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3/30/1979

OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS

DEQ

State of Oregon
Department of Environmental Quality

ENVIRONMENTAL QUALITY COMMISSION MEETING
March 30, 1979

Black Angus Restaurant
220 Commercial Street, S.E.
Salem, Oregon

A G E N D A

9:00 am CONSENT ITEMS

Items on the consent agenda are considered routine and generally will be acted on without public discussion. If a particular item is of specific interest to a Commission member, or sufficient public interest for public comment is indicated, the Chairman may hold any item over for discussion.

A. Minutes of the January 17, 1979, January 26, 1979 ~~and February 23, 1979 EQC Meetings~~

B. Monthly Activity Report for February 1979

C. Tax Credit Applications

D. Request for Authorizations to Hold Public Hearings on Proposed Revisions to the State Air Quality Implementation Plan as follows: KOWALCZYK

1. ~~Portland-Vancouver Interstate~~ AQMA ozone control and carbon monoxide strategies

2. City of Salem carbon monoxide and ozone control strategies

3. Eugene-Springfield AQMA carbon monoxide control strategies

4. Medford-Ashland AQMA carbon monoxide and ozone control strategies

5. Amendments to Volatile Organic Compound Rules for non-attainment areas

6. New permit requirements for non-attainment areas

7. Consideration of changes to the oxidant ambient air standard

8. Rules to prevent significant deterioration of air quality

9. New rules pertaining to stack height

PUBLIC FORUM

E. 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

(MORE)

ACTION ITEMS

F. Rule Adoptions

1. Subsurface Sewage Disposal Rules - Proposed adoption of amendments to administrative rules governing subsurface and alternative sewage disposal; OAR 340-71-005 to 71-045 and 72-005 to 72-020 — OSBORNE

9:30 am 2. Medford Emission Offsets - Proposed adoption of emission offset rule for new or modified emission sources in the Medford-Ashland AQMA; OAR 340-30-010 and 30-110 — BELSKY

3. Veneer Dryer Emission Limits - Proposed adoption of emission limits specific to wood fired veneer dryers, OAR 340-25-305 25-315 — SKIRVIN

9:45 am G. Variance Request - Larry Ballman from OAR 340-71-020(7) regarding the construction of a subsurface sewage disposal system in Clatsop Plains — GILBERT

10:00 am H. Water Quality Construction Grants - Proposed use of fiscal year 1979 wastewater construction grant funds and proposed direction for future fiscal years — BLANKENSHIP

10:30 am I. Evans Products Company, new glass wool plant - proposed air contaminant discharge permit and citizen petitions for hearing — SKIRVIN

11:00 am J. Contested Cases and Other Reviews

1. DEQ v. Robert Wright
2. DEQ v. George Suniga, Inc.
3. Petition for Declaratory Ruling as to applicability of OAR Chapter 340, Sections 74-016(7) and (8) by W.W.C. Ranch, Inc.

INFORMATIONAL ITEMS

K. Indirect Source Rule Amendments - Status Report — KOWALCZYK

WORK SESSION

The Commission reserves this time if needed to further consider proposed action on any item on the agenda.

Because of uncertain time spans involved, the Commission reserves the right to deal with any item at any time in the meeting except items F(2), G, H, I, and J. 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 Environmental Quality Commission will meet informally Thursday evening, March 29, in the Harrison Conference Room, George Putnam University Center, in the Willamette University Campus, beginning at 7:30 pm. The evening session provides the Commission with an opportunity to openly discuss items of particular interest that may be before the Commission on the formal agenda or a future agenda. The meeting is open to the public, but public testimony on discussion items is allowed only by invitation of the Commission. The Commission will not hold a Friday breakfast meeting this month. The Commission will lunch Friday at the Black Angus.

MINUTES OF THE ONE HUNDRED SEVENTH MEETING
OF THE
OREGON ENVIRONMENTAL QUALITY COMMISSION

March 30, 1979

On Friday, March 30, 1979, the one hundred seventh meeting of the Oregon Environmental Quality Commission convened at the Black Angus Restaurant, 220 Commercial Street, S.E. in Salem, Oregon.

Present were all commission members: Mr. Joe B. Richards, Chairman; Dr. Grace S. Phinney, Vice-Chairman; Mr. Ronald M. Somers; Mrs. Jacklyn L. Hallock; and Mr. Albert H. Densmore. 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 Southwest Fifth Avenue, Portland, Oregon.

AGENDA ITEM A - MINUTES OF THE JANUARY 17, 1979 and JANUARY 26,1979 EQC MINUTES

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR FEBRUARY 1979

AGENDA ITEM C - TAX CREDIT APPLICATIONS

Chairman Richards asked for clarification on the Request for Preliminary Certification for Tax Credit denial for Rough and Ready Lumber Company under item C. Mr. Ernest Schmidt, Administrator of the Department's Solid Waste Division, recalled that at the last meeting Rough and Ready Lumber Company was denied Preliminary Certification for Tax Credit for their entire dry kiln system, but were told they could submit applications for parts of that facility that they felt were directly applicable to pollution control. As it turned out, Mr. Schmidt said, the Department found they could not separate out pieces of the kiln and make any different sense out of it. He said the Department would recommend that the condensation system be approved in the amount of $13,534.60. Mr. Schmidt said the company requested tax credit for $79,500 investment in the kiln and for $12,150 investment in the steam heat pumps.

It was MOVED by Commissioner Somers, seconded by Commissioner Hallock, and carried unanimously that the following Agenda Items be approved.

Agenda Item A - Minutes of the January 17, 1979 and January 26, 1979 EQC meetings.

Agenda Item B - Monthly Activity Report for February, 1979

Agenda Item C - Approve the Director's Recommendation as follows:

1. Issue Pollution Control Facility Certificates to applications T-1038, T-1041, T-1042, T-1043, T-1046, T-1047, T-1050, T-1051, T-1052, T-1053, and T-1055.

2. Revoke Pollution Control Facility Certificates 683 issued to Babler Brothers, Inc. and reissue it in a lesser amount because of sale of portions of the certified facilities.

3. Deny Rough and Ready Lumber Company's request for Preliminary Certification for kiln heating coils and related equipment and labor for their lumber mill at Cave Junction, Oregon, and be informed of the Department's intention to issue Preliminary Certification for the steam heat dump system and related labor at the same plant.

AGENDA ITEM D - REQUEST FOR AUTHORIZATIONS TO HOLD PUBLIC HEARINGS ON PROPOSED REVISIONS TO THE STATE AIR QUALITY IMPLEMENTATION PLAN AS FOLLOWS:

1. PORTLAND-VANCOUVER INTERSTATE AQMA OZONE CONTROL AND CARBON MONOXIDE STRATEGIES

2. CITY OF SALEM CARBON MONOXIDE AND OZONE CONTROL STRATEGIES

3. EUGENE-SPRINGFIELD AQMA CARBON MONOXIDE CONTROL STRATEGIES

4. MEDFORD-ASHLAND AQMA CARBON MONOXIDE AND OZONE CONTROL STRATEGIES

5. AMENDMENTS TO VOLATILE ORGANIC COMPOUND RULES FOR NON-ATTAINMENT AREAS

6. NEW PERMIT REQUIREMENTS FOR NON-ATTAINMENT AREAS

7. CONSIDERATION OF CHANGES TO THE OXIDANT AMBIENT AIR STANDARD

8. RULES TO PREVENT SIGNIFICANT DETERIORATION OF AIR QUALITY

9. NEW RULES PERTAINING TO STACK HEIGHTS

Mr. John Kowalczyk of the Department's Air Quality Division, presented some brief amendments to the above staff reports as follows;

On the background report, page 2, hearings schedule. Change May 4 hearing on Eugene CO Plan from Salem to Eugene and change date of Portland CO and O_x Plan from May 7 to May 4.

Item D(3), Figure 3 - 1977 roadway violations should be 10.5 kilometers instead of 28 kilometers.

Item D(6) add the following to 340-20-196 and 340-20-198:

> "This section shall now apply in the Portland AQMA until such time as a SIP attainment strategy exists."

Commissioner Hallock noted that on item D(7), item 4 under the summation indicated that the Department was currently preparing all attainment and maintenance ozone air quality control strategies for submission to EPA on the basis of the new Federal standard. She said she did not mind going to hearing on these items, but she thought preparing the strategy under the assumption that the Commission would accept the new lower federal standard, was not proper. Commissioner Hallock said she was not convinced that the standard should be lowered to the federal standard. Mr. Kowalczyk said the Department was not assuming that the Commission would make a change in the ozone standard but they were preparing the SIP to meet federal law. If the Commission were to decide on a different standard other than the federal standard, he continued, then the Department would develop plans to meet the state standard and keep it separate from any Federal SIP revisions.

Commissioner Somers said it was distressing to read in the newspaper that DEQ was going to hold hearings to lower standards for ozone when it had not been mentioned to the Commission previously. Mr. Kowalczyk said that the Department was not proposing to lower the standard, but was requesting a hearing to determine whether the existing standard should be changed to the new Federal standard.

Commissioner Phinney said there had been speculation in the news media that the change in the Federal standard was a result of political pressure. However, she continued, there had been no new data or evidence to justify the change in the federal standard. Mr. Kowalczyk said several new studies had been made since EPA originally set the standard in 1970 and a lot of consideration was given to setting the new standard. He said the federal government did hold public hearings throughout the country and consideration was given to comments from several medical groups.

Director Young said he did not see a problem with the Commission making an SIP revision based on the federal standard and the Commission could leave the present state standard unaltered as a secondary standard and additional strategies may be wanted to meet the secondary standard. He said he did not see anything inconsistent with the Department addressing the federal requirement at what was the new federal standard and still retain full ability to address a more stringent standard at the state level.

It was MOVED by Commissioner Somers, seconded by Commissioner Densmore and carried with Commission Hallock dissenting that public hearings be authorized for agenda items D(1) through (9).

AGENDA ITEM F(2) - PROPOSED ADOPTION OF EMISSION OFFSET RULE FOR NEW OR MODIFIED EMISSION SOURCES IN THE MEDFORD-ASHLAND AQMA; OAR 340-30-010 and 30-110

Director Young presented for the record a letter from the Legislative Committee on Trade and Economic Development commenting on this agenda item. This letter is made a part of the Commission's record on this matter.

Commissioner Hallock said that if this rule was adopted the State would be the only "banker." Mr. John Kowalczyk of the Department's Air Quality Division, said the way the rule was written it adopted the Federal rule by reference which indicated the State may act as banker if it wishes.

Chairman Richards asked if the rule would still be a valid response to the particulate problem in Medford if the banking reference were removed. Mr. Kowalczyk replied that the banking provision could be removed without harming the main thrust of the rule which was to protect against further degradation of the airshed while still allowing growth. Chairman Richards said he know the Legislature was looking at the complex banking question. He said he was not sure that the federal regulation adequately addressed banking and suggested that the Commission address this matter at a later date to take advantage of any hearings the Legislature might hold or any other forthcoming information.

Director Young asked that if the Commission reserved the question of banking until a later time, they make clear they were not talking about the nonbanked offset the Department had used as part of its permitting process in the past.

Commissioner Densmore said that if the Commission dropped the provision on banking from the offset rule, rules on banking would still be needed. He asked the staff to return with a recommendation on promulgating those rules including opportunity for public comment.

Commissioner Densmore submitted for the record a letter from the Jackson County Board of Commissioners which requested that consideration be given to applying the offset to the entire valley floor and that the rule be made a part of the SIP. He said the County Commissioners argued that the 1975 model on which the rule was based was not entirely satisfactory to them and they believed that if someone were going to locate from out-of-state into the area subject to the offset rule, they might not be aware of the rule unless it was part of the SIP.

Chairman Richards wanted the record to show that the Commission's action on this matter would not change any existing practice that may in any manner be understood as "banking." He also said that he believed the Commission had responded to the Legislative Committee on Trade and Economic Development by adopting the recommendations they had requested. Chairman Richards indicated that the request by the Committee they they be allowed

to review proposed revisions to the SIP was not interpreted by the Commission to mean that amendments to the SIP would not be valid until official action had been taken by the Committee. He indicated that the Commission had received excellent help from the Committee in dealing with this situation.

It was MOVED by Commissioner Hallock, seconded by Commissioner Densmore and carried unanimously that the proposed rule be amended as follows:

OAR 340-30-100

The intent of this rule is to supplement and in some cases be more stringent than the Federal Interpretative Ruling promulgated in the January 16, 1979 Federal Register on pages 3282 through 3285 (40 CFR, Part 51, except for Section IV (C) (5) thereof) hereby incorporated by reference and attached, to the extent any provision thereof or in conflict with more stringent Commission rules, the Commission rule shall prevail.

It was MOVED by Commissioner Densmore, seconded by Commissioner Hallock and carried with Commissioner Somers dissenting that the emission offset regulation for the Medford-Ashland AQMA, as amended, be adopted.

AGENDA ITEM G - VARIANCE REQUEST - LARRY BALLMAN FROM OAR 340-71-020(7) REGARDING THE CONSTRUCTION OF A SUBSURFACE SEWAGE DISPOSAL SYSTEM IN CLATSOP PLAINS

Mr. Robert Gilbert, Northwest Region Manager, presented the following Director's Recommendation

Director's Recommendation

Based upon the findings in the summation in the staff report, it is recommended that the Environmental Qualtiy Commission:

1. Enter a finding that strict compliance in inappropriate at this time for cause due to the medical hardships for Mr. Gilbert Walters and Mrs. Lawrence Ballman.

2. Grant a variance to Mr. and Mrs. Ballman to construct a subsurface sewage disposal system to service a new two-bedroom home subject to the following conditions:

   a. The variance shall terminate upon the death of Mr. Gilbert J. Walters, and the subsurface system presently in use will be disconnected, the home left uninhabited pending adoption of a Clatsop Plans Groundwater Protection Plan.

b. If after adoption of the Groundwater Protection Plan, the home and its subsurface sewage system is not compatible with the adopted plan the home shall be razed.

In response to Commissioner Phinney, Mr. Gilbert said that the variance was strictly to allow Mr. Walters to live in the home and perhaps the language in the recommendation should be changed to reflect that. Mr. Ray Underwood, Department of Justice, said he felt that the variance was based on just Mr. Walters' occupancy of the home and if he either died or moved away the variance would cease.

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

a. The variance shall terminate upon the death or removal of Mr. Gilbert J. Walters for a period of at least 90 consecutive days, . . .

b. This variance shall be recorded in the deed records of Clatsop County before it becomes effective.

It was MOVED by Commissioner Somers, seconded by Commissioner Densmore and carried unanimously that the Director's Recommendation, as amended, be adopted.

AGENDA ITEM H - WATER QUALTIY CONSTRUCTION GRANTS - PROPOSED USE OF FISCAL YEAR 1979 WASTEWATER CONSTRUCTION GRANT FUNDS AND PROPOSED DIRECTION FOR FUTURE FISCAL YEARS

Mr. Tom Blankenship of the Department's Water Quality Division, said if the fiscal year 1979 funds were used in the manner proposed, there would be two new projects that would be called phased projects. That was, he continued, only a portion of the project costs could be handled with the money shown on the priority list. These two projects were the Hermiston and Roseburg Metropolitan Area projects, he said.

Mr. Blankenship emphasized that the recommendations in the staff report dealt with the funds that were allocated to Oregon in fiscal year 1979. He said the other items included in the staff report were there purely for discussion purposes. Buying growth capacity with grant funds was one of the most critical issues he felt.

Chairman Richards asked if the staff had a prediction on how much funding would be available for the next fiscal year. Mr. Blankenship said the President had proposed to Congress in his budget a $3.8 billion national allotment which would mean $49 million to the State of Oregon. However, he said, the Department had received some additional information which would indicate the allotment might be anywhere from $0 to the full

authorized appropriations of $5 billion. Mr. Blankenship said he felt there would be some appropriation and there was interest by some states, including Oregon, that the authorized allotment be appropriated by Congress. Chairman Richards wanted to make sure the public knew that the allotment in grant funds might be significantly less than that predicted by staff at the present time.

Mr. Lewis N. Powell, City of Medford Public Works Director, urged the Commission to support the City of Medford's Step I grant application for this fiscal year. He said the Medford Plant was a regional facility for the Rogue River and Bear Creek Valley. He said improvements were needed to the plant in order to meet standards because some failing systems were proposed to be taken over by the Medford facility. Mr. Powell asked the Commission to use their discretion on any reserved funds so that Medford could start their Step I immediately so water quality standards would not be violated.

Chairman Richards submitted for the record a letter from the Rogue Valley Council of Governments dated March 28, 1979, taking exception to the paragraph in the staff report stating the City of Medford was seeking federal monies to fund their next growth increment and emphasizing the status of the plant as a regional sewage treatment facility.

Chairman Richards read into the record comments from Amelia Feller, Recorder for the City of Donald as follows:

> "I request that Donald be added: #15, #17 and especially #23 on page 2 of Summary of Suggestions of meeting held in Portland 3/5/79."

Mr. Gary Wright, Eugene-Springfield Metropolitan Wastewater Commission, requested, if it was needed, an increase in the lid of State Pollution Control Bonds be made to offset a possible shortfall in federal funds over the next three years. He also said the State should work for a change in the federal regulations to allow local governments to precommit funds to purchase items in advance and still receive the 75% grant funding. Mr. Wright also asked that Congress be requested to restore appropriations to local governments for projects already on the priority list which were in a position to use the funds immediately. He said that some states would not have a use for the money if they got it, whereas Oregon would.

Mr. Blankenship noted for the record after the March 9th deadline for testimony, 22 letters were received relating specifically to the Tri-City-County Project in Clackamas County; one letter from Deschutes County concerning the Bend project; and one letter concerning Option 3 which was taken to hearing on March 5th. This option was an approach to try to spread the money further, he said.

Mr. A. M. Westling, Eugene-Springfield Metropolitan Wastewater Commission, urged the Commission to work toward an overall adjustment of the program. He said it was difficult to see how gains could be made by postponing

things 90 days and holding more hearings. Mr. Westling observed that in the abbreviated report on hearing testimony there was no information on the reasons behind the recommendations of the staff.

In urging that the Commission take action soon, Mr. Westling said that the longer it look to finish a construction project, the more it would cost and those monies would be lost if projects already in the construction phase were spread out over a longer period of time. Also, Mr. Westling said, they were willing to go to the Legislature, if they had support, to seek authorization for DEQ to utilize Pollution Control Bond funds for these construction projects. He said they had some indication that there was a reserve of unextended Bond funds to pick up the short-fall in Federal grant monies.

Mr. C. Herald Cambell, Mayor of the City of Lake Oswego urged adoption of the Director's Recommendation that the priority list adopted in August 1978 be used as the basis for committing available FY 79 wastewater construction grant funds. He said that the Lake Oswego /Glenmorrie/Marylhurst interceptor project was high on that list. This project, he continued, was needed now to correct a long-standing sanitary problem which was steadily growing worse. Failure to continue without delay, Mayor Cambell said, would present 131 homeowners in Glenmorrie with having to live with an increasingly dangerous health situation and present users of the Willamette River below Marylhurst with the knowledge that the old Marylhurst plant would continue to dump minimally treated effluent into the river.

Mr. R. C. Smelser, Chairman of Governmental Affairs Committee for Clackamas County Home Builders Association, testified that the funding of the Tri-City sewer system in Clackamas County was a top priority with their Association. At this time, he said, there were a limited number of sewer hookups available in the area to fulfill the housing demand. Because of this, he said, home ownership was being eliminated in the area.

Commissioner Densmore asked Mr. Smelser if their concerns had been communicated to their Congressman. Mr. Smelser replied that they were doing everything they could by working with the Legislature and Senator Hatfield.

Mr. David Abraham, Utilities Director for Clackamas County, appeared regarding the Tri-Cities program in Clackamas County. He said this project included the Cities of Oregon City, West Linn and approximately 1/2 of the City of Gladstone presently served by the existing Oregon City sewage treatment plant. Studies showed, he said, that there were presently 21 points of raw sewage discharge into the Willamette and Clackamas Rivers. He said that the Oregon City Plant overflowed raw sewage into the Willamette River 180 days out of the year. A sewer connection limitation was imposed by DEQ approximately two years before on the Oregon City plant, he said. This resulted in a moratorium on all sewer hookups in the City of Oregon City, Mr. Abraham continued, and the same limitation had been imposed on the City of West Linn.

Mr. Abraham said the Tri-City project was included in the priority list adopted for FY 1979, however DEQ recommended at this time that the FY 1979 priority list be used down to the level of funds available. This would exclude the Tri-City project, he said. Mr. Abraham asked that the Tri-City project be placed higher in priority because of the moratoriums which now existed in the area.

Mr. Blankenship presented the following Director's Recommendation from the staff report:

Director's Recommendation

Based upon the summation in the staff report, it is recommended that:

1. The FY 1979 Priority List, as adopted by the EQC on August 25, 1978, and approved by EPA Region X in December 1978, be used as the basis for committing available FY 79 waste water Construction Grant Funds.

2. The policy issues identified in the staff report be discussed by the EQC at a work session and direction provided, as appropriate.

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

AGENDA ITEM I - EVANS PRODUCTS COMPANY, NEW GLASS WOOL PLANT - PROPOSED AIR CONTAMINANT DISCHARGE PERMIT AND CITIZEN PETITIONS FOR HEARING

Ms. Billie M. Moore, said she was concerned that DEQ was ignoring the requests of over 1900 people to hold another hearing on this matter. She said there was not sufficient time to prepare for the hearing that was held and several questions brought up at that hearing went unanswered. Ms. Moore said she felt that contrary to Department staff belief, new testimony would be presented at an additional public hearing.

Mr. Moore asked why sampling wasn't being done at the already operating glass wood plant in Ohio to obtain data. She also asked why workers at that plant weren't receiving pulmonary function tests upon hiring and at intervals thereafter so that data could be collected for the future. Ms. Moore was also concerned about the level of noise from the proposed plant; the dust problem from the existing Evans Products facility; and where the dust from the silica sand, borax and soda ash would go.

Ms. Moore requested that issuance of the proposed Air Contaminant Discharge permit be delayed until another public hearing was held and the public's questions answered.

Ms. Marilyn Koenitzer, Corvallis, requested that a hearing be held to hear additional comments on the health issues involved in issuing the proposed permit to Evans Products. She presented a portion of the petition which was overlooked when the petitions were originally submitted. This sheet contained ten signatures. Mr. Koenitzer said it would be improper to issue the permit until the local land use issues concerning issuance of the building permit were resolved at the county hearings. She presented for the record a copy of the petition submitted to the county concerning the issuance of a building permit to Evans Products.

Ms. Koenitzer submitted for the record the LCDC Administrative Rule on State Permit Consistency which established requirements for determining consistency of state permits with Statewide Planning Goals and Acknowledged Comprehensive Plans. Also submitted for the record was a copy of an appeal filed by the petitioners' attorney which consolidated the separate appeal of the residents within sight and sound of the proposed fiberglass facility with the City's appeal of the building permit issued to Evans Products. Mr. Koenitzer's written comments are made a part of the Commission's record on this matter.

Mr. Jerry Coffer, Corvallis, asked if the permit for the battery separator plant had been issued. Mr. Skirvin replied that a permit had been issued for the battery separator plant which would expire in 1983. Mr. Coffer said there was clarification needed on the amount of emissions the plant would have. Also, he continued, the height of the stack noted by Evans Products was 20 feet and indicated the stack would be placed next to the building. In looking at the stack, he said, it appeared to be 20-30 feet high creating a down-wash effect during high velocity winds and could draw the plume directly into the building.

Mr. Coffer questioned the need for a solid waste discharge permit on the fiberglass surplus which would be emitted by the plant. He also asked if there would be discharge to the river which would require a wastewater discharge permit.

Mr. Diarmuid F. O'Scannlain appeared as attorney for Evans Products Company in connection with this matter. He said that Evans Products supported the recommendation before the Commission and urged that it be adopted. He said they felt the staff did a thorough job in responding to letters and comments from the public and had tightened the permit from the original proposal. Mr. O'Scannlain said that Evans thought the permit now proposed was tighter than necessary, but they would accept it.

Mr. O'Scannlain said that plants using the same process existed in Santa Clara, California and in Ohio.

Mr. O'Scannlain submitted for the record a chronology of events leading to the proposed permit now before the Commission. This indicated, he said, a very public, open manner by Evans Products.

The appropriate forum to air questions of land use, Mr. O'Scannlain said, would be with the county and not the EQC. He said the county had issued a building permit and had not notified the Company they were planning on revoking it.

Mr. O'Scannlain urged that the Commission issue the permit with no further delay.

Mr. F. A. Skirvin of the Department's Air Quality Division, in response to Mr. Coffer, said that the solids out of the scrubber would be disposed of at a DEQ-approved landfill in the area so the Company would not have to have a solid waste permit of their own. He said also that the scrubber water would be recirculated so no water discharge permit would be required. In regard to the stack height, Mr. Skirvin said he had indicated concern to the Company about down-wash from the stack. He said they were attempting to eliminate that concern through engineering.

In regard to the effects on public health, Mr. Skirvin said the staff had concluded that there would be no potential for adverse environmental or health effects close to the plant.

Chairman Richards said the attorney for some residents in the area indicated to him that his clients did not feel the local governmental body had properly determined whether there was compliance with the statewide land use goal. Chairman Richards said the Department needed to satisfy themselves that the applicant had met the statewide land use goals. He asked if the Department's agreement with LCDC applied to this application and if anyone on behalf of the Department made the judgment that the applicant was in compliance with the statewide land use goal. Mr. Skirvin replied that the LCDC agreement did not apply in this situation because the application was received before the agreement went into effect. However, he said, the Department was trying to live up to the spirit of the agreement in regard to permit applications. Mr. Skirvin said that DEQ staff did not look at the application in regard to statewide land use goals.

Commissioner Hallock said she would hate to deny over 2000 persons the hearing they requested although she felt the Department had adequately addressed the matter. She asked Mr. Skirvin how seriously the plant would be held up if the petitioners were granted another permit. Mr. Skirvin replied that the plant was currently being delayed by the City's appeal to the County Planning Commission regarding the issuance of the building permit and its conformance with the zone code.

Mr. O'Scannlain said the entire project was premised on its going into production on July 1. He said construction was finished and the plant was waiting for the issuance of the air contaminant discharge permit. He said customers were waiting for materials which would be produced from this plant and that the Company's market would be jeopardized by a delay.

Ms. Moore said that many questions the public had were not answered. She also said that few people in the area were aware of what was contained in the permit. So that these questions could be answered, Ms. Moore reiterated their request for an additional hearing on the matter. Although notice was made for the previous hearing, she said, they did not have adequate time to prepare.

Commissioner Phinney said that informational hearings were held for the purpose of allowing the public to give information to the Department. The hearing record was held open for 45 days, she continued, so she felt ample opportunity had been given for the public to provide information to the Department. Commissioner Phinney suggested that rather than another hearing, a workshop could be held. Ms. Moore responded that Mr. Skirvin did meet with a small group of residents in her home.

Mr. Skirvin said he was willing to go and discuss the matter with any number of persons in Corvallis.

It was MOVED by Commissioner Sommers, seconded by Commissioner Densmore and carried unanimously that the petitioners' request for an additional public hearing be denied.

AGENDA ITEM J(1) - DEQ v. ROBERT WRIGHT

Mr. Robert J. Wright, said the issue involved the denial of a request for approval of a septic tank for a building that would house farm hands on his 60-acre farm. He said the Department gave approval for construction, he paid the fee, constructed the septic system, and requested an inspection. After the inspection, Mr. Wright continued, he was informed that a permit would not be issued on the grounds that partitioning was required.

Mr. Wright said the question was whether or not DEQ could withhold a construction permit to enforce county zoning laws. He said DEQ did not have that authority. Mr. Wright said when DEQ notified him that partitioning was required, they failed to notify him that he had the right to a contested case hearing as required by law. By failure to notify, he continued, the Department lost jurisdiction over the issue.

Mr. Robert Haskins, Department of Justice, representing the DEQ in this matter, said this case was the appeal of a civil penalty issued for operation of a subsurface sewage disposal system without first obtaining a Certificate of Satisfactory Completion. Although various issues had been raised in this case, Mr. Haskins said the respondent had limited himself in this case to four exceptions to the Hearing Officer's ruling. Two of these exceptions, he said, involved Findings of Fact and two were legal issues involving whether or not the Certificate of Satisfactory Completion was issued by operation of law and a Motion to Dismiss for want of prosecution.

Mr. Haskins said the affidavits the Department filed in this case indicated the Respondent constructed his system before he filed an application for a permit, contrary to Department regulations. Mr. Haskins said the Respondent based his argument solely on the basis that the Department failed to inspect his property within seven days after his request for inspection as required. However, he continued, the Hearing Officer ruled that the seven-day rule did not apply and the Commission upheld that ruling earlier.

Mr. Haskins said the Commission should disregard these issues as an attempt by the Respondent to "sandbag" the Commission.

Mr. Haskins said that Mr. Wright contended that because the Department failed to inform him of his right to a contested case hearing the Department lost jurisdiction and the Certificate of Satisfactory Completion was issued by operation of law. However, he continued, the Respondent cited no specific law in support of that contention. The appropriate way to present this argument, Mr. Haskins said was by filing a Petition for Judicial Review in an appropriate Circuit Court seeking an Order requiring the Commission to hold a contested case hearing.

Mr. Haskins said the Motion to Dismiss was dealt with by the Hearing Officer who indicated there was no statutory authority to dismiss or delay a proceeding other than seeking a court order.

Mr. Wright responded that before a request for hearing could be made the Respondent needed to be aware that a request could be made. Again, Mr. Wright said, the Respondent was never notified of his right to a contested case hearing and therefore never requested one.

Mr. Wright said that if needed he would take this case to the Supreme Court which would not give the Commission the right to deny a construction permit on the grounds that planning and zoning was required.

Chairman Richards said the Commission could accept the Hearing Officer's Findings of Fact and Order or they could enter an Order which was the opposite of the Hearing Officer's findings and dismiss the civil penalty.

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the Hearing Officer's Order be made the Final Order of the Commission.

AGENDA ITEM J(2) - DEQ v. George Suniga, Inc.

Mr. Robert Haskins, Department of Justice, announced that this case had been settled and a Settlement Agreement and Consent Order would be presented to the Commission for their signatures at a later date.

AGENDA ITEM J (3) - PETITION FOR DECLARATORY RULING AS TO APPLICABILITY OF OAR CHAPTER 340, SECTIONS 74-016(7) AND (8) BY W. W. C. RANCH, INC.

Mr. John Hitchcock, attorney for Petitioner, said that in 1975 residents of the Cove-Orchard area of Yamhill County became concerned about the number of subsurface sewage system failures in the area. A study was conducted, he said, which indicated that only 22% of the subsurface systems in the area were in functioning order and over 75% were failing.

Mr. Hitchcock said his client was concerned about the application of Mr. and Mrs. Wright for an experimental system. They Wright's were denied a permit for a standard system, he said. Mr. Hitchcock said his client had a stock watering pond adjacent to where the Wrights proposed to install their experimental system and requested that they be present at any hearing the Department had on granting the Wrights a permit. The Department had indicated to his client, he continued, that the rules did not allow for intervenors.

Mr. Hitchcock suggested that the Contested Case procedure was the appropriate proceeding for this type of an application in order to learn all the facts prior to making a decision. Mr. Hitchcock suggested the adoption of a rule which would make intervening in these types of applications appropriate.

Chairman Richards said the Administrative Rules indicated that the decision to issue or deny a request for permit could be reviewed by the Director and it was the Director's prerogative to either issue or deny the permit or to refer the matter to the Commission for a decision. In response to Chairman Richards, Mr. Hitchcock said they had not applied to the Director for relief on this matter. However, he said, they had applied to the Administrator of the Experimental System Program for the opportunity to appear at a hearing before a permit was issued. As of this time, he continued, a hearing had not been held nor had a permit been issued. Chairman Richards said it appeared that Mr. Hitchcock had bypassed the remedies offered by the Department and instead came directly to the Commission. He indicated to Mr. Hitchcock that until the remedies the Department could offer had been exhausted he could not support their petition.

It was MOVED by Commissioner Hallock, seconded by Commissioner Densmore and carried unanimously that the Commission decline to make a Declaratory Ruling on this matter.

PUBLIC FORUM

Ms. Melinda Renstrom, Oregon Environmental Council and member of the Portland AQMA Committee, appeared regarding the Indirect Source Rule. She wanted the Commission to know that the Committee Sub-Committee working on the Indirect Source Rule was unanimously favoring keeping the present

rule at least until time and money could provide for an adequate parking and traffic circulation plan. She asked the Commission to request the Legislative Ways and Means Committee to reinstate the Indirect Source Program in the DEQ budget.

It was MOVED by Commissioner Hallock, seconded by Commissioner Densmore and carried with Chairman Richards dissenting, that a representative from the Commission go to Ways and Means and request that 1 FTE be replaced in the budget for the Indirect Source Program. It was indicated that this would be argued for separately and not at the expense of what was already in the proposed budget.

AGENDA ITEM F(1) - PROPOSED ADOPTION OF AMENDEMENTS TO ADMINISTRATIVE RULES GOVERNING SUBSURFACE AND ALTERNATIVE SEWAGE DISPOSAL; OAR 340-71-005 to 71-045 and 72-005 to 72-020

Dr. Lester N. Wright, Jackson County Health Officer, testified at the request of the Conference of Local Health Officials and the Jackson County Board of Commissioners. His testimony regarded the proposal to amend 340-71-030(11). He said this proposal would allow the issuance of permits to install septic systems that would fail either seasonally or permanently. Dr. Wright was concerned about the adverse health effects of failing septic systems. Commissioner Phinney asked if Dr. Wright thought the size of the parcel might be taken into account if the special rules for large-size parcels could be expanded. Dr. Wright replied that he thought the size of the parcel was immaterial when talking about placing the system 200 feet from the property line.

Mr. T. Jack Osborne, of the Department's Subsurface and Alternative Sewage Systems Disposal Section, recalled for the Commission that at their January 1979 meeting they instructed the Department to proceed as rapidly as possible with amendments to two or three troublesome rules within the Administrative Rules relating to subsurface and alternative sewage systems. Mr. Osborne reviewed these proposed amendments for the Commission, and presented the following Director's Recommendation from the staff report:

Director's Recommendation

Based upon the summation in the staff report, it is recommended that the Commission adopt the proposed amendments to Oregon Administrative Rules, 340-71-005 to 71-045 and 72-005 to 72-020 as set fourth in Attachment "A" to the staff report (as amendeded), for immediate filing with the Secretary of State to become effective April 5, 1979.

Chairman Richards indicated for the record receipt of a telegram from A. K. Hodel, Administrator of Benton County Health Dept. requesting deletion of the "38 acre" rule from the proposed amendments.

Mr. Richard Swenson, Oregon Environmental Health Association, presented a copy of a resolution adopted by his Association regarding the allowing of subsurface sewage disposal systems on large parcels. He urged that the Commission not adopt the proposed amendment to OAR 340-71-030(11) due to the adverse health effects which might result from the adoption of this proposed rule amendment. Mr. Swenson said his association would make their experience and expertise available to the EQC relating to on-site sewage disposal systems.

Speaking as Director of the Linn County Health Department, Mr. Swenson addressed the proposed rule amendment regarding the sizing of systems. He said he had not had time to prepare testimony for the public hearing and presented written testimony stressing that he thought there were some better alternatives for sizing systems which had not been considered and requested the Commission delay a decision on this particular rule amendment until those alternatives had been pursued.

Mr. Rick Partipilo, Polk County Environmental Health Division, presented a study from the Journal of Environmental Quality which addressed movement of bacteria in soils under saturated flow conditions which are experienced in the Willamette Valley in the winter time. He said he shared the same concerns expressed by Mr. Swenson and continued that they had seen systems fail in soils which were considerably better than those proposed for systems in the proposed rule 71-030(11).

Mr. John Huffman, Oregon State Health Division, appeared opposing adoption of proposed rule 71-030(11). He said there was little chance of these systems working and they would possibly be creating health hazards. He said he felt the Department's rules on subsurface systems were minimum standards. Although 38 acres sounded like a large parcel it was really not that great an area when taking into account the transmission of fecal material. Mr. Huffman said they were not doing a person a favor to allow them to install a system which was below standards and would fail.

Chairman Richards asked if the Department would be a party in establishing situations where a substantial risk would be taken in the spread of disease as indicated by testimony. Mr. Osborne said that under the proposed criteria some failing systems could be expected.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that the Director's Recommendation be approved with the exception that proposed amendment to 340-71-030(11) be deleted.

AGENDA ITEM F(3) - PROPOSED ADOPTION OF EMISSION LIMITS SPECIFIC TO WOOD FIRED VENEER DRYERS, OAR 340-25-305 to 35-315

Director Young indicated that the staff report adequately addressed the Department's position on this matter. The record notes no one was present to testify on the proposed rule adoption.

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the Director's Recommendation to adopt proposed OAR 340-25-305 through 25-315 be adopted.

AGENDA ITEM K - INDIRECT SOURCE RULE AMENDEMENTS - STATUS REPORT

Mr. John Kowalczyk of the Department's Air Quality Division, presented a Staff Report prepared by the Portland AQMA Advisory Committee. He said the Committee requested another month to prepare their recommendation. He said their inclination was toward supporting continuation of the indirect source program.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Carol A. Splettstaszer

Carol A. Splettstaszer
Recording Secretary

ROBERT W. STRAUB
GOVERNOR

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, March 30, 1979, EQC Meeting

February Program Activity Report

Discussion

Attached is the February 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.

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; and

3) 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, giving confirming approval to the air contaminant source plans and specifications listed on page 2 of the report.

Bill

WILLIAM H. YOUNG

M.Downs:ahe
229-6485
03-15-79

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

February, 1979
Month

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality, Water Quality, Solid Waste Divisions (Reporting Unit)

February, 1979 (Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	Pending
Air							
Direct Sources	21	139	14	137	0	2	45
Total	21	139	14	137	0	2	45
Water							
Municipal	86	869	59	804	0	0	37
Industrial	13	86	16	88	0	0	15
Total	99	955	75	892	0	0	52
Solid Waste							
General Refuse	1	15	1	15	0	2	3
Demolition	1	4	1	1	0	0	1
Industrial	2	17	3	19	0	0	4
Sludge	0	2	0	2	0	0	1
Total	4	38	5	37	0	2	9
Hazardous Wastes							
GRAND TOTAL	124	1,132	94	1,066	0	4	106

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — February, 1979 (Month and Year)

PLAN ACTIONS COMPLETED - 14

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Direct Stationary Sources			
Douglas (NC 1069)	International Paper Co. Expand pulp production	11/13/78	Approved
Yamhill (NC 1106)	Liberty Homes, Inc. New Mobile home	1/26/79	Approved
Multnomah (NC 1279)	Chappell Manufacturing Co. Hogged fuel furnace	2/14/79	Approved
Yamhill (NC 1284)	Coast Range Plywood, Inc. Saws and cyclone	2/9/798	Approved
Linn (NC 1300)	Willamette Industries, Inc. Veneer dryer sand filter	1/23/798	Approved
Linn (NC 1304)	North Santiam Plywood Co. Scrubber on No. 2 COE dryer	1/26/79	Approved
Multnomah (NC 1314)	Union Oil Co. of Calif. Internal floating roofs	2/13/79	Approved
Linn (NC 1318)	Champion International Corp. Baghouse for OSHA dust system	2/13/79	Approved
Multnomah (NC 1320)	Lime Oil Co. Internal floating roofs	2/13/79	Approved
Jackson (NC 1321)	Hillcrest Orchard Overtree sprinkler system	2/14/79	Approved
Jackson (NC 1322)	Associate Fruit Co. Orchard fan	2/13/79	Approved
Hood River (NC 1325)	Harrison Peters Orchard fan	2/14/79	Approved
Hood River (NC 1326)	Bickford Orachard Orchard fan	2/14/79	Approved
Multnomah (NC 1329)	Shell Oil co. Storage tanks	2/12/79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — February, 1979 (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	FY	Month	FY			
Direct Sources							
New	8	37	4	27	28		
Existing	1	22	-	42	8		
Renewals	13	88	1	56	106		
Modifications	4	58	2	71	10	1898	1934
Total	26	205	7	196	152	-	-
Indirect Sources							
New	3	18	1	21	11		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	6	0	6	-		
Total	3	24	1	27	11	111	
GRAND TOTALS	29	229	8	223	163	2009	1934

Number of Pending Permits	Comments
12	To be drafted by Northwest Region Office
7	To be drafted by Willamette Valley Region Office
17	To be drafted by Southwest Region Office
3	To be drafted by Central Region Office
7	To be drafted by Eastern Region Office
8	To be drafted by Program Operations
3	To be drafted by Program Planning & Development
57	
45	Permits awaiting next public notice
50	Permits awaiting end of 30-day public notice period

*Cascade Highway, Monterey Avenue - Harmony Blvd. omitted from December Report - Final Permit issued 1/23/79.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit) — February, 1979 (Month and Year)

PERMIT ACTIONS COMPLETED

County	Name of Source/Project /Site and Type of Same	Date of Action	Action
Direct Stationary Sources			
Benton	Evans Products 02-2159 (Renewal)	2/7/79	Permit issued
Multnomah	Nabisco Inc. 26-2968 (Modification)	2/7/79	Permit issued
Multnomah	Tri-Met 26-3001 (New)	2/7/79	Permit issued
Multnomah	Steinfelds Products 26-3003 (New)	2/7/79	Permit issued
Polk	Coast Range Plywood 27-8014 (New)	2/7/79	Permit issued
Wallowa	Wallowa Lake Forest Industries 32-0012 (Modification)	2/7/79	Permit issued
Portable Sources			
Portable	Graystone Corp. 37-0214 (New)	2/7/79	Permit issued
Indirect Sources			
Multnomah	Banfield HOV File No.26-8033	2/2/79	Final Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY DIV.ACTIVITY REPORT

3/08/79 PLAN ACTIONS COMPLETED: 75 MUNICIPAL SOURCES 59 FOR FEBRUARY 1979

ENGINER	COUNTY	LOCATION	PROJECT	REVIEWER	DATE REC	DATE OF ACTION	ACTION	DAYS TO COMPLETE
	26	PORTLAND	SLUDGE LAGOON REHAB.	V	2/01/79	2/14/79	PROV APP	13
	34	HILLSBORO	LAT E OF SE 32 AVE	J	2/16/79	2/28/79	PROV APP	07
	21	LINCOLN CITY	SEA CREST ADDITION	J	2/20/79	2/28/79	PROV APP	08
	34	HILLSBORO	HARE WOOD 2-SCH A	J	2/16/79	2/28/79	PROV APP	07
	21	LINCOLN CITY	EAGLE POINT	J	2/20/79	2/28/79	PROV APP	08
	24	SALEM	WILLAMETTE LANDINGS	J	2/26/79	2/28/79	PROV APP	02
	34	USA-TUALT	BLUFF-CIPOLE INTERCPT	K	2/02/79	2/23/79	PROV APP	21
	34	USA-BEAV	KOLL BUS CNTR PH VI	K	2/07/79	2/23/79	PROV APP	16
	34	USA	MCLAIN WEST TRUNK	K	2/07/79	2/23/79	PROV APP	16
	34	USA	SKYHAR PARK	K	2/07/79	2/23/79	PROV APP	16
	34	USA-TIGARD	GENESIS NO 3	K	2/07/79	2/26/79	PROV APP	19
	34	USA	IVY GLEN NO IV	K	2/12/79	2/27/79	PROV APP	15
	20	SPRINGFIELD	DONALD SUBDIV	K	2/13/79	2/28/79	PROV APP	15
	9	REDMOND	CENTURY ESTATES	K	2/13/79	2/27/79	PROV APP	14
	3	WILSONVILLE	COURTSIDE ESTATES	J	2/13/79	2/21/79	PROV APP	08
	24	SALEM	CINNAMON HILL NO. 3	J	1/24/79	2/21/79	PROV APP	28
	24	SALEM	WILDRIDGE	J	2/06/79	2/21/79	PROV APP	15
	18	KLAMATH FALLS	CAMPUS VIEW	J	1/17/79	2/21/79	PROV APP	35
	3	WEST LINN	WOODHAVEN VIEWS	J	2/01/79	2/22/79	PROV APP	21
	3	CCSD	CLACKAMAS RECREATION CENTER	J	2/07/79	2/21/79	PROV APP	14
	3	WILSONVILLE	DAY DREAM RANCH NO. 2	J	2/20/79	2/22/79	PROV APP	02
	34	TUALATIN	SANDHURST NO. 2	J	2/06/79	2/26/79	PROV APP	20
	26	GRESHAM	MEADOWGREEN	J	2/01/79	2/26/79	PROV APP	25
	3	CANBY	S LOCUST STREET	J	2/08/79	2/26/79	PROV APP	18
	20	SPRINGFIELD	JULIE-ANN ESTATES	K	2/06/79	2/20/79	PROV APP	14
	9	SUNRIVER	PRELIM RIVER VIL III	K	2/12/79	2/16/79	PROV APP	04
	18	MERRILL	CITY SWT REPLACE-REV SPECS	K	2/20/79	2/27/79	PROV APP	07
		BROWNSVILLE	STP EXPAN, SEWER REHAB	V	10/06/78	2/14/79	PROV APP	28
68	6	COOS BAY	LAKESHORE TERRACE	J	12/05/78	12/12/78	PROV APP	07
		MERRILL	SAN SWR REPLACE	K	1/22/79	2/14/79	PROV APP	49
		BEND	ROLLING HILLS SUBDIV	K	11/57/90	2/06/79	PROV APP	22
	26	TROUTDALE	STP EXPANSION ADDENDUM	V	11/13/78	2/12/79	PROV APP	90
	9	REDMOND	SEWAGE SLUDGE SPREADER	V	1/29/79	2/12/79	APPROVED	14
	34	USA-TIGARD	PICKS LANDING	K	2/15/79	2/22/79	PROV APP	07
	34	USA	HEMLOCK ST EXT	K	1/26/79	2/13/79	PROV APP	18
	9	BEND	BOYD CENTER	K	1/29/79	2/23/79	PROV APP	25
	9	BEND	EASTSIDE BUS AND IND PK	K	1/29/79	2/21/79	PROV APP	23
	26	GRESHAM	WILLOWBROOK IV SUBD	K	1/31/79	2/15/79	PROV APP	15
	3	WILSONVILLE	CITY CENTER ACCESS ROAD	J	1/26/79	2/06/79	PROV APP	11
	23	ONTARIO	TUTTLE DEVELOP PROJ	K	1/24/78	2/01/79	PROV APP	08
	34	USA	VILLAGE 185TH EXT.	J	1/29/79	1/30/79	PROV APP	01
	15	BCVSA-TALENT	CHATA SUBDIV	K	2/08/79	2/19/79	PROV APP	11
	20	EUGENE	MINOR PARTITION-BARGER	K	2/08/79	2/10/79	PROV APP	02
	20	SPRINGFIELD	=G= STREET EXT	K	2/08/79	2/20/79	PROV APP	12
	24	SALEM	SHAFFER APARTMENT	J	1/24/79	2/12/79	PROV APP	19
	24	SALEM	CHERRY AVE IND CENTER-2	J	2/06/79	2/12/79	PROV APP	06
	24	SALEM	SCHALK SUBD	J	1/22/79	2/14/79	PROV APP	23

ENGINER COUNTY	LOCATION	PROJECT	REVIEWER	DATE REC	DATE OF ACTION	ACTION	DAYS TO COMPLETE
24	SALEM	CARNELIA HEIGHTS	J	1/22/79	2/14/79	PROV APP	23
29	ROCKAWAY	PACIFIC VIEW ESTATES	J	1/26/79	2/07/79	PROV APP	13
24	SALEM	MAPLE ACRES SUBD	J	2/12/79	2/14/79	PROV APP	03
8	PORT ORFORD	WOOD GLEN SUBDIV	K	1/29/79	2/27/79	PROV APP	29
15	BCVSA-PHNX	DUN-ROVN PARK	K	2/06/79	2/21/79	PROV APP	15
23	ONTARIO	CONE BLDG	K	2/06/79	2/26/79	PROV APP	20
26	PORTLAND	AMY'S ADDITION	K	2/01/79	2/16/79	PROV APP	15
24	STAYTON	FIRST-WATER STREET	K	2/06/79	2/22/79	PROV APP	16
6	BANDON	ROHLES-HOPSON IMP	K	2/12/79	2/23/79	PROV APP	11
6	NORTH BEND	OCEAN VIEW PROJ	K	2/08/79	2/27/79	PROV APP	19
18	BONANZA	SCHLEGEL PROJ REV	K	2/14/79	2/26/79	PROV APP	12
17	CAVE JUNCT	STAGECOACH EST REVISED	K	2/13/79	2/23/79	PROV APP	10

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — February 1979 (Month and Year)

PLAN ACTIONS COMPLETED - 75, cont'd

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES (16)			
Polk	Sam Oberg Hog Farm - Dallas Animal Waste	6-21-78	Approved
Multnomah	Port of Portland Ballast Water Treatment	9-12-78	Approved
Yamhill	Willamina Lumber - Willamina Fill to prevent storm runoff contamination	10-6-78	Approved
Linn	Teledyne Wah Chang Albany Waste Water Pipe Bridge	1-29-79	Approved
Linn	Mac's Dairy - Albany Animal Waste	2-1-79	Project Discontinued
Linn	Dejong - Scio Animal Waste	2-1-79	Project Discontinued
Marion	Ken Ogden Animal Waste	2-1-79	Project Discontinued
Washington	Tektronix, Inc. - Beaverton Relocation Spent Acid Tank	2-2-79	Approved
Washington	Tektronix, Inc. - Beaverton Filter Copper Rinses	2-9-79	Approved
Clackamas	Portable Equipment Co. - Clackamas Divert Storm Runoff	2-9-79	Approved
Douglas	International Paper - Gardiner Curb for Chemical Storage	2-9-79	Approved
Linn	Teledyne Wah Chang Albany Boring Mill Waste Oil Separator	2-21-79	Approved

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — February 1979 (Month and Year)

PLAN ACTIONS COMPLETED - 75, cont'd

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
INDUSTRIAL WASTE SOURCES CONTINUED			
Klamath	Weyerhaeuser Co. - K. Falls Log Sprinkling Recycle Sump	2-26-79	Approved
Coos	Al Peirce Lumber - Coos Bay Log Let Down	2-28-79	Approved
Jackson	City of Ashland WTP Settling Basin for Back Wash	2-28-79	Approved
Clatsop	Pacific Hake Fisheries - Astoria Seafood Waste Screen	2-28-79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — February 1979 (Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received				Permit Actions Completed				Permit Actions Pending		Sources Under Permits		Sources Reqr'g Permits	
	Month		Fis.Yr.		Month		Fis.Yr.							
	*	**	*	**	*	**	*	**	*	**	*	**	*	**
Municipal														
New	0	2	4	6	0	0	1	3	2	5				
Existing	0	0	0	1	0	0	0	0	0	1				
Renewals	1	0	36	7	3	0	23	8	50	6				
Modifications	2	0	13	0	4	0	9	0	8	1				
Total	3	2	53	14	7	0	33	11	60	13	244	83	246	89
Industrial														
New	0	3	13	12	0	0	12	16	8	5				
Existing	0	0	0	0	2	0	9	0	2	0				
Renewals	7	0	47	13	1/ 5	0	60	22	49	2				
Modifications	0	0	2	3	0	0	6	3	3	0				
Total	7	3	62	28	7	0	87	41	62	7	404	128	414	133
Agricultural (Hatcheries, Dairies, etc.)														
New	0	0	2	7	0	0	4	6	0	0				
Existing	0	0	0	0	0	0	0	0	0	0				
Renewals	0	0	0	0	0	0	0	1	2	0				
Modifications	0	0	0	0	0	0	0	0	0	0				
Total	0	0	2	7	0	0	4	7	2	0	62	21	62	21
GRAND TOTALS	10	5	117	49	14	0	124	59	124	20	710	232	722	243

* NPDES Permits
** State Permits

1/ Includes one NPDES Permit transferred to State in processing.

