

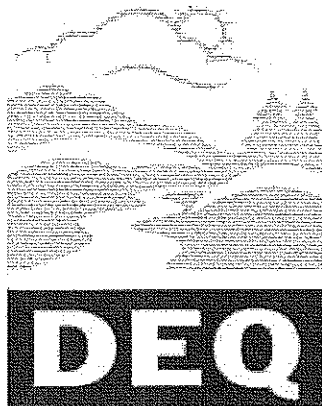
**6/30/1978**

**OREGON**

**ENVIRONMENTAL QUALITY**

**COMMISSION MEETING**

**MATERIALS**



State of Oregon  
**Department of  
Environmental  
Quality**

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(Tentative Agenda)

ENVIRONMENTAL QUALITY COMMISSION MEETING  
June 30, 1978  
Valencia Room  
Nendels Inn  
1550 N. W. 9th Street  
Corvallis, Oregon 97330

- 9:00 am A. Minutes of the May 26, 1978 meeting  
B. Monthly Activity Report for May 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.
- 9:30 am D. Al Peirce Lumber Company - Request for variance to allow extension of time to install easy-let-down device until September 1, 1982.
- 9:40 am E. Coos Head Timber Company - Request for variance to allow extension of time to install easy-let-down device until September 1, 1982.
- Missing* F. NPDES July 1, 1977 Compliance Date - Request for approval of Stipulated Consent Orders for NPDES permittees not meeting July 1, 1977 compliance date - City of Wheeler.
- G. Clatsop Plains - Adoption as permanent rules housekeeping amendments to subsurface sewage regional rule governing Clatsop Plains area, OAR 340-71-020(7)(b)(C).
- H. Vehicle Emission Testing Rules - Adoption of proposed amendments to OAR 340-24-300 through 24-350 to incorporate standards for 1978 model year vehicles.
- Deleted* I. Indirect Source Rule - Consideration of changes in administrative procedures for processing applications and potential authorization for public hearing for rule change.
- J. Noise Control Rules - Authorization for public hearing to consider rule changes for new passenger cars and light trucks proposed by petition from General Motors Corporation.
- K. Noise Control Rules - Authorization for public hearing to consider proposed rules for motor racing facilities.
- Missing* L. Medford AQMA Rules - Authorization for public hearing to consider proposed amendment of Oregon Clean Air Act Implementation Plan to include Offset-Rule for new or modified emission sources.
- M. Conflict of Interest Rules - Authorization for public hearing to consider proposed amendment of Oregon Clean Air Act Implementation Plan to include rules pertaining to conflict of interest by State Boards in order to comply with Section 128 of Clean Air Act.
- O. Preliminary 79-81 Budget Briefing* N. 1979-81 Budget - Discussion of preliminary proposals for 1979-81 biennial budget. (At end of formal meeting the Commission will go into an informal work session to discuss this item. Discussion will be open to the public.)

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

The Commission will breakfast (7:30 am) and lunch at Nendels Inn.

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

June 30, 1978

H Patterson  
State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
AUG 08 1978  
AIR QUALITY CONTROL

On Friday, June 30, 1978, the ninety-eighth meeting of the Oregon Environmental Quality Commission convened in the Valencia Room of Nendels Inn, 1550 N. W. Ninth Street, Corvallis, 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 THE MAY 26, 1978 MEETING

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and carried unanimously that the minutes of the May 26, 1978 EQC meeting be approved.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR MAY 1978

It was MOVED by Commissioner Somers, seconded by Commissioner Phinney and carried unanimously that the Monthly Activity Report for May 1978 be approved.

AGENDA ITEM C - TAX CREDIT APPLICATIONS

Mr. Jerry Butler, Stayton Canning Company Cooperative, came before the Commission in regard to the proposed denial of their tax credit application. Mr. Butler appeared in regard to this same matter at the May 26, 1978 EQC meeting. He repeated that the application was for an addition to an existing facility and the purpose of this expansion was to better protect the environment.

In response to Chairman Richards, Mr. Butler said they had received the Attorney General's opinion. He said the Company was in disagreement with the staff as to whether or not oral approval was given. The way he interpreted the opinion, Mr. Butler said, was that if it was found that oral approval was given, and the Department wanted to accept it as an application, the Department could do so. Also in response to Chairman Richards, Mr. Butler said their engineer had discussed with the Department their expansion proposal. He said that the Department did not recall, nor could they find a record of such a discussion.

Chairman Richards said that the rules of the Commission required a formal pre-construction application. Even if the Commission decided to accept verbal application, he said, if there was nothing to show that such application was made, and the Company itself was not sure it was an application, then he could not vote for approval because of the precedent it would set.

Mr. Butler said they recognized that their case was weak and came to the Commission because they assumed the Commission had the power to grant the tax credit application. Chairman Richards told Mr. Butler they would be entitled to a contested case hearing if the Commission decided against the Company. Mr. Butler said they would not press the matter beyond the Commission because they did not anticipate finding any further evidence than what they had already presented to the Commission.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and carried unanimously that the following Director's Recommendation in regard to tax credits be approved.

1. Issue Pollution Control Facility Certificates for 15 applications: T-877, T-968, T-971, T-984, T-087, T-992, T-993, T-994, T-999, T-1000, T-1001, T-1003, T-1004, T-1005, and T-1009.
2. Deny tax credit application T-964 (Stayton Canning Company) per the Director's recommendation in the review report.
3. Deny Preliminary Certification for Tax Credit request of Paul Aubert per the Director's Recommendation in the review report and the informal opinion of the Attorney General.
4. Revoke Pollution Control Facility Certificates 106, 201, 229, 230 and 663 issued to Reynolds Metals Company. Reissue Certificate No. 230 in the amount of \$596,511.73 and Certificate 663 in the amount of \$135,862.73 per the Director's recommendation in the review report.
5. Reissue Pollution Control Facility Certificate No. 473 to American Forest Products because of a change in ownership.
5. Amend Pollution Control Facility Certificates 147, 148, 149, 150, 151, 176, 508, 648, 649 and 770 to reflect the joint ownership of the certified facilities by American Can Company and Pope and Talbot, Inc.

AGENDA ITEM F - NPDES JULY 1, 1977 COMPLIANCE DATE -- REQUEST FOR APPROVAL OF STIPULATED CONSENT ORDERS FOR NPDES PERMITTEES NOT MEETING JULY 1, 1977 COMPLIANCE DEADLINE - CITY OF WOODBURN AND CITY OF WHEELER

Mr. Fred Bolton, Department's Regional Operations Division, presented the staff report on this matter.

It was MOVED by Commissioner Somers that the Director's recommendation in this matter be approved and noted that the delay on these projects appeared to be reasonable and necessary to accomplish the intent of the statute. The motion was seconded by Commissioner Hallock and carried unanimously. The adopted Director's recommendation follows:

1. Stipulation and Final Order No. WQ-WVR-78-75, DEQ v. City of Woodburn, Marion County, Oregon, be approved.
2. Final Order amending Stipulation and Final Order No. WQ-SNCR-77-244, DEQ v. City of Wheeler, Tillamook County, Oregon, be approved.

AGENDA ITEM G - CLATSOP PLAINS - ADOPTION AS PERMANENT RULES HOUSEKEEPING AMENDMENTS TO SUBSURFACE SEWAGE REGIONAL RULE GOVERNING CLATSOP PLAINS AREA. OAR 340-71-020(7): PROPOSED NEW TEMPORARY RULE

Mr. Peter McSwain, Commission's Hearing Officer, presented some background on this matter and the Director's recommendation.

It was MOVED by Commissioner Somers that the Director's recommendation be approved based on the findings and facts presented in the report and the testimony presented at the public hearing. The motion was seconded by Commissioner Phinney and carried unanimously. The adopted Director's recommendation follows:

The Director recommends that the Commission take the following actions:

1. Adopt the updated Statement of Need to be filed with the permanent amendment of OAR 340-71-020(7).
2. Adopt as a permanent rule, the temporary amendments to OAR 340-71-020(7)(b) and (e), said rule to become effective upon its prompt filing with the Secretary of State.
3. Enter a Finding that, unless the Commission acts promptly, there will be serious prejudice to the interests of the parties involved, in that the person requesting adoption of the temporary rule and others in the class to which the proposed temporary rule would make a difference, may forfeit substantial options in the disposition of their property, which options would be of no cognizable effect on the environment.
4. Adopt as a temporary rule, effective upon its prompt filing with the Secretary of State, which changes the date when a parcel could have last been transferred and not be identified as an "existing" or "original" parcel within the meaning of OAR 340-71-020(7)(b) of the present rule (a part of the temporary amendment whose permanent adoption is recommended herein). The date would be changed from April 2, 1977 to October 28, 1977, the date of adoption of the rules intended to allow new density of one acre or less for family equivalents.

5. Direct that staff explore the drafting of further amendments which would allow unforeseen inequities in the "Clatsop Plains Moratorium" to be resolved without rule changes by virtue of variances, exceptions or whatever method might be employed so long as such method affords due process to citizens and is within a framework of standards which allows property owners to reasonably estimate what will be result of their actions when the rule is applied to them. Such drafting, if drafting satisfactory to the staff is found, should be brought to the Commission for authorization to conduct a public hearing on the advisability of its adoption. The time expended should allow consolidation of this public hearing process with the other hearing process recommended herein.

AGENDA ITEM H - VEHICLE EMISSION TESTING RULES - CONSIDERATION OF ADOPTION OF AMENDMENTS TO MOTOR VEHICLE INSPECTION RULES TO INCLUDE 1978 MODEL YEAR VEHICLES. OAR 340-24-300 through 24-350

Mr. William Jasper, of the Department's Vehicle Inspection Program, said this matter dealt with the annual update of the vehicle inspection rules to cover standards for 1978 model year vehicles.

Commissioner Somers noted that the rules did not mention the diesel Oldsmobiles. In response to Commissioner Somers, Mr. Jasper said this would not eliminate their sale in Oregon. He said diesel categories were mentioned in the rules and were tested for a 1% idle CO with no hydrocarbon check.

After consultation with Mr. Ray Underwood, Department of Justice, Mr. Jasper offered amendments to the proposed rules as follows:

	<u>%</u>	<u>Enforcement Tolerance Through June 1979</u>
<u>Chrysler Corporation</u>		
Diesel engines (all years)	1.0	0.5
<u>General Motors</u>		
Diesel engines (all years)	1.0	0.5
<u>International Harvester</u>		
Diesel engines (all years)	1.0	0.5

Jasper pointed out that there was a "catch-all" provision in the rules all vehicles not listed and vehicles for which no values were entered, which would cover any models not listed.

as MOVED by Commissioner Somers, seconded by Commissioner Hallock, and voted unanimously that the proposed rule amendments, as further amended, be adopted.

AGENDA ITEM J - PETITION TO AMEND NOISE REGULATIONS FOR NEW PASSENGER CARS AND LIGHT TRUCKS

Mr. John Hector, Department's Noise Section, said the Department had received a petition from General Motors Corporation to amend the standards for new passenger cars and light trucks. Specifically, he said, they requested that the 75 dBA standard scheduled for 1981 and subsequent models be rescinded and the present standard of 80 dBA be retained. He said General Motors submitted a similar petition in 1976. Mr. Hector said that the Commission could either deny the petition and serve a written order on the petitioner, or approve the Director's recommendation to authorize a public hearing.

Commissioner Somers suggested that Tri-Met be included in these noise standards. He said in order for an area to qualify for federal funding for low-cost housing it must meet federal ambient noise regulations. Because of the numbers of vehicles in a transit mall situation, Commissioner Somers continued, those areas violated standards and therefore were not eligible for federal funding. Commissioner Somers suggested that something be done to bring this matter to a public hearing, so that a solution could be worked out soon.

Commissioner Hallock requested that when Mr. Hector reported back to the Commission he give them his candid opinion about whether vehicles meeting the Department's proposed standards would not be significantly quieter in real-world traffic situations.

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

It is the Director's recommendation that the Commission authorize the Department to hold a public hearing, before a hearing officer, at a time and location to be set by the Director. Notification should be given that any automobile manufacturers or manufacturer associations interested in filing similar petitions, may in lieu thereof, be heard at this public hearing. The hearing officer will receive testimony limited to amendments to the noise rules pertaining to the sale of new automobiles and light trucks.

It was MOVED by Commissioner Somers that the staff bring to the Commission, 60 days from this meeting, a proposal the Commission could discuss sending to public hearing regarding amendment of DEQ rules to permit public housing adjacent to major transit corridors. The motion was seconded by Commissioner Densmore and carried unanimously.

AGENDA ITEM K - PROPOSED MOTOR RACE FACILITY NOISE RULES - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER ADOPTION

Mr. Frank Hall, Division Director for the National Hot Rod Association, testified that it was important his Association be notified of any meetings where proposed noise regulations were discussed, and submitted a schedule of the Association's major events for the remainder of 1978. He requested these dates be taken into consideration when the proposed hearings were scheduled.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and carried unanimously that the Department be authorized to hold a hearing, before a hearings officer, at a time and location to be established by the Director, to consider the proposed rules for motor race facilities; and that wide distribution be made of such notice to various racing associations and interested local governments.

AGENDA ITEM L - MEDFORD AQMA RULES - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENT OF OREGON CLEAN AIR ACT IMPLEMENTATION PLAN TO INCLUDE OFFSET-RULE FOR NEW OR MODIFIED EMISSION SOURCES

Chairman Richards said it was agreed by the Commission at their breakfast meeting that this item be taken off this meeting's agenda and placed on the agenda for July because industry had questioned some language in the proposed rule.

Commissioner Densmore said he was in receipt of a letter from the Medford Air Quality Advisory Committee regarding some permit actions. He requested the staff address the role of the Advisory Committee in relation to these permit actions.

AGENDA ITEM D - AL PEIRCE LUMBER COMPANY - REQUEST FOR EXTENSION IN INSTALLING A LOG EASY LET-DOWN DEVICE

AGENDA ITEM E - COOS HEAD TIMBER COMPANY - REQUEST FOR EXTENSION IN INSTALLING A LOG EASY LET-DOWN DEVICE

Mr. Jeff Cambell, Attorney, appeared on behalf of Al Peirce Lumber Company and Coos Head Timber Company. Chairman Richards asked if there had been a stipulation by both companies to the terms of the permits. Mr. Cambell said the companies had signed the stipulations. He wanted to clarify that it was the intent of the parties that if the Commission granted the requested extensions then the appeal would be dropped; but if the Commission denied the extensions, the appeal would go forward. Chairman Richards said it was also the understanding of the Commission that the companies would abandon their right to a contested case hearing if the Commission granted the extensions.

Mr. Cambell said he thought they had a workable plan and permit; and under the permit and the extension they would be able to work with the Department to improve the water quality of Isthmus Slough and Coos Bay.

In response to Commissioner Hallock, Mr. Cambell said the companies had begun to remove debris daily, and this would be continuous throughout the extension period.

Commissioner Hallock declared a possible conflict of interest. She said she was an officer in Ted Hallock, Inc, public relations, and one of the firm's clients was a trade association which represented small mills.



Commissioner Phinney asked if the companies met deadlines which had already past. Ms. Barbara Burton, of DEQ's Southwest Region, replied she had not been tracking the dates because she understood if the permit had been appealed none of the conditions were in effect. She said that Al Peirce Lumber Company was moving forward with their plan to install the easy let-down device this year, although the Department had not seen any of the engineering plans. In response to Commissioner Phinney, Ms. Burton said if the Commission approved the extensions, the dates would still be in effect but compliance would be late, Chairman Richards requested to be informed of any modification of dates.

Ms. Burton informed the Commission of input she had received from the Northwestern Steelheaders Council and the Oregon Fish and Wildlife Commission. Chairman Richards read into the record a letter from the Northwestern Steelheaders Council expressing their concern about pollution in the Slough and requesting that if an extension was granted the companies be required to carry on clean-up activities. Ms. Burton replied that there was confusion about just what "clean-up" entailed. She said that certain activities were required under the permit, including containing and skimming off the bark and floating debris around the log dumps and the mill site. At this point, she said, the Department was not requiring that there be any type of clean-up of debris which had gotten away and washed up onto banks of private property.

It was MOVED by Commissioner Somers, seconded by Commissioner Densmore and carried unanimously that extensions until September for the installation of a second easy let-down device be granted Al Peirce Lumber Company and Coos Head Timber Company.

AGENDA ITEM N - REQUEST FOR VARIANCE TO CONTINUE OPEN BURNING OF GARBAGE AT DISPOSAL SITES IN LINCOLN COUNTY

Mr. Ernest Schmidt, Administrator of the Department's Solid Waste Division, presented the Summation and Director's Recommendation from the staff report. He said this matter dealt with requests for variances to continue open burning of garbage at two disposal sites in Lincoln County. Mr. Schmidt said it was the Director's recommendation that:

1. The variances for the Waldport-Yachats and North Lincoln disposal sites not be extended beyond July 1, 1978.
2. The Department immediately proceed with issuing new Solid Waste Disposal Permits for these facilities requiring prompt compliance with State standards pertaining to landfills.
3. The Department continue to actively assist Lincoln County in its negotiations with Benton County.

Chairman Richards asked if adopting the recommendation would mean the burning would be prohibited but that landfilling by covering with adequate materials would be permitted. Mr. Schmidt replied that would be correct in accordance with permits which would be written as soon as possible.

Mr. Gordon MacPherson, Newport attorney, appeared on behalf of a group opposing the Director's recommendation because they felt it was approaching the solution from the wrong angle. He said that Lincoln County had a comprehensive plan for the disposal of solid waste which called for dealing with the problem totally within the County. Also, he said, they had discussed with Georgia-Pacific at Toledo the possibility of mixing the waste with hog fuel and burning it to produce steam. However, he continued, it did not appear that this would be a viable alternative. Mr. MacPherson said a written agreement had been made between Valley Landfills in Benton County and the Lincoln County landfill operators on the manner in which waste would be hauled. All that remained to be done between the contractual parties, he said, was for permission to be granted to haul the waste to Coffin Butte. To be in line with the Director's recommendation, Mr. MacPherson stated, would mean expending money for equipment to turn these burning dumps into landfills when the money should be spent for transfer stations and equipment for a regional solid waste facility. They did not feel, he said, that the pressure of the staff to close down the two dumps was the way to bring about progress on the overall plan.

Chairman Richards said it might be valuable to extend the variances for a limited period of 90 days to see if the governmental cooperation could be worked out so that arrangements with Benton County could be made. He said he was interested in how long government should have to work this out and at what time it would be more realistic to go back to complying with State law. Mr. MacPherson replied that he thought 90 days was unrealistic and that a longer period of time might be requested.

In response to questions regarding why it was not feasible for Georgia-Pacific to take the waste, Mr. Schmidt said that the Company did not feel it could take on the development of the technology to burn the waste, however they were burning shredded tires. He said that the BTU value to the company was greater from burning the tires from all over the State than from the relatively small amount of garbage from Lincoln County.

State Representative Max Rijken, requested that the variance extensions be granted and suggested that in the meantime the parties involved could meet to solve the Lincoln County solid waste problems. In response to Commissioner Somers, Representative Rijken said he would contact Georgia-Pacific regarding the feasibility of their burning the garbage.

Lincoln County Commissioner Andy Zedwick, presented some background of events which occurred in the attempts to solve the Lincoln County solid waste problem. In response to Commissioner Hallock, Commissioner Zedwick said they had a written agreement from Georgia-Pacific that they would take the garbage, but staff in the company had changed since the agreement was signed and the company had decided to nullify the agreement.

Benton County Commissioner E. Larry Callahan, welcomed the Commission to Corvallis. He said they had been trying for a year to help out Lincoln County with their solid waste problem. Commissioner Callahan said neither county owned the sites and an application would have to be made to the Planning Commission by Valley Landfills, the private owner of the Coffin Butte site. He said the earliest time for a decision on this matter would be the early part of September. Commissioner Callahan urged the Commission to look to the time element when making their decision as he could not see

how this matter could be solved within 90 days. Commissioner Callahan stated that the delay was not caused by the two county commissions, because any action on this matter depended on Valley Landfills.

Mr. Emmett Dolby, Lincoln County Sanitarian, said a public forum meeting had been arranged for July 19 between the interested public and government parties. After visiting sites with DEQ staff, Mr. Dolby said it was his opinion that the existing sites could be operated as sanitary landfills. However, he said, he thought the cost of converting these sites would be unreasonable if the ultimate solution would be to transfer the waste to Benton County. In response to Chairman Richards, Mr. Dolby said a reasonable extension time would be at least a year to eighteen months.

Mr. Gene Dahl, Operator of Dahl Disposal Service and the Waldport-Yachats dump, testified that they served 5,000 to 6,000 people in the South Lincoln County area. He said they burned all the garbage about once a week in the summer. He said it would be almost economically impossible to convert to a sanitary landfill. Mr. Dahl read into the record a letter from Joseph P. Bird, Mayor of the City of Waldport, opposing the closing of the dump site, and requesting that continued burning be allowed at the site. In the 14 years that he had operated the dump, Mr. Dahl said they had not received any complaints. Mr. Dahl assured the Commission that Lincoln County was working on the problem, and requested that the extension be allowed.

Mr. Jack LeBlanc, North Lincoln County Sanitary Service, said they served the North Lincoln County area. He said after they were granted the last extension he had changed the billing system to accommodate a charge for transfer and disposal costs to Benton County; obtained and cleared land for a transfer station; and developed a closure plan for the site and reviewed it with DEQ. He said the plan called for the conversion of their sites after they were closed to accept demolition material. He said that if the extension was not granted and they were forced to try to fill and cover, their site would rapidly fill up and the site would then be unusable for demolition disposal, which the area needed. Mr. LeBlanc requested the Commission to consider an extension of the variance.

Commissioner Somers asked where the waste would go if it could not be taken to Benton County. Mr. LeBlanc presumed that the county would try to shred the material and fill it with a modified cover.

Mr. Roger Emmons, Oregon Sanitary Service Institute, testified that when the county originally requested a nine month variance they thought they would have the problem solved in that time; however they proved to be too ambitious. He said that under current regulations neither site was appropriate for a sanitary landfill, and there was no chance that they could be converted within 90 days.

Commissioner Somers said it bothered him that Georgia-Pacific had received a tax credit for an incinerator on the basis that they would be burning garbage from Lincoln County, and now had decided not to take the garbage. He suggested the possibility of revoking the tax credit. Chairman Richards said that the possible revocation of Georgia-Pacific's tax credit should be discussed with legal counsel. Commissioner Densmore said it appeared to him that an arrangement with Georgia-Pacific would be the best solution. Commissioner Phinney said she did not think it was up to the Commission to

tell Lincoln County the avenue they must take to reach a solution. She said she was concerned that the parties involved were looking at the deadline as one where they should start action instead of a deadline for a solution.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried with Commissioner Somers desenting that a variance be granted for 180 days; that a progress report be provided to the Commission at that time; and subject to that report being acceptable, the variance be extended another 180 days. The Commission also made the finding that strict compliance would result in closing of the facilities and no alternative facility or alternative method was yet available.

#### PUBLIC FORUM

Mr. Del Cesar, City Manager of The Dalles, appeared before the Commission to discuss the priority list for sewer projects. He said the City had been assured several years ago that when the engineering was completed on proposed sewerage the City could be moved up on the priority list. This engineering, he said, had now been completed and the City was notifying residents of assessments based on 100% of the cost. Mr. Cesar requested that the City be moved up on the priority list so that they could notify residents that their assessments would come down accordingly.

Mr. William Gildow, Water Quality Division, Construction Grants Section, replied that the hearing on the priority list was being held in Portland at the same time as the Commission meeting, to specifically take testimony on the level of the priority lists. He said the information presented at this Commission meeting would be taken by the Hearing Officer as testimony.

Commissioner Somers noted that the area proposed to be annexed known as "Murray's Addition" was considered a health hazard, and was currently served by seepage pits.

Chairman Richards said that it would not be proper for the Commission to act at this time because the public hearing was going on and the record on that matter was still open. Chairman Richards requested that notice be sent to the Hearing Officer that if he was sufficiently impressed with the emergency nature of this request; was inclined to put it in a position to be eligible; and if it took Commission action, the Commission could hold a telephone conference call meeting to deal with it.

#### AGENDA ITEM O - PRELIMINARY 1979-81 BUDGET BRIEFING

The Commission and staff discussed the proposed 1979-81 Department budget during lunch.

#### AGENDA ITEM M - CONFLICT OF INTEREST RULES - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENT OF OREGON CLEAN AIR ACT IMPLEMENTATION PLAN TO INCLUDE RULES PERTAINING TO CONFLICT OF INTEREST BY STATE BOARDS IN ORDER TO COMPLY WITH SECTION 128 OF THE CLEAN AIR ACT

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock and carried unanimously that a public hearing be authorized on the proposed conflict of interest rules.

FISHHAWK LAKE ESTATES

Chairman Richards said that Department's legal counsel found there was an earlier agreement with the people involved and the Commission was precluded from altering their contractual agreement.

It was MOVED by Commissioner Somers, seconded by Commissioner Densmore and carried with Commissioner Somers desenting that the substitution of other security for the bond be approved, pursuant to agreement of July 30, 1976.

TELEDYNE WAH CHANG ALBANY

Mr. C. Kent Ashbaker, Water Quality Division, said that one year ago the Commission entered into a Stipulated Consent Order with Wah Chang pending the resolution of a permit modification requested by the Company. He said that this order was written to expire June 30, 1978 to coincide with when the permit was to have been renewed. The permit renewal had been delayed, he said, because there was a delay in making the final determination on the modification and the Company had requested an increase in production which would take some extensive public participation on the issuance of the permit. Mr. Ashbaker said Wah Chang requested that the Order be extended because of this delay.

Mr. Ashbaker said that the Director recommended that the Consent Order be extended and that it be modified to address fugitive discharges by:

1. Requiring certain already planned corrections to be completed by September 1.
2. Requiring that Wah Chang commence to investigate and identify all other possible sources of fugitive discharges to Truax Creek and submit a report to the Department by September 1.

He said a \$200 per day civil penalty which went into effect April 3 remained in effect during the renewed order.

Commissioner Phinney asked to what extent this delay was necessary because of the change of company plans and because of failure of the Department to meet the necessary time requirements. Mr. Ashbaker said the Department did not start on the permit renewal until they had a final determination on the modification, when they really should have started three months before but felt they could'nt until they knew what would happen.

Commissioner Hallock asked if the Department would now try to address the control of fugitive emissions within the existing permit level. Mr. Ashbaker replied that the present modified permit had a limit of 400 pounds per day and did not authorize any other discharges. He said that the Department's first intent was to find out where the fugitive emissions were, if they were controlable, and over what time span.

Mr. Tom Nelson, Teledyne Wah Chang Albany, said it was the company's attitude that the proposed extension of the consent order was appropriate and they agreed with it in principle.

It was MOVED by Commissioner Somers, seconded by Commissioner Densmore and carried with Commissioner Hallock desenting that the Director's recommendation be approved.

SEWERAGE WORKS CONSTRUCTION GRANTS PRIORITY CRITERIA LIST

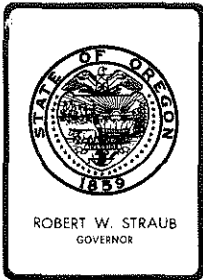
Chairman Richards said the Commission received a letter of criticism from Val Toronto suggesting the needs of smaller cities were subordinate to those of larger cities. He said he had received a similar letter from one of the owners of a Neskowin project. He said the Water Quality Division replied that the criteria had to be changed to comply with requirements of P.L. 92-500 and subsequent regulations. Present criteria, he said, emphasized water pollution control problems instead of financial needs. Chairman Richards continued that beginning in FY 1979 small communities would have a better chance for project funding since the State would be required to use 4% of its allotment for rural communities with innovative projects.

Chairman Richards noted that the Commission had received a letter from LCDC after the last meeting requesting the Commission to again consider different criteria. He said that the Director of LCDC said they didn't feel that the Department's proposed criteria reflected the State's comprehensive land use planning program. After consulting with staff, the Commission agreed that the Department did take into consideration land use planning.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carol A. Spletstaszer  
Recording Secretary



## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Breakfast Meeting Agenda Item:

Confirmation of Schedule and Mechanism For Adoption  
of Eugene-Springfield SIP Revision

### Background

A determination is needed promptly for planning purposes of the mechanism by which the Eugene-Springfield Air Quality Maintenance Plan for TSP is to be approved by the EQC and/or the LRAPA Board. The key issues are:

1. Approval by all parties must be obtained during March 1979 or sooner so that a final adopted SIP revision can be presented to EPA by an absolute deadline of April 1, 1979. The work schedule is very tight--partially because of notice requirements and because of staff's intent to incorporate conclusions from the 1978 intensive field and slash burning monitoring project in the final strategy package. A preliminary report on the monitoring project will not be available until October 15, 1978.
2. There is some dichotomy of responsibility for sources which contribute to TSP concentrations within the AQMA. LRAPA has sole jurisdiction over most industrial sources within the AQMA. The EQC has jurisdiction over field burning, automobile exhaust emissions, pulp mills, and industrial sources outside of Lane County. So long as LRAPA rules are equally or more stringent than EQC regulations, and they constitute an adequate control strategy, the EQC is obligated to ratify LRAPA regulations as promulgated. Some review mechanism is needed to ensure that the combination of LRAPA and EQC regulations will provide the reduction in TSP concentrations needed to attain Federal TSP standards.
3. At least three sets of meetings will be needed after the E/S Citizen Advisory Committee makes its control strategy recommendations to DEQ and LRAPA.



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For each of the three meetings listed below, a decision must be made whether the EQC and LRAPA should have separate or joint meetings.

- a) Meeting to authorize a hearing on proposed new SIP regulations.
- b) Actual rule hearings.
- c) Meeting to adopt proposed new regulations.

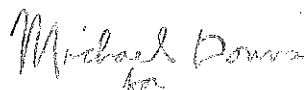
#### Evaluation

Staff proposes that the first and third meetings listed above should be held jointly to ensure that the combined effectiveness of regulations on DEQ and LRAPA sources will provide the reduction in TSP concentrations necessary to meet Federal TSP standards. Staff recommends that the third meeting to approve the proposed regulations should be structured such that the LRAPA Board would act first. The EQC should then adopt its rules and then take testimony on the overall adequacy of both sets of rules as an SIP revision.

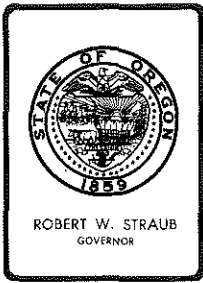
The second meeting, the actual rule hearing(s), need not be held jointly because of the difference in sources over which DEQ and LRAPA have jurisdiction and the lengthy testimony expected. Testimony from both rule hearings would be presented at the final joint hearing at which both DEQ and LRAPA rules would be adopted by the EQC.

Listed below is staff's recommended time schedule:

- |                   |  |
|-------------------|--|
| November 15, 1978 | -Desired Date for Recommendations from Advisory Committee to DEQ and LRAPA |
| December 1, 1978  | -Absolute Final Date for Advisory Committee Recommendations                |
| December 15, 1978 | -Mail Hearing Authorization Background Report to EQC (and LRAPA Board)     |
| January 5, 1979   | -Joint EQC-LRAPA Board Hearing Authorization Meeting                       |
| January 5, 1979   | -Mail Public Notice Package to Secretary of State                          |
| January 15, 1979  | -Public Notice Mailed for Rule Hearings                                    |
| February 16, 1979 | -Separate Rule Hearings by EQC and LRAPA Boards                            |
| March 16, 1979    | -Joint Rule Adoption Meeting by EQC and LRAPA Boards                       |

  
for  
WILLIAM H. YOUNG  
Director





## *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, June 30, 1978, EQC Meeting  
May Program Activity Report

### Discussion

Attached is the May Program Activity Report.

ORS 468.325 provides for Commission approval or disapproval of plans and specifications for construction of air contaminant 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 the State 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 approval for disposal of environmentally hazardous wastes listed on page 19 of the report.

*Michael Downs*  
WILLIAM H. YOUNG

M. Downs: ahe  
229-6485  
06-19-78



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DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

May, 1978

Month

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air, Water, Solid Waste  
(Reporting Unit)

May, 1978  
(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	16	195	14	178		1	44
Total	16	195	14	178		1	44
<u>Water</u>							
Municipal	154	1,315	123	1,338			74
Industrial	7	102	6	93			8
Total	161	1,417	129	1,431			82
<u>Solid Waste</u>							
General Refuse	1	37	9	35			6
Demolition		5	1	3			1
Industrial	2	22		17			6
Sludge		5		5			0
Total	3	69	10	60			13
<u>Hazardous Wastes</u>						1	
<u>GRAND TOTAL</u>	180	1,681	153	1,669	0	2	139

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

May 1978  
(Month and Year)

PLAN ACTIONS COMPLETED - 14

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (14)</u>			
Polk (NC1046)	Fort Hill Lumber Co. Hog fuel boiler	5/3/78	Approved
Linn (NC1099)	Young & Morgan Lumber Co. Shavings cyclone	5/2/78	Approved
Linn (NC1105)	Teledyne Wah Chang Monitoring CL <sub>2</sub> , SO <sub>2</sub> , CO	4/18/78	Approved
Lane (NC1107)	Seneca Sawmill Co. Totally enclosed sawdust conveyor	5/1/78	Approved
Linn (NC1117)	Western Kraft Lime mud oxidation #2 kiln	5/10/78	Approved
Union (NC1130)	Boise Cascade Corp., Elgin Scrubber on hog fuel boiler	4/20/78	Approved
Jackson (NC1139)	Medford Corp. Baghouse on forming head cyclones	5/11/78	Approved
Linn (NC1141)	Duraflake Upgrade Hammermills	5/5/78	Approved
Lane (NC1143)	Georgia Pacific Corp. Fuel bin storage	5/1/78	Approved
Coos (NC1144)	Georgia Pacific Corp. Veneer dryer scrubbers	5/2/78	Approved
Multnomah (NC1147)	Crown Zellerbach Flexographic press	5/3/78	Approved
Douglas (NC1148)	Douglas County Nursing Home Incinerator	5/5/78	Approved
Jackson (NC1149)	Medford Corp., Rogue River Gas boiler and steam vats	5/3/78	Approved
Tillamook (NC1150)	Publishers Paper Co. 48 KW turbine generator	4/28/78	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

May 1978  
(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	6	56	3	31	25		
Existing	13	101	6	61	40		
Renewals	10	109	2	53	56		
Modifications	5	874	6	849	25		
Total	34	1,140	17	994	146	1,806	1,873
<u>Indirect Sources</u>							
New	4	30	5	24	19		
Existing							
Renewals							
Modifications	0	7	2	7	0		
Total	4	37	7	31	19	79	
<u>GRAND TOTALS</u>	<u>38</u>	<u>1,177</u>	<u>24</u>	<u>1,025</u>	<u>165</u>	<u>1,885</u>	

Number of Pending Permits

Comments

29	To be drafted by Northwest Region Office
16	To be drafted by Willamette Valley Region Office
43	To be drafted by Southwest Region Office
-0-	To be drafted by Central Region Office
1	To be drafted by Eastern Region Office
9	To be drafted by Program Operations
2	To be drafted by Program Planning & Development
<u>100</u>	
7	Permits being typed
<u>39</u>	Permits awaiting end of 30-day public notice period
<u>46</u>	Permits pending

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

May 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED - 24

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (17)</u>			
Baker	Blue Mountain Lime 01-0030, New	4/21/78	Permit issued
Clatsop	Columbia Memorial Hospital 04-0039, New	4/21/78	Permit issued
Coos	Weyerhaeuser 06-0007, Modification	4/21/78	Permit issued
Coos	Grunwaldt Wood Products 06-0080, Existing	4/21/78	Permit issued
Jackson	Boise Cascade 15-0020, Modification	5/8/78	Addendum issued
Jackson	Rogue Aggregates 15-0043, Existing	4/21/78	Permit issued
Klamath	Asphalt Paving Co. 18-0011, Renewal	4/21/78	Permit issued
Linn	Mt. Jefferson Lumber Co. 22-2526, Existing	4/21/78	Permit issued
Marion	Walling Sand & Gravel 24-5952, Modification	4/21/78	Permit issued
Multnomah	OEPBS 26-2581, Modification	4/21/78	Permit issued
Multnomah	Bethesda Christian Church 26-2910, Modification	4/21/78	Permit issued
Washington	Young's Funeral Home 34-2648, New	4/21/78	Permit issued
Yamhill	Boise Cascade 36-8031, Modification	4/25/78	Permit issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

May 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (cont.)</u>			
<u>Portable Plants</u>			
Portable	Oregon State Highway Div. 37-0098, Renewal	4/21/78	Permit issued
Portable	Copeland Sand & Gravel 37-0160, Existing	4/21/78	Permit issued
Portable	M. C. Lininger & Sons 37-0190, Existing	4/21/78	Permit issued
Portable	Elte Inc. 37-0198, Existing	4/21/78	Permit issued

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

May 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Indirect Sources (7)</u>			
Washington	St. Vincent Hospital expansion, 443 spaces File No. 34-7021	5/22/78	Final permit issued
Washington	Textronix - Walker Road III 669 spaces File No. 34-8002	4/24/78	Final permit issued
Multnomah	Cedar Lake Estates 434 spaces File No. 26-8006	5/22/78	Final permit issued
Multnomah	S.E. Grand/Morrison, Hwy. Modif. File No. 26-8008	5/30/78	Final permit issued
Multnomah	Portland Marriott Hotel (formerly Waterfront Hotel) Addendum I, 324 spaces File No. 26-6018	5/3/78	Addendum I issued
Washington	Fred Meyer, Valley West Shopping Center Addendum I, 1220 spaces File No. 34-7007	5/4/78	Addendum I issued
Washington	Beaverton Industrial Park 450 spaces File No. 34-8010	5/16/78	Final permit issued



DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

May, 1978

PLAN ACTIONS COMPLETED - 129

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Action	Time to Complete Action
			Action	Action		
<u>Municipal Sources - 123</u>						
15	MEDFORD CHANTAL PARK SUBD	J041778	042878	PROV	APP	11
17	GRANTS PASS CEDAR HILLS SUBD	J041778	050478	PROV	APP	17
10	GREEN Sp HELEN BOYD SAN SEWER EXT	J041778	050478	PROV	APP	34
34	USA ON THE GREEN - BEAVERTON	J042178	050478	PROV	APP	17
20	EUGENE BERTELSEN RD - P MICHAELS	SUK042478	050578	PROV	APP	11
20	EUGENE JESSEN DRIVE	K042478	050578	PROV	APP	11
20	EUGENE CORALY PARK	K042478	050578	PROV	APP	11
24	SALEM WALN CREEK TRUNK PHASE IV	J041878	050578	PROV	APP	17
20	SPRINGFIELD KRISTYN PARK	K042878	050578	PROV	APP	07
20	SPRINGFIELD CEDAR DALE	K042778	050578	PROV	APP	08
20	EUGENE JANISSE SUBD	K042478	050578	PROV	APP	08
20	EUGENE PLUM TREE SUBD	K042478	050578	PROV	APP	11
9	SUNRIVER ASPEN MEADOW VILLAGE	J041778	050578	PROV	APP	18
15	CENTRAL PT STONECREEK SUBD	J042778	050578	PROV	APP	08
26	TROUTDALE WASTEWATER TREATMENT FACIL	V041478	050878	PROV	APP	24
2	BENTON CO TERRA ONE COUNTY SRV. 1 DISV	V042178	051178	CMMT	LTTR	20
3	WEST LINN SERANGO NO 1 & 2	J041778	051578	PROV	APP	28
27	SALEM GLEN EDEN	J041978	051578	PROV	APP	26
34	USA FARMINGTON WEST NO 7 ROCK CRK	K050378	051578	PROV	APP	12
10	DOUGLAS CO LYLE JEFFRIES DEV CONYONVILLE	V042778	051678	CMMT	MEMO	19
34	USA SPRINGDALE NO 3 ROCK CR	K042778	051678	PROV	APP	19
34	USA BENSON SUBD DURHAM	K042778	051678	PROV	APP	19
18	MERRILL LIFT STATION	K041378	051678	PROV	APP	33
34	HILLSBORO TREGLOWN PK	J042478	051678	PROV	APP	19
34	HILLSBORO DAREN PARK	J042478	051678	PROV	APP	19
34	HILLSBORO LONNYWOOD SUBD	J042478	051678	PROV	APP	19
34	HILLSBORO KAMEROON SUBD	J042478	051678	PROV	APP	19
34	HILLSBORO CRAIG PARK	J042478	051678	PROV	APP	19
34	HILLSBORO RYAN PARK	J042478	051678	PROV	APP	19
34	HILLSBORO PALOMAR SUBD	J042478	051678	PROV	APP	19
5	ST HELENS OAKWOOD ESTATES	J041978	051678	PROV	APP	27
10	N ROSEBURG N BANK PUMP STATION	J041978	051678	PROV	APP	27
34	USA COVERT ACRES - ROCK CREEK	K050378	051678	PROV	APP	13
24	SALEM RIVERA SUBD	J042778	051678	PROV	APP	19

