Butler said, but he did not see how the statute could be waived without an opinion from the Attorney General. Mr. Butler said he recognized that they had not fulfilled the requirement of the law, but asked that it be waived if possible.

Commissioner Densmore asked if the Commission had the ability to waive the requirements of the statutes if they were not sure whether or not approval was issued, either verbally or on a form. Chairman Richards noted that the staff report indicated that the regional engineer could not recall giving verbal approval. Mr. Robert Haskins, Department of Justice, said he was not familiar with any case which would allow the Commission to waive the requirements of the statute.

Mr. Michael Downs, Administrator of the Department's Management Services Division, said that although he could not cite any specific examples, he knew that in the past the Commission had given tax credit to facilities where they had not formally applied on the Department's forms for preliminary certification or notice of construction. This was done, he said, on the basis that staff said they had verbal conversations with the applicant and that verbal application had been made.

Mr. John Borden, Willamette Valley Region Manager for the Department, said they extensively researched whether or not there had been verbal approval from the staff to Stayton Canning Company. He said they would have approved this facility. Regarding the precedent of such approval without written application, he said, he could recall one incident and would look it up if the Commission wanted him to.

Mr. Paul Aubert appeared in regard to his application for preliminary certification for tax credit. He said that at the time he installed an orchard fan he was not aware it would be eligible for tax credit. As soon as he found out he was eligible, Mr. Aubert said, he made application. He said the fan was not completed until April 15, 1978 and he made application April 4, 1978, after construction had begun. Mr. Aubert said he felt he was due some consideration because he had been unaware of the law.

Chairman Richards said that if the language of the statute was mandatory the Commission did not have the discretion to waive that part of the statute. He told Mr. Aubert that there would be some discussion and he was not sure that final action would be taken at this meeting. He said the Commission could be in a position where they had no choice in a matter where there was neither verbal nor written application.

Commissioner Densmore suggested that the Commission consider recommending to the next Legislative Session a redraft of that particular section of the law. Commissioner Phinney said that the preliminary certification requirement of the law was as much for the protection of the consumer as the protection of the agency. Without the precertification, she said, people would install equipment which would not be satisfactory and would not be eligible for tax credit. Commissioner Densmore said his concern was with how specific that preliminary requirement should be.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney, and carried unanimously that tax credit applications T-981, T-982, T-985, T-991, T-995, T-996, T-997 and T-986 be approved, and that no action be taken on the denial of tax credit for application T-964, Stayton Canning Company, and the denial of preliminary certification request of Mr. Paul Aubert.

Chairman Richards asked that those two application on which no action was taken come up at the next meeting and an outline of the legal position and possible course of action the Commission might take be presented. Chairman Richards advised the applicants to feel free to present a memorandum on their position prior to the next meeting.

Mr. Downs requested that the Commission defer action on tax credit application T-877 and the revocation of pollution control facility certificates 106, 201, 229, 230 and 663. He said that application T-877 of Georgia-Pacific was a case where a solid waste facility should have, under the law, had a notice of intent to construct; it did not because the Solid Waste Division did not believe that a notice of intent to construct was needed. As there was some question, he said, that even if verbal approval was granted, tax credit could be given if an applicant did not meet the letter of the law, application T-877 could probably be deferred until a legal opinion could be obtained. Chairman Richards agreed.

In regard to the certificate revocations for Reynolds Metals, Mr. Downs said that Commissioner Somers asked if the correct procedures were followed for revocation and reissuance. Mr. Downs said that upon reading the statutes he felt the staff had proceeded incorrectly and requested that this matter be deferred until the next meeting.

The Commission agreed that those two matters would be deferred until the next meeting.

AGENDA ITEM F - BROWNS ISLAND LANDFILL, MARION COUNTY - REQUEST FOR CONCURRENCE OF COMMISSION WITH PLANS FOR EXPANSION OF BROWNS ISLAND LANDFILL

Mr. Gary Messer of the Department's Willamette Valley Region, presented the summation and Director's recommendation as follows from the staff report.

Director's Recommendation

The request for expansion of the Browns Island Sanitary Landfill be approved, subject to the following:

1. The permit for a sanitary landfill expansion be issued for up to a maximum of five years terminating on or before July 1, 1983; with no sanitary waste disposal being allowed at Browns Island after that date.
2. Approvable final engineering plans for proper site engineering design to ensure against flood and erosion hazards be submitted to the Department prior to construction. These plans shall also include provisions for reducing lechate production and discharge, and for improving attenuation to ensure that the beneficial use of groundwaters on Browns Island or in the Willamette River will not be threatened.

3. Prior to September 1, 1978, Marion County remove the "all weather access" road down to natural ground elevation to remove the restriction to the natural flood relief channel.

It is further recommended that Marion County be directed to submit annual progress reports starting August 1, 1978, which show progress toward replacement of Browns Island and development of a long-range solid waste management program. If at any time it is deemed by the Director that sufficient progress is not being made by the County, the Director should bring it to the immediate attention of the Commission.

In response to Commissioner Somers, Mr. Messer said the house adjacent to the landfill was existing before the landfill and the access road in question was built expressly for access to the landfill. Mr. Messer said that there was another access road to the house. Commissioner Somers said that if they wanted to continue to use the landfill they could assume the responsibility of obtaining easements for the closure of the road running in favor of the State and Marion County. Chairman Richards said either that or a hold harmless from the county.

Commissioner Somers asked if utilizing the waste going into Browns Island for heating purposes had ever been considered. Mr. Messer replied that he believed there was an unofficial movement in the Salem area proposing using up to 100 tons/day in a heat recovery, steam processing facility.

Commissioner Phinney asked if the all weather road was removed, would the site be usable in all weather. Mr. Messer replied that because the landfill was located in a flood plain area there was the potential that up to two weeks per year Marion County might have to divert their waste to Woodburn until the river subsided to allow access. Commissioner Phinney wondered if the recent institution of curb-side pick-up of recyclable wastes in Salem was part of a long-range plan to reduce wastes. Mr. Messer said that this was a program to determine the feasibility of household recycling. He said that at the present time there was only about a 3% to 4% participation; however, they hoped this project would develop into a long-term program to reduce solid waste in the area.

Mr. Robert DeArmond, Attorney representing Sanitary Service, requested that the Commission adopt the Department's recommendation and grant their application to 1983. Commissioner Somers asked if there was any problem in obtaining from all of the legal interests on the Island, easements running in favor of the State of Oregon and the County to close off the all weather access road. Mr. DeArmond replied that they did not have control over either access road. In response to Commissioner Somers, Mr. DeArmond said if they were required to obtain easements they would.

Mr. Frank McKinney, Marion County Legal Counsel, said that the access road was owned by Marion County. He said the county didn't need easements because they owned the road and the only problem was that occasionally high water closed the road. He said they could lower the road if it was needed, but they could not hold the State harmless and did not see any need for easements. In response to Commissioner Somers, Mr. McKinney said the road was deeded to the County as a road.

Mr. John Anderson, Marion County Engineer, replied to Commissioner Somers that the county had constructed a dike across the channel and he was not sure if it was deeded for road purposes only. Also in response to Commissioner Somers, Mr. Anderson said that if they discontinued use of the property as a road it would not revert back to the original property owner. Mr. Anderson said he understood that the Department was asking that the dike be removed and the county was agreeable to that.

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

Amend Director's Recommendation #3 as follows:

3. Prior to September 1, 1978, Marion County (~~remove~~) lower the "all weather access" road down to natural ground elevation over its course to remove the restriction to the natural flood relief channel.

Add a Director's Recommendation #4 as follows:

4. Prior to September 1, Marion County and the applicant obtain in a form satisfactory to the State all rights in the public to any elevation above the natural ground elevation.

PUBLIC FORUM

No one wished to appear on any subject.

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

AGENDA ITEM E - HAZARDOUS WASTE RULES - REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON PROPOSED AMENDMENTS TO RULES GOVERNING PROCEDURES FOR LICENSING HAZARDOUS WASTE MANAGEMENT FACILITIES, OAR CHAPTER 340, SECTIONS 62-005 THROUGH 62-045

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and carried unanimously that Stipulation and Final Order No. WQ-ER-78-29, DEQ v. City of Prairie City, Grant County, Oregon be approved; and that a public hearing be authorized on the matter of amending the administrative rules governing the procedures for licensing hazardous waste management facilities.

Commissioner Hallock requested that the proposed hazardous waste rules be routed through the Public Information Office of the Department for their comment.

AGENDA ITEM H - PROPOSED REVISION TO SEWERAGE WORKS CONSTRUCTION GRANT
PRIORITY CRITERIA

Mr. Tom Blankenship of the Department's Water Quality Division presented some overhead illustrations of the proposed revisions in the construction grant priority criteria. These revisions are contained in the staff report on this item.

Commissioner Phinney presented an amendment to Attachment 1, first paragraph on the second page under item IV, Priority Criteria. The amended paragraph would read as follows:

Each project will receive a Letter Code under the Project Need category and in addition each project will be assigned appropriate points from the five remaining categories. The order of priority shall be: the projects with highest priority will be those with the highest Letter Code; within each Letter Code, project priority will be determined by the total numerical points assigned. In the event of ties....

Mr. Blankenship agreed that this wording was clearer than that in his report.

Commissioner Somers asked why sewerage the area of Multnomah County presently on cesspools was not given a high priority as a large percentage of the population was affected. Mr. Blankenship said that the assignment of points was based strictly on what came out of the Water Quality Management Plan. He said that if more emphasis should be placed on a particular stream, then the Statewide Plan should reflect that.

Commissioner Densmore said he was appreciative of the work the Advisory Committee did and wondered if it would be advisable to reconvene that group from time to time if revisions to the criteria needed to be made. Director Young said that could be a possibility. Mr. Blankenship said that the criteria specifically stated it would be reviewed annually.

Ms. Claire Puchy, Department of Land Conservation and Development, commented that her Department felt the Oregon Sewage Works Construction Grant Priority Ranking System should reflect the State's comprehensive land use planning program. As an alternative to the Department's original proposal, she recommended as a minimum, points should be awarded to projects which were within urban growth boundaries established in conformance with Statewide Goal #14 on urbanization. Ms. Puchy urged that coordination continue between DEQ and the local jurisdictions in the delineation of facility planning areas so that consistency with urban growth boundaries could be assured.

Mr. Blankenship said that their analysis on the land use points just summarized what the Advisory Committee found. He said that the Department already accounted for compliance with state land use law before it authorized any project for design and construction monies. However, he said, at the present time extra points were not allotted for compliance with land use planning goals.

It was MOVED by Commissioner Somers, seconded by Commissioner Phinney and carried unanimously that the following Director's recommendation and the amendment to Attachment 1 proposed by Commissioner Phinney be adopted.

Director's Recommendation

1. That the EQC acknowledge the efforts of our Water Quality Grants Advisory Committee.
2. That the priority criteria as shown in Attachment No. 1 be adopted.
3. That the EQC authorize DEQ to hold a public hearing at the end of June 1978 concerning a draft grant priority list developed in accordance with Attachment No. 1.

AGENDA ITEM I - STATUS REPORT - WATER QUALITY "208" PLANNING PROJECT

Mr. Carlton Whitehead, Chairman of the Water Quality Policy Advisory Committee, said they realized they were in the "home stretch" in their efforts to assist in the development of an effective water quality program to be submitted in the fall to EPA. He said they were most concerned in identifying those primary or potential sources of non-point source pollution and the development of programs which would decrease pollution from that area. Mr. Whitehead said that the Forestry Agreement was a major step in their goal and another concern was the development of an agricultural program. He said that the subcommittee had worked hard on it; there was general consensus of the full committee on the conclusions; and it would be submitted to the Department in the near future. Mr. Whitehead said they were also concerned about pesticide application and the Committee wanted to look at it further.

Mr. Lester Wade, Member of the Water Quality Policy Advisory Committee, said they were concerned about the progress on public involvement and the long-range planning program. He said it was the PAC's feeling that their program had been successful and a lot of progress had been made.

Chairman Richards expressed appreciation of the PAC's work and said the Commission was grateful for the public involvement efforts the PAC had made.

AGENDA ITEM J - CITY OF GOLD HILL - PROPOSED AMENDMENT TO STIPULATION AND FINAL ORDER, WQ-SWR-77-253, JACKSON COUNTY

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

Director's Recommendation

1. Since it's the Department's opinion that the City acted in good faith in attempting to secure a site through negotiation, it is recommended that the Commission approve the City of Gold Hill's request and amend the Stipulation and Final Order to require:

<u>Compliance Item</u>	<u>Compliance Date</u>
1. Submit final engineering plans and specifications.	July 1, 1978
2. Submit complete Step III grant application.	July 15, 1978

AGENDA ITEM K - FIELD BURNING - CONSIDERATION OF ADOPTION OF REVISED TEMPORARY RULES PERTAINING TO AGRICULTURAL BURNING

Mr. Scott Freeburn of the Department's Air Quality Division, highlighted some points of the proposed rules. He said that EPA had returned to the Department the one-year control strategy indicating general acceptance but identifying four specific areas which the Department should look at more closely:

1. The tighter control of south priority acreage burning under north winds,
2. A closer look at moisture content of the fuel and how it related to possible burning,
3. The increased reliance on backfiring and striplighting, and
4. A possible reduction in total number of acres burned within a season.

Mr. Freeburn said that the City of Eugene and the Oregon Seed Council spent considerable time negotiating a possible agreement to incorporate these points in rules. He said there was insufficient time to conclude that agreement.

In regard to tighter control of south priority burning, Mr. Freeburn said the Department had accepted the last negotiated position of the two parties which would identify special priority areas much smaller than the existing priority areas that could be burned under conditions where smoke would travel toward Eugene. He said the total area involved had been reduced by about 75% and the number of acres that could be burned on a given day were reduced about 90%.

Mr. Freeburn said that the negotiations ran out of time at a point when the two parties had agreed to striplight annual ryegrass and bentgrass fields. He said that the rule had been worded such that annual ryegrass, cereal and bentgrass fields would be backfired or striplighted with the understanding that under more favorable ventilation conditions the more traditional techniques could be employed to take advantage of the greater plume rise expected from those techniques, and to minimize low-level smoke.

The last negotiated position on the moisture content of fuel, Mr. Freeburn said was that the moisture content averaged over the entire straw load on the field would be set at 15% prior to August 15 and 20% after that date. He said that if the straw moisture content exceeded those values than burning would not be allowed on that field.

In regard to the reduction in the total amount of acres burned, Mr. Freeburn said the last negotiated position the Department was aware of called for an analysis of the performance of the overall smoke management program by measuring the number of hours of smoke intrusion into the Eugene-Springfield area and comparing that to an established norm. He said if that norm were exceeded, the 180,000 acre limitation would be dropped to 150,000 acres.

Mr. Freeburn said they tried to stay close to the last negotiated positions of the Seed Council and the City of Eugene in drafting the proposed rules. He said the Department believed the major reductions in acreage burned in the south priority areas would not be representative of the conditions that had occurred in previous years.

Mr. Freeburn stated the need for emergency action and presented the following Director's Recommendation:

Director's Recommendation

1. Acknowledge as of record the consultation with and recommendations of Oregon State University and the Department and any other parties consulted pursuant to ORS 468.460(3) as revised by HB 2196.
2. Find that reasonable and economically feasible alternatives to the practice of annual open field burning have not been developed.
3. Enter a finding that failure to act promptly will result in serious prejudice to the parties involved and to the public interest for the specific reasons cited above.
4. Enter a finding that, under the Department's supervision, experimental burning:
 - a. Can in the future, in theory, reduce the adverse effects on air quality or public health from open field burning; and
 - b. Is necessary in order to obtain information on air quality, public health or the agronomic effects of an experimental form of open field burning.
5. Subject to any changes found appropriate as a result of recommendations made to the Commission or findings reached at this May 26, 1978 meeting, adopt the proposed amendments to OAR Chapter 340, Sections 26-005 through 26-030 as temporary rules to become effective immediately upon filing with the Secretary of State.
6. Instruct the Department to file promptly the adopted rules and findings with the Secretary of State as temporary rules to become effective immediately upon such filing and to remain effective for 120 days thereafter and to forward the rules and other pertinent information to the EPA as a supplement to the one-year interim control strategy submitted to EPA on April 7, 1978.

Commissioner Somers asked what the serious prejudice would be if the Commission did not take action at this meeting. Chairman Richards replied that then the maximum acreage to be burned would be 50,000 acres. Mr. Freeburn said that if action was not taken at this meeting, it would not be possible to prepare adequately for the upcoming burning season.

Mr. Tom Myles, Consulting Engineer, testified in regard to the moisture content of the fields. He said the loose straw varied between 6% and 15% moisture content with a fairly consistent average of about 10%. Stubble, he said, was consistent at 30% to 45% moisture content. He said that stubble represented roughly 50% of the straw load. Therefore, he said, if the loose straw and stubble were averaged, the moisture content would be about 20%. Mr. Myles said as a result of work done for the Field Burning Committee in 1975 and 1976, the conclusion was made that moisture content was not a valid consideration and should not be used at this time as a part of the rules. After specific emission moisture data was compiled, he said, it may then be that it should become a part of the rules.

In response to Commissioner Hallock, Mr. Myles said at the present time he did not feel that moisture content was a valid tool to prevent smoke but perhaps with further study it may be worthwhile to include it.

Ms. Janet Gillaspie, Oregon Environmental Council, said for the most part the OEC agreed with the staff report. In regard to proposed rule 26-005(6)(a), she requested that the reference to Eugene-Springfield be changed to Corvallis. Ms. Gillaspie requested the moisture control level be changed from 15% to 10% to 12%. She said they believed that moisture controls would help mitigate some of the smoke related pollutants. Ms. Gillaspie requested that should the pollutants in the Eugene-Springfield area exceed 13 hours, minimum acreage not exceed 100,000 acres.

Ms. Gillaspie also suggested that for better readability the definition of unlimited ventilation conditions in 26-015(1)(d) be moved to the definition section of the rule.

Dr. Harold Youngberg, Oregon State University, commented on the basing of the straw moisture content control on data collected on rice fields in California. He pointed out that annual crops such as rice were dead when it was time to burn them, while the perennial crops such as the Oregon grass seed crops were living when burned and it was important for them to survive from one year to the next. Because these crops are living, he said, their moisture content is higher.

Dr. Youngberg said under 26-015(4)(e)(A), bentgrass should be deleted because it could be severely injured by the use of backfiring and strip-lighting techniques. He strongly recommended that perennial grass species not be included in the rules.

Dr. Youngberg reiterated that he questioned the applicability of the data from California rice fields to Oregon grass seed fields. He said he agreed with Mr. Myles that it was difficult to measure the accuracy of straw moisture because of the variability of the moisture in the straw itself and the inaccuracy of the quick test for moisture content.

Mr. Stanton Long, City of Eugene, clarified that they were talking about a one-year condition for which a Federal limitation existed and the Commission was engaged in trying to persuade the Federal Government to relax, on a discretionary basis, its regulations.

Mr. Long said EPA stated if an agreement was made between the City of Eugene and the seed growers, which then became regulation, they might consider adopting a certain form of order so that there would be stability in the industry during the upcoming year. He said it was accurate that if the burning limitation was not 108,000 acres, Eugene might take legal action. He said it had also been suggested that if burning was not limited to at least 180,000 acres then the industry might take legal action. Mr. Long said it was clear that if no interim agreement was reached with EPA then the limitation would be 50,000 acres. He said it was also a problem that the Attorney General stated the limitation of 180,000 acres must be adhered to if at all possible.

Mr. Long said the acreage release system was an important aspect of the overall rules and regulations. The City of Eugene felt, he said, that this acreage release system was consistent with the Attorney General's opinion. If the Commission did not take action on the rules as proposed, with some modifications to be proposed by the City of Eugene, Mr. Long said the City would view that as grounds to take some sort of action.

In regard to the south priority acreages, Mr. Long said the objective from their point of view was to remove the policy or practice of permitting intrusions of smoke into Eugene. He said what the staff had proposed would accomplish burning those acres in another way, except that Section 26-005 (6)(a) would permit burning on north wind days of acres which were about three miles from Eugene. He said he did not think this type of unreasonable risk of intrusion was necessary. If Corvallis was substituted for Eugene-Springfield in this section, he said, then those acres could be burned under wind conditions that would not intrude on Eugene.

Mr. Long said that Section 26-010(2)(e) required a person who burned to have a permit at the burn site. He said that one of the problems was that burning did not always occur during the best part of the good conditions because of the time it took to obtain the permit and return to the burn site. He suggested that verbal authorization be allowed.

In regard to moisture content, Mr. Long said EPA suggested the Commission look at placing greater reliance on moisture content restrictions. He said the City of Eugene's original position with respect to moisture control was that there be a 12% moisture restriction on straw. Mr. Long said that the present 20% figure could constitute an unintentional ban on burning which was not the City's intent. Chairman Richards asked Mr. Long how he felt about a clause in the rule that it would not be enforced unless it was found that the enforcement of the rule would cause a reduction in excess of 50% of the acreage that would have otherwise been burned. Mr. Long replied that he would find such a rule to be reasonable and consistent with their purpose of attempting to solve the clean air problem with due regard to the economic impact on the industry. Mr. Long said they felt that the net improvement of the rules would not be adequate without some reliance on moisture restriction.

Mr. Long said their proposal was for backfiring and striplighting of annuals and one type of perennial. He said they did not urge these burning techniques where they would cause unnecessary risk to perennials. He asked that experiments be made using those techniques on perennials to see if the perceived risks were real.

In regard to the acreage release system, Mr. Long said the figure of 150,000 acres was arrived at by their calculation of the net reduction in particulate emissions from other control techniques which produced the equivalent of a properly regulated 50,000 acre burn. Also, he said they had enough confidence that this system would work well enough to justify the additional release of acreage. Mr. Long said he had no way of knowing if the Department's proposal of establishing a further acreage limitation not to exceed 15,000 acres if by August 15, 1978 the total acreage burned exceeded 120,000 acres, was acceptable to his client. He said what was acceptable was 150,000 acres plus 50,000 acres if there was an improvement. He said that Section 26-013 (1)(a)(B) as modified by Mr. Freeburn, might be acceptable.

Mr. Long said it was his judgement that there would be sufficient improvement in the quality of air in Eugene to justify the release of the additional 30,000 acres, provided the Department did not take the position that the moisture content of the fuel made no difference. He said he was confident that if the Commission provided a reasonable rule the improvement would be sufficient to release additional acres and all the objectives of the participants would be satisfied. This would mean, he said, that the amount of acreage authorized by the Legislature would be burned, that the air quality in Eugene would have improved, and that some progress would have been made as required by Federal Law and policy with respect to improving the air quality. Mr. Long requested the Commission look again at the City's original proposal for 12% moisture content of straw. Also, he said, if the Commission chose not to deal with the moisture control regulation and authorized an additional 15,000 acres to be burned when the conditions were bad, then the 150,000 acre limit should be lowered by 15,000 acres to 135,000 acres.

Mr. Long expressed concern that the rules were being made from the standpoint of how to permit burning instead of how to clean up the air. He said he was satisfied that EPA would look at the rule from the standpoint of achieving compliance with Federal Law and policy.

Mr. Long said they were substantially encouraged and confident that reasonable suggestions had been incorporated into the proposed rule.

Mr. Dave Nelson, Oregon Seed Council, said during the past few weeks they met with representatives of the City and came close to a reconciliation of their differences of opinion. He urged the Commission to keep in mind that the proposed rules were made with an almost total absence of data gathered in Oregon using grass seed straw under meteorological conditions that exist in the State.

The moisture content rule, Mr. Nelson said, should be looked at in light of the effect on total particulate emissions. He said he believed there was no intent on the part of the City of Eugene to preclude burning by establishing an arbitrary rule on moisture. Mr. Nelson said it was their position that the rule ought to be designed based on hard evidence that moisture content has a significant bearing on the amount of particulate emitted during an individual season, and that it does not arbitrarily preclude burning a large number of acres. He said they do not know the variation in moisture of bent-grass straw, annual rye grass straw or the other types of straws that are burned in the Valley. Applying a moisture rule which could accidentally preclude acreage being burned because of the variation in straw moisture loading, Mr. Nelson said, was not good rule making and could cause problems in accomplishing any burning, even under good conditions.

In response to Commissioner Somers, Mr. Nelson said that the purpose of burning was for sanitation. Commissioner Somers said it would be reasonable for the Commission to require that no straw be burned, but that it be transported off the field. Thus, Commissioner Somers said, the field could still be sanitized but the pollution would be reduced. Mr. Nelson replied that the Field Sanitation Committee had been trying to devise a method of doing that since 1971 and had yet to come up with a system of sanitizing the field using that approach. Mr. Nelson said the field would not burn without the straw.

Mr. Nelson said they concurred that Eugene-Springfield in Section 26-005 (6)(a) was probably an error and should read Corvallis.

Mr. Nelson said they supported the 180,000 acre limitation. In regard to the tighter control on south priority burning, he said they supported restructuring the south priority area. The requirement for a broader application of backfiring or striplighting techniques and the application of the moisture rule, he said, proposed great promise and perhaps use could be made in future years of both striplighting and backfiring techniques and a moisture regulation of some kind. What concerned them, he said, was the transfer of the California rice straw data in the moisture rule itself. He said they found this to be completely prohibitive of burning. Mr. Nelson said this same problem existed with the transfer of data connected with backfiring and into-the-wind striplighting. He said they asked several years ago that research be done on better means of field ignition and better means of smoke management, and the Field Sanitation Committee rejected their request. He said they favored incorporating into the upcoming summer's burning program, extensive experimentation and evaluation of backfiring, striplighting, and extensive testing of emission levels of various straws on various days at various stages of maturity.

Mr. Nelson said they agreed with Mr. Long that the good burning period during the day might be missed because of the grower having to obtain a permit and return to the burn site. Therefore, he said, they supported Mr. Long's suggestion that authorization to burn could be given over the telephone. He said the purpose of this was to somehow provide for the commencement of burning when the hour arrived, and not only after the permit was in hand.

In regard to the acreage limitation section, Mr. Nelson said the number of acres was argued thoroughly during the 1977 Legislative Session and the Legislature picked 180,000 acres as the limit. Changing this Legislative number, he said was beyond the purview of the Commission; had been addressed by the Attorney General; and had not been rejected by EPA. Mr. Nelson said their position was that the amount of acreage ought to be contingent on a day-to-day basis to the conditions that were present on that day. What was ultimately burned, he said, ought to be the sum of those individual daily decisions made throughout the burning season. Mr. Nelson said it was their position that the Commission should submit 180,000 acres in the resubmission of items to EPA.

Mr. Nelson said Section 26-015(1)(d) about an unlimited ventilation condition was a new concept included since EPA requested resubmittal. During discussions with the City, he said a specific ventilation index number was not agreed on. He said the Seed Council totally disagreed with the mixing depth of 5000 feet which was also added to this requirement. They felt, he said, that those two combined conditions occurred very infrequently. He suggested alternative language for Section 26-015(1)(d) as follows: "A ventilation index of 32.5 or greater, or a mixing height of 5000 feet."

Mr. Nelson said they had identified 5000 acres in the south priority area that could be burned. He said the daily quota had been set at only 250 acres which could mean burning those acres over a 20-day period. He suggested that this daily quota be increased to 500 acres, and every effort be made to burn those acres under conditions other than north winds. This way, those acres could be burned as quickly as possible.

In regard to the Silverton Hills area in East Marion County, Mr. Nelson said they were being asked for zero emissions on days that were upwind of the City of Eugene. He said they did not ask for authority to blow smoke into Eugene. He said this should be looked at as to what was a good regulation.

Mr. Nelson said their intent was in the whole discussion of south priority acreages to reduce smoke in that area and to be able to conduct burning so that it was not upwind of the Eugene area to the maximum extent possible. However, he said they were concerned that the Department's Smoke Manager had sufficient authority and flexibility to alter the rules in case they were impacting someone the rule makers were not aware of.

In regard to the backfire and striplighting requirement for bentgrass, Mr. Nelson said he received information from growers indicating they could backfire or striplight bentgrass. However, he said, Dr. Youngberg of OSU said that could be damaging to the crop. If there was this type of problem, Mr. Nelson asked that those techniques be optional for bentgrass growers. Mr. Nelson said they saw safety hazards for backfiring and striplighting techniques because of the topography of the area and the potential that the fire could spread into wooded areas. Because bentgrass growers harvest the end of August, he said, they must compress their burning time into three or four weeks in September. Mr. Nelson suggested that the quotas be significantly increased so that during that condensed period of time the grower in the Silberton Hills area could burn a maximum amount of acreage and get it out of the way.

In conclusion, Mr. Nelson said, they thought the implementation of the various techniques may be good; however, there was a certain amount of lead time required for a grower to gear up to handle that implementation adequately. He said they would prefer the Commission consider extensive experimentation in the Valley on the proposed burning techniques and then gear up to implement them in 1979 if they were successful.

In response to Commissioner Somers, Mr. Nelson said they had tried for 30 days to resolve with the City of Eugene some basic questions involved in EPA's request. However, he said, they had been unable to reach an agreement.

Commissioner Hallock said that the Commission needed to make a decision at this meeting and they should deal with what they could realistically amend in the proposed rules.

Chairman Richards asked Mr. Freeburn to comment on the City of Eugene's statement that unless the moisture content of straw was reduced from 15% to 12%, in effect there would be no limitation. Mr. Freeburn replied he had heard the same conflicting testimony the Commission had, and there was Oregon data collected from various years which indicated the loose straw moisture content level was below 12% a significant amount of the time. He said he chose what he felt would be an average moisture content and assumed that it would have some restrictive effects on burning. Commissioner Phinney asked if the Department expected to have any more definitive information on the significance of moisture content either at the end of the upcoming burning season or at the beginning of the next. Mr. Freeburn replied that he believed they would, due to the studies proposed for the summer. He said the primary purpose of the proposed study was to address the effect of backfiring and striplighting; however, the moisture content was of equal importance.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney, and carried unanimously that proposed rule 26-013(1)(b)(B) be amended to read:

- (B) The Commission may establish a further acreage limitation not to exceed 15,000 acres above the 150,000 acre limitation...

Commissioner Somers said that serious prejudice would result to the Seed Growers and the City of Eugene if the regulations were not adopted at this meeting and the rules could not have been adopted before because of conflicting Attorney General opinions and rejections of earlier proposed rules by EPA. Therefore, he said, some action needed to be taken at this meeting because of the mandate to have a program which could be implemented during the upcoming season.

Commissioner Somers MOVED that Attachment 1 to the staff report, Subdivision 6 of OAR Chapter 340 be adopted with the following amendments:

- 26-005(6)(a) The words "Eugene-Springfield" be deleted and replaced with "Corvallis"
- 26-010(2)(e) After "...at the burn site" add "or be able to readily demonstrate authority to burn..."
- 26-010(3)(c) Add "After August 15, 1978" before "No field shall be burned...", and change "15%" to "12%".
- 26-013(1)(b)(B) After "...acreage limitation" add "not to exceed 15,000 acres...", as previously adopted by the Commission
- 26-010(3)(c) After the first sentence ending in "conditions exist." add "Unless the Department shall find that this moisture content rule enforcement has caused or is likely to cause a reduction in excess of 50% of the acreage that would have otherwise been burned in compliance with the remaining rules, in which event this moisture content rule shall not be enforced."
- 26-015(4)(e)(A) After "...cereal crops, and" add "if so directed by the Department..."

Commissioner Somers included as Exhibit A in his motion "Findings Regarding Emergency" submitted by Mr. Robert Haskins, Department of Justice. These "Findings" are attached to and made a part of these minutes.

The motion was seconded by Commissioner Hallock and carried unanimously.

Mr. Haskins said it was his understanding the rules which had been adopted would be submitted to EPA for their action. Chairman Richards asked what the action of the Commission would be if EPA were to reject the proposed rules.

Commissioner Somers said that if for any reason the rules were rejected by EPA, a special meeting would be held to further consider the rules. He said the rules were subject to the non-rejection by EPA.

Chairman Richards said that he did work for the Eugene Renewal Agency which was separate from the City of Eugene and asked if any Commission member considered that a conflict of interest. The Commission members had no comment.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Carol A. Splettstaszer
Recording Secretary

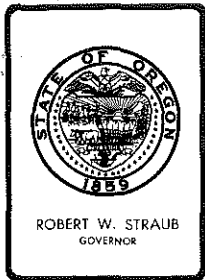
Field Burning Regulations
OAR Chapter 340, Sections 26-005 through 26-030

FINDINGS RE EMERGENCY

Failure to act promptly would result in serious prejudice to the public interest and to the interest of the parties for the specific reasons that:

1. _____ acres registered to be burned in 1978;
2. The approved State Implementation Plan presently allows only 50,000 acres to be burned;
3. In October 1977 Oregon submitted a proposal to the Environmental Protection Agency to revise the State Implementation Plan to allow 180,000 acres to be burned in 1978;
4. By letter dated January 27, 1978, Donald Dubois, Regional Administrator of Region X, Environmental Protection Agency (document #10 in list of documents on page 2 of staff report) returned Oregon's proposed State Implementation Plan revision and suggested that Oregon submit another State Implementation Plan revision proposal, or a one year interim control strategy (ICS);
5. There was not sufficient time to develop the necessary data and submit a State Implementation Plan revision in sufficient time for action to be taken thereon by the Environmental Protection Agency before the 1978 burning season;
6. In April 1978 Oregon submitted a proposed ICS to the Environmental Protection Agency for their approval;
7. By letter dated April 26, 1978 (document #16) Mr. Dubois refused to approve the ICS as constituting the undertaking of "all reasonable measures" until the Environmental Quality Commission has considered the additional measures of the types set forth in the proposed rule amendments;
8. Agreement of the principal parties (Department of Environmental Quality, Seed Council and City of Eugene) to the provisions of a revised ICS has been sought and good faith negotiations have been conducted since receipt of the April 26, 1978 Dubois letter;
9. Complete agreement by the principal parties has not yet been reached;
10. ORS 468.475(7) requires that the 1978 field burning rules be adopted on or prior to June 1, 1978;
11. Existing Oregon statutes and Environmental Quality Commission rules are inconsistent with the Federal Clean Air Act;

12. There has not been sufficient time since receipt of the April 26, 1978 Dubois letter to provide full Administrative Procedures Act notice of this hearing in this matter;
13. To limit burning to 50,000 acres in 1978 would cause serious adverse economic consequences to the grass seed industry in general and to the individual farmers in particular.



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item B, May 26, 1978, EQC Meeting

April Program Activity Report

Discussion

Attached is the April Program Activity Report.

ORS 468.325 provides for Commission approval or disapproval of plans and specifications for construction of air contamination sources.

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.

OAR 340-62-020 provides for Commission approval prior to disposal of environmentally hazardous wastes in Oregon, which are generated outside of the State.

The purposes of this report are:

- 1) To provide information to the Commission regarding the status of reported program activities and an historical record of project plan and permit actions;
- 2) To obtain confirming approval from the Commission on actions taken by the Department relative to air contamination source plans and specifications;
- 3) To obtain Commission approval for disposal of specific environmentally hazardous wastes at Arlington, Oregon, which were generated outside of Oregon; and
- 4) To provide a log on the status of DEQ contested cases.

Recommendation

It is the Director's recommendation that the Commission take notice of the reported program activities and contested cases, give confirming approval to the air contamination source plans and specifications listed on page 2 of the report, and approve for disposal the environmentally hazardous wastes listed on page 20 of the report.

