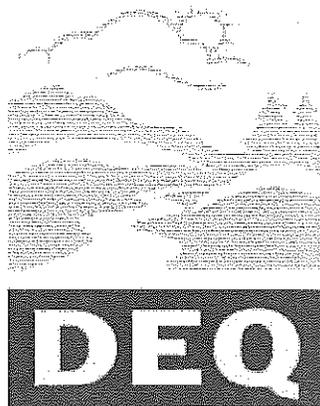


**8/25/1978**

**OREGON  
ENVIRONMENTAL QUALITY  
COMMISSION MEETING  
MATERIALS**



State of Oregon  
**Department of  
Environmental  
Quality**

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ENVIRONMENTAL QUALITY COMMISSION MEETING  
August 25, 1978

Room 602, Multnomah County Courthouse  
1021 S. W. Fourth Avenue  
Portland, Oregon

- 9:00 am A. Minutes of the July 28, 1978 Meeting.  
B. Monthly Activity Report for July 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.
- 9:15 am \*\* Field Burning Rules - Review and Discussion
- D. Sewage Works Construction Grants - Consideration of adoption of Sewerage Works Construction Grants Priority List for Federal Fiscal Year 1979.  
E. Groundwater, Multnomah County - Consideration of proposed Multnomah County Groundwater Protection Plan.
- 9:30 am F. Indirect Source Rule - Beaverton Mall Phase II, C. E. John, Developer; appeal of staff proposal to approve only partial development of the proposed project.  
G. Portland Transit Mall Noise - Discussion of noise impact caused by Portland's Transit Mall and other major transit corridors.  
H. Vehicle Noise Testing - Progress report on noise testing in the Motor Vehicle Inspection Program and authorization to hold public hearing to consider adoption of Light Duty Vehicle Noise Standards.  
I. Snowmobile Noise Rules - Authorization for public hearing to consider petition from International Snowmobile Industry Association to amend noise rules pertaining to the sale of new snowmobiles.
- 10:00 am J. Conflict of Interest Rules - Public Hearing to receive testimony and consider adoption of amendments to the Oregon Clean Air Act Implementation Plan to include rules pertaining to conflict of interest by State Boards, required by Section 125 of the Clean Air Act.  
K. Chem-Nuclear License - Authorization for public hearing to consider amendments to Chem-Nuclear's license for operation of Arlington Hazardous Waste Disposal Site.
- Missing* L. Hazardous Wastes Rules - Consideration of adoption of rules governing procedures for licensing hazardous waste management facilities, OAR Chapter 340, Sections 62-005 through 62-045.
- 10:30 am M. Delta Sand and Gravel - Consideration of request for variance from rules governing the deposition of solid wastes in groundwater, OAR 340-61-040.  
N. Federal Grant Application - Review of Consolidated Federal Grant Application for Air, Water and Solid Waste for Federal Fiscal Year 1979.  
O. Subsurface Rules - Authorization for public hearing to consider minor amendments to rules governing Subsurface and Alternative Sewage Disposal, OAR 340-71-020(1)(i) and 72-010(5).
- 11:00 am P. Josephine County AQMA Petition - Consideration of petition of Friends of Josephine, Inc., et al to declare Josephine County an Air Quality Maintenance Area.

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Because of uncertain time spans involved, the Commission reserves the right to deal with any item at any time in the meeting, except items I, L and O. 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) in Conference Room A of the Standard Plaza Building, 1100 S. W. 6th, Portland. Lunch will be catered in the DEQ Offices, 522 S. W. 5th, Portland.

MINUTES OF THE ONE-HUNDREDTH MEETING  
OF THE  
OREGON ENVIRONMENTAL QUALITY COMMISSION

August 25, 1978

On Friday, August 25, 1978, the one-hundredth meeting of the Oregon Environmental Quality Commission convened in Room 602 of the Multnomah County Courthouse, 1021 S. W. Fourth Avenue, Portland, Oregon.

Present were Commission members: Mr. Joe B. Richards, Chariman, Dr. Grace S. Phinney, Vice-Chairman, Mrs. Jacklyn Hallock; and Mr. Albert Densmore. Commissioner Ronald S. Somers was absent. Present on behalf of the Department were its Director, William H. Young, 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 JULY 28, 1978 MEETING

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the minutes of the July 28, 1978 meeting be approved as presented.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR JULY 1978

It was MOVED by Commissioner Hallock, seconded by Commissioner Densmore and carried unanimously that the Monthly Activity Report for July 1978 be approved and that the four requests for disposal of hazarous wastes from out-of-state be approved.

ADENDA ITEM C - TAX CREDIT APPLICATIONS

It was MOVED by Commissioner Densmore, seconded by Commissioner Phinney and carried unanimously that tax credit application T-1010 (Fred N. Bay News Company) be approved.

PUBLIC FORUM

No one wished to appear on any subject.

PROPOSED BUZZARD ROOST DAM - ILLINOIS RIVER

DIRECTOR Bill Young told the Commission there was a proposal for an impoundment on the Illinois River which had been circulating through state agencies for some time. He said the Department had commented several months ago and raised concerns about the impact that the construction activity would have on the water quality in the area. He said that the Governor's Office had decided to proceed with official intervention along with the federal government. He asked the Commission if they wanted to instruct the Department or the Attorney General's Office to represent them as a party to this activity for the specific interests that are within its scope.

Mr. Ray Underwood, Department of Justice, read to the Commission a proposed statement from them regarding this matter indicating the EQC's opposition. He said that this proposed language would be contained in the Governor's Petition for Intervention.

It was MOVED by Commission Phinney, seconded by Commissioner Hallock, and carried unanimously to join in the Petition of Intervention.

AGENDA ITEM - FIELD BURNING RULES - REVIEW AND DISCUSSION

Mr. Scott Freeburn, Air Quality Division, said that on August 16 the Commission held a conference call and discussed certain significant features of the rules which were to have gone into effect on August 15.

Mr. Freeburn said that prior to August 16 the weather had been dry and the Department did not have any information on what the impact of the moisture rule would be because the straw samples which were obtained were below the moisture content restriction. It had been raining since, he said, but the information available was still very limited. He told the Commission the Department still believed that the moisture content rule and the proposed implementation of that rule outlined on August 16 were valid. Mr. Freeburn recommended that the program outlined on August 16 be continued.

Chairmen Richards asked if Mr. Freeburn felt he had the discretion, for example, to check moisture content later in the day and release more acreage or to cancel acreage already released if necessary. Mr. Freeburn said he believed both cases were within the discretion of the staff. He said they proposed to use the moisture content rule in the overall determination of whether or not burning should take place.

Mr. Dave Nelson, Oregon Seed Counsel, told the Commission that the growers were entering a critical time. Typically, he said, the end of the burning season came from the 15th of September on. He said it would be another

four or five days before adequate drying occurred to be able to satisfactorily burn any of the fields in the Valley. Mr. Nelson pointed out, in a letter submitted for the record, that the Director's transmittal of the interim control strategy to EPA in June 1978 stated the rule was conditioned such that if burning was highly restricted by the rule, it might be waived. Mr. Nelson said that an adequate field test for moisture content had not been found. Because of the severe impact the moisture rule would have, Mr. Nelson requested that the Commission waive this requirement.

No action was needed by the Commission on this item at this time.

AGENDA ITEM F - INDIRECT SOURCE RULE - BEAVERTON MALL PHASE II, C. E. JOHN, DEVELOPER: APPEAL OF STAFF PROPOSAL TO APPROVED ONLY PARTIAL DEVELOPMENT OF THE PROPOSED PROJECT

Mr. John Kowalczyk, Air Quality Division, said this item related to a request by the C. E. John Development Company to expand the Beaverton Shopping Mall and add an additional 575 parking spaces. He said in order for the indirect source program to have any merit, there must be a point at which a project was considered unacceptable. The Department had been using, he said, a very liberal criteria to determine when a project was considered unacceptable. Mr. Kowalczyk said they were using a criteria published by the Environmental Protection Agency (EPA) in 1977. Even though the C. E. John Company had agreed to some improvements in traffic flow and signalization in the area, Mr. Kowalczyk said their consultant's analysis showed that air quality in the area would worsen and contribute to a violation of the carbon monoxide standard. He said that EPA's criteria for significant impact would be exceeded by over 60%. It was the staff recommendation, he said, that the project only be approved up to the point where it would not cause a significant impact. Mr. Kowalczyk said the Director proposed a permit to allow 398 parking spaces to be constructed at the site. If a permit was issued for 398 spaces, he said, the amount of square footage of retail space would also have to be reduced.

Mr. Kowalczyk submitted for the record four letters received in comment to this project.

In response to Chairman Richards, Mr. Kowalczyk said what the Department was trying to do with this program was to prevent any major new problem from occurring which might hinder developing a successful traffic circulation plan. Chairman Richards said that if the Commission then authorized a project they would be authorizing higher levels than permitted under the Federal standards. Mr. Kowalczyk affirmed Chairman Richard's statement.

Mr. Steve R. Schell, appeared before the Commission on behalf of C. E. John. He said that no standards had been adopted by the EQC which dealt with when an indirect source of this nature should or should not be allowed. The lack of clear standards, he said, resulted in unintentional unfair decisions. He continued that there was mitigation possible in this situation which had not been adequately considered by the staff.

Mr. Schell said that there had not been a presentation of the information necessary for a developer or staff to prove or disprove an applicant's qualifications. Until clear standards were adopted, he said, it was their position that the kind of standards proposed in the staff report should not be applied. Mr. Schell submitted, for the record, a letter supplementing his testimony.

Mr. F. Glen Odell, of Seton, Johnson and Odell, said his firm conducted air quality studies in the Beaverton area for the Beaverton Shopping Center, Tektronix and Floating Point Systems. He said that consultants develop data differently and there was no control requiring calibration so different results can come from different consultants. Mr. Odell said that they disagreed with the staff decision, but went ahead and made an emission control program. He said that many of the measures available to shopping centers for emission control cannot be quantified in terms of impact.

Mr. Odell said they had demonstrated to staff that on an average weekday the .5 mg/m<sup>3</sup> standard was not exceeded. In response to Chairman Richards, Mr. Odell said that based on their modeling, the standard would be exceeded 10 or less days a year. Chairman Richards asked Mr. Odell if he thought it was within the Commission's authority to approve a facility in which standards might be exceeded only two days a year. Mr. Odell replied that there were several areas that were not meeting standards now, nor would they in the near future. He said that he thought the .5 standards was an effort to not deny numerous projects. He felt that the .5 standard was inadequate.

Mr. Jim Howell, Tri-Met Planner, testified on Tri-Met's plans for transit improvement in the Beaverton area. He said they hoped to implement by next June a time-transfer system in the Beaverton area. He said this would greatly increase local transit service in the area, and at the same time, in the off-peak hours, reduce the number of busses coming into the Downtown area. Due to a request for more transit service from Tektronix, Mr. Howell said a bus line was proposed between Tektronix and the Beaverton Mall in line with some improvements on Hall Boulevard. In response to Chairman Richards, Mr. Howell said he did not have the information on how the better transit service would help the air quality in terms of meeting standards.

Mr. John, C. E. John Development Company, said they owned the Beaverton Mall adjacent to Jenkins Road and had a traffic congestion problem when

Tektronix changed shifts. Tektronix, he said, had recently been allowed 3100 more parking spaces which would add to the problem. Mr. John said they proposed to widen Jenkins Road to five lanes and put in improved signaling to alleviate congestion to and from the shopping mall. He said they felt that if they made these improvements then traffic would speed up through the area. However, Mr. John said, if they couldn't build all their buildings they would not go ahead with their Phase II B. They are going ahead, he continued, with an extension of an Albertson Market and a widening of Walker Road with "duck-out" lanes.

Mr. Schell said they had tried to give the Commission some examples of the mitigation possible in this matter. He maintained it was unfair for the Commission to not grant the Beaverton Shopping Center's application for 575 spaces and grant additional spaces to facilities such as Fred Meyer, Tektronix and Floating Point systems, all in the same area.

In response to Commissioner Densmore, Mr. Schell said that Seton, Johnson and Odell's<sup>3</sup> modeling had a 95% probability of being correct, which amounted to  $\pm 4 \text{ mg/m}^3$ . Statistically, he said, there is still the 5% probability of being incorrect.

Commissioner Hallock said she was bothered by the large number of spaces just approved for nearby sources versus the few spaces the applicant was asking for and the fact that the mitigating factors might not occur without the granting of the requested spaces. She was also very concerned, she said, that the same calibration was not required on the modeling from different consultants. Commissioner Hallock continued that she would not feel fair in going along with the staff recommendation in this case.

Chairman Richards asked Mr. Kowalczyk to comment on the suggestion that the Department did not have standards for consultants' tests and a wide variation in data could result. Mr. Kowalczyk replied that up until October of last year the Department had been using standards which were widely published and if a project exceeded those standards it would be considered unacceptable. He said when EPA published their guidelines the Department reduced their standards to the .5 and had been using that number for all projects since that time, including those applications for Tektronix and Floating Point Systems. He said the Department felt it was applying a uniform criteria.

Commissioner Densmore asked if any other states were applying a similar indirect source rule, and if they were had they entertained any mitigating factors. Mr. Kowalczyk said that the indirect source program had been unpopular because it posed a threat to rapid growth of retail operations, and therefore most states do not operate an indirect source program. He said there were just a few states that continued to operate the program and he knew some states had turned down some applications. He said that Oregon was trying to prevent situations that some states were allowing to happen.

Commissioner Hallock asked about the possibility of allowing the company a variance to permit the additional 177 spaces. Mr. Kowalczyk said that under the rules that could be done, and would be up to the discretion of the Director.

In response to questions from the Commission, Mr. Kowalczyk said it was not Department policy to require an applicant to do a monitoring program model because it delayed processing of applications. He said Department policy would accept reasonable modeling effort results that had been done within EPA criteria. If the modeling results were unacceptable, he said, they would allow an applicant to go back and monitor to see if his model could be improved. Mr Kowalczyk said he felt the Department had done the best it could to eliminate disparity in models.

Chairman Richards asked if the Commission could ask the Director to approve 398 spaces in his recommendation and in addition under variance conditions and findings of hardship issue the additional 177 spaces.

Mr. Ray Underwood, Department's Legal Counsel, replied that they would then be giving the Department guidance on how they wanted things done and it would be up to the Director to follow that guidance.

Commissioner Hallock commented that she found it incredible that recently 7000 parking spaces had been approved in the area and they were now having trouble with 177. She said that was the only reason she was considering a variance in this case. She said that kind of reduction should have been shared by all the sources and not just the last applicant.

Director Young said that if it was the sense of the Commission to approve all applications then he would like some guidance on returning to the Commission with whatever information would distinguish this particular application from others. If that was not done, he said, then the effect of approving this application would be to raise the standard for every other application that came in.

Chairman Ricahrds agreed with Mrs. Hallock and said he would adopt the Director's recommendation on how the application would be viewed. Commissioner Densmore said he was troubled as to whether or not the Director could go back and word a variance so as to not do violence to the .5 standard. Director Young said the staff would try to explore to find out if there were ways that this application could be dealt with as an extraordinary case and the Commission would be informed of the findings.

It was MOVED by Commissioner Densmore, seconded by Commissioner Hallock and carried unanimously that this matter be referred back to the Director to determine if there were certain factors that would warrant granting the additional 177 spaces in this particular case. The Director was also instructed to come back to the Commission and inform them if it could be done and how it would be justified.

Chairman Richards said that if an application came in for any additional spaces in the area in the near future, he would not encourage the Director to accept the application. Commissioner Hallock agreed.

AGENDA ITEM J - CONFLICT OF INTEREST RULES - PUBLIC HEARING TO RECEIVE TESTIMONY AND CONSIDER ADOPTION OF AMENDMENTS TO THE OREGON CLEAN AIR ACT IMPLEMENTATION PLAN TO INCLUDE RULES PERTAINING TO CONFLICT OF INTEREST BY STATE BOARDS, REQUIRED BY SECTION 128 OF THE CLEAN AIR ACT

Chairman Richards noted that no one wished to appear and give testimony on this matter. He then closed the public hearing.

Mr. Mike Ziolk, Air Quality Division, said that last August the U.S. Congress passed section 128 of the Clean Air Act relating to conflict of interest of state boards. The rules proposed by the Department, he said, were based on guidance supplied by EPA regarding those rules. He said that no testimony had been received in this matter since public notice went out in June. He said they were troubled about definition of "represent the public interest" in the proposed rule, as it could eliminate almost everyone proposed as an EQC member.

Mr. Ray Underwood, Department of Justice, read the statutory provision in the Clean Air Act which indicated what the EQC was required to do in this matter. He said that the EPA-proposed rule should be viewed that if it was not sufficient to meet the Clean Air Act provisions then it was possible that any action of the Commission implementing the Clean Air Act and the State Implementation Plan might be attacked. He felt that further refinement of the proposed language was warranted. Mr. Underwood said that the phrase contained in the definition of "represent the public interest" -- "...or hold any other official or contractual relationship" was too broad and should be deleted. He said he did not think this phrase was necessary for the protection intended to be provided by this regulation.

In regard to the phrase, under that some definition, "...any person subject to permits or enforcement orders...", Mr. Underwood suggested the language read "...any significant source of air pollution..." He said there had been some indication from discussions with EPA that that wording would possibly be acceptable.

Another alternative, Mr. Underwood said, would be the following general definition:

"Represent the public interest" means that the individual has no special interest or relationship that would preclude objective and fair consideration and action by that individual in the best interests of the general public."

He said that had the advantage of keeping the rule general and broad and would satisfy the statutory requirement.

Mr. Underwood said he was not recommending a definition change of "significant portion of income", but that did not mean the Commission could not change it and still be within the parameters of the Clean Air Act.

Mr. E. J. Weathersbee, Air Quality Division, pointed out that the language defining "significant portion of income" was very similar to that also applied under the Federal Water Pollution Control Act which the Commission was operating under at the present time. EPA, he said, made the Clean Air Act more lenient than the Water Pollution Control Act, in that they required only a majority of members to meet this criteria.

Chairman Richards said all present members of the Commission would not be able to continue to serve if the proposed rules were adopted as is. He requested that Mr. Underwood report to the Commission some additional suggested language and cite Section 128 of the Clean Air Act, so that the Commission would have something to review before the next meeting.

Mr. Ziolko informed the Commission that until the rule was an approved portion of the State Implementation Plan, any air quality permits or enforcement orders may be subject to legal challenges.

AGENDA ITEM D - SEWAGE WORKS CONSTRUCTION GRANTS - CONSIDERATION OF ADOPTION OF SEWAGE WORKS CONSTRUCTION GRANTS PRIORITY LIST FOR FEDERAL FISCAL YEAR 1979

Mr. R. Marvin Carroll, Vitro Engineering, said he had been employed by the City of Irrigon to investigate their possible groundwater pollution problem and subsequent funding for a sewage treatment system. He said they objected to the adoption of the priority list before the Commission and requested that the City of Irrigon be moved up on the list to and "A" category as a health hazard. He said they had a letter from the State Health Division which somewhat concurred with their findings.

Mr. J. N. Hershberger, attorney for the City of Irrigon, commented that a letter addressed to the Department from the Health Division, dated August 23, 1978 indicated that the Health Division supported the proposed Irrigon Sewerage Project. This letter is made a part of the record on this matter. He also submitted a July 19, 1978 and August 24, 1978 letters from Mr. Carroll to Mr. Clarence Hilbrick of the Department which represented the position of the City in this matter. He said they realized it could be quite a jump for them on the priority list to be able to be funded in 1979, but they felt there was a health hazard emergency in the area which warranted the reclassification.

Mr. Jack Baisden, Manager of the City of Irrigon, said that since the last time he appeared before the Commission, another 35 tests had been taken in the area which showed another couple of wells were bad. Most of the problem was within the City and the urban growth boundary, he said. He said that over 110 tests had been made on five different instances and about 30-35% of the wells were turning out bad and the beach had turned out bad in all the tests.

Mr. Tom Blankenship, Water Quality Division, summarized for the Commission the modifications made to the Sewage Works Construction Grants Priority List.

In response to Chairman Richards', Mr. Blankenship said that the letter from the Health Division regarding the City of Irrigon was not an official health hazard certification. He said the health hazard certification procedure now in the statute was only related to the mandatory health hazard annexation procedure. The Health Division, he said, does have other authorities relating to water supply in declaring health hazards. Again in response to Chairman Richards, Mr. Blankenship said that despite testimony offered at this meeting the staff would not be recommending raising the City of Irrigon on the list. He added he was meeting with the Health Division to investigate another process in coordination with DEQ and the Health Division to certify other health hazards which would be in keeping with the approved criteria.

Chairman Richards asked if the Commission were to approve the list at this meeting, would the Department have the discretion to modify the list based on a change in health hazard criteria. Mr. Blankenship replied that there was a provision in the criteria for changing the priority list during the year by Commission action. He continued that with the hearings process it would take approximately 90 days to adopt a modified list.

Commissioner Densmore said he would like the staff to pursue other types of health hazard certifications other than just the existing health annexation provision.

Mr. Blankenship said that the criteria for determining rank on the priority list could be changed by the Commission at its regular meetings, but that public notice and the hearing process would have to be gone through to change the priority list.

Mr. John Huffman, Manager of the Health Hazard Studies Program for the State Health Division, said there were a number of projects on the priority list that they had been involved with. He said that the Century Drive-Drapersville area in Albany had not been formally declared a health hazard even though a public hearing had been held. He realized that this area could not be moved up on the priority list, but urged the Commission if there were any unexpended funds left over from other projects, some

consideration and help be given to Albany for the planning stages of this project. Mr. Huffman said that over 100 cases of gastro-intestinal upset had occurred in the area. He said that the outbreak seemed to have abated but the conditions still existed. He said it took about two years from the declaration of a health hazard until sewers were constructed. Mr. Huffman said that sewerage this area was an unbudgeted item on a strict timetable. He continued that the administrator of the public works department had recently resigned leaving the situation even more difficult.

Mr. Jim Rankin, City of Albany, reiterated that if there were unexpended funds available, they would like consideration for them to be used to help planning. He said it appeared that within the next few months they would be forced to annex the area. said it would cost approximately \$3 million to extend sewer lines to this area. He said they were not asking to be reprioritized on the list.

Commission Densmore said he wasn't aware that there were any unexpended funds. Director Young said it was possible to have funds from one year to the next from projects that were on the priority list which did not go forward. He said there was a reservation of funds to cover unanticipated alteration of costs for projects on the list. If these funds were not used, he said, they might be used. Specifically, Mr. Blankenship replied, there was a \$500,000 reserve of which must had been used this fiscal year for unspecified planning and design grants.

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the modified Fiscal Year 1979 priority list be approved based on the findings contained in the Summation of the staff report and that the Department be authorized to utilize the FY 1979 priority list when federal appropriations were met.

AGENDA ITEM E - GROUNDWATER, MULTNOMAH COUNTY - CONSIDERATION OF ADOPTION OF PROPOSED MULTNOMAH COUNTY GROUNDWATER PROTECTION PLAN

Mr. Robert E. Gilbert, Northwest Regional Manager, reminded the Commission that in February, 1978 that they instructed the staff to work with Multnomah County to develop a plan to protect the groundwater aquifer in central and eastern Multnomah County. He said that a proposed plan was not being submitted to the Commission for approval and issuance of the consent order. Mr. Gilbert said the plan proposed to continue approving cesspools in the area. Multnomah County, he said, together with the Cities of Gresham and Troutdale were pursuing whether a regional sewage treatment plant or independent expansion of the three existing plants ought to take place. He continued that this would take place between 1982 and 1985. Mr. Gilbert said that the County proposed to use a network of interceptors

and trunks to get the high sewage users off-line quickly and eventually sewer the area by 1990. This plan was similar to the drill-well disposal plan in Central Oregon, he said.

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

Director's Recommendation

Having found the foregoing facts to be true, I recommend that the EQC authorize the Director to enter into a consent order with Multnomah County containing the basic features stated in the staff report subject to the following conditions:

1. Acknowledgment by the property owner (applicant) that any new on-site system is interim and the agreement to connect when a sewer system becomes available.
2. New construction must be oriented to future sewers. (Plumed to facilitate abandonment of on-site system and connection to sewers.)
3. New developments (i.e. subdivisions, apartments) be required to connect and/or provide dry sewer.

In addition, it is the Director's recommendation that the EQC instruct the staff to amend its subsurface sewage disposal rules to allow approval of cesspools only under the above conditions and only in areas where a master sewerage plan is adopted and an implementation agency is formed.

AGENDA ITEM G - PORTLAND TRANSIT MALL NOISE - DISCUSSION OF NOISE IMPACT CAUSED BY PORTLAND'S TRANSIT MALL AND OTHER MAJOR TRANSIT CORRIDORS

Mr. John Hector, Noise Section, said the Commission directed the staff in June to report to them regarding noise along major transit corridors. He said the staff was continuing to work on the Portland Transit Mall Noise problems, and Tri-Met was entering a program to retrofit their buses with noise control devices. He said an EPA/HUD-funded noise study was being scheduled to begin within the next few months to look at existing noise levels and some mitigation means to bring housing sites present in excess of the HUD standards into compliance so funding could be obtained.

Commissioner Hallock asked if the information on bus volumes was up-to-date. Mr. Hector replied that as far as he knew they were. Commissioner Hallock asked if the Banfield Alternatives being studied were taken into

consideration as far as noise reduction. Mr. Hector said he did not know if Tri-Met had taken that into consideration. Mr. Gary Brentano, Tri-Met, replied that during this study they would not be looking at one specific area, but at the overall problem of bus noise. In response to Commissioner Hallock, he said that the 1990 figure of bus volumes was current to this time but it was no longer a 1990 figure. Mr. Brentano said they were attempting to do something about the nose of the individual bus which would result in an overall noise reduction along transit corridors.

Commissioner Densmore asked if there was any information about downtown noise levels in cities in the state other than Portland. Mr. Hector said they had very little ambient noise information from other areas of state. He assured Commissioner Densmore than anything developed through the study would be able to be applied in other areas.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that the following Director's Recommendation be approved:

Director's Recommendation

I recommend that the Commission authorize the Department to:

1. Continue coordinated action with the City of Portland, Tri-Met, HUD and others to determine the extent, causes, and feasible mitigation measures for urban noise levels especially in the Portland Transit Mall in downtown Portland and along major transit corridors.
2. Specifically, to continue staff efforts to:
  - a. Monitor Tri-Met's bus retrofit program;
  - b. Participate in the Wyle Labs study to measure noise levels downtown and along transit corridors, and to develop a model capable of predicting traffic noise based on vehicle mix, and evaluating noise mitigation strategies;
  - c. Continue development of reasonable noise standard proposals for the vehicle caused urban noise problem for consideration by the Commission at the nearest appropriate time in the future; and
  - d. Lobby for appropriate noise controls at the federal level.
3. Over time, develop a strategy for reducing urban noise to the lowest practicable levels, for Commission review and approval.

AGENDA ITEM H - VEHICLE NOISE TESTING - PROGRESS REPORT ON NOISE TESTING IN THE MOTOR VEHICLE INSPECTION PROGRAM AND AUTHORIZATION TO HOLD PUBLIC HEARING TO CONSIDER ADOPTION OF LIGHT DUTY VEHICLE NOISE STANDARDS

Mr. John Hector, Noise Section, presented the Director's Recommendation in this matter.

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

Director's Recommendation

I recommend that the Commission authorize the Department to:

1. Hold a public hearing, before a hearings officer, at a time and location to be set by the Director, to receive testimony limited to the consideration of the adoption of noise emission standards for light duty vehicles and motorcycles enforceable through the Department's motor vehicle inspection centers.
2. Initiate a "voluntary" noise inspection program for heavy duty gasoline powered vehicles and report back to the Commission within twelve(12) months with recommendations for the adoption of standards to implement a mandatory program for this vehicle category.

AGENDA ITEM I - SNOWMOBILE NOISE RULES - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER PETITION FROM INTERNATIONAL SNOWMOBILE INDUSTRY ASSOCIATION TO AMEND NOISE RULES PERTAINING TO THE SALE OF NEW SNOWMOBILES

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that public hearings before a hearings officer by authorized at times and locations to be set by the Director.

AGENDA ITEM K - CHEM-NUCLEAR LICENSE - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHEM - NUCLEAR'S LICENSE FOR OPERATION OF ARLINGTON HAZARDOUS WASTE DISPOSAL

It was MOVED by Commissioner Hallock, seconded by Commissioner Densmore and carried unanimously that public hearings be authorized in Portland and Gilliam County, before a hearings officer, to take testimony on the proposed modifications to the Chem-Nuclear license for operation for the Arlington hazardous waste disposal site.

AGENDA ITEM L - HAZARDOUS WASTES RULES - CONSIDERATION OF ADOPTION OF  
RULES GOVERNING PROCEDURES FOR LICENSING HAZARDOUS WASTE MANAGEMENT  
FACILITIES, OAR CHAPTER 340, Sections 62-005 through 62-045

Mr. Ernest Schmidt, Solid Waste Division, said a hearing was held July 18, 1978 on the proposed rules and the hearing officer's report was submitted to the Commission. Mr. Schmidt presented the Summation and Director's Recommendation from the staff report.

Commissioner Hallock said she felt definition (4) of the proposed rules concerning "dispose" or "disposal" was still unclear. Mr. Schmidt responded that that definition came directly from the federal law 94-580 which was the Resource Conservation Recovery Act and was also included in the new state statute which was SB 246.

Commissioner Hallock said she felt the wording of proposed 340-62-100(3)(b)(i) and (ii) was too weak and would make the rule worthless. Mr. Schmidt agreed with Commissioner Hallock's concern and said that section was difficult to write.

Schmidt said the staff realized they might be put into an awkward position at times. He said they felt it was the intent of that section rather than the particular wording used, and the staff would be receptive to any wording that would make the intent clearer.

Commissioner Hallock asked if there was somewhere the proposed rules which asked that financial responsibility on the part of the licensee be shown. Mr. Schmidt said that anyone who applied for a hazardous waste disposal license had to show financial responsibility.

Commissioner Phinney asked if there was some practical reason why section 62-010(10) the definition of "person" was rewritten to eliminate the U. S. Government. Mr. Schmidt said this definition was taken directly from the enabling statute. Commissioner also questioned the definition of "store" or "storage" under 62-010(11). Mr. Underwood replied that one reason for the wording would be to make it clear that temporary was to be included as well as long-term storage. Mr. Underwood also said that the United States and agencies thereof could be inserted in 62-010(10).

It was MOVED by Commissioner Phinney, seconded by Commissioner Densmore and carried unianmously that OAR 340-62-010 be amended to read as follows:

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

Commissioner Phinney asked if any consideration had been made for the acceptance of materials from out of the Country. Mr. Schmidt replied that

they did not attempt to define geographic areas, but had been operating under the policy of accepting wastes from basically the northwestern region. He said there was a new supreme court decision which would make it more difficult to control.

Chairman Richards said he felt that the staff should address some of the problems the Commission was having.

It was MOVED by Commissioner Hallock, seconded by Commissioner Densmore and carried unanimously that this matter be deferred until the next regular meeting of the Commission.

AGENDA ITEM M - DELAT SAND AND GRAVEL - CONSIDERATION OF REQUEST FOR VARIANCE FROM RULES GOVERNING THE DEPOSITION OF SOLID WASTES IN GROUND-WATER, OAR 34-61-040

There being no one who wished to testify, Chairman Richards concluded the public hearing on this matter.

Mr. Daryl Johnson, Eugene Office, said that staff and the State Water Resources Department met with Delta Sand and Gravel on several occasions and inspected the site and looked at proposed plans. He said that the Department was in favor of the proposal. Mr. Johnson presented the Summation and Director's Recommendation from the staff report.

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

Director's Recommendation

I recommend that a variance from OAR Chapter 340, Section 61-040(3)(c) be granted to Delat Sand & Gravel Company for establishment of their proposed disposal site subject to the following conditions:

1. Landfill construction and operation shall be in accordance with plans approved in writing by the Department and in compliance with a Solid Waste Disposal Permit issued by the Department.
2. If at any time the Department finds evidence that the fill is causing, or is likely to cause, adverse environmental effects, it may terminate the permit and the operation must immediately cease. Upon such permit termination the fill site must be completed in a manner approved by the Department.

AGENDA ITEM N - FEDERAL GRANT APPLICATION - REVIEW OF CONSOLIDATED FEDERAL GRANT APPLICATION FOR AIR, WATER AND SOLID WASTE FOR FEDERAL FISCAL YEAR 1979

Chairman Richards said that any time the staff wrote reports such as this on policy, technical terms should be spelled out so that the report would be more meaningful to those reading it.

Some discussion followed between the Commission and staff regarding this item.

This item was presented for information purposes and no action of the Commission was necessary.

AGENDA ITEM O - SUBSURFACE RULES - AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER MINOR AMENDMENTS TO RULES GOVERNING SUBSURFACE AND ALTERNATIVE SEWAGE DISPOSAL, OAR 340-71-020(1)(i) and 72-010(5)

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the Director's Recommendation to authorize a public hearing on this matter be approved.

AGENDA ITEM P - JOSEPHINE COUNTY AQMA PETITION - CONSIDERATION OF PETITION OF FRIENDS OF JOSEPHINE, INC., et al TO DECLARE JOSEPHINE COUNTY AN AIR QUALITY MAINTENANCE AREA

There being no one present who wished to testify on this matter, Chairman Richards closed the public hearing.

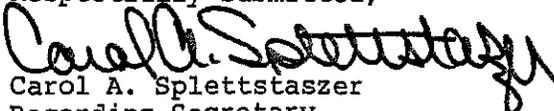
Mr. Mike Ziolk, Air Quality Division, presented the Director's Recommendation on this matter. In response to Chairman Richards, Mr. Ziolk said that at least a year's worth of data would be needed before a decision could be made on this area.

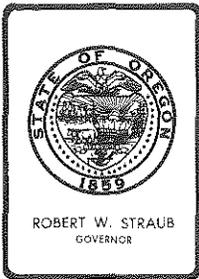
It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the petition be denied and the staff be requested to present within 18 months a recommendation as to whether or not an air quality maintenance area should be set up for Josephine County.

The Commission expressed its regrets at being unable to accept the petition because those living in the perceived an air pollution problem even through there was not the necessary data to support the establishment of an AQMA.

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: Agenda Item B, August 25, 1978, EQC Meeting

### July Program Activity Report

### Discussion

Attached is the July 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*  
for  
WILLIAM H. YOUNG



Contains  
Recycled  
Materials

M. Downs:ahc  
229-6485  
08-18-78

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

July, 1978

Month

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air, Water, and Solid Waste  
Divisions

July, 1978

(Reporting Unit)

(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	
<u>Air</u>							
Direct Sources	<u>24</u>	<u>24</u>	<u>19</u>	<u>19</u>	<u>1</u>	<u>1</u>	<u>41</u>
Total	<u>24</u>	<u>24</u>	<u>19</u>	<u>19</u>	<u>1</u>	<u>1</u>	<u>41</u>
<u>Water</u>							
Municipal	<u>126</u>	<u>126</u>	<u>130</u>	<u>130</u>			<u>69</u>
Industrial	<u>18</u>	<u>18</u>	<u>13</u>	<u>13</u>			<u>26</u>
Total	<u>144</u>	<u>144</u>	<u>143</u>	<u>143</u>			<u>95</u>
<u>Solid Waste</u>							
General Refuse	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>6</u>
Demolition	<u>1</u>	<u>1</u>					<u>1</u>
Industrial	<u>2</u>	<u>2</u>	<u>4</u>	<u>4</u>			<u>3</u>
Sludge							
Total	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>1</u>	<u>1</u>	<u>10</u>
<u>Hazardous Wastes</u>							
<u>GRAND TOTAL</u>	<u>173</u>	<u>173</u>	<u>167</u>	<u>167</u>	<u>1</u>	<u>1</u>	<u>146</u>

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

July 1978  
(Month and Year)

PLAN ACTIONS COMPLETED (20)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (20)</u>			
Jackson (NC1087)	Kogap Manufacturing Co. Fluidized bed, hog fuel fired, veneer dryer	6-78	Approved
Multnomah (NC1108)	W. R. Grace & Co. Batch mixing of "Monokote"	7/14/78	Approved
Lane (NC1129)	Westfir Plywood Corp. Veneer dryer and Bucholz scrubber	5/24/78	Approved
Jackson (NC1140)	Medford Corp. Flat panel finishing and furniture mfg.	4/18/78	Approved
Lane (NC1153)	Bohemia Inc. Add grinders and mod. baghouse	6/14/78	Approved
Lane (NC1158)	The Kingsford Co. Packaging system with dust control	7/3/78	Approved
Hood River (NC1160)	Paul Aubert Single orchard fan	6/30/78	Denied
Multnomah (NC1162)	GATX Tank Storage Terminals Three gasoline storage tanks	7/14/78	Approved
Multnomah (NC1163)	Columbia Steel Casting Sand reclaimer system	7/14/78	Approved
Polk (NC1165)	Boise Cascade Corp. Veneer moisture detector	6/10/78	Approved
Multnomah (NC1169)	Miracle Auto Paint Co. Paint spray booth	7/10/78	NC Approved
Multnomah (NC1170)	Freightliner Corp. Incinerator	7/17/78	Approved
Multnomah (NC1172)	Hercules Incorp. Boiler baghouse and economizer	7/14/78	Approved

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

July 1978  
(Month and Year)

PLAN ACTIONS COMPLETED (20 cont'd)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (cont.)</u>			
Multnomah (NC1178)	Nabisco Flour unloading and storage	2/14/78	Approved
Columbia (NC1190)	Mobil Oil Corp. One gasoline storage tank	7/11/78	Approved
Linn (NC1192)	Duraflake Street sweeper	7/17/78	Approved
Linn (NC1194)	Duraflake Wood dust burner and dryer scrubber	7/7/78	Approved
Linn (NC1195)	Duraflake Chip storage building	7/7/78	Approved
Clackamas (NC1197)	Publishers Paper Co. Mill expansion	7/14/78	Approved
Multnomah (NC1198)	Tri-Met Incinerator	7/17/78	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

July 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	6	2	2	24		
Existing	6	6			35		
Renewals	5	5			80		
Modifications	6	6	5	5	20		
Total	23	23	7	7	159	1,833	1,894
<u>Indirect Sources</u>							
New	3	3	3	3	14		
Existing							
Renewals							
Modifications	1	1	1*	1	1		
Total	4	4	4	4	15	88	
* Includes changing name of permittee from Floating Point Systems to Baugh Construction on Parking Permit No. 34-8007							
<u>GRAND TOTALS</u>	<u>27</u>	<u>27</u>	<u>11</u>	<u>11</u>	<u>174</u>	<u>1,921</u>	

<u>Number of Pending Permits</u>	<u>Comments</u>
16	To be drafted by Northwest Region Office
16	To be drafted by Willamette Valley Region Office
25	To be drafted by Southwest Region Office
1	To be drafted by Central Region Office
0	To be drafted by Eastern Region Office
7	To be drafted by Program Operations
2	To be drafted by Program Planning & Development
<u>67</u>	
26	Permits awaiting next public notice
17	Permits being typed
<u>49</u>	Permits awaiting end of 30-day public notice period
92	Permits pending

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

July 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED (11)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Direct Stationary Sources (7)</u>			
Coos	Coos County 06-0095; New	6/20/78	Permit issued
Jackson	Medford Corp. 15-0110, New	7/14/78	Permit issued
Klamath	Henderson Millwork 18-0028, Modification	10/25/77	Permit issued
Klamath	Weyerhaeuser Co. 18-0037, Modification	7/20/78	Addendum issued
Linn	Teledyne Wah Chang 22-0547, Modification	7/3/78	Addendum issued
<u>Portable Plants</u>			
Portable	Deschutes Ready Mix Sand and Gravel 37-0026, Modification	6/23/78	Addendum issued
Portable	Yaquina Head Quarries 37-0193, Modification	6/23/78	Permit issued

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Air Quality Division

July 1978

(Reporting Unit)

(Month and Year)

PERMIT ACTIONS COMPLETED (1) cont'd

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>Indirect Sources</u> (4)			
Multnomah	East Burnside Road File No. 26-8012	7/3/78	Final permit issued.
Washington	Intel Hillsboro 900 spaces, File No. 8015	7/28/78	Final permit issued.
Washington	Allen Blvd. Int., 217 new grade separated interchange File No. 34-6026	6/28/78	Final permit issued.
*Washington	Floating Point Systems (Murray at Millikan Way) 1,200 spaces, File No. 34-8007	7/21/78	Final permit issued.

\* This permit was actually issued on 6/20/78 to Floating Point Systems.  
During July the name of the permittee was changed to Baugh Construction Company.

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 Technical Programs  
 Sewerage Works Construction Section

Water Quality Division

July, 1978

PLAN ACTIONS COMPLETED - 143

Engineer County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Time to Complete Action
			Action	Action	
<u>Municipal Sources - 130</u>					
31	LA GRANDE LA GRANDE REHAB	V011078	060778	PROV APP	150
10 21	GLENEDEN SD LATERAL EXT	J052278	062178	PROV APP	31
8	BROOKINGS MILL BEACH AREA	J061278	062178	PROV APP	09
36	MCMINNVILLE WOODFORD MEADOWS	J061578	062778	PROV APP	12
3	GOVERNMENT CP MULTORPOR MEADOWS PUD	J060878	062878	PROV APP	20
64 24	SALEM BUCHHOLZ ADDITION	J062678	062978	PROV APP	03
40 06	RANDON FOURTH & MICHIGAN	K060978	070678	PROV APP	27
63 21	YACHATS KING STREET	K052678	070678	PROV APP	41
22	HARRISBURG EAGLES PARK SUBD	K060678	070678	PROV APP	30
51 17	GRANTS PASS RIVIERA MOBILE PARK	V053178	070778	PROV APP	38
3	WILSONVILLE MARINERS VILLAGE APARTMENTS	K060978	070778	PROV APP	28
8 02	CORVALLIS VILLA SOUTH SUBD	K062178	070778	PROV APP	15
2 34	USA-TIGARD CONTERBURY WOODS	K062178	070778	PROV APP	15
34	USA JAY STREET LID	K062378	070778	PROV APP	14
34	USA WESTLAKE APTS	K062778	070778	PROV APP	10
54 34	USA MILLER HILL ROAD	062778	070778	PROV APP	10
61 20	FUGENE PEBBLE SPRINGS SUBD	K062278	070778	PROV APP	15
2 34	USA WHISPERING WOODS	K070378	070778	PROV APP	04
30 04	WARRENTON EAST WARRENTON #2	K060578	070778	PROV APP	32
18	KLAMATH FALLS CHIA PARK	K060578	070778	PROV APP	32
3	GRESHAM JOY PARK SUBD	K060778	070778	PROV APP	30
41 33	DALLAS OAK HILL ESTATES	K061978	070778	PROV AOP	18
19 34	USA DAWSON CREEK TRUNK	K061978	070778	PROV APP	18
18 10	CANYONVILLE BAUGHMAN TECHNICAL	K061478	070778	PROV APP	23
5	RANNIER PRELIM PLAT OSPREY SUBD	V070778	071078	CMMT LTR	03
29	NEKOWIN S.A. VIKING ESTATES-TILLAMOOK CO	V050878	071078	CMMT LTR	60
51 08	RAINBOW ROCK RAINBOW ROCK REPORT-PUD	V062678	071178	CMMT MEMO	15
9	BEND SUNRISE VILLAGE	0062178	071178	CMMT LTR	20
25 03	OAK LODGE SD VELKINBERG	K061978	071178	PROV APP	22
51 20	CRESWELL CRESWOOD MOBILE HOME SUBD	J060578	071178	PROV APP	36
49 36	NEWRERG BUCKLEY'S MOUNTAINVIEW PARK	J061578	071178	PROV APP	20
2	N UMPQUA SD MERCY HILLS PHASE I	K060578	071178	PROV APP	36
9	N BEND JESSICA'S ADDITION	K061478	071178	PROV APP	27
99 03	WEST LINN COLLEGE HILL ESTATES	K061478	071178	PROV APP	27
68 06	COOS BAY WESTERN BANK ADMIN	K061278	071178	PROV APP	29
28 26	TROUTDALE ANTON RIDGE	K061278	071178	PROV APP	29
15 24	SALEM MAPLE ACRES SUBD REVISED	J070578	071178	PROV APP	06
15 24	SALEM K-B SUBD	J070578	071178	PROV APP	06
15 24	SALEM SUNNYRIDGE HEIGHTS #12	J070578	071178	PROV APP	06
15 24	SALEM SEEGER LANE ESTATES	J070578	071178	PROV APP	06
29	WHEELER SANITARY SEWER EXT	K070378	071178	PROV APP	08
15	RCVSA CAMPBELL	J070678	071278	PROV APP	06
67 22	HARRISBURG SEWERAGE SYSTEM IMPROVEMENT	V060578	071278	CMMT LTR	37
34	USA ROCK CREEK CONTRACT 53	V060878	071278	PROV APP	35
22	ALBANY DEERFIELD 1ST ADDITION	J062678	071278	PROV APP	16
22	ALBANY COLUMBUS ST	J062678	071278	PROV APP	16
29	TILLAMOOK CITYWILLIAMS ADDITION	J062878	071378	PROV APP	15
24	SALEM SOUTH RIVER ROAD TRUNK	J063078	071378	PROV APP	13
24 03	GRESHAM HILLYARD ROAD	J062678	071378	PROV APP	17
10	ROSEBURG SKYLINE TERRACE SUBD	J062378	071378	PROV APP	20
14 26	GRESHAM ALISON ACRES	J061678	071378	PROV APP	27
62 24	SALEM CHERRY AVE INDUSTRIAL CENTER	J070378	071378	PROV APP	10
62 24	KETZER SD GLYNBROOK II	J070178	071378	PROV APP	12

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 Technical Programs  
 Sewerage Works Construction Section

Water Quality Division

July, 1978

PLAN ACTIONS COMPLETED (143 cont'd)

Engineer	County	Name of Source/Project/Site and Type of Same	Rec'd	Date of		Time to Complete
				Action	Action	
82	24	EAST SALEM SHIRMAN ESTATES	J070178	071378	PROV APP	12
62	24	SALEM GLENHAVEN NO 2	062978	071378	PROV APP	14
55	34	USA TRACY ANN-720	J070678	071378	PROV APP	07
	6	COOS BAY BLKS 85-87 WEBSTER AVE	J071378	071378	PROV APP	10
51	15	BCVSA CASCADE VILLAGE UNIT NO 8	J070378	071378	PROV APP	10
	26	PORTLAND SW 4TH & BOONES FERRY RD	J071178	071378	PROV APP	02
93	34	USA OAK HILLS NO 10	J071178	071378	PROV APP	02
2	34	USA WHISPERING WOODS REVISED	J071178	071378	PROV APP	02
2	34	USA CROSS CREEK APARTS	J070678	071378	PROV APP	07
2	34	USA LISA ACRES	J070678	071378	PROV APP	07
	34	USA-REAVERTON HOMEGROWN PROPERTIES	J071078	071378	PROV APP	03
	34	USA HOLLY LID	J071078	071378	PROV APP	03
	26	PORTLAND SW 47TH AVE & SW PASADENA	J071078	071378	PROV APP	03
93	34	USA EDWARDS BUILDING SUPPLY	J071078	071378	PROV APP	03
77	34	TUALATIN AUTUMNWOODS II	K061978	071478	PROV APP	25
	3	LAKE OSWEGO PARK PLACE CONDOS	K062378	071778	PROV APP	24
46	15	MEDFORD PINEBROOK CIRCLE	K062678	071778	PROV APP	21
51	15	PHOENIX GEMINI ESTATES	K062678	071778	PROV APP	21
20	03	CCSD #1 MATHER ROAD EXT	K062678	071778	PROV APP	21
42	03	GRESHAM RALTZ TERRACE	K062778	071778	PROV APP	20
46	15	FAGLE POINT BUTTE CREST SUBD	K061578	071778	PROV APP	32
2	34	TUALATIN SANTIAM	J071078	071778	PROV APP	07
42	26	TUALATIN COLUMBIA NO 2	J071078	071778	PROV APP	07
	20	FUGENE BFLTLINE RD	K071078	071878	PROV APP	08
	20	FUGENE DOVERI'S PLAT	K071078	071878	PROV APP	08
	20	FUGENE CUL-DE-SAC OFF AUGUSTA ST	K070378	071978	PROV APP	16
25	03	OREGON CITY WILLAMETTE HEIGHTS	K062878	071978	PROV APP	21
20	03	GRESHAM JOCOHA PARK	K062378	071978	PROV APP	26
	23	ONTARIO GEORGE WALLACE	K063078	071978	PROV APP	19
	23	ONTARIO SHANN TUTTLE DEVELOPMENT	K062878	071978	PROV APP	21
	20	FUGENE WILLAKENZIE ROAD	K062778	071978	PROV APP	22
	20	FUGENE ANNE PLAT	K062778	071978	PROV APP	22
	20	FUGENE ESSEX HEIGHTS SUBD	K062778	071978	PROV APP	22
	20	FUGENE SKYLINE PARK LOOP	K062778	071978	PROV APP	22
10	20	FUGENE SENECA ROAD	K062778	071978	PROV APP	22
	26	PORTLAND N OF SE KNAPP ST & W SE 92	K062378	071978	PROV APP	26
72	20	EUGENE CENTENNIAL PLAZA SUBD	K071078	071978	PROV APP	09
	20	FUGENE WIEGER PARK	K071078	071978	PROV APP	09
	20	FUGENE RIVERVIEW ST	K071078	071978	PROV APP	09
	20	FUGENE VAN BUREN STREET	K071078	071978	PROV APP	09
	6	20 SPRINGFIELD CASCADE HEIGHTS FIRST ADDITIK	K070678	071978	PROV APP	13
	26	PORTLAND SE RELIEVING SEW PHASE 2 UN2V	051978	072078	PROV APP	60
61	20	FUGENE LONA	K062978	072078	PROV APP	21
61	20	FUGENE KISMET CREST FIRST ADD	K070678	072078	PROV APP	14
	20	FUGENE OLD STYLE SUBDIV	K070678	072078	PROV APP	14
	9	REND OVERTURE BUTTE	K071978	072078	PROV APP	01
	20	SPRINGFIELD BIRD SUBDIVISION	K071078	072078	PROV APP	10
72	20	FUGENE EDGEWOOD MOUNTAIN SUBD	K071078	072078	PROV APP	10
17	03	LAKE OSWEGO ROBINSON PT	J060778	072478	PROV APP	47
	20	FUGENE WESTWOOD PUD	063078	072578	PROV APP	25
	20	FUGENE TY SUBD	K072478	072578	PROV APP	01
	3	LAKE OSWEGO MTN PARK APTS	J072078	072578	PROV APP	05
	1	BAKER LINSOTT PROPERTY	K072178	072578	PROV APP	04

DEPARTMENT OF ENVIRONMENTAL QUALITY  
 Technical Programs  
 Sewerage Works Construction Section

Water Quality Division

July, 1978

PLAN ACTIONS COMPLETED (143 cont'd)

Engineer County	Name of Source/Project/Site and Type of Same	Rec'd	Date of Action	Action	Time to Complete Action
2 34	USA WEIDNER ACRES 726	J071978	072578	PROV APP	06
55 34	USA-CORNELIUS NELSON PARK	J071478	072578	PROV APP	11
93 34	USA DURHAM KOLL BUSINESS V BHW	J071378	072578	PROV APP	12
4	CCSD #1 HAZEL ADDITION	K071478	072678	PROV APP	12
67 20	EUGENE COLONY OAKS CONDOMINIUMS	K070578	072778	PROV APP	22
9	REND CONT DOCUMENTS-CONTRACT 6	V070378	072778	PROV APP	24
87 05	RANTER ROXY PARK	K070378	072778	PROV APP	24
15	ASHLAND WEST IVY LANE	K062978	072778	PROV APP	28
15	MEDFORD PIERCE ROAD	K070678	072778	PROV APP	21
46 15	MEDFORD-PHOE CHURCH STREET	K070678	072778	PROV APP	21
46 15	MEDFORD-TALT W GRIZZIEY SUBD	K070678	072778	PROV APP	21
15	WHITE CITY FALCON ST EXTENSION	K070678	072778	PROV APP	21
9	REND CONT NO 6	V072778	072778	PROV APP	00
3	WILSONVILLE WILLAMETTE VIL PHASE A	K072178	072778	PROV APP	06
67 20	EUGENE DELTA PINES SUBD	K071178	072778	PROV APP	16
67 20	EUGENE SOMERSET HILLS VIII	K071178	072778	PROV APP	16
9	LEBANON KELM ADDITION	K071178	072778	PROV APP	16
60 29	NTCSA TAOMAS INVIE PROPERTY	K070378	072778	PROV APP	24
93 26	PORTLAND WESTOVER PLACE	K070578	072878	PROV APP	23
70 30	UMATILLA WTP	V071478	072878	PROV APP	14
20 26	WOOD VILLAGE COREANDER	K071178	072878	PROV APP	17
3	WILSONVILLE CHARBONNEAU	J070678	073178	PROV APP	15
26	PORTLAND PHASE II SF CLATSOP ST	J072478	073178	PROV APP	07
8	BROOKINGS FIFIELD ST	J071278	073178	PROV APP	19

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Water Quality  
(Reporting Unit)

July 1978  
(Month and Year)