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

May, 1978

PLAN ACTIONS COMPLETED

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Time to Complete Action
			Action	Action	
	SALISHAN SALISHAN HILLS II	K042778	051778	PROV APP	20
24	MARION CO COREYVILLE SUBD	K042576	051778	PROV APP	22
26	GRESHAM ALISA DOWNS	J042778	051778	PROV APP	20
26	GRESHAM LACHENVIEW	J042778	051778	PROV APP	20
34	USA DIANE COURT 702 ROCK CREEK	J042178	051778	PROV APP	27
34	USA FERTILE VALLEY CORNELIUS	J042178	051778	PROV APP	27
34	USA RAYBERRY HEIGHTS 558	J042478	051778	PROV APP	24
10	N UMPQUA SD SADDLE BUTTE ESTATES NO 2	J042478	051778	PROV APP	23
10	ROSEBURG ED RIGLFX	J042878	051778	PROV APP	19
36	DUKEEE MAPLE ST	J051678	051778	PROV APP	01
34	USA DIANE COURT-ROCK CK	J 42178	051778	PROV APP	20
15	ASHLAND OAK KNOLL	J050178	051878	PROV APP	17
24	SALEM BOONESBOROUGH	K042578	051878	PROV APP	23
24	SALEM CROISSAN HILLS	J042878	051878	PROV APP	20
24	SALEM HILLVIEW SUBD	J050178	051878	PROV APP	17
24	SALEM JUDY@S ADDITION	J050178	051878	PROV APP	17
10	N ROSEBURG CRESCENT ST	J050378	051878	PROV APP	15
24	SALEM PACIFIC ESTATES	J050878	051878	PROV APP	10
8	HARBOR SAN DISBLIEBERRY ACRES SUBD	J050478	051878	PROV APP	14
15	MEDEORD GLENMONT SUBD	K050378	051978	PROV APP	16
17	HARBECK SD MEADOW GLEN SUBD	K042078	051978	PROV APP	29
24	EAST SALEM VILLAGE EAST PK	J050378	051978	PROV APP	16
10	TRI-CITY SD NORTON ST EXT	K050378	051978	PROV APP	16
17	FRTDALE-HAR WILLIAMS HWY-ED ZWAN	K050178	051978	PROV APP	18
17	FRTDALE-HAR WILLIAMS HWY-R JONES	K050178	051978	PROV APP	18
02	CORVALLIS TWIN OAKS LANDING	K050178	051978	PROV APP	18
24	EAST SALEM VILLAGE EAST PARK	J050878	051978	PROV APP	11
14	HOOD RIVER WESTSIDE ELEMENTARY ADDITION	K050578	052278	PROV APP	17
3	LAKE OSWEGO MTN PARK & EAGLE CREST DR	J050378	052278	PROV APP	19
24	STAYTON WESTOWN PARK NO 9	J050378	052278	PROV APP	24
33	THE DALLES COLUMBIA VIEW HEIGHTS	K050378	052278	PROV APP	19
26	PORTLAND SW 54TH & MULTNOMAH BLVD	K050378	052278	PROV APP	19
24	SALEM IRONWOOD ESTATES	J050378	052278	PROV APP	19

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

May, 1978

PLAN ACTIONS COMPLETED

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Time to Complete Action
			Action	Action	
26	TROUTDALE C P PARK	K050578	052278	PROV APP	17
31	UNION ASH STREET	K050478	052278	PROV APP	18
20	EUGENE DORELLA PARK SUBD	K051678	052478	PROV APP	08
20	SPRINGFIELD O STREET	K050878	052478	PROV APP	16
3	WEST LINN FIELDVIEW ESTATES	K051778	052478	PROV APP	07
20	SPRINGFIELD NORTHRIDGE 2ND ADDITION	K050578	052478	PROV APP	19
03	OAK LODGE SD AUSTIN STREET	J050578	052478	PROV APP	19
06	RANDON 12TH COURT	J050878	052478	PROV APP	16
24	SALEM 40TH PLACE SE	J050878	052478	PROV APP	16
20	SPRINGFIELD DON STREET	K050878	052478	PROV APP	16
24	SALEM REZONING - NORTH AND SOUTH	J050578	052478	PROV APP	19
15	MEDFORD CEDARHILLS SUBD	J051078	052478	PROV APP	14
24	SALEM CHAPMAN HILL AREA NW	J050478	052478	PROV APP	20
20	SPRINGFIELD KNIGHT@S PARK	K050478	052478	PROV APP	20
20	EUGENE SEYCHELLES WEST II SUBD	K051078	052478	PROV APP	14
20	EUGENE SKYWOOD SUBD	K051078	052478	PROV APP	14
20	EUGENE HICKORY AVENUE	K051078	052478	PROV APP	14
34	USA SUMMERFIELD NO 11 DURHAM	K051278	052478	PROV APP	12
20	SPRINGFIELD VALLEY EAST	K051678	052478	PROV APP	08
34	USA DURHAM PATHWAY ESTATES BEAVERTON	K051678	052478	PROV APP	08
34	USA DURHAM PLANTATION TOWNHOUSE BEAVER	K051678	052478	PROV APP	08
34	USA DURHAM W2R PROJECT-BEAVERTON	K051678	052478	PROV APP	08
20	FLORENCE SURE VILLAGE	K051778	052478	PROV APP	07
03	WEST LINN FIELDVIEW	K051978	052478	PROV APP	05
22	LEBANON MOUNTAIN SHADOWS SUBD PH I	K051278	052478	PROV APP	12
	GLIDE REVISED STP PLANS	V050578	052578	PROV APP	15
15	MEDFORD BEL AIR HEIGHTS EXT 1	J050978	052578	PROV APP	18
10	GLIDE PRESSUR SEWER UNITS B&C	V050378	052578	PROV APP	22
24	SALEM HILL & VALE	J051078	052578	PROV APP	15
03	WEST LINN WOODHILL SUBD	J051078	052578	PROV APP	15
20	EUGENE TADMOR	K051078	052578	PROV APP	15

DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

May, 1978

PLAN ACTIONS COMPLETED

County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Time to Complete Action
			Action	Action	
20	SPRINGFIELD GRANADA PHASE II	K051078	052578	PROV APP	15
26	GRESHAM FIESTA PARK	J051178	052578	PROV APP	14
15	BCVSA LES SCHWAB	J050978	052578	PROV APP	18
<del>06</del>	<del>COOS BAY NEESE STREET</del>	<del>J050978</del>	<del>052578</del>	<del>PROV APP</del>	<del>18</del>
05	ST HELENS N 17TH STREET	J050978	052578	PROV APP	18
20	EUGENE METOLIUS SUBD	K052478	052578	PROV APP	01
09	BEND THE WINCHESTER	K050978	052678	PROV APP	17
09	BEND KIWA MEADOWS	K050978	052678	PROV APP	17
24	SALEM S RIVER ROAD EXT	J052978	052978	PROV APP	00
<del>34</del>	<del>HSA DORA ANNE SUBD 7-11 DURHAM</del>	<del>K052278</del>	<del>053078</del>	<del>PROV APP</del>	<del>08</del>
02	CORVALLIS WITHAM WEST	K052378	053078	PROV APP	07
02	CORVALLIS WALNUT WEST	K052378	053078	PROV APP	07
02	CORVALLIS WALNUT PARK	K052378	053078	PROV APP	07
30	HEMISTON VIEW DRIVE	K052278	053078	PROV APP	08
9	BEND SEWAGE FACILITY E1 E2 E3	K050878	053178	PROV APP	23
<del>34</del>	<del>FOREST GROVE JOYCE PARK SUBD</del>	<del>K051778</del>	<del>053178</del>	<del>PROV APP</del>	<del>14</del>
33	THE DALLES W 2ND STREET	K051778	053178	PROV APP	14
24	SALEM 707EL SUBD	J051678	053178	PROV APP	15
24	SALEM MAPLE ACRES SUBD	J051678	053178	PROV APP	15
24	SALEM K-B SUBD	J051678	053178	PROV APP	15
10	N ROSEBURG SD LAT EXT PONDEROSA TERRACE	K051878	053178	PROV APP	13
<del>03</del>	<del>CANBY CLARKS FIRST ADDITION</del>	<del>K052378</del>	<del>053178</del>	<del>PROV APP</del>	<del>08</del>
27	MONMOUTH BENNETTS ADD	K052678	053178	PROV APP	
03	LAKE OSWEGO MT PARK 5-B3	K052378	053178	PROV APP	08
30	MILTON FREEWATJEFFERIS 2ND	K052278	053178	PROV APP	09
26	PORTLAND SE FLAVEL & SE 112TH 3565	K052278	053178	PROV APP	09
02	GLADSTONE VALLEY VIEW RD & RIDGEWOOD	K052278	053178	PROV APP	09
29	MANZANITA GLEN ESSLIN REV	K053078	053178	PROV APP	01
3	GRESHAM RAY JOHNSON SEWER	K053078	053178	PROV APP	01
9	BEND PUMP STATION NO. 6	K051678	053178	PROV APP	15

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Water Quality  
(Reporting Unit)

May 1978  
(Month and Year)

PLAN ACTIONS COMPLETED

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL WASTE SOURCES (6)</u>			
Marion	Boise Cascade - Salem Emergency Pump for Holding Pond to Secondary Lagoon	5-8-78	Approved
Marion	Stayton Canning - Liberty pH Control System	5-11-78	Approved
Douglas	Graf Trucking - Myrtle Creek Oil Separator	5-15-78	Approved
Lane	Weyerhaeuser-Cottage Grove Oil Separator	5-24-78	Approved
Jackson	M.C. Lininger & Sons - Medford Cement Dust Water Recirculation	5-24-78	Approved
Multnomah	Boeing Commercial Air Plane Portland, Heavy Metal Recovery	5-24-78	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality  
(Reporting Unit)

May 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	1	1	4	0	1	3	6	1	2	
Existing	0	0	0	2	0	0	0	4	0	0	
Renewals	9	1	40	9	3	0	79	6	44	7	
Modifications	0	0	12	0	1	0	15	1	3	0	
Total	9	2	53	15	4	1	97	17	48	9	243   80    244   82
<u>Industrial</u>											
New	1	2	11	11	0	0	6	11	7	4	
Existing	1	0	3	9	0	0	1	12	3	2	
Renewals	8	1	55	15	1	2	53	13	60	8	
Modifications	0	0	12	2	1	0	17	3	8	0	
Total	10	3	81	37	2	2	77	39	78	14	401   118    411   124
<u>Agricultural (Hatcheries, Dairies, etc.)</u>											
New	0	2	3	5	0	0	1	2	3	3	
Existing	0	0	0	1	0	1	0	1	0	0	
Renewals	0	0	2	2	0	0	0	1	2	1	
Modifications	0	0	0	0	0	0	0	0	0	0	
Total	0	2	5	8	0	1	1	4	5	4	59   13    62   16
<u>GRAND TOTALS</u>	19	7	139	60	6	4	175	60	131	27	703   210    717   222

\* NPDES Permits  
\*\* State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality  
(Reporting Unit)

May 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED (10)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Marion	Northwest Organic Products Chicken Waste Rendering	5-17-78	State Permit Renewed
Yamhill	Stayton Canning Dayton	5-17-78	State Permit Renewed
Gilliam	Paul Vaden Sewage Disposal	5-17-78	State Permit Issued
Union	Howard E. Evans Hog Operation	5-17-78	State Permit Issued
Union	The Bordon Chemical Co. La Grande	5-22-78	NPDES Permit Renewed
Tillamook	Twin Rocks Sanitary District Sewage Disposal	5-22-78	NPDES Permit Renewed
Klamath	Bonanza School Sewage Disposal	5-22-78	NPDES Permit Renewed
Wasco	City of The Dalles Sewage Disposal	5-22-78	NPDES Permit Renewed
Lincoln	Bumble Bee Seafood Newport - Fish Products	5-22-78	NPDES Permit Modified
Wallowa	City of Enterprise Sewage Disposal	5-22-78	NPDES Permit Modified

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

May 1978  
(Month and Year)

PLAN ACTIONS COMPLETED - 10

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Hood River	Hood River Existing site Leachate Control As- Built Plans	4/26/78	Conditional approval.
Marion	Woodburn Existing site Expansion Plans	5/19/78	Conditional approval.
Harney	Frenchglen Existing site Operational Plan	5/19/78	Approved.
Harney	Riley-Silver Creek Existing site Operational Plan	5/19/78	Approved.
Harney	Diamond Existing site Operational Plan	5/19/78	Approved.
Harney	Sod House (Narrows) Existing site Operational Plan	5/19/78	Approved.
Harney	Drewsey Existing site Operational Plan	5/19/78	Approved.
Harney	Fields Existing site Operational Plan	5/19/78	Approved.
Harney	Andrews Existing site Operational Plan	5/19/78	Approved.
Douglas	Georgia Pacific-Wilbur Proposed New site Operational Plan	5/25/78	Withdrawn.
Washington	Hillsboro Existing site Grading Plan	5/31/78	Approved.



## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

May 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		9		11			
Existing		8		7	25*		
Renewals	3	33	2	31	12		
Modifications		7	1	10	1		
Total	3	57	3	59	38	184	189
<u>Demolition</u>							
New	1	3	1	4			
Existing				1			
Renewals							
Modifications							
Total	1	3	1	5	0	20	20
<u>Industrial</u>							
New	1	6	1	11	1		
Existing		1		7			
Renewals	1	13	1	10	7		
Modifications	1	3		5	3		
Total	3	23	2	33	11	100	101
<u>Sludge Disposal</u>							
New							
Existing		3		3			
Renewals	1	2		2	1		
Modifications							
Total	1	5	0	5	1	8	8
<u>Hazardous Waste</u>							
New							
Authorizations	18	168	21	189	6		
Renewals							
Modifications							
Total	18	168	21	189	6	1	1
<u>GRAND TOTALS</u>	<u>26</u>	<u>256</u>	<u>27</u>	<u>291</u>	<u>56</u>	<u>313</u>	<u>319</u>

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

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

May 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED (27)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>General Refuse Facilities (3)</u>			
Union	LaGrande Disposal Site Major modification of an Existing facility.	5/12/78	Permit issued.
Deschutes	Negus Landfill Expansion of an existing facility.	5/24/78	Permit renewed.
Klamath	Klamath Falls Landfill Existing facility.	5/31/78	Permit amended.
<u>Demolition Waste Facilities (1)</u>			
Benton	Wildish Sand & Gravel New facility	5/5/78	Letter authoriza- tion issued.
<u>Industrial Waste Facilities (2)</u>			
Douglas	Douglas Construction Co. New facility.	4/11/78*	Letter authoriza- tion issued.
Hood River	Champion Int'l. Dee Existing facility.	5/18/78	Permit renewed.
<u>Sludge Disposal Facilities - None</u>			
<u>Hazardous Waste Facilities (21)</u>			
Gilliam	Chem-Nuclear Systems Existing facility	5/4/78	10 verbal authori- zations confirmed in writing (small quantities of various chemicals, PCB's etc.)

\* Not reported last month.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

May 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.	5/9/78	Disposal authoriza- tion granted (waste water treatment chemicals & bactericide & ink waste).
"	" "	5/10/78	Disposal authoriza- tion granted (flammable sludge including acetone, paint & resins).
"	" "	5/10/78	Disposal authoriza- tion granted (PCB waste).
"	" "	5/11/78	Disposal authoriza- tion granted (tar epoxy coating sludge).
"	" "	5/15/78	Disposal authoriza- tion granted (sodium cyanide spill cleanup).
"	" "	5/18/78	Disposal authoriza- tion granted (unwanted sodium cyanide products).
"	" "	5/18/78	Disposal authoriza- tion approved (mortar compound).
"	" "	5/18/78	Disposal authoriza- tion approved (waste solvent).
"	" "	5/18/78	Disposal authoriza- tion approved (used capacitors).

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

May 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.	5/24/78	Disposal authoriza- tion (methanol scrap, solvent contaminated water, & solvent con- taminated filters, gas- kets, resins and rags).
"	" "	5/26/78	Disposal authoriza- tion approved (aluminum anodizing solution containing hydrogen sulfate).

NOTE

HAZARDOUS WASTE DISPOSAL AUTHORIZATION  
REQUESTS (OUT OF STATE) WILL BE DISTRIBUTED AT THE  
MEETING.

June 1978

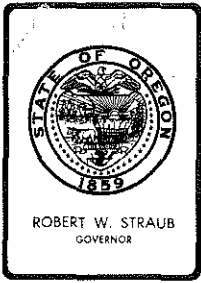
<u>TOTALS</u>	<u>Last</u>	<u>Present</u>
Settlement Action	13	16
Preliminary Issues	18	20
Discovery	5	4
To Be Scheduled	3	3
To Be Rescheduled	0	0
Set for Hearing	4	1
Briefing	3	2
Decision Due	10	12
Decision Out	0	2
Appeal to Commission	2	2
Appeal to Court	0	0
Transcript	1	1
Finished	<u>-3</u>	<u>0</u>
TOTAL	56	63

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 of a decision by the Commission
\$	Civil Penalty amount
ER	Eastern Region
Fld Brn	Field Burning incident
Hrnng	The Hearings Section
Hrng Rfrri	The date when the enforcement and compliance unit request the 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
P	At the beginning of a case number this means litigation over a permit or its conditions
PR	Portland Region
PNCR	Portland/North Coast Region
Prtys	All parties involved
Rem Order	Remedial Action Order
Resp Code	The source of the next expected activity on the case
SNCR	Salem/North Coast Region (now MWVR)
S.S.D.	Subsurface Sewage Disposal
SWR	Southwest Region
T	At the beginning of a case number this means litigation over a tax credit matter
Trancr	Transcript being made
WQ	Water Quality

## DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrml	DEQ or Atty	Hrng Offer	Hrng Date	Reso Code	Dec Date	Case Type & #	Case Status
Davis et al	5/75	5/75	Atty	McS	5/76	Dept	6/78	12 SSD Permits	<i>Decision Out</i>
Paulson	5/75	5/75	Atty	McS		Resp		1 SSD Permit	Settlement Action
Trent	5/75	5/75	Atty	McS		Resp		1 SSD Permit	<i>Settlement Action</i>
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		Dept		\$10,000 WQ-PR-76-48 two cases	Preliminary Issues
<i>Ellsworth</i>	10/76	10/76	Atty	McS		Hrngrs		P-SS-PR-78-01	<i>Preliminary Issues</i>
Silbernagel	10/76	10/77	Atty	Cor		Resp		AQ-MWR-76-202 \$400	Discovery
Jensen	11/76	11/76	DEQ	Cor	12/77	Prtys		\$1500 Fid Brn AQ-SNCR-76-232	<i>Decision Out</i>
Mignot	11/76	11/76	DEQ	McS	2/77	Resp	2/77	\$400 SW-SWR-288-76	Settlement Action
Hudspeth	12/76	12/76	Atty	McS	3/77	Hrngrs		\$500 WQ-CR-76-250	Settlement Action
Perry	12/76	12/76	DEQ	Cor	1/78	Hrngrs		Rem Order SS-SWR-253-76	Decision Due
Jones	4/77	7/77	DEQ	Cor	6/9/78	Hrngrs		SSD Permit SS-SWR-77-57	<i>Briefing</i>
Beaver State et al	5/77	5/77	Atty	Cor	10/77	Hrngrs		\$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	Hrngrs		1 SSD Permit Denial	Decision Due
Wright	5/77	5/77	Atty	McS		Hrngrs		\$250 SS-MWR-77-99	<i>Preliminary Issues</i>
Henderson	6/77	7/77	Atty	Cor	1/77	Hrngrs		Rem Order SS-CR-77-136	Decision Due
Exton	6/77	8/77	DEQ	Cor	6/12/78	Hrngrs		Rem Order SS-PR-76-268	<i>Decision Due</i>
Lowe	7/77	7/77	DEQ	Cor		Prtys		\$1500 SW-PR-77-103	Settlement Action
Magness	7/77	7/77	DEQ	Cor	11/77	Hrngrs		\$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	Hrngrs		\$1000 AQ-SNCR-76-178 Fid Brn	<i>Decision Due</i>
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	Hrngrs		\$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		Dept		\$100 NP-SNCR-77-173	<i>Preliminary Issues</i>
Clay	11/77	12/77	DEQ	McS		Hrngrs		\$200 SS-MWR-77-254	Preliminary Issues
Jenks	11/77	12/77	DEQ	McS	6/21/78	Hrngrs		\$1000 Fid Brn AQ-MWR-77-284	<i>Set for Hearing</i>
Oak Creek Farms	11/77	12/77	DEQ	McS	3/78	Hrngrs		\$500 AQ-MWR-77 Fid Brn	Decision Due
Powell	11/77	11/77	Atty	Cor		Prtys		\$10,000 Fid 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	Preliminary Issues
Carl F. Jensen	12/77	1/78	Atty	McS		Prtys		Unsewered Houseboat Moorage	
Carl F. Jensen/ Elmer Klopfenstein	12/77	1/78	Atty	McS		Prtys		\$18,600 AQ-MWR-77-321 Fid Brn	Discovery
Steckley	12/77	12/77	DEQ	McS	6/9/78	Hrngrs		\$1200 AQ-SNCR-77-320 Fid Brn	Discovery
Van Leeuwen	12/77		DEQ			Prtys		\$200 AQ-MWR-77-298 Fid Brn	<i>Decision Due</i>
Heaton	1/78	2/78	DEQ	McS	5/31/78	Hrngrs		\$320 AQ-MWR-77-295 Fid Brn	Settlement Action
Towery	1/78	2/78	DEQ			Resp		\$500 AQ-PR-77-325 Fid Brn	<i>Decision Due</i>
Wah Chang	1/78	2/78	Atty			Dept		\$375 SNCR-77-326 Fid Brn	Settlement Action
Cook Farms	2/78	2/78	DEQ			Dept		\$5500 WQ-MWR-77-334	Preliminary Issues
Gray	2/78	3/78	Dept			Dept		\$200 AQ-MWR-77-330 Fid Brn	Preliminary Issues
Hawkins	3/78	3/78	Atty			Dept		\$250 SS-PR-78-12	<i>Settlement Action</i>
Hawkins Timber	3/78	3/78	Atty			Dept		\$5000 AQ-PR-77-315	Preliminary Issues
Knight	3/78		Dept			Resp		\$5000 AP-PR-77-314	Preliminary Issues
Langston	3/78	3/78				Hrngrs		\$500 SS-SWR-78-33	Settlement Action
Avery	4/78	5/78	Dept			Hrngrs		\$1000 AQ-NWR-78-31	Preliminary Issues
Coos Head	4/78					Prtys		\$500 AQ-SNCR-78-05	To Be Scheduled
Al Pierce	4/78	4/78	Atty	Cor		Prtys		1 Water Permit (Log Handling)	Settlement Action
Villereal	4/78					Resp		1 Water Permit (Log Handling)	Settlement Action
Wah Chang	4/78		Atty			Hrngrs		\$250 SS-WVR-78-78	Settlement Action
<i>Abiqua</i>	5/78		Dept			Resp		NPDES Permit	To Be Scheduled
<i>Stimpson</i>	5/78		Dept			Dept		P-SS-WVR-78-01	<i>Preliminary Issues</i>
<i>Vogt</i>	6/78		Dept			Dept		Tax Credit Cert, T-AQ-PR-78-01	<i>Preliminary Issues</i>
								SSD Permit	<i>Settlement Action</i>



## *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, June 30, 1978, EQC Meeting


### TAX CREDIT APPLICATIONS

Attached are 20 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 15 applications: T-877, T-968, T-971, T-984, T-987, T-992, T-993, T-994, T-999, T-1000, T-1001, T-1003, T-1004, T-1005, and T-1009.
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 and the informal opinion of the Attorney General (attached).
4. Revoke Pollution Control Facility Certificates 106, 201, 229, 230 and 663 issued to Reynolds Metals Company, Reissue Certificate No. 230 in the amount of \$596,511.73 and Certificate 663 in the amount of \$135,862.73 per the Director's recommendation in the review report (attached).
5. Reissue Pollution Control Facility Certificate No. 473 to American Forest Products because of a change in ownership (see attached review report).
6. Amend Pollution Control Facility Certificates 147, 148, 149, 150, 151, 176, 508, 648, 649 and 770 to reflect the joint ownership of the certified facilities by American Can Company and Pope and Talbot, Inc. (see attached).

  
WILLIAM H. YOUNG

MJDowns:cs  
229-6485  
6/26/78  
Attachments





TAX CREDIT APPLICATIONS SUMMARY

Applicant/ Plant Location	Appl No.	Facility	Claimed Cost	% Allocable to Pollution Control	Director's Recommendation
Georgia Pacific Corp. Sutherlin	T-877 (SW)	Wood waste utilization facility	\$102,485.42	100%	Issue Certificate
Georgia Pacific Corp. Toledo	T-968 (SW)	Shredded rubber tire utilization facility	91,083.00	100%	Issue Certificate
Georgia Pacific Corp. Eugene	T-971 (SW)	Wasteco hot air system	268,761.30	100%	Issue Certificate
Willamette Industries, Inc. Sweet Home	T-984 (AQ)	Veneer dryer	68,837.78	80% or more	Issue Certificate
Norwest Publishing Co. Portland	T-987 (AQ)	Electrostatic Precipitator system	61,524.70	80% or more	Issue Certificate
Weyerhaeuser Co. Cottage Grove	T-992 (WQ)	Log pond system	50,254.00	80% or more	Issue Certificate
Weyerhaeuser Co. Springfield	T-993 (AQ)	Carter-Day baghouse	35,560.00	80% or more	Issue Certificate
Weyerhaeuser Co. Springfield	T-994 (AQ)	Veneer dryer emission	321,428.00	80% or more	Issue Certificate
The Amalgamated Sugar Co. Nyssa	T-999 (WQ)	Barometric condenser cooling water recycle system	242,926.00	80% or more	Issue Certificate
Anodizing, Inc. Portland	T-1000 (SQ)	Fume scribber	59,927.06	80% or more	Issue Certificate
Walton, Inc. Hood River	T-1001	Orchard fan	10,367.04	80% or more	Issue Certificate
Oregon Portland Cement Co. Lake Oswego	T-1003	Collector system	46,806.38	80% or more	Issue Certificate

Glacier Ranch Hood River	T-1004 (AQ)	Orchard Fan	19,919.00	80% or more	Issue Certificate
Joe C. Sheirbon Hood River	T-1005 (AQ)	Orchard Fan	18,328.71	80% or more	Issue Certificate
Charles E. Edwards Hood River	T-1009 (AQ)	Orchard Fans	34,719.12	80% or more	Issue Certificate

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

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1. Applicant

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

The applicant owns and operates a green veneer and chips manufacturing plant at Sutherlin, Oregon. Application was made for tax credit for a solid waste pollution facility.

2. Description of Facility

The claimed facility uses wood waste material generated during plant operations to produce hog fuel and consists of:

A. Hog fuel system machinery and equipment	\$ 88,489.34
B. Engineering and supply	11,293.19
C. Miscellaneous labor and equipment	2,802.89
TOTAL	<u>\$102,485.42</u>

Notice of Intent of Construct was made by letter dated April 30, 1975. Preliminary Certification for Tax Credit was not required.

This claimed facility was a result of previous negotiations between the applicant and the Department regarding the phasing out of a non-complying wigwam burner. Construction was initiated on the claimed facility May 1975 and completed November 1975, and the facility was placed into operation October 1975.

Facility costs: \$102,485.42 (Accountant's Certification was attached to the application).

3. Evaluation of Application

Prior to installation of the claimed facility, approximately 80 units per day of wood waste generated as a result of green veneer and chips manufacturing were burned in a wigwam burner. All the generated wood wastes are not processed in the claimed facility, and the hog fuel produced is sold to other companies on contract.

4. Summation

- A. Facility received approval to construct pursuant to ORS 468.175.
- B. Facility was under construction or after January 1, 1973 as required by ORS 468.165(1)(c).

- C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling, or reducing solid waste.
- D. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$102,485.42 with 100 percent allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-877.

MJDowns:cs  
229-6485  
June 22, 1978

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

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1. Applicant

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

The applicant owns and operates an unbleached kraft and linerboard plant at Toledo, Oregon.

Application was made for Tax Credit for Solid Waste Pollution Control Facility.

2. Description of Claimed Facility

The facility described in this application consists of a conveyor, storage bin, and metering system installed for the utilization of shredded rubber tires in existing hog fuel boilers.

Notice of Intent to Construct was made February 18, 1975, and approved March 26, 1975. Preliminary Certification for Tax Credit not required. Construction was initiated on the claimed facility June 1976, completed October 1976, and the facility was placed into operation November 1976.

Facility Cost: \$91,083.00 (Accountant's certification was provided.)

3. Evaluation of Application

Up to 24,000 tons annually of shredded rubber tires can be incinerated at this location. Rubber tires are commonly disposed of by incorporating into a solid waste landfill site. Because of the nature of this material, compaction and other good landfill practices are difficult. The plant is presently utilizing between 200 and 300 tons of shredded rubber tires per month. The only wastes generated by the facility are ash (10% by weight) and stack gases.

4. Summation

- A. Facility was constructed after receiving approval to construct issued pursuant to ORS 468.175.
- B. Facility was under construction on or after January 1, 1973 as required by ORS 468.165 (1) (c).
- C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing solid waste.
- D. The facility 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.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$91,083.00 with 100 percent allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-968.

MS:mb

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

1. Applicant

Georgia-Pacific Corporation  
Eugene/Springfield Division  
P. O. Box 1618  
Eugene, Oregon 97440

The applicant owns and operates a prefinished hardwood and softwood interior grade plywood plant at Prairie Road, Eugene, Oregon.

Application was made for Tax Credit for Solid Waste Pollution Control Facility.

2. Description of Claimed Facility

The facility described in this application is a Wasteco hot air system and consists of:

a.	Engineering	\$ 8,067.08
b.	Revision to Wasteco refractory	21,661.42
c.	Revision to positive combustion	28,754.87
d.	Firing controls	10,905.62
e.	Electrical controls for fan and fuel system	21,236.91
f.	Dust handling system	8,702.42
g.	Screw conveyor	12,569.77
h.	Two 12" lines to flo-matic bin	2,650.00
i.	Ducting to finish line from exchanger	75,550.80
j.	Heat exchanger-air to air tube type	51,079.59
k.	Insulation for exchanger	12,000.00
l.	Ambient air filter and fan	12,422.64
m.	Control dampers and duct support	3,160.18
	TOTAL	<u>\$268,761.30</u>

Request for Preliminary Certification for Tax Credit was made March 7, 1977, and approved March 31, 1977. Construction was initiated on the claimed facility May 1, 1977, completed December 30, 1977, and the facility was placed into operation December 30, 1977.

Facility Cost: \$268,761.30 (accountant's certification was provided.)

3. Evaluation of Application

Wood waste residues, sander dust and ply-trim are collected from the manufacturing plant and stored in bins. Ply-trims are pulverized and conveyed to the fuel bin along with the sander dust. The wood fuel is metered to the burner on demand. Ambient air is blown through a three-pass shell and tube heat exchanger and conveyed to five panel finish ovens. A portion of the exhaust is recycled to the cell for gas tempering. The dust handling system exhausts into a Carter Day air filter. At the present approximately 25 units of wood waste, previously disposed, is utilized daily by the claimed facility. Energy recovered from the heat exchanger was designed as 15mm. BTU/hr.

4. Summation

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

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

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

D. The facility is necessary to satisfy the intents and purposes of ORS Chapter 459, and the rules adopted under that chapter.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$268,761.30 with 100 percent allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-971.

MS:mb  
229-5356  
May 23, 1978



Appl T-984

Date 5/30/78

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

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1. Applicant

Willamette Industries Inc.  
Sweet Home Plywood  
3800 First National Bank Tower  
Portland, Oregon 97201

The applicant owns and operates a veneer and plywood plant at Sweet Home, 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 new veneer dryer with special modifications to reduce the emissions from the dryer. These include modified air flow patterns, larger fans and end seals.

Request for Preliminary Certification for Tax Credit was made on 6/1/77, and approved on 8/22/77.

Construction was initiated on the claimed facility on 8/15/77, completed on 1/3/78, and the facility was placed into operation on 1/3/78.

Facility Cost: \$68,837.78 (Accountant's Certification was provided).

3. Evaluation of Application

Several features of this dryer have as a primary purpose air pollution control. Tax credit for the cost of these items should be granted.

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.

T-984  
May 30, 1978  
Page Two

D. The entire cost of the new dryer was not applied for. Only the costs of the pollution control features were submitted. Therefore 100% of the cost is allocable to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$68,837.78 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-984.

FASkirvin:as  
229-6414  
5/30/78

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

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1. Applicant

Norwest Publishing Company  
17401 N.E. Halsey Street  
Portland, Oregon 97201

The applicant owns and operates printing plant at 17401 N.E. Halsey Street in Portland.

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

2. Description of Claimed Facility

The facility described in this application is an electrostatic precipitator system including fans, fire extinguisher system, heat exchange wheel, duct work and associated equipment. The facility component and costs consist of the following:

A. Electrostatic precipitator system (including 2 fans and heat exchanger)	\$41,211.50
B. Freight	\$ 1,800.94
C. Fire extinguisher system	\$ 2,245.61
D. Installation	\$15,619.59
E. Ductwork	\$ 647.06

Notice of Intent to Construct was made on October 9, 1974, and approved on December 9, 1974. Preliminary Certification for Tax Credit is not required.

Construction was initiated on the claimed facility in June 1975, completed on August 29, 1975, and the facility was placed into operation on August 29, 1975.

Facility Cost: \$61,524.70 (Accountant's Certification was provided).

3. Evaluation of Application

The Department required the installation of central equipment to reduce the visible emissions from the offset printing press which did not have any controls installed before and was in violation of the Department's visible emissions regulation.

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

The heat exchanger was installed to condense the hydrocarbons so that they could be collected by the precipitator, and it also reduces the size of the precipitator required because it reduces the actual air volume. The value of the heat recovered is less than the operating expenses of the system. Therefore, it is concluded that the system was installed solely for air pollution control.

4. Summation

- A. Facility was constructed after receiving approval to construct issued pursuant to ORS 468.175.
- B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.
- D. The facility was required by the Department and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- E. The Department has concluded that 100 percent of the cost of this facility is allocable to air pollution control since the facility was installed solely for air pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$61,524.70 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-987.

FASKirvin:as  
229-6414  
5/25/78

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

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1. Applicant

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

Plant Site - Cottage Grove, Oregon

The applicant owns and operates a wood products facility which produces lumber, plywood, laminated products and residual products.

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

2. Description of Claimed Facility

The claimed facility eliminates use of fresh water for log mover spray nozzles, veneer dryer, and shotgun condenser; and consists of:

- a. Log pond inlet screens to new recirculating pumps
- b. Shotgun condenser cooling water diversion valves and piping
- c. Power house thermal discharge diversion pump and piping to log pond
- d. Installation of log pond discharge weir and flow monitoring equipment

Request for Preliminary Certification for Tax Credit was made November 24, 1975 and approved December 16, 1975. Construction was initiated on the claimed facility September 2, 1976, completed and placed into operation June 14, 1977.

Facility Cost: \$50,254 (Certified Public Accountant's statement was provided)

3. Evaluation

Before installation of the claimed facility, fresh water was used for cooling various thermal loads all discharging directly with the claimed facility, log pond water is used and returned to the log pond. The log pond acts as a cooling pond and since fresh water is not being added to the system, the only log pond discharge is that caused by rainfall. Thus, the applicant claims discharge temperature has been reduced as has flow (from 2 MGD to Less than 0.01 MGD).

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-992, such Certificate to bear the actual cost of \$50,254 with 80% or more allocable to pollution control.

C. K. Ashbaker  
W. D. Leshner:em  
229-5318  
May 24, 1978

Appl T-993

Date 6/5/78

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

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1. Applicant

Weyerhaeuser Co.  
Willamette Region - Wood Products  
Tacoma, Washington 98401

The applicant owns and operates a particleboard plant at Springfield, 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 Carter-Day baghouse used to control the emissions from a particleboard sanding operation.

Request for Preliminary Certification for Tax Credit was made on 2/13/76, and approved on 3/4/76.

Construction was initiated on the claimed facility on 4/15/76, completed on 5/3/76, and the facility was placed into operation on 5/3/76.

Facility Cost: \$35,560 (Accountant's Certification was provided).

3. Evaluation of Application

An existing filter was not able to control the sanderdust emissions from a particleboard sander. It was replaced with a Carter-Day 72-RJ-60 baghouse. The facility operates in compliance with LRAPA regulations.

4. Summation

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

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

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

T-993  
6/5/78  
Page Two

- D. The facility was required by LRAPA and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- E. The only purpose of this facility is air pollution control; therefore, 100% is allocable to pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$35,560 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-993.

FASkirvin:as  
229-6414  
June 5, 1978



Appl T-994

Date 5/30/78

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

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1. Applicant

Weyerhaeuser Co.  
Willamette Region - Wood Products  
Tacoma, Washington 98401

The applicant owns and operates a plywood plant at Springfield, 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 veneer dryer emission control system to control three veneer dryers.

Notice of Intent to Construct was made on 5/14/74, and approved on 5/29/74. Preliminary Certification for Tax Credit is not required.

Construction was initiated on the claimed facility in August 1974, completed on 12/18/76, and the facility was placed into operation on 1/6/77.

Facility Cost: \$321,428 (Accountant's Certification was provided).

3. Evaluation of Application

This control system reduces air leaking into the dryers and then condenses and collects the hydrocarbon emissions to prevent them from entering the atmosphere.

4. Summation

- A. Facility was constructed after receiving approval to construct issued pursuant to ORS 468.175.
- B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.
- D. The facility was required by LRAPA and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

T-994  
May 30, 1978  
Page Two

E. The primary purpose of this system is air pollution control. Therefore 100% is allocable as pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$321,428 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-994.

FASkirvin:as  
229-6414  
5/30/78

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

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1. Applicant

The Amalgamated Sugar Company  
First Security Bank Building  
Box 1520  
Ogden, UT 84402

Plant - Box 1766, Nyssa, Oregon

The applicant owns and operates a plant engaged in the extraction and refining of sugar from sugar beets.

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

2. Description of Claimed Facility

The claimed facility, a barometric condenser cooling water recycle system, consists of:

- a. Modifications to existing holding pond, including a screened outlet.
- b. 1,900 ft. of 27 inch concrete pipe to holding pond, 2,000 ft. of 30 inch concrete pipe to existing pump house, and approximately 1,000 ft. of 18 inch steel pipe.
- c. A new fresh water supply system, including new pump at the river pump house, distribution header piping, tanks and instrumentation.
- d. Isolation of process wastewaters from cooling water for treatment, including floor drains, sumps, pumps, and two (in series) settling ponds - 200 ft. by 1,500 ft. total.

Request for Preliminary Certification for Tax Credit was made July 9, 1976 and approved August 22, 1976. Construction was initiated on the claimed facility on August 28, 1976, completed and placed into operation in October 1976.

Facility Cost: \$242,926. (Certified Public Accountant's statement was provided.)

3. Evaluation

The application states that barometric condenser cooling water which was high in BOD, due to process vessel boil over, and was discharged directly into the river is now treated, stored in the cooling pond, and reused. Staff verifies this and discharge monitoring reports show that discharge 002 which reported as much as 15,000 pounds per day in January has been eliminated.

4. Summation

- A. Facility was constructed after receiving approval to construct and Preliminary Certificate 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-999, such Certificate to bear the actual cost of \$242,926 with 80% or more allocable to pollution control.

Charles K. Ashbaker:aes  
229-5309  
5/25/78

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

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1. Applicant

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

The applicant leases and operates a chemical polishing and anodizing plant at 8222 S.E. 6th Avenue, Portland, 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 fume scrubber which treats the emissions from the etch tank and the chemical polish tank. The facility cost consists of the following:

A. Hoods	\$10,550.00
B. Ductwork	8,350.66
C. Scrubber	15,889.60
D. Fans	10,613.38
E. Piping and tank	1,019.97
F. Structural members & installation materials	2,943.78
G. Electrical equipment and installation	4,645.00
H. Installation	4,314.67
I. Engineering	1,600.00

Request for Preliminary Certification for Tax Credit was made on August 19, 1977, and approved on November 23, 1977.

Construction was initiated on the claimed facility on February 14, 1978, completed on March 17, 1978, and the facility was placed into operation on March 20, 1978.

Facility Cost: \$59,927.06 (Accountant's Certification was provided).

3. Evaluation of Application

The applicant was required by the Workmen's Compensation Department to reduce levels of acid/caustic fumes so that operators would not have to use respirators. Rather than merely venting room air to the atmosphere, the applicant installed the claimed facility which effectively resolves the worker environmental problem and complies with Air Contaminant Discharge Permit No. 26-2988, which requires that the emissions of air contaminants are to be kept at the lowest practicable levels at all times.

The claimed facility was designed so as to minimize the volume of air treated thereby also minimizing energy requirements and costs.

4. Summation

- A. Facility was constructed after receiving approval to construct and preliminary certification issued pursuant to ORS 468.175.
- B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.
- D. The facility was required by Workmen's Compensation Department and the Department considers it to represent highest and best practicable control and is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- E. The Department has concluded that 100 percent of the cost of the facility is allocable to air pollution control since the facility was installed solely for air pollution control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$59,927.06 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1000.

FASkirvin:as  
229-6414  
6-19-78

Appl T-1001

Date 5/25/78

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

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1. Applicant

Walton, Inc.  
2680 Van Horn Dr.  
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 one Orchard Rite electric fan that provides approximately 10 acres of frost damage protection.

Request for Preliminary Certification for Tax Credit was made on 2/22/78, and approved on 3/27/78.

Construction was initiated on the claimed facility on 4/8/78, completed on 4/8/78, and the facility was placed into operation on 4/8/78.

Facility Cost: \$10,367.04 (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).

T-1001  
5/25/78  
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 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 propane fuel used to fire the orchard heaters. 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 \$10,367.04 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1001.

FASkirvin/as  
(503) 229-6414  
6/6/78



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

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1. Applicant

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

The applicant owns and operates a cement and agricultural lime plant at 148 N. State Street in Lake Oswego.

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

2. Description of Claimed Facility

The facility described in this application is an enclosure and Johnson March Pulse Set PC Series, PCS-4-8 bag filter collector for the railroad car loadout.

Request for Preliminary Certification for Tax Credit was made on April 15, 1977, and approved on May 11, 1977.

Construction was initiated on the claimed facility on August 1, 1977, completed on August 31, 1977, and the facility was placed into operation on August 31, 1977.

Facility Cost: \$46,806.38 (Accountant's Certification was provided).

3. Evaluation of Application

Prior to installation of the claimed facility the railcar loadout was not enclosed and the existing multi-purpose collector had insufficient capacity to collect fugitive emissions. The claimed facility brought the railcar loadout area into compliance with the Department's grain loading and visible emission 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).

T-1003  
5/25/78  
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 annual income derived from the claimed facility is estimated at \$78.25 and annual operating expenses at \$4,652.93. Thus, the claimed facility has a negative return on investment. The sole purpose of the claimed facility is to control air pollution.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate bearing the cost of \$46,806.38 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1003.

FASkirvin:as  
229-6414  
6/5/78

cc: Northwest Region Office

Appl T-1004

Date 5/25/78

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Glacier Ranch  
2400 Odell Highway  
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 two 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 10/18/77, and approved on 10/24/77.

Construction was initiated on the claimed facility on 11/25/77, completed on 4/15/78, and the facility was placed into operation on 4/18/78.

Facility Cost: \$19,919.00 (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).

T-1004  
5/25/78  
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 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 \$19,919.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1004.

FASKirvin/as  
(503) 229-6414  
6/6/78

App# T-1005

Date 5/25/78

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

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1. Applicant

Joe C. Sheirbon  
4200 Summit 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 two Tropic Breeze Wind Machines, electric 100 H.P. that provide approximately 10 acres each of frost damage protection.