WILLIAM H. YOUNG

M. Downs:ahc
229-6485
05-18-78



contains
recycled
materials

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

TABLE OF CONTENTS

April, 1978

Page

Air Quality Division

33 . . .	Plan Actions Completed - Summary	1
	Plan Actions Completed - Listing	2
43 . . .	Plan Actions Pending - Summary	1
26 . . .	Permit Actions Completed - Summary	5
	Permit Actions Completed - Listing	6
154 . . .	Permit Actions Pending - Summary	5

Water Quality Division

127 . . .	Plan Actions Completed - Summary	1
	Plan Actions Completed - Listing	8
74 . . .	Plan Actions Pending - Summary	1
11 . . .	Permit Actions Completed - Summary	14
	Permit Actions Completed - Listing	15
142 . . .	Permit Actions Pending - Summary	14

Solid Waste Management Division

4 . . .	Plan Actions Completed - Summary	1
	Plan Actions Completed - Listing	15
21 . . .	Plan Actions Pending - Summary	1
21 . . .	Permit Actions Completed - Summary	17
	Permit Actions Completed - Listing	18
56 . . .	Permit Actions Pending - Summary	17
	Hazardous Waste Disposal Authorization Requests . .	20

Hearings Section

DEQ Contested Case Log	22
----------------------------------	----

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air, Water, and
Solid Wastes Divisions

April, 1978

(Reporting Unit)

(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	
<u>Air</u>							
Direct Sources	18	179	33	164		1	43
Total	18	179	33	164		1	43
<u>Water</u>							
Municipal	123	1,161	118	1,215			65
Industrial	5	95	9	87			9
Total	128	1,256	127	1,302			74
<u>Solid Waste</u>							
General Refuse	1	35	2	25			12
Demolition		5		2			3
Industrial	1	20	2	17			6
Sludge		5		5			
Total	2	65	4	49			21
<u>Hazardous Wastes</u>						1	
<u>GRAND TOTAL</u>	148	1,500	164	1,515		1	138

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division

April 1978

(Reporting Unit)

(Month and Year)

PLAN ACTIONS COMPLETED (33)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (33)</u>			
Linn (NC979)	Teledyne Wah Chang Albany Relocation and modification of HfO ₂ mfg.	3/15/78	Approved
Linn (NC1031)	Albany Planing Mill, Inc. New millwork shop	3/14/78	Approved
Lane (NC1053)	Kingsford Secondary cyclone system	4-77	Approved (Tax Credit Only)
Linn (NC1060)	Teledyne Wah Chang Albany 15,000 CFM Pure Chlorination scrubber	4/4/78	Approved
Deschutes (NC1065)	North Pacific Products Hog fuel boiler	3/22/78	Approved
Klamath (NC1071)	Columbia Plywood Co. Convert veneer dryer to wood fired	4-78	Approved
Linn (NC1077)	Teledyne Wah Chang Albany Modification to 12,000 cfm sand scrubber	4/3/78	Approved
Lane (NC1080)	Willamette Industries Veneer dryer with sand filler	4/3/78	Approved (Tax Credit Only)
Lincoln (NC1090)	Georgia Pacific, Toledo Hog fuel cell and veneer dryer	4/4/78	Approved
Columbia (NC1091)	Multnomah Plywood Gas veneer dryer with afterburner	3/29/78	Approved
Lane (NC1093)	Monsanto Co. Incinerate off gas	3/31/78	Approved (Tax Credit Only)
Jackson (NC1095)	Melrose Orchards Four (4) orchard fans	4-78	Approved (Tax Credit Only)
Jackson (NC1096)	Medford Pear Corp. Six (6) orchard fans	4-78	Approved (Tax Credit Only)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division

April 1978

(Reporting Unit)

(Month and Year)

PLAN ACTIONS COMPLETED (33, cont'd)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (cont.)</u>			
Deschutes (NC1097)	Sisters Shake Co. Sawdust cyclone	3/30/78	Approved
Deschutes (NC1100)	Bend Willamette New infeed to paintline	3/31/78	Approved
Linn (NC1112)	North Santiam Plywood Co. Scrubber for veneer dryer	4/26/78	Approved
Deschutes (NC1116)	Central Oregon Pavers Asphalt plant	4/4/78	Approved
Linn (NC1118)	Western Kraft Expand noncondensable collection system	3/23/78	Approved
Jackson (NC1119)	Down River Forest Products System #3 baghouse	4/11/78	Approved
Portable (NC1120)	Quality Asphalt Paving Drum mix plant	4/17/78	Approved
Linn (NC1121)	Teledyne Wah Chang Albany Burn Zr sponge to oxide	3/28/78	Approved
Portable (NC1122)	L. W. Vail, Co., Inc. Cedarapids asphalt plant	4/4/78	Approved
Coos (NC1125)	Coos Head Timber Co. Burley scrubber on veneer dryer	4-78	Approved
Jackson (NC1126)	Medford Corp. Veneer dryer	4-78	Approved
Hood River (NC1127)	Thomsen Orchard One orchard fan	4/18/78	Approved (Tax Credit Only)
Deschutes (NC1128)	Bend Millwork Co., Inc. Baghouse exhausting inside building	4-78	Approved
Lane (NC1131)	Georgia-Pacific, Eugene Replace veneer cyclones with stainless	4/20/78	Approved (Tax Credit Only)

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

April 1978
(Month and Year)

PLAN ACTIONS COMPLETED (33, cont'd)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (cont.)</u>			
Marion (NC1133)	Willamette University Steam generating incinerator	3/28/78	Approved
Hood River (NC1134)	Roy Webster One orchard fan	4/17/78	Approved (Tax Credit Only)
Jackson (NC1136)	Hillcrest Orchard Sprinkler water holding pond	4/17/78	Approved (Tax Credit Only)
Malheur (NC1137)	Ontario Asphalt Paving Boeing drum mix plant	4/17/78	Approved
Baker (NC1138)	Ellingson Lumber Co. Elcoboard mfg. plant	4/20/78	NC Approved, Tax credit delayed
Linn (NC1142)	Teledyne Wah Chang Smokehouse with packed tower	4/17/78	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division

April 1978

(Reporting Unit)

(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources under Permits	Sources Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
<u>Direct Sources</u>							
New	5	47	6	28	22		
Existing	14	94	6	55	35		
Renewals	31	101	3	51	48		
Modifications	9	859	9	843	27		
Total	59	1,101	24	977	132	1,797	1,854
<u>Indirect Sources</u>							
New	5	26	1	19	5		
Existing					15		
Renewals							
Modifications	2	7	1	5	2		
Total	7	33	2	24	22	72	
<u>GRAND TOTALS</u>	66	1,134	26	1,001	154	1,869	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

April 1978
(Month and Year)

PERMIT ACTIONS COMPLETED (26)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (24)</u>			
Benton	Leading Plywood 02-2479, Modification	3/27/78	Addendum issued
Crook	Juniper Products 07-0017, Existing	3/30/78	Permit issued
Deschutes	Willamette Industries 09-0002, Modification	3/29/78	Addendum issued
Deschutes	North Pacific Products 09-0051, Modification	3/22/78	Permit issued
Deschutes	Sageland Manufacturing 09-0062, Existing	3/30/78	Permit issued
Jackson	Bristol Silica & Limestone 15-0100, New	3/30/78	Permit issued
Jackson	Shady Coves Landscape Maint. 15-0101, New	4/7/78	Permit issued
Jackson	Medford Ready Mix Concrete 15-0103, Existing	3/30/78	Permit issued
Linn	Berger & Plate Co. 22-2502, Modification	3/30/78	Permit issued
Linn	Willamette Industries 22-3010, Modification	3/23/78	Addendum issued
Linn	Willamette Industries 22-5208, Renewal	3/29/78	Permit issued
Linn	Boise Cascade 22-7008, Modification	3/23/78	Addendum issued
Malheur	Skaggs Co. 23-0025, Existing	3/30/78	Permit issued
Morrow	Kinzua Corp. 25-0005, Modification	3/27/78	Addendum issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

April 1978
(Month and Year)

PERMIT ACTIONS COMPLETED (26, cont'd)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources</u> (cont.)			
Multnomah	Shell Oil Co. 26-2028, Modification	3/30/78	Permit issued
Multnomah	Linton Plywood 26-2073, Modification	3/27/78	Addendum issued
Multnomah	Anodizing Inc. 26-2988, Existing	3/30/78	Permit issued
Polk	And-Rich Shingle 27-4079, New	3/30/78	Permit issued
Washington	Catlin Gable Schools 34-2649, New	3/30/78	Permit issued
<u>Portable Plants</u>			
Portable	Deschutes Ready Mix 37-0026, Renewal	3/30/78	Permit issued
Portable	C. H. Stinson 37-0047, Renewal	3/29/78	Permit issued
Portable	Central Pre-Mix Concrete 37-0187, New	3/30/78	Permit issued
Portable	M. C. Lininger & Sons 37-0191, Existing	3/30/78	Permit issued
Portable	L. W. Vail 37-0192, New	3/30/78	Permit issued
<u>Indirect Sources</u> (2)			
Marion	Lipman-Penny's Site (Modified) 540 spaces File No. 24-7023	3/31/78	Final permit issued
Multnomah	East Hill Church 540 spaces File No. 26-8003	4/24/78	Final permit issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

April, 1978

PLAN ACTIONS COMPLETED (127)

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Time to Complete Action
			Action	Action	
	<u>Municipal Sources - 120</u>				
16 WINSTON	PARKWAY SUBD	J031078	030478	PROV APP	03
17 CAVE JCT	CAVE JCT PLANT EXPANSION	V030278	031678	PROV APP	14
20 VENETA	SANITATION SYSTEM L KNIGHT	J032778	040178	PROV APP	04
29 PACIFIC CITY	CHANGE NO 1 INTERCEPTOR SYS	B032478	040378	APPROVED	10
29 PACIFIC CITY	CHANGE NO 1 COLLECT SYSTEM	B032478	040378	APPROVED	10
29 PACIFIC CITY	CHANGE ORDER NO 1	V032478	040378	APPROVED	10
PIXIELAND	TAMARA QUAYS ADD PROPOSAL	T032978	040478	CMMT LTR	06
10 YONCALLA	TIMBER SUBDIVISION	J031078	040578	PROV APP	26
36 NEWBERG	NORTHWEST NEWBERG INTERCEPT	J031478	040778	PROV APP	23
LAKE OSWEGO	SHER PROPERTY	J032778	040778	PROV APP	10
21 LINCOLN CITY	FORESTVIEW SUBD	J032778	040778	PROV APP	10
23 ONTARIO	SW 11TH AVF	J032978	040778	PROV APP	09
24 STAYTON	WESTOWN PARK NO 8	J032978	040878	PROV APP	10
3 COOS #1	HI-DELL	J032278	041078	PROV APP	19
2 CORVALLIS	SOLAR SUBD	K032978	041078	PROV APP	12
21 TWIN ROCKS SD	GREB DEVELOPMENT	K032978	041078	PROV APP	12
20 EUGENE	LAWRENCE & LINCOLN ST	K032978	041078	PROV APP	12
20 SPRINGFIELD	17TH & S ST	K033078	041078	PROV APP	11
7 PRINEVILLE	TYLERS SUBD	J032478	041078	PROV APP	17
3 CLACKAMAS CO	SAUTERS BERRY FARM	J032278	041078	PROV APP	19
34 USA	FARMINGTON WEST NO 4 EXT 696	J032878	041078	PROV APP	13
24 SALEM	TRAGEN SUBD	J032778	041078	PROV APP	13
3 CLACKAMAS CO	TUSCANY PLACE	J032878	041078	PROV APP	13
24 SALEM	JAW RAE GARDENS NO 10	J032978	041078	PROV APP	12
24 SALEM	CUMMINS ADDITION	J033078	041078	PROV APP	34
26 TROUTDALE	TROUTDALE EXPAN PHASE 1	V021778	041078	LETTER	52
9 BEND	SUBSYSTEMS F4 & F5	V040378	041078	PROV APP	07

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

April, 1978

PLAN ACTIONS COMPLETED (127, cont'd)

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Action	Time to Complete Action
			Action	Action		
6	COOS BAY SANFORD AVENUE	J040478	041078	PROV	APP	06
3	COOS HI DELL MILWAUKIE	J040578	041078	PROV	APP	05
34	USA SHERWOOD MAHMOLE CONSTRUCTION SSES	J033078	041178	APPROVED		12
26	PORTLAND N PHILADELPHIA	K032778	041178	PROV	APP	15
31	LA GRANDE HIGHLAND HILLS ADD	K032878	041178	PROV	APP	14
3	OREGON CITY FIELDS ADDITION	K032778	041178	PROV	APP	15
15	MEDFORD N HILLCREST RD & W HIGHCREST	K032978	041178	PROV	APP	13
36	NEWBERG SAN SEWER INTERCEPTOR	J032778	041178	PROV	APP	14
3	SANDY RLIFF HEIGHTS SUBD	J033078	041178	PROV	APP	35
20	SPRINGFIELD EDEN EAST	K033178	041278	PROV	APP	12
34	USA-ROCK CR BROOKHAVEN III 695	K032278	041278	PROV	APP	21
34	TUALATIN DAKOTA HILLS	J033078	041278	PROV	APP	13
10	GLIDE GLIDE-INDLELD PRESS SS B	V020378	041278	PROV	APP	69
26	MULT CO FASTCLIFF	H040778	041378	PROV	APP	06
13	BURNS TILLERS MARKET	K040378	041378	PROV	APP	10
20	EUGENE FL-MARY SUBD	K032478	041778	PROV	APP	24
27	MONMOUTH SOUTHGATE ADDITION #2	K032478	041778	PROV	APP	24
26	MULT CO SEPTEMBER HILLS SW	J040778	041878	PROV	APP	11
8	BROOKINGS HIGHLANDS SUBD	032878	041878	PROV	APP	21
24	AUMSVILLE AUMSVILLE ADDS & MODIFS	V020778	041878	PROV	APP	69
4	ASTORIA WEST MCCLURE AVF	K040678	041978	PROV	APP	13
27	INDEPENDENCE ASHBROOK ADDITION	K032978	041978	PROV	APP	21
22	ALBANY EAST CENTRAL SAN SEWER PH	IVK032478	041978	PROV	APP	26
3	WILSONVILLE PUMP STATION	J040378	041978	PROV	APP	16
34	FOREST GROVE TAMARACK SUBD	J040478	041978	PROV	APP	15
3	LAKE OSWEGO TITIAN PARK	J040478	041978	PROV	APP	15
5	ST HELENS GABLE ROAD	J040778	042078	PROV	APP	13

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

April, 1978

PLAN ACTIONS COMPLETED (127, cont'd)

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Time to Complete Action
			Action	Action	
5	ST HELENS AUBUCHON DRIVE	J040778	042078	PROV APP	13
20	EUGENE JUDKINS HEIGHTS SURD	K040378	042078	PROV APP	17
24	SALEM CHARLIE BROWN ESTATES	K040378	042078	PROV APP	17
34	USA SUMMERFIELD TT	J040778	042178	PROV APP	14
15	ROGUE RIVER VALLEY VIEW DR	J041078	042178	PROV APP	11
34	TUALATIN PIPERS RUN	J041178	042178	PROV APP	10
24	SALEM AUTOBAHN ACRES	J041178	042178	PROV APP	10
20	SPRINGFIELD WARDELL ACRES 1ST & 2ND ADD	K040378	042178	PROV APP	18
10	TRI CITY SD CAMFLOT PLACE SURD	K040378	042178	PROV APP	18
24	SALEM TRFSTLETREE ESTATES KEIZER	J040378	042178	PROV APP	18
6	COOS BAY EMPIRE DISTRICT LAKESHORE TEJ	J040478	042178	PROV APP	18
24	WOODBURN WOODBURN VILLAGE II	K040478	042178	PROV APP	17
34	HILLSBORO WINTER BRIDGE TOWNHOUSE	K040678	042178	PROV APP	15
20	VENETA DUNHAM AVENUE	J040678	042178	PROV APP	15
3	CCSD NO 1 TANYA PARK	J040678	042178	PROV APP	15
8	BROOKINGS HEATHER LANE SUBD REVISION	J041078	042478	PROV APP	14
34	PORTLAND SW FLOWER CT & E OF SW 48TH	K041178	042478	PROV APP	13
20	SPRINGFIELD MINOR PARTITION 662	K04117800	042478	PROV APP	13
26	GRFSHAM FILBERT HILL	J041278	042478	PROV APP	12
26	PORTLAND SE 30 BET SE LONG & SCHILLER	K042078	042478	PROV APP	04
9	PEND VAHALLA HEIGHTS	K040378	042478	PROV APP	21
3	LAKE OSWEGO WESTRIDGE ESTATES	J040478	042478	PROV APP	20
11	ARLINGTON FROST ADDITION	K040578	042478	PROV APP	19
34	ROCK CREEK CHANGE NO 6	V040778	042578	APPROVED	18
29	TWIN ROCKS SD CHANGE ORDER A-1	V041078	042578	APPROVED	15
15	PCUSA SUNSET AVENUE	J041478	042578	PROV APP	11
2	CORVALLIS CHANGE ORDER 72	V041478	042578	APPROVED	11

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

April, 1978

PLAN ACTIONS COMPLETED (127, cont'd)

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of Action	Action	Time to Complete Action
10 SUTHERLYN	CHANGE ORDER NO 1	V041878	042578	APPROVED	07
9 BEND	THE HERITAGE SUBD	K032778	042578	PROV APP	29
29 NETARTS	NETART OCEANSIDE CH. 1-7	V030278	042578	APPROVED	54
30 UKIAH	UKIAH SEWERAGE CH 2	V030878	042578	APPROVED	48
18 BONANZA	BONANZA EPA PROJ CH 9 & 10	V031478	042578	APPROVED	43
29 NETARTS-OCEAN	CONT MOD #4	V032378	042578	APPROVED	33
31 COVE	CH ORDER B-4	V032478	042578	APPROVED	32
25 BOARDMAN	ADDENDA NOS 1 AND 2	V032778	042578	APPROVED	29
22 LFRANON	CHANGE ORDER NO 1	V032978	042578	APPROVED	27
24 SALEM	LAKWOOD ESTATES	V033078	042578	APPROVED	25
31 COVE	CHANGE NO B2	V040378	042578	APPROVED	22
2 CORVALLIS	CHANGE 97 & 34	V040578	042578	APPROVED	20
24 JEFFERSON	JEFFERSON SCH A & B	V021678	042578	PROV APP	69
10 TRT CITY SD	ARROW WAY EXTENSION	K041278	042678	PROV APP	14
3 CCSD #1	TANYA PARK	J041278	042678	PROV APP	14
10 TRI CITY SD	JONEE ST EXTENSION	K041278	042678	PROV APP	14
26 TROUTDALE	WOODALE	K041378	042678	PROV APP	13
34 USA-ROCK CR	NORMANVALE SUBD 699	K041778	042678	PROV APP	09
24 GERVAIS	SIXTH STREET EXTENSION	K041978	042678	PROV APP	07
9 BEND	MATSON PARK	K040478	042678	PROV APP	22
17 HARBECK SD	WILLIAMS HWY-ALMENA FARRIS	K041078	042778	PROV APP	17
17 HARBECK SD	GROVES-DELAY WILLIAMS HWY	K041078	042778	PROV APP	17
17 HARBECK SD	BROADBENT WILLIAMS HWY	K041078	042778	PROV APP	17
26 GRESHAM	KOKKO ESTATES	K041178	042778	PROV APP	16
24 SALFM	GLF-NOR SUBD	J041378	042778	PROV APP	14
26 GRESHAM	RANDALL'S HOLLYBROOK UNIT 2	J041378	042778	PROV APP	14
24 FAST SALFM	ROLLIE PARK SUBD	K041778	042778	PROV APP	10

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

April, 1978

PLAN ACTIONS COMPLETED (127, cont'd)

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Time to Complete Action
			Action	Action	
26	Portland SE 84 & SE Francis	K041778	042778	Prov App	10
20	Veneta Oak Island	K041778	042778	Prov App	10
34	USA-SHERWOOD SHERWOOD PLAZA	K041878	042778	PROV APP	09
34	USA MCCOY ESTATES TIGARD	K041978	042778	PROV APP	08
24	SALEM VILLAGE EAST PARK	K041978	042778	PROV APP	08
34	USA MILLSVIEW HEIGHTS	K042078	042778	PROV APP	07
17	FRUITDALE SD WILLIAMS HWY SEWER E ZWAN	K042478	042778	PROV APP	03
17	FRUITDALE SD CLOVERLAWN DR	K042478	042778	PROV APP	03
17	FRUITDALE SD WILLIAMS HWY SEWER R JONES	K042478	042778	PROV APP	03
29	NEPARTS 06 SD KILGORE EXT	J042578	042778	PROV APP	02
20	JUNCTION CTY TEQUENDAMA SUBD	K041878	042878	PROV APP	10
31	LA GRANDE OLIVER INN MOTEL	K042478	042878	PROV APP	04

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

April 1978
(Month and Year)

PLAN ACTIONS COMPLETED (127, cont'd)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL WASTE SOURCES (10)</u>			
Marion	Boise Cascade - Salem Ammonia Control Equipment	4-12-78	Approved
Clackamas	Crown Zellerbach - West Linn Ash Handling Water	4-14-78	Approved
Clackamas	Crown Zellerbach - West Linn Clarifier	4-14-78	Approved
Clackamas	Crown Zellerbach - West Linn Cinder Handling Water	4-17-78	Approved
Polk	Chiappisi Hog Farm - Philomath Hog Waste Disposal	4-17-78	Approved
Washington	Tektronix - Beaverton Cyanide Destruct - Ozone System	4-19-78	Approved
Marion	Stayton Canning - Brooks Spillway for Aeration Stabilization Basin	4-20-78	Approved
Marion	Stayton Canning - Stayton Irrigation Main Line and Laterals	4-25-78	Approved
Marion	Mallories Dairy - Silverton Manure Disposal	4-26-78	Approved
Marion	Boise Cascade - Salem Outfall Reconstruction	4-28-78	Withdrawn

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

April 1978
(Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received				Permit Actions Completed				Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits			
	Month		Fis.Yr.		Month		Fis.Yr.							
	* **	* **	* **	* **	* **	* **	* **	* **						
<u>Municipal</u>														
New	0	0	1	3	0	0	3	5	1	1				
Existing	0	0	0	2	0	0	0	4	0	0				
Renewals	3	0	31	8	1/4	0	76	6	38	7				
Modifications	2	0	12	0	0	0	14	1	4	0				
Total	5	0	44	13	4	0	93	16	43	8	243	79	244	80
<u>Industrial</u>														
New	2	1	10	9	0	0	6	11	6	3				
Existing	1	0	2	9	0	1	1	12	2	1				
Renewals	7	1	47	14	1/3	0	52	11	53	8				
Modifications	0	0	12	2	1	0	16	3	9	0				
Total	10	2	71	34	4	1	75	37	68	12	401	118	409	122
<u>Agricultural (Hatcheries, Dairies, etc.)</u>														
New	0	0	3	3	0	1	1	2	3	1				
Existing	0	0	0	1	0	0	0	0	0	1				
Renewals	0	1	2	2	0	1	0	1	2	1				
Modifications	0	0	0	0	0	0	0	0	0	0				
Total	0	1	5	6	0	2	1	3	5	3	59	12	62	14
<u>GRAND TOTALS</u>	15	3	120	53	8	3	169	56	118	24	707	209	715	216

* NPDES Permits
** State Permits

1/ Permits canceled or connected to sewer

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

April 1978
(Month and Year)

PERMIT ACTIONS COMPLETED (11)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Linn	Teledyne Wah Chang Albany Exotic Metal Facility	4-3-78	NPDES Modification Issued
Multnomah	Portland Mobile Home Court Domestic Sewage	4-10-78	Connected to Sewer
Polk	Franklin Equipment Company Cooling Water	4-12-78	Canceled
Marion	Boise Cascade Salem Sulphite	4-13-78	NPDES Permit Renewed
Grant	City of Prairie City Sewage Disposal	4-25-78	NPDES Permit Renewed
Lane	City of Veneta Sewage Disposal	4-25-78	NPDES Permit Renewed
Umatilla	City of Hermiston Sewage Disposal	4-25-78	NPDES Permit Renewed
Linn	Willamette Industries Griggs Division	4-25-78	NPDES Permit Renewed
Tillamook	Publishers Paper Co. Reservoir Sediment	4-27-78	State Permit Issued
Umatilla	Athena Cattle Feeders Cattle Feeding	4-27-78	State Permit Renewed
Morrow	Clarence C. Frederickson Cattle Feeding	4-27-78	State Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

April 1978
(Month and Year)

PLAN ACTIONS COMPLETED (4)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Jackson	Medford Corporation New Site Operational Plan	4/3/78	Conditional Approval.
Umatilla	Sanitary Disposal-Hermiston Existing Site Operational Plan	4/11/78	Approved.
Crook	Crook County Landfill Existing Site Lagoon Construction Plan	4/14/78	Approved.
Coos	Allegany Shop Existing Site Operational Plan Change	4/20/78	Conditional Approval.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

April 1978
(Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sites Under Permits	Sites Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.			
<u>General Refuse</u>							
New		8		11	1		
Existing		8		7	24*		
Renewals		31		29	11		
Modifications		7	1	9	1		
Total	0	54	1	56	37	184	189
<u>Demolition</u>							
New	1	2	1	3			
Existing				1			
Renewals							
Modifications							
Total	1	2	1	4	0	20	20
<u>Industrial</u>							
New	1	5	1	10	1		
Existing		1		7			
Renewals		12		9	7		
Modifications		2		5	2		
Total	1	20	1	31	10	99	100
<u>Sludge Disposal</u>							
New							
Existing		3		3			
Renewals		1		2			
Modifications							
Total	0	4	0	5	0	8	8
<u>Hazardous Waste</u>							
New							
Authorizations	16	150	18	168	9		
Renewals							
Modifications							
Total	16	150	18	168	9	1	1
<u>GRAND TOTALS</u>	18	230	21	264	56	312	318

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

April 1978
(Month and Year)

PERMIT ACTIONS COMPLETED (21)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>General Refuse Facilities (1)</u>			
Clatsop	Elsie Disposal Site Existing facility	4/11/78	Permit amended.
<u>Demolition Waste Facilities (1)</u>			
Clackamas	Richard Millhouse New facility	4/4/78	Letter authoriza- tion issued.
<u>Sludge Disposal Facilities</u> None			
<u>Industrial Waste Facilities (1)</u>			
Jackson	Medford Corp. New facility	4/3/78	Letter authoriza- tion issued.
<u>Hazardous Waste Facilities (18)</u>			
Gilliam	Chem-Nuclear Systems Existing facility	4/4/78	9 verbal authoriza- tions confirmed in writing. (Small quantities of various chemicals).
"	" " "	4/6/78	Disposal authoriza- tion granted (epoxy- carbon composite & asbestos & wood).
"	" " "	4/7/78	Disposal authoriza- tion granted (cleanup wastes containing diphenylmethane, diisocyanate, phenyl- formamide, soil and other debris).

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

April 1978
(Month and Year)

PERMIT ACTIONS COMPLETED (continued)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Hazardous Waste Facilities</u> (continued)			
Gilliam	Chem-Nuclear Systems Existing facility	4/7/78	Disposal authoriza- tion granted (used PCB capacitors).
"	" " "	4/7/78	Disposal authoriza- tion granted (PCB wastes).
"	" " "	4/12/78	Disposal authoriza- tion granted (raw asbestos fiber).
"	" " "	4/13/78	Disposal Authoriza- tion granted (PCB contaminated oil).
"	" " "	4/17/78	Disposal authoriza- tion granted (aerosol cans con- taining isopropyl alcohol & methylene chloride).
"	" " "	4/25/78	Disposal authoriza- tion granted (flammable waste containing acetone, dolomite sand & resins).
"	" " "	4/27/78	Disposal authoriza- tion granted (empty pesticide containers).

*Approved by the EQC at their 4/28/78 meeting.

NOTE:

Page 20 - Hazardous Waste Disposal Authorization Requests (Out of State)
will be distributed at the meeting.

May 1978

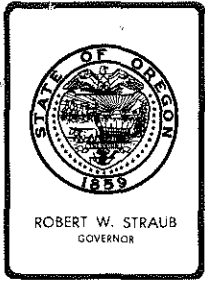
<u>TOTALS</u>	Last	This
Settlement Action	8	13
Preliminary Issues	16	18
Discovery	7	5
To be Scheduled	3	3
To be Rescheduled	1	0
Set for Hearing	3	4
Briefing	2	3
Decision Due	10	10
Decision Out	0	0
Appeal to Comm.	3	2
Appeal to Court	0	0
Transcript	1	1
Finished	<u>-7</u>	<u>-3</u>
Totals	54	59-3 = 56

Key: ACD Air Contaminant Discharge Permit
AQ Air Quality
AQ-SNCR-76-178 A violation involving air quality occurring in the Salem/North Coast Region in the year 1976 - the 178th enforcement action in that region for the year
Cor Cordes
CR Central Region
Dec Date The date of either a proposed decision of a hearing officer or a decision by the Commission
\$ Civil penalty amount
ER Eastern Region
Fld Brn Field burning incident
Hrngrs The Hearings section
Hrng Rfrl The date when the enforcement and compliance unit request the hearings unit to schedule a hearing
Hrng Rqst The date the agency receives a request for a hearing
Italics Different status or new case since last contested case log
LQ Land Quality
McS McSwain
MWV Mid Willamette Valley Region
NP Noise Pollution
NPDES National Pollution Discharge Elimination System wastewater discharge permit
PR Portland Region
PNCR Portland/Northcoast Region
Prtys All parties involved
Rem Order Remedial Action Order
Resp Code The source of the next expected activity on the case
SNCR Salem/Northcoast Region (now MWVR)
S.S.D. Subsurface sewage disposal
SWR Southwest Region
Trancr Transcript being made
WQ Water Quality

May 10, 1978

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ or Atty	Hrng Offcr	Hrng Date	Resp Code	Dec Date	Case Type & #	Case Status
Davis et al	5/75	5/75	Atty	McS	5/76	Dept	1/78	12 SSD Permits	Decision Due
Paulson	5/75	5/75	Atty	McS		Prtys		1 SSD Permit	Settlement Action
Trent	5/75	5/75	Atty	McS		Resp		1 SSD Permit	Briefing
Faydrex, Inc.	5/75	5/75	Atty	McS	11/77	Transc		64 SSD Permits	Transcript Prepared
Johns et al	5/75	5/75	Atty	McS		All		3 SSD Permits	Preliminary Issues
Laharty	1/76	1/76	Atty	McS	9/76	Resp	1/77	Rem Order SSD	Appeal to Comm
PGE (Harborton)	2/76	2/76	Atty	McS		Prtys		ACD Permit Denial	Preliminary Issues
Allen	3/76	4/76	DEQ	McS		Resp		SSD Permit	To be Scheduled
Taylor, R.	9/76	9/76	Atty	Lmb	12/76	Resp	12/77	\$500 LQ-MWR-76-91	Appeal to Comm
Ellsworth	10/76	10/76	Atty	McS		Prtys		\$10,000 WQ-PR-76-48 two cases	Preliminary Issues
Silbernagel	10/76	10/77	Atty	Cor		Resp		AQ-MWR-76-202 \$400	Discovery
Jensen	11/76	11/76	DEQ	Cor	12/77	Hrnga		\$1500 Fld Brn AQ-SNCR-76-232	Decision Due
Mignot	11/76	11/76	Atty	McS	2/77	Resp	2/77	\$400 SW-SWR-288-76	Settlement Action
Hudspeth	12/76	12/76	Atty	McS	3/77	Hrnga		\$500 WQ-CR-76-250	Settlement Action
Perry	12/76	12/76	DEQ	Cor	1/78	Hrnga		Rem Order SS-SWR-253-76	Decision Due
Jones	4/77	7/77	DEQ	Cor	6/9/78	Hrnga		SSD Permit SS-SWR-77-57	Set for Hearing
Beaver State et al	5/77	5/77	Atty	Cor	10/77	Hrnga		\$150 AQ-SNCR-77-84	Decision Due
Sundown et al	5/77	6/77	Atty	McS		Prtys		\$20,000 Total SS Viol SNCR	Settlement Action
Wallace	5/77	6/77	DEQ	Cor	1/78	Hrnga		1 SSD Permit Denial	Decision Due
Wright	5/77	5/77	Atty	McS		Resp		\$250 SS-MWR-77-99	Preliminary Issues
Henderson	6/77	7/77	Atty	Cor	1/77	Hrnga		Rem Order SS-CR-77-136	Decision Due
Exton	6/77	8/77	DEQ	Cor	6/12/78	Resp		Rem Order SS-PR-76-268	Set for Hearing
Lowe	7/77	7/77	DEQ	Cor		Prtys		\$1500 SW-PR-77-103	Settlement Action
Magness	7/77	7/77	DEQ	Cor	11/77	Hrnga		\$1150 Total SS-SWR-77-142	Decision Due
Southern Pacific Trans	7/77	7/77	Atty	Cor		Prtys		\$500 NP-SNCR-77-154	Preliminary Issues
Suniga	7/77	7/77	DEQ	Lmb	10/77	Resp		\$500 AQ-SNCR-77-143	Decision Due
Sun Studs	8/77	9/77	DEQ			Dept		\$300 WQ-SWR-77-152	Preliminary Issues
Taylor, D.	8/77	10/77	DEQ	McS	4/78	Dept		\$250 SS-PR-77-188	Settlement Action
Brookshire	9/77	9/77	Atty	McS	4/19/78	Hrnga		\$1000 AQ-SNCR-76-178 Fld Brn	Briefing
Grants Pass Irrig	9/77	9/77	Atty	McS		Prtys		\$10,000 WQ-SWR-77-195	Discovery
Pohll	9/77	12/77	Atty	Cor	3/30/78	Prtys		SSD Permit App	Briefing
Trussel et al	9/77	9/77	DEQ	Cor	10/77	Hrnga		\$150 AQ-SNCR-77-185	Decision Due
Califf	10/77	10/77	DEQ	Cor	4/26/78	Prtys		Rem Order SS-PR-77-225	Settlement Action
Mc Clincy	10/77	12/77	Atty	McS		Prtys		SSD Permit Denial	Preliminary Issues
Zorich	10/77	10/77	Atty	Cor		Prtys		\$100 NP-SNCR-77-173	Discovery
Clay	11/77	12/77	DEQ	McS		Hrnga		\$200 SS-MWR-77-254	Preliminary Issues
Jenks	11/77	12/77	DEQ			Dept		\$1000 Fld Brn AQ-MWR-77-284	Preliminary Issues
Koos	11/77	12/77	BEQ			Dept		\$120 Assmt Fld Brn	Finished
Oak Creek Farms	11/77	12/77	DEQ	McS	3/78	Hrnga		\$500 AQ-MWR-77 Fld Brn	Decision Due
Powell	11/77	11/77	Atty	Cor		Prtys		\$10,000 Fld Brn AQ-MWR-77-241	Preliminary Issues
Wah Chang	12/77	12/77	Atty	McS		Dept		ACD Permit Conditions	Preliminary Issues
Barrett & Sons, Inc.	12/77		DEQ			Dept		\$500 WQ-PR-77-307 Unsewered Houseboat Moorage	Preliminary Issues
Carl F. Jensen	12/77	1/78	Atty	McS		Prtys		\$18,600 AQ-MWR-77-321 Fld Brn	Discovery
Carl F. Jensen/ Elmer Klopfenstein	12/77	1/78	Atty	McS		Prtys		\$1200 AQ-SNCR-77-320 Fld Brn	Discovery
Schrock, B.	12/77	1/78	BEQ	Cor	4/11/78	Prtys		\$200 AQ-MWR-77-324 Fld Brn	Finished
Schrock Farms, Inc.	12/77	1/78	BEQ	Cor	4/78	Prtys		\$200 AQ-MWR-77-300 Fld Brn	Finished
Steckley	12/77	12/77	DEQ	McS	5/24/78	Hrnga		\$200 AQ-MWR-77-298 Fld Brn	Set for Hearing
Van Leeuwen	12/77		DEQ			Prtys		\$320 AQ-MWR-77-295 Fld Brn	Settlement Action
Heaton	1/78	2/78	DEQ	McS	5/31/78	Hrnga		\$500 AQ-PR-77-325 Fld Brn	Set for Hearing
Towery	1/78	2/78	DEQ			Resp		\$375 SNCR-77-326 Fld Brn	Settlement Action
Wah Chang	1/78	2/78	Atty			Dept		\$5500 WQ-MWR-77-334	Preliminary Issues
Cook Farms	2/78	2/78	DEQ			Dept		\$200 AQ-MWR-77-330 Fld Brn	Preliminary Issues
Gray	2/78	3/78	Dept			Dept		\$250 SS-PR-78-12	Preliminary Issues
Hawkins	3/78	3/78	Atty			Dept		\$500 AQ-PR-77-315	Preliminary Issues
Hawkins Timber	3/78	3/78	Atty			Dept		\$5000 AP-PR-77-314	Preliminary Issues
Knight	3/78		Dept			Resp		\$500 SS-SWR-78-33	Settlement Action
Langston	3/78	3/78				Hrnga		\$1000 AQ-NWR-78-31	Preliminary Issues
Avery	4/78	5/78	Dept			Hrnga		\$500 AQ-SNCR-78-05	To Be Scheduled
Coos Head	4/78					Prtys		1 Water Permit (Log Handling)	Settlement Action
Al Pierce	4/78	4/78	Atty	Cor		Prtys		1 Water Permit (Log Handling)	Settlement Action
Villereal	4/78					Resp		\$250 SS-MWR-78-78	Settlement Action
Wah Chang	4/78		Atty			Hrnga		NPDES Permit	To be Scheduled



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. C, May 26, 1978, EQC Meeting
Tax Credit Applications

Attached are 10 requests for tax credit action. Review reports and recommendations of the Director are summarized on the attached table.

Director's Recommendation

It is recommended that the Commission act on the tax credit requests as follows:

1. Issue Pollution Control Facility Certificates for eight applications: T-981, T-982, T-985, T-991, T-995, T-996, T-997 and T-986.
2. Deny tax credit application T-964 (Stayton Canning Company) per the Director's recommendation in the review report (attached).
3. Deny Preliminary Certification for Tax Credit request of Paul Aubert per the Director's recommendation in the review report (attached).

Bill

WILLIAM H. YOUNG

MJDowns:cs
229-6484
5/10/78

Attachments

1. Tax Credit Summary
2. Tax Credit Application Table
3. 10 Review Reports



Contains
Recycled
Materials

Attachment 1

Proposed May 1978 Totals:

Air Quality	\$24,446,159
Water Quality	2,582,589
Solid Waste	-0-
	<u>\$27,028,748</u>

Calendar Year Totals to Date
(Excluding April 1978 Totals)

Air Quality	\$ 1,508,177
Water Quality	4,524,101
Solid Waste	13,122,221
	<u>\$19,154,499</u>

Total Certificates Awarded (Monetary Values)
Since Beginning of Program
(Excluding May 1978 Totals)

Air Quality	\$113,695,262
Water Quality	83,819,240
Solid Waste	27,550,850
	<u>\$225,065,352</u>

TAX CREDIT APPLICATIONS SUMMARY

Applicant/ Plant Location	Appl. No.	Facility	Claimed Cost	% Allocable to Pollution Control	Director's Recommendation
Bickford Orchards, Inc. Hood River	T-981 AQ	Tropic Breeze Wind Machine	8,000.00	80% or more	Issue Certificate
Bickford Orchards, Inc. Hood River	T-982 AQ	Tropic Breeze Wind Machine	8,000.00	80% or more	Issue Certificate
Lage Orchards, Inc. Hood River	T-985 AQ	3 Tropic Breeze Wind Machines	33,781.00	80% or more	Issue Certificate
Reynolds Metals Co. Troutdale	T-986 AQ	Pollution Control System	24,384,381.00	80% or more	Issue Certificate
Weyerhaeuser Co. Cottage Grove	T-991 WQ	Spill prevention plan facilities	24,251.00	80% or more	Issue Certificate
Boise Cascade Corp. Salem	T-995 AQ,WQ	Continuous countercurrent belt pulp washers	2,552,224.00	80% or more	Issue Certificate
Bob Thomsen Hood River	T-996 AQ	Tropic Breeze Wind Machine	11,997.00	80% or more	Issue Certificate
Anodizing, Inc. Portland	T-997 WQ	Effluent neutralization control	6,114.27	80% or more	Issue Certificate
Stayton Canning Co. Brooks	T-964 WQ	90 acres of land	142,524.29		Deny Certificate
Paul Aubert Mt. Hood		Tropic Breeze Wind Machine	7,000.00 (est.)		Deny request for Preliminary Certification

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Stayton Canning Company, Cooperative
P. O. Box 458
Stayton, OR 97383

Brooks Plant No. 5

The applicant owns and operates a plant, freezing and canning vegetables in Brooks, Oregon.

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

2. Description of Claimed Facility

The claimed facility is mainly 90 acres of land acquired for disposal of treated waste waters by irrigation.

The claimed facility also involved the installation of an Ashbrook High Speed 50 HP Mechanical Aerator, intake screen, pump, piping, electrical and miscellaneous work.

Request for Preliminary Certification for Tax Credit was not made. The date construction was initiated on the claimed facility was not included on the application. Construction was completed on August 26, 1977, and placed into operation on August 31, 1977. No plan approval or preliminary certification for tax credit was granted by the Department of Environmental Quality.

Facility Cost: \$142,524.29 (Certified Public Accountant's statement was provided.)

3. Evaluation

Tax credit (Applications T-617 and T-707) was recommended on November 7, 1975 for 330 acres of land and irrigation equipment. This facility was thought to be adequate to eliminate discharge of waste to public waters.

Problems with runoff and ponding were noted from time to time by the staff. It was thought that the problem may have been operational and could be corrected. The irrigation land is leased from the cooperative by a farmer, complicating control of the waste water disposal operation. Staff was not aware that acquiring more land was being considered as corrective action.

The application states only that the additional land and equipment was necessary to improve disposal and odor control.

4. Summation

- A. Facility was constructed without approval to construct and without Preliminary Certification for tax credit of a pollution control facility. The preliminary certification is a requisite pursuant to ORS 468.175.
- B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- C. It is claimed by the applicant that the facility was designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing water pollution.
- D. Applicant claims 100% of costs allocable to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be denied for the facility claimed in Application T-964.

Stayton Canning Company's letter of February 10, 1978 admits failure to file a formal "Notice of Intent to Construct" the claimed facilities but that they had been confident of tacit and verbal approval from regional office of the DEQ to acquire the land and the claimed facilities.

Regional staff has recently stated in memo dated March 17, 1978 that the engineer does not recall giving tacit approval for tax credit.

C. K. Ashbaker
W. D. Lesher:em
229-5314
May 4, 1978

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Preliminary Certification for Tax Relief Review Report

1. Applicant

Paul Aubert
3995 Aubert Dr.
Mt. Hood, OR 97041

The applicant owns and operates a fruit orchard at Mt. Hood, Oregon.

Application was made for preliminary certification for an air pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a Tropic Breeze Wind Machine powered by an electric motor and installed on April 15, 1978.

It is estimated the facility will be placed in operation 4/15/78.

The estimated cost of the facility is \$7,000.00.

3. Evaluation of Application

The orchard fan was installed on 4/5/78. The Request for Preliminary Certification for Tax Credit was submitted on 4/27/78 and received by the Department on 4/28/78. Since the Department received notification after the equipment was installed, the request is not eligible for tax credit.

4. Summation

Erection, construction or installation of the facility was commenced before a request for Preliminary Certification was filed with the Department pursuant to ORS 468.175(1).

5. Director's Recommendation

It is recommended that the Commission issue an order denying the applicant's request for Preliminary Certification.

F. A. Skirvin:mh
229-6414
May 8, 1978

NC# 1160
Hood River County file

NOTICE OF INTENT TO CONSTRUCT
and
REQUEST FOR PRELIMINARY CERTIFICATION FOR TAX CREDIT
(Check Type of Request - one or both)

- Request for Construction Approval

- Request for Preliminary Certification for Tax Credit

Check type of pollution source and/or pollution control facility proposed for construction. Submit a separate request for each project.