MONTHLY ACTIVITY REPORT

Water Quality (Reporting Unit) — February 1979 (Month and Year)

PERMIT ACTIONS COMPLETED (14)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Benton	Brand S. Corporation Corvallis	2-6-79	NPDES Permit Renewed
Gilliam	City of Arlington Sewage Disposal	2-6-79	NPDES Permit Renewed
Malheur	City of Nyssa Sewage Disposal	2-6-79	NPDES Permit Renewed
Washington	U.S.A. - Westside Sewage Disposal	2-6-79	NPDES Permit Modified
Linn	City of Harrisburg Sewage Disposal	2-6-79	NPDES Permit Modified
Linn	City of Scio Sewage Disposal	2-6-79	NPDES Permit Modified
Linn	Halsey Pulp Co. Paper Products	2-27-79	NPDES Permit Renewed
Columbia	City of St. Helens Sewage Disposal	2-27-79	NPDES Permit Modified
Tillamook	Tillamook County Creamery Dairy Products	2-27-79	NPDES Permit Renewed
Multnomah	Columbia Steel Casting Cooling Water	2-27-79	NPDES Permit Renewed
Lincoln	Inn at Otter Crest Domestic Sewage	2-28-79	NPDES Permit Renewed
Lane	Bohemia, Inc. Timber Products	2-28-79	State Permit Renewed (was NPDES)
Klamath	Oregon Inst. of Tech. Geothermal	2-28-79	NPDES Permit Issued
Klamath	Presbyterian Intercommunity Hospital Geothermal	2-28-79	NPDES Permit Issued

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — **February, 1979** (Month and Year)

PLAN ACTIONS COMPLETED (5)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Jackson	Corps of Engineers New disposal site Operational plan	1/08/79*	Letter authorization issued
Douglas	Roseburg Lumber - Dillard Existing industrial waste site Annual operational plan	1/19/79*	Approved
Coos	Menasha Corp. New industrial waste site Operational plan	2/21/79	Letter authorization issued
Linn	Willamette Industries Old Holly Landfill Renovation New industrial waste site Operational plan	2/23/79	Letter authorization issued
Umatilla	Shockman & Son New demolition site Operational plan	2/28/79	Letter authorization issued

* Not reported last month.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — **February, 1979** (Month and Year)

SUMMARY OF SOLID AND HAZARDOUS WASTE PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending		Sites Under Permits	Sites Reqr'g Permits
	Month	Fis.Yr.	Month	Fis.Yr.				
General Refuse								
New		2		2	1			
Existing				2	14	(* 13)		
Renewals		27		13	18			
Modifications	3	12	2	13	4			
Total	1	41	2	30	37		169	171
Demolition								
New	1	1	1	2				
Existing		1						
Renewals		1		1	1			
Modifications		7		2	5			
Total	1	10	1	5	6		24	24
Industrial								
New	2	9	2	11	1			
Existing		1		1	1	*		
Renewals	1	12		15	7			
Modifications		1		3				
Total	3	23	2	30	9		99	100
Sludge Disposal								
New		1		1	1	*		
Existing		1			1	*		
Renewals		11		3				
Modifications		1		1				
Total	0	20		5	2		11	11
Hazardous Waste								
New Authorizations	15	120	14	119	1			
Renewals								
Modifications								
Total	15	120	14	119	1		1	1
GRAND TOTALS	22	196	19	189	55		304	307

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

MONTHLY ACTIVITY REPORT

Solid Waste Division (Reporting Unit) — **February, 1979** (Month and Year)

PERMIT ACTIONS COMPLETED (5)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
General Refuse Facilities (2)			
Curry	Brookings Landfill Existing facility	2/14/79	Permit amended
Curry	Nesika Beach Landfill Existing facility	2/14/79	Permit amended
Demolition Waste Facilities (1)			
Umatilla	Shockman & Son New Landfill	2/28/79	Letter authorization issued
Industrial Waste Facilities (2)			
Coos	Menasha Corp. New Ash Disposal Site	2/21/79	Letter authorization issued
Linn	Willamette Industries New Wood Waste Site	2/23/79	Letter authorization issued
Sludge Disposal Facilities (None)			

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste (Reporting Unit) — February, 1979 (Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

Date	Waste Description: Type	Source	Quantity: Present	Quantity: Future
Disposal Requests Granted (14)				
Oregon (6)				
8	PCB contaminated steel vat	University	1 unit	None
8	Small PCB capacitors	Utility	25 units	None
13	Obsolete automotive paints, acrylic lacquers, enamel coatings, etc.	Paint Manufacturer	700 gals	600 gals/yr
21	PCB contaminated rags and cleanup debris	Food Company	15 gals	None
22	Spent photoresist stripping solution	Electronic Industry	120 gals.	120 gals/month
22	PCB capacitors	Utility	5 units	None
Washington (8)				
1	PCB capacitors	PUD	None	10 drums/year
6	Waste containing 90% borax crystals, 10% clay & dirt	Chemical Company	4,900 lb.	4,900 lb./year
8	Various obsolete organic chemicals	Aviation Industry	19 drums	None
6	PCB capacitors	Federal agency	12 cu.ft.	None
20	Obsolete pesticide products	Pesticide dealer	110 cu.ft.	None
21	Spent sandblasting sand containing heavy metals	Shipyard	4 drums	None
22	Cyanide salt solution	Federal agency	3 gals.	None
27	Unwanted wood preservative	Federal agency	2 small pallets	None

TOTALS	LAST	PRESENT
Settlement Action	20	19
Preliminary Issues	12	9
Discovery	3	3
To be Scheduled	3	6
To be Rescheduled	0	0
Set for Hearing	0	0
Briefing	1	0
Decision Due	4	4
Decision Out	3	1
Appeal to Commission	5	4
Appeal to Court	1	0
Transcript	1	1
Finished	2	10
	55	57

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
Hrngs	The Hearings Section
Hrng Rfrrl	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 hearing.
LQ	Land Quality
McS	McSwain
MWV	The Mid-Willamette Valley Region
NP	Noise Pollution
NPDES	National Pollutant Discharge Elimination System wastewater discharge permit
P	At the beginning of a case number 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 MWV)
SSD	Subsurface Sewage Disposal
SWR	Southwest Region
T	At the beginning of a case number means litigation over a tax credit matter.
Trancr	Transcript being made.
Underlined	Different status or new case since last contested case log.

DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrrl	DEQ or Atty	Hrng Offcr	Hrng Date	Resp Code	Dec Date	Case Type & No.	Case Status
Davis et al	5/75	575	Atty	McS	5/76	Resp	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~~	~~Finished~~
Faydrex, Inc.	5/75	5/75	Atty	McS	11/77	Transc		64 SSD Permits	Transcript Prepared
Johns et al	5/75	5/75	Atty	McS		All		3 SSD Permits	Preliminary Issues
Laharty	1/76	1/66	Atty	McS	9/76	Resp	1/77	Rem Order SSD	Appeal to Comm dismissed
PGE (Harborton)	2/76	2/76	Atty	McS		Hrngs		ACD Permit Denial	Preliminary Issues
Ellsworth	10/76	10/76	Atty	McS		Resp		$10,000 WQ-PR-76-196	Settlement Action
Ellsworth	10/76	10/76	Atty	McS		Resp		WQ-PR-ENF-76-48	Settlement Action
Silbernagel	10/76	10/77	Atty	Cor		Resp		AQ-MWR-76-202 $400	Settlement Action
Jensen	11/76	11/76	Atty	Cor	12/77	Prtys	6/78	$1500 Fld Brn AQ-SNCR-76-232	Settlement Action
Mignot	11/76	11/76	DEQ	McS	2/77	Resp	2/77	$400 SW-SWR-288-76	Appeal to Comm
~~Perry~~	~~12/76~~	~~12/76~~	~~DEQ~~	~~Cor~~	~~1/78~~	~~Hrngs~~		~~Rem Order SS-SWR-253-76~~	~~Finished~~
Jones	4/77	7/77	DEQ	Cor	6/9/78	Hrngs		SSD Permit SS-SWR-77-57	Decision Out
Sundown et al	5/77	6/77	Atty	McS		Resp		$11,000 Total WQ Viol SNCR	Settlement Action
Wright	5/77	5/77	Atty	McS		EQC		$250 SS-MWR-77-99	Appeal to Comm
~~Henderson~~	~~6/77~~	~~7/77~~	~~Atty~~	~~Cor~~	~~1/77~~	~~Resp~~		~~Rem Order SS-CR-77-136~~	~~Finished~~
Magness	7/77	7/77	DEQ	Cor	11/77	Hrngs		$1150 Total SS-SWR-77-142	Decision Due
Southern Pacific Trans	7/77	7/77	Atty	Cor		Prtys		$500 NP-SNCR-77-154	Settlement Action
Suniga	7/77	7/77	Atty	Lmb	10/77	EQC		$500 AQ-SNCR-77-143	Appeal to Comm
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~~	~~Hrngs~~		~~$1000 AQ-SNCR-76-178 Fld Brn~~	~~Finished~~
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	Hrngs		SSD Permit App	Decision Due
Califf	10/77	10/77	DEQ	Cor	4/26/78	Prtys		Rem Order SS-PR-77-225	Settlement Action
McClincy	10/77	12/77	Atty	McS		Resp		SSD Permit Denial	Preliminary Issues
Zorich	10/77	10/77	Atty	Cor		Prtys		$100 NP-SNCR-173	Settlement Action
Powell	11/77	11/77	Atty	Cor		Hrngs		$10,000 Fld Brn AQ-MWR-77-241	Preliminary Issues
Wah Chang	12/77	12/77	Atty	McS		Prtys		ACD Permit Conditions	Settlement Action
Barrett & Sons, Inc.	12/77	2/78	DEQ			Dept		$500 WQ-PR-77-307	To be Scheduled
Carl F. Jensen	12/77	1/78	Atty	McS		Prtys		$18,600 AQ-MWR-77-321 Fld Brn	Settlement Action
Carl F. Jensen/ Elmer Klopfenstien	12/77	1/78	Atty	McS		Prtys		$1200 AQ-SNCR-77-320 Fld Brn	Settlement Action
Steckley	12/77	12/77	Atty	McS	6/9/78	Dept		$200 AQ-MWR-77-298 Fld Brn	Appeal to Comm
Wah Chang	1/78	2/78	Atty	Cor		Prtys		$5500 WQ-MWR-77-334	Settlement Action
Gray	2/78	3/78	DEQ			Hrngs		$250 SS-PR-78-12	Preliminary Issues
Hawkins	3/78	3/78	Atty			Dept		$5000 AQ-PR-77-315	Preliminary Issues
Hawkins Timber	3/78	3/78	Atty			Dept		$5000 AQ-PR-77-314	Preliminary Issues
Wah Chang	4/78	4/78	Atty	McS		Hrngs		NPDES Permit	Preliminary Issues
Wah Chang	11/76	12/78	Atty	McS		Dept		P-WQ-WVR-78-07	Preliminary Issues
Stimpson	5/78		Atty	McS		Dept		Tax Credit Cert. T-AQ-PR-78-01	Settlement Action
Vogt	6/787	6/78	DEQ	Cor	11/8/78	Dept		SSD Permit	Decision Due
Hogue	7/78		Atty			Dept		P-SS-SWR-78	Preliminary Issues
B & M	8/78	8/78	DEQ	Cor	11/1/78	Hrngs		SSD License	Decision Due
~~St. Helens~~	~~7/78~~		~~Atty~~	~~McS~~		~~Dept~~		~~P-WQ-NWR-78-03~~	~~Finished~~
~~Champion~~	~~8/78~~	~~8/78~~	~~DEQ~~			~~Resp~~		~~P-WQ-ER-78-04~~	~~Finished~~
Welch	10/78	10/78	Atty			Resp		P-SS-CR-78-134	Settlement Action
~~Carter~~	~~10/78~~		~~DEQ~~		~~12/21/78~~	~~Resp~~		~~$50 AQ-WVR-78-140~~	~~Finished~~
~~Louisiana-Pacific~~	~~9/78~~	~~10/78~~	~~DEQ~~			~~DEQ~~		~~$1500 AQ-SWR-78-97~~	~~Finished~~
Louisiana-Pacific	9/78	10/78	DEQ			DEQ		$2000 AQ-SWR-78-122	Finished
Hood River	11/78	12/78	DEQ	McS		Resp		$1650 WQ-CR-78-142	Settlement Action
Reeve	10/78		Atty			Dept		P-SS-CR-78-132 & 133	Discovery
Bierly	12/78	12/78	DEQ			Resp		$700 AQ-WVR-78-144	Settlement Action
Georgia-Pacific	1/79	1/78	DEQ			Prtys		$1525 AQ-NWR-76-159	To be Scheduled
Glaser	1/79	1/79	DEQ			Prtys		$2200 AQ-WVR-78-147	To be Scheduled
Hatley	1/79	2/79	DEQ			Prtys		$3250 AQ-WVR-78-157	To be Scheduled
Roberts	2/79	3/79	DEQ			Prtys		P-SS-SWR-79-01	To be Scheduled
TWCA	2/79	2/79	Atty			Prtys		$3500 WQ-WVR-78-187	To be Scheduled
TEN EYCK	12/78		DEQ			Prtys		P-SS-ER-78-06	Discovery

ROBERT W. STRAUB
GOVERNOR

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, March 30, 1979, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take action on the attached requests as follows:

1. Issue Pollution Control Facility Certificates to applications T-1038, T-1041, T-1042, T-1043, T-1046, T-1047, T-1050, T-1051, T-1052, T-1053, and T-1055.

2. Revoke Pollution Control Facility Certificate 683 issued to Babler Brothers, Inc. and reissue it in a lesser amount because of sale of portions of the certified facilities (see attached review report).

3. Deny Rough and Ready Lumber Company's request for Preliminary Certification for kiln heating coils and related equipment and labor for their lumber mill at Cave Junction, Oregon, and be informed of the Department's intention to issue Preliminary Certification for the steam heat dump system and related labor at the same plant (see attached review report).

WILLIAM H. YOUNG

MJDowns:cs
229-6485
3/16/79
Attachments

Proposed March 1979 Totals:

Air Quality	$ -0-
Water Quality	542,753
Solid Waste	-0-
Noise	84,176
	$626,929

Calendar Year Totals to Date
(Excluding March 1979 Totals)

Air Quality	$279,319
Water Quality	72,252
Solid Waste	424,915
Noise	-0-
	$776,486

N/3555.2

Appl T-1038
Date 2-27-79

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Stayton Canning Company
PO Box 458
Stayton, OR 97383

The applicant owns and operates a bush bean processing plant at Stayton, Oregon.

Application was made for tax credit for a noise pollution control facility.

2. Description of Claimed Facility

The facility described in this application is basically an extention of the existing bean processing building to cover the bean washing areas. It includes the construction of an interior and extension wall with acoustical damping and absorption material on both the existing and new structures. Also the construction of sound baffles around penetrations thru the south wall. The existing fence also was extended in height and covered with sound damping material.

Request for Preliminary Certification for Tax Credit was made on January 16, 1978, and approved on March 16, 1978.

Construction was initiated on the claimed facility on March, 1978, completed on April, 1978, and the facility was placed into operation on July 17, 1978.

Facility Cost: $84,176.04 (Accountant's Certification was provided).

3. Evaluation of Application

This facility was constructed in order to meet the DEQ's noise standards. After construction, a noise survey of this facility shows that it no longer violates the DEQ noise standards. The costs outlined in this application are consistent with the construction of the facility.

4. Summation

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

B. Facility was constructed on or after January 1, 1977, as required by ORS 468.165(1)(b).

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

D. The facility was required by the Department of Environmental Quality Noise Pollution Control Section and is necessary to satisfy the intents and purposes of ORS Chapter 467 and the rules adopted under that chapter.

E. Stayton Canning Company will receive some benefits from the protection of the bean washing equipment and from some increased winter-time storage space. However, they were satisfied with the equipment left outside and the increased storage area is not large. Thus the benefits to the Company from this noise pollution control facility are not significant. Hence, 80% or more of this facility is substantially for noise pollution control.

5. Director's Recommendation

Based upon the information presented it is recommended that a Pollution Control Facility Certificate bearing the cost of $84,176.04 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1038.

JHector
March 1, 1979

Appl. T-1041
Date February 23, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Evans Products Company
Fiber Products Division
1115 S. E. Crystal Lake Drive
Corvallis, OR 97330

The applicant owns and operates a Hardboard Manufacturing Plant in Corvallis, Oregon

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

2. Description of Claimed Facility

The claimed facility consists of a 30-inch Sweco screen and an 80,000 gallon surge storage tank. Four pumps and the associated stainless steel piping, manifolds, and valves are utilized to recycle the waste water back to the process.

Notice of Intent to Construct was approved July 21, 1975. Preliminary Certification for Tax Credit was not required.

Construction was initiated on the Claimed Facility July 1975. The facility was completed and placed into operation January 1977.

Facility Cost: $122,170 (Certified Public Accountant's statement was provided)

3. Evaluation

The pollution control equipment has succeeded in reducing the volume of waste water effluent from about 1 million gallons/day to about 200,000 gallons/day. The reduction in flow has resulted in an increased efficiency of the waste water treatment system and has reduced the quantity of organic and solid pollutants discharged to the Willamette River.

4. Summation

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

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

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

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

E. 100% of the facility cost is claimed allocable to pollution control. The facility is solely for the purpose of Water Pollution Control.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-1041, such certificate to bear the actual cost of $122,170, with 80% or more of the cost allocable to pollution control.

Charles K. Ashbaker/Larry D. Patterson:em
229-5374
2/22/79

Appl T-1042

Date February 23, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Libby, McNeill & Libby, Inc.
Headquarters Office
200 South Michigan Avenue
Chicago, IL 60604

The applicant owns and operates a vegetable processing plant in Salem producing packaged products such as green beans and sauerkraut.

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

2. Description of Claimed Facility

The claimed facility is a treated waste water effluent pH adjustment system which includes:

a. Pump house including piping and instrumention
b. Caustic soda tank, 4500 gallon
c. pH recorder/controller

The system was required to protect bacteriological processes in Salem's sewage treatment works, according to the applicant.

Request for Preliminary Certification for Tax Credit was made June 15, 1978 and approved July 3, 1978. Construction was initiated on the claimed facility June 19, 1978, completed and placed into operation September 28, 1978.

Facility Cost: $24,367. (Certified Public Accountant's statement was provided.)

3. Evaluation

City of Salem Ordinance No. 17-77 required pH adjustment of waste waters discharged to City's sewage treatment works. Installation of the claimed facility controls pH of Libby's effluent to within the required range.

4. Summation

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

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

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

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

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

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-1042, such Certificate to bear the actual cost of $24,367 with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:em
229-5318
February 23, 1979

Appl. T-1043
Date February 23, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

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

The applicant owns and operates a complex, manufacturing electronic equipment such as oscilloscopes, information display and television products.

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

2. Description of Claimed Facility

The claimed facility involved replacing a copper plating process (pyrophosphate) that produced untreatable waste with an acid-copper process whose waste is compatible with existing waste treatment.

Request for Preliminary Certification for Tax Credit was made September 1, 1976 and approved October 28, 1976. Construction was initiated on the claimed facility September 13, 1976, completed and placed into operation November 30, 1976.

Facility Cost: $18,515.00 (Certified Public Accountant's statement was provided)

3. Evaluation

The copper pyrophosphate solution contains complexing agents that prevent treatment plant removal of copper as a precipitate. Staff recommended changing to acid-copper. After change was implemented, staff inspected the plating operation and verified equipment was working as intended.

4. Summation

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

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

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

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

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

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-1043, such Certificate to bear the actual cost of $18,515.00 with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:em
229-5318
February 23, 1979

Appl. T 1046

Date February 23, 1979

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

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

The applicant owns and operates a complex, manufacturing equipment such as oscilloscopes, information display and television products.

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

2. Description of Claimed Facility

The claimed facility is an atomic absorption spectrophotometer, instrumentation laboratory model 257C with atomizer model 555 CTF.

In order to meet the Department's effluent standards, Tektronix has had to aquire such sophisticated equipment to test for heavy metals at very low concentrations as required by EPA methods.

Request for Preliminary Certification for Tax Credit was made 10/26/78 and approved 11/14/78. Construction was initiated on the claimed facility in 12/5/78, completed and placed into operation in 12/5/78.

Facility Cost: $17,926.32 (Certified Public Accountant's statement was provided.)

3. Evaluation

The applicant claims that they are able to effectively monitor and control heavy metals in treated effluent. Staff has confirmed that the claimed facility was purchased and is being used for this purpose.

4. Summation

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

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

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

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

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

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-1046, such Certificate to bear the actual cost of $17926.32 with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:pw
229-5318
February 23, 1979

Appl T-1047

Date February 23, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

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

The applicant owns and operates a complex, manufacturing electronic equipment such as oscilloscopes, information display equipment and television products.

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

2. Description of Claimed Facility

The claimed facility consists of two pump stations allowing discharge of treated industrial waste to USA Durham Sewage Treatment Plant. Included are:

a. Four 6 by 4 pumps, Durco 13A with motor. Two are at each station.

b. Related pipe, fitting, valves and controls.

c. Electrical power

d. Instrumentation

e. Miscellaneous construction and labor

Request for Preliminary Certification for Tax Credit was made December 21, 1976 and approved January 28, 1977. Construction was initiated on the claimed facility February 1, 1977, completed and placed into operation June 30, 1977.

Facility Cost: $156,676.23 (Certified Public Accountant's statement was provided.)

3. Evaluation

Staff completed inspection of claimed facility July 21, 1977. Both pump stations and controls were found installed complete and operational, serving desired function, which was to remove treated waste from Beaverton Creek for a period of time.

4. Summation

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

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

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

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

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

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-1047, such Certificate to bear the actual cost of $156,676.23 with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:em
229-5318
February 23, 1979

Appl. T 1050

Date March 12, 1979

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Stokely - Van Camp, Inc.
941 N. Meridian St.
Indianapolis, IN 46204

The applicant owns and operates a plant in Albany, Oregon processing strawberries, green beans, corn and squash to frozen food.

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

2. Description of Claimed Facility

The claimed facility, a waste water collection and land irrigation system, consists of:

a. Plant sumps and pumps
b. Eight inch buried pipe line (approx. 8,000 ft.)
c. Eight inch bridge crossing pipe (approx. 1,100 ft.)
d. Field sump (100,000 gallon)
e. Irrigation pumps, 1-100 Hp on T-60 Hp.
f. River pump, 25 Hp, and piping.

The rationale for installation of the system was to remove this load from the City of Albany sewage treatment plant.

Request for Preliminary Certification for Tax Credit was made 3/15/76 and 5/1/77 and approved 4/28/77. Construction was initiated on the claimed facility in 5/15/77, completed and placed into operation in July '77.

Facility Cost: $141,916 (Statement of cost and invoices were provided by the applicant.)

3. Evaluation

The City of Albany had been unable to provide adequate sewage treatment for several years during periods of Stokely - Van Camp's corn processing. This caused the City system to exceed its permit limits on several occasions. Removing Stokely's load from the City system by land irrigation has considerably improved sewage treatment plant performance, and reduced the quantity of waste discharged to the Willamette River.

4. Summation

A. Facility was constructed after receiving approval to construct and Preliminary Certification issued pursuant to ORS 468.715.

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

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

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

E. Applicant claims 100% of costs allocable to pollution control. Cost of utilities, depreciation and other expenses exceed annual income realized from the claimed facility.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T 1050, such Certificate to bear the actual cost of $141,916, with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:pw
229-5318
March 12, 1979

Appl. T 1051

Date March 12, 1979

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Jerome P. and Andrea L. Chiappsi
Hog Operations
23205 Kochis Rd.
Philomath, Oregon 97370

The applicant owns and operates a hog operation near Philomath, Oregon.

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

2. Description of Claimed Facility

The claimed facility consists of:

a. Concrete floors sloped to drain (approx. 80 ft. by 30 ft.)
b. Concrete gutters (approx. 180 ft. by 2 ft. wide)
c. Manure holding tank (concrete, 30 ft. diameter by 8 ft. deep)
d. Manure spreader, model LMS 1500

Request for Preliminary Certification for Tax Credit was made 4/5/78 and approved 4/17/78. Construction was initiated on the claimed facility in June '78, completed in July '78, and placed into operation in August '78.

Facility Cost: $10,579.88. (Certified Public Accountant's statement was provided.)

3. Evaluation

Applicant claims that manure waste runoff has been eliminated as wastes are evenly distributed on 95 acres. Staff has inspected the facility and has reported the operation is functioning as designed.

4. Summation

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

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

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

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

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

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T 1051, such Certificate to bear the actual cost of $10,579.88 with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:pw
229-5318
March 12, 1979

Appl. T 1052

Date March 12, 1979

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

Agripac, Inc.
P.O. Box 5346
Salem, Oregon 97304

The applicant owns and operates a plant (No. 1) at Salem, processing fruits and vegetables into canned or frozen fruits and vegetables.

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

2. Description of Claimed Facility

The claimed facility is an Advance model 841 flow proportioning chlorination system with associated piping, meters and converters for chlorination of retort can cooling water.

Request for Preliminary Certification for Tax Credit was made 2/2/77 and approved 2/10/77. Construction was initiated on the claimed facility in 4/1/77, completed and placed into operation in 6/30/77.

Facility Cost: $13,249 (Certified Public Accountant's statement was provided.)

3. Evaluation

NPDES Permit 2525-d required installation of the claimed facility. Control of chlorination to 1.00 mg/l in the effluent has been achieved since installing chlorination control. Excessively high chlorine residuals (5.00 mg/l) were common before.

4. Summation

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

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

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

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

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

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T 1052, such Certificate to bear the actual cost of $13,249 with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:pw
229-5318
March 12, 1979

Appl. T 1053

Date March 12, 1979

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Agripac, Inc.
P.O. Box 5346
Salem, Oregon 97304

The applicant owns and operates a plant (No. 1) at Salem, processing fruits and vegetables into canned or frozen fruits and vegetables.

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

2. Description of Claimed Facility

The claimed facility, a system for reuse of can cooling water for product prewash and clean up, consists of pumps, piping (including valves and fittings), and electrical equipment. The function of the system is to reduce water usage and thus effluent to the City of Salem's sewage treatment plant.

Request for Preliminary Certification for Tax Credit was made 4/22/77 and approved 5/6/77. Construction was initiated on the claimed facility in 4/25/77, completed and placed into operation in October '77.

Facility Cost: $33,212.00 (Certified Public Accountant's statement was provided.)

3. Evaluation

Approximately 300,000 gallons per day water useage, and effluent discharged to Salem's sewage treatment plant is the reduction due to the claimed facility. Staff confirms the facility is thus effective.

4. Summation

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

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

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

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

E. Applicant claims 100% of costs allocable to pollution control. Although $16,000 in water charges is saved per year, cost of labor, utilities, maintenance and depreciation exceed this amount.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T 1053, such Certificate to bear the actual cost of $33,212 with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:pw
229-5318
March 12, 1979

Appl T-1055

Date March 6, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Agripac, Inc.
P.O. Box 5346
Salem, OR 97304

The applicant owns and operates a plant (No. 1) at Salem, processing fruits and vegetables into canned or frozen fruits and vegetables.

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

2. Description of Claimed Facility

The claimed facility is a treated waste water effluent pH adjustment system which includes:

a. Sodium Hydroxide Pumping System
b. Two pH Sensing Electrodes
c. pH Recorder/Controller, Chemtrix 47 R

Request for Preliminary Certification for Tax Credit was made June 21, 1978 and approved July 18, 1978. Construction was initiated on the claimed facility July 1, 1978, completed and placed into operation August 31, 1978.

Facility Cost: $4,143.00. (Certified Public Accountant's statement was provided.)

3. Evaluation

The City of Salem required pH adjustment of waste waters discharged to City's sewage treatment works. Installation of the claimed facility controls the effluent to within the required range.

4. Summation

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

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

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

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

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

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-1055, such Certificate to bear the actual cost of $4,143 with 80% or more allocable to pollution control.

C. K. Ashbaker/W. D. Lesher:em
229-5318
March 6, 1979

State of Oregon
Department of Environmental Quality

Amendment of Pollution Control Facility Certificate
Review Report

---

1. Certificate Issued to:

Babler Brothers, Inc.
4617 SE Milwaukie Avenue
Portland, Oregon 97202

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

2. Discussion

Pollution Control Facility Certificate No. 683 was issued to Babler Brothers, Inc. on July 30, 1976 in the amount of $100,240 for various air pollution control equipment on their portable asphalt plant (see attached certificate).

On March 6, 1979 the Company notified the Department that certain of those certified facilities were being sold. The amount which should continue to receive tax credit is $62,315. See attached letter from the company for the cost breakdown.

3. Summation

Pursuant to ORS 317.072(10), Certificate No. 683 should be revoked and reissued to reflect the amount stilleligible for tax credit.

4. Director's Recommendation

Revoke Pollution Control Facility Certificate No. 683 issued to Babler Brothers, Inc. in the amount of $100,240 and reissued it in the amount of $62,315 to reflect the selling of portions of the certified facilities. The reissued certificate only to be eligible for tax credit relief for the time remaining from the date of original issuance.

MJDowns:cs
229-6485
3/16/79
Attachments

Certificate No. 683

Date of Issue 7/30/76

Application No. T-759

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

POLLUTION CONTROL FACILITY CERTIFICATE

Issued To: Babler Brothers, Inc. 4617 S.E. Milwaukie Avenue Portland, Oregon 97202	Location of Pollution Control Facility: Variable, presently at Hood River, Oregon
As: ☐ Lessee ☒ Owner	

Description of Pollution Control Facility: Wet scrubber on portable asphalt plant consisting of CMI Model HOP Portable Dynamic Precipitator including washer and frame, duct work, 300 hp fan, drive, damper, 10' diameter exhaust stack, 30 hp water pump, electrical and installation costs.

Type of Pollution Control Facility: ☒ Air ☐ Water ☐ Solid Waste

Date Pollution Control Facility was completed: Aug. 20, 1975 Placed into operation: Aug. 20, 1975

Actual Cost of Pollution Control Facility: $ 100,240.00

Percent of actual cost properly allocable to pollution control:

Eighty percent (80%)

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

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

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

Signed _____

Title Chairman

Approved by the Environmental Quality Commission on the 30th day of July, 19 76

DEQ/TC-6 1-76

NAPA

BABLER BROS., INC.

HIGHWAY AND MUNICIPAL UTILITY CONTRACTORS

P.O. BOX 02008
4617 S.E. MILWAUKIE AVE.
PORTLAND, OREGON 97202
(503) 233-5536

AGC

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RICHARD C. OLSON
ASSISTANT SECRETARY

March 6, 1979

Mr. F. A. Skirvin
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Mr. Skirvin:

Baker Redi-Mix, Inc. recently applied for a preliminary construction and tax credit approval in connection with a C.M.I. wet wash scrubber system. The C.M.I. scrubber unit will be purchased from Babler Bros., Inc. This unit was previously certified by the EQC (Tax relief application No. T-759; Certificate No. 683) as follows:

Washer and frame		$ 35,090
Draft system:		
Duct work	$ 4,705	
Fan and drive	19,635	
Damper	1,840	
Exhaust stack	9,365	35,545
Water pump		2,835
Electrical		11,370
Installation labor		11,500
Freight		3,900
		$100,240

Since the washer, frame and pump will no longer be used by Babler Bros., Inc., will you please cancel the previous certification #683 and reissue it for $62,315 for the remaining components as we discussed last week.

If you require any additional information please let me know.

Very truly yours,

BABLER BROS., INC.

Lawrence E. Bosworth
Vice President-Finance

LEB:bkm

State of Oregon
ENVIRONMENTAL QUALITY
RECEIVED

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Preliminary Certification for Tax Relief Review Report

---

1. Applicant

Rough and Ready Lumber Company
Cave Junction, OR 97523

The applicant owns and operates a lumber mill at Cave Junction, Oregon.

Application was made for Preliminary Certification for a solid waste pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a waste wood (sawdust) fired boiler and dry kilns (see attached report prepared for January 26, 1979 Commission meeting).

3. Evaluation of Application

At the January 26, 1979, meeting the Commission considered the request from Rough and Ready Lumber Company for approval of Preliminary Certification for dry kilns. At this meeting the Commission invited the company to reapply for any additional equipment (directly related to the boiler) which was previously denied. In the letter of February 22, 1979, the company applied for the following:

a.	Kilns heating coils, valves, traps, feed and drain piping, hangers, steam main, condensate return pump station, pipe, and insulation - - - - - - - - - - - - - - -	$79,500.00
b.	One steam heat dump system complete with coils, fans, piping, traps, etc. -	$12,150.00
c.	Labor -	$10,411.00
	TOTAL	$102,061.00

It is the Department's finding that the dry kiln heating coils and related equipment described above ($79,500.00) actually constitutes the "dry kiln" and the kilns do not meet the statutory requirement for direct utilization of solid waste.

The steam heat dump system and related labor ($1,384.66 or 13.3% of $10,411.00) is part of the boiler unit and can be approved at this time.

4. Summation

The Department has determined that the installation of dry kiln coils does not comply with the applicable provisions of ORS Chapter 454, 459, 467, or 468 and the applicable rules or standards pursuant thereto.

5. Director's Recommendation

It is proposed that the Department approve for Preliminary Certification the steam heat dump system and related labor ($13,534.66). It is recommended that the Commission deny the applicant's request for Preliminary Certification for kiln heating coils, related equipment and labor ($88,526.34).

MS:dro
229-6015
cc: Richard W. Miller
Lewis Kraus

Attachment

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Preliminary Certification for Tax Relief Review Report

1. Applicant

Rough and Ready Lumber Company
Cave Junction, OR 97523

The applicant owns and operates a lumber mill at Cave Junction, Oregon.

Application was made for preliminary certification for a solid waste pollution control facility.

2. Description of Claimed Facility

The facility described in this application is a waste wood (sawdust) fired boiler and dry kilns.

It is estimated the facility will be placed in operation February 1979.

The estimated cost of the facility is:

a.	Boiler	$550.000
b.	Kilns	$300.000

3. Evaluation of Application

On July 28, 1978, the Rough and Ready Company applied for Preliminary Certification for Tax Credit for the above facilities. On November 30, 1978 the Department approved the application for the boiler only. On December 15, 1978 the company appeared before the Commission appealing the denial of the kilns. At the request of the Commission the matter was postponed. Subsequently, the Department received a letter from the company (December 18, 1978), demanding a hearing before the Commission. The company verbally agreed that today's discussion will serve their purposes. Finally, in a January 5, 1979 letter to Chairman Richards, the company argues that the dry kiln system is comparable to the recently approved Publisher's Paper generator facility at Newberg.

The Pollution control Tax Credit Law provides credit for solid waste facilities if:

> 468.165(1)(c)(A) "The substantial purpose of the facility is to utilize material that would otherwise be solid waste as defined---"
>
> 468.155(2) "Facility does not include---any solid waste facility or portion or portions thereof, whose substantial purpose is not for the direct utilization of materials as described in 468.165(1)(c)(A)."

The claimed boiler will utilize solid waste to generate steam and is clearly eligible. The steam will be used for drying of green lumber in the kilns.

The substantial purpose of dry kilns as such is not utilization of solid waste, but simply the drying of lumber. Therefore, they fail to meet the requirements of the above statues. The Publishers Paper generator system also fails this requirement, but is eligible under the following section:

> 468.155(1)(d) "---'solid waste facility' shall include subsequent additions made to an already certified facility----which will increase the production or recovery of useful materials or energy over the amount being produced or recovered by the original facility, whether or not the materials or energy produced or recovered are similar to those of the original facility."

The generator meets this test since it converts energy from the boiler to a more useful form (electricity). It is argued by the company that the dry kilns also convert energy. In fact the kilns do not convert, energy to a more useful form as a generator does. It is the Departments position that the kilns are primarily an energy consumer and the end point in the energy production/consumption cycle. The Department believes it was not legislative intent to grant tax credits for such facilities. Approval would set a precedent which could open the door to tax credits too widely.

4. Summation

The Department has determined that the installation of dry kilns does not comply with the applicable provisions of ORS Chapter 454, 459, 467, or 468 and the applicable rules or standards pursuant thereto.

5. Director's Recommendation

It is recommended that the Commission deny the applicant's request for Preliminary Certification for dry kilns.

MS:mt
229-5913
January 8, 1978
Attachment (1) Company's letter

LAW OFFICES OF
DUFFY, GEORGESON, KEKEL & BENNER
1404 STANDARD PLAZA
PORTLAND, OREGON 97204
TELEPHONE 226-1371

CHARLES P. DUFFY
DONALD J. GEORGESON
DAVID A. KEKEL
RAY R. BENNER
PATRICK H. JENSEN
PHILIP N. JONES
RICHARD W. MILLER
WALDEN STOUT
OF COUNSEL

December 18, 1978

Mr. William Young - Director
Department of Environmental Quality
P. O. Box 1760
Portland, OR 97207

Re: RPC -- Rough & Ready Lumber Co.

Dear Mr. Young:

This office represents Rough & Ready Lumber Co.

Pursuant to ORS 468.175(5), we hereby demand a hearing before the Environmental Quality Commission. The grounds for the hearing is the denial by the DEQ of preliminary certification of the company's proposed dry kilns for a pollution control facility tax credit.

Please send further correspondence to this office.

Very truly yours,

Richard W. Miller

RWM:bt

cc: Mr. Lewis N. Krauss
Rough & Ready Lumber Co.
P. O. Box 519
Cave Junction, OR 97523

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Addendum 1, Agenda Item No. C, March 30, 1979 EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued to Tax Credit Application T-1054 (Agripac, Inc.) per the attached review report.

WILLIAM H. YOUNG

MJDowns:cs
229-6485
3/27/79
Attachment

Date March 8, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

---

1. Applicant

Agripac, Inc.
P.O. Box 5346
Salem, Oregon 97304

The applicant owns and operates a plant (No. 4) at Eugene, processing fruits and vegetables into canned or frozen fruits and vegetables.

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

2. Description of Claimed Facility

The claimed facility of the installation of two Model 554-2-72 Hydrasieve Stationery Screens, pump and piping to upgrade removal of suspended solids from waste water going to the Eugene Sewage Treatment Plant.

Request for Preliminary Certification for Tax Credit was made June 21, 1978 and approved August 21, 1978. Construction was initiated on the claimed facility July 1, 1978, completed and placed into operation July 31, 1978.

Facility Cost: $21,309. (Certified Public Accountant's statement was provided.)

3. Evaluation

Applicant claims the installation of the claimed facility has been effective in removing solids from waste water. Staff confirms this.

4. Summation

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

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

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

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

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

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-1054, such Certificate to bear the actual cost of $21,309, with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. D. Lesher:em
229-5318
3/8/79

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Background and Introduction to State Implementation Plan Revisions
Agenda Item D Nos. 1-9, March 30, 1979, EQC Meeting

BACKGROUND

The EQC will consider authorizing 12 major revisions to the Oregon State Clean Air Act Implementation Plan at its March meeting. This effort is responding to requirements of the Clean Air Act Amendments of 1977 (CAAA) and represents extensive work by the staff, local air quality advisory committees, local "lead" transportation planning agencies and many others over the last 18 months.

The CAAA required plans to attain national Ambient Air standards in non-attainment areas to be submitted to EPA by January, 1979 with EPA approval due by July 1, 1979. Sanctions (primarily withholding certain Federal Funds) were provided in the Act for non-performance. The Department did not meet the January 1 date because of lateness in obtaining needed information from special data base improvement projects and extra time needed to carry out an extensive public participation program. EPA has generally viewed Oregon's schedule of submitting parts of the SIP revision as they are developed with complete adopted plans submitted before July 1, 1979 as an acceptable approach. This approach would get the best plans possible submitted with the broadest possible participation yet allow EPA time to act by July 1, 1979 or shortly thereafter.

The CAAA provided three alternative actions to submitting attainment plans if certain conditions exist. These alternatives are 1) requesting formal SIP revision attainment date extensions from 1983 to 1987, 2) administratively requesting plan submittal extensions up to 18 months for secondary standard plans, and 3) redesignating an area. Because of varying circumstances in the state's four non-attainment areas, each of the above approaches is proposed to be utilized in one or more of the proposed actions.

SIP REVISION HEARING SCHEDULE

In order to submit SIP revisions to EPA prior to July 1 the following hearing schedule is being proposed.

Authorize Hearings - March 30 - EQC Meeting

Public Hearings (Before Hearing Officer)

Medford CO & O_x Plan	- May 3, Medford
Eugene CO Plan[x]	- May 4, Salem
Salem CO & O_x Plan	- May 4, Salem
Portland CO & O_x Plan	- May 7, Portland
Ozone Standard [x]	- May 7, Portland
Stack Height	- May 8, Portland
VOC Rule Amendments	- May 8, Portland
Special Permit Requirements	- May 8, Portland
PSD	- May 8, Portland

SIP Revision Adoption - Before EQC, June 8, Special Meeting, Portland.

PLAN SUBMITTAL EXTENSION AND REDESIGNATION REQUESTS

The Department has already requested administrative extension requests for plan submittals for Total Suspended Particulate (TSP) SIP Revisions in the State's 3 TSP non-attainment areas. The extension requests are contained in a March 2, 1979 letter to EPA (Attachment 1) and are summarized below.

Portland Vancouver AQMA Requested 18 month extension to July 1, 1980 to submit secondary TSP plan. This will allow full consideration of results from the soon to be completed Portland Data Base Improvement Project.

Eugene-Springfield AQMA Requested redesignation from a primary standard to secondary TSP standard non-attainment area and requested 18 month extension until July 1, 1980 to submit the plan. This will allow full consideration of results from the soon to be completed Willamette Valley Data Base Improvement Project.

Medford-Ashland AQMA Requested redesignation from secondary to primary TSP standard violation area and requested allowable 9 month extension to submit primary plan. Further extension may be requested to develop secondary plan.

FORMAL SIP REVISION ATTAINMENT DATA EXTENSION REQUESTS

Extensions of attainment dates in the SIP for primary standards are being proposed for Carbon Monoxide and Ozone in Portland (Agenda Item D1), and Carbon Monoxide in Eugene (Agenda Item D3) and Medford AQMA's (Agenda Item D4). These extensions past the December 31, 1982 attainment date are necessary because it has been determined that implementation of all reasonable measures will still fail to achieve attainment by 1983. The extension will allow local lead agencies until July, 1980 to complete

alternative strategy analysis and until July 1982 to submit plans to EPA. These plans must demonstrate attainment as expeditiously as possible but not later than December 31, 1987.

SIP ATTAINMENT STRATEGIES

Attainment strategies are being proposed for Carbon Monoxide and Ozone in Salem (Agenda Item D2) and Ozone in the Medford AQMA (Agenda Item D4). These plans rely on existing programs, to attain standards; essentially the Federal New Vehicle programs and the Department New Volatile Organic Compound Rules for stationary sources.

MISCELLANEOUS SIP REVISIONS

Special Permit Requirement Rule (Agenda Item D6) The CAAA requires that an adequate attainment strategy must have certain requirements in its permit programs. These include lowest achievable emission rates for new or modified sources over 100 tons/year potential emissions and a maintenance of pay provision. In addition, the Department believes further specific requirements addressing plant site emission limits and sources adjacent to non-attainment areas should be addressed.

Stack Heights Rule (Agenda Item D9) The CAAA requires that credit not be given for tall stacks (greater than approximately 2 1/2 times building height) or other dispersion techniques in the attainment strategies or in other analysis which makes evaluation of air quality impacts.

Prevention of Significant Deterioration Rule (Agenda Item D8)

The CAAA requires states to implement a PSD program according to Federal guidelines to protect the attainment or clean air areas of the state. This program would have a preconstruction review for major new and modified sources and an area classification system specifying the amount of deterioration allowed in specific regions.

Ozone Standard (Agenda Item D7)

On February 8, 1979 EPA revised its ozone standard from .08 to .12 ppm. Proposed SIP revisions have been oriented toward the new standard. While the states .08 standard is still in the SIP it is not necessary to address a plan to meet this limit at this time. This is an important point as there may be testimony requesting delays in submitting proposed Ozone SIP revisions until a plan is devised to meet the state standard. Such delays would jeopardize the states compliance with the CAAA. The Department is proceeding immediately to solicit testimony on the fate of the state standard and should this standard remain below the EPA limit a state attainment strategy will be devised as expeditiously as practicable.

VOLATILE ORGANIC COMPOUND RULES (Agenda Item D5)

Minor housekeeping changes are being proposed in the rule adopted by the EQC in December 1978. The only significant change is removal of exemptions for bulk gasoline plants in the Medford area which is needed to insure effectiveness of the gasoline station Phase I control program.

SUMMATION

The actions proposed to modify the Oregon SIP represent a comprehensive attempt to meet Oregon's current obligations under the CAAA. These actions have been formulated in consideration of many factors and are believed to represent a balanced, reasonable and sensible approach not only of meeting Federal requirements but of devising a State Strategy to manage the valuable air resources of this state.

DIRECTOR'S RECOMMENDATION

Specific Recommendations are contained in the individual agenda item reports.

Sincerely,

Bill

WILLIAM H. YOUNG
Director

JFK:kmm
229-6459
March 12, 1979
Attachments

ATTACHMENT 1

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

March 2, 1979

• Donald Dubois
Administrator, Region X
Environmental Protection Agency
1200 Sixth Ave.
Seattle, Washington

Dear Mr. Dubois:

The State of Oregon is now in a position to fully identify its direction with respect to meeting State Implementation Plan (SIP) revisions called for by the Clean Air Act Amendments of 1977 (CAAA). Therefore, I would like to take this opportunity to address our proposed program with respect to each area that has been designated non-attainment. As you read through this letter you will note that in some cases we are asking for formal action by EPA at this time. In other cases, where formal SIP revisions will be needed, we are still on the schedules provided to Region X staff over the last few months. These schedules call for having completed plans available for public review by April 1, holding hearings in early May and adopting the plans in early June. Submission of formal SIP revisions to EPA is expected by mid-June.

Portland-Vancouver AQMA - Total Suspended Particulate (TSP)

The AQMA was originally designated non-attainment for the secondary TSP national ambient air quality standard (NAAQS). Through Advisory Committee activities, it has been concluded that current SIP emission limits represent reasonable available control technology (RACT). Since these RACT measures have not proven sufficient to attain the TSP secondary NAAQS, we are formally requesting EPA to grant an 18 month extension to submit the control plan as provided in 40 CFR 51.31. Attachment 1 supports the RACT determination and Attachment 2 portrays our schedule for development of the strategy.

Results of our Portland data base improvement project will be needed to develop an effective control plan. These results, which will be available in about one month, are expected to identify non-traditional sources as the major cause of non-attainment. As you know, non-traditional source control measures will require many months of discussion and consideration. This point further justifies our extension request.

Portland-Vancouver AQMA - Carbon) Monoxide (CO)

The Metropolitan Service District (MSD) has recently completed an air quality analysis of projected CO levels. This analysis indicates that there will be a few traffic links which will not meet the NAAQS for CO in 1983 despite the application of our inspection-maintenance (I/M) program and existing reasonable transportation control measures. Therefore, the SIP revision requesting an extension is being prepared pursuant to section 172(a)(2) of the CAAA and will be submitted to you in June.

Portland-Vancouver AQMA - Ozone

A recently completed air quality analysis indicates that the AQMA will attain the new Federal ozone standard by 1983 with implementation of RACT for stationary Volatile Organic Compound (VOC) sources and continuation of our present I/M program. The attainment plan will be submitted to you in June.

Salem - Carbon Monoxide

The city of Salem is projected to attain the CO standard by 1983 with present control programs. An attainment plan will be submitted to you in June.

Salem - Ozone

A recent air quality analysis indicates that the city will achieve the new Federal ozone standard by 1983 based on present control programs in the Portland-Vancouver AQMA and application of RACT to VOC sources in the city of Salem. (The Portland area has a great effect on Salem ozone levels.) An attainment plan will be submitted to you in June.

Eugene-Springfield AQMA - Total Suspended Particulate

First, we are requesting redesignation of the AQMA from a primary to a secondary TSP standard non-attainment area since 1) the city shop site does not meet SAMWG site criteria and 2) no other site in the AQMA has exceeded primary standards during the period of 1974 to 1978. Further documentation of this redesignation is contained in Attachment 3.

Second, I am requesting an 18 month extension to submit a secondary TSP control strategy. Through Advisory Committee activity, it has been concluded that, with the exception of charcoal plants and veneer dryers, the present SIP emission limits in the AQMA represent RACT. The Advisory Committee has recommended a RACT limit for charcoal plants at 20 pounds per ton and for veneer dryers, a 10% average and 20% maximum opacity.

These additional emission limits will not bring the AQMA into compliance with secondary TSP standards. The Department expects that you will condition the extension on the basis that Lane Regional Air Pollution Authority will adopt rules defining RACT as specified above. Attachment 4 further justifies the RACT determination and Attachment 5 presents a schedule for control strategy development activities.

Third, we are submitting field burning rules adopted by the EQC as Attachment 6 and are asking that you consider these as an interim strategy until completion of the AQMA strategy. Attachment 7 presents the supporting material documenting the rule adoption process. We believe that you should be able to act positively on this request in light of data collected last year from an intensive field burning air quality impact study which indicates that under current rules there is no measurable impact on TSP levels as a result of field burning activities in the AQMA. Attachment 8 is a report from a consultant documenting the monitoring study findings.

Eugene-Springfield AQMA - CO

The Lane Council of Governments has recently completed CO air quality projection analyses. These indicate that with existing control measures a few traffic links will exceed CO standards in 1983. A SIP revision requesting an extension will be submitted to you in June.

Eugene-Springfield AQMA - Ozone

The AQMA has not exceeded the new federal ozone standard for the period 1974 through 1978. I am therefore requesting redesignation of the AQMA to attainment status pursuant to section 107(d)(5) of the CAAA. Data supporting this request is shown in Attachment 9.

Medford-Ashland - Total Suspended Particulate

The area was originally designated as a secondary TSP standard non-attainment area. TSP air quality has steadily degraded and has exceeded the primary standards for the period 1976 through 1978. It is now possible that our original strategy may not be sufficient to meet even primary standards. Based on this condition, we are requesting redesignation of the AQMA to a primary standard non-attainment area and requesting the allowable 9 months to develop a primary TSP control strategy. At a later date we may request a further extension, up to the allowed 18 months, to develop a secondary TSP strategy. We understand that this action will not subject the state to the CAAA primary standard attainment date of December 31, 1982; but, under Section 110(a)(2)(A)(i), actual attainment of the primary standard will have to be met no later than 3 years after plan approval. Please be assured, though, that we will make every effort to develop both a primary and secondary attainment plan

as soon as possible consistent with the schedule of our special monitoring studies and recommendations from local advisory groups. We are submitting rules for stationary TSP sources adopted March 31, 1978 as a demonstration that RACT or better will be applied to existing sources. Attachment 10 summarizes the TSP air quality data. Attachment 11 is a copy of our letter dated May 26, 1978 which transmitted the RACT or better rules to you. Attachment 12 is a schedule for the development of the new strategies.

We understand until plans are completed and approved by EPA, the federal offset rule would be used for growth management. You should also be aware that work is underway on a stringent state emission offset rule and a major data base improvement project. These efforts will further strengthen our ability to control a serious and worsening airshed problem.

Medford-Ashland AQMA - CO

An air quality analysis recently completed by Jackson County indicates that the area will not attain CO standards by 1983. A SIP revision requesting an extension will be forthcoming in June. As the area is less than 200,000 population, inspection maintenance commitments are not needed at this time. You should be aware, however, that there is strong local support for such a program and, in fact, legislation is being introduced to implement an I/M program as soon as possible.

Medford-Ashland AQMA - Ozone

An attainment plan will be submitted in June which indicates that with present programs and RACT for VOC sources, the federal new ozone standard will be attained by 1983.

In regard to miscellaneous SIP revision requirements, we will submit rules pertaining to new source review, stack heights, PSD and VOC sources in June as part of our supporting material for SIP revisions. These rules will go through the previously identified hearing schedule .

With culmination of the above actions we fully believe the state of Oregon will have met its immediate obligation under the Clean Air Act Amendments. We regret not meeting the January 1, 1979 submittal date but for reasons previously indicated to you, this date has proved to be unrealistic.

We have tried to keep the EPA-Oregon coordinator and Region X air staff appraised of our progress and direction in the SIP revision process. However, if you have any further questions or problems with the approach at this time, please let me know as soon as possible. We especially

request your immediate response to the proposed field burning interim strategy since acreage registration for the 1979 field burning season is required by statue to be completed by April 1 and action needs to be taken on permits by June 1.

Sincerely,

William H. Young

WILLIAM H. YOUNG
Director

JFK:kmm

cc: without Attachments
Honorable Victor Atiyeh, Governor
Environmental Quality Commission
Metropolitan Service District
Lane COG
Mid-Willamette COG
Jackson County
Lane Regional Air Pollution Authority
Chairpersons, AQMA Advisory Committees

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. D 1, March 30, 1979, EQC Meeting

Request for Authorization to Hold a Public Hearing on Proposed Revisions to the State Air Quality Implementation Plan for the Portland-Vancouver Interstate AQMA Carbon Monoxide and Ozone Control Strategies

Background

The Clean Air Act Amendments (CAAA) of 1977 require states to submit plans to demonstrate how they will attain and maintain compliance with national ambient air standards for those areas designated as "non-attainment". The CAAA further requires these plans to demonstrate compliance with primary standards not later than December 31, 1982. An extension up to December 31, 1987 is possible if the State can demonstrate that despite implementation of all reasonably available control measures the December 31, 1982 date cannot be met.