PLAN ACTIONS COMPLETED (143 cont'd)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL WASTE SOURCES (13)</u>			
Polk	Joseph Garcia - West Salem Animal Waste	6-28-78	Approved
Marion	Libby, McNeil & Libby - Salem pH Adjustment	7-3-78	Approved
Washington	Progress Quarries, Inc.-Progress Water Runoff Chemical Treatment Facility	7-10-78	Approved
Yamhill	Publisher's Paper - Newberg De-Inking Waste Water	7-12-78	Approved
Marion	Boise Cascade - Salem Containment of PCB	7-13-78	Approved
Lane	Weyco - Cottage Grove Storm Drain Bypass	7-14-78	Approved
Marion	Agripac - Salem pH Control	7-18-78	Approved
Malheur	Amalgamated Sugar - Nyssa Spray Cooling Pond	7-18-78	Approved
Linn	Willamette Industries - Griggs Veneer Dryer Washdown Recirculation	7-19-78	Approved
Linn	Willamette Industries - Foster Veneer Dryer Washdown Recirculation	7-19-78	Approved
Coos	Bohemia, Inc. - Lakeside Dry Storage Logs, Phase 3	7-31-78	Approved
Linn	Bell Farm - Linn County Animal Waste	7-31-78	Approved
Multnomah	Oregon Steel Mills Division of Gilmore Steel - Portland Cooling Water Scale Control	7-31-78	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality  
(Reporting Unit)

July 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	1	1	1	1	0	0	0	0	2	3				
Existing	0	0	0	0	0	0	0	0	0	0				
Renewals	4	0	4	0	6	0	6	0	33	7				
Modifications	1	0	1	0	0	0	0	0	5	1				
Total	6	1	6	1	6	0	6	0	40	11	243	80	245	83
<u>Industrial</u>														
New	2	0	2	0	<u>1</u> / <u>2</u>	0	2	0	7	6				
Existing	0	0	0	0	0	0	0	0	3	0				
Renewals	1	2	1	2	<u>2</u> / <u>10</u>	<u>2</u> / <u>3</u>	10	2	53	11				
Modifications	0	3	0	3	2	0	2	0	5	3				
Total	3	5	3	5	14	2	14	2	68	20	400	119	410	125
<u>Agricultural (Hatcheries, Dairies, etc.)</u>														
New	0	0	0	0	1	0	1	0	1	3				
Existing	0	0	0	0	0	0	0	0	0	0				
Renewals	0	0	0	0	0	0	0	0	2	1				
Modifications	0	0	0	0	0	0	0	0	0	0				
Total	0	0	0	0	1	0	1	0	3	4	61	14	62	17
<u>GRAND TOTALS</u>	9	6	9	6	21	2	21	2	114	35	704	213	717	225

\* NPDES Permits

\*\* State Permits

1/ Includes 1 permit exempted

2/ Includes 3 permit cancellations plus 1 changed to State Permit

3/ Includes 2 permit cancellations

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Water Quality  
(Reporting Unit)

July 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED (23)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Douglas	Reedsport Mill	7-7-78	State Permit Canceled
Deschutes	R. Huff dba 8-Ball Restaurant	7-7-78	State Permit Canceled
Linn	City of Sweethome Water Treatment Plant	7-10-78	NPDES Permit Canceled
Wheeler	Kinzua Corporation Wood Products	7-17-78	NPDES Permit Canceled
Jackson	Bear Creek Corp. dba Harry & David Fruit Packing	7-17-78	NPDES Permit Renewed
Multnomah	Burlington Northern Inc. Railroad Yard	7-17-78	NPDES Permit Renewed
Hood River	Champion Building Products Dee	7-17-78	NPDES Permit Renewed
Lane	City of Junction City Sewage Disposal	7-17-78	NPDES Permit Renewed
Klamath	City of Merrill Sewage Disposal	7-17-78	NPDES Permit Renewed
Multnomah	Panavista Improvement District Sewage Disposal	7-17-78	NPDES Permit Renewed
Wallowa	City of Wallowa Sewage Disposal	7-17-78	NPDES Permit Renewed
Benton	Willamette Industries Philomath Division	7-17-78	NPDES Permit Renewed
Clackamas	Caffall Bros. Forest Products City Sawmill Add. #1	7-17-78	NPDES Permit Modified

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Water Quality  
(Reporting Unit)

July 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED (23 cont'd)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Clatsop	Ocean Foods of Astoria Seafood Processing	7-17-78	NPDES Permit Modified
Douglas	City of Yoncalla Water Filtration Plant	7-20-78	NPDES Permit Changed to State Permit
Jackson	Spra-Mulch Industries Cooling Water	7-21-78	Exempt from Permit
Union	Boise Cascade La Grande	7-21-78	NPDES Permit Renewed
Tillamook	Lee Hanson Oyster Hatching	7-21-78	NPDES Permit Issued
Lincoln	City of Waldport Sewage Disposal	7-21-78	NPDES Permit Renewed
Douglas	Winston-Green STP Sewage Disposal	7-21-78	NPDES Permit Issued
Multnomah	Shell Oil Co. Oil Terminal	7-21-78	NPDES Permit Renewed
Marion	Stuckart Lumber Lumber Mfg.	7-21-78	NPDES Permit Issued
Lane	Barker Willamette Wood Products	7-28-78	NPDES Permit Canceled

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

July 1978  
(Month and Year)

PLAN ACTIONS COMPLETED (6)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Hood River	Hood River Landfill Existing Site Closure Plan	5/12/78*	Disapproved
Marion	Brown's Island Expansion New Site Construction & Operational Plan	7/3/78	Approved
Clatsop	Wauna Mill Existing Site Operational Plan	7/6/78	Approved
Lane	Weyerhaeuser-Aeration Basin Sludge Site New Site Operational Plan	7/20/78	Letter Authoriza- tion Approved
Lane	Charles Edding Existing Site Operational Plan	7/24/78	Letter Authoriza- tion Approved
Tillamook	Publishers Paper-Tillamook Existing Site Operational Plan	7/27/78	Letter Authoriza- tion Approved

\*Not shown on May Activity Report

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

July 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	1	1			2		
Existing					20*		
Renewals	7	7	1	1	14		
Modifications							
Total	8	8	1	1	36	183	189
<u>Demolition</u>							
New							
Existing							
Renewals							
Modifications							
Total	0	0	0	0	0	21	21
<u>Industrial</u>							
New	3	3	3	3			
Existing			1	1			
Renewals	2	2	1	1	9		
Modifications	1	1	2	2	2		
Total	6	6	7	7	11	105	105
<u>Sludge Disposal</u>							
New							
Existing							
Renewals	1	1			3		
Modifications							
Total	1	1	0	0	3	9	9
<u>Hazardous Waste</u>							
New							
Authorizations	23	23	19	19	4		
Renewals							
Modifications							
Total	23	23	19	19	4	1	1
<u>GRAND TOTALS</u>	<u>38</u>	<u>38</u>	<u>27</u>	<u>27</u>	<u>54</u>	<u>318</u>	<u>325</u>

\*Sixteen (16) sites operating under temporary permits until regular permit are issued.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

July 1978  
(Month and Year)

PERMIT ACTIONS COMPLETED (8)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>General Refuse Facilities (1)</u>			
Lane	Cottage Grove Landfill Existing facility	7/20/78	Permit renewed.
<u>Demolition Waste Facilities- none</u>			
<u>Sludge Disposal Facilities - none</u>			
<u>Industrial Waste Facilities (7)</u>			
Coos	Allegany Shop Existing facility	7/11/78	Permit amended.
Lane	Weyerhaeuser, Springfield New facility	7/20/78	Letter authoriza- tion issued.
Clackamas	Publishers Paper, Mollalla New facility	7/21/78	Permit issued.
Clatsop	C-Z, Wauna Mill Existing facility	7/26/78	Permit renewed.
Lane	Mitchell-Blacketer & Assoc. Existing facility	7/26/78	Permit amended.
Tillamook	Publishers Paper, Tillamook New facility	7/27/78	Letter authoriza- tion issued.
Lane	Charles Edding Existing facility	7/24/78	Letter authoriza- tion issued.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

July 1978  
(Month and Year)

## HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

Date	Type	Waste Description	Source	Quantity	
				Present	Future
<u>Requests Granted (19)</u>					
<u>OREGON</u>					
7/5/78	Unwanted household cleaning compound		City government	1 gal.	None
7/5/78	Unwanted pesticides		Nursery	50 lbs.	None
7/5/78	PCB capacitors		Aluminum reduction plant	2 units	Periodic
7/5/78	Small quantities of lab. chemicals		High school lab.	1 drum	None
7/5/78	Pesticide wastes		Pesticide formulator	36,250 lbs.	Periodic
7/6/78	PCB capacitors		Electric utility	309 units	154 units/yr.
7/11/78	Methyl isobutyl ketone tars		Metal reduction plant	16 drums	5 drums/wk.
7/28/78	Oily wastes		Window & cabinet fabricator	46 drums	None
<u>WASHINGTON</u>					
7/3/78	Nickel bearing sludge		Aluminum reduction plant	6,000 gals.	Periodic
7/5/78	PCB capacitors		Paper mill	4 drums	None
7/5/78	PCB capacitors		Paper mill	3 units	None
7/5/78	PCB contaminated rags, equipment, etc.		Federal facility	5 drums	None

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste  
(Reporting Unit)

July 1978  
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## HAZARDOUS WASTE DISPOSAL REQUESTS (continued)

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

Date	Type	Source	Quantity	
			Present	Future
7/5/78	Paint sludge	Car repair shop	5 drums	None
7/5/78	PCB wastes	Federal facility	3 drums	None
7/6/78	PCB capacitors	Electric utility	26 units	10 units/yr.
7/12/78	PCB capacitors	Electric utility	18 units	100 units
7/31/78	Sulfuric acid/copper sulfate mixture, chlorinated solvents, used transformer oil coolant	Oil company	10 drums	20 drums/yr.
<u>BRITISH COLUMBIA</u>				
7/6/78	PCB capacitors, PCB contaminated articles, rags, etc.	Electric appliance manufacturer	38 drums	Periodic
7/12/78	Nickel bearing sludge	Airline	1,200 gals.	Periodic

NOTE:

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

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ or Atty	Hrng Offcr	Hrng Date	Resp Code	Dec Date	Case Type & #	Case Status
Davis et al	5/75	5/75	Atty	McS	5/76	Dept	6/78	12 SSD Permits	Settlement Action
Paulson	5/75	5/75	Atty	McS		Resp		1 SSD Permit	Settlement Action
Trent	5/75	5/75	Atty	McS		Resp		1 SSD Permit	Settlement Action
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		Ati		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
<del>Atten</del>	<del>3/76</del>	<del>4/76</del>	<del>DEQ</del>	<del>McS</del>		<del>Resp</del>		<del>SSB-Permit</del>	<del>Finished</del>
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
Ellsworth	10/76	10/76	Atty	McS		Dept		P-SS-PR-78-01	Preliminary Issues
Silbernagel	10/76	10/77	Atty	Cor		Resp		AQ-MWR-76-202 \$400	Discovery
Jensen	11/76	11/76	DEQ	Cor	12/77	Resp	6/78	\$1500 Fld Brn AQ-SNCR-76-232	Appeal to Comm
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	Prtys		\$500 WQ-CR-76-250	Settlement Action
Perry	12/76	12/76	DEQ	Cor	1/78	Hrnga		Rem Order SS-SWR-253-76	Decision Due
Jones	4/77	7/77	DEQ	Cor	6/9/78	Resp		SSD Permit SS-SWR-77-57	Briefing
Beaver State et al	5/77	5/77	Atty	Cor	10/77	Hrnga		\$150 AQ-SNCR-77-84	Decision Due
Sundown et al	5/77	6/77	Atty	McS		Prtys		\$11,000 Total WQ Viol SNCR	Settlement Action
<del>Wallace</del>	<del>5/77</del>	<del>6/77</del>	<del>DEQ</del>	<del>Cor</del>	<del>1/78</del>	<del>Hrnga</del>	<del>6/78</del>	<del>1-SSB-Permit-Denial</del>	<del>Decision-Due</del>
Wright	5/77	5/77	Atty	McS		Dept		\$250 SS-MWR-77-99	Preliminary Issues
Henderson	6/77	7/77	Atty	Cor	1/77	Resp		Rem Order SS-CR-77-136	Decision Out
<del>Exton</del>	<del>6/77</del>	<del>8/77</del>	<del>DEQ</del>	<del>Cor</del>	<del>6/12/78</del>	<del>Hrnga</del>		<del>Rem-Order-SS-PR-76-268</del>	<del>Finished</del>
Lowe	7/77	7/77	DEQ	Cor		Resp		\$1500 SW-PR-77-103	Settlement Action
Magness	7/77	7/77	DEQ	Cor	11/77	Hrnga		\$1150 Total SS-SWR-77-142	Decision Due
Southern Pacific Trans	7/77	7/77	Atty	Cor		Prtys		\$500 NP-SNCR-77-154	Preliminary Issues
Suniga	7/77	7/77	DEQ	Lmb	10/77	Resp		\$500 AQ-SNCR-77-143	Decision Out
Sun Studs	8/77	9/77	DEQ			Dept		\$300 WQ-SWR-77-152	Preliminary Issues
Taylor, D.	8/77	10/77	DEQ	McS	4/78	Dept		\$250 SS-PR-77-188	Settlement Action
Brookshire	9/77	9/77	Atty	McS	4/19/78	Hrnga		\$1000 AQ-SNCR-76-178 Fld Brn	Decision Due
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	Resp		SSD Permit App	Briefing
Trussel et al	9/77	9/77	DEQ	Cor	10/77	Hrnga		\$150 AQ-SNCR-77-185	Decision Due
Califf	10/77	10/77	DEQ	Cor	4/26/78	Prtys		Rem Order SS-PR-77-225	Settlement Action
Mc Clincy	10/77	12/77	Atty	McS		Resp		SSD Permit Denial	Preliminary Issues
Zorich	10/77	10/77	Atty	Cor		Dept		\$100 NP-SNCR-77-173	Preliminary Issues
<del>Gray</del>	<del>11/77</del>	<del>12/77</del>	<del>DEQ</del>	<del>McS</del>		<del>Resp</del>		<del>\$200 SS-MWR-77-254</del>	<del>Finished</del>
<del>Jenks</del>	<del>11/77</del>	<del>12/77</del>	<del>DEQ</del>	<del>McS</del>	<del>6/21/78</del>	<del>Hrnga</del>		<del>\$1000 Fld-Brn-AQ-MWR-77-284</del>	<del>Finished</del>
<del>Oak-Creek-Farms</del>	<del>11/77</del>	<del>12/77</del>	<del>DEQ</del>	<del>McS</del>	<del>3/78</del>	<del>Hrnga</del>		<del>\$500-AQ-MWR-77-Fld-Brn</del>	<del>Finished</del>
Powell	11/77	11/77	Atty	Cor		Prtys		\$10,000 Fld Brn AQ-MWR-77-241	Preliminary Issues
Wah Chang	12/77	12/77	Atty	McS		Dept		ACD Permit Conditions	Preliminary Issues
Barrett & Sons, Inc.	12/77		DEQ			Dept		\$500 WQ-PR-77-307	Preliminary Issues
Carl F. Jensen	12/77	1/78	Atty	McS		Prtys		Unsewered Houseboat Moorage	Discovery
Carl F. Jensen/ Elmer Klopfenstein	12/77	1/78	Atty	McS		Prtys		\$1200 AQ-SNCR-77-320 Fld Brn	Discovery
Steckley	12/77	12/77	DEQ	McS	6/9/78	Hrnga		\$200 AQ-MWR-77-298 Fld Brn	Decision Due
<del>Heaton</del>	<del>1/78</del>	<del>2/78</del>	<del>DEQ</del>	<del>McS</del>	<del>5/31/78</del>	<del>Hrnga</del>		<del>\$500-AQ-PR-77-325-Fld-Brn</del>	<del>Finished</del>
Wah Chang	1/78	2/78	Atty	Cor		Dept		\$5500 WQ-MWR-77-334	Preliminary Issues
Gray	2/78	3/78	DEQ			Dept		\$250 SS-PR-78-12	Settlement Action
Hawkins	3/78	3/78	Atty			Dept		\$5000 AQ-PR-77-315	Preliminary Issues
Hawkins Timber	3/78	3/78	Atty			Dept		\$5000 AP-PR-77-314	Preliminary Issues
Knight	3/78		DEQ			Dept		\$500 SS-SWR-78-33	Settlement Action
Langston	3/78	3/78	DEQ	Cor	8/23/78	Hrnga		\$1000 AQ-MWR-78-31	Set for Hearing
Avery	4/78	5/78	DEQ	McS	9/13/78	Hrnga		\$500 AQ-SNCR-78-05	Set for Hearing
<del>Vittoreat</del>	<del>4/78</del>		<del>DEQ</del>			<del>Prtys</del>		<del>\$250-SS-WVR-78-78</del>	<del>Settlement-Action</del>
Wah Chang	4/78	4/78	Atty	McS		Hrnga		NPDES Permit	To be Scheduled
Abiqua	5/78		DEQ			Resp		P-SS-WVR-78-01	Preliminary Issues
Stimpson	5/78		DEQ	Call Mike Downs		Dept		Tax Credit Cert. T-AQ-PR-78-01	Preliminary Issues
Vogt	6/78		DEQ			Dept		SSD Permit	To be Scheduled
Hogue	7/78		DEQ			Dept		P-SS-SWR-78	Preliminary Issues
B & M	8/78	8/78	DEQ	McS	8/78	Hrnga			Set for Hearing
<del>Harborton</del>	<del>7/78</del>	<del>7/78</del>	<del>DEQ</del>	<del>McS</del>		<del>Prtys</del>		<del>P-WQ-SWR-78-02</del>	<del>Finished</del>
St. Helena	7/78					Dept		P-WQ-SWR-78-03	To be Scheduled

<u>TOTALS</u>	<u>Last</u>	<u>Present</u>
Settlement Action	12	11
Preliminary Issues	19	18
Discovery	4	4
To be Scheduled	4	3
To be Rescheduled	0	0
Set for Hearing	0	3
Briefing	2	2
Decision Due	11	6
Decision Out	3	2
Appeal to Commission	3	3
Appeal to Court	0	0
Transcript	1	1
Finished	<u>5</u>	<u>9</u>
TOTAL	64 - 5 = 59	62 - 9 = 53

KEY

ACD            Air Contaminant Discharge Permit

AQ            Air Quality

AQ-SNCR-76-178    A violation involving air quality occurring in the Salem/North Coast Region in the year 1976; the 178th enforcement action in that region for the year.

Cor           Cordes

CR            Central Region

Dec Date      The date of either a proposed decision of a hearing officer or a decision by the Commission.

\$            Civil Penalty Amount

ER            Eastern Region

Fld Brn       Field Burning incident

Hrngrs        The Hearings Section

Hrng Rfrri    The date when the enforcement and compliance unit requests 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          The 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)

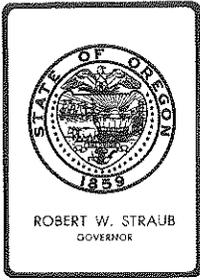
S.S.D.        Subsurface Sewage Disposal

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



## *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, August 25, 1978, EQC Meeting  
Tax Credit Applications

Attached is one request for tax credit action.

### Director's Recommendation

It is recommended that the Commission issue Pollution Control Facility Certificate for application T-1010.

WILLIAM H. YOUNG

MJDowns:cs  
229-6485  
8/11/78  
Attachments



Contains  
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Materials

Proposed August 1978 Totals:

Air Quality	-0-
Water Quality	-0-
Solid Waste	<u>\$ 68,909.23</u>
	\$ 68,909.23

Calendar Year Totals to Date  
(excluding August 1978 totals)

Air Quality	\$ 2,052,699
Water Quality	6,542,671
Solid Waste	<u>13,584,250</u>
	\$22,179,620

Total Certificates Awarded (monetary values)  
Since Beginning of Program (excluding August 1978 totals):

Air Quality	\$114,239,784
Water Quality	85,837,837
Solid Waste	<u>28,012,879</u>
	\$228,090,500

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

---

1. Applicant

Fred N. Bay News company  
3155 N. W. Yeon Avenue  
Portland, Oregon 97210

The applicant owns and operates a newspaper distributing company at Portland, 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 Balemaster Baler, Model 4030EHJM, Serial 358-9177561. This machine takes unsold magazines, newspapers and paperback books, shreds them and bales the shredded paper into bales weighing approximately 1000 lbs.

Request for Preliminary Certification for Tax Credit was made April 19, 1978, and approved May 10, 1978.

Construction was initiated on the claimed facility April 20, 1978, completed May 15, 1978, and the facility was placed into operation April 28, 1978.

Facility Cost: \$68,909.23 (Accountant's certification was provided)

3. Evaluation of Application

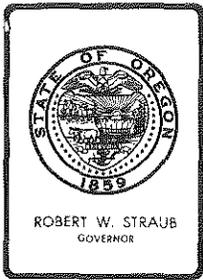
There is a limited market for unbaled waste paper. In 1977 the Fred N. Bay News Company disposed approximately 1400 tons out of a total waste production of 2080 tons at the landfill. By having the waste paper baled, they can sell all of it for recycling.

4. Summation

- A. Facility was constructed after receiving 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 \$68,909.23 with 100% allocated to pollution control be issued for the facility claimed in Tax Credit Application Number T-1010.



## *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, August 25, 1978, EQC Meeting  
FY'79 Sewerage Works Construction Grant Project Priority List

### Background

A draft FY'79 priority list was developed in May, 1978 in accordance with EQC approved criteria. A public hearing to gain comment on the draft list was held in Portland on June 30, 1978. Notice and a copy of the draft list were sent out 30 days prior to the hearing by first class mail to interested parties, including:

1. Potential applicants appearing on the list
2. A-95 Clearinghouse
3. Councils of Government
4. All Oregon Counties
5. Engineering Firms
6. All Oregon TV stations
7. Four major newspapers
8. Two national wire services
9. Other interested individuals, groups and agencies

The hearing officer's report appears in Attachment 1. The hearing record was held open until July 14, 1978.

### Modifications to FY'79 Priority List

Hearing testimony, recent staff actions and U. S. EPA comments have resulted in proposed changes in project priority ranking and scheduled certification dates.

Priority point changes significantly altered the ranking of a few projects. Other priority point modifications were made without significant effect. Several new projects were added. Rescheduling of certification dates affected many projects that are not expected to receive funds in FY'79. The rescheduling is a result of the concerns of the Clean Water Act of 1977 regarding state project priority planning over a five year period. New scheduling was developed to coincide with present best estimates of fund availability for projects in light of the funding authorizations of the 1977 Act. Formerly, project scheduling was based upon the date a project could proceed if funds were available.



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### Summary of Modifications

1. Three projects were dropped from the list by request, one other was removed since an EPA grant was awarded during the review cycle, and one project was phased out.
2. Fifteen new projects were added to the list.
3. Eleven projects were ranked higher because of Step 2 grant certifications during the review cycle, a change in regulatory emphasis or based on revised assessment of "need" points.
4. Schedules were adjusted for projects that will receive funds after FY'79. Many projects were assigned target certification dates based on anticipated federal grant program allotments.

A detailed summary of modifications to the draft priority list is shown in Attachment No. 2.

### Discussion

The Clean Water Act of 1977 established a national authorization of \$5 billion for construction grants for FY'79. However, Congressional appropriations have not yet been made for next fiscal year.

If Congress appropriates the full \$5 billion authorized, Oregon could receive an allotment of \$64.8 million. These monies, when coupled with the remaining FY'78 grant allotment would provide funds for projects ranked 1 through 77, plus some projects in rural communities ranked lower than 77 (i.e., to fulfill 4% set-aside requirement specified in Priority Criteria). No funding cutoff can be specifically established until Congress appropriates FY'79 grant funds.

### Summation

1. The priority list has been evaluated and revised in response to public comment and is submitted for your approval.
2. Adequate public notice was given to inform interested parties of the public hearing.
3. A hearing was conducted on June 30, 1978 and the record remained open for 14 days subsequent to the hearing (Attachment 1).
4. Hearing testimony was evaluated and changes proposed (Attachment 2).
5. A revised priority list was prepared (Attachment 3).
6. Copies of the revised list have been sent to potential applicants and other interested parties.

Environmental Quality Commission  
August 4, 1978  
Page 3

Director's Recommendation

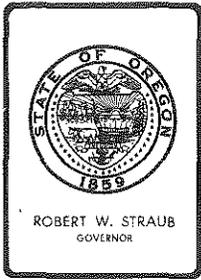
Based on the finding contained in the summation section above, it is recommended that the EQC:

1. Approve the modified FY'79 priority list, Attachment No. 3.
2. Authorize the Department to utilize the FY'79 priority list when federal appropriations are made.

*Bill*

WILLIAM H. YOUNG  
Director

Harold L. Sawyer:nrj  
229-5324  
August 4, 1978  
Attachments: No. 1, 2 & 3



## *Environmental Quality Commission*

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

### MEMORANDUM

ATTACHMENT 1

To: Environmental Quality Commission Date: July 21, 1978  
From: Clarence P. Hilbrick, Jr., Hearings Officer  
Subject: Summary of June 30, 1978 Hearing on the Sewage Works Construction Grant Priority List (Oral Testimony)

Mr. Thomas Blankenship of the Water Quality Division explained the application of the priority criteria which lead to the draft priority list.

The first witness Mr. Floyd L. Britt of Waldport summarized his written statement opposing funding the Southwest Lincoln County Sanitary District. The reason for his opposition are low cost/benefit ratio and the lack of ability of the citizens to pay for the project.

The next witness Mr. Richard O. Miller, Manager of the Bear Creek Valley Sanitary Authority, summarized his written statement which: (1) supported four sanitary authority projects; (2) supported increasing the priority of the Medford STP project; and (3) supported the continued use of criteria review committee but with the addition of "Doers" as well as planners.

The third witness Mr. R. Maryin Carroll of Vitro Engineering appeared representing the City of Irrigon. Mr. Carroll presented test data and opined that Irrigon should be raised to the health hazard category. He reported the city had three outbreaks of hepatitis within the last 18 months. Also he stated the county health department felt this was due to septic tank effluent passing through soil to the water supply. The hearing officer asked if documentation of the county health department's position existed. The answer was yes and it would be submitted for the record. (Note: A letter of opinion was submitted July 18, 1978.)

The next witness Mr. Joe N. Hershberger, representing the City of Irrigon, presented a resolution from the city council requesting the DEQ and EQC declare the city a health hazard area.

Next to speak for the City of Irrigon was Mr. Jack R. Baisdeen the City Manager. Mr. Baisdeen supported the two previous witnesses.

The next witness Mr. Don Walker, City Engineer for the City of Medford, requested the Medford project priority number 131 be moved from an "E" category to a "B" category. His request was based on the OAR requirement of highest and best practicable treatment and control. Also on a need to expand due to proposed sewerage projects already underway. The hearing officer asked if the Medford Sewage Treatment Plant was now meeting permit limits, Mr. Walker's answer was yes.



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Next was Mr. Jim Carlton, Director of the Rogue Valley Council of Governments. Mr. Carlton summarized a written statement from the C.O.G. supporting upgrading the Medford project.

The next witness Mr. Terry Waldele, for C.R.A.G., supported the East Multnomah County Consortium Project (Gresham, Troutdale and East Multnomah County projects) for high priority and grant funding.

The next group of witnesses supporting the Crescent Sanitary District included Mr. Robert Thomas, Mr. Arthur J. Sherman, Mr. W. C. McGlothorn, Mr. Ray B. Jones and Mr. Jeff Daggett. The group presented their view of the current problems in the Crescent Sanitary District. The witnesses told of surfacing septic effluent, the high number of septic tanks which need pumping and Mr. Daggett (the District's Consulting Engineer) presented summaries of his testing which he felt showed septic tank effluent reaching the Little Deschutes. The group felt the project should be moved from a "D" category to a "B" category.

The next witness Mr. Bill Cameron of the City of Gresham supported the East Multnomah County Consortium Project. Mr. Cameron stated the best approach for the area was for the combination of the facility plan projects into the consortium project. Also, he stated the Gresham Sewage Treatment Plant was having to by-pass sewage during high flow now. He also requested that Gresham's Step 2 and Step 3 project (STP expansion) be dropped from the priority list.)

Mr. Roy L. Burns of the Lane County Environmental Management Department was the next witness. Mr. Burns summarized his written statement which requested Dexter be moved to the "A" category, return Mapleton to the FY'79 priority list in the "D" category. He also asked about the City of Coburg and the Elmira area being left off the FY'79 list.

The next group to appear consisted of Mr. Dennis L. Bartoldus, Mrs. Vera Stamp, Mrs. Evelyn Borch, Mr. R. J. Cobia and Mr. Stanley Buck. All opposed the funding of the Southwest Lincoln County Sanitary District. The group expresses opposition for several reasons: (1) project cost; (2) uncontrolled development would be caused; (3) loss of existing coastal environment; (4) forcing an unneeded project on the people; and (5) the few people with failing septic tanks should pay the cost of repair. All present felt the project was not needed. The hearing officer asked if the group felt that there was no need for the project based on environmental need. The answer from the group was yes.

Mr. Edward Murphy of the City of Troutdale was the next witness. Mr. Murphy supported the East Multnomah County Consortium Project, and requested that Troutdale's Step 2 and Step 3 projects be deleted from the priority list.

The next witness Mr. Oliver J. Domreis of Multnomah County summarized his letter supporting funding in FY'79 for the East Multnomah County Consortium Project, and requested that Multnomah County Inverness STP Step 2 and Step 3 projects be deleted from the priority list.

Mr. Daniel Meader of Tenneson Engineering was the next witness. Mr. Meader presented summaries of written statements on the following:

1. Ione - Project delayed due to Corps of Engineer flood plain study.
2. Hood River, Westside - Remove from list, city council has declined project.
3. The Dalles, Westside (i.e., Foley Lakes) - Increase priority of project due to health hazard.
4. Dufur - Request increase ranking because the city is ready to proceed.

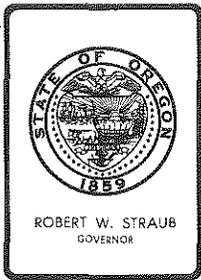
The next witness Mr. Dave Wattle of the City of Oakridge requested that the priority of the City's project be maintained.

Mr. Robert A. Gray of the City of Drain was the next witness. Mr. Gray stated that he was of the opinion a project was needed in Drain. Also, the Southwest Regional office of DEQ would submit the proof of a problem for the record.

The next group of witnesses were Mr. & Mrs. William Stanfield of Camas Valley in Douglas County. Mrs. Stanfield presented a status report on the formation of the Camas Valley Sanitary District and requested the district be placed on the priority list. Mr. Stanfield read a letter from Mr. Jerome Wethers which details the problems in Camas Valley.

The last witness Mr. Michael D. Henry, appearing on behalf of Dayton, requested that the Dayton Project keep its proposed ranking.

Clarence P. Hilbrick, Jr.:nrj  
229-5311  
July 21, 1978



## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission

From: C. P. Hilbrick

Subject: Summary of Written Statements Received on  
Draft Construction Grants Priority List

1. June 12, 1978 letter and report from Mr. W. Bruce Peet, City Administrator of the City of Falls City. The report prepared by the City, describes the existing problems from failing septic tanks which are effecting water quality in the Little Luckiamute.
2. June 13, letter from Richard Camp, Mayor of the City of Haines. Mayor Camp requested that the City maintain its present place on the priority list.
3. June 19, memorandum from DEQ-SWRO, requesting the Medford STP project be upgraded on the priority list, based upon its relationship to several proposed projects in the regional area.
4. June 21, memorandum from DEQ-ERO, requesting Reith be added to the priority list.
5. June 28, letter from Lane Council of Governments discussing several projects in Lane County. The major topics discussed were (a) Coburg, (b) Elmira, and (c) Dexter.
6. June 27, letter from the City of Gresham documenting by-passes of the Sewage Treatment Plant in 1977 and failures to achieve discharge requirements.
7. June 29, memorandum from NWRO-DEQ, supporting the Inverness No. 8 project on the basis of groundwater pollution and proposed EQC action.
8. June 29, memorandum from NWRO-DEQ, supporting the East Multnomah County project.
9. June 27, memorandum from WVRO-DEQ, supporting Dexter, Falls City, Grand Ronde, Cove Orchard and Veneta projects.

Summary of Written Statements Received on  
Draft Construction Priority List  
July 21, 1978  
Page 2

10. June 19, letter from the City of Portland discussing both existing and new projects. The City requested the following projects be added to the priority list:
  - a. S. E. Relieving Interceptor Phase 3 and 4
  - b. Columbia Blvd. Relieving Interceptor
  - c. Lombard Interceptor Relief Sewer
  - d. Rivergate Interceptor & Pump Station
11. June 23, letter from the City of Helix requesting the City be placed on the priority list.
12. June 23, letter from Mrs. Marilee Doyle opposing the Mt. Hood Corridor Project.
13. June 26, letter from the City of Tangent expressing interest in obtaining a Step I grant.
14. June 27, letter from the City of Grants Pass advising of a possible request for funding to correct inflow/infiltration problem in the City.
15. June 26, letter from Mrs. Curtis Griffin - same as 12.
16. June 27, letter from Col. and Mrs. J. B. Baker - same as 12.
17. June 29, letter from the City of Eagle Point supporting upgrading the Medford Sewage Treatment Plant Project.
18. July 5, letter from the City of Sodaville requesting the City be placed on the Priority List. The reason for the request was 11 cases of hepatitis caused by septic tank effluent contaminating private wells.
19. July 6, letter from the Linn County Health Department documenting the problem with the Sodaville wells. Also, stating the City is working for a community water system as well as sewerage system.
20. July 6, letter from Mr. Clarence Ross supporting the South-west Lincoln County S.D. Project.
21. July 5, memorandum from MWVRO-DEQ submitting copy of EQC's Septic Tank Moratorium in Dexter.
22. July 7, letter from West Side Sanitary District requesting upgrading of project due to health hazard.
23. July 6, letter from Mrs. Arnold Duckett - same as 20.

Summary of Written Statements Received on  
Draft Construction Priority List  
July 21, 1978  
Page 3

24. July 7, letter from Mr. Edward Keech opposing the Southwest Lincoln County Sanitary District Project.
25. July 7, letter from Mr. H. F. Baldwin Jr., President of the Board of the Southwest Lincoln County Sanitary District. Mr. Baldwin discussed the failing septic tanks in the District. Also he discusses the question of two sewer lines along Highway 101 and states that two sewers would not be necessary.
26. July 7, letter from Mrs. O. V. Gaskill - same as 20.
27. July 6, letter from R. J. Cobia - same as 24.
28. July 3, letter from Frank J. Kremser - same as 24.
29. July 10, letter from H. S. Harbison - same as 24.
30. July 10, letter from Mrs. Hazel Stone - same as 20.
31. July 11, letter from State Senator Clifford W. Trow. Senator Trow expressed his support for the Falls City Project and concern about the Luckiamute River.
32. July 10, letter from Mr. Lloyd Buck - same as 20.
33. July 9, letter from Mr. Harl Kelley - same as 20.
34. July 10, letter from Mr. & Mrs. C. Robert Davidson - same as 20.
35. July 10, letter from Mr. Milton Fox - same as 12.
36. July 6, letter from Mr. & Mrs. Ralph Carlson - same as 20.
37. July 13, letter from Barrett & Associates for the City of Scappoose requesting the City be placed on the priority list because the treatment plant is approaching capacity.
38. July 12, letter from A. R. Dickson - same as 20.
39. July 13, letter from Mr. Jerry Emerson - same as 20.
40. July 10, letter from the Mayor of the Falls City - Joseph C. Chaon. Mayor Chaon detailed the health hazards which had been documented within Falls City.
41. July 13, letter from Marion Schaeffer - same as 20.
42. July 13, letter from Vitro Engineering submitting data on the Water Sampling and Testing taking place in Irrigon.
43. July 11, letter from Stella Harbison - same as 24.

Summary of Written Statements Received on  
Draft Construction Priority List  
July 21, 1978  
Page 4

44. July 12, letter from the East Central Oregon Association of Counties supporting the Irrigon Project. The reason for the Association's support is a sewerage system would remove a "physical constraint that may limit growth in Irrigon".
45. July 14, memorandum from WQ staff concerning four projects: Albany (Draperville) Corvallis (SW Annexation), Warrenton and Westside S.D.
46. July 17, letter from B. C. Mann, Waldport - same as 24.
47. June 23, letter from DEQ-SWRO, providing information to increase priority points for the City of Drain.
48. June 28, letter from Mr. W. J. Kvarsten, Director of DLCD questioning the appropriateness of a Step II Grant for the Southwest Lincoln County Sanitary District. Mr. Kvarsten's comments raise the following:
  - a. violation of the Public Facilities Goal
  - b. need for comprehensive plan
  - c. the vote on the City of Tillicum
  - d. DEQ responsibility under ORS 197.180
  - e. District responsibilities under ORS 197.185
  - f. Subsurface disposal failures limited to a few areas

However, Mr. Kvarsten further states DLCD would not object to funding a project which addresses the problem from a different perspective.

Correspondence Received After July 14, 1978:

- A. July 17, letter from Alpha and Paul Burkardt, Waldport, supporting the Southwest Lincoln County S.D. project.
- B. July 17, letter from Mr. & Mrs. Hargrove, Waldport - same as A.
- C. July 18, letter from Pat Wright, R. N., Morrow County Health Nurse, noting a probable health hazard in the City of Irrigon.

*for*  
Clarence P. Hilbrick, Jr.:em  
229-5311  
July 21, 1978

*Thomas P. Blankenship*  
8/3/78

MODIFICATIONS TO DRAFT FY'79 PRIORITY LISTPART I: DELETIONS

<u>Project</u>	<u>Rank on Draft List</u>	<u>Rank on New List</u>	<u>Comment</u>
1. Cave Junction	3	-	Step 3 grant was awarded.
2. Hillsboro - Automation	127	-	The City's STP was recently taken over by Unified Sewerage Agency of Washington Co. USA plans on phasing out this STP.
3. Multnomah Co. Inverness STP Exp.	133	-	This project was combined with Troutdale and Gresham into the "East Multnomah Co. Consortium" at the request of all 3 parties.
4. Gresham	143	-	Same as 3.
5. Troutdale	146	-	Same as 3.

PART II: IMPROVEMENT IN PROJECT RANK

<u>Project</u>	<u>Rank on Draft List</u>	<u>Rank on New List</u>	<u>Comment</u>
1. BCVSA-Westside	49	33	Change in rank based on Step 2 grant certification before adoption of new priority list. Done in accordance with Paragraph V(D)(1) of Criteria for Priority Ranking.
2. Dayton	65	34	Same as 1.

3.	BCVSA-Jacksonville	66	35	Same as 1.
4.	BCVSA-White City	74	36	Same as 1.
5.	Multnomah Co.- Inverness #8	111	109	Improvement in rank based on proposed EQC action at its August 25, 1978 meeting. if the EQC does not issue an order at the August 25 meeting, then this project will be dropped in rank in accordance with Paragraph V(C) of the Criteria for Priority Ranking.
6.	Westside S.D.	114	45	Change based on findings of fact prepared by Oregon Health Division in Mandatory Health Hazard Annexation proceedings under ORS 222.850.
7.	Falls City	116	57	Based on conclusive evidence (DEQ survey) that water quality standards violations in Luckiamute R. are caused by numerous failing sub-surface sewage disposal systems in Falls City.
8.	Medford STP Expansion	131	56	The City of Medford's plant must be expanded to provide sewer service to Jacksonville (which is under a permit requirement for STP improvement or phaseout) and to enable other projects to proceed (e.g., BCVSA-Westside project will eliminate water

quality standards violations in Bear Creek tributary). Medford's project is assigned priority ranking points based on these dependent interrelated projects.

9. Irrigon	134	128	Data submitted documents that subsurface sewage disposal systems are polluting groundwater. Existence of "health hazard" has not been certified by Health Division.
10. Drain	136	94	DEQ regional office has documented failure of City to comply with NPDES permit requirements. STP needs to be upgraded.
11. Warrenton	145	41	Warrenton STP expansion is regarded as an integral part of providing sewer service to Hammond and eliminating a raw sewage discharge. Therefore, priority of Warrenton project mirrors priority assigned to Hammond project.

PART III: ADDITIONS TO PRIORITY LIST

<u>Project</u>	<u>Rank on New List</u>	<u>Comment</u>
1. Helix	158	Added to list on the basis of potential pollution problem.
2. Portland S.E. Relieving	37	Phases 3 & 4 were added as "grant increases" to an existing Step 3 project

(Phase 1). Ranking indicates that Phase 1 was certified out of previous fiscal year's funds (i.e., FY 1977).

3. Portland Col. Blvd. Relieving	137	Project ranking is based on Potential pollution problem since we have no documentation
4. Portland Lombard Relieving	138	Same as 3.
5. Portland Rivergate Int.	140	Same as 3.
6. Reith Area	161	Same as 3.
7. Sodaville	120	Linn County Health Dept. submitted evidence of numerous subsurface sewage disposal system failures in Sodaville.
8. Scappoose	154	Same as 3.
9. Mapleton Area	126	This project was identified on the FY 78 priority list and was added on to this year's list in response to Lane County's testimony. Ranking is based on documented failures of subsurface systems and pollution of ground and surface waters.
10. Albany (Draperville Area)	132	Added to list on basis of subsurface system failures and pollution of ground and surface waters.

11. Corvallis (SW Annexation)	40	Ranking based on certified health hazard under ORS 222.850 et. seq.
12. E. Multnomah Co. Consortium	62	The Gresham STP is one of three facilities included in the consortium. We received documentation of permit violations @ Gresham - a need to upgrade the STP & eliminate bypassing. Ranking is based on these permit violations & the proposed EQC order (i.e., August 25, 1978) for correction of the groundwater pollution problem in E. Multnomah Co. If the EQC does not issue an order at the August 25 meeting, then this project will be dropped in rank in accordance with Paragraph V(C) of the Criteria for Priority Ranking.
13. Dexter Area	116	Added to list at request of Lane Co. We have record of several subsurface sewage disposal failures (i.e., pollution of ground & surface waters) in the area.
14. Veneta	145	Same as 3.
15. Grants Pass 1/1	143	Same as 3.

PART IV: CLARIFICATIONS

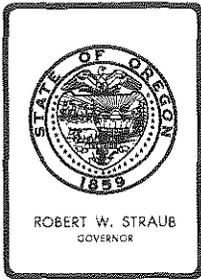
1. Grant dollars for Eugene's and Springfield's sewer system rehabilitation (both Step 2 and Step 3 costs) are considered to be part of the Metropolitan Wastewater Management Commission's project. Step 2 costs will be handled as a grant

Increase, and Step 3 costs can be added to projected FY'80 grant dollar needs after the two cities complete ongoing sewer System Evaluation Studies. Contractual arrangements will need to be developed between MPMC and each city concerning local share costs of all costeffective sewer rehabilitation measures.

2. Project schedules usually reflect WQ staff estimates of when grant funds might be available. Numerous adjustments in scheduling were necessary to distribute costs over four fiscal years. Scheduling and dollar demand estimates for projects (beyond the funding cutoff in FY 1979) will be reassessed next year, as part of the annual process of priority list preparation.
3. Based on concerns of the Department of Land Conservation and Development, as well as citizens in the District, the following actions were taken with regard to S. W. Lincoln County S.D.:
  - a. A Step I (Planning Grant) was placed on the priority list with a target certification date of October 1978. The Facilities Plan must address the land use concerns expressed by DLCD and financial impact (and feasibility) questions brought out by District residents.
  - b. The Step II (Design Grant) was delayed to September 1979.
  - c. A letter was sent to DLCD assuring that land use concerns will be addressed in the Facilities Plan before any Step II grant application could be certified to EPA (copy to be furnished at the August 25, 1978 meeting).

THB:em

August 2, 1978



## *Environmental Quality Commission*

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

### MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. E, August 25, 1978 EQC Meeting  
Multnomah County Groundwater Protection Plan

### Background

At its February 24, 1978 meeting (Agenda Item No. Q, Attachment 1), the EQC instructed the staff, in cooperation with Multnomah County, CRAG and other affected agencies, to develop a plan for protection of the groundwater aquifer. A proposed Multnomah County Groundwater Protection Plan (Attachment 2) has been developed and is being submitted to the EQC for approval and issuance of a consent order.

### Evaluation

In reviewing alternatives to provide protection of the groundwater, a moratorium on subsurface sewage disposal permits including cesspools was considered. However, at this time, based on projected growth and considering an aggressive program promoting connection to the county sewer system, protection of the aquifer can be obtained without such a moratorium. Sampling of the groundwater will be continued to monitor the water quality and progress of the protection plan.

### Summation

The goal of the Multnomah County Groundwater Protection Plan is to collect 90 percent of all sanitary and industrial waste from the Inverness, central Multnomah County, service area and to treat and discharge these wastes to the Columbia River by 1990. The accomplishment of this goal would result in a long-term improvement of groundwater quality and permit the area to fully develop under the Multnomah County Land Use Plan.

The basic features of this plan include:

1. Multnomah County-Gresham-Troutdale Consortium 201 study scheduled for completion in October 1979. This facility plan would resolve regional or separate treatment plant expansion questions. Regional or independent expansion would occur in 1983-1985.



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Recycled  
Materials

2. Engineering design (Step II) and construction (Step III) of Multnomah County Inverness 8 sewer project (Attachment 2, Map Page 7). Construction of the interceptor sewers would allow connection of high sewage users, such as schools, hospitals, apartments, restaurants, etc., to the sewage system.
3. Through the Multnomah County land use planning and the consortium facility planning process, Multnomah County will develop by July 1979, a specific management plan identifying a time schedule for the eventual phasing out of cesspools in the county. The emphasis of the plan will be on methods of assuring existing and future development connections to a completed area-wide sewer trunk system with added treatment capacity. Among the alternatives to be examined for inclusion in the plan will be:
  - a. Conditions imposed on zoning actions coming before the county.
  - b. Current requirements include hooking to a sewer line when it is available and submission of a non-remonstrance agreement for sewer line proposals.
  - c. Requirement for construction of a "dry sewer" system in developments approved for cesspools prior to availability of the major trunk line.
  - d. Designation of areas where development will occur only by connection onto the sewer system.

Portions of the management plan would become county ordinances.

4. Plan connection schedule is as follows:

<u>Year</u>	<u>Goal No. of Connections</u>
1978	2,500
1979	3,000
1980	3,500
1981	4,000
1982	4,500
1985	13,000
1990	32,000

Director's Recommendation

Having found the foregoing facts to be true, I recommend that the EQC authorize the Director to enter into a consent order with Multnomah County containing the basic features as above subject to the following conditions:

1. Acknowledgment by the property owner (applicant) that any new on-site system is interim and agreement to connect when sewer system becomes available.

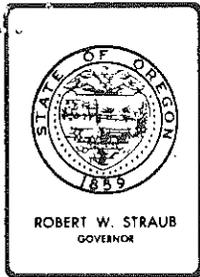
2. New construction must be oriented to future sewers. (Plumbed to facilitate abandonment of on-site system and connection to sewers.)
3. New developments (i.e. subdivisions, apartments) be required to connect and/or provide dry sewer.

In addition, it is the Director's recommendation that the EQC instruct the staff to amend its subsurface sewage disposal rules to allow approval of cesspools only under the above conditions and only in areas where a master sewerage plan is adopted and an implementation agency is formed.



WILLIAM H. YOUNG

Robert E. Gilbert:eve  
229-5292  
8/10/78



ATTACHMENT 1

## *Environmental Quality Commission*

522 SW 5th Avenue, Portland, Oregon 97204

PHONE (503) 229-5696

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. Q, February 24, 1978 EQC Meeting  
Multnomah County Groundwater Aquifer - Status Report

### Background

An area of approximately 30 square miles in central Multnomah County is currently unsewered. Development has occurred over the past 30 - 50 years utilizing individual on-site sewage disposal systems, predominantly cesspools. An estimated 10 million gallons of sewage per day is presently discharged into the underlying porous gravels.

The area of concern is a regional groundwater discharge zone which receives water from the Cascades as well as local hills bordering the area. The aquifer receives approximately 50,000 acre feet of annual recharge from precipitation in the 30 square mile area. Groundwater production capabilities could therefore range from 50,000 acre feet (16,335,000,000 gallons) to 100,000 acre feet (32,670,000,000 gallons) annually.

Presently several water districts utilize the aquifer for domestic water supply purposes. The City of Portland has recently filed for a water right for approximately 200 million gallons per day (MGD). The aquifer would be utilized as an alternate and supplemental source to Bull Run and provide for continued growth in the metropolitan area.

In 1971 and 1973 the Department conducted water quality studies of the Columbia Slough. The chemical data obtained during these studies revealed high concentrations of nitrate - nitrogen ( $\text{NO}_3 - \text{N}$ ) in the springs forming the headwaters of the South Arm of Columbia Slough. The individual subsurface sewage disposal systems lying directly south of the South Arm of Columbia Slough were presumed to be the prime contributors to the  $\text{NO}_3 - \text{N}$  levels. As a result the Department, assisted by the State Engineer's Office (now the Water Resources Department), conducted a water quality-hydrogeological evaluation of the central Multnomah County area. Data was collected for the period June 1974 to July 1975. The U.S. Geological Survey (USGS) and City of Portland Bureau of Water Works, under its exploratory program have also collected additional data from some of the same and other wells within this area from 1975 to 1977.



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Recycled

These surveys revealed that  $\text{NO}_3^-$  - N levels were significantly higher in the unsewered area (4 - 6 mg/l) than in adjacent sewer areas in Gresham and Troutdale. The higher concentrations were found in the private shallow wells, springs and municipal wells developing water from the upper portions of the aquifer, while the deeper wells revealed concentrations of less than 1.0 mg/l  $\text{NO}_3^-$  - N. The subsurface disposal of sewage is considered to be the prime contributor of  $\text{NO}_3^-$  - N to the groundwater and provides an enrichment quality to the waters in the South Arm of Columbia Slough.

#### Summation

1. Subsurface sewage disposal systems in central Multnomah County discharge approximately 10 MGD of sewage into the groundwater aquifer. This discharge is considered to be the prime contributor of  $\text{NO}_3^-$  - N to the shallow groundwater system which empties into the South Arm of Columbia Slough.
2. The aquifer is presently utilized as a domestic groundwater supply source and the City of Portland is proposing to utilize this aquifer as an alternate and supplemental source to Bull Run and as a water supply for continued growth in the metropolitan area.
3. This past year the Department proposed to foreclose the use of cesspools throughout the state in amending its subsurface sewage disposal regulations. This proposed rule change impacts the draft Multnomah County Comprehensive Framework Plan which calls for R-5 zoning in central Multnomah County vs. an R-10 to R-15 required for use of a septic tank-drainfield system.
4. The Department has requested that the amendment be deferred until the Department, Multnomah County, CRAG and other affected agencies develop a plan to protect the groundwater in conformance with the land use plan.

#### Director's recommendation

It is the Director's recommendation that the EQC instruct the staff, in cooperation with Multnomah County, CRAG and other affected agencies, to develop a plan for protection of the groundwater aquifer. The proposed plan to be developed by no later than September 1978 with EQC adoption as soon as practicable but by no later than December 31, 1978.

*Bill*

WILLIAM H. YOUNG

Robert E. Gilbert:mkw  
229-5292  
2/9/78

ATTACHMENT 2

8/25/78 REG

EAST COUNTY GROUNDWATER PLAN

I N D E X

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Dept. of Environmental Quality  
**R E C E I V E D**  
AUG 08 1978

NORTHWEST REGION

## PRELIMINARY EAST COUNTY GROUNDWATER PLAN

### A. Introduction

The Oregon Environmental Quality Commission through the Department of Environmental Quality has expressed concern with the groundwater problem in East Multnomah County. The County has been instructed to prepare, in cooperation with D.E.Q., a plan for solving the subsurface waste disposal problem to protect the groundwater aquifer flowing to the Columbia River within the unsewered areas. This report constitutes the County's plan to alleviate the amount of subsurface waste ultimately discharging into the groundwater system. The provision of a sewer system within the Inverness Service area is seen as a top priority. The trunks, interceptors, and laterals will have to be in place for the sewer system to function independent of how the waste will be treated. The issues of responsibility for waste treatment are now being studied within East Multnomah County, but the basic premise of the need for a sewer line system and its construction is a given and plans for this phase should not be hampered by the resolution of the treatment issues.

### B. Findings

#### 1. Resource Problem

- a. As a result of studies being conducted by the Department of Environmental Quality and the City of Portland Bureau of Water Works, information concerning the pollution of groundwater has become more available. For a number of years the urbanization of the unincorporated area between Portland and the East County cities has been taking place with cesspools and septic tanks being the primary means of waste disposal. This has resulted in large amounts (10 - 12 m.g.d.) of waste going into the ground. Waste quality tests in water district wells and City of Portland exploratory wells have revealed an increase in nitrate-nitrogen levels over recent years. This contaminant, besides being a problem for babies in and of itself, is also an indicator that severe problems are developing for the aquifer which drains toward the Columbia River.
- b. Nitrate-nitrogen levels of greater than 10 m.g./liter (the Federal EPA Standard for public drinking water) is exceeded by some wells and shows signs of further increases in the surface levels of groundwater. Tests conducted by the City of Portland indicate that:
  - (1) Due to the age of the water tested, levels could get much higher in the future even if all waste disposal were to cease immediately.

- 2) The contaminated groundwater has the ability to migrate to lower levels if increased pumping of water occurs in the middle of lower levels of the aquifer. Continued increases in subsurface waste will not change the situation drastically in the present, but will ultimately prolong the problem.
- c. The amount of imperviable surface (streets, houses, etc.) for the area prevents the necessary flushing action that rainwater can give. Drainage into the ground rather than on its surface can have a beneficial effect.
- d. Nitrate-nitrogen contamination as well as other parameters presented by subsurface waste disposal such as viruses are not filterable by the existing system and are very costly to filter by other methods.
- e. Septic tanks are much more efficient at ridding the waste of nitrogen by fixing it in the vegetation through the soil. Cesspools allow the wastes to migrate rapidly downward into oxygen free areas where the nitrate-nitrogen will remain for indefinite periods.
- f. Since some water districts and the City of Portland have to use this aquifer for continued domestic works supply purposes, it becomes even more imperative to insure the future potability of the groundwater. Although further research is necessary to assess the danger and accurately monitor the water quality, enough is now known to certify that a problem does exist, that it most likely will get worse before it gets better. Action to solve this problem is necessary now rather than waiting until quality levels exceed standards in drinking water.