- Air - Noise - Water - Solid Waste ⁶⁰¹⁰

Business Name: Paul Aubert Phone: 352-2071
Address of Premises: 3995 Aubert Dr City & Zip: Mt. Hood OR 97041
Mailing Address: Same City & Zip: _____
Nature of Business: Orchard
Responsible Person to Contact: Paul Aubert Title: _____

- Corporation - Partnership - Individual - Gov't Agency

Name of Legal Owner of Business: Same
Legal Owner's Address: Same City & Zip: _____

Description of proposed construction & or facility: SSW Tropic Breeze Electric fan installed in Orchard.

Describe pollution control equipment to be incorporated and/or utilized: Electric fan that replaces diesel Heaters that are Presently needed

Describe pollutant which will be discharged, produced, reduced, and/or utilized: Reduction of black smoke and strong diesel odors from diesel Heaters

Describe present method(s) of pollutant disposal, control or utilization: N/A

Describe any usable source of power produced by pollution or solid waste and the economic value: N/A

Est. cost of construction \$ 5000 & of pollution control facility \$ 7000

Est. construction starting date: 4/15/78 & completion date: 4/15/78

Signature Paul N. Aubert Title Owner Date 4/27/78

NOTE: Enclose plans and specifications and any other pertinent information such as process flow diagrams, process equipment operating parameters, control equipment specifications, source test results, etc., which will demonstrate the compliance of the project with applicable statutes and administrative rules.

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

1. Applicant

Bickford Orchards Inc.
1930 Highway 35
Hood River, Oregon 97031

The applicant owns and operates a pear and apple orchard at Hood River, 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 Tropic Breeze Wind Machine Model GP391 Serial #68195 that protects approximately 10 acres from frost damage.

Request for Preliminary Certification for Tax Credit was made on 10/26/77, and approved on 11/7/77.

Construction was initiated on the claimed facility on 11/10/77, completed on 12/20/77, and the facility was placed into operation on 12/20/77.

Facility Cost: \$8,000.00 (Accountant's Certification was provided).

3. Evaluation of Application

There is no law limiting the use of fuel oil fired heaters to control frost damage to fruit trees even though the heaters produced a significant smoke and soot air pollution problem in the City of Hood River. The orchard farmers desire a secure, long-range solution to frost control that includes the reduction or elimination of the smoke and soot nuisance. One orchard fan serves 10 acres and reduces the number of heaters required for frost protection from 340 heaters to 100 perimeter heaters, a 70 percent reduction.

An orchard fan blows warmer air from above the trees--when there is a temperature inversion--down into the trees, and there also appears to be a secondary frost protection effect caused by the wind which is not evident from standard temperature readings. The fans have proven effective in the Hood River area where frost control is needed on an average of 30 hours per year.

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 is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- E. The savings in the cost of fuel oil are slightly greater than the operating cost of the claimed facility which is a used unit. The operating cost consists of the fuel cost using the fan, depreciation over 10 years and no salvage value plus the average interest at 9 percent on the undepreciated balance.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$8,000.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-981.

F. A. Skirvin/as
(503) 229-6414
5/4/78

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

1. Applicant

Bickford Orchards Inc.
1930 Highway 35
Hood River, Oregon 97031

The applicant owns and operates a pear and apple orchard at Hood River, 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 Tropic Breeze Wind Machine Model GP391 Serial #68194 that protects approximately 10 acres from frost damage.

Request for Preliminary Certification for Tax Credit was made on 10/26/77, and approved on 11/7/77.

Construction was initiated on the claimed facility on 11/10/77, completed on 12/20/77, and the facility was placed into operation on 12/20/77.

Facility Cost: \$8,000.00 (Accountant's Certification was provided).

3. Evaluation of Application

There is no law limiting the use of fuel oil fired heaters to control frost damage to fruit trees even though the heaters produced a significant smoke and soot air pollution problem in the City of Hood River. The orchard farmers desire a secure, long-range solution to frost control that includes the reduction or elimination of the smoke and soot nuisance. One orchard fan serves 10 acres and reduces the number of heaters required for frost protection from 340 heaters to 100 perimeter heaters, a 70 percent reduction.

An orchard fan blows warmer air from above the trees--when there is a temperature inversion--down into the trees, and there also appears to be a secondary frost protection effect caused by the wind which is not evident from standard temperature readings. The fans have proven effective in the Hood River area where frost control is needed on an average of 30 hours per year.

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 is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- E. The savings in the cost of fuel oil are slightly greater than the operating cost of the claimed facility which is a used unit. The operating cost consists of the fuel cost using the fan, depreciation over 10 years and no salvage value plus the average interest at 9 percent on the undepreciated balance.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$8,000.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-982.

F. A. Skirvin/as
(503) 229-6414
5/4/78

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

1. Applicant

Lage Orchards, Inc.
2280 Eastside Road
Hood River, Oregon 97031

The applicant owns and operates an apple and pear orchard at Hood River, 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 three Tropic Breeze Wind Machines, model GP-391 125 HP that provide approximately 10 acres each of frost damage protection.

Request for Preliminary Certification for Tax Credit was made on 10/26/77, and approved on 11/7/77.

Construction was initiated on the claimed facility on 10/29/77, completed on 3/10/78, and the facility was placed into operation on 3/10/78.

Facility Cost: \$33,781.00 (Accountant's Certification was provided).

3. Evaluation of Application

There is no law limiting the use of fuel oil fired heaters to control frost damage to fruit trees even though the heaters produced a significant smoke and soot air pollution problem in the City of Hood River. The orchard farmers desire a secure, long-range solution to frost control that includes the reduction or elimination of the smoke and soot nuisance. One orchard fan serves 10 acres and reduces the number of heaters required for frost protection from 340 heaters to 100 perimeter heaters, a 70 percent reduction.

An orchard fan blows warmer air from above the trees--when there is a temperature inversion--down into the trees, and there also appears to be a secondary frost protection effect caused by the wind which is not evident from standard temperature readings. The fans have proven effective in the Hood River area where frost control is needed on an average of 30 hours per year.

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 is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- E. The operating cost of the claimed facility is slightly greater than the savings in the cost of fuel oil. The operating cost consists of the fuel cost using the fan, depreciation over 10 years and no salvage value plus the average interest at 9 percent on the undepreciated balance.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$33,781.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-985.

F. A. Skirvin/as.
(503) 229-6414
5/4/78

Appl T-986

Date 5/3/78

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

1. Applicant

Reynolds Metals Company
Troutdale
N. E. Sundial Road
Troutdale, Oregon 97060

The applicant owns and operates a Primary Aluminum Reduction plant at N.E. Sundial Road in Troutdale, 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 62 baghouses, associated ductwork, ten 600 HP fans, two 100 HP fans, five air lifts, associated air slides, one bridge crane, ambient SO₂ stations, pothooding, alumina handling and storage.

Notice of Intent to Construct was made on March 10, 1975, and approved on July 3, 1975. Preliminary Certification for Tax Credit is not required.

Site preparation for the claimed facility was initiated on March 3, 1975. On-site construction of the claimed facility was initiated on April 6, 1976, and the facility was completed on October 5, 1977. The facility was placed into operation on October 5, 1977.

Facility Cost: \$24,384,381 (Accountant's Certification was provided).

3. Evaluation of Application

The prior control facility consisted of pot hooding and a wet scrubber system, and was not efficient enough to meet the Department's regulations for existing aluminum plants. The claimed facility is part of an approved control strategy which the Department required to bring the plant into compliance.

The claimed facility has demonstrated an ability to significantly reduce emissions. When the entire control strategy is complete the Department believes the plant will be brought into 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).

T-986
5/5/78
Page Two

- 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 claimed facility is expected to reclaim \$1,412,474 of AlF_3 per year which is less than annual depreciation (\$970,000) and annual operating expenses (\$2,523,500). Thus, the claimed facility has a negative return on investment and qualifies for a certificate of 80% or more.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$24,384,381 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-986.

F. A. Skirvin: as
(503) 229-6414
5/5/78

cc: Northwest Region Office

Appl T-991

Date May 4, 1978

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

1. Applicant

Weyerhaeuser Company
Willamette Region
Wood Products Manufacturing
P.O. Box 275
Springfield, OR 97477

The applicant owns and operates a plant to process logs into lumber, plywood, laminated products and residual products including chips, hogged fuel and planer shavings, at Cottage Grove, Oregon.

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

2. Description of Claimed Facility

The claimed facilities implement a spill prevention and contingency plan and consist of:

- A. Spill prevention berms in lumber, laminating and plywood manufacturing areas, including resin tank gauges and overflow alarms.
- B. Spill prevention berms at the truck shop, including gauges and high level alarms.
- C. Electrical transformer and other miscellaneous spill prevention berms and sumps.

Notice of intent to construct and intent to apply for Tax Credit was made December 20, 1974. Construction was initiated on the claimed facility January 6, 1975, completed and placed into operation March 15, 1976.

Facility Cost: \$24,251 (Certified Public Accountant's statement was provided.)

3. Evaluation

The claimed facilities were constructed to implement the spill prevention and contingency plan, a requisite of Condition S17 of NPDES Permit 1534-J.

Applicant claims spills and leaks are now contained, overflow of tanks during filling is minimized, steam cleaning waste and crankcase oils are collected and stored, and oils are skimmed from plant drainage. They claim that the facilities have been 100% effective in preventing plant contaminants to the river.

4. Summation

- A. Facility was constructed after receiving approval to construct 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-991, such Certificate to bear the actual cost of \$24,351, with 80% or more allocable to pollution control.

W. D. Leshner:em
229-5314
May 4, 1978

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Boise Cascade Corporation
Paper Group
P. O. Box 14201
Salem, OR 97309

The applicant owns and operates a mill at Salem, producing bleached pulp by the acid sulfite process. All pulp produced is used by the paper mill to produce fine paper.

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

2. Description of Claimed Facility

Two Eimco felt washer lines were installed to provide continuous counter current washing of pulp from the digester and involved the following:

- a. Washer building (approximately 50 ft. by 65 ft., two floors) and foundations
- b. Washer support equipment
- c. Repulpers
- d. Filtrate tanks
- e. High density tank, pump and agitator
- f. Pumps and motors
- g. Air emission exhaust system
- h. Electrical equipment and instrumentation
- i. Piping, valves, fittings and tank appurtenances

Notice of Intent to Construct was submitted by Boise Cascade letter of transmittal of July 15, 1974, approved by DEQ letters of August 15, 1974 (water) and October 15, 1975 (air).

Certification for Tax Credit was not required.

Construction was initiated on the Claimed Facility in October 1974. The facility was placed into operation prior to final satisfactory operational completion in October 1977.

Facility Cost: \$2,552,224 (Certified Public Accountant's statement was provided)

3. Evaluation

Prior to the installation of the claimed facilities, blow pit washing caused excessive dilution of the spent liquor making evaporation to concentrations necessary for recovery boiler impossible. Spent liquor solids overloaded secondary treatment. The applicant claims that because of the

increased efficiency of the new washers, a greater recovery of solids reduces the BOD load to treatment and, in turn, discharged to the Willamette River.

Staff concurs that there has been a marked reduction in BOD due to claimed facilities and other improvements and a reduction by one half in the discharge of ammonia (roughly from 10,000 pounds per day down to 5,000 pounds per day).

Air emissions exhaust system to SO₂ absorber was a necessary part of the facility and eliminates any air pollution from the claimed facility.

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 water and 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. 100% of the facility cost is claimed allocable to pollution control. The facility is solely for the purpose of Water Pollution Control. Annual operating expenses exceed income derived from recovered materials by the claimed facility.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-995, such certificate to bear the actual cost of \$2,552,224, with 80% or more of the cost allocable to pollution control. Air emission exhaust system costs were \$174,618. Water Pollution Control costs were \$2,377,606, totalling \$2,552,224.

C. K. Ashbaker
W. D. Leshner:em
229-5318
May 9, 1978

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

1. Applicant

Bob Thomsen
2450 Old Dalles Drive
Hood River, Oregon 97031

The applicant owns and operates an apple and pear orchard at Hood River, 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 Tropic Breeze Wind Machine Model GP391 Serial number 38277.

Request for Preliminary Certification for Tax Credit was made on 3/9/78, and approved on 3/21/78.

Construction was initiated on the claimed facility on 3/23/78, completed on 3/28/78, and the facility was placed into operation on 3/28/78.

Facility Cost: \$11,997.00 (Accountant's Certification was provided).

3. Evaluation of Application

There is no law limiting the use of fuel oil fired heaters to control frost damage to fruit trees even though the heaters produced a significant smoke and soot air pollution problem in the City of Hood River. The orchard farmers desire a secure, long-range solution to frost control that includes the reduction or elimination of the smoke and soot nuisance. One orchard fan serves 10 acres and reduces the number of heaters required for frost protection from 340 heaters to 100 perimeter heaters, a 70 percent reduction.

An orchard fan blows warmer air from above the trees--when there is a temperature inversion--down into the trees, and there also appears to be a secondary frost protection effect caused by the wind which is not evident from standard temperature readings. The fans have proven effective in the Hood River area where frost control is needed on an average of 30 hours per year.

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 is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- E. The operating cost of the claimed facility is slightly greater than the savings in the cost of fuel oil. The operating cost consists of the fuel cost using the fan, depreciation over 10 years and no salvage value plus the average interest at 9 percent on the undepreciated balance.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$11,997.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-996.

F. A. Skirvin/as
(503) 229-6414
5/4/78

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

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

Plant Site - 8222 S. E. 6th Avenue

The applicant owns and operates an aluminum chemical polishing and anodizing plant in S. E. Portland.

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

2. Description of Claimed Facility

The claimed facility consists of a rinse water collecting trough, a neutralizing and mixing chamber, and a Chemtrix Model 47R pH Controller.

The Chemtrix Model 47R pH Controller/Recorder automatically controls the neutralization of the waste waters.

Request for Preliminary Certification for Tax Credit was made August 22, 1977 and approved November 23, 1977. Construction was initiated on the claimed facility February 1, 1978, completed March 17, 1978, and placed into operation March 20, 1978.

Facility Cost: \$6,114.27. (invoices were provided)

3. Evaluation

Before installation of the claimed facility, waste effluents were discharged to the City of Portland sanitary sewer with wide fluctuations in pH, because adjustment was manual - without proper mixing and control. Since the facility has been in operation, pH of the effluent has been within permit limits.

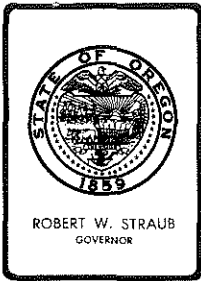
4. Summation

- 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-997, such Certificate to bear the actual cost of \$6,114.27 with 80% or more allocable to pollution control.

C. K. Ashbaker
W. D. Leshner:em
229-5318
May 10, 1978



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director, DEQ
Subject: Agenda Item No. D, May 26, 1978 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 is continuing its enforcement actions against NPDES Permittees in violation of the July 1, 1977 deadline for secondary treatment through stipulated consent orders which impose a new, reasonably achievable and enforceable construction schedule.

Summation

The City of Prairie City is unable to consistently treat sewage to the required level of secondary treatment. The Department has reached agreement with the City on a consent order which provides for an orderly construction/modification of the existing facilities and interim treatment limitations. The consent order also provides for a moratorium on new sewer connections.

Director's Recommendation

I recommend that the Commission approve Stipulation and Final Order No. WQ-ER-78-29, DEQ v. City of Prairie City, Grant County, Oregon.

William H. Young

FMB:gcd
229-5373
May 10, 1978
Attachment: The above listed Order.



Contains
Recycled
Materials

City of Prairie City

Prairie City, Oregon 97869

April 26, 1978


Steven F. Gardels
Department of Environmental Quality
424 S.W. 6th St.
Pendleton, Oregon 97801

Dear Mr. Gardels:

As per resolution of the City Council, the Mayor has signed the Order as per your letter of March 24th, as amended at the Council meeting last night.

The signed Stipulation and Final Order is enclosed.

Sincerely,


City Recorder

enc.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

R E C E I V E D
APR 27 1978

PENDLETON DISTRICT OFFICE

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY,
of the STATE OF OREGON,

Department,

v.

CITY OF PRAIRIE CITY,

Respondent.

STIPULATION AND FINAL ORDER

WQ-ER-78-29

GRANT COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED
MAR 7 1978

WHEREAS:

PENDLETON DISTRICT OFFICE

1. The Department of Environmental Quality ("Department") will soon issue National Pollutant Discharge Elimination System Waste Discharge Permit ("Permit") Number _____ (to be assigned upon issuance of the Permit) to City of Prairie City ("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 January 31, 1983.

2. Condition 1 of Schedule A of the Permit does not allow Respondent to exceed the following waste discharge limitations after the Permit issuance date:

Parameter	Average Effluent Concentrations		Effluent Loadings		Daily Maximum	
	Monthly	Weekly	Monthly Average	Weekly Average	kg	(lbs)
June 1 - Oct 31:			kg/day (lb/day)	kg/day (lb/day)		
BOD	30mg/l	45mg/l	23 (50)	34 (75)	46	(100)
TSS	30mg/l	45mg/l	23 (50)	34 (75)	46	(100)
Nov 1 - May 31:						
BOD	30mg/l	45mg/l	23 (50)	34 (75)	46	(100)
TSS	30mg/l	45mg/l	23 (50)	34 (75)	46	(100)

///

3. Respondent proposes to comply with all the above effluent limitations 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.

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		Effluent Loadings					
	Monthly	Weekly	Monthly Average	Monthly Average	Weekly Average	Weekly Average	Daily Maximum	Daily Maximum
	kg/day	(lb/day)	kg/day	(lb/day)	kg/day	(lb/day)	kg	(lbs)
May 1 - Oct 31:								
BOD	50mg/l	50mg/l	38	(83)	38	(83)	76	(166)
TSS	50mg/l	50mg/l	38	(83)	38	(83)	76	(166)
Nov 1 - Apr 30:								
BOD	70mg/l	70mg/l	53	(117)	53	(117)	106	(234)
TSS	70mg/l	70mg/l	53	(117)	53	(117)	106	(234)

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 effluent limitations set forth in Paragraph 2 above the vast majority, if not all, of the time that any effluent is discharged.
- b. Respondent has committed violations of its NPDES Permit No. 2520-J and related statutes and regulations. Those violations have been disclosed in Respondent's waste discharge monitoring reports to the Department covering the period from November 30, 1976 through the date which the order below is issued by the Environmental Quality Commission.

///

1 grant offer.

2 (d) Submit a progress report within eleven (11) months
3 of Step III grant offer.

4 (e) Complete construction within eighteen (18) months of
5 Step III grant offer.

6 (f) Demonstrate compliance with the final effluent
7 limitations specified in Schedule A of the Permit
8 within thirty (30) days of completing construction.

9 (2) Requiring Respondent to meet the interim effluent limitations set forth
10 in Paragraph 4 above until the date set in the schedule in Paragraph A(1) above for
11 achieving compliance with the final effluent limitations.

12 (3) Requiring Respondent to comply with all the terms, schedules and conditions
13 of the Permit, except those modified by Paragraphs A(1) and (2) above.

(4) See insert, next page.

14 B. Regarding the violations set forth in Paragraph 5 above, which are expressly
15 settled herein, the parties hereby waive any and all of their rights to any and all
16 notices, hearings, judicial review, and to service of a copy of the final order herein.

17 C. Respondent acknowledges that it has actual notice of the contents and
18 requirements of this stipulated and final order and that failure to fulfill any of
19 the requirements hereof would constitute a violation of this stipulated final order.
20 Therefore, should Respondent commit any violation of this stipulated final order,
21 Respondent hereby waives any rights it might then have to any and all ORS 468.125(1)
22 advance notices prior to the assessment of civil penalties for any and all such
23 violations. However, Respondent does not waive its rights to any and all ORS 468.135
24 (1) notices of assessment of civil penalty for any and all violations of this stipulate
25 final order.

26 DEPARTMENT OF ENVIRONMENTAL QUALITY

1 A. (4) Requiring Respondent to immediately stop connecting any new sewer
2 connections to the sewer collection system until Respondent has demonstrated
3 compliance with the final effluent limits specified in Schedule A of the Permit
4 or as modified as follows:

- 5 a. That the Environmental Quality Commission shall review in six (6)
6 months the Respondent's progress towards making temporary corrections
7 to the collection or treatment system and progress towards permanent
8 compliance specified in Schedule A of the Permit.
- 9 b. That Respondent may petition the Environmental Quality Commission
10 prior to six months if they have made temporary corrections to the
11 collection and treatment system and progress towards final compliance
12 specified in Schedule A of the Permit.
- 13 c. That homes or establishments under construction on April 26, 1978
14 be allowed to connect to the collection system
- 15 d. That connections that do not add additional sewage load to the
16 system be allowed to connect to the system.
- 17 e. That established residences are allowed to connect to the sewer
18 collection system if the residence is served by a failing non-
19 repairable subsurface disposal system which creates a public
20 health hazard.

21
22
23
24
25
26
DEPARTMENT OF ENVIRONMENTAL QUALITY

1 Date: _____

By William H. Young
William H. Young, Director
Director

2

3

RESPONDENT

4

5 Date: _____

By Paul Woodworth
Name:
Title: Mayor

6

7

FINAL ORDER

8 IT IS SO ORDERED:

9

ENVIRONMENTAL QUALITY COMMISSION

10

11 Date: _____

By _____
WILLIAM H. YOUNG, Director
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

12

13

14

15

16

17

18

19

20

21

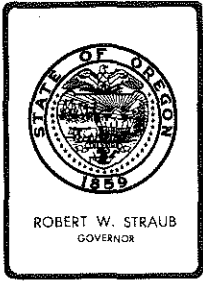
22

23

24

25

26



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. E, May 26, 1978, EQC Meeting

Authorization to Conduct a Public Hearing on the Question of Amending the Administrative Rules Governing the Procedures for Licensing Hazardous Waste Management Facilities.

Background and Statement of Need for Rule Making

The statutory authority for licensing a hazardous waste disposal site derives from ORS 459.510(2). . . no person shall operate a (hazardous waste) disposal site without a license therefor issued pursuant to ORS 459.410 - 459.690. The rules governing the procedure for obtaining such a license were adopted March 24, 1972, as OAR Chapter 340, Division 6, Subdivision 2.

The 1977 Legislature added several new provisions to ORS 459.410 - 459.690; the two of concern herein being:

ORS 459.505(2): . . no person shall operate a hazardous waste collection site in this state without obtaining a hazardous waste collection site license issued pursuant to this chapter (459); and
ORS 459.510(3): The Department may authorize disposal of specified hazardous wastes at specified solid waste disposal sites operating under government permit issued pursuant to ORS 459.205 to 459.265. Such authorizations may be granted only under procedures approved by the Commission, which shall include a determination by the Department that such disposal will not pose a threat to public health and safety.

The need for proposed rules are twofold; they will

1. Incorporate the new statutes into the administrative rules;
2. Modify the present Subdivision 2 based on six years hazardous waste management experience and recodify it into a format more compatible with the proposed new rules. This includes deleting the requirement for obtaining specific Commission approval to import hazardous waste for disposal; thereby permitting the Department to determine the acceptability of such disposal on the same basis as it does for locally generated waste.



Contains
Recycled
Materials

Evaluation

The proposed rules are a straightforward attempt to put certain statutes into a form more suitable for implementation.

Summation

The proposed rules give the Department a procedure for licensing a hazardous waste collection site and for disposing of a specified hazardous waste at a specified solid waste disposal site. In addition, they will update the procedures for licensing a hazardous waste disposal site. All the rules are recodified into a compatible format.

Director's Recommendation

It is the Director's recommendation that the Commission authorize public hearings, before a hearings officer, to take testimony on the question of amending the administrative rules governing the procedures for licensing hazardous waste management facilities.



WILLIAM H. YOUNG

Fred Bromfeld:mg
229-6210
May 10, 1978
Attachment (1)
Proposed Rule

Draft
April 25, 1978

DIVISION 6

SOLID WASTE MANAGEMENT

Subdivision 2

~~(Procedures-for-Issuance,-Denial,
Modification-and-Revocation-of-Licenses
for-the-Disposal-of-Environmentally
Hazardous-Wastes)~~

PROCEDURES FOR LICENSING HAZARDOUS WASTE MANAGEMENT FACILITIES

62-005 PURPOSE. The purpose of these ~~(regulations)~~ rules is to prescribe uniform procedures for ~~(obtaining-licenses-from-the-Department-of-Environmental-Quality-for-establishing-and-operating-environmentally-hazardous-waste-disposal-sites-and-facilities-as-prescribed)~~ the issuance, denial, modification and revocation of a license to store or dispose of hazardous wastes as authorized by ORS 459.410-459.690.

62-010 DEFINITIONS: As used in these rules unless otherwise required by context:

- (1) "Commission" means the Environmental Quality Commission.
- (2) "Department" means the Department of Environmental Quality.
- (3) "Director" means the Director of the Department of Environmental Quality.

~~(--(4)--"Dispose" or "Disposal" means the discarding, treatment, recycling or decontamination of environmentally hazardous wastes or their collection, maintenance or storage at a disposal site.)~~

~~(--(5)--"Disposal Site" means a geographical site in or upon which environmentally hazardous wastes are stored or otherwise disposed of in accordance with the provisions of ORS 459.410-459.690.)~~

~~(--(6)--"Environmentally Hazardous Wastes" means Environmentally Hazardous Wastes as defined by ORS 459.410; which includes discarded, useless or unwanted pesticides or pesticide residue; low-level radioactive wastes and receptacles and containers used therefor; that, because of their high concentration and/or persistence of toxic elements or other hazardous properties; and which have not been detoxified or cannot be detoxified by any practical means; may be classified by the Environmental Quality Commission as Environmentally Hazardous Wastes pursuant to ORS 340.410; but~~

~~shall not include Environmentally Hazardous Wastes which have been detoxified by treatment, reduction in concentration of the toxic element or by any other means and formally declassified by the Environmental Quality Commission as no longer hazardous to the environment.)~~

- (4) "Dispose" or "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any hazardous constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the State as defined in ORS 468.700.
- (5) "Generator" means the person, who by virtue of ownership, management or control, is responsible for causing or allowing to be caused the creation of a hazardous waste.
- (6) "Hazardous waste" means discarded, useless or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410 and these rules.
- (7) "Hazardous waste collection site" means the geographical site upon which hazardous wastes are stored in accordance with a license issued pursuant to ORS 459.410-459.690.
- ~~(8) "Person" means the United States and agencies thereof, any state, any individual, public or private corporation, political subdivision, governmental agency, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity whatsoever.)~~
- (8) "Hazardous waste disposal site" means a geographical site in which or upon which hazardous wastes are disposed in accordance

with a license issued pursuant to ORS 459.410-459.690.

~~(7)~~ (9) "License" means a written license ~~(issued-by-the-Commission);~~ bearing the signature of the Director, which by and pursuant to its conditions authorizes the licensee to ~~(construct;-install;~~ modify-or) establish and operate specified facilities or conduct specified activities for the storage or disposal of ~~(environmentally)~~ hazardous wastes.

(10) "Person" means the State or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate, or any other legal entity.

(11) "Store" or "storage" means the containment of hazardous waste either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

(DISPOSAL SITE)

62-015 LICENSE REQUIRED FOR A HAZARDOUS WASTE DISPOSAL SITE.

~~(1)~~ Delete

~~(2)~~ (1) No Person shall establish or operate a hazardous waste disposal site without a license therefor issued by the Commission pursuant to ORS 459.410-459.690 and these ~~(regu-~~ tations) rules.

~~(3)~~ (a) Licenses ~~(issued-by-the-Department)~~ shall establish minimum requirements for the disposal of ~~(environ-~~ mentally) hazardous wastes, ~~(limits-as-to-types~~ and-quantities-of-materials-to-be-disposed;) minimum requirements for operation, maintenance, monitoring

and reporting, and supervision of disposal sites, and shall be properly conditioned to ensure compliance with pertinent local, state and federal standards and other requirements and to adequately protect life, property and the environment.

- (4) (b) Licenses shall be issued to the applicant for the activities, operations, emissions or discharges of record, and shall be terminated automatically upon issuance of a new or modified license for the same operation.

62-020 NECESSITY FOR A HAZARDOUS WASTE DISPOSAL SITE. Any person proposing to establish ~~(or-obtain-a-license-for)~~ a disposal site ~~(for Environmentally-Hazardous-Wastes)~~ shall ~~(prepare-and)~~ submit to the Department a detailed report with supporting information, justifying the necessity for the disposal site as proposed, including anticipated sources of wastes and types and quantities of wastes to be disposed. ~~(Environmentally-Hazardous-Wastes-generated-outside-the-State-of Oregon-and-proposed-to-be-imported-for-disposal-in-Oregon-shall-receive specific-approval-by-the-Environmental-Quality-Commission-prior-to said-disposal.)~~

62-025 APPLICATION FOR A HAZARDOUS WASTE DISPOSAL SITE LICENSE. ~~(1)~~ Any-person-wishing-to-obtain-a-new,-modified-or-renewal-license-from the-Department-shall-submit-a-minimum-of-(8)-copies-of-a-written application-on-forms-provided-by-the-Department.--All-application forms-must-be-completed-in-full; (1) An application for a disposal

site license shall consist of eight (8) copies of a written report,
signed by the applicant or his authorized representative, ~~(and shall~~
~~be accompanied by a minimum of (8) copies of all required exhibits.~~
~~(2) -- An application for a license)~~ which shall contain but not be
limited to:

- (a) No change
- (b) No change
- (c) The experience of the applicant in construction management, supervision or development of disposal sites for ~~(environmentally)~~ hazardous wastes and in the handling of such substances.
- (d) No change
- .
- (j) No change

~~((3) -- License application must contain or be accompanied by the~~
~~following:~~

- ~~(a)~~ (k) No change
- ~~(b)~~ (l) No change
- ~~(c)~~ (m) No change
- ~~(d)~~ (n) No change

(2) An application to renew or modify a license shall
consist of a written report, signed by the applicant
or his authorized representative, addressing the
requirements of this Section deemed pertinent by
the Department.

- ~~(4)~~ (3) The Department No change
- ~~(5)~~ (4) Applications No change

~~{62-030--ENGINEERING-PLANS-REQUIRED}~~ (5) Before a No change

~~{62-035}~~ 62-028 HEARINGS AND ISSUANCE OR DENIAL OF A HAZARDOUS WASTE DISPOSAL SITE LICENSE

(1) Upon receipt of an application, the Department shall cause copies of the application to be sent to affected state agencies, including the State Health Division, the Public Utility Commissioner, the State Fish and Wildlife Commission, and the Water Resources Director. ~~{the Fish Commission of the State of Oregon; the State Game Commission; the State Engineer and to such other agencies or persons that the Department deems appropriate.}~~ ORS 459.410-459.690 provides that each agency shall respond by making a recommendation as to whether the license application should be granted. If the State Health Division recommends against granting the license, the Commission must deny the license.

(2) No change

(6) No change

~~{62-040}~~ 62-032 RENEWAL, MODIFICATION, TERMINATION OR EXPIRATION OF A HAZARDOUS WASTE DISPOSAL SITE LICENSE (1) An No change

~~{62-045}~~ 62-034 SUSPENSION OR REVOCATION OF A HAZARDOUS WASTE DISPOSAL SITE LICENSE (1) Whenever No change

- (2) No change
- (3) In the event that it becomes necessary for the Commission to suspend or revoke a disposal site license due to . . . No change

(COLLECTION SITE)

A new OAR 340-62-042 is hereby adopted to read as follows:

62-042 LICENSE REQUIRED FOR A HAZARDOUS WASTE COLLECTION SITE.

- (1) No person shall establish or operate a hazardous waste collection site without a license therefor issued by the Department pursuant to ORS 459.410-459.690 and these rules.
 - (a) Licenses shall establish minimum requirements for the storage of hazardous wastes, minimum requirements for operation, maintenance, monitoring and reporting, and supervision of collection sites, and shall be properly conditioned to ensure compliance with pertinent local, state and federal standards and other requirements and to adequately protect life, property and the environment.
 - (b) Licenses shall be issued to the applicant for the activities and operations of record, and shall be terminated automatically upon issuance of a new or modified license for the same operation.

A new OAR 340-62-044 is hereby adopted to read as follows:

62-044 APPLICATION FOR A HAZARDOUS WASTE COLLECTION SITE LICENSE

- (1) An application for a collection site license shall consist of a written report, signed by the applicant or his authorized representative, which shall contain but not be limited to:

- (a) The name and address of the applicant and person or persons to be directly responsible for the operation of the collection site.
- (b) The experience of the applicant in the handling of hazardous substances.
- (c) The management program for the operation of the collection site, including the proposed methods of storage, and the proposed emergency measures and safeguards to be provided for the protection of the public, the site employees, and the environment.
- (d) A schedule and description of sources, types and quantities of material to be stored and special procedures, if any, for their handling.
- (e) A description and preliminary engineering sketch of the size and type of facilities to be constructed, including the height and type of fencing to be used; the size and construction of structures or buildings, warning signs, notices and alarms to be used; the type of drainage and waste handling facilities and maximum capacity of such facilities; the location and source of each water supply to be used and the location and the type of fire control facilities to be provided at such site.
- (f) The exact location and place where the applicant proposes to operate and maintain the collection site.
- (g) A proposed program for continuous surveillance of the collection site and for regular reporting to the Department.

- (h) A proposal and supporting information justifying the amounts of liability insurance proposed to protect the environment and the health, safety and welfare of the people of this State, including the names and addresses of the applicant's current or proposed insurance carriers and copies of insurance policies then in effect.
- (2) An application to renew or modify a license shall consist of a written report, signed by the applicant or his authorized representative, addressing the requirements of this section deemed pertinent by the Department.
- (3) The Department may require the submission of such other information as it deems necessary to make a decision on granting, modifying or denying the license.
- (4) Applications which are incomplete, unsigned, or which do not contain the required information, may be excluded from consideration by the Department at its discretion. The applicant shall be notified in writing of the deficiencies.
- (5) Before a collection site is established, constructed, maintained or substantially modified, the licensee must submit to the Department final detailed plans and specifications covering construction and operation of the collection site and all related facilities; and receive written approval of such final plans from the Department.

A new OAR 340-62-046 is hereby adopted to read as follows:

62-046 RENEWAL, MODIFICATION, TERMINATION OR EXPIRATION OF A HAZARDOUS WASTE
COLLECTION SITE LICENSE

- (1) An application for renewal, modification or termination of a license

or to allow a license to expire shall be filed in a timely manner, but not less than sixty (60) days prior to the expiration date of the license. Procedures for issuance of a license shall apply to renewal, modification, termination or expiration of a license. A license shall remain in effect until final action has been taken by the Department on any appropriately submitted and complete application pending before the Department.

- (2) In the event that the Department finds it necessary to modify a license due to changed conditions or standards, receipt of additional information or any reason it deems would threaten public health and safety, the Department shall notify the licensee or his authorized representative by certified mail. Such notification shall include the proposed modification and the reasons for modification. The modification shall become effective twenty (20) days from the date of mailing of such notice unless within that time the licensee requests a hearing before the Commission. Such a request for hearing shall be made in writing and shall include the reasons for such hearing. At the conclusion of any such hearing the Commission may affirm, modify or reverse the proposed modification.

A new OAR 340-62-048 is hereby adopted to read as follows:

62-048 SUSPENSION OR REVOCATION OF A HAZARDOUS WASTE COLLECTION SITE LICENSE

- (1) Whenever, in the judgment of the Department from the results of monitoring or surveillance of the operation of any collection site, there is reasonable cause to believe that a clear and immediate danger to the public health and safety exists from the continued operation of the site, without hearing or prior notice, the Department shall order

the operation of the site halted by service of the order on the site superintendent. Notice of such suspension or revocation must state the reasons for such action and advise the licensee that he may request a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director within 90 days of the date of suspension and shall state the grounds for the request. Any hearing shall be conducted pursuant to the regulations of the Department.

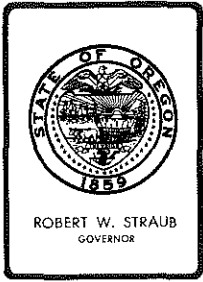
- (2) In the event that it becomes necessary for the Department to suspend or revoke a collection site license due to violation of any provision of ORS 459.410-459.690, noncompliance with these rules or the terms of the license, the threat of degradation of a natural resource, unapproved changes in operation, false information submitted in the application or any other cause, the Department shall notify the licensee by certified mail of its intent to suspend or revoke the license and the timetable and procedures to be followed. Such notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective 20 days from the date of mailing of such notice unless within that time the licensee requests a hearing before the Commission or its authorized representative. Such a request for hearing shall be made in writing to the Director and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the regulations of the Department.

(SPECIFIED WASTES)

A new OAR 340-62-060 is hereby adopted to read as follows:

62-060 DISPOSAL OF A SPECIFIED HAZARDOUS WASTE AT A SPECIFIED SOLID WASTE DISPOSAL SITE

- (1) Pursuant to ORS 459.510, the Department may authorize the disposal of a specified hazardous waste at a specified solid waste disposal site established and operated in accordance with ORS 459.205-459.265 and the rules adopted thereunder.
- (2) Such authorization will generally be limited to wastes that are ignitable, corrosive, infectious, or reactive, but not toxic according to OAR Chapter 340, Division 6, Subdivision 3.
- (3) Such authorization is to be granted by the Department as a Solid Waste Permit, or amendment thereto, issued in accordance with the procedures of OAR Chapter 340, Division 6, Subdivisions 1 and 4, and in accordance with the following:
 - (a) The applicant must demonstrate that the disposal will not pose a threat to the public health and safety or the environment due to the properties of the waste, characteristics of the disposal site, the proposed handling procedure, and other relevant circumstances.
 - (b) The waste generator must demonstrate that:
 - (1) All practicable steps have been taken to eliminate or minimize the generation of the waste and to recover, concentrate, or render the waste non-hazardous.
 - (2) The disposal of the waste at a hazardous waste disposal site is burdensome to an extent which makes such disposal impractical or is otherwise severely detrimental to the generator's activities without providing commensurate environmental benefits.



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, May 26, 1978, EQC Meeting
Brown's Island Sanitary Landfill, Marion County,
Request for Expansion.

BACKGROUND

The Brown's Island Sanitary Landfill is located in the NE 1/4 Section 31 and the NW 1/4 Section 32 of Township 7 South, Range 3 West, W.M., on Brown's Island in Marion County. It is the major solid waste disposal site in Marion County, serving the City of Salem, the southern portions of Marion County, and the eastern portions of Polk County. It is of major concern to the Department of Environmental Quality, since it is located in the flood plain of the Willamette River, between the flood plain relief channel and the main River.

At the December 20, 1974, Environmental Quality Commission meeting, a status report on the site was presented indicating, the Department planned to issue a permit for a 21-acre expansion of the site.

(Attachment A) In conjunction, Marion County and the Chemeketa Region Solid Waste Management Program were encouraged to make alternative long-range plans to phase out Brown's Island Landfill. Over approximately a year period beginning August 1975, I.C. Thomasson and Associates carried out a limited (\$32,000) long-range solid waste resource recovery study. Marion County, the City of Salem, Polk County, and our Department provided the planning funds. Of several alternatives investigated, the consultant recommended a regional incineration/steam processing plant in Salem as the most feasible. However, a special committee appointed by the Marion/Polk Solid Waste Committee to evaluate the study determined that implementation was not feasible due to:

1. Construction costs probably greatly exceeding the \$18 million figure suggested in the study.
2. Unavailability of suitable site locations in Salem.
3. Potential creation of air quality problems.
4. Lack of a market for process steam.



Contains
Recycled
Materials

Implementation of the study was based on the sale of process steam, and it was generally declared not feasible in September, 1976, when prospective buyers stated they would not be interested. There remains some question to DEQ staff as to how objective and complete the study was relative to the complexity of the solid waste management problem in the Mid-Willamette Valley.