The State Implementation Plan (SIP) revisions are to be approved by EPA by July 1, 1979. If an adequate extension request is submitted to EPA by then, states will have until July, 1980 to analyze all alternative control strategies and until July, 1982 to submit a complete attainment strategy.

In the case of carbon monoxide and ozone primary air quality standards, which are mostly affected by transportation sources, the CAAA provides for local or regional planning organizations to be the "lead agency" in the SIP revision process.

On March 3, 1978, the entire Portland-Vancouver Interstate AQMA was designated by EPA as a non-attainment area for ozone (O_3) (refer to Attachment 1a), while only the Oregon portion of the AQMA was designated a non-attainment area for carbon monoxide (CO) (Refer to Attachment 1b). In accordance with section 174 of the Clean Air Act Amendments of 1977, former Governor Straub designated the Columbia Regional Association of Governments (CRAG) as the lead agency for the development of CO and O_3 State Implementation Plan (SIP) revisions for the Portland AQMA. On

December 12, 1978, Governor Straub redesignated the Metropolitan Service District (MSD) as lead agency, effective January 1, 1979, in accordance with the voter approved May 23, 1978 ballot measure which abolished CRAG and transferred its responsibilities and powers to a reorganized MSD.

Since mid-1978 the staff of MSD (formerly CRAG), working in cooperation with DEQ has spent considerable time projecting emissions and air quality trends. This air quality analysis has recently culminated with the conclusions that both the carbon monoxide and the recently revised federal ozone ambient air quality standards will be exceeded beyond December 31, 1982.

Complete SIP revision documentation of CO and O_3 attainment date extension requests will be available by April 1, 1979. The evaluation section of this report covers the essence of what these proposed SIP revisions will contain. In order to submit an adopted SIP revision to EPA before July 1, 1979, it has been determined that the hearing process must be authorized at the March EQC meeting.

Evaluation

A. Carbon Monoxide

1. Emissions and Air Quality trends through 1987

As with most urbanized areas, motor vehicles are the dominant source of carbon monoxide emissions (CO) in the Portland AQMA. It is estimated that motor vehicle emissions represent 96% of the total CO emissions generated in the Portland area in 1977. The remaining 4% results from a combination of industrial and other area sources, e.g. aircraft, space heating, and open burning. Therefore, the key to any successful control program to attain the CO standard relies heavily upon the ability to accurately characterize and ultimately reduce motor vehicle CO emissions.

MSD staff used relatively sophisticated computer model techniques to determine emissions from motor vehicles. The models required such inputs as present and future population and employment levels, land use patterns and motor vehicle emission factors and existing and planned transportation control measures. The emissions data developed by MSD was analyzed by another CO model developed by DEQ staff which projected whether or not emissions from roads will violate the 8-hour CO standard of 10 mg/m^3. The results of this analysis are shown in Attachments 2, and 3.

As shown in the Attachments, the number of miles of roads identified as presently violating standards is expected to substantially decrease by 1982. Only a few roads in the central business district (CBD) of Portland as well as one link in the Tigard area are projected to potentially violate the 8-hour CO

standard by the end of 1982. By the end of 1987, all roads sections are projected to be in compliance with the CO standard. Attachments 4 and 5 indicate the projected reduction in both kilometers of roadway projected to violate the 8-hour CO ambient air quality standard and the projected reduction in CO emissions within the central business district of Portland. It should be noted that most areas within the metropolitan area are projected to be substantially below the federal primary CO standard by the end of 1982.

2. Demonstration of Commitment to Reasonably Available Control Measures

The Portland region has already taken many major steps to reduce air pollution from transportation related sources. In response to the requirements of the Clean Air Act of 1970, many of the Reasonably Available Control Measures (RACM's) as specified by the Clean Air Act of 1977 and EPA have already been implemented in this region. Many of the RACM's were incorporated into the Portland Transportation Control Strategy (PTCS) adopted by the EQC in June, 1973 and approved by EPA in November, 1973. The following is a brief summary of those measures:

a. Auto Inspection/Maintenance Program: A mandatory biennial I/M program was initiated on July 1, 1975. This program resulted in an estimated 14% reduction in CO emissions and 7% reduction in HC emissions by 1977. 1982 projected emission reductions resulting directly from this program as it stabilizes for CO and HC are estimated at 38% and 33% respectively.
b. Improved Public Transit: Commitment to public transit is very high in this region. Since 1970 bus ridership has increased more than 100%. Some major improvements made by TRI-MET since 1975 include: construction of a 22 block downtown transit mall, purchase of 100 new buses, installation of 700 bus shelters, and initiation of Fareless Square.
c. Exclusive Bus and Carpool Lanes: In late 1975, a combination carpool and bus only lane was established on the Banfield Freeway. During 1978, a suburban transit station was opened on Barbur Boulevard. The project includes a reversible bus lane and serves as a focal point for transit service in nearby suburban communities.
d. Areawide Carpool Programs: Since 1974 TRI-MET has operated carpool matching service. Approximately 8% of the region's commuting population are now carpooling.
e. Long Range Transit Improvements: Approximately $152 million in Interstate Transfer Funds were set aside by CRAG in 1977 for three transitway corridors. Of this amount, $70 million has been earmarked for the Banfield Corridor Transitway. Current plans for the corridor are to fund the development of a light rail line which will link downtown Portland with Gresham. The light rail plans, however, were not factored into the present analysis because of the uncertainty of their Implementation date.

f. Parking Controls: As part of the Portland Transportation Control Strategy a "lid" on the number of parking spaces in downtown Portland was adopted by City Council in February, 1975 and has remained in effect.

g. Park & Ride Lots: TRI-MET currently has reserved approximately 4,000 park and ride spaces in 75 park and ride lots throughout the region.

h. Pedestrian Malls: The City of Portland is presently evaluating several proposals for developing a pedestrian mall in the "Park Blocks" area in downtown Portland.

i. Employer Programs to Encourage Carpooling and Vanpooling: TRI-MET operates a program which promotes carpooling, vanpooling, and buspooling. As a result of this program, employers in the area subsidize bus fares. Other employer subsidy programs provide preferred parking spaces and reduced parking rates for carpools.

j. Traffic Flow Improvements: There have been numerous traffic flow improvements in Portland during the last few years. Some of these are: removal of on-street parking spaces in the CBD of Portland, installation of computerized traffic signals on several streets in downtown Portland as well as on major arterials in the region, and prohibition of turns on several streets where there is a conflict between pedestrian and motor vehicle traffic.

k. Bicycle Program: The state legislature passed a bill authorizing the expenditure of not less than one percent of State of Oregon Highway Funds for establishment of bicycle trails and footpaths. The program has resulted in the development of approximately 120 km (74 miles) of biking in the AQMA.

As can be seen in the above list, many of the RACM's required by EPA have already been implemented in this region. The above list demonstrates that RACM's have been implemented or committed to, thereby satisfying EPA requirements regarding a requested extension to develop an adequate attainment strategy. If additional measures can be found and implemented to achieve the CO standard by 1982, the extension request will be withdrawn at a later date.

3. Interim Growth Management Plan

During the period that an adequate CO attainment strategy is being developed and the time it is submitted to and approved by EPA, the state must demonstrate an interim growth management plan is in effect. Under EPA requirements, the minimum elements of such a plan are:

1) the review of major new and modified sources using the Federal Offset Rule (41 FR 55524), and

2) a commitment to implement adopted transportation control measures which would have a beneficial impact on CO air quality.

Regarding point #1, the Department is presently reviewing all new or modified sources as defined in Federal Offset Regulations for offsets, if required. While it is expected this review program will not have a significant impact on CO ambient air quality (since transportation sources of CO emissions do not fall under the criteria subjected to offsets), the Department is committed to requiring offsets for all CO emission sources meeting federal offset rule criteria.

In response to point #2, the process of planning and implementating transportation control measures in the Portland AQMA will continue. Listed below are projects in the current annual element of the MSD's Transportation Improvement Program (TIP), ie. committed projects, which should result in reduced CO emissions.

Final Link of I-205 Freeway: Included in this project are an exclusive busway for approximately 2/3 of the length and a bikeway for its entire length.

Carpool Project: TRI-MET will continue management of the Portland Metropolitan Carpool Project, which promotes the use of carpools and vanpools.

Beaverton Park and Ride Station: There is $750,000 allotted for planning a major park and ride facility west of Portland in Beaverton. Planned capacity is approximately 500 vehicles.

TRI-MET Operating Assistance: There is $9.4 million budgeted to support operation expenses of the area's transit system.

Expanded Bus Service on I-5 Corridor: This project is designed to encourage wider use of buses and thereby reduce auto traffic between Portland and Vancouver.

4. Schedule for Future Activities

Both the Clean Air Act (as amended in 1977) and subsequent EPA guidelines require that a CO revised SIP for CO demonstrating a non-attainment situation by December 31, 1982 include a program for evaluating 18 Reasonably Available Control Measures (RACM's). As noted previously, the above analysis has identified potential CO problems in the central business district of Portland and the City of Tigard. As part of the future activities schedule, a more detailed analysis will be performed in the next few months to verify these results. After these problem areas have been verified, transportation control measures will be analyzed so as to determine the most effective way to eliminate the problems. MSD is recommending that out of the 18 RACM's listed in the Clean Air Act, the following six measures have the greatest potential for reducing CO emissions in the Portland AQMA:

a. Inspection/Maintenance on an annual basis;
b. Improved public transit;
c. More effective carpool programs;
d. Long-range transit improvements;
e. Employer programs to encourage carpooling, vanpooling and public transit; and
f. Traffic flow improvements.

Other measures may be considered if future anlaysis determines they have significant potential for reducing CO emissions. The analysis of RACM's will be completed by June 30, 1980. Those measures which have been evaluated and are determined to be both environmentally and economically feasible and publicly acceptable will be identified and submitted as part of CO attainment/maintenance strategy by July 1, 1982. Commitment and authority to implement measures finally adopted must be made part of the 1982 CO SIP submittal.

It should be noted the City of Portland is presently taking steps to develop a Parking and Traffic Circulation Plan to address existing and future air quality problems. This work will be coordinated with ongoing and future SIP revision activities. A similar work plan will be proposed for the City of Tigard, if it is determined that a parking and traffic circulation plan is needed to reduce CO emissions in this area.

Public participation in the development for future CO control strategies will be coordinated by the Portland AQMA Advisory Committee. This 23 member committee represents a broad spectrum of both public and private interests and is expected to make recommendations to the EQC regarding new control strategies.

B. Ozone

1. Emissions and Air Quality Trends through 1987

Most ozone (O_3), unlike carbon monoxide, is not directly emitted into the atmosphere but results from a reaction between volatile organic compounds (VOC) and nitrogen oxides (NO_x) in the presence of sunlight. Generally, highest concentrations of ozone are found downwind of the area producing the majority of the precursor emissions (VOC and NO_x). This is because NO_x emissions tend to chemically suppress elevated O_3 levels within the most heavily urbanized areas of a metropolitan area like the central business district (CBD) of Portland.

Within the Portland-Vancouver Interstate AQMA, a significant percentage of VOC emissions result from motor vehicle activity. As shown in Attachment 6, in 1977 motor vehicle sources were responsible for 68% of the total VOC emissions within the AQMA.

The effect of the Federal Motor Vehicle Emission Control Program (FMVECP), coupled with the State biennial inspection/maintenance program, is expected to reduce VOC emissions from this source by 47% by 1982. By 1987, emissions from motor vehicles is projected to be reduced by 56% as compared to 1977 emissions (Refer to Attachment 7). Industrial and commercial sources contributed most of the remaining VOC emissions. The recently adopted VOC emissions regulations are projected to reduce 1977 industrial and commercial source VOC emissions by 10,520 tons/year by the end of 1982. By 1982, VOC emissions from industrial, commercial and other area sources (except transportation) will represent 43% of total AQMA emissions as compared to 32% in 1977. Attachment 8 shows the expected reduction in VOC emissions through the year 1987. The reductions shown assume continuation of the biennial I/M program, implementation of stationary source VOC regulations, no I/M programs in Washington, and no changes in the new car federal motor vehicle emission control program.

In 1977, emissions from motor vehicles represented approximately 76% of total AQMA NO_x emissions. By 1982, emissions from this source are projected to be reduced 13% due to the Federal Motor Vehicle Emission Control Program (FMVECP). However, due to an increase in NO_x emissions from other sources the overall decrease in NO_x emissions in the entire AQMA is projected to be only 7% in 1982 as compared to 1977 emissions. Since EPA guidance indicates that the key to achieving the O_3 ambient air standard is the reduction of VOC emissions, no additional control programs for NO_x emissions are being proposed in the Portland AQMA at this time.

The projection of whether or not the federal ozone air quality standard (240 ug/m^3 or .12 ppm as a one hour average) will be met by December 31, 1982 is based on an EPA derived relationship called the Empirical Kinetic Modeling Approach or EKMA. EKMA indicates that a 50% reduction in 1977 VOC emissions will be needed to attain the standard. Since only a 38% reduction in VOC emissions is projected by end of 1982, (refer to Attachment 8, an additional 12% reduction (or 13,148 tons/year) will be needed just to meet the standard. By 1987, despite additional reductions in motor vehicle VOC emissions and other committed reasonably available transportation measures, it is projected that the O_3 will be exceeded since total VOC emissions are projected to be reduced only 43% of 1977 VOC emissions. Therefore, new VOC emission control programs will have to be implemented to attain and maintain compliance with the new federal ozone standard.

2. <u>Demonstration of Commitment to Implement Reasonable Available Control Technology (RACT) for VOC Stationary Sources and Reasonably Available Control Measures (RACM's) for Transportation VOC Emission Sources</u>

As stated in the above section, the Department adopted VOC emission reduction regulations for stationary sources (OAR 340-22-100 through 150) on December 15, 1978. It is projected that these regulations will result in a 10,520 ton/year reduction in VOC emissions between 1977 and 1982 from existing sources. Compliance schedules are presently being developed by the Department to ensure expeditious implementation of these regulations. The Department is also committed to implement additional stationary source VOC emission reduction measures as required by federal law, and as guidance from EPA becomes available.

As noted in the carbon monoxide evaluation section of this report this region has made a significant commitment to implementing RACM's. Therefore, the EPA requirement that a demonstration that RACT requirements will be implemented and a commitment to implement RACM's for transportation sources be implemented and/or committed to justify an extension has been fulfilled. Until further analysis determines the effectiveness of future control strategies, the length of requested extension beyond December 31, 1982 has not been determined at this date. If additional measures can be implemented to achieve the O_3 standard by the end of 1982, the extension request will be withdrawn at a later date.

3. Interim Growth Management Plan

Refer to the carbon monoxide evaluation section for EPA requirements for a growth management plan. Since generally measures that reduce CO emissions from motor vehicles also reduce VOC emissions, the committed transportation control measures listed in the CO section should also have a beneficial impact on O_3 levels. As previously stated the Department will implement additional federally required stationary source VOC control measures which are practicable and effective.

4. Schedule for Future Activities

Statements made in the CO evaluation section for transportation sources are also relevant to future SIP revision activities related to an ozone attainment and maintenance control strategy. However, since the O_3 problem is regional in scope versus a more "localized" street proximity type of non-attainment situation for CO, significant regional planning activities will be required to insure an adequate O_3 attainment strategy is developed. Since the AQMA is an interstate area considerable coordination will be required between agencies in Oregon and Washington. It is expected that this coordination will be accomplished at several levels involving such agencies as MSD, Clark County Regional Planning Council, Highway Divisions of both states, DEQ, Southwest Air Pollution Control Authority, and the Washington Department of Ecology. Public involvement in the development of future control strategies

will be coordinated through the Citizen Advisory Committees of DEQ, MSD, and Clark County.

As in the case with a revised CO attainment/maintenance strategy, the intensive analysis of RACM's having the greatest potential to reduce VOC emissions will be completed by June 30, 1980. A complete attainment maintenance control strategy for ozone will be submitted to EPA for approval prior to July 1, 1982.

Summation

1. The Portland-Vancouver Interstate AQMA has been designated a non-attainment area for carbon monoxide and ozone by EPA.

2. The Metropolitan Service District is the lead agency in the development of a transportation control strategy to attain and maintain compliance with the carbon monoxide and ozone ambient air quality standards.

3. An air quality analysis indicates that a few roads in the CBD of Portland and a single road section in Tigard are projected to violate the 8-hour carbon monoxide ambient air quality standard by the end of 1982. By the end of 1987 all roads are projected to be in compliance with the CO standard. The analysis also indicates that the recently revised O_3 standard will continue to be exceeded by the end of 1982. These projections were made assuming implementation of current reasonable transportation control and stationary source control measures.

4. The CO and O_3 SIP revisions consist of a commitment to analyze new control strategies which would insure attainment and maintenance of ambient air standards with MSD remaining in the lead coordinating role. This control strategy analysis will be completed by June 30, 1980.

5. EPA requirements regarding an interim growth management strategy which includes: enforcement of present federal offset rule, implementation of Reasonable Available Control Technology (RACT) measures, and commitment to implement reasonable available transportation controls, have been fully met.

6. A requested extension to attain the CO and O_3 ambient air standards beyond December 31, 1982 but prior to December 31, 1987 is being included in the proposed SIP revision, which will be available April 1, 1979. The EPA requirements for requesting this extension have been met.

7. A completed attainment/maintenance strategy for CO and O_3 for the Portland AQMA will be submitted to EPA as a SIP revision by July, 1982.

8. A public hearing needs to be held on May 4, 1979 on the CO and O_3 SIP revision and extension request for the Portland-Vancouver AQMA to satisfy both state and federal requirements, and so that the SIP revision submittal can be adopted and submitted to EPA prior to July 1, 1979.

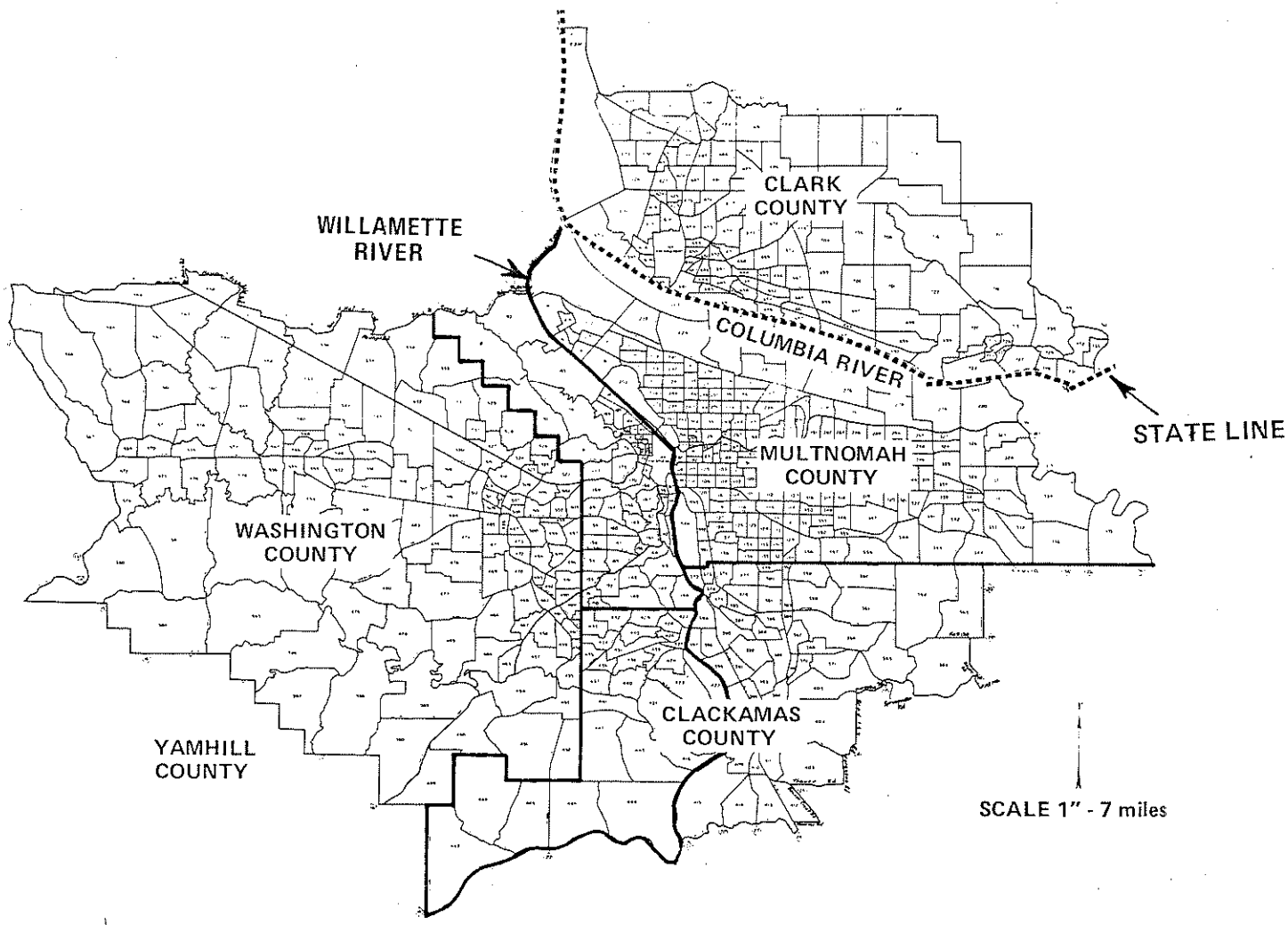
Director's Recommendation

Based on the Summation, it is recommended that the EQC authorize a public hearing to consider public testimony on the proposed 1979 Carbon Monoxide and Ozone SIP Revision for the Portland-Vancouver Interstate AQMA.

WILLIAM H. YOUNG
Director

CAS:kmm
229-6279
March 14, 1979
Attachments (9)

Designated Ozone
Non-attainment Area



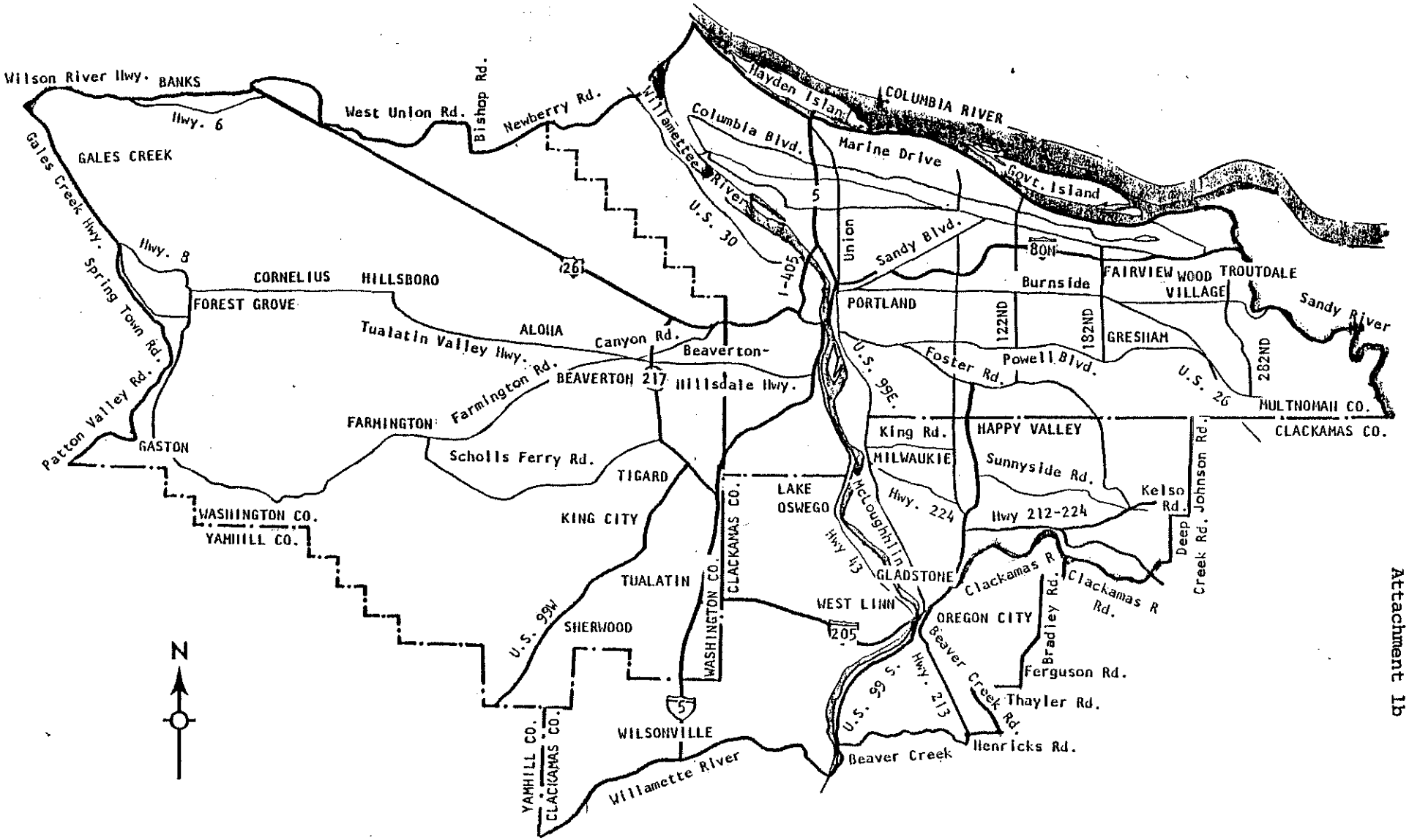
Portland-Vancouver Interstate Air Quality Maintenance Area.

Attachment 1a

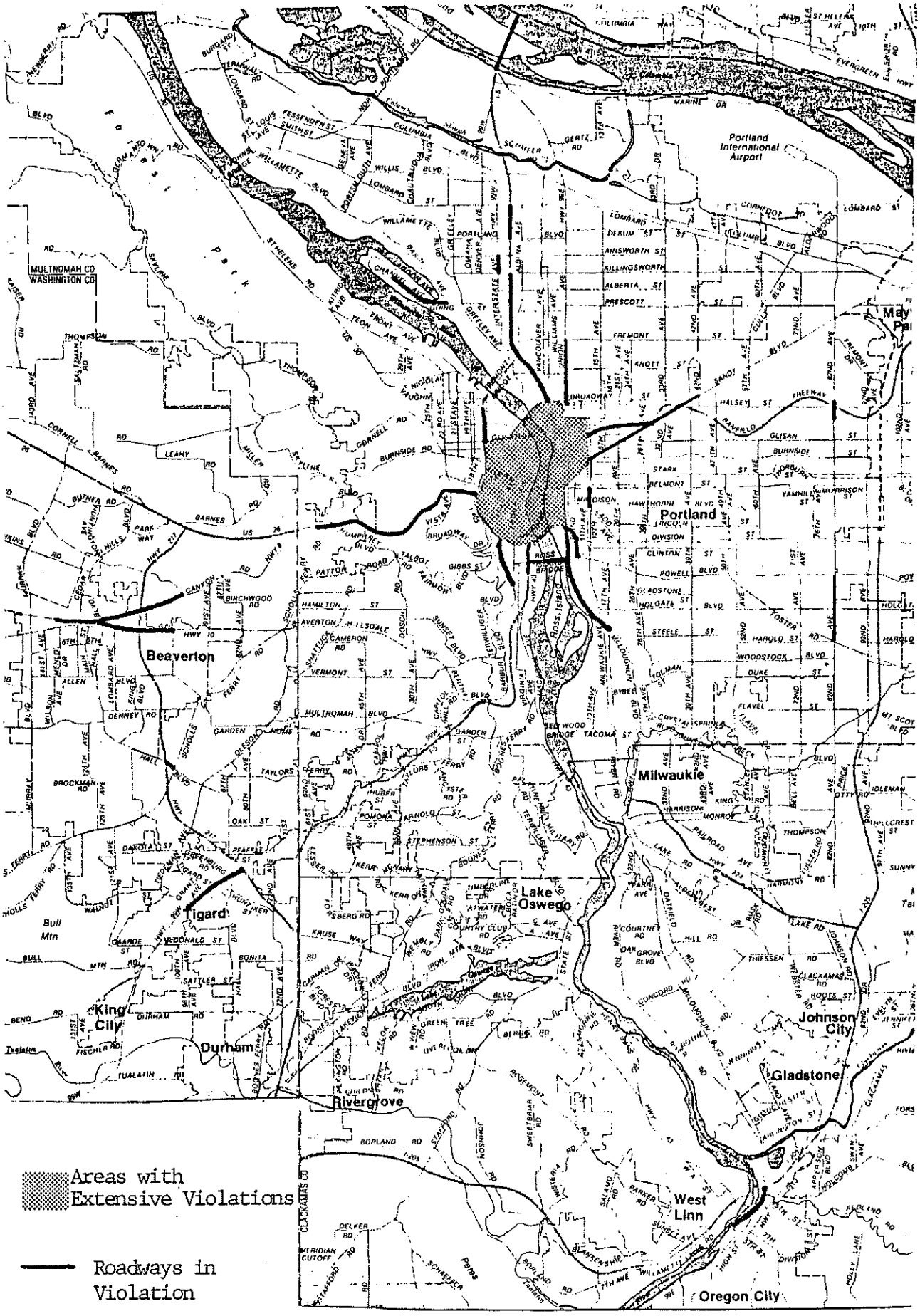
Oregon Portion of the

PORTLAND-VANCOUVER AIR QUALITY MAINTENANCE AREA

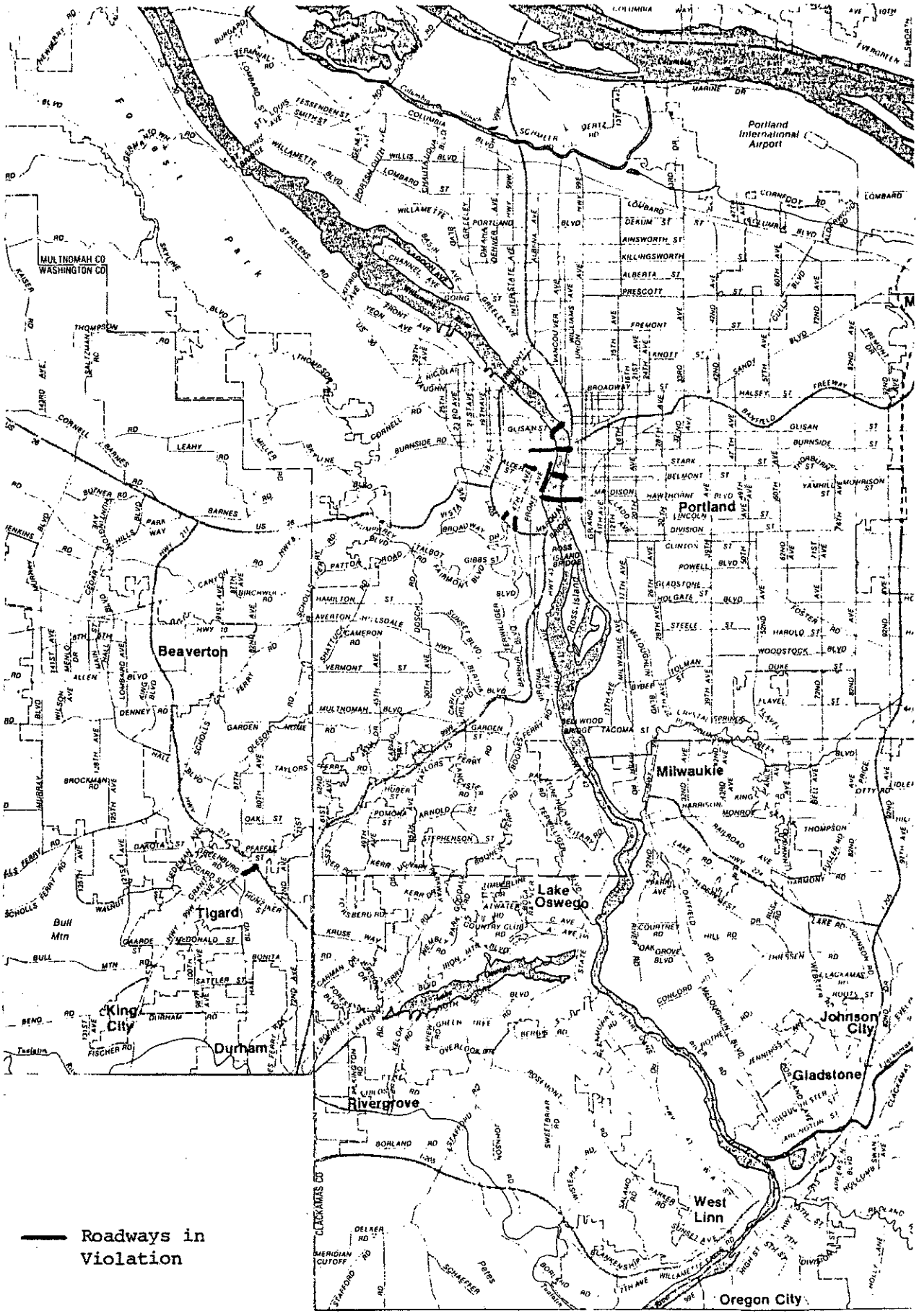
Designated CO Non-Attainment Area



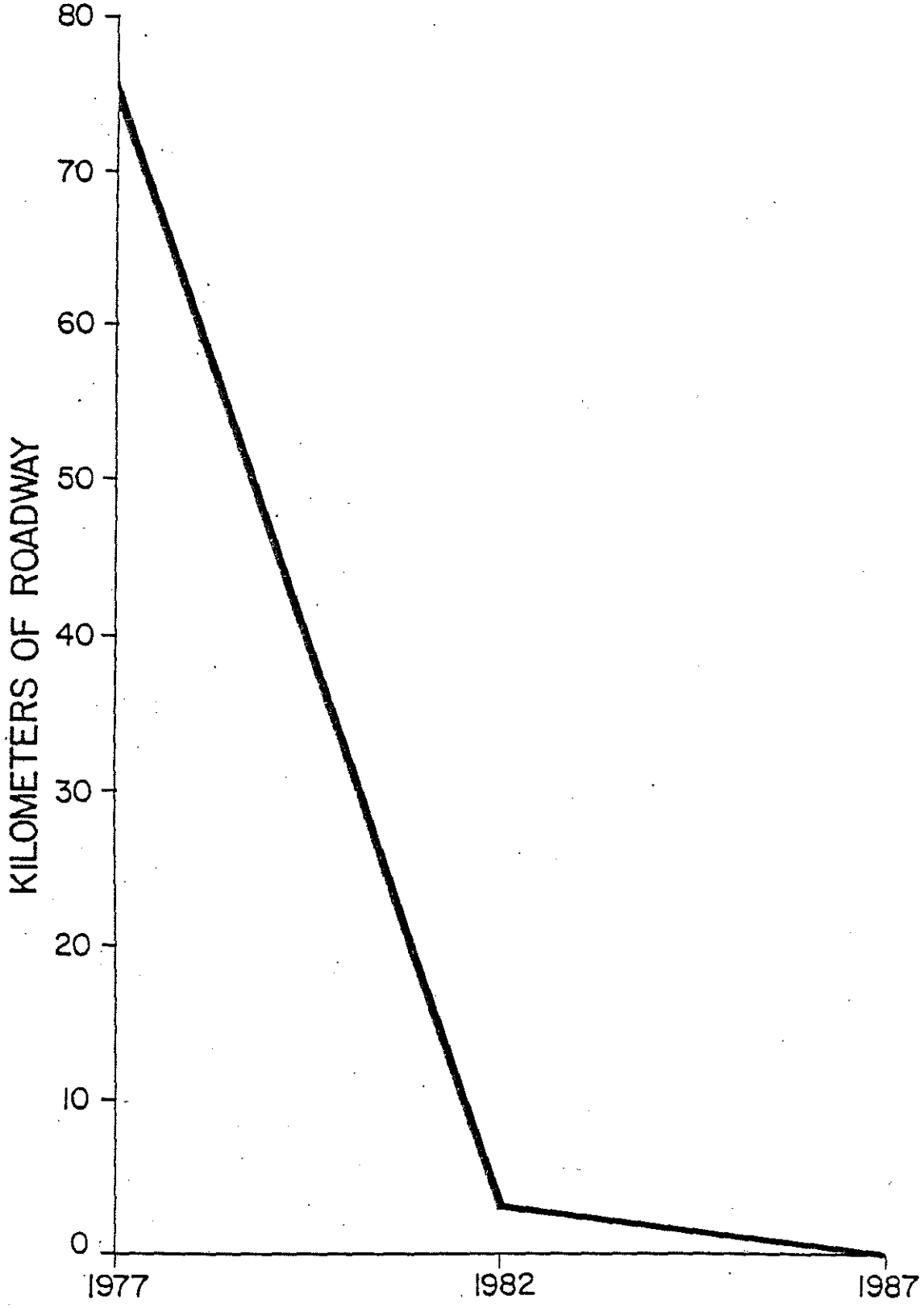
Attachment 1b



Extent of CO problem in the Portland AQMA in 1977.

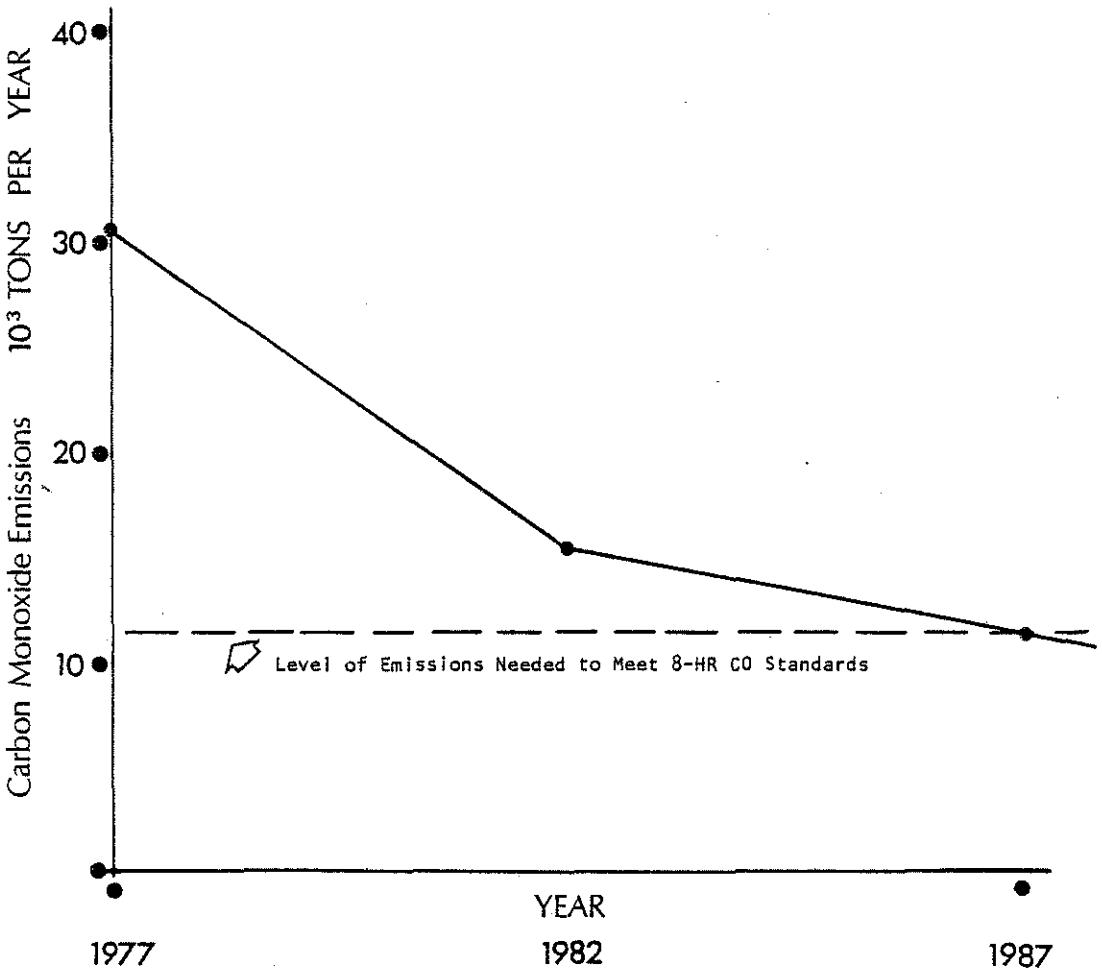


Potential Violations of the CO standard in 1982.



Length of Roadways in Violation of CO 8-Hour Standard

ATTACHMENT 5



PORTLAND CBD Carbon Monoxide Grid Emissions

Vs.

TIME

Comparison of the 1977 and 1982
VOC Emissions for the Portland-
Vancouver AQMA

Attachment 6

SUMMARY FORMAT FOR VOC

SOURCE		BASE YEAR EMISSIONS 1977	1982 (1987) PROJECTED ALLOWABLE EMISSIONS		
			EMISSIONS FROM SOURCES EXISTING IN 1977	GROWTH SINCE 1977	TOTAL
PETROLEUM REFINERIES	REFINERY FUGITIVES (leaks)				
	MISCELLANEOUS SOURCES a) Process Drains and Waste b) Vacuum Producing Systems c) Process Unit Blowdown				
	OTHER				
STORAGE, TRANSPORTATION & MARKETING OF PETROLEUM PRODUCTS	OIL & GAS PRODUCTION FIELDS				
	NATURAL GAS AND NATURAL GASOLINE PROCESSING PLANTS				
	GASOLINE & CRUDE OIL STORAGE[1]				
	TRANSFER OF GASOLINE & CRUDE OIL	3144	1334	147	1481
	BULK GASOLINE TERMINALS [2]	5613	2271	250	2521
	GASOLINE BULK PLANTS[3]				
	SERVICE STATION LOADING (stage I)	2198	175	20	195
	SERVICE STATION UNLOADING (stage II)	2199	2199	241	2440
	OTHER	21	21	2	23
INDUSTRIAL PROCESSES	ORGANIC CHEMICAL MANUFACTURE	356	356	39	395
	PAINT MANUFACTURE	276	276	30	306
	VEGETABLE OIL PROCESSING				
	PHARMACEUTICAL MANUFACTURE				
	PLASTIC PRODUCTS MANUFACTURE				
	RUBBER PRODUCTS MANUFACTURE				
	TEXTILE POLYMERS MANUFACTURE				
	OTHERS				
INDUSTRIAL SURFACE COATING	LARGE APPLIANCES				
	MAGNET WIRE				
	AUTOMOBILES	10	7	1	8
	CANS	298	203	35	238
	METAL COILS	44	30	5	35
	PAPER	4314	2938	235	3173
	FABRIC				
	METAL FURNITURE	39	27	2	29
	WOOD FURNITURE	469	469	28	497
	FLAT WOOD PRODUCTS	144	144	10	154
	OTHER METAL PRODUCTS	1291	878	149	1027
	OTHERS	1425	713	78	791
NON-INDUSTRIAL SURFACE COATINGS	ARCHITECTURAL COATINGS	2314	2314	255	2568
	AUTO REFINISHING				
	OTHERS				
OTHER SOLVENT USE	DEGREASING				
	DRY CLEANING	1308	1308	143	1452
	GRAPHIC ARTS	698	698	77	775
	ADHESIVES				
	CUTBACK ASPHALT	1434	717	79	796
	OTHER SOLVENT USE	836	836	92	928
OTHER MISCELLANEOUS SOURCES	FUEL COMBUSTION	783	783	86	869
	SOLID WASTE DISPOSAL	329	329	36	365
	FOREST, AGRICULTURAL, AND OTHER OPEN BURNING	3730	3730	410	4140
TOTAL VOC EMISSIONS FROM STATIONARY SOURCES		33273	22756	2450	25206
MOBILE SOURCES	HIGHWAY VEHICLES	56474	16547	13538	30085
	a) Light Duty Automobiles	11874	3047	3278	6325
	b) Light Duty Trucks	1593	501	347	848
	c) Heavy Duty Gasoline Trucks d) Heavy Duty Diesel Trucks	2462	424	887	1311
	OFF-HIGHWAY VEHICLES	2173	2173	239	2412
	RAIL	438	438	0	438
	AIRCRAFT	840	840	196	1036
	VESSELS	83	83	9	92
TOTAL VOC EMISSIONS FROM MOBILE SOURCES		75937	24053	18494	42547
TOTAL VOLATILE ORGANIC EMISSIONS		109210	46809	20944	67753

[1] Includes all storage facilities except those at service stations and bulk plants.

[2] Emissions from loading tank trucks and rail cars.

[3] Emissions from storage and transfer operations.

Comparison of 1977 and 1987 VOC Emissions for the Portland-Vancouver Interstate AQMA

Attachment 7

SUMMARY FORMAT FOR VOC

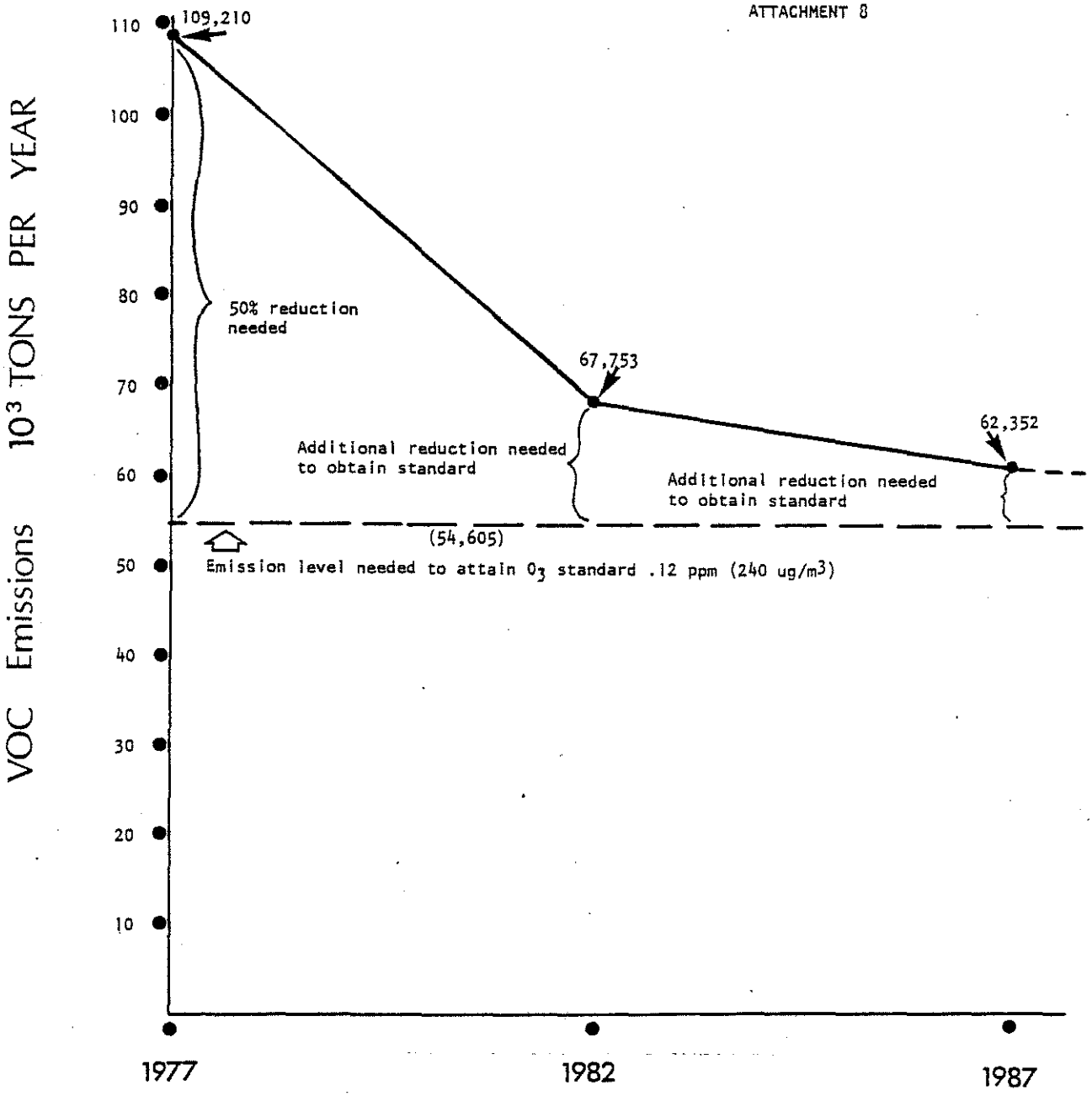
SOURCE		BASE YEAR EMISSIONS 1977	(1987) PROJECTED ALLOWABLE EMISSIONS		
			EMISSIONS FROM SOURCES EXISTING IN 1977	GROWTH SINCE 1977	TOTAL
PETROLEUM REFINERIES	REFINERY FUGITIVES (leaks)				
	MISCELLANEOUS SOURCES a) Process Drains and Waste b) Vacuum Producing Systems c) Process Unit Blowdown				
	OTHER				
STORAGE, TRANSPORTATION & MARKETING OF PETROLEUM PRODUCTS	OIL & GAS PRODUCTION FIELDS				
	NATURAL GAS AND NATURAL GASOLINE PROCESSING PLANTS				
	GASOLINE & CRUDE OIL STORAGE[1]				
	Bulk TRANSFER OF GASOLINE & CRUDE OIL	3144	1334	267	1601
	BULK GASOLINE TERMINALS [2]	5613	2271	454	2725
	GASOLINE BULK PLANTS[3]				
	SERVICE STATION LOADING (stage I)	2198	175	35	210
	SERVICE STATION UNLOADING (stage II)	2199	2199	440	2639
	OTHER	21	21	4	25
INDUSTRIAL PROCESSES	ORGANIC CHEMICAL MANUFACTURE	356	356	53	409
	PAINT MANUFACTURE	276	276	41	317
	VEGETABLE OIL PROCESSING				
	PHARMACEUTICAL MANUFACTURE				
	PLASTIC PRODUCTS MANUFACTURE				
	RUBBER PRODUCTS MANUFACTURE				
	TEXTILE POLYMERS MANUFACTURE				
	OTHERS				
INDUSTRIAL SURFACE COATING	LARGE APPLIANCES				
	MAGNET WIRE				
	AUTOMOBILES	10	7	2	9
	CANS	298	203	55	258
	METAL COILS	44	30	8	38
	PAPER	4314	2938	235	3173
	FABRIC				
	METAL FURNITURE	39	27	8	30
	WOOD FURNITURE	469	469	52	521
	FLAT WOOD PRODUCTS	144	144	14	158
	OTHER METAL PRODUCTS	1291	878	237	1115
	OTHERS Clark County	1425	713	107	820
NON-INDUSTRIAL SURFACE COATINGS	ARCHITECTURAL COATINGS	2314	2314	347	2661
	AUTO REFINISHING				
	OTHERS				
OTHER SOLVENT USE	DEGREASING				
	DRY CLEANING	1308	1308	196	1504
	GRAPHIC ARTS	698	698	80	778
	ADHESIVES				
	CUTBACK ASPHALT	1434	717	108	825
	OTHER SOLVENT USE	836	836	125	961
OTHER MISCELLANEOUS SOURCES	FUEL COMBUSTION	783	783	117	900
	SOLID WASTE DISPOSAL	329	329	49	378
	FOREST, AGRICULTURAL, AND OTHER OPEN BURNING	3730	3730	559	4289
TOTAL VOC EMISSIONS FROM STATIONARY SOURCES		33273	22756	3588	26344
MOBILE SOURCES	HIGHWAY VEHICLES a) Light Duty Automobiles b) Light Duty Trucks c) Heavy Duty Gasoline Trucks d) Heavy Duty Diesel Trucks e) Motorcycles	56474 11874 1593 2462	7349 1278 224 128	17573 3962 479 958	24922 5240 703 1086
	OFF-HIGHWAY VEHICLES	2173	2173	330	2503
	RAIL	438	438	0	438
	AIRCRAFT	840	840	176	1016
	VESSELS	83	83	17	100
TOTAL VOC EMISSIONS FROM MOBILE SOURCES		75937	12513	23495	36008
TOTAL VOLATILE ORGANIC EMISSIONS		109210	35269	27083	62352

[1] Includes all storage facilities except those at service stations and bulk plants.

[2] Emissions from loading tank trucks and rail cars.

[3] Emissions from storage and transfer operations.