## 2. Population Growth & Services

- a. The County only has the ability to correct the problem of ground water contamination within the Inverness Sewer Service area. It is within this area, however, that the problem is the greatest since it contributes a large share of the subsurface waste to the aquifer recharge area. The balance of the report will deal with this area. (SEE MAP, Page 7)
- b. The period of greatest development and population growth for this area has already occurred. From 1940 to 1960, a great deal of growth occurred and by 1960 the population was 80% of what it is estimated to be today. The amount of growth projected for the area by the year 2000 represents an increase of about 12,000 persons and an increase of about the same number of dwelling units. The reason for the closeness of the two figures is explained by the forecasted decrease in persons per dwelling unit.

CRAG Population Projections

Inverness Treatment Plant Service Area

C.T.	Yr.	** 1960	** 1970	1975	1985	1990	2000
73*		2863	1905	1626	1375	1284	1192
77		2388	2119	1865	2050	2000	2000
78		2291	2379	2115	2400	2400	2400
79		3478	3945	3782	4450	4600	4750
80.01		3046	3492	3455	3700	3750	3800
80.02		3115	3180	2913	3250	3300	3350
81		6232	6650	6356	6886	7011	7360
82.01*		2485	2666	2540	2746	2796	2935
82.02		4724	5193	4776	5350	5400	6700
83.0*		5079	5408	4821	5318	5401	5526
92.01		4208	5385	5508	5850	6000	6600
92.02		2832	3942	3964	4300	4500	4650
93		4964	6634	6897	7250	7500	7700
94		4060	6048	5965	6950	7400	7950
95		415	4200	5882	5500	6000	6450
97.01		1797	4246	4552	4600	4700	5250
97.02		5200	6549	6604	6800	6900	7000
Totals		59,177	73,941	73,621	78,825	80,942	85,613
Dwelling Units		16,975	24,243	28,870	33,259	35,500	40,768
Person/ Dwelling Unit		3.5	3.05	2.55	2.37	2.28	2.1

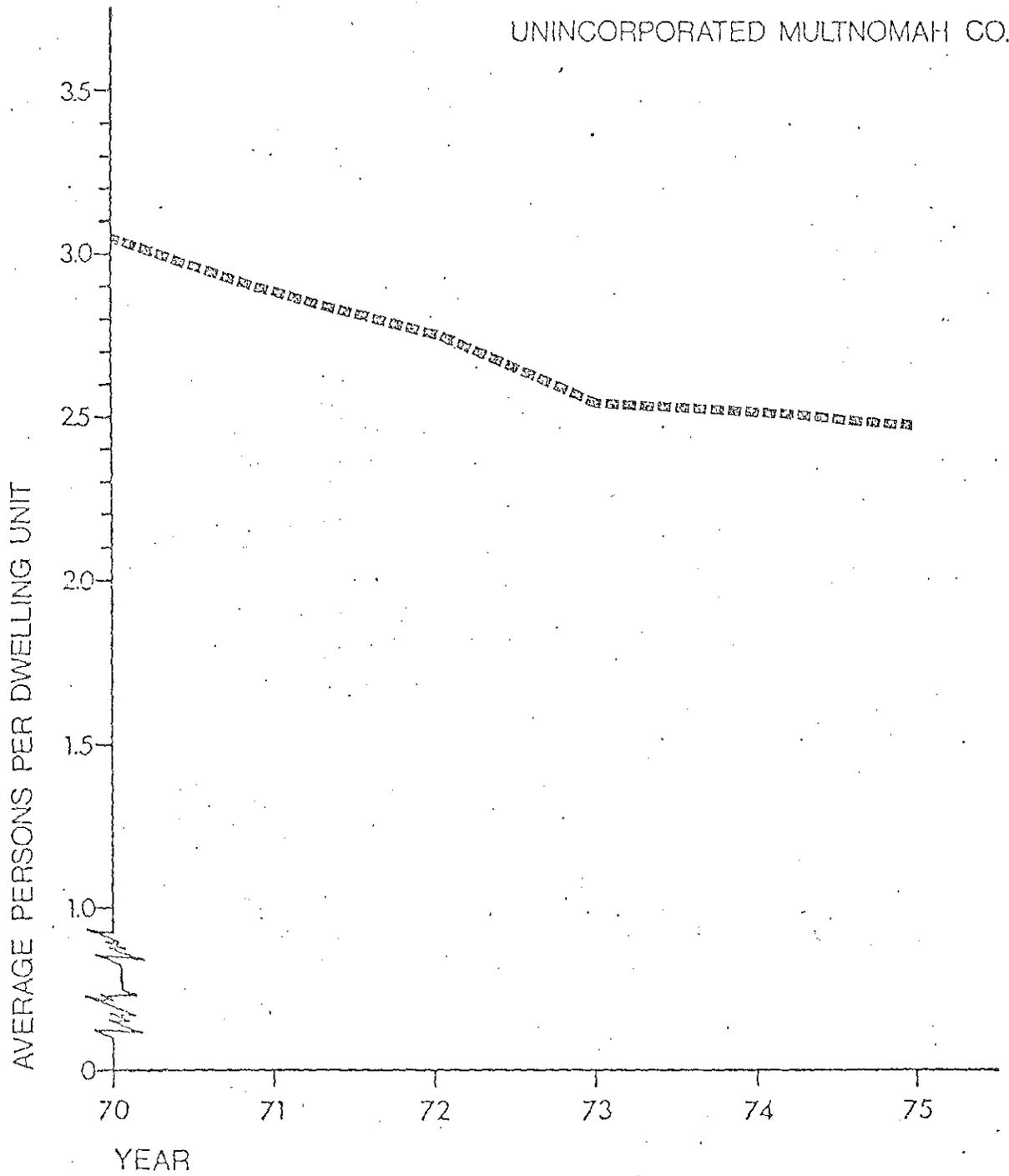
73 @ 91.7%  
 82.01 @ 97.8%  
 83 @ 83.1%

Average growth rate from 1970-2000 =  
 389 persons per year for a total of  
 11,672

\* Proportion of Census Tract in Service Area  
 \*\* Census Figures

# HOUSEHOLD SIZE

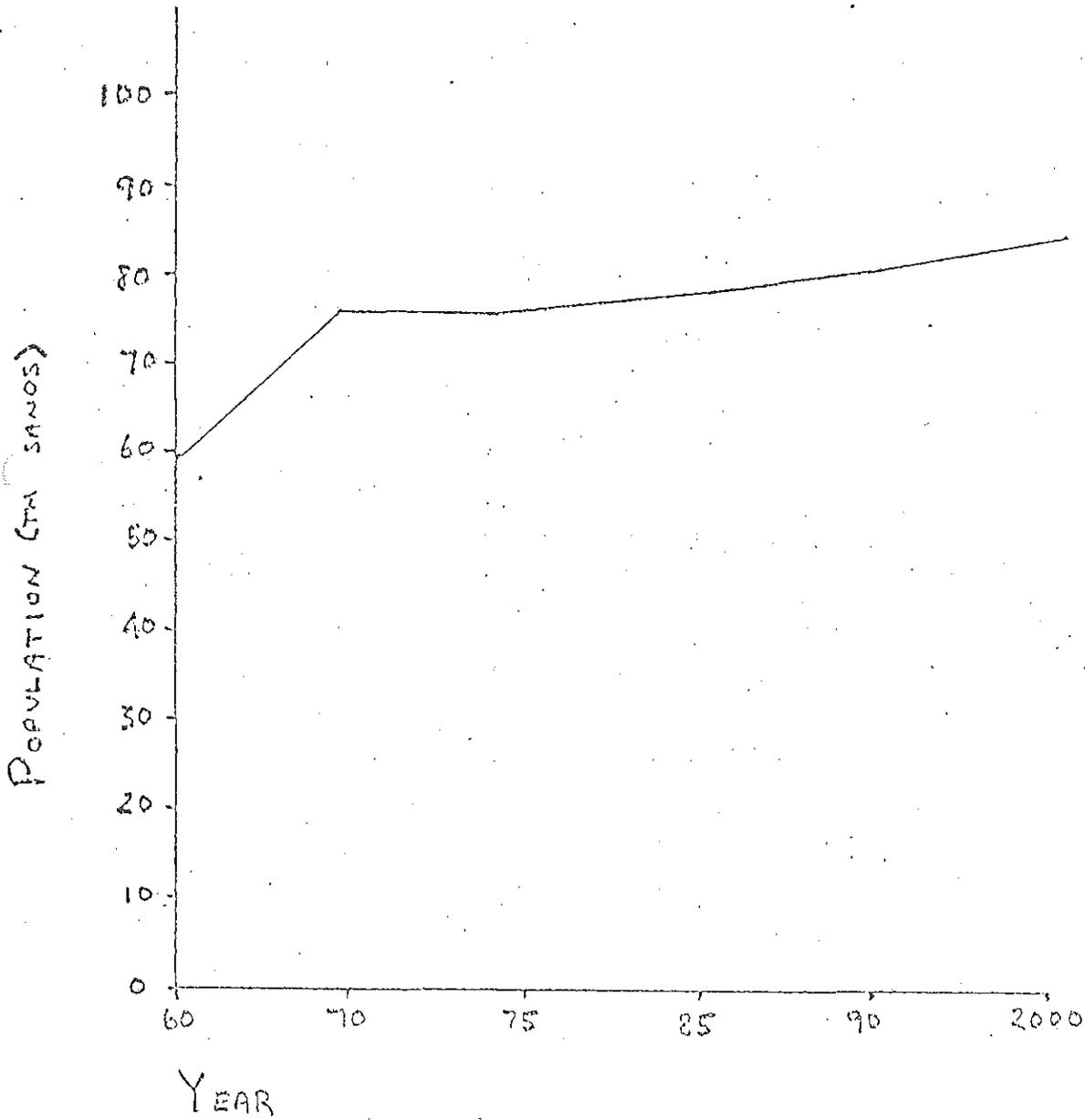
UNINCORPORATED MULTNOMAH CO.



CRAG, Building Permit Statistics

1960

# POPULATION GROWTH IN THE INVERNESS SEWER SERVICE AREA



- c. The additional growth represents a 14% population increase in the Inverness Service area by the year 2000. This is easily explained by the fact that most of the area is already developed to a fairly high density with homes which are likely to still be present by the year 2000. The County is encouraging added density within the urban growth boundary so it is conceivable that more people could be present in the area, but the difference could not be too great due to the already developed portion for much of the land.
- d. The basic waste disposal problem is already largely present and will not increase by any great amounts as it will be limited by the amount of available space for development and by the type of disposal required for future development (especially non-residential development). The scope of the problem then becomes more one of coping with the existing waste disposal than one of controlling future increases.

### 3. The Present Sewer System

- a. The present Inverness-Central County Sewerage Collection System included the following trunk sewers:

NE 122nd Avenue from Inverness Drive to NE Sacramento Street;  
NE Whitaker Way from NE 122nd Avenue to NE 136th Avenue;  
NE Sandy Blvd. from NE 122nd Avenue to NE 162nd Avenue;  
NE 148th Avenue from NE Sandy Blvd. to NE 150th Drive;  
NE 162nd Avenue from NE Sandy Blvd. to NE Halsey Street;  
NE Halsey Street from NE 150th Avenue to NE 162nd Avenue;  
Columbia Slough from NE 82nd Avenue to NE 105th Avenue  
Portland International Airport to NE 105th Avenue;  
NE 105th Avenue and NE Holman Street to Inverness Sewage  
Treatment Plant.

- b. The following lateral sewers are included in the systems:

Barker Brook Subdivision (includes Holcomb Heights),  
Highwood Subdivision, Prestige Park, Argay Downs,  
Rivercliff Estates, Hollyview, Clearview (partial),  
Stonehurst, Lancashire, Strathmore (partial), Schuyler Park,  
Victor Seven, Airway Park, A. P. Industrial Park and some others.

- c. The present number of connections is approximately 2500 single family dwellings or commercial equivalent thereof. Also connected is the Portland International Airport with a dry weather flow of 0.5 MGD.

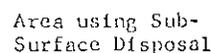
ENVIRONMENTAL SERVICES  
ADULTER COUNTY

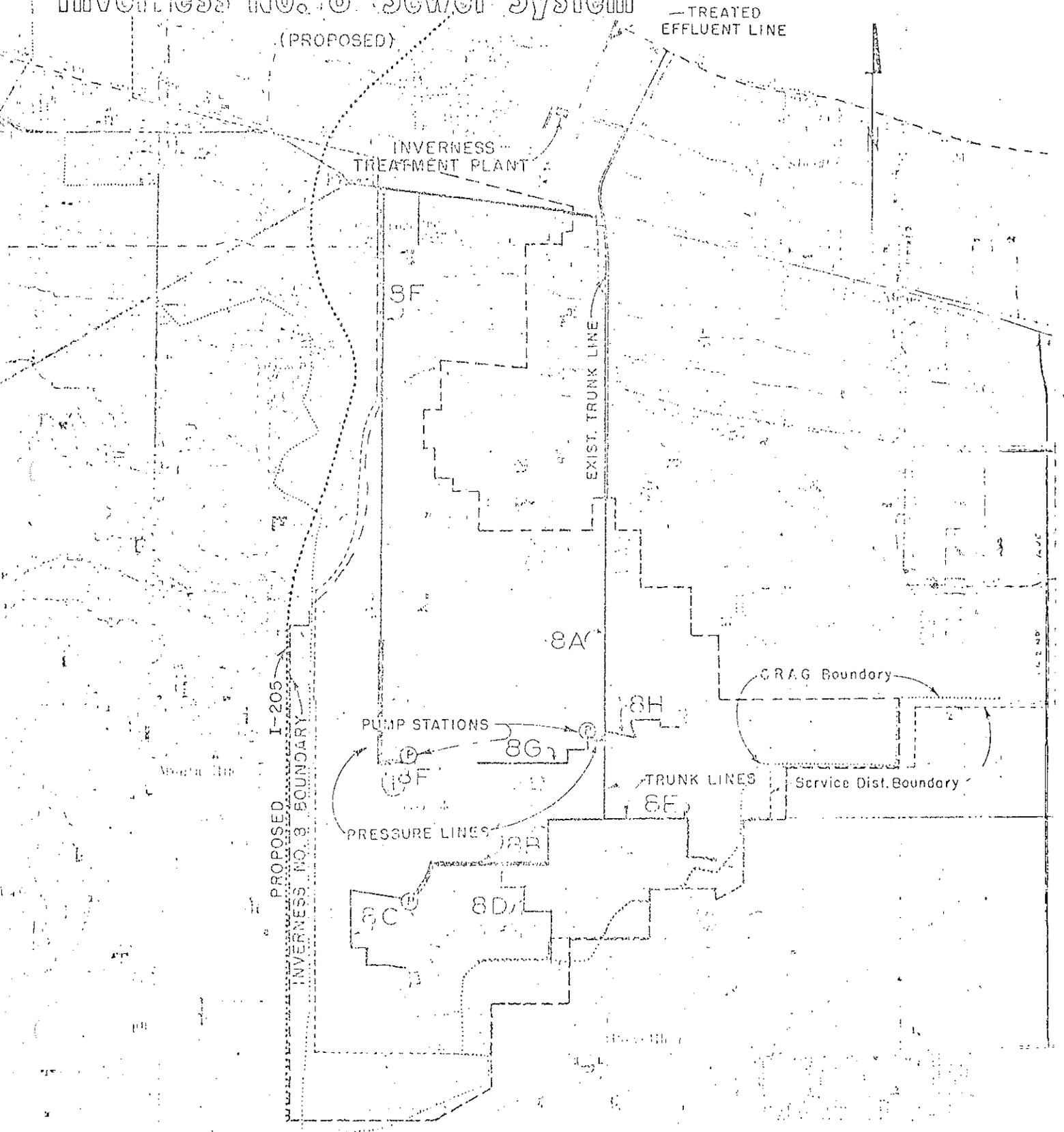
ENGINEERING SERVICES  
1975

# Inverness No. 8 Sewer System

(PROPOSED)

LEGEND

-  Area served with Sanitary Sewers
-  Area using Sub-Surface Disposal
-  Inverness Boundary



- d. In new subdivisions having sewers, all units are required to connect to sanitary sewer. No cesspool or septic tank may be replaced within 300 feet of an accessible sanitary sewer, in compliance with the Department of Environmental Quality regulations. Therefore, the majority of sewer homes lie in the area within one-quarter mile of NE Sandy Blvd. or the three main sewer streets extending south therefrom.

It should be noted that since the construction of the Inverness Sewage Treatment Plant, fewer than 100 owners of existing homes have installed and/or connected to sanitary sewers. Almost all of those utilizing sewer service are doing so in response to building requirements.

A "dry sewer" was constructed in SE Main Street from SE 100th Avenue to SE Cherry Blossom Drive in 1976 as part of the Portland Adventist Hospital complex. This will be utilized as a portion of the Inverness VIII Project. The pump station site at SE Cherry Blossom Drive and SE Main Street was also acquired at that time.

- e. Presently, petitions are being circulated for lateral sewers on NE Russell Street from NE 117th Avenue to NE 122nd Avenue, NE Marx Street from NE 101st Avenue to NE 115th Avenue and the extension of Inverness VII Trunk Sewer from NE 136th Avenue and NE Whitaker Way to NE 148th Ave.

4. Required Sewerage Facilities.

The elimination of subsurface disposal of sanitary wastes in the Inverness service area will require a large capital investment. The following approximate costs of required publicly owned facilities represent current costs and are accurate for preliminary planning purposes only.

a. Treatment Plant Expansion (to 10.5MGD)	<u>\$12,000,000</u>
b. Trunk & Interceptor Construction	<u>5,000,000</u>
c. Lateral Sewer Construction	<u>35,000,000</u>
TOTAL:	<u>52,000,000</u>

5. The Current Citizen Involvement and Attitudes.

- a. As a part of the Comprehensive Planning Program several communities were formed to provide the necessary citizen involvement. The communities involved in the Inverness Service area are Cully/Parkrose, Hazelwood, Powelhurst, and Wilkes/Rockwood. Basically the citizen attitudes thus far have been supportive of the need for sewerage the area. As a result of presentations by staff at

the County level, there has been an understanding generated of the seriousness of the resource problem. The importance of early education and communication has made it clear that these factors can go a long way toward solving the initial citizen resistance to the need for sewers.

C. Issues:

The issues brought up by the findings section of this plan are many and some of them do not have easy answers. The following plan section will attempt to answer as many of the issues as possible:

1. Accepting the severity of the groundwater problems as a given, what is the best way to alleviate the amount of subsurface waste presently going into the ground?
2. Who will bear the costs of solutions and what are the best methods to implement them?
3. How can communications and education be improved to gain the necessary citizen support for sewers if sewers are to become politically feasible.
4. A moratorium on all new development until sewers are available will substantially impact the Comprehensive Framework Plan policies on land use which encourage higher densities and infill within the urban growth boundary. What is the best course of action to achieve both improved groundwater and provide for projected housing and employment needs?
5. Cooperation and interconnected progress and regulation will be necessary among agencies if success is to be achieved in reducing subsurface waste disposal.
6. What other techniques besides waste treatment can be implemented to help reduce the contaminants already existing within the groundwater system? In the last 5 years, storm sewers in this area have been constructed with "sump-bottom" manholes in order that as much storm water as possible be "recharged" to the aquifer. This should result in continued dilution of groundwater pollutants.
7. No immediate solution will solve the problem and a long term program is necessary, but what combinations of short term and long term actions will be both politically and technically acceptable?
8. Improved priority for Multnomah County construction grant requests will be a substantial factor in diverting subsurface waste. The construction of Inverness 8 will permit immediate connection of two hospital complexes, several shopping centers, many multi-family apartments and schools, and extend the necessary "back-bone" of the central Multnomah County sewerage collection system.

D. Plan

1. Objective.

The goal of the following plan is to collect 90 percent of all sanitary and industrial waste from the Inverness service area and to treat these wastes at the Inverness Treatment Plant or a regional treatment plant. These wastes should be collected, treated and discharged to the Columbia River by 1990. The accomplishment of this goal would result in a long-term improvement of ground water quality and permit the area to fully develop under the Multnomah County Land Use Plan.

2. Plan Schedule.

1978 - Goal 2500 Connections.

June - East County Groundwater Plan  
East County Plan Resolution  
Consultant Agreement for Plant Capacity and Infiltration Study

Nov. - Plant Capacity and Infiltration Study completed.

1979 - Goal 3000 Connections.

Jan. - Step I Federal grant approval for Gresham - Troutdale - Multnomah Consortium 201 Study.  
Step II Federal grant approval for Inverness 8 Sewer Project.

June - Land Use Supplement to East County Groundwater Plan.

Oct. - Gresham - Troutdale - Multnomah Consortium 201 Study completed.

Nov. - Regional or separate treatment plant decision.

1980 - Goal 3500 Connections.

Jan. - Step III Federal grant approval for Inverness 8 Sewer Project.

March - Step II Federal grant approval for Inverness or Regional Treatment Plant Expansion.

1981 - Goal 4000 Connections.

March - Step III Federal grant approval for Inverness or Regional Treatment Plant Expansion

1982 - Goal 4500 Connections.

July - Sewer connection rate evaluation report.

Dec. - Inverness or Regional Treatment Plant. Expansion completed.

1985 - Goal 13,000 Connections.

1990 - Goal 32,000 Connections.

3. Implementation.

a. Funding.

It will be necessary to invest approximately \$52 million in sewer facilities in order to meet the goal. Sewers in this area are provided by the Central County Service District. The Central County District financing plan is based on funding treatment plant, sewer trunk, and interceptor facilities with Federal grants and loans from Multnomah County. The County funds are recovered by connection charges collected at the time of the connection. The financing plan provides for lateral sewer construction by local improvement districts with the benefited property owners paying the cost of construction.

The construction of sewers costing \$52 million is a major undertaking for the people in this area. The preliminary schedule included as part of this plan assumes that Federal grants will be available to support treatment plant and interceptor construction. The availability of these grant funds are an essential element of the plan.

b. Citizen Involvement.

The Comprehensive Plan citizen groups will carry on beyond the Comprehensive planning stage. They will be useful advisory groups in further developing the strategy to solve the current waste disposal problems. The generation of citizen support for measures designed to obtain hook-ups of existing subsurface waste disposal systems to sewers will be vital if any program is to succeed. The established citizen involvement process is seen as a useful way to gain this support.

c. Legislation.

ORS 451 permits the construction of sewers by the County when a majority of the property owners or voters favor the installation of sewers. The County does not have statutory authority to force property owners to pay for the installation of lateral sewers.

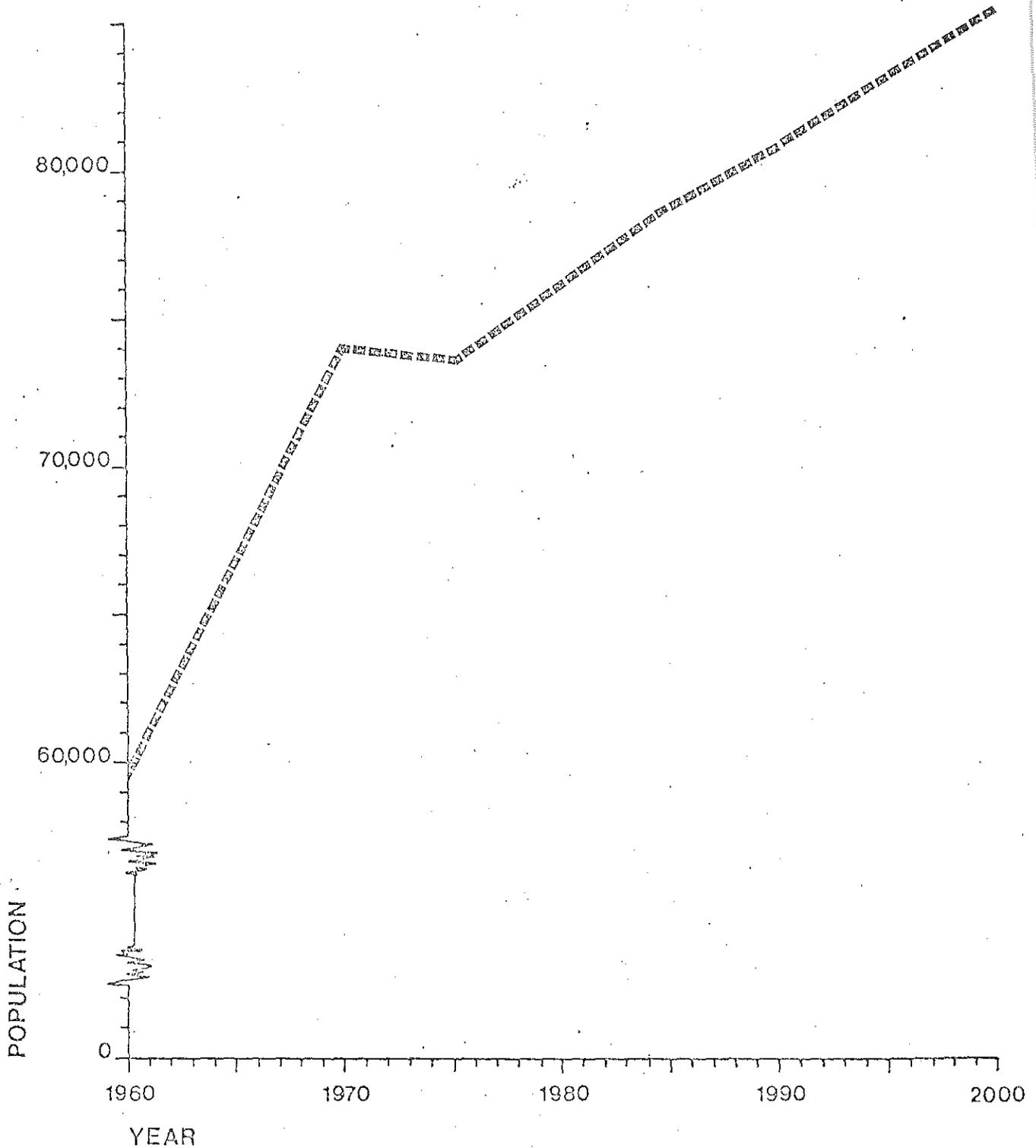
The Inverness Treatment Plant is expected to reach capacity in 1982 or 1983 at the present connection rate. A major increase in this rate prior to the availability of additional treatment facilities could result in treatment plant overloading and unsatisfactory treatment. It is appropriate that this connection rate be reviewed in 1982 to determine the effect of the County sewer promotion efforts. If the County sewer promotion efforts are not sufficiently effective, it may be necessary to ask the legislature for statutory authority to construct a lateral sewer system in this area.

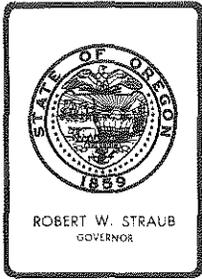
d. Land Use Supplement to the East County Groundwater Plan.

The Multnomah County Land Use Plan will not be available until early 1979. This supplement to be prepared with and completed after the land use plan will be a specific management plan for the phasing out of cesspools in East Multnomah County.

# POPULATION GROWTH IN THE INVERNESS SEWER SERVICE AREA

CRAG Projections





## *Environmental Quality Commission*

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

### MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item F, August 25, 1978, Environmental Quality Commission Meeting

Indirect Source Rule: Beaverton Mall Phase II, C. E. John Company, Developer; Appeal of Staff Proposal to Approve Only Partial Development of the Proposed Project

### Background

The C. E. John Company, Inc., through its consultant, Ehman & Associates, Architects, submitted an Indirect Source Construction Permit Application (ISCPA) on April 28, 1978, in support of a proposed project with a total of 750 parking spaces entitled Beaverton Mall Phase II. The site is located in the Cedar Hills/Beaverton area to the north of the existing Beaverton Mall and is bounded by Walker Road on the north, Cedar Hills Boulevard on the east, and Jenkins Road on the south. Presently, the following commercial enterprises operate on the property: Albertson's Grocery Store, a mobile home sales and display area, two small retail buildings, and U.S. National Bank's North Beaverton Branch. The existing property has 175 parking spaces. The net increase in spaces would be 575.

The proposed project is located in potentially one of the worst, if not the worst, air quality and traffic problem spots in the Portland region. From a land use standpoint, the general area can be characterized as one where intensive commercial activity converges with large employment centers. Commercial enterprises predominate to the south and southeast along both sides of Cedar Hills Boulevard and Hall Boulevard, extending to Canyon Road. Tektronix is located to the southwest, off Jenkins Road. By 1984 over 12,000 employees are expected to be traveling to and from the Tektronix plant. To the west of Tektronix, adjacent to Murray Boulevard, a site is being prepared for Floating Point Systems, Inc., an electronics firm which is expected to employ approximately 2,000 persons by 1984.

Mostly single family housing abuts the western boundary of the proposed project. North of Walker Road, the area is residential. To the northeast is Cedar Hills Park. Immediately to the east is a 9 acre parcel of commercially zoned property presently occupied by a single house. Further east, the area is mostly residential.



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The roadways that would service the proposed project (Cedar Hills Boulevard, Walker Road, and Jenkins Road) are heavily traveled and exhibit considerable peak hour congestion.

## Evaluation

### 1. Traffic Analysis

Carl H. Buttke, Consulting Engineer, analyzed the transportation aspects of the proposed project. Based on measured traffic volumes made during the month of January, 1978, the current average weekday traffic (AWT) volumes adjacent to the proposed site are as follows:

Cedar Hills Boulevard	18,300-23,200
Walker Road	11,900-15,800
Jenkins Road	13,000

On an average day the expanded Mall is expected to generate 10,000 vehicle trips. However, not all the site generated traffic will be added to the street system. The consultant estimates that the net additional traffic would be 4,100 vehicles on an average day and 7,000 vehicles on the peak day.

Traffic volumes were forecast for the years 1980 and 1984 for conditions with the site as it exists and for conditions with the site fully developed as proposed. Travel speeds were based on time measurements made in January, 1978, which included peak and off-peak periods. The traffic forecasts included development of the Burlington Northern Industrial Park and the expansion of the Tektronix-Beaverton Campus; and were based on past traffic growth and available street capacity.

The intersection of Cedar Hills Boulevard with Walker Road was the subject of a Transportation Systems Management (TSM) study produced by the Columbia Region Association of Governments (CRAG) during 1977-78. According to the study,

"problems at the intersection include a high number of turning movements which cause accident potential and peak hour traffic congestion which causes queuing that extends some distance from the intersection and also diverts traffic through local neighborhood streets. Delay to left turning vehicles from Cedar Hills Boulevard to Walker Road is 1 to 3 cycle lengths during the PM peak hour."

CRAG has scaled down its original improvement proposal to include only the channelization of the east and west legs. Channelizing the north leg would be prohibitively expensive because the intersection would have to be reconstructed.

Analysis of the Service Level (S.L.) volumes at the intersection of Cedar Hills Boulevard with Jenkins Road shows operation at a "D" S.L. using the consultant's forecast peak day, peak hour 1984 traffic. This service level can only be obtained if Jenkins Road is widened to five lanes.

The traffic impacts of the proposed project appear to have been realistically characterized.

## 2. Air Quality Analysis

Seton, Johnson & Odell (SJO) were the subcontracting air quality consultants. Their analysis is based on standard modeling techniques and a study program approved by the Department. Carbon Monoxide (CO) monitoring was conducted during the month of January, 1978. Concurrently, daily traffic counts were taken on the roadways impacting the monitoring sites.

The air quality model was calibrated by linear regression analysis. Field-measured CO concentrations were paired against modeled predictions. The calibration produced a 95 percent confidence interval of  $\pm 4 \text{ mg/m}^3$  at  $10 \text{ mg/m}^3$  and an intercept of  $1.5 \text{ mg/m}^3$ . The original predictions were obtained by adding  $5.5 \text{ mg/m}^3$  to the 8 hour average CO values directly calculated by the computer model.

The original analysis showed that the critical modelled receptor (Number 13) on the 9 acre parcel to the east of the proposed site would be exposed to levels of carbon monoxide in 1984 well above the 8 hour average CO standard ( $10 \text{ mg/m}^3$ ). Furthermore, the increase in concentration of build versus no build is  $0.8 \text{ mg/m}^3$ , 8 hour CO average, which exceeds the  $0.5 \text{ mg/m}^3$  incremental concentration criterion by 60 percent. The latter number is used by the Department to determine whether a project that demonstrates violation of the  $10 \text{ mg/m}^3$  standard beyond 1983 is, despite forecast violation levels, still approvable. Emphasis should be placed on the possibility that people working 8 hour shifts would likely be exposed to CO health standard violations if the 9 acre commercial property is developed. Also, there is residential property nearby with some permanent residences apparently closer to traffic than Receptor 13.

The basis of the  $0.5 \text{ mg/m}^3$  criterion is the Guideline Series, OAQPS No. 12-080, Interim Guideline on Air Quality Models, issued by the Environmental Protection Agency in October, 1977. The Clean Air Act Amendments of 1977 require compliance with carbon monoxide health standards to be achieved by 1983. DEQ Rules indicate that an Indirect Source may be denied if it causes or contributes to violation of the Clean Air Act Implementation Plan or contributes to a violation of any state ambient air standard. Using even the very liberal EPA definition of contribution to a violation of an air quality standard, the Department would appear to have more than sufficient grounds to deny full approval of the Beaverton Mall expansion ISCPA. The Department considers that use of the  $0.5 \text{ mg/m}^3$  number represents a liberalized administration of the Indirect Source Review program which may make more difficult the demonstration of attainment of air quality standards in the Portland AQMA by January 1, 1983.

Uniform and consistent analysis and action has been applied to other recent Indirect Source projects in the area, including Tektronix expansion (3,160 spaces), Floating Point Systems (1,800 spaces), and Fred Meyer Valley West (1,220 spaces). Although these projects are bigger than the Beaverton Mall expansion, they have all had less than the "significant incremental CO increase", due to either their specific location and nearby traffic flow, mitigating transportation control measures, or phased construction.

Every ISCPA reviewed by the Department must demonstrate either attainment of air quality standards by January 1, 1983, or, failing that, must show increases in CO concentration of build versus no build no greater than  $0.5 \text{ mg/m}^3$ , 8 hour average CO. If the increase is greater than the incremental  $0.5 \text{ mg/m}^3$ , then an applicant must develop an Indirect Source Emission Control Program (ISECP). The goal of the ISECP is to reduce air quality impacts of proposed projects to an approvable level. The Department requested such an ISECP from the C. E. John Company.

In response to the Department's request for an Indirect Source Emission Control Program (ISECP), SJO recalibrated the air quality model. The new calibration produced a 95 percent confidence interval of  $\pm 2.2 \text{ mg/m}^3$  at  $9.5 \text{ mg/m}^3$  and  $\pm 2.0 \text{ mg/m}^3$  at  $8.7 \text{ mg/m}^3$ . Conservatively interpreted, Receptor 13 could experience 8 hour average CO levels as high as  $10.7 \text{ mg/m}^3$  without the proposed project and as high as  $11.7 \text{ mg/m}^3$  with the full development. Both numbers are above the 8 hour average CO standard of  $10 \text{ mg/m}^3$ .

SJO submitted an ISECP which includes roadway improvements and alternative mode incentives. Street improvements include widening Jenkins Road, providing land for a free right-turn lane at Walker Road, changing the existing access to the U.S. National Bank drive-in window, and developing bus pull-outs along the west side of Cedar Hills Boulevard. Transit incentives include establishing an exclusive bus access point to facilitate newly proposed local Tri-Met service, providing transit fare subsidies for Mall employes, encouraging Mall Christmas shoppers to use transit through a fare subsidization program, continuing the existing park-and-ride site through 1985, and marketing a carpool program for employes at the proposed site and the Beaverton Mall.

The widening of Jenkins Road adjacent to the proposed center from the present three lane section to a five lane section is contingent upon full development of the project. The air quality analysis performed in support of the Tektronix-Beaverton Campus ISCPA incorrectly assumed that this roadway improvement was a committed project. However, analysis with and without the widening, i.e., Mall expansion versus no Mall expansion, which includes traffic added to Jenkins Road in 1984 by the Tektronix-Beaverton Campus, shows little or no difference in concentrations at the affected critical receptors. Furthermore, the predicted concentrations are below the 8 hour average CO standard ( $10 \text{ mg/m}^3$ ). Thus, the error of including the Jenkins Road improvement in the Tektronix-Beaverton Campus air quality analysis is inconsequential and would not change the permit action recently completed for the Tektronix expansion.

The ISECP submitted by the applicant probably represents all that can be reasonably done to reduce the air quality impacts of the project as presently proposed. Unfortunately, in the case of shopping centers, as opposed to industrial employment centers like Tektronix, significant mitigating measures such as vanpooling and high levels of transit patronage, are not achievable. For the Beaverton Mall expansion, only the Christmas shopper transit fare subsidization proposal shows a quantitative reduction to the 8 hour average CO concentration at Receptor 13. That reduction ( $0.04 \text{ mg/m}^3$  8 hour average CO) is not enough to be within the  $0.5 \text{ mg/m}^3$  increase currently allowed by the Department.

As an alternative, the Department has discussed with the developer the possibility of construction within the approved amount of parking, i.e., up to the "significant incremental increase level" (398 parking spaces, net increase), and the establishment of a monitoring program for the winter period at Receptor 13. The model would be recalibrated, based upon the results of the monitoring. If the recalibrated model were favorable to the developer, then the Department would issue a permit for the full development as originally proposed.

Noteworthy is the fact that the above course of action was selected by Fred Meyer for the development of the Valley West Shopping Center.

Another alternative would be to wait until early next year when the City of Beaverton is expected to complete its Parking and Traffic Circulation Plan (PTCP) which includes both the Beaverton Mall expansion area and the commercially zoned 9 acre parcel to the east of the Mall. The PTCP should solve any projected air quality problems in the area. Assuming that the adopted PTCP would incorporate the present proposed development, then the C. E. John Company could reapply for a permit. In this case, the only additional information needed prior to permit issuance would be:

1. A written statement from the appropriate planning agency that the Indirect Source in question is consistent with an approved Parking and Traffic Circulation Plan or any adopted transportation plan for the region.
2. A reasonable estimate of the effect the project has on total parking approved for any specific grid area and Parking and Traffic Circulation Plan area.

#### Summation

1. The C. E. John Company has proposed an expansion of the Beaverton Mall which would have a total of 750 parking spaces and generate an additional 4,100 vehicle trips on an average weekday and 7,000 vehicle trips on the peak day of the year. The peak day would occur during the Christmas shopping season.
2. The proposed project, in the Cedar Hills-Beaverton area, is located in potentially one of the worst if not the worst traffic congestion and air quality problem spots in the Portland region.

3. A state of the art analysis by an independent consultant indicates the project would, in 1984, be in an area where the CO standard would be exceeded, and by itself, the project would exceed by 60% the 0.5 mg/m<sup>3</sup>--8 hour CO increment established by EPA in October 1977 as the "significant incremental increase" in violation of the national carbon monoxide health standard.
4. The critical modelled receptor is located on commercial property which if developed, would likely expose people to CO health standard violations. There is residential property nearby with some permanent residences apparently closer to the traffic than the modelled receptor.
5. The Clean Air Act amendments of 1977 require compliance with carbon monoxide health standards to be achieved by 1983. DEQ Rules indicate that an indirect source may be denied if it causes or contributes to violation of the Clean Air Act Implementation Plan or contributes to a violation of any state ambient air standard. Using even the very liberal EPA definition of contribution to a violation of an air quality standard, it appears there is more than sufficient grounds to deny the Beaverton Mall expansion indirect source permit.
6. Uniform and consistent analysis and action has been applied to other recent indirect source projects in the area including Tektronix expansion (3,160 spaces), Floating Point System (1,800 spaces), and Fred Meyer Valley West (1,220 spaces). Although these projects are bigger than the Beaverton Mall expansion, they all have had less than the "significant incremental CO increase", due to either their specific location and nearby traffic flow, mitigating transportation control measures, or phased construction.
7. The widening of Jenkins Road proposed by C. E. John, if not completed, would not change the air quality analysis or permit action recently completed for the Tektronix expansion.
8. The applicant has proposed all reasonable mitigating transportation measures. Unfortunately, in the case of shopping centers as opposed to industrial development like Tektronix, significant mitigating measures such as van-pooling and significant transit patronage are not achievable.
9. Alternatives to denying full development of the project include partial approval up to the "significant incremental increase level" (398 parking spaces, net increase) and
  - a) Conducting further monitoring data this winter to refine the impact analysis and determine if the remainder of the project is approvable;
  - b) Waiting until early next year when the City of Beaverton completes its parking and circulation plan for the area and reapply. The plan should solve any projected air quality problems in the area. Noteworthy is the fact that action 9.a) was the course selected by Fred Meyer for the Valley West Shopping Center.

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Director's Recommendation

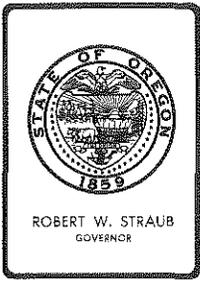
Having found the foregoing facts to be true, I recommend that the Commission reaffirm the Director's intent to issue a permit to the C. E. John Company for 398 additional parking spaces for the Beaverton Mall expansion with no prejudice against submitting a future application for full site development.



WILLIAM H. YOUNG  
Director

JFKowalczyk:as  
(503)229-6459

8-15-78



## *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. G, August 25, 1978, EQC Meeting

### Staff Report - Discussion of Noise Impact Caused by Portland's Transit Mall and Other Major Transit Corridors

#### Background

At the June 1978 EQC meeting the Commission adopted a resolution to have staff develop recommendations about sending to public hearing an amendment of EQC rules to permit public housing adjacent to major transit corridors.

In Portland and other cities in Oregon federally guaranteed funding of housing is often precluded due to excessive noise, primarily caused by motor vehicle traffic. The U.S. Department of Housing and Urban Development (HUD) in its Circular 1390.2 has established standards that set a "discretionary - normally acceptable" noise level of  $L_{23} = 65$  dBA over a 24-hour period. This means that 65 dBA may be exceeded 33% of the time or a total of 8 hours over a 24-hour period. These standards, although not fully protective of public health and welfare effects of noise, are cited as a reason that HUD guaranteed mortgages are not approved for residential construction in urban areas adjacent to various forms of transit. Several rejections of City of Portland and private housing proposals by HUD have cited noise as the reason for the rejection.

#### Evaluation

The Department, upon review of the Environmental Impact Statement for the Portland Transit Mall, was concerned with the predicted noise caused by the large numbers of buses to be used on the Mall. After a series of discussions with Tri-Met (the Tri-County Metropolitan Transit District), the Department received a commitment of Tri-Met's support of (a) a noise standard equal to pre-Transit Mall conditions and (b) a more restrictive standard if public health criteria could support such a standard. (Attachment 1)

The Department then began a series of noise surveys on the Mall streets, Fifth and Sixth Avenues. Data was taken to determine pre-Mall noise levels and further measurements enabled accurate predicted noise levels at projected future levels of bus operations.

Pre-Mall noise levels on Fifth and Sixth Avenues, at the street level, were measured at 74 to 75 dBA for a 12-hour daytime period. This level is clearly



Contains  
Recycled  
Materials

in excess of the HUD standard. Predicted and measured noise increased less than one decibel after the Mall opened. However, with bus volumes scheduled to increase from a peak hour of 180 now, to as many as 400 per hour, staff predicts noise will increase as much as four decibels by the year 1990.

The results of these studies caused the Department to begin a series of staff level meetings, initially with Tri-Met, and then including the City of Portland and a representative of the U.S. Department of Housing and Urban Development.

After several meetings the Department's staff developed a "white paper" that concluded with recommended ambient noise standards for the Portland Transit Mall. These standards were proposed to define noise levels designed to protect public health. The proposals were based on EPA information about the health and welfare effects of noise.<sup>1</sup> The original DEQ proposed noise standards for the Portland Transit Mall are entries #1 and #3 in the following table. Eventually, the DEQ staff proposal incorporated the existing HUD noise standard (entry #2) as an appropriate intermediate standard.

Recommended Noise Standards for the  
Portland Transit Mall by DEQ

Proposed Noise Standard (dBA)

<u>Entry</u>	<u>L<sub>eq</sub> (12) (Daytime)</u>	<u>L<sub>dn</sub> (24 Hours)</u>	<u>L<sub>33</sub></u>	<u>Remarks</u>
#1	72	65	-	To protect against hearing loss from long term exposure. <sup>1</sup>
#2	67	-	65	HUD Standard
#3	60	55	-	Protection from speech interference and sleep disturbance.

DEQ also attempted to develop alternative strategies to achieve the recommended noise levels. These included:

- a) Driver Education: A procedure by which the bus driver would not accelerate at full throttle and thus emit lower noise levels.
- b) Dual Range Governor: A device to be retrofitted on each bus that would mechanically accomplish the "driver education" reductions.

1. "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety", EPA Report No. 550/9-74-004, Published March 1974.

- c) Retrofit Kits: Installation of kits designed by the bus manufacturer to reduce noise emissions.
- d) Reduce Volume: If the numbers of buses using the Mall were substantially reduced, reductions in noise would also be realized.
- e) Replacement: If the older, noisy, models were replaced with quiet models, ambient noise levels would decrease.

Tri-Met provided comments on these noise mitigation measures which may be summarized as follows:

- a) Driver education would be initiated, however, they believed the 4 dBA theoretical reduction would in reality be less than 2 dBA. DEQ measurements have not detected any noise reductions that could be attributed to "driver education."
- b) Tri-Met conducted a study to determine the effectiveness of the "dual range governor." The results of this study showed the governor would reduce noise, however, it was also determined it could have a deleterious effect on the engine. Therefore, this noise reduction measure was deemed unfeasible.
- c) Tri-Met has continued to solicit funding for a retrofit study. Although manufacturers had been funded by the federal government to develop these "kits", it appeared that they could not be purchased by Tri-Met. Recently Tri-Met was awarded a contract, funded by the U.S. Department of Transportation and EPA, which may lead to a program to retrofit most of their bus fleet. This study, funded at a level of \$165,000 for fiscal year 1978, is now in Phase I of a two phase program. Phase I, scheduled to be completed in June 1979, will develop engineering prototypes of the retrofit kit and conduct engineering evaluations of these kits. Phase II, lasting over an 18 month period beginning in July 1979, will install noise kits on approximately 75 percent of the Tri-Met fleet. An evaluation of the program will be conducted by measuring noise in the Mall and along bus routes. The goal of this project is to reduce bus noise levels from five to ten decibels. Attached is a copy of the statement of work for this program.
- d) The reduction of bus volumes in the Mall needed to achieve any significant noise reduction would thwart the purpose of the Mall. Therefore, this means of mitigation is not attractive.

- e) As the older buses in Tri-Met's fleet are the noisiest, the reduction of these models would reduce the ambient noise. Tri-Met has recently added 100 new buses to the fleet and this may reduce ambient levels somewhat. The Department is not encouraged that new buses will be much quieter than present models. Commission rules have prohibited the sale of new buses in excess of 83 dBA at 50 feet since 1976. In 1979 this standard is reduced to 80 dBA. However, EPA has proposed a standard for new buses that would relax the Oregon standards. These standards, if adopted, would maintain the 83 dBA standard until 1982 and then reduce to 80 dBA in 1983. In 1985 the final standard of 77 dBA must be met if EPA adopts its currently proposed bus noise emission standards.

Although this proposal would ultimately bring new buses to lower limits than required under Oregon law, neither Tri-Met, the City of Portland, nor DEQ believes such a standard is adequate. These three parties testified to EPA that a final standard of 70 to 72 dBA would be required to achieve HUD's noise standard on the Portland Transit Mall. Presumably a "72 dBA bus", rather than EPA's proposed ultimate of a "77 dBA bus", would also be needed to help housing sites adjacent to other urban transit corridors comply with HUD noise standards.

Tri-Met presented strong testimony to EPA that the 72 dBA bus is technically feasible to manufacture. This testimony pointed out the experience of Portland's Freightliner Corporation which produced a 72 dBA diesel truck during the Department of Transportation-sponsored Quiet Truck Project a few years ago. It also cited foreign made diesel buses (Saab-Scania and British Leyland, Ltd.) which were already quieter than 77 dBA. American bus manufacturers uniformly dispute the feasibility of EPA's proposed 77 dBA standard.

New information and studies on transit noise are being developed. In addition to the bus retrofit contract to Tri-Met, a Portland noise study is being developed. This study, funded by EPA and HUD, will use a private contractor, Wyle Laboratories, to measure and evaluate motor vehicle noise in Portland. An advisory committee, made up of the City, Tri-Met, HUD, EPA and DEQ, will develop a study program for the contractor. The purpose of this study is to determine the noise environment in the Portland Neighborhood Strategy Area (downtown) and along major transit corridors.

Although the City is primarily interested in identification of building sites presently meeting HUD noise standards, the other major objective of the study is to develop a mathematical noise model of urban traffic noise. With such a model, any site could be evaluated under present conditions, future conditions and under noise mitigation schemes such as truck routes and hours of use limitations.

An initial meeting to discuss this project with EPA and the consultant was held in late July. The attached draft statement of work was presented to the contractor and EPA for their consideration. After their evaluation and a funding determination this contract should begin. Initiation of this study is expected shortly and it should conclude this fall.

#### Summation

The Commission has directed staff to develop recommendations about sending to public hearing, an amendment to EQC noise rules to permit public housing adjacent to major transit corridors.

An evaluation of the efforts of the parties concerned with this noise problem has led staff to reach the following conclusions:

1. Noise on the Portland Transit Mall substantially exceeds levels required to protect public health and welfare as documented by EPA.<sup>2</sup>

Present Mall noise exceeds (a) the 72 dBA level needed to protect against hearing loss from long term exposure; (b) the HUD standard; (c) the 60 dBA level needed to protect against speech interference; and (d) the pre-Mall noise levels.

2. Mall noise is projected to increase in the future as bus volumes increase from the present peak hour level of 180 per hour to the 260 per hour in 1980 and 400 per hour in 1990.

Tri-Met's effort to reduce bus noise emissions have been unsuccessful. A new major study funded by the federal government may result in the development and implementation of noise retrofit "kits" for the Tri-Met fleet, yielding a noise reduction of 5 to 10 dBA. If this program is successful, the ambient noise levels in the Mall could be within the HUD standards.

Tri-Met should continue to maintain ambient noise in the Mall to pre-Mall levels until DEQ can determine whether more stringent standards are warranted.

3. HUD's noise standard precludes the use of federally guaranteed funding for housing at sites on the Portland Mall, on some other downtown streets and along some major transit corridors.

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2. Ibid.

The Wyle Labs study promises to provide the first systematic survey of noise levels in downtown Portland and along some transit corridors.

4. The Department's effort to maintain and enhance air quality in urban areas will be adversely affected if mass transit ridership growth is retarded. This could occur if housing density adjacent to major transit corridors is restricted by the inability of housing sites adjacent to such corridors to comply with HUD standards.
5. The major source of noise on the Mall and some other downtown streets is the Tri-Met bus fleet. On other streets and major transit corridors the noise source is a mixture of automobiles, trucks and buses. The contribution of each vehicle class to the total noise is not documented in Portland, however the Wyle Labs study should accomplish this task.
6. Practicable means to control existing traffic noise sources are limited. However, the proposed incorporation of noise inspections at the Department's vehicle inspection centers will assist this effort.

To an extent, the Portland Transit Mall noise may be controlled because the dominant, diesel buses, are owned and operated by a public body, with ability to control operation and maintenance of the entire bus fleet.

7. The most effective means to control traffic noise is at the new product level through regulation of vehicle manufacturers to produce quieter automobiles, buses and trucks. Commission rules have established standards for these sources since 1975, however preemptive federal EPA standards are now being promulgated.

Oregon should continue to voice its concerns with respect to noise regulations to appropriate federal government sources.

8. The recent attention by federal agencies (EPA, HUD, DOT) to Portland's noise concerns has partly resulted from the coordinated way in which the City of Portland, Tri-Met, DEQ and HUD have expressed concern about:
  - a. HUD's noise-based rejection of downtown housing project;
  - b. EPA's proposed bus noise emission standards being too weak; and

- c. The inherent conflict in federal noise policy that will not regulate vehicle noise emissions to an extent compatible with federal housing and development policy.
9. DEQ's role in developing proposed ambient noise standards for the Portland Mall helped focus Tri-Met's attention on bus noise problems. It provides continuing impetus and focus for cooperative action between DEQ, Tri-Met, the City of Portland, and HUD to find mutually agreeable solutions to noise problems.

Development of reasonable noise standard proposals should continue and be presented for Commission consideration at the earliest appropriate time in the future. Due regard should be given to the practicability of such standards and to the equity of applying a noise standard area-wide versus applying it to a limited area like the Mall. Final development of noise standard proposals for the Portland Mall should await final EPA adoption of bus noise emission standards and preliminary results of the ongoing bus retrofit project.

10. Over time, the Department needs to develop an overall strategy to help reduce urban noise levels to the lowest practicable levels for consideration by the Commission. Some of the elements of such a strategy would include:
  - a. Documentation of the primary urban noise problems and sources in Oregon;
  - b. Review of potential mitigation measures applicable to these problems;
  - c. Consideration of specific proposals to be made to federal agencies and to the Oregon Legislature to enhance the Department's ability to document and deal with noise problems; and
  - d. Proposed rules submitted for Commission approval to mitigate noise from identified contributing sources to the overall urban noise problem.

#### Director's Recommendation

Having found the foregoing facts to be true, I recommend that the Commission authorize the Department to:

1. Continue coordinated action with the City of Portland, Tri-Met, HUD and others to determine the extent, causes, and feasible mitigation measures for urban noise levels especially in the Portland Transit Mall in downtown Portland and along major transit corridors.