Request for Preliminary Certification for Tax Credit was made on 1/4/78, and approved on 1/11/78.

Construction was initiated on the claimed facility on 1/15/78, completed on 4/18/78, and the facility was placed into operation on 4/18/78.

Facility Cost: \$18,328.71 (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).

T-1005  
5/25/78  
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 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 \$18,328.71 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1005.

FASKirvin/as  
(503) 229-6414  
6/6/78

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

---

1. Applicant

Charles E. Edwards  
3177 Dethman Ridge Drive  
Hood River, Oregon 97031

The applicant owns and operates an apple, pear, and cherry 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 Orchard Rite electric fan machines that provide approximately 10 acres each of frost damage protection.

Request for Preliminary Certification for Tax Credit was made on 12/21/77, and approved on 1/31/78.

Construction was initiated on the claimed facility on 3/4/78, completed on 4/23/78, and the facility was placed into operation on 4/24/78.

Facility Cost: \$34,719.12 (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).

T-1009  
6/6/78  
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 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 \$34,719.12 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1009.

FASkirvin:as  
(503) 229-6414  
6/7/78



Appl. T-964  
Date 6/26/78

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

---

1. Applicant

Stayton Canning Company, Cooperative  
P. O. Box 458  
Stayton, Oregon 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 a 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 reviewed its files on June 23, 1978 and finds that the applicant at no time requested preliminary certification verbally, or otherwise, for the land or equipment claimed in the application.

MJDowns:cs  
229-6485  
June 26, 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

NCH# 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 <sup>6010</sup>

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

INTEROFFICE MEMO

To: MJDowns

Date: June 21, 1978

From: FASkirvin

Subject: Paul Aubert Request for Preliminary Certification for Tax Relief

This matter has been reviewed under the guidance set forth in Mr. Ray Underwood's June 14, 1978 letter to you. The information submitted by the applicant indicates that application for certification was made on April 27, 1978 some thirteen days after construction was completed on April 15, 1978. Mr. Aubert has not submitted any additional information since the May 26, 1978 EQC meeting.

According to Mr. Underwood's letter, the applicant is not eligible for preliminary certification because his application was not timely submitted.

/cs



State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Ray Underwood  
Date: June 6, 1978  
From: M. Downs  
Subject: Request for Informal Legal Opinion on Necessity for Applicant to File  
Formal Written Application Pursuant to ORS 468.175(1)

ORS 468.175(1) states:

"Any person proposing to apply for certification of a pollution control facility pursuant to ORS 468.165, before the commencement of erection, construction or installation of the facility, shall file a request for preliminary certification with the Department of Environmental Quality. The request shall be in a form prescribed by the Department."

The Department has administratively developed form number DEQ/TC-1-10/77, copy attached, for applicants to use when requesting preliminary certification. This form has not been adopted by the EQC as an Administrative Rule.

Would you prepare an informal legal opinion responding to the following questions:

1. Under what circumstances, if any, may the Commission certify a pollution control facility for tax credit when the applicant has never filed a request for preliminary certification on Department form number DEQ/TC-1-10/77? Assume that construction was commenced after the effective date of ORS 468.175.
2. Under what circumstances, if any, may the Commission/Department issue a preliminary certification when the applicant has filed his request on a form number DEQ/TC-1-10/77 after he has commenced erection, construction or installation of the facility? Assume that construction was commenced after the effective date of ORS 468.175.

Please address at least the following circumstances when responding to the questions above:

- a. Applicant was unaware of the requirements of ORS 468.175(1).
- b. Applicant verbally requested agency staff for preliminary certification.
- c. Applicant filed a written request for preliminary certification on the wrong form or in a letter.
- d. Agency staff has mistakenly told applicant that he didn't need to file a request for preliminary certification.

Section 2, Chapter 831, Oregon Laws 1973 reads:

"(1) Any person proposing to apply for certification of a pollution control facility pursuant to ORS 449.625, before the commencement of erection, construction or installation of the facility, shall file a notice of construction with the Department of Environmental Quality. The notice shall be in a form prescribed by the department."

Apparently, the Solid Waste Division did not believe that this section applied to solid waste pollution control facilities and has instructed applicants that they need not file a notice of construction to be eligible for tax credit certification. Based upon this information respond to the following questions in your informal opinion:

3. Did Section 2, Chapter 831 apply to solid waste pollution control facilities constructed after the effective date of the Act?
4. Can the Commission certify solid waste facilities for tax credit for which the applicant never filed a notice of construction in reliance on the statement of solid waste staff that one was not needed?

These questions arise as a result of three applications considered by the EQC at its May 26, 1978 meeting. These applications have been deferred to the June 30th meeting for action pursuant to the answers you give to the questions above. Please respond, if possible, by June 14, 1978. Copies of the staff reports have been attached for your information.

We are currently checking the tax credit files to determine if the EQC has previously approved tax credit certifications under any of the circumstances listed above. We will forward that information to you as soon as it becomes available.

/cs

Attachments

DEQ/TC-1-10/77

TC Applications T-877 & T-964 Review Reports

Preliminary Certification Review Report



State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Ray Underwood

Date: 6/7/78

From: M. Downs *AGJD*

Subject: Supplemental Information to June 6, 1978 Request for Informal Opinion on Tax Credit Statutes, ORS 468.175(1)

ORS 468.175, requiring preliminary certification became effective September 13, 1975. From that date until approximately March 1976, no forms were available for applicants to use to request preliminary certification. During that period of time preliminary certification was requested by letter.

In March 1976, the Department began requiring use of form number DEQ/TC-1-1/76. That form was revised in October 1977 to form number DEQ/TC-1-10/77 which is still in use. A copy of form DEQ/TC-1-1/77 is attached.

Section 2, Chapter 831, Oregon Laws 1973, requiring notice of construction, became effective October 5, 1973. From that date until preliminary certification requirements superceded it, only the Air Quality Division had a notice of construction form. The Water Quality Division required a letter requesting construction approval. As was stated in the June 6th memo, the Solid Waste Division did not require construction approval.

/cs  
Attachment



JAMES A. REDDEN  
ATTORNEY GENERAL



## DEPARTMENT OF JUSTICE

PORTLAND DIVISION  
500 Pacific Building  
520 S.W. Yamhill  
Portland, Oregon 97204  
Telephone: (503) 229-5725

Management Services Div.  
Dept. of Environmental Quality

RECEIVED  
JUN 15 1978

June 14, 1978

Mr. Mike Downs  
Department of Environmental  
Quality  
Yeon Building  
522 S.W. Fifth Avenue  
Portland, Oregon 97204

Re: Applications for Preliminary Tax Credit Certification

Dear Mike:

This letter responds to your June 6, 1978 memorandum to me requesting an informal legal opinion as to the questions stated therein.

1. ORS 468.175 provides that the request by an applicant for preliminary tax credit certification "shall be in a form prescribed by the department." In view of this provision, it seems to me that the Department has some flexibility in determining what constitutes a "request." If the Department is satisfied with a verbal request or a written request not on Form No. DEQ/TC-1-10/77, I believe that request may satisfy the statute, though the better administrative practice may be to see that said form is used by each applicant. Such request, in form satisfactory to the Department, would then be followed by the submission by the applicant of the necessary information leading to consideration of the preliminary tax credit certification by the Department pursuant to ORS 468.175.

2. It is my opinion that the statute requires, as a jurisdictional matter, the filing of a request for preliminary certification with DEQ before commencement of erection, construction or installation of the facility. ORS 468.175(1).

Thus, if the request, whether oral or written or on the DEQ form, is given after such commencement, there can be no preliminary tax credit certification.

You asked me to consider the following circumstances when responding to the questions above:

- (a) Applicant was unaware of the requirements of ORS 468.175(1). Ignorance of the law by the applicant would be no excuse for not meeting the requirements of ORS 468.175(1).
- (b) Applicant verbally requested agency staff for preliminary certification. As indicated above, this might be acceptable by the Department as a "request."
- (c) Applicant filed a written request for preliminary certification on the wrong form or in a letter. As indicated above, it would be within the discretion of the Department under the statute to determine whether a satisfactory "request" had been made.
- (d) Agency staff has mistakenly told applicant that he didn't need to file a request for preliminary certification. If the applicant's action did not constitute a "request," as indicated above, the fact that the applicant had been misled by the agency staff would not eliminate the statutory requirement of request prior to commencement of erection, construction or installation of the facility. Nor would it eliminate the requirement of ORS 468.170 for preliminary tax credit certification prior to final certification.

3. Yes, sec 2, ch 831, Or Laws 1973 (now a part of ORS 468.175) did apply to solid waste pollution control facilities constructed after the effective date of that 1973 Act, unless the erection, construction or installation of

Mr. Mike Downs

-3-

June 14, 1978

the pollution control facility was begun before the effective date of that 1973 Act. Secs 3 and 4, ch 831, Or Laws 1973.

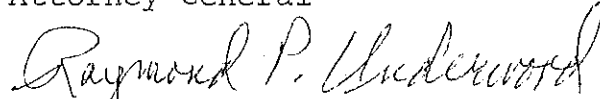
4. Sec 2, ch 831, Or Laws 1973, provided that the notice of construction required to be filed with the Department of Environmental Quality "shall be in a form prescribed by the department." Therefore, the same reasoning which I have applied to previous questions would apply here and I believe it would be within the discretion of the Department to determine whether what the applicant filed was a "notice of construction" within the meaning of the statute. However, if the applicant's action did not constitute a "notice of construction," the fact that the applicant had been misled by the agency staff would not eliminate the statutory requirement of prior notice of construction.

Both under sec 2, ch 831, Or Laws 1973, and ORS 468.175 the Department must determine whether to issue a preliminary tax credit certification following its receipt of the proper notice or request.

Please let me know if you have further questions regarding this matter.

Very truly yours,

JAMES A. REDDEN  
Attorney General



Raymond P. Underwood  
Chief Counsel

ej

State of Oregon  
Department of Environmental Quality  
Post Office Box 1760  
Portland, Oregon 97207

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

Business Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address of Premises: \_\_\_\_\_ City & Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City & Zip: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Responsible Person to Contact: \_\_\_\_\_ Title: \_\_\_\_\_

- Corporation

- Partnership

- Individual

- Gov't Agency

Name of Legal Owner of Business: \_\_\_\_\_

Legal Owner's Address: \_\_\_\_\_ City & Zip: \_\_\_\_\_

Description of proposed construction & or facility: \_\_\_\_\_

Describe pollution control equipment to be incorporated and/or utilized:

Describe pollutant which will be discharged, produced, reduced, and/or utilized:

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

Describe any usable source of power produced by pollution or solid waste and the economic value: \_\_\_\_\_

Est. cost of construction \$ \_\_\_\_\_ & of pollution control facility \$ \_\_\_\_\_

Est. construction starting date: \_\_\_\_\_ & completion date: \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

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.

FOR DEQ USE ONLY

Review Engineer: \_\_\_\_\_ Date Received: \_\_\_\_\_

Division: \_\_\_\_\_ Request Number: \_\_\_\_\_

EI: \_\_\_\_\_ Date Add. Info. Req.: \_\_\_\_\_

cc:                    Region                    Date Add. Info. Rec'd: \_\_\_\_\_

cc: Technical Programs Coordination    Const. Approval by: \_\_\_\_\_ Date \_\_\_\_\_

cc:                    Prelim. Cert. by: \_\_\_\_\_ Date \_\_\_\_\_

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Oregon Revised Statutes and Department Administrative Rules require the submission of this form and Department approval before commencing construction, erection, installation, alteration, modification, expansion, or improvement of any air pollution source and/or pollution control facility.

The Tax Credit Law (ORS 468.175) requires a Department preliminary certification of an air, water, noise or solid waste pollution control facility prior to starting the project, in order to be eligible for tax credit consideration upon completion of the project.

Upon receipt of this form the Department will process the requests within the 60-day statutory period allowed. If the Department deems it necessary to request additional information in order to evaluate whether the proposed project is capable of complying with applicable statutes and administrative rules, the 60-day processing period will begin upon receipt of the requested information.

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

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 contaminant or pollution source or site, and/or pollution control facility of the proposed project. Submit a separate request for each project.

- Air

- Water

- Solid Waste

Business Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address of Premises: \_\_\_\_\_ City & Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City & Zip: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Responsible Person to Contact: \_\_\_\_\_ Title: \_\_\_\_\_

- Corporation  - Partnership  - Individual  - Gov't Agency

Name of Legal Owner of Business: \_\_\_\_\_

Legal Owner's Address: \_\_\_\_\_ City & Zip: \_\_\_\_\_

Description of proposed construction & or facility: \_\_\_\_\_

Describe pollution control equipment to be incorporated and/or utilized:

Describe pollution which will be discharged, produced, reduced, and/or utilized:

Describe present method(s) of pollution disposal, control or utilization:

Describe any usable source of power produced by pollution or solid waste and the economic value: \_\_\_\_\_

Est. cost of construction \$ \_\_\_\_\_ & of pollution control facility \$ \_\_\_\_\_

Est. construction starting date: \_\_\_\_\_ & Completion date: \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

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.

FOR DEQ USE ONLY

Review Engineer: \_\_\_\_\_ Request Number: \_\_\_\_\_

Division: \_\_\_\_\_ Date Received: \_\_\_\_\_

EI: \_\_\_\_\_ Date Add. Info. Req.: \_\_\_\_\_

cc: \_\_\_\_\_ Region \_\_\_\_\_ Date Add. Info. Rec'd: \_\_\_\_\_

cc: Technical Programs Coordination Const. Approval by: \_\_\_\_\_ Date \_\_\_\_\_

cc: \_\_\_\_\_ Prelim. Cert. by: \_\_\_\_\_ Date \_\_\_\_\_

DEQ/TC - 1 - 1/76

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Oregon Revised Statutes and Department Administrative Rules require the submission of this form notifying the Department of the intent and to obtain prior approval to construct, erect, install, alter, modify, expand or improve any air, water or solid waste pollution source or site, and/or pollution control facility before commencing on the project.

The Tax Credit Law (ORS 468.165) requires a department preliminary certification of a pollution control facility prior to starting the project, in order to be eligible for tax credit consideration upon completion of the project.

Upon receipt of the Notice of Intent to Construct, and the Request for Construction Approval and/or Preliminary Certification of a Pollution Control Facility the Department will process the requests within the 60-day statutory period allowed, unless the Department deems it necessary to request additional information in order to evaluate whether the proposed project is capable of complying with applicable statutes and administrative rules. If additional information is requested by the Department, the 60-day processing period will begin upon receipt of the requested information.

State of Oregon  
Department of Environmental Quality

Revocation of Pollution Control Facility Certificates  
Review Report

---

1. Certificates Issued to:

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

The Pollution Control Facility Certificates were issued for air pollution control facilities.

2. Discussion

Pollution Control Facility Certificates as follows were issued to Reynolds Metals Company

<u>Date Issued</u>	<u>Certificate Number</u>	<u>Amount</u>
6/26/70	106	\$ 151,881.06
1/5/72	201	147,027.38
3/24/72	229	603,185.71
3/24/72	230	1,367,002.26
4/30/76	663	226,317.00

On May 22, 1978, the Company notified the Department that the facilities certified in Certificates 106, 201 and 229 were being taken out of service. They also notified the Department that only certain portions of facilities claimed in Certificates 230 and 663 were being taken out of service. The amounts of those portions of the facilities which should continue to receive tax credit are \$596,511 on Certificate 230 for pot ventilating ducts and \$135,862.73 on Certificate 663 for pot hooding and ducts on line 3.

3. Summation

Pursuant to ORS 307.405(4), Certificates 106, 201, 229, 230 and 663 should be revoked. Certificates 230 and 663 should be reissued to reflect the amounts still eligible for tax credit.

4. Director's Recommendation

Revoke Pollution Control Certificates 106, 201, 229, 230 and 663. Reissue Certificate 230 in the amount of \$596,511.73 and Certificate 663 in the amount of \$135,862.73. These reissued certificates only to be eligible for tax credit relief for the time remaining from their first issuance.

MJDowns:cs  
5/23/78  
Attachments





# REYNOLDS ALUMINUM

PRIMARY METALS DIVISION

May 22, 1978

Management Services Div.  
Dept. of Environmental Quality

**RECEIVED**  
MAY 23 1978

Ms. Carol A. Splettstaszer  
Department of Environmental Quality  
P. O. Box 1760  
Portland, Oregon 97207

Dear Ms. Splettstaszer:

Per our discussion May 19th the tax certificates on pollution control facilities being displaced by the new potroom fume control system is tabulated as follows:

<u>Cert. No.</u>	<u>Description</u>	<u>Amount Certified</u>	(1) <u>Remaining Cost</u>	<u>Disposed Date</u>
106	Courtyard Scrubbers and Towers	\$ 151,881.06	\$ -0-	7/78
201	4 Courtyard Scrubbers	147,027.38	-0-	7/78
229	Lines 1, 2 & 4 Pot Hoods	603,185.71	-0-	7/78
230	Line 5 Fume Control	1,367,002.26	596,511.73	7/78
663	Pot hooding & Ducts Line 3	226,317.00	135,862.73	7/78
TOTAL		\$2,495,413.41	\$732,374.46	

(1) Cost of fume control facilities being retained and used in conjunction with the new fume system.

Should you need any additional information, please contact me.

Sincerely,

REYNOLDS ALUMINUM  
Troutdale Plant

*W. V. Nichols*  
W. V. Nichols  
Environmental Control Superintendent

WVN:tk

cc: C. D. Alexander  
Jack Wilson

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY,
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 PROGRAM MANAGEMENT DIVISION  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

For DEQ Use Only
Date Rec'd <u>JUN 09 1978</u>
Application No. <u>T-731</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

SECTION I IDENTIFICATION OF APPLICANT	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box.			
	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> NOISE	<input checked="" type="checkbox"/> WATER	<input type="checkbox"/> SOLID WASTE
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).			(3) Status of Applicant
	<u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> <small style="margin-left: 100px;">official name</small>			<input type="checkbox"/> Lessee
	<u>Halsey Mill</u> <small style="margin-left: 100px;">division identification</small>			<input checked="" type="checkbox"/> Owner
	<u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> <small style="margin-left: 100px;">names of general partners or principals</small>			<input type="checkbox"/> Individual
	<u>Box 215</u> <small style="margin-left: 100px;">address</small>			<input type="checkbox"/> Partnership
	<u>Halsey, Oregon 97348</u> <small style="margin-left: 100px;">city, state, zip code</small>			<input checked="" type="checkbox"/> Corporation
(4) Person Authorized to Receive Certification		(5) Person to Contact for Additional Details		
<u>Waldo B. Lyden</u> <small style="margin-left: 100px;">name</small>		<u>Barry A. Parrich</u> <small style="margin-left: 100px;">name</small>		
<u>Vice President - American Can Co.</u> <small style="margin-left: 100px;">title</small>		<u>Tax Attorney - American Can Company</u> <small style="margin-left: 100px;">title</small>		
<u>American Lane</u> <small style="margin-left: 100px;">address (203)</small>		<u>American Lane</u> <small style="margin-left: 100px;">address (203)</small>		
<u>Greenwich, CT 06830 552-2686</u> <small style="margin-left: 100px;">city zip phone no.</small>		<u>Greenwich, CT 06830 552-2781</u> <small style="margin-left: 100px;">city zip phone no.</small>		
(6) Location of Claimed Facility <u>Halsey Mill</u>		(7) Access Directions:		
<u>Box 215</u> <small style="margin-left: 100px;">address</small>		<u>2 miles west of Halsey on Market Road 3</u>		
<u>Halsey</u> <small style="margin-left: 100px;">city</small>				
<u>Linn</u> <small style="margin-left: 100px;">county</small>				
(8) Applicant's IRS Employer Identification Number		(9) Applicant's Tax Year		
<u>13-0430480</u>		<u>1/1</u> <u>12/31</u> <small style="margin-left: 100px;">beginning date ending date</small>		

CERTIFICATE NO. 649

Signature: W. B. Lyden  
 Title: V. Pres.  
 Date: 5/25/78

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY,
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

<b>For DEQ Use Only</b>
Date Rec'd <u>JUN 09 1978</u>
Application No. <u>T-848</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 PROGRAM MANAGEMENT DIVISION  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

<b>SECTION I IDENTIFICATION OF APPLICANT</b>	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box.	
	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> NOISE <input checked="" type="checkbox"/> WATER <input type="checkbox"/> SOLID WASTE
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).	(3) Status of Applicant
	<u>AMERICAN CAN COMPANY: POPE &amp; TALBOT, INC., J.V.</u> official name	<input type="checkbox"/> Lessee
	<u>Halsey Mill</u> division identification	<input checked="" type="checkbox"/> Owner
	<u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> names of general partners or principals	<input type="checkbox"/> Individual
	<u>Box 215</u> address	<input type="checkbox"/> Partnership
	<u>Halsey, Oregon 97348</u> city, state, zip code	<input checked="" type="checkbox"/> Corporation
(4) Person Authorized to Receive Certification	(5) Person to Contact for Additional Details	
<u>Waldo B. Lyden</u> name	<u>Barry A. Patruch</u> name	
<u>Vice President - American Can Co.</u> title	<u>Tax Attorney - American Can Company</u> title	
<u>American Lane</u> address (203)	<u>American Lane</u> address (203)	
<u>Greenwich, CT 06830 552-2686</u> city zip phone no.	<u>Greenwich, CT 06830 552-2781</u> city zip phone no.	
(6) Location of Claimed Facility <u>Halsey Mill</u>	(7) Access Directions:	
<u>Box 215</u> address	<u>2 miles west of Halsey on Market Road 3</u>	
<u>Halsey</u> city		
<u>Linn</u> county		
(8) Applicant's IRS Employer Identification Number	(9) Applicant's Tax Year	
<u>13-0430480</u>	<u>1/1</u> beginning date	
	<u>12/31</u> ending date	

CERTIFICATE NO. 770

Signature: W. B. Lyden  
 Title: V. Pres.  
 Date: 6/25/78

Certificate No. 663Date of Issue 4/30/76State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-735**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: Reynolds Metals Co. Troutdale, Oregon 97060	As: Owner	Location of Pollution Control Facility: Troutdale Multnomah
Description of Pollution Control Facility: Improved fume capturing equipment on the 140 pots of Potline 3. The pot hoods were lengthened, ducts added, and improved side shields were installed.		
Date Pollution Control Facility was completed and placed in operation: <u>2/9/74; 2/16/74</u>		
Actual Cost of Pollution Control Facility: \$ <u>226,317.00</u>		
Percent of actual cost properly allocable to pollution controls: <u>Eighty percent (80%) or more</u>		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed Title Chairman, EQC

Approved by the Environmental Quality Commission

on the 30th day of April 19 76

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To:  Reynolds Metals Company Sundial Road Troutdale, Oregon 97060	Asst. Owner	Location of Pollution Control Facility:  Sundial Road Troutdale, Oregon Multnomah County
Description of Pollution Control Facility:  Four scrubber towers and associated ducts from fans to towers, pump, piping and spray nozzles. Facility is designated as Tower Nos. 5-T-1, 5-T-2, 5-T-3 and 5-T-4, which treat the collected reduction pot exhausts from pot room buildings 4 and 6.		
Date Pollution Control Facility was completed and placed in operation: February 1971		
Actual Cost of Pollution Control Facility: \$147,027.38		
Percent of actual cost properly allocable to pollution control: 80 percent or more.		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed \_\_\_\_\_

Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 5th day of January 1972

Certificate No. 106Date of Issue 6-26-70State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-139**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: <span style="float: right;">Ass: Owner</span>  Reynolds Metals Company Sundial Road Troutdale, Oregon 97060	Location of Pollution Control Facility:  Sundial Road Troutdale, Oregon Multnomah County
Description of Pollution Control Facility:  Four systems of scrubbers, ducts, piping and spray nozzles for treating collected reduction pot exhausts from pot room buildings 16 and 18.	
Date Pollution Control Facility was completed and placed in operation: <u>January 1969</u>	
Actual Cost of Pollution Control Facility: <u>\$151,881.06</u>	
Percent of actual cost properly allocable to pollution control: <u>Certified under 1967 act. Principal purpose for pollution control.</u>	

In accordance with the provisions of ORS 449,605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449,605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 26 day of June 1970

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

REQUEST FOR AMENDMENT OF POLLUTION CONTROL FACILITY CERTIFICATE

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1. Certificate Issued to:

Coin Millwork Company  
P. O. Box 369  
Prineville, Oregon 97750

The Pollution Control Facility Certificate was issued for an air pollution control facility.

2. Discussion

On March 22, 1974, the Department issued Pollution Control Facility Certificate No. 473 to Coin Millwork Company in the amount of \$120,165.58 for a complete wood waste processing and handling system and modification of an existing wigwam waste burner.

On April 20, 1978, American Forest Products informed the Department that they purchased the facilities certified in Pollution Control Facility Certificate No. 473 from Coin Millwork Company (see attached).

3. Summation

Pursuant to ORS 317.072, Certificate No. 473 should be amended to reflect American Forest Products as the new owner of the certified facilities.

4. Director's Recommendation

Reissue Pollution Control Facility Certificate No. 473 to American Forest Products in the amount of \$120,165.58. This reissued certificate only to be eligible for tax credit relief for the time remaining from the date of its first issuance.

MJDowns:cs  
229-6485  
6/26/78  
Attachments

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: <span style="float: right;">Asst. Owner</span> Reynolds Metals Company Troutdale Plant Sundial Road Troutdale, Oregon 97060	Location of Pollution Control Facility: Sundial Road Troutdale, Oregon Multnomah County
Description of Pollution Control Facility:  Individual pot hoods, ducts and side shields on three potlines of reduction cells (120 pots, Lines I, II & IV, Potroom Bldg. Nos. 4, 6, 8, 10, 16 and 18) which collect and carry exhaust gases to a main header inside each building. (The main headers are not claimed.)	
Date Pollution Control Facility was completed and placed in operation: <u>November 1971</u>	
Actual Cost of Pollution Control Facility: <u>\$ 603,185.71</u>	
Percent of actual cost properly allocable to pollution control: <u>80 percent or more.</u>	

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

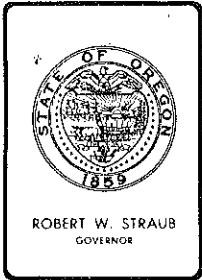
1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 24th day of March 19 72





## Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

MAILING ADDRESS: P.O. BOX 1760, PORTLAND, OREGON 97207

May 10, 1978

Mr. T. W. Anderson  
Manager, Tax Department  
American Forest Products Corporation  
P. O. Box 3498  
San Francisco, CA 94119

Re: Pollution Control Facility Certificate No. 473

Dear Mr. Anderson:

We are in receipt of your request to transfer Pollution Control Facility Certificate No. 473 to American Forest Products Corporation as the purchaser of certified facilities from Coin Millwork Company in Prineville, Oregon.

Please complete, sign and return the enclosed Section I of the Application for Certification of a Pollution Control Facility for Tax Relief Purposes. As soon as we receive this information, we will request the Environmental Quality Commission to reissue Certificate No. 473 to American Forest Products.

Sincerely,

Carol A. Spletstaszer  
Management Services Division

Enclosure

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: <span style="float: right;">Asst. Owner</span> Reynolds Metals Company Troutdale Plant Sundial Road Troutdale, Oregon 97060	Location of Pollution Control Facility: Sundial Road Troutdale, Oregon Multnomah County
Description of Pollution Control Facility:  Individual ducts, dual main headers, a single header, a concrete plenum, 8 fans, 4 wet venturi scrubbers, 8 wet cyclones and four 100'-high stacks for treating and exhausting the emissions from Line No. V.	
Date Pollution Control Facility was completed and placed in operation: <u>November 1970</u>	
Actual Cost of Pollution Control Facility: <u>\$ 1,367,002.26</u>	
Percent of actual cost properly allocable to pollution controls: <u>30 percent or more</u>	

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed \_\_\_\_\_

Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 24th day of March 19 72

**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: <b>Coin Millwork Co.</b> Post Office Box 369 Prineville, Oregon	As: Owner <b>97754</b>	Location of Pollution Control Facility:  McKay Road Prineville, Oregon Crook County
Description of Pollution Control Facility:  Complete woodwaste processing and handling system and modification of existing wigwam waste burner.		
Date Pollution Control Facility was completed and placed in operation: <b>Oct. 73; Dec. 73</b>		
Actual Cost of Pollution Control Facility: <b>\$ 120,165.58</b>		
Percent of actual cost properly allocable to pollution control:  <b>Eighty percent (80%) or more</b>		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed

Morrison C. Craker

Title

Vice Chairman

Approved by the Environmental Quality Commission

on the 22nd day of March 19 74

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

REQUEST FOR AMENDMENT OF POLLUTION CONTROL FACILITY CERTIFICATE

---

1. Certificates Issued to:

American Can Company  
Halsey Mill  
Box 215  
Halsey, Oregon 97348

2. Discussion

On April 7, 1978, American Can Company notified the Department that the facilities certified in the following Pollution Control Facility Certificates had become jointly owned by American Can Company and Pope and Talbot, Inc. (see attached).

Pollution Control Facility Certificates were issued to American Can Company as follows:

<u>Date Issued</u>	<u>Certificate Number</u>	<u>Amount</u>
5/7/71	147 (AQ)	\$205,941.00
5/7/71	148 (AQ)	67,435.00
5/7/71	149 (AQ)	548,911.00
5/7/71	150 (AQ)	367,677.00
5/7/71	151 (WQ)	218,825.00
6/4/71	176 (AQ)	175,400.00
10/25/74	508 (AQ)	73,501.00
2/20/76	648 (AQ)	9,449.25
2/20/76	649 (AQ)	6,113.90
12/20/76	770 (AQ)	43,061.00

3. Summation

Pursuant to ORS 307.405(4), Certificates 147, 148, 149, 150, 151, 176, 508, 648, 649, and 770 should be amended to reflect the joint ownership of the certified facilities by American Can Company and Pope and Talbot, Inc.

4. Director's Recommendation

Amend Pollution Control Facility Certificates 147, 148, 149, 150, 151, 176, 508, 648, 649 and 770 to reflect the joint ownership of American Can Company and Pope and Talbot, Inc. These amended certificates only to be eligible for tax credit relief for the time remaining from the date of their first issuance.

MJDowns:cs  
229-6485  
6/26/78  
Attachments

KPRP



**American  
Forest Products  
Corporation**

Executive Offices  
2740 Hyde Street  
P.O. Box 3498  
San Francisco, CA 94119  
Tel: (415) 929-6000

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

April 20, 1978

RE: Tax Credit Transfer

Gentlemen:

In accordance with ORS 317.072 and ORS 468,170, please consider this letter an application to transfer the unused pollution control facility credit remaining of \$30,043 from Coin Millwork Company to American Forest Products Corporation, Prineville, Oregon. American Forest Products acquired the facility on July 15, 1977. Enclosed is a copy of the original certificate and schedule. We understand that credits were claimed from 1973 to 1977 by the former company amounting to \$30,040 (5 years at \$6,008 per year).

Please advise if there is any additional information needed.

Very truly yours,

A handwritten signature in cursive script that reads "T. W. Anderson".

T. W. Anderson  
Manager, Tax Department

TWA/kam

Enc.

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY,
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 PROGRAM MANAGEMENT DIVISION  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

<b>For DEQ Use Only</b>	
Date Rec'd	<u>JUN 09 1978</u>
Application No.	<u>T-149</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

<b>SECTION I IDENTIFICATION OF APPLICANT</b>	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box. <input checked="" type="checkbox"/> AIR <input type="checkbox"/> NOISE <input checked="" type="checkbox"/> WATER <input type="checkbox"/> SOLID WASTE			
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals). <u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> <small>official name</small> <u>Halsey Mill</u> <small>division identification</small> <u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> <small>names of general partners or principals</small> <u>Box 215</u> <small>address</small> <u>Halsey, Oregon 97348</u> <small>city, state, zip code</small>			(3) Status of Applicant <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation
	(4) Person Authorized to Receive Certification <u>Waldo B. Lyden</u> <small>name</small> <u>Vice President - American Can Co.</u> <small>title</small> <u>American Lane</u> <small>address (203)</small> <u>Greenwich, CT 06830 552-2686</u> <small>city zip phone no.</small>		(5) Person to Contact for Additional Details <u>Barry A. Patrich</u> <small>name</small> <u>Tax Attorney - American Can Company</u> <small>title</small> <u>American Lane</u> <small>address (203)</small> <u>Greenwich, CT 06830 552-2781</u> <small>city zip phone no.</small>	
	(6) Location of Claimed Facility <u>Halsey Mill</u> <u>Box 215</u> <small>address</small> <u>Halsey</u> <small>city</small> <u>Linn</u> <small>county</small>		(7) Access Directions: 2 miles west of Halsey on Market Road 3	
	(8) Applicant's IRS Employer Identification Number <u>13-0430480</u>		(9) Applicant's Tax Year <u>1/1</u> <u>12/31</u> <small>beginning date                    ending date</small>	

CERTIFICATE NO. 147

Signature: W. B. Lyden  
 Title: V. Pres.  
 Date: 5/25/78

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY,
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
 PROGRAM MANAGEMENT DIVISION  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

**For DEQ Use Only**

Date Rec'd 5/19/78

Application No. T-5308

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

<b>SECTION I IDENTIFICATION OF APPLICANT</b>	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box.		
	<input type="checkbox"/> AIR	<input type="checkbox"/> NOISE	<input type="checkbox"/> WATER
			<input checked="" type="checkbox"/> SOLID WASTE
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).		(3) Status of Applicant
	<u>American Forest Products Corporation of Oregon</u> official name		<input type="checkbox"/> Lessee
	<u>Prineville Division, Prineville, Oregon</u> division identification		<input type="checkbox"/> Owner
	<u>American Forest Products Corporation (Delaware)</u> names of general partners or principals		<input type="checkbox"/> Individual
	<u>P. O. Box 3498 2740 Hyde Street</u> address		<input type="checkbox"/> Partnership
<u>San Francisco, California 94119</u> city, state, zip code		<input checked="" type="checkbox"/> Corporation	
(4) Person Authorized to Receive Certification		(5) Person to Contact for Additional Details	
<u>T. W. Anderson</u> name		<u>T. W. Anderson</u> name	
<u>Tax Manager</u> title		<u>Tax Manager</u> title	
<u>P. O. Box 3498 2740 Hyde Street</u> address		<u>P. O. Box 3498</u> address	
<u>San Francisco, CA 94119 (415)929-6218</u> city zip phone no.		<u>2740 Hyde St. address (415)</u> <u>San Francisco, CA 94119 929-6218</u> city zip phone no.	
(6) Location of Claimed Facility		(7) Access Directions:	
<u>P. O. Box 369 McKay Road</u> address			
<u>Prineville, Oregon</u> city			
<u>Creek County</u> county			
(8) Applicant's IRS Employer Identification Number		(9) Applicant's Tax Year	
<u>94-2418815</u>		<u>October 1, 1977</u> <u>September 30, 1978</u>	
		beginning date      ending date	

Signature TW Anderson

Title Manager Tax Department

Date May 16, 1978

Management Services Div.  
 Dept. of Environmental Quality

RECEIVED

MAY 19 1978

Certificate No. 148Date of Issue 5-7-71State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-151**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: American Can Company Halsey Mill Box 215 Halsey, Oregon 97348	As: Owner  Location of Pollution Control Facility: Two miles west of Halsey on Market Road 3 Halsey, Oregon Linn County
Description of Pollution Control Facility:  Extra lime kiln length (difference between 160 ft and 250 ft kiln), separators, flame arrestors, TRS monitor, and related controls, piping and installation for burning of odorous non-condensable gases.	
Date Pollution Control Facility was completed and placed in operation: <u>September 1969</u>	
Actual Cost of Pollution Control Facility: <u>\$67,435.00</u>	
Percent of actual cost properly allocable to pollution control: <u>Certified under 1967 Act. Principal purpose for pollution control.</u>	

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 7th day of May 1971



COIN MILLWORK COMPANY

POLLUTION CONTROL FACILITY CREDIT

Required Schedules

- (1) Certificate serial number of the Facility - 473  
Date of Certification - 3-22-74
  
- (2) Computation of current year credit

Cost of facility	\$120,166
% Allocable to pollution control - 80 - 100%	
maximum credit	60,083
Current year - 5% of cost	6,008
  
- (3) Date of erection, construction or installation

Commenced	July 1972
Completed	October 15, 1973
  
- (4) The Facility was owned by the taxpayer during the year and was in use and operation in the taxpayer's business until such business was sold on July 15, 1977.