ATTACHMENT 8



PORTLAND-VANCOUVER Interstate AQMA
VOC Emissions Vs. TIME

Agenda Item D(1)
March 30, 1979

ATTACHMENT 9

Reasonably Available Control Measures (RACM's)

1. Inspection/Maintenance
2. Improved public transit
3. Exclusive bus and carpool lanes
4. Areawide carpool programs
5. Private car restrictions
6. Long range transit improvements
7. On street parking controls
8. Park and ride and fringe parking lots
9. Pedestrial malls
10. Employer programs to encourage car and van pooling, mass transit, bicycling and walking
11. Bicycle lanes and storage facilities
12. Staggered work hours
13. Road pricing to discourage single occupancy auto trips
14. Controls on extended vehicle idling
15. Traffic flow improvements
16. Alternative fuels or engines and other fleet vehicle controls
17. Other than light duty vehicle retrofit
18. Extreme cold start emission reduction programs

ROBERT W. STRAUB
GOVERNOR

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(2), March 30, 1979, EQC Meeting

Request for Authorization to Hold a Public Hearing for the City of Salem Regarding Carbon Monoxide and Ozone Control Strategies

BACKGROUND

The Clean Air Act Amendments (CAAA) of 1977 require states to submit plans to demonstrate how they will attain and maintain compliance with national ambient air standards for those areas designated as "non-attainment". The CAAA further requires these plans to demonstrate compliance for primary standards not later than December 31, 1982.

In the case of Carbon Monoxide (CO) and Ozone (O_3) primary standards, which are mostly affected by transportation sources, the CAAA provides for local planning agencies to be "lead agency" in the SIP revision process.

On March 3, 1978 the area within the City Limits of Salem was designated by EPA as non-attainment for CO and O_3. Mid-Willamette Valley Council of Governments (MWVCOG) requested and subsequently was designated Lead Agency by the EPA on April 11, 1978.

Since that time and with the assistance of the Department and the Oregon Department of Transportation (ODOT), MWVCOG has spent considerable time projecting future emission and air quality trends. The original non-attainment area was expanded by MWVCOG to include the area within the Salem Area Transportation Study (SATS) boundary. This air quality analysis work has recently culminated with the conclusion that the entire SATS area will attain CO standards by December 31, 1982. The analysis also concluded that with present control measures the SATS area will attain compliance with the new EPA ozone standard by December 31, 1982.

Complete SIP revision documentation of a CO attainment and an Ozone attainment strategy will be available by April 1, 1979. The Evaluation Section of this report covers the essence of what these proposed SIP revisions will contain. The Land Use Consistency Statement is shown in Attachment 1. In order to submit an adopted SIP revision to EPA before July 1, 1979, the Department has determined that the hearing process must be authorized at the March EQC meeting.

STATEMENT OF NEED FOR RULEMAKING

a. Legal Authority: ORS 468.305 and Federal Clean Air Act as Amended 1977 (PL 95-95).

b. Need for Rule: The Salem area is not in attainment with State and Federal ambient air quality standards for carbon monoxide and ozone. The Clean Air Act requires that areas attain standards by December 31, 1982. The proposed control strategy brings the area into attainment by that date.

c. Documents Relied Upon:

1. Clean Air Act Amendments of 1977, P.L. 95-95, 8/7/77.

2. DEQ Updated Emission Inventory

3. SAPOLLUT Computer Printout - Oregon Department of Transportation

4. EPA (1977) Uses, Limitations and Technical Basis for Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors, EPA-450/2-77-021a.

5. EPA (April, 1978), Workshop on Requirements for Nonattainment Area Plans, Revised ed.

6. Rhoads, Richard G. (memo dated Aug. 16, 1978), Clarification of Attainment/Nonattainment Evaluation Guidance.

7. OAR 340-22-100 to 340-22-201 relating to Volatile Organic Compounds.

8. Rhoads, Richard (memo dated February 21, 1979) Determination of Reductions Necessary to Attain the Ozone Standard.

9. Oregon Graduate Center (1977), Survey of Ozone and Light Scattering Particles in Western Oregon. p. 98.

10. Wood, Richard M. (May 16, 1978), Carbon Monoxide Concentration Nomograph.

11. Oregon Air Quality Report 1976, by State of Oregon, Department of Environmental Quality (DEQ).

12. EPA (January, 1979) Guidelines for the Interpretation of Ozone Air Quality Standards.

EVALUATION

Carbon Monoxide

1. Emissions and Air Quality Trends through 1987

The Federal Motor Vehicle Control Program (FMVCP) will sufficiently reduce CO emissions to enable eight roadway segments (line sources), determined as violating the 8 hour CO standard in the base year (1977), to just attain CO standards by December 31, 1982 and to maintain those standards through 1987. The violating streets, shown in Attachment 2, total approximately 2.2 miles and are mostly located in the urban core area. Total CO emissions in the SATS area are expected to decline from a base year (1977) level of 52,444 tons/year (T/Yr) to 40,500 T/Yr in 1983 and 34,442 T/Yr in 1987. Attachment 3 shows the trend of total CO emissions through 1987. Attachment 4 shows the miles of CO violation and the expected yearly reduction, resulting in attainment.

2. Strategy Elements and Commitments to Reduce CO Emissions

a. Federal Motor Vehicle Control Program

This program will continue to reduce CO emissions through 1987, assuming no changes are made in future Federal tail pipe standards.

b. Reasonably Available Control Measures (RACM) for Transportation

Although the air quality analysis did not incorporate travel reductions from an Alternate Modes Program, such a program is now being extensively implemented in the Salem Urban Area. Nine of the fourteen EPA recommended RACM's already implemented or committed for implementation are listed below:

1) Carpool Program - Over 1,000 employes have availed themselves of the MWVCOG initiated Carpool Match Program. Carpool parking spaces are reserved on streets located close to employment centers, and major parking structures have spaces reserved for carpools.

2) Express Bus/Park and Ride Program - An extensive Park and Ride Program began operating throughout the Salem Urban Area on January 2, 1979.

3) Bicycle Facilities - A Bicycle Plan has recently been completed and submitted for review by interested organizations. It will be incorporated into the Salem Area Comprehensive Plan and the SATS Transportation Plan.

4) Transit - The existing bus fleet is being expanded by purchasing used buses from other cities.

5) Private Car Restrictions - A 600 space lot for downtown employe parking will be terminated when construction begins for the planned Front Street Bypass.

6) On Street Parking Controls - Most streets within the downtown and Capitol Mall area are off-limits to commuters with $20 fines imposed on violators. Residential parking districts have been established around the Capitol Mall which are reserved for residents and two hour parking.

7) Staggered Working Hours - Flex hours have been available for over a year for all State, City, and County employes.

8) Pedestrian Malls - Construction has begun on a pedestrian mall which will cover two city blocks.

9) Traffic Flow Improvements - Five operations improvement projects have been scheduled for 1979. These projects will smooth traffic flow at intersections. One of the projects, the removal of the offset intersection at Silverton Road and 34th Avenue, was recently completed.

A large project that will have major impact on downtown traffic is the Front Street Bypass. It should remove the bulk of through traffic that presently uses the Commercial-Liberty couplet in the downtown core.

Another significant project is the Portland Road, Pine Street - Academy Street improvement to the north of the downtown on State Route 99E. The existing four lane section will be widened to accommodate a continuous left turn refuge and major intersections will be modified and upgraded with improved traffic signals. Average travel speeds through the section will be increased.

3. Growth Management Plan

a. Review of New Sources

Special permit requirements (proposed OAR 340-20-190 through 198) would apply to properties adjoining the eight roadway segments presently violating the 8 hour CO standard. Attachment 2 shows the location of the roadway segments. CO sources with 100 T/Yr potential emissions would likely be prohibited from locating adjacent to the identified street segments until the streets were re-designated as attainment. The probable ban is due to the fact that no present sources are located in the urban core area to provide a 100 T/Yr offset and no growth increments would be available unless mobile source emissions could be sufficiently reduced below the CO emissions trend line (see Attachment 3). However, since the CO violating streets are mostly in the built up urban core area, the likelihood of 100 T/Yr potential CO sources locating there appears to be remote.

b. Commitment to Implement Transportation Control Measures

The Urban Core Area has a Parking and Traffic Circulation Plan in effect which conforms to Rules for Indirect Sources (OAR 340-20-120). For the current year, ten bicycle path projects are scheduled for implementation as well as the installation of thirty bus shelters. For Fiscal Year 1982 two downtown couplet projects are programmed.

c. Plant Site Emission Limits

Pursuant to proposed OAR 340-20-196 and 197, plant site emission limits will be established for CO sources to ensure that emissions are limited to attainment strategy projections.

Ozone

1. Emissions and Air Quality Trends through 1987

The Department projects that Salem should attain the new federal Ozone (O_3) standard by 1983 with reliance on the FMVCP, and Volatile Organic Compound (VOC) Controls. For the period extending from 1977 to 1983, hydrocarbon (HC) emissions from stationary sources will be reduced by 58 Tons/Year (T/Yr) and mobile sources by 2361 T/Yr, or a total reduction of 2419 T/Yr. VOC controls for stationary sources will result in a 161 T/Yr HC reduction, but growth lowers the overall stationary source reduction to 58 T/Yr. Total HC emissions will continue to decline through 1987 with a net reduction of 3309 T/Yr over the base year. Attachment 5 shows the trend of total HC emissions through 1987.

2. Strategy Elements and Commitments to Reduce HC Emissions

The modeling analysis shows that a twelve percent reduction in HC emissions is required to attain the O_3 standard of 0.12 ppm. This means that total HC emissions in 1983 would have to be no more than 88% of the base year emissions of 7,934 T/Yr, i.e., 6,982 T/Yr. A line drawn between the two above emissions levels constitutes the Reasonable Further Progress (RFP) line which will serve to track yearly progress toward achieving the required emissions level that produces attainment. Annual reports for RFP will be submitted by the Department to the EPA. Attachment 5 shows the HC emissions trend as well as the RFP line for HC emissions. The following control strategies are predicted to result in a thirty percent reduction of HC emissions for the period extending from 1977 to 1983:

a. Federal Motor Vehicle Control Program
b. RACM for Transportation - see CO Section 2.b
c. Existing Adopted Reasonably Available Control Technology (RACT)

RACT in the SATS area will consist of VOC regulations that are practicable and effective. Initially, service stations will be required to implement Stage I controls (tanker truck to storage tank gasoline transfer). The regulated area contains approximately 100 service stations. RACT for VOC will also include controls on ten other categories of Group I sources in addition to gasoline transfer (see Attachment 6 for the list of sources). As further Control Technology Guidance Documents (CTG's) become available, Rules for those sources will be adopted and implemented in the O_3 Non-Attainment Area as expeditiously as practicable.

3. Growth Management Plan

a. Review of New Sources

Since the O_3 modeling analysis indicates that VOC growth increments of approximately 1,570 T/Yr would be available in the SATS Non-attainment Area, new sources of VOC could locate in the area subject to the Special Permit Requirement Rule (proposed OAR 340-20-190 through 198). The main effect of the regulations would be to require major new facilities (> 100 tons/year potential VOC emissions) to limit emissions to Lowest Achievable Emission Rate (LAER).

b. Commitment to Implement Transportation Control Measures

Strategies that reduce CO emissions will also reduce HC emissions. See Section 3.b under CO for the discussion of those measures.

c. Plant Site Emission Limits

Pursuant to proposed OAR 340-20-196 and 197, plant site emission limits will be established for VOC sources to ensure that emissions are limited to attainment strategy projections.

SUMMATION

1. The Mid-Willamette Valley Council of Governments (MWVCOG) was designated by the EPA on April 11, 1978 as the lead agency responsible for producing attainment strategies for the pollutants carbon monoxide (CO) and ozone (O_3).

2. The Salem Non-attaiment Area, enlarged by MWVCOG to incorporate the Salem Area Transportation Study (SATS) boundary, is projected to attain the O_3 and CO standards by 1983. The urban core area is predicted to have CO levels just under the 8 hour average CO standard in 1983. O_3 modeling shows that a twelve (12) percent reduction in Volatile Organic Compounds (VOC) is required to bring the area into compliance by 1983 and a thirty (30) percent reduction will actually be achieved with present programs.

3. A State Implementation Plan Revision documenting attainment strategies for CO and O_3 will be available April 1, 1979 and contain elements discussed in the following items 4 - 8.

4. Special Permit Requirement Rules for stationary CO sources would be in effect for properties adjoining eight street segments mostly located in the urban core area (see Attachment 2). New sources of CO (> 100 tons per year (T/Yr) potential CO emissions) would most likely not be able to locate in the area because neither growth increments nor offset potentials exist. However, further demonstrated reductions from mobile sources could possibly provide the necessary increments.

5. Special Permit Requirements for stationary VOC Sources would be in effect in the SATS boundary area. Since growth increments would be available, new major sources of VOC (100 T/Yr or more potential) could be established, but emissions would be limited to Lowest Achievable Emission Rate (LAER).

6. VOC Rules will be applicable to approximately 100 service stations within the SATS area and will require the implementation of Stage I controls (tanker truck to storage tank gasoline transfer).

7. Plant site emission limits will be set for VOC and CO sources pursuant to proposed OAR 340-20-190 through 198 to ensure emissions are limited to attainment strategy projections.

8. Reasonably Available Control Technology (RACT) for 100 tons per year potential emission sources of VOC in addition to the above noted

gasoline transfer controls (shown in Attachment 6 for eleven categories of sources) will be implemented in the Salem O_3 SATS Non-Attainment Area as expeditiously as practicable. Additional Rules will be adopted as EPA publishes further control technology guidance.

9. A public hearing needs to be held on the CO and O_3 SIP revision for the Salem Non-attainment Area to satisfy both State and Federal requirements and to ensure that adoption and submittal to EPA of the SIP revision can be made prior to July 1, 1979.

RECOMMENDATION

Based upon the summation, the Director recommends that the EQC authorize the Department to proceed to public hearing before a hearings officer for the City of Salem regarding attainment strategies for carbon monoxide and ozone.

Bill

WILLIAM H. YOUNG

HH:kmm
229-6086
March 15, 1979
Attachments

ATTACHMENT 1

LAND USE CONSISTENCY STATEMENT

for

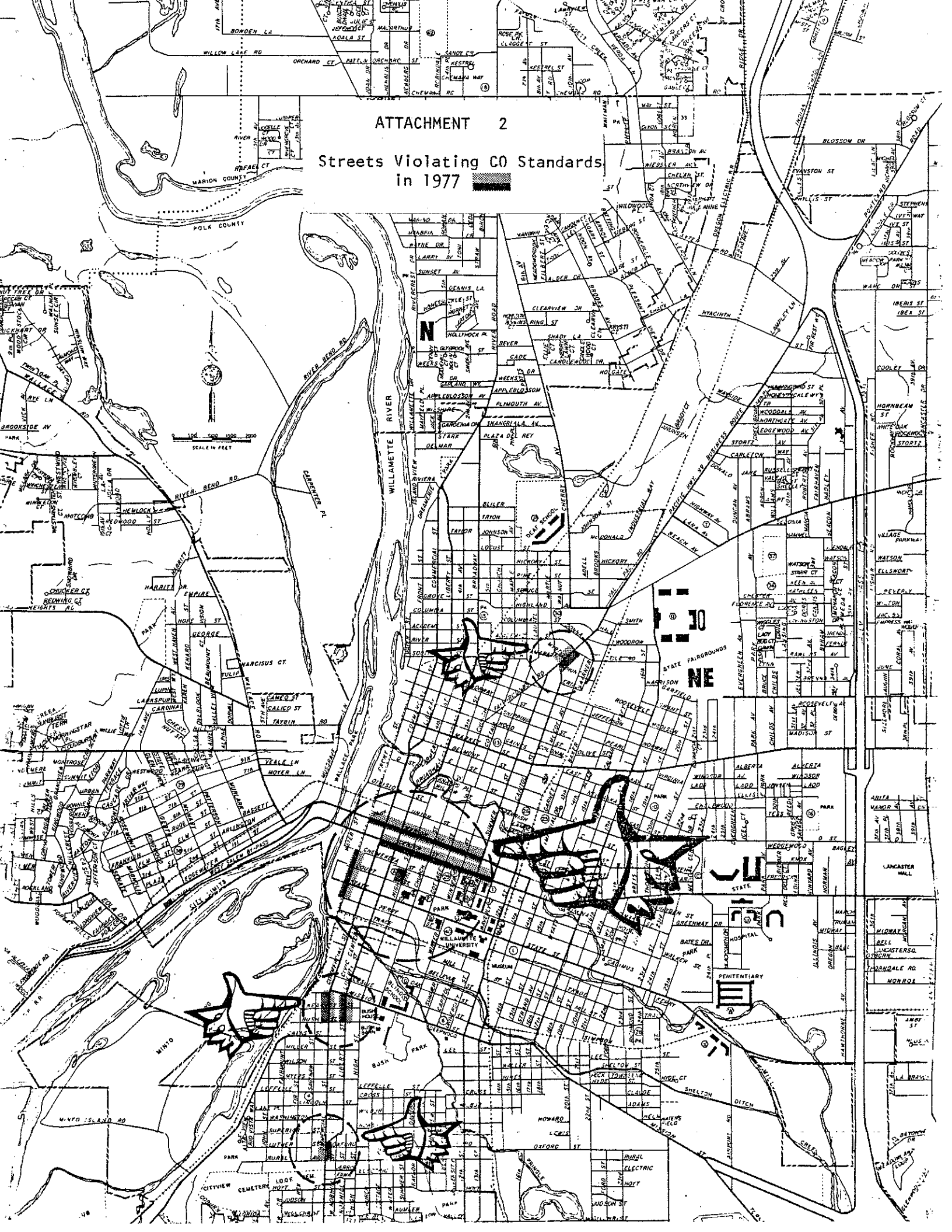
PROPOSED REVISION TO THE CLEAN AIR ACT STATE IMPLEMENTATION PLAN REGARDING THE CARBON MONOXIDE AND OZONE CONTROL STRATEGY FOR THE SALEM NON-ATTAINMENT AREA

The proposals described herein appear to conform with Statewide Planning Goal Number 6 (Air, Water and Land Resources Quality). The proposals do not relate to Goal Number 11 (Public Facilities and Services). The Department is not aware of conflict with other goals.

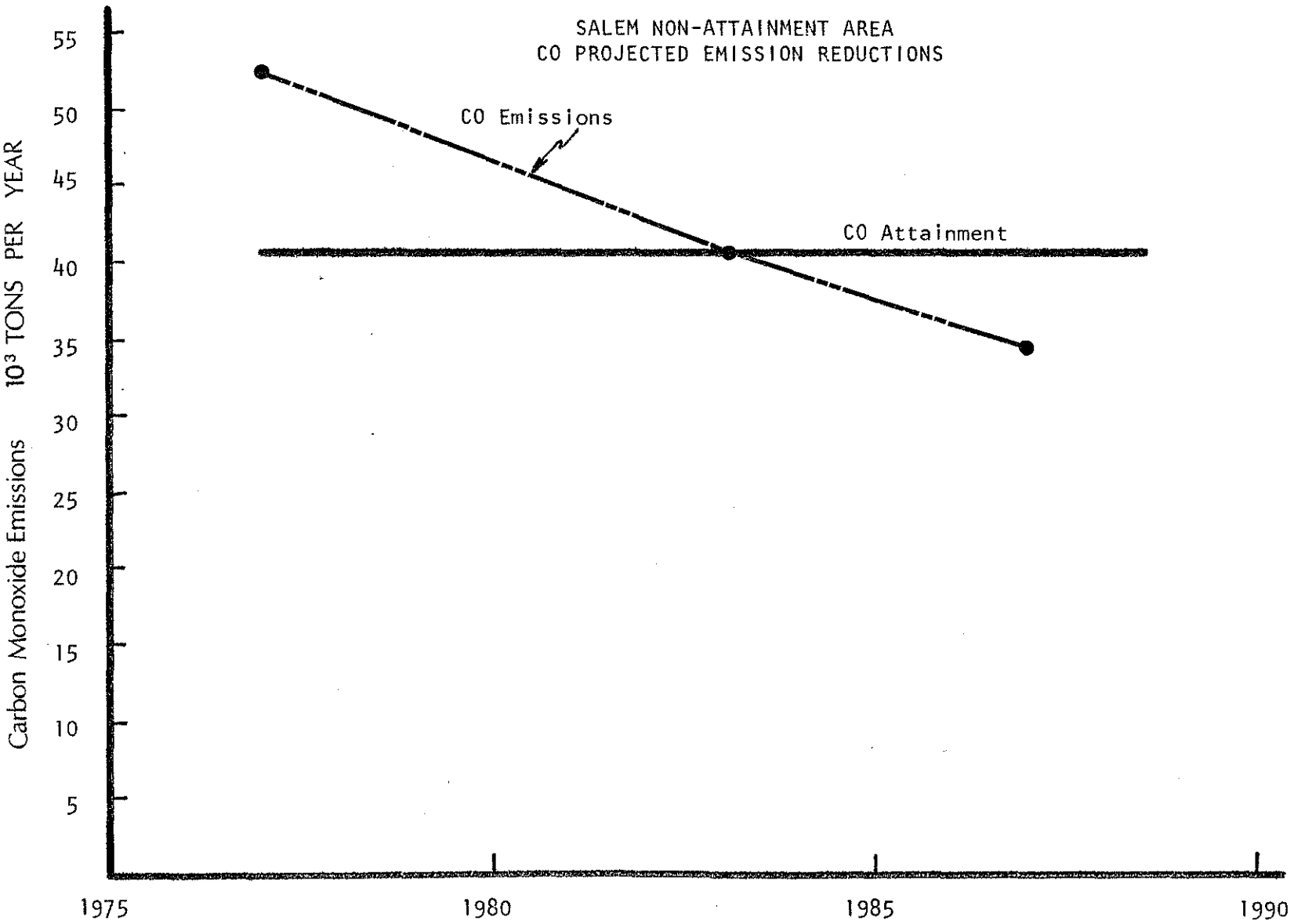
With regard to Goal 6, the proposals provide for the attainment of ambient Federal and State air quality standards for carbon monoxide and ozone in the Salem Non-attainment Area by December 31, 1982. The proposals are being submitted as a revision to the State Implementation Plan.

It is requested that local, state, and federal agencies review the proposed action and comment on possible conflicts with their programs affecting land use and with Statewide Planning Goals within their expertise and jurisdiction.

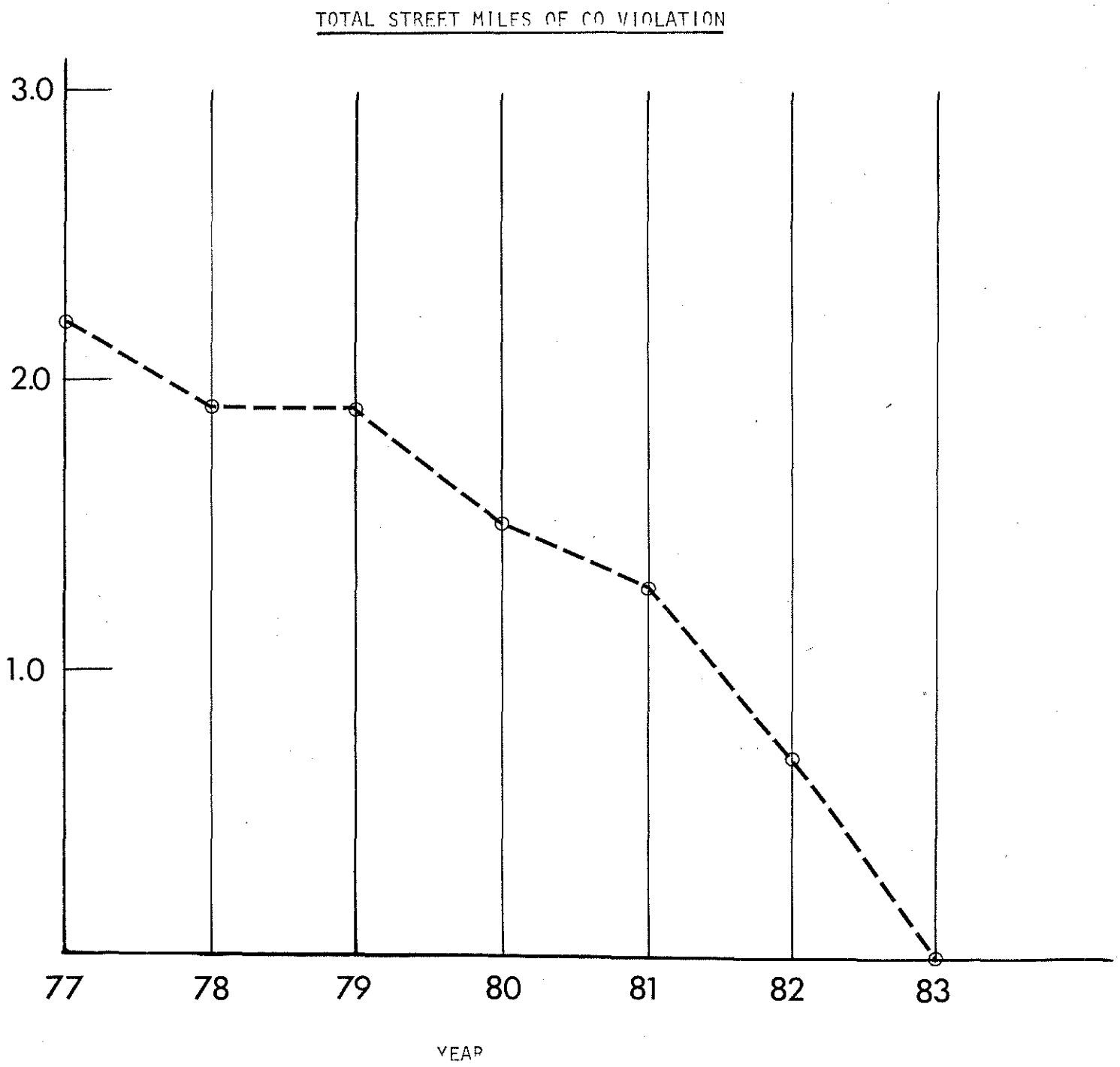
The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts brought to our attention by local, state, or federal authorities.


ATTACHMENT 2
Streets Violating CO Standards in 1977
N
NE
WILLAMETTE RIVER
POLK COUNTY
MARION COUNTY
STATE FAIRGROUNDS
WILLAMETTE UNIVERSITY
PENITENTIARY
CITY LIMITS

ATTACHMENT 3

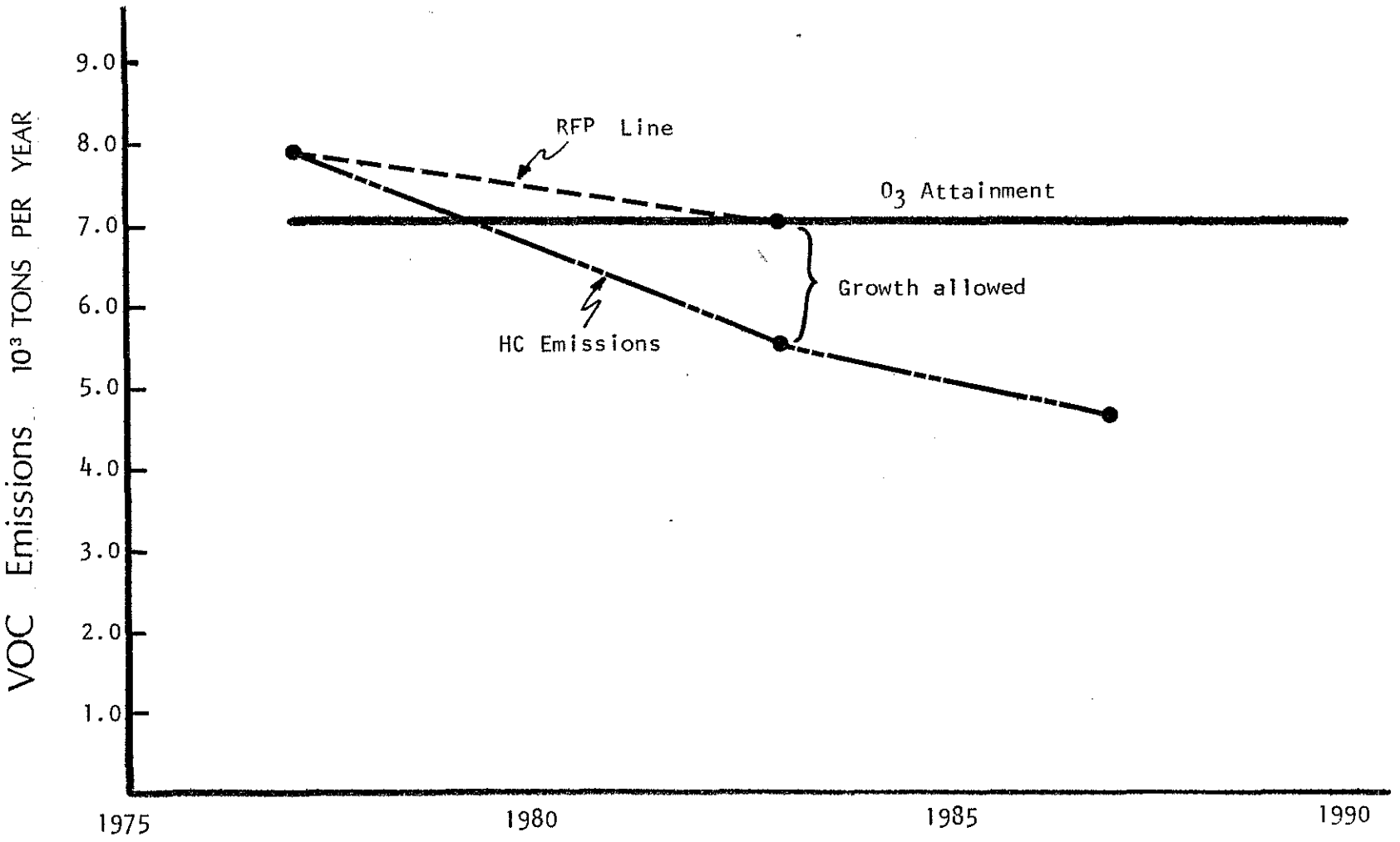


ATTACHMENT 4



ATTACHMENT 5

SALEM NON-ATTAINMENT AREA
VOC PROJECTED EMISSION REDUCTIONS



ATTACHMENT 6

VOC Group I Sources

1. Large Appliance Manufacture
2. Magnet Wire Insulation
3. Gasoline Bulk Plants
4. Metal Furniture Manufacture
5. Petroleum Liquid Storage, Fixed Roof Tanks
6. Degreasing
7. Bulk Gasoline Terminals
8. Petroleum Refinery Vacuum Systems, Waste Water Separators and Process Unit Turnaround
9. Service Stations, Stage I
10. Cutback Asphalt Paving
11. Surface Coating of Cans, Coils, Paper, Fabric, Automobiles and Light-Duty Trucks

HH:kmm

ROBERT W. STRAUB
GOVERNOR

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(3), March 30, 1979, EQC Meeting

Public Hearing Authorization Request for the Eugene-Springfield AQMA Carbon Monoxide State Implementation Plan

Background

The Clean Air Act Amendments (CAAA) of 1977 require states to submit plans demonstrating how they will attain and maintain compliance with national ambient air standards for those areas designated as "non-attainment". The CAAA further requires these plans to demonstrate compliance with primary air quality standards not later than December 31, 1982. An extension up to December 31, 1987 is possible for transportation related pollutants if the state can demonstrate that despite implementation of all reasonably available control measures the December 31, 1982 attainment date cannot be met.

The SIP revisions are to be approved by EPA by July 1, 1979. If an adequate extension request is submitted to EPA by then and approved, states will have until July, 1980 to analyze all alternative control strategies and until July, 1982 to submit a complete attainment strategy.

In the case of carbon monoxide which is almost entirely emitted by transportation sources the CAAA provides for local planning agencies to be "lead agency" in the SIP revision process. The Eugene-Springfield AQMA (Figure 1) was designated by EPA as a non-attainment area for carbon monoxide. The Lane Council of Governments requested and subsequently was designated as Lead Agency. Since that time, LCOG, with the assistance of DEQ, the Oregon Department of Transportation and the Lane Regional Air Pollution Authority, has spent considerable time projecting future emission and air quality trends. This air quality analysis work has recently culminated with the conclusion that a portion of the downtown Eugene area will not attain CO standards by December 31, 1982. The analysis also concluded that with present control measures the AQMA will attain compliance with the CO standards by 1985.

Complete SIP revision documentation of a CO attainment date extension request will be available by April 1, 1979. The evaluation section of this report covers the essence of what the proposed SIP revision will contain. In order to submit an adopted SIP revision to EPA before July 1, 1979 it has been determined that the hearing must be authorized at the March EQC meeting.

The Department has requested that the AQMA be designated as an attainment area for ozone, since no violations of the new ozone standard occurred during the 1975-1978 period. Thus an ozone SIP will not be prepared.

Evaluation

1. Emissions and Air Quality Trends Through 1987

Motor vehicle emissions contributed about 95% of total carbon monoxide emissions within the AQMA in 1977. The remaining 5% consisted primarily of industrial process emissions, industrial combustion emissions, and space heating emissions. Given this emissions distribution, it is clear that the key to solving the AQMA's CO problem is in reducing the impact of motor vehicle emissions in the violation area.

The Oregon Department of Transportation in conjunction with LCOG used relatively sophisticated computer model techniques to project current and future CO emissions from motor vehicles. The model required such inputs as current and future population and employment levels, and projected motor vehicle emission factors.

As shown in Figure 2, total emissions of CO in the AQMA from all sources are projected to decrease 18% from 1977 to 1983 and by 32% from 1977 to 1987, despite concurrent increases in vehicle miles traveled.

The emissions data developed by ODOT was analyzed by another CO model developed by DEQ staff which projects whether street sections will violate the 8-hour CO standard of 10 mg/m^3 in future years. As shown in Attachment 3, the number of miles of road section exceeding the 8-hour CO standard is projected to decrease substantially by 1982. In fact, only 1.5 miles of streets are projected to exceed the CO standard in 1983, and it is projected that all street sections will be in attainment by 1985. It should be noted that over 99% of the AQMA is projected to be in attainment of the CO standard by the end of 1982.

2. Demonstration of Commitment to Reasonably Available Control Measures (RACM)

The Eugene-Springfield area has already implemented a variety of transportation measures with beneficial air quality effects. Traffic engineering improvements, such as improved signal timing have improved traffic flow and increased speeds, thus reducing CO emissions.

The area has been a leader in promoting and encouraging alternatives to the automobile. There are currently in excess of 100 miles of bikeways in the metropolitan area, with more planned for completion by 1983. Provision of bikeways, in downtown Eugene in particular, helps eliminate some auto trips, which obviously reduces emissions. In 1969, a pedestrian mall was constructed in the Eugene central business district, and it serves today as the core of the downtown shopping area. Lane Transit District, since it assumed operation of the local private transit company in 1970, has experienced one of the highest ridership growth rates in the country. Between 1979 and 1983, the Transit Development Program calls for replacement of over one-half the existing fleet with new vehicles, and the installation of 100 waiting shelters. Additionally a new bridge over the Willamette River for pedestrians only is planned to be built near the violation area during the same time period.

Several existing plans and programs contain projects or policies which will enhance air quality, but they have not been adopted yet as air quality control strategies, nor has a schedule been developed yet for their implementation. One factor hindering such a schedule is that EPA has only made available in 1979 the analytical procedures by which the air quality effectiveness of many control measures can be calculated. The projects and policies refered to above will be evaluated along with other reasonable control strategies by June of 1980. Development of a schedule for implementation is one of the activities to be undertaken by LCOG during the 1979-80 fiscal year, prior to the adoption of the next SIP revision.

3. Interim Growth Management Plan

Under EPA requirements, the Federal Offset Rule (41 CFR 55524) must be applied to major new or modified sources until an attainment and maintenance strategy is developed. LRAPA currently reviews all new sources to determine whether Federal Offset requirements apply to any proposed new source and will continue to do so. Although stationary sources are estimated to account for less than 3% of the total AQMA CO emissions, this requirement should ensure that no large stationary sources have an adverse impact on the CO problem in the non-attainment area.

Areawide total CO emissions are projected to decrease by 3% per year during the period 1979 to 1983 due to the Federal Motor Vehicle Emission Control Program. Several existing plans and programs contain

projects or policies which will enhance air quality, but they have not been adopted as control strategies, nor has a detailed schedule been developed yet for their implementation. The projects and policies will be evaluated along with other reasonable control measures by June 1980.

4. Schedule for Future Activites

LCOG has committed to the following schedule of activities:

A) Analyze reasonable transportation control measures by June, 1980.

B) Prepare a SIP revision containing transportation control measures, and implementation commitments by no later than July, 1982.

LCOG has committed to analyze the effectiveness and reasonableness of reasonable transportation control measures by June, 1980. LCOG intends to focus primarily on those control measures which appear to have the most potential; a vehicle inspection/maintenance program, traffic flow improvements, improved transit, carpooling, and revised parking policies. Other measures may be analyzed in detail, if future analysis indicates they have significant potential. Concurrently, with the analysis of control measures, additional monitoring in the CO violation area will be conducted and additional work on the computer projection model will be done in order to verify the air quality projection analysis.

LCOG has also committed to prepare a CO attainment and maintenance strategy SIP revision by no later than July 1, 1982. If control measures are available which can achieve attainment sooner than if the Federal Motor Vehicle Emission Control program were solely relied upon and if these measures are reasonable and publicly acceptable, LCOG will promote the prompt adoption of those measures.

Summation

1. The Eugene-Springfield AQMA is designated a non-attainment area for carbon monoxide by EPA.

2. The Lane Council of Governments is the lead agency in the development of a transportation control strategy to attain and maintain compliance with the Federal carbon monoxide ambient air quality standard.

3. An air quality projection analysis for the Eugene-Springfield AQMA indicates that less than 1 1/2 miles of streets in downtown Eugene will violate the 8-hour CO standard after December 1982, and that all streets will be in compliance by 1985.

4. This CO SIP revision consists primarily of a commitment to analyze reasonable transportation control measures by June 30, 1980 with LCOG remaining in the lead coordinating role, and a commitment to submit a CO attainment and maintenance strategy SIP to EPA by no later than July, 1982.

5. EPA requirements regarding an interim growth management strategy (enforcement of the Federal offset rule), and a demonstration that existing reasonable available transportation control measures are not likely to attain standards by 1983, have been met. Thus an extension of the attainment date past December 31, 1982 should be granted by EPA.

6. An extension request, to attain the ambient CO standard beyond December 31, 1982, but prior to December 31, 1987, is being included in the revised SIP. The EPA requirements for requesting this extension have been met. If control measures can achieve attainment by December 31, 1982, then the extension request will be rescinded.

7. A public hearing needs to be held on May 4, 1979 in Eugene on the CO SIP revision extension request for the Eugene-Springfield AQMA to satisfy both state and federal requirements and so that adoption and submittal of the SIP revision extension request to EPA can occur prior to July 1, 1979.

Director's Recommendation

Based on the summation, it is recommended that the EQC authorize a public hearing in Eugene to consider public testimony on the adequacy and reasonableness of the 1979 Carbon Monoxide State Implementation Plan revision extension request for the Eugene-Springfield AQMA.

Bill

WILLIAM H. YOUNG

WTG:kmm
229-6087
March 14, 1979
Attachments
1) Map of Eugene-Springfield Air Quality Maintenance Area
2) Graph of Eugene-Springfield AQMA Carbon Monoxide Emissions vs. Time
3) Graph of Length of Roadway in AQMA in Violation of CO Standard vs. Time
4) List of 18 reasonable available transportation control measures identified in the 1977 Clean Air Act Amendments (Section 108(f))

ATTACHMENT 4

List of 18 reasonable available transportation control measures identified in the 1977 Clean Air Act Amendments (Section 108(f)).

1. Motor vehicle emission inspection and maintenance programs;
2. Programs to control vapor emissions from fuel transfer and storage operations and operations using solvents; (not applicable for CO);
3. Programs for improved public transit;
4. Programs to establish exclusive bus and carpool lanes and areawide carpool programs;
5. Programs to limit portions of road surfaces or certain sections of the metropolitan areas to the use of common carriers, both as to time and place;
6. Programs for long-range transit improvements involving new transportation facilities or major changes in existing facilities;
7. Programs to control on-street parking;
8. Programs to construct new parking facilities and operate existing parking facilities for the purpose of park and ride lots and fringe parking;
9. Programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of nonmotorized vehicles or pedestrian use, both as to time and place;
10. Provisions for employer participation in programs to encourage carpooling, vanpooling, mass transit, bicycling, and walking;
11. Programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;
12. Programs of staggered hours of work;
13. Programs to institute road user charges, tolls, or differential rates to discourage single occupancy automobile trips;
14. Programs to control extended idling of vehicles;
15. Programs to reduce emissions by improvements in traffic flow;
16. Programs for the conversion of fleet vehicles to cleaner engines or fuels, or to otherwise control fleet vehicle operations;
17. Programs for retrofit of emission devices or controls on vehicles and engines, other than light duty vehicles, not subject to regulations under section 202 of title II of this Act; and
18. Programs to reduce motor vehicle emissions which are caused by extreme cold start conditions.

Figure 1

Eugene-Springfield Air Quality Maintenance Area

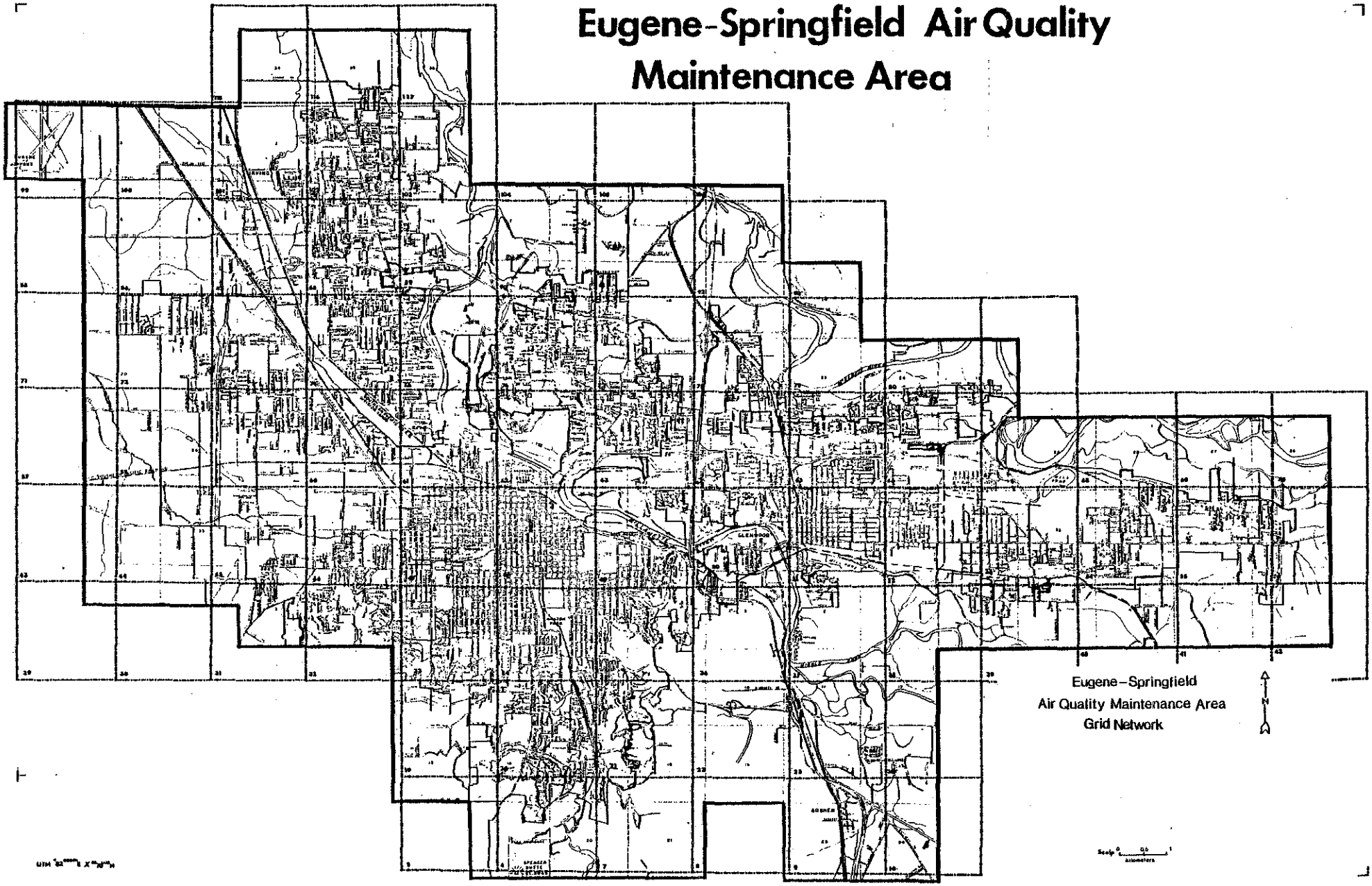


FIGURE 2

EUGENE-SPRINGFIELD AQMA CARBON MONOXIDE
EMISSIONS VS. TIME

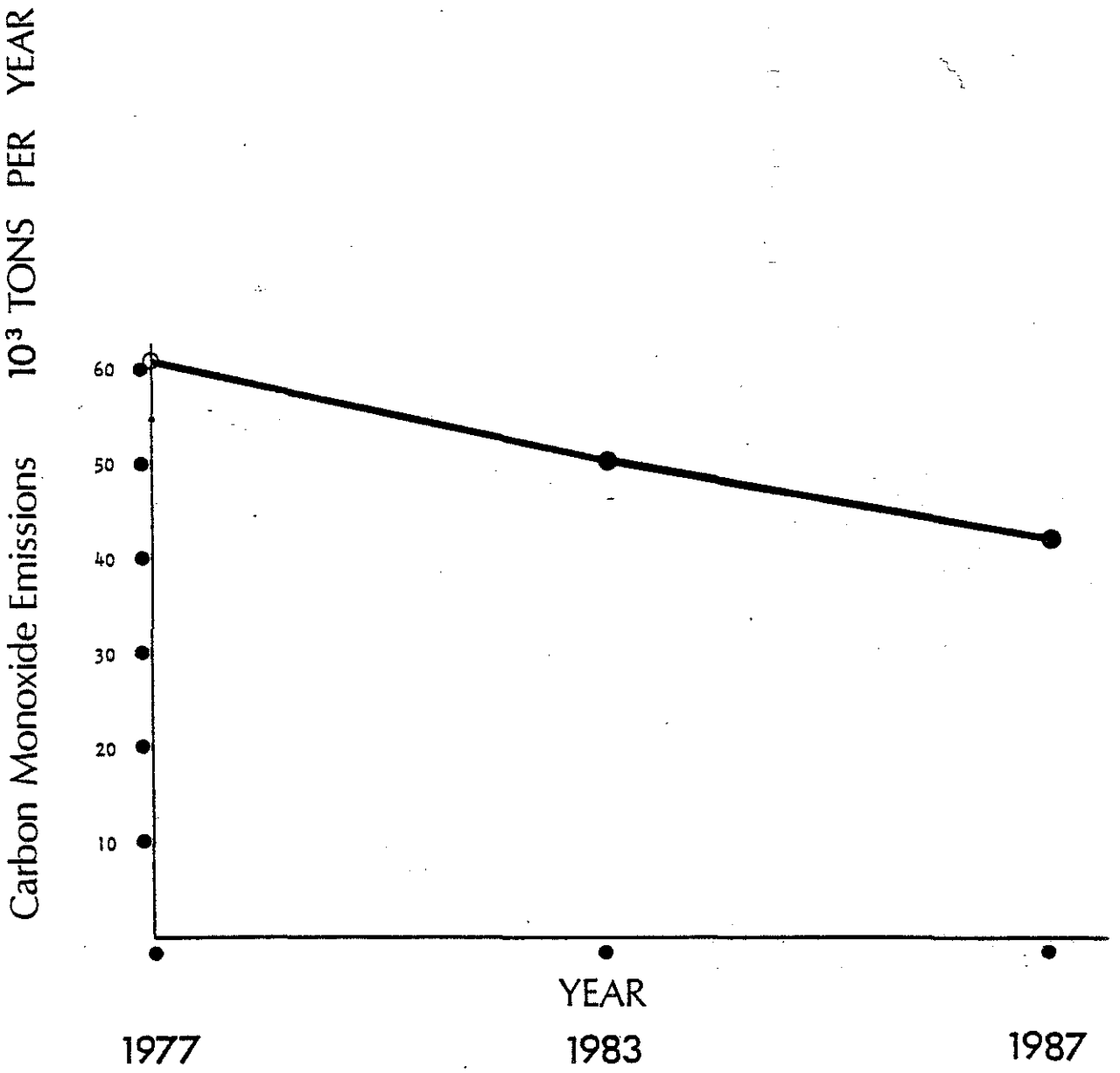
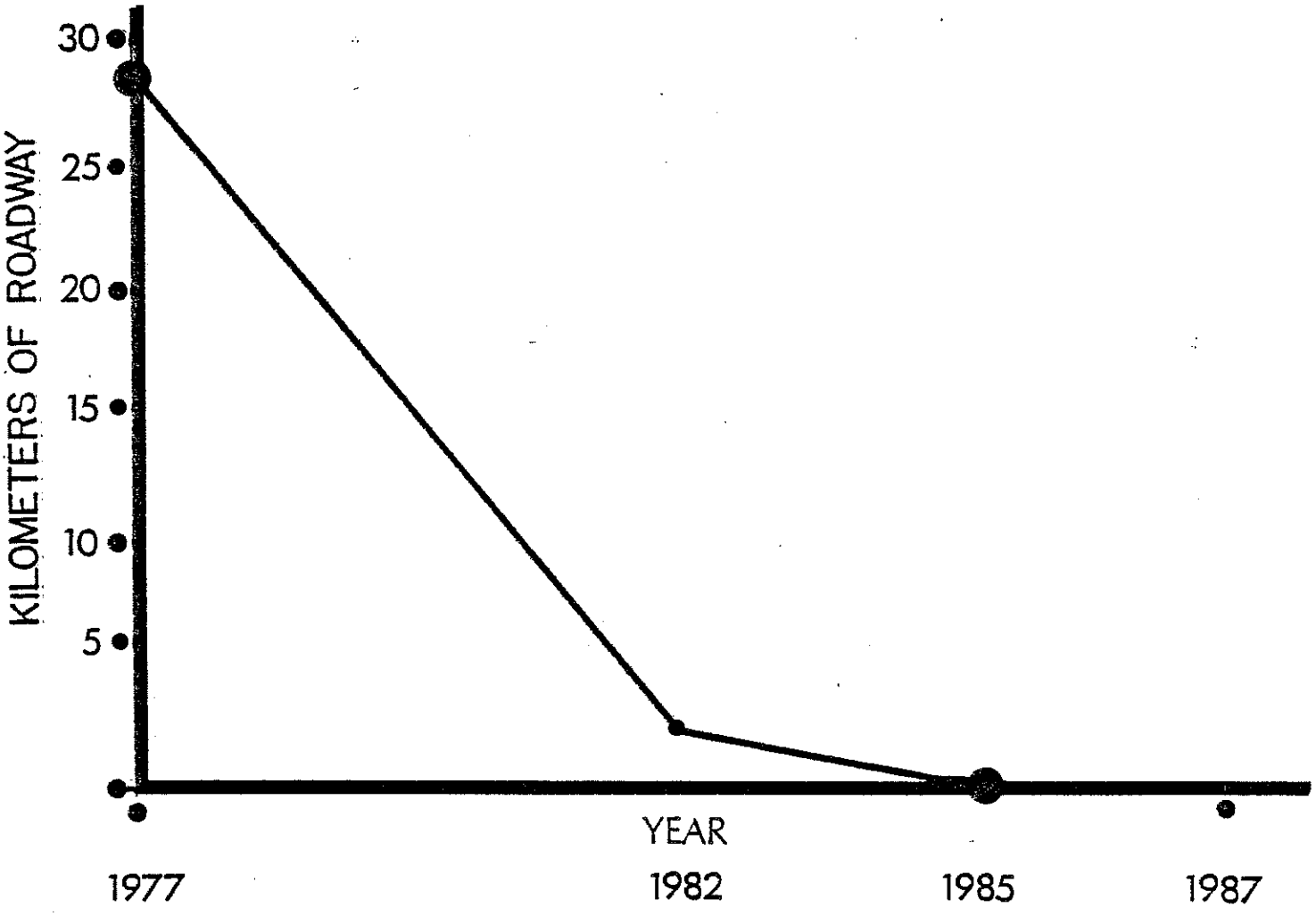


FIGURE 3



Length of Roadways in Violation of CO 8-Hour Standard

ROBERT W. STRAUB
GOVERNOR

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, D3 and D6, March 30, 1979 EQC Meeting

Addendum

Background and Introduction to State Implementation Plan Revisions - p. 2

"Change in proposed hearing schedule"

* Eugene CO Plan - May 4 Salem to May 4, Eugene
* Portland CO and Ozone Plan - May 7 Portland to May 4, Portland

Item D-(3) Eugene-Springfield AQMA CO Plan

"Change Figure 3" from 28 km of roadway in violation in 1977 to 10.5 km

Item D-6 Special Permit Requirements

It has always been the Departments intent to exempt the Portland AQMA from this entire rule until such time as an attainment strategy exists. This approach would allow the Advisory Committee to custom design or amend the rule at the time of attainment plan development to best suit local needs.