2. Specifically, to continue staff efforts to:
  - a. Monitor Tri-Met's bus retrofit program;
  - b. Participate in the Wyle Labs study to measure noise levels downtown and along transit corridors, and to develop a model capable of predicting traffic noise based on vehicle mix, and evaluating noise mitigation strategies;
  - c. Continue development of reasonable noise standard proposals for the vehicle caused urban noise problem for consideration by the Commission at the nearest appropriate time in the future; and
  - d. Lobby for appropriate noise controls at the federal level.
3. Over time, develop a strategy for reducing urban noise to the lowest practicable levels, for Commission review and approval.

*Bill*

WILLIAM H. YOUNG

John Hector:dro  
229-5989  
8/9/78  
Attachments (3)

1. Tri-Met Letters
2. Bus Retrofit Work Statement
3. Draft of Portland Noise Study Work Statement

Attachment 1

TRI-COUNTY  
METROPOLITAN  
TRANSPORTATION  
DISTRICT  
OF OREGON



PACIFIC BUILDING  
520 S.W. YAMHILL STREET  
PORTLAND, OREGON 97204  
(503) 233-8373

BOARD OF DIRECTORS

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TRI-MET

August 5, 1975

Mr. Carl Simons  
Department of Environmental Quality  
1234 SW 12th  
Portland, Oregon 97205

Dear Carl,

This letter will summarize the actions Tri-Met is taking or intends to take related to mitigating the adverse effect the proposed Transit Mall will have on the downtown environment. These effects, primarily increased noise levels, are described in the Draft Environmental Impact Statement now being reviewed by you.

Our objective is to build a downtown transit facility that provides the operational benefits needed to service the transit rider in addition to meeting the regional and local environmental criteria of DEQ. The physical and operational design of the Mall has, we feel, taken into account both elements of this objective to the greatest extent possible under the given circumstances of our regional service commitments and funding capability.

The draft statement acknowledges that the Mall will increase noise levels on Fifth and Sixth Avenues and that some aspects of changes in air quality are extremely difficult to predict. Since both of these problems are a direct result of the need to utilize the existing diesel fleet, at least during the Mall's initial years of operation, we have initiated a program of actions directed toward reducing bus noise and improving their emission characteristics. In addition, Tri-Met is taking steps to reduce the bus volumes on Mall streets, both initially and in the future.

The specific actions being taken are as follows:

1. Regular meetings with DEQ: Tri-Met will meet quarterly with DEQ to jointly review progress made on Tri-Met's mitigation program. The first meeting is scheduled on September 4, 1975. More detail will be presented at that meeting regarding the actions set forth below.

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2. Noise mitigation actions related to diesel buses:

a. General: Tri-Met will utilize the services of an acoustical engineering consultant to periodically monitor and evaluate its programs for bus noise reduction. Methods and results will be reviewed with DEQ at the regular meetings described in 1. above.

b. Specific Programs:

1) Driver education program: A driver education program is being planned to train drivers to operate on the Transit Mall. It is expected that significant reductions in bus noise on the Mall can be accomplished by training drivers not to accelerate in the same manner presently required in downtown mixed traffic. A training program is currently being developed and should be available for review next month. The first of several driver training sessions should be held in November, prior to the start of interim downtown operations during construction.

2) Engine compartment modifications: Tri-Met will continue its efforts to find a satisfactory application of sound attenuating insulation inside the bus engine compartments. Acoustic studies prepared for Tri-Met have indicated that insulating the compartments offers potential for reducing bus noise.

Tri-Met knows of no commercially manufactured retro-fit engine compartment acoustic insulation package available at this time. As an independent action in this regard, recently Tri-Met (working with Rockwell Northwest Limited of Vancouver, Washington) applied a spray-on asbestos acoustic material called "Monotherm" to the engine compartment of a test bus. Acoustic tests were made before and after the material was applied and the results indicated some reduction in noise emissions.

Tri-Met plans to conduct more experiments with this and other types of similar installations and to make more sophisticated measurements of the resulting sound level reductions and the practicality of the use of such material.

3) Two-speed governor: Tri-Met has retained a consultant to work with Operations personnel to develop and test a two-speed governor for controlling engine RPM of the buses operating in sensitive noise areas such as downtown. A preliminary report on the results of this testing should be available by the end of August.

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4) Brakes: Tri-Met has an ongoing program to eliminate the backing off noise created by Jacob's engine brakes. Jacob's brakes have been removed from all 600 series buses and buses 576 through 600 are equipped with a driver actuated switch which allows the Jacob's brakes to be turned off in downtown. Tri-Met is testing a Siegler Electric Retarder that may provide the advantages of a Jacob's brake by utilizing a relatively quiet flywheel and electric generator system.

5) Mufflers: Tri-Met has been experimenting with several types of quieter mufflers. A new baffle-type muffler has been tried but proven detrimental to engine performance. Another type of muffler manufactured by Stemco is on order and will be tested when it arrives. This muffler is said to be superior both in terms of engine performance and acoustics. However, mufflers are not considered a major source for further noise reduction.

6) Transmissions: Tri-Met plans to specify a new four-speed automatic transmission on the new 100 buses. The engines of these buses may require lower RPM than current buses for acceleration from a standstill. This could reduce noise levels, producing similar benefits hoped for with the two-speed governor on existing buses.

7) Equipment manufacturers: Tri-Met will intensify its dialogue with equipment manufacturers' engineering staffs to encourage and learn of new techniques to reduce noise in existing and new buses. Use of strictest, practicable noise criteria in bus specifications will continue.

3. Noise reduction and air quality improvements related to alternative modes and route system changes:

a. Trolley bus study: Tri-Met will soon begin trolley bus evaluation study to determine the appropriate role of trolley buses in the Tri-Met system. An in-depth analysis of trolley bus operation on specific Tri-Met routes will be performed. Selection of a consultant for the study is complete. The study will be funded by an Urban Mass Transportation Administration Technical Study grant and should be completed by December 1975.

b. Light rail vehicle corridor plan: The Columbia Region Association of Governments Board of Directors recently adopted an Interim Transportation Plan. The ITP calls for the development of four transit corridors, including consideration of

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Page Four

light rail transit service in the Oregon City-Johnson Creek corridor. Provision of light rail service in this corridor would reduce bus volumes in the downtown area and on the transit mall.

c. Crosstown service and other route changes: Tri-Met is reviewing ways of improving crosstown service thereby reducing the need for downtown trips. In the Intra-Urban Transit Study (an UMTA-funded technical study), a complete revision of transit routings in southeast Portland is being evaluated. This would enable more north-south travel in eastside Portland and fewer downtown trips. In addition, Tri-Met staff is reviewing the potential for a grid system in eastside Portland (with more on north-south routes) further reducing the need for downtown travel.

d. The Multi-Mode Terminal Study: (CRAG Unified Transportation Work Program IT-09-0030) is an UMTA-funded technical study designed to evaluate the feasibility of a downtown multi-mode transportation terminal. The most probable location for a terminal is at Union Station at the north end of the Transit Mall. The Portland Development Commission has assigned a high priority to this project. The objectives of the project will be to restore Union Station to allow the services of Tri-Met, DART, Amtrak, Greyhound and Trailways to be combined at a single location. If constructed, the Terminal will allow easy transfer between transportation modes and from one Tri-Met line to another.

The Tri-Met study will concentrate on transit related issues and will be done in cooperation with preliminary design studies to be conducted by the City and PDC. The City Council is expected to authorize PDC to move ahead with their studies in the near future. Tri-Met will expand their work program to include an investigation of the feasibility of a terminal at the south end of the Mall as an element of its study.

End terminals would reduce the number of passengers moving through the Mall and thus reduce bus volumes. Ultimately, under this concept the terminals could be served by shuttle vehicles operating exclusively on the Mall.

These actions are being taken with the knowledge that some will produce the anticipated results while others will be less successful. As the program develops and as Tri-Met and DEQ jointly attack these problems, I am confident that we will accomplish our mutual objectives.

Mr. Carl Simons  
August 5, 1975  
Page Five

Jerry Wood and I will soon be in touch with you concerning  
the agenda and preliminary reports for the September 4 meeting.

Yours truly,



Stephen R. McCarthy  
Assistant General Manager

SRM:dd

TRI-COUNTY  
METROPOLITAN  
TRANSPORTATION  
DISTRICT  
OF OREGON



PACIFIC BUILDING  
520 S.W. YAMHILL STREET  
PORTLAND, OREGON 97204  
(503) 233-8373

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Dean Killion

August 7, 1975

Mr. Carl Simons  
Department of Environmental Quality  
1234 SW Morrison  
Portland, Oregon 97205

Dear Carl,

To supplement my August 5 letter:

The draft EIS acknowledges that some aspects of changes in air quality are extremely difficult to predict. In keeping with our concern about the possible odor, carbon monoxide, nitrogen oxide and hydrocarbon concentration problems of a fully operational Transit Mall, we are prepared to retain qualified technical assistance as necessary to explore areas of concern that we identify during the ongoing review process.

Specifically, at this time, we will retain the services of Glen O'dell to update and expand the air quality studies that have been prepared for the Transit Mall. His work will include a study dealing with bus odor and will update data concerning carbon monoxide, nitrogen oxides, and hydrocarbon concentrations based on current EPA criteria.

In addition, if after further review with DEQ, it is determined that additional analysis concerning nitrogen oxide concentrations is necessary, Tri-Met will have that analysis prepared.

Regarding the problems relating to noise, Tri-Met will cooperate with DEQ in establishing and operating the Mall in conformity with a maximum general noise level standard for the Transit Mall.

In order to arrive at a reasonable noise level standard, Tri-Met will measure and collect data relating to noise levels present when buses are operating on Fifth and Sixth during the interim construction phase. Following the collection of that noise data, Tri-Met will cooperate with DEQ in the establishment of the noise level criteria for the Transit Mall.

Mr. Carl Simons  
August 7, 1975  
Page Two

In establishing these standards for the Mall, Tri-Met will support a standard which is equal to existing noise levels measurable on the street today and will support a higher, more restrictive standard if it can be clearly demonstrated that a higher standard is necessary for protection of public health.

All findings relating to noise and air quality will be reviewed with DEQ and programs to solve any problems which appear will be undertaken to insure compliance with all applicable federal and state air and noise quality regulations.

Yours truly,



Stephen R. McCarthy  
Assistant General Manager

SRM:dd

AUG 5 1978

**Noise Reduction Control**STATEMENT OF WORKBus Noise Reduction Retrofit Program1.0 Background

The urban transit bus has long been known for the objectionable noise emissions that result from the diesel propulsion system and the prevailing installation practices of the engine into the coach.

Numerous studies conducted by the DOT Office of Noise Abatement, the truck and coach industry, EPA and Portland's Tri-Met have given clues to a possible five to seven dba reduction in the transit bus noise emissions. It is further believed that in a Transit Mall such as Portland's such a reduction would have a positive effect on the transit users.

It shall be the intent of this program to apply existing acoustical technology to the vintage of current transit bus configurations and evaluate the impact of the application of the technology on major transit corridors and malls.

2.0 Scope

This program is planned as a multi-year program divided into two phases as follows:

- o Phase I - Engineering prototype noise kit design, fabrication and engineering test and evaluation. \$165,000
- o Phase II - Preproduction prototype and transit operation evaluation.

The scope of this grant contract involves Phase I only and covers work expected to be completed in 12 months.

### 3.0 Objectives

The ultimate objective of this project is to demonstrate the amount of reduction possible in today's transit buses through the application of existing acoustical engineering technology without serious compromise to bus operation and maintenance parameters.

The immediate objective of Phase I is to provide definition to an engineering prototype configuration and demonstrate and project preliminary engineering and economic results of fleet wide application.

The engineering prototype configuration will be characterized by the following:

- ✓ 3.1 Will provide a five to seven dba noise reduction when tested under EPA standard procedure.
- 3.2 Will have a broad range of application to existing bus configurations.
- 3.3 Will have no serious effect on
  - 3.3.1 Fuel and oil consumption
  - 3.3.2 Vehicle air emissions
  - 3.3.3 Engine and cooling and system life
  - 3.3.4 Vehicle performance
  - 3.3.5 Vehicle maintainability
  - 3.3.6 Passenger space
  - 3.3.7 Vehicle visual appearance
  - 3.3.8 Noise impact on surrounding area
- 3.4 Acoustical engineering technology may be applied to the following vehicle component areas.

- 3.4.1 Exhaust
- 3.4.2 Air intake
- 3.4.3 Cooling system
- 3.4.4 Engine compartment
- 3.4.5 Passenger compartment enclosures
- 3.5 Result in favorable life cycle cost projections.

#### 4.0 Task Description

The following tasks comprise the Phase I effort.

- 4.1 Conduct a bus-engine-chassis configuration analysis in search of commonality of noise problems versus in-service vehicle population distribution.
- 4.2 Establish test procedures for measuring bus noise in coordination with EPA noise measurement standards and procedures.
- 4.3 Determine procedures and/or process for testing and evaluating conformance to objectives stated in paragraph 3.0.
- 4.4 Conduct design study with alternatives and select noise kit design configuration for application to the majority of the Tri-Met bus fleet (per 4.1 analysis).
- 4.5 Procure or fabricate and install the selected noise kits on the bus configuration identified on 4.1.
- 4.6 Test and evaluate noise kit configurations per paragraph 3.0.
- 4.7 Reiterate design, fabrication, installation, test and evaluation process until optimum kit configuration is defined.
- 4.8 Inventory existing Tri-Met policies and procedures to determine impact upon bus and fleet emissions. Policies and procedures included under this activity are:

*STANDARD  
MEASUREMENT  
PROCEDURES*

- 4.8.1 Noise emission testing and/or noise control checklist in conjunction with preventive maintenance routines.
- 4.8.2 Driver education and performance evaluation for noise control.
- 4.8.3 Vehicle scheduling and routing.
- 4.8.4 Vehicle retirement planning.
- 4.8.5 Vehicle procurement policies.
- 4.9 Phase II Planning.
  - 4.9.1 Prepare technical development and management plan to include specific work tasks, scheduling of events, major milestones, risk areas, etc.
  - 4.9.2 Prepare cost estimate and grant application to complete.
- 4.10 Task scheduling and financial spending are planned per Exhibits A & B.

## 5.0 Deliverables

- 5.1 Monthly Letter Progress Reports (10 copies) - The tenth day of each month after date of award for the preceding month. The letter report shall include as a minimum:
  - 5.1.1 Summary - A series of statements summarizing general current status in relationship to plan as well as projections for meeting major objectives and milestones.
  - 5.1.2 Significant accomplishments for this reporting period.
  - 5.1.3 One chart shall reflect planned expenditures for the project and actual expenditures in dollars and man hours.
  - 5.1.4 One chart shall show percentage completion of each task versus schedule.
  - 5.1.5 Significant problem areas accompanied by a definitive plan to resolve (include dates).
  - 5.1.6 Planned accomplishments for next reporting period.

- 5.2 Minutes of all meetings (10 copies) with representatives from industry or Government shall be submitted within 10 days after each meeting.
- 5.3 Final Technical Reports - (25 copies) The contractor shall prepare a final report presenting the results of efforts for all tasks. Final report shall also include the following:
  - 5.3.1 A list of all commercially available components used in the package.
  - 5.3.2 Drawings and specifications for all package components not commercially available.
  - 5.3.3 A manual describing procedures and equipment to be used in installation of the package.
  - 5.3.4 An operator's manual describing special operating and/or maintenance procedures to be observed on retrofitted buses.
  - 5.3.5 A complete and accurate estimate of:
    - 5.3.5.1 Initial retrofit cost per bus, if all buses of that type were to be retrofitted, breaking down by parts and labor the costs attributed to installation of each component in the package.
    - 5.3.5.2 Recurrent (maintenance and operating) costs of retrofitted buses.

Outline - Portland Noise Study

1. Objectives: There are two objectives of this study.

- A. This study is to contain a measurement and analysis program which will describe the noise environment both within the Portland NSA (Neighborhood Strategy Area, see attached), and along preselected representative major transit corridors which funnel into the NSA.

These areas are those in which both medium to high-density housing is proposed, and in which preliminary analysis of transit impacts has indicated non-compliance with HUD noise standards.

This environment is to be defined by noise contours in terms of HUD exterior noise standards and EPA guidelines (L33, Leq, Ldn), which will serve to specifically delineate sections of the study area in which housing may presently be permitted.

- B. The other major objective of this study is the analysis of noise levels in the study area in terms of the relative contributions of traffic, as the primary noise source, and of building height, design and distance from the source as the primary variables affecting the transmission path of the noise. The end product of this analysis is the development of a mathematical model relating noise levels to source and pathway variables. A similar model has already been developed by Wyle Labs for the highway situation (reported in EPA/ONAC Manual 550/9-77-356, May, 1977), but has not been developed for the intra-urban situation.

The model would have at least two important uses. It would predict where in the study area housing could be built in conformance with HUD standards and EPA guidelines based on traffic characteristics and other factors. It would define noise environments at potential building sites sufficiently to test alternative noise mitigation methods.

The consultant is asked to consider those factors which substantially contribute to noise levels at prospective housing sites. These include, among others, the following source variables:

1. vehicular counts, by class (bus, truck, auto),
2. vehicular mix,
3. vehicular speeds, and
4. traffic flow interruptors (stoplights, stopsigns, etc.

and, as pathway variables:

1. barrier effects of high-rise and low-rise buildings and open spaces,
2. roadway gradient,

3. roadway dimensions, and
  4. distance from roadway to site,
- and any other factors which substantially influence noise levels predicted by the model.

2. Methodology:

A. Data Collection:

1. Noise data collection will be by conventional means, and should include:
  - a. hand held sound level meter measurements of the ambient and intrusive noise environment;
  - b. continuous 24 hour measurements at representative sites to provide time history data;
  - c. analog tape recordings of both samples of background noise levels and single-event levels within the study area which isolate vehicle noise by class (bus, truck, auto).
2. Additional on site data collection should include:
  - a. counts of vehicles by class;
  - b. estimation of vehicular speeds;
  - c. notation of traffic flow interruptors; and
  - d. notation and description of adjacent barriers, distance from roadway and roadway dimensions and gradient.

B. Analysis:

The following specific analyses will be performed for the study area:

1. The development of a validated model for determining:
  - a. ambient noise levels (L33, Leq, Ldn) within the study area at a specified distance from an adjacent public roadway, given specified traffic and pathway characteristics, and
  - b. the contribution to total noise levels from autos, trucks and buses together (total traffic contribution) and separately.
2. The determination of the major factors contributing to noise transmission from vehicular traffic, especially considering the following factors: noise levels of autos, trucks and buses considered separately, mixture of these three classes in the total traffic, traffic speed, distance, acceleration/deceleration, architectural and other path factors.

C. Sites will be chosen to provide sufficient numbers of representative measurements for deriving both noise contours of the study area, and for development of the model.

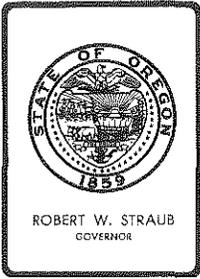
D. Field measurements should take place over at least a 7 day duration during morning, afternoon, evening, nighttime and rush-hour periods.

3. The Report

Following the measurements, analysis will be performed, and results prepared in the form of a draft report. The report will contain:

- A. The methodology employed in the measurement program,
  - B. A listing of the selected sites, noise measurements, and vehicular counts by class and speeds obtained at each location,
  - C. Noise contours within the study area.
  - D. Identification of specific sub-areas within the study area where existing noise levels are in non-compliance with HUD standards and EPA guidelines.
  - E. Identification of specific sites within the study area wherein existing noise levels are significantly different from the average.
  - F. Noise data obtained from analysis on on-site single event levels of vehicular noise, by class.
  - G. A validated model that predicts traffic noise levels in the study area, as separated from ambient, in terms of HUD exterior noise standards based upon values assigned to the model variables.
4. The following local technical advisory committee should be kept informed as the study progresses:

Cliff Safranski, HUD  
Paul Herman, City Noise  
Debby Yamamoto, EPA, Region X, Noise  
John Hector, DEQ Noise  
Bob Gay, DEQ  
Gerry Wood, Tri-Met



## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item H, August 25, 1978, EQC Meeting

Vehicle Noise Testing - Progress Report on Noise Testing in the  
Motor Vehicle Inspection Program and Authorization to Hold Public  
Hearing to Consider the Adoption of Light Duty Vehicle and  
Motorcycle Noise Standards

### Background

Motor vehicles are the major source of noise complaints in Oregon. The public attitude, as measured in a 1977 study in the Portland metropolitan area, found that 27% of the public ranked motor vehicle noise from cars, trucks, buses and motorcycles as a "very important problem." As a comparison, they found that 20% of those polled ranked air pollution as a "very important problem" and 15% placed water quality/sewage in that category.

The Department believes that periodic inspection of motor vehicle noise, supplemented with random police enforcement is necessary to control this problem. Oregon Revised Statutes provide authority to the Commission to enforce motor vehicle noise emission standards within the Portland Metropolitan Service District at the Department's vehicle inspection facilities. (See attached ORS 481.190, ORS 468.370 and ORS 467.030)

Noise emission standards for motor vehicles were adopted by the Commission in 1975; however, the associated testing procedures were not suitable for use at the inspection centers. Therefore, new procedures and associated standards were developed and adopted. These new procedures measure the exhaust system noise at a distance of 1/2 meter (20 inches) from the exhaust pipe outlet.

Twelve months ago the Commission authorized the Department to initiate noise testing on light duty vehicles at the inspection centers on a voluntary basis, as part of a schedule toward a mandatory program. Also, the Commission authorized the development of procedures to test heavy duty gasoline powered vehicles.

The Department was instructed to report on the following after this twelve month period:



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Materials

- a) Operational and fiscal impact of motor vehicle noise inspection;
- b) Recommend implementation schedule for mandatory noise inspections of light duty vehicles;
- c) Recommendation on heavy duty gasoline powered vehicle and motorcycle noise inspections;
- d) Recommendations for the scheduling of rule making hearings to consider the adoption of noise standards within the rules pertaining to motor vehicle inspection.

### Evaluation

During the period beginning September 1977 through June 1978 approximately 372,000 automobiles and light trucks were subjected to "voluntary" noise inspections at the Department's permanent and mobile inspection centers. Due to the subjective screening process contained in the noise inspection procedure, actual noise emission measurements using the sound level meter were conducted on approximately 8000 vehicles. Our studies show that the error in the subjective screening process is approximately 2.5 percent, which is an acceptable level in consideration of operational time saved in this procedure.

No major operational problems exist in the noise inspection process for the light duty vehicle category. Operational costs of this additional effort to the vehicle inspection program have been estimated to be approximately \$10,000 per biennium. These costs can be absorbed into the program without additional funding.

Staff believes that the public acceptance of noise inspection is good and many citizens have requested that noise testing be included with the air emission inspections. Some vehicle owners have repaired their exhaust systems prior to inspection; however, that portion of the public that have intentionally modified their vehicle exhaust systems to emit excessive noise have continued to do so in disregard of the "voluntary" program.

A motorcycle noise test procedure and associated emission standards were adopted by the Commission in 1977 which would allow these vehicles to be inspected at the emission inspection centers. The Commission authorized a "voluntary" program for motorcycles at their July 1977 meeting, however, very few motorcycles have been noise tested. As no air emission standards have been proposed or adopted for motorcycles, it is very difficult to implement a "voluntary" noise inspection program for this category. As noise testing procedures and emission standards have been adopted for motorcycles, the major concern of the Department is the identification of any operational constraints on testing this vehicle category.

Very little data is available on the impact of motorcycle air emissions to the ambient air quality in Oregon. Study of this potential source of air

quality impact is continuing and air emission measurements may be necessary to evaluate the motorcycle's impact.

An interim noise test procedure and associated emission standards have been developed for the category of heavy duty gasoline powered vehicles for use at the emission inspection centers. These vehicles are presently required to submit to air emission inspections, thus a "voluntary" program of noise inspection could be implemented that would obtain valuable data on the adequacy of the interim standards and procedures.

#### Summation

The following facts and conclusions are presented:

1. Due to the severity of motor vehicle noise pollution, the Department believes that mandatory periodic noise inspection is necessary to control this problem.
2. Based upon the experience gained since the September 1977 initiation of "voluntary" noise inspection of light duty vehicles at the emission inspection centers, a mandatory program should be implemented. The two major goals of the "voluntary" phase have been accomplished. First, public awareness of the noise emission requirements has been increased and further public support as well as local government support is expected. (See attached letters from Multnomah County Chairman Donald Clark.) Second, the Department has identified and resolved most operational constraints that this additional effort places on the vehicle inspection program.
3. A "voluntary" inspection program on motorcycle noise emissions has not been successful. This is attributed to the lack of awareness or interest by the motorcycle riding public. The impact of motorcycle air emissions to air quality in the Portland area has not been resolved. A mandatory inspection program for motorcycle noise emissions should be implemented. Implementation should not occur until after the year-end peak as most currently registered motorcycle license plates expire at the end of the calendar year. As very little operational experience has been gained for motorcycle noise inspections, it is believed that a gradual implementation scheme is advisable. Thus the effective date of a mandatory program would not commence until Spring of 1979. Air emission data may also be obtained at the inspection centers after a noise inspection program is initiated.
4. Heavy duty gasoline powered vehicles are presently required to submit to air emission inspections. This class of vehicle should also be inspected for excessive noise. Existing standards and procedures for this class of vehicle are not suitable for use at the inspection centers, thus a new procedure and interim standards have been developed. A voluntary noise inspection program should be initiated to

determine the suitability of the interim standards and to identify any operational impacts of noise inspections.

Director's Recommendation

Having found the foregoing facts to be true, I recommend that the Commission authorize the Department to:

1. Hold a public hearing, before a hearings officer, at a time and location to be set by the Director, to receive testimony limited to the consideration of the adoption of noise emission standards for light duty vehicles and motorcycles enforceable through the Department's motor vehicle inspection centers.
2. Initiate a "voluntary" noise inspection program for heavy duty gasoline powered vehicles and report back to the Commission within twelve (12) months with recommendations for the adoption of standards to implement a mandatory program for this vehicle category.

*Bill*

WILLIAM H. YOUNG

John Hector:dro  
229-5989  
3/9/78  
Attachments (2)

1. Oregon Revised Statutes
2. Multnomah County Letters

**468.370 Motor vehicle emission and noise standards; copy to Motor Vehicles Division.** (1) After public hearing and in accordance with the applicable provisions of ORS chapter 183, the commission may adopt motor vehicle emission standards. For the purposes of this section, the commission may include, as a part of such standards, any standards for the control of noise emissions adopted pursuant to ORS 467.030.

(2) The commission shall furnish a copy of standards adopted pursuant to this section to the Motor Vehicles Division and shall publish notice of the standards in a manner reasonably calculated to notify affected members of the public.

[Formerly 449.957; 1974 s.s. c.73 s.1]

**481.190 When motor vehicle pollution control systems required for registration; certificates of compliance; standards.** (1) Motor vehicles registered within the boundaries, existing on March 13, 1974, of the metropolitan service district formed under ORS chapter 268 for the metropolitan area, as defined in subsection (2) of ORS 268.020, which includes the City of Portland, Oregon, shall be equipped, on and after July 1, 1975, with a motor vehicle pollution control system and shall comply with the motor vehicle pollutant, noise control and emission standards adopted by the commission pursuant to ORS 468.370.

(2) The division shall not issue a registration or renewal of registration for a motor vehicle subject to the requirements of subsection (1) of this section unless the division receives, with the registration or renewal of registration, a completed certificate of compliance. The certificate must be signed by a person licensed and qualified pursuant to ORS 468.390 and must be dated not more than 90 days prior to the motor vehicle registration or renewal of registration date.

**467.030 Adoption of noise control rules, levels and standards.** (1) In accordance with the applicable provisions of ORS chapter 183, the Environmental Quality Commission shall adopt rules relating to the control of levels of noise emitted into the environment of this state and including the following:

(a) Categories of noise emission sources, including the categories of motor vehicles and aircraft.

(b) Requirements and specifications for equipment to be used in the monitoring of noise emissions.

(c) Procedures for the collection, reporting, interpretations and use of data obtained from noise monitoring activities.

(2) The Environmental Quality Commission shall investigate and, after appropriate public notice and hearing, shall establish maximum permissible levels of noise emission for each category established, as well as the method of measurement of the levels of noise emission.

(3) The Environmental Quality Commission shall adopt, after appropriate public notice and hearing, standards for the control of noise emissions which shall be enforceable by order of the commission.

[1971 c.452 s.2; 1973 c.167 s.1; 1973 c.835 s.159]



MULTNOMAH COUNTY OREGON

OFFICE OF THE CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
ROOM 606 COUNTY COURTHOUSE  
PORTLAND, OREGON 97204  
(503) 248-3308

COUNTY COMMISSIONERS  
DON CLARK, Chairman  
DAN MOSEE  
ALICE CORBETT  
S BUCHANAN  
MEL GORDON

Dept. of Environmental Quality  
**RECEIVED**

JUL 14 1978

Noise Pollution Control

July 12, 1978

Mr. John Hector  
Department of Environmental Quality  
PO Box 1760  
Portland, OR 97201

Dear Mr. Hector

I thought the attached letter, which I received from Mr. Victor E. Smith Sr., might be of interest to you and to the Department. The second part of the letter concerns the role of the DEQ might play in vehicular noise testing.

Sincerely

Donald E. Clark  
Chairman

wwds.

cc Mr. Victor E. Smith Sr.

JUL 10 1978

July 7-1978

Mr Don Clark  
Chairman of County Commissioners  
County Court House.

Dear Sir;

Just a few lines to you regarding the replacing of the Pinto Automobiles, that was supposed to be unsafe account of the gasoline tanks being exposed and unsafe, endangering the lives of county employes. This cost the tax payers thousands of dollars.

Now did you ever stop to think about the hundreds of lives that are in danger, by allowing automobiles to run around town, and on the highways with the rear end raised up about 18 to 24 inches. The gasoline tanks on these cars are exposed and no protection at all. This allow another car to go right under it.

The rear end of these cars are so heigh that if they were struck by another car it would tear the tank right off of the car and endanger the lives of more then one driver, also the people on the street. There is also a possibility of causing some building to catch on fire.

We also have a noise ordinance, that is not lived upto, the same cars hiked up in the back are running around with no mufflers, disturbing the public, or if they do have one it is what they call a smitty which is just the same as none at all, these should be outlawed. In order for any one to get a license for their car, they have to comply with the Pollution law, why should not dent the same law be applied to the noise ordinance, when they go through the D E Q testing, let them also refuse them a license if the exhaust is not standard the way it come from the factory.

This will not be any more expence to the county, this noise ordinance should also apply to Moteocycles, if the exhaust is not factory standard, no license, why make these laws if you are going to live up to them.

smet

An Interested Citizan

*Victor E Smith Sr*

13030 N.E. Prescott Dr.  
Portland, Oregon 97230



# MULTNOMAH COUNTY OREGON

OFFICE OF THE CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
ROOM 606 COUNTY COURTHOUSE  
PORTLAND, OREGON 97204  
(503) 248-3308

COUNTY COMMISSIONERS  
DON CLARK, Chairman  
DAN MOSEE  
ALICE CORBETT  
DENNIS BUCHANAN  
MEL GORDON

July 11, 1978

Mr. Victor E. Smith Sr.  
13030 NE Prescott Drive  
Portland, OR 97230

Dear Mr. Smith

Thank you for your letter of July 7 expressing concerns about the safety of automobiles with elevated rear ends. I share your concerns. State statute (ORS 483.458) requires that automobiles have fenders no more than 20 inches from the pavement covering at least the width of the rear tires. There appears to be no specific provision relating to protection for gas tanks.

While the Multnomah County Sheriff enforces this statute, the County cannot by law create motor vehicle regulations. I suggest that you direct your comments to the State Motor Vehicles Division or one of your State Representatives.

I also agree with your comments on noise pollution. The idea of conducting noise tests at the Department of Environmental Quality's vehicle emissions testing stations has merit, and thus I have sent a copy of your letter to Mr. John Hector of the DEQ in Portland.

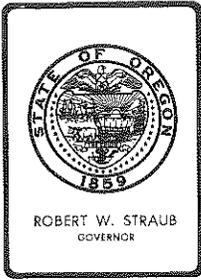
Thank you again for taking the time to write.

Sincerely

Donald E. Clark  
Chairman

wwds

cc Mr. John Hector, DEQ



## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item I, August 25, 1978, EQC Meeting

Staff Report - Authorization to Hold Public Hearing to Consider  
Petition from International Snowmobile Industry Association to  
Amend Noise Rules Pertaining to the Sale of New Snowmobiles

### Background

In July 1974 the Environmental Quality Commission adopted noise control regulations for the sale of new motor vehicles. These standards set maximum decibel levels for snowmobiles to be sold in Oregon at 83 dBA for 1975 models, 78 dBA for 1976 models, and 75 dBA for 1979 and subsequent models.

At the time these standards were adopted they conformed with the noise reduction policy of the International Snowmobile Industry Association, and were considered attainable by that body. In 1974 six states had noise standards for snowmobiles as stringent as, or more stringent than, Oregon's 75 dBA limit.

In the spring of 1977 the Oregon State Snowmobile Association petitioned the Commission to amend the noise rules to require snowmobiles of model years 1979 and after to meet a standard no more stringent than 78 dBA. That petition alleged that implementation of the 75 dBA standard would have negligible noise reduction benefits and would create economic hardship. Three public hearings were held on this matter, and the Commission subsequently amended its rules to postpone the 75 dBA standard until 1980.

On July 20, 1978 the Department again received a petition urging relaxation of the impending snowmobile noise standard to 78 dBA. Petitioner, International Snowmobile Industry Association, alleges that imposition of the 75 dBA standard will not result in a noticeable decrease in noise impact and that significant economic effects will result. A copy of the petition is attached. However, exhibits A through K are not included due to their excessive volume.

### Options

If for some reason 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 upon the petitioner.



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

Director's Recommendation

Having found the foregoing facts to be true, I recommend that the Commission authorize the Department to hold public hearings, before a hearings officer, at times and locations to be set by the Director. The hearings officer will receive testimony limited to the petition from the International Snowmobile Industry Association to amend the noise rules pertaining to the sale of new snowmobiles.



WILLIAM H. YOUNG

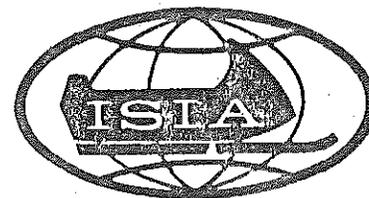
John Hector:dro

229-5989

8/9/78

Attachment (1)

1. Snowmobile Petition



# International Snowmobile Industry Association

July 20, 1978

Suite 850 South  
1800 M Street, N.W.  
Washington, D.C. 20036  
(202) 331-8484  
Telex: ISIA WSH 89-534

Mr. William H. Young, Director  
Department of Environmental Quality  
522 S. W. Fifth Avenue  
Portland, Oregon 97207

Dear Mr. Young:

On behalf of the snowmobile manufacturer members of ISIA that together produce over 90% of all snowmobiles produced in the world, we hereby petition the Environmental Quality Commission to amend the noise rules for the sale of new snowmobiles (OAR 340-35-025) and the noise control regulations for in-use snowmobiles (OAR 340-35-030) to permit the continued sale and use of snowmobiles in Oregon that are certified by an independent testing company to be in compliance with the sound emission standards of the Snowmobile Safety and Certification Committee (SSCC), as follows:

"The sound pressure level for snowmobiles manufactured after June 30, 1976, shall not exceed 73 decibels on the 'A' scale (73 dB(A)) at 15 m (50 ft.) when measured in accordance with SAE Recommended Practice J1161 'Operational Sound Level Measurement for Snow Vehicles' and, the sound pressure level for snowmobiles manufactured after February 1, 1975, shall not exceed 78 decibels on the 'A' scale (78 dB(A)) at 15 m (50 ft.) when measured in accordance with SAE Recommended Practice J192a, 'Exterior Sound Level for Snowmobiles.' Class I competitive snowmobiles are exempted from this requirement."

Before detailing the reasons advanced in support of this request, we believe it is important for your office and the Environmental Quality Commission to know the impact of a failure to act favorably on this petition. To measure this impact we have analyzed the 1978 model year snowmobiles produced by our members and sold in Oregon during the 1977-78 snowmobile season. Had the impending 75 dB(A) rule been in effect in Oregon during the past season, the average wide open throttle sound emission level for snowmobiles sold in Oregon would have dropped 1.23 dB(A) (from 78.04 to 76.81 dB(A)). However, the average sound emission measured at 15 mph would have increased .21 dB(A) (from 71.32 to 71.53 dB(A)). The detailed analysis is attached as Exhibit A. Changes of these

July 20, 1978  
Mr. William H. Young  
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magnitudes are not perceptible to humans, and on the basis of the present state of the art in noise measurement devices in use throughout North America, changes of these magnitudes may not be measurable in tests performed with different sound level meters. Manufacturing tolerances of  $\pm 1.5$  decibels are permitted in existing sound meter manufacturing standards. See Exhibit B attached.

Had the 75 dB(A) rule been in effect in Oregon during the past season, two companies that in fact sold snowmobiles in Oregon would have been totally excluded from the market and the dealers who sold their brands would not have been able to sell any new snowmobiles. Since there were six manufacturer members of ISIA that sold snowmobiles in Oregon, 1/3 of these producers would have been banned. 61% of the units actually sold would not have been sold. 72% of the 46 different model snowmobiles actually sold, would not have been sold.

Whereas 41% of the snowmobiles actually sold during the past season in Oregon were priced below \$1,801, only 5% in this price range would have been sold if the 75 dB(A) rule had been in effect last season. Similarly, 40% of the snowmobiles sold were in the engine size categories below 431 cc. Only 6% of the machines that would have been sold had the 75 dB(A) rule been in effect, would have been under 431 cc engine size categories.

Of the six models of liquid cooled snowmobiles produced as 1978 model year machines, five models were sold in Oregon last season. Of the 9,890 units produced, 58 units were sold in Oregon. Had the 75 dB(A) rule been in effect, none of these snowmobiles would have been sold in Oregon, since the sound emission level of each was above 77 dB(A). The actual fleet average of liquid cooled machines was 78.83 dB(A), or .68 dB(A) above the entire 1978 model year fleet average, when measured at wide open throttle.

In summary, had the 75 dB(A) rule been in effect only the larger, most expensive machines would have been sold; two companies' products would have been entirely excluded from the market; and the sound emissions would have been marginally changed both up and down depending on whether the measurement were at wide open throttle or at 15 mph.

During the three year period, April 1, 1975 - March 31, 1978, an estimated 3,507 snowmobiles were sold in Oregon to consumers. The present number of snowmobiles registered in Oregon total 7,529. Thus, nearly half of all registered snowmobiles are the new quiet 78 dB(A) machines.

There are six companies, constituting 90% of all snowmobiles produced, that have had all of their snowmobiles certified by United States Testing Company as meeting both sound emission standards of the SSCC quoted above:

<u>Company</u>	<u>1978 Model Year Total Fleet Average Per SAE J192a</u>	<u>Units Sold In Oregon 1977-78 Season Fleet Average Per SAE J192a</u>
• 1	77.38 dB(A)	78.01 dB(A)
• 2	78.50 dB(A)	79.04 dB(A)
• 3	78.64 dB(A)	78.65 dB(A)
• 4	77.65 dB(A)	76.60 dB(A)
• 5	79.51 dB(A)	79.55 dB(A)
• 6	77.93 dB(A)	77.94 dB(A)
Total Fleet Averages:	78.15 dB(A)	78.04 dB(A)

All references to sound levels set forth above are based on measurements for each model snowmobile during United States Testing Company certification tests of all models (see Exhibit A attached).

An analysis of all existing and future laws and regulations governing snowmobile sound emissions in the United States and Canada is set forth in Exhibit C attached.

All requirements applicable to snowmobiles for sound emission levels below 78 dB(A) per SAE J192a and/or 73 dB(A) per SAE J1161 now and in the future have been eliminated or are in the process of revision by all U. S. states and by all of Canada except for Oregon and New Hampshire. The New Hampshire Department of Safety is expected to seek and obtain from the legislature a revision in that state's law eliminating the future requirement below these levels scheduled to take effect in 1983.

The U. S. Environmental Protection Agency has not completed its studies of snowmobile sound emissions, nor has it released to the public the contractor studies to which its spokesperson referred in her testimony before the Oregon Hearing Officer on June 16, 1977, at the Portland public hearing on this same subject. It is considered to be highly unlikely that EPA will find snowmobiles to be a major noise source so as to require federal mandatory standards.

July 20, 1978  
Mr. William H. Young  
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In response to the U. S. EPA interest in sound emission labeling, the organized snowmobile industry, which produces more than 90% of the world's snowmobiles, has placed into effect for all snowmobiles produced after January 1, 1978, a requirement that each snowmobile that has been certified by United States Testing Company be in compliance with the SSCC sound level standards quoted above, and must carry a large sound rating label as set forth on page 39 of Exhibit D attached.

Production of 1979 model year snowmobiles will be completed prior to December 1978. The engineering of 1980 model year snowmobiles is virtually completed. Production will begin on some 1980 models in the fall of 1978. It is, therefore, important that early consideration be given to this petition by your office and by the Environmental Quality Commission.

We suggest that the record of the three hearings (June 16, 1977, in Portland and June 17, 1977, in Bend) last year, plus this petition form the basis for your reconsideration of Oregon's snowmobile noise control regulations. We note in Mr. McSwain's "Hearing Report," (Exhibit E attached) on page one the following statement:

"Pursuant to the Commission's authorization of April 22, 1977, three public hearings were held, one in Portland and two in Bend. Approximately 30 witnesses appeared. Few opposed the amendment despite specific efforts to elicit testimony from cross-country skiers whose use of the countryside in winter has found them seeking an atmosphere somewhat disparate to that sought by the snowmobiler."  
(Underlining added for emphasis.)

It is unlikely that further specific efforts by your staff to stimulate opposition views will be any more productive in 1978 than they were in 1977. However, to complete the record in support of this petition, there are attached hereto the following documents:

- Exhibit F. ISIA letter to Mr. John Hector dated June 21, 1977, regarding the testimony of the U. S. EPA spokesperson, and the July 20, 1977, reply thereto from Mr. Peter W. McSwain, Hearing Officer.
- Exhibit G. SSCC letter to Mr. John Hector dated August 4, 1977, with attachment.
- Exhibit H. Letter to you dated February 24, 1978, from Professor Andres Soom, clarifying your staff's interpretation of his doctoral thesis and confirming ISIA's interpretation.

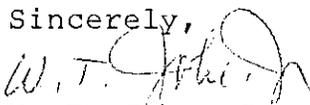
- Exhibit I. Letter to you dated May 10, 1978, with attachment, from Mr. M. B. Doyle, and your June 1, 1978, reply thereto.
- Exhibit J. "Oregon Snowmobile Economic Impact Assessment," prepared by ISIA, indicating \$4 million in economic activity in Oregon directly associated with snowmobiler expenditures annually and indicating state tax and registration receipts from snowmobilers.

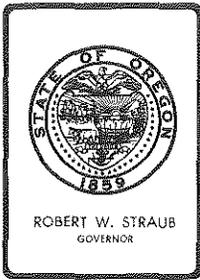
Virtually all snowmobiling in Oregon occurs on lands owned and managed by the federal government. (See Exhibit K attached.) Snow cover patterns dictate lands suitable for snowmobiling. Of Oregon's 62,067,840 total acres of land, the federal government owns 32,370,217 acres, or 52% of the total. The overwhelming majority of snowmobiling in Oregon occurs in national forests which are managed by the U. S. Forest Service. That agency has developed land management plans that control where snowmobiling can and cannot occur. Moreover, the Oregon Department of Transportation administers a snowmobile trail marking and maintenance program under cooperative agreements with the U. S. Forest Service. It seems clear that effective land use decisions by government administrators involved have successfully eliminated winter user conflicts, and avoided environmental concerns related to wildlife.

In conclusion, the following are apparent:

- The new quiet 78 dB(A) snowmobiles are rapidly replacing the older, noisier units.
- The natural selection by Oregonians in their purchase of new machines is introducing average sound levels between 71.32 dB(A) and 78.04 dB(A) when measured at 15 mph and at wide open throttle.
- A mandated 75 dB(A) level would change those levels to between 71.53 dB(A) and 76.81 dB(A).
- Such a change would not be perceptible to human ears, yet would severely limit the choice of Oregonians to purchase and use snowmobiles legal everywhere else in North America next year and would needlessly drive up the price for participation in the sport of snowmobiling.

Thank you for your prompt consideration of this petition.

Sincerely,  
  
W. T. Jobe, Jr.  
Executive Vice President



## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item J, August 25, 1978 Environmental Quality Commission Meeting

#### Conflict of Interest Rule - Public Hearing:

To Receive Testimony and Consider Adoption of Amendments  
to the Oregon Clean Air Act Implementation Plan  
to Include Rules Pertaining to Conflict of Interest  
by State Boards, required by Section 128 of the Clean Air Act

#### Background

This public hearing and consideration for adoption of conflict of interest rules is a continuation of action initiated at the July 28, 1978 EQC meeting in La Grande. The attached staff report and copy of the rule from that meeting gives the pertinent information with regards to factors considered in drafting the proposed rule.

Briefly, the sequence of events to this time are:

1. On June 20, 1978 the Public Notice for a hearing at the July EQC meeting was mailed, with the Director's approval, to the names on the DEQ mailing lists.
2. At the June 30, 1978 EQC meeting the Commission gave formal authorization for the July hearing. The notice was mailed prior to the formal authorization to satisfy the 30 day public notice requirement of the Environmental Protection Agency.
3. The public notice was published in the July 1, 1978 Secretary of State's Administrative Rules Bulletin.
4. At the July 28 EQC meeting the commission was made aware of several facts regarding the rule action. The Department had reservations about some of the wording in the proposed rule, specifically with regards to the definition of "represent the public interest". The Department has been trying to get this definition clarified by EPA, with no success.



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Another fact that was brought to the Commission's attention was that there was not 30 day notice given between the time of publication in the Secretary of State's Bulletin and the day of the July Commission Meeting. This was thought to have a possible adverse affect on EPA's ability to approve the rule as a revision to the State Implementation Plan even though there were at least 30 days notice from the June 20 mailing.

Evaluation

At the July EQC meeting no testimony was presented by the public. As of this writing, no testimony has been received on the proposed rule.

Summation

This hearing and consideration for adoption of a conflict of interest rule is a continuation from the July 28, 1978 EQC meeting in La Grande.

There was concern expressed by the Department at that meeting with regards to adequate public notice and the definition of "represent the public interest". Despite Department requests, EPA has not yet clarified this definition.

Director's Recommendation

Having found the foregoing facts and those stated in the July 28 staff report (Agenda Item G) to be true, I recommend that, unless specific testimony is received at this public hearing which would warrant changes, the proposed conflict of interest rule be adopted as submitted.



WILLIAM H. YOUNG  
Director

Attachment:

- 1 - Staff Report (Agenda Item G)  
from July 28, 1978 EQC meeting  
and its attachments

MEZ:as  
8-10-78



## *Environmental Quality Commission*

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

### MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item G, July 28, 1978, Environmental Quality Commission Meeting

#### Conflict of Interest Rule - Public Hearing:

Consideration of the Adoption of Proposed Amendments  
to Oregon Clean Air Act Implementation Plan to Include  
Rules Pertaining to Conflict of Interest by State Boards

#### Background

In August 1977 Congress passed Clean Air Act Amendments. Section 128 of these Amendments requires state boards which adopt rules, 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 board 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 requirements also apply to heads of agencies which have similar authority.

The Department is proposing rules which would be in the best interest of the public and, at the same time, satisfy requirements of Section 128 of the Amended Act. These proposed rules are consistent with state policy, as stated in ORS 244.010 and 244.040, regarding conflicts of interest of public officials.

The proposed rule was drafted with the assistance of the State Attorney General's office using guidance supplied by the Environmental Protection Agency. They were assessed by that agency as being satisfactory to meet at least the minimum requirements of the Amendments.

#### Statement of Need for Rule Making

1. Legal authority relied upon: ORS 468.020 and Section 128 of the Clean Air Act as amended 1977 (42 USCA Section 7428). The proposed rule is consistent with state policy, as stated in ORS 244.010 and 244.040.



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2. The 1977 Clean Air Act Amendments require state boards which adopt rules and approve permits and enforcement orders to meet certain requirements. These requirements are met in the form of the proposed rule.
3. Documents relied upon in developing the rule are:
  - 1) Section 128 of the 1977 Clean Air Act Amendments;
  - 2) EPA guidance memorandum, dated March 2, 1978;
  - 3) ORS 244.010 and 244.040.

#### Evaluation

Approval of the proposed rule would ensure that the State would be in compliance with federal law and that the EQC represents the public interest.

Failure to amend the State of Oregon Implementation Plan with such a rule may result in the Environmental Protection Agency acting on Section 128 in place of the State. There is also the possibility that enforcement actions, permits and rules acted on by a non-complying state board such as the EQC, may be subject to legal challenge.

As of this writing, no testimony has been received on the proposed rule.

#### Summation

Congress passed Clean Air Act Amendments in 1977 which, among other things, require state boards to represent the public interest.

The proposed rule, consistent with State policy, was assessed by the Environmental Protection Agency as being satisfactory to meet the Clean Air Act Amendments requirements.

Failure to include such a rule in the State Implementation Plan by August 7, 1978, may result in the EPA promulgating such a rule for the State and for possible legal challenge of actions by a non-complying state board.

#### Director's Recommendation

Unless specific testimony is received at this public hearing which would warrant changes, it is the Director's recommendation that the proposed conflict of interest rule be adopted as submitted.

William H. Young  
Director

#### Attachments:

- 1 - Proposed Conflict of Interest Rules, OAR 340-20-200 through 20-215
- 2 - Section 128 of the Clean Air Act

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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

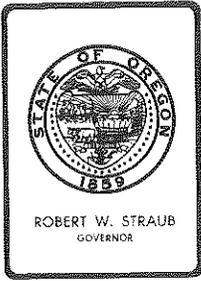
STATE BOARDS

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item No. K, August 25, 1978, EQC Meeting

Chem-Nuclear License: Authorization for Public Hearing to Consider Modifications to the Chem-Nuclear License for Operation of the Arlington Hazardous Waste Disposal Site.

### Background

The present Chem-Nuclear license was issued March 2, 1976 and the site began accepting wastes shortly thereafter. In the learning process that has taken place since that time, it has become evident that certain changes to the license were necessary for better oversight of the disposal operation.

The authority for the license modification is OAR 340-62-040(2). We have taken the liberty of reviewing the changes with Chem-Nuclear and they are in agreement.

### Evaluation

To aid in evaluating this action, we have attached the following material:

- A. Proposed New License. The major areas of change from the old License are:
1. Condition A8 changed and old C7 deleted. Note that this significantly changes the basis for land transfer to State.
  2. New A9 added; deletes old Section F.
  3. B7 changed.
  4. B12 changed.
  5. New B13 added.
  6. B15 (old B14) changed. Note that incinerator need not be on-site.
  7. B17 (old B16) changed.
  8. B19 added.
  9. A change in the annual license fee to reflect current monitoring costs is being considered and will be available for the public hearings.
  10. C4 changed.
  11. C5 changed. Note last statement on pollution insurance.
  12. Section E changed to allow the Department flexibility to design a monitoring program pertinent to the wastes being disposed.



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- B. A listing of the old license conditions that have been significantly changed. (For comparison with the proposed license.)
- C. A calculation showing the present cost of the site to the State if purchased in accordance with the proposed License Condition A8.

Summation

The proposed license modifications more closely reflect the current site operation which has evolved over the past two years. Most of the changes involve only a clarification of language or licensee responsibility; but there is a significant change in the basis for land transfer to the State.

Director's Recommendation

Having found the foregoing facts to be true, I recommend that the Commission authorize a public hearing in Portland and a public hearing in Gilliam County, before a hearings officer, to take testimony on the proposed modifications to the Chem-Nuclear license for operation of the Arlington hazardous waste disposal site.

*Bill*

William H. Young

Fred S. Bromfeld:mm

229-5913

August 14, 1978

Attachments (3)    New License  
                          Old License  
                          Present Site Cost

# HAZARDOUS WASTE DISPOSAL SITE LICENSE

Department of Environmental Quality  
P.O. Box 1760  
Portland, Oregon 97207  
Telephone: (503) 229-5913

Issued in Accordance with the Provisions of  
ORS CHAPTER 459

ISSUED TO:	REFERENCE INFORMATION
(licensee) Chem-Nuclear Systems, Inc. P. O. Box 1866 Bellevue, Washington 98009	Facility Name: <u>Oregon Pollution Control</u> <u>Center and Hazardous Waste</u> <u>Repository</u>
LOCATION: (PROPERTY DESCRIPTION) S1/2 of NE1/4, SE1/4, of Section 25 and N1/2 of NE1/4 of Section 36, T2N, R20E, W.M.	County: <u>Gilliam</u> Operator: <u>Chem-Nuclear Systems, Inc.</u> <u>P. O. Box 1866</u> <u>Bellevue, Washington 98009</u>
ISSUED BY THE ENVIRONMENTAL QUALITY COMMISSION	
<hr/> WILLIAM H. YOUNG	
Director, Department of Environmental Quality	Effective Date
Supercedes License issued March 2, 1976	

Until such time as this license expires or is modified or revoked, Chem-Nuclear Systems, Inc. is herewith authorized to establish, operate and maintain a site for the disposal and handling of hazardous wastes as now or hereafter defined by ORS 459.410 and rules of the Department of Environmental Quality. Such activities must be carried out in conformance with the requirements, limitations, and conditions which follow. This license is personal to the licensee and non-transferable.