Certificate No. 149Date of Issue 5-7-71State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-152**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: American Can Company Halsey Mill Box 215 Halsey, Oregon 97348	As: Owner Location of Pollution Control Facility: Two miles west of Halsey on Market Road 3 Halsey, Oregon Linn County
Description of Pollution Control Facility: Extra evaporator costs for high solids; Barton TRS monitor; flame arrestors, safeguards and extra fan features to burn washer vent gases in recovery furnace; ductwork and breaching; and related controls, piping and installation.	
Date Pollution Control Facility was completed and placed in operation: <u>September 1969</u>	
Actual Cost of Pollution Control Facility: <u>\$548,911.00</u>	
Percent of actual cost properly allocable to pollution control: <u>Certified under 1967 Act. Principal purpose for pollution control.</u>	

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed \* Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 7th day of May 1971

Certificate No. 147Date of Issue 5-7-71State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-149**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: American Can Company Halsey Mill Box 215 Halsey, Oregon 97348	As: Owner	Location of Pollution Control Facility: Two miles west of Halsey on Market Road 3 Halsey, Oregon Linn County
Description of Pollution Control Facility:  Bleach plant chlorination tower scrubber, non-condensable gases piping, evaporator non-condensable system, washer hood ductwork and fan, cyclone fines collector on digestors, and related controls, piping and installation.		
Date Pollution Control Facility was completed and placed in operation: September 1969		
Actual Cost of Pollution Control Facility: \$205,941.00		
Percent of actual cost properly allocable to pollution control: Certified under 1967 Act. Principal purpose for pollution control.		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 7th day of May 19 71

Certificate No. 150Date of Issue 5-7-71State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-153**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: American Can Company Halsey Mill Box 215 Halsey, Oregon 97348	As: Owner	Location of Pollution Control Facility: Two miles west of Halsey on Market Road 3 Halsey, Oregon Linn County
Description of Pollution Control Facility:  300 ft chimney with associated ductwork, controls and installation.		
Date Pollution Control Facility was completed and placed in operation: September 1969		
Actual Cost of Pollution Control Facility: \$367,677.00		
Percent of actual cost properly allocable to pollution control: Certified under 1967 Act. Principal purpose for pollution control.		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 7th day of May 1971

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY.
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**PROGRAM MANAGEMENT DIVISION**  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205


<b>For DEQ Use Only</b>
Date Rec'd <u>JUN 09 1978</u>
Application No. <u>T-151</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

**SECTION I  
 IDENTIFICATION OF APPLICANT**

(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box.			
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> NOISE	<input checked="" type="checkbox"/> WATER	<input type="checkbox"/> SOLID WASTE
(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).		(3) Status of Applicant	
<u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> <small>official name</small>		<input type="checkbox"/> Lessee	
<u>Halsey Mill</u> <small>division identification</small>		<input checked="" type="checkbox"/> Owner	
<u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> <small>names of general partners or principals</small>		<input type="checkbox"/> Individual	
<u>Box 215</u> <small>address</small>		<input type="checkbox"/> Partnership	
<u>Halsey, Oregon 97348</u> <small>city, state, zip code</small>		<input checked="" type="checkbox"/> Corporation	
(4) Person Authorized to Receive Certification		(5) Person to Contact for Additional Details	
<u>Waldo B. Lyden</u> <small>name</small>		<u>Barry A. Patrich</u> <small>name</small>	
<u>Vice President - American Can Co.</u> <small>title</small>		<u>Tax Attorney - American Can Company</u> <small>title</small>	
<u>American Lane</u> <small>address (203)</small>		<u>American Lane</u> <small>address (203)</small>	
<u>Greenwich, CT 06830 552-2686</u> <small>city zip phone no.</small>		<u>Greenwich, CT 06830 552-2781</u> <small>city zip phone no.</small>	
(6) Location of Claimed Facility <u>Halsey Mill</u>		(7) Access Directions:	
<u>Box 215</u> <small>address</small>		<u>2 miles west of Halsey on Market Road 3</u>	
<u>Halsey</u> <small>city</small>			
<u>Linn</u> <small>county</small>			
(8) Applicant's IRS Employer Identification Number		(9) Applicant's Tax Year	
<u>13-0430480</u>		<u>1/1</u> <u>12/31</u>	
		<small>beginning date ending date</small>	

CERTIFICATE NO. 148

Signature:   
 Title: V. Pres  
 Date: 5/25/78

Certificate No. 151Date of Issue 5-7-71State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-154**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: American Can Company Halsey Mill Box 215 Halsey, Oregon 97348	As: Owner	Location of Pollution Control Facility: Two miles west of Halsey on Market Road 3 Halsey, Oregon Linn County
Description of Pollution Control Facility:  Pulp mill effluent system consisting of collection tank and pumps, pulp mill sump and flume, filliate foam breaker, revised bleaching system, black liquor sump and transfer system and associated controls, piping and installation.		
Date Pollution Control Facility was completed and placed in operation: September 1969		
Actual Cost of Pollution Control Facility: \$218,825.00		
Percent of actual cost properly allocable to pollution control: Certified under 1967 Act. Principal purpose for pollution control.		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing water pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 7th day of May 19 71

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY,
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**PROGRAM MANAGEMENT DIVISION**  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

<b>For DEQ Use Only</b>
Date Rec'd <u>JUN 09 1978</u>
Application No. <u>T-152</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

<b>SECTION I IDENTIFICATION OF APPLICANT</b>	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box.			
	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> NOISE	<input checked="" type="checkbox"/> WATER	<input type="checkbox"/> SOLID WASTE
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).		(3) Status of Applicant	
	<u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> official name		<input type="checkbox"/> Lessee	
	<u>Halsey Mill</u> division identification		<input checked="" type="checkbox"/> Owner	
	<u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> names of general partners or principals		<input type="checkbox"/> Individual	
	<u>Box 215</u> address		<input type="checkbox"/> Partnership	
	<u>Halsey, Oregon 97348</u> city, state, zip code		<input checked="" type="checkbox"/> Corporation	
(4) Person Authorized to Receive Certification		(5) Person to Contact for Additional Details		
<u>Waldo B. Lyden</u> name		<u>Barry A. Patrich</u> name		
<u>Vice President - American Can Co.</u> title		<u>Tax Attorney - American Can Company</u> title		
<u>American Lane</u> address (203)		<u>American Lane</u> address (203)		
<u>Greenwich, CT 06830 552-2686</u> city zip phone no.		<u>Greenwich, CT 06830 552-2781</u> city zip phone no.		
(6) Location of Claimed Facility <u>Halsey Mill</u>		(7) Access Directions:		
<u>Box 215</u> address		<u>2 miles west of Halsey on Market Road 3</u>		
<u>Halsey</u> city				
<u>Linn</u> county				
(8) Applicant's IRS Employer Identification Number		(9) Applicant's Tax Year		
<u>13-0430480</u>		<u>1/1</u> <u>12/31</u>		
		beginning date ending date		

CERTIFICATE NO. 149

Signature: W.B. Lyden  
 Title: V. Pres.  
 Date: 5/25/78

Certificate No. 176Date of Issue 6-4-71State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-213**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: American Can Company Halsey Mill Box 215 Halsey, Oregon 97348	As: Owner	Location of Pollution Control Facility: Two miles west of Halsey on Market Road 3 Halsey, Oregon Linn County
Description of Pollution Control Facility:  Portion of an electrostatic precipitator which represents extra capacity for pollution control.		
Date Pollution Control Facility was completed and placed in operation: September 1969		
Actual Cost of Pollution Control Facility: \$175,400.00		
Percent of actual cost properly allocable to pollution control: 80 percent or more.		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed \_\_\_\_\_

Title B. A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 4th day of June 1971



**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY.
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**PROGRAM MANAGEMENT DIVISION**  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

<b>For DEQ Use Only</b>
Date Rec'd <u>JUN 09 1978</u>
Application No. <u>T-153</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

<b>SECTION I IDENTIFICATION OF APPLICANT</b>	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box.			
	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> NOISE	<input checked="" type="checkbox"/> WATER	<input type="checkbox"/> SOLID WASTE
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).			(3) Status of Applicant
	<u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> official name			<input type="checkbox"/> Lessee
	<u>Halsey Mill</u> division identification			<input checked="" type="checkbox"/> Owner
	<u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> names of general partners or principals			<input type="checkbox"/> Individual
<u>Box 215</u> address			<input type="checkbox"/> Partnership	
<u>Halsey, Oregon 97348</u> city, state, zip code			<input checked="" type="checkbox"/> Corporation	
(4) Person Authorized to Receive Certification		(5) Person to Contact for Additional Details		
<u>Waldo B. Lyden</u> name		<u>Barry A. Patrich</u> name		
<u>Vice President - American Can Co.</u> title		<u>Tax Attorney - American Can Company</u> title		
<u>American Lane</u> address (203)		<u>American Lane</u> address (203)		
<u>Greenwich, CT 06830 552-2686</u> city zip phone no.		<u>Greenwich, CT 06830 552-2781</u> city zip phone no.		
(6) Location of Claimed Facility <u>Halsey Mill</u>		(7) Access Directions:		
<u>Box 215</u> address		<u>2 miles west of Halsey on Market Road 3</u>		
<u>Halsey</u> city				
<u>Linn</u> county				
(8) Applicant's IRS Employer Identification Number <u>13-0430480</u>		(9) Applicant's Tax Year		
		<u>1/1</u> beginning date	<u>12/31</u> ending date	

CERTIFICATE NO. 150

Signature: W. B. Lyden  
 Title: V. Pres  
 Date: 5/25/78

Certificate No. 508Date of Issue 10-25-74State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITYApplication No. T-541**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: American Can Company Halsey Mill Post Office Box 215 Halsey, Oregon 97348	As: Owner	Location of Pollution Control Facility:  Box 215 Halsey, Oregon Linn County
Description of Pollution Control Facility: Non-condensable gas incineration system revision, two-stage mud washing system, electrostatic precipitator modifications, EPA particulate sampling train, spare recausticizing sump pump, and recausticizing sump flowmeter.		
Date Pollution Control Facility was completed and placed in operation: <u>12-31-73; 01-01-74</u>		
Actual Cost of Pollution Control Facility: \$ <u>73,501</u>		
Percent of actual cost properly allocable to pollution control: <u>Eighty percent (80%) or more</u>		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated as maximum efficiency for the desired purpose of preventing, controlling, and reducing water and air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed \_\_\_\_\_

Title B.A. McPhillips, Chairman

Approved by the Environmental Quality Commission

on the 25th day of October 19 74

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY,
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
PROGRAM MANAGEMENT DIVISION  
1234 S.W. Morrison Street  
PORTLAND, OREGON 97205

For DEQ Use Only	
Date Rec'd	<u>JUN 09 1978</u>
Application No.	<u>T-154</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

<b>SECTION I IDENTIFICATION OF APPLICANT</b>	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box. <input checked="" type="checkbox"/> AIR <input type="checkbox"/> NOISE <input checked="" type="checkbox"/> WATER <input type="checkbox"/> SOLID WASTE	
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals). <u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> official name <u>Halsey Mill</u> division identification <u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> names of general partners or principals <u>Box 215</u> address <u>Halsey, Oregon 97348</u> city, state, zip code	(3) Status of Applicant <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation
	(4) Person Authorized to Receive Certification <u>Waldo B. Lyden</u> name <u>Vice President - American Can Co.</u> title <u>American Lane</u> address (203) <u>Greenwich, CT 06830 552-2686</u> city zip phone no.	(5) Person to Contact for Additional Details <u>Barry A. Patrick</u> name <u>Tax Attorney - American Can Company</u> title <u>American Lane</u> address (203) <u>Greenwich, CT 06830 552-2781</u> city zip phone no.
	(6) Location of Claimed Facility <u>Halsey Mill</u> <u>Box 215</u> address <u>Halsey</u> city <u>Linn</u> county	(7) Access Directions: <u>2 miles west of Halsey on Market Road 3</u>
	(8) Applicant's IRS Employer Identification Number <u>13-0430480</u>	(9) Applicant's Tax Year <u>1/1</u> <u>12/31</u> beginning date                    ending date

CERTIFICATE NO. 151

Signature: W. B. Lyden  
Title: V. Pres.  
Date: 5/25/78

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

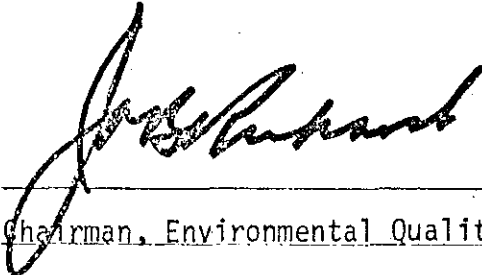
# POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: American Can Company P. O. Box 215 Halsey, Oregon 97348	Ass Owner	Location of Pollution Control Facility: Halsey Linn County
Description of Pollution Control Facility: Opacity monitor on the recovery furnace		
Date Pollution Control Facility was completed and placed in operation: February 1974; February 1974		
Actual Cost of Pollution Control Facility: \$ 9,449.25		
Percent of actual cost properly allocable to pollution controls: 80% or more		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed   
 Title Chairman, Environmental Quality Commission  
 Approved by the Environmental Quality Commission  
 on the 20th day of February 19 76

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY,
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 PROGRAM MANAGEMENT DIVISION  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

For DEQ Use Only
Date Rec'd <u>JUN 09 1978</u>
Application No. <u>T-213</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

<b>SECTION I IDENTIFICATION OF APPLICANT</b>	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box.		
	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> NOISE	<input checked="" type="checkbox"/> WATER
	<input type="checkbox"/> SOLID WASTE		
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).		(3) Status of Applicant
	<u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> official name		<input type="checkbox"/> Lessee
	<u>Halsey Mill</u> division identification		<input checked="" type="checkbox"/> Owner
	<u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> names of general partners or principals		<input type="checkbox"/> Individual
	<u>Box 215</u> address		<input type="checkbox"/> Partnership
<u>Halsey, Oregon 97348</u> city, state, zip code		<input checked="" type="checkbox"/> Corporation	
(4) Person Authorized to Receive Certification		(5) Person to Contact for Additional Details	
<u>Waldo B. Lyden</u> name		<u>Barry A. Patrick</u> name	
<u>Vice President - American Can Co.</u> title		<u>Tax Attorney - American Can Company</u> title	
<u>American Lane</u> address (203)		<u>American Lane</u> address (203)	
<u>Greenwich, CT 06830 552-2686</u> city zip phone no.		<u>Greenwich, CT 06830 552-2781</u> city zip phone no.	
(6) Location of Claimed Facility <u>Halsey Mill</u>		(7) Access Directions:	
<u>Box 215</u> address		<u>2 miles west of Halsey on Market Road 3</u>	
<u>Halsey</u> city			
<u>Linn</u> county			
(8) Applicant's IRS Employer Identification Number <u>13-0430480</u>		(9) Applicant's Tax Year	
		<u>1/1</u> <u>12/31</u> beginning date ending date	

CERTIFICATE NO. 176

Signature: W.B. Lyden  
 Title: V. Pres.  
 Date: 5/25/78

**POLLUTION CONTROL FACILITY CERTIFICATE**

Issued To: American Can Company Halsey Mill P. O. Box 215 Halsey, Oregon 97348	As: Owner	Location of Pollution Control Facility:  Halsey Linn County
Description of Pollution Control Facility: Oxygen monitor on gases emitted from lime kiln.		
Date Pollution Control Facility was completed and placed in operation: 2/19/74; 2/19/74		
Actual Cost of Pollution Control Facility: \$ 6,113.90		
Percent of actual cost properly allocable to pollution control: 80% or more		

In accordance with the provisions of ORS 449.605 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "pollution control facility" within the definition of ORS 449.605 and that the facility was erected, constructed, or installed on or after January 1, 1967, and on or before December 31, 1978, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air or water pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapter 449 and regulations thereunder.

Therefore, this Pollution Control Facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing air pollution.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed Title Chairman, Environmental Quality Commission

Approved by the Environmental Quality Commission

on the 20th day of February 19 76

**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY.
- 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**PROGRAM MANAGEMENT DIVISION**  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

<b>For DEQ Use Only</b>	
Date Rec'd	<u>JUN 09 1978</u>
Application No.	<u>T-541</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

<b>SECTION I IDENTIFICATION OF APPLICANT</b>	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box. <input checked="" type="checkbox"/> AIR <input type="checkbox"/> NOISE <input checked="" type="checkbox"/> WATER <input type="checkbox"/> SOLID WASTE	
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).	(3) Status of Applicant
	<u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> <small>official name</small>	<input type="checkbox"/> Lessee
	<u>Halsey Mill</u> <small>division identification</small>	<input checked="" type="checkbox"/> Owner
	<u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> <small>names of general partners or principals</small>	<input type="checkbox"/> Individual
	<u>Box 215</u> <small>address</small>	<input type="checkbox"/> Partnership
	<u>Halsey, Oregon 97348</u> <small>city, state, zip code</small>	<input checked="" type="checkbox"/> Corporation
	(4) Person Authorized to Receive Certification <u>Waldo B. Lyden</u> <small>name</small> <u>Vice President - American Can Co.</u> <small>title</small> <u>American Lane</u> <small>address (203)</small> <u>Greenwich, CT 06830 552-2686</u> <small>city zip phone no.</small>	(5) Person to Contact for Additional Details <u>Barry A. Patrich</u> <small>name</small> <u>Tax Attorney - American Can Company</u> <small>title</small> <u>American Lane</u> <small>address (203)</small> <u>Greenwich, CT 06830 552-2781</u> <small>city zip phone no.</small>
(6) Location of Claimed Facility <u>Halsey Mill</u> <u>Box 215</u> <small>address</small> <u>Halsey</u> <small>city</small> <u>Linn</u> <small>county</small>	(7) Access Directions: 2 miles west of Halsey on Market Road 3	
(8) Applicant's IRS Employer Identification Number <u>13-0430480</u>	(9) Applicant's Tax Year <u>1/1</u> <u>12/31</u> <small>beginning date                      ending date</small>	

CERTIFICATE NO. 508

Signature: W. B. Lyden  
 Title: V. Pres.  
 Date: 5/25/78

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Certificate No. 770

Date of Issue 12-20-76

Application No. I-848

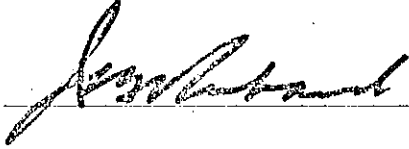
## POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: American Can Company P. O. Box 215 Halsey, Oregon 97348	Location of Pollution Control Facility: American Can Company Halsey Mill Two (2) miles west of Halsey on Market Road 3
As: <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Owner	
Description of Pollution Control Facility:  <p style="text-align: center;">Lime mud oxidation system.</p>	
Type of Pollution Control Facility: <input checked="" type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Solid Waste	
Date Pollution Control Facility was completed: <u>November 1974</u> Placed into operation: <u>November 1974</u>	
Actual Cost of Pollution Control Facility:        \$ <u>43,061.00</u>	
Percent of actual cost properly allocable to pollution control:  <p style="text-align: center;">100%</p>	

In accordance with the provisions of ORS 468.155 et seq., it is hereby certified that the facility described herein and in the application referenced above is a "Pollution Control Facility" within the definition of ORS 468.155 and that the air and water or solid waste facility was erected, constructed or installed on or after January 1, 1967, or January 1, 1973 respectively, and on or before December 31, 1980, and is designed for, and is being operated or will operate to a substantial extent for the purpose of preventing, controlling or reducing air, water or solid waste pollution, and that the facility is necessary to satisfy the intents and purposes of ORS Chapters 459, 468 and the regulations thereunder.

Therefore, this Pollution Control facility Certificate is issued this date subject to compliance with the statutes of the State of Oregon, the regulations of the Department of Environmental Quality and the following special conditions:

1. The facility shall be continuously operated at maximum efficiency for the designed purpose of preventing, controlling, and reducing the type of pollution as indicated above.
2. The Department of Environmental Quality shall be immediately notified of any proposed change in use or method of operation of the facility and if, for any reason, the facility ceases to operate for its intended pollution control purpose.
3. Any reports or monitoring data requested by the Department of Environmental Quality shall be promptly provided.

Signed   
 Title Chairman

Approved by the Environmental Quality Commission on  
 the 20th day of December, 19 76



**IMPORTANT**

- 1) READ APPLICATION INSTRUCTIONS CAREFULLY,  
 2) SUBMIT TWO (2) COPIES OF APPLICATION AND EXHIBITS TO:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
 PROGRAM MANAGEMENT DIVISION  
 1234 S.W. Morrison Street  
 PORTLAND, OREGON 97205

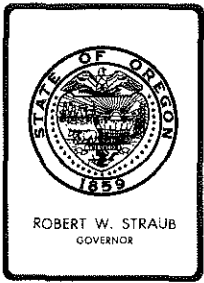
For DEQ Use Only
Date Rec'd <u>JUN 09 1978</u>
Application No. <u>F-729</u>

**APPLICATION FOR CERTIFICATION OF A POLLUTION CONTROL FACILITY FOR  
 TAX RELIEF PURPOSES PURSUANT TO ORS 468.155 et. seq.**

SECTION I IDENTIFICATION OF APPLICANT	(1) Indicate the Type of Facility by Placing Check (✓) in Appropriate Box.		
	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> NOISE	<input checked="" type="checkbox"/> WATER <span style="float: right;"><input type="checkbox"/> SOLID WASTE</span>
	(2) Official Name of Applicant (if corporation, exact name as specified in charter; if partnership or joint venture the names of all partners or principals).		(3) Status of Applicant
	<u>AMERICAN CAN COMPANY; POPE &amp; TALBOT, INC., J.V.</u> official name		<input type="checkbox"/> Lessee
	<u>Halsey Mill</u> division identification		<input checked="" type="checkbox"/> Owner
	<u>American Can Company &amp; Pope &amp; Talbot, Inc.</u> names of general partners or principals		<input type="checkbox"/> Individual
	<u>Box 215</u> address		<input type="checkbox"/> Partnership
	<u>Halsey, Oregon 97348</u> city, state, zip code		<input checked="" type="checkbox"/> Corporation
(4) Person Authorized to Receive Certification		(5) Person to Contact for Additional Details	
<u>Waldo B. Lyden</u> name		<u>Barry A. Patrich</u> name	
<u>Vice President - American Can Co.</u> title		<u>Tax Attorney - American Can Company</u> title	
<u>American Lane</u> address (203)		<u>American Lane</u> address (203)	
<u>Greenwich, CT 06830 552-2686</u> city zip phone no.		<u>Greenwich, CT 06830 552-2781</u> city zip phone no.	
(6) Location of Claimed Facility <u>Halsey Mill</u>		(7) Access Directions:	
<u>Box 215</u> address		2 miles west of Halsey on Market Road 3	
<u>Halsey</u> city			
<u>Linn</u> county			
(8) Applicant's IRS Employer Identification Number <u>13-0430480</u>		(9) Applicant's Tax Year <u>1/1</u> <u>12/31</u> beginning date ending date	

CERTIFICATE NO. 648

Signature: *W.B. Lyden*  
 Title: *V. President*  
 Date: *5/25/78*



## *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. D, June 30, 1978, EQC Meeting

### Al Peirce Lumber Company - Request for Extension in Installing a Log Easy Let-Down Device

### BACKGROUND

In October 1975, the Environmental Quality Commission adopted a policy for log handling practices in public waters. Among other requirements, this policy specified that only easy let-down devices for introducing logs into public waters would be allowed after October, 1980. The log handling policy also specified that any extension of hard dumping practices beyond 1980 required EQC approval.

A Log Handling Facilities Permit was issued to Al Peirce Lumber Company on February 28, 1978 (see attached). Included were compliance schedules for installation of two easy let-down devices. The first easy let-down is to be installed by November 1, 1978. The second easy let-down is to be installed by September 1, 1980.

Al Peirce Lumber Company has appealed their permit, citing economic hardship. The Company requests an extension until September 1, 1982 to install the second easy let-down device.

### BASIS FOR COMPANY'S REQUEST FOR AN EXTENSION

Al Peirce Lumber Company is the smallest lumber mill in the Coos Bay area, and in addition is the only Company required to install two new easy let-down devices. The Company has received an engineering estimate for the second easy let-down device of between \$250,000 and \$350,000. To put this in perspective, the annual payroll is approximately \$3,200,000. Under the best of circumstances, then, the installation of two easy let-down devices in two years would be difficult.

The timber industry is subject to wide fluctuations in the market. The last several years have been bad ones for the timber industry in general, as well as for Al Peirce Lumber Company. For the last three years, there have been two years of losses (1975 and 1976), with 1977 showing a very small profit (profits and losses are measured after taxes).



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### DISCUSSION OF ENVIRONMENTAL EFFECTS OF AN EXTENSION

The use of hard log dumps is the major contributor of wood debris in the log handling process. Each of the two easy let-down devices will handle about 50% of the Al Peirce logs entering Isthmus Slough. The first device, to be installed this year, will probably result in a greater reduction of wood debris than the second device.

The continued use of the hard log dump will no doubt result in greater amounts of bark entering Isthmus Slough. The bark in turn creates an oxygen demand and coats the bottom sediments. However, some mitigation of this damage will occur. The Company has agreed to retain and daily skim off floating wood debris at both log dumps. They have also agreed to thoroughly dredge the area in front of the log dump when the easy let-down device is installed.

### SUMMATION

1. The Department feels a strong program for environmental control has been negotiated with Al Peirce Lumber Company, and that the Company has made a commitment to improving their log handling practices.
2. The extension, if granted, will result in more bark entering Isthmus Slough. The bark in turn will cause some environmental degradation through oxygen consumption and creating bottom deposits.
3. Some mitigation of the environmental damage will occur through floating debris containment and daily skimming, and a final dredging at the log dump.
4. A two year extension for the second easy let-down device is justified based on the smallness of the Company, the large expense of two easy let-down devices, and the recent poor years in the timber industry.

### DIRECTOR'S RECOMMENDATION

An extension until September 1, 1982 should be granted on the installation of the second easy let-down device.

*Bill*

WILLIAM H. YOUNG

B. A. Burton:cs  
672-8204  
Attachment - (1) permit

DEPARTMENT OF ENVIRONMENTAL QUALITY  
1234 S. Morrison Street  
Portland, Oregon 97205  
Telephone: (503) 229-5696

Permit Number: 2728  
Expiration Date: 10/31/82  
File Number: 68205  
Page 1 of 7

### LOG HANDLING FACILITIES PERMIT

Issued pursuant to ORS 468.740

**ISSUED TO:**

Al Peirce Lumber Company  
P.O. Box 300  
Coos Bay, Oregon, 97420

**LOG DUMP LOCATIONS:**

<u>Name</u>	<u>Waterway</u>	<u>River Mile</u>
Powrie	West bank of Isthmus Slough, one mile north of Davis Slough.	
Log Yard	Adjacent to Coos City Bridge	

**LOG STORAGE AREAS:**

<u>Name</u>	<u>Waterway</u>	<u>River Mile</u>
--	Isthmus Slough, south of Shinglehouse Slough	

**PLANT SITE:**

<u>Name</u>	<u>Waterway</u>	<u>River Mile</u>
--	West bank of Isthmus Slough, just north of Coos City Bridge.	

Issued in response to Application Number 2190 received 11-1-77

Michael Young for  
WILLIAM H. YOUNG  
Director

2/28/78  
Date

State of Oregon  
Department of Environmental Quality  
PERMIT CONDITIONS

Permit Number: 2728  
Expiration Date: 10/31/82  
Page 2 of 7

Al Peirce Lumber Co., Coos Bay

#### PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify or operate log handling and storage facilities in public waters in conformance with requirements, limitations and conditions set forth in attached schedules as follows:

	<u>Page</u>
Schedule A - Special Operating Requirements	<u>3</u>
Schedule B - Compliance Conditions and Schedules	<u>4-5</u>
Schedule C - Reporting Requirements	<u>6</u>
General Conditions	<u>7</u>

This permit does not relieve the permittee from responsibility for compliance with other applicable Federal, state or local Laws, rules or standards.

#### SKETCH, MAP OR DESCRIPTION OF AREAS

See attached map.

PERMIT CONDITIONS

Al Peirce Lumber Company, Coos Bay

Permit Number: 2728  
Expiration Date: 10/31/82  
Page 3 of 7

SCHEDULE A

Special Operating Requirements

1. After September 1, 1980, all logs placed into public waters at the Powrie log dump shall be by means of a Department approved easy let-down device.
2. After November 1, 1978, all logs placed in public waters at the log yard shall be by means of a Department approved easy let-down device. The use of slide dumps after November 1, 1978 is prohibited.
3. Placing of wood debris is prohibited within 5 feet of mean higher high tide (measured horizontally).

PERMIT CONDITIONS

Al Peirce Lumber Company, Coos Bay

Permit Number: 2728  
Expiration Date: 0/31/82  
Page 4 of 7

SCHEDULE B

Compliance Conditions and Schedules

1. Prior to November 1, 1978, the permittee shall install a Department approved easy let-down device for their log yard in accordance with the following schedule:
  - a. Submit plans and specifications by May 1, 1978.
  - b. Issue purchase orders by June 1, 1978.
  - c. Begin construction by August 1, 1978.
  - d. Complete construction by November 1, 1978.
2. Prior to September 1, 1980, the permittee shall install a second Department approved easy let-down device for logs placed in public waters from the Powrie log dump in accordance with the following schedule:
  - a. Submit plans and specifications by September 1, 1979.
  - b. Issue purchase orders by November 1, 1979.
  - c. Begin construction by June 1, 1980.
  - d. Complete construction by September 1, 1980.
3. Prior to May 1, 1978, the permittee shall initiate a program of positive debris control around each log dump and mill site. Included will be a means for detaining and removing floating debris daily. The following schedule is to be followed:
  - a. Submit a description of the program by April 1, 1978.
  - b. Start removing debris daily by May 1, 1978.
4. Between September 15, 1978 and January 15, 1979, the permittee shall dredge to remove all sunken bark and logs around each log dump and log intake (for mill).
5. After September 1, 1978, no logs shall be stored on dry land within 5 feet (measured horizontally) of mean higher high water.

PERMIT CONDITIONS

Al Peirce Lumber Company, Coos Bay

Permit Number: 2728  
Expiration Date: 10/31/82  
Page 5 of 7

SCHEDULE B (continued)

6. The permittee shall initiate a monitoring program designed to ensure that no bark or wood debris is filled in public waters. The monitoring program shall consist of a yearly survey by a licensed surveyor; or the placement of markers every 25 feet along the perimeter of wood waste deposition where it is within 10 feet (horizontal measurement) of public waters, with surveys by a licensed surveyor every three years; or by an equivalent method approved in writing by the Department. The following schedule shall be followed by the permittee:
  - a. By no later than April 1, 1978, submit a detailed description of the monitoring program, including a map with the proposed location of markers (if appropriate).
  - b. Complete the initial survey by no later than June 1, 1978.
  - c. Complete any necessary construction or placement of markers by no later than June 1, 1978.
  - d. Initiate monitoring by June 1, 1978.
7. The permittee is expected to meet the compliance dates which have been established in this schedule. Either prior to or no later than 14 days following any lapsed compliance date the permittee shall submit to the Department a notice of compliance or non-compliance with the established schedule. The Director may revise a schedule of compliance if he determines good and valid cause resulting from events over which the permittee has little or no control.

PERMIT CONDITIONS

Al Peirce Lumber Company, Coos Bay

Permit Number: 8  
Expiration Date: 10/31/82  
Page 6 of 7

SCHEDULE C

Minimum Monitoring and Reporting Requirements

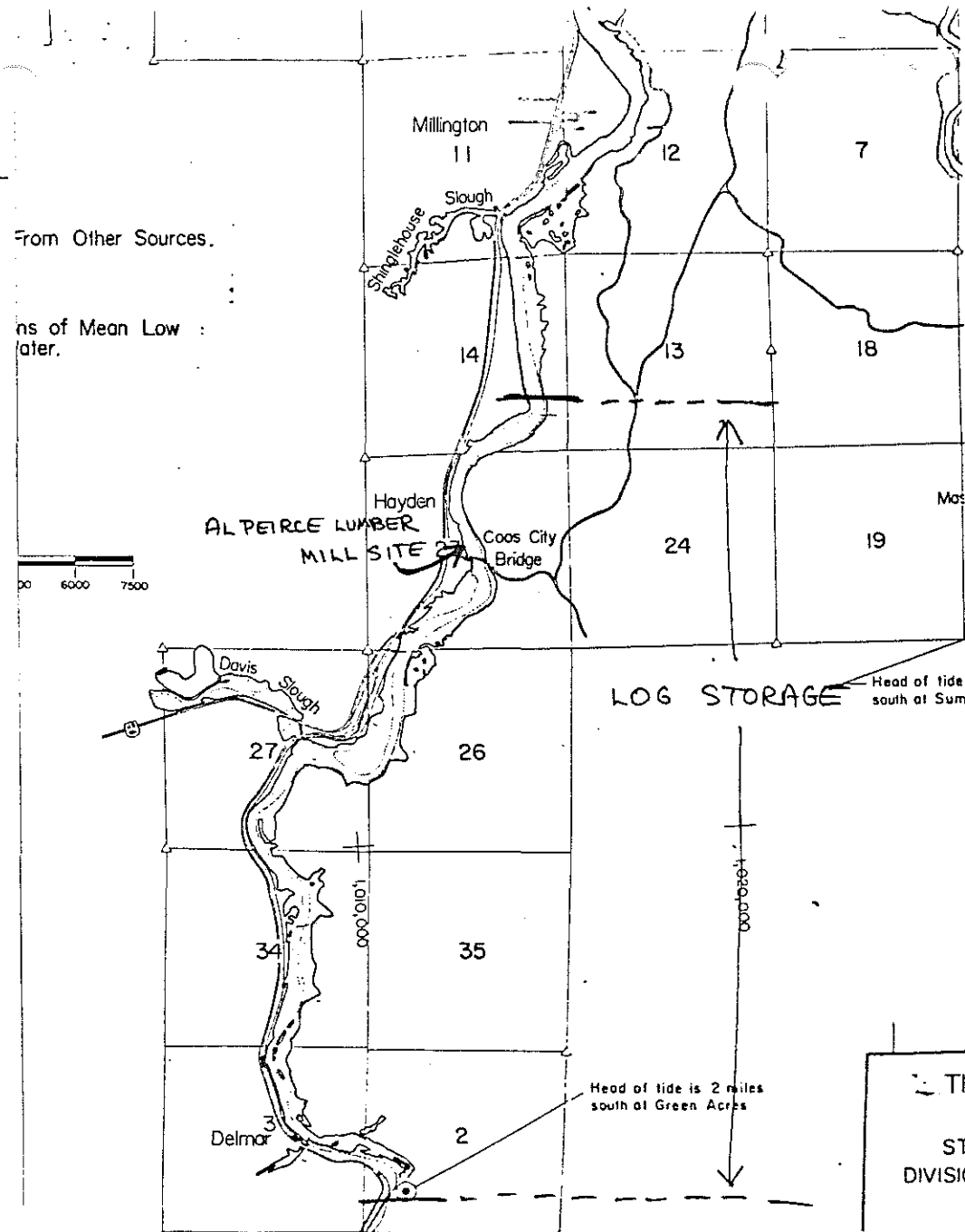
1. The permittee shall report to the Department of Environmental Quality by January 31 of each year this permit is in effect, the following information for the preceding calendar year:
  - a. Amount and location of logs stored in public waters as of January 1, April 1, July 1 and October 1. Maps will be provided for the permittee to use for the locations of storage.
  - b. The results of the monitoring program for debris adjacent to public waters (specified in Condition 6 of Schedule B).

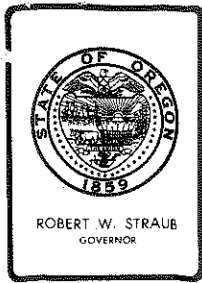
PERMIT CONDITIONS

Al Peirce Lumber Company, Coos Bay

GENERAL CONDITIONS

- G1. Whenever an expansion of log handling facilities in or adjacent to public waters beyond those locations designated in this permit is anticipated, a new application must be submitted to the Department. No change shall be made until a new permit or permit modification has been issued.
- G2. The permittee shall maintain as low an inventory of logs in public waters as is practical.
- G3. No new areas shall be used beyond those shown on the attached map for log storage without written approval from the Department.
- G4. All log handling activities in or adjacent to Isthmus Slough shall be conducted in a manner consistent with the following:
  - a. All log letdown and debris control devices shall be maintained in good working order and operated so that a minimum of wood debris enters public waters.
  - b. All dredging spoils and other wood wastes shall be disposed of such that they will not reach any public waters or create nuisance conditions.
- G5. No petroleum-base products or other substances which will cause the Water Quality Standards of the State of Oregon to be violated shall be discharged or otherwise allowed to reach any of the waters of the State.
- G6. The permittee shall, at all reasonable times, allow authorized representatives of the Department of Environmental Quality:
  - a. To enter upon the permittee's premises where log handling activities in or adjacent to State waters are occurring.
  - b. To sample any discharge of pollutants.
- G7. In the event the permittee is unable to comply with all of the conditions of this permit because of a breakdown of equipment or facilities, an accident caused by human error or negligence, or any other cause such as an act of nature, the permittee shall notify the Department of Environmental Quality within one hour. Compliance with this requirement does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.
- G8. This permit is subject to revocation for cause as provided by law.





## *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, June 30, 1978, EQC Meeting

### Coos Head Timber Company - Request for an Extension in Installing an Easy Let-Down Device

### BACKGROUND

In October, 1975, the Environmental Quality Commission adopted a policy for log handling practices in public waters. Among other requirements, this policy specified that only easy let-down devices for introducing logs into public waters would be allowed after October, 1980. The log handling policy also specified that any extension of hard dumping practices beyond 1980 required EQC approval.

A Water Pollution Control Facilities Permit was issued to Coos Head Timber Company on March 24, 1978. A compliance schedule is included requiring installation of a second easy let-down device by July 1, 1980. The first easy let-down device was installed in 1976.

Coos Head Timber Company has appealed their permit on the grounds of economic hardship. The Company is requesting an extension until September 1, 1982 to install the second easy let-down device.

### BASIS FOR COMPANY'S REQUEST FOR AN EXTENSION

Coos Head Timber Company owns two small sawmills and one small plywood mill located adjacent to Isthmus Slough. Like other timber companies (particularly small companies), the last several years have been bad ones. The Coos Head Timber Company sawmills and plywood mill have operated at a loss for each of the last four years. The Company is hopeful that the next few years will show an improvement, but feels the \$150,000 initial expense (plus estimated \$50,000/year operation and maintenance costs) will seriously jeopardize a recovery. In addition, the Company is still paying for the first easy let-down device installed in 1976. The first easy let-down device should depreciate out by 1982.



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DISCUSSION OF ENVIRONMENTAL EFFECTS OF AN EXTENSION

The use of hard log dumps is the major contributor of wood debris in the log handling process. The existing easy let-down device handles about 75% of the 60 million board feet (MBF) which enters the Coos Head Timber Company's mills. The other 15 MBF/year are dumped at the four slide dumps.

The continued use of the hard log dump will no doubt result in greater amounts of bark entering Isthmus Slough. The bark in turn creates an oxygen demand and coats the bottom sediments. However, some mitigation of this damage will occur. The Company has agreed to retain and daily skim off floating wood debris at both log dumps. They have also agreed to thoroughly dredge the area in front of the log dump when the easy let-down device is installed.

SUMMATION

1. The Department feels a strong program for environmental control has been negotiated with Coos Head Timber Company.
2. The extension, if granted, will result in more bark entering Isthmus Slough. The bark in turn will cause some environmental degradation through oxygen consumption and creating bottom deposits.
3. Some mitigation of the environmental damage will occur through floating debris containment and daily skimming, and a final dredging at the log dump.
4. A two year extension for the second easy let-down device is justified based on the large expense and the recent losses of the Company.

DIRECTOR'S RECOMMENDATION

An extension until September, 1982 should be granted for the installation of a second easy let-down device.

*Bill*

WILLIAM H. YOUNG

B. A. Burton:cs  
672-8204  
Attachment - (1) permit

# WATER POLLUTION CONTROL FACILITIES PERMIT

Issued pursuant to ORS 468.740

<b>ISSUED TO:</b> Coos Head Timber Company P.O. Box 750 Coos Bay, Oregon 97420	<b>SOURCES COVERED BY THIS PERMIT:</b> <table border="1"><thead><tr><th>Type of Waste</th><th>Method of Disposal</th></tr></thead><tbody><tr><td>Log Storage</td><td></td></tr><tr><td>Isthmus Slough</td><td></td></tr></tbody></table>	Type of Waste	Method of Disposal	Log Storage		Isthmus Slough	
Type of Waste	Method of Disposal						
Log Storage							
Isthmus Slough							
<b>PLANT TYPE AND LOCATION:</b> McKenna Mill South of bridge on east bank of Isthmus Slough	<b>RIVER BASIN INFORMATION</b> Major Basin: South Coast Minor Basin: Coos County: Coos						
Issued in response to application number 2206 received 1/24/78  William H. Young Director	Nearest surface stream which could be influenced by waste disposal system: _____ Date: MAR 24 1978						

## PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify or operate waste water treatment, control and disposal facilities in conformance with requirements, limitations and conditions set forth in attached schedules as follows:

Schedule A - Waste Disposal Limitations	3
Schedule B - Minimum Monitoring and Reporting Requirements	4
Schedule C - Compliance Conditions and Schedules	5
Schedule D - Special Conditions	6
General Conditions	--

All direct discharges to public waters are prohibited.

This permit does not relieve the permittee from responsibility for compliance with other applicable Federal, state or local laws, rules or standards.

## PERMIT CONDITIONS

Coos Head Timber Company, Coos Bay

### SCHEDULE A

#### Waste Disposal Limitations (McKenna Mill)

No discharge of process waste water is permitted. Process waste water is defined as glue waste water, veneer dryer wash water, boiler blowdown water and lathe cooling water.

PERMIT CONDITIONS

Coos Head Timber Company, Coos Bay

SCHEDULE B

Minimum Monitoring and Reporting Requirements

The permittee shall report to the Department of Environmental Quality by January 31 of each year this permit is in effect, the following information for the preceding calendar year:

Amount and location of logs stored in public waters as of January 1, April 1 and October 1. Maps will be provided for the permittee to use for showing the location of storage areas.

PERMIT CONDITIONS

Coos Head Timber Company, Coos Bay

SCHEDULE C

Compliance Conditions and Schedules

(Log Storage Activities in or Adjacent to Public Waters)

1. Prior to May 1, 1978 the permittee shall initiate and conduct a program of positive debris control around each log dump and mill site. Included will be (1) a means for detaining and removing floating debris daily at the mill site; and (2) a means for detaining and removing floating debris at all log dump sites for each log raft prior to the log boom around the dump site being opened. The following schedule is to be followed:
  - a. Submit a description of the programs by April 1, 1978.
  - b. Start removing debris daily by May 1, 1978.Upon start-up of an area-wide cleanup program and upon receipt of written approval from the Department, the permittee may stop the debris control program at the log dump site.
2. Prior to April 1, 1978 the permittee shall submit a plan for preventing the accumulation of bark falling from the conveyor line which runs from the main barker (McKenna Mill) to the truck load out area. The plans shall include a date for removing the pile that currently exists and shall include means for preventing the entrance of any bark into public waters.
3. Prior to July 1, 1980 the permittee shall install a Department-approved easy letdown device and eliminate all use of slide dumps in accordance with the following schedule:
  - a. Submit plans and specifications by July 1, 1979.
  - b. Issue purchase orders by October 1, 1979.
  - c. Start construction, if necessary, by March 1, 1980.
  - d. Complete installation by July 1, 1980.
4. After July 1, 1980 all logs placed into public waters shall be by means of Department-approved easy letdown devices.
5. After September 1, 1978 no logs shall be stored at the log yard within five (5) feet (horizontal measurement) of mean higher high tide except for the northern one-third of the log yard.

Recycle

State of Oregon  
Department of Environmental Quality

Permit Number: 2725  
Expiration Date: 8/31/82  
Page 5 of 5

PERMIT CONDITIONS

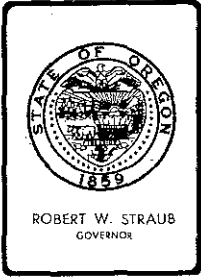
Coos Head Timber Company, Coos Bay

SCHEDULE D

Special Conditions

1. No additional wood debris shall be placed on land within five (5) feet of median higher high tide (measured horizontally) except behind the brow log.
2. No new areas in public waters beyond those areas shown in the permittee's application shall be used for log storage without written approval from the Department.
3. All log handling activities in or adjacent to Isthmus Slough shall be conducted in a manner consistent with the following:
  - a. All log letdown and debris control devices shall be maintained in good working order and operated so that a minimum of wood debris enters public waters.
  - b. Dredging spoils and other wood wastes shall be disposed of on land such that they will not reach any public waters.
4. No petroleum-base products or other substances which will cause the Water Quality Standards of the State of Oregon to be violated shall be discharged or otherwise allowed to reach any of the waters of the state.

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*



## *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. G, June 30, 1978, EQC Meeting

Clatsop Plains - Adoption as permanent rules housekeeping amendments to subsurface sewage regional rule governing Clatsop Plains area.  
OAR 340-71-020(7): Proposed new temporary rule.

NOTICE: Members of the public are cautioned that, while this report contains general discussion of present and proposed administrative rules, the rules as written govern and should be consulted. The discussion in no way governs over the rules.

### Background

The October 21, 1977 amendment to OAR 340-71-020(7) (the so-called Clatsop Plains Moratorium) was intended to allow new subsurface sewage disposal systems only where they would not result in a density of less than one acre per family/unit equivalent. This density was considered a reasonable minimum to assure protection of groundwater until more is known of the effect of the use of on-site disposal systems in the moratorium area. Prior to this, there had been a rule (adopted on April 1, 1977) preventing all new on-site systems not approved on or before April 1, 1977.

On March 23, 1978, the Commission, by temporary rule, amended the rule to correct an oversight which prevented the installation of systems on less than one acre in planned unit developments, even where the owner's fractional interest in other commonly held land in the development, in conjunction with his interest in the home-site, would result in the reservation of at least one acre for his family unit disposal equivalent. Such planned unit alternatives were intended to be permitted and thought to have been permitted by the October 21 amendment. It was necessary to act promptly without public notice and hearing to prevent injury to those who had been proceeding on the assumption such developments were permissible. The Commission ordered a hearing before a hearing officer to receive testimony on whether the temporary amendment should be made permanent. The hearing was held on June 1, 1978 and the hearing officer's report thereon is attached.



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Recycled  
Materials

When the Commission adopted the October 21 amendment, it was necessary to explore the question of how a lot which is of one acre in size became that way. This was necessary to prevent installation of systems on one acre lots which were formed at the expense of previously developed lots and left the developed lots less than an acre in size after partitioning.

Example: A has an acre and a half. He gets a permit and builds a house with an on-site system. Then he sells an acre to B. But for some provision against it in the rule, B now could install a system and we would have a base parcel of an acre and a half with two systems.

This exploration was symptomatic of the many schemes of conveyancing which might be used to bypass the rule and continue to develop at a rate exceeding one acre per family in density. To be balanced were concerns that property owners not have their property interests abridged any more than is necessary to protect the groundwater aquifers.

Also to be explored was the issue of when would be the last date on which permit-eligible existing parcels of an acre could be formed at the expense of another parcel which contains a system and is less than an acre in size.

The results of these inquiries were that the rule prohibited permits for parcels of any size formed after April 2, 1977 if the origin of the parcel involved reduction of any other parcel which contains a system and is less than one acre in size.

Raised in the public hearing were issues beyond the question of planned unit development which are discussed below.

## Discussion

### Issue One

The March 28, 1978 temporary rule amendment regarding planned unit development was unanimously found acceptable by the county, the developer who was among those originally supporting the language, and all involved in the public hearing process.

### Issue Two

As raised in the public hearing and informally with the staff, there remains the issue of whether the rule, as presently written, is equitable (within the bounds of practical administration) as it relates to a Mr. Hendrickson and any other who may be in his classification.

There is the broader question of how the rule might relate to those who might, in the future, come upon circumstances similar to those of Mr. Hendrickson.