Sections 34-20-190-195 contain this exemption. However, Sections 34-20-196-198 needs to be amended as follows to also include this exemption.

Section 340-20-196-198 add new paragraph in each Section as follows:

This Section shall not apply in the Portland AQMA until such time as a SIP Attainment strategy exists.

PPB:jl
229-6278
March 28, 1979

ROBERT W. STRAUB
GOVERNOR

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(4), March 30, 1979, EQC Meeting

Request for Authorization to Hold a Public Hearing on Proposed Revisions to the State Air Quality Implementation Plan for the Medford-Ashland Air Quality Maintenance Area for Carbon Monoxide and Ozone Pollutants

BACKGROUND

The Clean Air Act Amendments (CAAA) of 1977 require states to submit plans demonstrating how they will attain and maintain compliance with national ambient air standards for those areas designated as "non-attainment". The CAAA further requires these plans to demonstrate compliance for primary standards not later than December 31, 1982. An extension up to December 31, 1987 is possible if the state can demonstrate that despite implementation of all reasonably available measures, the December 31, 1982 date cannot be met.

The SIP revisions are to be approved by EPA by July 1, 1979. If an adequate extension request is submitted to EPA by then, states will have until July, 1980 to analyze all alternative control strategies and until July, 1982 to submit a complete attainment strategy as a SIP revision.

In the case of carbon monoxide (CO) and ozone (O_3) primary standards, which are mostly affected by transportation sources, the CAAA provide for local planning agencies to be "lead agency" in the SIP revision process.

On January 24, 1978 the Medford-Ashland AQMA was designated by EPA as non-attainment for CO and O_3. In March, 1978, Jackson County requested and subsequently was designated Lead Agency. Refer to Attachment 1.

Since that time, Jackson County with the assistance of DEQ and the Oregon Department of Transportation has spent considerable time projecting future emissions and air quality trends. This air quality analysis work has recently culminated with the conclusions that a portion of Medford will

not attain the CO standard by December 31, 1982. The analysis also concluded that with present control measures the AQMA will attain compliance with the new EPA ozone standard by December 31, 1982.

The complete SIP revisions containing the CO attainment extension request and an Ozone attainment strategy will be available by April 1, 1979. The evaluation section of this report covers the essence of what these proposed SIP revisions will contain. In order to submit an adopted SIP revision to EPA before July 1, 1979, it has been determined that the hearing process must be authorized at the March EQC meeting.

STATEMENT OF NEED

The Statement of Need prepared pursuant to ORS 183.335(7) and ORS 183.355(1) is attached as Attachment 6.

LAND USE CONSISTENCY STATEMENT

The Statement of Land Use Consistency prepared pursuant to ORS 197.180 and the DLCD/DEQ Interagency Coordination Program is attached as Attachment 7.

EVALUATION

CARBON MONOXIDE SIP REVISION

Emission and Air Quality Trends through 1987

Motor vehicles are the dominant source of carbon monoxide (CO) emissions in the AQMA. They contributed an estimated 84 percent of the total emissions during 1977. Other sources of carbon monoxide are space heating (9%); industry (3%); solid waste disposal (2%); and miscellaneous sources (2%). High CO levels that exceed standards are occurring along heavily traveled and congested roadways. Therefore, accurately characterizing and ultimately reducing motor vehicle emissions, as well as improving traffic circulation are the key elements needed in a successful attainment strategy. The lead agency calculates an overall 72 percent reduction in CO emissions is needed to attain standards.

Attachment 2 shows graphically the miles of roadway identified as exceeding standards through 1987 according to computer modeling of traffic in the AQMA. Also shown is the reduction in emissions needed to attain standards as well as expected emission levels with existing emission reduction control measures.

The CO standard violations occur in and near the central business district (CBD) of Medford. See Attachment 3 for an outline of the carbon monoxide non-attainment area. The computer model projects the remaining locales in the AQMA to maintain attainment of the federal CO standard.

Demonstration of Commitment to Reasonably Available Control Measures (RACM)

As a prerequisite to approving the extension to 1987, the State must commit to develop and implement RACM as expeditiously as practicable. The agencies involved will do this by agreeing to identify and analyze candidate RACM's by July, 1980 and revise the SIP by July 1982 to contain enforceable (committed) RACM's to attain carbon monoxide standards by no later than December 31, 1987. A vehicle inspection and maintenance (I/M) program is not mandatory at this time to receive the extension according to EPA guidance as the AQMA has a population less than 200,000. The lead agency is in favor of I/M and is supporting proposed legislation that would authorize I/M in Jackson County.

Committed RACM's at this time are the Federal Motor Vehicle Control Program (FMVCP) and mass transit. The following is a brief summary of these measures.

FMVCP: The FMVCP is projected by computer modeling to reduce CO concentrations throughout the AQMA at least until 1987. In the non-attainment area these reductions, while significant, do not bring air quality within standards. Vehicle miles traveled (VMT) are projected to increase in future years.

Mass Transit: The Rogue Valley Transportation District (RVTD) currently accounts for about one percent of the trip ends in the Medford CBD which is the center of the non-attainment area. Because of as yet minimal reduction in vehicle traffic in the CBD as a result of the RVTD, little benefit in improving air quality can be attributed to this RACM. However, improving the RVTD using various inducements to increase ridership will be considered along with other candidate RACM's in developing the final control strategy.

Interim Growth Management Plan

During the time that an attainment strategy is being developed and the time it is submitted and approved by EPA the State must have an interim-growth management plan in effect for industrial sources. The

minimum plan required by EPA is the federal emissions offset Interpretative Ruling (44 FR 3282). This applies to new or modified industrial sources emitting greater than 50 tons per year. It is anticipated the interim growth management plan will not improve CO air quality significantly in view of the minor impact existing industry has on the problem. Nonetheless, the Department is committed to apply the federal offset rule to new and expanding sources that meet the established criteria.

Schedule for Future Activities

Both the Clean Air Act (as amended in 1977) and subsequent EPA guidance require that a SIP revision demonstrating a non-attainment situation through December 31, 1982 must include a program for evaluating 18 Reasonably Available Control Measures listed in the Act. The above analysis has identified that violations in the Medford-Ashalnd AQMA will continue through December 31, 1982. As part of the future activities schedule, a more detailed analysis will be performed by the lead agency in the next few months to verify these conclusions. After confirming the original projected non-attainment area, the RACM's will be analyzed to determine the most effective combination that will eliminate the problem. The lead agency is recommending that of the 18 RACM's listed in the Clean Air Act, (Attachment 8) the following five measures have the greatest potential for reducing CO emissions in the Medford-Ashland AQMA.

a. Inspection/Maintenance;
b. Improved public transit;
c. Long-range transit improvements;
d. Employer programs to encourage carpooling, vanpooling and public transit; and
e. Traffic circulation and parking plan.

Other measures may be considered, if future analysis determines they have significant potential for reducing CO emissions. The analysis of RACM's will be completed by June 30, 1980. Those measures, which have been evaluated and are determined to be both environmentally and economically feasible, and publically acceptable, will be identified and submitted as part of CO attainment/maintenance strategy by July 1, 1982. A commitment to implement measures must be made as part of the 1982 CO SIP submittal.

Public participation will be coordinated by the Jackson County Board of Commissioners in carrying out the role of lead agency in the development of the carbon monoxide control strategy.

OZONE SIP REVISION

Emission and Air Quality Trends through 1987

Ozone is not emitted directly to the atmosphere but results from a reaction between volatile organic compounds (VOC) and nitrogen oxides (NO_x) in the presence of sunlight. Most NO_x and nearly half the VOC originates from motor vehicles. Industrial and commercial operations contribute most of the remaining VOC. Reducing VOC emissions is the accepted approach in lowering ozone levels.

Ozone levels that exceed the federal standard of 0.12 ppm are observed throughout the AQMA. Attachment 4 graphically portrays the non-attainment area. Levels are projected to decline sufficiently by December 31, 1982 to attain the federal standard with existing motor vehicle control measures and implementing Reasonably Available Control Technology on industrial/commercial sources. These are explained later. This projection is based on an EPA derived relationship called the Empirical Kinetic Modeling Approach or EKMA. EKMA is a shorthand method of estimating the current ratio of ozone precursors (VOC and NO_x) and determining what this ratio must be in the future to attain standards. The DEQ has compiled a VOC emission inventory for 1977 and projected for 1982 the reduced VOC emissions resulting from the existing control measures. By 1982, the emission inventory shows a 13 percent reduction in VOC emissions. EKMA estimates that a 13% reduction in VOC emissions will attain federal standards.

Attachment 5 shows graphically the reduction of emissions versus air quality improvement through 1987.

Projected reductions in VOC emissions in 1982 compared to 1977 emissions resulting from the federal motor vehicle control program (FMVCP) are 12 percent and applying RACT to industrial/commercial sources results in a reduction of VOC of 1 percent. RACT would be at least as effective as the FMVCP if it were not for a large increase in production forecasted by the 3M Company.

Demonstration of Commitment to Develop Reasonably Available Control Technology

Because EKMA is used in forecasting future ozone air quality, EPA requires that a commitment be made by the State to develop and implement future RACT for point sources of more than 100 tons per year

potential emissions of VOC. What constitutes RACT for a particular source is explained by EPA in a Control Technology Guideline (CTG) document for each source.

EPA allows the state up to the end of the next calendar year following issuance of a CTG to adopt regulations equivalent to RACT or better for that source. DEQ adopted VOC RACT rules in December, 1978 for the first group of CTG's issued in 1977. DEQ commits to adopt further VOC rules appropriate for the AQMA each year as CTG's are issued by EPA which will be implemented as expeditiously as practicable until attainment and maintenance requirements are met.

Growth Management Plan

There is no growth increment built into the 1982 Ozone attainment control strategy for major new or modified sources although by 1987 a 500 ton growth increment will be available because of continued reductions in motor vehicle emissions. Under the proposed special permit rule (OAR 340-20-190) offsets would have to be obtained at least until 1982. There are possibilities to provide growth increment before 1982 if such measures such as an inspection maintenance program is established or if existing source emissions are restricted .

The attainment strategy would allow the 3M Company to achieve their anticipated production increase from 40 to 100 percent of existing production capability over the period of 1979 to 1982. If the projected emission increase were limited below the maximum expected, a substantial growth increment could be available before 1982 of up to 2300 tons of VOC based on current production.

Thus the identification of a growth increment should be tied closely to the analysis of RACM's to be completed by the lead agency by July, 1980. The final plant site emission limit for 3M and other less significant sources can be decided in July, 1980 based on the lead agency RACM recommendations. This will insure full local input into a decision which can have significant impact on the local economy.

SUMMATION

1. The Clean Air Act Amendments of 1977 require plans which demonstrate how air quality standards will be attained and maintained in existing non-attainment areas.

2. The Medford-Ashland AQMA is designated by EPA as non-attainment for ozone and carbon monoxide pollutants.

3. The Jackson County Board of Commissioners is the lead agency in the development of the transportation control strategy portion of the plan for ozone and carbon monoxide.

4. A future air quality analysis for carbon monoxide indicates that many miles of roadway will continue to exceed federal standards by the end of 1982.

5. A future air quality analysis for ozone indicates that the AQMA will attain federal standards by 1982 with the existing federal motor vehicle control program and RACT controls for point sources of VOC. By 1987 the margin of attainment is projected to be about 500 tons of VOC.

6. A carbon monoxide SIP revision which must be submitted to EPA before July 1, 1979 will request an extension of the December 31, 1982 attainment date and contain a commitment to analyze candidate control measures by July 1, 1980 and submit the standard attainment and maintenance plan SIP revision by July 1, 1982.

7. The proposed ozone SIP revision which must be submitted to EPA before July 1, 1979 will document standard attainment by the end of 1982, and a commitment to develop and implement RACT controls for point sources, a special permit rule to manage growth and a plant site emission limit provision.

8. There is no growth increment in the ozone attainment strategy through 1982, therefore offsets will have to be obtained for new or modified sources unless further VOC reductions are obtained from such things as an inspection maintenance program or by further restricting existing stationary source emissions.

9. A public hearing needs to be held on May 3, 1979 on the proposed carbon monoxide and ozone SIP revisions for the Medford-Ashland AQMA to comply with state and federal requirements, and so that EQC adoption and submittal to EPA of the SIP revision can be accomplished before July 1, 1979.

Director's Recommendation

Based on the Summation it is recommended that the EQC authorize a public hearing to entertain public testimony on the proposed carbon monoxide and ozone SIP revisions for the Medford-Ashland AQMA.

Bill

WILLIAM H. YOUNG

JFK/DWB:kmm
229-6459
March 15, 1979
Attachments 1) Lead Agency Certification
2) CO Emission and AQ Trends
3) CO Non-attainment Area
4) Ozone Non-attainment Area
5) Ozone Emission and AQ Trends
6) Statement of Need
7) Statement of Land Use Consistency
8) 18 RACM's

ATTACHMENT ONE

pc-Kenny

AQC - Jackson County Transportation Planning (new file)

Kerry L. Lay, Administrator

DEPARTMENT OF PLANNING & DEVELOPMENT

cc: Steve Boedigheimer done 3-14-78

March 13, 1978

Honorable Robert W. Straub, Governor
Office of the Governor
State Capitol
Salem, Oregon 97310

Dear Governor Straub:

Letters of intent, resolutions, and minutes of joint meetings between the various local governments and the Rogue Valley Council of Governments (RVCOG) are enclosed. These documents reflect the efforts made locally to determine who should play the lead agency role in transporation planning for air quality improvements.

Specifically, the designation effort was made as a result of the Clear Air Act amendments (PL 95-95 Section 174). The end result of all discussions was that the Jackson County Board of Commissioners would be designated lead agency.

A number of considerations were made that in the end indicated the County role as lead agency. While the County administration does not meet all of the requirements specified in the amendments, no other local agency completely fullfills those requirements either: the region has no 3-C agency and no metropolitan planning office. However, the County, in conjunction with the Air Quality Advisory Committee, will meet the general requirements of the Act.

Another key factor in making the decision was the standing of the Air Quality Advisory Committee, its make-up representing a broad spectrum of the community, and its current air quality planning activities. This Committee has worked on air quality problems within the Medford-Ashland Air Quality Maintenance Area for the past 12 months, meeting on an average of three times a month. Under no circumstances should the expertise gained or efforts made by this Committee be sacrificed just to meet the new rules. Invitations have been sent to all general purpose governments to participate in the Committee's activities. Ashland, Medford, the County and the RVCOG had always been represented on the Committee.

32 W. Sixth St / Medford, Oregon 97501 / (503) 776 7554

ATTACHMENT ONE

The County's current role in environmental planning, which might meet the Act's requirements for consolidation of enviornmental planning efforts, includes quality through the Committee, sub-surface sewage disposal, solid waste management, and review responsibilities for all land use and comprehensive plans within the County.

The only other local agency which would be in a position to take on lead agency status is the RVCOG. During early discussions that agency sent a letter of intent to the DEQ Director's office. However, the RVCOG's letter of intent indicated further discussions between the City and the County were required. It was after those further discussions that the RVCOG decided to back the County in seeking lead agency status, as stated in their letter dated February 24, 1978.

We hope this letter and the enclosures will clear up any questions you may have. If I can be of any further assistance to you, please give me a call.

Respectfully submitted,

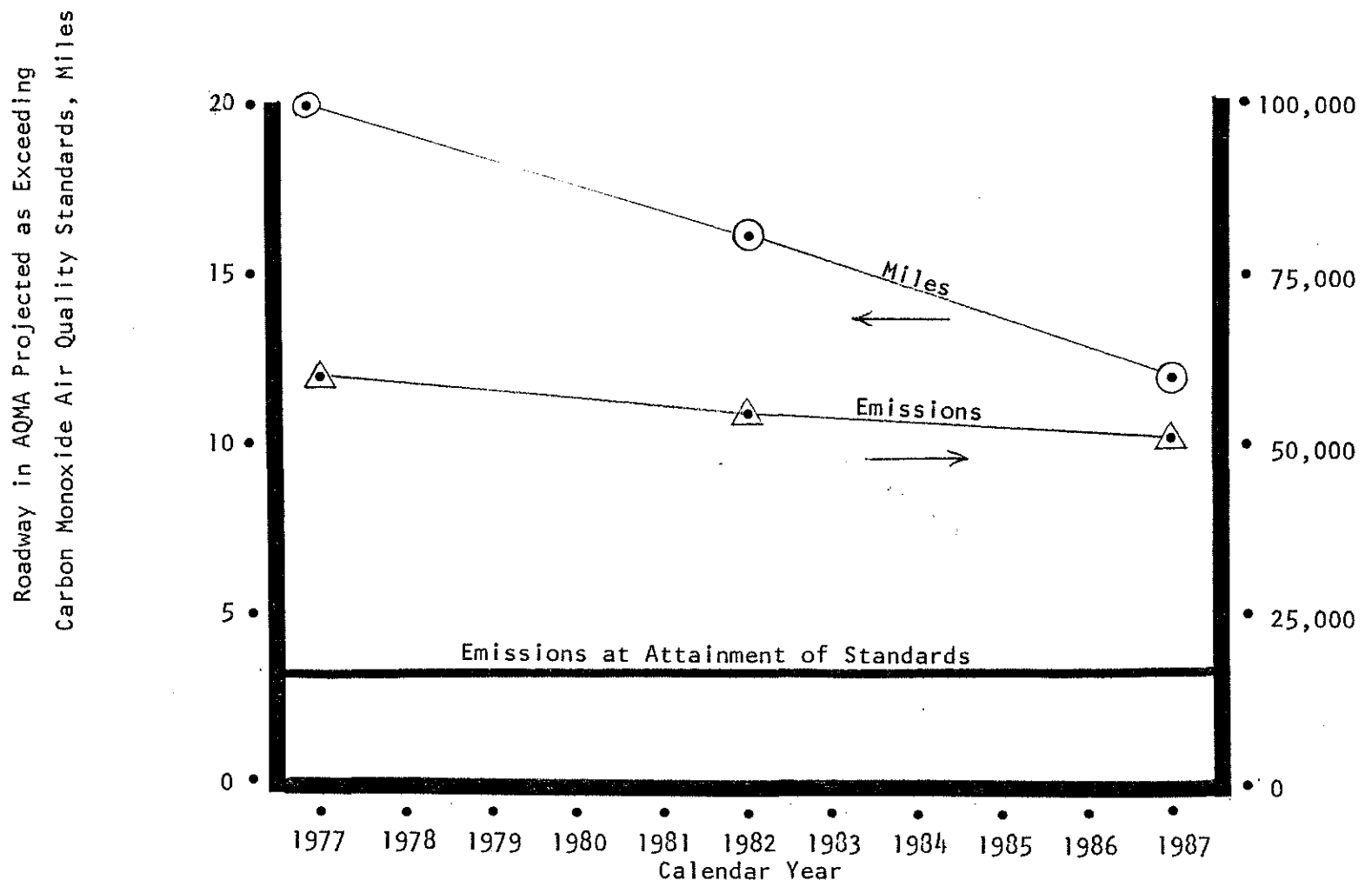
Bruce Shaw, Air Quality Coordinator
Jackson County

cc: Bill Young
Carl Simons
Jackson County Board of Commissioners

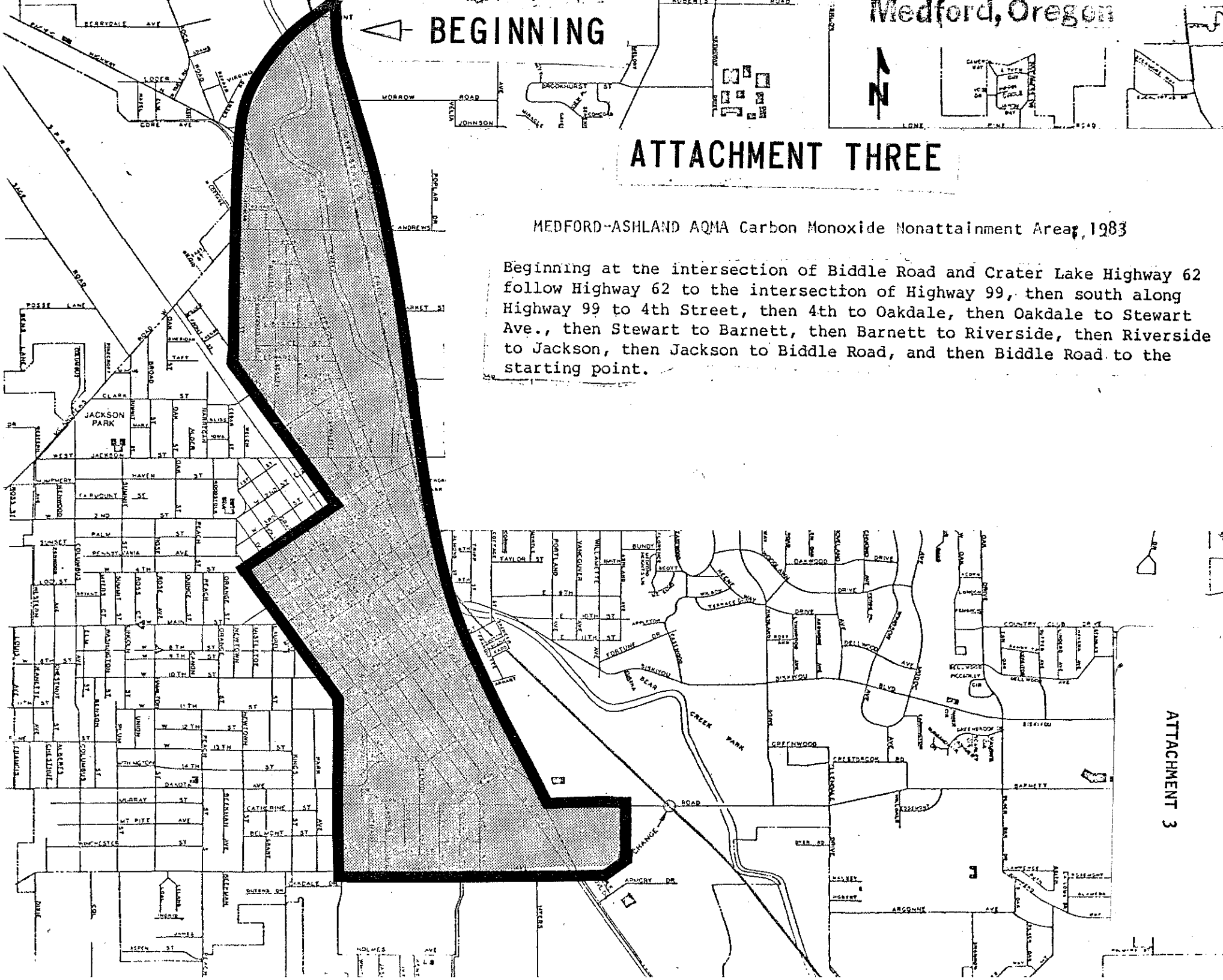
BS:sw

ATTACHMENT 2

MEDFORD-ASHLAND AQMA CARBON MONOXIDE EMISSIONS
AND AIR QUALITY TRENDS THROUGH 1987



ATTACHMENT 2



ATTACHMENT THREE

MEDFORD-ASHLAND AQMA Carbon Monoxide Nonattainment Area, 1983

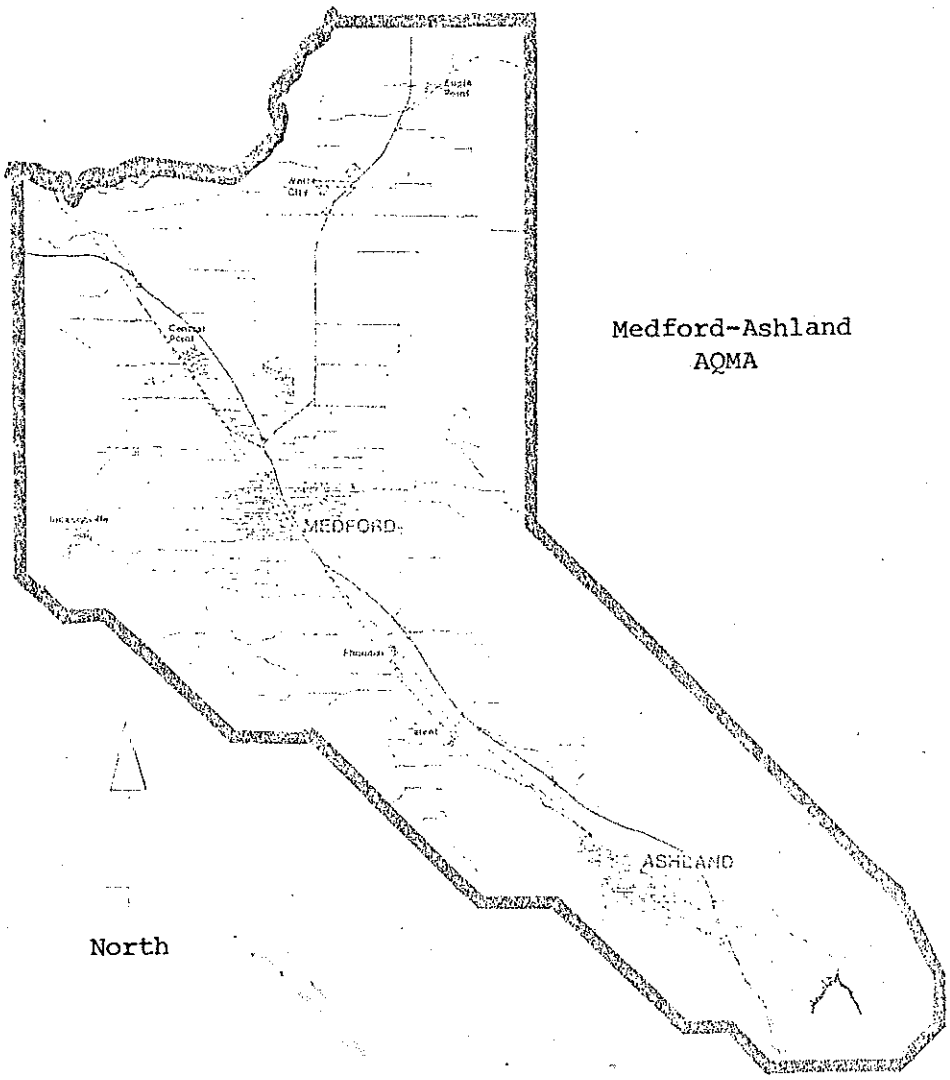
Beginning at the intersection of Biddle Road and Crater Lake Highway 62 follow Highway 62 to the intersection of Highway 99, then south along Highway 99 to 4th Street, then 4th to Oakdale, then Oakdale to Stewart Ave., then Stewart to Barnett, then Barnett to Riverside, then Riverside to Jackson, then Jackson to Biddle Road, and then Biddle Road to the starting point.

ATTACHMENT 3

Attachment 4

Ozone Nonattainment Area

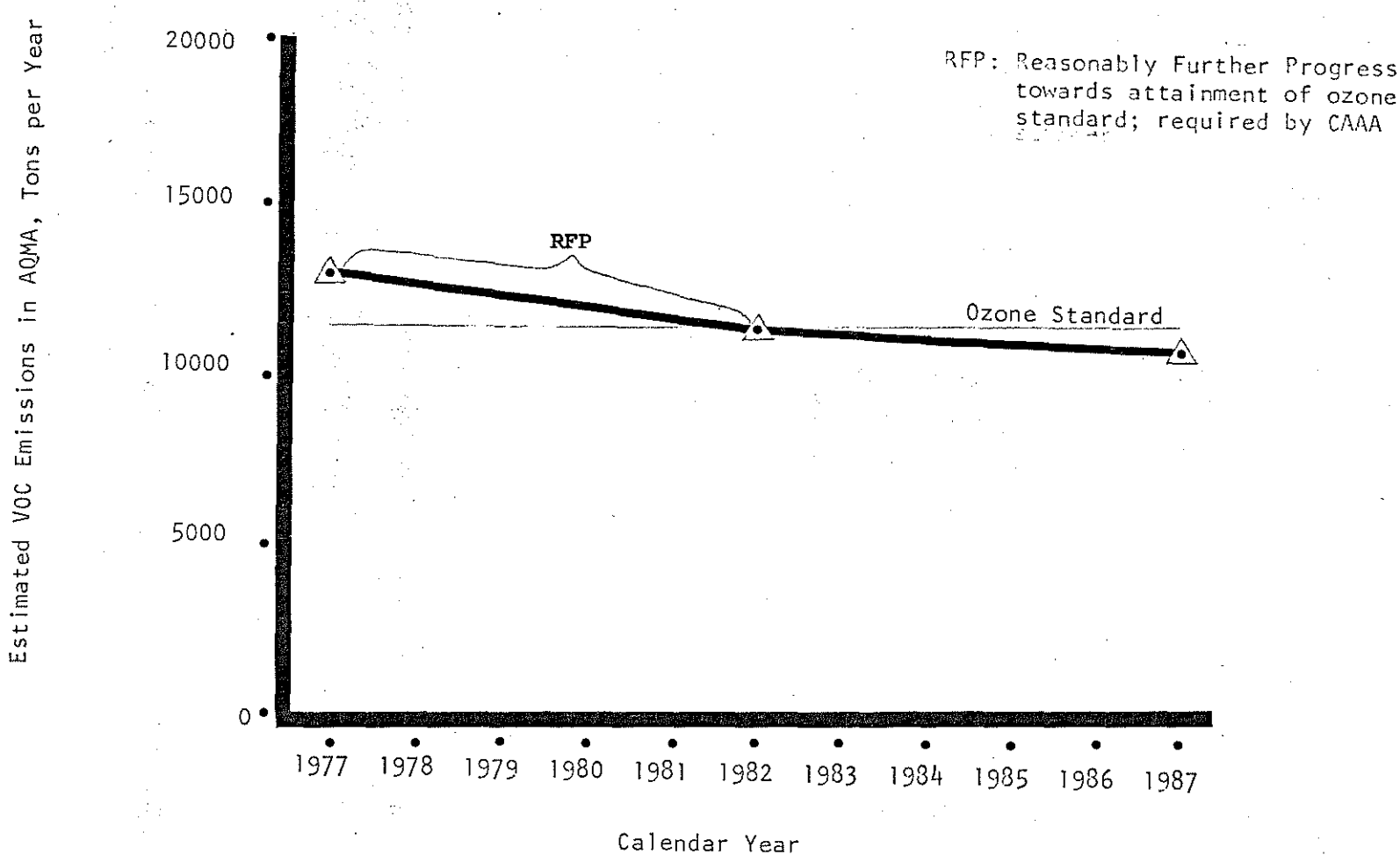
The Medford-Ashland AQMA
is the Ozone Nonattainment Area



Refer to OAR 340-30-010(1) for a legal description of the AQMA Boundary

ATTACHMENT 5

Medford-Ashland AQMA Emission and
Ozone Air Quality Trends through 1987



ATTACHMENT 5

ATTACHMENT 6

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

In the Matter of the Proposed Revision to the Clean Air Act State Implementation Plan Regarding the Ozone Control Strategy for the Medford-Ashland Air Quality Maintenance Area	))))))	STATEMENT OF NEED

The Environmental Quality Commission intends to consider adoption of the proposed Ozone Control Strategy for the Medford-Ashland Air Quality Maintenance Area as a revision to the State Implementation Plan.

a. Legal Authority: ORS 468.020 and 468.295; Federal Clean Air Act Amendments of 1977 - P.L. 95-95 (August 7, 1977) Section 110.

Need for Rule: The Environmental Protection Agency requires a control strategy for an area that is designated non-attainment for ozone. The Medford-Ashland Air Quality Maintenance Area is in violation of National Ambient Air Quality standard for ozone. This control strategy will be submitted to EPA to satisfy requirements of the Clean Air Act.

c. Documents Principally Relied Upon:

1. Emission Inventory 1977 Dated 10/26/78

2. SAPOLLUT _ - Oregon Dept. of Transportation (ODOT)

3. Clean Air Act Amendments of 1977, P.L. 95-95, 8/7/77

4. EPA (1977) Uses, Limitations and Technical Basis for Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors, EPA-450/2-77-021a.

5. EPA (April, 1978), Workshop on Requirements for Nonattainment Area Plans, Revised ed.

6. Rhoads, Richard G. (memo dated Aug. 16, 1978), Clarification of Attainment/Nonattainment Evaluation Guidance.

7. OAR 340-22-100 to 340-22-201 relating to Volatile Organic Compounds.

8. PES Hydrocarbon Survey Medford Area, 1977

9. Oregon Air Quality Report 1976, by State of Oregon, Department of Environmental Quality (DEQ).

10. EPA (January, 1979) Guidelines for the Interpretation of Ozone Air Quality Standards.

Department of Environmental Quality

3-15-79

BY: [signature]

DWB:kmm

ATTACHMENT 7

LAND USE CONSISTENCY STATEMENT
for
OZONE SIP REVISION
for the
MEDFORD-ASHLAND AQMA

The proposals described herein appear to be consistent with Statewide Planning Goal Number 6 (Air, Water and Land Resources Quality). The proposals do not relate to goal Number 11 (Public Facilities and Services). The Department is not aware of conflict with other goals.

With regard to Goal 6 (air, water and land resources quality) the proposed SIP Revision provides for attainment and maintenance of the Federal ozone air quality standard and is considered consistent with the goal.

Goal 11 (public facilities and services) is deemed unaffected by the proposals.

Implementation of the proposed SIP Revision for ozone will be coordinated with other air quality maintenance and improvement strategies by subsequent revision of the State Implementation Plan.

Public comment on any land use issue involved is welcome and may be submitted in the same fashion as are indicated for testimony in this NOTICE OF PUBLIC HEARING.

It is requested that local, state, and federal agencies review the proposed action and comment on possible conflicts within their programs affecting land use and with Statewide Planning Goals within their expertise and jurisdiction.

The Department of Environmental Quality intends to ask the Department of Land Conservation and Development to mediate any apparent conflicts brought to our attention by local, state, or federal authorities.

Clean Air Act
Section 108

ATTACHMENT 8

(f)(1) The Administrator shall publish and make available to appropriate Federal agencies, States, and air pollution control agencies, including agencies assisted under section 175 within 6 months after enactment of this subsection for clauses (i), (ii), (iii), and (iv) of subparagraph (A) and within one year after the enactment of this subsection for the balance of this subsection (and from time to time thereafter),

(A) information, prepared, as appropriate, in cooperation with the Secretary of Transportation, regarding processes, procedures, and methods to reduce or control each such pollutant, including but not limited to—

(i) motor vehicle emission inspection and maintenance programs;

(ii) programs to control vapor emissions from fuel transfer and storage operations and operations using solvents;

(iii) programs for improved public transit;

(iv) programs to establish exclusive bus and carpool lanes and areawide carpool programs;

(v) programs to limit portions of road surfaces or certain sections of the metropolitan areas to the use of common carriers, both as to time and place;

(vi) programs for long-range transit improvements involving new transportation policies and transportation facilities or major changes in existing facilities;

(vii) programs to control on-street parking;

(viii) programs to construct new parking facilities and operate existing parking facilities for the purpose of park and ride lots and fringe parking;

(ix) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of nonmotorized vehicles or pedestrian use, both as to time and place;

(x) provisions for employer participation in programs to encourage carpooling, vanpooling, mass transit, bicycling, and walking;

(xi) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

(xii) programs of staggered hours of work;

(xiii) programs to institute road user charges, tolls, or differential rates to discourage single occupancy automobile trips;

(xiv) programs to control extended idling of vehicles;

(xv) programs to reduce emissions by improvements in traffic flow;

(xvi) programs for the conversion of fleet vehicles to cleaner engines or fuels, or to otherwise control fleet vehicle operations;

(xvii) programs for retrofit of emission devices or controls on vehicles and engines, other than light duty vehicles, not subject to regulations under section 202 of title II of this Act; and

(xviii) programs to reduce motor vehicle emissions which are caused by extreme cold start conditions;

(B) information on additional methods or strategies that will contribute to the reduction of mobile source related pollutants during periods in which any primary ambient air quality standard will be exceeded and during episodes for which an air pollution alert, warning, or emergency has been declared;

(C) information on other measures which may be employed to reduce the impact on public health or protect the health of sensitive or susceptible individuals or groups; and

(D) information on the extent to which any process, procedure, or method to reduce or control such air pollutant may cause an increase in the emissions or formation of any other pollutant.

(2) In publishing such information the Administrator shall also include an assessment of—

(A) the relative effectiveness of such processes, procedures, and methods;

(B) the potential effect of such processes, procedures, and methods on transportation system and the provision of transportation services; and

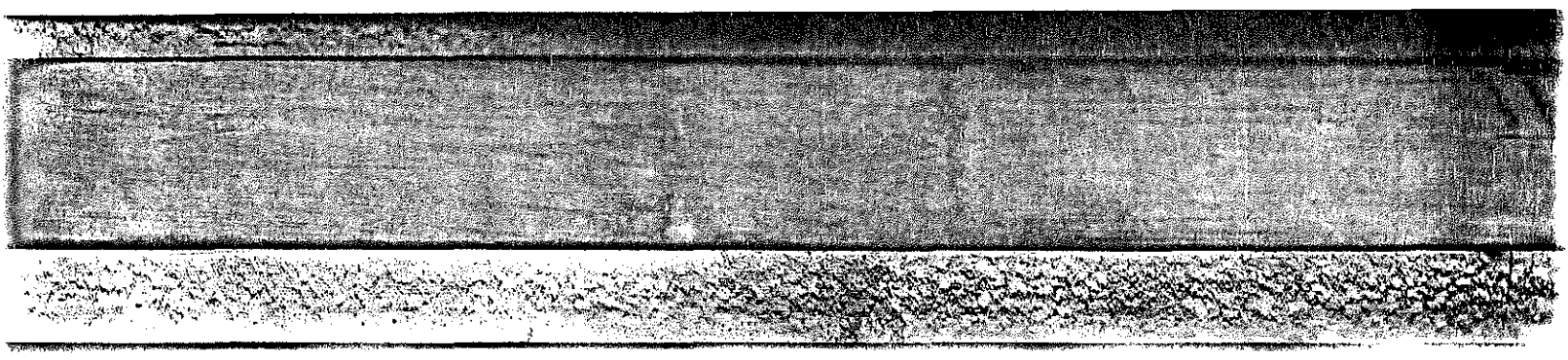
(C) the environmental, energy, and economic impact of such processes, procedures, and methods.

NATIONAL AMBIENT AIR QUALITY STANDARDS

SEC. 109. (a)(1) The Administrator—

(A) within 30 days after the date of enactment of the Clean Air Amendments of 1970, shall publis proposed regulations prescribing a national primary ambient air quality standard and a national secondary ambient air quality standard for each air pollutant for which air quality criteria have been issued prior to such date of enactment; and

(B) after a reasonable time for interested persons to submit written comments thereon (but no later than 90 days after the initial publication of such proposed standards) shall by regulation promulgate such proposed national primary and secondary ambient air quality standards with such modifications as he deems appropriate.



ROBERT W. STRAUB
GOVERNOR

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(5), March 30, 1979, EQC Meeting

Authorization to Hold a Public Hearing on Amending the State Implementation Plan to Change VOC Rules

Background

Certain changes are needed in the Volatile Organic Compound (VOC) rules passed by the Commission on December 15, 1978. These rules restrict VOC emissions in order to reduce photochemical oxidant formation. The Federal oxidant standard is violated, or near violation, in the Medford AQMA, the Portland AQMA, and the Salem area. The Eugene area has a potential oxidant problem.

Statement of Need

See Attachment 2.

Evaluation

1. The Lowest Achievable Emission Rate (LAER) rule OAR 340-22-104 needs to be modified to correspond exactly to proposed OAR 340-20-192 which contains the LAER definition directly from the Clean Air Act.

2. Two compounds, methyl chloroform and methylene chloride, have again been requested to be added to the list of VOC's with negligible photochemical reactivity in OAR 340-22-100(1). These were previously in the proposed exempt list, but were removed because of verbal opinions from EPA. The Department has received further evidence to exempt them from Dow Chemical. EPA will be requested to provide testimony for the public hearing.

3. The Salem oxidant non-attainment area is being redefined in proposed OAR 340-20-192 from the Salem city limits, OAR 340-33-106(4), to the Salem Area Transportation Study boundary. The VOC rule 340-22-106(4) needs to be changed to be consistent. The impact of this change will be felt by the gas stations outside the city limits but inside the Study boundary. They will have to install VOC controls; they were formerly exempt. The Department is not aware of any other impacts. The Salem city limits are an irregular shape; as a special control area for air quality, the shape is arbitrary rather than reasonable. The Salem Area Transportation Study boundary conforms more to an airshed shape and is more reasonable as a special control area boundary.

4. Rule 340-22-111 and reference to it in the introduction are proposed to be deleted. Stage II vapor recovery at gas stations is not working well in California. In 1978 the staff was predicting EPA would issue a guideline document for capturing gasoline vapor from filling vehicle fuel tanks (Stage II) in late 1978. This did not happen. Therefore, this rule should be deleted, as the purpose for warning gas stations of a forthcoming rule is fading, as the rule or an equivalent rule may not be needed.

5. Rule 340-22-115(1) should have a sentence specifically exempting pressure relief valves, as this was intended to be done. Such devices are mandatory safety equipment and it is impracticable to measure these minimal emissions.

6. The description of acceptable vapor control systems in rule 340-22-115(2) is not needed there, but would be more useful in 340-22-120. Bulk plants generally install vapor balance systems or nothing if they are exempt. Therefore, the description of these systems more properly belongs under 340-22-120.

7. Two serious problems with 340-22-115 have come to light since its passage in 1978. Large gasoline terminals have generally refused to serve small accounts with tank size less than about 8,000 gallons. This business was left to independent truckers and to bulk plants. Rule 340-22-115 exempts all bulk plants from vapor control capture systems for their delivery trucks. Current federal gasoline marketing rules are believed to generally lock-in bulk plants and independent truckers with their customers. Rule 340-22-115 requires exempt bulk plants to cease delivering gasoline to stations with vapor return fittings.

   Therefore, bulk plant customers with tanks over 2,000 gallons size or with new tanks would probably be unable to get legal deliveries of gasoline after April 1, 1981, the effective date of rules 340-22-110 and -115.

When exempting bulk plants in the 2,375 gallon per day to 20,000 gallons per day size range from VOC rules on December 15, 1978, the Commission probably intended exempting them from 340-22-110 which requires gasoline storage tanks to have vapor capture systems for vapors generated when they are filled. This filling exemption is not explicit and if intended, needs to be stated.

These two problems are proposed to be solved in the following way:

(1) Bulk plants are to be bound by 340-22-110 and must fit their tanks with vapor return piping to the delivery trucks that fill them.

(2) The smallest bulk plants (4,000 gal/day) and their existing customers will be exempted from installing vapor return fittings (except that new tanks at the customers' stations must have a submerged fill pipe and the vapor return lines roughed-in).

The VOC lost by exempting the smallest bulk plants and their customers from vapor balance systems involving the bulk plant trucks is less than the VOC captured by requiring the bulk plants to install vapor return systems on their own storage tanks. The reason for this is simple, above ground tanks generate more vapor upon filling than do underground tanks.

8. The compliance date of April 1, 1980 is changed to April 1, 1981 in 340-22-135. It was thought that the existing tanks covered by this rule were already covered in an equivalent way by rule 340-28-050 and equivalent Lane Regional Air Pollution Authority rule. But there are large, existing storage tanks with alcohol and other non-gasoline products that were not covered by these existing rules. Conversion to floating roof tanks by April 1, 1980 is impracticable, and a compliance date at the beginning of the 1981 oxidant season would be reasonable.

9. EPA and DEQ have an agreement for paid advertisements in newspapers for hearings for rules that are to be a part of a State Implementation Plan. The passage of the VOC rules in 1978 was done without paid newspaper advertisement. In order to insure conformance with this agreement the Department desires the Commission to re-adopt the VOC rules with the proposed amendments The Department is paying for advertising the May 8, 1979 hearing on the attached VOC rules.

Summation

1. Several minor changes are needed in the VOC rules to improve clarity and consistency with other rules.

2. The Department has further evidence that methyl chloroform and methylene chloride should be considered for addition to the list of exempt VOC compounds.

3. Customers of exempt bulk plants could be denied a legal supply of gasoline. The proposed rule revision exempts these customers, but requires bulk plants to put VOC controls on their own storage tanks and result in more than equivalent recovery of vapors. Also, the larger bulk plants (4,000 to 20,000 gal/day) would be required to add vapor balance for their trucks.

4. Another year is proposed to be allowed for large storage tanks to complete VOC controls.

5. Re-adoption of the total VOC rules as amended after paid advertisement in newspapers is thought prudent to avoid any legal challenge to proper public notice.

Director's Recommendation

Based upon the Summation, I recommend that the Commission authorize a public hearing for the attached proposed amended rules in Portland and consider the rules for adoption at the Commission's June, 1979 meeting.

Bill

WILLIAM H. YOUNG

P.B. Bosserman:kmm
229-6278
March 15, 1979
Attachments: (1) Proposed Rules OAR 340-22-100 to -150
(2) Statement of Need

ATTACHMENT 1

General Emission Standards for Volatile Organic Compounds

These rules regulate sources of VOC which contribute to the formation of photochemical oxidant, more commonly known as smog.

Since oxidant standards are not violated in Oregon from November through March (because of insufficient solar energy), these rules allow certain control devices to lay idle during the winter months. Since much of the state is considered in attainment with oxidant standards, sources in "clean" areas are exempted from these rules.

Sources regulated by these rules are:

- New sources over 100 tons of VOC per year
- Gasoline Stations, underground tank filling
  [(customer vehicle tank filling to be regulated later)]
- Bulk Gasoline Plants
- Bulk Gasoline Terminal Loading
- Cutback Asphalt
- Petroleum Refineries
- Petroleum Liquid Storage
- Surface Coating including paper coating
- Degreasers
- Asphaltic and Coal Tar Pitch

Definitions

340-22-100 As used in these regulations, unless otherwise required by context:

(1) "Volatile Organic Compound," (VOC), means any compound of carbon that has a vapor pressure greater than 0.1 mm of Hg at standard conditions (temperature 20^{O} C, pressure 760 mm of Hg). Excluded from the category of Volatile Organic Compound are carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium

carbonate, and those compounds which the U. S. Environmental Protection Agency classifies as being of negligible photochemical reactivity which are methane, ethane, methyl chloroform, methylene chloride, and trichlorotrifluoroethane.

(2) "Source" means any structure, building, facility, equipment installation, or operation (or combination thereof) which is located on one or more contiguous or adjacent properties, which is owned or operated by the same person (or by persons under common control), and which emits any VOC. "Source" does not include VOC pollution control equipment.

(3) "Modified" means any physical change in, change in the method of operation of, or addition to a stationary source which increases the potential emission rate of any VOC regulated (including any not previously emitted and taking into account all accumulated increases in potential emissions occurring at the source since regulations were adopted under this section, or since the time of the last construction approval issued for the source pursuant to such regulations approved under this section, whichever time is more recent, regardless of any emission reductions achieved elsewhere in the source).

(i) A physical change shall not include routine maintenance, repair and replacement, unless there is an increase in emission.

(ii) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

(a) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(b) An increase in the hours of operation;

(c) Use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding

legislation), or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

(d) Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating such fuel or material; or

(e) Use of an alternative fuel by reason of any order or rule under section 125 of the Federal Clean Air Act, 1977;

(f) Change in ownership of the source.

(4) "Potential to emit" means the capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment. "Air pollution control equipment" includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capability of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(5) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4.0 pounds of greater.

Lowest Achievable Emission Rate

OAR 340-22-104 In areas where these rules for VOC are applicable, all new or modified sources, with potential volatile organic compound emissions in excess of 90,720 kilograms (100 tons) per year, shall meet the Lowest Achievable Emission Rate (LAER).

Lowest Achievable Emission Rate or LAER means, [for any source, that rate of emissions which reflects the most stringent emission limitation which is achieved by such class or category of source taking into consideration

the pollutant which must be controlled. In no event shall the proposed new or modified source emit any pollutant in excess of the amount allowable under applicable new source performance standards] the rate of emissions which reflects

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or not maintainable for the proposed source or

(B) the most stringent emission limitation which is achieved and maintained in practice by such class or category of source, whichever is more stringent.

In no event shall the application of LAER allow a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance (OAR 340-25-535).

Exemptions

OAR 340-22-105 Natural gas-fired afterburners installed for the purpose of complying with these rules shall be operated during the months of April, May, June, July, August, September and October. During other months, the afterburners may be turned off with prior written Departmental approval, provided that the operation of such devices is not required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants, or for complying with visual air contaminant limitations.

OAR 340-22-106 Sources are exempted from the General Emission Standards for Volatile Organic Compounds if they are outside the following areas:

1) Portland-Vancouver Air Quality Maintenance Area
2) Medford-Ashland Air Quality Maintenance Area
3) Eugene-Springfield Air Quality Maintenance Area
4) Salem [City Limits as of January],]979] Area Transportation Study boundary

Testing

340-22-107 Construction approvals and proof of compliance will be based on Departmental evaluation of the source and controls. Applicants are encouraged to submit designs approved by the California Air Resources Board, the Bay area Air Pollution Control District, the South Coast Air Quality Management District, and the San Diego County Air Pollution Control District, where VOC control equipment has been developed. Certification and Test Procedures are on file with the Department and are the certification and test procedures used by the California Air Resources Board as of August 8, 1978.

Compliance Schedules 340-22-108 The person responsible for an existing emission source subject to 340-22-100 through 340-22-150 shall proceed promptly with a program to comply as soon as practicable with these rules. A proposed program and implementation plan including increments of progress shall be submitted to the Department for review no later than May 1, 1979, for each emission source required to comply with VOC rules adopted by the Commission on December 15, 1978 and for sources required to comply with the VOC rules amended by the Commission on June 8, 1979, shall be submitted no later than October 1, 1979. Compliance shall be demonstrated no later than the date specified in the individual sections of these rules. The Department shall within 45 days of receipt of a complete proposed program and implementation plan, complete an evaluation and advise the applicant of its approval or other findings.

Transfer of Gasoline to Small Storage Tanks

340-22-110

(1) (a) A person shall not transfer or permit the transfer of gasoline from any tank truck or trailer into any stationary storage container which has a capacity of more than 400 gallons unless such container is equipped with a permanent submerged fill pipe and unless 90 percent by weight of the gasoline vapors displaced during the filling of the stationary storage container are prevented from being released to the atmosphere.

(b) The provisions of this Rule shall not apply to:

(A) The transfer of gasoline into any stationary storage container having a capacity of 2000 gallons or less which was installed prior to January 1, 1979, if such container is equipped with a permanent submerged fill pipe by January 1, 1980.

(B) The transfer of gasoline into any stationary storage container which the Department finds is equipped to control emissions at least as effectively as required by this section.

(2) The owner, operator, or builder of any stationary storage container which is subject to 340-22-110(1)(a) and which is installed or constructed after January 1, 1979, shall compy with the provisions of this Rule at the time of installation.

(3) The owner or operator of any existing stationary storage container subject to 340-22-110(1)(a) shall comply with the provisions of this Rule by April 1, 1981.

(4) See 340-22-115(4) for exemptions applicable to stations served by exempt bulk plants.

[340-22-111 Reserved for development in 1979 of rules to control VOC emission from the filling of vehicle gasoline tanks.]

Transfer of Gasoline at Bulk Storage Facilities

340-22-115

(1) A person shall not load gasoline into any truck cargo tank, or trailer, from any loading facility unless 90 percent by weight of the gasoline vapors displaced during the filling of the delivery vehicles are prevented from being released to the atmosphere.

Emissions from pressure relief valves shall not be included in the controlled emissions.

(2) Loading shall be accomplished in such a manner that displaced vapor and air will be vented only to the vapor control system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

[The vapor disposal portion of the vapor control system shall consist of one of the following:

(a) An adsorber, condensation, displacement or combination system which processes vapors and recovers at least 90 percent by weight of the gasoline vapors and gases from the equipment being controlled.

(b) A vapor handling system which directs vapors to a fuel gas system.

(c) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Department.]

(3) No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to retain returned vapors.

(4) Loading facilities loading [77,500] 15,500 liters [(20,000] 4,000 gallons) or less per day on any annual daily average shall be exempted from sub sections (1), (2) and (3) of this [rule (OAR 340-22-115)] section.