The Department requested that Marion County initiate an immediate study for an alternate long-range disposal site to replace Brown's Island. At that time, it was estimated that Brown's Island would be full by February, 1979. In October, 1976, the Marion/Polk Solid Waste Committee appointed a special Technical Site Search Subcommittee to locate potential disposal sites. The Subcommittee was comprised of private citizens and individuals from federal, state, and county agencies who had expertise in solid waste management, land use planning, soils, and groundwater.

After two months of extensive field study, 19 potential sites were submitted to the Marion/Polk Solid Waste Committee for consideration. These sites were narrowed down to the top five; two in Polk County and three in Marion County. Due to early public and political opposition, the two sites in Polk County were eliminated.

In March, 1977, the Marion County Solid Waste Committee held a public meeting regarding the three remaining sites. Public opposition was overwhelming, with an estimated 800 to 1,000 persons in attendance voicing strong opposition. Due to this opposition, efforts to locate a new site diminished and attention again focused on expanding Brown's Island.

The Department responded by stating that no consideration for expansion would be given until:

1. A hydraulic analysis had been completed showing that an expansion could be made that would not create flood hazards to adjacent properties, nor create erosive velocities that would threaten the landfill during all flood stages up to the 100-year flood.
2. A groundwater study had been made which could show that the beneficial use of groundwater on Brown's Island would not be impacted, nor any measurable degradation to the Willamette River occur from future filling activities.
3. Marion County would commit to renew their efforts to establish and implement a sound long-range solid waste management plan and phase out the Brown's Island Landfill as soon as possible.

The Department has received an application and a completed groundwater study from Mr. William Schlitt, operator of the Brown's Island Landfill, requesting an expansion of the site. We have also received a completed hydraulic analysis prepared by the U.S. Army Corps of Engineers, and a letter of support and future planning commitments from the Marion County Board of Commissioners (Attachment B).

EVALUATION

1. COUNTY NEEDS

Brown's Island is the major landfill in Marion County, and has an estimated remaining life of approximately 10 to 12 months. Once this site is full, the only alternative immediately available is direct transfer to the Marion County Landfill at Woodburn. The volume now coming into Brown's Island averages approximately 50,000 cubic yards per month, which is about 25% more than the 1974 estimates. Currently, the Brown's Island operation requires more than five acres of land a year (sanitary wastes only). Diverting these wastes to Woodburn would sharply increase hauling and other operational costs. The Woodburn traffic patterns and operational areas would have to be significantly upgraded to accommodate the excess refuse; more significantly, the operational life at the Woodburn site would be cut from an estimated ten years to an estimated three years. Overall this alternative appears impractical.

2. HYDRAULIC ANALYSIS

On September 26, 1977, the U.S. Army Corps of Engineers submitted a hydraulic analysis regarding potential expansion of the Brown's Island Landfill for a given configuration. Their analysis for the 100 year peak flow condition indicates that the landfill could expand in certain designated areas without significantly affecting flood levels or velocities. The calculated velocities around the landfill during peak flows would be low, 2.5 feet per second or less.

The report is qualified by identifying the unnatural "all weather access" road as a barrier to the natural flood relief channel, causing higher velocities around the western end of the landfill and, in turn, magnifying the potential for creating erosive velocities.

The staff concurs with the Corps' analysis that expansion could occur in certain areas with proper design. We strongly agree that any expansion must be predicated upon Marion County's removal of the "all weather access" road down to natural ground elevation.

3. WATER QUALITY EVALUATION

On January 20, 1978, H. Randy Sweet, Consulting Geologist/Hydrogeologist, submitted an in-depth water quality evaluation report on Brown's Island in relation to a proposed expansion. The report identifies the primary beneficial uses of groundwater at Brown's Island to be water supply and bank storage for dry weather augmentation of the Willamette River. The report shows that all local domestic and irrigation wells are located upgradient from the site, and these wells would not be threatened by the landfill in terms of reduced water quantity or quality. The report indicates that contaminants are probably reaching the Willamette River; however, due to natural leachate attenuation, dilution by underlying groundwaters, and dilution by the Willamette River, no measurable degradation is presently occurring.

The report concludes that from a water quality standpoint a landfill expansion is feasible and recommends that it be located to the northwest of the existing operation. The reasons given for expanding in this direction are:

1. The flood impact would be minimized in this area.
2. Groundwater effects would be held to a smaller area, including the present area already affected by the existing landfill.
3. Current setbacks from the River could be maintained or increased.
4. Improvements in landfill design, construction, and closure techniques could reduce leachate production and discharge, as well as improve leachate treatment.

The staff agrees with most of the conclusions in the Sweet report. Improvements in design, such as trench liners, elevated trench bottoms, and increasing slope in finished grades, would decrease leachate production and discharge. Final design criteria remains to be developed pending Commission action on this report.

Based on data from the monitoring well located nearest the River, it appears obvious that the groundwaters between the landfill and the River are being impacted, and contamination is migrating toward the River. However, as noted in the Sweet report, the Department has not detected any measurable degradation of the Willamette River to date.

4. MARION COUNTY SUPPORT OF EXPANSION

On April 6, 1978, the Marion County Commissioners submitted a letter of support in regard to a Brown's Island expansion. In that letter, the Commissioners advised that the following commitments toward establishing a long-range solid waste management program for Marion County were being considered:

1. Marion County will try by July 1, 1978 to hire a qualified consultant or qualified County staff to do the short- and long-range planning for the County.
2. Based on hiring qualified staff, Marion County will target July 1, 1979, as a date to submit a plan for implementation of an alternate method of regional solid waste management.
3. By 1983, Marion County expects to be in the implementation stage of their plan. They believe closure of Brown's Island, in accordance with RCRA requirements, will not adversely affect the County.

The staff believes these proposals are being submitted in good faith toward establishing a sound long-range solid waste management program in Marion County.

5. POTENTIAL HAZARDS

As a matter of policy, the Department does not encourage development of landfills in flood plains for obvious reasons. If Marion County had any viable alternative at this time, the Department would not consider this expansion request. This position is also reflected in the Federal Resource Conservation and Recovery Act (RCRA) of 1976. It proposes that any landfill located in a known flood plain must be listed on a state inventory and placed on a compliance schedule to close within five years. Public hearings are now in progress regarding the RCRA requirements, and we expect them to become effective in the near future. We also expect the Brown's Island Landfill to be placed on the state "open dump" inventory for closure.

Initial studies by the Corps of Engineers have indicated that the landfill can be expanded to some degree. There is concern that at some time in the future the river may change course or otherwise act on the landfill causing erosion and possible washout of the solid waste.

At present, contamination to the river cannot be measured. By adding an additional five-year accumulation of solid waste there may be enough increase to produce a measurable effect on the river.

SUMMATION

1. The Brown's Island Sanitary Landfill is the major solid waste disposal site in Marion County. The public, commercial, and industrial interests in the City of Salem, the southern part of Marion County, and the eastern part of Polk County are directly dependent upon its operation to accommodate their solid waste disposal needs. The Landfill has a remaining life expectancy of approximately 10 - 12 months.
2. The only immediate alternative to an expansion of Brown's Island is to divert the wastes to the Woodburn Sanitary Landfill. This would appear to create a hardship for the public and hinder sound long-range solid waste planning in Marion County.
3. The U.S. Army Corps of Engineers' hydraulic analysis for an expansion at Brown's Island indicates that the 100-year peak flow condition would not significantly affect flood levels or velocities.
4. The U.S. Army Corps of Engineers' hydraulic analysis identifies the "all weather access" road as a barrier to the natural flood relief channel. Staff observations have confirmed this. During smaller floods, the road diverts flows at higher velocities around the western end of the site and maximizes erosion potential.
5. Because of its flood plain location, the Federal Resource Conservation and Recovery Act of 1976 will, in all probability, place the Brown's Island Landfill on the state inventory for closure. Once placed on the inventory, the site must be terminated within five years.
6. The Brown's Island Sanitary Landfill Water Quality Evaluation, prepared by H. Randy Sweet, Consulting Geologist/Hydrogeologist, concludes that from a water quality standpoint an expansion can occur to the northwest of the existing site without impacting any current beneficial uses of groundwater on Brown's Island. The report further concludes that with improvements in landfill design, leachate production can be reduced and leachate attenuation improved.
7. Marion County supports the landfill expansion. Along with their letter of support, they have submitted a proposal which, if carried out, will provide a sound long-range solid waste management program in Marion County, including phase-out of the Brown's Island Landfill by 1983.

8. Complete hydraulic analysis of the final proposed landfill configuration have not yet been completed. Additional studies are now being conducted by the Corps of Engineers and the private landfill operator's consultant. If these studies do not provide an acceptable margin of safety the expansion permit should not be issued. There are certain inherent potential hazards associated with landfilling and expansion at this location. It cannot be guaranteed that future erosion of the landfill and contamination of the river will not occur.

DIRECTOR'S RECOMMENDATION

The request for expansion of the Brown's Island Sanitary Landfill be approved, subject to the following:

1. The permit for a sanitary landfill expansion be issued for up to a maximum of five years terminating on or before July 1, 1983; with no sanitary waste disposal being allowed at Brown's Island after that date.
2. Approvable final engineering plans for proper site engineering design to ensure against flood and erosion hazards be submitted to the Department prior to construction. These plans shall also include provisions for reducing leachate production and discharge, and for improving attenuation to ensure that the beneficial use of groundwaters on Brown's Island or in the Willamette River will not be threatened.
3. Prior to September 1, 1978, Marion County remove the "all weather access" road down to natural ground elevation to remove the restriction to the natural flood relief channel.

It is further recommended that Marion County be directed to submit annual progress reports starting August 1, 1978, which show progress toward replacement of Brown's Island and development of a long-range solid waste management program. If at any time it is deemed by the Director that sufficient progress is not being made by the County, the Director should bring it to the immediate attention of the Commission.



WILLIAM H. YOUNG

Gary W. Messer
378-8240

May 10, 1978

Attachments (2)

Agenda Item No. 1, December 20, 1974 meeting - Attachment A
Marion County letter dated April 6, 1978 - Attachment B

MARION COUNTY

BOARD OF COMMISSIONERS



COURTHOUSE, SALEM, OREGON, 97301

April 6, 1978

COMMISSIONERS
Pat McCarthy, Chairman
Walter R. Heine
Harry Carson, Jr.

EXECUTIVE OFFICER
Harold F. Brauner

LEGAL COUNSEL
Frank C. McKinney

TELEPHONE 588-5212
AREA CODE 503

Gary Messer, R.S.
Assistant Manager
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Messer:

This is to advise that the Marion County-City of Salem Solid Waste Committee took under advisement for discussion and early action the following matters, at its meeting on April 6, 1978.

1. To determine the earliest date that Marion County can advise DEQ when it will either designate a qualified consultant or will hire qualified staff to do the short and long range planning for solid waste management in the Salem urbanizing area. This will include a search for a possible replacement for Brown's Island landfill site. Hopefully this will be no later than July 1, 1978.
2. To determine, based on the answer to No. 1, when Marion County can submit to DEQ a short and long range plan for solid waste management that will lead to implementation of an alternate method of regional operation of solid waste disposal. This could include an alternate landfill site as well as increased resource recovery. Subject to any new system or recovery methods that are discovered, and our ability to obtain a competent consultant or staff, this could be by July 1, 1979.
3. Marion County would request DEQ to give technical advice and assistance to the implementation of the proposed plan and to meet periodically with the staff and the Solid Waste Committee.
4. The Marion County-City of Salem Solid Waste Committee supports Brown's Island, Inc. in its application for an expansion to the existing landfill site.

It is anticipated at this time that, if the above planning is on schedule, the implementation of the short and long range plan might be done by 1983. In any event, it would appear we could meet the proposed, but yet unadopted,

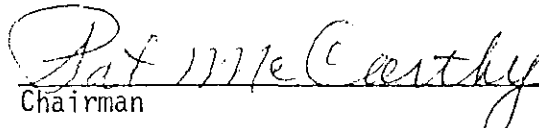
Gary Messer, R.S.
April 6, 1978
Page 2

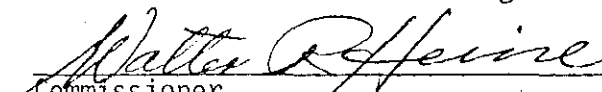
rules or criteria of the EPA. The proposed criteria is not required to be met until at least five years after the EPA has published an inventory showing our facility unacceptable.

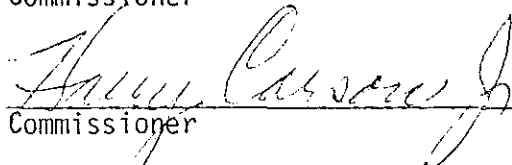
It is our understanding that the EPA has up to one year after they finally adopt their criteria to publish such an inventory. As you probably know, public comments on their proposed criteria have been extended for several weeks past the original May 8, 1978 deadline.

Sincerely,

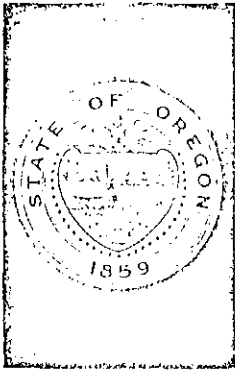
BOARD OF COMMISSIONERS


Chairman


Commissioner


Commissioner

BOC:if
cc: Solid Waste Committee



ENVIRONMENTAL QUALITY COMMISSION

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

TOM McCALL
GOVERNOR

B. A. McPHILLIPS
Chairman, McMinnville

GRACE S. PHINNEY
Corvallis

JACKLYN L. HALLOCK
Portland

MORRIS K. CROTHERS
Salem

RONALD M. SOMERS
The Dalles

KESSLER R. CANNON
Director

To: Environmental Quality Commission

From: Director

SUBJECT: Agenda Item No. I, December 20, 1974, EQC Meeting

Brown's Island Sanitary Landfill, Marion County - Status Report

The Brown's Island Sanitary Landfill is located in the NE 1/4 Section 31 and the NW 1/4 Section 32 of Township 7 South, Range 3 West, W.M. on Brown's Island in Marion County (see attached map fig. 1).

This landfill is the major solid waste disposal site in the Chemeketa 5-county region, serving some 117,000 people who generate approximately 240 tons of solid wastes for disposal each day.

The actual site is owned and operated respectively, by two different private individuals; however, the wastes disposed therein are collected under franchises issued by the City of Salem and Marion and Polk counties and the landfill is operated under a solid waste disposal site permit issued by the DEQ and a conditional land use permit issued by Marion County. The Chemeketa Regional Solid Waste Management Plan has designated the Brown's Island site as a major solid waste regional landfill for a 5 to 10 year period.

The site lies in the floodplain of the Willamette River, between the old Willamette River channel and the present river channel. The old channel is usually dry, but during annual high flood flows it becomes an important flood flow channel.

The original access road, Homestead Road South (Brown's Island Road) has two low sections at approximately elevation 128 (USGS datum) which are inundated at river stages in excess of 19 feet (Salem gage) and thereby rendered non-usable for varying periods almost every year. During these periods of nonaccess to Brown's Island, in past years, the solid wastes have been hauled to Marion County's Macleay site for disposal. The Macleay site is now essentially filled to capacity, has serious leachate and other environmental problems and is not an adequate back-up site.

In order to make the Brown's Island Sanitary Landfill available for use year-round, Marion County, in 1973, constructed an allweather access road to the island. The new road is an extension of Roberts' Road and crosses the old river channel with a rock and earth fill to an elevation of approximately 140 (USGS datum) so as not to be overtopped by floods that would ordinarily be expected to occur not more than once in 10 years. The Department, by its letter of June 19, 1973, supported Marion County's request to FHA for funding construction of an all-weather access road to Brown's Island; however, the design criteria and construction plans were not submitted to or reviewed or approved by the Department. Detailed plans for County roads are normally not reviewed by the Department.

In January 1973, extreme high flood flows of the Willamette River (attenuated by dams to an effective 24year flood according to the U. S. Corps of Engineers) washed out the new allweather access road and two sections of the landfill dikes. Substantial solid wastes were washed downstream and if the road had not washed out, thereby relieving the pressures on the landfill, undoubtedly a much greater portion of the landfill would have been washed away. In spite of objections by the Department, Marion County has rebuilt the washed out section of the allweather access road thereby again placing the landfill in jeopardy of being eroded or washed out by floods that might be expected to occur with a frequency as often as once in five years and which, in fact, could occur any given year.

The Brown's Island landfill has been operated under a series of short term permits issued by the Department since State jurisdiction of solid waste disposal was transferred from the State Health Division to the Department by the 1971 Oregon Legislature. Short term permits were used as a mechanism to require and obtain needed improvements in the construction and operation of the landfill. Also, since the landfill was located in the Willamette River floodplain, the Department restricted operation to the 30-acre area then under lease unless and until it could be shown by a comprehensive engineering study and flood flow analysis that further expansion into the floodplain could be safely done.

The construction of the all-weather access road and the subsequent wash out and temporary closure of the Brown's Island landfill in January, 1974, increased the urgency for a detailed flood flow study to determine what needed to be done to protect the landfill from further washout and to determine the extent and the conditions under which the landfill might be expanded.

On May 3, 1974, Department staff and a representative of the U. S. Corps of Engineers made a field inspection and evaluation of the landfill, and Marion County, City of Salem, Sanitary Services Co., Inc., and Chemeketa Region were advised by our letter of May 9, 1974, and at a meeting held on May 22, 1974, of actions and conditions necessary to continue use of the Brown's Island Landfill. These included:

1. Cutback the upstream dike of the landfill to ease interference with Willamette River flow.
2. Repair exterior dikes to withstand 100 year flood flows.
3. No further expansion of the landfill toward the main river channel unless it could be shown by a hydraulic study that further expansion could be safely accomplished.
4. Removal or modification of the all-weather access road so as not to further jeopardize the landfill.

It was also suggested that the landfill might be expanded immediately without further study into the high ground area to the east and downstream of the landfill if proper authorizations from BOR and Marion County could be obtained. This area could be used because it is located immediately downstream from the present landfill and would cause no further restriction of flood flows. The area is also at a high enough elevation that it can be worked during high river flow periods of the year. BOR approval is necessary because these 21 acres were purchased for the Willamette Greenway with BOR funds. A conditional use permit from Marion County and a new or modified solid waste disposal permit from the Department would also be necessary before this area could be used.

Subsequently, Chemeketa and Marion County financed preparation of a detailed flood flow analysis by Mr. John McDonald of Clark and Groff, Consulting Engineers. The analysis indicates that the Brown's Island landfill could be safely expanded further into the Willamette River floodplain, provided the new all-weather access road is removed or modified so as not to substantially restrict flood flows in the old channel.

The Department is generally inclined to agree, on the basis of the Clark and Groff study and a preliminary evaluation of the study results by the U. S. Soil Conservation Service, that the Brown's Island landfill probably could be expanded further into the floodplain to some yet undetermined limit if (1) the road is removed or substantially modified and (2) the exterior dikes of the landfill are properly designed and constructed to assuredly withstand maximum expected flood flows. Location of landfills in flood plains is not generally recommended; however, the Chemeketa regional solid waste planning group and its consultants were unable to locate a better site in almost 3 years of intense planning activity.

In order not to risk having the landfill washed out again this winter, a request was made to Marion County by letter dated October 2, 1974, "...that this road be removed or modified by no later than December 1, 1974, such that it will not interfere with flood flows in the Willamette River in a manner to jeopardize the integrity of the landfill." So far, Marion County Has not agreed to remove or modify the new road. Mr. McDonald has advised Marion County that in his opinion the new road could be used until such time a 5-year flood is forecasted and then a section of the road "...MUST be weakened so that it is carried away before the landfill is eroded."

The Department is not satisfied that the "flood forecast, road weakening" procedure suggested by Mr. McDonald, could be carried out in a manner to afford adequate assurances against wash-out of the landfill. Also, if the road is left to wash out at the whim of Mother Nature, the area could be suddenly faced with a solid waste disposal crisis. The Department is of the opinion the road should be removed or modified on a planned basis with alternative disposal plans made to assure continuous and adequate solid waste disposal for the area.

A possible solution to the Brown's Island access problem might be to raise the old road 3 to 5 feet to an elevation of 131 or 133 feet (USGS datum). It appears that this could be done without seriously restricting flood flow passage at the higher river stages. A rough analysis of river stage data by the Department indicates that raising the old road from its present elevation of 128 to elevation 131, would have made it usable for all but 13 days during the high flow period of 1973-74 and if raised to elevation 133, this road would have been passable all but 6 days during 1973-1974. Most years the old road would appear to be operable year-round if elevated 3 to 5 feet in its lowest sections. Lowering the new road from its present elevation of approximately 140 to elevations 131 or 133 might produce somewhat similar results; however raising the old road would appear to cause less flood flow pressures on the landfill than would be the case if the new road were to be left in place at a lowered elevation. Both of these possibilities appear worthy of further study; however, neither should be done without a thorough engineering analysis of the potential benefits and hazards. Alternative disposal procedures would have to be developed for the short periods when Brown's Island might not be accessible with such a modified road system. Of course, Brown's Island could be made safely accessible during any river flow conditions by construction of a properly designed bridge; however, this is believed to be prohibitively expensive, at least on a short term basis.

The Department has been notified by the site operator, Sanitary Services Co., Inc., that the present operating area will be filled to capacity by February 1, 1975. The operator also indicated that it would take between 30 and 45 days to prepare the Greenway land for receipt of solid waste. Since the Greenway land has not yet been acquired, possible short term alternatives were explored and a letter outlining possible alternatives was directed to Marion County on December 6, 1974. Interim hauling to the Coffin Butte Landfill in Benton County or to Rossman's Landfill in Clackamas County are possible short-term alternatives, subject to local approval. Construction of another lift at Brown's Island is not considered a practical alternative because:

- a) Cover material would have to be imported.
- b) Mounding of the solid wastes would be unsightly.
- c) Mounding would tend to produce more leachate discharge.

Conclusions

1. The Brown's Island Sanitary Landfill is the major solid waste disposal site in Marion County and serves the entire City of Salem and portions of Marion and Polk Counties.
2. The present landfill area will be filled by February 1, 1975, and the only usable area available for short-term expansion of the landfill is the 21-acre parcel to the east of the present landfill which was purchased with BOR money for the Willamette Greenway.
3. Use of the 21 acres of Willamette Greenway lands requires the acquisition and trade of equivalent lands acceptable to BOR, a conditional use permit from Marion County and a modified solid waste disposal permit from DEQ.
4. In order for the 21-acre parcel to be made ready for use by February 1, 1974, when the present landfill will be full, preparation of the site should start no later than January 1, 1974. Every effort should be made to acquire and make this area available for use by February 1; however, contingency plans should be made now for alternative disposal sites in the event this schedule cannot be met.
5. The new all-weather access road places the landfill in jeopardy of being seriously damaged or washed away by once in 5 years expectancy, or greater, flood flows. The new road should immediately be removed or modified such that flood flows in the old channel will not be substantially restricted.

6. An immediate analysis should be made to determine if the old road, or perhaps the new road, could be modified so as to greatly improve reliability of access to Brown's Island during high-water periods and still not restrict flood flows to the point of jeopardizing the landfill.
7. Marion County or the Chemeketa group should act immediately and positively to assure that the area's solid wastes will be disposed of in an acceptable manner on a continuous basis.

Proposed Action

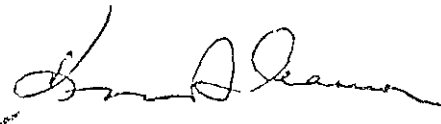
Based on information on hand to date, the Department proposes as follows:

- 1) The Department proceed to issue a renewal permit to Sanitary Service Co., Inc., allowing continued disposal of solid waste within the present confines of the Brown's Island Sanitary Landfill until February 1, 1975. Additional time will be incorporated to allow completion of specified site closure procedures including the provision of adequate exterior dike protection. (The extent of dike protection needed will be dependent upon the final disposition of the new road.)

- 2) The Department proceed to issue, subject to BOR and local land-use approval, a solid waste disposal permit to either Sanitary Services Co., Inc., or to Marion County to allow immediate expansion of the Brown's Island landfill into the 21-acre area to the east.

Such action will require submission of an application to expand the landfill together with detailed site preparation and operational plans.

- 3) Marion County be encouraged to either remove or modify the new road in order to remove the serious threat of washout of the landfill by anticipated high river flows.
- 4) The old access road be raised to provide essentially year-round access to Brown's Island, except during unusually high water periods, provided a more detailed study verifies that this can be accomplished without jeopardizing the landfill.
- 5) Chemeketa make immediate alternative plans for disposal of solid wastes for both the immediate future, in the event the Greenway lands may not be available by the time the present landfill is full, and for the longer-term future periods when Brown's Island may not be accessible due to exceptionally high waters.

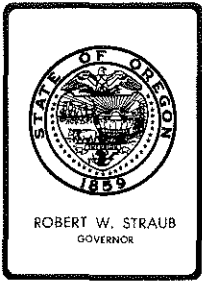


KESSLER R. CANNON
Director

Attachments

Figure 1

Letters (4)



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. H, May 26, 1978, EQC Meeting

Proposed Revisions to Sewerage Works Construction Grant Priority Criteria

Background

Each year Water Quality Division brings the "Criteria for Priority Ranking of Sewerage Works Construction Needs" before the EQC for review and adoption. These criteria are used to determine which projects will be funded from available federal resources and to clarify how DEQ manages the grant program.

Last fall, a 12-member advisory committee was created to evaluate our grant priority system. The committee was formed primarily to develop a priority system which DEQ and four designated 208 planning agencies could utilize. Section 201 (Construction Grant Program) and Section 208 (Regional Planning Program) of PL 92-500 both require the development of a project priority list.

Attachment No. 3 contains the advisory committee's recommendations. The Water Quality Division has reviewed the committee's report, as shown in Attachment No. 2. Our resulting proposed revisions to the criteria follow.

Proposed Criteria Revisions

- A. Add New Point Category (Population Emphasis Points)
1. Reasoning - The grant priority criteria adopted last year include some attention to number of people who would be benefitted by a proposed project, (i.e., Stream Segment Ranking Points and the Tie-Breaker procedure). In order to (1) more fully meet the



Contains
Recycled
Materials

intent of national priorities and (2) to show a greater correlation between severity of water pollution problem and number of people involved, a "Population Emphasis Points" (PEP) category should be added to the State's priority system.

2. What needs to be done - PEP would reflect present population to be served by a project, not design capacity. Small communities would not be penalized very greatly since the maximum number of possible points is 10. Points would be assigned on the basis of 0.1 points per thousand people or fraction thereof.

B. Revise the Following Point Categories

1. Regulatory Emphasis Points

- a. Reasoning - Because of an EQC Order's greater significance when compared with DEQ regulatory actions, more importance should be placed on an order.
- b. What needs to be done - Since the priority system is based on the premise that as point assignment is increased, so is project priority, an order should receive 150 rather than 100 points (i.e., present priority system only has 10 pt. difference between permit requirement and EQC order).

2. Need Points (Change Definition of Health Hazard Criterion)

- a. Reasoning - The present priority system gives high priority to projects which will eliminate health hazards, as certified under the Mandatory Health Hazard Annexation Procedures identified in ORS 222.850 et seq. Health hazards can and do occur within present municipal boundaries and in other areas where mandatory annexation is not practicable. Some action should be taken to recognize (in our priority system) that health hazards are of significant importance whether ORS 222.850 is or is not applicable.
- b. What needs to be done - By simply rewording the health hazard criterion, high priority can be given to all projects resolving certified health hazards. In order to implement this change, a health hazard certification procedure must be set up between DEQ and the Health

Division. The assignment of higher priority to correction of all health hazards should not carry federal grant eligibility (for collection systems) along with it. Collection sewer eligibility should remain restricted to mandatory health hazard annexation cases and mandatory elimination of drill hole waste disposal wells.

3. Need Points (Change to Letter Codes)

- a. Reasoning - Need point assignment by using existing criteria is the critical determinant of a project's priority point assignment. However, when other points are added to need points, project ranking overlaps occur from one need point subcategory into another. In addition, the probability of overlap is even greater if the other criteria changes proposed in this memorandum are implemented.
- b. What needs to be done - Need point subcategories should be represented by letter rather than number. These letter code subcategories would represent varying assessment of water pollution control need, with A = highest degree of need and E, the lowest.

<u>Need Points</u>	<u>Letter Code</u>
999	A
800	B
700	C
600	D
400	E

For example, all projects with an A code could only be relatively ranked with other "A" projects after all numerical points are added (i.e., points still assigned in "Regulatory Emphasis," "Stream Segment Ranking" etc.).

4. Project Type Points

- a. Reasoning - Present criteria provide minimal differentiation between treatment plant and sewer-related projects (e.g., 10 pts. for STP, 8 pts. for Int.). Federal and state laws place emphasis on treatment of wastes. In addition, EPA guidance materials concerning state priority systems require that "highest priority" be given to STP upgrading projects.

- b. What needs to be done - Point assignment should show greater differences in relation to type of project. Water Quality Division suggested the following:

<u>Points</u>	<u>Project Type</u>
10	Treatment Plant Upgrading
7	New Treatment Plant
5	Interceptor Sewer Replacement
3	New Interceptor Sewer
2	Collection Sewers

C. Other Revisions

Under the provisions of the Clean Water Act of 1977 (PL 95-217) Oregon is required to reserve portions of its annual allotment for specific purposes, including:

1. 2% set aside to be used to bring grant participation up to 85% of eligible costs when "innovative" projects are proposed for construction.
2. 4% set aside for rural communities with unconventional or innovative projects. These funds are reserved for small communities of 3,500 population or less.
3. 25% set aside for sewer-related projects.

In addition, the advisory committee recommended the following:

1. Reserve a certain amount of funds specifically for Step I grants. This action would guarantee that facilities planning would be underway each year. The existing priority system encourages cyclic ups and downs in number of projects, since Step I projects compete with Step II and Step III projects for available funds.
2. Procedures should be included in the state's priority system to resolve differences between state and regional priority lists. (NOTE: No specific procedures were suggested - the committee simply recognized that 208 priority lists and state-wide priority lists are probably going to differ, even if all parties use the same criteria.)

After review of the required changes from PL 95-217 and the preceding two committee recommendations, we concluded that all of them can be implemented by (1) describing the set asides in the criteria, and (2) explaining what adjustments will be made in management of the grant program.

Projects funded out of specific reserves do not have to be ranked on separate priority lists. A master priority list developed from established priority criteria can still be utilized. This master list would be supplemented with a breakdown of project costs to clarify which reserve (or reserves) would be used on each project. In other words, projects would be ranked by using one set of priority criteria, and costs would be split out separately.

Summation

1. An advisory committee evaluated the state's priority system used last year.
2. Several changes to the state's "Criteria for Priority Ranking of Sewerage Works Construction Needs" are needed.
3. Pros and cons of proposed changes and other possible changes were discussed in Attachment No. 2 and Attachment No. 3 to this memorandum.

Director's Recommendation

1. That the EQC acknowledge the efforts of our Water Quality Grants Advisory Committee.
2. That the priority criteria as shown in Attachment No. 1 be adopted.
3. That the EQC authorize DEQ to hold a public hearing at the end of June 1978 concerning a draft grant priority list developed in accordance with Attachment No. 1.

Bill

WILLIAM H. YOUNG
Director

Clarence P. Hilbrick, Jr.:em/ak
229-5311
May 11, 1978
Attachments:

1. Proposed FY 1979 Criteria
2. Water Quality Division's review of
Advisory Committee's Report
3. Advisory Committee's Report

OREGON STATE DEPARTMENT OF ENVIRONMENTAL QUALITY

CRITERIA FOR PRIORITY RANKING
OFSEWERAGE WORKS CONSTRUCTION NEEDS FOR FY [78] 79

I Purpose

The criteria and rules for application set forth herein shall be used to govern the priority ranking of identified sewerage works construction needs for construction grant funding pursuant to applicable state and federal law and regulations from October 1, [~~1977~~] 1978 through September 30 [~~1978~~] 1979. The criteria and rules for application shall be re-evaluated prior to September 30, [~~1978~~] 1979 to assess the necessity for changes.

II Definition

Applicable definitions from ORS Chapters 468 and 454 shall apply.

III Development and adoption of Project Priority List

At least annually, and prior to the beginning of the federal fiscal year related to the available grant funds, the Department shall prepare a proposed project priority list pursuant to the criteria and rules for application set forth herein. As required by federal rules and after appropriate notice, a hearing shall be held on the proposed list. Following evaluation of testimony received and modification as necessary, the Commission shall adopt a project priority list which shall be the official Sewage Works Construction Grant Priority list of the State of Oregon. The adopted list may be revised at any time following appropriate notice and hearing.

IV Priority Criteria

Identified needs shall be ranked using a numerical point system.

Table A contains the schedule for Letter Code and points assignment within [~~each of~~] the [~~five~~] six categories of:

- a) Project Need
- b) Regulatory Emphasis
- c) Population Emphasis
- d) [e] Stream Segment Ranking
- e) [d] Project Type
- f) [e] Step Status

- Note: 1. Deletions from last year's criteria are enclosed within brackets.
2. Changes are underlined.

Each project will receive a Letter Code [Except for projects receiving 999 total points] under the Project Need category and each need or project will be assigned appropriate points from the [in each of] five remaining categories. The points for each project will then be separately added and each [the] sum therefrom will be [the-point-total] used for developing the project priority list. The project with the highest Letter Code and point total (i.e., within Letter Code subcategories) will be the highest priority project. In the event of ties, existing population to be served by each project will be compared. The project which would serve the largest existing population will rank first and the project serving the smallest population will rank last within their common priority point group.

V Rules for Application of Criteria

A. Assignment of Points

Letter Code and points shall be assigned for each project based on best available data at the time of ranking for adoption of a list. In the event additional information justifies a change in point assignment, change in ranking shall be accomplished in accordance with B or C below.

B. Additions or Elevation in Ranking

Projects may be added to the list or elevated in ranking at the discretion of the Director subject to the following procedure:

1. Letter Code and points shall be assigned in accordance with Table A and Table B and the Letter Code and point total will determine the ranking of the project with respect to projects already on the list.
2. Sponsors of those projects which have lower Letter Codes and/or fewer total points than the new or re-ranked project shall be notified of the proposed list modifications and a public hearing shall be scheduled with appropriate notice given for the purpose of receiving testimony on the list modifications.
3. Following the evaluation of testimony received, the Commission may adopt the modified list as under Section III.

C. Deletion or Reduction in Ranking

Projects may be deleted from the list or reduced in ranking by the Director without public hearing either in the event of a project's receiving full funding, or by reassessment of point totals or basic project desirability. Sponsors of projects thus deleted or reduced in ranking shall be notified of the revised status of the project and may request a hearing before the Commission regarding the revised status. Such a hearing request must be made to the Director within 20 days following receipt of the notification of revised status and the Director shall schedule a hearing before the Commission within 60 days.

D. Carryover of Projects to Subsequent Year Lists

1. All projects which have been certified for a Step II or Step III grant in a given fiscal year and are not completed will automatically be placed at the top of the priority list for the next fiscal year in the same relative ranking as they appeared in the prior year in order to assure continuity and funding.
2. All projects which have not yet been certified for any grant or have been certified for only a Step I grant will be subject to reprioritization along with all new projects for the next year's list.

E. Project Scheduling

Funds shall be reserved for each project for those phases that are scheduled for certification prior to the end of the fiscal year. Phases which will not be initiated within that time frame will be scheduled for funding from subsequent year funds. In the event of unavoidable schedule slippage, and upon formal request and justification by the applicant, the Director may modify the schedule for the project and continue the reservation of funds provided that such modified schedule does not extend beyond the end of the fiscal year. If request and justification for schedule modification is not received within 30 days after the schedule date, the Director may reallocate the funds to other projects on the list. If the Director initiates a schedule modification without prior request by the applicant, the applicant will be notified and allowed the opportunity to negotiate the new schedule.

Note: If a grant schedule is directly related to an NPDES Waste Discharge Permit schedule, the Department has authority to enforce that permit schedule. Also, the Environmental Quality Commission may enforce a schedule by order when appropriate.

F. Contingency Reserve

A minimum of 15% of each fiscal year's allocation of grant funds shall be set aside as a contingency reserve for grant increases and cost adjustments. A portion of the contingency reserve may be allocated to initiate new projects three months prior to the end of the fiscal year if it appears that the total reserve will not need to be maintained. A portion of the contingency reserve not to exceed \$500,000 shall be set aside for Step I and Step II projects pursuant to 40 CFR 35.915(i). The Director is authorized to allocate this portion of the reserve in accordance with state and federal regulations for Step I and Step II projects which may or may not be on the priority list. The Director may return any portion of this special reserve to the main reserve if it will not be used prior to the end of the fiscal year for Step I and II grants.

The 15% reserve shall consist of; 1) a 5% reserve specifically for increases after grant award, 2) a \$500,000 reserve under CFR 35.915(i), 3) the remainder to be state undesignated at the time of priority list adoption.

VI Eligibility for Funding

- A. Except as noted in B below, facilities eligible for grant assistance shall be limited to sewage treatment works, interceptor sewers, major pumping stations and pressure mains, and such public sewer system rehabilitation as can be shown to have an obvious cost effective benefit related directly to size, effective life or performance of the sewage treatment plant.
- B. For FY [78] 79 collection systems shall be eligible for grant assistance where such systems are required to comply with a mandatory annexation order issued pursuant to ORS 222 or DEQ regulations requiring elimination of Waste Disposal Wells (OAR Chapter 340 Section 44-005 et seq.) This eligibility of collection systems will not be extended unless the Environmental Quality Commission finds that sufficient federal funds are available to permit extension without jeopardizing the construction program for essential treatment works and interceptor sewers. Collection sewer eligibility must be determined in accordance with 40 CFR 35.925-13. Collection sewer funding will also be possible in mandatory annexation cases (i.e., after health hazard is certified by Health Division) when the municipality involved is willing to provide service to the proposed annexation area on a contractual basis.

VII Set-Asides

- A. Facilities Planning Funds. In order to allow the Director more flexibility in getting new projects planned, he may set-aside up to \$1,500,000 each year specifically to fund Step I Grants. These funds shall be drawn from the undesignated reserve established under Paragraph V(F)(3). The funds must be used in accordance with adopted priority criteria.
- B. Rural Communities With Innovative * Projects. The Director, through appropriate grant program management must insure that at least 4% of the State's federal grant allotment be used each year to fund innovative projects in rural communities.
- C. Sewer-Related * Projects. The Director, through appropriate grant program management, must insure that at least 25% of the State's federal grant allotment be used each year to fund sewer-related projects.

D. Innovative * Projects. The Director, through appropriate grant program management, must insure that at least 2% of the State's federal grant allotment be used in FY 1979 to allow 85% grant funding of innovative projects.

* Note: "Innovative", and "sewer related" as defined in EPA's Construction Grant Regulations.

VIII Resolving Differences Between Statewide Construction Grant Priority List & Regional Priority Lists

If priority assessment of projects within a regional 208 waste water management planning area does not agree with the Statewide 201 priority list, the Statewide list has precedence. The Director will, upon request from a 208 planning agency, meet to discuss and evaluate regional vs state priorities.

TABLE A

PROJECT PRIORITY RANKING CRITERIA FOR FY [78] 79

Letter Code

or

Point
Assignment

[Point Categories]

CATEGORIES

PROJECT NEED

A [999 Total*] Project necessary to comply with mandatory annexation order under ORS 222 or Waste Disposal Well Schedule under OAR Chapter 340, Section 44-005 et seq. (includes sewage collection system, where determined eligible for grant participation after comparison with federal grant criteria).

OR

[*Points for regulatory emphasis, stream segment ranking, project type, and step status included in total.]
Projects resolving other health hazards that are certified which do not involve annexation).

B [800] Project necessary to achieve compliance with in-stream Water Quality Standards contained in OAR Chapter 340 Division 4 Subdivision 1 or eliminate a contribution to standards violation.

C [700] Project necessary to comply with minimum waste treatment standards or effluent standards established by the Department of Environmental Quality or the Environmental Protection Agency.