There are at least two questions: Is it appropriate to have a rule which now prevents Mr. Hendrickson from selling any of his four acres of land as developable because, on April 2, 1977, it was part of a 4.5 acre parcel which now contains a system on a half acre, partitioned parcel which was sold to a third party? This would seem to be a hardship beyond what should be required to limit new construction of an on-site disposal system to a one acre density, (assuming current rates of development will keep density even lower because all the available land will not be developed immediately).

As a practical matter, such is not the rule. We have already informed Mr. Hendrickson, through his attorney, that the sale of remaining parcels as developable with on-site disposal would not (in our interpretation) mislead buyers if such were preceded by transfer to the one who bought the dwelling of an additional, contiguous half acre (with or without a reversionary clause). It is our understanding that the only reason he declines to do so is a wish to avoid the tedium of information gathering and disclosure under the Subdivision Control Act. We might add that such a wish is totally within his prerogatives.

We come upon the question then as to whether it would be advisable to amend the rule so as to make it effective only where the parcel with a system and with a size of less than an acre was formed after October 27, 1977, the date the Commission filed the rule which relaxed the previous prohibition on new systems.

Counsel for Mr. Hendrickson contends that unless this is done, the rule is unreasonably discriminatory and has an ex post facto effect upon his client, rendering improper an act (his transfer of a dwelling and one half acre) that which was proper at the time it was done (to the best of our knowledge, July of 1977). It is further contended that the present effective date is illogical because a rule should take effect when adopted so people can predict what will be the consequences of their actions. Finally, the county concurs with Mr. Hendrickson in the understanding that few, if any, other property owners stand in a position similar to Mr. Hendrickson. This would mean there are not a significant number of circumstances of increased density of systems that would be invited by the requested rule change. We are assured Mr. Hendrickson transferred the dwelling and half acre with no knowledge of the impending relaxation of the prohibitive rule and, of course, no intent to avoid or subvert the purpose of the rule. We have no reason to believe otherwise.

If we can agree that October 21 is a more logical date than April 2 of 1977, and if we can agree that change of the effective date would simply alleviate Mr. Hendrickson from undue hardship without unduly advantaging him, penalizing others, or setting a precedent that might cause undue problems, we can so recommend.

Reflection makes it apparent the present date for identifying baseline parcels (April 2, 1977) is not purely arbitrary. As of that date, no new systems were permitted. Later, in October, new systems not leading to densities greater than one acre per family equivalent were allowed.

While we do not agree that the effect of the rule was to render improper an act proper when done (the rule does not purport to regulate transfer of property, it regulates the future increases in density of subsurface systems), we do find two significant equities in using October 27, 1977 as an effective date of the provision in question. (It should be remembered that October 27, 1977, the filing date, is the effective date of the entire rule amendment. When we speak of the date here in issue, we are merely speaking of the date chosen as the baseline from which to identify parcels which should not be developed at the expense of other parcels less than an acre in size.)

It is apparent that, until October 21, 1977 when the Commission filed the rule, the general public was not chargeable with knowledge of the mechanism to be used in implementing the density limitation. For example, not until October of 1977 could a landowner have read the Commission's rules and the law governing subdivision control and made an intelligent decision as to the advisability of selling a parcel of land in such a way as to leave an existing, developed parcel of less than one acre. Assuming a person knew of the possibility that the rule would be relaxed to contemplate one acre system density, the Commission might have used the April 2 date as a baseline to identify existing parcels, but adopted a rule which prohibited further construction only after one system per acre of each parcel existing on April 2, 1977 was already permitted or allowed. Under such a scheme, Mr. Hendrickson would have been free to sell the dwelling along with a half acre without looking forward to the dilemma. This is the dilemma whereby he could no longer develop any of the rest unless he placed himself over a barrel with the buyer in an effort to sell him another, contiguous half acre (which the latter might well not want unless at a severely reduced price) and exercised a land subdivision so as to bring him a step closer to the subdivision control procedures.

While it is clearly not the business of the agency to recommend rules simply to assist people in avoiding subdivision control law, it was clearly the intention of the Legislature that property owners, in partitioning land, be able to decide for themselves whether they wished to undergo approval and disclosure procedures or avoid them. To the extent our present rule tended to "sneak up" on anyone trying to make such an assessment between April and November, the hardship they suffer should be part of the balance that is used to choose a baseline date for identifying parcels.

Finally, when the Commission adopted its rule in October, the public discussion which preceded it did not dwell extensively on whether this or any mechanism would be employed to avoid windfall benefits to those who, in contemplation of a rule limiting density, might be feverishly partitioning land into smaller parcels with the hope of getting "grandfathered" into an advantageous situation. It was not known whether there would be a rush to the courthouse to record deeds before the effective date of the rule which conveyed only the land upon which houses and their drainfields lay so as to allow density in conflict with the spirit of the rule.



It was decided that a baseline date to identify parcels would have to be used and should be a date earlier than the rule's effective date. Why not make it the date of the April 1 prohibition?

In retrospect, we have not been able to be certain that Mr. Hendrickson, and he alone, conveyed and recorded developed land in such a fashion as to create a developed parcel of less than an acre (including the reduction of a developed parcel already less than an acre in size). We are, however, assured that no "land rush" type of behavior occurred on any significant scale. Therefore, it can be argued that the danger the date was employed to avert has now passed.

Because it was not until October 27, 1977 (the date of the filing in the office of the Secretary of State) that Mr. Hendrickson and others in his circumstance became constructively advised of how disadvantageous it would be to offer for sale a piece of an existing parcel if such piece contained a disposal system and was less than one acre in size, we do recognize some hardship which might well be alleviated if there is a way to do so without significantly impairing the effectiveness of the rule or unduly causing disadvantage to others.

In recommending a change in the baseline date for identifying parcels, we are mindful of the fact that it may result in a benefit to Mr. Hendrickson and his successors: If the requested rule is adopted, there may ultimately be five developed or developable parcels grown out of what was, on April 2, 1977, a 4.5 acre parcel.

On balance, we find the equities weigh in favor of Mr. Hendrickson's argument and in favor of those few others who might later be found to be in similar circumstances.

We do not find that the public notice regarding the temporary rule fairly embraces the issue raised on Mr. Hendrickson's behalf. It seems that to grant his request, there would either have to be a temporary rule followed by public hearings, a temporary rule allowed to expire, or some other arrangement. It is Mr. Hendrickson's contention that he risks severe financial detriment if he is required to await a public hearing. We have recommended a temporary rule to be followed by public hearing on the advisability of its permanent adoption.

### Issue Three

In addition to the problems brought to our attention by the county, Mr. Cambert, and Mr. Hendrickson, there is now pending a matter involving some prior approval claims which appear to conflict with the minimum density requirement of the rule. Suffice it to say that we are apprehensive that this rule might well be the subject of repeated petitions for revision as unforeseen contingencies emerge. It appears appropriate to explore whether the rule should have a variance or exception provision drawn into it so that case by case evaluation (subject to Commission approval on a less formal basis if desired) can take place at an administrative level below the Commission and through a procedural process less cumbersome than is involved in rule making. We have recommended that staff time be devoted to explore this possibility as a possible rule change.

### Summation

1. The wording of the March 28, 1978 temporary rule should be adopted as a permanent rule to be effective upon prompt filing with the Secretary of State. The Statement of Need for the temporary rule should serve as the Statement of Need for the permanent rule with the first paragraph amended to show the Commission authority is found in ORS 468.020 (general), and ORS 454.615, and to delete all reference to temporary rule making authority.
2. The wording of OAR 340-71-020(7)(e) should be changed by a temporary rule to have October 27, 1978 appear where April 2, 1977 now appears. A public hearing should be held before a hearing officer to receive testimony on the advisability of making the temporary rule permanent. The Statement of Need for the temporary rule should be drafted within thirty days. A Finding of serious prejudice to the interests of the parties concerned should be entered prior to adoption of the temporary rule.
3. The staff should be directed to explore draft language to further amend OAR 71-020(7) to allow for case by case evaluation of unforeseen difficulties arising under (b) and (e) of that rule. If language agreeable to staff is found, it should be brought to the Commission for authorization for public hearing so, hopefully, to be consolidated with the hearing on the temporary amendment to OAR 340-71-020(7)(e).

### Director's Recommendation

The Director recommends that the Commission take the following actions:

1. Adopt Attachment A hereto as the updated Statement of Need to be filed with the permanent amendment of OAR 340-71-020(7).
2. Adopt as a permanent rule, the temporary amendments to OAR 340-71-020(7)(b) and (e) which are Attachment B hereto, said rule to become effective upon its prompt filing with the Secretary of State.
3. Enter a Finding that, unless the Commission acts promptly, there will be serious prejudice to the interests of the parties involved, in that the person requesting adoption of the temporary rule and others in the class to which the proposed temporary rule would make a difference, may forfeit substantial options in the disposition of their property, which options would be of no cognizable effect on the environment.
4. Adopt as a temporary rule, effective upon its prompt filing with the Secretary of State, Attachment C hereto, which changes the date when a parcel could have last been transferred and not be identified as an "existing" or "original" parcel within the meaning of OAR 340-71-020(7)(b) of the present rule (a part of the temporary amendment whose permanent adoption is recommended herein). The date would be changed from April 2, 1977 to October 28, 1977, the date of adoption of the rules intended to allow new density of one acre or less for family equivalents.

5. Direct that staff explore the drafting of further amendments which would allow unforeseen inequities in the "Clatsop Plains Moratorium" to be resolved without rule changes by virtue of variances, exceptions or whatever method might be employed so long as such method affords due process to citizens and is within a framework of standards which allows property owners to reasonably estimate what will be the result of their actions when the rule is applied to them. Such drafting, if drafting satisfactory to the staff is found, should be brought to the Commission for authorization to conduct a public hearing on the advisability of its adoption. The time expended should allow consolidation of this public hearing process with the other hearing process recommended herein.

  
WILLIAM H. YOUNG

Peter W. McSwain:dh  
229-5383  
June 15, 1978

Attachments: Attachment A - Statement of Need for Adoption of the April, 1978 temporary rule as a permanent rule  
Attachment B - Proposed rule for permanent adoption of the April, 1978 temporary rule  
Attachment C - Proposed Temporary Rule which would change the date for identifying "existing" or "original" parcels in OAR 340-71-020(7)(b) by amending subsection (e) of the rule  
Attachment D - Hearing Officer's Report on June 1, 1978 public hearing  
Attachment E - May 10, 1978 memo: Hearing Officer to Counsel for the Commission

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
OF THE  
STATE OF OREGON

PROPOSED AMENDMENT  
OF OAR 340-71-020(7)  
June 30, 1978 EQC MEETING

)  
)  
)

PROPOSED FINAL STATEMENT  
OF NEED FOR RULEMAKING

1. Under ORS 468.020 (general) and ORS 468.615 the Commission has authority to adopt rules regulating the installation of new subsurface sewage disposal systems.
2. On October 21, 1977 the Commission amended OAR 340-71-020(7). The intent was to restrict new subsurface sewage disposal systems in certain defined areas of Clatsop Plains to one acre/family density, while relaxing a complete prohibition on new systems. The restriction was not intended to prohibit planned unit developments where the entire acreage within the development area was sufficient to amount to at least one acre for each planned family residence. However, the amendment was inadvertently worded to prohibit a system in such a development where the parcel upon which the dwelling was planned was less than one acre, even if common tenancy to go to the buyer was, in its fractional amount compared to other common owners, sufficient to make up the difference.

The County and developers proceeded under a misunderstanding of how narrowly the rule was drafted until at least one developer had invested a good deal of money. The Commission adopted the rule proposed as a temporary rule on March 31, 1978. A hearing on June 1, 1978 resulted in unanimous testimony that the rule be made permanent. It meets the need to restrict density of new systems in the "Clatsop Plains" area without unduly foreclosing planned unit options within the allowed density. Also, a paragraph in the rule was deleted and new language added simply to honor the County's request for clearer language.

3. In considering the need for and in preparing the rule the Commission has considered the October 21, 1977 report from the Department on Clatsop Plains (Item G), the March 31 report from the Department (Item M), and the June 30, 1978 report from the Department (Item G). Also considered were all attachments to the above reports.

DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED RULE AMENDMENTS TO  
CHAPTER 340, OREGON ADMINISTRATIVE RULES  
SUBSURFACE AND ALTERNATIVE SEWAGE DISPOSAL  
CLATSOP PLAINS MORATORIUM

SECTION 1

OAR 340-71-020(7)(b) is hereby amended to read as follows:

- (b) Pursuant to ORS 454.685, within the areas set forth in subsection (c) below, neither the Director nor his authorized representative shall issue either construction permits for new subsurface sewage disposal systems or favorable reports of evaluation of site suitability, except to construct systems to be used under the following circumstances:
- (A) [T] the system complies with all rules in effect at the time the permit is issued [.]; and,
- (B) [T] the system is not to be installed within any of the areas subject to the prohibition set forth in subsection (a) above [.]; and,
- (C) [T] the system is to be installed on an undivided parcel of one acre or more in size upon which the dwellings or buildings to be served by the system are located and which is owned fully or fully subject to a contract of purchase by the same person or persons who own or are contract purchasers of the dwellings or buildings to be served by the system [.]; except that, in a single planned unit development or single subdivision tract having enclosed boundaries and with open space land owned in common by all land owners, permits may be issued where the lot area upon which a dwelling is to be constructed is less than one acre but where each owner holds an undivided interest, in common with all other owners, in open space land of sufficient acreage within the boundaries of the development so that the density of

the entire parcel shall not exceed one dwelling per acre when considered as a whole and where the requirements of subdivisions (A), (B), and (C) of this subsection are met; and,

(D) [T] the dwellings or buildings to be constructed or existing on the land parcel when fully occupied or used allow for no more than the equivalent of sewage flow for one single family per acre of the land parcel [.]; and,

[E] [The land parcel upon which the system is to be constructed did not become of a size conforming to the requirement of paragraphs (C) and (D) of this subsection by any means so that a subsurface sewage disposal system may be used, installed, or under a permit to be installed on any land which otherwise would not conform to paragraphs (C) and (D) of this subsection and, after using such means, would result in a greater family to acreage ratio than one single family to one acre or more of land for such land which otherwise would not conform to paragraphs (C) and (D) above.]

No construction permit shall be issued under this subsection for any parcel of land where the parcel is created out of an existing parcel or parcels and where the creation of the new parcel results in a reduction of size of the original parcel or parcels to less than one acre and where the original parcel or parcels so reduced serve or are occupied by a dwelling unit or by dwelling units or by any other subsurface sewage generating facility or thing.

## SECTION 2

OAR 340-71-020(7)(e) is hereby amended to read as follows:

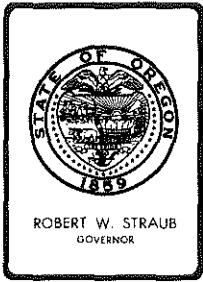
(e) The restrictions set forth in paragraphs (B) through [E] (D) of subsection (b) and in subsection (c) above shall not apply to prohibit permits for systems to serve one single family dwelling per parcel of land or less than one acre if such parcel's legal description was on file in the deed records of Clatsop County prior to April 2, 1977, either as a result of conveyance or as part of a platted subdivision.

DEPARTMENT OF ENVIRONMENTAL QUALITY

PROPOSED TEMPORARY AMENDMENT TO  
CHAPTER 340, OREGON ADMINISTRATIVE RULES  
SUBSURFACE AND ALTERNATIVE SEWAGE DISPOSAL  
CLATSOP PLAINS MORATORIUM

OAR 340-71-020(7)(e) is hereby amended to read as follows:

- (e) The restrictions set forth in paragraphs (B) through (D) of subsection (b) and in subsection (c) above shall not apply to prohibit permits for systems to serve one single family dwelling per parcel of land of less than one acre if such parcel's legal description was on file in the deed records of Clatsop County prior to ~~[April-2]~~ October 28, 1977, either as a result of conveyance or as part of a platted subdivision.



## *Environmental Quality Commission*

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

To: Environmental Quality Commission

From: Hearing Officer

Subject: Hearings Report: June 1, 1978 Public Hearing on Subsurface Sewage Disposal Regional Rules Governing Clatsop Plains

### Summary

Pursuant to public notice, the hearing commenced before the undersigned hearing officer at 7:30 p.m. on June 1, 1978 in the Commissioner's Board Room of the Clatsop County Courthouse in Astoria, Oregon.

Present were approximately ten persons. Testimony was offered by three persons.

### Summary of Testimony

Mr. Louis Larson, attorney for Mr. Bob Hendrickson, stated that his client would favor an amendment to the rule which would set up a variance procedure through which unforeseen difficulties could be dealt with on a case-by-case basis. Asked, however, was immediate relief in the form of amendment of OAR 71-020(7)(e).

The desired amendment would exempt from the rule land transactions occurring prior to October 27, 1977 (the effective date of the rule allowing one acre density of systems).

Presently the temporary rule and its predecessor of October 27, 1977 exempt only transactions which occurred before April 2, 1977.

Mr. Larson explained that when the April 1, 1977 prohibition of new subsurface systems in Clatsop Plains was adopted, his client owned 4.5 acres in the area with one dwelling and one system. The client subsequently conveyed the dwelling, the system, and a half acre to another party (off the record we are informed this occurred in July of 1977).

Now the rule prohibits any new systems on the remaining four acres. Mr. Henderson would like, as soon as possible, to convey a one acre parcel and a three acre parcel as developable land. He does not wish to go through subdivision procedures. The State Department of Commerce has informed him that even if he were to sell another, contiguous half acre to the owner of the dwelling so as to meet the requirements of our rule, the second half acre, even though part of a single acre parcel in its



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ownership, would be considered a separate parcel for purposes of administering the subdivision control law. This means an attempt to convey to a party now interested in buying an acre would result in a parcel (the original 4.5 acres) being divided into four or more parcels. The subdivision control procedures would have to be followed.

Mr. Larson challenged the April 2, 1977 cut off in the rule as an inappropriate decision to render improper an act that was proper when it was performed.

To protect the record (for purpose of the "exhaustion" rule), Mr. Larson challenged the present rule's legality and constitutionality on the grounds of its discriminatory and ex post facto characteristics as applied to his client.

Mr. Joe Camberg favored adoption of the temporary amendments regarding planned unit development. He agreed further revision by putting in a variance procedure would be appropriate. It was his feeling it would otherwise be too difficult to draft a rule that would foresee all contingencies. (Mr. Camberg is a member of the Clatsop County Planning Commission. He also was financially involved in a planned unit development whose difficulties led, in part, to the adoption of the present temporary rule.)

Mr. William D. Cinnamon testified after reviewing the rule and hearing discussion that he was in favor of its adoption.

Recommendation

Your hearing officer may assist the agency administrators in reaching an agency recommendation. He has no unilateral recommendation in this matter.

Respectfully submitted,

Peter W. McSwain  
Hearing Officer

PWM:mef



State of Oregon

DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Ray Underwood  
From: Pete McSwain  
Subject: Application of 71-020(7)(b)  
Clatsop Plains Moratorium

Date: May 10, 1978

I. SPECIFIC PROBLEM

No construction permit shall be issued under this subsection for any parcel of land where the parcel is created out of an existing parcel or parcels and where the creation of the new parcel results in a reduction of size of the original parcel or parcels to less than one acre and where the original parcel or parcels so reduced serve or are occupied by a dwelling unit or by dwelling units or by any other subsurface generating facility or thing. (Emphasis mine)

The above language was drafted by Clatsop County and is useful to prevent conveyancing schemes which result in less than an acre density. It was adopted as a temporary rule in March of 1978 to replace similar but less readable language I had drafted.

The problem is this: In July of 1977, an owner of 4.5 acres with one dwelling conveyed the dwelling and  $\frac{1}{2}$  acre to a third party. You will recall that, at that time, there was a complete moratorium. The owner conveyed with no particular expectation of developing the remaining four acres. In November, the Commission made possible one-acre density development with septic tanks. Had this owner sold the house and an acre, he could have proceeded to sell the remaining 3.5 acres as developable land. Now, the rule holds the entire base 4.5 acres to a density of only one dwelling.

Lou Larson, the owner's attorney, would like to know if this malady can be cured by either of the following (he seeks conceptual evaluation only at present; no specific conveyance papers have been drafted):

Preferred Solution: Owner conveys in fee an additional and contiguous half-acre to the person who bought the dwelling, retaining a reversionary interest in the half-acre which is worded to take effect only if at some future date our rules allow for half-acre density.

Alternative Solution: Same as above with no reversionary clause.

May 10, 1978  
Page 2

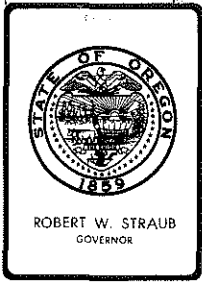
At first blush, neither solution, in concept, appears to me to offend the rule. I told Lou I could not speak officially on this and would try to get an official, administrative position. It appears appropriate because John Bagg, Clatsop County counsel, would be uncomfortable in approving his county's issuance of permits if there were a danger that we would later "choke" on the attempted solution. Mr. Larson's client has a business which may become extinct in the near future unless it gets some cash flow from the sale of the land as developable land.

## II. GENERAL PROBLEM

The recital above deals with the second unforeseen inequity in the moratorium. Perhaps it would be well to recommend to the Commission a specific provision that inequities can be taken care of through the variance procedure. In lieu of all these rule revisions, I feel an administrative "safety valve" is needed.

PWM:jas

cc: Bill Young  
Jack Osborne  
Bob Gilbert  
John Bagg



## *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, June 30, 1978, EQC Meeting

Vehicle Emission Testing Rules -- Consideration of Adoption of Amendments to Motor Vehicle Inspection Rules to Include 1978 Model Year Vehicles. OAR 340-24-300 through 24-350.

### Background

At the Environmental Quality Commission Meeting of April 28, 1978, authorization was granted to hold a public hearing to consider amendments to the inspection program rules. These proposed amendments are primarily the annual updating of the inspection program standards to include 1978 model year motor vehicles. These proposed standards are presented in Appendix A. The Statement of Need is attached as Appendix B.

### Evaluation

The public hearing was held May 31, 1978 in the State Office Building in Portland. The Hearing Officer's Report is attached as Appendix C. The only testimony received was from Alfa Romeo.

Alfa Romeo stated that the idle carbon monoxide levels selected for catalytic converter equipped vehicles was so high, 0.5%, that the Department's tailpipe standard would only catch a "gross emitter". Alfa Romeo suggested an alternative method of measuring the exhaust upstream of the converter. While staff concurs that the upstream method is the proper method for obtaining diagnostics, and should be used by the service industry, it is not a viable method for the inspection lane.

The contention that the 0.5% limit may be only detecting gross emitters has not been raised by the other manufacturers. Rather the manufacturers have stressed the strictness of the State's idle standards, particularly those on the late model cars. Staff recognizes that there are design differences among the manufacturers, and that what is an appropriate standard for one make may not be suitable for another. The philosophy of standards selection is based on the manufacturers' design, maintenance procedures, and an engineering judgement. The inclusion of the enforcement tolerance adds protection for the motorist to account for variability and repeatability. This enforcement tolerance is scheduled to expire June 30, 1979. Prior to its expiration, the EPA inspection maintenance study, in which DEQ is participating, should have data available that would allow for adjusting standards, if necessary, on these late model cars.



Contains  
Recycled  
Materials

Summation

The changes proposed for the inspection program rules are reasonable and maintain equity. The standards are updated for the current model year.

Director's Recommendation

It is the Director's recommendation that the Commission adopt the proposed rule amendments as presented in Appendix A.

A handwritten signature in cursive script that reads "Bill".

WILLIAM H. YOUNG

William P. Jasper:jo

229-5081

June 8, 1978

Attachments: Appendix A  
Appendix B  
Appendix C

340-24-305 is amended as follows.

24-305 DEFINITIONS. As used in these rules unless otherwise required by context:

- (1) "Carbon dioxide" means a compound consisting of the chemical formula (CO<sub>2</sub>).
- (2) "Carbon monoxide" means a compound consisting of the chemical formula (CO).
- (3) "Certificate of compliance" means a certification issued by a vehicle emission inspector that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the emission control criteria, standards, and rules of the Commission.
- (4) "Certificate of inspection" means a certification issued by a vehicle emission inspector and affixed to a vehicle by the inspector to identify the vehicle as being equipped with the required functioning motor vehicle pollution control systems and as otherwise complying with the emission control criteria, standards, and rules of the Commission.
- (5) "Commission" means the Environmental Quality Commission.
- (6) "Crankcase emissions" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine.
- (7) "Department" means the Department of Environmental Quality.
- (8) "Diesel motor vehicle" means a motor vehicle powered by a compression-ignition internal combustion engine.
- (9) "Director" means the director of the Department.

(10) "Electric vehicle" means a motor vehicle which uses a propulsive unit powered exclusively by electricity.

(11) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

(12) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with federal motor vehicle emission control laws and regulations.

(13) "Gas analytical system" means a device which senses the amount of contaminants in the exhaust emissions of a motor vehicle, and which has been issued a license by the Department pursuant to section 24-350 of these regulations and ORS 468.390.

(14) "Gaseous fuel" means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.

(15) "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.

(16) "Heavy duty motor vehicle" means a motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon of more than 3855 kilograms (8500 pounds).

(17) "Hydrocarbon gases" means a class of chemical compounds consisting of hydrogen and carbon.

(18) "Idle speed" means the unloaded engine speed when accelerator pedal is fully released.

(19) "In-use motor vehicle" means any motor vehicle which is not a new motor vehicle.

(20) "Light duty motor vehicle" means a motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon of not more than 3855 kilograms (8500 pounds).

~~[(21) "Motor vehicle fleet operation" means ownership, control, or management, or any combination thereof, by any person of 100 or more Oregon registered, in-use, motor vehicles, excluding those vehicles held primarily for the purposes of resale.]~~

~~[(22)]~~ (21) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines shall mean the 12 month period beginning January of the year in which production thereof begins.

~~[(23)]~~ (22) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a mass of 680 kilograms (1500 pounds) or less with manufacturer recommended fluids and nominal fuel capacity included.

~~[(24)]~~ (23) "Motor vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(24) "Motor vehicle fleet operation" means ownership by any person of 100 or more Oregon registered, in-use, motor vehicles, excluding those vehicles held primarily for the purposes of resale.

(25) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants



(26) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who in good faith purchases the motor vehicle for purposes other than resale.

(27) "Non-Complying imported vehicle" means a motor vehicle of model years 1968 through 1971 which was originally sold new outside of the United States and was imported into the United States as an in-use vehicle prior to February 1, 1972.

(28) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

~~[(28)]~~ (29) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the Federal Government and any agencies thereof.

~~[(29)]~~ (30) "PPM" means parts per million by volume.

~~[(30)]~~ (31) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof in this state used by the public or dedicated or appropriated to public use.

~~[(31)]~~ (32) "RPM" means engine crankshaft revolutions per minute.

~~[(32)]~~ (33) "Two-stroke cycle engine" means an engine in which combustion occurs, within any given cylinder, once each crankshaft revolution.

~~[(33)]~~ (34) "Vehicle emission inspector" means any person possessing a current and valid license issued by the Department pursuant to section 24-340 of these regulations and ORS 468.390.

340-24-320(7) is amended as follows.

(7) Electric vehicles are presumed to comply with all requirements of these rules and those applicable provisions of ORS 468.360 to 468.405, 481.190 to 481.200, and 483.800 to 483.825, and may be issued the required certificates of compliance and inspection [~~upon-payment-of-the-required fee~~] at no charge.

340-24-330 is corrected as follows.

24-330 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL IDLE EMISSION STANDARDS.

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

	<u>%</u>	<u>Enforcement Tolerance Through June, 1979</u>
<u>ALFA ROMEO</u>		
<u>1978</u>	<u>0.5</u>	<u>0.5</u>
1975 through 1977	1.5	1.0
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.5
pre-1968	6.0	0.5
<u>AMERICAN MOTORS CORPORATION</u>		
1975 through [ <del>1977</del> ] <u>1978</u> Non-Catalyst	1.5	0.5
1975 through [ <del>1977</del> ] <u>1978</u> Catalyst Equipped	0.5	0.5
1972 through 1974	2.0	1.0
1970 through 1971	3.5	1.0
1968 through 1969	5.0	0.5
pre-1968	6.0	0.5
Above 6000 GVWR, 1974 through [ <del>1977</del> ] <u>1978</u>	2.0	1.0

ARROW, Plymouth - see COLT, Dodge

AUDI

1975 through [ <del>1977</del> ] <u>1978</u>	1.5	0.5
1971 through 1974	2.5	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

AUSTIN - see BRITISH LEYLAND

BMW

1975 through [ <del>1977</del> ] <u>1978</u>	1.5	0.5
1974, 6 cyl.	2.5	1.0
1974, 4 cyl.	2.0	1.0
1971 through 1973	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

BRITISH LEYLAND

Austin, Austin Healey, Morris, America, and Marina		
1975	2.0	0.5
1973 through 1974	2.5	1.0
1971 through 1972	4.0	1.0
1968 through 1970	5.0	1.0
pre-1968	6.5	0.5

Jaguar

1975 through [ <del>1977</del> ] <u>1978</u>	0.5	0.5
1972 through 1974	3.0	1.0
1968 through 1971	4.0	1.0
pre-1968	6.0	0.5

MG

1976 through [ <del>1977</del> ] <u>1978</u> MG	0.5	0.5
1975 MG, MG Midget and 1976 MG Midget	2.0	0.5
1973 through 1974 MGB, MGBGT, MGC	3.0	1.0
1971 through 1974 Midget	3.0	1.0
1972 MGB, MGC	4.0	1.0
1968 through 1971, except 1971 Midget	5.0	1.0
pre-1968	6.5	0.5

Rover		
1971 through 1974	4.0	1.0
1968 through 1970	5.0	0.5
pre-1968	6.0	0.5
Triumph		
1978	0.5	0.5
1975 through 1977	2.0	0.5
1971 through 1974	3.5	1.0
1968 through 1970	4.0	1.0
pre-1968	6.5	0.5

BUICK - see GENERAL MOTORS

CADILLAC - see GENERAL MOTORS

CAPRI - see FORD MOTOR COMPANY

CHECKER

1975 through [1977] <u>1978</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.0
1970 through 1972	2.5	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5

CHEVROLET - see GENERAL MOTORS

CHEVROLET L.U.V. - see L.U.V., Chevrolet

CHRYSLER - see CHRYSLER CORPORATION

CHRYSLER CORPORATION (Plymouth, Dodge, Chrysler)

1975 through [1977] <u>1978</u> Non-Catalyst	1.0	0.5
1975 through [1977] <u>1978</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.5
1970 through 1972	1.5	1.5
1968 through 1969	2.0	2.5
pre-1968	6.0	0.5
Above 6000 GVWR, 1968 through 1971	4.0	1.0
Above 6000 GVWR, 1972 through [1977] <u>1978</u>	2.0	1.0

*1978 only (all cars)*

1.0

0.5

CITROEN

1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

COLT, Dodge

1978	0.5	0.5
1975 through 1977	3.0	0.5
1971 through 1974	5.0	1.0
pre-1971	6.0	0.5

COURIER, Ford

1975 through [1977] 1978	1.5	0.5
1973 through 1974	2.0	1.0
pre-1973	4.0	1.0

CRICKET, Plymouth

1973 through 1974 (twin carb. only)	3.0	1.0
1972 (twin carb. only)	4.5	1.0
pre-1972 (and 1972 through 1973 single carb. only)	7.5	0.5

DATSUN

1978 Catalyst Equipped	0.5	0.5
1975 through [1977] 1978 Non-Catalyst	2.0	0.5
1968 through 1974	2.5	1.0
pre-1968		

DE TOMASO - see FORD MOTOR COMPANY

DODGE - see CHRYSLER CORPORATION

DODGE COLT - see COLT, Dodge

FERRARI

1978	0.5	0.5
<u>1975</u> through 1977	[0.5] <u>2.0</u>	0.5
1971 through 1974	2.5	1.5
1968 through 1970	4.0	1.5
pre-1968	6.0	0.5

FIAT

1975 through [1977] 1978 Non-Catalyst	1.5	0.5
1975 through [1977] <u>1978</u> Catalyst Equipped	0.5	0.5
1974	2.5	1.0
1972 through 1973 124 Spec. sedan & wgn.	4.0	1.0
1972 through 1973 124 sport coupe & spider	3.0	1.0
1972 through 1973 850	3.0	1.0
1971 850 sport coupe and spider	3.0	1.0
1971 850 sedan	6.0	0.5
1968 through 1970, except 850	5.0	0.5
1968 through 1970 850	6.0	0.5
pre-1968	6.0	0.5

FIESTA - see FORD MOTOR COMPANY

FORD - see FORD MOTOR COMPANY

FORD MOTOR COMPANY (Ford, Lincoln, Mercury, Capri, except Courier)

1975 through [1977] 1978 Non-Catalyst	1.0	0.5
1975 through [1977] <u>1978</u> Catalyst Equipped	0.5	0.5
1974, except 4 cyl.	1.0	1.0
1973, except 4 cyl.	1.0	1.5
1972, except 4 cyl.	1.0	2.0
1972 through 1974, 4 cyl., except 1971- 1973 Capri	2.0	1.0
1971 through 1973 Capri only	2.5	1.0
1970 through 1971	2.0	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
Above 6000 GVWR, 1968 through 1971	4.0	1.0
Above 6000 GVWR, 1972 through 1973	3.0	1.0
Above 6000 GVWR, 1974 through [1977] <u>1978</u>	2.0	1.0

GENERAL MOTORS (Buick, Cadillac, Chevrolet, GMC, Oldsmobile, Pontiac)

1975 through [1977] <u>1978</u> Non-Catalyst	1.0	0.5
1975 through [1977] <u>1978</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.0
1971 through 1972, except <u>1971</u> 4 cyl.	1.5	1.0
1970, except 4 cyl.	1.5	1.5
1970 through 1971, 4 cyl.	2.5	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
Above 6000 GVWR, 1968 through 1971	4.0	1.0
Above 6000 GVWR, 1972 through 1973	3.0	1.0
Above 6000 GVWR, 1974 through [1977] <u>1978</u>	2.0	1.0

GMC - see GENERAL MOTORS

HONDA AUTOMOBILE

1975 through [1977] <u>1978</u> CVCC	1.0	0.5
1975 through [1977] <u>1978</u> , except CVCC engine	1.5	0.5
1973 through 1974	3.0	1.0
pre-1973	5.0	1.0

INTERNATIONAL HARVESTER

1975 through [1977] <u>1978</u>	2.5	0.5
1972 through 1974	3.0	1.0
1970 through 1971	4.0	1.0
1968 through 1969	5.0	1.0
pre-1968	6.0	0.5

JAGUAR - see BRITISH LEYLAND

JEEP - see AMERICAN MOTORS

JENSEN-HEALEY

1973 and 1974	4.5	1.0
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JENSEN INTERCEPTOR & CONVERTIBLE - see CHRYSLER CORPORATION

LAND ROVER - see BRITISH LEYLAND, Rover

LINCOLN - see FORD MOTOR COMPANY

L.U.V., Chevrolet

1974 through [1977] <u>1978</u>	1.5	1.0
pre-1974	3.0	1.0

MAZDA

<u>1978 Catalyst Equipped</u>	<u>0.5</u>	<u>0.5</u>
1975 through [1977] <u>1978 Non-Catalyst</u>	<u>1.5</u>	<u>0.5</u>
1968 through 1974, Piston Engines	4.0	1.0
1974, Rotary Engines	2.0	0.5
1970 through 1973, Rotary Engines	3.0	0.5

MERCURY - see FORD MOTOR COMPANY

MERCEDES-BENZ

1975 through 1977 Non-Catalyst, 4 cyl.	1.0	0.5
1975 through [1977] <u>1978</u> , all other	0.5	0.5
1973 through 1974	2.0	1.0
1972	4.0	1.0
1968 through 1971	5.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

MG - see BRITISH LEYLAND

OLDSMOBILE - see GENERAL MOTORS

OPEL

1975 through [1977] <u>1978</u>	1.5	0.5
1973 through 1974	2.5	1.0
1970 through 1972	3.0	1.0
1968 through 1969	3.0	1.0
pre-1968	6.0	0.5

PANTERA - see FORD MOTOR COMPANY



PEUGEOT

1975 through [ <del>1977</del> ] <u>1978</u>	1.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

PLYMOUTH - see CHRYSLER CORPORATION

PLYMOUTH CRICKET - see CRICKET, Plymouth

PONTIAC - see GENERAL MOTORS

PORSCHE

<u>1978 Catalyst Equipped</u>	<u>0.5</u>	<u>0.5</u>
1975 through [ <del>1977</del> ] <u>1978 Non Catalyst</u>	2.5	0.5
1972 through 1974	3.0	1.0
1974 Fuel Injection 1.8 liter (914)	5.0	1.0
1968 through 1971	5.0	1.0
pre-1968	6.5	0.5

RENAULT

1977 <u>through 1978</u>	1.5	0.5
1976 Carbureted	1.5	0.5
1975 and 1976 Fuel Injection	1.5	0.5
1975 Carbureted	0.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	5.0	1.0
pre-1968	6.0	0.5

ROLLS-ROYCE and BENTLEY

1975 through [ <del>1977</del> ] <u>1978</u>	0.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

ROVER - see BRITISH LEYLAND

SAAB

1975 through [ <del>1977</del> ] <u>1978</u>	1.5	0.5
1968 through 1974, except 1972 99 1.85 liter	3.0	1.0
1972 99 1.85 liter	4.0	1.0
pre-1968 (two-stroke cycle)	3.0	3.5

SAPPORO, Plymouth - see COLT, Dodge

SUBARU

1975 through [ <del>1977</del> ] <u>1978</u>	1.5	0.5
1972 through 1974	3.0	1.0
1968 through 1971, except 360's	4.0	1.0
pre-1968 and all 360's	6.0	0.5

TOYOTA

1975 through [ <del>1977</del> ] <u>1978</u> Catalyst Equipped	0.5	0.5
1975 through [ <del>1977</del> ] <u>1978</u> , 4 cyl.	2.0	0.5
1975 through [ <del>1977</del> ] <u>1978</u> , 6 cyl.	1.0	0.5
1968 through 1974, 6 cyl.	3.0	1.0
1968 through 1974, 4 cyl.	4.0	1.0
pre-1968	6.0	0.5

TRIUMPH - see BRITISH LEYLAND

VOLKSWAGEN

<u>1977 and 1978 Rabbit and Scirocco</u>	<u>2.0</u>	<u>0.5</u>
<u>[Diesel-Engines-(all-years)]</u>	<u>7.0</u>	<u>0.5</u>
1976 [ <del>and-1977</del> ] Rabbit and Scirocco	0.5	0.5
1976 through [ <del>1977</del> ] <u>1978</u> All Others	2.5	0.5
1975 Rabbit, Scirocco, and Dasher	0.5	0.5
1975 All Others	2.5	0.5
1974 Type 4 Fuel Injection 1.8 liter	5.0	0.5
1972 through 1974, except Dasher	3.0	1.0
1972 through 1974 Dasher	2.5	1.0
1968 through 1971	3.5	1.0
pre-1968	6.0	0.5
<u>Diesel Engines (all years)</u>	<u>1.0</u>	<u>0.5</u>

VOLVO

<u>1978</u>	0.5	0.5
1975 through 1977, 6 cyl.	1.0	0.5
1975 through 1977, 4 cyl.	2.0	0.5
1972 through 1974	3.0	1.0
1968 through 1971	4.0	1.0
pre-1968	6.5	0.5

NON-COMPLYING IMPORTED VEHICLES

All	6.5	0.5
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DIESEL POWERED VEHICLES

All	1.0	0.5
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ALL VEHICLES NOT LISTED and VEHICLES FOR WHICH NO VALUES ENTERED

1975 through [ <del>1977</del> ] <u>1978</u> Non-Catalyst, 4 cyl.	2.0	0.5
1975 through [ <del>1977</del> ] 1978 Non-Catalyst, except 4 cyl.	1.0	0.5
1975 through [ <del>1977</del> ] Catalyst Equipped	0.5	0.5
1972 through 1974	3.0	1.0
1970 through 1971	4.0	1.0
1968 through 1969	5.0	1.0
pre-1968 and those engines less than 820 cc (50 cu. in.)	6.5	0.5

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

<u>PPM</u>	<u>Enforcement Tolerance Through June 1979</u>	
No HC Check	--	All two-stroke cycle engines & diesel ignition
1500	100	Pre-1968 4 or less cylinder engines, 4 or less cylindered non-complying imports, and those engines less than 820 cc (50 cu. in.) displacement
1200	100	Pre-1968 with more than 4 cylinder engines, and non-complying imports with more than 4 cylinder engines

800	100	1968 through 1968, 4 cylinder
600	100	All other 1968 through 1969
500	100	All 1970 through 1971
400	100	All 1972 through 1974, 4 cylinder
300	100	All other 1972 through 1974
200	100	1975 through [ <del>1977</del> ] <u>1978</u> without catalyst
125	100	1975 through [ <del>1977</del> ] <u>1978</u> with catalyst

(3) There shall be no visible emission during the steady-state unloaded and raised rpm engine idle portion of the emission test from either the vehicle's exhaust system or the engine crankcase. In the case of diesel engines and two-stroke cycle engines, the allowable visible emission shall be no greater than 20% opacity.

(4) The Director may establish specific separate standards, differing from those listed in subsections (1), (2), and (3), for vehicle classes which are determined to present prohibitive inspection problems using the listed standards.

340-24-335 is corrected as shown.

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

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

	<u>Base Standard</u> %	<u>Enforcement Tolerance</u> Through June, 1979
<u>ALL VEHICLES</u>		
Pre-1970	6.0	0.5
1970 through 1973	4.0	1.0
1974 through [ <del>1977</del> ] <u>1978</u>	3.0	1.0

(2) Carbon monoxide nominal 2,500 RPM emission values not to be exceeded:

	<u>Base Standard</u> %	<u>Enforcement Tolerance</u> Through June, 1979
<u>ALL VEHICLES</u>		
Pre-1970	3.0	1.0
1970 through [ <del>1977</del> ] <u>1978</u>	2.0	1.0
Fuel Injected	No Check	

( Hydrocarbon idle emission values not to be exceeded:

	<u>Base Standard</u> PPM	<u>Enforcement Tolerance</u> Through June, 1979
<u>ALL VEHICLES</u>		
Pre-1970	700	200
1970 through 1973	500	200
1974 through [ <del>1977</del> ] <u>1978</u>	300	200

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

(5) The Director may establish specific separate standards, differing from those listed in subsections (1), (2), (3), and (4) for vehicle classes which are determined to present prohibitive inspection problems using the listed standard.