A person shall not load gasoline into any delivery vessel from any loading facility exempted under this section unless such delivery vessel is loaded through a submerged fill pipe.

Delivery trucks being filled at exempt bulk plants may not deliver to stationary tanks equipped with a VOC control system which requires capture by the delivery truck and disposal at a vapor recovery system, unless the tank owner or the delivery truck owner provides proof to the Department that gasoline cannot be secured from a source with a vapor recovery system.

Owners of gasoline storage tanks, existing as of January 1, 1979, need not install the vapor return fittings required by 340-22-110(1)(a), if they are being delivered gasoline from bulk plants exempted above from subsections (1), (2), and (3) of this section.

Owners of gasoline storage tanks, installed after January 1, 1979, need not install the vapor return fittings required by 340-22-110(1)(a), if they are being delivered gasoline from bulk plants exempted above from subsections (1), (2), and (3) of this section, if the storage tank owner has a vapor return line to the delivery truck roughed in.

The bulk plants must install vapor balance systems for their own gasoline storage tanks as required by 340-22-110.

(5) (a) The owner or operator of any stationary storage container or gasoline loading facility which is subject to this Rule and which is installed or constructed after January 1, 1979, shall comply with the provisions of this Rule at the time of installation.

(b) The owner or operator of any gasoline loading facility subject to this Rule which is operating prior to January 1, 1979, shall comply with the provisions of this Rule by April 1, 1981.

Delivery Vessel Loading at Bulk Gasoline Terminals

340-22-120 After April 1, 1981, no person shall cause volatile organic compounds (VOC) to be emitted into the atmosphere in excess of 80 milligrams of VOC per liter of gasoline loaded from the operation of loading truck tanks, and truck trailers at bulk gasoline terminals with daily throughputs of greater than 77,500 liters (20,000 gallons) per day of gasoline.

The vapor disposal portion of the vapor control system shall consist of one of the following:

(a) An adsorber, condensation, displacement or combination system which processes vapors and recovers at least 90 percent by weight of the gasoline vapors and gases from the equipment being controlled.

(b) A vapor handling system which directs vapors to a fuel gas system.

(c) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Department.

Cutback Asphalt

340-22-125

(1) After April 1, 1979, all uses and applications of cutback asphalts are prohibited during the months of April, May, June, July, August, September, and October, except as provided for in 340-22-125(2).

(2) The following uses and applications of cutback asphalts shall be allowed during all months provided the cutback or blending petroleum distillate has a total vapor pressure (sum of the partial pressures of the constituents) less than 26 mm of Hg of 20° C:

(a) Solely as a penetrating prime coat for aggregate bases prior to paving;

(b) For the manufacture of patching mixes to provide long-period storage stockpiles used exclusively for pavement maintenance;

(c) For all uses when the forecast of the high temperature during the 24-hour period following application is below 10^{o} C (50^{o} F).

Petroleum Refineries

340-22-130 After April 1, 1979, these regulations shall apply to all petroleum refineries.

(1) Vacuum Producing Systems

(a) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(b) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(2) Wastewater Separators

(a) Wastewater separators forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(b) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(3) Process Unit Turnaround

(a) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

(b) The pressure in a process unit folloiwng depressurization for turnaround shall be less than 5 psig before venting to the ambient air.

(c) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than 5 psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by 340-22-130(3)(b).

(4) Maintenance and Operation of Emission Control Equipment

Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with the level of maintenance and housekeeping of the overall plant.

Liquid Storage

340-22-135 After April 1, [1980] 1981 all tanks storing volatile organic compound liquids with a true vapor pressure greater than 10.5 kPa (kilo Pascals) (1.52 psia), but less than 76.7 kPa (11.1 psia) and having a capacity greater than 150,000 liters (approximately 39,000 gallons) shall comply with one of the following:

(1) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids, 40 CFR 60.110, as amended by proposed rule change, Federal Register, May 18, 1978, pages 21616 through 21625.

(2) Be retrofitted with a floating roof or internal floating cover using at least a nonmetallic resilient seal as the primary seal meeting the equipment specificaitons in the federal standards referrred to in (1) above, or its equivalent.

(3) Is fitted with a floating roof or internal floating cover meeting the manufacturers equipment specificaitons in effect when it was installed.

340-22-136

All seals used in 340-22-135(2) and (3) above are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

All openings, except stub drains and those related to safety, are to be sealed with suitable closures. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

Surface Coating in Manufacturing

340-22-140 After December 31, 1982, the operation of a coating line using more than 2000 gallons of coating a year or 10 gallons an hour shall not emit into the atmosphere volatile organic compounds greater than following amounts per volume of coating excluding water as delivered to the coating applicators.

Process	Limitation Grams/liter	lb/Gal
Can Coating		
Sheet basecoat (exterior and interior) and over-varnish; two-piece can exterior (basecoat and over-varnish)	340	2.8

Two and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)	510	4.2
Three-piece can side-seam spray	660	5.5
End sealing compound	440	3.7
Coil Coating	310	2.6
Fabric Coating	350	2.9
Vinyl Coating	450	3.8
Paper Coating	350	2.9
or Inert Gas Process Paper Coating	567*	4.7*
Auto & Light Duty Truck Coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal Furniture Coating	360	3.0
Magnet Wire Coating	200	1.7
Large Appliance Coating	340	2.8

*Emission figured on a plant site basis, monthly average

Degreasers

340-22-145 Cold Cleaners.

(a) All cold cleaners shall comply with the following equipment specificaitons after April 1, 1980:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drain rack that returns the drained solvent to the solvent bath.

(iii Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

340-22-146 Open Top Vapor Degreasers.

(a) All open top vapor degreasers with a vapor-air interface greater than one square meter (10 square feet) shall comply with the following equipment spcifications after April 1, 1980:

(i) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75.

(B) A freeboard chiller.

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet/min).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet/min).

(G) The vapor level should not drop more than ten centimeters (4 inches) when the workload enters the vapor zone.

(H) Degrease the workload in the vapor zone until condensation ceases.

(I) Spraying operations should be done within the vapor layer.

(J) Hold parts in the degreaser until visually dry.

(K) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(L) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(M) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

340-22-147 Conveyorized Degreasers.

(a) All conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements after April 1, 1980:

(i) Exhaust ventilation should not exceed 20 cubic meters per minute of square meter (65 cfm per $ft.^2$) of degreaser opening, unless necessary to meet OSHA requirments. Work place fans should not be used near the degreaser opening.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices;

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyored parts to less than 3.35 meters per minute (11 feet/min).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

Asphaltic and Coal Tar Pitch Used for Roofing Coating

340-22-150

A person shall not operate or use equipment after April 1, 1980 for melting, heating or holding asphalt or coal tar pitch for the on-site construction or repair of roofs unless the gas-entrained effluents from such equipment are contained by close fitting covers.

A person operating equipment subject to this rule shall maintain the temperature of the asphaltic or coal tar pitch below 285° C (555° F), or 17° C (30° F) below the flash point whichever is the lower temperature, as indicated by a continuous reading thermometer.

The provisions of this rule shall not apply to equipment having a capacity of 100 liters (26 gallons) or less; or to equipment having a capacity of 600 liters (159 gallons) or less provided it is equipped with a tightly fitted lid or cover.

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Attachment 2

Statement of Need

The Environmental Quality Commission is requested to consider adoption of the attached, proposed VOC rules (OAR, Chapter 340, Sections 22-100 to 22-150).

a. Legal Authority: ORS 468.020 and 468.295 (3); Federal Clean Air Act Amendments of 1977--P.L. 95-95 (August 7, 1977), Section 172.

b. Need for Rule:

1. To reduce VOC being discharged into the atmosphere where they are causing oxidant to form and concentrate in excess of Federal (40 CFR 50.9) and state (OAR-31-030) ambient air quality standards. The rules require specific types of sources of VOC to install control equipment and/or adopt maintenance and operating practices which will reduce VOC emissions to the atmosphere.

2. To prevent EPA sanctions which may result in withholding the Department's and State Highway funds for failure to pass VOC rules on schedule.

3. To increase the Department's authority to require pollution control equipment not only of highest and best practicable treatment (OAR 340-20-001) but also of lowest achievable emission rate where ambient air standards are being violated.

4. To reduce VOC being discharged into the atmosphere by certain sources which also create a nuisance by their odor.

c. Documents Relied Upon:

1. "Design Criteria for Stage 1 Vapor Control Systems Gasoline Service Stations," EPA, November 1975.

2. "Control of Volatile Organic Emissions from Solvent Metal Cleaning," EPA-450/2-77-022, November 1977.

3. "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," EPA-450/2-77-026, October 1977.

4. "Control of Refinery Vacuum Producing Systems--Wastewater Separators: Process Unit Turnarounds," EPA-450/2-77-025, October 1977.

5. "Control of Volatile Organic Compounds from Use of Cutback Asphalt," EPA-450/2-77-037, December 1977.

6. "Control of Volatile Organic Emissions from Existing Stationary Sources - Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks," EPA-450/2-77-008, May 1977.

7. "Control of Volatile Organic Emissions from Existing Stationary Sources, Volume V: Surface Coating of Large Appliances," EPA-450/2-77-034, December 1977.

8. "Control of Volatile Organic Emissions from Existing Stationary Sources, Volume IV: Surface Coating for Insulation of Magnet Wire," EPA-450/2-77-033, December 1977.

9. "Control of Volatile Organic Emissions from Bulk Gasoline Plants," EPA-450/2-77-035, December 1977.

10. "Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture," EPA-450/2-77-032, December 1977.

11. "Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks," EPA-450/2-77-036, December 1977.

12. Bay Area Air Pollution Control District (San Francisco), current regulations, received May 14, 1978.

13. South Coast Air Quality Management District (Los Angeles), current rules, received May 25, 1978.

14. State of California Air Resources Board, "Certification and Test Procedures for Vapor Recovery Systems of Gasoline Bulk Plants, Delivery Tanks, Terminals, and Service Stations," amended August 9, 1978.

15. Suggested Model Rules, Rule A: Transfer of Gasoline into Stationary Storage Containers, Rule B: Transfer of Gasoline into Vehicle Fuel Tanks, Rule C: Transfer of Gasoline at Bulk Storage Facilities, Rule D: Storage of Gasoline, received July 7, 1978, from Jim Presten of Chevron USA Inc., San Francisco.

16. "Emission Standards and Controls for Sources Emitting VOC", draft of Washington State Rules, received November 13, 1978.

17. Letter from G. J. Beuker, The Asphalt Institute, received August 1, 1978, draft of liquid asphalt rule, proposed OAR 340-22-125.

18. "Oregon Air Quality Report 1977," State of Oregon, Department of Environmental Quality, Air Quality Division, Appendix 1C, Photochemical Oxidant Summary.

19. "Control and Prohibition of Air Pollution by Volatile Organic Substances," justification for rule by the New Jersey Department of Environmental Protection, received May 4, 1978.

20. "A Review and Survey of Hydrocarbon Emission Sources in the Medford AQMA," Pacific Environmental Services under EPA contract, May 1977.

21. "Photochemical Oxidant Air Quality Profile and Evaluation for the Oregon Portion of the Portland-Vancouver Air Quality Maintenance Area (AQMA)," DEQ, June 1978.

22. "Question and Answers Concerning the Basis for the Agency's Position on Controlling Hydrocarbons to Reduce Oxidant," September 18, 1978 letter from EPA's David G. Hawkins.

23. "Health Effects of Exposure to Low Levels of Regulated Air Pollutants," Journal of the Air Pollution Control Association, May 1978, pp. 485-487.

24. 43 FR 26962-26985.

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ROBERT W. STRAUB
GOVERNOR

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. D6, March 30, 1979, EQC Meeting
Authorization to Hold a Public Hearing on Amendments to the State Implementation Plan Regarding Special Permit Requirements for Sources Subject to Control Strategies

Background

The Clean Air Act amendments of 1977 (CAAA) require that the State Implementation Plan (SIP) contain an adequate permit program as part of any attainment plan. (See Attachment 3) The basic requirement that must be contained in the permit program is that major new or modified sources in non-attainment areas having a potential to emit more than 100 tons/year of a specific air pollutant must be required to meet the following:

1. Lowest achievable emission rate (LAER).
2. Demonstrate that all other facilities under the authority of the permit applicant are in compliance or on a compliance schedule to meet State Rules.
3. Demonstrate that a sufficient growth increment is available in the attainment plan or provide offset.
4. Provide a pay protection clause to workers who might be adversely affected by control strategy/impacts on employers.

In addition the Department has identified a need to clarify permit requirements for sources that may locate adjacent to non-attainment areas, and to clearly point out authority to set plant site emission limits commensurate with airshed carrying capacity.

Statement-of-Need

The statement of need prepared pursuant to ORS 183.333(7) and 183.225(1) is Attachment 1.

Evaluation

A proposed rule, attachment 2, is made up of four parts. Proposed 340-20-190, -191 amd -192 covers essentially verbatim CAAA requirements for non-attainment areas including LAER, and growth increment use.

Proposed 340-20-193, -194, -195 addresses permit requirements deemed necessary by the Department for sources near or adjacent to non-attainment areas. The Department has used the significant impact criteria of the present Federal Offset Rule to define when a source outside a non-attainment area will need to apply special control.

The third section, proposed 340-20-196, -197 is a plant site emission limit rule. A similar rule for particulate has been operative in the Medford AQMA since March 1978. The rule recognizes that airsheds have a limited carrying capacity. This capacity must be rationed out in finite limits through air contaminant discharge permit limits. Existing rules allow the Department to specifically limit some processes to hourly or daily limits, but do not specifically restrict yearly emissions and in many cases do not specifically provide for hourly limits. Although the attorney general's office believes the Department already has the authority to set plant site limit, and in fact the Department has exercised this ability in numerous permits, the attorney general's office felt it desirable to specify this requirement in Rule form. While some individuals would prefer to see specific criteria in the Rule to spell out how limits would be set, the Deparment has optioned to keep the requirements somewhat general and flexible. The Department would foresee setting limits generally commensurate with present production limits and emission control capability with some allowance for reasonable projected future production increases.

The fourth section is 340-20-198. Maintenance of pay requirements are included as Section 110(a)(6) of the Clean Air Act. The proposed regulation satisfies the Act in that sources which are using a supplemental or intermittent control system for purposes of meeting the requirements of an enforcement order may not temporarily reduce the pay of an employee. This applies only in the case where the pay reduction would directly result from using the supplemental or intermittent control system.

It should be noted that OAR 340-20-190 through 195 will only apply to the Salem and Medford AQMA's in the near future, since these areas will be the only ones with attainment strategies. The Portland and Eugene areas won't have attainment strategies adopted much before July 1980. Therefore, if local advisory committees wish to modify these rules to better suit local conditions, there will be ample time available to do so.

Summation

1. The Clean Air Act amendments of 1977 require SIP's to contain special requirements for sources subject to control strategies.

2. The Department needs specific permit requirements for sources near or adjacent to non-attainment areas in order to insure sources located in these areas do not interfere with attainment and maintenance of ambient air standards.

3. The Department needs plant site emission limit rules in in order to insure that the aggregate of airshed emissions do not exceed the airshed carrying capacity.

4. The State Implementation Plan must include a maintenance of worker's pay requirement when a source is subject to an enforcement order and is using supplemental or intermittent control systems.

5. OAR 340-20-190 through 195 will only be applicable to the Salem and Medford areas in the near future since they will be the only areas with attainment strategies.

Director's Recommendation

Based upon the summation, I recommend that the Commission authorize a public hearing for the attached rules (proposed OAR 340-20-190 through -198) in Portland, and consider the rules for adoption at the Commission's June 1979 meeting.

Bill

WILLIAM H. YOUNG

P. B. Bosserman:mg
229-6278
March 13, 1979
Attachment 1 -- Statement of Need
Attachment 2 -- Proposed Rule
Attachment 3 -- CAAA, sections 129, 171, 172, 173

Addendum

It has always been the Department's intent to exempt the Portland AQMA from this entire rule until such time as an attainment strategy exists. This approach would allow the Advisory Committee to custom design or amend the rule at the time of attainment plan development to best suit local needs.

Sections 340-20-190-195 contain this exemption. However, Sections 340-20-196-198 need to be amended as follows to also include this exemption.

Section 340-20-196-198 add new in each Section as follows:

This Section shall not apply in the Portland AQMA until such time as a SIP Attainment strategy exists.

Note: The Commission authorized the rule for hearing with these amendments at the March 30, 1979 meeting.

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March 15, 1979

Attachment 1

Statement of Need

The Environmental Quality Commission intends to adopt Special Permit Conditions for Sources Subject to Control Strategies, OAR 340-20-190 through -198.

a. Legal Authority: ORS 468.020 and 468.295.

b. Need for Rule:

1. Clean Air Act amendments of 1977 require certain criteria to be contained in State permit programs where attainment strategies are in effect.

2. Transport of pollutants from sources outside non-attainment areas into non-attainment areas needs special control,to prevent adverse impacts in non-attainment areas as proposed in OAR 340-20-193 through -195.

3. Clearer authority to set plant site emission limits will insure that airshed carrying capacity will not be exceeded.

4. "Maintenance of Pay" requirement of the Clean Air Act, Section 110(a)(6), must be satisfied.

c. Documents Principally relied Upon:

1. Federal Clean Air Act P.L. 95-95, Amendments of August 7, 1977, Part D, Sections 171, 172, 173, and Section 110(a)(6).

2. Code of Federal Regulations 40 CFR 51, Appendix S, see January January 16, 1979 Federal Register, pp. 3274-99.

3. Letter 2/22/79 Dubois of EPA to Young of DEQ concerning "maintenance of pay" requirement.

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Attachment 2

Special Permit Requirements for Sources Subject to Control Strategies

340-20-190

Applicability in Non-Attainment Areas

OAR 340-20-190 to 340-20-192 shall apply to proposed major new or modified sources in non-attainment areas that emit air pollutant for which a SIP attainment strategy exists. These rule requirements shall be terminated by rule making after redesignation of an area by EPA to attainment status.

340-20-191

Definitions

As used in OAR 340-20-190 to 340-20-192, unless otherwise required by context:

1) "Alternative Analysis" means an analysis conducted by the proposed source which considers alternative sites, sizes, production processes and environmental control techniques and which demonstrates that benefits of the proposed source significantly outweigh the environmental and social cost imposed as a result of the project.

2) "LAER" means the rate of emissions which reflects

   (A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or not maintainable for the proposed source or

   (B) the most stringent emission limitation which is achieved and maintained in practice by such class or category of source, whichever is more stringent.

In no event shall the application of LAER allow a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance (OAR 340-25-535).

3) "Major New or Modified Source" means any stationary source which emits or has the potential to emit one hundred tons per year or more of any criteria air pollutant and is proposed for construction after the date the applicable SIP attainment strategy has been approved by EPA. The term "modified" means any single or cumulative physical

change or change in the method of operation which increases the potential to emit emissions of any criteria air pollutant one hundred tons per year or more over previously permitted limits.

4) "Nonattainment Area" means, for any air pollutant the actual area, as shown in Figures 1 through 3, in which such pollutant exceeds any national ambient air quality standard.

5) "Potential to emit" means the maximum capacity to emit a pollutant absent air pollution control equipment which is not intrinsically vital to the production or operation of the source.

6) "Reasonable Further Progress" means annual incremental reductions in emission of the applicable air pollutant identified in the SIP which are sufficient to provide for attainment of the applicable national ambient air quality standard by the date required in the SIP.

7) "SIP" means the Oregon State Implementation Plan submitted to and approved most recently by the EPA pursuant to the Clean Air Act.

340-20-192

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in a non-attainment area only if the following requirements are met:

1) There is a sufficient emission growth increment available which is identified in the adopted state plan or an emission offset is provided such that the reasonable further progress commitment in the SIP is still met.

2) The proposed source is required to comply with the LAER. Only the increments of change above the 100 ton/year potential increase of the modified source are required to comply with LAER.

3) The owner or operator has demonstrated that all major stationary sources owned or operated by such person in the State of Oregon are in compliance or on a compliance schedule with applicable requirements of the adopted state plan.

4) An alternative analysis is made for major new or modified sources of carbon monoxide, volatile organic compounds, or nitrogen oxides proposing to locate in a non-attainment area which has an attainment date in the SIP extending beyond December 31, 1982.

340-20-193

Applicability in Attainment Areas

OAR 340-20-193 to 340-20-195 shall apply as noted to proposed major new or modified sources located in attainment areas that emit greater than 50 tons/year of any air pollutant for which a SIP attainment strategy exists and which may impact a non-attainment area. This rule requirement shall be terminated by rule making after redesignation of an area by EPA to attainment status. (It should be noted that for sources emitting less than 50 tons/year of an air pollutant that OAR 340-20-001 still requires application of highest and best practicable treatment and control and OAR 340-31-010 provides for denial of construction should such a source prevent or interfere with attainment or maintenance of ambient air quality standards.)

340-20-194

Definitions

As used in OAR 340-20-193 to 340-20-195, unless otherwise required by context:

1) "Major New or Modified Source" means any stationary source which actually emits or is proposed to emit more than fifty tons per year of any criteria air pollutant and is proposed for construction after the date the applicable SIP attainment strategy has been approved by EPA. The term "modified" means any single or cumulative physical change or change in the method of operation which increases the emissions of any criteria air pollutant more than fifty tons per year over previously permitted limits.

2) "Alternative Analysis", "LAER", "Non-attainment Area", "Reasonable Further Progress", and "SIP" have the same meanings as provided in OAR 340-20-191.

340-20-195

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in an attainment area only if the following requirements are met:

1) The emissions from the proposed source are modeled to have an impact on all non-attainment areas equal to or less than the significance levels listed in the table in 340-20-195(3), and

2) The requirements of 340-20-192 are met if the emissions from the proposed source are modeled to have an impact on the non-attainment area greater than the significance levels of the table in 340-20-195(3).

340-20-195(3) Table of Significance Levels

Pollutant	Averaging Time				
	Annual	24-hour	8-hour	3-hour	1-hour
SO_2	1.0 ug/m^3	5.0 ug/m^3	-	25 ug/m^3	-
TSP	1.0 ug/m^3	5.0 ug/m^3	-	-	-
NO_2	1.0 ug/m^3	-	-	-	-
CO	-	-	0.50 mg/m^3	-	2.0 mg/m^3
PO_x	-	-	-	-	8.0 ug/m^3

340-20-196

Emission Limitations on a Plant Site Basis

The purpose of OAR 340-20-196 to 340-20-197 is to insure that emissions from sources located anywhere in the state are limited to levels consistent with State Implementation Plan data bases, control strategies, overall airshed carrying capacity, and programs to prevent significant deterioration.

This Section shall not apply in the Portland AQMA until such time as a SIP Attainment strategy exists.

DEFINITIONS

As used in OAR 340-20-196 to 340-20-197, unless otherwise required by context:

1) "Facility" means an identifiable piece of process equipment. A source may be comprised of one or more pollutant-emitting facilities.

2) "Source" means any new, modified or existing stationary or portable structure, building, facility, equipment, installation or operation, or combination thereof, which is lcoated on one or more contiguous or adjacent properties and which is owned or operated by the same person, or by persons under common control.

340-20-197

For the purposes set forth in OAR 340-20-196, the Department may limit by permit condition the amount of air contaminants emitted from a source. This emission limitation shall take the form of limiting emissions on a mass per unit time basis including an annual kilograms per year limit and may also include a monthly and daily limit.

340-20-198

Maintenance of Pay

The owner or operators of any source shall not temporarily reduce the pay of an employee by reason of the use of supplemental or intermittent or other dispersion-dependent control systems for the purpose of meeting the requirements of orders unders Section 113(d) of the Clean Air Act, as amended, 1977.

This Section shall not apply in the Portland AQMA until such time as a SIP Attainment strategy exists.

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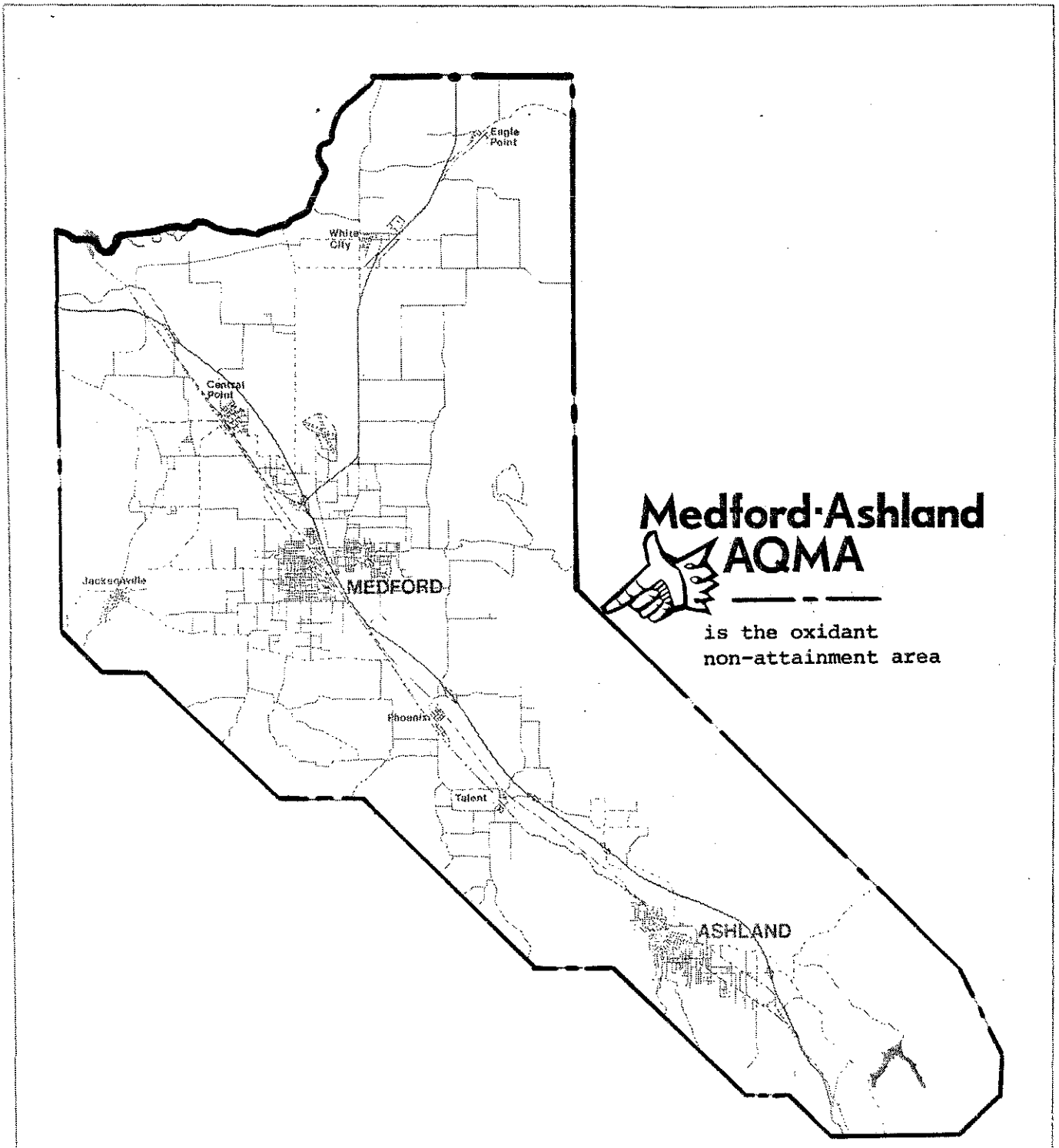
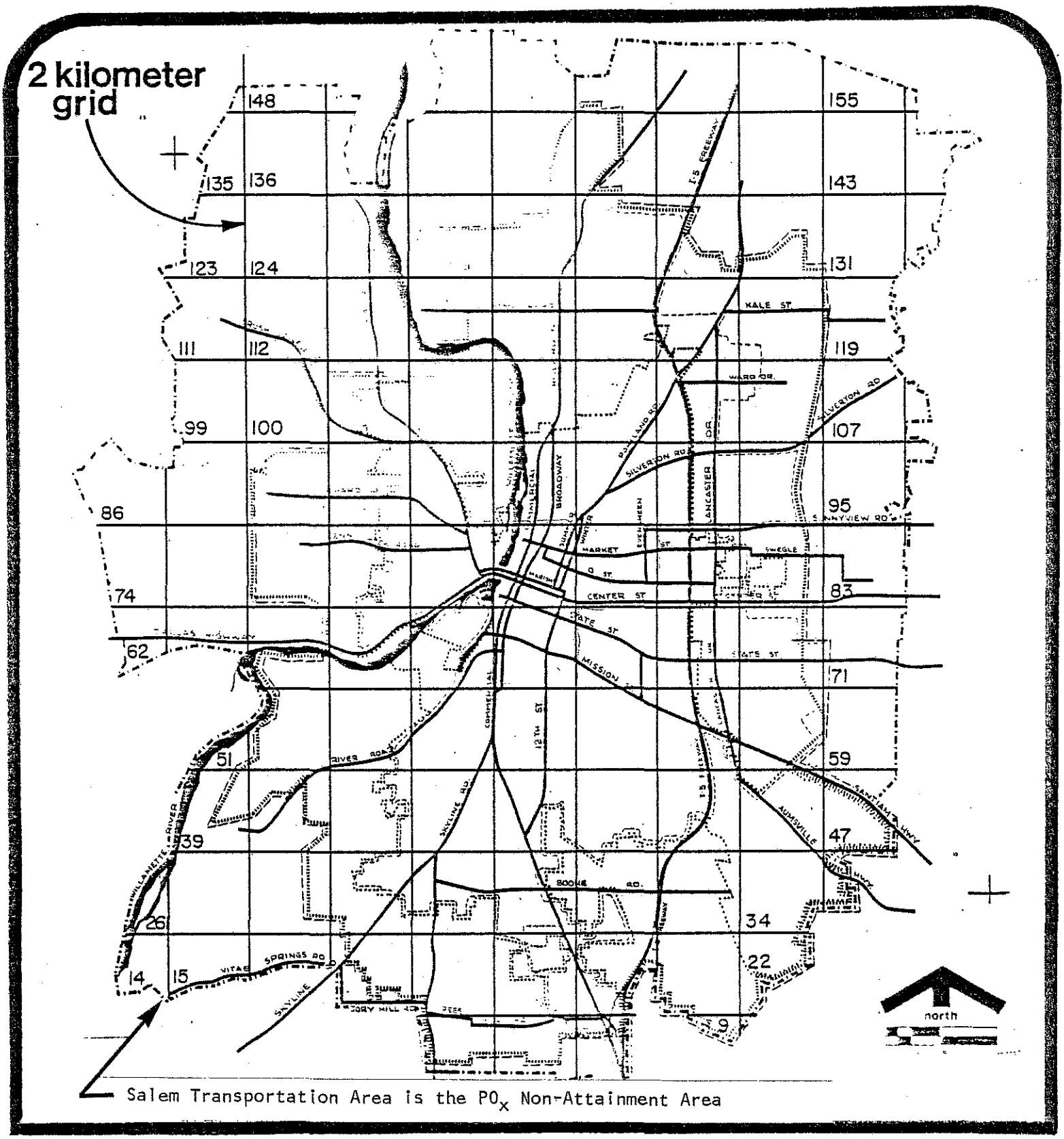


NOTE: See OAR 340-30-010 (1) for legal definition of AQMA boundary.

★ Figure 1: Medford Oxidant Non-Attainment Area

FIGURE 2: SALEM OXIDANT NON-ATTAINMENT AREA



LEGEND

City Limits
SATS Area
FAU Urban Area
Urbanized area

LEGAL AND ADMINISTATIVE BOUNDARIES
Salem Area Transportation Study

Prepared by Mid Willamette Valley Council of Governments

Figure 3 Salem CO Non-Attainment Area

PART D—PLAN REQUIREMENTS FOR NONATTAINMENT AREAS

DEFINITIONS

SEC. 171. For the purpose of this part and section 110(a)(2)(I)—

(1) The term "reasonable further progress" means annual incremental reductions in emissions of the applicable air pollutant (including substantial reductions in the early years following approval or promulgation of plan provisions under this part and section 110(a)(2)(I) and regular reductions thereafter) which are sufficient in the judgment of the Administrator, to provide for attainment of the applicable national ambient air quality standard by the date required in section 172(a).

(2) The term "nonattainment area" means, for any air pollutant an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator to be reliable) to exceed any national ambient air quality standard for such pollutant. Such term includes any area identified under subparagraphs (A) through (C) of section 107(d)(1).

(3) The term "lowest achievable emission rate" means for any source, that rate of emissions which reflects—

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstartes that such limitations are not achievable, or

(B) the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(4) The terms "modifications" and "modified" mean the same as the term "modification" as used in section 111(a)(4) of this Act.

NONATTAINMENT PLAN PROVISIONS

SEC. 172. (a)(1) The provisions of an applicable implementation plan for a State relating to attainment and maintenance of national ambient air quality standards in any nonattainment area which are required by section 110(a)(2)(I) as precondition for the construction or modification of any major stationary source in any such area on or after July 1, 1979, shall provide for attainment of each such national ambient air quality standard in each such area as expeditiously as practicable, but, in the case of national primary ambient air quality standards, not later than December 31, 1982.

(2) In the case of the national primary ambient air quality standard for photochemical oxidants or carbon monoxide (or both) if the State demonstrates to the satisfaction of the Administrator (on or before the time required for submission of such plan) that such attainment is not possible in an area with respect to either or both of such pollutants within the period prior to December 31, 1982, despite the implementation of all reasonably available measures, such provisions shall provide for the attainment of the national primary standard for the pollutant (or pollutants) with respect to which such demonstration is made, as expeditiously as practicable but not later than December 31, 1987.

(b) The plan provisions required by subsection (a) shall—

(1) be adopted by the State (or promulgated by the Administrator under section 110(c)) after reasonable notice and public hearing;

(2) provide for the implementation of all reasonably available control measures as expeditiously as practicable;

(3) require, in the interim, reasonable further progress (as defined in section 171(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology;

(4) include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the Administrator) of each such pollutant for each such area which is revised and resubmitted as frequently as may be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under subsection (a);

(5) expressly identify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

ATTACHMENT 3

(6) require permits for the construction and operation of new or modified major stationary sources in accordance with section 173 (relating to permit requirements);

(7) identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection;

(8) contain emission limitations, schedules of compliance and such other measures as may be necessary to meet the requirements of this section;

(9) evidence public, local government, and State legislative involvement and consultation in accordance with section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (B) a summary of the public comment on such analysis;

(10) include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable document, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

(11) in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a)—

(A) establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification;

(B) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and

(C) identify other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987.

(c) In the case of a State plan revision required under the Clean Air Act Amendments of 1977 to be submitted before July 1, 1982, by reason of a demonstration under subsection (a)(2), effective on such date such plan shall contain enforceable measures to assure attainment of the applicable standard not later than December 31, 1987.

PERMIT REQUIREMENTS

SEC. 173. The permit program required by section 172(b)(6) shall provide that permits to construct and operate may be issued if—

(1) the permitting agency determines that—

(A) by the time the source is to commence operation, total allowable emissions from existing sources in the region, from new or modified sources which are not major emitting facilities, and from the proposed source will be sufficiently less than total emissions from existing sources allowed under the applicable implementation plan prior to the application for such permit to construct or modify so as to represent (when considered together with the plan provisions required under section 172) reasonable further progress (as defined in section 171); or

(B) that emissions of such pollutant resulting from the proposed new or modified major stationary source will not cause or contribute to emissions levels which exceed the allowance permitted for such pollutant for such area from new or modified major stationary sources under section 172(b);

(2) the proposed source is required to comply with the lowest achievable emission rate;

(3) the owner or operator of the proposed new or modified source has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in such State are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under this Act; and

(4) the applicable implementation plan is being carried out for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of this part.

Any emission reductions required as a precondition of the issuance of a permit under paragraph (1)(A) shall be legally binding before such permit may be issued.

ROBERT W. STRAUB
GOVERNOR

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(7), March 30, 1979, EQC Meeting

Request for Authorization for Public Hearings to Consider Revisions to the Ambient Air Standard for Oxidant

Background

On February 8, 1979, the Environmental Protection Agency promulgated a new ambient air standard for ozone. This standard replaces the photochemical oxidant standard originally adopted in 1970, and increases the allowable level from .08 parts per million to a level of .12 parts per million, one hour average. An additional difference between the newly adopted standard and the previous Federal and current state standard is that the new standard is specifically for ozone, while the older standards were for the generalized class of photochemical oxidants. Normally, ozone is the primary constituent of the oxidant mix (90+%), although the percentages of other oxidants such as PAN and formaldehyde may vary considerably. While no studies exist to verify these differences in Oregon concentrations, observed effects during high oxidant periods would indicate that the other oxidant compounds represent a very small portion of the oxidant mix in the various areas of Oregon. A new averaging method has also been adopted to determine attainment of the standard. Inasmuch as this new standard is in effect, the Department should promptly review its present standard of .08 parts per million and decide whether to make changes in accordance with the new Federal rule.

Statement of Need

a. Citation of legal authority

The legal authority for any action which might result from these requested public hearings lies in ORS 468.020, Rules and Standards; and 468.295, Air Purity standards, air quality standards. The present ambient air standard for photochemical oxidant is in OAR CR 340, Division 31, Section 340-31-030.

b. Need for the Rule

Information developed since the adoption of the current state oxidant standard has raised questions as to the appropriateness of the standard for its purpose in protecting the public health and welfare. New methods for estimating violations of the standard and for insuring proper calibration of the sampling instruments have also been developed. The state needs to re-evaluate the standard based on these new data and to determine whether the present allowable level is appropriate for health and welfare purposes. The state standard should be reviewed to determine its appropriateness in light of this new information.

c. Citation of Principal Documents Relied Upon in Considering Need for Rule

The following documents have been considered in this request for hearings:

1. Federal Register Vol. 44, No. 28, February 8, 1979 "National Primary and Secondary Ambient Air Standards" Chapter 1, Subchapter C, Part 50 and Part 51, "Revisions to the National Ambient Air Standard for Photochemical Oxidants" and "Revisions to Implementation Procedures Related to Photochemical Oxidants."

2. "Revision of the National Ambient Air Quality Standard for Photochemical Oxidants" January 6, 1978 Staff Summary Paper, External Review Draft, Strategies and Air Standards Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

3. "A Method for Assessing the Health Risks Associated with Alternative Air Quality Standards for Photochemical Oxidants, External Review Draft, loc. cit.

4. "Alternate Forms of the Ambient Air Quality Standard for Photochemical Oxidants", U.S. Environmental Protection Agency Staff Paper, January, 1978 (Preliminary draft).

5. "Summary Statement from the EPA Advisory Panel on Health Effects of Photochemical Oxidants", prepared for U.S. EPA by the Institute of Environmental Studies at the University of North Carolina at Chapel Hill; January 1978.

6. "Air Quality Criteria for Photochemical Oxidant and Oxidant Precursors" Vols. I & II, Preliminary Drafts, U.S. Environmental Protection Agency, Office of Research and Development, Washington, D.C., September 1977.

7. "Preamble and Proposed Revision to the National Ambient Air Quality Standard for Ozone"; U.S. Environmental Protection Agency; June, 1978.

8. "Ozone and Other Photochemical Oxidants"; Committee on Medical and Biological Effects of Environmental Pollutants; Division of Medical Sciences, Assembly of Life Sciences, National Research Council; National Academy of Sciences; Washington, D.C., 1977.

Evaluation

Adoption of the new Federal standard presents the State with four basic choices. Because we now have a different and more stringent ozone rule than that adopted by EPA, alternatives are:

1. Adopt the new Federal standard as the State's primary and secondary standard.
2. Adopt the new Federal standard as the State's primary standard and adopt a lower level for the State's secondary standard.
3. Adopt a new state primary and secondary standard.
4. Retain the existing state standard as the State's primary and secondary standard.

In selecting any of the above choices, the Department must rely heavily on the expertise of the EPA and its medical and other advisory committees. Our resource limitations seriously restrict our ability to conduct or verify the type of studies necessary to adequately assess the health effects of these pollutants on the general public.

In light of the massive amount of material to consider in setting a health standard the Department concludes its best position is to yield to the judgment of the EPA in their determination of the primary standard.

After reviewing the EPA promulgation and supportive publications, the Department has come to the following conclusions:

1. The Department proposes that the Commission adopt the new Federal oxidant (ozone) standard of 0.12 parts per million, one hour average as the Oregon Primary Standard.

2. The Department proposes to solicit additional testimony to determine the appropriateness of adopting a state secondary standard for ozone, and opinions as to what level a secondary standard should be.

3. The Department proposes to request that testimony received at hearings to consider these proposals be evaluated on the basis of objective scientific studies supportive of the testimony and economic and social impacts of any action proposed.

Summation

1. Considerable research and epidemiological information on oxidants has been developed since the earlier Federal and State standards were adopted in 1970.

2. The Department should rely upon the vast medical and other EPA resources for guidance in determination of proper levels for national ambient air quality standards protective of the public health.

3. EPA has promulgated a new primary and secondary standard for oxidant based on ozone at a level of .12 parts per million, one hour average. The old standard was .08 parts per million, one hour average. The averaging times are also changed.

4. The Department is currently preparing all attainment and maintenance ozone air quality control strategies for submission to EPA on the basis of the new Federal standard.

5. The previous primary and present secondary State standard is 0.08 ppm, one hour average, not to be exceeded more than once per year. The standard is also based on total photochemical oxidant rather than ozone.

6. The Department is requesting that public hearings be authorized for the purpose of considering testimony on the following proposals:

   a. That the Commission adopt the new Federal ambient air quality standard for ozone, 0.12 parts per million, one hour average as presented in the Federal Register, Volume 44, No. 28, February 8, 1979 as the state's primary standard.

   b. That additional testimony be solicited concerning the appropriateness of adopting a secondary standard at same or some lesser level.

7. Evaluation of testimony presented at the hearings will be weighed toward testimony having adequate scientific backing.

Director's Recommendation:

Based on the summation, it is recommended that the commission authorize public hearings for the purpose of considering amendments (see Attachment 1) to the ambient air standard for photochemical oxidants. Such hearings, if authorized, would be held in Medford and Portland.

Bill

WILLIAM H. YOUNG

RJ:kmm
229-6411
March 15, 1979
Attachments

ATTACHMENT 1

OAR 340-31-030 is amended as indicated:

Concentrations of [Photochemical oxidant] ozone at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed (1) 235 micrograms per cubic meter [(0.08 ppm)] (0.12 ppm) maximum one hour average [, more than once per year]. This standard is attained when the expected number of days per calendar year with maximum hourly concentrations greater than 235 micrograms per cubic meter is equal to or less than one as determined by Appendix H, CFR 40, Part 50.9 (page 8220) FR 44 No. 28, February 8, 1979.

RJ:kmm

ROBERT W. STRAUB
GOVERNOR

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. D8, March 30, 1979, EQC Meeting

Authorization to Hold a Public Hearing on Amendment to the State Implementation Plan Regarding Rules for Prevention of Significant Air Quality Deterioration

Background

Prevention of significant deterioration (PSD) of the nations air quality has been a highly contested issue ever since passage of the Federal Clean Air Act of 1970. The Environmental Protection Agency (EPA) first proposed PSD rules in July of 1974. They revised this proposal in August 1974. On December 5, 1974 EPA promulgated a PSD regulation which in essence:

1. Provided for designation of areas in the Nation into three classes.

2. Established allowable increases in particulate and sulfur dioxide air quality after January 1, 1975 for each of the three classes with:

   a. Class I area increments allowing essentially no increase.

   b. Class II area increments allowing moderate increases.

   c. Class III area increases being allowed up to National Ambient Air Quality Standards.

3. Designated the entire Nation Class II with provisions for reclassing any area to any other class at any time.

4. Established a preconstruction review and approval program for eighteen major air contaminant emission source categories. Any applicable source which proposed to commence construction or modification after June 1, 1975 would be subject to review for conformance with the applicable air quality increments and application of Best Available Control Technology (BACT).

5. Provided for delegation of authority to states to administer the Preconstruction review program.

The EQC considered adoption of a State PSD rule in November 1974 and again in August 1975. This latter consideration was intended to provide the means to seek delegation of the EPA preconstruction review program to the State. The EQC opted not to adopt a State PSD Rule in both instances because of the major controversial nature of the program and imminent action by Congress on the issue.

To date the EPA has administered a PSD program in Oregon which has resulted in PSD permits being issued to nine new or modified sources. Some of these permits have required lengthy reviews (up to 10 months) and some have resulted in stringent control requirements.

In August 1977 Congress amended the Clean Air Act (CAAA). One of the most debated issues was PSD. In the CAAA, Congress finally adopted a PSD program which in essence reaffirmed the administrative Rule provisions previously adopted by EPA in December 1974. In reinforcing the PSD program Congress required that states ultimately administer the PSD program after adoption of State Rules which meet general requirements of the CAAA.

In June 1978, EPA promulgated the PSD requirements of the CAAA thereby providing the final needed guidance for states to adopt state PSD Rules.

Primary features of the new Rule include:

1. Slightly revised deterioration increments,

2. an expanded list of sources subject to review,

3. requiring certain preconstruction monitoring,

4. designated mandatory Class 1 areas.

Statement of Need

The Statement of Need prepared pursuant to ORS 183.333(7) and 183.335(1) is presented in attachment 3.

Evaluation

The Department considered three forms of a state PSD Rule: the longest would have been to adopt the Federal rule verbatum requiring seven pages of fine print; the middle course was to adopt the EPA rule by reference, but quote, summarize, and clarify state views on the rule as was done for the Federal new source performance standards (OAR 340-25-535) adopted by the EQC in 1975; the shortest is to simply adopt the Federal rule by reference.

The Department also considered going beyond the Federal PSD requirements and addressing major embellishments which may be desired by such as reclassification of additional areas to Class I (no deterioration), establishing PSD increment allocation criteria.

The Department believes the simplest and shortest means of obtaining PSD preconstruction review authority from EPA would be to promulgate a state PSD rule which in essence adopts the EPA PSD rule by reference but gives a simple summation of the rule along with the clarifications on State intent. A draft rule to accomplish this is shown in attachment 1 followed by the EPA PSD rule in attachment 2.

Significant features of the proposed State PSD rule are:

* 10 national wilderness area and 1 national park are permanently designated class I.

* Major new or modified sources subject to PSD review include 26 major source categories when they have a potential to emit 100 tons per year of an air contaminant and all other sources which have a potential to emit over 250 ton/yr.

* Detailed modeling and monitoring only for sources emitting greater than 50 ton/yr actual emissions.

The Department believes other PSD issues of significant interest to the state may become apparent through the rule adoption hearing process . In the meantime, probably the most significant aspect, that is allocation of PSD increments, will be distributed on a first come first serve basis.

Failure to adopt a state PSD rule meeting EPA guidance will put the state in violation of Federal Law and jeopardize federal funding.

Summation

1. The Clean Air Act Amendments of 1977 require states to adopt and administer a specific PSD program.

2. Adoption of the EPA PSD rule will satisfy the Clean Air Act Amendments and it will allow the state to take over the existing preconstruction review program for major new or modified sources which presently is being administered in Oregon by EPA.

3. Allocation of PSD increments will be done on a first come first serve basis until such time as a more equitable approach is devised.

4. Other specific state-wide interests and concerns about a PSD program will be addressed in PSD rule amendments which will be developed after the hearing.

Director's Recommendation

Based upon the Summation, I recommend that the Commission authorize a public hearing for the attached PSD rules in Portland and consider the rules for adoption at the Commission's June, 1979 meeting.

Bill

WILLIAM H. YOUNG

Peter Bosserman:kmm
229-6278
March 20, 1979
Attachments: (1) Proposed Rules OAR 340-31-100
(2) CAAA pertaining to PSD
(3) Statement of Need
(4) 40 CFR 51.24

Attachment 1

Prevention of Significant Deterioration

340-31-100

(a) Purpose

The purpose of this rule is to implement a program to prevent significant deterioration of air quality in the State of Oregon as required by the Federal Clean Air Act Amendments of 1977.

General Requirements Unless specifically stated herein all applicable requirements and provisions of the 40 CFR 51.24 (as published in the June 19, 1978. Federal Register, (pp. 26382 to 26388) relating to prevention of significant deterioration (PSD) of air quality are adopted by reference and incorporated herein. The following excerpts from this rule are presented for emphasis and clarity.

(b) Definitions

(1) "Major Emitting Facility" means any of the following class of stationary sources which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant:

(a) fossil fuel-fired steam electric plants of more than 250 million BTU per hour heat input,
(b) coal cleaning plants (with thermal dryers),
(c) kraft pulp mills,
(d) Portland cement plants,
(e) primary zinc smelters,
(f) iron and steel mill plants,
(g) primary aluminum ore reduction plants,
(h) primary copper smelters,
(i) municipal incinerators capable of charging more than 250 tons of refuse per day
(j) hydrofluoric, sulfuric, and nitric acid plants,
(k) petroleum refineries,
(l) lime plants,
(m) phosphate rock processing plants,
(n) coke oven batteries,
(o) sulfur recovery plants,
(p) carbon black plants (furnace process),
(q) primary lead smelters,
(r) fuel conversion plants,
(s) sintering plants,
(t) secondary metal production plants,
(u) chemical process plants,
(v) fossil fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input,
(w) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels,
(x) taconite ore processing plants,
(y) glass fiber processing plants,
(z) charcoal production plants.

Major Emitting Facility also means any other stationary source with a potential to emit two hundred and fifty tons per year or more of any air pollutant.

(2) "Major modification" means any physical change in, change in the method of operation of, or addition to a stationary source which increases the potential emission rate of any regulated air pollutant by either 100 tons per year or more for any source category identified in OAR 340-31-100(b)(1)(a) through (z), or by 250 tons per year or more for any stationary source.

(3) "Potential to emit" means the capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment.

(4) "Best available control technology" means an emission limitation based on the maximum degree of reduction for each pollutant subject to regulation which would be emitted from any proposed major stationary source or major modification which the Department on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant.

(c) Ambient Air Increments

Emissions from new or modified sources shall be limited such that the following increments listed are not exceeded.

(1) For any class I area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	5
Twenty-four hour maximum	10
Sulfur dioxide:	
Annual arithmetic mean	2
Twenty-four hour maximum	5
Three-hour maximum	25

(2) For any class II area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	19
Twenty-four hour maximum	37
Sulfur dioxide:	
Annual arithmetic mean	20
Twenty-four hour maximum	91
Three hour maximum	512

(3) For any class III area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	37
Twenty-four hour maximum	75
Sulfur dioxide:	
Annual arithmetic mean	40
Twenty-four hour maximum	182
Three hour maximum	700

(4) In the case of any maximum allowable increase for a pollutant based on concentrations permitted under national ambient air quality standards for any period other than an annual period such regulations shall permit such maximum allowable increase to be exceeded during one such period per year.

(d) Ambient Air Ceilings
The maximum allowable concentration of any air pollutant in any area to which OAR 380-31-100 applies shall not exceed state ambient air standards in OAR Chapter 340 Division 31.

(e) Restrictions on Area Classifications
The following are designated Class I areas and may not be redesignated:
Mt. Hood Wilderness
Eagle Cap Wilderness
Hells Canyon Wilderness
Mt. Jefferson Wilderness
Mt. Washington Wilderness
Three Sisters Wilderness
Strawberry Mountain Wilderness
Diamond Peak Wilderness
Crater Lake National Park
Kalmiopsis Wilderness
Mountain Lake Wilderness
Gearhart Mountain Wilderness
All other areas of Oregon are designated Class II but subject to redesignation. Certain national areas exceeding 10,000 acres such as national seashores, wildlife refuges, shall not be redesignated into a Class III.

(f) Exclusion from Increment Consumption
Concentrations attributed to the fuel switching and temporary emission sources as listed in 40 CFR 51.24(f) may be excluded in determining compliance with a maximum allowable increase.

(g) Redesignation
Certain area redesignations may be allowed pursuant to 40 CFR 51.24(e and g). As a policy, redesignation proposals other than those of major state wide value and concern should be considered through the local comprehensive planning process to insure local review and concurrence.

(h) Stack Heights. For determining compliance to PSD increments, significance levels of OAR 340-20-192, etc., credit can only be taken for stack heights which do not exceed good engineering practice. Other dispersion techniques may not be used in the compliance analysis. See OAR 340-31-110.

(i) Review of Major Stationary Sources and Major Modifications - Source Applicability and General Exceptions.

(A) An air contaminant discharge permit may be issued to a new major or modified source only if all requirements of this rule are met.
(B) Portable sources may be exempted from certain requirements under certain conditions as specified in 40 CFR 51.24(i).

(j) Control Technology Review
Best Available Control Technology shall be applied by a major new or modified source unless its actual emissions are less than 50 tons per year, 1000 pounds per day, or 100 pounds per hour, whichever is more restrictive.