D [600] Project needed to minimize or eliminate documented "non-point source" contamination of groundwater or surface waters relating to subsurface sewage disposal system malfunction in known urban or urbanizing areas.

E [400] Project desirable for prevention of potential water pollution problems.

REGULATORY EMPHASIS

150 [100] Environmental Quality Commission Order or Regulation.

90 NPDES or State Waste Discharge Permit.

80 Letter directive, preliminary planning approval or project authorization from the Department of Environmental Quality.

50 Other written statement of project desirability by DEQ or the Commission.

Point
Assignment

[Point Categories]

CATEGORIES

0.1 to 10

POPULATION EMPHASIS

Points Assigned on the basis of .1 point/thousand people with 10 as the maximum number of points. "Number of people" is existing population that would be served by the project if it was in operation.

STREAM SEGMENT RANKING

12 to 95.73

Refer to Table B

[Note: This was replaced in total.]

PROJECT TYPE

10

Upgrading Sewage treatment plant [projects] including but not limited to cost-effective sewer rehabilitation.

7

New sewage treatment plant.

[8] 5

Replacement of interceptor sewers, major pumping stations and pressure mains.

3

New interceptor sewers, major pumping stations and pressure mains.

2

Collection sewers.

STEP STATUS

1

Step I - Facilities plan preparation.

2

Step II - Preparation of plans and specifications.

3

Step III - Project construction.

POINT ASSIGNMENT SUMMARY

<u>Category</u>	<u>High</u>	<u>Low</u>
<u>Project Need</u>	<u>A</u>	<u>E</u>
<u>Regulatory Emphasis</u>	<u>150</u>	<u>50</u>
<u>Population Emphasis</u>	<u>10</u>	<u>0.1</u>
<u>Stream Segment Ranking</u>	<u>95.73</u>	<u>12</u>
<u>Project Type</u>	<u>10</u>	<u>2</u>
<u>Step Status</u>	<u>3</u>	<u>1</u>
 	<hr/>	<hr/>
<u>TOTALS</u>	<u>A 268.73</u>	<u>E 65.1</u>

TABLE B

STREAM SEGMENT RANKING TABLE

Stream Segment Point Ranking Formula

$$\text{Segment Points} = 100 - 2(\text{BR}) - \frac{1}{n} (\text{SR}) (50)$$

where:

BR = Basin Rank (i.e. 1 to 19)

n = Number of Stream Segments in the particular basin

SR = Segment Rank (i.e. within basin)

Note:

1. Basin Rank is based on total population within each river basin. The basin with the most people is ranked #1 and the least, #19.
2. Segment Rank is shown in the Statewide Water Quality Management Plan.

Basin Rank

<u>Basin</u>	<u>1975 Population</u>	<u># of Stream Segments</u>	<u>Rank</u>
Willamette	1,565,974	22	1
Rogue	149,575	4	2
Umpqua	78,500	3	3
South Coast	66,687	5	4
North Coast - Lower Columbia	62,551	18	5
Klamath	54,400	5	6
Deschutes	53,810	4	7
Umatilla	43,300	3	8
Mid Coast	35,686	10	9
Hood River	34,530	4	10
Grande Ronde	28,880	3	11
Malheur	21,000	1	12
Powder	16,700	4	13
Sandy	16,552	3	14
John Day	11,500	2	15
Walla Walla	9,210	2	16
Malheur Lake	7,350	3	17
Goose & Summer Lakes	6,560	2	18
Owyhee	3,285	2	19

Stream Segment Ranking Points

<u>Segment</u>	<u>Points</u>
Tualatin	95.73
Willamette (River Mile 0-84)	93.45
Willamette (River Mile 84-186)	91.18
South Yamhill River	88.91
North Yamhill River	86.64
Yamhill River	84.36
Pudding River	82.09
Molalla River	79.82
S. Santiam River	77.55
Santiam River	75.27
N. Santiam River	75.27
Coast Fork Willamette River	73.00
Middle Fork Willamette River	70.73
Clackamas River	68.45
McKenzie River	66.18
Rickreall Creek	63.91
Luckiamute River	61.64
Marys River	59.36
Calapooia River	57.09
Long Tom River	54.82
Columbia Slough	52.55
Thomas Creek	50.27
Remaining Willamette Basin Streams	48.00

Bear Creek and Tributaries	83.50
Applegate River	71.00
Middle Rogue	58.50
Remaining Rogue Basin Streams	46.00

South Umpqua River	77.33
Cow Creek	60.67
Remaining Umpqua Basin Streams	44.00

Coos Bay	82.00
Coos River	72.00
Coquille River (River Mile 0-35)	62.00
Coquille (River Mile 35 - Source)	52.00
Remaining S. Coast Basin Streams	42.00

<u>Segment</u>	<u>Points</u>
Lewis & Clark River	87.22
Klatskanine River	84.44
Wilson River (RM 0 - 7)	81.67
Trask River (RM 0 - 6)	78.89
Skipanon River	76.11
Nestucca River (RM 0 - 15)	73.33
Nehalem River	70.56
Wilson River (RM 7-)	67.78
Trask River (RM 6 -)	65.00
Nestucca River (RM 15 -)	62.22
Nehalem Bay	59.44
Tillamook Bay	56.67
Tillamook River (RM 0 - 15)	53.89
Nestucca Bay	51.11
Necanicum River	48.33
Tillamook River (RM 15 -)	45.56
Netarts Bay	42.78
Remaining N. Coast - Lower Columbia Streams	40.00

Lost River	78.00
Klamath River (RM 210-250)	68.00
Williamson	58.00
Sprague	48.00
Remaining Klamath Basin Streams	38.00

Crooked River	73.50
Deschutes River (RM 120-166)	61.00
Deschutes River (RM 0 - 120)	48.50
Remaining Deschutes Basin Streams	36.00

Umatilla River	67.33
Columbia River (Umatilla Basin)	50.67
Remaining Umatilla Basin Streams	34.00

Siuslaw Bay	77.00
Yaquina Bay	72.00
Siletz River	67.00
Yaquina River	62.00
Alsea River	57.00

<u>Segment</u>	<u>Points</u>
Siuslaw River	52.00
Alsea Bay	47.00
Salmon River	42.00
Siletz Bay	37.00
Remaining Mid Coast Basin Streams	32.00

Hood River Main Stem	67.50
Columbia River (Hood Basin)	55.00
Hood River East, Middle and West Forks	42.50
Remaining Hood Basin Streams	30.00

Grande Ronde River	61.33
Wallowa River	44.67
Remaining Grande Ronde Basin Streams	28.00

Malheur River	26.00

Snake River (Powder Basin)	61.50
Powder River	49.00
Burnt River	36.50
Remaining Powder Basin Streams	24.00

Columbia River (Sandy Basin)	55.33
Sandy River	38.67
Remaining Sandy Basin Streams	22.00

John Day River	45.00
Remaining John Day Basin Streams	20.00

Walla Walla River	43.00
Remaining Walla Walla Basin Streams	18.00

<u>Segment</u>	<u>Points</u>
Silvies River	49.33
Donner & Blitzen River	32.67
Remaining Malheur Lake Basin Streams	16.00

Chewaucan River	39.00
Remaining Goose and Summer Lakes Basin Streams	14.00

Owyhee River	37.00
Remaining Owyhee Basin Streams	12.00



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: William H. Young

Date: 5/8/78

From: Water Quality Division

Subject: Comments and Recommendations Based on Review of Report Entitled "Advisory Committee's Recommended Changes to the Oregon Sewage Works Construction Grant Priority system"

We prepared this memorandum with several goals in mind, the most important of which is the need to achieve water quality improvement by "best use" of available Federal funding. The Advisory Committee has provided a genuine service to DEQ by critically reviewing our present priority system. We recognize that the Committee had to deal with many complex issues in a fairly short period of time, and congratulate all members for producing a meaningful result.

Several of the committee's proposals merit inclusion in the state's priority system as soon as possible. Other suggested changes require closer examination. Our discussion will evaluate each proposal.

We suggest that the priority system, with recommended changes, be brought before the Environmental Quality Commission at their May 26 meeting in Portland. We intend to have a report available by May 10 for the EQC and will furnish a copy to each Advisory Committee member.

Committee RecommendationComment

1. "Water Quality Index Points"

1. At first glance, it's hard to fault the logic presented by the Committee in support of this criterion (i.e., recognize effect of a discharge on a receiving stream). However, we have two concerns: (1) the formula presented is not very sensitive and will result in the award of 50 points to many proposed projects, and (2) the points encourage communities to discharge to small streams (if available) to get the maximum number of points, whereas the state WQ plan and permit program discourage discharge. Therefore, these points may work at cross-purposes to existing DEQ plans and programs. Also the need to get existing discharges out of small streams is already accounted for in the priority system through the "Regulatory Emphasis" criterion.

2. "Land Use Planning Status Points"

2. The only logic for including this criterion in the state's priority system is to demonstrate that DEQ is actively encouraging compliance with State Land Use Law. Several comments in opposition to this criterion were identified by the Committee and don't need to be repeated here. DEQ will undoubtedly take some heat if land use points are added or not added. The reaction to these points is either "I'm fer it" or "I'm agin it." If the number of possible points are kept small, then these points would have little impact.

3. "Population Emphasis Points"

3. If the number of possible points is kept small, this change could easily be accommodated. Existing priority criteria (e.g., Stream Segment Ranking Points) already take population into account. The population points proposed by CRAG would penalize communities with high growth rates, which in most cases means smaller communities.

4. Putting More Emphasis on EQC Order

4. This added emphasis is attractive to DEQ field staff since it recognizes the relative importance of a Commission Order and extra staff effort (which justified the order). EQC Orders have been and will be used only when necessary. An order is not superfluous.

5. Expand Health Hazard Criterion

5. We concur with this recommendation. However, we do not feel that grant eligibility should be extended to collection sewers when "other health hazards" are involved. Extending grant eligibility could encourage more development outside cities without annexation, which would likely conflict with comprehensive land use plans as well as legislative intent shown in ORS 222.850 et. seq.

6. Change "Need Points" to Letter Codes

6. This modification will have minimal impact on the existing priority system, since very little overlap (between need point subcategories) now occurs. The use of Letter Codes will guarantee that "Need Point" assignment is the major deciding factor in project ranking.

7. "Project Type Points"

7. Placing more emphasis on treatment of waste waters will meet the intent of federal and state water pollution control law. In addition, EPA's latest transmittal memorandum (TM No. 78-1) concerning state priority systems, states that highest priority should be "assigned to projects which reduce pollution from existing municipal waste water discharges." We may want to differentiate between new facilities vs. existing facility upgrading in order to comply with TM No. 78-1. This can be done by awarding 10 points for facility upgrading and 7 points for new facilities.

8. Other Revisions

8. Other proposed revisions such as: (1) the 4% "set-aside" for rural areas, (2) the 25% "set-aside" for sewer related projects, (3) funds "set-aside" for Step 1 project only, and (4) procedures for resolving differences between statewide "201" priority lists and regional "208" priority lists, can all be handled by describing appropriate changes in DEQ's present priority system and making adjustments in how we administer the grant program. We feel that projects funded out of "set-asides" do not have to be ranked on separate priority lists - we simply need to identify (on one master priority list) which projects will be funded from which "set-aside".

Committee Recommendations

Staff Recommendations

- | | |
|---|---|
| 1. "Water Quality Index Points" | 1. Do not implement. |
| 2. "Land Use Planning Status Points" | 2. Do not implement. |
| 3. "Population Emphasis Points" | 3. Ask for EQC adoption. |
| 4. Put more emphasis on EQC Order. | 4. Ask for EQC adoption. |
| 5. Expand Health Hazard Criterion. | 5. OK on higher priority but <u>restrict grant eligibility.</u> |
| 6. Change "Need Points" to Letter Codes | 6. Ask for EQC adoption. |
| 7. Project Type Points | 7. Ask for EQC adoption. with emphasis on upgrading existing sewage treatment facilities. |
| 8. Other Revisions | 8. Ask for EQC adoption. |

THB:aes



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: William H. Young, Director Date: 3/10/78
From: Water Quality Advisory Committee - Grant Program
Subject: Recommended Changes to the Oregon Sewage Works Construction Grant Priority System

In response to your request*, our Committee was created in October 1977 to evaluate DEQ's grant priority system. Four scheduled meetings were held - October 31, 1977, December 5, 1977, January 16, 1978 and February 17, 1978. As stated in your letter, the primary reason for formation of this committee was to integrate and coordinate the statewide 201 grant program with regional 208 planning programs.

We hoped that we could develop a priority system which would be used by 208 planning agencies as well as DEQ in its 201 program. We cannot determine whether the revised system suggested herein will in fact be used by DEQ and the 208 agencies. However, we do feel that the system we propose is more acceptable to all parties than DEQ's FY 78 priority system. Attachment No. 2 to the memorandum summarizes the priority system we have envisioned, and by example, shows how this system affects project ranking (as compared to ranking developed with the FY 78 priority criteria).

Summaries of the December 5, January 16, and February 17 meetings are provided for your review in Attachment No. 3. The following discussion presents our recommendations; a recommendation may not represent Committee consensus and opposing views are also included.

If you wish to confer with the Committee regarding this memorandum, please set up a meeting so that all members can participate. We feel that the time and effort invested by this Committee was productive - and we strongly encourage the use of similar evaluative committees whenever needed.

* See Attachment No. 1 (September 15, 1977 letter sent to participating agencies)

Recommendations

Add the Following Point Categories (Step 2 & Step 3 Projects):

1. "Water Quality Index Points"
 - a. objective - to recognize that a waste water discharge is more significant when its volume and waste load is large in comparison to receiving stream flow

- b. description - these points would provide a relatively scaled numerical impact assessment of a proposed discharge on receiving waters. Before points are assigned, an index number is derived by applying the following formula:

$$\frac{Q}{V \times \text{BOD}} = X, \text{ where}$$

Q = Average flow of receiving stream at the critical discharge period in CFS

V = Average discharge quantity at design limits in CFS

BOD = Biochemical Oxygen Demand in mg/l

X = Water Quality Index

The Index Number is then assigned a point value:

<u>Index Number</u>	<u>Point Value</u>
If $X < 10$	50 points
If $10 \geq X > 100$	25 points
If $100 \geq X > \infty$	10 points

A "no discharge" project (referring only to treatment and disposal projects) would be awarded 100 points, rather than WQ Index Points.

c. Comments

- (1) "no discharge" projects should not receive more than 50 points
- (2) population is factored into this category through waste flow volume

2. "Land Use Planning Status Points"

- a. objective - to encourage communities to comply with State Land Use Law and to encourage growth in urban and urbanizable areas
- b. description - points would be assigned according to degree of compliance with the Land Conservation and Development Commission's (LCDC) organization goal:

Points Assigned*Situation

- | | |
|----|---|
| 10 | Project complies with public facilities element of acknowledged (i.e., LCDC approved) comprehensive plan and has capacity to serve area within acknowledged Urban Growth Boundary (UGB) |
| 8 | Project has capacity to serve area within UGB of acknowledged comprehensive plan |
| 6 | Project has capacity to serve area within UGB of not yet acknowledged comprehensive plan; also, service area is within present city limits |
| 4 | Project has capacity to serve area within UGB of not yet acknowledged comprehensive plan; also, service area includes land outside present city limits |
| 2 | Project has capacity to serve area within present city limits with no adopted UGB (i.e. not adopted by city yet) |

* Points could be changed to increase impact on project priority ranking

c. Comments

- (1) places emphasis on "sewers" as the solution to all water pollution control problems
- (2) these points are skewed against rural special service districts
- (3) land use planning compliance has little relation to water pollution problems
- (4) current DEQ procedures assure project compliance with State Land Use Law before grants are given for design or construction
- (5) term "city limits" should be replaced with "sewerage agency boundary" (acc. to CRAG)

3. "Population Emphasis Points" (PEP)

- a. objective - to recognize that severity of a pollution problem can often be correlated to number of people affected.
- b. description - these points would go beyond DEQ's existing criteria which consider population in "stream segment ranking points" and in a "tie-breaker" procedure. PEP reflect present population to be served by the project, not design capacity.

Points would be assigned to all projects within a specific "project need point" category, based upon .1 point per thousand people or fraction thereof, with a maximum of 10 points.*

c. Comments

- (1) CRAG suggested that points be assigned on the basis of one point per percent of design population presently in existence within the proposed service area.

* Points could be changed to increase impact on project priority ranking

- (2) this category places too much emphasis on population since existing DEQ criteria already reflect population

Revise Existing Point Categories

1. "Regulatory Emphasis Category." In order to place more significance on an EQC Order (as compared to other regulatory actions), an order should receive 150 rather than 100 points.

Comment - John LaRiviere felt this category should not be used unless the reasons behind EQC Orders become more uniform

2. "Need Point Category"

- a. Change Definition of Health Hazard Criterion. This criterion should be expanded to include other health hazards (e.g. hazard within present city limits or other hazards where annexation is not practicable).

In order to implement this suggestion a health hazard certification procedure must be set up between DEQ and the State Health Division. Certification procedures of this type may necessitate legislative action.

- b. Change Need Points to Letter Codes. Need point categories should be represented by letter rather than number, to prevent project ranking overlap from one category into another. These categories assess the degree of water pollution control need with A representing the highest degree of need and E, the lowest.

<u>Need Points</u>	<u>Letter Code</u>
999	A
800	B
700	C
600	D
400	E

For example, all projects with a B code could only be relatively ranked with other "B" projects.

3. "Project Type Points"

Recognizing that federal water pollution control laws and applicable state water quality statutes place emphasis on treatment of waste waters, there should be a greater distinction between treatment projects and various waste water collection projects. CRAG suggested the following:

<u>Points</u>	<u>Project Type</u>
10	Treatment
5	Interceptor Replacement
2	New Interceptor
0	Collection Sewers

Other Revisions

- 1. Beginning in FY 79, Oregon will be required to reserve 4% of its allotment specifically for rural areas with innovative projects. This would be applicable to Step 2 and Step 3 only. Criteria for the use of these funds should be developed after EPA promulgates explanatory regulations.

2. Beginning in FY 79, Oregon must utilize a minimum of 25% of its allotment to fund sewer-related projects, such as collection sewers, interceptors, combined sewer elimination, or sewer rehabilitation.
3. Have a separate priority list and set aside a certain amount of funds specifically for Step 1 grants. This action would guarantee that facilities planning would be underway each year (i.e., eliminates competition for funds with Step 2 and Step 3 projects).
4. DEQ needs to develop procedures for resolving differences between state and regional priority lists. These procedures should be identified in the non-numerical part of DEQ's grant priority system. In explanation, even if the 208 planning agencies use DEQ's criteria, there is a very definite probability that assessment of need will differ.

THB:dc

Attachments

September 15, 1977

Letter sent to all participating agencies.

The cornerstone for implementation of Section 201 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) is the State's annual Sewerage Works Construction Project Priority List. Section 35.915 of the Environmental Protection Agency's regulations states that construction grants will be awarded (from allotments available) in accordance with the approved priority list as developed from the State priority assessment system. The key to the priority assessment system is the State's criteria for assessing water pollution control needs. The needs are derived from (1) the Statewide Water Quality Management Plan, and (2) the Waste Discharge Permit Program and (3) staff analysis. Each year we are expected to establish an unbiased ranking of projects. The criteria used to rank projects must satisfy Federal requirements and be approved by EPA, Region X.

During development of the FY'78 project priority list, I became aware that some designated 208 planning agencies had developed their own priority lists from criteria which differed from ours. As a result, the regional 208 priority lists were not in agreement with our Statewide Priority List. It is obvious that priority ranking determined by different agencies cannot be the same unless identical criteria are used. Therefore, because of the need and requirements to coordinate the 201 and 208 programs, and since little input into developing the criteria has come from outside DEQ, I have determined that an advisory committee would be appropriate to review the criteria. The express purpose of this advisory committee will be to review the State's present criteria and make recommendations to me for enhancing our ability to establish an impartial ranking of projects based on Statewide needs. The committee will be advisory only and will not have decision-making authority. I will evaluate recommendations and forward proposals for change to the Environmental Quality Commission, who adopts the criteria.

Mr. Jerry Orrick, Executive Director
Association of Oregon Counties
September 15, 1977
Page 2

It is expected that four meetings will be needed to develop the final recommendations by February 1978, the target date for completion.

Please keep in mind when selecting committee members that no funds are available for the committee and therefore no expenses will be authorized for committee operations.

The membership of the advisory committee will be as follows:

- 1 member from EPA, Oregon Operations Office
- 2 members from DEQ
- 1 member selected by the designated 208 planning agencies (Council of Governments) to represent them
- 1 member from the non-designated COGs, selected by the Oregon Intergovernmental Relations Division
- 1 member from the League of Oregon Cities
- 1 member from the Association of Oregon Counties
- 1 member from the Department of Land Conservation and Development
- 1 member from the 1,000 Friends of Oregon

I am hopeful that we can have our first meeting late in October 1977. I will advise you by October 10, 1977, of the time, date and place of the meeting.

Please have your representative to the committee contact Tom Blankenship at 229-5314 as soon as possible.

Sincerely,

WILLIAM H. YOUNG
Director

WEG:em ✓

ATTACHMENT NO. 2

REVISED PRIORITY POINT SYSTEM

POINT CATEGORIES

PROJECT NEED

Sequential Priority By Letter Code

- A. Project necessary to comply with: mandatory annexation order under ORS 222; Waste Disposal Well Schedule under OAR Chapter 340, Section 44-055 et seq; or other situation where a health hazard or pollution hazard has been documented (certified) in conformance with the process identified in the Land Use Framework Provisions.
- B. Project necessary to achieve compliance with in-stream water quality standards contained in OAR Chapter 340, Division 4, Sub-division 1, or eliminate a contribution to standards violation.
- C. Project necessary to comply with minimum waste treatment standards or effluent standards established by DEQ or EPA.
- D. Project needed to minimize or eliminate documented "non-point source" contamination of ground water or surface waters relating to subsurface sewage disposal system malfunction in known urban or urbanizing areas.
- E. Project desirable for prevention of potential water pollution problems.

REGULATORY EMPHASIS

<u>Points</u>	<u>Regulatory Situation</u>
150	EQC Order or Regulation
90	NPDES or State Permit Requirement
80	Letter Directive, preliminary planning approval or project authorization from DEQ
50	Other written statement of project desirability by DEQ or EQC

STREAM SEGMENT RANKING

(same as existing DEQ Criteria)

PROJECT TYPE

<u>Points</u>	<u>Project</u>
10	Treatment
5	Interceptor Replacement
2	New Interceptor
0	Collection

STEP STATUS

<u>Points</u>	<u>Status</u>
1	Step I - Facility Plan Preparation
2	Step II - Design
3	Step III - Construction

WQ INDEX

<u>Points</u>	<u>Index Number</u>
50	If Index Number < 10
25	If 10 < Index Number < 100
10	If 100 < Index Number < ∞
100	If non-discharge project

(Note: Index number is developed by using formula)

LAND USE PLANNING COMPLIANCE

<u>Points</u>	<u>Situation</u> (as explained in memo)
10	
8	
6	
4	
2	

POPULATION EMPHASIS

<u>Points</u>	<u>Situation</u>
0.1 to 10	Based on .1 point per thousand people or fraction thereof with a maximum of 10 points

POINT ASSIGNMENT SUMMARY

<u>Category</u>	<u>High</u>	<u>Low</u>
Project Need	A	E
Regulatory Emphasis	150	50
Stream Segment Ranking	95.73	12
Project Type	10	0
Step Status	3	1
WQ Index	50	10
Land Use	10	2
Population Emphasis	10	.1
TOTALS	328.73	75.10

RATING TABLE: APPLYING NEW CRITERIA

Project	Need (Letter Code)	Regulatory Emphasis	Stream Segment Ranking	Project Type	Step Status	WQ Index	Land Use Planning Status	Population Emphasis	Total Points	Relative Rank
Terrebonne	A	150	36.00	10	1	10	*	.2	A207.2	3
Silverton	A	150	79.82	10	2	25		.5	A267.32	1
Salem	B	90	93.45	10	1	50		7.7	B252.15	4
Ione	B	150	34.00	10	2	50		.1	B246.10	5
Clackamas Co. S.D. (Kellogg Sludge)	C	90	93.45	10	2	25		3.5	C223.95	8
Jacksonville	C	90	83.50	10	2	50		.2	C235.70	7
Cannon Beach	C	150	40.00	10	2	50		.1	C252.10	6
Rainier	C	90	40.00	10	2	10		.2	C152.20	9
N. Albany S.D.	D	90	91.18	2	2	10		.2	D195.38	10
Happy Valley	A	150	48.00	10	2	50		.2	A260.20	2
Turner	D	80	48.00	10	1	25		.1	D164.10	11
Columbia City	D	80	40.00	2	2	10		.1	D134.10	13
North Plains	D	50	48.00	2	1	50		.1	D151.10	12

* Information not readily available.

COMPARATIVE TABLE - NEW VS. OLD CRITERIA

Project	Total Points On FY 78 List	Total Points Revised Criteria	FY 78 Priority No.	Relative Rank On FY 78 List	Relative Rank With Revised Criteria **
Terrebonne	999	A207.2	46	1	3
Silverton	999	A267.32	50	2	1
Salem	994.45	B252.15	53	3	4
Ione	946	B246.10	62	4	5
Clackamas Co. S. D. (Kellogg Sludge)	895.45	C223.95	68	5	8
Jacksonville	885.50	C235.70	75	6	7
Cannon Beach	852	C252.10	93	7	6
Rainier	842	C152.20	107	8	9
North Albany S.D.	791.18	D195.38	116	9	10
Happy Valley	758	A260.20*	120	10	2
Turner	739	D164.10	126	11	11
Columbia City	730	D134.10	132	12	13
North Plains	709	D151.10	139	13	12

* Due to documented "health hazard."

** Does not include land use planning status points.

ATTACHMENT NO. 3

SUMMARIES OF COMMITTEE MEETINGS



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Advisory Committee Members Date: 1/5/78
From: Tom Blankenship, Committee Chairman
Subject: Summary of December 5, 1977 Advisory Committee Meeting Concerning the Oregon Sewage Works Construction Grant Priority System

The December 5, 1977 meeting was held in Salem at the Local Government Center Conference Room. This meeting was the second of four planned discussion meetings concerning Oregon's Sewage Works Construction Grant Priority System.

Bruce Niss (Mid-Willamette Valley COG), Norm Boice (State Intergovernmental Relations Division), Burton Weast (League of Oregon Cities) and Alan Miller (Association of Oregon Counties) did not attend. Bruce Niss was identified as Frank Mauldin's replacement when I talked with Frank in early November. It's my understanding that Norm Boice has left IRD, so we'll ask IRD for a replacement.

Those attending included: Committee members - Fred Bolton, Gary Gustafson, Dick Benner, Bill Sobolewski, John LaRiviere, Craig Starr, Terry Waldele and Tom Blankenship; others - Dick Miller (Bear Creek Sanitary Authority), and Garrett Rosenthal (Lane Council of Governments).

Our next meeting will be held in Portland on January 16, 1978, from 10:00 - 12:00 a.m. at DEQ's new offices, 522 S. W. 5th Avenue, (Yeon Building).

Summary of Meeting

Several changes in how federal funds can be used are included in the new Clean Water Act. We discussed several of these and their effects on the State's grant priority system.

Changes that were discussed included the following:

1. A minimum of 25% of the State's allotment must be utilized to fund collection sewers.
2. 4% of the State's allotment ^{must} can be specifically set aside for rural areas ~~and for~~ ^{with} innovative projects.
3. 2% of the State's allotment can be used by the State to administer the grant program, if the State asks for and receives delegated authority from EPA.
4. Land disposal alternatives considered in the facilities planning process can be selected over less costly alternatives (i.e. they can be up to 15% more than the least cost alternative)

All of these changes, if implemented, will reduce the expendable resources available for treatment plants.

Several committee members made presentations concerning possible revisions to DEQ's grant priority criteria. Each of these are briefly summarized as follows:

1. Water Quality Index Points - Craig Starr explained how the impact of a discharge on receiving waters could be assessed. The impact would be assigned a numerical value, and that value would be added to the existing priority point total (for a particular project).

The formula Craig developed relies on established streamflow data, projected effluent discharge quantities, and effluent quality:

$$\frac{Q}{V \times \text{BOD}} = X, \text{ where}$$

Q = Average flow of receiving stream at the critical discharge period in CFS or MGD

V = Average discharge quantity at design limits in CFS or MGD

BOD = Biochemical Oxygen Demand in mg/l

X = Water Quality Index

The Water Quality Index could be assigned point values, such as:

If $X < 10$	50 points
If $10 \leq X < 100$	25 points
If $100 \leq X < \infty$	10 points

The point assignment could be reversed if you wanted to encourage discharge (i.e. when adequate dilution is available, a new discharge would have minimal impact). The committee decided that WQ Index should be used both ways (i.e. either reward a project for inadequate dilution or vice versa) on "sample" projects to see what would happen to the State's priority list.

2. Regulatory Emphasis - Fred Bolton opined that an Environmental Quality Commission order should be differentiated from a waste discharge permit requirement by more than 10 points. He felt that some points should be added to create a wider point spread. Discussion also led to the possibility of reducing points assigned to other elements within the Regulatory Emphasis Category. For example:

EQC Order	100 points
Permit Requirement	50 points
Letter Directive	40 points
Statement of Project Desirability	25 points

or

EQC Order	150 points
Permit Requirement	90 points
Letter Directive	80 points
Statement of Project Desirability	50 points

3. Go Over 1000 Points All committee members agreed that the 1000 point limit (on total project points) was arbitrary and should be dropped.
4. "Mini-Priority List" for Unspecified Reserve - One of DEQ's Regional Managers suggested that a special priority list be prepared each year. This list would determine which projects would receive funds from unspecified reserve funds available to the Director.

Although the "Mini-Priority List" would reduce grant program flexibility, it would be consistent with regulatory intentions of EPA. A possible drawback to this action would be the commitment of unspecified monies, which previously were not bound to particular projects.

5. Have A Separate Priority List For Step 1 Projects - Establishment of a separate priority list for Step 1 projects would guarantee that facilities planning would be underway each year. The present priority system assures that needed Step 2 and 3 projects are funded first - with the result (in FY 78) that almost no Step 1 grants can be processed.

Obviously there would be no need for a separate priority list if we had sufficient appropriations from Congress to fund every identified project.

6. Land Use Planning Status - Dick Benner and Gary Gustafson felt that since sewage works construction projects encourage growth, the grant priority system should consider land use planning goals (as they apply to each proposed project area). Mr. Benner suggested that criteria be established to discourage growth in "rural areas" and encourage growth in "urban and urbanizable areas". Quotations were placed around these terms, since they mean different things to different people. Definitions established by the Land Conservation and Development Commission should be used, according to Mr. Benner. After some discussion, it was agreed that land use criteria would be applied only to Step 2 and Step 3 projects.

Three examples of assigning points according to land use were discussed, as follows:

- (a) add 100 points to urban projects & add 50 points to rural projects.
- (b) distinguish urban from rural by population density, such as:

15 persons/acre = 150 points, 14 persons/acre = 140 points, 13 persons/acre = 130 points, etc.

- (c) assign points according to compliance with LCDC's Organization goal, such as:

<u>Points</u>	<u>Situation</u>
100	Project inside city limits, inside LCDC approved urban growth boundary (UGB)
80	Project inside LCDC approved UGB, but includes land outside city limits
60	Project inside city limits, inside adopted UGB not yet approved by LCDC
40	Project inside adopted UGB not yet approved by LCDC, but includes land not inside city limits.
20	Project inside city limits, but no adopted UGB.

John LaRiviere stated that example (c) should be changed to include areas that have received notice of "LCDC recognized compliance", although they are outside city limits.

After reviewing the three examples, it was generally concluded that (b) would be very difficult to implement because of insufficient data; however, (a) and (c) could be investigated further. Also, we agreed that this criteria would not be applied to those projects which could be funded out of the 4% "set-aside" for rural areas and innovative projects.

7. Health Hazards - John LaRiviere strongly supported the revision of DEQ's existing criteria concerning health hazards. Basically stated, his recommendation to the committee was to expand the "mandatory health hazard annexation" criteria to include other health hazards (i.e. where annexation is not a relevant concern).

Conceptually, all committee members were not opposed to Mr. LaRiviere's suggestion. However, in order to implement this suggestion some procedures would have to be established by the State Health Division for certification of a health hazard. This type of health hazard certification may require legislative action.

8. Emphasis On Population - Please refer to attached letter from Bill Sobolewski.

Closing Remarks

I volunteered my services, and those of our grant program staff, to apply the criteria changes to several projects appearing on the FY'78 priority list. Priority ranking using the existing criteria will be compared to rankings after changing the criteria (in one way or another).

The information I'll develop will be presented at our next committee meeting.

THB:em
Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OREGON OPERATIONS OFFICE

1220 S.W. MORRISON STREET, R.M. 310

PORTLAND, OREGON 97205



REPLY TO
ATTN OF: 10000

DEC 8 1977

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

Dear Mr. Blankenship:

As requested in your letter dated November 10, 1977, I have reviewed the "population emphasis" in the existing Oregon Department of Environmental Quality grant priority criteria.

In determining which projects to fund, 40 CFR 35.915(c)(1) indicates that States shall consider ".....the population affected...." The existing DEQ criteria for priority ranking considers population in two ways namely stream segment ranking where basin rank is based on total population within each river basin and in tie breaking for cutoff determination of Federal funding.

The criteria does not adequately address and prioritize projects based upon affected population or population to be served. It is recommended that the criteria be revised to reflect population to be served by the project. This can be done in two ways: (1) assignment of points under a population category to each project such as "1 point per thousand people, or fraction thereof" (maximum 100 points) or "1 point per density factor" or (2) assignment of points to each grouping of project needs based upon "1 point per thousand people, or fraction thereof" (maximum 100 points) or "1 point per density factor". It would appear the second approach is best because the population emphasis would not be greater than the emphasis placed on project need. This would prevent projects with large population and lesser needs be ranked near the top of the funding list.

Thank you for an opportunity to comment on your criteria.

Sincerely yours,

William J. Sobolewski

William J. Sobolewski, Coordinator
Construction Grants Program



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Advisory Committee Members

Date: January 25, 1978

From: Tom Blankenship, Committee Chairman

Subject: Summary of January 16, 1978 Advisory Committee Meeting Concerning Oregon's Sewage Works Construction Grant Priority System

Our January 16, 1978 meeting was held in Portland at DEQ's new headquarters. Bruce Niss (Mid-Willamette Valley COG), Burton Weast (League of Oregon Cities), Alan Miller (Association of Oregon Counties), and Gary Gustafson (Department of Land Conservation and Development) did not attend.

Attendees included: Committee members - Tom Blankenship, Fred Bolton, Dick Benner, John LaRiviere, Bill Sobolewski, Craig Starr, Terry Waldele and B. J. Smith (Ms. Smith replaced Norm Boice from IRD); others - Dick Miller (Bear Creek Valley Sanitary Authority), Dale Cannon (CH₂M Hill), Jeff Gibbs (CRAG), and Dan Hodge (CRAG).

We scheduled our fourth meeting on February 17, 1978 from 10:00 a.m. to 12:30 p.m. at DEQ's Portland Office, 522 S. W. 5th Avenue.

Meeting Summary

The meeting agenda was not rigidly structured at the January 16 meeting. Discussion centered around changes to DEQ's priority criteria which had been suggested at earlier meetings.

The attached comparative tables were reviewed and discussed. These tables showed the effect of criteria changes on a group of twelve projects selected from the FY'78 priority list. Effects were measured in terms of altered relative project ranking.

After concluding our review of the referenced tables, Dan Hodge explained the attached priority criteria which is being considered by CRAG's Water Resources Task Force. Most of these criteria are either already included in the state's priority system or were discussed by DEQ's committee at previous meetings.

Mr. Hodge indicated that CRAG's criteria is in preliminary form and was provided to its Water Resources Task Force in late December for comment. He opined that CRAG's Public Facilities Staff may have to make a separate recommendation (from its task force) to the CRAG Board. His opinion was based on the fact that there is lack of consensus on the task force.

Comments

Committee discussion brought out the following:

Step 2 & Step 3 Projects

1. In order to encourage "no discharge" treatment plants, a bonus point category (e.g., 100 points) could be added on - these points would be assigned to the project instead of Water Quality Index Points.
2. Jeff Gibbs briefly explained the attached priority criteria used by Minneapolis - St. Paul which greatly emphasizes availability of existing public facilities in project ranking. He felt that growth should occur where facilities are available - in conformance with a growth management program.

Committee reaction to these criteria included: (1) the obvious skewing of priorities (i.e., lack of emphasis on WQ problems), (2) the heavy favoritism toward multi-service local governments, and (3) the land use criteria already evaluated by the committee would better meet Oregon's needs.

General

1. Mr. Hodge indicated that the need points shown in the CRAG Task Force's preliminary criteria could be applied on a percentage basis [i.e., $\frac{\text{present population}}{\text{pop. design capacity}} \times \text{need points}$] to discourage projects that overemphasize growth.

2. If the designated 208 COG's do not utilize the state's priority criteria (i.e., even after it's revised), DEQ needs to develop procedures for resolving differences in state vs. regional priority lists.
3. The committee agreed that health hazards, whether annexation is of concern or not, should have equal priority need points.
4. "Need Point" categories could be represented by letter, rather than number, to prevent project ranking overlap from one category into another. Overlaps can now occur, since five other categories of priority points are added to need points. For example:

Applicant	Need Points	Regulatory Emphasis	Stream Segment Points	Project 8 type pts.	Step Status	Total Pts.	Prio. No.
Whoville	700	50	22.00	1		781	2
You Town	600	100	91.18	10		802.18	1

Using letters, rather than "need points", would imply (for example) that "A" projects could only be compared to other "A" projects - i.e., projects would be relatively ranked within category.

5. The committee is in favor of a separate priority list for Step 1 projects.
6. The land use points criteria suggested by Dick Benner should be applied to any project that might be funded out of the (possible) 4% set aside for rural areas. The 4% set aside could, according to the Clean Water Act of 1977, be used for communities of less than 3500 people, which applies to most cities in Oregon.

Attachments: 1. Tables
 2. CRAG Memo
 3. Twin Cities Priority Criteria

THB:aes

COLUMBIA REGION ASSOCIATION OF GOVERNMENTS

Memorandum December 27, 1977

To: Water Resources Task Force

From: Public Facilities Staff

Subject: Project Prioritization

As requested by the Water Resources Task Force on December 14, 1977, staff has developed a draft of a ranking system for projects which meet the criteria for eligibility under section 201 of PL 92-500.

Point assignments and ranking categories are recommended for discussion at the Water Resources Task Force meeting and will be used for discussion purposes at the next DEQ project priorities meeting.

Other categories which have not been included directly in the ranking system are:

1. Regulatory emphasis
2. Step status
3. Beneficial uses
4. Change in conditions

If you have other criteria you feel should be included please contact Dan Hodge or bring recommendations to the Task Force meeting.

Recommendations should be ready for DEQ by February 1, if possible, to have the greatest impact on the Statewide Project Prioritization list for Fiscal Year 1979.

PROJECT NEED

Points

- 800 1. Project necessary to resolve a documented (certified) health hazard whether required to comply with; mandatory annexation order under ORS 222; Waste Disposal Well Schedule under OAR Chapter 340, Section 44-005 et seq, or other situation where the above do not apply, consistent with Land Use Framework Element provision.
- 600 2. Projects necessary to achieve *and maintain* compliance with in-stream Water Quality Standards contained in OAR Chapter 340 Division 4 Subdivision 1 or eliminate a contribution to standards violation.
- 500 3. Project necessary to comply with *and maintain* minimum waste treatment standards or effluent standards established by DEQ or EPA (303(e) Basin Plan)
- 400 4. Project needed to minimize or eliminate documented "non-point source" contamination of ground water or surface waters relating to subsurface sewage disposal system malfunction in known urban or urbanizing areas.
- 300 5. Project needed to serve developed area where the potential for pollution and/or public health problems exist.
- 100 6. Project needed to serve proposed or projected development and projects desired to improve effluent quality of existing facilities.