340-24-340(3) is amended as follows.

(3) Each license shall be valid for 12 months following the end of the month of issuance [:-] unless revoked, suspended, or returned to the Department.

340-24-350(1)(b) is amended as follows.

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

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION  
of the  
State of Oregon

In the Matter of the Adoption	)	
of Amendments to the	)	
Motor Vehicle Inspection Rules	)	STATEMENT OF NEED
OAR 340-24-300 to 340-24-350.	)	

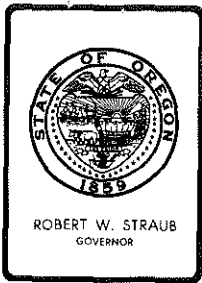
The Environmental Quality Commission proposes to adopt amendments to the motor vehicle inspection rules (OAR 340-24-300 to 340-24-350).

- (a) Legal authority: ORS 183.341 and ORS 468.370.
- (b) Need for Rule:
  1. To provide housekeeping changes in the definition and to align our definition of "owner" with that provided in statute.
  2. To update the specific emission criteria for various vehicle classes to include standards for 1978 model year vehicles.
- (c) The existing rules, motor vehicle manufactures publications and compendiums (ie: service manuals technical bulletins, and technical papers as appropriate), and ORS 481.040, and comments from the public hearing of May 31, 1978.

Environmental Quality Commission

June 14, 1978  
Date

By: William H. Young  
Director



## *Environmental Quality Commission*

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

June 2, 1978

TO: Environmental Quality Commission

FROM: Hearing Officer

SUBJECT: Hearing Report: Proposed Rule Amendments for  
1978 Model Year Motor Vehicles

### BACKGROUND

Commencing at 1:05 pm on Wednesday, May 31, 1978, a public hearing was held in Room 36 of the State Office Building in Portland, Oregon. Of the five people in attendance, none offered testimony. Written testimony, a copy attached, was offered by Alfa Romeo.

### SUMMARY OF TESTIMONY

Mr. D. Black of Alfa Romeo, presented written testimony stating that the idle carbon monoxide (CO) values selected for catalytic converter equipped automobiles was at such a high level that it is capable of detecting only "gross" emitters.

### RECOMMENDATION

Your hearing officer makes no recommendation in this matter.

Respectfully submitted,

William P. Jasper  
Hearing Officer

WPJ:jo  
Attachment



Contains  
Recycled  
Materials





# Alfa Romeo

## Alfa Romeo, Inc.

Headquarters and Eastern Division

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(201) 871-1234 — (212) 736-6516 Telex 13-5413

## Western Division

215 Douglas St., S., El Segundo, Calif. 90245  
(213) 772-4414 Telex 67-3248

May 5, 1978

Ref. Nr. 095

Mr. William H. Young  
STATE OF OREGON  
Environmental Quality Commission  
P.O. Box 1760  
Portland, Oregon 97207

RE: Q.A.R. 340-24-330 (Page 5 - Appendix "A") LIGHT DUTY  
MOTOR VEHICLE EMISSION CONTROL IDLE EMISSION STANDARDS

The cited page shows the idle max CO limit for 1978 Alfa Romeo vehicles to be 0.5%.

Since these vehicles are catalytic convertor equipped, the 0.5% figure seems to be an arbitrary tailpipe limit. If this is true, then with an 0.5% CO level, the owner could have conceivably removed or destroyed his convertor.

Our specifications call for a maximum of 1.2% CO, measured upstream of the convertor at the sample port provided. The normal practice is to set the idle CO by splitting the maximum of 1.2% to a nominal 0.5 - 0.6%. Therefore, your 0.5% tailpipe level would be indicative only of a gross emitter.

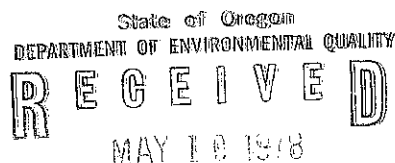
We would prefer that the upstream sampling method be used, as it provides a true indication of engine health, tampering, and/or maladjustment. The tailpipe maximum of 0.5% can cover a multitude of "sins" at say 0.3 - 0.4% levels. Further, with an idle tailpipe value of 0.4%, the U.S.E.P.A. standards would certainly be in question, as that would reflect an engine out level of about 4%.

Thank you for the opportunity to comment.

Sincerely yours,

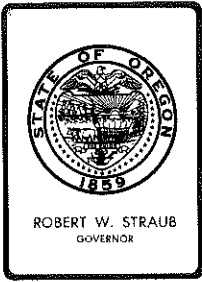
D. Black  
Manager

U.S. Engineering Office



DB/dm

OFFICE OF THE DIRECTOR



## *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, June 30, 1978, EQC Meeting

### Petition to Amend Noise Regulations for New Passenger Cars and Light Trucks

### Background

Oregon Revised Statute Chapter 467 directs the Environmental Quality Commission to "investigate and after appropriate public hearing, establish maximum permissible levels of noise emission for each category . . ." In the fall of 1973, the Department proposed rules establishing maximum permissible levels of noise emission for various categories of sources, and held public hearings on the proposed rules throughout the state.

Subsequent to public informational hearings, the Commission held a formal hearing to consider the noise rules for adoption. At the July 19, 1974 EQC meeting in Portland, the Commission approved and adopted the motor vehicle noise rules and associated procedure manuals.

The Department has received a petition from General Motors Corporation to amend OAR Chapter 340, Section 35-025, Noise Control Regulations for the Sale of New Motor Vehicles. This petition addresses proposed amendments to the rules as they relate to the sale of new passenger cars and light trucks. The petition would rescind the 75 dBA standard scheduled for 1981 and subsequent models.

In June 1976, General Motors also petitioned to rescind the 75 dBA standard that was scheduled to become effective for 1979 and subsequent models.

After public hearings, the Commission adopted an amendment that did not rescind the 75 dBA standard but postponed its implementation two years, until 1981. Thus, the present 80 dBA standard was retained during this two-year period.

### Options

If the Commission deems it necessary to deny the petition, then specific reasons should be given therefor so that these reasons may be included in a written order to be signed by the Commission and served on the petitioner.



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Should the Commission adopt the Director's recommendation to entertain the petition, implicit in this decision would be the direction and authorization for the Department to give public notice and conduct a public hearing in accordance with the Department's Administrative Procedures Rules.

The Department's recommendation to the Commission at the August 27, 1976 meeting to delay the 75 dBA standard for two years, until model year 1981, was based upon the following reasons:

- (1) A more representative noise rating test was purported by the petitioner to be available within the next year (1977);
- (2) The federal EPA was investigating this vehicle category as a candidate for rulemaking, and staff believed the federal standard would be promulgated within two years (by 1978); and
- (3) If EPA did not promulgate standards (which they have not), then the 75 dBA standard would continue to be required of vehicles as the next necessary step in environmental noise abatement.

#### Evaluation

The petition submitted by General Motors Corporation requesting the deletion of the 75 dBA standard for 1981 and subsequent model automobiles and light trucks submits the following justifications:

- (1) Vehicles meeting this standard will not be significantly quieter in real world traffic situations;
- (2) The estimated cost of compliance would increase prices \$10 to \$260 per unit, which is an adverse economic impact; and
- (3) The federal EPA is studying the possibility of promulgating standards for this vehicle category, which would preempt State standards. GMC estimates that the earliest any federal standard would be in effect is 1982 or possibly 1983.

#### Director's Recommendation

It is the Director's recommendation that the Commission authorize the Department to hold a public hearing, before a hearings officer, at a time and location to be set by the Director. Notification should be given that any automobile manufacturers or manufacturer associations interested in filing similar petitions, may in lieu thereof, be heard at this public hearing. The hearings officer will receive testimony limited to amendments to the noise rules pertaining to the sale of new automobiles and light trucks.

*Bill*

WILLIAM H. YOUNG

John Hector;dro  
229-5989  
6/14/78

Attachment: (1) GMC Petition



Environmental Activities Staff  
General Motors Corporation  
General Motors Technical Center  
Warren, Michigan 48090

May 19, 1978


Mr. Joe B. Richards, Chairman  
Environmental Quality Commission  
State of Oregon  
522 S.W. 5th St.  
P.O. Box 1760  
Portland, Oregon 97207

Dear Mr. Richards:

Attached for filing with the Commission are five copies of a Petition by General Motors Corporation to amend noise control regulations adopted by the Department of Environmental Quality, Air Quality Control Division. The Petition is filed in accordance with Oregon Administrative Rules, Chapter 340.

An additional five copies are being furnished to the Department of Environmental Quality.

Sincerely yours,

  
E. G. Ratering, Director  
Vehicular Noise Control

Atts. (5)

cc w/5 atts:

Mr. John M. Hector, Supervisor  
Noise Control Program  
State of Oregon  
Department of Environmental Quality  
522 S.W. 5th St. - Room 525  
Portland, Oregon 97207

PETITION OF GENERAL MOTORS CORPORATION  
TO  
THE ENVIRONMENTAL QUALITY COMMISSION  
STATE OF OREGON  
TO  
AMEND OR REPEAL  
NOISE CONTROL REGULATIONS ADOPTED BY  
THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY CONTROL DIVISION  
ON JULY 19, 1974

MAY 19, 1978

In accordance with Chapter 340, Division 1, Subdivision 1, Oregon Administrative Rules, petition is hereby made under section 11-045 of those rules to amend rules adopted by the Department of Environmental Quality Air Quality Control Division on July 19, 1974, and amended September 5, 1974 and August 27, 1976.

BACKGROUND

In June 1974, while the Air Quality Control Division was considering adoption of vehicle noise regulations, General Motors filed a statement commenting on the regulations then being proposed. Attached is a copy of that statement (Attachment A). Section II of the statement dealt with the point addressed by this Petition, namely the 75dBA level for new passenger cars and light trucks which, at the time that statement was submitted, was applicable to 1979 model year and later vehicles.

The Division adopted the 1979 model year levels despite recommendations to the contrary in the GM statement.

In June 1976, General Motors petitioned the Environmental Quality Commission for relief from the 75dBA requirement for passenger cars and light trucks. Attached is a copy of that Petition (Attachment B).

Subsequently (August 27, 1976) the Oregon Department of Environmental Quality amended their regulation and deferred the effective date of the 75dBA requirement until model year 1981 (Table A). It is the purpose of this Petition to again request that the Oregon regulation be amended and the requirement for 75dBA passenger cars and light trucks be deleted.

FACTS SHOWING REASONS  
FOR AMENDMENT OF RULE

The 75dBA level for passenger cars and light trucks should be rescinded because it achieves no significant environmental improvement and has an adverse economic impact.

Environmental Considerations

Cars and other light vehicles will not be significantly quieter in real world traffic situations if they meet a 75dBA level under a wide open throttle test procedure, than comparable vehicles designed to an 80dBA level under the same test procedure.

A vehicle regulated in Oregon at 75dBA will not differ appreciably in its real traffic noise emission characteristics from an 80dBA regulated level vehicle because the sound level ratings are assigned under an SAE test procedure which does not correlate with real traffic conditions. The procedure calls for the measurement of the associated maximum noise level while the vehicle is undergoing a maximum acceleration with the throttle fully depressed (wide open). This operating mode is not typical of use in the community and this mode generates noise far greater than is generated during normal driving conditions.

Tests of new vehicles built to comply with 80dBA and 75dBA wide open throttle ratings result in comparable noise ratings as portrayed in Figure 1. Note that there is no difference in the sound level range during cruise conditions and a negligible difference occurs during typical acceleration conditions. Investigations by GM test engineers have determined that these operational modes occur 63% and 15% of the time respectively, while wide open throttle operation occurs less than 0.5% of the time. The balance of operation is in idle and deceleration modes, which are not significant noise generating modes.

Measurements made on 80dBA rated vehicles ranging from subcompact (e.g., Chevette) to personal luxury (e.g., Seville) confirmed that these vehicles during urban cruise (63% of the driving time) typically generate sound levels in the low 60dBA range, which is in the same sound level range generated by tires at 35mph cruise (Figure 2). Tire noise establishes a "floor" below which further reductions in engine-related noise will not result in a quieter vehicle as typically used in the community.

While the subcompact vehicle tends to exhibit a higher sound level (68dBA) than larger vehicles during urban acceleration, we believe this is not environmentally unacceptable, particularly considering the energy conservation achievable with the lighter cars. Higher sound levels during urban acceleration are to be expected from low horsepower to weight ratio cars due to higher engine speeds and the weight and

space restrictions placed on the noise reduction hardware. This is a compromise that must be made to achieve the overriding priority of obtaining greater fuel economy.

The data contained in attached Figures 1 and 2 are supported by the findings of the Florida Highway Patrol that reports properly maintained vehicles on the road today rarely exceed 72dBA. Accordingly, they have requested the Florida Legislature to establish 72dBA as the maximum noise level for this class of vehicles when operating at 35 mph and less. This is essentially in conformance with the Oregon limit of 73dBA under the same conditions.

Other data collected by the Florida Highway Patrol are of great interest in that they clearly indicate that the noise problem with passenger cars is not with new vehicles as manufactured. Table B is a compilation of their 1977 data which shows that 84% of the vehicles violating the in-use vehicle standards had modified or defective exhaust systems. Clearly, priority for reducing noise generated by motor vehicles should be given to the correction of these offending modified vehicles.

Attached Figure 3 portrays the results of a survey conducted by the University of Florida for the Florida Department of Environmental Regulation. If the highway or street traffic noise segment in this graph were reduced 84% by eliminating modified or defective vehicles, the magnitude of annoyance of this source would then fall somewhere between the "children playing" and "neighbors next door" in this representation of Most Annoying Noise Source. Reducing the WOT sound levels of new passenger vehicles would not change the impact of modified or defective vehicles which constitute the problem.

The greatest improvements in the urban noise environment can be obtained by decreasing the contributions of vehicles which are poorly maintained or intentionally modified to be noisy. Considering the typical sound level produced under normal operating conditions, current production vehicles designed to meet 80dBA per SAE J986a, when properly maintained and operated, already operate at low sound levels.

Therefore, further reduction of the existing Oregon 80dBA standard for passenger cars and light trucks tested per SAE J986a to achieve the objective of abating surface transportation noise in a rational, economically effective manner is unwarranted.

#### Economic Considerations

The most recent estimates made by General Motors indicate that price increases from \$10 to \$260 will be caused by reduction of WOT noise levels of cars and light trucks from 80dBA to 75dBA. The price in-

crease will depend upon the specific make and model. These estimates were made on the basis of all production, Oregon and nationwide, conforming to a 75dBA regulation. Special handling of production cars and light trucks to conform with smaller quantities (Oregon represented 1.07% of total new car registrations in 1977) could cost the Oregon consumer more. Quite predictably, some low volume models could be withheld from that market since it would not be economically feasible to manufacture those models.

The purchaser of the 75dBA vehicle will not be able to notice any difference in the sound level of this vehicle and the 80dBA vehicle he purchased the previous year. The purchaser however, could well question the price increase for the Oregon Noise Control option listed on the price label affixed to the car pursuant to Federal law.

#### Other Considerations

The United States Environmental Protection Agency is currently studying the possibility of identifying passenger cars and light trucks as major noise sources and therefore subject to Federal regulation. Such Federal regulation would preempt all state and local regulations, whether more, or less stringent. It is our current estimate that the earliest Federal regulation will not be in effect before 1982 or possibly 1983. Both of these dates are subsequent to the effective date of the Oregon regulation.

We believe the State of Oregon should delete the 75dBA passenger car and light truck regulation and defer to Federal regulation in order to eliminate the adverse impacts previously discussed.

#### PROPOSITIONS OF LAW

Oregon Revised Statutes 467.010, a part of Chapter 467, Noise Control, empower the Commission to adopt "reasonable" noise standards.

The 75dBA standard for cars and light trucks is not "reasonable."

Regulations are not "reasonable" unless they are reasonable directed to the accomplishments of the purpose of the statute, Blatz Brewing Co. v. Collins, 160 p. 2d 37; Senior Citizens League v. Department of Social Security, 38 Wash. 2d 142, 228 p. 2d 478, tend to its enforcement,

McCarthy v. Coos Head Timber Co., 208 ZOr. 371, 302 p. 2d 238, or are reasonably adapted to the end in view, States Rights Party v. State Board of Elections, 49 S.E. 2d 379.

As was pointed out above, the WOT limit, if reduced from 80dBA to 75dBA, will not appreciably reduce the noise level of vehicles as they

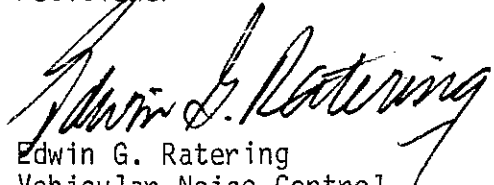


operate in the community. Therefore, the 75dBA limit is not reasonably adapted to the end in view, namely, reduction of community noise, and so is "unreasonable" under the legal authorities.

Other Interested Parties

Other parties that appear to be affected by the proposed amendment are other passenger car and light truck manufacturers, and car and truck dealers located in Oregon.

General Motors Corporation  
Petitioner



Edwin G. Ratering  
Vehicular Noise Control  
Environmental Activities Staff  
GM Technical Center  
Warren, Michigan 48090  
Tel. 313/575-1405

3BJG/0516/3

TABLE A

New Motor Vehicle StandardsMoving Test At 50 Feet (15.2 meters)

Vehicle Type	[Model Year] <u>Effective For:</u>	Maximum Noise Level, dBA
Motorcycles	1975 Model	85
	1976 Model	83
	1977-[1978] 1982 Models	[80] 81
	1983-1987 Models	78
	<u>Models after [1978] 1987</u>	75
Snowmobiles as defined in ORS 481.048	1975 Model	82
	1976-1978 Models	78
	<u>Models after 1978</u>	75
Truck [and bus as defined under ORS 481.030 and 481.035] in excess of 10,000 <u>pounds GVWR</u>	1975 Model	85
	[1976-1978] [after 1978]	[83] [80]
	1976-1981 Models or Models <u>manufactured after Jan. 1, 1978</u> <u>and before Jan. 1, 1982</u>	83
	<u>Models manufactured after Jan. 1, 1982</u> <u>and before Jan. 1, 1985</u>	80
	<u>Models manufactured after</u> <u>Jan. 1, 1985</u>	<u>(Reserved)</u>
Automobiles, light trucks, and all other road vehicles	1975 Model	83
	1976-[1978] 1980 Models	80
	<u>Models after [1978] 1980</u>	75
Bus as defined under ORS 481.030	1975 Model	86
	1976-1978 Models	83
	<u>Models after 1978</u>	80

# Florida Highway Patrol Noise Enforcement Report – 1977

## VEHICLES UNDER 10,000 POUNDS

Vehicles Measured.....	34,180
Vehicles with Violations.....	4,782
<hr/>	
Modified.....	2,602
Defective.....	1,346
Inadequate.....	<u>83</u>
Total.....	4,031

84% of violations caused by modified, defective or otherwise inadequate exhaust systems not supplied by manufacturer.

# Comparison of New Vehicle SOUND LEVELS

- A** 80 dBA Vehicle
- B** 75 dBA Vehicle

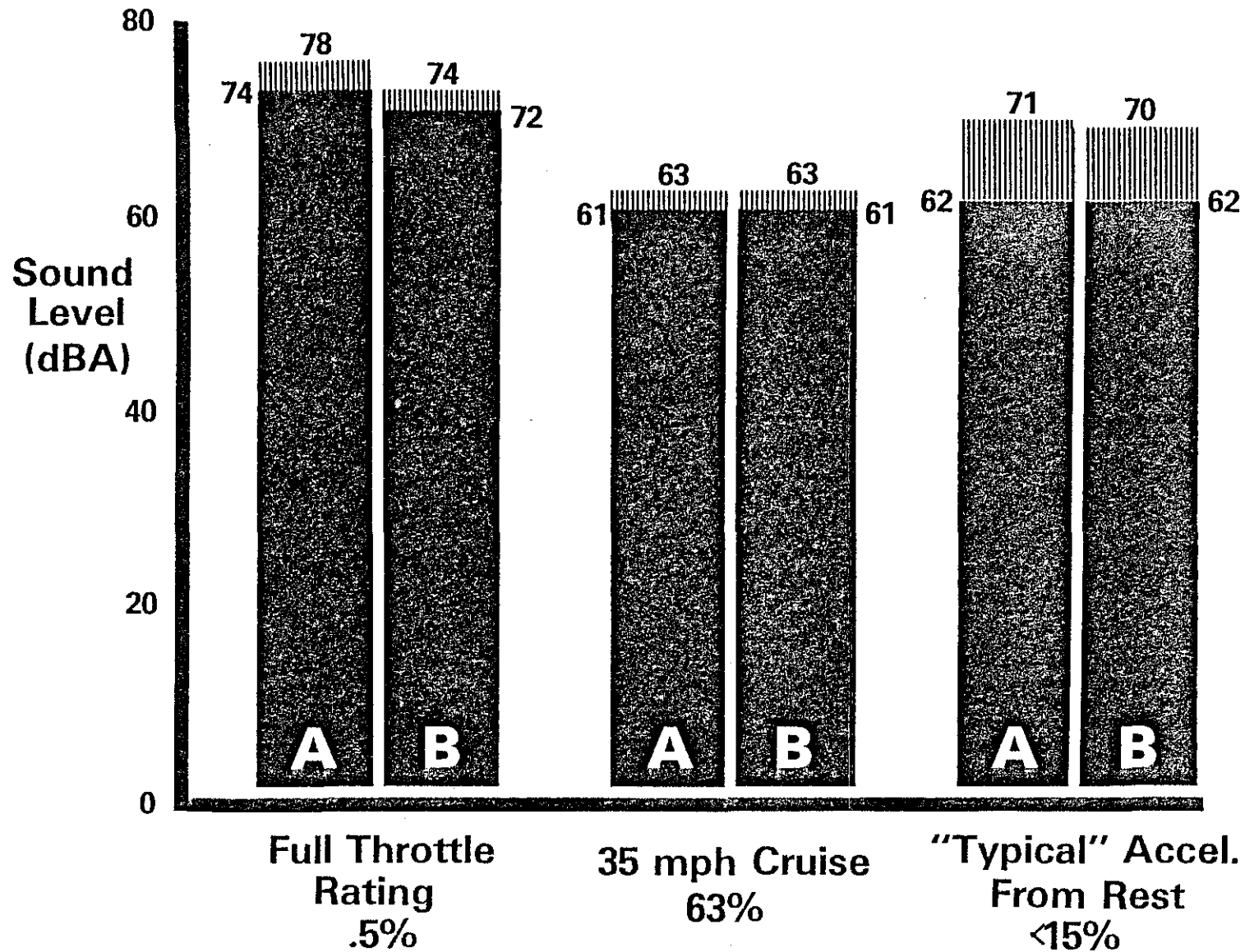


Figure 1

# Average Exterior Sound Levels (dBA) At 50 Feet Under Various Modes Of Operation

1975 and 1976 GM Production (44 Vehicles)

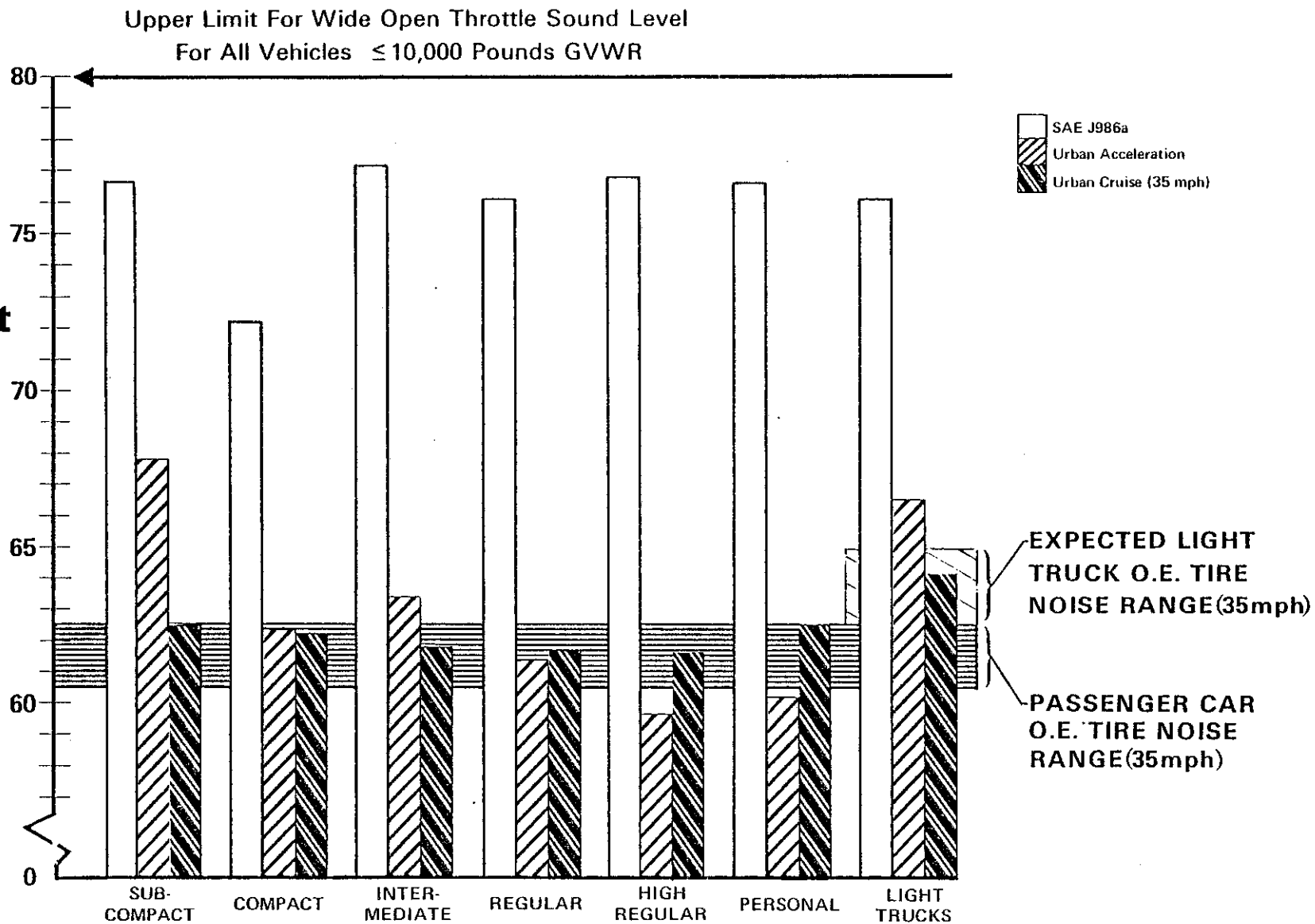
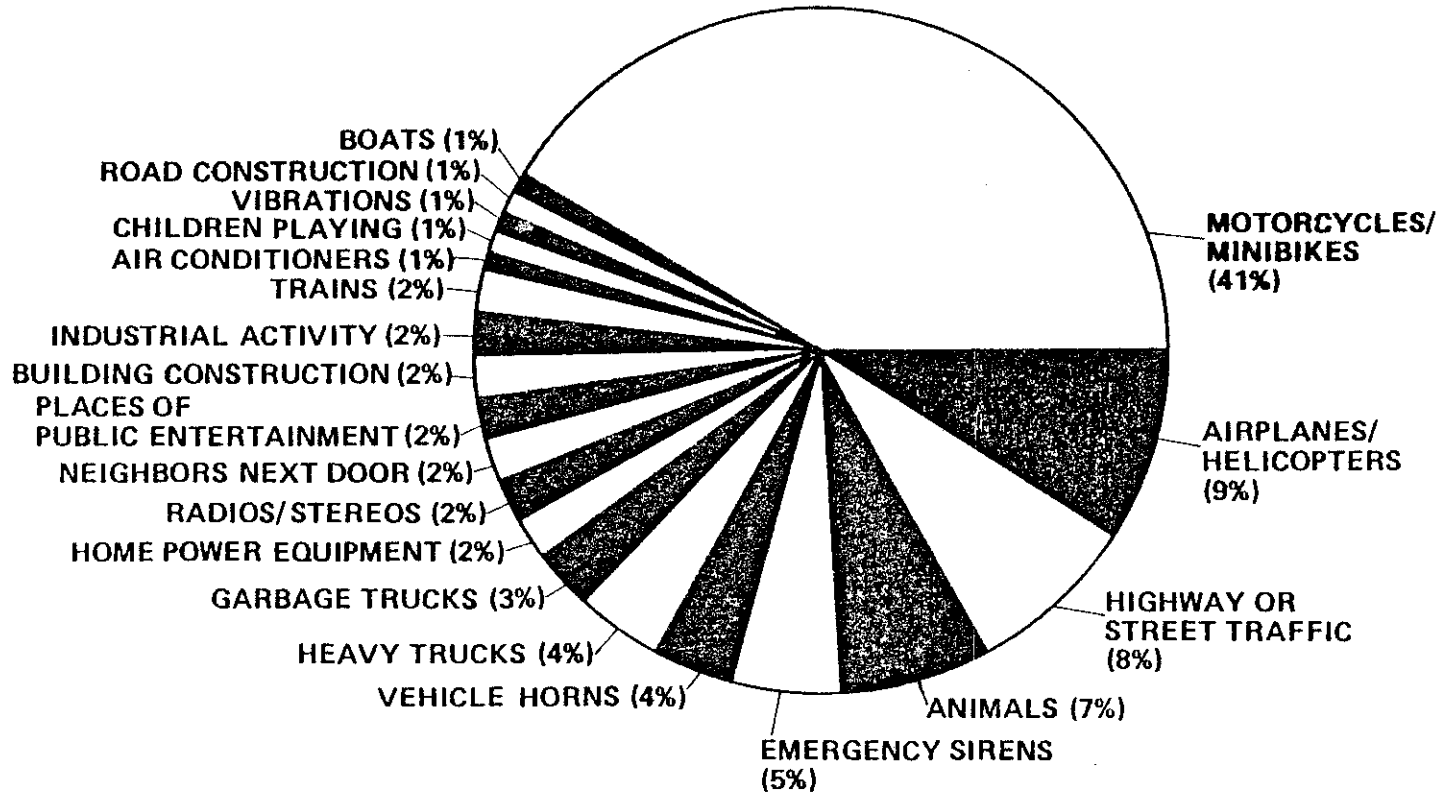


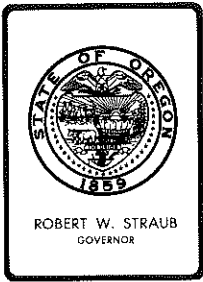
Figure 2

# MOST ANNOYING NOISE



Source: Testimony presented to Senate Subcommittee on Resource Protection by Florida Dept. of Environmental Regulation.

Figure 3



## *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. K, June 30, 1978, EQC Meeting

#### Proposed Motor Race Facility Noise Rules - Authorization for Public Hearing to Consider Adoption

### Background

In 1971 the Oregon Legislature found that a program should be initiated to protect Oregon citizens from deterioration of the quality of life by excessive noise emissions. The Environmental Quality Commission was empowered to adopt reasonable statewide standards to that end, and to enforce compliance of those standards.

Studies initiated by the Department in 1972 indicated that racetrack noise was a significant source of annoyance to many citizens. In late 1973 regulations were proposed that set maximum noise levels for racing events when measured at the nearest noise sensitive property. Although many Oregonians felt that the proposed rules were not stringent enough, it became apparent that the proposed standards could not be implemented without destroying the racing industry as it presently exists in Oregon. The 1973 draft was abandoned and further research begun.

In the interim, some Oregon track operators and sanctioning bodies have voluntarily undertaken muffling requirements on racing vehicles, but these efforts have had limited effect on the overall magnitude of the problem. As Oregon population increases and residential areas expand, increasing numbers of individuals are exposed to racetrack noise at high levels.

DEQ's decision to exempt racing vehicles from the new product noise emission standards, while race rule studies were being made, has also had an impact. DEQ now believes that a significant portion of its off-road recreational vehicle noise complaints are the result of pleasure riding of exempt racing motorcycles.

Although Illinois is the only state that now has adopted comprehensive racing rules, many states have implemented decibel standards for on-road motor vehicles, and as a result test procedures for motor vehicles have become more reliable, yet simpler and faster to implement.



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Materials

Valuable technical information has been provided by the racing industry itself, and regulatory control of racetrack noise is now perceived by many manufacturer's organizations and sanctioning groups as inevitable. While these bodies do not necessarily approve of noise regulation, they realize that it is in their best interests to assist in the development of equitable test procedures.

DEQ has been actively compiling information from these sources for several years and have recently reestablished a technical advisory committee. We believe the racing rules presently proposed represent a control methodology that will significantly reduce race vehicle noise yet will not unduly restrict the racing industry. It may also be noted that this proposal is patterned after the recently adopted Illinois rules.

The proposed rules are designed to limit the noise emissions that any racing vehicle may emit. Emissions are measured 20 inches from the exhaust outlet while the engine of the vehicle is operating at an RPM determined by the size and model of the engine. In addition, hours of operation for the racetrack as a whole are proposed to be limited.

#### Statement of Need for Rule Making

1. The proposed rule may be promulgated by the EQC under authority granted in ORS 467.030.
2. This category of noise emission source was identified for rule making by the EQC on October 25, 1972 and reaffirmed on August 27, 1976.
3. Principle documents relied upon in considering the need for this rule include:
  - a. Noise Pollution Problems in Oregon DEQ, July 1972.
  - b. ORS Chapter 467, Noise Control.

#### Evaluation

##### OPERATIONAL PROCEDURES

Racetrack owners that could have complied with the 1973 proposed standards would have had to initiate control programs tailored to the individual needs of each racetrack. As a practical matter this would have resulted in varying muffler requirements for each racetrack in the state. The present proposed rules would require each racing vehicle to be muffled and to meet an emission standard designed for that vehicle type. Although this requirement may result in slight overcontrol or undercontrol at individual racetracks, DEQ believes that vehicle-based standards offer the best combination of fairness to racers and track operators, public protection, and economic feasibility.



DEQ explored several measurement technique options before choosing the 20 inch "stationary" test procedure. DEQ believes that this test procedure offers greater reliability than any other suggested to date. The major failing of this procedure is that each vehicle must be tested at an engine RPM peculiar to the specific characteristics of that engine. The wide variety of engines utilized by racers will necessitate the use of a procedure manual with engine characteristics and RPM tables for accurate testing. Although many track operators feel this procedure will be burdensome, DEQ supports the technique as fair and reliable. This test is nearly identical to the near field noise test used in the Portland area DEQ test stations. The Department has had opportunity to see the test in use over many months, and DEQ personnel have had experience teaching the test techniques.

#### FACILITY RESPONSIBILITIES

The physical requirements of these rules are proposed to be made operative by the racetrack owner or his agent. When the race is conducted on public ways, the sanctioning body will act as track owner.

The track owner would be responsible for testing and inspecting each vehicle before that vehicle competes. Records of the test and inspection would be made on a form supplied by the Department. The form would then be sent or delivered to the Department. Duplicate records would be retained by the owner. The record form is designed to ensure smoothness and accuracy of recordkeeping, and as a problem-gauge for DEQ. Track owners would be required to conduct measurements following Department procedure throughout the first year of rules implementation, even though no minimum noise emissions levels would apply. This phase-in period should help to identify potential problems for all parties.

#### ECONOMIC CONSIDERATIONS

The economic impact of these rules is not known. Two theories on the economic effects of racetrack noise abatement are currently popular. One theory suggests that noise is an important element of the excitement of racing, and that attendance would decrease after muffling requirements go into effect. Additionally, the argument goes, out-of-state racers will be reluctant to compete here when other states have no noise restrictions.

The opposing theory suggests that quieter races will be enjoyable for a wider group of people, and that races would begin to draw crowds from larger segments of the population.

DEQ does not feel there is reason to believe that race attendance would be significantly affected by vehicle muffling. Although some out-of-state competitors may be reluctant to come here, provision for major events can be made through the exceptions section of the proposed rules.

The Department estimates that the initial monetary outlay for sound measuring equipment by a track owner would be about \$650. The owner would have the option of having his equipment factory calibrated each year, at a cost of

about \$100, or allowing the Department to inspect his equipment. The inspection alternative is designed to obviate calibration expense for the equipment that does not require factory adjustment.

#### RULE FLEXIBILITY

The proposed rules, when fully implemented, would not only limit the noise emissions of individual vehicles but would also restrict the hours of racetrack activity and the number of practice sessions. Those restrictions are necessary to effectively limit racetrack noise, but the rules include a broad range of possible exception categories designed to allow fine-tuning of the rules to the specific circumstances of the individual race-track and its surroundings.

#### Summation

1. Motor racing facility and motor race vehicle noise have been identified as major noise sources requiring rules and emission standards.
2. Proposed standards would:
  - a. Require mufflers on race vehicles;
  - b. Establish allowable emission standards measured one-half meter (20 inches) from the exhaust outlet; and
  - c. Limit hours of operation of racing facilities.
3. Race facility owners would be responsible for inspecting and testing each vehicle before competition, and maintain records of noise emission.
4. Potential exemptions for a broad range of categories would allow fine-tuning of the rules to the specific circumstances of the track and its surroundings.

#### Director's Recommendation

It is the Director's recommendation that the Commission authorize the Department to hold a public hearing, before a hearings officer, at a time and location to be established by the Director, to consider the proposed rules for motor race facilities.



WILLIAM H. YOUNG

John Hector;dro  
229-5989  
6/13/78

Attachment: (1) Proposed Motor Race Facility Noise Rules

Department of Environmental Quality  
Proposed Noise Control Regulations  
Chapter 340, Oregon Administrative Rules  
Proposed Motor Race Facility Noise Rules

June 30, 1978

Definitions

1. Motor Vehicle means any vehicle which is, or is designed to be self-propelled or is designed or used for transporting persons or property. This definition excludes airplanes, but includes watercraft.
2. Racing Event means any competition using Motor Vehicles conducted under a permit issued by the governmental authority having jurisdiction, or under the auspices of a recognized sanctioning body.
3. Racing Vehicle means any Motor Vehicle that is designed to be used in Racing Events or any Motor Vehicle participating in or practicing for a Racing Event.
4. Practice Session means any period of time during which Racing Vehicles are operated at a Motor Racing Facility, other than during Racing Events. Practice Sessions include, but are not limited to, time trials, driver training sessions and general practice or vehicle check-out sessions.
5. Motor Racing Facility means any facility, track or course upon which racing events or practice sessions are conducted. Any multiple-use facility which contains more than one track or course shall be considered one Motor Racing Facility.
6. Motor Racing Facility Owner means owner, operator, or agent of a Motor Racing Facility. When a racing event is held on a public way or any place other than a permanent Motor Racing Facility, the race sanctioning body shall serve the functions and assume the duties of the Motor Racing Facility Owner for the purposes of these rules.
7. Closed Course Motorcycle Race Vehicle means any motorcycle Racing Vehicle that is operated in competition or Practice Session on a closed course Motor Racing Facility. This definition is intended to include vehicles that compete at facilities where public access is restricted and admission is generally charged.
8. Open Course Motorcycle Race Vehicle means any motorcycle Racing Vehicle that is operated in competition on an open course Motor Racing Facility. This definition is intended to include the several types of motorcycles such as "enduro" and "cross country" that are used in events held in trail or other off-road environments where public access is not generally restricted.

9. Drag Racing Vehicle means any non-motorcycle vehicle used to compete in any acceleration competition initiated from a standing start and continued over a straight line course.
10. Sports Car Racing Vehicle means any Racing Vehicle which meets the requirements and specifications of the General Competition Rules of the Sports Car Club of America, or its successor body, or any other sports car organization.
11. Oval Racing Vehicle means any Racing Vehicle, not a motorcycle and not a sports car, which is operated upon a closed, oval-type racing facility.
12. Four Wheel Drive Racing Vehicle means any four-wheeled Racing Vehicle with at least one wheel on the front axle and rear axle driven by the engine.
13. Temporary Autocross or Solo Course means any area upon which a temporary paved course Motor Racing Facility is established. Typically such courses are placed on parking lots, or other large paved areas, for periods of one to two days.
14. Watercraft Racing Vehicle means any Racing Vehicle which is operated upon the surface of water.
15. New Motor Racing Facility is any Motor Racing Facility for which construction or installation was commenced after the effective date of these rules. Any Recreational Park or similar facility which initiates sanctioned racing after the effective date of these rules shall be a New Motor Racing Facility.
16. Well Maintained Muffler means a muffler free from defects that affect its sound reduction capabilities. Defects include holes and other acoustical leaks.
17. Special Motor Racing Event means any Racing Event in which a substantial or significant number of out-of-state Racing Vehicles are competing and which has been designated as a Special Motor Racing Event by the Department of Environmental Quality.
18. Supercharged Racing Vehicle means a vehicle that utilizes a mechanical means of introducing air into the engine at greater than atmospheric pressure. This definition does not include exhaust turbocharged vehicles.
19. Recreational Park means a facility open to the public for the operation of Off-Road Recreational Vehicles.
  - (1) Standards
    - (a) Drag Racing Vehicle. No person shall cause, permit or allow the operation of any Drag Racing Vehicle at any Motor Racing Facility unless the vehicle

is equipped with a properly installed and Well Maintained Muffler and does not exceed the noise emission level specified below.

1/1/79	1/1/80	1/1/82
Muffler	120 dBA	115 dBA

- (b) Oval Racing Vehicle. No person shall cause, permit or allow the operation of any Oval Racing Vehicle at any Motor Racing Facility unless the vehicle is equipped with a properly installed and Well Maintained Muffler and does not exceed the noise emission level specified below.

1/1/79	1/1/80	1/1/82
Muffler	120 dBA	115 dBA

- (c) Sports Car Racing Vehicle. No person shall cause, permit or allow the operation of any Sports Car Racing Vehicle at any Motor Racing Facility unless the vehicle is equipped with a properly installed and Well Maintained Muffler and does not exceed the noise emission level specified below.

1/1/79	1/1/80	1/1/82
Muffler	120 dBA	115 dBA

- (d) Closed Course Motorcycle Race Vehicle. No person shall cause, permit or allow the operation of any Closed Course Motorcycle Race Vehicle at any Motor Racing Facility unless the vehicle is equipped with a properly installed and Well Maintained Muffler and does not exceed the noise emission level specified below.

1/1/79	1/1/80	1/1/82
Muffler	110 dBA	105 dBA

- (e) Open Course Motorcycle Race Vehicle. No person shall cause, permit or allow the operation of any Open Course Motorcycle Race Vehicle at any Motor Racing Facility unless the vehicle is equipped with a properly installed and Well Maintained Muffler and does not exceed the noise emission level specified below.