L I C E N S E   C O N D I T I O N S

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A. GENERAL CONDITIONS

- A1. Authorized representatives of the Department of Environmental Quality (hereinafter referred to as the Department) shall have access to the site at all reasonable times for the purpose of inspecting the site and its facilities, the records which are required by this license, or environmental monitoring.
- A2. The Department, its officers, agents and employees shall not have any liability on account of the issuance of this license or on account of the construction, operation or maintenance of facilities permitted by this license.
- A3. The issuance of this license does not convey any property right or exclusive privilege, except pursuant to the lease for the State owned portion of the site, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State or local laws or regulations.
- A4. The Department may revise any of the conditions of this license or may amend the license on its own motion in accordance with applicable rules of the Department.
- A5. Transportation of wastes to the site by the licensee shall comply with rules of the Public Utility Commissioner of Oregon, the State Health Division and any other local, State or Federal Agency having jurisdiction.
- A6. A complete copy of this license and approved plans and procedures shall be maintained at the site at all times.
- A7. The licensee shall not conduct, or allow to be conducted, any activities that are not directly associated with the construction, operation or maintenance of the disposal facilities at the site as authorized by this license, without prior written approval from the Department for such other activities.
- A8. The licensee shall not sell or otherwise dispose of any portion of the site without prior written approval from the Department. This condition shall survive the expiration, revocation, suspension or termination of the license for a period of two years during which time the Department shall have exclusive right and option to purchase all of the site and improvements thereon, not theretofore deeded to the State. Purchase from licensee shall be in accordance with Appendix I to this license which sets forth the basis and conditions for such purchase.
- A9. The plans and procedures approved under Section F of the superseded license (dated March 2, 1976) are hereby approved.

L I C E N S E   C O N D I T I O N S

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B. SPECIAL CONDITIONS

Management of the site, including all activities related to processing, treatment, handling, storage and disposal of wastes at the site, construction and maintenance of facilities at the site, and monitoring and maintenance of records concerning operation of the site shall conform with the following conditions, limitations and provisions:

- B1. No construction activities related to waste management at the site may be undertaken by the licensee until the Department has approved in writing final plans for facilities proposed by the licensee.
- B2. Following written approval by the Department of final detailed engineering plans, the licensee shall proceed expeditiously with construction of the approved facilities.
- B3. No waste management facility may be used by the licensee until the Department has inspected the site and certified in writing that the facility is satisfactory and complies with the approved final detailed engineering plans.
- B4. Operation of the site shall not be discontinued without the approval of the Department, except for temporary work suspension caused by conditions beyond the control of the licensee such as, but not limited to, labor disputes, weather conditions, equipment failure, shortages of materials or unavailability of qualified personnel. In the case of a temporary discontinuance of disposal activities which exceed 5 working days, the licensee will notify the Department in writing, giving the reason for the shut down and the estimated duration of the temporary closure. During any temporary discontinuance of disposal activities, the licensee shall maintain the security and integrity of the site.
- B5. Conditions B1, B2, B3, and B4 and other conditions of this license shall apply to present facilities and operations and to any subsequent facilities and operations proposed by the licensee.
- B6. Transportation, handling, disposal, treatment, monitoring and other activities at the site shall comply with procedures and plans approved by the Department and other conditions of this license.
- B7. The licensee shall assume all liability for containment, clean-up, and rectifying the conditions caused by any spill, fire, accident, emergency or other unusual condition that may occur:
  - (a) At the site;
  - (b) During the transportation of waste by the licensee to the site; or,
  - (c) During the authorized transportation of waste by others to the site, if:
    - (1) The licensee is made aware of the incident, and,
    - (2) the incident occurs on the following access routes to the site:
      - (i) State 19 from Olex to its junction with I-80 (including all of Arlington South of I-80 but excluding the flood diversion canal or the Columbia River.
      - (ii) Bialock Canyon Road
      - (iii) Cedar Spring Road from Rock Creek to its Junction with State 19.

L I C E N S E   C O N D I T I O N S

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- B8. Before use of the site for disposal is terminated, the licensee shall restore the site to its original condition, to the extent reasonably practicable. No less than one year prior to intended closure of the site the licensee shall submit detailed plans for the Department's approval indicating steps to be taken to properly close and restore the site. No action toward closure shall be taken without prior written approval from the Department.
- B9. Upon completion of each burial trench, a granite or concrete marker shall be erected at the end of the trench. To such trench markers shall be attached a bronze or stainless steel plate which shall contain the following information: a trench identification number; dimension of the trench and its location relative to the marker; volume of waste buried; and dates of beginning and completion of burial operations.
- B10. The licensee may at any time propose in writing for the Department's consideration changes in previously approved facilities or procedures, or the addition of new facilities or procedures.
- B11. The licensee is authorized to accept and dispose at the site only those wastes for which specific treatment and disposal procedures or research programs have received prior approval by the Department. This authorization may be revoked if the Department finds the acceptance or disposal of such wastes to constitute a threat to the public health or welfare or the environment. The storage, treatment or disposal of wastes at the site shall be conducted only in facilities approved by the Department.
- B12. Except as provided in Condition B13, all requests for waste disposal must be submitted in writing to the Department and include the following information (if applicable):
- A. Name, location and business of the waste generator and contact person for said generator.
  - B. Process in which waste was generated and/or marketable products arising from that process.
  - C. Volume, chemical and physical nature of the waste.
  - D. Manner in which waste is packaged for shipment.
  - E. Proposed treatment and/or disposal procedure.

The Department may require written confirmation of A, B, C, or D above from the waste generator. A separate request must be made for each waste source and for each waste, the annual volume, of which, increases by more than 50 percent over that receiving prior approval from the Department. The Department will submit a written response to the licensee no later than 14 days following receipt of a request. However, such request is not complete until all information necessary to arrive at an informed decision has been submitted.

L I C E N S E   C O N D I T I O N S

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- B13. The Department may give verbal approval for treatment and/or disposal of certain wastes including, but not limited to, the following:
- A. Wastes generated within the Pacific Northwest that do not exceed 2000 lbs./250 gallon from a single source within a single year.
  - B. Wastes resulting from an accident or spill for which storage may not be feasible or may pose an unusual hazard.
  - C. Wastes that have been given prior approval, but are received in a different form or package or for which a different but equivalent disposal procedure is requested.
- B14. If the Department determines that any specific waste originating in Oregon should be disposed at the site, based on unavailability or unfeasibility of alternative disposal methods or other factors, the licensee shall provide disposal for such waste under treatment or disposal procedures directed by the Department utilizing existing site facilities and equipment. In the event the treatment or disposal procedures directed by the Department require additional facilities or equipment, the obligation of the licensee shall depend upon financial commitments by the waste generator satisfactory to licensee.
- B15. Between March 1, 1978, and March 1, 1979, the licensee shall submit a report to the Department which outlines the feasibility of adding incineration facilities to its operation. This report shall include an analysis of: the types and volumes of organic wastes that would be amenable to incineration; volumes of such wastes that have been disposed at the site by other means; conceptual design for appropriate incineration facilities including capital and operating costs; method of feed, hourly feed rate, hours of operation, quantity and character of air contaminants to be emitted and proposed monitoring equipment, if any; and other information pertinent to incineration.
- B16. The licensee shall designate a site superintendent. The licensee shall advise the Department of the name and qualifications of the superintendent. The superintendent shall be in charge of all activities at the site within his qualifications. The licensee shall also advise the Department of the individual to be contacted on any problem not within the site superintendent's qualifications. The licensee shall immediately notify the Department if any change is made in these designated individuals.
- B17. The licensee shall not open burn any wastes or materials at the site, except for uncontaminated refuse and scrap and in compliance with State and local open burning rules, without prior written approval by the Department.
- B18. As provided in agreements or contract between the licensee, the Department and other persons, ownership may be retained by other persons over certain wastes disposed at the site by the licensee. Such agreements shall further provide that the Department shall not be liable for any expenses associated with future recovery or re-disposal of such wastes and that following any future recovery or re-disposal operations, the site shall be returned to a condition satisfactory to the Department.
- B19. Wastes shall be stored or transported on the site in a manner so as to prevent the reaction of incompatible materials which may cause a fire, explosion, the release of noxious gases, or otherwise endanger public health or the environment.

L I C E N S E   C O N D I T I O N S

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C. BONDING, FEE, LEASE AND INSURANCE CONDITIONS

- C1. On or before April 15, 1976, the licensee filed a surety bond executed in favor of the State of Oregon in the amount of \$75,000 and for a term no longer than April 15, 1977. Each year thereafter on or before April 15, for 11 years, the surety bond shall be renewed or a new surety bond filed with the State of Oregon, in the amount of \$75,000 less the amount of cash bond posted with the Department, in accordance with condition C2 of this license, as of the date of renewal or filing of such surety bond. Each such surety bond shall be approved in writing by the Department prior to its execution. Such surety bond shall be forfeited to the State of Oregon by a failure of licensee to perform as required by this license, to the extent necessary to secure compliance with the requirements of this license, and shall indemnify the State of Oregon for any cost of closing the site and monitoring it and providing for its security after closure.
- C2. On or before April 15, 1977, the licensee posted a cash bond, as provided by ORS 459.590(2)(f), with the Department in the amount of \$18,750. Thereafter, annual additions to the cash bond shall be posted by the licensee in the amount of \$5,625 for each of the next 10 years, on or before April 15. The following shall be eligible securities deemed equivalent to cash: bills, certificates, notes, bonds or other obligations of the United States or its agencies. The cash value at the time of posting shall not be less than the required bond amount.

Interest earnings on the cash bond shall be paid annually to the licensee, except for the amount necessary to offset inflationary increase in monitoring, security and other costs to be funded by the cash bond. Such inflation is to be measured by changes in the consumer price index with 1977 as the base year, and is to be based upon the entire amount deposited in the cash bond.

- C3. The licensee shall pay the Department an annual license fee of \$4,324 within 30 days after July 1 each year.
- C4. Prior to disposal, treatment or permanent storage of any wastes thereon, the licensee shall deed land used specifically for such purposes to the State. Within 60 days after completion of any new on-site roads, the licensee shall deed such roads to the State.

Within 30 days after deeding of these properties to the State, a lease between the licensee and the Department for these properties shall be executed. The lease shall be maintained for the duration of this license.

- C5. The licensee shall maintain accident liability insurance for operation of the site, with respect to all types of wastes, in the amount of not less than \$1,000,000. Such insurance shall also be maintained by the licensee in the amount of not less than \$1,000,000 to cover transportation by the licensee of all types of wastes to the site. The licensee shall notify the Department by a Certificate of Insurance within 7 days of any new policy or policy change and shall provide a certified copy of such policy or change within 90 days. All such insurance policies shall provide that such insurance shall not be cancelled or released except upon 30 days prior written notice to the Department. Environmental impairment liability insurance in the same amount shall be required when the Department determines that it is practicably available.

L I C E N S E   C O N D I T I O N S

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- C6. The licensee shall submit copies of audited annual reports, Form 10-K reports to the S.E.C., and unaudited quarterly management reports for the Arlington operation, within 30 days after completion by the licensee. These reports and, except as otherwise specifically provided in this license, any other reports required by this license or requested by the Department shall be treated as confidential to the extent permitted by Oregon laws and rules.

L I C E N S E   C O N D I T I O N S

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D. WASTE RECORDS AND REPORTING

- D1. The licensee shall maintain records and submit monthly reports to the Department including but not limited to the quantities and types of wastes received, stored, treated or disposed at the site, generator, Request Number, burial trench and trench section or storage location, date of waste receipt, name of carrier and fees collected. The licensee shall also submit a monthly public information report on a form approved by the Department which will be available for public inspection.
- D2. The licensee shall maintain records, indicating the type, quantity and location of wastes which have been buried in burial trenches at the site. Such records shall be submitted to the Department annually.
- D3. The licensee shall maintain survey records for each burial trench, referenced to the nearest U. S. Coast Guard bench mark, to define the exact location and boundaries of each trench. Within 60 days after completion of trenches, the licensee shall forward the required marker information and a copy of survey records to the Department.
- D4. The licensee shall maintain the above records for a period of 5 years.

L I C E N S E   C O N D I T I O N S

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E. ENVIRONMENTAL MONITORING CONDITIONS

The licensee shall conduct chemical and biological environmental monitoring in accordance with a program to be designed jointly by the Department and the licensee. This program will be reviewed annually by both parties and is to include at least the following:

- E1. On-site dry test wells (wells number B-1, B-2, B-3, B-4, B-5, and B-6) will be checked annually on or about May 1. Water samples will be obtained by a mutually agreed procedure from each well in which water is observed.
- E2. Monitoring wells in each chemical burial trench will be checked quarterly for the presence of water. If water is observed, a water sample will be taken by a mutually agreed procedure and the Department will be notified immediately.
- E3. A sampling of the resident vertebrate population and of vegetation will be performed annually.
- E4. All samples required above will be analyzed for wastes relative to those that were disposed and may include but not be limited to total organic carbon, pH, specific conductance, heavy metals, chlorinated hydrocarbons, phenolics, cyanide, and other anions and cations.
- E5. The monitoring program in effect at any time preceding or during the period of this license shall remain in effect until a new program has been jointly agreed upon.
- E6. All findings and results from the licensee's environmental monitoring program shall be reported to the Department within 60 days of sampling.
- E7. Trenches No. 1 and 3 and the ponds are to be monitored at least monthly for pH; the results are to be reported quarterly.
- E8. The Department may require special monitoring when it feels that conditions exist or may exist that threaten the public health or welfare or the environment. The cost of such monitoring will be determined by both parties on a case-by-case basis.

LICENSE HW-1

APPENDIX 1

CONDITIONS FOR PURCHASE OF

CHEM-NUCLEAR POLLUTION CONTROL CENTER

Pursuant to License HW-1 condition A8, the following specifies the basis and conditions under which the Department may purchase the Chem-Nuclear Pollution Control Center:

1. In the event of expiration, revocation, suspension or termination of License HW-1 issued by the Department for Chem-Nuclear's Pollution Control Center (site) near Arlington, Oregon, except for reason specified in Paragraph 6 hereof, the Department shall have exclusive right and option to purchase from Chem-Nuclear all of the site and improvements thereon not theretofore deeded to the State.
2. "Site", hereunder shall include all real property within the legal description noted on License HW-1.
3. "Improvements", hereunder shall include trenches, ponds, fencing, signs, roads, water supply, monitoring wells and devices, and any other items specially designated in Exhibit A attached hereto and hereby made a part hereof. Improvements shall not include any rented or leased equipment, furniture, tools, mobile firefighting equipment, vehicles, tractors, graders, dozers, loaders, forklift trucks, trucks and other mobile equipment and their accessories.
4. Purchase of said site and improvements shall be at the adjusted price shown in Exhibit A attached hereto. Full cash payment shall be due on closing. Closing costs shall be shared equally, except that Chem-Nuclear shall not pay in excess of \$2000 of such costs.
5. If the Department determines that it will not purchase the site and improvements, it shall advise Chem-Nuclear in writing as soon as possible of such determination and shall release Chem-Nuclear from the Department's exclusive right and option under License HW-1 condition A8.
6. When the License HW-1 expires or is terminated due to utilization of the site to its full capacity, as determined by the Department, all of the site and improvements shall be deeded to the Department at no cost.
7. Additions to, or deletions from, the foregoing and Exhibit A attached hereto may be made at any time for the purpose of adding new facilities or deleting obsolete or retired facilities or for other mutually agreeable purpose. Said addition or deletion shall be executed by submission of a written response from the other party agreeing to the requested change. Said additions or deletions may be executed only by the President of Chem-Nuclear and the Director of the Department.
8. The foregoing provisions and conditions shall survive the expiration, revocation, suspension, or termination of License HW-1 for a period of two years.

EXHIBIT A to APPENDIX 1 of LICENSE HW-1

<u>Category</u>	<u>Item</u>	<u>Base Cost (C), \$</u>	<u>Base Year</u>	<u>Adjusted Price, \$</u>
Site	Site Real	1,800	1970	C x F1 x F3
	Property	63,924	1972	C x F1 x F3
	Site	93,080	1970	C x F1 x F3
	Development	81,943	1971	C x F1 x F3
		65,348	1972	C x F1 x F3
		10,953	1973	C x F1 x F3
		13,291	1974	C x F1 x F3
		6,628	1976	C x F1 x F3
Improvements	Burial Trenches	112,616	1976	C x F1 x F2a x F3
	Evaporation Ponds	8,500	1976	C x F1 x F2b x F3
	Evaporation Ponds Liners	16,374	1976	C x F1 x F2c x F3
	Fencing,	3,721	1970	C x F1 x F3
	Signs & Roads	4,430	1972	C x F1 x F3
		2,844	1973	C x F1 x F3
		60,854	1976	C x F1 x F3
		7,528	1978	C x F1 x F3
	Water Wells & Systems	1,693	1972	C x F1 x F2b x F3
		2,622	1975	C x F1 x F2b x F3
		4,908	1976	C x F1 x F2b x F3
	Septic Systems	1,320	1975	C x F1 x F2d x F3
		1,068	1976	C x F1 x F2d x F3
	Monitoring Devices	299	1976	C x F1 x F2d x F3
		1,026	1977	C x F1 x F2d x F3
Miscellaneous	388	1975	C x F1 x F3	
	3,665	1976	C x F1 x F3	

Adjustment Factor

F1 = The consumer price index for the purchase agreement month divided by the consumer price index for the base year. Consumer price indexes to be used are those for urban wage earners and clerical workers in Portland, Oregon.

F2 = A variable factor as follows:

F2a = Fraction of capacity unused

F2b = 1 if serviceable; 0 if not

F2c =  $1 - (\text{years in use} \div 5)$  if serviceable; 0 if not

F2d =  $1 - (\text{years in use} \div 10)$  if serviceable; 0 if not

F3 = Fraction of land not deeded to Oregon

B. EXCERPTS FROM LICENSE ISSUED 3/2/76.

- A8. The licensee shall not sell or otherwise dispose of any portion of the site without prior written approval from the Department. This condition shall survive the expiration, revocation, suspension or termination of the license for any reason other than those specified in condition C7 for a period of two years during which time the Department shall have exclusive right and option to purchase all of the site and improvements thereon not theretofore deeded to the State at book value of the site and improvements on the books of the licensee, net of depreciation and depletion.
- C7. The licensee shall convey title for the entire site to the State, except for those portions previously owned by the State, in the event of any one of the following circumstances:
- a. Expiration of the license due to failure of the licensee to seek renewal.
  - b. Termination or expiration of the license due to utilization of the site to its full capacity, as determined by the Department.
  - c. Default by the licensee of any provision of this license that remains uncorrected after 30 days written notice.

This condition shall survive the expiration or termination of the license.

F. APPROVED PLANS AND PROCEDURES

As referred to in conditions F1., F2. and F3., the licensee's management plans shall mean the licensee's June 14, 1974 Program for Management of Hazardous Materials and revisions and additions thereto submitted to the Department by letters of September 24, 1974, December 31, 1975 and January 8, 1976.

- F1. The following general plans and procedures are approved:
- a. Location of facilities at the site as described on Licensee's Plot Plan (Drawing No. 1), dated December 29, 1975.
  - b. Security plans as described on pages 4 and 5 of the licensee's management plans, except that a three strand barb wire fence shall be maintained around the perimeter of the site.

ing procedures as described on pages 6 and 7 of the licensee's plans, except that the requirements of condition B7 shall

ETC. systems as described on page 2 and Figure G-5 of the  
at plans as amended January 8, 1976.

EXCERPTS (CONT.)

B7. In the event of fires, accidents or emergencies that occur at the site, or during transportation of wastes to the site, the licensee shall employ emergency procedures approved by the Department. The occurrence of any fires, accidents, emergencies or other unusual conditions at the site, or in connection with transportation of wastes to the site, shall be reported, to the Department as soon as possible such that the Department can monitor or direct clean up or other activities necessary to rectify conditions resulting from the incident. If deemed necessary, the Department may require special precautions to be taken during or as the result of fires, accidents or emergencies.

B12. Within 14 days after receipt of a written request for service from a waste generator or source specifying the volumes and chemical and physical composition of wastes requiring disposal, if treatment and disposal procedures have not been previously approved by the Department, the licensee shall forward a copy of such request to the Department together with either:

- A. Proposed treatment and disposal procedures; or
- B. A proposed research program for development of disposal procedures and the time required for completion; or
- C. A determination that the wastes should not be accepted at the site and the reasons therefor.

The Department shall review such requests in a timely fashion and shall submit a written response to the licensee no later than 14 days following receipt of a request.

Any treatment or disposal procedures or research programs which are approved by the Department pursuant to such requests shall be undertaken by the licensee as soon as practicable.

B14. No less than 24 months and no more than 36 months after the effective date of this license, the licensee shall submit a report to the Department which outlines the feasibility of adding incineration facilities at the site. This report shall include an analysis of: the types and volumes of organic wastes that would be amenable to incineration; volumes of such wastes that have been disposed at the site by other means; conceptual design for appropriate incineration facilities including capital and operating costs; method of feed, hourly feed rate, hours of operation, quantity and character of air contaminants to be emitted and proposed monitoring equipment, if any; and other information pertinent to incineration.

EXCERPTS (CONT.)

B16. The licensee shall not open burn any wastes or materials at the site, without prior written approval by the Department.

C4. Within 30 days after the effective date of the license, and prior to disposing any wastes thereon, the licensee shall deed the following properties at the site to the State: chemical disposal area, potliner resource recovery area and chemical evaporation ponds. Within 60 days after completion of on-site roads, the licensee shall deed such roads to the State.

Within 30 days after deeding of these properties to the State, a lease between the licensee and the Department for these properties shall be executed. The lease shall be maintained for the duration of this license.

C5. The licensee shall maintain liability insurance for operation of the site, with respect to all types of wastes, in the amount of not less than \$1,000,000. Liability insurance shall also be maintained by the licensee in the amount of not less than \$1,000,000 to cover transportation of all types of wastes to the site. The licensee shall provide the Department with certified copies of such insurance policies within 30 days after the effective date of this license and of all policy changes within 30 days after each such change. All such insurance policies shall provide that such insurance shall not be cancelled or released except upon 30 days prior written notice to the Department.

E. ENVIRONMENTAL MONITORING CONDITIONS

The licensee shall conduct a chemical and biological environmental monitoring program approved by the Department, including but not limited to:

E1. On-site dry test wells (wells number B-1, B-2, B-3, B-4, B-5, and B-6) will be checked annually when the water table in the area is at its highest level. Water samples will be obtained from each well in which water is observed.

E2. Monitoring wells in each chemical burial trench will be checked quarterly for the presence of water. If water is observed, a water sample will be taken and the Department will be notified immediately. If no water is observed, a sample of sediment (soil) from the monitoring well will be obtained biannually. Once per year, a sample of soil from trench monitoring wells will be sent to the Department.

E3. All water and soil samples required by items a. and b. above will be analyzed for zinc, copper, arsenic, cadmium, chromium, lead, mercury, cyanides, chemical oxygen demand, total organic carbon, chlorides, specific conductance, chlorinated hydrocarbons and phenols using procedures approved by the Department.

E4. A sample of the resident vertebrate population and of vegetation will be obtained annually. These samples will be analyzed for zinc, copper, arsenic, cadmium, chromium, lead, mercury, cyanides, chlorinated hydrocarbons and phenols.

C. CHEM-NUCLEAR DISPOSAL SITE COST

The following calculations show the present site purchase cost according to Appendix I. They are based on the May 1978, consumer price index and the assumption that all the site improvements are serviceable.

Item	Base Cost(C), \$	Base Year	Adjusted Price, \$	EST 7/78 COST
Site Real Property	1,800	1970	C x F1 x F3	$(1800)(1.732)(.9169) = 2859$
	63,924	1972	C x F1 x F3	$(63924)(1.641)(.9169) = 96182$
Site Development	93,080	1970	C x F1 x F3	$(93080)(1.732)(.9169) = 147818$
	81,943	1971	C x F1 x F3	$(81943)(1.689)(.9169) = 126901$
	65,348	1972	C x F1 x F3	$(65348)(1.641)(.9169) = 98325$
	10,953	1973	C x F1 x F3	$(10953)(1.540)(.9169) = 15466$
	13,291	1974	C x F1 x F3	$(13291)(1.373)(.9169) = 16732$
	6,628	1976	C x F1 x F3	$(6628)(1.174)(.9169) = 7135$
Burial Trenches	112,616	1976	C x F1 x F2a x F3	$(112616)(1.174)(.625)(.9169) = 75765$
Evaporation Ponds	8,500	1976	C x F1 x F2b x F3	$(8500)(1.174)(1)(.9169) = 9150$
Evaporation Ponds Liners	16,374	1976	C x F1 x F2c x F3	$(16374)(1.174)(.6)(.9169) = 10575$
Fencing, Signs & Roads	3,721	1970	C x F1 x F3	$(3721)(1.732)(.9169) = 5909$
	4,430	1972	C x F1 x F3	$(4430)(1.641)(.9169) = 6666$
	2,844	1973	C x F1 x F3	$(2844)(1.540)(.9169) = 4016$
	60,854	1976	C x F1 x F3	$(60854)(1.174)(.9169) = 65506$
	7,528	1978	C x F1 x F3	$(7528)(1.000)(.9169) = 6902$
Water Wells & Systems	1,693	1972	C x F1 x F2b x F3	$(1693)(1.641)(1)(.9169) = 2547$
	2,622	1975	C x F1 x F2b x F3	$(2622)(1.253)(1)(.9169) = 3012$
	4,908	1976	C x F1 x F2b x F3	$(4908)(1.174)(1)(.9169) = 5283$
Septic Systems	1,320	1975	C x F1 x F2d x F3	$(1320)(1.253)(.7)(.9169) = 1061$
	1,068	1976	C x F1 x F2d x F3	$(1068)(1.174)(.8)(.9169) = 920$
Monitoring Devices	299	1976	C x F1 x F2d x F3	$(299)(1.174)(.8)(.9169) = 258$
	1,026	1977	C x F1 x F2d x F3	$(1026)(1.088)(.9)(.9169) = 921$
Miscellaneous	388	1975	C x F1 x F3	$(388)(1.253)(.9169) = 446$
	3,665	1976	C x F1 x F3	$(3665)(1.174)(.9169) = 3945$
	<u>\$ 570,823</u>			<u>\$ 714,300</u>

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

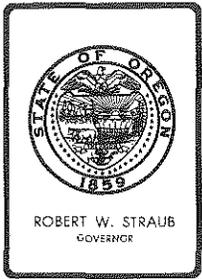
Solid Waste  
(Reporting Unit)

August 1978  
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

Requested Date	Type	Waste Description	Source	Quantity	
				Present	Future
Out-of-State Wastes To Be Approved By Commission (4)					
<u>Washington (4)</u>					
2	PCB wastes consisting of: A) Transformers B) Capacitors C) Spill clean-up	Electric utility		none none none	A) 10 units B) 150 units C) Several drums
2	Old Chemical stocks (paint pigment, wetting agent, resins, etc.)	Wood product		140,000 lbs.	none
21	Chlorobenzene spill clean-up debris.	Traffic accident		Several drums	none
22	Unwanted pesticide products	Pesticide supplier		30 cu. ft.	none



## *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, August 25, 1978 EQC meeting

Proposed Demolition - Woodwaste Site, Delta Sand & Gravel Co.,  
Eugene, Oregon

### Background

Delta Sand and Gravel Company owns and operates a gravel processing plant which is located along the Willamette River between the Beltline Freeway and the Willamette River in Eugene, Oregon. The company is currently operating from a gravel pit which is approximately 50 acres in size. The site of the pit was established in the 1930's. The average depth of the pit is 30 feet with its deepest part at approximately 65 feet. It is located approximately 500 feet from the river. There is a buffer zone area around the site owned by the company. The regional groundwater table is perched at and above a depth of about 18 feet.

The property is zoned "sand and gravel" under the Sand and Gravel Ordinance in Lane County and the site has been designated by the 1990 Plan for Lane County and the Santa Clara plan as a long-term gravel extraction area.

The Company has applied for a permit to fill a portion of the pit with selected solid wastes. A variance from Oregon Administrative Rule 340-61-040(3)(c) is requested since decomposable materials would be deposited into the groundwater table.

### Evaluation

**Brief Area Geology:** The soil overburden in the area is composed of a loam series approximately 12 feet deep over a layer of sand and gravel approximately 6 feet deep. Below that lies a cemented sand and gravel layer from a depth of 18 feet to the deepest part of the pit.

The entire pit operation is subject to infiltrating groundwater which is channeled into the deepest point of the pit and pumped out continually -- 24 hours per day, the whole year-round.

The groundwater in the area flows over the cemented sand and gravel layer. The layer is considered to be restrictive to the movement of water. In other words, the cemented sand and gravel substrata has a very low measure of permeability.



Contains  
Recycled  
Materials

**Brief Landfill Proposal:** The Delta Sand and Gravel Company is proposing to conduct a long-term restoration of the pit in the form of a controlled demolition/wood-waste landfill.

It is proposed that only selected waste materials will be accepted at the fill site consisting of wood processing wastes, building demolition, land clearing debris, and like materials. The site will be strictly controlled against any disposal of chemicals, oils, or other hazardous materials. The site will be constantly manned and maintained.

Only commercial, industrial and controlled private concerns will be allowed to import fill materials to the site. The site will be closed to the general public to protect maintenance and to control dumping.

There are currently no authorized disposal sites in the area for demolition wastes and land clearing debris. The County strongly supports this proposal.

**Area water Supply:** The immediate and surrounding areas are served by approved community water systems -- water obtained from Eugene Water and Electric Board and Santa Clara Water District. There are no known wells in the immediate vicinity of the proposed site.

**Site Proposal Review:** The site and proposal has been reviewed by the DEQ and Department of Water Resources. It is felt that the Delta Sand and Gravel Company has worked out an acceptable plan of operation, maintenance, and control of the proposed landfill. The proposal was approved by the Lane County Planning Division following a public hearing.

Specifically, the proposal is to deposit the acceptable fill materials into the zone of restrictive cemented sands and gravels. It is felt that because of the extreme slow movement of groundwater through this zone, there will be no adverse effect (leachate contamination) upon the Willamette River or any current or future groundwater supplies.

The site will be pumped to keep the pit from flooding until the entire proposed fill is accomplished. It is planned that at that time a restrictive groundwater perching layer will be re-established over the final fill grade to restore upper groundwater movement to its natural flow patterns (i.e., water will flow over and not through the fill).

It is believed that the restrictive gravels surrounding the fill will substantially restrain the movement of leachate so as to not adversely effect the local groundwater and surface waters.

#### Summation

1. The proposed fill is in conformance to the Lane County policies and requirements for gravel extractions with regard to realistic and useful reclamation of such sites. A conditional use permit has been issued for the proposed landfill.
2. The proposed fill is in conformance to the substrata zone which is restrictive to water movement and will be sealed off to re-establish the upper or perched water table flow system above the fill.

3. The entire fill operation will be maintained in a "dry" condition until the fill is completed. This is an absolute necessity to the operation.
4. The fill materials and operation will be strictly controlled by the Delta Sand & Gravel Company in compliance to requirements and permit conditions of the Department of Environmental Quality. A demolition waste landfill is badly needed in this area for local contractors.
5. If the proposed site is operated and maintained properly there should not be any adverse effect to the environment or bordering lands. As required by OAR 340-61-080, the staff finds that the purpose and intent of the regulations can be achieved without strict adherence to all the requirements.
6. Strict compliance with the Department's regulations would prohibit the establishment of this disposal site.

Director's Recommendations

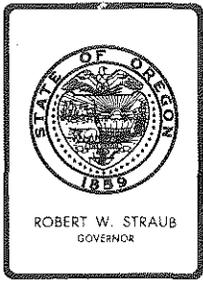
Having found the foregoing facts to be true, I recommend that a variance from OAR Chapter 340, Section 61-040(3)(c) be granted to Delta Sand & Gravel Company for the establishment of their proposed disposal site subject to the following conditions:

1. Landfill construction and operation shall be in accordance with plans approved in writing by the Department and in compliance with a Solid Waste Disposal Permit issued by the Department.
2. If at any time the Department finds evidence that the fill is causing, or is likely to cause, adverse environmental effects, it may terminate the permit and the operation must immediately cease. Upon such permit termination the fill site must be completed in a manner approved by the Department.



William H. Young

Daryl S. Johnson:mm  
686-7601  
August 9, 1978



## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item No. N, August 25, 1978, EQC Meeting

### Review of Federal Grant Application for Air, Water, and Solid Wastes Programs

#### Background

Federal funding requested for basic program support to the Department's air quality, water quality, and solid waste programs totals \$2,080,365 for Federal Fiscal Year 1979 (October to October). Federal funding represents slightly more than 20 percent of the total Departmental revenues and, in the case of these annual formula program grants, serves as the focus for joint Federal and State annual program plans. For each program strategy documents and annual work plans are submitted to EPA as a grant application. Summaries of the FY 1979 applications for each of the programs are attached.

Commission review of the annual grant application materials is intended to achieve two purposes:

1. Commission comment on the strategic and policy implications of the program descriptions to be submitted to the Environmental Protection Agency (EPA), and
2. Opportunity for public comment to improve Department understanding of public concerns on program plans and to inform the public of major accomplishments planned for the coming year.

Further public review of the application is provided under A-95 procedures, where the Department's Regional Managers are available to brief the local clearinghouse agencies on the Department's program. The water portion of the application is also being reviewed by the Policy Advisory Committee (PAC) on Water Quality Management Planning and by members of the interested public. Finally, the program plans provide that each major product (e.g., plans, permits, regulations, priority lists for construction grants) will also be subject to public review as they are completed.

#### Director's Recommendation

No Commission action upon the Federal application is required.

WILLIAM H. YOUNG

MJDowns:cs  
8/11/78

Attachments: Air Quality Program Summary  
Water Quality Program Summary  
Solid Wastes Program Summary



Contains  
Recycled  
Materials

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION'79 FEDERAL GRANT APPLICATION  
NARRATIVE STATEMENT

## 1. RACT for VOC

The Department of Environmental Quality will adopt regulations for VOC sources in nonattainment areas. In FY '79, regulations adopted will cover the 11 source categories covered by CTG's and a few source categories generally unique to Oregon (plywood glue manufacturing, etc.). Regulations are expected to be identical to those recommended in the CTG's. It is anticipated that some of the regulations will be extended to the entire State of Oregon in order to promote uniformity in interstate areas. Regulations will be adopted by October 1978. No contracts will be needed for this effort. Work will be done in-house at Level 1 funding at the cost of 3/4 FTE at \$23,507 plus \$7,560 or \$31,067.

## 2. TCP's

The analysis and schedules for development of transportation control measures in conformance with EPA guidelines will be completed as required by January 1, 1979, provided funding for lead agencies as noted below is obtained. Where needed (anticipated for Portland and Medford) the comprehensive alternatives analysis will be completed by July 1980, again provided needed funding for lead agencies is obtained.

- a. Salem and Eugene TCP - The attainment analysis and SIP revisions due January 1979 will be completed by lead agencies with technical support from DEQ and Oregon Department of Transportation. It is anticipated analysis will demonstrate attainment by 1983 and no further work will be necessary. DEQ work will be accomplished by 2.25 FTE at a cost of \$54,179 plus \$17,984 or \$72,163.
- b. Medford and Portland TCP - The attainment analysis and SIP revision due January 1, 1979, will be completed by the lead agency with assistance from DEQ and ODOT. Since an attainment date extension request is anticipated, the comprehensive alternative analysis will be initiated and completed by July 1, 1980. The detailed work program for Medford has not been finalized as yet, but it is anticipated that Jackson County will need financial assistance of up to \$80,000 which is projected to come from 105 pass-through grant money, since this area, which is less than 200,000 population appears ineligible for special 175 funding. The CRAG Work Plan identifies \$216,415 needed for FY '79 and \$118,500 needed for FY '80 from 175 or other funding sources. DEQ work will be accomplished with 1 FTE (provided by FY '78 EPA funding).

3. a. I/M Portland - Approximately 205,000 vehicles registered in greater Portland Metropolitan Area will be tested to insure compliance with mandatory emission control requirements during the fiscal year. The vehicles subject to this test include light and medium duty vehicles as well as gasoline powered heavy duty vehicles. The registration of these vehicles cannot be renewed without a certificate showing compliance with the standards. This program is totally supported by the \$5 certificate fee charge. Program expenditures during the fiscal year are projected as \$985,000.

In order for a vehicle to receive a certificate of compliance, it must meet specified idle exhaust emission standards for carbon monoxide and hydrocarbon gases. In addition, newer model vehicles are visually inspected for compliance with Oregon's law prohibiting tampering with pollution control equipment. A certificate will not be issued if a vehicle exceeds the specified idle exhaust standards or if pollution control equipment has been removed or made inoperative.

As part of this operation, the program's staff also has developed and conducts training sessions for inspector personnel for the State inspection lanes as well as for the private and government fleet inspection operations. Additionally, the staff conducts and participates in training sessions for vocational instructors and automotive service industry personnel. It is expected that the program's direct involvement with the EPA contracted 207B short-cycle study will be concluded during the fiscal year.

- b. I/M General - The DEQ will submit an I/M implementation schedule for areas which will need an extension for compliance until 1987 (Portland and Medford likely). Necessary legal authority will be sought at the '79 Oregon Legislature and documentation of this legal authority will be submitted prior to June 30, 1979, as required. DEQ work will be accomplished by 1/4 FTE for \$7,836.

#### 4. TSP Control Strategy

The Portland and Willamette Valley Data Base Improvement Project will be completed by November 1978. The DEQ will submit control plans for the Portland and Eugene AQMA's by April 1, 1979, utilizing information from these studies. These plans will include enforceable emission limits for traditional sources and conceptual emission limits for nontraditional sources. The complete Medford TSP Control Strategy will have been submitted at the end of FY '78 and approval will be expected well before the July 1, 1979, deadline. Greater than anticipated control strategy alternatives will require an additional \$10,000 for strategy modeling. Completion of a fuel conversion impact study will require \$10,000 for consulting fees. Adoption of enforceable regulations for nontraditional sources will require continuation of the limited duration position of the Eugene AQMA coordinator. DEQ work will be accomplished by 2.25 FTE at a cost of \$70,523 plus \$76,381 or \$146,904; modeling contract, \$10,000; fuel conversion contract, 10,000; AQMA coordinator contract extension, \$15,000 are additional projects to be initiated for a total resource allocation of \$181,904.

5. &

6. SO<sub>2</sub> and NO<sub>2</sub> Control Strategy

The entire State is in attainment with respect to SO<sub>2</sub> and NO<sub>2</sub>. Therefore, no control strategy work is anticipated.

7. SIP for Lead

The DEQ will complete all actions required for an approved lead SIP well before the end of FY '79. A preliminary analysis has indicated attainment of the proposed lead standard will be achieved well before the 1983 deadline. DEQ work will be accomplished by .125 FTE at a cost of \$3,918 and \$308 or \$4,226.

8. NSR

The DEQ will upgrade its NSR program to meet all EPA requirements in FY '79. The present program contains engineering analysis, air impact analysis and supportive administrative functions (hearing, permit issuance, etc., and meets most EPA requirements). PSD review will be requested near the end of FY '79, as adequate State regulations are adopted. LAER and BACT review will be incorporated upon passage of State rules. DEQ work will be accomplished by 1.25 FTE at a cost of \$39,179 in Planning and Development and 0.25 FTE at a cost of \$7,617 in Program Operations for a total of \$46,796 plus \$1,359 or \$48,155.

9. PSD

A State PSD rule will be developed in the 9 month time requirements consistent with Part 51 requirements if additional staff are obtained (1 FTE). DEQ will be requesting a permanent position for PSD in its FY '79-81 biennial budget to continue PSD efforts into reclassifications, and Class I area visibility restoration efforts. Work is to be completed by 1 FTE and allocation of \$30,000 plus \$411 or \$30,411.

10. Approved III(d) Plans

The DEQ will submit plans for TRS control for kraft pulp mills and a negative declaration for sulfuric acid plants. DEQ work will be completed with .125 FTE at a cost of \$3,818 plus \$480 or \$4,398.

11. Miscellaneous SIP's

DEQ will submit SIP regulations for stack heights continuous emission monitors, oxidant alert levels, malfunctions, episode plans and public notification in FY '79 providing guidance documents are received by April 1, 1979. Present DEQ plans call for using the Pollution Standard Index as a public notification means in the Portland, Eugene and Medford nonattainment areas. DEQ work will be completed with 2.75 FTE at a cost of \$62,305 in Planning and Development and \$3,232 for a total of \$65,537.

12. NAMS

The Department submitted an ambient air monitoring plan to EPA, Region X, on December 22, 1977. Since that time, Region X staff have reviewed the plan, audited sampling sites and met with DEQ to discuss their findings and comments. The following NAMS sites are therefore tentative:

<u>Contaminant/Location</u>	<u>Number of Sites</u>
TSP	
Portland	4
Salem	0
Eugene-Springfield	4
Medford	2
Oxidant	
Portland	2
Eugene	0
Medford	1
NO <sub>x</sub>	
Portland	1
SO <sub>2</sub>	
Portland	2
CO	
Portland	2
Salem	0
Eugene	1
Medford	<u>1</u>
	19

The Department proposes to finalize all site locations and complete an updated plan within the grant period. Operation of current NAMS projected sampling sites is projected at \$55,541 plus \$25,176 or \$80,717.

13. NAMS Quality Assurance

As part of the submission mentioned in 12 above, the Department submitted the Quality Assurance Plan and from preliminary comments received, the Department proposes to update the plan and make a final submission by January 1, 1979. The Q/A related activities of Laboratory and Applied Research are projected at \$13,357 plus \$8,266 or \$21,623.

14. Oxidant Precursor Data

The DEQ has obtained oxidant precursor data from the Portland and Medford areas including VOC EI's, upwind-downwind O<sub>3</sub> (including aerial surveys) and reactive HC and NO<sub>x</sub> measurements. This information will be used in development of TCM's. No additional effort will be needed aside from continuing operation of NAMS and SLAMS sites.

15. Other Program Management and SIP Impacts

Management and other impacts are projected as \$13,003 in Data Acquisition Section, \$32,307 in Regional Operations, and \$57,683 in Laboratory and Applied Research, \$54,850 in Planning and Development for a total of \$158,133.

16. Daily Reporting of Air Quality

The DEQ will initiate use of the PSI in Portland, Medford and Eugene by January 1, 1979. Continuous monitors in each area will be wired to the DEQ's new data acquisition system which will telemeter and process all data at the Portland central computer. Data will be displayed and monitored at DEQ headquarter's office and released daily on the State weather wire to all participating news media. No additional effort will be needed aside from continuing operation of NAMS and SLAMS sites.

17. Major Sources and NSPS Inspected

Major sources and NSPS will be inspected at least twice annually for compliance. Such inspections will also involve verifying and updating the emission inventory. Regional Operations staff have prime responsibility for performing inspections. Assistance is provided by Program Operations for complex and significant sources or when and where work overloads occur. Violations will lead to enforcement/out-of-compliance actions discussed previously.

Regional Operations and Program Operations commitments to this area include 20% (\$107,689) and 1.4 FTE (\$42,657) respectively and \$14,589 or \$164,945.

18. NESHAPS Inspected

NESHAPS point sources are inspected at least once per year. Demolition activities involving asbestos are inspected as they occur. New sources will require developing inventories, registration, inspecting and enforcement as warranted. Program development/management and some inspections are performed by Program Operations. The remaining inspections are performed by Regional Operations. Liaison has been established and will be maintained with local demolition permit issuing agencies statewide.

These activities will be accomplished with 2% of Regional Operation's funds (\$10,769) and 0.25 FTE in Program Operations (\$7,617) and \$482 or \$18,867.

19. CDS Update

A revised CDS is being developed by a contractor. Implementation will begin in late 1978. The new system will involve expanded computer capabilities. Entries will be made for each inspection and all permit related events will be tracked. Improved management and information capabilities will occur.

Regional Operations and Program Operation resources required will be 10% (\$53,844) and 0.2 FTE (\$6,094) respectively and \$474 or \$60,412.

20. Emergency Enforcement

The Department plans to maintain its emergency situation enforcement capability so that public health or safety will not be threatened. This will be the highest priority enforcement program. Since it is unpredictable, resources will be diverted from lower priorities when the need arises. Five percent (5%) of Regional Operation's funding (\$26,922) will be budgeted for this activity plus \$3,132 or \$30,054.

21. Enforcement/Out-of-Compliance

Enforcement actions against major source violators will be a top program priority. The Department intends on increasing its staff commitment in this area. A high level of source compliance is necessary to attain ambient air standards. Information regarding enforcement activities, cases referred, tried, settled, penalties assessed, etc., will be reported to EPA, Region X, at required intervals as may be necessary to carry out and account for this top priority effort.

Resources committed include 0.25 FTE in Program Operations (\$15,234) and 20% of Regional Operation's funds (\$107,689) plus \$41,434 or \$164,357.

22. Anti-Tampering

Current activities related to anti-tampering are included in the current motor vehicle inspection program. No specific additional programs are contemplated at this time. In addition to the activity discussed in enforcement, tampering educational and training sessions include information and discussion of laws related to tampering.

23. Stage I Inspections

No significant Stage I inspections are projected during FY '79 grant year.

24. Enforcement-Tampering

Enforcement activities related to tampering are included in the Portland Motor Vehicle Inspection Program and include rejection from inspection of any obviously tampered cars.

25. SLAMS

The SLAMS network needs additional evaluation. Pending a determination of requirements for a public hearing to amend the SIP Network and completion of the evaluation, instrumentation includes SO<sub>2</sub> bubblers and AISI tape samplers which may be terminated at an early date.

<u>Contaminant/Instrument</u>	<u>No. of Stations (excluding NAMS)</u>
TSP	44
AISI -4	
SO <sub>2</sub> (bubbler) We propose to delete these as soon as ok by Region X	(5)
Continuous	2
CO	4
NO <sub>x</sub>	1
Oxidant	<u>4</u>
	55

The plan for the SLAMS network is proposed to be completed during this grant period. Operation of the current SLAMS network (excluding NAMS) is projected at \$196,919 plus \$20,006 or \$216,925.

26. SLAMS Quality Assurance

The comments under Item 13, NAMS Q/A are applicable here also, as only one quality assurance plan will be developed. The quality assurance activities related to the SLAMS network are projected as \$27,411 plus \$8,466 or \$35,877.

27. Non-NSR General

Plan review for non-NSR related sources is done to ensure that new and upgraded control equipment will comply with emission limits. This activity is managed by Program Operations. The reviews are performed by Regional and Program staff depending upon complexity and staff capability/availability.

Resources required include 6% of Regional Operation's funds (\$32,307) and 0.25 FTE in Program Operations (\$7,617) and \$14,111 or \$54,035.

28. Quarterly Submission

Compliance status reports will be prepared for internal use and submitting to EPA as required. These reports contain inspection results/dates and compliance schedules detailed in the increments of progress.

Resource requirements include 2% of RO funds (\$10,769) and 0.25 FTE in Program Operations (\$7,617).

29. Field Burning

Monitoring and data management costs are projected as \$162,757 during the grant year.

30. Miscellaneous Activities, Local APC

Special payments to Lane Regional Air Pollution Authority include State and Federal funds projected as \$144,359. The LRAPA has filed a preliminary FY '79 air program plan which includes projected total cost at \$432,338.27.

31. Nonmajor Sources Inspected, Etc.

This source class will be inspected at least once annually for compliance. Concurrently, the emission inventory will be verified/updated. Regional Operations have prime responsibility for conducting inspections. Assistance is provided by Program Operations for complex sources or when/where work overloads occur. Violations will lead to enforcement/out-of-compliance actions discussed previously.

Regional Operations and Program Operations resources required include 20% (\$107,689) and 1.4 FTE (\$9,141) respectively and \$13,414 or \$163,760.

32. Administration

Administration includes the Program Administrator, APC Manager, and Clerical and Support Services for air pollution control projected at \$182,748. Indirect costs are 12% of Federal funds and at Level 1 funding are estimated at \$86,400. Additional administrative cost in Lab and Regions of \$55,588 plus \$13,414 brings the total to \$372,199.

33. Permit and Compliance Assurance

Air Contaminant Discharge Permits are issued to sources as a means of implementing rules/regulations, establishing limits for contaminants not subject to specific rule and establishing enforceable compliance schedules. The ACDP program fulfills the permit requirements set forth in the 1977 Clean Air Act.

The program is centrally coordinated/managed. Regional Operations staff draft about 75% of the renewals/modifications and new permits for existing stationary sources. The balance is performed by Program Operations. Thirty (30) day public notices precede any permit issuance/modification. Public hearings will be held after due notice for any DCO bearing permit. Copies of all permit actions are provided to the Environmental Protection Agency, Oregon Operations Office.

Regional and program operations commitments include 9% (\$48,460) and 1.2 FTE (\$36,564) respectively, and in addition, \$6,652 in the Data Acquisition and Reporting Section is projected plus \$21,703 or \$118,623.

34. Data Processing

Data Processing is a support activity for the air program which uses an IBM 129 keypunch and Pacific Power and Light's IBM 370/158 computer to (1) maintain data files which provide a basis for plan review, impact analysis, modeling and tracking of sources, and (2) provide data for meeting State and Federal requirements for monitoring and reporting of emissions, air quality, compliance assurance and field burning.

The major systems are as follows and will continue to operate during this fiscal year:

- a. AQDMS - Air Quality Data Management System maintains air quality data as measured at over 70 monitoring sites.
- b. EIDS - Emission Inventory is an inventory of emissions from major stationary sources, mobile and area sources. The addition of lead as a criteria pollutant will require modification of the system.
- c. CSDS - Compliance Schedule Data System tracks enforcement and inspection actions relative to the permit compliance process. It also provides permit billing. The system will gradually be replaced with a version of the Compliance Data System.
- d. MDS - Meteorological Data System is used primarily for historical storage and for modeling and has been revised to conform with data collection abilities of the data acquisition system.
- e. Computer Modeling - Computer Modeling will be continued using largely the facilities at Bonneville Power.
- f. GASP - Grass and Seed Program is a computerized system for tracking and managing the acreage and permits in the field burning program. It is currently planned to move this program to computers located in Eugene.
- g. COM - Computer Output Microfiche historical EI system which will transmit archived EI's to Regional Offices.
- h. DAS - Data Acquisition System implemented in mid-1978 is to significantly free keypunching of captured ambient air data.
- i. CDS - The CDS system as designed by TRC Corporation will be implemented during 1978-79.
- j. Data Base Improvement and Field Burning Projects will require significant amounts of time for collection and analysis during 1978. Reduced continuing projects will be handled during 1979.

The allocation effort of the Data Acquisition and Reporting Section includes 9 FTE and \$221,719 allocated as follows: \$31,041 to Field Burning, \$6,652 to Permit and Compliance Assurance, \$2,217 to Laboratory and Special Studies, \$13,303 to Program Management and SIP related requirements with the remainder or \$168,506 to Data Processing. Total acquisition and reporting costs are \$394,372 plus \$19,565 or \$413,937.

### 35. Modeling

Modeling requirements are included in Data Acquisition and Reporting Section and Program Planning and Development Sections projections under Item 34 and "h" for Level 1.

36. Laboratory and Special Studies

Impacts from increased monitoring and reporting as a result of special studies including continuation of the Portland Data Base Program, Field Burning, and other special studies are projected to have an impact of \$2,217 in Data Acquisition and Reporting and \$61,429 in Laboratory and Applied Research for a total projection of \$63,646. Data Base encumbered funds for professional services will be paid in amount of \$28,582.

37. Federal Assignees

It is currently projected that the GS-7, Hartford, in our Source Testing Program will require \$19,512 during the grant year and the GS-5, Dowty, in the Laboratory and Applied Research will require \$9,833 for a Federal support level of \$29,345. If carryover FY '78 funds from the F.A. Program are available, the Department proposes to make application for use of those funds later.

38. Miscellaneous

A number of miscellaneous expenditures made during the grant period have not been included in the above accomplishment categories.

Legislatively authorized salary adjustments will be expended for the prorated share of personal services paid with Federal funds totaling \$34,658.

The Emergency Board authorized a continuing monitoring program for assessment of the Data Base Study Program and Control Program in the amount of \$39,660, provided funds were obtained under the Federal grant or some other source. These funds have been included as a resource allocation.

Planned special projects in Grants Pass, \$8,852, and Millersburg, \$8,405, total \$17,257.

Funds for BOA contracts for special assistance in making conclusions from the Portland Data Base and Field Burning monitoring program have been scheduled as contingency funds in the amount of \$45,000.

Special funding for the The Dalles Airshed Study in the amount of \$201,600 have been projected as an additional resource need.

Certain monies from the \$98,000 grant in the amount of \$26,433 will be expended during the grant period.

These monies included in Item 38 total \$163,008.

## ANNUAL WATER QUALITY PROGRAM STATEMENT SUMMARY NARRATIVE

Introduction:

During federal fiscal year 1979 Oregon's Water Quality Control Program will experience some significant changes. Early in the year the 208 funded planning project which was initiated nearly two years ago will be concluded. Early in the fiscal year, new planning thrusts will be initiated using new 208 monies soon to be available. It is estimated that somewhere between one and one and one half million dollars will become available to the State of Oregon during the fiscal year for 208 funded planning projects.

By the time this program statement is finalized on September 1, 1978, it will contain a complete listing of projects for potential funding from the 208 planning funds. This draft includes presently identified needs, others are expected to be added between now and the time the draft is finalized in September. In a general sense, the balance of the water quality program efforts will be a maintenance of existing level programs. Changes necessitated by the recent Clean Water Act Amendments will be incorporated as necessary.

## Priority Problems And Issues

During fiscal year 1979 Department efforts will be directed toward initiating action on the following high priority water quality concerns.