STREAM SEGMENT RANKING

Points

12-95.7

DEQ's existing system with some modifications:

1. Consideration of dilution factors
2. Consideration of beneficial uses (303e)
3. Change or ranking for other stream in basin

PROJECT TYPE

Points

10	Secondary Treatment
8	Sludge Management
6	Effluent Application
4	Tertiary Treatment
2	Interceptor (replacement)
1	New Interceptor
0	Colleciton System

POPULATION SERVED (ALTERNATIVES)

Points

- Ø
- 1-100 1. One point per 1000 population served up to 100,000 or 100 points maximum. (existing)
 - 1-100 2. One point per percent of total regional population (existing) within area to be served.
 - 1-69 3. For state ranking only - only one per percent of total state population (existing) within the basin:

Willamette Basin	69
Sandy Basin	1

LAND USE CONSIDERATION

Points

10	1. Identified Immediate Growth Boundary
20	2. Identified Urban Service Boundary
20	3. LCDC approved Comprehensive Plan
10	4. Regionally recognized Comprehensive Plan
30	5. Regionally recognized Sewer Master Plan
10	6. Regionally recognized Water Plan
10	7. Regionally recognized Drainage Plan
10	8. Regionally recognized Road and Street Plan
<u>120</u>	Points Total

REGIONAL WASTE WATER MANAGEMENT PLAN

Points

50	Project required in Areawide Waste Treatment Management Plan (Consortium Planning)
0	Project not required

As a result of the Waste Resource Treatment Facility recommendation regarding the use of two project priority lists, one for facilities planning, Step 1, and the other for design and construction, steps 2 and 3, the two following sets of criteria for ranking are suggested.

PROPOSED RANKING SYSTEM

Step 1 Planning

Points

100-800	Project need
12-95.7	Stream segment ranking
0-10	*Project type
1-100	Population served
0-120	Land use consideration
0-50	Regional Waste Water Management Plan
<u>113-1175.7</u>	

Steps 2 and 3 Design and Construction

Points

100-800	Project need
12-95.7	Stream segment ranking
0-10	Project type
1-100	Population served
0-120	Land use consideration
<u>113-1125.7</u>	

*Project type for planning may need to be changed from that in the preceding discussion because of inability to distinguish whether project will involved tertiary treatment or effluent application. An alternate listing could be developed joining the two categories together and allowing 5 points for that group.

DH:dld
2:1-4

"Reward Dilution"

PROJECT	TOTAL POINTS ON FY78 LIST	WQ INDEX POINTS	REVISED TOTAL POINTS	FY 78 PRIORITY NO.	RELATIVE RANK ON FY78 LIST	RELATIVE RANK WITH WQ INDEX POINTS
Terrebonne	999	50	1049	46	1	1
Salem	994.45	10	1004.45	53	2	2
Ione	946	10	956	62	3	3
Clackamas Co. S. D. (Kellogg Sludge)	895.45	25	920.45	68	4	4
Jacksonville	885.50	10	895.50	75	5	5
Cannon Beach	852	10	862	93	6	7
Rainier	842	50	892	107	7	6
North Albany S. D.	791.18	50	841.18	116	8	8
Happy Valley	758	10	768	120	9	10
Turner	739	25	764	126	10	11
Columbia City	730	50	780	132	11	9
North Plains	709	10	719	139	12	12

"Penalize Dilution"

PROJECT	TOTAL POINTS ON FY78 LIST	WQ INDEX POINTS	REVISED TOTAL POINTS	FY 78 PRIORITY NO.	RELATIVE RANK FY78 LIST	RELATIVE RANK WITH WQ INDEX PT.
Terrebonne	999	10	1009	46	1	2
Salem	994.45	50	1044.45	53	2	1
Ione	946	50	996	62	3	3
Clackamas Co. S. D. (Kellogg Sludge)	895.45	25	920.45	68	4	5
Jacksonville	885.50	50	935.50	75	5	4
Cannon Beach	852	50	902	93	6	6
Rainier	842	10	852	107	7	7
North Albany S. D.	791.18	10	801.18	116	8	9
Happy Valley	758	50	808	120	9	8
Turner	739	25	764	126	10	10
Columbia City	730	10	740	132	11	12
North Plains	709	50	759	139	12	11

POPULATION IMPLICATIONS APPLIED TO PRIORITY LIST NEED POINTS CATEGORY

Project	Need Points	Total Points	FY'78 Priority	Present Population	1 Point/1000 or Part	Revised Total Points	FY'78 Rel. Priority	Revised Rel. Priority
Tri-City/County	800	99545	52	30900	31	102645	1	2
Salem		99445	53	80000	80	107445	2	1
Cottage Grove		98500	54	6900	7	99200	3	5
PDX-Elk Rock		98445	55	1700	2	98645	4	6
Coos Bay (1/1)		98300	56	14100	15	99800	5	3
Roseburg Rehab.		97933	57	16950	17	99633	6	4
BCVSA Westside		97350	58	1900	2	97550	7	7
Donald		96000	59	310	1	96100	8	8
Wauna-Westport		95200	60	690	1	95300	9	9
Astoria (WM)		95000	61	184	1	95100	10	10
Ione		94600	62	420	1	94700	11	11
Clack-Rhodo		94067	63	5000	5	94567	12	12
St. Paul		94000	64	370	1	94100	13	13
SW Lincoln		92400	65	2040	3	92700	14	14

Assumption: Assignment of points to 800 needs point grouping based on adding one point per thousand people to be served, or fraction thereof (Max-100 points)

Project	Total Points On FY'78 List	LAND USE		Revised Total	FY'78 Priority #	Relative Rank on FY'78 List	Relative Rank with Land Use Points
		Land Use Points					
Terre Bonne	999.00 (U)	100		1099.00	46	1	1
Salem	994.45 (U)	100		1094.45	53	2	2
Clatsop	946.00 (U)	100		1046.00	62	3	3
Clackamas Co. (Kellogg)	895.45 (U)	100		995.45	68	4	4
Jacksonville	885.50 (U)	100		985.50	75	5	5
Cannon Beach	852.00 (U)	100		952.00	93	6	6
Rainier	842.00 (U)	100		942.00	107	7	7
N. Albany S. D.	791.18 (U)	100		891.18	116	8	8
Happy Valley	758.00 (R)	50		808.00	120	9	12
Turner	739.00 (U)	100		839.00	126	10	9
Columbia City	730.00 (U)	100		830.00	132	11	10
North Plains	709.00 (U)	100		809.00	139	12	11

Assumptions:

1. All incorporated cities must have a UGB approved by LCDC and, therefore, are designated urban (U). Exception:
Happy Valley
2. If not an incorporated city, then county designation determines rural or urban

Terrebonne - Deschutes Co., Bill Renwick, 382-4000

Clackamas Co. (Kellogg) - Clackamas Co., Jennifer Sims, 221-1646(307)

N. Albany S. D. - Benton Co., Marve Gloge or Shirley Roberts, 757-6819

Table 4-2
Metropolitan Sewer Projects Priority Criteria

Criteria	Maximum Points
I. Problem: Primary Purpose of Project	250
A. Existing development presents immediate threat to public health	100
1. Sewage pollution of public water supply	50
2. Pollution of groundwater	50
3. Sewage pollution of swimming waters	25
4. Soil absorption ability decreased	25
B. Existing development is producing serious pollution of natural resources	50
1. Effluent discharge into river does not meet federal-state water quality standards	50
2. Effluent discharged into lakes	50
C. Service area is scheduled for increased density of development within the next five years, consistent with other Metropolitan Development Guide policies, when local municipality has taken sufficient action to provide local facilities in coordination with the metropolitan facility	50
D. Current treatment not feasible for longer than five years	50
II. Service Area: Economy of Investment	275
A. Urban service capacity within the service area of the project	150
1. Highways and streets Adequate =	50
2. Local sewer collection and central water systems Needs some upgrading =	25
3. School classrooms No service capacity =	0
B. Local government's ability to serve increased development	125
1. Full-time police and public fire protection	25
2. Full-time administration service	25
3. Comprehensive land use plan	25
4. Comprehensive sewer plan submitted/approved	10/25
5. Capital improvement program	25

Source: Metropolitan Council of the Twin Cities Area, "Metropolitan Council Five-Year Capital Improvement Program for Sewerage Facilities" (Minneapolis, Minnesota: January 1974).

comprehensive plan, zoning ordinance, and capital plan were tied together in 1969 under a special permit procedure. Under this procedure, those who wish to subdivide land for development or erect multiple dwellings must obtain a permit from the town board. Issuance of this permit is dependent on the availability of the following:

1. sewers or an approved alternative,
2. drainage facilities

3. parks or recreational facilities,
4. state, county, or town roads improved with curbs and sidewalks, and
5. firehouses.

The degree of availability is measured on a scale from one to five. No permit can be obtained unless fifteen points are obtained. Those wishing to develop land which does not meet the criteria are entitled to do so provided they provide the needed facilities at their own expense. Land which cannot be developed because of this ordinance is entitled to certain forms of tax relief.

Since the availability and location of public service facilities are regulated by the eighteen-year capital plan, the result of the ordinance is essentially to fix the rate of development in the town and govern the structure of development.

Not surprisingly, this new method of regulating growth was challenged in the courts almost immediately. One of the important issues in the series of court cases was whether New York State's legislation granting municipal zoning authority conferred the power to control the timing of land development. There is no mention of timing considerations in the relevant statutes. After differing decisions in the lower courts, the New York State Court of Appeals ruled in favor of Ramapo in the case of *Golden v. Planning Board*.³⁶ Among the findings, the court concluded that since "legitimate zoning purposes" specified under New York State law included "adequate provision of transportation, water, sewerage, schools, parks and other public requirements,"³⁷ the phased growth policy devised by Ramapo was within the scope of powers delegated by the legislation.

This ruling may have far-reaching effect, since the New York State legislation giving towns the right to zone is based upon the U.S. Department of Commerce Standard State Zoning Act developed in 1926. Many other states have also based their enabling legislation upon this model code, and the New York decision might influence governments in other states to adopt similar approaches.

Since the court decision, a number of arguments, pro and con, have appeared on the Ramapo plan.³⁸ One criticism is that the staging of growth, which will approximately double the time for the town to reach full development, violates constitutional guarantees of freedom of movement. Also, although the court found that Ramapo's plan was not exclusionary, it has since been pointed out that most of Ramapo's unincorporated area is zoned for single-family detached large lots, and that the capital program is planned with this type of development in mind. Thus, it is argued, the net effect of the staging plan is to enforce an exclusionary pattern of growth. Other criticisms are that the point evaluation system employed is inappropriate and that the town's actions will place unfair burdens on adjacent communities.

The case of Ramapo is sometimes contrasted with that of Petaluma, California, where a staged development plan was declared unconstitutional.³⁹ The Petaluma plan would have limited development to 500 units per year, with the allocations going to those developments scoring the highest on a point



State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Advisory Committee Members Date: 3/10/78
From: Tom Blankenship
Subject: Summary of February 17, 1978 Advisory Committee Meeting Concerning Oregon's Sewage Works Construction Grant Priority System

Attendees included: Committee Members - Tom Blankenship, Fred Bolton, Dick Benner, John LaRiviere, Bill Sobolewski, Craig Starr, Terry Waldele, and B. J. Smith.
Others - Garrett Rosenthal (Lane COG), Brent Lake (DLCD), and Dan Hodge (CRAG).

No further meetings are scheduled. However, the Committee agreed to meet with Bill Young if he wants to discuss the Committee's recommendations.

Meeting Summary

This meeting was focused on a draft memorandum to the Director which I furnished to Committee members about 2 weeks ahead of time. The memorandum contained recommendations for revising Oregon's grant priority system.

Several Committee members submitted written comments either at or subsequent to the February 17 meeting. Each of these written comments is attached, and a brief summary follows (identified by individual):

Gary Gustafson (Dept. of Land Conservation & Development) - stated that "land use" points should be applied to Step I projects also. The Committee had proposed that these points be used with Step II & Step III projects only, i.e., after we know service area & project scope.

Terry Waldele and Don Hodge (CRAG) -

1. Population points should be revised to assign 1 point per percent of design population that is existing within proposed study or service area (i.e. study area for Step I, service area for Step II & Step III).
2. Wording should be changed in "land use points category to delete the words "city limits" and replace them with "sewerage agency".
3. "Project type" points should be changed from existing 10 pts. for STP, 8 pts. for interceptor to the following:

<u>Points</u>	<u>Project Type</u>
10	Treatment Plant
5	Interceptor Replacement
2	New Interceptor
0	Collection Sewers

4. A point assignment summary should be added to the Committee's recommendations.
5. The City of Portland (i.e. Cowles Mallory) supports the land use points category as originally proposed by the Committee.
6. A table should be added to the Committee's recommendations memorandum showing the effect on project ranking (on a group of projects from the FY 78 priority list) by applying revised priority criteria as recommended by the Committee.

Fred Bolton (DEQ) - felt that the land use points criteria will create an additional hurdle for local governments in obtaining federal funds; one that is not related to water pollution control.

John LaRiviere (Rogue Valley COG) -

1. Disagrees with "land use" points because
 - no relation to improving water quality
 - encourages LCDC compliance, which is not the purpose of EPA's grant program
 - LCDC compliance is a long way off for many communities (i.e. litigation) so points would have little meaning
 - biases solution of pollution problems toward sewers
2. Population emphasis points should be coordinated with WQ Index Points.

B. J. Smith (IRS) - The non-designated COGs are against land use points because of the effect on rural special service districts.

General Comments

1. Emphasis (i.e., number of points) placed on population and land use should be reduced.
2. Opposing views to a "general" Committee recommendation should also be shown in the memo to the Director.
3. The "summary" part of the Committee's memo should be dropped since individual meeting summaries will be attached.
4. Dick Benner provided a written response to criticisms of the "land use" criteria which is attached.

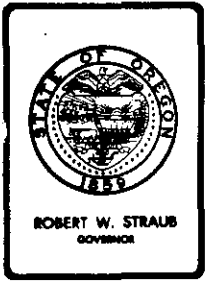
3/10/78

5. Terry Waldele provided another memo after the February 17 meeting which is attached.

THB:em

Attachments:

1. Gary Gustafson's letter of February 15, 1978
2. Terry Waldele's message dated February 16, 1978
3. John LaRiviere's memo dated February 14, 1978
4. BCVSA's comments
5. Terry Waldele's memo of February 24, 1978
6. Dick Benner's letter dated February 28, 1978



No. 1

JHB

Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

February 15, 1978

Tom Blankenship, Chairman
Sewage Grant Priority Advisory Committee
Water Quality Division
Department of Environmental Quality
P.O. Box 1760
Portland, OR 97207

Dear Tom,

Although I was unable to attend the last meeting of the Sewage Works Construction Grant Priority System Advisory Committee, I have examined the summary and have a suggestion to offer.

If there is to be a separate priority list and ranking system for Step 1 projects, then it should also apply land use points criteria to ranking. Step 1 constitutes the planning alternatives for a project and is probably the most critical stage wherein land use considerations should be applied. At Step 2 or Step 3 the project is already committed and usually only minor design changes can be anticipated. It also makes no sense to encourage or foster local effort and financial commitment at Step 1, when due to noncompliance with LCDC goals the project might be downranked at Step 2.

I would also like to voice our support for the land use planning status point system developed by Dick Benner. It should begin to give us a better handle to coordinate projects with local plans.

RECEIVED
FEB 16 1978

Water Quality Division
Dept. of Environmental Quality

Once again, I unfortunately have a scheduling conflict with the Committee's February 17th meeting; I have asked Brent Lake of our staff to represent the Department in my absence. Best of luck to you and the Committee.

Very Truly Yours,

GV5

Gary Gustafson
Field Representative

GG:sd

cc: Wes Kvarsten
Jim Ross
Eldon Hout
Bob Jackman, DEQ
Nancy Tuor
Brent Lake

TUWAY MESSAGE

NO. 2

TO TOM BLANKENSHIP
DEQ

FROM TERRY WALDELE
CRAG

SUBJECT: WATER RESOURCES TASK FORCE ACTION DATE 2-16-78

M
E
S
S
A
G
E

R
E
P
L
Y

Am transmitting herewith the following:

- 1. Memo to DEQ Criteria Committee from me, dated 2-15-78, regarding "Criteria list and point assignment" and
- 2. Minutes of Task Force Meeting Feb. 8, 1978 containing record of discussion on criteria.

These materials explain the recommendations of the CRAG Water Resources Task Force on this matter.

SIGNED



DATE:

SIGNED

COLUMBIA REGION ASSOCIATION OF GOVERNMENTS

Memorandum February 15, 1978
To: DEQ Criteria Committee
From: Terry Waldele
Subject: Criteria List and Point Assignment

Attached is the criteria list with point assignments recommended by the CRAG Water Resources Task Force for use by DEQ in prioritizing FY 1979 projects. These criteria and points were recommended at the Task Force meeting on February 8, 1978.

The desire of the Task Force is to adopt a priority system very similar to DEQ's so a procedure for resolving differences between state and regional priority lists will not be necessary.

In addition to the criteria recommended, the Task Force recommends a separate list for Step I grants. This would require a revision of the "step status" criteria of the existing DEQ system.

The Task Force makes the above recommendations, pending their review of the final recommendations of the DEQ Criteria Committee.

TW/DH:ls
3:1
Attachment

PROJECT NEED

Points

- A 1. Project necessary to comply with: mandatory annexation order under ORS 222; Waste Disposal Well Schedule under OAR Chapter 340, Section 44-055 et seq; or other situation where a health hazard or pollution hazard has been documented (certified) in conformance with the process identified in the Land Use Framework Provisions.
- B 2. Project necessary to achieve and/or maintain compliance with in-stream water quality standards contained in OAR Chapter 340, Division 4, Subdivision 1, or eliminate a contribution to standards violation.
- C 3. Project necessary to comply with minimum waste treatment standards or effluent standards established by DEQ or EPA (303(e) Basin Plan).
- D 4. Project needed to minimize or eliminate documented "non-point source" contamination of ground water or surface waters relating to subsurface sewage disposal system malfunction in known urban or urbanizing areas.
- E 5. Project needed to serve developed area where the potential for pollution and/or public health problems exist.
- F 6. Project needed to serve proposed or projected development and projects desired to improve effluent quality of existing facilities.

STREAM SEGMENT RANKING
(Same as DEQ's Existing System)

Points

Segment

	WILLAMETTE BASIN
95.63	Tualatin
93.45	Willamette (River Mile 0-84)
82.09	Pudding River
79.89	Molalla River
68.45	Clackamas River
52.55	Columbia Slough
48.00	Remaining Willamette Basin Streams
	SANDY BASIN
55.33	Columbia River (Sandy Basin)
38.67	Sandy River
22.00	Remaining Sandy Basin Streams

PROJECT TYPE

Points

10 Treatment
5 Interceptor Replacement
2 New Interceptor
0 Collection

POPULATION SERVED

Points

1-100 One point per percent of design population which is existing within the proposed Study Area.

LAND USE PLANNING STATUS

Points

10 Project inside existing sewerage agency and inside LCDC approved Urban Growth Boundary (UGB).
8 Project inside LCDC approved UGB, but includes land outside existing sewerage agency.
6 Project inside existing sewerage agency, inside an adopted UGB not yet approved by LCDC.
4 Project inside adopted UGB that's not yet LCDC approved and includes land outside existing sewerage agency.
2 Project inside existing sewerage agency, but UGB not adopted yet.
0 Project outside existing sewerage agency, URG not adopted yet.

POINT ASSIGNMENT SUMMARY:

	<u>High</u>	<u>Low</u>
Project Need (A-F)		
Stream Segment	95.73	22.0
Project Type	10	0
Population Served	100	1
Land Use Planning Status	10	0
TOTAL	<u>215.73</u>	<u>23.0</u>

DH:ls:03
S:205/1-2

COLUMBIA REGION ASSOCIATION of GOVERNMENTS

527 S. W. HALL STREET
PORTLAND, OREGON 97201

(503) 221-1646



CRAG

LARRY RICE, EXECUTIVE DIRECTOR

WATER RESOURCES TASK FORCE

MINUTES OF MEETING
FEBRUARY 8, 1978

REGULAR MEMBERS

CLACKAMAS COUNTY

Barlow
Canby
Estacada
Gladstone
Happy Valley
Johnson City
Lake Oswego
Milwaukie
Molalla
Oregon City
Rivergrove
Sandy
West Linn
Wilsonville

MULTNOMAH COUNTY

Fairview
Gresham
Maywood Park
Portland
Troutdale
Wood Village

WASHINGTON COUNTY

Banks
Beaverton
Cornelius
Durham
Forest Grove
Gaston
Hillsboro
King City
North Plains
Sherwood
Tigard
Tualatin

ASSOCIATE MEMBERS

CLARK COUNTY

Vancouver
Camas

Columbia City
Scappoose
St. Helens
The Port of Portland
Tri-Met
The State of Oregon

MEMBERS PRESENT

Dave Abraham
Donald Fager
Bob Gilbert
Melvin Haneberg
Ray Jaren
Cowles Mallory
Tom Sandwick
Dave Vargas
Joel Wesselman

AFFILIATION

Clackamas County
Clark County
DEQ
Cities of Clackamas County
Corps of Engineers
City of Portland
Oak Lodge Sanitary District
City of Gresham
Washington County

OTHERS ATTENDING

Steven Brutscher
Dan Brownson
Hilary Heizenrader

State Water Resources Dept.
City of Portland
Portland General Electric

CRAG STAFF

Terry Waldele
Sue Boyer
Dan Hodge
Jeff Gibbs
Leslie Smith

I. CALL TO ORDER AND DECLARATION OF A QUORUM

Chairman Joel Wesselman called the meeting to order in the absence of a quorum.

II. APPROVAL OF MINUTES

Tom Sandwick noted that on page 7, he was counted as opposing the motion when he actually approved it.

Ray Jaren noted that his name was inadvertently left off the attendance roster. He also noted that on page 2 in the fifth paragraph, it should read the "Corps' consultants", not CRAG's.

Mel Haneberg stated that on page 8 in the third paragraph, the phrase "it did" had been inserted incorrectly and should be deleted.

Dave Abraham then moved and Mel Haneberg seconded a motion to approve the minutes as amended.

III. PROGRESS REPORTS

A. CRAG Staff: Terry Waldele referred to the handout of the new draft of the Text, Rules and other items of the '208' Plan (not included on the agenda). Included in this handout is a staff-proposed draft Order by the CRAG Board which initiates the use of criteria and a numerical weighting system for prioritizing sewerage projects, and accepts or adopts the list of projects and their priorities. Also included is a resolution which is CRAG staff's first cut at a policy statement accepting the support documents, as discussed at the January 25 Task Force meeting. The resolution sets down criteria for proposing a plan revision and puts some burden on the party proposing such a revision. The maps were not included in the handout, but are to be included in the plan, with the exception of the Sewerage Works Master Plan Map, which will, in effect, be accepted by the CRAG Board in accepting the plan documents CH2M prepared, thereby substituting the maps in those reports for the Sewerage Works Master Plan. The Text and Rules will then be enforceable by law and the reports and maps referred to in them will be considered guidelines.

Sue Boyer noted that there was a typographical error on the order under item 2. In the fourth paragraph it reads 1978-89 and should read 1978-79.

Waldele continued that staff is aiming at having a finalized second draft of the Plan Text and Rules by March 1. Since staff would like to have the draft reported out of the Task Force by February 24, there will be a solidified version of the Text and Rules presented at the February 22 meeting. When the draft is completed, it will be mailed to the jurisdictions and special districts and a set of subregional meetings will be scheduled to review it with local officials and the public.

Turning to other business, Waldele said he passed the Task Force's recommendations on the Portland Sludge EIS on to EPA and copies of that letter are available. The recommendation to add a Water Bureau representative to the Task Force was passed on to Denton Kent to forward to the CRAG Board. Vince Tallon of the Hazelwood Water District has volunteered to take the place of Jesse Lowman on the Task Force.

CRAG has received a request from DEQ for suggestions on new legislation in the area of water quality, wastewater and sewers. Waldele's recommendation was to forward the recommendations from Bartle Wells in their technical supplement TS-10 on the legislative and financial background. He then read the suggestions to the Task Force. The consensus of the Task Force was that these suggestions be forwarded and Waldele noted that as the deadline for submitting the suggestions was the middle of the month, the Task Force had a week to change or add to them.

Waldele reported that DEQ's Policy Advisory Committee met on January 26. They discussed DEQ's objectives for the next few years. Also, the Committee talked about funding that would be available to '208' under the 1977 Clean Water Act, \$1 1/2 million per year has been authorized for Oregon. The item the Committee spent the most time on was the new law on rural cost sharing for non-point source controls. The Agricultural Subcommittee of the PAC has been reviewing this and the funding program set up by the new law, which is a direct grant program to farmers in rural areas to aid them in controlling non-point source pollution. The Soil and Water Conservation Districts are interested in making those fund distributions. Public meetings will be held on this new law and decisions made as to which agencies have the oversight and implementation functions of the program.

Dan Hodge and Terry Waldele attended a DEQ Criteria Committee meeting on January 16 and have a draft memo to Bill Young, prepared by Tom Blankenship, that reports the progress of the Criteria Committee to date and lists recommendations for revising the criteria. To summarize those:

1. They would like to change the need point category from a numerical point system to an A, B, C block system. That way, projects in different need categories can't be elevated to higher need categories by other criteria in the rating system-- they can only be prioritized within a given category by the point system.
2. A new criterion, a Water Quality Index, which is basically a measurement of the dilution factor. It is a ratio of flow to pollution load to determine how significant an effect this discharge has on a stream and the proposed discharge in the grants projects. The Index would not replace Stream Segment Ranking, but would be added to it.
3. A new category called Land Use Planning Status, which awards points to a jurisdiction based on their progress toward meeting statewide land use goals.
4. A category called Population Emphasis, which is based on the proposed population in the area served.
5. A Regulatory Emphasis category, which is a revision of the existing category, to give a higher number of points to an Environmental Quality Commission (EQC) order.

Those criteria other than project need are used for ranking projects within the need category and assigning those points. There is also a recommendation that the list be divided into two lists: Step I in the first list and Steps II and III in the second. The next meeting of the Committee will be on February 17 to review this draft memorandum.

Joel Wesselman was concerned about Item #2 in DEQ's Criteria List, as he felt it discriminated against counties and suggested this be changed.

Waldele responded that that had been the consensus of the Committee to date.

Dave Abraham made the suggestion that Item #2 be changed to read "projects within designated municipal corporations in sewerage business". He felt a city designation shouldn't make any difference--if an agency is established in wastewater management, they should be considered.

Dave Vargas voiced the concern that every time LCDC approved a boundary change it would change the priorities. Waldele noted that the priorities would be changed in response to boundary changes.

Dave Abraham questioned inclusion of 1000 Friends of Oregon in the DEQ Criteria Committee deliberations on criteria that are based on land use planning status. Abraham said he saw no reason for any public agency to include 1000 Friends in their planning considerations.

Joel Wesselman said the Task Force should ask DEQ to evaluate whether they have the authority under PL 92-500 to employ such a land use related criterion with respect to federal money.

Waldele felt it would be required by OMB under A-95. One alternative would be to exclude land use planning points all together. Another would be to de-emphasize it with fewer points or to state it differently to make it more amenable to all sewerage agencies.

Dave Vargas was in favor of excluding it. If that were not possible, he would choose to fall back to a lower point allocation.

Most of the Task Force felt the phrases "inside city limits" and "inside an urban growth boundary" should be deleted from item #2 of the DEQ Criteria List.

Cowles Mallory went on record for the City of Portland as supporting the DEQ Committee's land use related criteria. The City acknowledges that the location of sewer lines and provision of sewerage facilities are probably the major determinant of land use/growth. Mallory felt DEQ should take these factors into consideration when setting priorities.

Dave Vargas moved that the Task Force first attempt to eliminate the Land Use Planning Status Points criteria, and if that was not acceptable, to go to consolidating the categories to eliminate reference to city limits and then reduce the maximum points to 10 instead of

100. Dave Abraham seconded and the motion was approved, with Cowles Mallory opposing.

- B. Corps of Engineers: On water supply, Ray Jaren reported that the Corps' contractor is working on the first-round preliminary alternatives for the Trask-Tualatin source and that information will be given to Dornbusch for the institutional alternative to go along with it.

Regarding drainage management, Jaren noted that the Salmon Creek bus tour would be held on Tuesday, February 14 from noon to 4:00. Room was still available if Task Force members were interested.

Butternut Creek's next working group meeting was tentatively scheduled for February 22. The first draft of the drainage or flood damage reduction components reports had been reviewed by the Corps' study team and would now go back to the contractor to revise.

The Corps is working on the first-round of preliminary alternatives for both Butternut and Salmon Creeks. The Butternut alternatives have been sent to the institutional contractors for the implementation alternatives to be prepared.

Montagne-Bierly (consulting firm) of Salem has been requested to prepare some small reports on the recreation potentials for Butternut and Salmon Creeks.

The literature review for the drainage management work is being final-typed now and will be finalized soon.

The Corps' newsletter will be going out sometime in February.

At the Division Office checkpoint meeting, there were questions on the wastewater management studies. One question that came up was that the Office couldn't see any way in which the Task Force has considered alternatives to land application. It was pointed out to them that this was something CH2M had done, as the main contractor to CRAG, and that they were supposed to reflect the land application in their report as an alternative to conventional methods of treatment. There wasn't much consideration given to that evaluation in CH2M's main report and the Corps will be making that comment in their response.

Additional funding was discussed, also authority for the study items CRAG had asked the Corps to get involved in. The answer was that it seemed to be too late to

get a full fledged Congressional add-on because all the budget testimony had been completed for 1979, but the Division Office did say they would make an effort to find sources of funding.

A memo on this checkpoint meeting is being prepared and when it is finalized, will be provided to CRAG staff.

IV. REPORT ON ACTION OF EQC

- A. Troutdale NPDES: Bob Gilbert reported that the Commission approved interim expansion of the Troutdale Sewage Treatment Plant on the condition that they either upgrade or go to a regional system by December 31, 1982. Troutdale wanted to expand with 20/20 effluent BOD and suspended solids and the Sandy Basin Plan requires 10/10. Instead of requiring that degree of treatment or an outfall to the Columbia River (since there is a regional study underway with Gresham, Troutdale and Multnomah County) DEQ has allowed the interim expansion with 20/20. Troutdale will have to conform to the study.
- B. Happy Valley: Happy Valley has asked for an extension because they didn't get their facilities plan into the Commission by November 30, 1977. The Commission granted the extension and left it up to the Director to decide if the City is proceeding in a good faith effort.
- C. DEQ Coordination Program: DEQ presented a coordination program to EQC, in conformance to LCDC regulations. In essence, DEQ has come up with a cookbook type of approach. They have laid out the various programs and listed what a local comprehensive plan should include. This will be given to all planning departments so they'll know what DEQ is looking for in their plans. This book should be out in March.

V. SEWERAGE WORKS PROGRAM PRIORITIES--REQUEST FOR ADOPTION

- A. Revised Policies for Criteria: Joel Wesselman called the attention of the Task Force to the fact that staff was asking for approval of the criteria for point assignments and secondly, the policies for project priority ranking.

Dan Hodge noted that at the last Task Force meeting, staff had been requested to rewrite policies, particularly Policy #5. Two priority items, #5 and #6, were combined into this one statement, #5.

Hodge then summarized the progress of the Capital Improvement Program from November 30 to the present.

Cowles Mallory emphasized that staff will be only one member that's going to have input into the Committee. He suggested that Item #3 be changed to state "to give consideration to the population served". Joel Wesselman asked for a vote to approve the Policies for Project Prioritization as amended. It was the consensus of the Task Force to approve the Project Prioritization Policies as amended.

- B. Proposed Criteria List and Point Assignments: There was some concern among Task Force members that a Step I project could not get funded if it were applied to this criteria list. Hodge then pointed out that this list was intended not so much for Step I projects, but for Step II and III projects; the proposed criteria reward an agency that would be going to effluent application versus tertiary treatment. The intent was to encourage expansion of secondary treatment plants. It was felt, generally, that that provided the most good for the least amount of money.

Dave Abraham moved that Items #1 through #4 on the Criteria List under the category Project Need be consolidated into one item called treatment, with a total of 10 points. Cowles Mallory seconded the motion and it was unanimously approved.

As the Task Force approved of DEQ's Criteria List, as amended by the Task Force, Dave Abraham moved that CRAG's Criteria List be used as the basis of establishing CRAG's comments and recommendations to the DEQ Committee on prioritizing, with the further stipulation that the motions passed with respect to DEQ's list be incorporated into CRAG's list and that DEQ's recommended criteria shall be reviewed by the Task Force. DEQ's Item #2 should replace CRAG's Regional Planning category. Mel Haneberg seconded the motion. After further discussion the motion was passed unanimously.

VI. ADJOURN

There being no further business, the meeting was adjourned.

F. DONALD LAWS
CHM
JEANNE BARLOW
V-CHM
DON MINEAR
SEC

33 NORTH CENTRAL
SUITE 211
MEDFORD
OREGON
97501
779-7555



MEMBERS:
ASHLAND
BUTTE FALLS
CENTRAL POINT
EAGLE POINT
GOLD HILL
GRANTS PASS
JACKSON COUNTY
JACKSONVILLE
MEDFORD
PHOENIX
SHADY COVE
TALENT

SPECIAL DISTRICTS:
BEAR CREEK VALLEY
SANITARY AUTHORITY
CITY & RURAL FIRE
DISTRICTS
IRRIGATION DISTRICTS
SOIL & WATER CONSERVATION
DISTRICTS
WATER DISTRICTS
SCHOOL DISTRICT 549C

RICHARD T. HOWSLEY
EXEC. DIRECTOR

ROGUE VALLEY COUNCIL OF GOVERNMENTS

DISTRICT VIII WATER QUALITY PLANNING PROGRAM
John LaRiviere
Coordinator

M E M O R A N D U M

TO: Tom Blankenship
DATE: February 14, 1978
FROM: John R. LaRiviere *JRL*
Water Quality Planning Coordinator
RE: Comments on Draft "201" Criteria Recommendations

Water Quality Index Points

I have mixed feelings regarding this category. This point advantage could be wiped out by population points (see further comments).

Land Use Planning Status Points

I am completely opposed to this category for several reasons.

- They do not benefit improved water quality or eliminate health hazards.
- Serve only to encourage LCDC compliance, which is not the purpose of 201 funding.
- If only applied to projects in the 4% category they would serve no purpose.
- Data available in Jackson County does not support allegations of urban sprawl resulting from sewer construction, but does indicate that land use planning constraints have prevented the elimination of documented health hazards.
- The current review procedures for insuring LCDC compliance such as required County approval and DEQ/LCDC questionnaire are both fair and effective.
- Recent developments in Medford and litigation underway in Marion County indicate LCDC compliance for some areas is a long way off. In other words "201" bonus points for compliance won't have much effect until other more fundamental questions are answered.

Population Emphasis Points

These points should be coordinated with Water Quality index points. A project with a small population on a small stream could have a greater impact than a large discharge on a large stream and, therefore should have a higher priority.

MEMORANDUM
Tom Blankenship
February 14, 1978
Page Two

If projects in the 4% category are considered separately how will this criterion be applied?

Regulatory Emphasis

In order for this criterion to be equitable there must be some uniformity in issuing EQC orders.

Need Point Category

I do not totally understand which points establish "need" level and which rank project within the need level.

Other Revisions

1. Are you proposing a separate list for the 4% category?
2. Will there also be a separate list for collection sewers or will the list be adjusted to meet the 25% minimum?
3. What % of funds will be set aside for each category? Will there be a separate list for Step 1 projects as well?
4. I fully agree, but how?

JRL/mm
2/14/78

COMMENTS ON DEQ CRITERIA ADVISORY COMMITTEE PROCEEDINGSPage 2, Step 2 and Step 3 Projects, Item 1.:

This procedure could penalize some projects that cannot utilize "no discharge" treatment plants because of location, etc. EPA says these questions have to be addressed in all Facility Planning to find most cost-effective, environmentally-sound and implementable alternative. Why give extra points to a result of Facility Planning to the detriment of other alternatives meeting EPA criteria?

Page 3, Item 5.:

Agree with your comment on portion of total funds to be allotted to Step 1 projects. We are not convinced that there has to be a separate priority list if the same prioritization criteria is used for Step 1 through 3 projects. If there is to be separate criteria, then there should be separate lists. The State should have a balance of projects in each step for continuity of funding.

Page 3, Item 6.:

We cannot agree with the Benner/Gustafson suggestions. There will be additional comments in later paragraphs. We cannot agree that the 4% set aside be used for small communities only because rural development is a possibility under the Statewide Planning Goals and resulting projects may require 201 funding.

Recommendations Section:

Agree that question should be asked of when the point categories listed should be applied, i.e., within the Need Point Categories or prior to.

Item 1. Water Quality Index Points:

The present Stream Segment rankings would have to be considered or combined with this new category. "Water Quality" involves a total picture rather than a fragmented approach.

The "No Discharge" situation is addressed above.

Item 2. Land Use Planning Points:

Totally opposed to this category. There is sufficient Environmental and Land-Use Planning status consideration now. We are in a period of Comprehensive Planning and Plan Updating and to penalize projects for planning status is ridiculous. Sewers and growth cannot be related in the Bear Creek Valley and there is more than sufficient

COLUMBIA REGION ASSOCIATION of GOVERNMENTS

527 S. W. HALL STREET
PORTLAND, OREGON 97201

(503) 221-1646



DENTON U. KENT
EXECUTIVE DIRECTOR

MEMORANDUM

REGULAR MEMBERS

CLACKAMAS COUNTY

- Barlow
- Canby
- Estacada
- Gladstone
- Happy Valley
- Johnson City
- Lake Oswego
- Milwaukie
- Molalla
- Oregon City
- Rivergrove
- Sandy
- West Linn
- Wilsonville

MULTNOMAH COUNTY

- Fairview
- Gresham
- Maywood Park
- Portland
- Troutdale
- Wood Village

WASHINGTON COUNTY

- Banks
- Beaverton
- Cornelius
- Durham
- Forest Grove
- Gaston
- Hillsboro
- King City
- North Plains
- Sherwood
- Tigard
- Tualatin

ASSOCIATE MEMBERS

CLARK COUNTY

- Vancouver
- Camas

- Columbia City
- Scappoose
- St. Helens
- The Port of Portland
- Tri-Met
- The State of Oregon

DATE: February 24, 1978 *110/2/24/78*

TO: Tom Blankenship, DEQ *TBW*

FROM: Terry Waldele, CRAG *TW*

SUBJECT: Draft Memo to Bill Young from the Water Quality Advisory Committee

CRAG has reviewed the draft memo referenced above and has the following comments:

1. The summary of Committee meetings should be deleted from the memo. The minutes of the meetings held by the Committee should be attached to the memo to Bill Young for his review if he so desires.
2. The memo should include:
 - a. A recommendation for two separate lists: One for Step 1 construction grants and the second for Step 2 and 3 construction grants.
 - b. A recommendation for a separate list for the 4 percent of the grant for Rural Areas with innovative technology. This should be followed by a listing of any dissenting opinions by the Committee.
3. Specific recommendations should be listed for each category: Project Need, Stream Segment Ranking, Water Quality Index Points, Land Use Planning Status, Population Emphasis Points and Regulatory Emphasis. These should include a description of the recommended changes, if any, followed by the objective of the change and any comments by the Committee.