(k) Exemptions from Impact Analysis
40 CFR 51.24(k) requirements of (l) modeling, (n) monitoring, and (p) additional impact analysis shall not apply if
(A) the source will not impact a Class I area or an area where a PSD increment is known to be violated, and
(B) the source is less than 50 tons/yr, 1000 pounds/day or 100 pounds/hour actual emissions, or
(C) the emissions are temporary in nature.

(l) Air Quality Review
The source's owner or operator must demonstrate that ambient air standards and the applicable increment will not be violated taking into account emission increases from the source and all other applicable sources.

(m) Air Quality Models
Models for estimating impacts are to be in accord with 40 CFR 51.24(m) Any substitution or modification shall be approved by the Department in writing.

(n) Monitoring
The owner or operator will be required to measure up to a year's worth of meteorological and ambient air data at the proposed site prior to construction approval if it cannot be demonstrated that data previously collected shows the source would not cause or contribute to a violation of a state or federal ambient air quality standard.

(o) Source Information
The source shall supply all necessary information to adequately evaluate compliance with rule requirements.

(p) Additional Impact Analysis
The source must provide an analysis of the impairment to visibility, soils, and significant vegetation; assess impacts of commercial, residential, industrial, and other growth associated with the proposed source.

(q) Source Impacting Federal Class I Areas - Additional Requirements
The Environmental Protection Agency and Federal Land Manager shall be involved in the source review process.

(r) Public Participation
The Department will make a preliminary determination on the approvibility of any source subject to this rule and notify the public through prominent advertising in local newspapers. Other proposed permit actions, hearings, public comment period shall be in accordance with OAR Chapter 340, Division 14.

(s) Source Obligation
Any source who complies with this rule is not thereby relieved from complying with any other applicable law, rule, or standard of the Department or of other regulatory agencies.

10-13-77

Attachment 2

THE CLEAN AIR ACT

AS AMENDED, AUGUST 1977

U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PART C—PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

SUBPART I

PURPOSES

"SEC. 160. The purposes of this part are as follows:

"(1) to protect public health and welfare from any actual or potential adverse effect which in the Administrator's judgment may reasonably be anticipate to occur from air pollution or from exposures to pollutants in other media, which pollutants originate as emissions to the ambient air), notwithstanding attainment and maintenance of all national ambient air quality standards;

"(2) to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value;

"(3) to insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources;

"(4) to assure that emissions from any source in any State will not interfere with any portion of the applicable implementation plan to prevent significant deterioration of air quality for any other State; and

"(5) to assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decisionmaking process.

PLAN REQUIREMENTS

"SEC. 161. In accordance with the policy of section 101(b)(1), each applicable implementation plan shall contain emission limitations and such other measures as may be necessary, as determined under regulations promulgated under this part, to prevent significant deterioration of air quality in each region (or portion thereof) identified pursuant to section 107(d)(1)(D) or (E).

INITIAL CLASSIFICATIONS

"SEC. 162. (a) Upon the enactment of this part, all—

"(1) international parks,

"(2) national wilderness areas which exceed 5,000 acres in size,

"(3) national memorial parks which exceed 5,000 acres in size, and

"(4) national parks which exceed six thousand acres in size and which are in existence on the date of enactment of the Clean Air Act Amendments of 1977 shall be class I areas and may not be redesignated. All areas which were redesignated as class I under regulations promulgated before such date of enactment shall be class I areas which may be redesignated as provided in this part.

"(b) All areas in such State identified pursuant to section 107(d)(1)(D) or (E) which are not established as class I under subsection (a) shall be class II areas unless redesignated under section 164.

INCREMENTS AND CEILINGS

"SEC. 163. (a) In the case of sulfur oxide and particulate matter, each applicable implementation plan shall contain measures assuring that maximum allowable increases over baseline concentrations of, and maximum allowable concentrations of, such pollutant shall not be exceeded. In the case of any maximum allowable increase (except an allowable increase specified under 165(d)(2)(C)(iv) for a pollutant based on concentrations permitted under national ambient air quality standards for any period other than an annual period, such regu-

lations shall permit such maximum allowable increase to be exceeded during one such period per year.

"(b)(1) For any class I area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

"Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	5
Twenty-four-hour maximum	10
Sulfur dioxide:	
Annual arithmetic mean	2
Twenty-four-hour maximum	5
Three-hour maximum	25

"(2) For any class II area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

"Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	19
Twenty-four-hour maximum	37
Sulfur dioxide:	
Annual arithmetic mean	20
Twenty-four-hour maximum	91
Three-hour maximum	512

"(3) For any class III area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

"Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	37
Twenty-four-hour maximum	75
Sulfur dioxide:	
Annual arithmetic mean	40
Twenty-four-hour maximum	182
Three-hour maximum	700

"(4) The maximum allowable concentration of any air pollutant in any area to which this part applies shall not exceed a concentration for such pollutant for each period of exposure equal to—

"(A) the concentration permitted under the national secondary ambient air quality standard, or

"(B) the concentration permitted under the national primary ambient air quality standard,

whichever concentration is lowest for such pollutant for such period of exposure.

"(c)(1) In the case of any State which has a plan approved by the Administrator for purposes of carrying out this part, the Governor of such State may, after notice and opportunity for public hearing, issue orders or promulgate rules providing that for purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the following concentrations of such pollutant shall not be taken into account:

"(A) concentrations of such pollutant attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of an order which is in effect under the provisions of sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any subsequent legislation which supersedes such provisions) over the emissions from such sources before the effective date of such order.

"(B) the concentrations of such pollutant attributable to the increase in emissions from stationary sources which have converted from using natural gas by reason of a natural gas curtailment pursuant to a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan,

"(C) concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities, and

"(D) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration determined in accordance with section 169(4).

"(2) No action taken with respect to a source under paragraph (1)(A) or (1)(B) shall apply more than five years after the effective date of the order referred to in paragraph (1)(A) or the plan referred to in paragraph (1)(B), whichever is applicable. If both such order and plan are applicable, no such action shall apply more than five years after the later of such effective dates.

"(3) No action under this subsection shall take effect unless the Governor submits the order or rule providing for such exclusion to the Administrator and the Administrator determines that such order or rule is in compliance with the provisions of this subsection.

AREA REDESIGNATION

"SEC. 164. (a) Except as otherwise provided under subsection (c), a State may redesignate such areas as it deems appropriate as class I areas. The following areas may be redesignated only as class I or II:

"(1) an area which exceeds ten thousand acres in size and is a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore, and

"(2) a national park or national wilderness area established after the date of enactment of this Act which exceeds ten thousand acres in size.

Any area (other than an area referred to in paragraph (1) or (2) or an area established as class I under the first sentence of section 162(a)) may be redesignated by the State as class III if—

"(A) such redesignation has been specifically approved by the Governor of the State, after consultation with the appropriate Committees of the legislature if it is in session or with the leadership of the legislature if it is not in session (unless State law provides that such redesignation must be specifically approved by State legislation) and if general purpose units of local government representing a majority of the residents of the area so redesignated enact legislation (including for such units of local government resolutions where appropriate) concurring in the State's redesignation;

"(B) such redesignation will not cause, or contribute to, concentrations of any air pollutant which exceed any maximum allowable increase or maximum allowable concentration permitted under the classification of any other area; and

"(C) such redesignation otherwise meets the requirements of this part.

Subparagraph (A) of this paragraph shall not apply to area redesignations by Indian tribes.

"(b)(1)(A) Prior to redesignation of any area under this part, notice shall be afforded and public hearings shall be conducted in areas proposed to be redesignated and in areas which may be affected by the proposed redesignation. Prior to any such public hearing a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation shall be prepared and made available for public inspection and prior to any such redesignation, the description and analysis of such effects shall be reviewed and examined by the redesignating authorities.

"(B) Prior to the issuance of notice under subparagraph (A) respecting the redesignation of any area under this subsection, if such area includes any Federal lands, the State shall provide written notice to the appropriate Federal land manager and afford adequate opportunity (but not in excess of 60 days) to confer with the State respecting the intended notice of redesignation and to submit written comments and recommendations with respect to such intended notice of redesignation. In redesignating any area under this section with respect to which any Federal land manager has submitted written comments and recommendations, the State shall publish a list of any inconsistency between such redesignation and such recommendations

and an explanation of such inconsistency (together with the reasons for making such redesignation against the recommendation of the Federal land manager).

"(C) The Administrator shall promulgate regulations not later than six months after date of enactment of this part, to assure, insofar as practicable, that prior to any public hearing on redesignation of any area, there shall be available for public inspection any specific plans for any new or modified major emitting facility which may be permitted to be constructed and operated only if the area in question is designated or redesignated as class III.

"(2) The Administrator may disapprove the redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this section. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

"(c) Lands within the exterior boundaries of reservations of federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body. Such Indian governing body shall be subject in all respect to the provisions of subsection (e).

"(d) The Federal Land Manager shall review all national monuments, primitive areas, and national preserves, and shall recommend any appropriate areas for redesignation as class I where air quality related values are important attributes of the area. The Federal Land Manager shall report such recommendations, within supporting analysis, to the Congress and the affected States within one year after enactment of this section. The Federal Land Manager shall consult with the appropriate States before making such recommendations.

"(e) If any State affected by the redesignation of area by an Indian tribe or any Indian tribe affected by the redesignation of an area by a State disagrees with such redesignation of any area, or if a permit is proposed to be issued for any new major emitting facility proposed for construction in any State which the Governor of an affected State or governing body of an affected Indian tribe determines will cause or contribute to a cumulative change in air quality in excess of that allowed in this part within the affected State or tribal reservation, the Governor or Indian ruling body may request the Administrator to enter into negotiations with the parties involved to resolve such dispute. If requested by any State or Indian tribe involved, the Administrator shall make a recommendation to resolve the dispute and protect the air quality related values of the lands involved. If the parties involved do not reach agreement, the Administrator shall resolve the dispute and his determination, or the results of agreements reached through other means, shall become part of the applicable plan and shall be enforceable as part of such plan. In resolving such disputes relating to area redesignation, the Administrator shall consider the extent to which the lands involved are of sufficient size to allow effective air quality management or have air quality related values of such an area.

PRECONSTRUCTION REQUIREMENTS

"SEC. 165. (a) No major emitting facility on which construction is commenced after the date of the enactment of this part, may be constructed in any area to which this part applies unless—

"(1) a permit has been issued for such proposed facility in accordance with this part setting forth emission limitations for such facility which conform to the requirements of this part;

"(2) the proposed permit has been subject to a review in accordance with this section, the required analysis has been conducted in accordance with regulations promulgated by the Administrator, and a public hearing has been held with opportunity for interested persons including representatives of the Administrator to appear and submit written or oral presentations on the air quality impact of such source, alternatives thereto, control technology requirements, and other appropriate considerations;

"(3) the owner or operator of such facility demonstrates that emissions from construction or operation of such facility will not cause, or contribute to, air pollution in excess of any (A) maximum allowable increase or maximum allowable concentration for

any pollutant in any area to which this part applies more than one time per year, (B) national ambient air quality standard in any air quality control region, or (C) any other applicable emission standard or standard of performance under this Act;

"(4) the proposed facility is subject to the best available control technology for each pollutant subject to regulation under this Act emitted from, or which results from, such facility;

"(5) the provisions of subsection (d) with respect to protection of class I areas have been complied with for such facility;

"(6) there has been an analysis of any air quality impacts projected for the area as a result of growth associated with such facility;

"(7) the person who owns or operates, or proposes to own or operate, a major emitting facility for which a permit is required under this part agrees to conduct such monitoring as may be necessary to determine the effect which emissions from any such facility may have, or is having, on air quality in any area which may be affected by emissions from such source; and

"(8) in the case of a source which proposes to construct in a class III area, emissions from which would cause or contribute to exceeding the maximum allowable increments applicable in a class II area and where no standard under section 111 of this Act has been promulgated subsequent to enactment of the Clean Air Act Amendments of 1977, for such source category, the Administrator has approved the determination of best available technology as set forth in the permit.

"(b) The demonstration pertaining to maximum allowable increases required under subsection (a)(3) shall not apply to maximum allowable increases for class II areas in the case of an expansion or modification of a major emitting facility which is in existence on the date of enactment of the Clean Air Act Amendments of 1977, whose actual allowable emissions of air pollutants, after compliance with subsection (a)(4), will be less than fifty tons per year and for which the owner or operator of such facility demonstrates that emissions of particulate matter and sulfur oxides will not contribute to ambient air quality levels in excess of the national secondary ambient air quality standard for either of such pollutants.

"(c) Any completed permit application under section 110 for a major emitting facility in any area to which this part applies shall be granted or denied not later than one year after the date of filing of such completed application.

"(d)(1) Each State shall transmit to the Administrator a copy of each permit application relating to a major emitting facility received by such State and provide notice to the Administrator of every action related to the consideration of such permit.

"(2)(A) The Administrator shall provide notice of the permit application to the Federal Land Manager and the Federal official charged with direct responsibility for management of any lands within a class I area which may be affected by emissions from the proposed facility.

"(B) The Federal Land Manager and the Federal official charged with direct responsibility for management of such lands shall have an affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a class I area and to consider, in consultation with the Administrator, whether a proposed major emitting facility will have an adverse impact on such values.

"(C)(i) In any case where the Federal official charged with direct responsibility for management of any lands within a class I area or the Federal Land Manager of such lands, or the Administrator, or the Governor of an adjacent State containing such a class I area files a notice alleging that emissions from a proposed major emitting facility may cause or contribute to a change in the air quality in such area and identifying the potential adverse impact of such change, a permit shall not be issued unless the owner or operator of such facility demonstrates that emissions of particulate matter and sulfur dioxide will not cause or contribute to concentrations which exceed the maximum allowable increases for a class I area.

"(ii) In any case where the Federal Land Manager demonstrates to the satisfaction of the State that the emissions from such facility will have an adverse impact on the air quality-related values (including visibility) of such lands, notwithstanding the fact that the change in air quality resulting from emissions from such facility will not cause or contrbute to concentrations which exceed the maximum allowable increases for a class I area, a permit shall not be issued.

"(iii) In any case where the owner or operator of such facility demonstrates to the satisfaction of the Federal Land Manager, and the Federal Land Manager so certifies, that the emissions from such facility will have no adverse impact on the air quality related values of such lands (including visibility), notwithstanding the fact that the change in air quality resulting from emissions from such facility will cause or contribute to concentrations, which exceed the maximum allowable increases for class I areas, the State may issue a permit.

"(iv) In the case of a permit issued pursuant to clause (iii), such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides and particulates from such sources together with all other sources, will not exceed the following maximum allowable increases over the baseline concentration for such pollutants:

	Maximum allowable increase (in micrograms per cubic meter)
"Particulate matter:	
Annual geometric mean	19
Twenty-four-hour maximum	37
Sulfur dioxide:	
Annual arithmetic mean	20
Twenty-four-hour maximum	91
Three-hour maximum	325

"(D)(i) In any case where the owner or operator of a proposed major emitting facility who has been denied a certification under subparagraph (C)(iii) demonstrates to the satisfaction of the Governor, after notice and public hearing, and the Governor finds, that the facility cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for periods of twenty-four hours or less applicable to any class I area and, in the case of Federal mandatory class I areas, that a variance under this clause will not adversely affect the air quality related values of the area (including visibility), the Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may grant a variance from such maximum allowable increase. If such variance is granted, a permit may be issued to such source pursuant to the requirements of this subparagraph.

"(ii) In any case in which the Governor recommends a variance under this subparagraph in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may

approve the Governor's recommendation if he finds that such variance is in the national interest. No Presidential finding shall be reviewable in any court. The variance shall take effect if the President approves the Governor's recommendations. The President shall approve or disapprove such recommendation within ninety days after his receipt of the recommendations of the Governor and the Federal Land Manager.

"(iii) In the case of a permit issued pursuant to this subparagraph, such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides from such source, together with all other sources, will exceed the otherwise applicable maximum allowable increases for a period of exposure of twenty-four hours or less on not more than eighteen days during any annual period and that during such day such emissions will not exceed the following maximum allowable increases over the baseline concentration for such pollutant:

MAXIMUM ALLOWABLE INCREASE
(In micrograms per cubic meter)

Period of exposure	Low terrain areas	High terrain areas
24-hr maximum	36	62
3-hr maximum	130	221

"(e)(1) The review provided for in subsection (a) shall be preceded by an analysis in accordance with regulations of the Administrator, promulgated under this subsection, which may be conducted by the State (or any general purpose unit of local government) or by the major emitting facility applying for such permit, of the ambient air quality at the proposed site and in areas which may be affected by emissions from such facility for each pollutant subject to regulation under this Act which will be emitted from such facility.

"(2) Effective one year after date of enactment of this part, the analysis required by this subsection shall include continuous air quality monitoring data gathered for purposes of determining whether emissions from such facility will exceed the maximum allowable increases or the maximum allowable concentration permitted under this part. Such data shall be gathered over a period of one calendar year preceding the date of application for a permit under this part unless the State, in accordance with regulations promulgated by the Administrator, determines that a complete and adequate analysis for such purposes may be accomplished in a shorter period. The results of such analysis shall be available at the time of the public hearing on the application for such permit.

"(3) The Administrator shall within six months after the date of enactment of this part promulgate regulations respecting the analysis required under this subsection which regulations—

"(A) shall not require the use of any automatic or uniform buffer zone or zones,

"(B) shall require an analysis of the ambient air quality, climate and meteorology, terrain, soils and vegetation, and visibility at the site of the proposed major emitting facility and in the area potentially affected by the emissions from such facility for each pollutant regulated under this Act which will be emitted from, or which results from the construction or operation of, such facility, the size and nature of the proposed facility, the degree of

continuous emission reduction which could be achieved by such facility, and such other factors as may be relevant in determining the effect of emissions from a proposed facility on any air quality control region,

"(C) shall require the results of such analysis shall be available at the time of the public hearing on the application for such permit, and

"(D) shall specify with reasonable particularity each air quality model or models to be used under specified sets of conditions for purposes of this part.

Any model or models designated under such regulations may be adjusted upon a determination, after notice and opportunity for public hearing, by the Administrator that such adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from a source applying for a permit required under this part.

OTHER POLLUTANTS

"SEC. 166. (a) In the case of the pollutants hydrocarbons, carbon monoxide, photochemical oxidants, and nitrogen oxides, the Administrator shall conduct a study and not later than two years after the date of enactment of this part, promulgate regulations to prevent the significant deterioration of air quality which would result from the emissions of such pollutants. In the case of pollutants for which national ambient air quality standards are promulgated after the date of the enactment of this part, he shall promulgate such regulations not more than 2 years after the date of promulgation of such standards.

"(b) Regulations referred to in subsection (a) shall become effective one year after the date of promulgation. Within 21 months after such date of promulgation such plan revision shall be submitted to the Administrator who shall approve or disapprove the plan within 25 months after such date or promulgation in the same manner as required under section 110.

"(c) Such regulations shall provide specific numerical measures against which permit applications may be evaluated, a framework for stimulating improved control technology, protection of air quality values, and fulfill the goals and purposes set forth in section 101 and section 160.

"(d) The regulations of the Administrator under subsection (a) shall provide specific measures at least as effective as the increments established in section 163 to fulfill such goals and purposes, and may contain air quality increments, emission density requirements, or other measures.

"(e) With respect to any air pollutant for which a national ambient air quality standard is established other than sulfur oxides or particulate matter, an area classification plan shall not be required under this section if the implementation plan adopted by the State and submitted for the Administrator's approval or promulgated by the Administrator under section 110(c) contains other provisions which when considered as a whole, the Administrator finds will carry out the purposes in section 160 at least as effectively as an area classification plan for such pollutant. Such other provisions referred to in the preceding sentence need not require the establishment of maximum allowable increases with respect to such pollutant for any area to which this section applies.

ENFORCEMENT

"SEC. 167. The Administrator shall, and a State may, take such measures, including issuance of an order, or seeking injunctive relief, as necessary to prevent the construction of a major emitting facility which does not conform to the requirements of this part, or which is proposed to be constructed in any area included in the list promulgated pursuant to paragraph (1)(D) or (E) of subsection (d) of section 107 of this Act and which is not subject to an implementation plan which meets the requirements of this part.

PERIOD BEFORE PLAN APPROVAL

"SEC. 168. (a) Until such time as an applicable implementation plan is in effect for any area, which plan meets the requirements of this part to prevent significant deterioration of air quality with respect to any air pollutant, applicable regulations under this Act prior to enactment of this part shall remain in effect to prevent significant deterioration of air quality in any such area for any such pollutant except as otherwise provided in subsection (b).

"(b) If any regulation in effect prior to enactment of this part to prevent significant deterioration of air quality would be inconsistent with the requirements of section 162(a), section 163(b) or section 164(a), then such regulations shall be deemed amended so as to conform with such requirements. In the case of a facility on which construction was commenced in accordance with this definition after June 1, 1975, and prior to the enactment of the Clean Air Act Amendments of 1977, the review and permitting of such facility shall be in accordance with the regulations for the prevention of significant deterioration in effect prior to the enactment of the Clean Air Act Amendments of 1977.

SUBPART 2

VISIBILITY PROTECTION FOR FEDERAL CLASS I AREAS

"SEC. 169A. (a)(1) Congress hereby declares as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.

"(2) Not later than six months after the date of the enactment of this section, the Secretary of the Interior in consultation with other Federal land managers shall review all mandatory class I Federal areas and identify those where visibility is an important value of the area. From time to time the Secretary of the Interior may revise such identifications. Not later than one year after such date of enactment, the Administrator shall, after consultation with the Secretary of the Interior, promulgate a list of mandatory class I Federal areas in which he determines visibility is an important value.

"(3) Not later than eighteen months after the date of enactment of this section, the Administrator shall complete a study and report to Congress on available methods for implementing the national goal set forth in paragraph (1). Such report shall include recommendations for—

"(A) methods for identifying, characterizing, determining, quantifying, and measuring visibility impairment in Federal areas referred to in paragraph (1), and

"(B) modeling techniques (or other methods) for determining the extent to which manmade air pollution may reasonably be anticipated to cause or contribute to such impairment, and

"(C) methods for preventing and remedying such manmade air pollution and resulting visibility impairment.

Such report shall also identify the classes or categories of sources and the types of air pollutants which, alone or in conjunction with other sources or pollutants, may reasonably be anticipated to cause or contribute significantly to impairment of visibility.

"(4) Not later than twenty-four months after the date of enactment of this section, and after notice and public hearing, the Administrator shall promulgate regulations to assure (A) reasonable progress toward meeting the national goal specified in paragraph (1), and (B) compliance with the requirements of this section.

"(b) Regulations under subsection (a)(4) shall—

"(1) provide guidelines to the States, taking into account the recommendations under subsection (a)(3) on appropriate techniques and methods for implementing this section (as provided in subparagraphs (A) through (C) of such subsection (a)(3)), and

"(2) require each applicable implementation plan for a State in which any area listed by the Administrator under subsection (a)(2) is located (or for a State the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area) to contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal specified in subsection (a), including—

"(A) except as otherwise provided pursuant to subsection (c), a requirement that each major stationary source which is in existence on the date of enactment of this section, but which has not been in operation for more than fifteen years as of such date, and which, as determined by the State (or the Administrator in the case of a plan promulgated under section 110(c)) emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area, shall procure, install, and operate, as expeditiously as practicable (and maintain thereafter) the best available retrofit technology, as determined by the State (or the Administrator in the case of a plan promulgated under section 110(c)) for controlling emissions from such source for the purpose of eliminating or reducing any such impairment, and

"(B) a long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal specified in subsection (a).

In the case of a fossil-fuel fired generating powerplant having a total generating capacity in excess of 750 megawatts, the emission limitations required under this paragraph shall be determined pursuant to guidelines, promulgated by the Administrator under paragraph (1).

"(c)(1) The Administrator may, by rule, after notice and opportunity for public hearing, exempt any major stationary source from the requirement of subsection (b)(2)(A), upon his determination that such source does not or will not, by itself or in combination with other sources, emit any air pollutant which may reasonably be anticipated to cause or contribute to a significant impairment of visibility in any mandatory class I Federal area.

"(2) Paragraph (1) of this subsection shall not be applicable to any fossil-fuel fired powerplant with total design capacity of 750 megawatts or more, unless the owner or operator of any such plant demonstrates to the satisfaction of the Administrator that such powerplant is located at such distance from all areas listed by the Administrator under subsection (a)(2) that such powerplant does not or will not, by itself or in combination with other sources, emit any air pollutant which may reasonably be anticipated to cause or contribute to significant impairment of visibility in any such area.

"(3) An exemption under this subsection shall be effective only upon concurrence by the appropriate Federal land manager or managers with the Administrator's determination under this subsection.

"(d) Before holding the public hearing on the proposed revision of an applicable implementation plan to meet the requirements of this section, the State (or the Administrator, in the case of a plan promulgated under section 110(c)) shall consult in person with the appropriate Federal land manager or managers and shall include a summary of the conclusions and recommendations of the Federal land managers in the notice to the public.

"(e) In promulgating regulations under this section, the Administrator shall not require the use of any automatic or uniform buffer zone or zones.

"(f) For purposes of section 304(a)(2), the meeting of the national goal specified in subsection (a)(1) by any specific date or dates shall not be considered a 'nondiscretionary duty' of the Administrator.

"(g) For the purpose of this section—

"(1) in determining reasonable progress there shall be taken into consideration the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements;

"(2) in determining best available retrofit technology the State (or the Administrator in determining emission limitations which reflect such technology) shall take into consideration the costs of compliance, the energy and nonair quality environmental impacts of compliance, any existing pollution control technology in use at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology;

"(3) the term 'manmade air pollution' means air pollution which results directly or indirectly from human activities;

"(4) the term 'as expeditiously as practicable means as expeditiously as practicable but in no event later than five years after the date of approval of a plan revision under this section (or the date of promulgation of such a plan revision in the case of action by the Administrator under section 110(c) for purposes of this section);

"(5) the term 'mandatory class I Federal areas' means Federal areas which may not be designated as other than class I under this part;

"(6) the terms 'visibility impairment' and 'impairment of visibility' shall include reduction in visual range and atmospheric discoloration; and

"(7) the term 'major stationary source' means the following types of stationary sources with the potential to emit 250 tons or more of any pollutant: fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (thermal dryers), kraft pulp mills, Portland Cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incenerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production facilities, chemical process plants, fossil-fuel boilers of more than 250 million British thermal units per hour heat input, petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels, taconite ore processing facilities, glass fiber processing plants, charcoal production facilities.".

DEFINITIONS

"SEC. 169. For purposes of this part—

"(1) The term 'major emitting facility' means any of the following stationary sources of air pollutants which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant from the following types of stationary sources: fossil-fuel fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (thermal dryers), kraft pulp mills, Portland

Cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production facilities, chemical process plants, fossil-fuel boilers of more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer facilities with a capacity exceeding three hundred thousand barrels, taconite ore processing facilities, glass fiber processing plants, charcoal production facilities. Such term also includes any other source with the potential to emit two hundred and fifty tons per year or more of any air pollutant. This term shall not include new or modified facilities which are nonprofit health or education institutions which have been exempted by the State.

"(2)(A) The term 'commenced' as applied to construction of a major emitting facility means that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution emissions and air quality laws or regulations and either has (i) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time.

"(B) The term 'necessary preconstruction approvals or permits' means those permits or approvals, required by the permitting authority as a precondition to undertaking any activity under clauses (i) or (ii) of subparagraph (A) of this paragraph.

"(3) The term 'best available control technology' means an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of 'best available control technology' result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 or 112 of this Act.

"(4) The term 'baseline concentration' means, with respect to a pollutant, the ambient concentration levels which exist at the time of the first application for a permit in an area subject to this part, based on air quality data available in the Environmental Protection Agency or a State air pollution control agency and on such monitoring data as the permit applicant is required to submit. Such ambient concentration levels shall take into account all projected emissions in, or which may affect, such area from any major emitting facility on which construction commenced prior to January 6, 1975, but which has not begun operation by the date of the baseline air quality concentration determination. Emissions of sulfur oxides and particulate matter from any major emitting facility on which construction commenced after January 6, 1975, shall not be included in the baseline and shall be counted against the maximum allowable increases in pollutant concentrations established under this part.".

(b) Within one year from the date of enactment of this Act the Administrator shall report to the Congress on the consequences of that portion of the definition of "major emitting facility" under the amendment made by subsection (a) which applies to facilities with the potential to emit two hundred and fifty tons per year or more. Such study shall examine the type of facilities covered, the air quality benefits of including such facilities, and the administrative aspect of regulating such facilities.

(c) Not later than one year after the date of enactment of this Act, the Administrator shall publish a guidance document to assist the

States in carrying out their functions under part C of title I of the Clean Air Act (relating to prevention of significant deterioration of air quality) with respect to pollutants, other than sulfur oxides and particulates, for which national ambient air quality standards are promulgated. Such guidance document shall include recommended strategies for controlling photochemical oxidants on a regional or multistate basis for the purpose of implementing part C and section 110 of such Act.

(d) Not later than two years after the date of enactment of this Act, the Administrator shall complete a study and report to the Congress on the progress made in carrying out part C of title I of the Clean Air Act (relating to significant deterioration of air quality) and the problems associated with carrying out such section, including recommendations for legislative changes necessary to implement strategies for controlling photochemical oxidants on a regional or multistate basis.

Attachment 3

Statement of Need

The Environmental Quality commission intends to adopt a Prevention of Significant Deterioration Rule (PSD) (OAR 340-31-100).

a. Legal Authority: ORS 468.020 and 468.295
b. Need for Rule:
   1. This Rule is needed to allow the Department to meet requirements of Federal Law and to take over the prevention of significant deterioration review program from EPA, Region X;
   2. After the Department takes over the PSD program, applicants will no longer have to submit applications and undergo review both by EPA in Seattle and the Department in Oregon. Applicant time and government review effort will both be minimized.
   3. The protection of "clean" air portions of Oregon will again be the sole responsibility of the Department.
c. Documents Principally relied upon:
   1. Federal Clean Air Act P.L. 95-95 Amendments of August 7, 1977, Part C, Sections 160 through 169,
   2. Code of Federal Regulations 40CFR 51.24, as published and amended in the June 19, 1978 Federal Register, pp 26380 through 26410.

Attachment 4.

of the 250 tons per year criterion, then the BACT de minimis level should be made consistent for such sources (i.e., ACT should be required only for those pollutants for which the potential emissions exceed 250 tons). The Administrator agrees with this argument and appropriate changes are made in the regulations set forth below.

MONITORING AND MODELING

Extensive public comment was received on the proposed requirements for monitoring and modeling. These issues are extensively discussed in the Part 52 rulemaking published elsewhere in today's FEDERAL REGISTER. As noted, EPA intends that monitoring should generally focus on obtaining data necessary for required review against NAAQS. Although the increment consumption must of necessity be tracked through the use of modeling, EPA does not intend that there be no "real world" checks on the accuracy of modeling. If a source or other party believes that the recommended models have either overpredicted or underpredicted the air quality impact of a source, the State may accept the submission of data which will more precisely define the impact of the source.

REDESIGNATION

In response to comments, a number of changes have been made regarding redesignations of areas. The analysis and public hearing requirement have been modified to conform to the language in the 1977 Amendments. The requirement for public availability of information relating to sources which may be permitted only if an area is redesignated has been limited to sources for which an ambient impact analysis must be done. Finally, this rulemaking removes the provision requiring that final action on a permit be delayed if the source would impact upon an area where a proposed redesignation to a more stringent class was pending. The original intent of this provision was to protect potential class I areas during startup of the new PSD program. All areas were then class II. Now Congress has specifically designated Federal class I areas and States have had considerable opportunity to designate any others. States may establish such a requirement at their own discretion.

Several other issues are discussed in the "Supplementary Information" to the part 52 PSD rulemaking also published today. That discussion should be considered in conjunction with this one.

FINAL ACTION

The following regulatory amendments are nationally applicable, and this action is based upon determinations of nationwide scope and effect. Therefore, under section 307(b)(1) of the Act, judicial review may be sought only in the U.S. Court of Appeals for the District of Columbia. Petitions for judicial review must be filed on or before August 18, 1978.

(Secs. 101(b)(1), 110, 114, 123, 125(e), 160-169, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401(b)(1), 7410, 7414, 7423, 7425(e), 7470-7479, 7601(a)).)

Dated: June 9, 1978.

DOUGLAS M. COSTLE,
Administrator.

Title 40, Part 51 of the Code of Federal Regulations is amended by adding § 51.24 as follows:

§ 51.24 Prevention of significant deterioration of air quality.

(a) (1) *Plan requirements.* In accordance with the policy of section 101(b)(1) of the act and the purposes of section 160 of the Act, each applicable State implementation plan shall contain emission limitations and such other measures as may be necessary to prevent significant deterioration of air quality.

(2) *Plan revisions.* If a State implementation plan revision would result in increased air quality deterioration over any baseline concentration, the plan revision shall include a demonstration that it will not cause or contribute to a violation of the applicable increment.

(3) *Required plan revision.* If the State or the Administrator determines that a plan is substantially inadequate to prevent significant deterioration or that an applicable increment is being violated, the plan shall be revised to correct the inadequacy or the violation. The plan shall be revised within 60 days of such a finding by a State or within 60 days following notification by the Administrator, or by such later date as prescribed by the Administrator after consultation with the State.

(4) *Plan assessment.* The State shall review the adequacy of a plan on a periodic basis and within 60 days of such time as information becomes available that an applicable increment is being violated.

(5) *Public participation.* Any State action taken under this paragraph shall be subject to the opportunity for public hearing in accordance with procedures equivalent to those established in § 51.4.

(b) *Definitions.* For the purposes of this section:

(1) "Major stationary source" means:

(i) Any of the following stationary sources of air pollutants which emit, or have the potential to emit, 100 tons per year or more of any air pollutant regulated under the Clean Air Act (the "Act"): Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants; and

(ii) Notwithstanding the source sizes specified in paragraph (b)(1)(i) of this section, any source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant regulated under the Act.

(2) "Major modification" means any physical change in, change in the method of operation of, or addition to a stationary source which increases the potential emission rate of any air pollutant regulated under the Act (including any not previously emitted and taking into account all accumulated increases in potential emissions occurring at the source since regulations were approved under this section, or since the time of the last construction approval issued for the source pursuant to such regulations approved under this section, whichever time is more recent, regardless of any emission reductions achieved elsewhere in the source) by either 100 tons per year or more for any source category identified in paragraph (b)(1)(i) of this section, or by 250 tons per year or more for any stationary source.

(i) A physical change shall not include routine maintenance, repair and replacement.

(ii) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

(*a*) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(*b*) An increase in the hours of operation;

(*c*) Use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

(*d*) Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating such fuel or material; or

(*e*) Use of an alternative fuel by reason of an order or rule under section 125 of the Act.

(*f*) Change in ownership of the source.

(3) "Potential to emit" means the capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment. "Air pollution control equipment" includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(4) "Source" means any structure, building, facility, equipment, installation or operation (or combination thereof) which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control).

(5) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(6) "Fugitive dust" means particulate matter composed of soil which is uncontaminated by pollutants resulting from industrial activity. Fugitive dust may include emissions from haul roads; wind erosion of exposed soil surfaces and soil storage piles, and other activities in which soil is either removed, stored, transported, or redistributed.

(7) "Construction" means fabrication, erection, installation, or modification of a source.

(8) "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals and either has:

(i) Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

(ii) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

(9) "Necessary preconstruction approvals or permits" means those permits or approvals required under Federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State implementation plan.

(10) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under the act which would be emitted from any proposed major stationary source or major modification which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

(11) "Baseline concentration" means that ambient concentration level reflecting actual air quality as of August 7, 1977, minus any contribution from major stationary sources and major modifications on which construction commenced on or after January 6, 1975. The baseline concentration shall include contributions from:

(i) The actual emissions of other sources in existence on August 7, 1977, except that contributions from facilities within such existing sources for which a plan revision proposing less restrictive requirements was submitted on or before August 7, 1977, and was pending action by the Administrator on that date shall be determined from the allowable emissions of such facilities under the plan as revised; and

(ii) The allowable emissions of major stationary sources and major modifications which commenced construction before January 6, 1975, but were not in operation by August 7, 1977.

(12) "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(13) "High terrain" means any area having an elevation of 900 feet or more above the base of the stack of a facility.

(14) "Low terrain" means any area other than high terrain.

(15) "Indian Reservation" means any federally-recognized reservation established by treaty, agreement, Executive order, or act of Congress.

(16) "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(17) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(i) Applicable standards as set forth in 40 CFR Part 60 and Part 61,

(ii) The applicable State implementation plan emission limitation, or

(iii) The emission rate specified as a permit condition.

(18) "Reconstruction" will be presumed to have taken place where the fixed capital cost of the new components exceed 50 percent of the fixed capital cost of a comparable entirely new facility or source. However, any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of 40 CFR 60.15(f)(1)-(3). A reconstructed source will be treated as a new source for purposes of this section, except that use of an alternative fuel or raw material by reason of an order in effect under Sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under Section 125 of the Act, shall not be considered reconstruction. In determining best available control technology for a reconstructed source, the provisions of 40 CFR 60.15(f)(4) shall be taken into account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such source.

(19) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(c) *Ambient air increments.* The plan shall contain emission limitations and such other measures as may be necessary to assure that in areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

Pollutant	Maximum allowable increase (micrograms per cubic meter)
CLASS I	
Particulate matter:	
Annual geometric mean	5
24-hr maximum	10
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
CLASS II	
Particulate matter:	
Annual geometric mean	19
24-hr maximum	37
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
CLASS III	
Particulate matter:	
Annual geometric mean	37
24-hr maximum	75
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700

For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

(d) *Ambient air ceilings.* The plan shall provide that no concentration of a pollutant shall exceed:

(1) The concentration permitted under the national secondary ambient air quality standard, or

(2) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

(e) *Restrictions on area classifications.* The plan shall provide that—

(1) All of the following areas which were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

(i) International parks,

(ii) National wilderness areas which exceed 5,000 acres in size,

(iii) National memorial parks which exceed 5,000 acres in size, and

(iv) National parks which exceed 6,000 acres in size.

(2) Areas which were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.

(3) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

(4) The following areas may be redesignated only as Class I or II:

(i) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

(ii) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(f) *Exclusions from increment consumption.* (1) The plan may provide that the following concentrations shall be excluded in determining compliance with a maximum allowable increase:

(i) Concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under Sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such an order;

(ii) Concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan;

(iii) Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities; and

(iv) The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration.

(2) If the plan provides that the concentrations to which paragraph (f)(1) refers shall be excluded, it shall also provide that—

(i) No exclusion of such concentrations shall apply more than five years after the effective date of the order to which paragraph (f)(1)(i) refers or the plan to which paragraph (f)(1)(ii) refers, whichever is applicable.

(ii) If both such order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

(g) *Redesignation.* (1) The plan shall provide that all areas of the State (except as otherwise provided under paragraph (e) of this section) shall be designated either Class I, Class II, or Class III. Any designation other than Class II shall be subject to the redesignation procedures of this paragraph. Redesignation (except as otherwise precluded by paragraph (e) of this section) may be proposed by the respective States or Indian Governing Bodies, as provided below, subject to approval by the Administrator as a revision to the applicable State implementation plan.

(2) The plan may provide that the State may submit to the Administrator a proposal to redesignate areas of the State Class I or Class II: *Provided,* That:

(i) At least one public hearing has been held in accordance with procedures established in § 51.4.

(ii) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

(iii) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(iv) Prior to the issuance of notice respecting the redesignation of an area that includes any Federal lands, the State has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity (not in excess of 60 days) to confer with the State respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the State shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager); and

(v) The State has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(3) The plan may provide that any area other than an area to which paragraph (e) of this section refers may be redesignated as Class III if—

(i) The redesignation would meet the requirements of provisions established in accordance with paragraph (g)(2) of this section;

(ii) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor of the State, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless State law provides that such redesignation must be specifically approved by State legislation) and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation (including resolutions where appropriate) concurring in the redesignation;

(iii) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(iv) Any permit application for any major stationary source or major modification subject to provisions established in accordance with paragraph (l) of this section which could receive a permit only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available, insofar as was practicable, for public inspection prior to any public hearing on redesignation of any area as Class III.

(4) The plan shall provide that lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. The appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III: *Provided,* That:

(i) The Indian Governing Body has followed procedures equivalent to those required of a State under paragraphs (g)(2), (g)(3)(iii), and (g)(3)(iv) of this section; and

(ii) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located and which border the Indian Reservation.

(5) The Administrator shall disapprove, within 90 days of submission, a proposed redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this section or is inconsistent with paragraph (e) of this section. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

(6) If the Administrator disapproves any proposed area designation, the State or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator.

(h) *Stack heights.* The plan shall provide, as a minimum, that the degree of emission limitation required for control of any air pollutant under the plan shall not be affected in any manner by—

(1) So much of a stack height, in existence before December 31, 1970, as exceeds good engineering practice, or

(2) Any other dispersion technique implemented before then.

(i) *Review of major stationary sources and major modifications—Source applicability and general exemptions.* (1) The plan shall provide that no major stationary source or major modification shall be constructed unless, as a minimum, requirements equivalent to those contained in the subparagraphs of paragraphs (j), (l), (n), (p), and (r) of this section, have been met. The plan may provide that such requirements shall apply to a proposed source or modification only with respect to those pollutants for which the proposed construction would be a major stationary source or major modification.

(2) The plan may provide, as a minimum, that requirements equivalent to those contained in the subparagraphs of paragraphs (j), (l), (n), and (p) of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that—

(i) As to that pollutant, the source or modification is subject to the emission offset ruling (41 FR 55524) as it may be amended or to regulations approved or promulgated pursuant to Section 173 of the Act, and

(ii) The source or modification would impact no area attaining the national ambient air quality standards (either internal or external to areas designated as nonattainment under Section 107 of the Act).

(3) The plan may provide that requirements equivalent to those contained in the subparagraphs of paragraphs (j), (l), (n), (p), and (r) shall not apply to nonprofit health or education institutions.

(4) The plan may provide that a portable facility which has received construction approval under requirements equivalent to those contained in the subparagraphs of paragraphs (j), (l), (n), (p), (q), and (r) may relocate without being subject to such requirements if—

(i) Emissions from the facility would not exceed allowable emissions; and

(ii) Such relocation would impact no Class I area and no area where an applicable increment is known to be violated; and

(iii) Notice is given to the reviewing authority at least 30 days prior to such relocation identifying the proposed new location and the probable duration of operation at such location.

(j) *Control technology review.* The plan shall provide that—

(1) A major stationary source or major modification shall meet all applicable emission limitations under the State implementation plan and all applicable emission standards and standards of performance under 40 CFR Part 60 and Part 61.

(2) A major stationary source or major modification shall apply best available control technology for each applicable pollutant, unless the increase in allowable emissions of that pollutant from the source would be less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is most restrictive.

(i) The preceding hourly or daily rates shall apply only with respect to a pollutant for which an increment, or national ambient air quality standards, for a period less than 24 hours or a period of 24 hours, as appropriate, has been established.

(ii) In determining whether and to what extent a modification would increase allowable emissions, there shall be taken into account no emission reductions achieved elsewhere at the source at which the modification would occur.

(3) In the case of a modification, the requirement for best available control technology shall apply only to each new or modified facility which would increase the allowable emissions of an applicable pollutant.

(4) Where a facility within a source would be modified but not reconstructed, the requirement for best available control technology, notwithstanding paragraph (j)(2) of this section, shall not apply if no net increase in emissions of an applicable pollutant would occur at the source, taking into account all emission increases and decreases at the source which would accompany the modification, and no adverse air quality impact would occur.

(5) For phased construction projects the determination of best available control technology shall be reviewed, and modified as appropriate, at the latest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(6) In the case of a major stationary source or major modification which the owner or operator proposes to construct in a Class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase that would be applicable if the area were a Class II area and where no standard under 40 CFR Part 60 has been promulgated for the source category, the Administrator shall approve the determination of best available control technology.

(k) *Exemptions from impact analysis.* (1) The plan may provide that with respect to a particular pollutant the requirements of provisions established in accordance with paragraphs (1), (n), and (p) of this section shall not apply to a proposed major stationary source or major modification, if—

(i) The increase in allowable emissions of that pollutant from the source or modification would impact no Class I area and no area where an applicable increment is known to be violated; and

(ii) The increase in allowable emissions of that pollutant from the source or modification would be less than 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is most restrictive; or

(iii) The emissions of the pollutant are of a temporary nature including but not limited to those from a pilot plant, a portable facility, construction, or exploration; or

iv) A source is modified, but no increase in the net amount of emissions for any pollutant subject to a national ambient air quality standard and no adverse air quality impact would occur.

(2) The hourly or daily rates set in paragraph (k)(1)(ii) of this section shall apply only with respect to a pollutant for which an increment, or national ambient air quality standard, for a period of less than 24 hours or for a period of 24 hours, as appropriate, has been established.

(3) The plan shall provide that, in determining for the purpose of provisions established in accordance with paragraph (k)(1)(ii) of this section whether and to what extent a modification would increase allowable emissions, there shall be taken into account no emission reductions achieved elsewhere at the source at which the modification would occur.

(4) The plan shall provide that, in determining for the purpose of provisions established in accordance with paragraph (k)(1)(iv) of this section whether and to what extent there would be an increase in the net amount of emissions of any pollutant subject to a national ambient air quality standard from the source which is modified, there shall be taken into account all emission increases and decreases occurring at the source since August 7, 1977.

(5) The plan may provide that the requirements of provisions established in accordance with paragraphs (l), (n), and (p) of this section shall not apply to a major stationary source or major modification with respect to emissions from it which the owner or operator has shown to be fugitive dust.

(l) *Air quality review.* (1) The plan shall provide that the owner or operator of the proposed source or modification must demonstrate that allowable emissions increases from the source or modification, in conjunction with all other applicable emissions increases or reductions, will not cause or contribute to air pollution in violation of—

(i) Any national ambient air quality standard in any air quality control region; or

(ii) Any applicable maximum allowable increase over the baseline concentration in any area.

(m) *Air quality models.* (1) The plan shall provide for procedures which specify that—

(i) All estimates of ambient concentrations required under paragraph (l) shall be based on the applicable air quality models, data bases, and other requirements specified in the *Guideline on Air Quality Models* (OAQPS 1.2-080, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, April 1978).

(ii) Where an air quality impact model specified in the *Guideline on Air Quality Models* is inappropriate, the model may be modified or another model substituted.

(iii) A substitution or modification of a model shall be subject to public comment procedures developed in accordance with paragraph (r) of this section.

(iv) Written approval of the Administrator must be obtained for any modification or substitution.

(v) Methods like those outlined in the *Workbook for the Comparison of Air Quality Models* (U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, April 1977) should be used to determine the comparability of air quality models.

(2) The *Guideline on Air Quality Models* is incorporated by reference. On April 27, 1978, the Office of the Federal Register approved this document for incorporation by reference. A copy of the guideline is on file in the Federal Register library.

(3) The documents referenced in this paragraph are available for public inspection at EPA's Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460, and at the libraries of each of the ten EPA Regional Offices. Copies are available as supplies permit from the Library Service Office (MD-35), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. Also, copies may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161.

(n) *Monitoring.* The plan shall provide that—

(1) The owner or operator of a proposed source or modification shall, after construction of the source or modification, conduct such ambient air quality monitoring as the reviewing authority determines may be necessary to establish the effect which emissions from the source or modification of a pollutant for which a national ambient air quality standard exists (other than non-methane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

(2) As necessary to determine whether emissions from the proposed source or modification would cause or contribute to a violation of a national ambient air quality standard, any permit application submitted after August 7, 1978, shall include an analysis of continuous air quality monitoring data for any pollutant emitted by the source or modification for which a national ambient air quality standard exists, except non-methane hydrocarbons. Such data shall relate to, and shall have been gathered over, the year preceding receipt of the complete application, unless the owner or operator demonstrates to the Administrator's satisfaction that such data gathered over a portion or portions of that year or another representative year would be adequate to determine that the source or modification would not cause or contribute to a violation of a national ambient air quality standard.

(o) *Source information.* (1) The plan shall provide that the owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under procedures established in accordance with this section.

(2) The plan may provide that such information shall include:

(i) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(ii) A detailed schedule for construction of the source or modification;

(iii) A detailed description as to what system of continuous emission reduction is planned by the source or modification, emission estimates, and any other information as necessary to determine that best available control technology as applicable would be applied;

(3) The plan shall provide that upon request of the State, the owner or operator shall also provide information on:

(i) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

(ii) The air quality impacts and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

(p) *Additional impact analyses.* The plan shall provide that—

(1) The owner or operator shall provide an analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source or modification.

(q) *Sources impacting Federal Class I areas—additional requirements—*

(1) *Notice to EPA.* The plan shall provide that the reviewing authority shall transmit to the Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the Administrator of every action related to the consideration of such permit.

(2) *Federal Land Manager.* The Federal Land Manager and the Federal official charged with direct responsibility for management of Class I lands have an affirmative responsibility to protect the air quality related values (including visibility) of any such lands and to consider, in consultation with the Administrator, whether a proposed source or modification would have an adverse impact on such values.

(3) *Denial—impact on air quality related values.* The plan shall provide a mechanism whereby a Federal Land Manager of any such lands may present to the State, after the reviewing authority's preliminary determination required under procedures developed in accordance with paragraph (r) of this section, a demonstration that the emissions from the proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of any Federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the State concurs with such demonstration, the reviewing authority shall not issue the permit.

(4) *Class I Variances.* The plan may provide that the owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source would have no adverse impact on the air quality related values of such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Federal Land Manager concurs with such demonstration and so certifies to the State, the reviewing authority may: *Provided,* That applicable requirements are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide and particulate matter would not exceed the following maximum allowable increases over baseline concentration for such pollutants:

	Maximum allowable increase (micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	19
24-hr. maximum	37
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr. maximum	91
3-hr. maximum	325

(5) *Sulfur Dioxide Variance by Governor with Federal Land Manager's Concurrence.* The plan may provide that—

(i) The owner or operator of a proposed source or modification which cannot be approved under procedures developed pursuant to paragraph (q)(4) of this section may demonstrate to the Governor that the source or modification cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for periods of twenty-four hours or less applicable to any Class I area and, in the case of Federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility);

(ii) The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may grant, after notice and an opportunity for a public hearing, a variance from such maximum allowable increase; and

(iii) If such variance is granted, the reviewing authority may issue a permit to such source or modification in accordance with provisions developed pursuant to paragraph (q)(7) of this section: *Provided,* That the applicable requirements of the plan are otherwise met.

(6) *Variance by the Governor with the President's concurrence.* The plan may provide that—

(i) The recommendations of the Governor and the Federal Land Manager shall be transferred to the President in any case where the Governor recommends a variance in which the Federal Land Manager does not concur;

(ii) The President may approve the Governor's recommendation if he finds that such variance is in the national interest; and

(iii) If such a variance is approved, the reviewing authority may issue a permit in accordance with provisions developed pursuant to the requirements of paragraph (q)(7) of this section: *Provided,* That the applicable requirements of the plan are otherwise met.

(7) *Emission Limitations for Presidential or Gubernatorial Variance.* The plan shall provide that in the case of a permit issued under procedures developed pursuant to paragraph (q)(5) or (6) of this section, the source or modification shall comply with emission limitations as may be necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

Maximum Allowable Increase

[Micrograms per cubic meter]

Period of exposure	Terrain areas	
	Low	High
24-hr maximum	36	62
3-hr maximum	130	221

(r) *Public participation.* The plan shall provide that—

(1) The reviewing authority shall notify all applicants within a specified time period as to the completeness of the application or any deficiency in the application or information submitted. In the event of such a deficiency, the date of receipt of the application shall be the date on which the reviewing authority received all required information.

(2) Within one year after receipt of a complete application, the reviewing authority shall:

(i) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(ii) Make available in at least one location in each region in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

(iii) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for comment at a public hearing as well as written public comment.

(iv) Send a copy of the notice of public comment to the applicant, the Administrator and to officials and agencies having cognizance over the location where the proposed construc-

tion would occur as follows: any other State or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.

(v) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations.

(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. The reviewing authority shall make all comments available for public inspection in the same locations where the reviewing authority made available preconstruction information relating to the proposed source or modification.

(vii) Make a final determination whether construction should be approved, approved with conditions, or disapproved.

(viii) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the reviewing authority made available preconstruction information and public comments relating to the source.

(s) *Source obligation.* The plan shall include legally enforceable procedures to provide that approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the plan and any other requirements under local, State or Federal law.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register April 27, 1978.