Groundwater Quality Control

Protection of groundwater is an issue which has received little attention by the Department in prior years. A two-pronged approach seems appropriate. First, a long-range program needs to be developed. This includes identification of aquifers, analysis of basic water quality, and development and implementation of control programs to protect threatened aquifers. Currently, little information is available relative to the delineation of aquifers and recharge areas. This information is needed to design

sampling programs and water quality protection programs. The emphasis during fiscal year 1979 will be to initiate discussions with the Department of Water Resources with the intent of developing a specific program and timetable for aquifer identification.

The second thrust will be a short-range program aimed at presently identified problem areas. These include the River Road - Santa Clara area near Eugene, the North Florence area, the East Multnomah County area adjacent to Portland and the Clatsop Plains area. In each of these areas projects need to be funded and initiated to design a sampling program, install appropriate monitoring wells, gather representative water quality data, analyze the problems and develop appropriate protection and control programs. Initiation of these projects will be contingent upon 208 funding support.

#### Toxic Strategy

The designation, identification and control of toxic substances is perhaps the highest priority program at the federal level. EPA is presently in the process of designating toxic materials, developing guidelines for control of toxic substances in various industry categories. Based on the evolving EPA guidance, the Department will begin implementing new requirements through the modification and renewal process for NPDES discharge permits during fiscal year 1979. In addition, the Department needs to evaluate the capabilities within the state for analysis and identification of toxic substances and to develop a strategy and program for analysis and monitoring.

#### Combined Sewer Overflow Strategy

The Department has for years been pursuing a program of systematic separation of combined sewers to minimize and ultimately eliminate combined sewer overflows. While no timetable had been specifically set for such elimination, progress was generally dictated by the magnitude of the problem and the opportunity to conduct a separation program. These opportunities grew out of urban renewal projects, treatment works

construction and sewer rehabilitation projects funded with construction grants. Recent EPA guidance has stalled grant projects where separation of combined sewers was involved. Continued grant assistance is essential to separation efforts. Therefore, the combined sewer overflow problem must be reevaluated and a new strategy developed. Existing resources for this effort are not available. Thus, new 208 planning funds will be essential for initiation of this item.

#### Feedlot Strategy

Recent information provided by Department field staff indicates a need to reevaluate the current program for control of confined animal feeding operations. The Department's present preventative approach through plan review for newer modified facilities does not appear to be adequate. Further, the magnitude of the problem in the state is not defined. The tasks that need to be undertaken include completion and updating of an inventory of confined animal feeding operations in the state, evaluation of effectiveness of existing waste controls at such operations, and, based on this information, development of a program for necessary controls to protect water quality. Such a project can only be initiated with a new source of funding such as 208 funds.

#### General Agricultural Nonpoint Source Strategy

Present nonpoint source planning efforts include some work in the agricultural area. A clear strategy for dealing with nonpoint source pollution from agricultural lands has not yet evolved. The need exists to complete the development and evaluation of alternatives for implementation of agricultural nonpoint source programs. The development of detailed control programs in various problem areas is expected to go on for many years. What is not clear, however, is the nature of the institutional structure for implementing plans once they are developed. In the case of forest land activities, existing state law set the direction for designation of the State Forestry Department as the management agency for implementation of Best Management Practices on forest lands. No comparable sense of direction has been established by the Legislature in the agricultural area. Thus, legislative consideration of alternatives

is projected as part of the process of arriving at any final determination.

#### Willamette Ammonia Study

Ammonia discharges have been identified as having a significant impact on water quality in the Willamette River. U. S. Geological Survey developed a mathematical model of the Willamette from Salem downstream to the mouth which permits analysis of the impact of varying organic and ammonia loads. A project is underway to gather the data necessary to extend the model from Salem upstream to Springfield. Following successful completion of model development, analysis of alternative load impacts will permit the development of an ammonia control strategy for the Willamette River. This work is expected to be completed during fiscal year 1979.

#### Vessel Discharge Control Plan

No plan has yet been developed for the overall control of discharges from boats in the lakes and rivers of the State of Oregon. Coast Guard regulations require modifications of vessels to install holding tanks or treatment devices. The modification process is presently ongoing. Oregon has many waters where discharge of wastes treated to Coast Guard Standards should be prohibited. In those areas holding tanks would be the only acceptable manner of disposal. Those areas cannot be designated until adequate shore side facilities are available to pump out holding tanks and convey it to a sewerage system. An overall plan needs to be developed and coordinated with Coast Guard regulations and State Marine Board regulations. 208 funding will be necessary to undertake such a project.

#### Area Problems

One project being completed under the current 208 funded planning project is referred to as the Phase I Assessment. This element consists of developing an assessment of water quality problem areas in the state related to nonpoint sources, based on information and perceptions gathered from other agency personnel and the public. While the Phase I

Assessment is not fully completed, the following problem areas or "hot spots" appear to be the most significant. Thus, they are identified here for efforts to initiate projects to further define the problems and causes and develop appropriate control programs.

The areas include the following:

1. Malheur Basin Streams - A 208 funded project is currently underway by contract with Malheur County.
2. Tillamook Bay Drainage Area - A project needs to be initiated in this area with emphasis on developing a program to protect the shellfish growing waters.
3. Yamhill Basin Area - Further efforts are needed here to define causes and develop specific control programs.
4. South Umpqua Basin Area - This area while identified as a priority is not proposed for immediate initiation of a project. The Department will be collecting some data on this area during this coming summer. Further needs will be identified following evaluation of that data.
5. Bear Creek Central Rogue Area - Rogue Valley Council of Governments is in the process of completing development of a control program for streams in the Bear Creek Drainage. Further evaluation of other streams in the vicinity appears warranted, including the Applegate River and Little Butte Creek.
6. Crooked River Basin Above Prineville Reservoir.
7. Umatilla River - This problem area will probably require further analysis before a specific project proposal can be assembled. Therefore, initiation of a project during fiscal 1979 has not been proposed.

New 208 funds will be necessary to initiate projects in these areas.

### Supporting Data

During fiscal 1979 the Department hopes to shift some existing resource into the area of improving the data base upon which plans and control actions are based. The most significant immediate needs are in the area of development of a system for data storage and retrieval. The Department generally is looking at overall data storage retrieval needs. The Water Quality Program will specifically concentrate on getting essential data in a form ready for input into a data system. It is also intended that this form will be more useful in the interim, pending entry into a data system.

Another area where emphasis will be placed is in the development of a broadened process for assessing the status of water quality in the state and identifying problem areas. The Phase I assessment referred to earlier is viewed as a component of an overall assessment program. Other components to be developed include the analysis of existing water quality data for trends and problem indication. Analysis of municipal and industrial waste load trends compilation and analysis of complaints, and identification of areas where failing subsurface sewage disposal systems are a problem. The development of systematic assessment techniques is essential in order to prepare a status report during fiscal year 1980. The status report is intended to meet the federal 305B report requirements.

During fiscal year 1979, evaluation of the present monitoring network is anticipated. Addition of sampling stations to the primary network for long-term trend data is a desired end result. Resource constraints are anticipated. Therefore, it may be necessary to curtail the number of analysis in order to increase the number of stations. EPA is developing a basic water monitoring program, which requires intensive analysis at selected stations for national comparison purposes. Along with this will be the development of Oregon's cooperative effort in the basic water monitoring program. Another effort which the Department hopes to undertake during the fiscal year is the initiation of a systematic method to coordinate monitoring programs with other agencies in the State in order to eliminate duplication of effort and improve utility of

available data. The Department expects to undertake a limited number of source impact evaluation studies during fiscal 1979. A budget proposal will be submitted to the 1979 legislature to increase resources in this area. The following sources are proposed for evaluation prior to anticipated permit renewal:

Permittee	Receiving Stream	Expiration Date
Hanna Nickel, Riddle	Crawford Creek	10/31/78
Sandy, City of	Tickle Creek	11/30/78
Western Kraft, Albany	Willamette R.	12/31/78
American Can, Halsey	Willamette R.	12/31/78
Crown Zellerbach, Lebanon	Santiam R.	12/31/78
Dammasch State Hospital	Corral Creek	12/31/78
Weyerhaeuser, Klamath Falls	Lake Ewana	3/31/79
Ochoco Lumber Company	Ochoco Creek	3/31/79
Silverton, City of	Silverton Creek	7/31/79
H. J. Baxter, Eugene	Amazon Creek	9/1/79
McCormick & Baxter, Portland	Willamette R.	9/30/79
Salem, City of (Willow Lake)	Willamette R.	9/30/79
Grants Pass, City of	Rogue River	10/31/79
Gresham, City of	Columbia R. (anticipated modification)	

### Planning

A major emphasis during fiscal 1979 in the planning area will be the review and update of the existing water quality management plan elements for the Rogue, Umpqua and South Coast Basins. This process will involve preparation of reports, summarizing available data and identifying possible issues for discussion. These reports will be circulated in the basins prior to public meetings to be held in each basin. Following such meetings, input will be evaluated, any evolving issues will be further analyzed, and alternative courses of action developed. Then, after further local review and input, specific proposals for plan change would be developed, if necessary. Any such changes would be presented to the Environmental Quality Commission for adoption in late 1979. Water Quality standards for these basins will be reviewed at the same time.

During fiscal 1979 the Department proposes to develop a formalized procedure for future review, approval and certification of local plans and plan revisions. Experience gained in the review/certification process for areawide 208 projects will guide this process. The procedure will have much broader application, however, since the Department will be called upon to review and approve elements of local comprehensive land use plans, which relate to water quality control efforts.

Other planning efforts to be undertaken during the year include update of the multiyear program plan (Attachment A) and development of the specific year program plan for fiscal year 1980. The target will be to initiate the program plan update process beginning in early January in order to allow more time and opportunity for public input. A number of other planning related projects have been identified for possible initiation during fiscal 1979, subject to availability of resources. These include development of a model ordinance for controlling urban area construction practices in order to minimize water quality impacts, evaluation of existing urban runoff data, development of a strategy for future urban runoff project funding, and initiation of interagency discussions for development of alternative stream corridor management proposals.

#### Source Control

A significant element of the Department's resources will be assigned to ongoing source control efforts. Issuance of new and renewal NPDES permits is one such ongoing process. As permits are renewed, they will be upgraded to include new mandatory federal requirements. These include evolving requirement for toxics control. In some instances, it may be necessary for the Department to initiate modification of permits to incorporate the requirements of anticipated new federal guidelines and regulations. The intent is to minimize such modifications and incorporate changes during the renewal wherever possible. In the area of compliance assurance, efforts will be initiated to improve the Department's compliance tracking system. This effort will be keyed to overall Department data system implementation.

The major thrust in the construction grant program during fiscal 1979 will be the implementation of new grant regulations. New rules require significant additional efforts in the facility planning process. The problem will be to insure that consultants can incorporate the appropriate alternatives and meet the new requirements as they develop facility plans. EPA is placing high priority on efforts permitted under new amendments to delegate substantial operation of the construction grant program to the states. Thus, the Department will be evaluating this alternative during fiscal 1979.

#### Miscellaneous

During fiscal 1979 as in previous years significant resources will again be devoted to a variety of activities such as, complaint investigations and followup, spill response, and liaison and coordination with local governments. Public participation will receive continued emphasis. Attachment 8 contains a summary of proposed public participation efforts.

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY  
FY-79 Solid Waste Management Strategy  
under  
Resource Conservation and Recovery Act (PL 94-580)  
June 1978

## I Background

This strategy utilizes as a base all pertinent data, reports and developmental work compiled by this agency to date including previous EPA grant applications (FY-76, March 76 Hazardous Waste/Solid Waste Strategy, FY-77) and particularly the FY-78 Grant Application and Five Year Strategy and Work Plan.

### A. State Plan

Oregon has previously submitted its Solid Waste Management Plan of December 1969, which was updated in 1970 together with an Industrial Waste Survey and again in 1971 with an Agricultural Waste Survey. A draft of an updated State Plan has recently been developed and will be discussed further in II-C. A 1972-1973 Hazardous Waste Management Planning Report has been submitted with a previous application.

### B. Resource Conservation Effort

The Recycling Information Office continues to operate the "Recycling Switchboard" and has recently upgraded several staff positions to provide more stability to the program. In addition the RIO provides general publicity for recycling and waste reduction programs, conducts environmental education projects, and tracks market conditions and encourages new markets for recyclable materials.

The Bottle Bill continues as a successful source reduction, education and litter control measure. New legislation has been added to the Bill expanding the pull tab ban to include non-carbonated beverages (juices) and to prohibit plastic rings from six-pack beer containers.

The Department provided a grant/loan to the Portland Recycling Team (through the Metropolitan Service District) to establish a bottle washing plant in the Portland area. Certain sizes and types of bottles will be washed and reused.

In response to legislation the Department has begun a waste oil recycling program which will strive to educate the public on the merits of recycling used motor oil and will strive to arrange a network of collection depots located at stores and service stations throughout the state.

### C. Program Goals and Objectives

Attached as Exhibit A is a recently revised copy of the Department's Solid Waste Division Goals and Objectives for the present 1977-1979 biennium. These goals are budget based and include the Solid Waste Division's three program areas of Solid Waste Management, Recycling and Hazardous Waste Management. The objective consists of specific actions or activities (assigned to staff members) in each program area which will lead to attainment of a general goal.

## II Planning

- A. Designation of Regions completed November 9, 1977
- B. Designation of Agencies/Identification of Responsibilities

Municipal solid waste, nonhazardous industrial waste and agricultural waste agencies designated May 11, 1978.

The State will maintain planning and implementation designation for hazardous waste, mining waste, and underground injection. Designation regarding municipal sewage sludge will occur during FY 79 or later.

- C. State Plan Development

Draft State Solid Waste Status Report completed and submitted to State Advisory Committee for review on March 27, 1978. Plan now under revision to be completed by 12/31/78.

Periodically (at least yearly) the State's report and State Strategy will be reviewed and updated to demonstrate current status and projections.

## III Open Dump Inventory

The State of Oregon will conduct an inventory of all existing disposal sites as defined by the Act and shall evaluate each site against the EPA sanitary landfill criteria for the purpose of listing open dumps in accordance with Section 4005 of RCRA. The inventory is a necessary prerequisite to implementing a dump closing program as required by Section 4003.

- A. Methodology

The inventory will be conducted primarily by DEQ staff. Staff from other agencies and/or consultants may be used as needed. Classification of a site shall be made only after an on-site inspection and evaluation in accordance with EPA's sanitary landfill criteria. In some cases classification may be based on site inspections conducted not more than six (6) months prior to the start of the inventory. In the event that there is no reasonable way to determine the classification of a site, that site may be classified as indeterminate. A reasonable effort will be made to search out operating sites currently unknown to the State, possibly including the use of aerial photography.

A site evaluation form will be completed by the site inspector for each site visited. Forms will be developed by EPA and the Bureau of the Census. Completed forms will be processed by the Bureau of the Census and a national inventory of open dumps published by EPA in accordance with Section 4005(b) of the Act.

- B. Timetable

DEQ staff began gathering background data (name of property owner, legal description of property, etc.) during FY-78. It is anticipated that the actual survey will begin about January 1, 1979, pending the promulgation of sanitary landfill criteria, preparation of inventory forms and completion of training sessions for DEQ staff. Data on all sites to be listed in the first publication of the inventory will be submitted by June 30, 1979. Data on sites inventoried after that date will appear in subsequent publications.

Inasmuch as the inventory shall include all categories of solid waste disposal sites, a phasing of the inventory over several years will be required. Categories of facilities and their priority for inventory are as follows:

1. Municipal waste disposal sites.
2. Industrial waste impoundments and landfills.
3. Waste water treatment plant sludges.
4. Other pollution control residues.
5. Agricultural waste disposal sites.
6. Mining waste disposal sites.

The Department has applied for another grant from EPA to conduct a preliminary assessment of surface water impoundments in accordance with Section 1442 (a)(b)(c) of the Safe Drinking Water Act (Pub. L. 93-523). If funded, this assessment would be conducted during the period from July 1, 1978-December 31, 1979. The assessment would provide some data which is required for the RCRA inventory of pits, ponds, and lagoons.

#### IV Open Dump Closure

##### A. New Facilities

It will be the policy of the State of Oregon to prohibit the establishment of open dumps as defined by EPA criteria. Oregon Law (ORS 459.205) currently prohibits the establishment of any solid waste disposal facility without first obtaining a permit from the Department of Environmental Quality. Permits will not be issued to proposed facilities which cannot meet EPA criteria for sanitary landfills.

##### B. Existing Facilities

The State will take action to eliminate all existing open dumps. Sites classified as open dumps during the inventory shall be placed on permit compliance schedules to upgrade or close within five (5) years of the date of classification.

##### C. Enforcement

The Department's regulatory and enforcement program is described in the August 1976 EPA Grant Program Narrative.

##### D. Appeals

Pursuant to ORS Chapter 183, the Department has promulgated regulations outlining procedures for contested case hearings. Any action by the Department which would result in the closure of a disposal site may be appealed to the Environmental Quality Commission for such a hearing.

It shall be the policy of the Department to notify affected parties by certified mail at least 20 days prior to formal classification of a site as

an open dump. Said notification shall describe the procedure for appealing the proposed classification. In the event of an appeal, classification shall be delayed until the appeals process has been completed and a ruling made by the Environmental Quality Commission.

## V Hazardous Waste Management

### A. Review RCRA Regulations as Developed

Sections 3001-3005 regulations and guidelines are being closely reviewed as they are developed by the EPA to determine if they adequately and effectively address the hazardous waste management problem in Oregon.

### B. Assessment of RCRA Impact on Existing Program

The regulations and guidelines proposed by RCRA will be compared with the existing State program to determine what changes in State law and Department manpower and practices are necessary.

### C. Determine State Role

The results of the above analysis of RCRA regulations will be an important factor in determining whether the Department elects to seek authorization for its State program. The three options are: 1. full authorization, 2. partial authorization of individual programs, 3. allow the EPA to manage hazardous waste in Oregon. This decision will be made prior to October 21, 1978 when the Department has to show that the State program is substantially equivalent to the Federal program to receive interim authorization.

The Strategy-Systems will be updated in the period of May - September 1978 if either options 1 or 2 are to be chosen.

## VI Resource Conservation and Recovery

### A. Review of State and Local Laws

There is a conflict of opinion on compatibility of State and local laws with RCRA. All State and numerous local laws have been reviewed with no major conflicts noted.

### B. Pursue Corrective Legislation

In our opinion no major changes are needed and legislation will not be prepared unless found needed.

### C. Implement Existing Recovery Plans

Prior planning has determined several regions of the State which may support resource recovery projects. Staff will provide technical assistance and funding (discussed later) where necessary to assist in implementation of these plans. The following areas have been identified.

1. Metropolitan Service District-Phase I Engineering complete, Decision to proceed to be made June-July 1978.
2. Lane County-construction complete, exploring fuel markets.
3. Union County-construction complete, exploring fuel and materials market.

4. Clatsop-Tillamook Region-Plan dropped.
5. South Coast-continue seeking sponsor.
6. Jackson-Josephine Counties-schedule for Phase II planning 1980-81.
7. Douglas and Klamath County-no present plans-staff to make contacts during FY79.

D. Resource Conservation

1. Continued operation and expansion of our state-wide recycling information system.
2. Examination of the effectiveness of waste reduction and source separation systems.
3. Analysis of and recommendation regarding funding options, state authority, tax base to support financial assistance and incentives, and regulatory incentives to resource conservation.
4. Recommendation of legislative and executive policy changes to encourage resource conservation.
5. Examination of state and local laws, policies, and actions affecting waste stream composition and control, facility design and operation, transportation, contracting and product quality, and market prices and outlets as they affect resource conservation.
6. Comprehensive review of state and local laws as they prohibit contract life below that reasonable for viable resource conservation activities.
7. Develop state policies to encourage the procurement of materials containing recycled materials.
8. Examination of markets and material characteristics which effect marketability for materials for energy and material recovery.
9. Examine and provide new recommendations regarding state procurement practices of materials for products with a high recovered material potential.
10. Design and implement special programs relating to the recovery and recycling of waste oil and tires.

E. Resource Recovery Project

In addition to providing assistance to those areas identified in C. above staff will assemble data, with constant updating, for use as technical assistance to other, less populated and rural, portions of the State. Financial assistance to plan and/or implement feasible projects will be provided. (discussed later)

F. Technical Assistance Panels

Requests from local government in need of technical assistance in implementing a resource recovery program will be evaluated. In those cases where it appears to be in the best interest of solid waste management, the staff will work with local government to obtain technical assistance (which is not avail-

able locally or within State government) from Resource Recovery Panels as established under RCRA. Technical Assistance has been provided to the Metropolitan Service District.

## VII PUBLIC PARTICIPATION

A. The Solid Waste Advisory Committee (SWAC) met periodically to review the State Plan. They also received briefings on RCRA at these meetings. It was understood, however, that the SWAC would be disbanded upon completion of their review of the plan in order that the Committee could be reconstituted to comprise a broader cross-section of interests in keeping with RCRA Public Participation requirements. The SWAC was, in fact, disbanded on March 27, 1978, and a task force was assigned to oversee final drafting of the plan. Alternative mechanisms for "public consultation", or the development of a "public advisory process" will be examined in coming months so that a truly effective approach, tailored to the Oregon milieu, can be developed.

B. In order to carry out a public participation program we have:

1. Hired a Public Participation Officer starting half-time in February 1978 and full-time in May, 1978.
2. We are preparing a grant amendment to request transfer of funds to the Public Participation Program so that:
  1. educational, informational materials can be produced
  2. a state-wide information network/mailling list can be developed
  3. a RCRA workshop for municipal officials can be held
  4. the press and media can be involved in promoting our activities
  5. information depositories can be set up state-wide
  6. a comprehensive strategy can be developed for the coming year
3. Published a solid waste newsletter, BEYOND WASTE, in which, among other things, we report on RCRA activities, announce hearings and meetings, and in which we explained the area and agency designation processes, requesting nominations and comment on nominations.
4. Provided assistance to the League of Women Voters for their bus tour, the Wasteland Express, which took place on June 12 & 13. DEQ staff teamed up with EPA and local officials to provide an educational program during the course of the tour. A result of the tour which will benefit our PP program is that we now have approximately 25 community contact people throughout the state with a good grounding in Solid Waste Issues.
5. Sent out notices to affected interested parties and public interest organizations regarding the July 18 hearing on proposed revision of rules for licensing hazardous waste management facilities.
6. Area Designation: Per our 12-9-77 letter with attachments to Mr. Donald DuBois, planning areas were designated based on prior planning activities, and after notification and request for comment of all A-95 and 208 agencies, cities and counties.
7. Agency Designation: Per our 6-6-78 letter with attachments to Mr. Donald DuBois, planning agencies were designated after a request for nominations which went to all affected agencies, the media, and was published in our

newsletter; and after a second request for comments on the list of nominees. All conflicts were resolved either by correspondence, or upon request by staff attendance at meetings. Each agency on the final list was contacted by telephone if correspondence had not been received, and acceptance confirmed.

C. A summary of public participation activities will be published as part of the State Plan.

D. The State of Oregon has instituted a toll-free number for public access to all State agencies. This has been substituted for the Solid Waste Hot Line which we had proposed, at least on a trial basis.

#### VIII Funding and Funds Management

##### A. Pass Through of Federal Grants

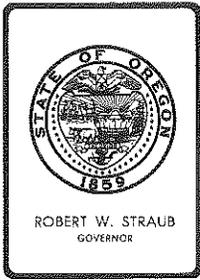
Procedures patterned after existing State procedures will be developed to accept Federal RCRA grants for local government units. This will be during FY 80 unless money for pass through becomes available sooner. Separate categories and criteria will be developed for general planning, Rural Community assistance; Special Community assistance; Research, Demonstration and training projects and full scale demonstration projects.

##### B. State Pollution Control Bond Funds

The Department will continue to administer a grant/loan (30%/70%) program for implementation of local solid waste plans. This includes resource recovery projects, landfill construction and upgrading and equipment purchase. During FY 78/79 \$1,325,000 has been budgeted and is being disbursed to various Projects with approximately another 10 million designated for projects underway. Additional funds, as necessary, may be obtained by submission of requests to the State Emergency Board. Grants from Pollution Control Bond funds for Phase II planning are available on a case by case basis with several pending but must also be requested from the Emergency Board. Project needs will be assessed in future years and requested as part of the agency budget during legislative session.

##### C. Agency Budget (State General Fund Appropriation)

Continued support from State General Fund money is anticipated to be maintained at present level or above for carrying out existing solid waste programs and RCRA activities during the time frame of the strategy.



## *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. "0" , August 25, 1978 EQC Meeting

### Authorization To Conduct A Public Hearing On The Question Of Amending Administrative Rules Governing Subsurface & Alternative Sewage Disposal

### Background

Administrative rules governing subsurface & alternative sewage disposal, are provided for by statute, ORS 454.625. The present rules, Chapter 340, Sections 71, 72, 74 and 75 were adopted by the Commission and became effective September 25, 1975. There have been two major sets of amendments since that date, the latest set adopted by the Commission became effective March 1, 1978.

All administrative rules adopted are reviewed by Legislative Counsel Committee to determine among other things, whether the rules appear to be within the intent and scope of the enabling legislation. The Department has received a report from Legislative Counsel stating that two of the March 1, 1978 rules appear to be outside the scope of the authority of the Commission. Those rules are:

1. OAR 340-71-020(1)(i); and
2. OAR 340-72-010(5).

Please see Attachment "A", Administrative Rule Review Report to the Legislative Counsel Committee, ARR Number 1440, and letter dated August 4, 1978 transmitting information on Legislative Counsel Committee's action.

Legal counsel has reviewed ARR Number 1440 and is of the opinion that the two rules in question do need to be amended in order to meet intent of enabling legislation. Please see Attachment "B".

### Evaluation

Under the provisions of ORS 454.625 the Department proposed and the Commission adopted two administrative rules, OAR 340-71-020(1)(i) and 340-72-010(5), that appear to exceed statutory authority. Legislative Counsel Committee has requested that the two rules be amended. Legal counsel is of the opinion that amendments are in order. Proposed amendments are set forth on Attachment "C".



Contains  
Recycled  
Materials

SUMMATION

1. ORS 454.625 provides that the Commission, after public hearing, may adopt rules it considers necessary for the purpose of carrying out ORS 454.605 to 454.745.
2. ORS 171.707 requires Legislative Counsel Committee to review adopted rules and report to the agency on whether the rules in question appear to meet the intent of enabling legislation.
3. Legislative Counsel Committee Report ARR Number 1440 dated April 3, 1978 addressed to the Commission states that two rules adopted by the Commission appear to be outside the scope of the authority of the Commission.
4. Legal counsel has reviewed Report ARR Number 1440 and is of the opinion that amendments are in order.

Director's Recommendation

Having found the foregoing facts to be true, I recommend that the Commission authorize a public hearing, before a hearing officer, to take testimony on the question of amending administrative rules 340-71-020(1)(i) and 72-010(5).

*Bill*

WILLIAM H. YOUNG  
Director

T. Jack Osborne:nrj  
229-6218  
August 7, 1978  
Attachments: A, B, and C

RECEIVED

JUL 13 1978

LEGISLATIVE COUNSEL  
S101 State Capitol  
Salem, Oregon 97310

April 3, 1978

ARR Number: 1440

Water Quality Division  
Dept. of Environmental Quality

Administrative Rule Review  
REPORT  
to the  
Legislative Counsel Committee  
(Pursuant to ORS 171.709)

State Agency: Environmental Quality Commission

Rule: Subsurface and alternative sewage disposal systems

These rules are modifications of existing rules of the commission relating to subsurface and alternative sewage disposal systems.

Included are:

(1) Amendments of OAR 340-71-005, 71-010, 71-016, 71-020, 71-025, 71-030, 71-035, 71-037, 71-040 and 71-045, relating to standards for subsurface and alternative sewage and nonwater-carried waste disposal.

(2) Amendments of OAR 340-72-010 and 72-025, relating to fees for permits, licenses and evaluation reports.

(3) Repeal of OAR 340-74-005 to 74-020 and substitution of new OAR 340-74-004 to 74-025, relating to experimental sewage disposal systems.

(4) Amendments of OAR 340-75-015 and 75-050, relating to variances.

DETERMINATIONS

(Questions 1 to 3 pursuant to ORS 171.709(3))

(Question 4 pursuant to request of Committee)

1. Does the rule appear to be within the intent and scope of the enabling legislation purporting to authorize the adoption thereof? Yes, with two exceptions. The enabling legislation is ORS 454.615, 454.625 and 468.020.
2. Has the rule been adopted, or is it being adopted, in accordance with all applicable provisions of law? Yes.
3. Does the rule raise any constitutional or legal issue other than described in Question 1 or 2? No.
4. Does violation of the rule subject the violator to a criminal or civil penalty? Yes. A civil penalty is imposed by ORS 468.140(1)(c).

## DISCUSSION AND COMMENT

### Intent and scope of enabling legislation

Two exceptions are noted in the response to question 1 of this report reviewing rules of the Environmental Quality Commission relating to subsurface and alternative sewage disposal systems. Among the many rule modifications are an amendment of OAR 340-71-020 relating to the size of lots necessary to adequately provide for a subsurface sewage disposal system, and an amendment of OAR 340-72-010 relating to refund of fees for certain permits and licenses.

OAR 340-71-020 sets forth minimum requirements for subsurface sewage disposal systems. Subsection (1) of that rule enumerates general standards applicable to all such systems. The amendment in question adds a new paragraph to subsection (1) that provides:

(i) Lots or parcels created after March 1, 1978 shall be adequate in size to accommodate a system large enough to serve a three (3) bedroom home.

In a publication entitled "Proposed Amendments to Oregon Administrative Rules Pertaining to Alternative and Subsurface Sewage Disposal," dated February 1978, the Department of Environmental Quality identifies the problem addressed by the rule amendment in question as follows:

Newly created lots or parcels should have room for a system to serve at least a three (3) bedroom dwelling. Many lots are now being subdivided or parceled where soil or topographical conditions will allow a home no larger than two bedrooms. Quite often a buyer is not made aware of this restriction until he has purchased the lot or if he is aware will often try to get approval for a larger system in spite of the restriction. Most new homes have a minimum of three (3) bedrooms. It is not realistic to allow new lots to be created where only a two (2) bedroom home may be built. (Proposed Amendments, p. 14)

ORS 454.615 requires the Environmental Quality Commission to promulgate standards prescribing minimum requirements for sewage disposal systems, including requirements for construction, operation, maintenance and cleaning. Responsibility for sewage disposal system regulation is vested in the commission and the Department of Environmental Quality to protect the public health and the waters of the state. The rule amendment in question does not appear to serve those purposes.

The authority to limit the size of subdivision lots or partitions of land is vested in the cities and counties by the provisions of ORS 92.010 to 92.160. Any division of land must be approved by a local planning commission or governing body, and the power to specify minimum lot sizes accompanies that function. In addition,

the provisions of the Subdivision Control Law, ORS 92.305 to 92.495, require disclosure of the provision made by a seller for sewage disposal. In view of those statutes governing land division and sale, it does not appear to be within the scope of the authority of the Environmental Quality Commission to specify lot sizes by administrative rule.

The second exception to the affirmative response to question 1 of this report concerns an amendment of OAR 340-72-010 that provides:

The provisions of ORS 454.655(3) notwithstanding fees required by ORS 454.745(1) may be refunded under the following conditions:

(a) The fee or application was submitted in error.

(b) Applicant requests refund and the application has not been acted upon through staff field visits.

The fee refund rule amendment is contrary to ORS 454.655(3), which provides:

The applications for a permit required by this section [i.e., for construction, installation, alteration, repair or extension of a sewage disposal system] must be accompanied by the nonrefundable permit fee prescribed in ORS 454.745. (Emphasis added)

In respect to ORS 454.655(3) the Department of Environmental Quality has stated:

It is felt that it was legislative intent to allow some discretion in application of the statute with regard to fee refunds. It appears logical to provide for refunds under certain conditions. Those conditions should be spelled out in Administrative Rules.

The department also has indicated it relies on the provisions of a general statute permitting refunds by state agencies. ORS 293.445 provides for refunds of moneys received by state agencies in excess of amounts legally due and payable or to which the agencies have no legal interest.

A 1968 Attorney General's opinion construed the provisions of ORS 293.445. In that opinion it was stated:

The language of ORS 293.445(2) provides that moneys may be refunded on two grounds: (1) Where money is held in excess of the amount legally due, and (2) if the agency has no legal interest in the funds. The first ground for refund is not pertinent to the facts you have presented. Therefore we turn to the second ground, i.e., whether the board has any "legal interest" in the examination fees paid under the three enumerated situations you present.

The term "legal interest" is a broad and relative term not capable of any absolute definition. However, it is clear that the legislature intended that erroneous payments to state agencies could not confer a legal interest. Under ORS 293.445(2) it is stated that refunds may be made of "excess or erroneous payment." (33 OAG 561 (1968)).

The fee refund rule amendment does not speak to the question of excess payments, which might be refundable in spite of ORS 454.655(3). However, the commission has a "legal interest" in all permit application fees it receives. It is unclear what types of errors in submission of sewage disposal system permit applications are contemplated by the rule amendment, but it appears that ORS 293.445 would not apply.

A general rule of statutory construction is that when a specific statutory provision cannot be harmonized with a general statute relating to the same subject, the specific provision controls. Thompson v. IDS Life Ins. Co., 274 Or 649, 549 P2d 510 (1976). In this instance the statute, ORS 454.655(3), specifically states that the fee which is to accompany an application for a sewage disposal system construction permit is nonrefundable. We believe the Environmental Quality Commission would exceed its statutory authority in attempting to refund such fees.



**DEPARTMENT OF JUSTICE**

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

July 21, 1978

**RECEIVED**  
JUL 24 1978

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

Water Quality Division  
Dept. of Environmental Quality

Re: Administrative Rule Review Report No. 1440, dated  
April 3, 1978, by Legislative Counsel

Dear Jack:

This letter is in reply to your July 14, 1978 memorandum to me requesting that I review the above-designated report and give you my comments thereon.

OAR 340-71-020(1)(i) is worded in a way that lends support to the assertion in the report that the Environmental Quality Commission is attempting to specify minimum lot sizes outside the scope of its statutory authority. I shall be glad to review your proposed amendatory language to this subsection. In drafting that language emphasis on the minimum requirements for the system, rather than on minimum requirements in the sizes of lots or parcels, might help avoid the criticism in the report.

OAR 340-72-010(5) provides two apparently independent grounds for refund of fees.

OAR 340-72-010(5)(a) comes within the provisions of ORS 293.445(2). The 1968 Attorney General's opinion, cited in the report, states that it is clear that the Legislature intended that erroneous payments to state agencies could not confer a legal interest and that under ORS 293.445(2) refunds may be made of "excess or erroneous payment." Any apparent

Mr. Jack Osborne

-2-

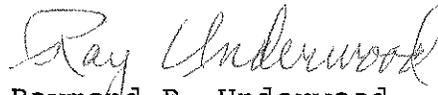
July 21, 1978

inconsistency between ORS 293.445(2) and ORS 454.655(3) is eliminated if one interprets "nonrefundable" to be limited to those fees in which the state has an "interest," which would not include a mistake in payments of fees. Thus, the two statutes are reconcilable.

However, OAR 340-72-010(5)(b) would provide for refunds of fees paid not in error if no staff field visit had yet been made. I think the comments of the report may be applicable here. Therefore, I would suggest that the Commission repeal (5)(b) until legislation is obtained authorizing such refunds.

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

Sincerely,

  
Raymond P. Underwood  
Chief Counsel

ej



STATE OF OREGON  
LEGISLATIVE COUNSEL COMMITTEE

August 4, 1978

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED  
AUG 4 1978

WATER QUALITY CONTROL

Mr. William Young, Director  
Department of Environmental Quality  
522 S.W. 5th Avenue  
Portland, OR 97204

Dear Mr. Young:

At its July 14, 1978 meeting, the Legislative Counsel Committee considered staff report ARR 1440 which concerned rules of the Department of Environmental Quality relating to subsurface and alternative sewage disposal systems. That report raised questions with respect to two rule changes; OAR 340-70-020 which prescribed a minimum lot size adequate to accommodate a three bedroom home, and OAR 340-72-010 which authorizes refunding of permit fees under certain circumstances.

Prior to the committee meeting, staff contacted Mr. T. J. Osborne of your department for his comments on the report. He indicated that OAR 340-70-020 had been inartfully drafted, and would be amended. He reserved comment on OAR 340-72-010 until he received advice from the department's counsel. We have since received a copy of Mr. Ray Underwood's response to staff report ARR 1440.

The Legislative Counsel Committee concurred with the staff report and made the following recommendations:

1. That OAR 340-70-020 be amended as soon as possible; and
2. That the department consult its counsel regarding OAR 340-72-010, and act reasonably on that advice.

The committee on its own motion will introduce legislation to amend ORS 454.655 to authorize refunds under certain circumstances.

Very truly yours,

Elizabeth S. Achorn  
Deputy Legislative Counsel

ESA:mh

cc: T.J. Osborne

PROPOSED AMENDMENTS

1. Rescind 340-71-020(1)(i) in its entirety and substitute the following:

"(i) Subsurface sewage disposal systems for single family dwellings designed to serve lots or parcels created after March 1, 1978 shall be sized to accommodate a minimum of a three (3) bedroom house."

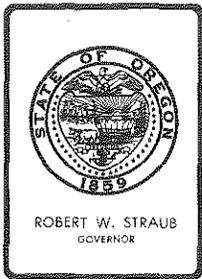
2. Amend 340-72-010(5) as follows:

"(5) The provisions of ORS 454.655(3) notwithstanding, fees required by ORS 454.745(1) or (2) may be refunded [under the following conditions:

(a)] if the fee or application was submitted in error.

[(b) applicant requests refund and the application has not been acted upon through staff field visits."]

Note: Bracketed [ ] material to be deleted.  
Underlined \_\_\_\_\_ material is new.



# Environmental Quality Commission

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

## MEMORANDUM

To: Environmental Quality Commission  
 From: Director  
 Subject: Agenda Item P, August 25, 1978 Environmental Quality Commission Meeting

Josephine County AQMA Petition - Consideration of Petition  
 of Friends of Josephine, Inc., et al to declare  
 Josephine County an Air Quality Maintenance Area

## Background

On July 11, 1978 the Department received a petition from the Friends of Josephine, Inc., and the Josephine County Medical Society Auxiliary to declare Josephine County an Air Quality Maintenance Area. The petitions are included as Attachments 1 and 2. Prior to that, the Health Planning Council, an advisory body to the Western Oregon Health Systems Agency, named air quality as its number one concern.

The Council also endorsed Mr. David McCoy's (Legal Director, Friends of Josephine) request that the Department monitor photochemical oxidants and carbon monoxide in the Grants Pass area to determine if it should be designated an air quality maintenance area.

The only air quality measurements taken on a routine basis in the Grants Pass area are for particulates. Data from the monitoring site, shown below, indicates that between 1970 and 1974 air quality was generally improving. Between 1975 and 1977 the trend seems to be that of an increase. The extremely high values in 1976 are deemed to be a result of the severe drought that affected the area.

### Grants Pass Particulate Summary

Year	No. of Samples	DAYS >		AMBIENT AIR QUALITY		
		150 ug/m <sup>3</sup>	260 ug/m <sup>3</sup>	Annual Geometric Mean (ug/m <sup>3</sup> )	24 Hour Average	
					Maximum	2nd Highest
1970	103	4	0	58.0	249	247
1971	87	3	0	59.1	246	204
1972	75	1	0	61.3	197	141
1973	41	0	0	53.8	140	139
1974	46	0	0	49.6	149	126
1975	47	2	0	56.8	179	173
1976	42	7	2	80.8	267	260
1977	67	4	0	64.0	180	170
1978						



Contains Recycled Materials

Attachment 3 shows that rainfall and the annual geometric mean seem to be inversely related. That is, a year with a high annual geometric mean is a year of low rainfall and vice versa. The data shown is for the years 1972-1977.

The monthly variation in the mean TSP concentration for the years 1974-1977 is shown in Attachment 4.

The differences in the mean concentrations throughout the year, with low values in the summer and high values in the fall and winter are probably the result of increased space heating and very poor ventilation in the colder months.

Apparently, on a monthly basis, ventilation and other emission parameters predominate over the rainfall which is greater in winter than in summer. A more detailed analysis of emissions and their effect on air quality is forthcoming in an airshed capacity study that is under contract by the City of Grants Pass. This is discussed in the "Evaluation" section of this report.

#### Evaluation

Of most relevance in responding to the petition is the fact that the Grants Pass area does not currently meet EPA guidelines for designation as either air quality maintenance area or a non-attainment area. This is not to say that planned studies when completed may justify such designations.

In order to be recognized as an AQMA by EPA, a projection of growth and associated air quality levels would have had to be made which shows non-attainment of national ambient air quality standards. No such report has been made although the study by the City of Grants Pass when completed may provide such relevant information.

In order to be recognized as a non-attainment area actual representative air quality data must show levels in excess of NAAQS. The 13 days over the 3-year period 1975-1977 in which secondary particulate NAAQS have been exceeded have been discounted by DEQ and EPA for purposes of non-attainment designation due to the 100 year drought in 1976-77 and construction next to the sampling site in 1975. This was similar treatment given to data from all other parts of the state when final non-attainment designations were made by EPA earlier this year. Over the past 7 years Particulate Health Standards were exceeded only during the peak of the drought of 1976. Valid particulate data from 1973-74 indicates attainment of particulate standards and formed the basis for the present designation.

The aerial oxidant data over Grants Pass is also not recognized as proof of non-attainment. Aerial oxidant data is not considered completely representative of ground level data and has been shown to be elevated compared to ground level measurements apparently due to more photochemical activity at or near the inversion layer where pollutants tend to concentrate.

It also should be recognized that coincident particulate data from Grants Pass and Medford over the past three years show Grants Pass levels almost 20% less

than Medford which would indicate that if air quality standards are regularly exceeded the problem is likely of significantly less magnitude than the one faced in the Medford area.

There are several on-going and planned activities in the Grants Pass area. Briefly, they are:

1. During the month of August the Department will be conducting aerial (with concurrent ground level) surveys for photochemical oxidants in the Medford AQMA with several flights extended into the Grants Pass area.

The flights into Grants Pass will not involve extensive surveys, but rather give an initial insight into the levels occurring. Extensive sampling has not been scheduled due to manpower and funding limitations.

2. The Department's FY 79-81 budget now being prepared for air quality monitoring includes in the reduced level budget, a proposed Grants Pass survey package which would include extended oxidant and carbon monoxide monitoring and an additional particulate monitoring site to be used on a survey basis for one year. Should this information show that expanded monitoring on a permanent basis is required, funding for that work will be sought.
3. An airshed capacity study is currently being conducted by the City of Grants Pass. Emissions trends for particulates and oxidants based on future land use considerations will be one end result. Predicted concentrations based on these same considerations will be another result.

The draft report is expected by the Department for review by August 30 with final summary available by September 8. The final report is expected to be complete by September 22.

#### Summation

1. A petition has been received from the Friends of Josephine and the Josephine County Medical Society Auxiliary to designate Josephine County as an air quality maintenance area. Air quality has been designated as a number one concern by a health advisory body in the area. The Department has been requested to provide additional monitoring for the area.
2. Present information does not meet EPA criteria for designating Grants Pass as an AQMA or non-attainment area.
3. The Department and the City of Grants Pass have several on-going and planned air quality activities in the area. These include survey type sampling during August 1978; a request in the Department's FY 79-81 budget for oxidant and carbon monoxide monitoring; and an airshed capacity study for particulates and oxidants being conducted by Grants Pass. This information should provide a technically sound basis for determining whether Grants Pass should be designated an AQMA or non-attainment area.

Director's Recommendation

Having found the foregoing facts to be true, I recommend that, in lieu of granting the petition of the Friends of Josephine and the Josephine County Medical Society Auxiliary, the Commission wait until planned studies are completed before reconsidering whether Grants Pass should be redesignated as an AQMA or non-attainment area.



WILLIAM H. YOUNG  
Director

JFKowalczyk:as  
229-6459  
8-14-78

Attachments:

- 1 - Petition from Friends of Josephine
- 2 - Petition from Josephine County Medical Society Auxiliary
- 3 - Annual Rainfall vs Annual Geometric Mean Comparison
- 4 - Monthly Variation in Grants Pass Particulate Level

## STATE OF OREGON

PETITION TO FRONULGATE A RULE DECLARING JOSEPHINE COUNTY  
AN AIR QUALITY MAINTENANCE AREA

In accord with ORS 468.280 and under the authority given to the Department of Environmental Quality under ORS 468.295 the following organizations of Josephine County hereby request the DEQ to establish an Air Quality Maintenance Area as defined in OAR 20-105. 340-21-10

## ULTIMATE FACTS TO SHOW THE REASONS FOR ADOPTION OF THE RULE

Grants Pass is located in the Rogue River Valley in Southern Oregon. In recent years the area has been experiencing rapid urbanization, causing concern over the effects of urbanization on air quality. Actual air quality measurements within the Grants Pass area are limited, but problems encountered in the Medford-Ashland area nearby, which has similar meteorological conditions, suggests that continued urbanization could result in deteriorated air quality.

The area of Grants Pass has a high air pollution potential due to the low average windspeed of 3.3 miles per hour, surrounding mountains that shelter from wind, and the interior hills and valleys conducive to inversion patterns. The Rogue Air Basin has been designated as a region that is more susceptible to air pollution than any other area in the United States with the exception of a small region in Wyoming.

Grants Pass exceeded federal standards for suspended particulates in 1976 (primary standard) and exceeded the secondary standards in 1977.

Photochemical oxidants are not regularly measured in Grants Pass. However, in 1976 the Oregon Graduate Center conducted airborne measurements of ozone over Grants Pass. The primary object of

of the survey was to investigate oxidant levels over Portland, the Willamette Valley and Medford-Ashland but three flights were made over Grants Pass. On one of these flights, concentrations equalling or exceeding the federal standards were found at 500 feet altitude above Grants Pass.

Vehicular traffic in Grants Pass has been increasing by 10% a year. If the rate growth of population and automobile use exceeds the per mile emissions, oxidant levels in Grants Pass can be expected to increase in the future.

At its recent meeting in Gold Hill the Jackson-Josephine Health Planning Council declared air pollution to be the greatest local problem. Testimony was offered by Dr. Michael Slaughter, allergist and specialist in respiratory problems, on the effects of polluted air on people already prone to lung problems as well as growing children. Asthma, emphysema and heart conditions are seriously aggravated by poor air.

Grants Pass area has a high number of retired persons, many of whom suffer from respiratory ailments.

Petitioners are representatives of groups having members who are concerned about their own and the community's health and welfare. Petitioners urge the Department of Environmental Quality to adopt the rule in order to restore and maintain the quality of the air resources of our community.

*Josephine County Medical Society Auxiliary*  
*OMAA*

*President Cathy Wheatley*  
 1978-79

*Vote unanimous May 21, 1978*

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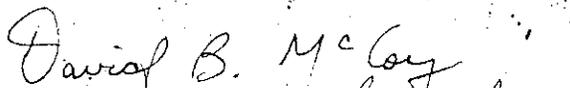
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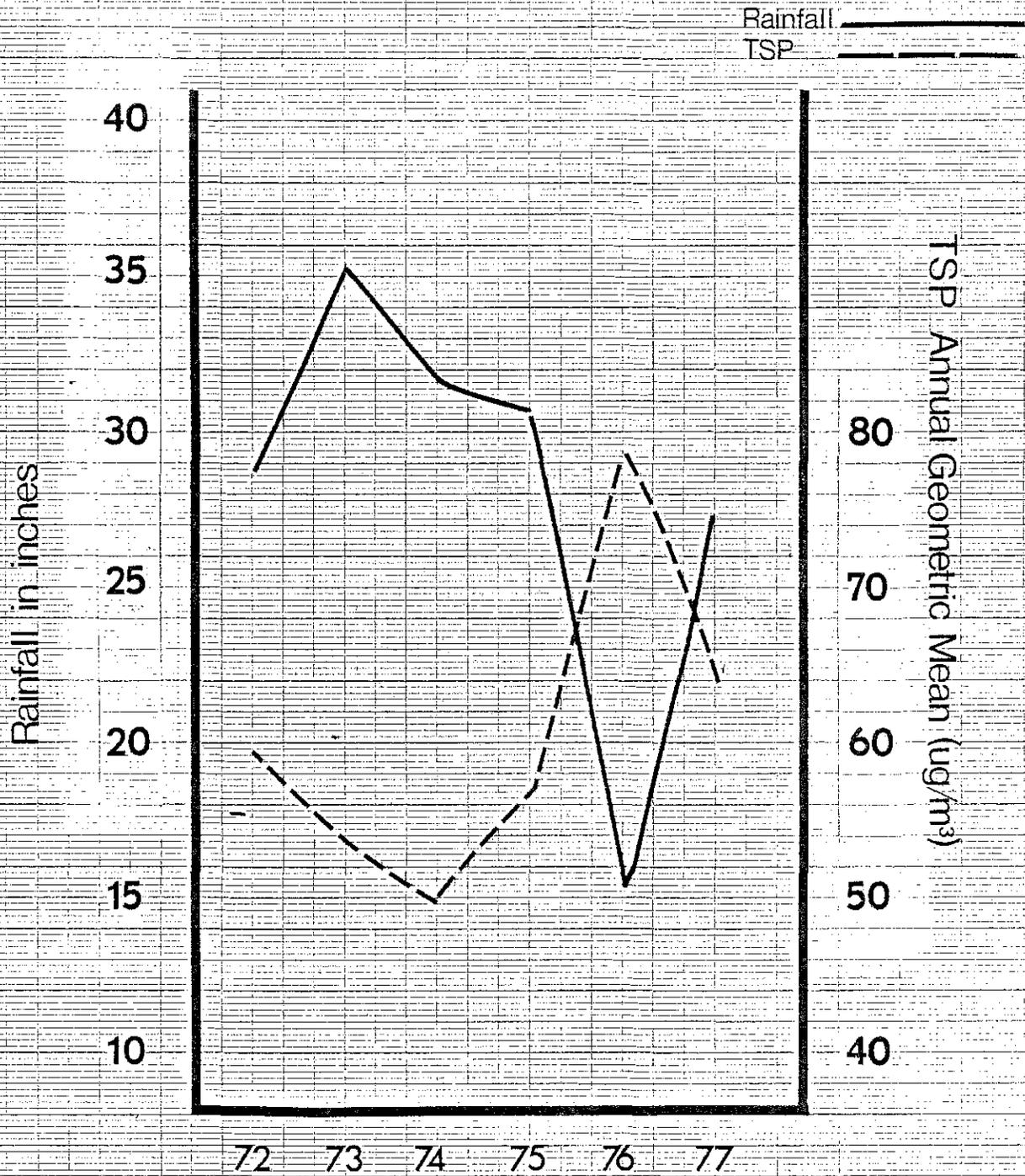
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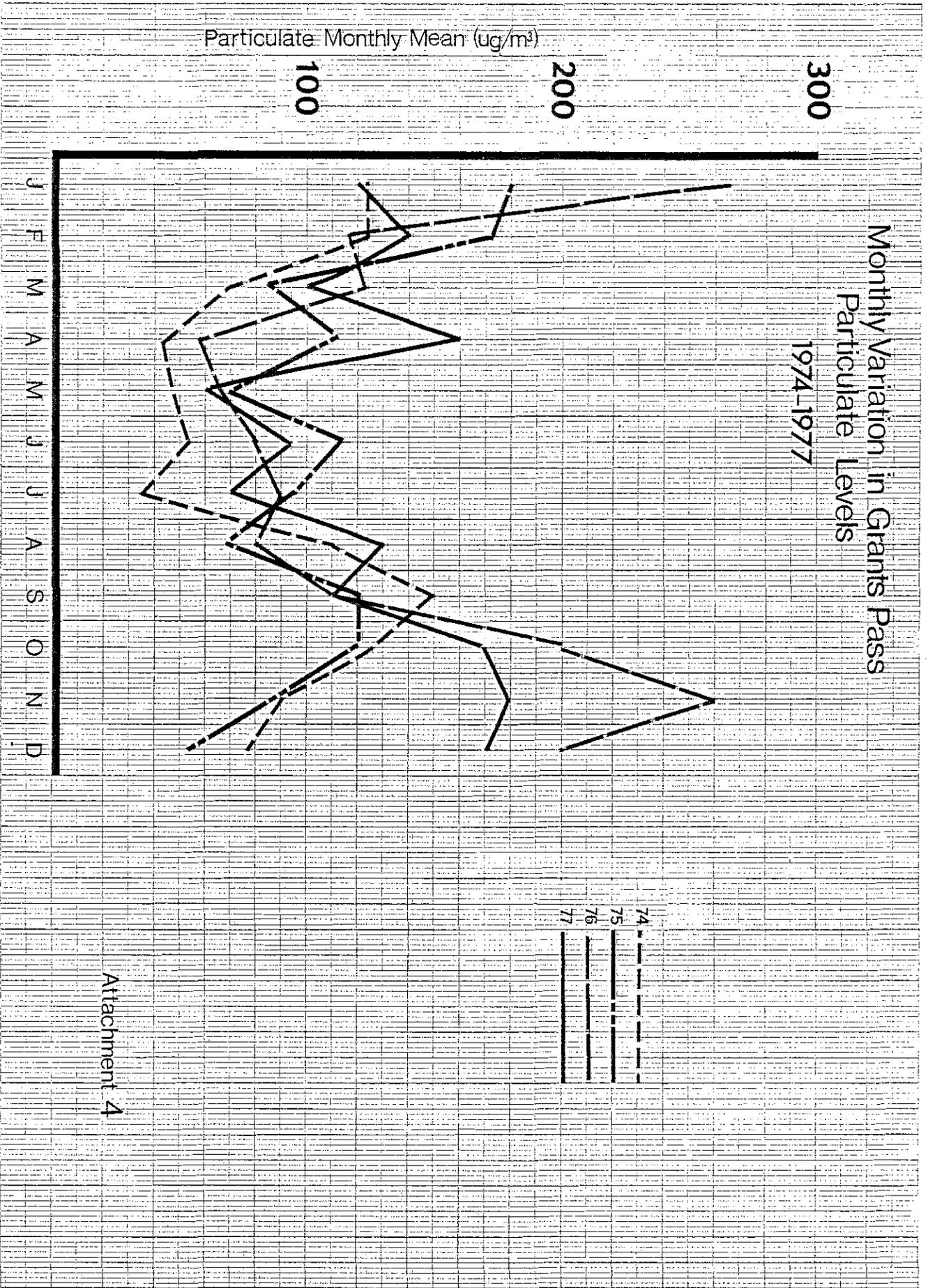
  
Ralph E. GRAHAM  
Friends of Josephine Inc.  
Chairman of the Board

  
David B. McCoy  
Friends of Josephine, Inc.  
Legal Director

# Rainfall and Particulate Concentration Comparison for Grants Pass 1972 - 1977



Attachment 3



Young

ENVIRONMENTAL QUALITY COMMISSION MEETING  
August 25, 1978

BREAKFAST AGENDA

- ① Discussion of Proposed Conflict-of-Interest Rules
- ② SIP Rule Adoption Schedule
- ③ Field Burning Rules
- Salem ④ October Meeting Date and Location
- ⑤ Status Report on Permits and Construction on Wacker Co.
6. DEQ v. Sam Davis, et al. (??) (Check with Peter.)
7. Petition for Intervention

SUMMARY

SIP REVISION - SCHEDULE AND TIME DEMAND

Note: Schedule is based on minimizing time demand on EQC. This necessitates holding actual control strategy hearings before Hearings Officer and giving public notice on hearing before EQC gives authorization for hearing.