1/1/79	1/1/80	1/1/82
Muffler	105 dBA	102 dBA

- (f) Four Wheel Drive Race Vehicles. No person shall cause, permit or allow the operation of any Four Wheel Drive Race Vehicle at any Motor Racing Facility unless the vehicle is equipped with a properly installed and Well Maintained Muffler and does not exceed the noise emission level specified below.

1/1/79	1/1/80	1/1/82
Muffler	115 dBA	110 dBA

- (g) Watercraft Racing Vehicle. No person shall cause, permit or allow the operation of any watercraft racing vehicle at any Motor Racing Facility unless the vehicle is equipped with a properly installed and Well Maintained Muffler and does not exceed the noise emission level specified below.

1/1/79	1/1/80	1/1/82
Muffler	120 dBA	115 dBA

- (h) Autocross Racing Vehicle. No person shall cause, permit or allow the operation of any Racing Vehicle on any Temporary Autocross or Solo Course unless such vehicle is equipped with a properly installed and Well Maintained Muffler and does not exceed the noise emission level specified below.

Front End Engine	Rear End or Mid Engine
95 dBA	97 dBA

- (i) Go Cart Racing Vehicle. No person shall cause, permit or allow the operation of any Go Cart Racing Vehicle at any Motor Racing Facility unless the vehicle is equipped with a properly installed and Well Maintained Muffler.
- (j) Any Racing Vehicle that loses its muffler during the course of a racing event shall immediately be disqualified from that event.
- (k) Any Racing Vehicle that is supercharged shall be exempt from the requirements of subsections (a) - (j) of this section.
- (m) New Motor Racing Facility. No person shall install, construct or operate a permanent New Motor Racing Facility unless it has been demonstrated to the Department and approved prior to such installation, construction, or operation that the facility will not generate noise levels exceeding the standard specified below as measured at the nearest Noise Sensitive Property. This requirement is in addition to OAR 340-35-035(1)(b)(B), Noise Control Regulations for New Sources Located on Previously Unused Site.

New Motor Racing Facility Ambient Standards

Allowable Statistical Levels in Any One Hour

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

- (2) Practice Sessions
  - (a) All Racing Vehicles operating in Practice Sessions shall comply with the requirements of subsection (1) above.
  - (b) There shall be no more than one Practice Session per week on each identified course or track within a Racing Facility, but excluding sessions on a course or track on days during which scheduled Racing Events are held thereon.
  - (c) A Racing Vehicle not required by these rules to be equipped with a muffler shall not participate in any Practice Session other than a Practice Session held on a day that that vehicle will compete in a Racing Event.

(3) Recreational Park

- (a) When a Motor Racing Facility is used as a Recreational Park for the operation of Off-Road Recreational Vehicles, the requirements of OAR 340-35-030(1)(d) shall apply.

(4) Operations

- (a) General. No person shall permit the use or operation of any Racing Vehicle at any time other than the following:

(A) Sunday through Thursday during the hours 7 a.m. to 10 p.m. local time; and

(B) Friday through Saturday during the hours 7 a.m. to 11 p.m. local time.

- (b) Mufflers. No person shall cause, permit or allow the use or operation of any Racing Vehicle which is exempted from the muffler requirements of this rule pursuant to subsection (1)(k) after 10 p.m. local time.

(5) Measurement and Procedures

- (a) General. All instruments, procedures and personnel involved in performing sound level measurements shall conform to the appropriate requirements set forth in the Race Vehicle Sound Measurement Procedure Manual, NPCX-XX.

(6) Monitoring and Reporting

- (a) The noise emission level of each Racing Vehicle for which a noise emission level is specified shall be measured prior to competing in each Racing Event. It shall be the responsibility of the Motor Racing Facility Owner to measure and record the required noise level data. The owner shall keep such recorded noise data available for a period of at least one calendar year and, upon reasonable request, shall make such recorded noise data available to the Department.

- (b) The recording and storing of noise data shall be on forms, and in a manner specified in Race Vehicle Sound Measurement Procedure Manual, NPCX-XX, or as otherwise approved by the Department.

- (c) When requested by the Department, the owner of any Motor Racing Facility shall provide the following:

(A) Free access to the facility

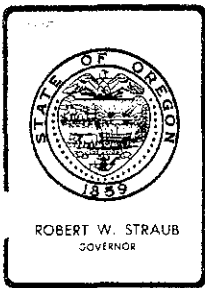
(B) Free observation of noise level monitoring

(C) Cooperation in the reasonable operation or manipulation of any Racing Vehicle as needed to ascertain its noise emission level.

- (7) Exemptions. The standards and requirements of this Section shall not apply to:
- (a) Any Motor Racing Facility whose racing surface is located more than 8 kilometers (5 miles) from the nearest Noise Sensitive Property.
  - (b) Any Motor Racing Facility whose maximum noise levels do not exceed the ambient statistical  $L_{90}$  levels by more than 7 dBA as measured at any Noise Sensitive Property.
  - (c) Any Motor Racing Facility, constructed or installed prior to the effective date of these rules, whose statistical noise levels do not exceed the levels specified in Subsection (1)(m) of this Section when measured at any Noise Sensitive Property.
- (8) Exceptions. Upon written request from the owner or controller of any Motor Racing Facility, the Department may authorize exceptions to the requirements of this rule pursuant to Section 35-010 for:
- (a) Any Special Motor Racing Event. If authorization is granted to conduct a Special Motor Racing Event, the owner of the facility shall notify the public in a manner acceptable to the Department, that the event will be conducted and that the State of Oregon noise control standards will not be in effect for that event.
  - (b) Motor Racing Facilities established prior to the development of new noise sensitive property in nearby areas.
  - (c) Noise sensitive property owned or controlled by the owner or controller of the Motor Racing Facility.
  - (d) Noise sensitive property located on land zoned exclusively for industrial or commercial use.
  - (e) Practice sessions in addition to the number specified in Section 2(b) for facilities that hold events for various vehicle types on the same track or course.

John Hector:mef  
6/13/78





## *Environmental Quality Commission*

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

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item L, June 30, 1978, EQC Meeting

Authorization to Hold a Hearing to Consider Adoption of an Emission Offset Rule for the Medford-Ashland Air Quality Maintenance Area

### Background

At the March 31, 1978, meeting the EQC adopted special rules to control particulate emissions in the Medford Air Quality Maintenance Area (AQMA). At that meeting the Commission acknowledged that the growth allowance built into the rules was inadequate to allow construction of all proposed new projects and they directed the Department to develop a permanent emission offset rule for the Medford AQMA as expeditiously as was practicable.

### Evaluation

The Department's air quality staff spent considerable time in April and May modeling the impact of proposed new sources in the Medford AQMA. These modeling studies have allowed the Department to determine necessary and reasonable limits for an effective "offset" rule. See the attached proposed rule draft.

The U. S. Environmental Protection Agency (EPA) requirement covering offsets in nonattainment areas such as the Medford AQMA remain in effect until states adopt a similar or more stringent one and until EPA approves the control strategy for Medford. This EPA ruling says that all new stationary sources having 100 tons per year or more of particulate emissions must acquire offsets and use lowest achievable emission rates (LAER). The current drafts of the new Federal rule may lower this exemption level to 50 tons per year. While the provisions of the EPA offset rule are generally adequate for a state rule, the emission and impact limits of the EPA requirements must be lowered due to the severity of poor ventilation in the AQMA and the numerous small new projects which collectively could cause significant contribution to non-attainment of air quality standards.

The attached proposed rule is copied in part from the EPA rule which the Department administers. The proposed Oregon rule defines exacerbation more stringently than the Federal rule.

The reason for selecting a rule applicability point of 5 tons per year for particulate matter (dust, char, fly ash, condensable hydrocarbon) is that a new cyclone in White City emitting at an estimated 5 tons per year has a modeled impact of  $.24 \text{ ug/m}^3$  on the White City Maximum Point, which is over



Contains  
Recycled  
Materials

a quarter of the .90 ug/m<sup>3</sup> growth increment available in the current control strategy. For another proposal, a new veneer dryer, 5 tons per year of its emissions has a modeled impact of .09 ug/m<sup>3</sup> on the Medford Courthouse Station, which is over one-eighth of the .70 ug/m<sup>3</sup> growth increment available.

Since the AQMA is also nonattainment for oxidants, the Department proposes to use the EPA proposed 50 tons per year emission cut off for hydrocarbon sources. There is no justification at this time for a lower limit.

#### Summation

1. The current particulate control strategy for the Medford-Ashland AQMA contains an inadequate growth allowance to accommodate all new and foreseeable construction.
2. The Commission directed the staff to develop an offset rule for the Medford AQMA as a means of allowing new construction in the airshed.
3. The EPA offset rule provisions are generally satisfactory for a state rule except the source size and impact level considered significant should be lowered in consideration of the abnormally poor ventilation in the AQMA.
4. Without an offset rule, new or modified sources could not be allowed, because there is no growth increment left in the existing control strategy.

#### Director's Recommendation

It is the Director's recommendation that the Commission authorize the Department to hold a hearing on an offset rule.



WILLIAM H. YOUNG  
Director

PBBosserman/kz  
229-6278  
6/14/78

#### Attachments:

Proposed Rule  
Legal Statement of Need  
EPA Ruling, December 21, 1976

June 14, 1978, Proposed Additions to

DEFINITIONS

340-30-010

(13) "New Source" means any new or modified source of emissions. Source means any structure, building, facility, equipment, installation or operation (or combination thereof) which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control).

Modified source means any physical change in, or change in the method of, operation of a source which increases the emission rate of an air contaminant (including those pollutants not previously emitted and regardless of any emission reductions achieved elsewhere in the source).

(i) A physical change shall not include routine maintenance, repair, and replacement.

(ii) A change in the method of operation, unless limited by previous permit conditions, shall not include:

(a) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(b) Use of an alternative fuel or raw material, if prior to December 21, 1976, the source was capable of accommodating such fuel or material; or

(d) Change in ownership or a source.

(14) "Lowest Achievable Emission Rate" means, for any source, that rate of emissions based on the following, whichever is more stringent:

(i) The most stringent emission limitation which is contained in the implementation plan for any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(ii) The most stringent emission limitation which is achieved in practice or can reasonably be expected to occur in practice by such class or category of source taking into consideration the pollutant which must be controlled.

This term applies to a modification means the lowest achievable emission rate for that portion which is modified. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(15) "Nonattainment Area" means a place where violations of an ambient air standard are occurring.

(16) "Attainment Area" means a place where no violations of an ambient air standard are occurring.

(17) "Volatile Organic Compounds" means any organic matter which, when released into the air, becomes photochemically reactive, in a degree more than methane, ethane, methyl chloroform, and trichlorotrifluoroethane.

June 14, 1978, Draft

OAR 340-30-080 Offsets for New or Modified Sources

(1) Any new or modified source which proposes to construct in a nonattainment area and which has emissions greater than a rate in Table 1 shall comply with conditions A through D of Section (3).

(2) Any new or modified source which proposes to locate in an attainment area within the Medford-Ashland AQMA, having emissions greater than Table 1, and by modeling is shown to exceed the incremental air quality values of Table 2 in the nonattainment area shall comply with conditions A through D of Section (3).

Table 1

<u>Air Contaminant</u>	<u>Emission Rate</u>					
	<u>Annual</u>		<u>Day</u>		<u>Hour</u>	
	<u>Kilograms</u>	<u>(tons)</u>	<u>Kilograms</u>	<u>(lbs)</u>	<u>Kilograms</u>	<u>(lbs)</u>
Particulate Matter (TSP)	4,500	(5.0)	23	(50)	4.5	(10)
Volatile Organic Compounds	45,000	(50)	--		--	

Table 2

<u>Air Contaminant</u>	<u>Incremental Value</u>	
	<u>Annual Arithmetic Mean</u>	<u>24 Hr Average</u>
Particulate Matter (TSP)	.10 ug/m <sup>3</sup>	.50 ug/m <sup>3</sup>

(3) If the Department finds that the allowable emissions from a proposed source would exacerbate violation of an ambient air standard, approval may be granted only if all of the following conditions are met:

(A) The new or modified source meets an emission limitation which specifies the lowest achievable emission rate for such a source.

(B) The applicant provides certification that all existing sources in Oregon owned or controlled by the owner or operator of the proposed source are in compliance with all applicable rules or are in compliance with an approved schedule and timetable for compliance under state or local rules.

(C) Emission reductions ("offsets") from existing sources in the Medford-Ashland AQMA (whether or not under the same ownership) are provided by the applicant such that the total emissions from the existing and proposed sources are sufficiently less (more than one-for-one emission offset) than the total allowable emissions from the existing sources under state rules prior to the request to construct or modify so as to present reasonable progress toward attainment of ambient air standards.

(D) The emission offsets provide a positive net air quality benefit in the affected area.

(4) The intent of this rule is to be more stringent in the areas mentioned above than the Federal Interpretive Ruling promulgated in the December 21, 1976, Federal Register on pages 55528 through 55530. All other provisions of that Ruling are hereby incorporated by reference.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

In the Matter of the Adoption )  
of an Air Pollution Offset )  
Rule for the Medford-Ashland ) STATEMENT OF NEED  
Air Quality Maintenance )  
Area, OAR 340-30-080 )

The Environmental Quality Commission intends to adopt an Air Pollution Offset Rule (OAR 340-30-080) for the Medford-Ashland Air Quality Maintenance Area.

- a. Legal Authority: ORS 468.020 (general) and 468.295.
- b. Need for Rule: The Medford-Ashland Air Quality Maintenance Area is violating State and Federal standards for the air contaminant known scientifically as Total Suspended Particulate (TSP). The Environmental Quality Commission has adopted rules to reduce the TSP to slightly below the standard. In order to maintain that standard, and yet allow growth involving more TSP, a rule is needed to mitigate the TSP from new and modified significant sources. The Federal Environmental Protection Agency requires an offset rule in a control strategy to allow for growth if the control strategy itself does not specifically allow for projected growth. Such is the case for the Medford-Ashland AQMA.
- c. Documents Principally relied Upon:
  1. Oregon Air Quality Report 1976, by State of Oregon, Department of Environmental Quality (DEQ), Appendix 1A, pg. 7, showing the Medford area violating the 60 ug/m<sup>3</sup> annual geometric mean standard.
  2. DEQ File AQ 15-0015 containing reports and data from February, 1978, concerning modeling and impact of growth projects.
  3. Federal Environmental Protection Agency "Interpretive Ruling for Implementation of the Requirements of 40 CFR 51.8," December 21, 1976, Federal Register, pages 55528 through 55530.
  4. Agenda Item No. F. December 16, 1977, EQC Meeting, "Public Hearing to Consider Amendments to Oregon Clean Air Act Implementation Plan Involving Particulate Control Strategy Rules for the Medford-Ashland AQMA," Memorandum from the DEQ, Director, William H. Young, to the Oregon Environmental Quality Commission (EQC).
  5. Agenda Item No. L, February 24, 1978, EQC Meeting, "Adoption of Rules to Amend Oregon's Clean Air Act Implementation Plan Involving Particulate Control Strategy for the Medford-Ashland AQMA," Memorandum for the Director of DEQ to the EQC.
  6. Agenda Item No. I, March 31, 1978, EQC Meeting, same subject and addressee as 5 above.
  7. U. S. Environmental Protection Agency, May 5, 1978, draft, Appendix S to 40 CFR 51, "Emission Offset Interpretive Ruling."

INTERPRETATIVE RULING FOR IMPLEMENTATION  
OF THE REQUIREMENTS OF 40 CFR 51.18

I. INTRODUCTION

This notice sets forth EPA's Interpretative Ruling on the preconstruction review requirements for stationary sources of air pollution under 40 CFR 51.18. This ruling reflects EPA's judgment that the Clean Air Act allows a major new or modified source<sup>1</sup> to locate in an area that exceeds a national ambient air quality standard (NAAQS) only if stringent conditions can be met. These conditions are designed to insure that the new source's emissions will be controlled to the greatest degree possible; that more than equivalent offsetting emission reductions ("emission offsets") will be obtained from existing sources; and that these will be progress toward achievement of the NAAQS.

II. INITIAL ANALYSIS AND APPLICABLE REQUIREMENTS

A. *Review of all sources for emission limitation compliance.* The reviewing authority must examine each proposed new source subject to the SIP preconstruction review requirements approved or promulgated pursuant to 40 CFR 51.18 to determine if such a source will meet all applicable emission requirements in the SIP. If the reviewing authority determines that the proposed new source cannot meet the applicable emission requirements, the permit to construct must be denied.

B. *Review of major sources for air quality impact.* In addition, for each proposed "major" new source or "major" modification, the reviewing authority must perform an air quality analysis<sup>2</sup> to determine if the source will cause or exacerbate a violation of a NAAQS. A proposed source which would not be a "major" source may be approved without further analysis, provided such a source meets the requirement of Part II.A.

The term "major source" shall, as a minimum, cover any structure, building, facility, installation or operation (or combination thereof) for which the allowable emission rate is equal to or greater than the following:

	tons per year
Particulate matter.....	100
Sulfur oxides.....	100
Nitrogen oxides.....	100
Non-methane hydrocarbons (organics).....	100
Carbon monoxide.....	1,000

Similarly a "major modification" shall include a modification to any structure, building, facility, installation or operation (or combination thereof) which increases the allowable emission rate by the amounts set forth above. A proposed new source with an allowable emission rate exceeding the above amounts is considered a major source under this ruling, even though such a source may replace an existing source with the result that the net additional emissions are increased by less than the above amounts.

Where a source is constructed or modified in increments which individually do not meet the above criteria, and which are not a part of a program of construction or modification

in planned incremental phases previously approved by the reviewing authority, all such increments commenced after the date this ruling appears in the FEDERAL REGISTER or after the latest approval issued by the reviewing authority, whichever is most recent, shall be added together for determining applicability under this ruling. Moreover, where there is a group of proposed sources which individually do not meet the above criteria, but which would be constructed in substitution for a major source, the group should be collectively reviewed as a major source.

Allowable annual emissions shall be based on the applicable New Source Performance Standard (NSPS) set forth in 40 CFR Part 60 or the applicable SIP emission limitation, whichever is less, and the maximum annual rated capacity of the source. If the source is not subject to either a NSPS or SIP emission limitation, annual emissions shall be based on (1) the maximum annual rated capacity, and (2) the emission rate agreed to by the source as a permit condition.

The following shall not, by themselves, be considered modifications under this ruling:

- (1) Maintenance, repair, and replacement which the reviewing authority determines to be routine for a source category;
- (2) An increase in the hours of operation, unless limited by previous permit conditions;
- (3) Use of an alternative fuel or raw material (unless limited by previous permit conditions), if prior to the publication of this ruling in the FEDERAL REGISTER, the source is designed to accommodate such alternative use; or
- (4) Change in ownership of a source.

C. *Air quality impact analysis.* For "stable" air pollutants (i.e., SO<sub>2</sub>, particulate matter and CO), the determination of whether a source will cause or exacerbate a violation of a NAAQS generally should be made on a case-by-case basis as of the proposed new source's operation date using the best information and analytical techniques available (i.e., atmospheric simulation modeling, unless a source will clearly impact on a receptor which exceeds a NAAQS). This determination should be independent of any general determination of nonattainment or judgment that the SIP is substantially inadequate to attain or maintain the NAAQS. This is because the area affected by a determination of SIP inadequacy usually conforms to established administrative boundaries such as Air Quality Control Regions (AQCR's) rather than a precisely-defined area where air quality problems exist. For example, a SIP revision may be required for an AQCR on the basis of a localized violation of standards in a small portion of the AQCR. If a source seeks to locate in the "clean" portion of the AQCR and would not affect the area presently exceeding standards or cause a new violation of the NAAQS, such a source may be approved. For major sources of nitrogen oxides, the initial determination of whether a source would cause or exacerbate a violation of the NAAQS for NO<sub>x</sub> should be made using an atmospheric simulation model assuming all the nitrogen oxide emitted is oxidized to NO<sub>2</sub> by the time the plume reaches ground level. The initial concentration estimates may be adjusted if adequate data are available to account for the expected oxidation rate. For major sources of hydrocarbons, see the discussion entitled "Geographic Applicability of Emission Offset Requirements for Hydrocarbon Sources" in the Notice appearing in today's FEDERAL REGISTER at 41 FR 55558.

III. SOURCES LOCATING IN "CLEAN" AREAS, BUT WOULD CAUSE A NEW VIOLATION OF A NAAQS

If the reviewing authority finds that the allowable emissions<sup>3</sup> from a proposed major source would cause a new violation of a NAAQS, but would not exacerbate an existing violation, approval may be granted only if both of the following conditions are met:

*Condition 1.* The new source is required to meet a more stringent emission limitation<sup>4</sup> and/or the control of existing sources below allowable levels<sup>5</sup> is required so that the source will not cause a violation of any NAAQS.

*Condition 2.* The new emission limitations for the new source as well as any existing sources affected must be enforceable in accordance with the mechanisms set forth in Part V below.

IV. SOURCES THAT WOULD EXACERBATE AN EXISTING VIOLATION OF A NAAQS

A. *Conditions for approval.* If the reviewing authority finds that the allowable emissions<sup>3</sup> from a proposed source would exacerbate an "existing" violation (i.e., as of the source's proposed start-up date) of a NAAQS, approval may be granted only if all the following conditions are met:

*Condition 1.* The new source is required to meet an emission limitation which specifies the lowest achievable emission rate for such type of source.<sup>6</sup> In determining the applicable emission limitation, the reviewing authority must consider the most stringent emission limitation in any SIP and the lowest emission rate which is achieved in practice for such type of source. At a minimum, the lowest emission rate achieved in practice must be specified unless the applicant can sustain the burden of demonstrating that it cannot achieve such a rate. In no event could the specified rate exceed any applicable NSPS. Even where the applicant demonstrates that it cannot achieve the lowest

<sup>3</sup> Where a new source will result in specific and well defined indirect or secondary emissions which can be accurately quantified, the reviewing authority should consider such secondary emissions in determining whether the source would cause or exacerbate a violation of the NAAQS. However, since EPA's authority to perform indirect source review relating to parking-type facilities has been restricted by statute, consideration of parking-type indirect impacts is not required.

<sup>4</sup> If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the authority may instead prescribe a design, operational or equipment standard. In such cases, the reviewing authority shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the required submission to EPA (see Part V). Any permits issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained (or that the operational conditions will be properly performed) so as to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under Section 304. Hereafter, the term "emission limitations" shall also include such design, operational, or equipment standards.

<sup>1</sup> Hereafter the term "new source" will be used to denote both new and modified sources.

<sup>2</sup> Required only for those pollutants causing the proposed source to be defined as a "major" source, although the reviewing authority may address other pollutants if deemed appropriate.



emission rate achieved in practice, this in itself would not operate to raise the required emission limitation to the applicable NSPS. The "lowest achievable emission rate" requirement must still apply, and the applicant would retain the burden of demonstrating that it cannot achieve any rate more stringent than the NSPS rate.

**Condition 2.** The applicant must certify that all existing sources owned or controlled by the owner or operator of the proposed source are in compliance with all applicable SIP requirements or are in compliance with an approved schedule and timetable for compliance under a SIP or an enforcement order issued under Section 113. The reviewing authority must examine all enforcement orders for sources owned or operated by the applicant in the AQCR to determine if more expeditious compliance is practicable. Where practicable, a more expeditious compliance schedule for such sources must be required as an enforceable condition of the new source permit.

**Condition 3.** Emission reductions ("offsets") from existing sources in the area of the proposed source (whether or not under the same ownership) are required such that the total emissions from the existing and proposed sources are sufficiently less than the total allowable emissions from the existing sources under the SIP<sup>2</sup> prior to the request to construct or modify so as to represent reasonable progress toward attainment of the applicable NAAQS.<sup>3</sup> Only intrapollutant emission offsets will be acceptable (e.g., hydrocarbon increases may not be offset against SO<sub>x</sub> reductions).

**Condition 4.** The emission offsets will provide a positive net air quality benefit in the affected area (see Part IV.D. below).<sup>4</sup>

**Condition 5.** For a source which would be located in an area where EPA has found that a SIP is substantially inadequate to attain a NAAQS and has formally requested a SIP revision pursuant to Section 110(a)(2)(H)(ii), (or an area where EPA has called for a study to determine the need for such a revision), permits granted on or after January 1, 1979<sup>5</sup> must specify that the source may not commence construction until EPA has approved or promulgated a SIP revision for the area (if the source is a major source of the pollutant subject to the call for revision or study).

**B. Exemptions from certain conditions.** The reviewing authority may exempt a source from Condition 1 under Part III or Conditions 3 and 4 under Part IV.A., in cases where the source must switch fuels due to lack of adequate fuel supplies or where the source is required as a result of EPA regulations (i.e., lead-in-fuel requirements) to install additional process equipment and no exception from such an EPA regulation is available to the source. Such an exemption may be granted only if: (i) the applicant demonstrates that it made its best efforts to obtain sufficient emission offsets to comply with Condition 1 under Part III or Conditions 3 and 4 under Part IV.A. and that such efforts were unsuccessful; (ii) the applicant has secured all available emission offsets; and (iii) the applicant will continue to seek the necessary emission offsets and apply them when they become available. Such an exemption may result in the need to revise the SIP to provide additional control of existing sources.

<sup>2</sup> Subject to the provisions of Part IV.C. below.

<sup>4</sup> Or, if later, the date which is six months after the deadline for submittal of the revision.

**C. Baseline for determining credit for emission offsets.** Except as provided below, the baseline for determining credit for emission and air quality offsets will be the SIP emission limitations in effect at the time the application to construct or modify a source is filed. Thus, credit for emission offset purposes may be allowable for existing control that goes beyond that required by the SIP.

**1. No applicable SIP requirement.** Where the applicable SIP does not contain an emission limitation for a source or source category, the emission offset baseline involving such sources shall be the actual emissions at the time the permit request is filed (determined by source test or other appropriate means).

**2. Combustion of fuels.** Generally, the emissions for determining emission offset credit involving an existing fuel combustion source will be the allowable emissions under the SIP for the type of fuel being burned at the time the new source application is filed (i.e., if the existing source has switched to a different type of fuel at some earlier date, any resulting emission reduction [either actual or allowable] shall not be used for emission offset credit). If the existing source commits to switch to a cleaner fuel at some future date, emission offset credit, based on the allowable emissions for the fuels involved, is acceptable; provided, that the permit must be conditioned to require the use of a specified alternative control measure which would achieve the same degree of emission reduction should the source switch back to a dirtier fuel at some later date. The reviewing authority should ensure that adequate long-term supplies of the new fuel are available before granting emission offset credit for fuel switches.

Where the particulate emission limit for fuel combustion exceeds the appropriate uncontrolled emission factor in "Compilation of Air Pollutant Emission Factors" (AP-42) (as when a State has a single emission limit for all fuels), emission offset credit will only be allowed for control below the appropriate uncontrolled emission factor in AP-42. (Actual emissions determined by a source test may be used in place of the uncontrolled emission factor in AP-42 in the above situation.)

**3. Operating hours and source shutdown.** Emission offsets generally should be made on a pounds-per-hour basis when all facilities involved in the emission offset calculations are operating at their maximum expected production rate. The reviewing agency should specify other averaging periods (e.g., tons per year) in addition to the pounds-per-hour basis if necessary to carry out the intent of this ruling. A source may be credited with emission reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below that which existed at the time the new source application was submitted; provided, that the work force to be affected has been notified of the proposed shutdown or curtailment. Emission offsets that involve reducing operating hours or production or source shutdowns must be legally enforceable, as is the case for all emission offset situations.<sup>6</sup>

Source shutdowns and curtailments in production or operating hours occurring prior to the date the new source application is filed generally may not be used for emission offset credit. However, where an applicant can establish that it shut down or curtailed production after SIP approval as a result of enforcement action providing for a new source as a replacement for the shut down or curtailment, credit for such shut down or curtailment may be applied to offset emissions from the new source.

Nothing contained in this ruling is intended to alter EPA's interpretation of the Clean Air Act with regard to the use of "supplemental control systems" or "stack height increases" as set forth at 41 FR 7460 (February 18, 1976).

**4. EPA has requested a SIP revision (or study).** Where EPA has found that a SIP is substantially inadequate to attain a NAAQS and has formally requested a SIP revision pursuant to Section 110(a)(2)(H)(ii) (or EPA has called for a study to determine the need for such a revision) the baseline for emission offset credit involving sources of the relevant pollutant will be the emissions resulting from the application of reasonably available control measures. The intent of this requirement is to prevent sources from receiving emission offset credit against an inadequate SIP and nullifying the gains that will be achieved through the required SIP revision. In effect, States should use the anticipated SIP revision as the baseline for emission offset credit until such time as the SIP is formally revised.

**5. Credit for hydrocarbon substitution.** EPA has found that almost all non-methane hydrocarbons are photochemically reactive and that low reactivity hydrocarbons eventually form as much photochemical oxidant as the highly-reactive hydrocarbons. Therefore, no emission offset credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity.

**6. No "banking" of emission offset credit.** Once an emission offset has been executed for a particular new source, there can be no leftover credit to "bank" for additional new source growth in the future. This "no banking" rule would not prohibit, however, the issuance of a single permit to cover more than one phase of a phased-construction project.<sup>7</sup> Similarly, for State-initiated emission offsets (see Part V.B.), several different sources may be allowed to construct as part of a general SIP revision, so long as the plans for each source are definite and such sources are specifically identified as the recipients of the emission offset credits in the SIP revision.

**D. Geographic area of concern.** In the case of emission offsets involving hydrocarbons or NO<sub>x</sub>, the offsets may be obtained from sources located anywhere in the broad vicinity of the proposed new source (within the area of non-attainment, and usually within the same air quality control region). This is because area-wide oxidant and NO<sub>x</sub> levels are generally not as dependent on specific hydrocarbon or NO<sub>x</sub> source location as they are on overall area emissions. However, since the air quality impact of SO<sub>x</sub>, particulate and carbon monoxide sources is site dependent, simple areawide mass emission offsets are not appropriate. For these pollutants, the reviewing authority should require atmospheric simulation modeling to ensure that the emission offsets provide a positive net air quality benefit. However, to avoid unnecessary consumption of limited, costly and time consuming modeling resources, in most cases it can be assumed that if the emission offsets are obtained from an existing source on the same premises or in the immediate vicinity of the new source, and the pollutants disperse from substantially the same effective stack height, the air quality test under Condition 4 in Part IV.A. above will be met. Thus, when stack emissions are offset against a ground level source at the same site, modeling would be required.

**E. Reasonable progress towards attainment.** As long as the emission offset is greater than one-for-one, and the other criteria set

<sup>7</sup> If any phase covered by the permit is for any reason not constructed, there would be no resulting credit to "bank."

forth above are met, EPA does not intend to question a reviewing authority's judgment as to what constitutes reasonable progress towards attainment as required under Condition 3 in Part IV.A. above. Reviewing authorities should bear in mind, however, that the control achieved through emission offsets can significantly assist the authorities in developing legally acceptable SIP's.

#### V. ADMINISTRATIVE PROCEDURES

The necessary emission offsets may be proposed either by the owner of the proposed source or by the local community or the State. The emission reduction committed to must be enforceable by authorized State and/or local agencies and under the Clean Air Act, and must be accomplished by the new source's start-up date.

A. *Source initiated emission offsets.* A source may propose emission offsets which involve (1) reductions from sources controlled by the source owner (internal emission offsets); and/or (2) reductions from neighboring sources (external emission offsets). The source does not have to investigate all possible emission offsets. As long as the emission offsets obtained represent reasonable progress toward attainment, they will be acceptable. It is the reviewing authority's responsibility to assure that the emission offsets will be as effective as proposed by the source. An internal emission offset will be considered enforceable if it is made a SIP requirement by inclusion as a condition of the new source permit and the permit is forwarded to the appropriate EPA Regional Office.<sup>3</sup> An external emission offset will not be accepted unless the affected source(s) is subject to a new SIP requirement to ensure that its emissions will be reduced by a specified amount in a specified time. Thus, if the source(s) does not obtain the necessary reduction, it will be in violation of a SIP requirement and subject to enforcement action by EPA, the State and/or private parties. The form of the SIP revision may be a State or local regulation, operating permit condition, consent or enforcement order, or any other legally enforceable mechanism available to the State. If a SIP revision is required, the public hearing on the revision may be substituted for the normal public comment procedure required for all major sources under 40 CFR 51.18. The formal publication of the SIP revision approval in the FEDERAL REGISTER need not appear before the source may proceed with construction. To minimize uncertainty that may be caused by these procedures, EPA will, if requested by the State, propose a SIP revision for public comment in the FEDERAL REGISTER concurrently with the State public hearing process. Of course, any major change in the final permit/SIP revision submitted by the State may require a reproposal by EPA.

B. *State or community initiated emission offsets.* A State or community which desires that a source locate in its area may commit to reducing emissions from existing sources to sufficiently outweigh the impact of the new source and thus open the way for the new source. As with source-initiated emission offsets, the commitment must be something more than one-for-one. This commitment must be submitted as a SIP revision by the State.

The provisions of Part IV.C.4. above re-

<sup>3</sup> The emission offset will therefore be enforceable by EPA under Section 113 as an applicable SIP requirement and will be enforceable by private parties under Section 304 as an emission limitation. EPA will publish notice of such emission offsets in the FEDERAL REGISTER.

main applicable to State or community initiated emission offsets. Therefore, where EPA has found that a SIP is substantially inadequate to attain an NAAQS and has formally requested a SIP revision pursuant to Section 110(a)(2)(H)(i) (or has called for a study to determine the need for such a revision), the resulting emission reduction may not be used as an emission offset.

#### VI. POLICY WITH RESPECT TO SECONDARY STANDARDS

The statutory attainment dates for the primary NAAQS have now passed or will pass very soon and cannot be administratively extended. Therefore, this ruling does not allow a new source to cause or exacerbate a primary NAAQS violation on the grounds that the SIP will eventually achieve the NAAQS (as may have been permitted in some cases before the statutory attainment dates).

The Act provides more flexibility with respect to secondary NAAQS's. Rather than setting specific deadlines, Section 110 requires secondary NAAQS's to be achieved within a "reasonable time." Under 40 CFR 51.13(b), a State may revise its SIP to provide extensions from its present secondary NAAQS deadlines. If, therefore, a State submits (and EPA approves) such a revision, a new source which would cause or exacerbate a secondary NAAQS violation may be exempt from the Conditions of Part IV.A. so long as the new source meets the applicable SIP emission limitations and will not interfere with attainment by the newly-specified date.

[FR Doc.76-37346 Filed 12-20-76;8:45 am]

[FRL 656-4]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Alabama: Approval of Plan Revision

On October 7, 1976 (41 FR 44194), the Agency announced as a proposed rule-making, an implementation plan change which the State of Alabama had adopted and submitted for EPA's approval. Copies of the materials submitted by Alabama were made available for public inspection and written comments on the proposed revision were solicited. The purpose of the present notice is to announce the Administrator's approval of this revision. An evaluation of them may be obtained by consulting the personnel of the Agency's Region IV Air Programs Branch, 345 Courtland Street, Atlanta, Georgia-30308, or telephone 404/881-3286.

On August 20, 1975, the Administrator revised 40 CFR Part 51 by changing the emergency level for photochemical oxidants from 1200  $\mu\text{g}/\text{m}^3$  to 1000  $\mu\text{g}/\text{m}^3$ , one-hour average. The Alabama Air Pollution Control Commission, on March 30, 1976, amended its regulation to reflect this change. The amendment was submitted for EPA's approval on April 23, 1976.

This revised emergency level for photochemical oxidants is hereby approved. These actions are effective immediately since they serve only to notify implementation plan changes already in effect under Alabama law and impose no additional burden to anyone.

Copies of the information submitted by the State are available for public in-

spection during normal business hours at the following locations:

Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308.  
Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104.

Public Information Reference Unit, Library Systems Branch PM-213, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

(Section 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: December 14, 1976.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

##### Subpart B—Alabama

Section 52.50 is amended by adding paragraph (c) (15) as follows:

§ 52.50 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(15) Revised emergency level for photochemical oxidants (emergency episode control plan) submitted by the Alabama Air Pollution Control Commission on April 23, 1976.

[FR Doc.76-37347 Filed 12-20-76;8:45 am]

[FRL 657-4]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

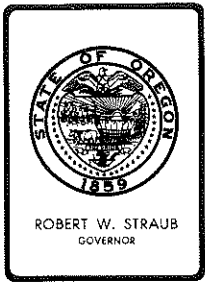
##### Revision to the Virgin Islands Implementation Plan

This notice announces approval by the Environmental Protection Agency (EPA) of a revision to the Virgin Islands Implementation Plan.

As requested by the Virgin Islands on August 16, 1976, the EPA has reconsidered its disapproval of the revised 12 V.I.R. & R. 9:204-26, "Sulfur Compounds Emission Control," subsections (a) (1), (a) (3), (b), (c) and (d) as they apply to the island of St. Croix. Receipt of this request was announced in the October 1, 1976 FEDERAL REGISTER at 41 FR 43421 which contains a full description of the proposed revision.

In the October 1, 1976 notice, EPA established a 30-day period for receipt of comments from the public on whether or not the proposed revision to the Virgin Islands Implementation Plan should be approved. No comments were received.

EPA has determined that approval of this proposed revision to the Virgin Islands Implementation Plan would not result in the contravention of any applicable ambient air quality standard. The proposed revision has been found to be consistent with current EPA policies and goals set forth by the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51 and, therefore, is approved.



## *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. M, June 30, 1978, Environmental Quality Commission Meeting

Conflict of Interest Rules -- Authorization for Public Hearing  
to Consider Proposed Amendments of Oregon Clean Air Act  
Implementation Plan to Include Rules Pertaining  
to Conflict of Interest by State Boards in Order to Comply  
with Section 128 of The Clean Air Act

### Background

In August 1977 Congress passed the Clean Air Act Amendments. Section 128 of these Amendments requires state boards which adopt rules and approve permits and enforcement orders to meet certain requirements. As provided in Section 128, these requirements must be included in state implementation plans by August 7, 1978.

The requirements state that a majority of members 1) represent the public interest, and 2) not derive any significant portion of their income from persons subject to the rules, permits and orders. The Section also applies to heads of agencies with similar powers.

### Summation

The Department is proposing rules which would be in the best interest of the public and, at the same time, satisfy the requirements of Section 128 of the Clean Air Act Amendments. These proposed rules are consistent with state policy, as stated in ORS 244.010 and 244.040, regarding conflicts of interest of public officials.

A draft of the proposed rule was reviewed by the Environmental Protection Agency and the State Attorney General's Office.

Failure to amend the State of Oregon Implementation Plan with such rules would result in the Environmental Protection Agency acting on Section 128 in place of the State.



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Materials

Agenda Item M  
Page Two

Director's Recommendation

It is the Director's recommendation that authorization be granted for a public hearing on the proposed conflict of interest rules.

*Bill*

WILLIAM H. YOUNG  
Director

Attachments:

- 1--Proposed Conflict of Interest Rules, OAR 340-20-200 through 20-215
- 2--Section 128 of Clean Air Act

MEZ:as  
6/14/78

ATTACHMENT 1

CONFLICTS OF INTEREST

PURPOSE.

340-20-200 The purpose of OAR 340-20-200 to 340-20-215 is to comply with the requirements of Section 128 of the federal Clean Air Act as amended August 1977 (P.L. 95-95) (hereinafter called "Clean Air Act"), regarding public interest representation by a majority of the members of the Commission and by the Director and disclosure by them of potential conflicts of interest.

DEFINITIONS.

340-20-205 As used in OAR 340-20-200 to 340-20-215, unless otherwise required by context:

(1) "Adequately disclose" means explain in detail in a signed written statement prepared at least annually and available for public inspection at the Office of the Director.

(2) "Commission" means the Oregon Environmental Quality Commission.

(3) "Director" means the Director of the Oregon Department of Environmental Quality.

(4) "Persons subject to permits or enforcement orders under the Clean Air Act" includes any individual, corporation, partnership, or association who holds, is an applicant for, or is subject to any permit, or who is or may become subject to any enforcement order under the Clean Air Act,

except that it does not include (1) an individual who is or may become subject to an enforcement order solely by reason of his or her ownership or operation of a motor vehicle, or (2) any department or agency of a state, local, or regional government.

(5) "Potential conflict of interest" includes (1) any income from persons subject to permits or enforcement orders under the Clean Air Act, and (2) any interest or relationship that would preclude the individual having the interest or relationship from being considered one who represents the public interest.

(6) "Represent the public interest" means does not own a controlling interest in, having 5 percent or more of his or her capital invested in, serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any person subject to permits or enforcement orders under the Clean Air Act or any trade or business association of which such a person is a member.

(7) "Significant portion of income" means 10 percent or more of gross personal income for a calendar year, including retirement benefits, consultant fees, and stock dividends, except that it shall mean 50 percent of gross personal income for a calendar year if the recipient is over 60 years of age and is receiving such portion pursuant to retirement, pension,

or similar arrangement. For purposes of this section, income derived from mutual-fund payments, or from other diversified investments as to which the recipient does not know the identity of the primary sources of income, shall be considered part of the recipient's gross personal income but shall not be treated as income derived from persons subject to permits or enforcement orders under the Clean Air Act.

PUBLIC INTEREST REPRESENTATION.

340-20-210 At least three (3) members of the Commission and the Director shall represent the public interest and shall not derive any significant portion of their respective incomes from persons subject to permits or enforcement orders under the Clean Air Act.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST.

340-20-215 Each member of the Commission and the Director shall adequately disclose any potential conflict of interest.

ATTACHMENT 2

Excerpt from the 1977 Clean Air Act Amendments

STATE BOARDS

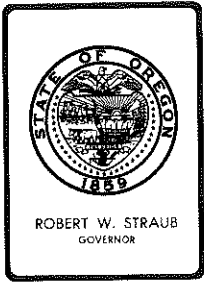
Sec. 128. (a) Not later than the date one year after the date of the enactment of this section, each applicable implementation plan shall contain requirements that—

(1) any board or body which approves permits or enforcement orders under this Act shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Act, and

(2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of paragraph (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan.





## *Environmental Quality Commission*

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

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. N. June 30, 1978

Request for Variance to Continue Open Burning of Garbage at Disposal Sites in Lincoln County.