MEMORANDUM

February 24, 1978

Page 2

4. The memo should present the Proposed Criteria List and Point Assignments in a format as outlined in Agenda Item N for the Environmental Quality Commission meeting of May 27, 1977.
5. The memo should show a comparative ranking of projects (ten sample projects) for the proposed criteria ~~in~~^{agreed} the criteria for the 1978 listing.
6. Under the section titled, Other Revisions of the Memo, #2 appears incorrect. It is my interpretation that the 25 percent money is for collection systems, interceptors, combined sewers or sewer rehabilitation.
7. There should be a listing of attachments which would include letters and memos from Committee members regarding this memo.

DH:ls:01

5:6-7

1000 FRIENDS OF OREGON

ADVISORY BOARD

- Tom McCall, Chairman
Portland
- Eric W. Allen, Jr.
Medford
- Ray A. Atkason
Portland
- Martin H. Buchanan
Milton-Freewater
- Elizabeth C. Ducey
Portland
- John D. Gray
Portland
- Glenn L. Jackson
Medford
- Hector Macpherson
Albany
- Pat Straub
Salem
- Hall Templeton
Portland
- Thomas Vaughan
Portland
- Mrs. Robert C. Warren
Portland

February 28, 1978

RECEIVED
FEB 28 1978

Mr. Thomas H. Blankenship
Grant Priority Committee Chairman
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

Water Quality Division
Dept. of Environmental Quality

Dear Mr. Blankenship:

At the Grant Priority Committee's February 17, 1978, meeting I presented in brief fashion several amendments to my earlier proposal to include consideration of the statewide planning goals in the grant priority criteria. Below I will explain the amendments and respond to criticism voiced at the meeting.

As amended, Land Use Planning point would accrue as follows:

BOARD OF DIRECTORS

- Wade Newbegin, Jr., President
Clackamas
- Allen Bateman, Vice President
Klamath Falls
- Elizabeth K. Johnson,
Secretary-Treasurer
Redmond
- Claudia Burton
Salem
- Steven H. Corey
Pendleton
- John E. Frohnmayer
Portland
- Alfred A. Hampson
Portland
- Peter G. McDonald
Wilsonville
- Jeffrey L. Rogers
Portland
- George Thompson
Neskowin
- Martin T. Winch
Bend
- Henry R. Richmond
Executive Director

SITUATION

POINTS

Project serves or has reserve capacity to serve area within urban growth boundary and complies with public facilities element of acknowledged (LCDC approved) comprehensive plan.	100 (or 10, depending on weight given to Land Use Planning Points)
Project serves or has reserve capacity to serve area within urban growth boundary of acknowledged comprehensive plan.	80 (8)
Project serves or has reserve capacity to serve area within urban growth boundary not yet acknowledged; also within city limits.	60 (6)

Mr. Thomas H. Blankenship
Page 2
February 28, 1978

<u>SITUATION</u>	<u>POINTS</u>
Project serves or has reserve capacity to serve area within urban growth boundary not yet acknowledged; also serves area outside city limits.	40 (4)
Project serves or has reserve capacity to serve only area within limits of city with no adopted urban growth boundary.	20 (2)

There are two changes from my initial proposal. The earlier proposal gave high priority to projects designed to serve city limits. On reflection following Jeff Gibbs' (Washington County Planning Coordinator from CRAG) comments at the Committee January meeting, this emphasis is misplaced where LCDC has approved an urban growth boundary. It is likely that all proposals with 20 year reserve capacity will be designed to serve areas outside city limits.

Instead, DEQ should assign priority to projects that comply with public facilities elements of comprehensive plans. Public facilities elements coordinate provisions of services with staging of growth to assure facilities are available to support development at the time set in the comprehensive plan.

Second, the revised proposal makes clearer the focus on the area to be served rather than the location of the sewage treatment plant or interception itself.

Members of the Committee have raised criticisms of the land use criteria as follows:

1. The land use criteria are not related to water quality.

Comment: Apparently there is concern that application of the land use criteria will displace or lower the priority of projects designed to alleviate a real water quality problem; for example, in a rural area. It should be noted that the land use criteria would be apply only to proposals that share the same degree of need. The Committee has recommended that DEQ assign letters rather than points to need categories to avoid the "reversals" feared above. In other words, a project designed to serve a rural area (outside an urban growth boundary) with a

Mr. Thomas H. Blankenship
Page 3
February 28, 1978

documented health hazard from failing septic systems could not be given a lower priority than a proposal inside an LCDC-approved urban growth boundary necessary to comply with effluent standards. The two proposals would not even be compared under the land use criteria.

It should also be noted that the land use criteria would be applied only to Step II grant applications. The criteria would thus not discourage identification of water quality problems in rural areas.

Finally, it is short-sighted to assert that the proposed criteria and land use planning are not related to water quality. One has only to consider the rural areas in Oregon with pressing water quality problems now begging for treatment solutions to recognize the blindness of this statement. Fortunately, the legislature knew better when it required DEQ to take actions affecting land use in compliance with statewide planning goals. Encouragement of residential development in urban areas and discouragement of residential development in rural areas will prevent future water quality problems that sewage treatment can only "manage."

2. The land use criteria serve only to encourage compliance with statewide goals, not the purpose of the Construction Grant Program.

Comment: Clearly, the primary purpose of the program is to clean up the state's waters. But the Program does not take place in a vacuum. The sizing and location of a sewer line to a large extent determines the pattern of growth in a community for 20 years. It is a secondary purpose of these priority criteria to assure that growth patterns induced by this Program comply with state planning goals. Senate Bill 100 makes compliance with the goals a part of this Program. ORS 197.180.

It should again be noted that application of the land use criteria, as suggested, cannot interfere with accomplishment of the primary purpose of the Program. The land use criteria would be applied only to projects with the same water quality need.

3. The Land use criteria would serve no purpose if applied only to projects in the 4% set-aside for "rural communities" required by 1977 amendments to the Federal Water Pollution Control Act.

Mr. Thomas H. Blankenship

Page 4

February 28, 1978

Comment: To my knowledge, no one has suggested application of the criteria only to the 4% set-aside projects. I agree; it would make little sense. The criteria should be applied to all Step II projects.

4. There is no evidence that sewer construction leads to urban sprawl.

If that is true in Jackson County, it is only the case because of the statewide goals and litigation to enforce them. It is certainly not true elsewhere in the state and nation. Cf. "Interceptors and Urban Sprawl," Urban Systems Research and Engineering, Inc., Summer, 1974. Land Use and the Pipe, Taylor, Shapiro and Rogers; "Sewers, Clean Water and Planned Growth," 86 Yale Law Journal 733 (1977); "Sewer Planning in Oregon," Benner, September 1977 (see examples).

5. Litigation challenging LCDC and Senate Bill 100 may eliminate the statewide goals, so DEQ needn't be concerned.

Senate Bill 100 and the statewide goals are laws DEQ must follow until the laws are changed. The "wait and see" attitude itself justifies inclusion of land use in the priority criteria to encourage compliance with the goals.

6. Current DEQ procedures (land use questionnaire) ensure project compliance with statewide planning goals.

Comment: The proposed criteria perform a function different from DEQ's land use questionnaire. The criteria also go to satisfy a different requirement under Senate Bill 100.

DEQ sends the land use questionnaire to all applicants for a Step II design grant. The purpose of the questionnaire is to guide the choice of design once an applicant has identified a water quality problem. The applicant must choose an alternative that complies with the statewide planning goals or, if compliance is not possible, take an exception to the goals. In short, the questionnaire guides the choice among alternative configurations of a needed project. The questionnaire goes to satisfy the Senate Bill 100 requirement that DEQ's actions affecting land use (approval of funding) comply with the goals. ORS 197.180(1).

The priority criteria guide DEQ's choice among projects of equal water quality need. The criteria offer some assurance that limited funds go first to proposals that comply with statewide goals. The criteria help satisfy the Senate Bill 100 requirement that DEQ's planning duties (assignment of priorities) comply with statewide

Mr. Thomas H. Blankenship
Page 5
February 28, 1978

goals. ORS 197.180(1).

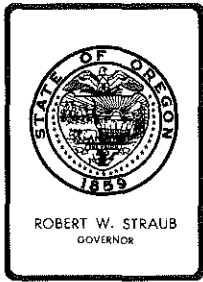
Please include this letter in your memorandum to members of the Priority Criteria Committee or attach it as an appendix.

Very truly yours,

A handwritten signature in cursive script that reads "Richard P. Benner". The signature is written in dark ink and is positioned above the typed name.

Richard P. Benner
Staff Attorney

RPB:g



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. 1, May 26, 1978 EQC Meeting

Status Report - Water Quality "208" Planning Project

Previous 208 Material Submitted to the Commission

The 208 program first came before the Commission in April 1977 when a brief presentation was given on the various projects. Second, the designation of the Metropolitan Wastewater Management Commission (Eugene area) to construct and operate a regional sewage treatment plant in Eugene was presented as an informational item at the July 29, 1977 meeting. Third, the proposed agreement between the Department and the Oregon State Department of Forestry was presented as an informational item at the April 28, 1978 meeting.

Introduction

The purpose of the report is to bring the Commission up-to-date on the progress of the 208 program.

The initial 208 program began in September 1976 and is scheduled for completion November 1, 1978. The program was funded through a \$1,200,000 grant from EPA and a \$400,000 match from state funds.

The 208 program is specifically aimed at nonpoint sources of waste. However, it does not address all nonpoint sources of waste and, in many cases, covers small geographic areas of the state only.

The 208 program is viewed by the Department as far more than a single purpose grant project. Rather, it is viewed as the initial phase of a statewide nonpoint source control program. The components to be integrated into the Water Quality Management Plan will be brought before the Commission at the October 27, 1978 meeting.



Contains
Recycled
Materials

Because the 208 program was initially developed as a series of distinct projects, the following report is largely organized in a project-by-project basis.

Agriculture

The agriculture program contains six projects dealing with land erosion, streambank erosion, irrigation and information/education.

Sediment Reduction. This project covers the dryland wheat area of northcentral Oregon. The purpose of the project is to (1) identify the nonpoint source problems in Wasco, Sherman, Gilliam, Morrow, and Umatilla counties, (2) develop best management practices available to treat the problems, and (3) develop an implementation program. The project began in November 1976 through an interagency agreement between the Department and the State Soil and Water Conservation Commission (SSWCC). At present, the severe wind and water erosion problems have been identified and mapped and area specific best management practices have been determined. The implementation program will be completed by September 1978.

Stream Corridor Management. The purpose of this project is to (1) prioritize the excessive streambank erosion problems identified through the statewide assessment, (2) develop best management practices to treat the problems, and (3) carry out three demonstration projects. The work began in November 1976 through an interagency agreement between the Department and the SSWCC. At the present time the technical work has been completed on one of the demonstration projects.

Bear Creek. The third agriculture project deals with irrigation in the Bear Creek Drainage Basin. The purpose of the project was to (1) identify, after intensive monitoring, the irrigation related nonpoint source problems, (2) develop best management practices to treat the problems, and (3) establish an implementation program. Work on this project began under the Rogue Valley Council of Governments (RVCOG) Areawide 208 Program and has received direct support from the Department through a grant under the Statewide 208 program. The Department and RVCOG have developed an interagency agreement describing the work to be completed by June 1978. Work on the problem identification and best management practice tasks have been completed and work is now proceeding on the development of an implementation program.

Information/Education. The purpose of this project is to distribute information about the 208 Statewide Program and particularly information on best management practices to the agricultural community. The Department entered into an agreement with the Oregon State Extension Service to complete this project. The Extension Service has held meetings, written news stories, and published newsletters.

Implementation Program. This project is an attempt to develop a statewide nonpoint source pollution control program for agriculture. Work on this project was performed by the Agricultural Subcommittee of the Policy Advisory Committee with staff support from the Department and SSWCC. Work on this task began in September 1977 when the staff presented to the subcommittee a paper describing the key program elements which have to be considered in the development of a control program. After reviewing this initial material the subcommittee developed a number of alternative sediment control programs which could be utilized in Oregon. The Subcommittee has considered the various approaches over the past several months and is presently finalizing its recommendation to the Policy Advisory Committee.

The Policy Advisory Committee will act on these recommendations at its May 25, 1978 meeting and forward its recommendation to the Director. After submittal to the Director, the program will be analyzed to determine if any legislative or budgetary actions are necessary.

Malheur. This project covers portions of the Malheur and Owyhee Drainages. The project started in April 1978 and is being performed by Malheur County through an interagency agreement with the Department.

The purpose of the project is to (1) identify nonpoint source problems and particularly irrigation runoff problems, (2) develop best management practice to treat the problems, and (3) develop an implementation program. It is scheduled for completion May 30, 1979.

Forestry

The forestry program encompasses all forest lands in Oregon regardless of whether they are state, private or federally owned. The program has been divided into two distinct elements. The first, deals with state and private lands under the Oregon Forest Practices Act (FPA) and the second deals with forest lands under the jurisdiction of the federal government.

The program for state and private forest lands was presented to the Commission at the April 28, 1978 meeting.

The second element of the forestry program deals with federal forest lands under the jurisdiction of the Bureau of Land Management (BLM) and the U. S. Forest Service (USFS). The purpose of this project is to compare

the federal forest practices to the state FPA rules and determine whether the federal practices meet or exceed the state rules. The Department contracted with OSFD to complete this project. The OSFD subcontracted the work to the private consultant, Charles A. Connaughton. The consultant's report entitled "A Comparison of Federal Land Management Practices to the Rules of Oregon Forest Practices Act" concluded that the federal practices did indeed meet the state rules. The Department concurred in this report and has distributed the report for public review and comment.

The Department is currently developing a Memorandum of Agreement with BLM and the USFS. The project should be complete by July 1978.

Nonpoint Source Assessment Program

This project has been underway since October 1976 and is being carried out by Department staff together with other agency personnel.

The primary purpose of the project is to inventory public and other agency perceptions of water quality problems in all major rivers and major tributaries on a statewide basis. This inventory will be used to prioritize problem areas and to guide development of future nonpoint source projects. It will also assist state and federal resource agencies in identifying nonpoint source problems and in setting resource management priorities.

The statewide inventory will be complete in June 1978. Eight maps covering the entire State of Oregon at a 1:500,000 scale will be printed and distributed. Six of the eight maps describe individual in-stream water quality problems (streambank erosion, sedimentation, excessive debris, water withdrawals causing in-stream water quality problems, elevated water temperatures, and nuisance algae). The seventh map illustrates the total number of streams affected by one or more of the above six problems. The eighth map is a statewide illustration of erosion potential.

The second major purpose of the project is to develop a methodology which can be utilized by resource management agencies as a tool in making land management decisions affecting water quality. The methodology describes the impact of land management activities on water quality.

The field work will be completed in five small basins in June 1978. The maps and the narrative will be published in October 1978.

Water Resources Investigations

This project is very limited in scope. The primary purpose is to develop a method or procedure for determining minimum flow needs for water quality control purposes which can be applied to all major streams in the State. The secondary purpose is to prioritize basins with streams suffering from water quality standards violations resulting from low flows. There is no intent to actually propose minimum flows. The basin prioritization would establish the geographic location for more detailed studies.

The project has been underway since June 1977 and is being carried out through an interagency agreement with the Water Resources Department (WRD). The WRD had, in turn, subcontracted the work to the private consulting firm of Tucson Myers and Associates.

The project is now nearing completion. The private consultant has prepared a draft report entitled "Proposed Methodology for Minimum Flows for Water Quality." The Department has reviewed the report and has concluded that the WRD has met the provisions of the interagency agreement.

The draft report provides a feasible methodology for predicting the relationship of flow to two water quality parameters, temperature and dissolved oxygen concentrations. The basin study priorities also appear to be reasonable.

The report will be printed and submitted for agency and public review and comment in the near future.

Septic Tank and Vault Toilet Sludge Disposal

This project is statewide in geographic coverage and has been underway since June 1977. The project purpose is to identify septic tank service areas and appropriate disposal sites for septic tank pumpage and vault toilet sludge. There will also be an indication of what engineering changes will be needed on the sewage treatment plants selected as disposal sites.

The technical aspects of this project have been contracted to the private consulting firm of Nero and Associates. A draft report has been prepared which identifies appropriate disposal sites, a recommended service area for each site and engineering changes required at each site. This report will be published and distributed for review and comment in June 1978.

The needed engineering changes will eventually be incorporated into the statewide construction grant priority list. The pertinent information developed by this project will be utilized by the Department in the management of the Subsurface Program.

Interagency Coordination

This project has been underway since August 1976 through an interagency agreement with the Office of Natural Resources of the Governor's office. The project has undergone several revisions in scope.

A initial purpose of the project was to establish ways to improve and simplify the administration of state environmental and related programs. This effort resulted in a proposal to the 1977 Legislature to form a Department of Resource Management.

Following the legislative session additional work was done to evaluate environmental programs in other states and to continue analyzing Oregon environmental programs. The analyses may form the basis for future legislative proposals.

On completion of the above work the interagency agreement was terminated and a new interagency agreement was developed between the Department, the Department of Agriculture and the Office of Natural Resources. The purpose of the agreement is to review and analyze water quality related issues related to the Governor's Executive Order No. E0-78-08, "In the Matter of Water Resources Strategies for the 1980's". The review is just underway with a report due for completion September 1978.

Public Involvement

The Department has carried out extensive public involvement since initiation of the 208 program.

During the winter and spring of 1977, the Department conducted a series of county-by-county meetings in nearly all the counties of Oregon to inform and invite the public's participation in the 208 program. On the average, each meeting was attended by 30 to 35 local people, one-third of whom were local agency staff.

During the Winter of 1978, the Department held meetings in every county to update the public on progress and to obtain public contributions to identification of water quality problems. Most meetings were attended by 35 to 40 people with a high of over 100 people at Roseburg and La Grande.

In August 1976, a 20-member Policy Advisory Committee (PAC), was appointed by the Director. This committee was established to review progress of the 208 program and to advise the Director on water quality issues.

The PAC has been extremely conscientious in its advisory role. The PAC has created several subcommittees to deal with specific projects such as forestry and agriculture. These subcommittees are generally responsible for detailed analysis of these projects and to provide guidance to the full PAC.

Several other public involvement activities are being carried out on an on-going basis. These include media contacts, brochures, newsletters, and a special project with the Oregon Chapter of the League of Women Voters to help organize public meetings.

Areawide 208 Programs

In addition to the statewide 208 program, there are four areawide 208 programs covering the Portland Metropolitan Area (Columbia Region Association of Governments), Polk, Yamhill and Marion Counties (Mid-Willamette Council of Governments), Lane County east of the Coast Range (Lane Council of Governments), and the Bear Creek Drainage Basin (Rogue Valley Council of Governments).

Three of the areawide 208 programs have been completed and one, the program covering the Bear Creek Drainage Basin, should be complete in July 1978.

These programs have been reviewed by the Department and recommendations for certification will be made to the Governor in the near future. The EPA regulations require that areawide 208 programs be adopted as a part of the statewide program. Thus pertinent aspects of the areawide programs will be brought before the Commission for adoption as a part of the Water Quality Management Plan at the October 27, 1978 meeting.

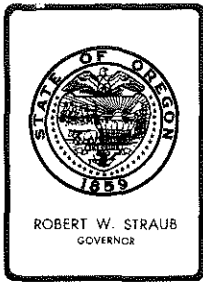
Director's Recommendation

No action is required since this item is presented for informational purposes only. Comments will be welcomed however.

Bill

WILLIAM H. YOUNG

Thomas J. Lucas:ak
229-5284
May 16, 1978



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

Memorandum

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. J, May 26, 1978 EQC Meeting

City of Gold Hill, Proposed Amendment to Stipulation
and Final Order, Number WQ-SWR-77-253, Jackson County

Background

By letter dated March 29, 1978, the City of Gold Hill has requested a modification in the compliance schedule identified in an EQC Stipulation and Final Order issued December 20, 1977. The compliance schedule required submission of final engineering plans and specifications by February 15, 1978 and a proper and complete Step III grant application by March 15, 1978. Neither of these conditions have been complied with to date.

Evaluation

The major reason for schedule delay has been the problems experienced in acquiring land for the treatment plant. Following the initial meeting with the landowner on May 17, 1977, it was assumed that the preferred site's acquisition could be negotiated, but that it would be necessary to determine the specific acreage and site configuration required. It was felt necessary to develop the preliminary design of the plant drawings to the landowner during the site negotiations. As this stage of the design was being completed, controversy was becoming centered around the establishment of the City's urban growth boundaries.

A significant amount of pressure was placed on the City Council to change the plant site, moving it approximately 3/4 mile East, and to exclude areas West of the City from the urban growth area. A great deal of time was lost due to the political division resulting from the uncertainty of the site and the establishment of the growth boundaries.

After the City Council reaffirmed their selection of the planned plant site, City officials, in conjunction with the engineering firm of HGE, proceeded toward negotiation for the specific site adjacent to Sardine Creek. The landowner, at this point, chose to use the issue of the urban growth boundary as a condition of sale. In addition, he demanded an excessive number of guaranteed sewer connections, and he chose to dictate the location of the plant, its appearance, and its design. At various stages of the negotiation process, the landowner was demanding as many as three other sites within his property to be considered. A great deal of difficulty was experienced due to this indecision and inability to reach agreement with the landowner on a specific site. In the meantime, it was necessary to halt the design process since many of the design decisions related to the specific site to be selected.



Contains
Recycled
Materials

During the period of September, 1977 through March, 1978, many meetings were held with the landowner as frequently as twice each week in an effort to establish the specific site and avoid condemnation of the property.

Even at this late date, however, it was not certain that the landowner's other demands could be met by the City. Additionally, there remains the task of securing a conditional use permit for the intended site, which could not be pursued prior to this time since the site has not been agreed upon.

DEQ personnel met with the City Council on April 3, 1978 to encourage the City to take positive action to insure acquisition of property. The City expects to have a deed to property by May 24, 1978.

Director's Recommendation

1. Since it's the Department's opinion that the City acted in good faith in attempting to secure a site through negotiation, it is recommended that the Commission approve the City of Gold Hill's request and amend the Stipulation and Final Order to require:

<u>COMPLIANCE ITEM</u>	<u>COMPLIANCE DATE</u>
1. Submit final engineering plans and specifications.	July 1, 1978
2. Submit complete Step III grant application.	July 15, 1978
2. It is further recommended, however, that the Commission direct the staff to inform Gold Hill additional extensions will not be granted and that the Department considers condemnation proceedings to be a necessary alternative at this time to avoid violation of the amended Stipulation and Final Order.	

Bill
William H. Young

RPR:gcd
672-8204
May 18, 1978

Attachments: (1) Final Order No. WQ-SWR-77-253
(2) Proposed Amendment to Final Order No. WQ-SWR-77-253

1 3. Respondent proposes to comply with all the above effluent limitations of
2 its Permit by constructing and operating a new or modified waste water treatment
3 facility. Respondent has not completed construction and has not commenced operation
4 thereof.

5 4. Respondent presently is capable of treating its effluent so as to meet the
6 following effluent limitations, measured as specified in the Permit:

Parameter	Average Effluent Concentrations		Effluent Loadings					
	Monthly	Weekly	Monthly Average		Weekly Average		Daily Maximum	
			kg/day (lb/day)		kg/day (lb/day)		kg (lbs)	
Jun 1 - Oct 31:								
BOD	40mg/l	60mg/l	13	(28)	19	(43)	13	(56)
TSS	60mg/l	60mg/l	19	(43)	19	(43)	38	(86)
Nov 1 - May 31:								
BOD	60mg/l	60mg/l	38	(86)	38	(86)	76	(172)
TSS	60mg/l	60mg/l	38	(86)	38	(86)	76	(172)

13 5. The Department and Respondent recognize and admit that:

- 14 a. Until the proposed new or modified waste water treatment
15 facility is completed and put into full operation, Respondent
16 will violate the effluent limitations set forth in Paragraph
17 2 above the vast majority, if not all, of the time any effluent
18 is discharged.
- 19 b. Respondent has committed violations of its NPDES Waste Discharge
20 Permit No. 1820-J and related statutes and regulations.
- 21 1) Effluent violations have been disclosed in Respondent's
22 waste discharge monitoring reports to the Department,
23 covering the period from October 30, 1975 through the
24 date which the order below is issued by the Environmental
25 Quality Commission.
- 26 2) Respondent did not submit final engineering design plans by

1 March 1, 1977 and start plant construction by June 1, 1977,
2 as required by Condition S1.

3 6. The Department and Respondent also recognize that the Environmental
4 Quality Commission has the power to impose a civil penalty and to issue an
5 abatement order for any such violation. Therefore, pursuant to ORS 183.415(4),
6 the Department and Respondent wish to resolve those violations in advance by
7 stipulated final order requiring certain action, and waiving certain legal
8 rights to notices, answers, hearings and judicial review on these matters.

9 7. The Department and Respondent intend to limit the violations which this
10 stipulated final order will settle to all those violations specified in paragraph
11 5 above, occurring through (a) the date that compliance with all effluent limita-
12 tions is required, as specified in Paragraph A(1) below, or (b) the date upon
13 which the Permit is presently scheduled to expire, whichever occurs first.

14 8. This stipulated final order is not intended to settle any violation of
15 any effluent limitations set forth in Paragraph 4 above. Furthermore, this
16 stipulated final order is not intended to limit, in any way, the Department's
17 right to proceed against Respondent in any forum for any past or future violation
18 not expressly settled herein.

19 NOW THEREFORE, it is stipulated and agreed that:

20 A. The Environmental Quality Commission shall issue a final order:

21 (1) Requiring Respondent to comply with the following schedule:

22 (a) Submit complete and biddable final plans and specifi-
23 cations by February 15, 1978.

24 (b) Submit proper and complete Step III grant
25 application by March 15, 1978.

26 (c) Start construction within four (4) months of

1 Step III grant offer.

2 (d) Submit a progress report within ten (10) months
3 of Step III grant offer.

4 (e) Complete construction within sixteen (16) months
5 of Step III grant offer.

6 (f) Demonstrate compliance with the final effluent
7 limitations specified in Schedule A of the Permit
8 within sixty (60) days of completing construction.

9 (2) Requiring Respondent to meet the interim effluent limitations set
10 forth in Paragraph 4 above until the date set in the schedule A(1) above for
11 achieving compliance with the final effluent limitations.

12 (3) Requiring Respondent to comply with all the terms, schedules and
13 conditions of the Permit, except those modified by Paragraphs A(1) and (2) above.

14 B. Regarding the violations set forth in Paragraph 5 above, which are ex-
15 pressly settled herein, the parties hereby waive any and all of their rights under
16 United States and Oregon Constitutions, statutes and administrative rules and
17 regulations to any and all notices, hearings, judicial review, and to service of a
18 copy of the final order herein.

19 C. Respondent acknowledges that it has actual notice of the contents and
20 requirements of this stipulated and final order and that failure to fulfill any of
21 the requirements hereof would constitute a violation of this stipulated final order.
22 Therefore, should Respondent commit any violation of this stipulated final order,
23 Respondent hereby waives any rights it might then have to any and all ORS 468.125(1)
24 advance notices prior to the assessment of civil penalties for any and all such
25 violations. However, Respondent does not waive its rights to any and all ORS 468.135
26 (1) notices of assessment of civil penalty for any and all violations of this stipulated

1 final order.

2

DEPARTMENT OF ENVIRONMENTAL QUALITY

3

4 Date: DEC 20 1977

By William H. Young
WILLIAM H. YOUNG
Director

5

6

RESPONDENT

7

8 Date: 5 Dec 1977

By Frances D. Brown
Name Frances Brown
Title City Council President

9

10

FINAL ORDER

11 IT IS SO ORDERED:

12

ENVIRONMENTAL QUALITY COMMISSION

13

14 Date: DEC 20 1977

By William H. Young
WILLIAM H. YOUNG, Director
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

15

16

17

18

19

20

21

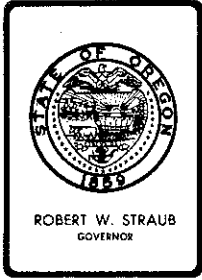
22

23

24

25

26



Environmental Quality Commission

POST OFFICE BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item No. K, May 26, 1978, EQC Meeting

Field Burning Regulations - Proposed Temporary
Rule Revision to Agricultural Burning Rules
OAR Chapter 340, Sections 26-005 through 26-030

Background

On March 31, 1978, The Commission adopted field burning rules for the 1978 burning season and for inclusion in the interim control strategy subsequently submitted to the Environmental Protection Agency (EPA) under date of April 7, 1978. The strategy was in general acceptable but was returned with the suggestion that the DEQ and other affected parties more thoroughly consider measures to address the following areas:

1. Tighter control of south priority acreage under north wind conditions,
2. Increased reliance on backfiring and strip-lighting techniques,
3. Greater reliance on the moisture content concept, and
4. A reduction in the total number of acres burned.

With regard to item 4, EPA stated:

"EPA action to formally disapprove the previously proposed SIP revision, discussed below, should relieve the State of the constraints defined in the recent State Attorney General's opinions (February 28 and March 16, 1978) and allow the Environmental Quality Commission (EQC) to consider a field burning acreage limitation less than 180,000 acres as part of the 1978 interim control strategy."

EPA further suggested:

"Some consideration should be given to the method by which the interim strategy, with the additional changes that you may adopt, will be formulated. One approach, but perhaps not the only one, would be a formal written agreement among all interested parties for use by EPA to seek a Consent Decree and Injunction which judicially sanctions the interim strategy outline hereinabove."



Contains
Recycled
Materials

At the April EQC meeting, the Oregon Seed Council and the City of Eugene, the primary interested parties, requested and were given time to negotiate further revisions to the interim strategy acceptable to DEQ and EPA. These negotiations continued through the week of May 22, 1978, with DEQ staff members periodically providing technical and experiential inputs. The rule revisions proposed are based on the latest known negotiations.

Statement of Need

The Environmental Quality Commission is requested to consider adoption, as temporary rules, proposed, revised Agricultural Field Burning Rules (OAR, Chapter 340, Section 26-005 to 26-030).

- a. Legal Authority: ORS 468.020 and ORS 468.460.
- b. Need for Rule:
 1. To provide permanent operating rules to comply with 1977 Law, Chapter 650 (HB 2196) and federal law.
 2. To provide rules to facilitate improvements in smoke management and air quality.
 3. To establish acreage allocation procedures and the acreage for which permits may be issued.
- c. Documents Relied Upon:
 1. Letter from the U. S. Environmental Protection Agency (EPA), Region X, Regional Administrator, Donald P. Dubois, to the Department of Environmental Quality (DEQ) Director, William H. Young, January 27, 1978, including attached legal analysis.
 2. Carroll, John J., George E. Miller, James F. Thompson, and Ellis F. Darley, "The Dependence of Open Field Burning Emissions and Plume Concentrations on Meteorology, Field Conditions and Ignition Technique," Atmospheric Environment, Vol. 11, pp. 1037-1050, Pergamon Press, 1977.
 3. Communication from Lane Regional Air Pollution Authority to DEQ on January 24, 1978.
 4. Staff report from William H. Young, Director, Department of Environmental Quality, presented at the February 24, 1978, EQC Hearing.
 5. Communication from Oregon State University to the Environmental Quality Commission presented at the February 24, 1978, EQC Hearing.
 6. Public testimony received at the February 24, 1978, EQC Hearing.

7. Written testimony submitted by the City of Eugene, March 7, 1978.
8. Written testimony submitted by the Oregon Seed Council, March 7, 1978.
9. Written testimony submitted by Oregon State University, March 3, 1978.
10. Letter from Robert G. Davis, Public Affairs Council, received March 1, 1978.
11. Opinion No. 7575 from Oregon Attorney General, received February 28, 1978.
12. Letter from Oregon Attorney General regarding Opinion Request OP-4295 received March 12, 1978.
13. Staff report from William H. Young, Director, Department of Environmental Quality, presented at March 17, 1978, Special EQC Meeting.
14. Staff report from William H. Young, Director, Department of Environmental Quality present at March 31, 1978, EQC Meeting.
15. "Eugene-Springfield AQMA Interim One-Year Control Strategy for Total Suspended Particulate Technical Support Document" draft, March, 1978, submitted to EPA Region X on April 10, 1978.
16. Letter from U. S. Environmental Protection Agency Region X Administrator, Donald P. Dubois to William H. Young, Director, Department of Environmental Quality, April 26, 1978.
17. Memorandum from City of Eugene to Regional Administrator Donald P. Dubois, EPA, April 11, 1978.
18. Memorandum from Terry Smith, Environmental Analyst, City of Eugene to Administrator, Donald P. Dubois, Region X, EPA, April 13, 1978.
19. Personal communication with Dr. Harold Youngberg, Department of Crop Science, Oregon State University, May 23, 1978.
20. Memorandum and attachments regarding "Field Straw and Stubble Moistures," Thomas R. Miles, May 23, 1977.

Evaluation

The four specific areas of concern identified by EPA can only be addressed in any enforceable fashion through adoption of revised rules by the Commission.

Due to the scheduling of the negotiations between the City of Eugene and the Oregon Seed Council (which have formed the basis for the proposed rule revisions) and because the Commission is charged with the responsibility to act on applications for field burning permits by May 31, 1978, the proposed rules (Attachment 1) must be adopted as temporary. Rule changes are proposed to address the four areas as follows:

1. Tighter Control of South Priority Acreage Under North Winds.

Burning of any acreage upwind of the Eugene-Springfield area will contribute to the particulate loading of the area. Resulting smoke intrusions increase overall particulate loadings as measured on daily and annual bases. In addition, smoke intrusions result in visibility reductions and would be expected to have adverse health impacts. Experience identifies the fields located in the south Willamette Valley, due to their proximity to Eugene-Springfield as having a pronounced adverse effect on visibility and complaints related to visibility and health effects. In addition, particulate loadings resulting from this burning are estimated to be a significant portion of the total impact from field burning. Because of these considerations south valley burning on north winds has been generally prohibited. However, priority areas were established identifying south valley acreages which, because of local considerations, would be allowed to be burned on north winds.

As discussed in the March 31, 1978, staff report, if south priority burning on north winds is eliminated a biased reduction in overall burning would be expected along with a reduction in impact. The reduction in smoke impact is expected to alter this year's monitoring data such that extrapolations of results would be necessary to determine the impact of the previously accepted burning pattern. In addition, less data would be available for analysis.

Negotiations regarding this issue gave rise to new "Special Priority Areas" being created which would be burned under north wind conditions and new restrictions on the Silverton Hills area which would no longer be burned upwind of the Eugene-Springfield area. The total acreage burned in these areas would be limited to 5,000 acres with a daily quota not to exceed 250 acres. This compares to 15-20,000 acres previously burned annually and 2,275 acres in a single south priority quota. Other south priority areas as well as the Silverton hills would be required to utilize different wind conditions and/or extraordinary burning techniques and increased quota sizes to complete burning such that smoke does not enter Eugene-Springfield and other priority areas.

In addition to identifying special priority areas and quotas, the proposed new rules would not prohibit burning upwind of highways if highway visibility is maintained above 1/2 mile. The increased opportunities for burning under previously unavailable cross highway wind conditions are proposed to help offset the north wind burning periods lost. In the south valley, more priority area burning would be done under westerly and southwesterly winds resulting in more highway smoke during these periods.

2. Increased Reliance Upon Backfire and Strip-light Burning Techniques

Backfire burning and strip-light burning are proposed to reduce total emissions from open burns. It is also believed that these techniques result in lower plume rise. Also, burning is slower as the flame front must move into the wind and may damage certain perennial grass crops. The proposed rules would require that all annual ryegrass, cereal, and bentgrass fields be burned using backfire and strip-light techniques. It is also proposed that this technique be used to minimize visibility reductions along highways when smoke is expected to affect them.

Because of the slower burns that result when these alternative burning methods are used, the rules incorporate a provision allowing headfiring techniques to be used under very favorable ventilation conditions. Under these conditions the better plume rise of headfiring could be fully utilized in offsetting the expected higher emissions. This would also maximize burning on these days. Days of very favorable ventilation are identified as having an atmospheric mixing depth of at least 5,000 feet and mean transport winds of about seven miles per hour or greater. All other normal criteria used in determining burning would apply in these circumstances, however.

To answer questions regarding the plume rise deficit resulting from these techniques, if any, the Department proposes, through contract, to determine particulate distributions in the plume. The Department further proposes to conduct studies of the effect of backfiring on sensitive perennials to determine crop damage. It should be noted that long term yield information requires several years' study to be statistically significant so initial data would be from observational studies for plant burnout only.

3. Greater Reliance on Moisture Content Restrictions

Moisture content (M.C) restrictions are currently established by rules at 20%, wet basis, averaged over straw and stubble, after September 1, 1978. This restriction was based upon M.C. data available prior to rule adoption in March. After reviewing additional M.C. information, it is evident that the stubble and regrowth materials exhibit much higher moisture contents than does the loose straw under similar field conditions. Moisture contents of stubble are also highly variable over small areas and do not change appreciably with diurnal variations in relative humidity. Loose straw M.C. follows more closely humidity changes and is a better indicator of the "burnability" of the field. California regulations reflect M.C. of loose straw only.

Though considerable work has been done on M.C. in loose straw, the Department believes much more data needs to be collected regarding the effects of stubble and regrowth (and their associated high M.C.'s) on absolute emissions and plume behavior. Two studies proposed for this summer would seek this information for eventual incorporation into burning rules.

The attached proposed rules would incorporate a 15% moisture content restriction on loose straw only. Because M.C.'s of loose straw are expected to rise during south valley burning conditions, it is proposed to remove the

M.C. restriction during these periods of favorable ventilation when burning is accomplished with the least impact. Such override measures would tend to maximize burning under these conditions.

An additional rule revision would prohibit the burning of green and damp fields producing excessive low level smoke. Such determinations would be made on a field by field basis by DEQ staff observing burning conditions.

4. Further Reduction in the Total Number of Acres Burned

Total emissions from open field burning are essentially directly proportional to total acreage burned. Since the City of Eugene has consistently advocated emission reductions as an appropriate method to improve air quality it has sought reductions in the total acreage burned. The seed industry has maintained that air quality impact is strongly related to daily burning totals as modified by meteorological conditions with only an indirect relationship to annual burning totals. The seed industry has not, in general, supported annual acreage limitations.

During negotiations the Seed Council supported retention of the 180,000 acre limitation established in state law while the City negotiated to reduce this amount and thereby reduce total field burning emissions.

The presently proposed rules would have the following effects:

1. Would allow regular permitted field burning up to 180,000 acres unless air quality criteria proposed for the Eugene-Springfield area are exceeded.
2. If air quality criteria are exceeded:
 - a. Regular permitted field burning would be reduced to 150,000 acres plus an additional amount up to 15,000 acres which the Commission might establish to accommodate burning of late maturing grass seed crops, and
 - b. In addition to 2(a) above, growers would be allowed to burn after the 150,000 acres cut-off date, but only within their unused permit allocation and within the overall 180,000 acre maximum burning limitation and only on those days that the Department may designate after the 150,000 acre cut-off date as unlimited ventilation days.

These rules were proposed after consideration of the following:

1. No final agreement suggesting alternative acreage amounts resulted from the Seed Council/City of Eugene discussions.
2. The attached proposed rule revision if adopted would result in significant reductions in emissions due to moisture content limitations

and backfiring requirements and significant reductions in smoke intrusion into Eugene-Springfield due to stricter control of south priority area burning.

3. The Attorney General's response to Opinion Request OP-4295 stated: "Nevertheless, in view of the clear direction from the Oregon Legislature that the EQC permit burning of 180,000 acres, we believe that EQC must do all in its power to secure EPA approval to burn that amount, or as close thereto as possible."

Summation

It is believed that the adoption of the attached proposed rules would result in much reduced field burning smoke impact on air quality in the Eugene-Springfield area. In addition, the rules reflect compromise positions (though not agreement) resulting from negotiations between the principally affected parties with long standing differences regarding field burning and as such address and hopefully protect concepts of major concern to both parties. These compromises should also make the revised one year interim control strategy, incorporating these rules, acceptable to the EPA.