<u>EQC SCHEDULE</u>					<u>HEARINGS OFFICER SCHEDULE</u>				
Aug. 25	(Fri)	Anywhere	1 Rule Hearing <sup>(1)</sup>	1 hr.	Sept. 19	(Tues)	Medford	1 Rule Hearing <sup>(2)</sup>	3 hrs
Sept. 22	(Fri)	Anywhere	1 Rule Adoption <sup>(1)</sup> 1 Rule Authorization <sup>(3)</sup>	1 hr	Oct. 16	(Mon)	Portland	1 Rule Hearing <sup>(3)</sup>	4-6 hrs
Oct. 27	(Fri)	Anywhere	1 Rule Adoption <sup>(2)</sup> and 1-6 Auth. <sup>(4,5)</sup>	1 1/2 hr	Nov. 15	(Wed)	Portland	0-5 Rule Hearings <sup>(5)</sup>	0-4 hrs
Nov. 17	(Fri)	Eugene	1 Hearing <sup>(4)</sup>	1/2 day	Feb. 15	(Thur)	Portland	1 Rule Hearing <sup>(6)</sup>	4-6 hrs
Dec. 15	(Fri)	Portland	2-7 Rule Adopt. <sup>(3,4,5)</sup>	1/2 day	Feb. 16	(Fri)	Eugene	2 Rule Hearing <sup>(7,8)</sup>	4 hrs
*Jan. 5	(Fri)	Eugene	4 Hear. Auth. <sup>(6,7,8,9)</sup> (Joint meeting with LRAPA Board)	1/2 day	Feb. 16	(Fri)	Medford	1 Rule Hearing <sup>(9)</sup>	4 hrs
Jan. 26	(Fri)	Portland	3 Hear. Auth. <sup>(10,11,12)</sup>	2 hrs	Mar. 2	(Fri)	Portland	2 Rule Hearing <sup>(10,11)</sup>	4-6 hrs
*Mar. 16	(Fri)	Eugene	4 Rule Adopt. <sup>(6,7,8,9)</sup>	1/2-3/4 day	Mar. 2	(Fri)	Salem	1 Rule Hearing <sup>(12)</sup>	3 hrs
Mar. 30	(Fri)	Portland	3 Rule Adopt. <sup>(10,11,12)</sup>	1/2 day					

\*Asterisk denotes special EQC Meeting - all other meetings are regularly scheduled meetings.

Rule Key

- (1) State Board Make-up
- (2) Medford Emission Offset
- (3) Volatile Organic Compound Standards
- (4) 1979-80 Field Burning Limitations
- (5) Stack heights, acceptable permit program, breakdown public notification, continuous emission monitoring
- (6) PSD
- (7) Eugene AQMA Particulate Control Strategy
- (8) Eugene AQMA Transportation Control Strategy
- (9) Medford AQMA Transportation Control Strategy
- (10) Portland AQMA Particulate Control Strategy
- (11) Portland AQMA Transportation Control Strategy
- (12) Salem Transportation Control Strategy



**O**REGON  
**S**EED  
**C**OUNCIL

Telephone 503 585-1157

2100 LANCASTER DR. N.E.  
SALEM, OREGON 97303

To: Oregon Environmental Quality Commission

From: The Oregon Seed Council

Date: Aug. 25, 1978

Re: Implementation of the 12% moisture rule, field burning

On May 26th 1978 the Commission adopted a new rule regulating burning of grass seed fields by the moisture content of the loose straw. The Commission adopted the rule in the face of testimony that it would be ultra-restrictive and in the face of the only emissions test data<sup>available</sup> that showed no significant change in emissions over a range of straw moisture.

In the Directors letter of transmittal to Donald P. Dubois dated Jun 1, 1978 he stated " The rule is conditioned such that if burning is highly restricted by the rule, it may be waived. In addition, if the sta cannot determine a field test proceedure for moisture content such that the rule cannot be efficiently implemented or enforced, staff would recommend modification or waiver of the rule until additional information could be obtained from the scheduled DEQ emission studies."

The moisture test was concieved as being one that each grower could use in each field to determine if it was dry enough to be burned under the rules of the DEQ. The staff has not been able to find or develop a reliable test for growers to use and is therefore recomending, and the commission has adopted, a new rule that generally says that if a limited sampling of fields indicated that moisture content is over 12% then all fields are prohibited from being burned. A general proceedure such as that cannot take into account the various drying rates as affected by geographic locaiton in the valley, slope of the field and its exposure, type of soil, drainage in an area, whether a grower has fluffed a field and many other considerations.

Implementation of the rule in a general across the valley manner will deprive growers of their legal right to burn under the laws of the State of Oregon, the rules of this commission, and the interim strategy approved by the EPA. It will happen because the general burning conditions will be listed and announced as prohibited based upon the staffs samples yet there may be many growers with fields below the moisture limit.

Since there is no reliable moisture test the rule should as stated in the Directors letter be waived.

In addition to the above, it is our judgment that implementation of the moisture rule will preclude in excess of 50% of the fields remaining to be burned. Your rule provides that if 50% or more of the field are prohibited from being burned that the rule should be waived. We ask that you waive the rule as 50% of the fields will probably be prohibited from being burned by the rule.

At the current time approximately 92,000 acres have been burned. It is conceivable that as few as 20-30,000 acres more will be all that will be burned. In 1977 69,000 acres were burned. 1977's September was unusually good and allowed for that much burning. That amount of acreage is not typical therefore we can expect less to be burned because of weather. The moisture rule should be waived to allow growers to utilize as much of the good mixing and transport winds as possible without being stopped by a few percentage points of straw moisture.

Finally it is our judgement that the final acreage figure will not exceed 140,000 acres. The moisture rule was conceived to minimize emissions from 180,000 acres. If the rule is waived the emissions from field burned during the remainder of the year will not approach the emissions from the 180,000 acres burned with the 12% rule in effect. We remind the commission of the data we submitted at the may meeting. That study showed that there was little increase in emissions from grass seed straw as moisture changed.

In summary, the benefit of trying to keep the moisture rule in place is at best questionable if not outright refuted by the only emission study of grass seed straw. On the other hand the damage to the grass seed sowers by further restricted burning will be substantial.

The Oregon Seed Council requests that the Commission Waive the moisture rule for the remainder of the 1978 field burning season.

FOURTH PRIORITY BURNING

Fourth priority burning has been prohibited during the field burning season. During periods of rain such as we have had recently fourth priority burning should be permitted.



STATE OF OREGON

INTEROFFICE MEMO

TO: WYoung *WY*

DATE: August 14, 1978

FROM: EJWeathersbee

SUBJECT: AQ - Field Burning Surveillance Study Reports

It is suggested that copies of these reports be sent to EQC members to make them aware of the magnitude of this effort and status.

/kz  
Attachment

CITY MANAGERS OFFICE

AUG 21 1978

AM  
7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | 4 | 5 | 6  
PM

MEMORANDUM

DATE: August 10, 1978

TO: Distribution List  
FROM: Frank P. Terraglio  
SUBJECT: July Progress Report, Field and Slash Burning Impact,  
Air Quality Surveillance Network as of July 31, 1978

-DISTRIBUTION-

Technical Advisory Committee

John Core  
Dennis Duncan  
Al Hose  
Ray Johnson  
John Kowalczyk  
H. M. Patterson  
Peter Pray  
Doug Brannock  
A. VanHoeter

DEQ

✓ E. J. Weathersbee  
W. H. Young  
S. A. Freeburn

Field Burning Advisory Committee

Fred Burgess, Chairman

EPA

D. Bray, Region X  
J. Connolly, EMSL, Las Vegas  
T. Dzubay, ESRL, RTP, NC  
N. Berg, PACS-DEQ  
R. Snelling, EMSL - Las Vegas

LRAPA

Joe Lassiter

City of Eugene

T. Smith

U of C, Davis

T. Cahill

FPT:as

This report is a summary of the activities during July 1978 associated with the Willamette Valley Field and Slash Burning Impact Air Quality Surveillance Network.

1. Personnel

A new programmer was hired by AQD and will have considerable interaction with the project in the area of data processing.

The chemist position has been filled by the Laboratory Division; however, the lead technician on the field burning project resigned effective July 31, 1978.

2. Sampling Network Status

The installation of the nephelometers and meteorological equipment was completed at all of the sampling sites.

Three virtual impactors were loaned to DEQ by EPA-RTP on a temporary basis. These units complete the entire network. They have been placed out in the field and are operated on an alternate day schedule. DEQ received three Sierra virtual impactors from the vendor late in the month. They are to be tested in the laboratory for a short period of time and then used to replace the borrowed units which are to be returned to EPA.

The EPA sampling trailer was moved to the Alsea site on July 7, 1978. The particulate monitoring equipment was immediately placed on line; however, the gas monitoring equipment was operating erratically. The SO<sub>2</sub> and O<sub>3</sub> monitors appeared to be running most consistently. Considerable effort by the Lab Division personnel has gone into bringing this gas monitoring equipment into satisfactory operating condition.

3. Analytical Services

The first results, covering the period through July 13, 1978, from SFU samplers were received. Gravimetric TSP and fines collected by this method are compared to collection by HV's on the attached tables. In addition XRF analysis for chemical elements was completed for three selected days in June. An evaluation of this data to determine collection efficiency for the SFU's will be made in the near future.

A summary was prepared for the High-Vol data collected from the field burning network during the month of June 1978. A station summary is attached to this report.

4. Data Evaluation Contract

Four bids were received from the RFP for data evaluation. The contractors bidding were Northrup, GCA, Aerovironment, and Technology Service Corp. Bids ranged from \$49,000 to in excess of \$80,000. After a review of the material submitted by the contractors it was recommended that the contract be awarded to Aerovironment, Inc., who had submitted a bid of \$49,183. A final draft of the contract will be prepared for contractor and Executive Department signatures.

## 5. EPA Coordination

The loan of three virtual impactors was noted earlier in this summary.

A sample computer tape was sent from ESRL/RFP to DEQ for purposes of checking hard copy output. The data processing section is checking on compatibility with the DEQ system.

A meeting was held in the DEQ offices at the request of Region X to review participation by agencies in the various phases of the 1978 Field Burning Study. A review of the topics covered and those in attendance is attached to this summary.

## 6. Laboratory Review

The Laboratory Division reported that analysis of filters by various methods in lieu of ion chromatography gave unreliable results. It was recommended that the laboratory hold all samples until the ion chromatograph is available from OGC which is expected sometime during August.

An IBM keypunch has been leased for a 6-month period and located at the laboratory. This will greatly facilitate the keypunching of data obtained in the field burning network.

## 7. Other Studies

### A. Mutagenicity tests

Five high volume filters collected during 1977 have been forwarded to U.C. Berkeley for mutagenicity testing. An additional five filters will be selected from those collected during the 1978 field burning study. These ten filters represent samples taken in Eugene during periods of known smoke intrusion.

### B. Polynuclear Organic Material

The Rockwell contract has been extended for purposes of measuring the POM on (a) a series of filters collected during the alternative firing studies, and (b) a series of ambient samples collected during the field burning study.

### C. Five Day Intensive Study

Preparations were begun to conduct a five day intensive study in the Valley from August 7 through 11, 1978. This will include ambient sampling at the fixed station network, complete chemical analysis of all samples collected, extensive meteorological measurements, emission/firing studies, and plume tracking studies with SF<sub>6</sub>.

## 8. Project Status

Particulate monitoring equipment is now completed for all stations.

Particulate monitoring equipment as well as meteorological equipment has been installed at all stations. Normal sample collection is on a daily basis. Analytical results are being received regularly from the DEQ lab and U.C. Davis. Data is routinely being processed and stored.

Activities during August will include: (a) preparation of the final contract with Aerovironment for data evaluation, (b) assembly of data into a format compatible with the needs for the data evaluation contractor, (c) preparation of an RFP for multivariate statistical analysis for visibility degradation in the Valley, (d) evaluate collection efficiencies for SFU's, and compile data and results of the five day intensive study.

FPT:as

Attachments

HIGH VOL DATA FOR JUNE  
FIELD BURNING NETWORK

ALL STATIONS IN OPERATION FOR ENTIRE MONTH

SUMMARY:

STATION	TSP ( $\mu\text{g}/\text{m}^3$ )			Fines ( $\mu\text{g}/\text{m}^3$ )			Fines (%)
	High (Day)	Low (Day)	Avg (day)	High (Day)	Low (day)	Avg (Day)	
Carus	70 (3)	8 (10)	36.3 (28)	30 (4)	2 (13)	11.6 (28)	32
Salem	89 (2)	19 (10)	44.9 (26)	27 (27)	5 (15)	13.0 (26)	29
Corvallis	57 (5)	8 (10)	30.0 (28)	20 (27)	3 (13)	8.3 (27)	28
Lebanon	91 (3)	10 (10)	40.0 (25)	24 (5)	2 (13)	12.0 (26)	30
Halsey	79 (6)	15 (10)	42.7 (24)	27 (27)	4 (12)	9.6 (23)	22
Junction City	93 (1)	13 (10)	37.9 (26)	26 (5)	3 (10)	10.6 (24)	28
Coburg	97 (5)	8 (10)	42.4 (30)	30 (5)	5 (10)	12.7 (29)	30
Eugene	110 (6)	20 (25)	34.5 (26)	37 (5)	2 (11)	15.3 (29)	28
Springfield	120 (2,6)	21 (10)	67.5 (29)	36 (4)	6 (9)	17.9 (29)	27
Creswell	69 (1)	8 (10)	30.9 (29)	23 (4,5)	3 (13)	10.7 (27)	35
EPA-Albany	170 (3)	19 (10)	68.2 (24)	32 (5,27)	5 (10)	16.5 (25)	24

TRENDS:

TSP

Days 1-8 High Values  
Peaking on 2nd, 3rd and 5th  
Days 9-15 low values  
Low occurring on 10th  
Balance mixed;  
High values on 27th  
Low values on 25th

FINES

Days 1-8 High  
Peaking on 4th and 5th  
Days 9-15 low values  
Low occurring on 9th  
Balance mixed;  
Days 22-26 lows  
Days 27-28 highs

AVERAGES FOR PERIODS - June 1978

Stations:	Days 1 - 7 TSP/Fines	Days 9 - 15 TSP/Fines	Days 22-26 TSP/Fines	Days 27-30 TSP/Fines
Carus	54/18	16/5	23/7	69/24
Salem	64/18	20/7	31/9	70/25
Corvallis	46/14	16/4	22/6	42/16
Lebanon	75/18	17/4	32/9	52/17
Halsey	63/15	26/5	28/6	67/18
Junction City	66/17	20/7	23/6	-
Coburg	69/23	20/6	29/8	62/16
Eugene	87/25	27/8	35/9	73/23
Springfield	110/29	37/10	48/13	/23
Creswell	55/19	14/5	21/7	43/16
EPA-Albany	113/24	41/10	54/9	90/26
Average of 10	69/21	21/6	29/8	60/20

SFU  
COMPARISON LV/HV-TSP - JUNE 1978

<u>Site</u>	<u>HV TSP Avg.</u>	<u>LV TSP Avg.</u>	<u>% Avg.</u>	<u>n Samples</u>
Carus	34.5	27.2	78.9	21
Salem	40.8	31.0	76.0	19
Corvallis	35.1	19.7	56.2 low	15
Lebanon	39.2	29.9	76.2	18
Halsey	45.4	40.7	89.7 high	18
Junction City	38.3	29.2	76.1	19
Coburg	39.6	30.4	76.7	22
Eugene	54.5	43.4	79.5	26
Springfield	64.5	43.3	67.1	25
Cresswell	24.2	18.8	77.7	20

75.4% Avg. for 10 Stations.

77.4% Avg. for all Data.

Field Burning Network  
Filter Comparisons for June 1978

	<u>HV-TSP</u> ug/m <sup>3</sup>	SFU <u>LV-TSP</u> <u>HV-TSP</u>	<u>HV-Fine</u> <u>HV-TSP</u>	SFU <u>LV-Fine</u> <u>HV-TSP</u>	SFU <u>LV-Fine</u> <u>HV-Fine</u>
Carus	34.5	0.79	0.32	0.39	1.16
Salem	40.8	0.76	0.29	0.26	0.86
Corvallis	35.1	0.56	0.28	0.26	1.07
Lebanon	39.2	0.76	0.30	0.24	0.82
Halsey	45.4	0.90	0.22	0.19	0.91
Junction City	38.3	0.76	0.28	0.16	0.56
Coburg	39.6	0.77	0.30	0.28	0.92
Eugene	34.5	0.80	0.28	0.24	0.85
Springfield	64.5	0.67	0.27	0.22	0.82
Creswell	<u>24.2</u>	<u>0.78</u>	<u>0.35</u>	<u>0.31</u>	<u>0.84</u>
		$\bar{x} = 0.75$	$\bar{x} = 0.29$	$\bar{x} = 0.26$	$\bar{x} = 0.88$



TO: DBIP F/S Burning File

DATE: August 2, 1978

FROM: FPTerraglio

SUBJECT: EPA-DEQ Meeting

On July 25, 1978 a meeting was held at the DEQ offices to review participation by agencies in the various phases of the 1978 Field Burning Study. This is a brief review of topics covered during the session. Attached is a list of those in attendance.

1. Field Burning Network Status -Terraglio  
Fixed station network on line and operating. EPA trailer gas monitoring equipment is not truly operational as yet.
2. EPA Projects and Status - Snelling
  - a) LV -  
Trailer operation to be corrected by EPA. Aircraft schedule firmed to August 7 through September 1
  - b) ESRL-RTP - Shaw  
3-VI's loaned to DEQ until Sierra's are delivered -- analysis by ESRL consist of XRF and some ion measurements
  - c) CERL - Corvallis - White/Joksch  
Setting up a socio/economic/visibility study for 1979
3. PACS - Berg/Cooper
  - a) Assembling a source emission matrix in their computer
  - b) C<sup>12</sup>/C<sup>14</sup> study on Portland samples and a few from field burning
  - c) CEB review by Friedlander on Portland data -- Same method to be used on field burning study
4. Plume Behavior - Terraglio
  - a) Terraglio reported on status of plume behavior study being conducted by C.Craig, ARC, OSU
  - b) Use of LIRAQ or other models being assembled by Craig was also discussed

August 2, 1978

Page Two

5. Emission Factors Testing

- Core

Alternate firing studies using tower sampling and SF<sub>6</sub> studies using helicopter

6. Other R & D by DEQ

- Core/Freeburn

a) Alternate year burning studies

b) Crew cutting studies

c) Health effect studies

d) Market analysis studies

e) Straw as fuel studies

f) Mutagenicity tests

g) Polynuclear Organic Material Measurements

7. Other Items Discussed

a) Lease of sampler from ER & T

b) Concern for visibility impact in Class I areas

c) Summaries of data from aircraft measurements

d) Gas monitoring in the EPA trailer

FPT:as

Attachment

Willamette Valley Oregon  
Field Burning Study

<u>Name</u>	<u>Affiliation</u>
Dennis Duncan	DEQ Laboratory
Philip Nelson	Washington Department of Ecology
Bob Snelling	EPA, EMSL-LV
Paul Boys	EPA, Region X S & A
Richard Jaquish	EPA, Regional Service Staff Las Vegas
George Hofer	EPA, Region 10
Bill White	EPA, CERL
John Jaksch	EPA, Corvallis
David Bray	EPA, Region X
Jerry Coffey	NSI, Las Vegas
Ralph Johnston	LRAPA
Bob Shaw	EPA, ESRL-RTP
John Core	DEQ, AQD
Ray Johnson	DEQ, AQD
John Kowalczyk	DEQ, AQD
John Vlastelicia	EPA/Oregon
Norm Edmisten	EPA/Oregon
Doug Brannock	DEQ, AQD
John Cooper	OGC
Neil Berg	EPA/DEQ
Jack Weathersbee	DEQ, AQD
Steve Kerron	SAI
Scott Freeburn	DEQ, AQD

Fact Sheet

Proposed Wacker Chemitronic Plant

Wacker must apply for and receive Air Contaminant Discharge, Indirect Source and National Pollutant Discharge Elimination System waste discharge permits from the Department of Environmental Quality. To date, information supplied to the Department indicates the plant will be built in several phases over a 5 - 6 year time period.

The expected air emissions and water discharges with proposed controls in conformance with the Department's requirements to meet the Highest and Best Practicable Treatment and Controls are summarized below:

AIR

1. NO<sub>x</sub> emissions - approximately 80 Tons/year

Presently the Department's emission inventory indicates that in Multnomah County 22,035 Tons/year of NO<sub>x</sub> are emitted.

In the Portland Interstate Air Quality Control Region, contributions by major sources to oxides of nitrogen are:

56.2%	Gasoline Motor Vehicles
25.6%	Combustion of Fuels
5.8%	Industrial Operations
9.3%	Other Transportation
1.9%	Field and Slash Burning

Proposed Treatment:

Multiple-stage vertical-packed-bed wet scrubbers, 90% efficiency with no visible emissions.

2. SO<sub>2</sub> emissions

Steam boiler - tested capacity

<u>Fuel</u>	Emissions, Ton/yr.		% of Airshed Utilized
	<u>SO<sub>2</sub></u>	<u>NO<sub>x</sub></u>	<u>SO<sub>2</sub>*</u>
Natural gas	0.1	30	0
Distillate Fuel Oil (0.2% S)	28	22	2
Residual Fuel Oil (1.5% S)	210	60	14.7%

\* 1430 Tons/yr. of SO<sub>2</sub> is limit

Emission inventory indicates in Multnomah County 10,231 Tons/year of SO<sub>x</sub> are emitted.

Contributions by major sources to sulfur oxides are:

60.9%	Combustion of Fuels
24.4%	Industrial Operations
11.6%	Transportation

No control device required. Question is type of fuel utilized. Fuel use has not been finalized.

3. Miscellaneous Emissions

- a. HCl vapors - controlled by scrubber and mist eliminator
- b. Particulates - controlled by baghouse

4. Indirect Source - Parking for approximately 700 cars

Wacker will be located on St. Helens Road in an area which the DEQ has identified as low to moderate traffic density with no carbon monoxide standard violations. This project would add about 10% to traffic volumes but will not cause violations of CO standards.

WATER

1. Organic wastes - waste amenable to biological treatment

All plant organic wastes will be discharged to the City of Portland sewer to be treated at the Columbia Boulevard sewage treatment plant.

2. Inorganic wastes.

	Flow, gpm	
<u>Source</u>	<u>Ave.</u>	<u>Max.</u>
HCl	127	434
HNO <sub>3</sub> & HF	73	138
Silicon Dust	<u>160</u>	<u>160</u>
	360	732
Proposed treatment Design:	440 0.634 MGD	800 1.152 MGD
Proposed treatment:	Neutralize, settle, discharge to the Willamette River	
Major concern:	Fluoride	1.0 mg/l

3. Cooling water

Proposed alternative: Use cooling towers with recirculating cooling water.

Flow at full development would be 4590 gpm (6.624 MGD).  
Temperature of process water must not exceed 70°F (21°C).

Department of Environmental Quality  
Air Quality Control Division

## AIR CONTAMINANT DISCHARGE PERMIT APPLICATION REVIEW REPORT

WACKER SILTRONICS  
N.W. Front Avenue  
Portland, Oregon

Background

- Wacker Siltronics proposes to build a high purity silicon manufacturing plant in Portland, Oregon, located on 84 acres on N.W. Front Avenue. The major product, silicon, will be used mainly as a semiconductor material by the electronics industry. The plant will be constructed in phases approximately as follows:

Initiate Site Work . . . . . August 1978  
Initial Production . . . . . March 1980  
Further Expansion . . . . . 1980-1985  
Additional Major Construction . . . . . June 1985  
Full Production . . . . . January 1987

- The estimated annual rate of air contaminant emissions by emission sources at the proposed plant would be as follows:

## EMISSIONS (tons/year)

<u>Emission Point</u>	<u>Part.</u>	<u>SO<sub>x</sub></u>	<u>HC</u>	<u>NO<sub>x</sub></u>	<u>CO</u>	<u>Other Inorganics</u>
#1--Ferrosilicon Storage Bin Vent	0.10	--	--	--	--	--
#2--Ferrosilicon Storage Silo Vents	1.0	--	--	--	--	--
#3--Two 15,000 lb/hr Steam Boilers Using #2 Fuel Oil	2.5	34	1.2	26	6	--
#4--HCl Scrubber	--	--	--	--	--	Unknown amounts of HCl
#5--Sandblasting	0.5	--	--	--	--	--
#6--NO <sub>x</sub> Scrubber	--	--	--	6.4 (as NO <sub>2</sub> )	--	--
#7--300 hp Process Boiler Using #2 Fuel Oil	0.96	20.8	0.48	10.6	2.4	--

#8--40 hp HVAC Boiler Using #2 Fuel Oil	0.13	2.8	0.06	1.4	0.32	--
#9--Solvent Loss	--	--	<u>14</u>	--	--	--
TOTALS	5.19	57.6	15.74	44.4	8.72	--

3. The plant will be operated 24 hours per day, 7 days per week and 52 weeks per year.
4. Estimated annual fuel consumption consists of the following:
  - a. 2,500,000 gallons #2 fuel oil.

#### Evaluation

5. The emissions from the proposed plant have been determined to be in compliance with Department of Environmental Quality emission limitations.
6. The proposed permit is a new permit for a new source.

#### Recommendation

7. It is recommended that the proposed permit be approved for issuance to Wacker Siltronics.

RG:mef

cc: Northwest Regional Office

ROBERT W. STRAUB  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

August 22, 1978

Kenneth A. Plumb, Secretary  
Federal Energy Regulatory Commission  
Washington, D.C. 20426

Dear Mr. Plumb:

I hereby serve notice of my intent to file a petition of intervention on the application for a preliminary permit for the proposed Illinois River Project #2822 located on the Illinois River in Curry and Josephine Counties.

I will be joined in this appeal by the Transportation Commission defending the Oregon Scenic Waterways Law; the Water Resources Director and Water Policy Review Board appearing on behalf of the legislated water policy of the State; the Fish & Wildlife Commission representing fishery interests; the Land Conservation and Development Commission who has responsibility for Oregon's coastal zone management program; and the Oregon Energy Facility Siting Council that has authority for siting energy facilities in Oregon.

It is unthinkable that Buzzards Roost Dam should be constructed and destroy one of Oregon's scenic waterways. The Illinois River is justly revered as one of the most wild and scenic in this state. I have hiked along the length of the Illinois, and I know how beautiful it is.

The people of Oregon, by initiative measure in 1970, established the Oregon Scenic Waterways Act preserving for the benefit of the public selected parts of the State's free-flowing rivers. Segments of the Illinois and Rogue Rivers, that were designated Oregon scenic waterways by the initiative action, would be adversely affected by the proposed project. Furthermore, our Scenic Waterways Act prohibits dams on Oregon's Scenic Waterways. The law states:

"It is declared that the highest and best use of the waters within scenic waterways are recreation, fish and wildlife uses. The free-flowing character of these waters shall be maintained in quantities necessary for recreation, fish and wildlife uses. No dam, or reservoir, or other water impoundment facility shall be constructed or placer mining permitted on waters within scenic waterways."  
(ORS 390.835)

In addition, under terms of Oregon law, the proposed project must be licensed by the Director of the Oregon Department of Water Resources, with the recommendation of the Water Policy Review Board, after a public hearing. Since the site is part of the Oregon Scenic Waterways system, the Director would not accept an application for a preliminary water rights permit or a hydroelectric license.

Both rivers have been federally recognized as important free-flowing streams, in addition to the state designations. The Rogue River is a Federal Wild and Scenic River and a portion of the Illinois River (the same portion that would be impacted by the proposed dam) has been designated for study as a potential addition to the federal system. It is our understanding that, until a decision on the Illinois River is made by Congress, no federal action affecting the river can be initiated.

Our Fish & Wildlife Commission has already filed a petition of intervention protesting the interference with our anadromous fishery that this proposed project would cause. Their petition will be consolidated with mine.

In addition to the above state issues, there is serious concern that the proposed project would impact the coastal zone and would therefore have to be found consistent with Oregon's Coastal Zone Management Program. If the state finds that the application is not consistent, FERC is constrained from issuing the requested licenses or permits. Because serious questions concerning this project have been raised by state agencies, it seems unlikely that consistency could be demonstrated.

Authority for siting of energy facilities in Oregon, including hydroelectric facilities, has been delegated to the Oregon Energy Facility Siting Council (ORS 469.300 to 469.590 and 469.992). The Council has indicated its intent to exercise

Kenneth A. Plumb  
August 22, 1978  
Page 3

its authority to the maximum extent in this siting issue, and joins in my petition of intervention.

The State of Oregon concludes that construction of a dam on the Illinois River is inappropriate and recommends denial of the preliminary permit.

Sincerely,



Governor

RWS:pt

cc: Wes Kvarsten, Director  
Department of Land Conservation & Development

David G. Talbot, Superintendent  
State Parks Branch

Jack Donaldson, Director ✓  
Department of Fish & Wildlife

Jim Sexson, Director  
Department of Water Resources

Fred Miller, Director  
Department of Energy

Coos-Curry Electric Cooperative, Inc.

LAW OFFICES OF  
BLACK, HELTERLINE, BECK & RAPPLEYEA

HARVEY N. BLACK  
JOHN P. APICELLA (1966)  
RUSSELL M. HELTERLINE  
BORDEN F. BECK, JR.  
GUY J. RAPPLEYEA  
CHARLES J. STRADER  
GEORGE C. SPENCER  
RICHARD N. ROSKIE  
STEVEN R. SCHELL  
JAMES E. PETERSEN  
ALBERT J. BANNON  
RONALD T. ADAMS  
DAVID P. ROY  
STEVEN E. WYNNE

12TH FLOOR  
THE BANK OF CALIFORNIA TOWER  
PORTLAND, OREGON 97205

CABLE ADDRESS BLACAP  
TELEPHONE  
(503) 224-5560

August 24, 1978

HAND DELIVERED

Environmental Quality Commission  
P. O. Box 1760  
Portland, Oregon 97207

Reference: Indirect Source Permit for the Beaverton  
Shopping Center

Ladies and Gentlemen:

This office represents C. E. John in its application for an indirect source permit for the Beaverton Shopping Center. The Beaverton Shopping Center is an extension to the Beaverton Mall. If all three phases of the shopping center extension are developed, there will be 128,826 square feet of new shopping space, and 575 additional parking spaces are needed in order to meet the City of Beaverton's parking space requirements. It is anticipated that there will be about 4,100 trips generated per day from this addition. At the intersection of Cedar Hills Boulevard and Walker Road, according to the air quality modeling done by Seton, Johnson and Odell, there will be a net effect of .8 mg/m<sup>3</sup> for carbon monoxide as a result of full development. The DEQ has said that because this is more than a "significant impact of .5 mg/m<sup>3</sup> the size of the construction must be reduced.

I. ADOPTION OF STANDARDS

The basic problem is that several parking facilities have been approved in the area on what appear to our client and its consultant to be highly variable, unstated, ambiguous and therefore unfair standards. In particular, it appears that the DEQ is acting inconsistently in its actions toward the Beaverton Shopping Center extension.

A. Violation of Administrative Law. According to the courts, the public is entitled to consistency of enforcement from a public agency, Sunray Drive-in Dairy v. O.L.C.C., 517 P2d 289(1973), and both an agency and an applicant are entitled to

know what they are required to prove or disprove in order to gather and present their evidence. Id.

B. No EQC Approval. The DEQ seems to be applying an .5 mg/m<sup>3</sup> incremental increase as a measure of significant impact to carbon monoxide emissions from indirect sources. However, in a conversation on July 18, 1978, Howard Harris of DEQ told Mr. Odell that the .5 milligram policy has never been reviewed or approved by EQC. Furthermore, even though it has been requested, the DEQ has not been willing to let C. E. John and its consultant see a proposed staff report where the standard is discussed. As you can see by the excerpt, which we do have, DEQ thinks a rule is necessary in this area (Attach. #1).

In addition, the .5 mg/m<sup>3</sup> criterion is based upon five percent of the eight-hour standard of 10 milligrams per cubic meter. There is no scientific basis for using five percent rather than 10 percent or 20 percent. Until EQC conducts a rule-making proceeding to determine the reasonableness of this 5% standard, it should not be applied.

The law is very clear that any order or permit issued must be vacated if it is based on a standard that hasn't been adopted by rule or as part of a contested case proceeding. Burke v. Public Welfare Division, 31 Or App 161, 570 P2d 87(1977). Without an adopted policy, the DEQ is engaging in unfair and discriminatory enforcement of its regulations.

C. Misuse of Federal Policy. In August of 1977, the Clean Air Act was amended. One of the Sections, now § 320, called for a conference on air quality modeling. In part, as a point of departure for that conference, the EPA prepared a document called Interim Guideline on Air Quality Models, dated October, 1977. In an Appendix, there is a discussion of significant air quality increments for non-attainment areas. Thus, this October, 1977, interim document Appendix contains the first mention of any kind of numbers for determining "significant impact" increments in non-attainment areas. Furthermore, the final guideline was published as of April, 1978, and we are told by EPA that it does not contain Appendix A or any other reference to the .5 criterion.

The purpose of the Interim Guideline Appendix was to determine whether a "major stationary source" or "major emitting facility" had "significant impact" for purposes of applying the new prevention of significant deterioration (PSD) or offset law and regulations. Thus there is a two-step analysis: (1) is there a major source, the (2) is the impact of that major source significant?

The Clean Air Act Amendments themselves set forth the standards that Congress wanted applied with regard to non-attainment areas. Specifically, Section 129 of the Clean Air Act, as Amended, requires that an Interpretive Ruling dated December 21, 1976, be the governing document until July 1 of 1979. That document defines a major source for purposes of carbon monoxide emissions. Under that document, anything less than 1,000 tons is not a major emission source. Even using a "worst case" analysis, meaning that every day is the worst day in a year, the maximum carbon monoxide emissions for the Beaverton Shopping Center project are 642 tons, i.e., significantly less than the 1,000 ton minimum for a major source.

## II. DEQ'S LACK OF STANDARDS LEADS TO UNFAIR RESULTS

The air quality analysis conducted by C. E. John's consultants, Seton, Johnson and Odell, (SJO), was based on computer model predictions calibrated or adjusted to produce results consistent with field measurements. The results show a potential air quality problem through 1984 with or without the expansion of Beaverton Shopping Center in the vicinity of Walker Road and Cedar Hills Boulevard. For the location or receptor of most critical concern at the southeast corner of that intersection, the analysis shows that a peak day (Friday prior to Christmas) eight hour concentration of CO as high as 14.0 mg/m<sup>3</sup> could occur under worst case meteorological conditions. This level of CO is made up of the following components:

Background	1.5 mg/m <sup>3</sup>
Existing traffic	7.7
Project impact	0.8
Uncertainty interval	4.0

There are several ways to interpret these results. The confidence or uncertainty interval is statistically calculated to describe the uncertainty of modeling and field measurements, and for the above case says that:

- The most probable concentration is 10.0 mg/m<sup>3</sup>;
- There is a 50% probability that the real concentration is less than 10.0 mg/m<sup>3</sup> and also 50% that it is greater; and

- There is a 95% probability that the true value lies between 6.0 and 14.0 mg/m<sup>3</sup>.

SJO's analysis is unique in several ways. They believe it is the most thorough and reliable method for assessing the impacts of indirect sources. Indeed, they have applied the same method and data base to three developments in the same area and for the same receptor obtained the following results: for the day corresponding to Beaverton Shopping Center's worst case day:

<u>Project</u>	<u>1984 level</u>	<u>Impact</u>
Tektronix	13.2	0.4
Floating Point	13.5	0.3
Beaverton Shopping Center	14.0	0.8

In obtaining all these results the same conservative assumptions were used in all three cases:

- Worst case hour-by-hour traffic (a Friday before Christmas) for a complex net of traffic links;
- Worst case weather based on actual measurements;
- Calibration based on field sampling data for a network of samplers covering the Tektronix-Beaverton Shopping Center area;
- Application of the 4 mg/m<sup>3</sup> uncertainty interval and a background of 1.5 mg/m<sup>3</sup>, both derived from the calibration.

Several observations need to be made about these findings, leading to our conclusion that DEQ staff has not applied a fair, reasonable and consistent interpretation to the Indirect Source Rule.

First, with a standard of 10 and a projected 1984 baseline of over 13 mg/m<sup>3</sup>, it is difficult to understand by what rationale DEQ approved permits for Tektronix or Floating Point. Incidentally, Tektronix' application predated Beaverton Shopping Center's by several weeks, whereas Floating Point's followed it by about a month.

Second, DEQ does not have a consistent standard for modeling analyses on which it presumably bases decisions. The case of Fred Meyer's Valley West Shopping Center, a few miles

away at the intersection of Beaverton Hillsdale Highway and Highway 217 (see Attachment 3) is a good case in point. A permit for 1220 spaces was issued for this project based on an analysis which:

- Used a different model ("AIRPOL 4A") than the one used by SJO ("DMISE");
- Did not include field measurements or calibration of the model;
- Used a single hypothetical worst-case meteorological condition
- Used a single hypothetical worst-case meteorological condition rather than actually observed data;
- Used 8-hour average traffic rather than actual hourly variations; and
- Used an assumed background of 5.5 mg/m<sup>3</sup> and no statistical allowance for uncertainty in the results.

These many analytical differences demonstrate clearly that Valley West was subjected to a much less sophisticated and much less rigorous analysis than was our client's project. This, however, is only important if the two methods produce different results. To determine if they do, SJO has applied the AIRPOL 4A technique, as approved by DEQ for Valley West, to Beaverton Shopping Center. The results, shown in Attachments 4 and 5, are dismaying: HAD THE METHODOLOGY APPROVED FOR USE AT VALLEY WEST BEEN APPLIED TO BEAVERTON SHOPPING CENTER, THE PROJECT WOULD HAVE BEEN JUDGED APPROVABLE AND WE WOULD NOT BE HERE TODAY.

This kind of inconsistent review by DEQ staff amounts to arbitrary and unfair application of regulations. The grounds for approving or disapproving projects are hardly based on solid judgments of the facts. It is unfair to deny Beaverton Shopping Center's application for 575 spaces based on a rigorous analysis while granting Fred Meyer 1220 spaces based on an analysis we have shown is less rigorous and produces much lower predictions of air pollution.

### III. APPLICATION OF .5 DOES NOT HELP ATTAINMENT

A. It Does Not Help Tri-Met and Tektronix. Tektronix has recently been granted approval for a very large parking lot. As part of that approval, Tektronix has committed to a modal split of 15% by 1983 as opposed to what is now 7%. In order to accomplish that result, increased Tri-Met activity is necessary. What

this means is that either Jenkins Road must be widened for Tri-Met activity or Hall Boulevard must be extended to Karl Braun Drive or both. Yet if the added spaces are not approved, the shopping center will not be able to develop any more than what is called Phase 1a, construction of an Albertson's Supermarket. Furthermore, the traffic into and out of the present Beaverton Mall will prevent the development of Hall Boulevard for Tri-Met use.

B. It Does Not Help the Jenkins Road-U.S. National Bank Queuing Problem. As pointed out by the U. S. National Bank in its letter (Attachment # 6) there is extensive queuing into Jenkins Road by customers of the bank. If the full 575 extra spaces are approved there will be improvements made in Jenkins Road such that entry will be from the shopping center. This will reduce idling time and congestion at this location.

C. There is Disregard for the Impact of the ISECP. In spite of their disagreements with staff interpretation of the results, C. E. John Company submitted an Indirect Source Emission Control Program (ISECP). (Attachment 7). Staff admits that the set of measures is as extensive as can realistically be done by any shopping center, they give no credit for several important components for which numerical levels of improvement can not be estimated. For example, no consideration was given for the provision in the ISECP for improved access to Tri-Met -- a measure which could have a significant favorable impact but which can't realistically be evaluated in advance.

#### IV. CONCLUSIONS

1. The .5 requirement must be adopted by EQC and yet has not been so adopted.

2. Failure to adopt the standard results in discrimination in enforcement.

3. Before applying the .5 standard, the appropriate procedure should be to determine whether a major source is involved and, at least until July 1, 1979, this means a determination of whether the indirect source emits less than 1,000 tons of carbon monoxide a year on a worst-case basis.

4. Lack of standards leads to unfair results in that:

First, if the NAAQS of 10 mg/m<sup>3</sup> for CO is applied no project should be approved in the area,

Second, DEQ's lack of modeling standards provides different results for different facilities.

5. Approval of the full 575 spaces will aid in attainment by helping Tektronix meet its requirements, helping Tri-Met increase its service in the area, and solving the queuing problems on Jenkins Road that the United States National Bank presently has.

We urge your approval of the full 575 spaces for the C. E. John development at the Beaverton Shopping Center.

Very truly yours,

A handwritten signature in cursive script, appearing to read "D. R. Schell".

SRS:iwb

Enclosures

Not to be REPRODUCED



## Environmental Quality Commission

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item 1, June 30, 1978 EQC Meeting

Indirect Source (I/S) Rule Change in Administrative Procedures

### BACKGROUND

EXCISED

Since passage of the Clean Air Act of 1977 in August 1977, the Department has been regulating individual I/S projects in the following manner: if a development demonstrably shows no violation of the 8 hour CO standard after January 1, 1983, then a permit for construction without conditions is issued. However, if a development locates in an area that will violate the 8 hour CO standard beyond January 1, 1983, then that development is only allowed an increase in CO concentration of 0.5 mg/m<sup>3</sup> 8 hour average which is EPA criteria for significant impacts. If the developer cannot produce control strategies through an Emission Control Program that will reduce the projected increase in CO concentration to 0.5 mg/m<sup>3</sup> or less, then he has to face the prospect of reducing the size or character of his development.

EXCISED

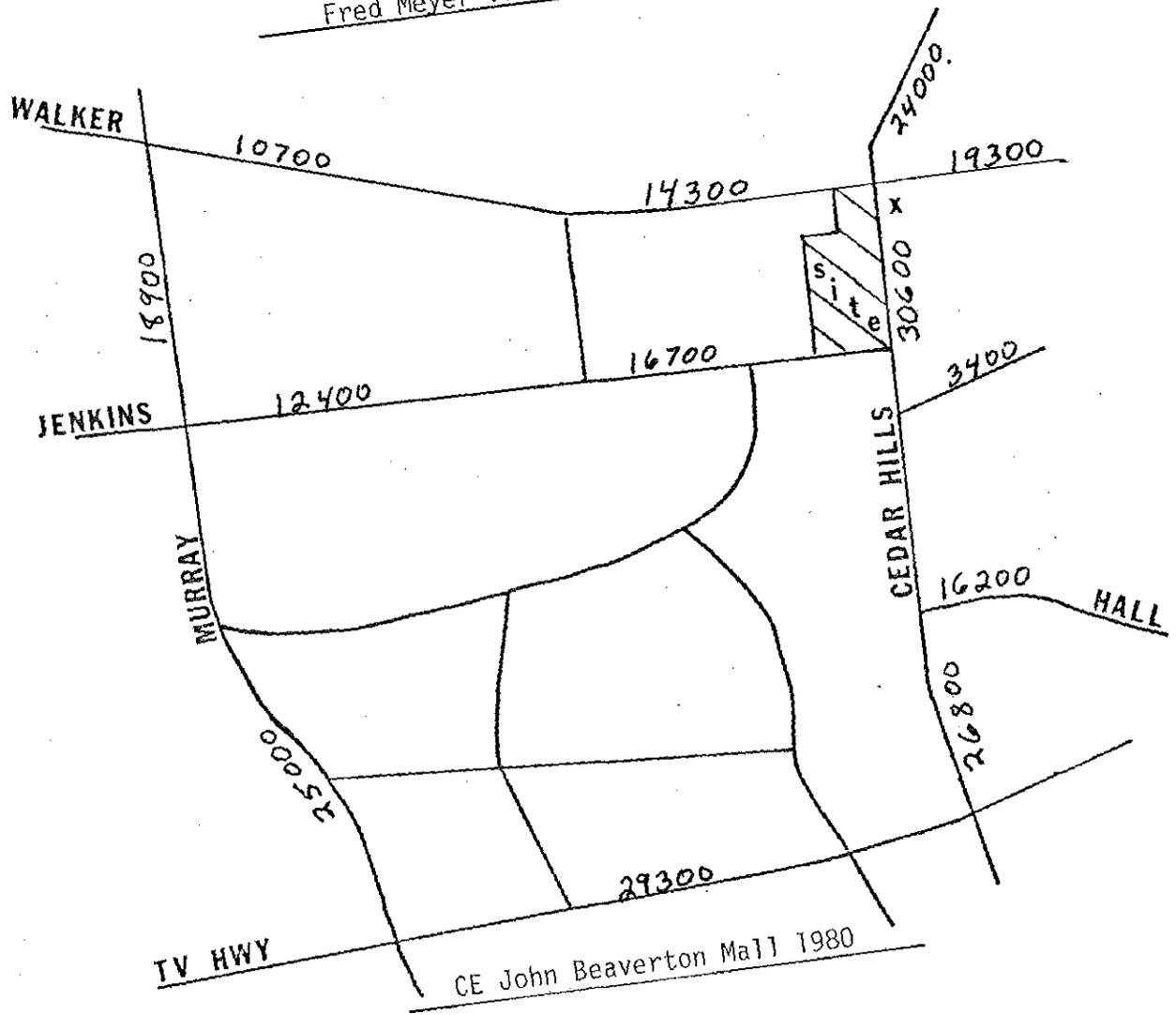
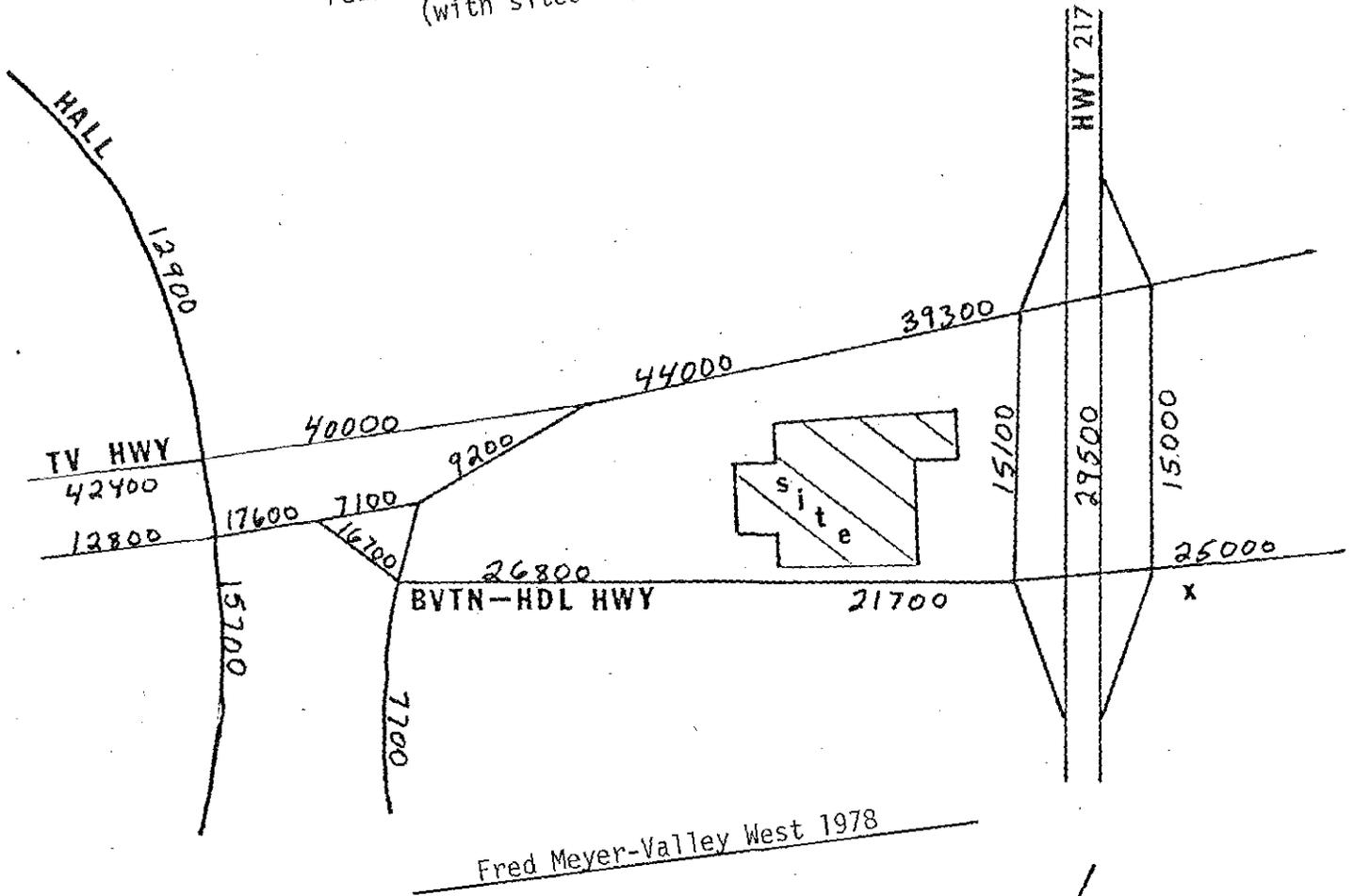
TABLE 4-8

REGIONAL EMISSIONS DUE TO BEAVERTON SHOPPING CENTER  
(Tons/Day)

	Pollutant			
	<u>CO</u>	<u>THC</u>	<u>NO<sub>x</sub></u>	<u>LEAD</u>
1980				
Average Weekday	.38	.044	.031	5.2 x 10 <sup>-5</sup>
Peak Day	.66	.078	.051	8.8 x 10 <sup>-5</sup>
1984				
Average Weekday	.93	.100	.094	21 x 10 <sup>-5</sup>
Peak Day	1.76	.180	.160	35 x 10 <sup>-5</sup>

<p>1.76 x 365 ----- 642.4 Tons/Year</p>
---

Peak Day 24-Hour Traffic Volumes  
(with sites expanded)



Peak Day 8-hr Concentration (mg/m<sup>3</sup>) \*

Fred Meyer-Valley West

1978 (South East Receptor)

model	w/o	w/	impact
AIRPOL	11.9	12.6	0.7

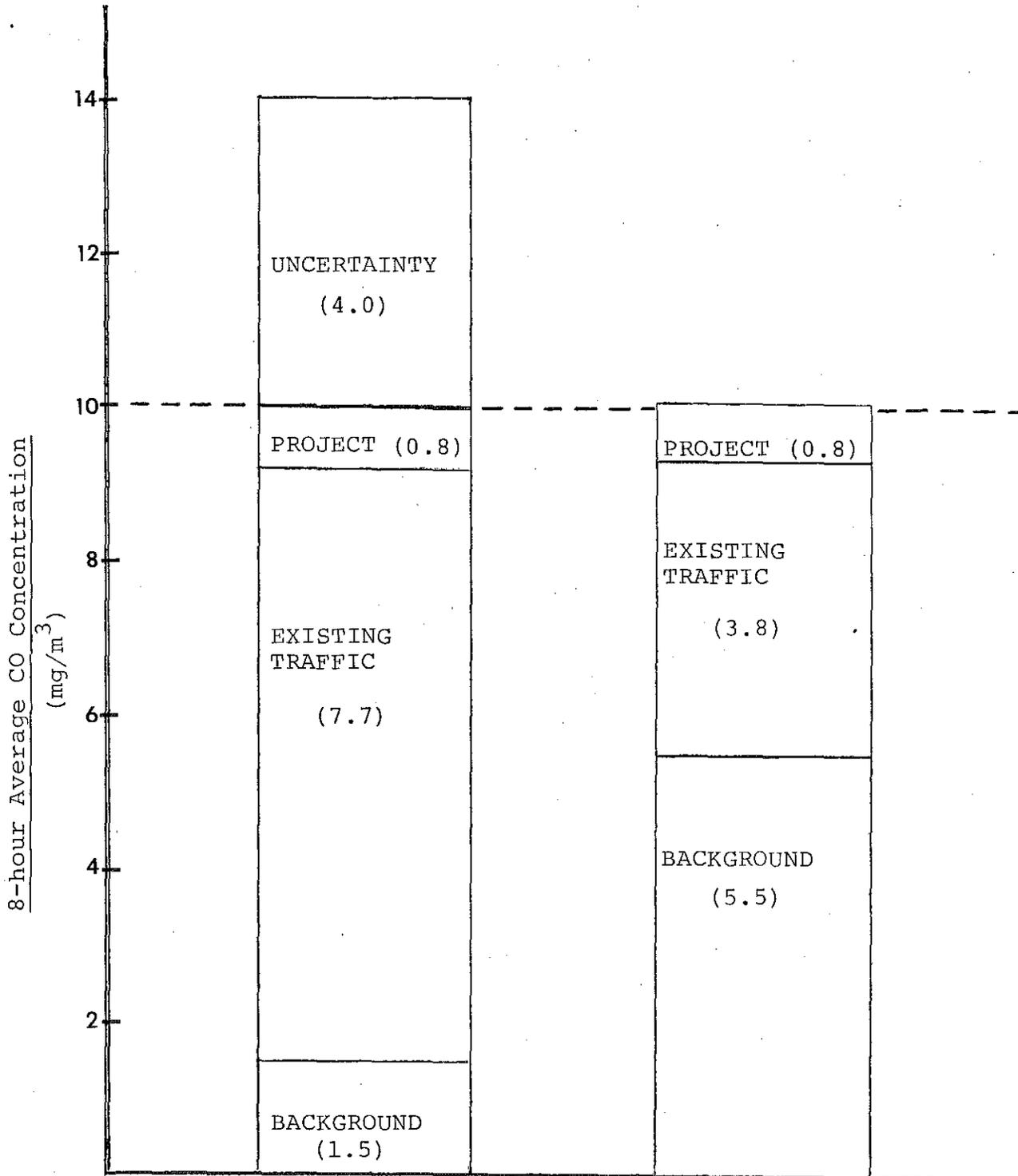
CE John-Beaverton Mall

1984 (Receptor 13)

model	w/o	w/	
DMISE	13.2	14.0	0.8
AIRPOL	9.3	10.1	0.8

\* Assuming 5.5 mg/m<sup>3</sup> background

Comparison of Two Modeling Approaches  
for Beaverton Mall Phase II



DMISE-calibrated  
(as approved for use  
in Beaverton Mall  
study)

AIRPOL-4A-uncalibrated  
(as approved for use in  
Fred Meyer Valley West  
study)



# UNITED STATES NATIONAL BANK OF OREGON

A Subsidiary of U.S. Bancorp

J. A. LABADIE  
VICE PRESIDENT

HEAD OFFICE  
309 S.W. SIXTH AVENUE  
P.O. BOX 4412, PORTLAND, OREGON 97208

August 18, 1978

Department of Environmental Quality  
Indirect Source Program  
P. O. Box 1760  
Portland, Oregon 97207

Reference: Beaverton Mall Phase II

Gentlemen:

It is our understanding that a hearing will be held shortly relative to the application and request of the C. E. John Construction Company for expansion of the Beaverton Mall at Cedar Hills Boulevard and Jenkins Road in Beaverton, Oregon. As a property owner whose North Beaverton Office is situated at the northwest corner of the intersection of Cedar Hills Boulevard and Jenkins Road, adjacent to the proposed development, we wish to apprise representatives of the Department of the urgent need for this expansion.