### BACKGROUND

The Department's Solid Waste Management regulations prohibit the open burning of putrescible wastes (e.g., garbage) at disposal sites. Open burning of non-putrescible wastes (e.g., tree stumps) is permitted on a case-by-case basis. The Department's Air Quality Control regulations prohibit open burning at disposal sites except when authorized by the facility's Solid Waste Disposal Permit.

At its September 16, 1975 meeting the Commission granted a variance to allow continued open burning of garbage at two privately operated disposal sites in Lincoln County. The variance was granted with the understanding that the County was attempting to implement a centralized processing system with resource recovery.

At its September 23, 1977 meeting the Commission extended the variance for the Lincoln County sites. A \$600,000 bond measure for the resource recovery program had been approved by the voters and a solid waste service district formed, however the County now felt that transferring wastes to Benton County was a more realistic alternative. The Department supported this position. The variance was extended until July 1, 1978, at the County's request, to allow time to implement the transfer program.

Lincoln County met informally with Benton County on March 13, 1978 regarding this matter, but no agreements were reached. On April 6, 1978 the Lincoln County Commissioners sent a letter to the Benton County Commissioners requesting a change in the conditional use permit for the Coffin Butte Landfill in Corvallis to allow receipt of wastes from Lincoln County. About the same time, Lincoln County staff appeared before the Chemeketa Region Solid Waste Program Board and obtained approval of the proposal. The Chemeketa Board is the regional solid waste coordinating agency.



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Materials

Benton County has not formally responded to Lincoln County's request to date. Apparently the April 6, 1978 letter was not forwarded to the Planning Commission for action. It also appears that only the operator of the Coffin Butte Landfill may request the change in the use permit. The private operator, Valley Landfills Inc., is willing to accept Lincoln County's waste, but is reluctant to request a change in the use permit without assurances that the hearing would be limited to only the Lincoln County issue. At this time they have not received such assurance from the Planning Commission. The Department has recently written to Benton County in strong support of the proposal, but as of today the matter is at a virtual standstill.

Lincoln County Commissioners on behalf of private operators at North Lincoln and Waldport-Yachats disposal sites have now requested an indefinite renewal of the variance to allow continued open burning until the Benton County issue is resolved or some other suitable alternative secured.

The Waldport-Yachats disposal site is a small low-volume site. Recently, the commercial hauler has changed his route and most waste is now hauled to the Agate Beach Landfill near Newport. The Waldport-Yachats site remains open only a few days a week for public use. There appears to be adequate soil for cover and there is a crawler tractor on site. There also appears to be room for expansion and the site could probably operate without open burning for several years. The State Forestry Department currently prohibits open burning during the summer.

The North Lincoln site is also a small site, but it receives a moderately large amount of waste (approximately 6,000 tons/year). The site is open daily and receives wastes from the public as well as the commercial hauler. The operator has a crawler tractor but cover material is not available on site. There is room to operate without burning for a short time (perhaps 2 years) but apparently there is no land available for expansion. Currently, open burning is prohibited during the summer by the State Forestry Department.

#### EVALUATION

The Lincoln County Board of Commissioners have taken some steps to secure the necessary agreement with Benton County, but in the opinion of the staff the matter has not been vigorously pursued. Following the granting of the variance in September 1977, the County apparently took no official action until the informal meeting in March 1978. One commissioner from each county attended the meeting, however little was accomplished. The County's letter of April 6, 1978 was a positive gesture, but when Benton County failed to respond, Lincoln County took no further action. After nine months it appears that the County is no closer to an agreement than when it began.

The disposal sites can be operated without open burning. Normally the sites do not burn during the summer, but currently no cover is applied. Cover material is available at Waldport-Yachats but would have to be imported to the North Lincoln site. From an environmental quality standpoint it would be desirable to cease burning and to upgrade the sites as soon as possible.

Granting another extension of the variances would allow a continuation of the status quo. The County's request does not indicate any increase in efforts to resolve this problem and does not contain a schedule for resolution.

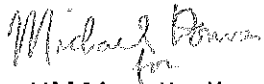
## SUMMATION

1. Lincoln County has not yet secured an agreement with Benton County to allow the transfer of wastes to the Coffin Butte Landfill in Corvallis.
2. Lincoln County has taken some steps to attain such an agreement, but the issue is now at a standstill and the County offers no definitive plan or time schedule for resolving the problem.
3. Continuing the variances would seem to offer no incentive for Lincoln County or other affected parties to take a more active role in attempting to solve this problem.
4. The Lincoln County disposal sites can be operated as landfills without open burning, but disposal costs would rise and the life of the sites would be significantly shortened. The Waldport-Yachats site could begin landfilling immediately. The North Lincoln site would need some time to arrange for cover material to be hauled to the site. These matters would be handled by separate solid waste disposal permit action.
5. To approve the variance requests the EQC must make a finding that the facilities meet the requirements of the statutes in that strict compliance would result in closing of the facilities and no alternative facility or alternative method is yet available.

## DIRECTOR'S RECOMMENDATION

It is the Director's recommendations that:

1. The variances for the Waldport-Yachats and North Lincoln disposal sites not be extended beyond July 1, 1978.
2. The Department immediately proceed with issuing new Solid Waste Disposal Permits for these facilities requiring prompt compliance with State standards pertaining to landfills.
3. The Department continue to actively assist Lincoln County in its negotiations with Benton County.

  
William H. Young

WHD:mm  
229-5913  
June 21, 1978  
Letter from William H. Young dated June 13, 1978  
Letter from Lincoln County dated June 14, 1978

June 13, 1978

Benton County Board of Commissioners  
Benton County Courthouse  
Corvallis, Oregon 97330

Re: SW-Benton County  
SW-Lincoln County

Gentlemen:

During the September 1977 Environmental Quality Commission (EQC) meeting Lincoln County requested, and received, a 9 month extension of the variance to continue open burning at Lincoln County solid waste disposal sites. The variance expires July 1, 1978.

The extension was granted to allow time for Lincoln County to negotiate with Benton County use of the Coffin Butte Sanitary Landfill, operated by Valley Landfills, Inc. for disposal of Lincoln County solid waste. Since that time meetings between the two counties and the Department have been held and the Lincoln County Commission has made a written request (April 6, 1978) for your consideration in this matter. For a number of reasons formal action concerning the request has not been taken.

The Department has supported Lincoln County's effort for the following reasons:

1. After extensive study and evaluation of all known sites an acceptable disposal site has not been located in Lincoln County.
2. Valley Landfills has indicated willingness to service Lincoln County.
3. It is the Department policy to support consolidation of wastes at regional disposal sites.
4. The Chemeketa Region Solid Waste Management Program has approved the proposal subject to Benton County approval.

Benton County Board of Commissioners  
June 13, 1978  
Page 2

The Department has evaluated all proposed alternatives for handling of Lincoln County solid waste and found this to be the most acceptable. Some confusion exists on our part about the proper method to obtain approval from Benton County for use of the Coffin Butte Landfill for Lincoln County waste. We are asking therefore that Benton County advise all concerned parties of the proper course of action to bring the matter to public hearing or to otherwise obtain full consideration of issuance of the necessary approvals.

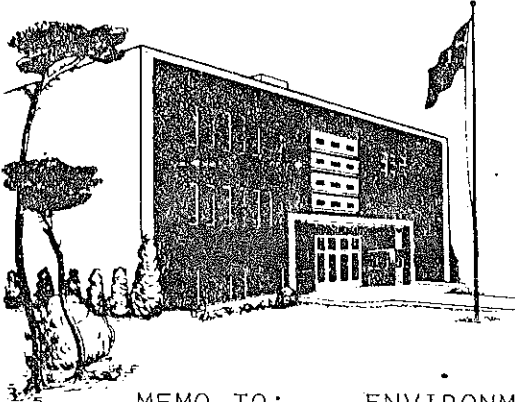
The Lincoln County variance will be discussed at the June 30, 1978 EQC meeting to be held at Nendels Inn, Corvallis. It would be helpful if Benton County Commissioners and/or staff attend the meeting.

If we can be of any assistance in obtaining a decision on the proposal, please contact the Department.

Sincerely,

William H. Young  
Director

RLB:mb  
cc: DLCD Attention: Jack Kartez  
cc: Lincoln County Commission  
cc: Benton County Planning Department  
cc: Valley Landfills  
cc: Bob Jackman



# DEPARTMENT OF PUBLIC WORKS

PERMITS, UTILITIES, RESOURCES, PARKS

J. D. STEERE, Director

## COUNTY OF LINCOLN

225 W. OLIVE

NEWPORT, OR. 97365

PHONE: 265-5341

JUNE 14, 1978

MEMO TO: ENVIRONMENTAL QUALITY COMMISSION  
FROM: LINCOLN COUNTY BOARD OF COMMISSIONERS.  
SUBJECT: SOLID WASTE PERMITS.

AS YOU ARE AWARE LINCOLN COUNTY FRANCHISED SOLID WASTE COLLECTORS FOR SOMETIME HAVE ATTEMPTED TO FINALIZE AN AGREEMENT BETWEEN THEMSELVES AND VALLEY LANDFILLS. THIS AGREEMENT CALLS FOR THE TRANSFER OF THE COUNTY'S SOLID WASTE TO THE COFFIN BUTTE LANDFILL SITE IN BENTON COUNTY FOR FINAL DISPOSAL. BECAUSE THIS AGREEMENT HAS NOT BEEN FINALIZED WE, THE COUNTY COMMISSIONERS, RESPECTFULLY REQUEST ON BEHALF OF THE COLLECTOR, A TIME EXTENSION TO THEIR SOLID WASTE DISPOSAL PERMITS.

WE WOULD LIKE THIS EXTENSION TO BE OF A DURATION WHICH WILL ALLOW THEM TO FINALIZE THEIR AGREEMENT WITH VALLEY LANDFILLS OR TO PURSUE A SEPARATE COURSE OF ACTION.

WE WOULD ADD THAT THE COMMISSIONERS AND THE HAULERS HAVE BEGUN PRELIMINARY DISCUSSION WHICH ALLOWS THE COUNTY TO ACCEPT THE RESPONSIBILITY FOR THE OPERATION OF THE EXISTING LANDFILL.

IF YOU REQUIRE ADDITIONAL INFORMATION, PLEASE CONTACT US.

LINCOLN COUNTY BOARD OF COMMISSIONERS.

JACK W. POSTLE.  
CHAIRMAN

*Jack W. Postle*  
ED/JL

ALBERT R. STRAND.  
COMMISSIONER

*Albert R. Strand*

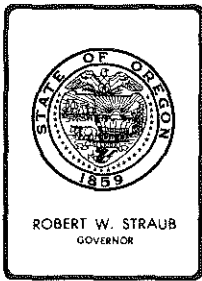
ANDY ZEDWICK  
COMMISSIONER

*Andy Zedwick*

RECEIVED

JUN 16 1978

SOLID WASTE SECTION



## Department of Land Conservation and Development

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

### M E M O R A N D U M

June 6, 1978

TO: Environmental Quality Commission

FROM: W. J. Kvarsten, Director

SUBJECT: SEWAGE WORKS CONSTRUCTION GRANT  
PRIORITY RANKING SYSTEM

The Department of Land Conservation and Development feels that Oregon's Sewage Works Construction Grant Priority Ranking System should, in some way, reflect the state's comprehensive land use planning program. We would like to offer an alternative to the "Land Use Planning Status Points" system which was considered, but rejected, by the advisory committee to DEQ. DLCD recommends that points be awarded to projects which are located within urban growth boundaries established in conformance with Statewide Goal 14 (Urbanization) (but not yet necessarily acknowledged by LCDC).

The reasons for our proposal are as follows: Oregon's comprehensive planning program requires each city and county to agree upon an urban growth boundary (UGB) to determine among other things, the location of areas which will receive full urban services, including sewers. Jurisdictions which have agreed upon an urban growth boundary have made major decisions regarding future growth, and are ready to proceed with sewage facilities plan development and implementation.

We urge that there continue to be coordination between the Department of Environmental Quality and local jurisdictions in the determination of Facilities Planning Areas to assure consistency with urban growth boundaries. DLCD staff will continue to work with DEQ to facilitate this coordination.

WJK:CP:jp/MC

# SOUTHWESTERN OREGON CHAPTER

## NORTHWEST STEELHEADERS COUNCIL

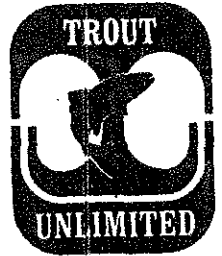
of

## TROUT UNLIMITED

P. O. Box 852

Coos Bay, Oregon 97420

June 25, 1978



Environmental Quality Commission  
1937 W. Harvard Blvd.  
Roseburg, Oregon 97470

Gentlemen:

We were unable to have a representative at your recent meeting in Coos Bay to consider a delay in implimenting changes in log dumping on Isthmus Slough by the Al Pierce Lumber Company. Therefore, we are writing to inform you of our thoughts. We believe that no delay should be allowed. The slough is a mess as a result of the debris contributed by log dumping. It is our belief that this pollution seriously effects the aquatic life of the slough.

If you decide there will be an extension granted, then the Al Pierce Lumber Company should be required to carry on cleanup activities to remove the pollution in the slough

Sincerely,

Ron Carpani, Secretary  
Southwestern Oregon Chapter  
Association of Northwest Steelheaders  
P.O. Box 852  
Coos Bay, Oregon 97420

Copies to:

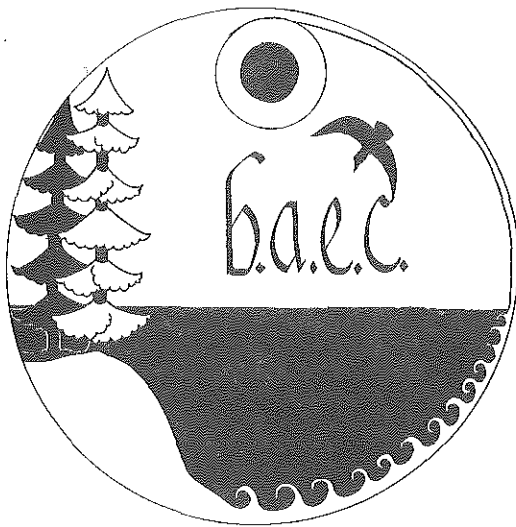
SWR  
CBBO  
WQD  
R.O.

Original to E.Q.C.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
JUN 27 1978

SECTION OF REGIONAL OFFICE





6/30/78

# Bay area environmental Committee

6/29/78

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
JUL 3 1978

**OFFICE OF THE DIRECTOR**

Environmental Quality Commission  
P.O. Box 1760  
Portland OR 97207

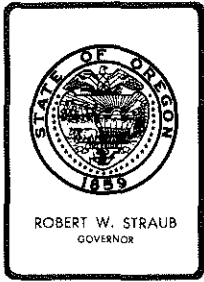
This letter is in regard to the Requests for Extensions that you will be considering at your June 30th meeting. Both of these requests are with regard to the extension for easy letdown devices by Al Peirce Lumber and Coos Head Lumber. These companies store great amounts, and move great amounts of timber within Isthmus slough of Coos Bay. They dump this material into the slough and raft and store the material within the slough. This slough has historically been an excellent salmon habitat and then a widely used Striped Bass fishing area. With the heavy usage the area has been put to by the timber companies the aquatic habitat has been severely damaged and is unsuitable for fish during the low flow months of the year.

The companies concerned are asking for an extension as they claim economic hardship. We would like to point out to you that there is another hardship here that shouldn't be allowed to continue. This is the destruction of the public rights of fisheries that the State of Oregon agreed to protect when it was admitted into the union 1859. Your commission is supposed to protect these rights and we ask you to do so by denying this extension request, for such an extension will only continue to injure the public interests in a manner which is inimical to the public trust.

If you find that in your best judgement that the extension should be allowed, ~~an~~ judgement with which we would quarrel, you should at least require these companies to clean up Isthmus Slough which is filled with the debris which has so typified our logging practices for the last several decades.

Sincerely yours,

Paul P. Rudy. Chairman.



## Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-

June 22, 1978

### MEMORANDUM

TO: Environmental Quality Commission  
FROM: Director  
SUBJECT: Agenda Item No. 0, June 30, 1978, EQC Meeting

### Preliminary 79-81 Budget Briefing

#### Background

Preparation of the Department's 79-81 budget request has begun within the Department, utilizing new procedures under the Alternative Planning Levels System (APLS), which is Oregon's adaptation of zero-base budgeting.

To-date, initial draft budget estimates have been prepared by each Division within the Department, reflecting the first expression of costs to continue and improve the programs. These first drafts have not yet been fully coordinated between the Divisions to arrive at an agreement on priorities within each program. Neither have they been procedurally double checked to assure consistency in the use of the unfamiliar new procedures.

I have not yet reviewed the Division's preliminary requests nor have I yet been briefed on these materials. I will be seeking your reactions to them during the briefing on the budget in a work session following the formal EQC meeting. Your views will be useful, then, in working sessions in the Department to complete a more coordinated and firm budget request which we will bring forward at the July meeting for final EQC comment.

#### Recommendation

No formal action is required on this item at this time.

*Michael Downs*  
for  
WILLIAM H. YOUNG

Michael Downs:jcs  
229-6485  
June 22, 1978

Attachments: Budget Ranking Forms for Each Division



Contains  
Recycled  
Materials

\* Does not include 4.0 FTE Sup Serv Spread thru VIP(2), FB(1), & Noise(1)  
 \*\* Loaned from Portland Vehicle Inspection Program  
 \*\*\* Provided by Contract

BUDGET RANKING FORM (1000's of Dollars)

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals			
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*
1	RLB	Div Admin, 5 FTE Sup Serv*, & LRAPA Grant	600.7	7.33	7.33	776.7	7.0	7.0	776.7	7.0	7.0	11
2	RLB	AQ Control Strategy Development	491.7	6.0	5.83	431.1	7.0	5.83	1,207.8	14.0	12.83	17
3	RLB	AQ New Source Review	107.8	2.0	2.0	181.7	2.0	2.0	1,389.5	16.0	14.83	19
4	RLB	AQ Data Processing & Reporting	193.7	5.0	5.0	239.1	5.0	5.0	1,628.6	21.0	19.83	23
5	RLB	AQ Emissions Inventory	54.5	1.0	1.0	73.0	1.0	1.0	1,701.6	22.0	20.83	24
6	RLB	AQ Meteorological Services	59.6	1.0	1.0	80.4	1.0	1.0	1,782.0	23.0	21.83	25
7	RLB	AQ Source Testing Analyst	56.6	1.0	1.0	76.5	1.0	1.0	1,858.5	24.0	22.83	26
8	RLB	AQ Trng & Tech Asst to Regions & Sources	68.2	1.05	1.05	173.7	2.0	2.0	2,032.2	26.0	24.83	28
9	RLB	ACDP Issuance Management	120.2	1.85	1.85	54.6	1.0	1.0	2,086.8	27.0	25.83	29
10	RLB	AQ Major Plan Review	89.9	1.4	1.4	92.5	1.0	1.0	2,179.3	28.0	26.83	30
11	RLB	AQ Compliance/Assurance	82.7	1.3	1.3	127.5	1.5	1.5	2,306.8	29.5	28.33	32
12	RLB	Field & Slash Smoke Management	348.9	6.0	2.75	277.5	5.0	2.5	2,584.3	34.5	30.83	36
13	RLB	Field Burning - R & D of Alternatives	1,188.8	4.0	2.75	1,139.6	3.0	2.5	3,723.9	37.5	33.33	52
14	RLB	Portland Vehicle Emissions Testing (VIP)	2,071.9	84.0	54.63	2,199.5	80.0	48.5	5,923.4	17.5	81.83	82
15	RLB	Noise Program Development & Management	127.8	2.5	2.5	144.2	2.5	2.5	6,067.6	20.0	84.33	84
16	RLB	Noise Tech Assistance to Regions	36.7	0.5	0.5	37.5	0.5	0.5	6,105.1	20.5	84.83	85
17	RLB	Noise Tech Assistance to Local Programs	28.5	0.5	0.5	28.4	0.5	0.5	6,133.5	21.0	85.33	85
18	DP	AQ Source Test Tech (Restore Fed Assignee)			0	46.2	1.0	1.0	6,179.7	22.0	86.33	86
19	DP	AQ Monitoring Management (Restore)	34.4	1.0	0.75	58.5	1.0	0.75	6,238.2	23.0	87.08	87
20	DP	Emission Inventory (Restore)	54.8	1.0	1.0	73.0	1.0	1.0	6,311.2	24.0	88.08	87
21	DP	Prevention of Significant AQ Deterioration (PSD)			0	59.3	1.0	1.0	6,370.5	25.0	89.08	88
22	DP	Increased AQ Support Services	10.3		0	32.2	1.0	1.0	6,402.7	26.0	90.08	89
23	DP	Portland AQ Data Base Continuation			0	30.0		0	6,432.7	26.0	90.08	89
24	DP	Field Burning Monitoring Continuation			0	31.0		0	6,463.7	26.0	90.08	90
25	DP	Vehicle Noise Enforcement (Restore loaned position)			1.0**	73.8	1.0	1.0	6,537.5	27.0	91.08	91
26	DP	Eugene-Springfield AQMA Coordinator (Continued)			0***	69.3	1.0	1.0	6,606.8	28.0	92.08	92
27	DP	AQ Data Processing Improvement			0	36.4	1.0	1.0	6,643.2	29.0	93.08	92
28	DP	Field Burning Technician			0	28.0	1.0	1.0	6,671.2	30.0	94.08	93
29	DP	Increase Assistance to Local Noise Programs			0	87.4	0.5	0.5	6,758.6	30.5	94.58	94
30	DP	LCDC Assistance - Air			0.25	27.5	1.0	0.5	6,786.1	31.5	95.08	94
31	DP	LCDC Assistance - Noise	11.2	0.25	0.25	49.5	0.75	0.75	6,835.6	32.25	95.83	95
32	DP	Field Burning Data Clerk			0	9.7	1.0	0.5	6,845.3	33.25	96.33	95
33	DP	The Dalles Airshed Study			0	201.6		0	7,046.9	33.25	96.33	98
34	DP	Tax Credit Review - Air (Restore)	26.1	0.4	0.4	44.3	0.5	0.5	7,091.2	33.75	96.83	98
35	DP	Tax Credit Review - Noise (Restore)	11.2	0.25	0.25	14.3	0.25	0.25	7,105.5	34.0	97.08	99
36	DP	AQ Indirect Source Program (Restore)	39.7	1.0	0.75	64.6	1.0	0.75	7,170.1	35.0	97.83	99

\*79-81 cumulative dollars as a percent of Adjusted Budget: \$ 7,215,555

BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals			
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*
1	RLB	Program Management and Administration	251.6	3	3.0	256.3	3	3.0	256.3	3	3	8
2	RLB	Source Control	1,206.9	17	17.5	1,055.6	15	14.6	1,311.9	18	17.6	42
3	RLB	Sub-Surface	338.6	7	6.7	345.3	7	6.7	1,657.2	25	24.3	53
4	RLB	Supporting Data & Analysis	206.8	3	3.3	201.2	3	3.1	1,858.3	28	27.4	60
5	RLB	Planning	378.8	8	7.0	243.6	5	4.2	2,101.9	33	31.6	68
6	DP	Planning Section Chief and Support Planning				145.5	2	2.0	2,247.4	35	33.6	72
7	DP	Storage & Retrieval Sub-program				61.2	1	1.0	2,308.5	36	34.6	74
8	DP	Problem Area-Type Studies				205.1	4	3.5	2,513.6	40	38.1	81
9	DP	Planning Staff				206.7	4	4.0	2,720.3	44	42.1	87
10	DP	Source Impact Studies				166.5	3	3.0	2,886.8	47	45.1	93
11	DP	Permit Issuance				61.2	1	1.0	2,948.0	48	46.1	95
12	DP	Tax Credits				(62.8)		(1.0)	2,885.3		45.1	93
13	DP	Grant Management Small Communities				121.8	2	2.0	3,007.1	50	47.1	97
14	DP	"Fast Track" Contract Management Service				61.2	1	1.0	3,068.3	51	48.1	99
15	DP	Assume Step 1 Grant Process				214.2	4	4.0	3,282.5	55	52.1	106
16	DP	Assume Step 2 Grant Process				195.8	4	4.0	3,478.2	59	56.1	112
17	DP	Assume Step 3 Grant Process				273.1	8	8.0	3,751.3	67	64.1	121

\*79-81 cumulative dollars as a percent of Adjusted Budget: \$ 3,102,989

BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals			
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*
1	RLB	Air Quality (AQ) Program: Source Control by Permit Preparation, Compliance Assurance Inspections, Plan Review, Investigations (Open Burning, Upset and Emergency Conditions, Complaints), Public Relations, Technical Assistance. (All Regions)	934.4		20.0	1,099.7		20.0	1,099.7		20.0	23
2	RLB	Water Quality (WQ) Program: Source Control by Permit Preparation, Compliance Assurance Inspections, Plan Review (IW), Investigations (Upset and Emergency Conditions, Complaints), Public Relations, Technical Assistance. (All Regions)	1280.5		27.1	1,285.7		21.4	2,385.4		41.4	49
3	RLB	Subsurface Sewage Disposal (SSD) Program: Permits (site evaluations and issuing), Technical Assistance as requested, no monitoring of Contract Counties programs, Reduced Level of Activity in Experimental Program. (All Regions)	1,082.9		18.0	866.7		14.5	3,252.1		55.9	67
4	RLB	Solid Waste Management (SW) Program: Source Control by Permit Preparation, Compliance Assurance Inspections, Plan Review (Operational), Complaint Investigations (Permit Related), No involvement in implementation of county or area-wide planning of Solid Waste Disposal. (All Regions)	490.2		9.0	469.9		7.0	3,722.0		62.9	76
5	RLB	Investigation & Compliance Section: Legal Enforcement Procedures provided to Regions, Divisions, Director, and Contract Counties on Pollution Violations (Air, Water, Noise, Subsurface, Solid Waste, Field Burning)	234.8	5	4.0	258.3		4.0	3,980.3		66.9	81
6	RLB	Soil Investigation Section: Services (technical assistance) provided to WQ, Region, and Contract Counties on Subsurface Sewage Disposal and Experimental Programs and Land Disposal of Wastes.	105.6	2	1.75	141.0		2.0	4,121.3		68.9	84
*79-81 cumulative dollars as a percent of Adjusted Budget:			\$ 4,886.5									

BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals			
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*
7	DP	Restore Activities in SW and SSD Programs. Provide Technical Assistance, Monitor Contract Counties Programs, Experimental Program attention, SW Planning and Implementation, Complaint Investigation (SW and SSD).	(Shown in Subsurface ans Solid- waste)			406.4		6.0	4,527.7		74.9	93
8	DP	Restore Field Monitoring Activities in AQ and WQ: STP effluent sampling, AQ sources testing, SSD work.	(Show in AQ and WQ)			264.3		5.0	4,792.0		79.9	98
9	DP	Restore Activities in Noise Control Program: Complaint Investigations, Compliance Action, Technical Assistance to Noise Sources.			1.5	138.6		2.0	4,930.6		81.9	101
10	DP	LCDC Activities: To provide Technical Assistance to Local Planning Units in preparing comprehensive plans (written, meetings, knowledge, review comments).				258.4	4	4.0	5,189.0		85.9	106.
11	DP	Addition of Technical Staff to Eastern Region (ER): To conduct AQ-WQ-SW Program Activities in a geographical area.				61.5	1	1.0	5,250.5		86.9	107.4
12	DP	Provide field positions in Regional Offices to conduct inspections on selected municipal and private sewage collection, treatment, and disposal projects.				220.0	4	4.0	5,470.5		90.9	111.9
13	DP	Addition of field staff to ER: To conduct SSD activities in eight Direct Service Counties.				47.0	1	1.0	5,517.5		91.9	112.9
14	DP	Addition of Support Service staff to ER: Service to public, typing, filing, phone, mail, etc.				25.0	1	1.0	5,542.5		92.9	113.4
15	DP	Addition of field position (via Laboratory) to SWR: (Medford area) To monitor ambient Air Quality in central Jackson County.				47.5	1	1.0	5,590.0		93.9	114.4
*79-81 cumulative dollars as a percent of Adjusted Budget:						\$ 4,886.5						

BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals			
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*
16	DP	Addition of field position in Willamette Valley Region (WVR) Eugene area. Treatment plant monitoring, SW inspections (IW), Animal Waste Inspections, SSD Activities.				55.5	1	1.0	5,645.5	1	94.9	115.5
17	DP	Addition of staff in Soil Investigation area, Regional Operations (RO): To conduct non-point source evaluations and increase soils technical assistance to Regions and Contract Counties.				55.5	1	1.0	5,701.0	1	95.9	116.6
18	DP	Establish a Spill Response Manager-Coordinator in RO Division (oil-hazardous waste emergency activities).				68.8	1	1.0	5,769.8	1	96.9	118.1
19	DP	Addition of field position in Southwest Region (SWR): To conduct SSD Activities in Douglas County (technical assistance, site evaluation, enforcement).				47.0	1	1.0	5,816.8	1	97.9	119.0
20	DP	Addition of field position in (SWR) Medford area to conduct AQ Activities: Compliance Assurance, Emission Inventory, Upset Conditions, Plan Reveiw, Complaint Investigations, Technical Assistance.				60.5	1	1.0	5,877.3	1	98.9	120.3
21	DP	Addition of field position (via Lab) in SWR: To expand ambient AQ Data Base in Jackson and Josephine Counties(Grants Pass).				45.7	1	1.0	5,923.0	1	100.0	121.2
22	DP	Increase support staff capacity in (WVR) Salem: For typing, filing, phones, mail, etc.				12.5	0.5	0.5	5,935.5	0.5	100.5	121.5

\*79-81 cumulative dollars as a percent of Adjusted Budget: \$ 4,886.5

BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals				
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*	
	RLB	Air quality (all laboratory units)				1,399,429		20.05	1,399,429				46
	RLB	Water quality (all laboratory units)				1,012,757		16.41	2,412,186				79
	RLB	Solid waste (all laboratory units)				180,202		2.615	2,592,388		39.1		85
	DP	All Decision Packages (all laboratory programs)				1,151,398		14.7	3,743,786		53.9		122

\*79-81 cumulative dollars as a percent of Adjusted Budget: \$ 3,060,142 (total laboratories, disregarding program split)

Laboratories Division - Summary

Warren C. Westgarth

6-21-78

Page 1 of 4

Division or Program Ranked

Manager

Date



BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals				
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*	
0	RLB	Laboratory administration				255,719			255,719				15
1	RLB	SIP 2 (SW Region)				102,852		1.65	358,571		1.65		22
2	RLB	SIP 4 (Portland)				330,487		4.27	689,058		5.92		42
3	RLB	SIP 3 (Mid-Upper Willamette)				146,473		8.26	835,531		4.18		51
4	RLB	SIP 1 (Eastern Region)				56,847		0.85	892,378		5.03		54
5	RLB	SM 1 (Medford Special)				71,760		1.04	964,138		6.07		58
6	RLB	SM 2 (Portland Special)				73,525		1.18	1,037,663		7.25		63
7	RLB	MM 1 (Portland MET)				160,031		1.58	1,198,294		8.83		73
8	RLB	SIP 5 (SAMWG Requirements)				161,135		0.61	1,359,429		9.45		82
9	RLB	SM 4 (Grants Pass Special)				40,000		0.60	1,399,429		20.05		85
10	DP	LV 2 (Low Vol Particulate Size Seg.)				148,163		1.39	1,547,592		21.44		94
11	DP	PET 2 (Smoke School) (Regional)				32,150		0.65	1,579,742		22.09		96
12	DP	SM 3 (Millersburg)				17,295		0.32	1,597,037		22.42		97
13	DP	MM 2 (Met QA)				54,765		0.90	1,651,802		23.32		100
13A	DP	QA 1 (Ind. Emission AQ)				7,445		0.13	1,659,247		23.45		100
13B	DP	MIC 2 (Microscopic)				19,742		0.42	1,678,989		23.87		102
14	DP	ST 1 (Source Test Anal)				19,513		0.48	1,698,502		24.35		103
15	DP	PSI 1 (Software to computer Pollution Indep)				15,000		0.30	1,713,502		24.65		104
16	DP	PFO 1 (Fallout Network)				4,378		0.08	1,717,880		24.73		104
17	DP	MM 3 (Upper Air MET)				37,651		0.53	1,755,531		25.26		106
18	DP	MM 6 (Field Burning)				38,903		0.30	1,794,434		25.57		109
19	DP	SF 6 (SF <sub>6</sub> Tracer)				12,273		0.20	1,806,707		25.78		109
20	DP	SO 1 (Sulfur in Oil)				6,543		0.12	1,813,250		25.90		110
21	DP	SA 1 (Special Analyses)				25,000		0.40	1,838,250		26.30		111
22	DP	DAS 1 (QA Software)				43,902		0.10	1,882,152		26.40		114
23	DP	MM 4 (Medford MET DBI)				49,942		0.29	1,932,094		26.69		117
24	DP	MIC 1 (Microscopic Problem Solv & ID)				39,438		0.91	1,971,532		27.60		119
25	DP	POL 1 (Pollen Sampling)				34,629		0.77	2,006,161		28.37		121
26	DP	MM 7 (KPTV Booms)				36,251		0.02	2,042,412		28.39		124
27	DP	SW 2 GC/MS				44,336		0.2	2,086,748		28.59		126

\*79-81 cumulative dollars as a percent of Adjusted Budget: \$ 1,652,385 (Air programs - laboratories)

Laboratories Division (Air Program)

Warren C. Westgarth

6/21/78

Page 2 of 4

Division or Program Ranked

Manager

Date

BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals			
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*
1	RLB	Laboratory administration				255,719			255,719			21
2	RLB	L-1 Surface water - lab				184,991		4.21	440,710		4.21	37
3	RLB	M-1 Surface water - monitoring				138,982		2.7	579,692		6.91	49
4	RLB	B-1 Biological services				146,176		2.0	725,868		8.91	62
5	RLB	L-2 Estuaries - lab				29,922		1.0	755,790		9.91	64
6	RLB	M-2 Estuaries - monitoring				25,652		0.5	781,442		10.41	66
7	RLB	L-4 Point source - laboratory				142,057		3.5	923,499		13.91	78
8	RLB	L-5 Subsurface - lab				28,283		0.7	951,782		14.61	81
9	RLB	L-7 Special studies - lab				28,217		0.7	979,999		15.31	83
10	RLB	M-3 Special studies - monitoring				6,945		0.1	986,944		15.41	84
11	RLB	L-6 Water supplies (part)				25,420		0.8	1,012,364		16.21	86
12	DP	L-3 Groundwater - lab				3,961		0.1	1,016,325		16.31	86
13	DP	M-4 Groundwater - monitoring				5,432		0.1	1,021,757		16.41	87
14	DP	SW - 2 GC/MS				55,420		0.25	1,077,177		16.66	91
15	DP	B-2 Biology				110,481		2.0	1,187,658		18.66	101
16	DP	L-8 Extended estuaries - lab				20,000*		0.2	1,207,658		18.86	102
17	DP	M-5 Extended estuaries - monitoring				50,000*		1.0	1,257,658		19.86	107
18	DP	L-9 Restore water supplies				20,000*		0.3	1,277,658		20.16	108

\*rough estimates

\*79-81 cumulative dollars as a percent of Adjusted Budget: \$1,179,155 (Water programs - laboratories)

Laboratories Division (Water Program)

Warren C. Westgarth

6/21/78

Page 3 of 4

Division or Program Ranked

Manager

Date

BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals			
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	
1	RLB	Laboratory Administration				53,730		0.575	53,730		0.575	2
2	RLB	Section Administration				8,501		0.2	62,231		0.775	2
3	RLB	Repair and maintenance				8,869		0.24	71,100		1.015	3
4	RLB	Landfill leachate				55,530		0.7	126,630		1.715	5
5	RLB	Alkali Lake				31,457		0.55	158,087		2.265	6
6	RLB	Chem-Nuclear				22,115		0.35	180,202		2.615	7
7	DP	Special Projects				25,627		0.3	205,829		2.915	9
8	DP	Resource Recovery				16,561		0.2	222,390		3.115	9
9	DP	Increased landfill leachate monitoring				35,065		1.0	257,455		4.115	1
10	DP	Organic identification with GC/MS				121,925		1.0	379,380		5.115	1

\*79-81 cumulative dollars as a percent of Adjusted Budget: \$ 228,602 (Solid waste - laboratories)

Laboratories Division (Solid Waste Program)

Warren C. Westgarth

6/21/78

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Division or Program Ranked

Manager

Date

RLB Limit = \$ 927.9x10<sup>3</sup>  
 Adj. Budget = \$1091.7x10<sup>3</sup>

BUDGET RANKING FORM

1000's/\$

Rank	RLB /DP	Package Name	Fund Source	77-79 Estimated			79-81 Estimated			Cumulative Totals			
				Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*
	RLB	Adm. Asst./Word Processing		65.3	2	2.0	74.0	2	2.0	74.0	2	2.0	6.8
	RLB	Administration		85.3	1	1.0	112.0	1	1.0	186.0	3	3.0	17.0
	RLB	Program Devel. & Implementation (Planning, Grants, Loans, Technical Asst.)		219.1	4	4.0	263.3	4	3.5	456.8	7	6.5	41.8
	RLB	Recycling Information		126.8	5	3.5	157.7	5	3.5	614.5	12	10.0	56.3
	RLB	S.W. Disposal Control (Permits, Plan Review, Compliance, Training, Tech. Asst.)		148.3	3	2.5	181.6	3	2.5	796.1	15	12.5	72.9
	RLB	H.W. Disposal Control (Disposal Facilities, Rules, Admin., Alkali Lake, etc.)		127.3	2	2.0	144.4	2	2.0	940.5	17.0	14.5	86.2
1	DP	Open Dump Inventory under RCRA	FF	0	0	0	56.5	1	1.0	997.0	18	15.5	91.3
2	DP	Restore full Recycling Information & Waste Reduction	GF	22.4	-	0.5	50.6	-	1.0	1047.6	18	16.5	96.0
3	DP	Hazardous Waste Manifest System	FF	39.1	1	1.0	59.2	1	1.0	1106.8	19	17.5	101.4
4	DP	RCRA Hazardous Waste Management (Treatment, Storage, & Generator Control)	FF	0	0	0	106.0	2	1.5	1212.8	21	19.0	111.1
5	DP	Solid Waste Data Base Development & Update	GF	0	-	-	34.5	-	0.5	1247.3	21	19.5	114.3
6	DP	Public Participation Program	FF	37.2	1	1.0	48.8	1	1.0	1296.1	22	20.5	118.7
7	DP	Improved Solid Waste Disposal Control	GF	0	0	0	56.5	1	1.0	1352.6	23	21.5	123.9
8	DP	Procurement, Oil & Tire Programs under RCRA	FF	0	0	0	45.5	1	1.0	1398.1	24	22.5	128.1
9	DP	Pesticide Container Control Program	FF	0	-	-	28.3	-	0.5	1426.4	24	23.0	130.7
10	DP	Solid Waste Tax Credits	GF	33.4	-	0.5	39.8	-	0.5	1466.2	24	23.5	134.3**
					19	18							
		**Most of what is reflected as program expansion (\$236.3x10 <sup>3</sup> /4FTE) anticipates E-Board approval of FY 79 EPA Grant prior to and extending into 79-81 Biennium. Net proposed program expansion is: DP#2 (\$25x10 <sup>3</sup> /0.5FTE) DP#7 (\$56.5x10 <sup>3</sup> /1.0FTE)											
				*79-81 cumulative dollars as a percent of Adjusted Budget: \$ 1091.7x10 <sup>3</sup>									

BUDGET RANKING FORM

Rank	RLB /DP	Package Name	77-79 Estimated			79-81 Estimated			Cumulative Totals			
			Dollars	Pos.	FTE	Dollars	Pos.	FTE	Dollars	Pos.	FTE	%*
1-12	RLB	Director's Office		2	2	171.0	2	2	171.0	2	2	7.5
1-12	RLB	Information Services		1	1	87.7	1	1	258.7	3	3	11.3
1-12	RLB	Public Affairs Officer		1	1	86.2	1	1	344.9	4	4	15.1
1-12	RLB	Administration, MSD, Tax Credits & EQC Liaison		2	2	178.6	2	2	523.5	6	6	22.9
1-12	RLB	Accounting		6	6	498.2	6	6	1,021.7	11	11	44.8
1-12	RLB	Photocopy Services		1	1	23.1	1	1	1,044.8	12	12	45.8
1-12	RLB	Correspondence Production		3	3	141.4	3	3	1,186.2	15	15	52.0
1-12	RLB	Mail Room Services		1	1	56.5	1	1	1,242.7	16	16	54.5
1-12	RLB	Administrative Support		3	3	141.5	3	3	1,384.2	19	19	60.7
1-12	RLB	Hearings		2	2	129.5	2	2	1,513.7	21	21	66.4
1-12	RLB	Budgeting		4	4	203.4	4	4	1,722.1	25	25	75.5
1-12	RLB	Personnel Recruitment		3	3	142.6	3	3	1,864.7	28	28	81.7
13	RLB	Purchasing & Property Control		1	1	70.9	1	1	1,935.6	29	29	84.8
14	DP	Intergovernmental Coordination		1	1	72.7	1	1	2,008.3	30	30	88.0
15	DP	Contract Admin. & Space Management		1	1	65.5	1	1	2,073.8	31	31	90.9
16	DP	Graphic Artist		0	0	45.3	1	1	2,119.1	32	32	92.9
17	DP	Economist		0	0	58.8	1	1	2,177.9	33	33	95.5
18	DP	LCDC Coordination		0	0	127.0	3	3	2,304.9	36	36	101.0
19	DP	Accounting Workload & Efficiency Increase		0	0	12.3	1	1	2,317.2	37	37	101.6
20	DP	Planning Coordinator		0	0	49.9	1	1	2,367.1	38	38	103.8
21	DP	Assistant Personnel Manager		0	0	47.0	1	1	2,414.1	39	39	105.8
22	DP	Restores Central Stores		1	1	35.2	1	1	2,449.3	40	40	107.4
23	DP	Word Processing Modular Furniture		0	0	4.2	0	0	2,453.5	40	40	107.6
24	DP	Policy Analyst		1	1	70.0	1	1	2,523.5	41	41	110.6
25	DP	Additional Hearing Officer		0	0	55.6	1	1	2,579.1	42	42	113.1
			1,917.1	33	33	2,579.1	42	42				

\*79-81 cumulative dollars as a percent of Adjusted Budget: \$2,281.3

Agency Management

Bill Young

6/21/78

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Division or Program Ranked

Manager

Date