Concerns voiced in the March 31 staff report regarding the effect of much reduced south priority burning on the field burning surveillance program are still valid. The reduced impacts would undoubtedly reduce the data available for analysis. However, additions to the surveillance program as outlined in response to the questions of Chairman Richards (Attachment II) should improve results from available data.

Questions regarding disparate impact of south priority burning restrictions on growers have been reduced by substantially reducing the number of acres affected.

Need for Emergency Action

Failure to act promptly would result in serious prejudice to the public interest and to the interest of the parties involved for the specific reasons that Oregon Revised Statute 468.475(7) provides that the Commission act on field burning rules on or before June 1 of each year.

Adoptions of the attached rules as temporary rules would allow operation of the field burning program for 120 days. After 120 days, operation would revert to existing rules which would be adequate for the winter burning season. The Department will present rules for adoption as permanent rules prior to January 1, 1979, to be included in the formal SIP Revision which will be submitted to EPA.

Director's Recommendation

It is the Director's recommendation that the Commission take the following actions:

1. Acknowledge as of record the consultation with and recommendations of Oregon State University and the Department and any other parties consulted pursuant to ORS 468.460(3) as revised by HB 2196.
2. Find that reasonable and economically feasible alternatives to the practice of annual open field burning have not been developed.
3. Enter a finding that failure to act promptly will result in serious prejudice to the parties involved and to the public interest for the specific reasons cited above.
4. Enter a finding that, under the Department's supervision, experimental burning:
 - a. Can in the future, in theory, reduce the adverse effects on air quality or public health from open field burning; and
 - b. Is necessary in order to obtain information on air quality, public health or the agronomic effects of an experimental form of open field burning.
5. Subject to any changes found appropriate as a result of recommendations made to the Commission or findings reached at this May 26, 1978, meeting, adopt the proposed amendments to OAR Chapter 340, Sections 26005 through 26-030 as temporary rules to become effective immediately upon filing with the Secretary of State.
6. Instruct the Department to file promptly the adopted rules and findings with the Secretary of State as temporary rules to become effective immediately upon such filing and to remain effective for 120 days thereafter and to forward the rules and other pertinent information to the EPA as a supplement to the one-year interim control strategy submitted to EPA on April 7, 1978.

WILLIAM H. YOUNG
Director

SAF/pas
5/24/78
Attachments (2)

Attachment I

DEPARTMENT OF ENVIRONMENTAL QUALITY
Chapter 340

Subdivision 6
Agricultural Operations
AGRICULTURAL BURNING

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

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

"[----]" represents material deleted

Underlined material represents proposed additions

(8) [~~7~~] "Southerly Winds" means winds coming from directions in the south half of the compass, at the surface and aloft.

(9) "Ventilation Index (VI)" means a calculated value used as a criterion of atmospheric ventilation capabilities. The Ventilation Index as used in these rules is defined by the following identity:

$$VI = \frac{\text{Mixed depth (feet)} \times \text{Average wind speed through the mixed depth (knots)}}{1000}$$

(10) [~~8~~] "Willamette Valley" means the areas of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties lying between the crest of the Coast Range and the crest of the Cascade Mountains, and includes the following:

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

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

(11) [~~9~~] "Commission" means the Environmental Quality Commission.

(12) [~~10~~] "Local Fire Permit Issuing Agency" means the County Court or Board of County Commissioners or Fire Chief or a Rural Fire Protection District or other person authorized to issue fire permits pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(13) [~~11~~] "Open Field Burning Permit" means a permit issued by the Department pursuant to ORS 468.458.

(14) [~~12~~] "Fire Permit" means a permit issued by a local fire permit issuing agency pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(15) [~~13~~] "Validation Number" means a unique three-part number issued by a local fire permit issuing agency which validates a specific open field burning permit for a specific acreage of a specific day. The first part of the validation number shall indicate the number of the month and the day of issuance, the second part the hour of authorized burning based on a 24 hour clock and the third part shall indicate the size of acreage to be burned (e.g., a validation number issued August 26 at 2:30 p.m. for a 70 acre burn would be 0826-1430-070).

(16) [~~14~~] "Open Field Burning" means burning of any perennial grass seed field, annual grass seed field or cereal grain field in such manner that combustion air and combustion products are not effectively controlled.

(17) "Backfire Burning" means a method of burning fields in which the flame front does not advance with the existing surface winds. The method requires ignition of the field only on the downwind side.

(18) "Into-the-Wind Strip Burning" means a modification of backfire burning in which additional lines of fire are ignited by advancing directly into the existing surface wind after completing the initial backfires. The technique increases the length of the flame front and therefore reduces the time required to burn a field but does not allow the flame front to advance with the wind.

(19) [~~15~~] "Approved Field Sanitizer" means any field burning device that has been approved by the Department as an alternative to open field burning.

(20) [~~16~~] "Approved Experimental Field Sanitizer" means any field burning device that has been approved by the Department for trial as a potential alternative to open burning or as a source of information useful to further development of field sanitizers.

(21) [~~17~~] "After-Smoke" means persistent smoke resulting from the burning of a grass seed or cereal grain field with a field sanitizer, and emanating from the grass seed or cereal grain stubble or accumulated straw residue at a point 10 feet or more behind a field sanitizer.

(22) [~~18~~] "Leakage" means any smoke resulting from the use of a field sanitizer which is not vented through a stack and is not classified as after-smoke.

(23) [~~19~~] "Approved Pilot Field Sanitizer" means any field burning device that has been observed and endorsed by the Department as an acceptable but improvable alternative to open field burning, the operation of which is expected to contribute information useful to further development and improved performance of field sanitizers.

(24) [~~20~~] "Approved Alternative Method(s)" means any method approved by the Department to be a satisfactory alternative method to open field burning.

(25) [~~21~~] "Approved Interim Alternative Method" means any interim method approved by the Department as an effective method to reduce or otherwise minimize the impact of smoke from open field burning.

(26) [~~22~~] "Approved Alternative Facilities" means any land, structure, building, installation, excavation, machinery, equipment or device approved by the Department for use in conjunction with an Approved Alternative Method or an Approved Interim Alternative Method for field sanitation.

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

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

(2) Permits required.

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

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

(c) Open field burning permits issued by the Department are not valid until acreage fees are paid pursuant to ORS 468.480(1)(b) and a validation number is obtained from the appropriate local fire permit issuing agency for each field on the day that the field is to be burned.

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

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

*OR be able to readily demonstrate
authority to burn*

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

(g) Open field burning permit issuing agencies shall submit to the Department on forms provided, weekly summaries of field burning activities in their permit jurisdiction during the period July 1 to October 15. Weekly summaries shall be mailed and postmarked no later than the first working day of the following week.

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

~~[(i)-No substance or material which normally emits dense smoke or [ob]noxious odors may be used for auxiliary fuel in the igniting of debris, cuttings or prunings.]~~

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

(3) Fuel conditions shall be limited as follows:

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

(b) No substance or material which normally emits dense smoke or [ob]noxious odors may be used for auxiliary fuel in the igniting of debris, cuttings or prunings.

(c) ^{After Aug 15, 1978,} No field shall be burned having a loose straw moisture content exceeding 15% wet weight basis except such moisture content restrictions may be waived by the Department when unlimited ventilation conditions exist. Moisture contents shall be determined using approved Department of Environmental Quality fuel moisture tests. The Department may, on a field by field basis, prohibit burning of fields containing high moisture content stubble and/or regrowth material which when burned results in excessive low level smoke.

(4) [(3)] In accordance with ORS 468.450 the Department shall establish a schedule which specifies the extent and type of burning to be allowed each day. During the time of active field burning, the Department shall broadcast this schedule over the Oregon Seed Council radio network operated for this purpose, on an as needed basis, depending on atmospheric and air quality conditions.

(a) Any person open burning or preparing to open burn under these rules shall conduct the burning operation in accordance with the Department's burning schedule.

(b) Any person open burning or preparing to open burn fields under these rules shall monitor the Department's field burning schedule broadcasts and shall conduct the burning operations in accordance with the announced schedule.

(5) [(4)] Any person open field burning under these rules shall actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department. Normal after smoulder excepted.

26-011 CERTIFIED ALTERNATIVE TO OPEN FIELD BURNING.

(1) Approved pilot field sanitizers, approved experimental field sanitizers, or propane flammers may be used as alternatives to open field burning subject to the provisions of this section.

(2) Approved Pilot Field Sanitizers.

(a) Procedures for submitting application for approval of pilot field sanitizers.

Unless the Department shall find that this moisture content rule enforcement has caused or is likely to cause a reduction in excess of 50% of the acreage that would have otherwise been burned, in compliance with the remaining rules in which event this moisture content rule shall not be enforced.

Applications shall be submitted in writing to the Department and shall include, but not be limited to, the following:

- (i) Design plans and specifications;
- (ii) Acreage and emission performance data and rated capacities;
- (iii) Details regarding availability of repair service and replacement parts;
- (iv) Operational instructions.

(b) Emission Standards for Approved Pilot Field Sanitizers.

(A) Approved pilot field sanitizers shall be required to demonstrate the capability of sanitizing a representative harvested grass or cereal grain field with an accumulative straw and stubble fuel load of not less than 1.0 ton/acre, dry weight basis, and which has an average moisture content not less than 10%, at a rate of not less than 85% of rated maximum capacity for a period of 30 continuous minutes without exceeding emission standards as follows:

- (i) Main stack: 20% average opacity;
- (ii) Leakage: not to exceed 20% of the total emissions.
- (iii) After-smoke: No significant amounts originating more than 25 yards behind the operating machine.

(B) The Department shall certify in writing to the manufacturer, the approval of the pilot field sanitizer within thirty (30) days of the receipt of a complete application and successful compliance demonstration with the emission standards of 2(b)(A). Such approval shall apply to all machines built to the specifications of the Department certified field sanitation machine.

(C) In the event of the development of significantly superior field sanitizers, the Department may decertify approved pilot field sanitizers previously approved, except that any unit built prior to this decertification in accordance with specifications of previously approved pilot field sanitizers shall be allowed to operate for a period not to exceed seven years from the date of delivery provided that the unit is adequately maintained as per (2)(c)(A).

(c) Operation and/or modification of approved pilot field sanitizers.

(A) Operating approved pilot field sanitizers shall be maintained to design specifications (normal wear expected) i.e., skirts, shrouds, shields, air bars, ducts, fans, motors, etc., shall be in place, intact and operational.

(B) Modifications to the structure or operating procedures which will knowingly increase emissions shall not be made.

(C) Any modifications to the structure or operating procedures which result in increased emissions shall be further modified or returned to manufacturer's specifications to reduce emissions to original levels or below as rapidly as practicable.

(D) Open fires away from the sanitizers shall be extinguished as rapidly as practicable.

(3) Experimental field sanitizers not meeting the emission criteria specified in 2(b)(A) above, may receive Department authorization for experimental use for not more than one season at a time, provided:

(a) The operator of the field sanitizers shall report to the Department the locations of operation of experimental field sanitizers.

(b) Open fires away from the machines shall be extinguished as rapidly as practicable.

(c) Adequate water supply shall be available to extinguish open fires resulting from the operation of field sanitizers.

(4) Propane Flamers. Propane flaming is an approved alternative to open field

burning provided that all of the following conditions are met:

- (a) Field sanitizers are not available or otherwise cannot accomplish the burning.
- (b) The field stubble will not sustain an open fire.
- (c) One of the following conditions exist:
 - (A) The field has been previously open burned and appropriate fees paid.
 - (B) The field has been flailchopped, mowed, or otherwise cut close to the ground and loose straw has been removed to reduce the straw fuel load as much as practicable.

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

- (1) On or before April 1 of each year, all acreages to be open burned under this rule shall be registered with the local fire permit issuing agency or its authorized representative on forms provided by the Department. A nonrefundable \$1.00 per acre registration fee shall be paid at the time of registration.
- (2) Registration of acreage after April 1 of each year shall require:
 - (a) Approval of the Department.
 - (b) An additional late registration fee of \$1.00 per acre if the late registration is determined by the Department to be the fault of the late registrant.
- (3) Copies of all Registration/Application forms shall be forwarded to the Department and the Executive Department promptly by the local fire permit issuing agency.
- (4) The local fire permitting agency shall maintain a record of all registered acreage by assigned field number, location, type of crop, number of acres to be burned and status of fee payment for each field.
- (5) Burn authorizations shall be issued by the local fire permit issuing agency up to daily quota limitations established by the Department and shall be based on registered fee-paid acres and shall be issued in accordance with the priorities established by subsection 26010(1) of these rules, except that fourth priority burning shall not be permitted from July 15 to September 15 of any year unless specifically authorized by the Department.
- (6) No local fire permit issuing agency shall authorize open field burning of more acreage than may be suballocated annually to the District by the Department pursuant to Section 26013(5) of these rules.

26-013 LIMITATION AND ALLOCATION OF ACREAGE TO BE OPEN BURNED.

- (1) Except for acreage to be burned under 26-013(7) and (8), the maximum acreage to be open burned under these rules:
 - (a) During 1978, shall not exceed 180,000 acres.
 - (b) If by August 15, 1978, the average of total cumulative hours of nephelometer readings exceeding 2.4×10^{-4} B-scat units at Eugene and Springfield, which have been determined by the Department to have been significantly caused by field burning, equals or exceeds 13 hours, the maximum acreage to be open burned under these rules shall not exceed 150,000 acres and the sub-allocation to the fire permit issuing agencies shall be reduced accordingly, subject to the further provisions that:
 - (A) Unused permit allocations may be validated and used after the 150,000 acre cut-off only on unlimited ventilation days as may be designated by the Department, and
 - (B) The Commission may establish a further acreage limitation ^{not to exceed 15,000} above the 150,000 acre limitation and authorize permits to be issued pursuant thereto, in order to provide growers of Bent grass seed crops

If by August 15, 1978 the total acreage burned exceeds 120,000 acres —

and other late maturing seed crops opportunity to burn equivalent to that afforded growers of earlier maturing crops.

(c) ~~[(b)]~~ During 1979 and each year thereafter shall be determined and established by the Commission ~~[by-January-1-of-1979-and]~~ by January 1 of each odd year ~~[thereafter]~~. ~~[This-determination]~~ The Commission shall [be-made] after taking into consideration the factors listed in subsection (2) of ORS 468.460, ~~[shall]~~ by order indicate the number of acres for which permits may be issued for the burning of such acreage as it considers appropriate and necessary, upon finding that open burning of such acreage will not substantially impair public health and safety and will not substantially interfere with compliance with relevant state and federal laws regarding air quality.

(2) Any revisions to the maximum acreage to be burned, allocation procedures, permit issuing procedures or any other substantive changes to these rules affecting the open field burning program for any year shall be made prior to June 1 of that year. In making these rule changes the Commission shall consult with Oregon State University (OSU) and may consult with other interested agencies.

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

(4) In the event that total registration is less than or equal to the acreage allowed to be open burned under section 26-013(1) all registrants shall be allocated 100 percent of their registered acres.

(5) In the event that total registration exceeds the acreage allowed to be open burned under 26-013(1) the Department may issue acreage allocations to growers totaling not more than 110 percent of the acreage allowed under Section 26-013(1). The Department shall monitor burning and shall cease to issue burning quotas when the total acreage reported burned equals the maximum acreage allowed under section 26-013(1).

(a) Each year the Department shall suballocate 110 percent of the total acre allocation established by the Commission, as specified in Section 26-013(1), to the respective growers on a pro rata share basis of the individual acreage registered as of April 1 to the total acreage registered as of April 1.

(b) Except as provided in sub-section (1)(b) of this section, [Each year] the Department shall suballocate the total acre allocation established by the Commission, as specified in Section 26-013(1) to the respective fire permit issuing agencies on a pro rata share basis of the acreage registered within each fire permit issuing agency's jurisdiction as of April 1 of each year to the total acreage registered as of April 1 of each year.

(c) In an effort to insure that permits are available in areas of greatest need, to coordinate completion of burning, and to achieve the greatest possible permit utilization, the Department may adjust, in cooperation with the fire districts, allocations of the maximum acreage allowed in Section 26-013(1).

(d) Transfer of allocations for farm management purposes may be made within and between fire districts on a one-in/one-out basis under the supervision of the Department. Transfer of allocations between growers are not permitted after the maximum acres specified in Section 26-013(1) have been burned within the Valley.

(e) Except for additional acreage allowed to be burned by the Commission as provided for in ~~[(7)]~~ (6) and ~~[(8)]~~ (7) of this subsection no fire district shall allow acreage to be burned in excess of their allocations assigned pursuant to (b), (c) and (d) above.

(6) [~~7~~] Notwithstanding the acreage limitations under 26-013(1), the Department may allow experimental open burning pursuant to Section 9 of the 1977 Oregon Laws, Chapter 650, (HB 2196). Such experimental open burning shall be conducted only as may be specifically authorized by the Department and will be conducted for gathering of scientific data, or training of personnel or demonstrating specific practices. The Department shall maintain a record of each experimental burn and may require a report from any person conducting an experimental burn stating factors such as:

1. Date, time and acreage of burn.
2. Purpose of burn.
3. Results of burn compared to purpose.
4. Measurements used, if any.
5. Future application of results of principles featured.

(a) Experimental open burning, exclusive of that acreage burned by experimental open field sanitizers, shall not exceed 7500 acres during 1978.

(b) For experimental open burning the Department may assess an acreage fee equal to that charged for open burning of regular acres. Such fees shall be segregated from other funds and dedicated to the support of smoke management research to study variations of smoke impact resulting from differing and various burning practices and methods. The Department may contract with research organizations such as academic institutions to accomplish such smoke management research.

(7) [~~8~~] Pursuant to ORS 468.475(6) and (7) the Commission may permit the emergency open burning under the following procedures:

(a) A grower must submit to the Department an application form for emergency field burning requesting emergency burning for one of the following reasons;

(A) Extreme hardship documented by:

An analysis and signed statement from a CPA, public accountant, or other recognized financial expert which establishes that failure to allow emergency open burning as requested will result in extreme financial hardship above and beyond mere loss of revenue that would ordinarily accrue due to inability to open burn the particular acreage for which emergency open burning is requested. The analysis shall include an itemized statement of the applicant's net worth and include a discussion of potential alternatives and probable related consequences of not burning.

(B) Disease outbreak, documented by:

An affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to a disease outbreak that can only be dealt with effectively and practically by open burning.

The statement must also include at least the following:

- i) time field investigation was made,
- ii) location and description of field,
- iii) crop,
- iv) infesting disease,
- v) extent of infestation (compared to normal),
- vi) necessity and urgency to control,
- vii) availability, efficacy and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(C) Insect infestation, documented by:

Affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to an insect infestation that can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

- i) time field investigation was made,
- ii) location and description of field,
- iii) crop,
- iv) infesting insect,
- v) extent of infestation (compared to normal),
- vi) necessity and urgency to control,
- vii) availability, efficacy, and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(D) Irreparable damage to the land documented by an:

An affidavit or signed statement from the County Agent, State Department of Agriculture, or other public agricultural expert authority that, based on his personal investigation, a true emergency exists which threatens irreparable damage to the land and which can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

- i) time of field investigation,
- ii) location and description of field,
- iii) crop,
- iv) type and characteristics of soil,
- v) slope and drainage characteristics of field,
- vi) necessity and urgency to control,
- vii) availability, efficacy and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(b) Upon receipt of a properly completed application form and supporting documentation the Commission shall within 10 days, return to the grower its decision.

(c) An open field burning permit, to be validated upon payment of the required fees, shall be promptly issued by the Department for that portion of the requested acreage which the Commission has approved.

(d) Application forms for emergency open field burning provided by the Department must be used and may be obtained from the Department either in person, by letter or by telephone request.

(8) [~~9~~] The Department shall act, pursuant to this section, on any application for a permit to open burn under these rules within 60 days of registration and receipt of the fee provided in ORS 468.480.

(9) [~~10~~] The Department may on a fire district by fire district basis, issue limitations more restrictive than those contained in these regulations when in their judgment it is necessary to attain and maintain air quality.

26-015 WILLAMETTE VALLEY SUMMER BURNING SEASON REGULATIONS

As provided for in Section 6 of Oregon Law 1977, Chapter 650. The Department shall conduct a smoke management program which shall include in addition to other provisions covered in these rules the following provisions:

(1) Classification of Atmospheric Conditions. All days will be classified as marginal or prohibition days under the following criteria:

(a) Marginal Class N conditions: Forecast northerly winds, a mixing depth greater than 3500 feet and relative humidity less than 50 percent.

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

(c) Prohibition conditions: Forecast northerly winds, a mixing depth of 3500 feet or less, and/or relative humidity greater than 50 percent.

(d) Unlimited Ventilation conditions: A mixing depth of 5000 feet or greater and a ventilation index of 32.5 or greater.

(2) Quotas.

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

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

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

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

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

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

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

(2) Burning Hours.

(a) Burning hours may begin at 9:30 a.m. PDT, under marginal conditions but no open field burning may be started later than one-half hour before sunset or be allowed to continue burning later than one-half hour after sunset.

(b) The Department may alter burning hours according to atmospheric ventilation conditions when necessary to attain and maintain air quality.

(c) Burning hours may be reduced by the fire chief or his deputy when necessary to protect from danger by fire.

(4) Extent and Type of Burning.

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

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

(A) North Valley: one basic quota may be issued in accordance with Table 1 [.] except that no acreage located within the permit jurisdictions of Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portions of the Clackamas-Marion Forest Protection District shall be burned upwind of the Eugene-Springfield non-attainment area.

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

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

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

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

(d) Special Restrictions on Priority Area Burning.

(A) No priority acreage may be burned on the upwind side of any city, airport, or highway within the same priority area except that acreages located in priority areas adjacent to highway may be burned upwind provided meteorological conditions exist or burning techniques are employed which will maintain visibility on the highway at greater than 1/2 mile.

(B) No south priority acreage except that located in special priority areas [may] shall be burned upwind of [any city, airport, or highway within a priority area unless the mixing height is forecast greater than 4,000 feet.] the Eugene-Springfield non-attainment area.

~~[(E) All south priority acreages located upwind of the Eugene-Springfield priority area shall be burned using backing fire or into the wind strip lighting techniques, except as provided by 26-015(4)(e):]~~

(e) Restrictions on burning techniques.

(A) All annual grass seed crops, cereal crops, and bentgrass crops shall be burned using backfire or into the wind strip burning methods except when unlimited ventilation conditions exist.

(B) ~~[(e)]~~ The Department shall require other crop types [acreages] to be burned using ~~[backing fire]~~ backfire or ~~into the wind strip [lighting]~~ burning techniques when, in the Department's judgment, use of such techniques will reduce adverse effects on air quality.

you are directed by the dept

[~~(5)~~-After-September-1,-1978,-no-field-shall-be-burned-which-has-an-average fuel-moisture-content-greater-than-20-percent-wet-weight-basis,-as-determined-by using-the-Department-of-Environmental-Quality-fuel-moisture-test-procedures.]

TABLE 1
FIELD BURNING ACREAGE QUOTAS
NORTH VALLEY AREAS

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Clackamas County</u>		
Canby RFPD	50	0
Clackamas County #54	50	0
Clackamas - Marion FPA	[50] <u>100</u>	0
Estacada RFPD	75	0
Molalla RFPD	50	0
Monitor RFPD	50	0
Scotts Mills RFPD	<u>50</u>	<u>0</u>
Total	[375] <u>425</u>	0
<u>Marion County</u>		
Aumsville RFPD	[50] <u>100</u>	0
Aurora-Donald RFPD	50	50
Drakes Crossing RFPD	[50] <u>100</u>	0
Hubbard RFPD	50	0
Jefferson RFPD	225	50
Marion County #1	[+00] <u>200</u>	50
Marion County Unprotected	50	50
Mt. Angel RFPD	50	0

TABLE I
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>North Valley Counties</u>		
<u>Marion County (continued)</u>		
St. Paul RFPD	125	0
Salem City	50	50
Silverton RFPD	[300] <u>600</u>	0
Stayton RFPD	[150] <u>300</u>	0
Sublimity RFPD	[250] <u>500</u>	0
Turner RFPD	50	50
Woodburn RFPD	<u>125</u>	<u>50</u>
Total	[1675] <u>2575</u>	[200] <u>350</u>
<u>Polk County</u>		
Polk County Non-District	50	0
Southeast Rural Polk	400	50
Southwest Rural Polk	<u>125</u>	<u>50</u>
Total	<u>575</u>	<u>100</u>
<u>Washington County</u>		
Cornellius RFPD	50	0
Forest Grove RFPD	50	0
Forest Grove, State Forestry	50	0
Hillsboro	50	50
Washington County RFPD #1	50	50
Washington County FPD #2	<u>50</u>	<u>50</u>
Total	<u>300</u>	<u>150</u>

TABLE 1
(continued)

<u>County/Fire District</u>	<u>Quota</u>	
	<u>Basic</u>	<u>Priority</u>
<u>Yamhill County</u>		
Amity RFPD	125	50
Carlton RFPD	50	0
Dayton RFPD	50	50
Dundee RFPD	50	0
McMinnville RFPD	150	75
Newberg RFPD	50	50
Sheridan RFPD	75	50
Yamhill RFPD	<u>50</u>	<u>50</u>
<u>North Valley Total</u>	<u>4475</u>	<u>875</u>

TABLE 1
(continued)
SOUTH VALLEY AREAS

<u>County/Fire District</u>		<u>Quota</u>	
<u>South Valley Counties</u>	<u>Basic</u>	<u>Priority</u>	<u>Special Priority</u>
<u>Benton County</u>			
County Non-District & Adair	350	175	<u>0</u>
Corvallis RFPD	175	125	<u>0</u>
Monroe RFPD	325	50	<u>0</u>
Philomath RFPD	125	100	<u>0</u>
Western Oregon RFD	<u>100</u>	<u>50</u>	<u>0</u>
Total	<u>1075</u>	<u>500</u>	<u>0</u>
<u>Lane County</u>			
Coburg RFPD	175	50	<u>0</u>
Creswell RFPD	75	100	<u>0</u>
Eugene RFPD			
(Zumwalt RFPD)	50	50	<u>0</u>
Junction City RFPD	325	50	<u>50</u>
Lane County Non-District	100	50	<u>0</u>
Lane County RFPD #1	350	150	<u>50</u>
Santa Clara RFPD	50	50	<u>0</u>
Thurston-Walterville	50	50	<u>0</u>
West Lane RPD	<u>50</u>	<u>0</u>	<u>0</u>
Total	<u>1225</u>	<u>550</u>	<u>100</u>
<u>Linn County</u>			
Albany RFPD (inc. N. Albany, Palestine, Co. Unprotected Areas)	625	125	<u>50</u>
Brownsville RFPD	750	100	<u>50</u>

TABLE 1
(continued)

<u>County/Fire District</u>		<u>Quota</u>	
<u>South Valley Counties</u>	<u>Basic</u>	<u>Priority</u>	<u>Special Priority</u>
<u>Linn County (continued)</u>			
Halsey-Shedd RFPD	2050	200	<u>50</u>
Harrisburg RFPD	1350	50	<u>0</u>
Lebanon RFPD	325	325	<u>50</u>
Lyons RFPD	50	0	<u>0</u>
Scio RFPD	175	50	<u>0</u>
Tangent RFPD	<u>925</u>	<u>325</u>	<u>50</u>
Total	<u>6250</u>	<u>1225</u>	<u>250</u>
<u>South Valley Total</u>	<u>8550</u>	<u>2275</u>	<u>350</u>

26-020 WINTER BURNING SEASON REGULATIONS.

(1) Classification of atmospheric conditions:

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

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

(2) Extent and Type of Burning.

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

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

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

26-025 CIVIL PENALTIES. In addition to any other penalty provided by law:

(1) Any person who intentionally or negligently causes or permits open field burning contrary to the provisions of ORS 468.450, 468.455 to 468.480, 476.380 and 478.960 shall be assessed by the Department a civil penalty of at least \$20, but not more than \$40 for each acre so burned.

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

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

26-030 TAX CREDITS FOR APPROVED ALTERNATIVE METHODS, APPROVED INTERIM ALTERNATIVE METHODS OR APPROVED ALTERNATIVE FACILITIES.

(1) As provided in ORS 468.150, approved alternative methods or approved alternative facilities are eligible for tax credit as pollution control facilities as described in ORS 468.155 through 468.190.

(2) Approved alternative facilities eligible for pollution control facility tax credit shall include:

(a) Mobile equipment including but not limited to:

(A) Straw gathering, densifying and handling equipment.

(B) Tractors and other sources of motive power.

(C) Trucks, trailers, and other transportation equipment.

(D) Mobile field sanitizers (approved models and approved pilot models)

and associated fire control equipment.

- (E) Equipment for handling all forms of processed straw.
- (F) Special straw incorporation equipment.
- (b) Stationary equipment and structures including but not limited to:
 - (A) Straw loading and unloading facilities.
 - (B) Straw storage structures.
 - (C) Straw processing and in plant transport equipment.
 - (D) Land associated with stationary straw processing facilities.
 - (E) Drainage tile installations which will result in a reduction of acreage burned.

(3) Equipment and facilities included in an application for certification for tax credit under this rule will be considered at their current depreciated value and in proportion to their actual use to reduce open field burning as compared to their total farm or other use.

(4) Procedures for application and certification of approved alternative facilities for pollution control facility tax credit.

(a) Preliminary certification for pollution control facility tax credit.

(A) A written application for preliminary certification shall be made to the Department prior to installation or use of approved alternative facilities in the first harvest season for which an application for tax credit certification is to be made. Such application shall be made on a form provided by the Department and shall include but not be limited to:

- (i) Name, address and nature of business of the applicant.
- (ii) Name of person authorized to receive Department requests for additional information.
- (iii) Description of alternative method to be used.
- (iv) A complete listing of mobile equipment and stationary facilities to be used in carrying out the alternative methods and for each item listed include:
 - (a) Date or estimated future date of purchase.
 - (b) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their total farm or other use.
- (v) Such other information as the Department may require to determine compliance with state air, water, solid waste, and noise laws and regulations and to determine eligibility for tax credit.

(B) If, upon receipt of a properly completed application for preliminary certification for tax credit for approved alternative facilities the Department finds the proposed use of the approved alternative facilities are in accordance with the provisions of ORS 468.175, it shall, within 60 days, issue a preliminary certification of approval. If the proposed use of the approved alternative facilities are not in accordance with provisions of ORS 468.175, the Commission shall, within 60 days, issue an order denying certification.

(b) Certification for pollution control facility tax credit.

(A) A written application for certification shall be made to the Department on a form provided by the Department and shall include but not be limited to the following:

- (i) Name, address and nature of business of the applicant.
- (ii) Name of person authorized to receive Department requests for

additional information.

(iii) Description of the alternative method to be used.

(iv) For each piece of mobile equipment and/or for each stationary facility, a complete description including the following information as applicable:

(a) Type and general description of each piece of mobile equipment.

(b) Complete description and copy of proposed plans or drawings of stationary facilities including buildings and contents used for straw storage, handling or processing of straw and straw products or used for storage of mobile field sanitizers and legal description of real property involved.

(c) Date of purchase or initial operation.

(d) Cost when purchased or constructed and current value.

(e) General use as applied to approved alternative methods and approved interim alternative methods.

(f) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their farm or other use.

(B) Upon receipt of a properly completed application for certification for tax credit for approved alternative facilities or any subsequently requested additions to the application, the Department shall return within 120 days the decision of the Commission and certification as necessary indicating the portion of the cost of each facility allocable to pollution control.

(5) Certification for tax credits of equipment or facilities not covered in OAR Chapter 340, Section 26-030(1) through 26-030(4) shall be processed pursuant to the provisions of ORS 468.165 through 468.185.

(6) Election of type of tax credit pursuant to ORS 468.170(5).

(a) As provided in ORS 468.170(5), a person receiving the certification provided for in OAR Chapter 340, Section 26-030(4)(b) shall make an irrevocable election to take the tax credit relief under ORS 316.097, 317.072, or the ad valorem tax relief under ORS 307.405 and shall inform the Department of his election within 60 days of receipt of certification documents on the form supplied by the Department with the certification documents.

(b) As provided in ORS 468.170(5) failure to notify the Department of the election of the type of tax credit relief within 60 days shall render the certification ineffective for any tax relief under ORS 307.405, 316.097 and 317.072.

Attachment II

MEMORANDUM

TO: Joe Richards DATE: May 12, 1978

FROM: Air Quality Division

SUBJECT: Regarding the Proposed Field Burning Surveillance Network and Data Analysis

The following are responses to the questions which you posed prior to the Environmental Quality Commission meeting on April 28, 1978:

1. Will we know at the end of this season the emissions from various types of grass stubble given different moisture content and lighting techniques? How will we know that?

It is proposed, at this time, to conduct an emission study which would determine absolute emissions from grass fields, the appropriate emission factors to be applied to such open field burning, and to determine something of the nature of the particulate matter produced. The emission study, as is currently envisioned, would produce preliminary data suitable for inclusion in the State Implementation Plan to be submitted in early 1979. It would address, in particular, the effect of lighting techniques on the production of particulate and its makeup. We will, in addition, be able to compare such emission data with the moisture content which existed in the field at the time of lighting. We are expecting to be able to analyze, through statistical means, what effect the moisture content may have had on the total emissions. However, the proposed work is pointed more directly at the effect of lighting techniques. Additional work may be conducted in future seasons if required.

2. How much will we know about where the smoke goes, i.e., in what direction, what goes up and comes down, how long it floats around, etc.?

The Department proposes two studies which should effectively answer the points in question 2. The field burning monitoring network will provide information on the effects of smoke. For example, in what direction it goes and how long

it floats around, and its general trajectory will be described for the southern Willamette Valley. An additional study which proposes to evaluate plume rise as it is effected by various lighting techniques will determine the dispersion qualities of the plume. The data from the monitoring network and the plume evaluation study will be used to validate the Livermore Regional Air Quality Model which is being applied to the Willamette Valley through research ongoing at Oregon State University. Once this model is fully implemented, we will be able to describe within the accuracy of the model, the air quality impacts of various sources, including field burning, in the Willamette Valley.

3. How much will we know about what changes occur in the smoke as it is being transported, e.g., photochemical reactions, particulate accumulations, etc.?

The plume evaluation study and the field burning surveillance network study combine to answer questions regarding field burning plume reactions. It should be pointed out that these studies may not be totally definitive due to more emphasis placed on other determinations. However, some very useful data will be collected. First, the particulate size distribution in the plume will be determined as a part of the plume evaluation study. Further, the plumes will be tracked by an instrumented aircraft provided by EPA to determine photochemical reactions which may take place within the plume. The tendencies of field burning particulate to change size may be estimated through particulate size distribution studies conducted as part of the plume evaluation work. However, it is not contemplated that truly long-range, well-aged plumes will be observable as part of this evaluation. Such work may have to be concluded in future seasons. A comprehensive aircraft survey is required to determine chemical composition of material. Funding for such a study is uncertain at this time.

4. How much uncertainty will there be in measuring impacts of the smoke at various receptor sites?

The field burning surveillance network incorporates as part of its data analysis an element balance method whereby chemical matter as emitted from various sources may be analyzed using statistical and computer methods after it is collected on the filter media. This system allows estimates to be made of the impact of individual sources on individual receptor sites. Analysis of this type of work done in other areas indicates possible errors on the order of 10% to 15%. Such error may be somewhat larger in the case of field burning where the expected emissions include a variety of similar organic particulates. To minimize error an identifiable tracer is of significant value. To this end the Department has sought to determine such a tracer so that field burning and slash burning may be individually identified. To date, combinations of organic materials have been identified which appear to suitably identify field burning and slash burning. Other sources which

will have different chemical makeups, including inorganic materials, should be identifiable with a higher degree of certainty. Any source which contains a peculiar element, e.g., lead from the exhaust emissions of automobiles, may be identified with errors less than 10%.

5. If we do not have complete data on emissions factors and chemical changes during transport, how can we use an element balance technique to determine or predict smoke impact?

The Department proposes to conduct the emissions study as already stated which would determine emissions factors applicable to field burning. Further, the Department does not have information indicating that particulate matter undergo significant chemical changes in an aging plume (however, gaseous pollutants do undergo significant chemical reactions). Preliminary work indicates that approximately 45% to 50% of the particulate matter collected as a result of field burning are high molecular weight organics which are not expected to change significantly in chemical makeup under ambient conditions. A carbon balance technique will be employed to further analyze the source/receptor relationship for field burning.

6. If we do not have a clear idea about transport conditions, how can we develop a trajectory analysis?

Each of the proposed ten sites within the field burning surveillance network will have as part of its equipment a meteorological station designed to determine surface wind speed and direction. In addition to this, there will be efforts to collect all available upper wind information including soundings from Salem and Medford, pilot balloon wind soundings as part of the plume evaluation study and as conducted by Lane Regional Air Pollution Authority and the DEQ. Further upper air data will be accumulated as necessary information for the smoke management program operations. These include both pilot balloon wind soundings and temperature soundings conducted by the DEQ aircraft. Based on this available information, the Department proposes to use a portion of the LIPAC model designed to develop wind flow fields such that they may be determined within the accuracy of the model. However, it is not proposed to develop a long range trajectory analysis as part of the field burning study, as it is not deemed necessary to develop such a detailed analysis when trajectories are limited by the confines of the Willamette Valley and close relationship of major field burning and the Eugene-Springfield area.

7. If we do not know emissions and the specific areas where burning occurs, how will the development of LIPAC assist us?

As stated previously, the DEQ does plan to conduct emission test programs from which emission factors will be developed. In addition, a five day

Joe Richards
Page 4
May 12, 1973

intensive monitoring period is specified during the field burning seasons. During this period both specific areas of burns and times will be gathered along with the monitoring data which is routinely collected as part of the surveillance program. These five days of the intensive study of the source/receptor relationship are to provide the basis for calibration of the LIRAQ model.

8. Will we know at this time next year that if we burn 1,000 acres of annual rye grass near Junction City by a particular lighting technique and particular meteorological conditions with a particular moisture content what impact it may have in Eugene? Why not?

Yes, within the limitations of data accumulation as described in the preceding questions and within the accuracy of the modeling capabilities of LIRAQ.

9. Will we know next year what effects backfiring has on perennials and low level smoke amounts?

We should be able to determine the effect of backfiring on low level smoke amounts through the plume evaluation study and the emission factor study previously proposed. Some determination may be made of the effects of backfiring on perennials in terms of observable burnout by September. However, these results will be preliminary and will only be quantifiable in terms of the percent of field apparently burned out as determined by visual inspection. By next year the effects of such backfiring on yield may be determined through suitable testing. The procedures for such tests are still being developed. However, one year's data is generally not considered adequate to develop significant statistical information regarding yield changes.

10. Do you believe that \$50,000 financial commitment and a three-month time will be sufficient to analyze the data?

The \$50,000 figure for data analysis will be spread out over a longer period than three months, specifically, a period starting in July and ending in April, 1979. This money is intended to retrieve basic data from the program, usable for determination of impact and SIP development. The \$50,000 provides for interim project reports in mid-November based on June, July, and August so that data will be available to the Eugene-Springfield Air Quality Maintenance Area Advisory Committee. In addition to the \$50,000, there is other analysis provided for in the surveillance network contracts. This involves some \$30,000 for elemental analysis to be conducted at the University of California at Davis, \$17,000 for other analytical costs for tracer studies and microscopic analysis, and the Department, through its own personnel, is spending approximately \$30,000 to hire two chemists to do analytical work in house. It is worthwhile to point out that there will be massive amounts

Joe Richards
Page 5
May 12, 1978

of data which will result from this study. The proposed analysis, as mentioned, is designed to answer some specific questions necessary to understand the basic field burning question and to make air quality impact determinations for the submittal of the State Implementation Plan in 1979. More information may come from the data collected by the surveillance network. However, to get this additional information, the data will have to be further analyzed and this analysis will mean further expenditures.

SAF/pas

cc: WYoung
EJWeathersbee
JECore
JFKowalczyk
EQC