The intersection as it presently exists, is not only hazardous to life and limb because of congestion and volume of traffic, but also, in our experience and opinion, conflicts directly with the goals which the DEQ espouses. Because of the considerable congestion caused by the present makeup of the roadway width, a substantial amount of delays are encountered, thereby resulting in dissemination of exhaust gases. The addition within the area of residential and commercial developments other than the proposed expansion have compounded the problems in that these additions have occurred without development of wider streets to accommodate the increased traffic.

Under the proposed development, the Bank would be foregoing its present curb cuts which provide access for customers to the bank site from Jenkins Road and Cedar Hills Boulevard. The development would propose that ingress and egress would be provided to the bank property at new curb cuts established some distance away from the intersection at both streets. It is our opinion that this would reduce delays and stackup of vehicles presently occurring at the intersection.

Neither the City of Beaverton and/or Washington County are willing nor have the finances to make the improvements as proposed to both of these streets and the developer is willing to incur this expense. While under

Department of Environmental Quality  
Portland, Oregon  
August 18, 1978

no obligation to do so, the Bank feels that the traffic movement will be improved sufficiently by these changes to justify the Bank's participating in the cost. By the developer assuming this cost as proposed in his program, the City and the County are saved the use of sorely needed funds for street improvements which are badly needed in both the community and county.

By creating on-site parking as proposed in the expansion of the existing Beaverton Mall, it should be apparent that the queuing of vehicles on the right-of-way will be considerably diminished. It has been our observation and I am sure this can be supported from tests and examples that the overall total discharge of exhaust is diminished when sufficient parking and convenient ingress and egress is provided. While numerous attempts have been made to develop mass transit service for centers such as Beaverton Mall and others in the metropolitan area, the transit company has been unwilling and financially unable to provide shuttle service enabling riders to utilize public transit for short shopping trips. This condition not only exists in the suburban areas but also within the city limits. Because of this, short trips generally necessitate the use of automobiles rather than mass transit. The inability of the developer to expand the present facility could only result in the public traveling farther to satisfy its shopping requirements. Imposing this disservice to those residing in the area is, we feel, a disservice to them as well as in direct conflict with goals of the DEQ.

In order to provide better service to residents within the marketing area of the Beaverton Mall and in order to alleviate the traffic problems presently existing, we strongly urge the Department to approve the development and expansion of the Beaverton Mall as proposed by the C. E. John Company.

Very truly yours,

/s/ J. A. LABADIE  
VICE PRESIDENT

J. A. Labadie  
Vice President and Manager  
Bank Properties Division

JAL:dh

Table A  
Summary of Impacts

Air Quality	Indirect Source Emission Control Program	Impact on Air Quality (1984)		
		8-hr. Average Conc. (mg/m <sup>3</sup> )		local gross emissions (lb/day)
Item <sup>a</sup>	Section <sup>a</sup>	@ receptor 13	@ receptor A <sup>d</sup>	
1	Speed Changes <sup>b</sup> (I.1)	minimal	-0.3	
2	Exiting Delays <sup>b</sup> (I.1)			-30.1
3	Tri-Met Access Point <sup>f</sup> (II.1)			
4	Employee Fares <sup>c</sup> & Carpooling (II.2 & 5)	minimal		(-) <sup>e</sup>
5	Shopper Fares <sup>c</sup> (II.3)	-0.04		(-)
6	Park-and-Ride <sup>b</sup> (II.4)			-35.0

- a. items and sections are more fully defined in the ISECP text
- b. comparison between building Beaverton Shopping Center and no build condition
- c. comparison of impact with the control program and without
- d. receptor A (U.S. National Bank Bldg.) as located in figure 1.
- e. (-) reduced impact - exact amount indeterminate
- f. impact may be significant yet numbers are not available for estimation



## STATE OF OREGON

ENVIRONMENTAL QUALITY

DEPT.

229-6086

TELEPHONE

## INTEROFFICE MEMO

TO: File

DATE: August 24, 1978

FROM: Howard W. Harris

SUBJECT: Summary of Responses to Department's Partial Approval of the  
Beaverton Mall Phase II

The following individuals have written the Department regarding the above referenced project: Mr. Don J. Rogato; Mr. J. A. Labadie, Vice-President and Manager Bank Properties Division, United States National Bank of Oregon; Mr. Jack Nelson, Mayor, City of Beaverton; Mr. David E. Orkney, President, G.I.Joes, Inc.

Mr. Rogato: Mr. Rogato states that traffic on Jenkins Road is dangerously congested. It is inconceivable to him that anyone could reject a solution to the traffic problem on Jenkins Road. Since traffic relief on Jenkins Road is inevitable, the improvement may as well take place now rather than at a later date.

Mr. Labadie: Mr. Labadie states that as a property owner on the northwest corner of the intersection of Cedar Hills Boulevard and Jenkins Road, the U. S. National Bank stresses the urgent need for the expansion. Additional development, excluding the proposed Mall expansion has compounded problems because the development has occurred without the widening of streets to accommodate the increased traffic. New curb cuts to the Bank property would reduce delays and stack-up of vehicles presently occurring at the intersection. The Bank will participate with the developer in the roadway improvement costs.

Additional on-site parking would considerably diminish queuing of vehicles on the right-of-way, resulting in less vehicle emissions. Because public transit is either unable or unwilling to service short shopping trips, the public must use automobiles. If the Mall is not expanded, then the public would have to travel farther to satisfy its shopping requirements.

Mr. Nelson: Mr. Nelson states that the City of Beaverton approved a master plan on January 12, 1978 for the final four phases of the Beaverton Mall. The developer applied to the City for 675 parking spaces, which included existing parking. The minimum parking requirement, excluding the Bank, is 499 spaces. Deducting the existing 97 spaces for Albertson's store, leaves a net increase of 402 parking spaces - four more than the DEQ proposed permit allows. The reduction from the 675 spaces on the present site plan will require redesign which could be resolved by the developer, City staff and the Board of Design Review. The net effect of the reduction, other than improved air quality, would be an addition of landscaping to the site.

Mr. Orkney: Mr. Orkney states that the improvements proposed by the development are greatly needed because traffic flow through and around the Mall has reached a peak of congestion due to the limited access from the surrounding streets. G. I. Joes is in favor of the development as proposed.

8-17-78

DEPT. OF ENVIRONMENTAL QUALITY -

DEAR SIR -

IT IS INCONVENIENT TO ME THAT ANY-  
ONE CAN REQUEST A SOLUTION TO OUR PROBLEMS  
AND SUGGESTED TEACHERS ARE "RECORDED" ESPECIALLY IN  
VIEW OF THE ADDITIONAL BUDGET PER-  
MITTED BY THE STATE.

IF WE'RE GOING TO EXPAND BEHAVIOR  
MALL WITH WAIT UNTIL WE HAVE  
SOME FACILITIES BEFORE WE WIDEN TEACHERS  
& ADD A TRAFFIC LIGHT. NOTHING  
LIKE A COUPLE OF GOOD FACILITIES TO  
GET THINGS GOING.

I'VE GROSSED TEACHERS DAILY FOR  
THE LAST 9 YEARS AS HAVE  
SEVERAL OF MY COLLEAGUES. IT IS  
DANGEROUS TO HAVE 300+ CARS  
AND TRIPS TO HAVE LIKE A HAND OF CARDS  
HORSES FROM THE

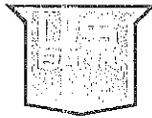
SIR, I CAN GIVE YOU TWO HIGH  
CREDIT FOR GOOD JUDGMENT TO WORKY  
ABOUT YOUR DECISION HERE. —  
TRAFFIC LIGHT ON STAIRS WILL COME  
TO PASS — IT IS INEVITABLE. — MIGHT  
AS WELL START WITH YOU?

RESPECTFULLY

John J. [Signature]

9925 S.W. 15th Ave.

Beverton, OR 97005



UNITED STATES NATIONAL BANK OF OREGON  
A Subsidiary of U.S. Bancorp

J. A. LABADIE  
VICE PRESIDENT

HEAD OFFICE  
309 S.W. SIXTH AVENUE  
P.O. BOX 4412, PORTLAND, OREGON 97208

August 18, 1978

Department of Environmental Quality  
Indirect Source Program  
P. O. Box 1760  
Portland, Oregon 97207

Reference: Beaverton Mall Phase II

Gentlemen:

It is our understanding that a hearing will be held shortly relative to the application and request of the C. E. John Construction Company for expansion of the Beaverton Mall at Cedar Hills Boulevard and Jenkins Road in Beaverton, Oregon. As a property owner whose North Beaverton Office is situated at the northwest corner of the intersection of Cedar Hills Boulevard and Jenkins Road, adjacent to the proposed development, we wish to apprise representatives of the Department of the urgent need for this expansion.

The intersection as it presently exists, is not only hazardous to life and limb because of congestion and volume of traffic, but also, in our experience and opinion, conflicts directly with the goals which the DEQ espouses. Because of the considerable congestion caused by the present makeup of the roadway width, a substantial amount of delays are encountered, thereby resulting in dissemination of exhaust gases. The addition within the area of residential and commercial developments other than the proposed expansion have compounded the problems in that these additions have occurred without development of wider streets to accommodate the increased traffic.

Under the proposed development, the Bank would be foregoing its present curb cuts which provide access for customers to the bank site from Jenkins Road and Cedar Hills Boulevard. The development would propose that ingress and egress would be provided to the bank property at new curb cuts established some distance away from the intersection at both streets. It is our opinion that this would reduce delays and stackup of vehicles presently occurring at the intersection.

Neither the City of Beaverton and/or Washington County are willing nor have the finances to make the improvements as proposed to both of these streets and the developer is willing to incur this expense. While under

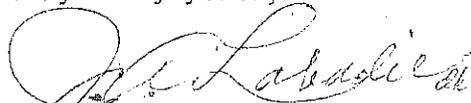
Department of Environmental Quality  
Portland, Oregon  
August 18, 1978

no obligation to do so, the Bank feels that the traffic movement will be improved sufficiently by these changes to justify the Bank's participating in the cost. By the developer assuming this cost as proposed in his program, the City and the County are saved the use of sorely needed funds for street improvements which are badly needed in both the community and county.

By creating on-site parking as proposed in the expansion of the existing Beaverton Mall, it should be apparent that the queuing of vehicles on the right-of-way will be considerably diminished. It has been our observation and I am sure this can be supported from tests and examples that the overall total discharge of exhaust is diminished when sufficient parking and convenient ingress and egress is provided. While numerous attempts have been made to develop mass transit service for centers such as Beaverton Mall and others in the metropolitan area, the transit company has been unwilling and financially unable to provide shuttle service enabling riders to utilize public transit for short shopping trips. This condition not only exists in the suburban areas but also within the city limits. Because of this, short trips generally necessitate the use of automobiles rather than mass transit. The inability of the developer to expand the present facility could only result in the public traveling farther to satisfy its shopping requirements. Imposing this disservice to those residing in the area is, we feel, a disservice to them as well as in direct conflict with goals of the DEQ.

In order to provide better service to residents within the marketing area of the Beaverton Mall and in order to alleviate the traffic problems presently existing, we strongly urge the Department to approve the development and expansion of the Beaverton Mall as proposed by the C. E. John Company.

Very truly yours,



J. A. Labadie  
Vice President and Manager  
Bank Properties Division

JAL:dh

# CITY OF BEAVERTON

4950 SW Hall Blvd. Beaverton, Oregon 97005 (503) 644-2191

August 23, 1978

Mr. Howard W. Harris  
Department of Environmental Quality, Air Quality Division  
P.O. Box 1760  
Portland, Oregon 97202

RE: C. John Co. Inc. Appeal on Indirect Source Permit

Dear Mr. Harris:

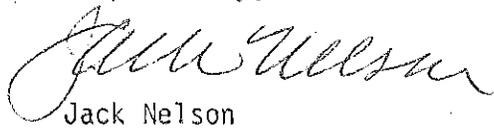
The City of Beaverton approved a master plan on 1/12/78 for the final phases of the Beaverton Mall being proposed by C. John Co. This approval included 4 phases with the Albertson's Food Store being the first phase. Parking was approved over and above the minimum requirements of zoning ordinance 550 based on the applicant's site plan. The final tally of parking as proposed by the applicant as submitted to the City on 12/29/77 included 675 spaces for all phases of the development including the existing Albertson's market and existing US National Bank at the south-east corner of the site. The minimum parking requirement for the total site excluding the bank, since it is a separate tax lot, is 499 spaces. Deducting 97 spaces for the existing Albertson's store, leaves a net increase of 402 spaces. This exceeds by 4 the ceiling of 398 net additional spaces allowed by your agency.

In the interest of complying with the minimum number of parking spaces required by our zoning ordinance we would suggest for your consideration that 402 parking spaces, in addition to the 97 presently in existence for the Albertson's store, is adequate to meet the normal parking demand on site without being superfluous.

A reduction in the 675 spaces the applicant has identified on the site plan will require amendments to the site plan to redesign areas no longer used for parking. This function can be resolved by the applicant, the City staff and Board of Design Review. It appears that the net effect of the reduction of parking other than improved air quality will be an addition of landscaping to the site.

I trust that these comments will aid you in understanding the City's requirements and be beneficial to you in your decision making process.

Respectfully,

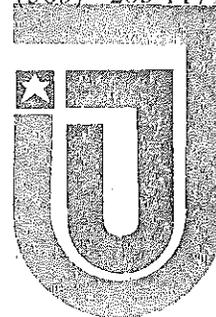


Jack Nelson  
Mayor, City of Beaverton

JN/DAJ/fh

G. I. JOES, INC.

P. O. Box 11037, 8900 N. Vancouver, Portland, Ore. 97211



August 21, 1978

Department of Environmental Quality  
Indirect Source Program  
P.O. Box 1760  
Portland, Oregon 97207

Re: Proposed Shopping Center  
by C.E. John Company  
at Walker and Jenkins Rd.  
Beaverton, Oregon

Dear Sirs:

We are writing this letter in support of the above referenced Shopping Center. Due to the congestion created by the industrial, home and business traffic in the area of Walker Road, Jenkins Road, Cedar Hills Blvd., and Hall Blvd, we feel the improvements proposed by the development in question are greatly needed.

Traffic flow through and around the Beaverton Mall has reached a peak of congestion because of the limited access from the surrounding streets. The road development, signalized as proposed, will create another point of easy ingress and egress to the center.

We are in favor of the development, as proposed, with the signalized intersection and widening of Jenkins Road.

Sincerely,

G. I. JOE'S, INC.

A handwritten signature in dark ink that reads "David E. Orkney". The signature is written in a cursive style with a large, sweeping flourish at the end.

David E. Orkney  
President

THOMAS FENDER, JR., P.C.  
LAWYER  
THE OLD GARFIELD SCHOOL  
528 COTTAGE STREET N.E.  
SALEM, OREGON 97301

TELEPHONE  
(503) 399-9801

IN REPLY REFER TO OUR  
FILE NO.

August 21, 1978

Mr. Bill Young, Director  
Environmental Quality Commission  
P.O. Box 1760  
Portland, Oregon 97207

Dear Bill:

With all due respect, I was distressed with your recent memo on "Vehicle Noise Testing." My reaction stems from the fact the proposed noise testing program strikes me as being precisely contrary to the message delivered by the legislature to the Department last session.

You will recall one of the cornerstones of the Department's legislative program was a proposal to establish by statute a comprehensive noise testing procedure. You will also recall that this proposal was doomed from the moment of its introduction because legislators quite properly saw it as an oppressive bill. As an alternative to the proposed horror show, the legislature adopted a reasonable statute outlining acceptable statutory noise emission standards, with an appropriate penalty for the violation of those standards. (ORS 483.449)

Now it appears that the Department wants to accomplish by administrative action, what was impossible to do through the legislative process. Such a course of action seems to me to be contrary to the legislature's wishes, flies in the face of the current public reaction against burdensome government, and ignores the current availability of effective noise enforcement mechanisms.

In regard to the last point on enforcement mechanisms, it is clear from ORS 483.449 that cited drivers have the burden of proof to show that their vehicles conform to noise emission standards. Thus, a law enforcement officer with a reasonable suspicion that a vehicle is in violation of the statutory standards needs only to cite the driver. The officer doesn't need intricate testing apparatus, he only needs a reasonable belief sufficient to cite the driver. The operator then has the burden of proving the exhaust system is operating properly. The process is clean,

Mr. Bill Young

-2-

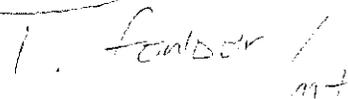
August 21, 1978

simple and effective. More importantly, it is within the spirit of the law and what citizens want, namely the violator tagged and them not harassed.

Simple law enforcement techniques by police officers are also a realistic approach to this noise issue. After all, a bureaucracy that inspects vehicles only once every two years is only kidding itself if it believes it will stop flagrant violators of the law. Flagrant abuse will only be stopped when you work with local police agencies to encourage them to cite the owners of noisy vehicles.

I recognize that the tone of this letter is a bit harsh, and as such it is not meant to reflect on my opinion of you. However, I sincerely believe the Department is out of line on this issue, and the Commission should decline taking such action.

Cordially,

T. Fender, Jr.

T. Fender, Jr.

TF/nk

cc: EQC Members

House Transportation Committee

Senate Transportation Committee

Major Emil Brandaw, State Police

VITRO ENGINEERING CORPORATION

137910

24 August 1978

Clarence Hilbrick  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
Water Quality Control Division  
522 S.W. Fifth Avenue  
Portland, Oregon 97204

Dear Mr. Hilbrick:

My name is R. Marvin Carroll; I am with Vitro Engineering and I am representing the City of Irrigon.

We, of the City of Irrigon, once again request to be reclassified on the Fiscal Year 1979 Sewerage Works Construction Grant Priority List.

We feel our testing program has confirmed the presence of a significant health hazard in the community. A letter from Kristine M. Gebbie, of the State of Oregon Health Division, supports the City of Irrigon's proposed sewerage project.

The gravel aquifer under the City of Irrigon transports the effluent of the failing septic systems nearly as effectively as a sewer system. However, this is causing well contamination and pollution of the Columbia River. The samples taken on the Columbia River shoreline indicate fecal coliform counts far in excess of the standard contained in OAR Chapter 340, Division 4, Subdivision 1. The standard is 240 organisms per ml; we have recorded as high as 1,600 per ml.

As I stated before, the facilities plan for the City of Irrigon is being studied and modifications proposed. We have determined that lagoon treatment with release then into a percolation lagoon would probably be the most cost effective treatment facility at this time. This type treatment offers two benefits: 1) A percolation lagoon can be classified as a ground water recharge and hence fall under alternative technologies; and 2) If contracts with surrounding farmers can be arranged, the effluent could be used for irrigation purposes, which also qualifies as alternative technologies. This benefits the City in one major way--a portion of the system then would be available for 85% funding by EPA. It is my understanding that the first 75% funding of the project can also be obtained from the funds set aside for innovative and alternative technologies, since Irrigon is a small rural community (less than 3,500 population).

Sincerely,

VITRO ENGINEERING CORPORATION

*R.M.C. by J. Baisden*  
R. Marvin Carroll, P.E.  
Projects Director

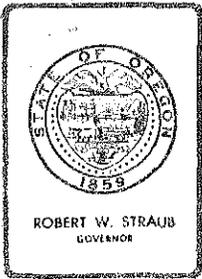
RMC:ls

cc: Jack Baisden, City Manager, Irrigon

R.C. Anderson/File  
Louis J. Prues, PE Roger C. Anderson, AIA

1955 Jadwin Avenue, Richland, Washington 99352

(509) 943-9187



*Department of Human Resources*

**HEALTH DIVISION**

1400 S.W. 5th AVENUE, PORTLAND, OREGON 97201 PHONE 229-5032  
(EMERGENCY PHONE (503) 229-5599)

August 23, 1978

Clarence Hilbrick  
Dept. of Environmental Quality  
Water Quality Control Division  
522 S.W. Fifth Avenue  
Portland, Oregon 97204

Re: City of Irrigon

Dear Mr. Hilbrick:

I'm gratified to be informed the citizens of Irrigon passed a bond levy to collect and treat sewage.

The City of Irrigon recently drilled a new well, and constructed a reservoir and pump station. These are certainly urgently needed improvements and we strongly support them.

A well-designed and operated sanitary sewerage system is one of the most effective means of minimizing contamination of ground water.

Normally, a properly constructed well which draws from an aquifer beneath an impervious formation is capable of producing safe water. However, wells which tap water from formations not overlaid by an impervious formation are subject to surface contamination. I believe this to be a threat in view of the fact that water samples taken June 22, 1978; June 27, 1978; and July 7, 1978 show contamination throughout the area.

While we do not have any reports to indicate that the City of Irrigon wells are in imminent danger of contamination, we believe that by minimizing the potential for hazard, the safety of the drinking water can be better assured.

We also believe that the safe water supply and an effective sewerage system will promote the orderly growth of the community and this will have a favorable influence on the health of the residents.

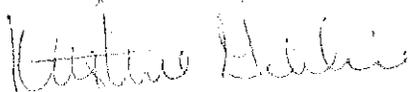
AN EQUAL OPPORTUNITY EMPLOYER

Clarence Hilbrick  
August 23, 1978  
Page 2

The Health Division has reviewed reports of 11 cases of infectious hepatitis from the City of Irrigon, starting in the fall of 1977 and extending to July, 1978. Investigations of these cases have been made. We are unable to exclude the possibility that inadequate sewage disposal with or without subsequent drinking water contamination may have been the source of hepatitis virus for some of these cases.

We support the proposed Irrigon Sewerage Project.

Sincerely,



Kristine M. Gebbie  
Assistant Director, Human Resources  
Administrator, Health Division

KMG:DHP:dh

cc: Jack Baisden  
City of Irrigon  
P.O. Box 428  
Irrigon, Oregon 97844  
cc: R. Marvin Carroll, P.E.  
Projects Director  
Vitro Engineering Corporation

8/25/78

# CITY OF GEARHART

"Gearhart By The Sea"  
Drawer "D"  
Gearhart, Oregon 97138  
Phone 738-5501

RECEIVED  
AUG 8 1978

DEPT. OF ENVIRONMENTAL QUALITY

August 3, 1978

Mr. Harold L. Sawyer, Administrator  
Water Quality Division  
Department of Environmental Quality  
522 S.W. 5th Avenue, P.O. Box 1760  
Portland, Oregon 97207

Dear Mr. Sawyer:

Thank you for inviting us to review and comment on the emerging draft portions of Oregon's Statewide Water Quality Management Plan. Our comments refer to the full draft of DEQ's "Annual Water Quality Program Statement" submitted to EPA in June 1978.

In general, we are gratified to see that effort has been made in the "Program Goals & Objectives" and the "Multiyear Work Plan" to address recent revisions of PL 92-500 and new EPA policy regarding cost effective water quality control programs. "Attachment D" also mentions the availability of funds for innovative projects (pp. 66-67).

However, the actual FY 79 Sewerage Works Construction Grant Priority List does not seem to have taken recent federal legislation and new directions in federal policy into account. The FY 79 list is very similar to lists from previous years. As in FY 78, grants are "limited to sewage treatment works, interceptor sewers, major pumping stations and pressure mains", and sewer rehabilitation (p. 66). No mention is made of cost-effective non-structural alternatives (e.g. upgrading and/or municipal management of on-site systems). As in FY 78, a number of construction projects (total FY 79 federal cost \$845,000) are listed as "desirable for prevention of potential water pollution problems", whereas EPA financial assistance for wastewater treatment projects is primarily intended to eliminate existing water quality problems.

Again this year, the designation of our own city on the Priority List causes both confusion and concern in the following areas:

- 1) On the FY 79 "points list" (p. 76), Gearhart is ranked "D" ("Project needed to minimize or eliminate documented 'non-point source' contamination of ground or surface waters relating to subsurface sewage disposal system malfunction in known urban or urbanizing areas"). The EQC, in placing the area under a moratorium on April 1, 1977, was careful to emphasize that the case for groundwater degradation had not been proven, and that further study was needed to document sources, types, and extent of contamination. No documentation of any "subsurface sewage disposal system malfunction" was submitted to the EQC. "Non-point source" contamination can only be "documented" after a thorough 208 style study. "Urban or urbanizing areas" are vague and relative terms, and should be defined by DEQ under EPA guidelines.

8/22/78

5301

August 9, 1978

Mr. Donald L. Mickey, Executive Director  
Treasure Valley Opportunities, Inc.  
P.O. Box 345  
Ontario, Oregon 97914

Dear Mr. Mickey:

Chairman Richards of the Environmental Quality Commission has forwarded your letter of July 25, 1978.

We construe your letter (in the light of Mr. McLaurin's letter to you of July 20 and Mr. Jack's letter to you of April 11) to be a request that the Commission grant you a variance from the open burning rules for you to open burn five separate piles of wood of 20-25 cubic yards each which are located at the mill site of Treasure Valley Opportunities, Incorporated, in or near Ontario, Oregon.

Mr. Richards indicated he would like the Commission to consider your petition and my staff's evaluation of it.

Enclosed is a copy of Oregon Revised Statutes (ORS) 468.345. It sets forth the Commission's authority to grant variances and the conditions under which it may do so.

A recent admonition from the Governor's office to state agencies focused the Commission's attention on travel expenses as a possible area of savings. Having met in LaGrande, Bend, Eugene and other locations away from headquarters in recent months, the Commission has decided that for the next few months its regular meetings will be in Portland to minimize staff and Commissioner travel time and expense.

We will place your variance request on the agenda of the September 22, 1978 Commission meeting, which will be in Room 602 of the Multnomah County Courthouse. We will send you the agenda of that meeting by mid-September. Commission meetings usually commence at 9:00 a.m.

If you wish to appear or have someone appear for you on this issue, you should let us know promptly what time during the morning you would like to be heard.

I've examined the materials that accompanied your letter to Mr. Richards. It occurs to me that, whether you appear in person or submit it by mail, additional information would be helpful to the Commission. Among the items of information that might prove useful are the following:

- 1) The general size of the wood pieces that make up the wood piles.
- 2) Whether it is feasible to burn each pile separately, perhaps on different days.
- 3) The distance to nearby homes or occupied buildings, roads, or other areas where people might be present.
- 4) Whether there is any direction from the site in which the wind could blow the smoke and have a minimal risk of bothering people.
- 5) Why it is not feasible or desirable to adopt Mr. Jack's suggestion that you arrange to have the wood taken a little at a time to the landfill during the course of your regular trips to the landfill, thus absorbing the cost over a lengthy period of time.
- 6) Whether you've tried unsuccessfully to gain assistance from community volunteer sources to get the wood wastes removed to a landfill, as suggested by Mr. Jack and Mr. McLaurin.
- 7) Whether the wastes are saleable as firewood or other fuel.
- 8) Any other information you have not submitted and find pertinent to the statute.

In copying this letter to Mr. Bolton, Division Administrator for Regional Operations, and Mr. Gardels, Regional Manager of our Eastern Region, I'm asking that they supply such information as they may have and find relevant so this agency may develop a staff report on the subject for the Commission. Such reports are usually ready a week before each Commission meeting. You will be sent a copy when it is complete.

Please let us know if there is further assistance we can give you within the confines of our rules and regulations.

Sincerely,

WILLIAM H. YOUNG  
Director

PWM:mef

cc: Joe B. Richards  
Phil McLaurin  
Fred Bolton  
Mike Downs  
E. J. Weathersbee  
Ray Underwood  
Steve Gardels

LUVAAS, COBB, RICHARDS & FRASER, P. C.

JOHN L. LUVAAS  
RALPH F. COBB  
JOE B. RICHARDS  
ROBERT H. FRASER  
PAUL D. CLAYTON  
DOUGLAS L. MCCOOL  
DAVID L. SHAW  
DENNIS W. PERCELL  
LAURA A. PARRISH

ATTORNEYS AT LAW  
777 HIGH STREET  
EUGENE, OREGON 97401  
MAILING ADDRESS  
P. O. BOX 10747  
EUGENE, OREGON 97440

TELEPHONE  
484-9292  
AREA CODE  
503

August 1, 1978

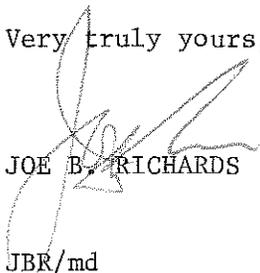
• Mr. William Young, Director  
Department of Environmental Quality  
522 S.W. 5th Avenue  
Portland, Oregon 97204

• Dear Bill:

I enclose the Treasure Valley Opportunities, Incorporated, letter of July 25, 1978, which the author contends is a "petition" for a one-time burn permit. I am not so sure that a one-time burn as might be allowed by a variance would be unjustified in this situation, in this locality. However, I would await your staff recommendation in that regard.

A xerox of each attachment to the July 25 letter is enclosed.

Very truly yours,



JOE B. RICHARDS

JBR/md

Enclosures

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 3 1978  
OFFICE OF THE DIRECTOR



# TREASURE VALLEY OPPORTUNITIES, INCORPORATED

P. O. BOX 345  
ONTARIO, OREGON 97914  
PHONE 503-889-8671

July 25, 1978

Mr. Joe Richards, Chairman  
D.E.Q. Commission  
P.O. Box 10747  
Eugene, Oregon 97401

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 3 1978

OFFICE OF THE DIRECTOR

Dear Mr. Richards;

I am writing this letter to you to serve as a petition for a one time burn permit of waste wood. As you see by the copies of enclosed correspondance I have requested and been denied a one-time burn permit from the D.E.Q. Eastern region. I fully realize that there are other possible solutions for getting rid of the wood but some of these are not practical in the way of time and cost.

It is my understanding that laws are designed with some flexibility in mind. Obviously I feel that this law has been administered to our corporation with no flexibility. I point out that since we found out about the change in the laws we have found another method of disposing of our waste wood and are continuing to use it. The problem remains that before we found out about the change we had wood collected on the back of our lot that we planned to burn. We had been burning the waste wood since 1974 without any complaints or problems.

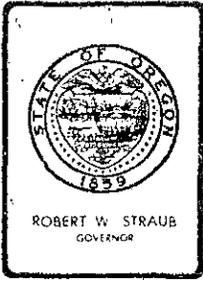
The most practical method of disposing of the wood is to burn it. This has been done in the past when it rains and there is little or no visual polution. Also the wood usually burns very clean and fast. I'm sure that there is smell from the burning but I would guess that would only spread about 100 yards.

I appeal to you and the commission to grant us a one-time burn permit so that we may dispose of collected waste wood.

Sincerely,

Donald L. Mickey,  
Executive Director

DLM/pe  
Enclosures



*State of Oregon*  
**Department of Environmental Quality**  
**EASTERN REGION**

424 S.W. 6th STREET, PENDLETON, OREGON 97801 PHONE (503) 276-4063  
MAILING ADDRESS: POST OFFICE BOX 1538, PENDLETON, OREGON 97801

March 21, 1978

Mr. Don Micky  
Treasure Valley Opportunities  
Ontario, Oregon 97914

Re: AQ - Open burning letter permit  
Malheur County #23B78001

Gentlemen:

After a staff review of the proposed open burning, permission to burn this material is denied since practicable alternative methods of disposal are available in the area.

This material can be disposed of by hauling to the local landfill.

Sincerely,

*Steven F. Gardels*  
Steven F. Gardels  
Regional Manager  
Eastern Region

*after phone call  
for which it was  
given a thumbs ok -  
Don*

LLJ:SFG:jjj

cc: Larry Roberts, Fire Chief  
cc: AQ thru FMBolton, RO



# TREASURE VALLEY OPPORTUNITIES, INCORPORATED

P. O. BOX 345  
ONTARIO, OREGON 97911

PHONE 503-889-8671

March 30, 1978

Mr. Steven F. Gardels, Regional Manager  
Dept. of Environmental Quality  
424 S.W. 6th. Street, P.O. Box 1538  
Pendleton, Oregon 97801

Dear Mr. Gardels;

I received your letter dated March 21, 1978, and needless to say I am quite surprised with the denial for the burning permit.

During the years 1974 - Sept. 1976, we have burned our waste wood approximately once a year. About four months ago we became aware that we could no longer burn from the local fire chief. He stated that this law had been in effect since October, 1976. Since we became aware of the burning problem we have been hauling scrap to the dump.

My first question is why did we not receive formal notification that we could no longer burn? This quite obviously would have kept us from getting into the problem that we presently face.

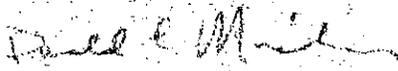
My next question relates to what kind of appeal rights, if any, do we have in relation to this decision?

I realize fully that the material can be hauled to the local fill but not without considerable time and expense.

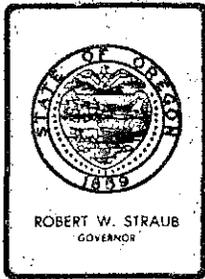
It would be nice if the people that are affected by laws would be notified before they go into effect.

I await your answers to these questions.

Sincerely,

  
Donald L. Mickey,  
Executive Director

cc: William Young, Director of Environmental Quality  
Larry Roberts, Fire Chief



## *Department of Environmental Quality*

### EASTERN REGION

424 S.W. 6th STREET, PENDLETON, OREGON 97801 PHONE (503) 276-4063  
MAILING ADDRESS: POST OFFICE BOX 1538, PENDLETON, OREGON 97801

April 11, 1978

Mr. Donald L. Mickey, Executive Director  
Treasure Valley Opportunities, Inc.  
P.O. Box 345  
Ontario, Oregon 97914

Re: AQ - Open burning  
Malheur County

Dear Mr. Mickey:

The ruling to which you refer was actually implemented by Administrative Rules adopted in January of 1972. The fact that you were unaware of the prohibition is most unfortunate, as I am sure that you would have participated in the 1976 rule modification procedure.

I will briefly explain our approach to safeguarding the air resources of our state. We are obligated to control, abate and prevent air pollution so as "to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state". This is provided for by the statutes under which this Department operates (ORS 468.280 and 468.285).

Some sources are controlled by rules that require specific control equipment to be added and maintained to limit the amount of air contaminants that are allowed to be emitted. Other sources of air contaminants are controlled by requiring specific processes or operating procedures to be used to limit emissions. In some other instances certain activities are prohibited from occurring because emissions are hazardous or are not readily controlled. Control of open burning of industrial and commercial, as well as construction and demolition, waste generally fall in this latter category of approach to control.

When Oregon's air pollution control program was initiated, open burning was one of the primary sources causing complaints and impact on air quality. After years of experience in dealing with these problems, several things became evident. A large variety of materials were being open burned which individually had a variety of impact on air quality. People, individually, also varied as to their attitudes and their ability to tolerate smoke and nuisance caused by open burning. Open burning complaints and impacts were largely associated with urban areas. Local meteorological and topographic conditions varied throughout the state and specifically meteorological conditions which might allow smoke to disperse at a given time might change

Mr. Donald L. Mickey  
April 11, 1978  
Page -2-

fairly rapidly and significantly impact air quality. Organized refuse collection and disposal facilities were available in larger communities. It was and is impractical to control open burning on an individual permit basis with the current or projected manpower for the Department.

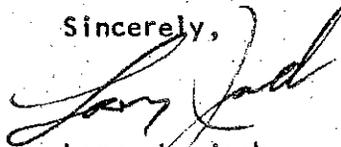
Assessing the above and other factors, rules were proposed, including the specific one prohibiting open burning of industrial and commercial wastes within an area in or within 3 miles of incorporated cities having a population of 4,000 or more. Public hearings were held throughout the state and all testimony was considered before final rules were prepared. The proposed rules, with public hearing summaries, were considered by the Environmental Quality Commission, and the rules were adopted in October of 1976.

The alternatives available to you appear to be as follows:

1. Comply with the rule by using available solid waste disposal facilities.
2. Install a portable incinerator which meets the requirements of the rules.
3. Request a variance from the rules under procedures and conditions provided in the statutes; however, it should be pointed out that conditions under which a variance may be granted by the EQC are restrictive.
4. You may petition the EQC for a rule change.

If you have any questions, please contact this office.

Sincerely,



Larry L. Jack  
Regional Engineer  
Eastern Region

LLJ:jlj

cc: Ed Woods (AQ) thru FMBolton (RO)  
cc: Larry Roberts, Fire Chief



# TREASURE VALLEY OPPORTUNITIES, INCORPORATED

P. O. BOX 345  
ONTARIO, OREGON 97914

PHONE 503-889-8671

April 17, 1978

Larry L. Jack, Regional Engineer  
Eastern Region, Department of Environmental Quality  
Post Office Box 1538  
Pendleton, Oregon 97801

Dear Mr. Jacks;

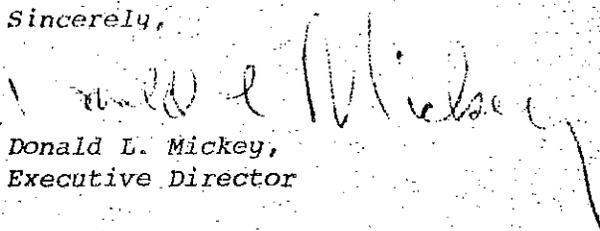
I received your letter dated April 11, 1978, and my questions are essentially the same as addressed in the last letter. Since approximately January 1, 1978, we have been disposing of our waste by utilization of the solid waste disposal facilities. What I would like to request is a one time permit to dispose of the left over wood already collected before that date. Apparently items three and four in your letter address these but you do not explain how I file through these processes.

I fully realize the problems brought about from burning and how this effects the air quality. As pointed out above we are able to get rid of are waste in another way and have done so since we found out about the rule changes. I should also point out that 99% of our waste is wood which (in the past) has burned very clean with little or no visual polution seen.

I also think its a little strange when I see the railroad and the county fair ground (I believe) doing open burning on April 12, 1978. How is it that these individuals can burn and not be effected by the laws? I especially feel its strange in the case of the railroad which had black smoke pouring off of their burn.

I await the answers to the above questions.

Sincerely,

  
Donald L. Mickey,  
Executive Director

DLM/pe

CC: Larry Robert, Fire Chief



*Department of Environmental Quality*  
EASTERN REGION

424 S.W. 6th STREET, PENDLETON, OREGON 97801 PHONE (503) 276-4063  
MAILING ADDRESS: POST OFFICE BOX 1538, PENDLETON, OREGON 97801

April 19, 1978

Mr. Donald L. Mickey  
Executive Director  
Treasure Valley Opportunities, Incorporated  
P.O. Box 345  
Ontario, Oregon 97914

Re: AQ - Open burning  
Malheur County

Gentlemen:

Oregon Administrative Rules (OAR) 340-23-045 (7) states that a singly occurring, or infrequent, open burning may be allowed by a letter permit provided that the following are met:

- a. No practicable alternative method for disposal is available.
- b. Application for disposal of the waste by burning is made in writing to the Department, listing the quantity and type of waste to be burned, and all efforts which have been made to dispose of the waste by other means.
- c. The Department shall evaluate all such requests for open burning taking into account reasonable efforts to use alternative means of disposal,...

The request has been reviewed and denied, based on the facts that alternative methods of disposal are available, i.e. hauling to the local landfill, chipping, etc., and that the site is located in a Special Control area that is experiencing Air Quality degradation.

Neither the Railroad or the County Fair Grounds are allowed to open burn and if they have been, are in violation of the open burning regulation. At the present time, we have just received a letter from the Union Pacific Railroad indicating they will stop all open burning within their Oregon operation.

Sincerely,

Larry L. Jack  
Regional Engineer  
Eastern Region

LLJ:cmw

cc: Bob Harris (AQ) thru FMBolton (RO)  
Larry Roberts, Fire Chief, City of Ontario



# TREASURE VALLEY OPPORTUNITIES, INCORPORATED

P. O. BOX 345  
ONTARIO, OREGON 97914

PHONE 503-889-8671

April 24, 1978

Larry L. Jack, Regional Engineer  
Department of Environmental Quality, Eastern Region  
P.O. Box 1538  
Pendleton, Oregon 97801

Dear Mr. Jack;

I received your letter dated 4/19/78 and my response is basically the same. OAR 340-23-045 (7) states that a singly occurring, or infrequent, open burning may be allowed by a letter permit provided that the following are met:

- a. No practicable alternative method for disposal is available.
- b. Application for disposal of the waste by burning is made in writing to the Department, listing the quantity and type of waste to be burned, and all efforts which have been made to dispose of the waste by other means.
- c. The Department shall evaluate all such requests for open burning taking into account reasonable efforts to use alternative means of disposal.

I am applying for a one time only burn permit because there are no practicable means on disposing of the wood waste that has collected. If we would have received notice that we could no longer burn we could have hauled it to the landfill as we are now doing. We can not remove the wood from the back of our lot without equipment to load or 5-10 days of 5 people hand loading trucks. For a non-profit Handicapped Training program that barely has the money to operate these alternatives are not practicable.

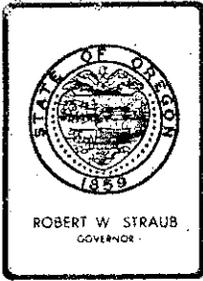
In compliance with (B) I am asking for a one time burn permit to dispose of five separate piles of wood waste. Each pile is approximately 20-25 cubic yards. The wood is mixed species pine and fir. All wood waste since January 1, 1978, has been disposed of at the landfill.

I await your answer.

Sincerely,

Donald L. Mickey,  
Executive Director

C.C. Larry Roberts



*Department of Environmental Quality*  
EASTERN REGION

424 S.W. 6th STREET, PENDLETON, OREGON 97801 PHONE (503) 276-4063  
MAILING ADDRESS: POST OFFICE BOX 1538, PENDLETON, OREGON 97801

April 27, 1978

Mr. Donald L. Mickey, Executive Director  
Treasure Valley Opportunities, Inc.  
P.O. Box 345  
Ontario, Oregon 97914

Re: AQ - Open Burning, Malheur County

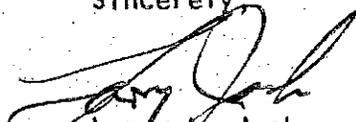
Dear Mr. Mickey:

Your request for a one-time burn of waste wood on your property is denied.

Alternative means of disposal are available in the area. The Ontario Landfill will accept wood waste in the local area.

It is possible that the material could be added in small amounts to your new waste going to the landfill. Assistance might also be available through community service groups (i.e. Service Clubs or National Guard) to assist in the hauling.

Sincerely,



Larry L. Jack  
Regional Engineer  
Eastern Region

LLJ:jjj

cc: Larry Roberts, Fire Chief



# TREASURE VALLEY OPPORTUNITIES, INCORPORATED

P. O. BOX 345  
ONTARIO, OREGON 97914

PHONE 503-889-8671

May 3, 1978

Phil McLaurin, Ombudsman  
State of Oregon  
Governor's Office  
207 State Capitol  
Salem, Oregon 97310

Dear Mr. McLaurin;

Enclosed you will find copies of correspondence between myself and the Dept. of Environmental Quality, Eastern Region. I realize that I am fighting a losing battle but I thought that there might be some way we would get around the regulations.

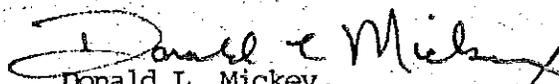
We have requested a burn permit for wood waste and have been denied the permit under the reasoning that there are alternative solutions available. The alternative solutions are both time consuming and expensive. As the letters point out we are now getting rid of the waste in another fashion and have been doing so since we found out that we could not burn.

The law that was put in effect in 1976 affected us but we were not notified. Obviously we could have found another method at that point in time and not have the problems we are faced with today.

Mr. Jack points out that we are in an area of deteriorating air quality yet residential people can burn with no permits and often burn things that are quite visual. The wood we are requesting to burn has, in the past, burned quite clean with little or no sign that we are burning.

Any assistance you might be able to lend in this matter would be greatly appreciated.

Sincerely,

  
Donald L. Mickey,  
Executive Director

DLM/pe  
Enclosures

ROBERT W. STRAUB  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

May 11, 1978

Donald L. Mickey  
Executive Director  
Treasure Valley Opportunities, Inc.  
P. O. Box 345  
Ontario, Oregon 97914

Dear Mr. Mickey:

I have recently received your May 3, 1978 correspondence, in which you requested my assistance in looking into a problem you encountered with the Department of Environmental Quality burning regulations.

My office will look into this matter to determine if any other options are available. As this review might take additional time, I did want to acknowledge receipt of your correspondence, and to let you know that I will be in contact with you again in the near future.

Sincerely,

Phil McLaurin  
Ombudsman

PM:slh

ROBERT W. STRAUB  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

July 20, 1978

Donald L. Mickey  
Executive Director  
Treasure Valley Opportunities, Inc.  
P. O. Box 345  
Ontario, Oregon 97914

Dear Mr. Mickey:

Since my letter to you of May 11, 1978, I have concluded my review of problems you encountered with the Department of Environmental Quality over their burning regulations. These problems resulted from your request for a one time permit to dispose of waste wood on your property, which was subsequently turned down by D.E.Q.

The D.E.Q. Administration and the Ontario Fire Department have indicated that they do not feel the issuance of this one time open burning permit would be in the best interest of the citizens of Oregon. Therefore, the only option available for you to get their position on this matter changed, is to petition the D.E.Q. Commission directly. If you decide to go this route, you should direct your appeal to Joe Richards, Chairman of the D.E.Q. Commission (P. O. Box 10747, Eugene, Oregon, 97401). One other possible alternative would be to contact various civic organizations in the Ontario area to see if any of them would be interested in removing the waste wood, and selling it for fuel as a fund raising activity.

I am sorry that my office can not be of further assistance in this matter.

Sincerely,

Phil McLaurin  
Ombudsman

PM:slh

## WORK

Those in the workshop participate in a program of testing, counselling, instruction, and work. Work is the necessary environment which provides both training and income for each participant.

This work is contracted from business and industry to whom the workshop offers quality workmanship under responsible supervision at a reasonable price. Often the workshop provides industry with services which conserve time, space, morale, and money.

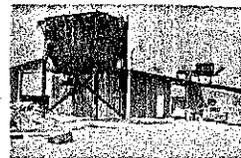


The workshop manufactures snow fence, game control fence, bee boards, floatation docks, limb spreaders, survey stakes, lathe, and other wood-related products. The shop also offers mailing, assembling, packaging, salvaging, and many other services. All inquiries concerning possible contract services are welcomed.

The work enables the client to participate in the economic life of the community, both as wage-earner and as a contributor of useful service. A Rehabilitation Facility helps the handicapped move from dependence on family and public support to independence and responsibility. The disabled worker in a workshop is providing industry with valuable service and enriching the labor resources of his community.

## ADMISSION CRITERIA

1. Client must have some handicapping condition which at the present renders him unemployable.
2. Client must have some need of service provided by facility.
3. Client must be willing to participate in his own rehabilitation plan.
4. Client must have had a full medical within one year prior to entering the program.
5. Client must be over the age of 16.

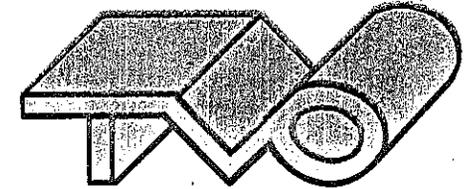


### TREASURE VALLEY OPPORTUNITIES, INC.

P. O. BOX 345      1289 S. E. 2ND STREET  
ONTARIO, OREGON 97914

1-503-889-8671

# TREASURE VALLEY OPPORTUNITIES INCORPORATED



P. O. BOX 345  
1289 S. E. 2nd STREET  
ONTARIO, OREGON 97914

PHONE 503-889-8671

## HISTORY

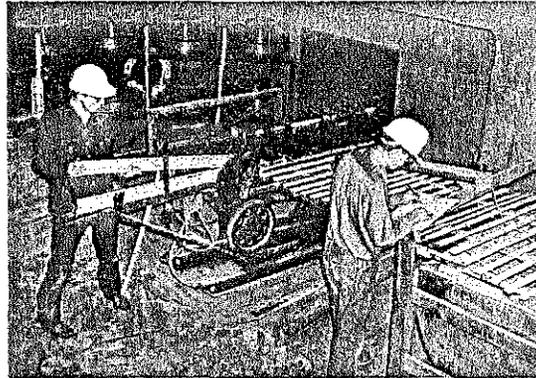
Treasure Valley Opportunities, Inc., is a nonprofit agency which provides various vocational services to the physically and mentally handicapped of Eastern Oregon and Southwestern Idaho. TVO, Inc. is located in Ontario because of Ontario's growth, size and the availability of support services. It was founded under the philosophy that the river separating Oregon and Idaho would not be a barrier to client services.

TVO, Inc., was started in 1973 under the sponsorship of the Treasure Valley Association for Retarded and Handicapped Citizens and the Ontario Civitan Club, with the cooperation and support of many other public and private agencies and individuals.

TVO, Inc., is governed by a Board of Directors made up of interested individuals from the surrounding communities, who contribute their time and skills to provide direction to the program. The overall administration of the program is entrusted to the Executive Director.

The agency is an integral part of a team from Oregon and Idaho, that serves handicapped citizens. This team is made up of the Vocational Rehabilitation Division, Employment Service, Mental Health Division, Public Welfare Division, Department of Health & Welfare, Mental Health and Counseling Center, Blind Commission, and public and private schools. At various times, other agencies and individuals are involved if they are important to the client's progress.

TVO, Inc.'s major sources of revenue are from fees for training, receipts from contracts and grants. TVO also depends on contributed funds from agencies, individuals, corporations, and clubs. These funds enable TVO, Inc. to provide a superior program of service and training.



## PROGRAM OF SERVICES

- 1. Evaluation:** Assessment of vocational potential of clients; defining potential vocational goals, and defining the steps required to reach the goal.
- 2. Work and Personal Adjustments:** Getting used to the day by day process of work and the parameters surrounding it by doing actual work. This also involves working with those behavioral components that surround the job, i.e. handling leisure time, effective use of breaktime, work output spanning, etc. During this period, clients are paid on piece work wages based on the minimum wage for that job or similar jobs within the community.
- 3. Vocational Training:** Developing abilities necessary for the attainment of specific employment objectives.

- 4. Placement:** Aid in securing a job in the competitive market place for those who have achieved this level. Also job stations will be maintained in the community to help with this process
- 5. Follow-up:** Working with the client after employment by offering supportive services to help him retain the job and have a successful home life.
- 6. Extended Employment:** Offered for those who cannot be placed in competitive employment, yet are able to function productively in a sheltered setting.
- 7. Family, Individual, and Group Counseling:** This is offered either within the facility or by supportive agencies and is offered to improve the client's employability and/or home life.
- 8. Activity Program:** This is geared to the more severely disabled. The program provides personal, social, and emotional development in a group setting which will enable severely handicapped individuals to become more self-reliant and to maximize their incomes in a sheltered setting.
- 9. Transitional Living Program:** In an apartment setting, this program provides personal and social adjustment training in a supervised semi-independent living situation to enable handicapped persons to become independent in the community.