[FR Doc. 78-16889 Filed 6-14-78; 4:15 pm]

[6560-01]

[FRL 904-3A]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

1977 Clean Air Act Amendments to Prevent Significant Deterioration

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By these final regulations, EPA amends its regulations relating to prevention of significant air quality deterioration (PSD) in order to implement the new PSD requirements of the Clean Air Act Amendments of 1977 (Pub. L. 95-95). As amended, the PSD regulations are now more comprehensive and stringent than they were. States may substitute comparable requirements through implementation plan revisions pursuant to regulations also being published today.

DATES: See §52.21(i) of the regulations.

FOR FURTHER INFORMATION CONTACT:

Darryl Tyler, Chief, Standards Implementation Branch, Control Programs Development Division, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711.

SUPPLEMENTARY INFORMATION:

INTRODUCTION

In 1974, EPA promulgated regulations under Section 101(b)(1) of the Clean Air Act (Act) to prevent emissions of sulfur dioxide (SO_2) and particulate matter (PM) from significantly deteriorating air quality in areas where concentrations of those pollutants were lower than the applicable national ambient air quality standards (NAAQS). 39 FR 42510 (codified at 40 CFR 52.21). EPA incorporated those regulations into the implementation plan (SIP) of each State. The regulations, as amended before August 7, 1977, prohibited construction of any stationary source in any of nineteen specified categories, unless EPA or a delegate State had issued a permit evidencing that the source would apply "best available control technology" (BACT) for SO_2 and PM and that emissions of those pollutants from the source would not cause significant deterioration of air quality in any area. For determining what levels of deterioration were significant, the regulations set out an area classification system. Under it, clean air areas could be classified as Class I, II, or III. In Class I areas, small increases of SO_2 and PM would be significant; in Class II areas, moderate increases; and in Class III areas, increases up to a NAAQS. The regulations classified all clean areas as Class II, but gave States, Indian Governing Bodies and Federal Land Managers the opportunity to reclassify their lands under specified requirements.

On August 7, 1977, the President signed into law new PSD requirements as part of the Clean Air Act Amendments of 1977 (1977 Amendments). These requirements follow the outline of the pre-existing regulations, but are in general more comprehensive and stringent. The permit requirements and classification system remain; but, among other things, many more sources are covered, Class II increments are different and sometimes more restrictive, Class III increments are now specifically defined, ambient ceiling requirements apply, BACT applies to all pollutants regulated under the Act, certain lands are permanently Class I, the procedures for reclassifying to Class III are more rigorous, the scope of the ambient impact analysis is much broader, and the opportunity for public comment on a proposed permit must include an opportunity for a public hearing. See Clean Air Act Sections 160-169 42 U.S.C. §§7470-79 (Clean Air Act Amendments of 1977, Pub. L. 95-95, §127(a), 91 Stat. 731), as amended, Pub. L. 95-190, Sections 14(a)(40)-(54), 91 Stat. 1401-02 (November 16, 1977) (technical and conforming amendments).

On November 3, 1977, EPA announced in the FEDERAL REGISTER several specific actions. The first was a final decision not to implement the new PSD requirements of Section 165 of the Act as of August 7, 1977, 42 FR 57459. The second, which embodied the first, was the promulgation of amendments to the pre-existing PSD regulations conforming them, not to Section 165, but primarily to Sections 162(a), 163(b) and 164(a) of the Act in accordance with Section 168(b). Id. Section 162(a) sets forth the new mandatory Class I areas; Section 163(b) identifies the new Class II and Class III increments and the ambient ceilings requirement; and Section 164(a) lists those areas which may not be reclassified as Class III and outlines the new Class III reclassification procedures. The third action EPA announced was the proposal of regulations giving guidance for the preparation of SIP revisions which would meet the new PSD requirements. Id. at 57471. The fourth action was the proposal of further, comprehensive amendments to the pre-existing PSD regulations. Id. at 57479. In announcing the proposals, EPA said that it intended to promulgate final regulations no later than March 1, 1978. Id. at 57459, 57471, 57479. Because Section 406(d)(2) of the 1977 Amendments directs the States to submit required SIP revisions within nine months of the promulgation of regulations giving guidance for their preparation, EPA also said that SIP revisions incorporating the new PSD requirements would be due no later than December 1, 1978. Id. at 57471, 57479.

On December 8, 1977, EPA published a supplement to the November 3 proposals. In the supplement, EPA clarified what sources the proposed amendments would exempt from the new PSD requirements, solicited comments on two additional issues, notified the public that technical and conforming amendments to the 1977 Amendments had been enacted on No-

ROBERT W. STRAUB
GOVERNOR

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. D9, March 30, 1979 EQC Meeting

Authorization to Hold a Public Hearing on Amendments to the State Implementation Plan Regarding Rules to Limit Stack Heights in Modeling

Background

Stack Height limitations were first published as a guideline by EPA on February 18, 1976. The Clean Air Act Amendments of August 7, 1977 in Section 123 (Attachment 3) changed EPA's guideline. EPA amended the guideline on January 12, 1979, Federal Register pp. 2608-14 (Attachment 4) The law and rule prohibits excessive stack height or other dispersion techniques from being used to avoid violating federal ambient air quality standards; it forbids the use of excessive height only in computations and modeling, but does not prevent the building of high stacks or other methods of dispersing air pollutants. Oregon has no excessively high stacks (which were given approval for construction since 1976), so the proposed Oregon stack height rule will have only future application.

Statement of Need

The Statement of Need prepared pursuant to ORS 183.333(7) and 183.335(1) is presented in Attachment 1.

Evaluation

EPA has consistently requested industry to lessen air pollution by capturing pollutants rather than using tall stacks or other means to disperse air pollution. Congress subsequently included Section 123 in the Clean Air Act in 1977.

The proposed rule, OAR 340-31-110 through 112, is an exact equivalent of the federal law and rule, but was rephrased to make it more understandable.

This rule will assure EPA that the Department will not give credit to excessive stack heights when modeling is used to show compliance with Prevention of Significant Deterioration Rules or non-attainment area control strategies.

Summation

An Oregon stack height rule is required by the Clean Air Act Amendments to prevent using tall stacks or other dispersion methods to meet ambient air quality standards.

Director's Recommendation

Based upon the Summation, I recommend that the Commission authorize a public hearing for the attached stack height rule in Portland, and consider the rule for adoption at the Commission's June, 1979 meeting.

Bill

WILLIAM H. YOUNG

P. B. Bosserman:kmm
229-6278
March 20, 1979
Attachments: (1) Statement of Need
(2) Proposed Stack Height Rule OAR 340-31-110 through 112
(3) Clean Air Act Section 123
(4) Federal Rule 40 CFR 51

Attachment 1

Statement of Need

The Environmental Quality Commission intends to adopt a Stack Height Rule, OAR 340-31-110 through 112.

a. Legal Authority: ORS 468.020 and 468.295

b. Need for Rule:

A State "stack height" rule is needed to meet requirements of the Clean Air Act Amendments so that tall stacks or other dispersion techniques are not used to meet ambient air standard requirements. The Rule would not prevent construction of tall stack or use of dispersion techniques as an added benefit to the actual prevention or capture of emissions.

c. Documents Principally Relied Upon:

1. Federal Clean Air Act P.L. 95-95, Amendments of August 7, 1977, Section 123.
2. Code of Federal Regulations 40 CFR 51.1, 51.12(j), and 51.18(j), see Federal Register January 12, 1979 pp 2608-2614.

Attachment 2

Stack Heights

340-31-110 The degree of emission limitation required to attain or maintain compliance with national ambient air standards or to prevent significant deterioration of air quality shall not be affected in any manner by:

(1) the use of a stack height that exceeds good engineering practice, or,
(2) the use of any other dispersion technique.

340-31-111 The Department shall give public notice about stack heights that exceed good engineering practice prior to issuing an air contaminant discharge permit.

340-31-112 Definitions. As used in OAR 340-31-110 to 340-31-112, unless otherwise required by context:

(1) "Dispersion technique" means any control of criteria air pollutants varying with atmospheric conditions including but not limited to supplementary or intermittent control systems and excessive use of enhanced plume rise.

(2) "Good engineering practice stack height" means that stack height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles and shall not exceed any of the following as appropriate:
   (a) 30 meters, for stacks influenced by structures or terrain;
   (b) $H_G = H + 1.5\ L$
   where H_G = good engineering practice stack height
   H = height of structure or nearby structure
   L = lesser dimension (height or width) of the structure or nearby structure;
   for stacks influenced by structures;
   (c) such height as an owner or operator of a source demonstrates is necessary through the use of field studies or fluid models after notice and opportunity for public hearing.

PBB:jl
A6164.1

Attachment 3

THE CLEAN AIR ACT

AS AMENDED, AUGUST 1977

U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

STACK HEIGHTS

"SEC. 123. (a) The degree of emission limitation required for control of any air pollutant under an applicable implementation plan under this title shall not be affected in any manner by—

"(1) so much of the stack height of any source as exceeds good engineering practice (as determined under regulations promulgated by the Administrator), or

"(2) any other dispersion technique.

The preceding sentence shall not apply with respect to stack heights in existence before the date of enactment of the Clean Air Amendments of 1970 or dispersion techniques implemented before such date. In establishing an emission limitation for coal-fired steam electric generating units which are subject to the provisions of section 118 and which commenced operation before July 1, 1957, the effect of the entire stack height of stacks for which a construction contract was awarded before February 8, 1974, may be taken into account.

"(b) For the purpose of this section, the term 'dispersion technique' includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions.

"(c) Not later than six months after the date of enactment of this section, the Administrator, shall after notice and opportunity for public hearing, promulgate regulations to carry out this section. For purposes of this section, good engineering practice means, with respect to stack heights, the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles (as determined by the Administrator). For purposes of this section such height shall not exceed two and a half times the height of such source unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing, to the satisfaction of the Administrator, that a greater height is necessary as provided under the preceding sentence. In no event may the Administrator prohibit any increase in any stack height or restrict in any manner the stack height of any source.

Attachment 4

Federal Stack Height Rule

pp 2613 & 2614 of the

Jan. 12, 1979 Federal Register

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2. Not produce economic cost e source categories. mised on the fact not found for the coal-fired power plant community, a category of sources which has made significant use of "tall stacks" and hence would be potentially subject to the greatest degree of emission reduction.

The above anticipated impacts represent a preliminary assessment of the proposed Regulation. Additional documentation regarding (1) the existence of unavoidable terrain impaction problems, (2) significant air quality (ambient standards or significant deterioration increments) problems, and (3) the limitations of available control technology is solicited to assist EPA in developing specific procedures to implement the final Stack Heights Regulation.

State Implementation of Stack Height Reviews

States must develop programs, pursuant to the Clean Air Act Amendments of 1977, PL 95-95 (August 7, 1977), to review sources in order to implement the Stack Heights requirements as expeditiously as practicable. Extensive State and Federal effort will be necessary to review, in detail, all emission sources in accordance with the Stack Heights requirements.

In accordance with Section 406(d)(2)(B) of the Act, revisions to SIPs that are required by the Stack Heights Regulation must be submitted within nine months after promulgation of the Regulation. States which are currently revising SIPs for nonattainment areas, as required by Section 110(a)(2)(I) and Part D of the Act, are encouraged to enhance the effectiveness of their resource expenditures by incorporating, where possible, stack height reviews and necessary revisions into the nonattainment plan revision process. State programs for the preconstruction review of new sources should incorporate the revised stack

Call for Comments and Information

EPA solicits comment on its proposed Regulation and on the Technical Support Document which accompanies the Regulation.[1] The Agency, in addition, wishes to solicit for review and consideration any information which the public feels may be relevant to the development of the Stack Heights Regulation. In an effort to ensure the proper and expeditious consideration of comments and submitted information, the following topical divisions are offered to the public for its use in formatting its response to this call: (1) Intent and Purpose of the Regulation, (2) Applicability and Grandfathering, (3) Technical Definition of GEP Stack Height, including the definition of "excessive concentration," (4) Definition of "Nearby": Technical Aspects and Policy Implications, (5) Air Quality Impacts: Costs and Benefits of the Regulation, (6) Environmental Impacts: Costs and Benefits of the Regulation, including economic and energy impacts, (7) Case-Specific Impacts for Consideration in Implementation Guidance Development, including identification of hardship cases, and (8) Air Pollution Control Agency Priorities and Stack Heights Reviews: Resources Scheduling and Program Coordination.

Executive Order 12044, dated March 24, 1978, whose objective is to improve Government regulations, requires executive branch agencies to prepare regulatory analyses for regulations that may have major economic consequences. Prior to March 24, 1978, Executive Orders 11821 and 11949 were applicable to pending rulemaking proceedings.

Because this Regulation and its support documentation was initiated and

[1] "Technical Support Document for Determination of Good Engineering Practice Stack Height," Draft, July 1978.

Dated: December 29, 1978.

Douglas M. Costle,
Administrator.

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. Section 51.1 is amended by revising paragraph (z) and by adding paragraphs (ff), (gg), (hh), (ii), (jj), and (kk), as follows:

§ 51.1 Definitions.

* * * * *

(z) "Emission limitation" and "emission standard" mean a requirement established by a State, local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement which limits the level of opacity, prescribes equipment or fuel specifications, or relates to the operation or maintenance of a source to assure continuous emission reduction.

* * * * *

(ff) "Stack" means any point in a source, designed to emit solids, liquids, or gases into the air, including a pipe, duct, or flare.

(gg) "In existence", as used within Section 51.12(k) of this part, means that stack height (of a stack) which has been constructed.

(hh) "Dispersion technique" means any method which attempts to affect the concentration of a pollutant in the ambient air by (1) use of that portion of a stack which exceeds good engineering practice stack height, (2) varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant, or (3) the manipulation of source process parameters, exhaust gas pa-

rameters, stack parameters other than height, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The preceding sentence does not include the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

(ii) "Good engineering practice stack height" means that stack height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, wakes, or eddy effects which may be created by the source itself, nearby structures, or nearby terrain obstacles and shall not exceed as appropriate:

(1) 30 meters, for stacks unifluenced by structures or terrain:

(2) $H_g = H + 1.5 L$

where

H_g = good engineering practice stack height
H = height of structure or nearby structure
L = lesser dimension (height or width) of the structure or nearby structures,

provided that the cognizant State or local control agency or the U. S. Environmental Protection Agency may require that a field study or fluid model be used (1) to determine the good engineering practice stack height for the source, or (2) for existing sources with stack heights less than good engineering practice, as determined by the equation, to demonstrate the existence of an air quaility problem, attributable to downwash, wakes, or eddy effects on such source as justification for use of the equation based good engineering practice stack height.

(3) such height as an owner or operator of a source demonstrates through the use of a field study or fluid model is necesary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source.

(jj) "Nearby" as used in Section 51.1(ii) of this part, is defined for a specific structure or terrain feature, and means that distanee equal to five times the lesser of the height or width dimension of a structure or terrain feature not greater than one-half mile (0.8 km).

(kk) "Excessive concentrations" for the purpose of determining good engineering practice stack heights in fluid modeling studies means a maximum concentration greater than an ambient air quality standard, due in part or whole to downwash, wakes, or eddy effects and which concentrations is at least 40 percent in excess of the maximum concentration experienced in the absence of downwash, wakes, or eddy effects produced by nearby structures or terrain. For sources subject to the Prevention of Significant Deterioration program (40 CFR 51.24 and 52.21) an "excessive concentration" is a maximum concentration greater than that permitted by an applicable remaining prevention of significant deterioration increment and which concentration is at least 40 percent in excess of the maximum concentrations experienced in the absence of the downwash, wakes, and eddy effects produced by nearby structures of terrain features.

2. Section 51.12 is amended by adding paragraphs (j) and (k) as follows:

§ 51.12 Control strategy: General.

* * * * *

(j) The plan shall provide for any source whose stack emissions are required to be controlled in order to attain and maintain any national ambient air quality standard or to prevent significant deterioration of the air quality, that such control shall be accomplished through emission limitation alone. The degree of emission limitation required of any source for control of any air pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in Section 51.12(k) of this part, even when the degree of emission limitation required may be economically or technologically infeasible to attain. The plan shall provide that before a State submits to EPA a plan or plan revision that is based on a stack height determined under Subparagraph 51.1(ii)(3) of this part which exceeds two-and-a-half times the height of the source, the State shall notify the public of the availability of the source's demonstration and shall provide oppotunity for public hearing on the demonstration.

(k) The provisions of Sections 51.12(j) and 51.18(j) of this part shall not apply to: (i) stack heights in existence, or dispersion techniques implemented, prior to December 31, 1970, or (ii) coal-fired steam electric generating units, subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

3. Section 51.18 is amended by adding paragraph (j) as follows:

§ 51.18 Review of new sources and modifications.

* * * * *

(j) Such procedures shall provide for any source whose stack emissions are controlled in order to attain and maintain any national ambient air quality standard, or to prevent the significant deterioration of air quality, that such control shall be accomplished through emission limitation alone. The degree of emission limitation required of any source for control of any air pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in Section 51.12(k) of this part, even where the degree of emisison limitation required may be ecnomically or technologically infeasible to attain. Such procedures shall provide that before a State issues a permit to a source based on a stack height determined under Subparagraph 51.1(ii)(3) of this part which exceeds two-and-a-half times the height of the source, the State shall notify the public of the availability of the source's demonstration and shall provide opportunity for public hearing on the demonstration.

[FR Doc. 79-1049 Filed 1-11-79; 8:45 am]

[6560-01-M]

[40 CFR Part 52]

[FRL 1037-1]

MAINE

Approval and Promulgation of Implementation Plans; Proposed Rulemaking: Maine Regulations for Air Quality Surveillance and New Source Review

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes approval of revisions to the Maine State Implementation Plan (SIP) for Air Quality Control by amending Chapter 5, *Air Quality Surveillance,* which updates the ambient air monitoring network, and Chapter 6, *Review of New Sources and Modifications,* which establishes a category of "Lesser Sources" which will be licensed on a 5-year basis. The air monitoring network will be considered an interim measure until such time as further revisions are required.

No action will be taken at this time on Chapter 2, *Control Strategies,* and Chapter 9, *Intergovernmental Cooperation* since the state is to submit additional information.

DATES: Comments must be received on or before February 12, 1979.

ADDRESSES: Copies of the Maine submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

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

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. F(1), March 30, 1979, EQC Meeting

Adoption of Proposed Amendments to Oregon Administrative Rules Governing Subsurface & Alternative Sewage Disposal, OAR 340-71-005 to 71-045 and 340-72-005 to 72-020.

Background

Administrative Rules governing Subsurface and Alternative Sewage Disposal are provided for by statute. The present rules 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.

The Commission authorized, on January 26, 1979, public hearing before a hearing officer to take testimony on the question of amending Administrative Rules 340-71-010(7), 340-71-016, and 340-71-018 and other related rules that may be impacted by amendments to these rules. In addition the Commission authorized public hearing on the question of the adoption of Geographic Region Rule "C" as a permanent rule and modification of Jackson County's fee structure as it relates to this rule. Tillamook County requested a modification of their fee structure rule which was consolidated into these public hearings, as well.

After proper notice, public hearings were held on March 2, 1979 at the following locations: Medford, Roseburg, Tillamook, Bend and Portland. Public Notice was by publication in the Secretary of State's Bulletin and mailing to the following Mailing Lists: ALPHA (the Department's general adminiatrative rule mailing list); Subsurface (the Subsurface sewage disposal special interest list); and special land use interest lists.

A copy of each hearing officer's report is attached (Attachment "C").

On March 16, 1979, the Department's Citizen's Advisory Committee (CAC) for subsurface sewage disposal met to consider the proposed amendments. The CAC's recommendations are included in the proposed rule amendment package, Attachment "A".

Statement of Need for Rule Making

a. 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. ORS 454.615 requires the Commission to adopt by rule, among other things, standards for design and construction of subsurface, alternative and nonwater-carried sewage disposal systems and prescribe minimum requirements for operation and maintenance of such systems.

b. Some of the rules adopted September 25, 1975 have proved to be cumbersome and difficult to administer. Rules in some instances are too restrictive and in need of modification. The proposed rule amendments set forth in Attachment "A" is an attempt to simplify or clarify certain troublesome rules as well as making them less restrictive. In addition, Geographic Region Rule "C" adopted as a temporary rule on January 26, 1979, and effective February 1, 1979, needs to be adopted as a permanent rule prior to its expiration on June 1, 1979. Two contract counties; Jackson and Tillamook, have requested an adjustment of their subsurface system fee structures to more effectively administer their programs.

c. The principal document prepared by the Department and relied upon in considering the need for and in preparing the rule amendments was "Discussion of Issue, Sizing of Subsurface Disposal Systems and Draft of Possible Amendments to Rules Governing Subsurface and Alternative Sewage Systems:, February 1979; Department of Environmental Quality; (Attachment"B").

Evaluation

Within Attachment "B" both Alternative "A", Minimum System Sizing by Soil Groups for single family dwelling, and Alternative "B", System Sizing by Plumbing Fixture Units, were considered at public hearings. Alternative "A" seeks to correct problems within the context of the existing rules. Alternative "B" seeks to correct the same problems but would depart significantly from the approach and structure of the current rules by establishing a new method for sizing on site systems.

Although public notice for these hearings met the legal time limits a number of people complained about the short interval between public notice and the hearings. The result seems to be a very small turnout at the hearings on a subject of some importance to not only the program but to the public in general.

The following number of persons appeared at the individual hearings:

Portland - 6
Medford - 9
Roseburg - 9
Bend - 10
Tillamook- 5

NOTE: Approximately half of those appearing were either Department or Contract County personnel.

Specifically, testimony supported Alternative "A", Minimum System Size, over Alternative "B", Plumbing Fixture Units.

There was no testimony in opposition to making geographic region rule "C" permanent. There was no opposition to the proposed adoption of new fee schedules for Jackson and Tillamook Counties. Except for the proposed Amendment 340-71-030(11), forty acre parcel permits, there was no opposition to the proposed general amendments.

A number of staff personnel, both DEQ and Contract County, feel that the forty (40) acre proposal will allow health hazards or water pollution to occur unnecessarily. As a result the criteria has been strengthened somewhat. In addition, parcel size was lowered to thirty-eight (38) acres to be consistent with zoning classifications in some counties.

Recognizing that there was a short time interval between the date of notice and the public hearings, it is felt that the notice was adequate; therefore, it is recommended that a rules package be acted upon by the Commission. That package would consist of Alternative "A", Minimum System Sizing by Soil Groups for Single Family Dwellings, and the general amendments proposed which include the fees for Jackson and Tillamook County. Further consideration of Alternate "B" will require significantly more time.

The major amendments would:

(a) Provide a new bedroom definition tied to the building code.

(b) Calculate sewage flows from dwellings upon basis of 150 gallons per day per bedroom for the first two (2) bedrooms and 75 gallons for the third and succeeding bedrooms. This would replace the requirement that flow be based on 150 gallons per bedroom regardless of the number of bedrooms.

(c) Would require a minimum sized system be set at 450 gallons per day sewage flow rather than at 3 bedrooms except for approved unit developments.

The result of (b) and (c) above would be:

- 4 bedrooms could be served by same sized system now required for 3 bedrooms.

- 3 bedroom systems installed after 1/1/74 could add a bedroom without altering system (if system not failing).

- Bedroom definition would no longer assume importance it now has - any room beyond 4 bedrooms labeled something else (den, sewing room) would probably be labeled correctly.

(d) Connection to existing systems would allow:

- For "approved" systems - constructed by permit after 1/1/74 - if not failing, 3 bedroom system could add 1 bedroom, 4 bedroom system could add 2 bedrooms without altering system.

- For "existing" systems - constructed prior to 1/1/74 with permit of record - would allow without altering system, one bedroom additional if no public health hazard or water pollution would result.

- For "pre-existing" systems - constructed prior to 1/1/74 - no permit of record - would allow connection of same sewage flow if tank is at least 500 gallons and no health hazard or water pollution would result.

(e) Personal Hardship Connection - would allow:

- Connection of mobile home for two persons without altering system

- Mobile home with more than two persons if additional drainfield area available (does not have to be installed unless system fails).

- Accept local planning authority approval as proof of hardship.

(f) Temporary connection of mobile home would allow:

- Connection up to two years if need can be shown, if system not failing.

- Accept Planning Commission permit as proof of need.

(g) Revises Rules on Abandoned Systems. Deleted requirement that system unusued for one year be abandoned.

(h) Defines a "Community System", sets criteria for plan review, operation and maintenance, and financing details.

(i) Large parcel system - allows a dwelling or parcel 38 acres or larger under relaxed standards.

(j) Geographic Region Rule "C" would be made permanent.

(k) Adjust fees for Jackson and Tillamook Counties.

Summation

1. Administrative Rules governing subsurface and alternative sewage disposal are provided for by statute; ORS 454.625.

2. Administrative Rules may be adopted by the Commission after public hearing.

3. The Commission authorized public hearings on January 26, 1979.

4. After proper notice, public hearings were held on March 2, 1979 at five locations around the State.

5. Notice was given by publication in the Secretary of State's Bulletin, February 15, 1979 edition; by mailing to Subsurface, Alpha and Special Land Use mailing lists.

6. The Department's Citizen Advisory Committee (CAC) considered the proposed amendments on March 16, 1979.

7. As a result of the public hearings, a package of proposed rule amendments was developed for presentation to the Commission for possible adoption (Attachment "A").

Director's Recommendation

Based upon the summation, it is recommended that:

The Commission adopt the proposed amendments to Oregon Administrative Rules, 340-71-005 to 71-045 and 72-005 to 72-020 as set forth in Attachment "A" for immediate filing with the Secretary of State to become effective April 5, 1979.

Bill

WILLIAM H. YOUNG

T. Jack Osborne:em
229-6218
March 12, 1979

Attachments: A Proposed Amendments to Rules Governing Subsurface and Alternative Sewage Disposal

B. Discussion of Issue Sizing of Subsurface Disposal Systems and Draft of Possible Amendments

C. Hearing Officer's Reports

ATTACHMENT "A"

PROPOSED AMENDMENTS TO OREGON ADMINISTRATIVE RULES GOVERNING SUBSURFACE AND ALTERNATIVE SEWAGE DISPOSAL

MINIMUM SYSTEM SIZING BY SOILS GROUPS FOR SINGLE FAMILY DWELLING

March 1979

Amend 340-71-010(7) as follows:

(7) "Bedroom" means any [portion of a dwelling which is so designed to furnish the minimum isolation necessary for use as a sleeping area and includes, but is not limited to: a den, study, sewing room, sleeping loft, or enclosed porch] room within a dwelling which is accepted as such by the State of Oregon Department of Commerce building codes representative having jurisdiction or the local authorized building official.

Connection or re-connection to an approved, existing, or pre-existing system. Certificate of Adequacy.

340-71-016(1) No person shall directly connect or re-connect the sewage or waste water plumbing from any mobile home, recreation vehicle, or building to an approved, existing, or pre-existing subsurface, [or] alternative, or experimental sewage disposal system without first having obtained a [permit] certificate of adequacy from the [Department,] Director or his authorized representative. [provided; however, that] [t]This requirement shall not pertain to the connection of any mobile home or recreation vehicle to an existing subsurface or alternative sewage disposal system serving a mobile home park or recreation park operated by a public entity or under a valid license or Certificate of Sanitation issued by the State Health Division or Department of Commerce.

(2) Except as otherwise provided within this Division or Division 74 no person shall use such a system until a Certificate of Adequacy [Satisfactory Completion] is issued by the [Department] Director or his authorized representative [for the completed connection].

(3) [In addition to the information required of all permit applicants,] [a] An applicant for a [permit] certificate of adequacy to connect or re-connect to an approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system [shall] may be required to [also] provide the [Department] Director or his authorized representative the following information:

(a) The type and size of the establishment which the approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system last served and the most recent date of such use;

(b) The size of the existing septic tank;

(c) The type and size of the establishment which the approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system is proposed to serve; [and

(d) A signed statement that the existing, surface sewage disposal system has never failed by discharging sewage upon the ground surface or into public waters, by clogging or backing up, or in any other manner.]

(d)[(e)] Any other information which the Director or his authorized representative may request.

Rescind 340-71-016(4) in its entirety and substitute the following:

(4) (a) For "approved" subsurface, alternative or experimental sewage disposal systems a Certificate of Adequacy shall be issued if the intended use is the same as the previous use and if the expected sewage flow is not more than that allowed under the original construction permit.

Any alterations or expansion of an approved system to accommodate an increase in sewage flow must be in compliance with the rules of this Division. Upon inspection or record review if the system is found to be failing or there is evidence that it has failed in the past without being repaired, repairs shall be required prior to the issuance of a Certificate of Adequacy.

(b) For "existing" or "pre-existing" systems a Certificate of Adequacy for connection to an existing system or for alteration, repairs or additions to a structure served by an existing system or for an increased sewage flow from a structure served by an existing system shall be issued under one of the following conditions:

(A) The application is for connection of a mobile home or frame home with the same number or less of bedrooms than

the previous dwelling, or alterations or additions to a structure which extend beyond the limits of the foundation and which do not exceed fifty (50) percent of the value of the structure and in which there is no increase in bedrooms. The existing system upon inspection or record review is found not to be creating a public health hazard by discharging sewage on the surface of the ground or into surface public waters.

Note: Alterations or additions to an existing structure which do not extend beyond the limits of the existing foundation and do not exceed more than fifty (50) percent of the value of the structure and in which there is no increase in number of bedrooms are exempt from this rule and do not require a Certificate of Adequacy.

(B) The application is for connection of a mobile home or frame home having one additional bedroom over the previous use, or for the addition of one bedroom to an existing structure, or alterations or additions to an existing structure, which exceeds fifty (50) percent of the value of the structure as specified by the State of Oregon uniform building code and the applicant can demonstrate that the system could meet current rules pertaining to setback requirements, septic tank and disposal field size, (excluding characteristics of soil and absence of groundwater). Provided further, that upon inspection the system is found not to be in violation of OAR 340-71-020(1)(a).

(C) The application is for connection of a mobile home having more than one bedroom over the previous use, or to add more than one bedroom to an existing residence where the system is sized for the existing use, or to increase the daily sewage flow for any structure or facility other than a single family residence and the applicant can demonstrate that the system would be in full compliance with these rules for the projected daily sewage flow including soil characteristics and absence of ground water.

(5) Rescind 340-71-016(5) in its entirety and substiture the following:

(5) An installed subsurface or alternative system shall be considered inoperative if it is not being used at the time of application and if a certificate of adequacy cannot be issued under any of the criteria set forth in subsection (4) of the section. In order for a certificate of adequacy to be issued the system must be brought into compliance with rules in effect on the date of application.

(6) Rescind 340-71-016(6) in its entirety and substitute the following:

(6) For dwellings, in use, for which the method of sewage disposal approximates a pit privy and a gray water discharge to the surface or to a pit, system repair rules, 340-71-030(7), shall apply.

(7) Rescind 340-71-016(7) in its entirety and substitute the following:

(7) For the purpose of administering these rules the following definitions apply:

(a) "Approved system" means any subsurface, alternative or experimental sewage disposal system constructed under a Department construction permit after January 1, 1974 and for which a Certificate of Satisfactory Completion was issued.

(b) "Existing system" means any subsurface or alternative sewage disposal system constructed prior to January 1, 1974 for which

a prior construction permit of record is available from the agency having jurisdiction at the time.

(c) "Pre-existing system" means a subsurface or alternative system constructed prior to January 1, 1974 for which no permit of record is available.

(d) "Certificate of Adequacy" means a written document issued by the Director or his authorized representative which certifies that a subsurface, alternative or experimental sewage disposal system is adequate to serve the purpose for which a particular application is made.

(8) Personal hardship connections to approved, existing or pre-existing systems. Upon receiving satisfactory evidence that a hardship exists within a family in that a family member is suffering either physical or mental impairment, infirmity, or is otherwise disabled, (a hardship approval issued under local planning ordinances shall be accepted as satisfactory evidence) [and after determination that all the provisions of subsection (4) of this section have been satisfied] the Director or his authorized representative may allow a mobile home to connect to an approved, existing or pre-existing system serving another residence in order to provide housing for the family member suffering hardship. Connection of a mobile home to serve two (2) people shall be authorized without modification to the approved, existing or pre-existing system which is not failing by discharging sewage upon the surface of the ground or into surface public waters. Connection of mobile homes with more than two (2) people shall be permitted only if additional drainfield area suitable under these rules is available for the increased flows. Connection shall be for a specified period, renewable on [an annual] not longer than a two (2) year basis, but not to exceed cessation of the hardship. The Director or his authorized representative shall impose conditions in the Certificate of Adequacy [connection permit] necessary to assure protection of public health and public waters.

(9) Temporary connection of mobile home (for other than hardship) to an approved, existing or pre-existing system. Upon receiving satisfactory evidence of need (an approval issued under local planning ordinances

shall be accepted as satisfactory evidence of need) and after determination that the approved, existing or pre-existing system has never failed by discharging sewage on the surface or into surface public waters, or if it has failed it was completely repaired and it has operated continuously since the repair without another failure and that subsection 340-71-020(1)(a) would not be violated the Director or his authorized representative may allow a mobile home to connect to an approved, existing or pre-existing system serving another residence for a period not to exceed two years. The Director or his authorized representative shall impose conditions in the Certificate of Adequacy necessary to assure protection of public health and public waters. A certificate shall not be issued if a full replacement area meeting all applicable rules is not available. If the system malfunctions, during temporary connection it shall be immediately repaired and the mobile home:

(a) Shall be removed if no additional repair area, meeting repair rules, is available, or

(b) Shall remain through duration of temporary connection approval if an additional repair area is available.

Amend 340-71-017(3) as follows:

(3) No person shall operate or use any subsurface, alternative or experimental sewage disposal system the construction of which was completed on or after January 1, 1974, unless a Certificate of Satisfactory Completion has been issued for the construction. A Certificate of Satisfactory Completion shall be valid for a period of one (1) year for connection of the system to the facility for which is was constructed. After the one(1) year period the provisions of OAR 340-71-016(1) shall apply.

Abandonment of systems

340-71-018(1) Rescind in its entirety and renumber the succeeding paragraphs.

[(2)](1) Each and every owner of the real property upon which is situated a subsurface or alternative sewage disposal system shall abandon the system in the following circumstances:

(a) When a sewerage system becomes available, and the building sewer has been connected thereto; or

(b) When the source of sewage has been eliminated; or

(c) When the system has been operated in violation of 340-71-012, [and it has been determined by the Department to be unrepairable] unless and until a repair permit and Certificate of Satisfactory Completion are subsequently issued therefor; or

(d) When the system has been constructed, installed, altered, repaired, or extended without a required permit authorizing same, [and permit could not be issued in conformance with the substantive rules in the Division] unless and until a permit is subsequently issued therefor; or

(e) When the system has been operated or used without a required Certificate of Satisfactory Completion authorizing same, [and a Certificate of Satisfactory Completion could not be issued in conformance with the substantive rules in this Division] unless and until a Certificate of Satisfactory Completion is subsequently issued therefor.

[(3)](2) Any building sewer which has not been connected to a subsurface or alternative sewage disposal system or sewerage system approved by the Department shall be abandoned and capped.

[(4)](3) Each and every owner of the real property upon which is situated a subsurface sewage disposal system which is required to be abandoned, or which has been abandoned, unless otherwise authorized by the Department, shall have all the sludge from the septic tank, seepage pit, or cesspool removed by a person holding a sewage disposal service license, [and] shall fill same with clean bank-run gravel or other material approved by the Director or his authorized representative, and shall permanently cap the building sewer.

[(5)] (4) No permit or authorization for connection to a sewerage system shall be issued, nor shall any permit for construction or installation of a replacement septic tank, seepage pit, or cesspool be issued, until the owner or controller of the property has made binding commitments to comply with the conditions regarding abandonment of the existing septic tank, seepage pit, or cesspool required by subsection [(4)] (3) of this section.

Bracketed [ ] material deleted
Underlined ___ material is new

TJO:em
3/8/79

Amend 340-71-020(1)(i) as follows:

(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] four hundred fifty (450) gallons daily sewage flow.

The following exceptions shall apply:

A. Lots or parcels approved prior to March 1, 1978 which are inadequate in size to accommodate a system sized at four hundred-fifty (450) gallons daily sewage flow.

B. Systems approved by the Department for specifically planned developments with living units of three (3) or fewer bedrooms per unit and where deed restrictions are adequate to prohibit future increase of sewage flows, from the approved design.

In exceptions A. and B. systems shall be sized on the basis of one hundred-fifty (150) gallons per day sewage flow for each of the first two (2) bedrooms and seventy-five (75) gallons per day for the third and succeeding bedrooms.

Amend OAR 340-71-020 by adding a new Table 2-A, Drainfield Sidewall Area by Soil Groups.

Amend Table 3 of OAR 340-71-020, Quantities of Sewage Flows. In the Table amend Column 1 for Single Family Dwellings.

TABLE 2-A

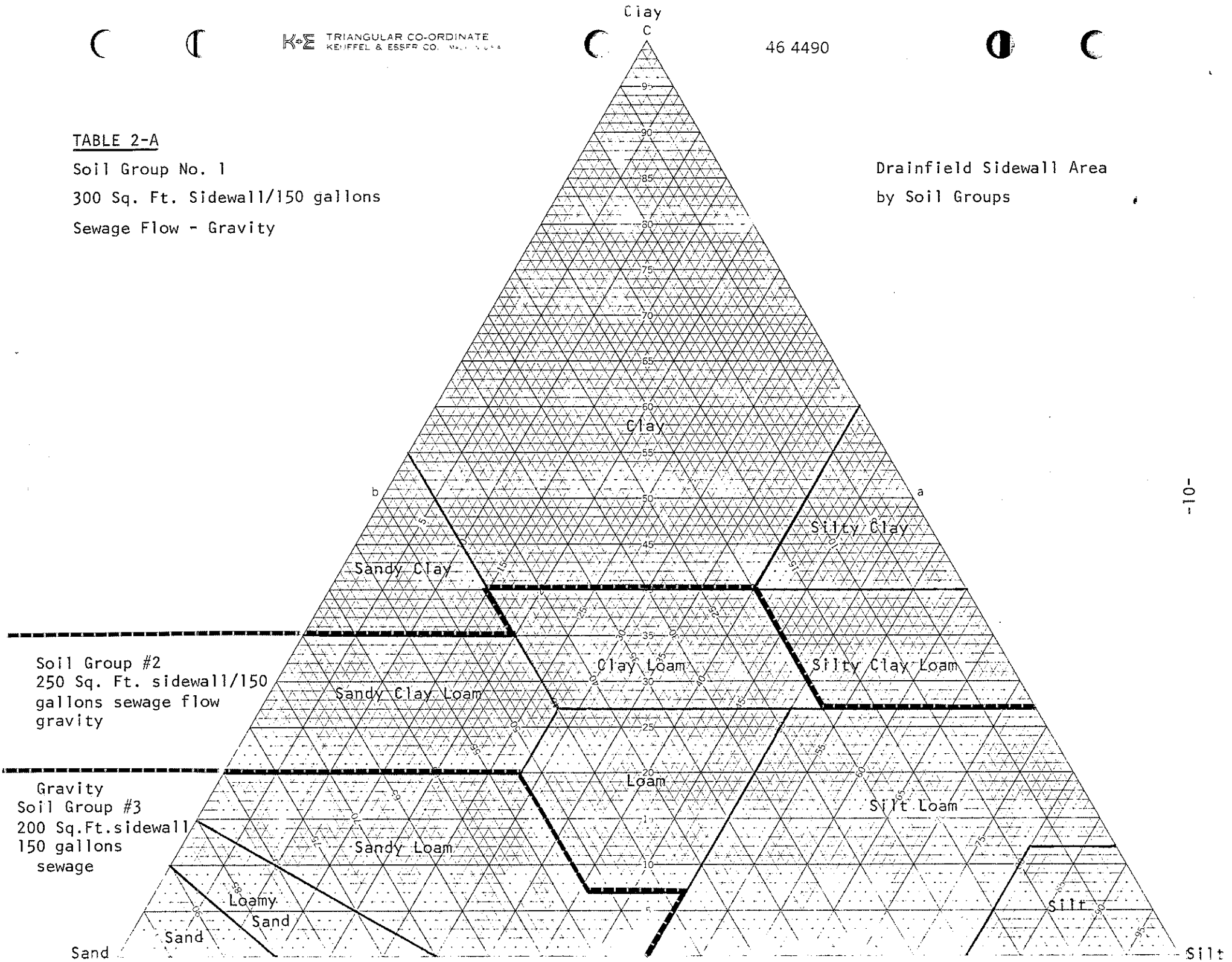
Soil Group No. 1

300 Sq. Ft. Sidewall/150 gallons

Sewage Flow - Gravity

Drainfield Sidewall Area

by Soil Groups



Soil Group #2
250 Sq. Ft. sidewall/150 gallons sewage flow gravity

Gravity
Soil Group #3
200 Sq.Ft.sidewall
150 gallons
sewage

Table 3

Quantities of Sewage Flows

Type of Establishment	Column 1 Gallons Per Day	Column 2 Minimum Gallons Per Establishment Per Day
Airports	5 (per passenger)	150
Bathhouses and swimming pools	10 (per person)	300
Camps: (4 persons per campsite, where applicable)		
Campground with central comfort stations	35 (per person)	700
With flush toilets, no showers	25 (per person)	500
Construction camps (semi-permanent)	50 (per person)	1000
Day camps (no meals served)	15 (per person)	300
Resort camps (night and day) with limited plumbing	50 (per person)	1000
Luxury camps	100 (per person)	2000
Churches	5 (per seat)	150
Country clubs	100 (per resident member)	2000
Country clubs	25 (per non-resident member present)	--
Dwellings:		
Boarding houses	100 (per bedroom)	600
Additional for non-resident boarders	10 (per person)	--
Multiple family dwellings (apartments)	150 (per bedroom)	600
Rooming houses	80 (per bedroom)	500
Single-family dwellings	150 (per bedroom) Refer to Table 3-A	300
Factories (exclusive of industrial wastes, with shower facilities)	35 (per person per shift)	300
Factories (exclusive of industrial wastes, without shower facilities)	15 (per person per shift)	150
Hospitals	250 (per bed space)	2500
Hotels with private baths	120 (per room)	600
Hotels without private baths	100 (per room)	500
Institutions other than hospitals	125 (per bed space)	1250
Laundries, self-service	500 (per machine)	2500
Mobile home parks	250 (per space)	750
Motels with bath, toilet, and kitchen wastes	100 (per bedroom)	500
Hotels	80 (per bedroom)	400
Picnic Parks (toilet wastes only)	5 (per picnicker)	150

Amend 340-71-020 by Adding a New Table 3-A.

SYSTEM SIZING

FOR SINGLE FAMILY DWELLINGS BY SOIL GROUPS

(TABLE 3-A)

Daily Sewage Flow	Septic Tank Size		Drainfield Size (Sq. Ft. of Sidewall)		
	Required	Recommended	Soil Group #1	Soil Group #2	Soil Group #3
300	1000	1500	600	500	400
450	1000	1500	900	750	600
525	1250	1500	1050	875	700
600	1500	1500	1200	1000	800

NOTES:

1. The minimum sewage flow of 300 gallons and attendant drainfield size in Table applies only to split waste systems, such as compost toilet and gray water systems and to lots or parcels created prior to March 1, 1978.

2. For each additional bedroom beyond six (6) add 75 gallons daily sewage to first column and increase drainfield sizes accordingly.

3. 1500 gallons capacity is the largest septic tank required for a single family dwelling regardless of number of bedrooms.

GENERAL AMENDMENTS
TO
RULES GOVERNING SUBSURFACE
AND
ALTERNATIVE
SEWAGE DISPOSAL

March 1979

Amend 340-71-015(4) to read as follows:

(4) The Director or his authorized representative shall issue a permit only if he finds that the proposed construction shall be in accordance with the rules of the Environmental Quality Commission and shall issue a permit only to a person licensed by the Department to perform sewage disposal services, or to an owner or contract purchaser in possession of the land. Notwithstanding that the proposed construction would be in accordance with all other rules of the Environmental Quality Commission, the Director or his authorized representative shall not issue a permit if he [finds] has evidence that such construction would violate any land use planning, zoning or building requirement, ordinance or regulation enacted or promulgated by a constitutive local government agency having jurisdiction over the subject real property.

Amend OAR 340-71-010 by adding a new definition - "Community System".

"Community System" means a subsurface or alternative sewage disposal system which will serve more than one (1) lot or parcel or more than one (1) condominium unit or more than one (1) unit of a planned unit development

Amend 340-71-020(4) to read as follows:

(4) [Multiple service] Community systems.
[Where a water-carried subsurface or alternative sewage disposal system will serve more than one (1) lot or parcel, such a system]

Community systems shall be under the control of a municipality as defined in ORS 454.010(3). Before a construction permit can be issued system plans and specifications shall be submitted to and approved by the Director or his authorized representative. Plans for proposed systems with a projected daily sewage flow of more than twelve hundred (1200) gallons shall be submitted to the Department for review and approval. Plans for all community systems shall include operation and maintenance details prepared by the municipality of jurisdiction and must include details for financing system operation and maintenance.

Amend 340-71-020(2) as follows:

(2) Minimum separation distances - - - -

(d) Surface public water, excluding intermittent streams, ground water interceptors, agricultural draintile, cuts-manmade and ditches (see footnotes [5] 4 and [7] 6:

(i) Water mains or service lines (see footnote [8] 7).

(j) Foundation lines of any building including garages and out buildings (see footnote [6] 5).

Amend 340-71-030 by adding a new subsection (11) to read as follows:

(11) The requirements of OAR 340-71-020(1)(a) and subsection (1) of Section 71-030 notwithstanding, an application for a subsurface sewage system construction permit for a system to serve a single family dwelling on a parcel of land thirty-eight (38) acres or larger shall be issued provided the following criteria can be met:

(a) There is no existing dwelling and no approvable disposal site upon the parcel identified in the application.

(b) A setback of at least two hundred (200) feet can be maintained between the initial disposal and replacement areas and property lines and surface public waters, excluding intermittent streams.

(c) All other setbacks as required in subsection 71-020(2) can be met.

(d) The highest level attained by a temporary perched water table would not be closer than twelve (12) inches to the surface and a permanent water table would not be closer than twenty-four (24) inches to the surface. A six (6) inch separation shall be maintained between a permanent water table and the bottom of the disposal trench.

(e) There is at least eighteen (18) inches of soil above any restrictive layer.

(f) File a deed restriction with the county clerk which would prohibit the parcel containing the system from being divided in a manner that would cause the parcel to be less than thirty eight (38) acres in size during life of new system.

(g) The system shall be located and designed to overcome site limitations as nearly as possible.

Amend OAR 340-72-010(4)(a) as follows:

(4) Pursuant to ORS 454.745(4) and to requests of the respective governing bodies of the following counties all of which have agreements with the Department under ORS 454.725, and notwithstanding the fees listed in subsection (1) of this section and subsection (1) of section 340-72-020,(a) the fees to be charged by the counties of Clatsop, Crook, Curry, Deschutes, [Douglas], Hood River, Jefferson, Josephine, Lincoln, Malheur, Polk, Sherman, [Tillamook], and Wasco shall be as follows: - - - - - -

Add a new subsection (e) to 340-72-010(4) to read as follows:

and (e) the fee to be charged by Jackson County for sites re-evaluated under geographic region rule "c", OAR-71-030(10), shall be $25.

Add a new subsection (f) to 340-72-010(4) to read as follows:

and (f) the fees to be charged by the County of Tillamook shall be as follows:

A. New construction installation permit	$75
B. Repair, alteration, extension permit	$15
C. Evaluation reports	$50

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Underlines _____ material is new.

Proposed amendment to OAR Chapter 340, 71-030, add new permanent subsection (10): (Adopted as a temporary rule January 26, 1979).

"(10) Geographic Region Rule C:

(a) In areas where the mean annual precipitation does not exceed twenty-five (25) inches, subsurface sewage construction permits for evapotranspiration-absorption (ETA) systems may be issued provided:

(A) There exists a minimum of twenty-four (24) inches of soil. The subsoil at a depth of twelve (12) inches and below shall be fine textured.

(B) The soil is moderately-well to well drained. Exposure and slope aspect may be taken into consideration during the site evaluation.

(C) The slope gradient of original ground surface does not exceed fifteen (15) percent.

(b) ETA beds shall be designed according to the following criteria:

(A) The ETA bed shall be sized at a minimum of eight hundred-fifty (850) square feet surface area per bedroom where the annual precipitation in is excess of fifteen (15) inches and six hundred (600) square feet per bedroom where the annual precipitation is less than fifteen (15) inches.

(B) The ETA bed(s) shall not be excavated deeper than thirty-six (36) inches on the uphill side nor deeper than twenty-four (24) inches on the downhill side.

(C) There shall be at least one (1) distribution pipe in each bed.

(D) The surface of ETA bed(s) shall be seeded according to the requirements of the construction permit.

(K) Refer also to Diagram 7C (A) and (B) for additional bed construction standards.

(L) Two (2) compartment septic tanks sized at twelve hundred-fifty (1250) gallons may be required by the Director or his authorized representative.

(c) With the exception of the requirements in this subsection, all conditions required under OAR Chapter 340, 71-005 through 71-035 and appendices must be met."

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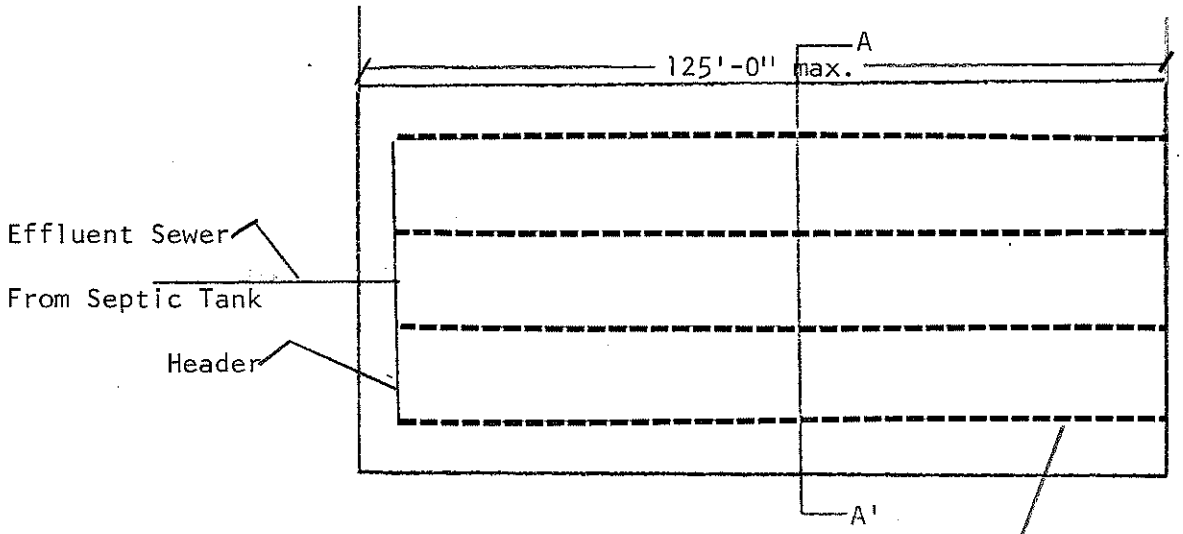
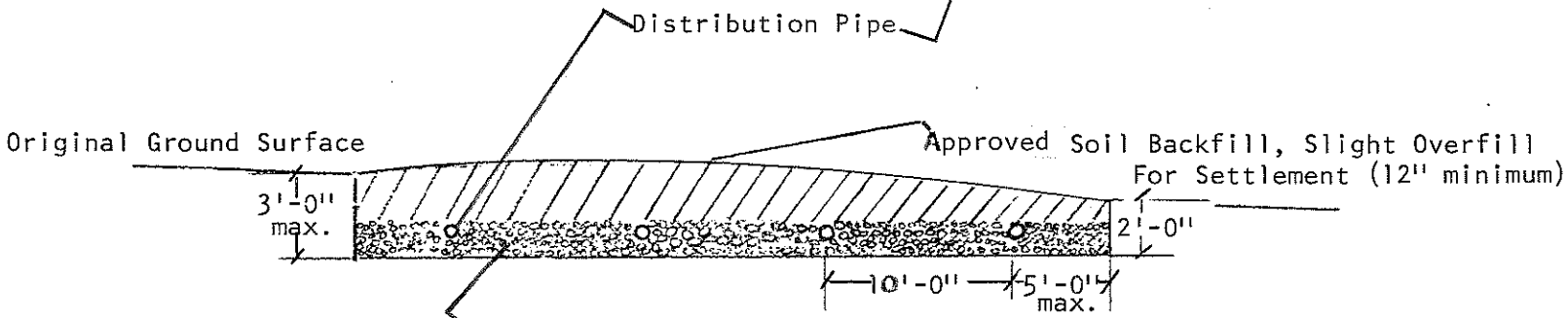


PLAN VIEW



SECTION A - A'

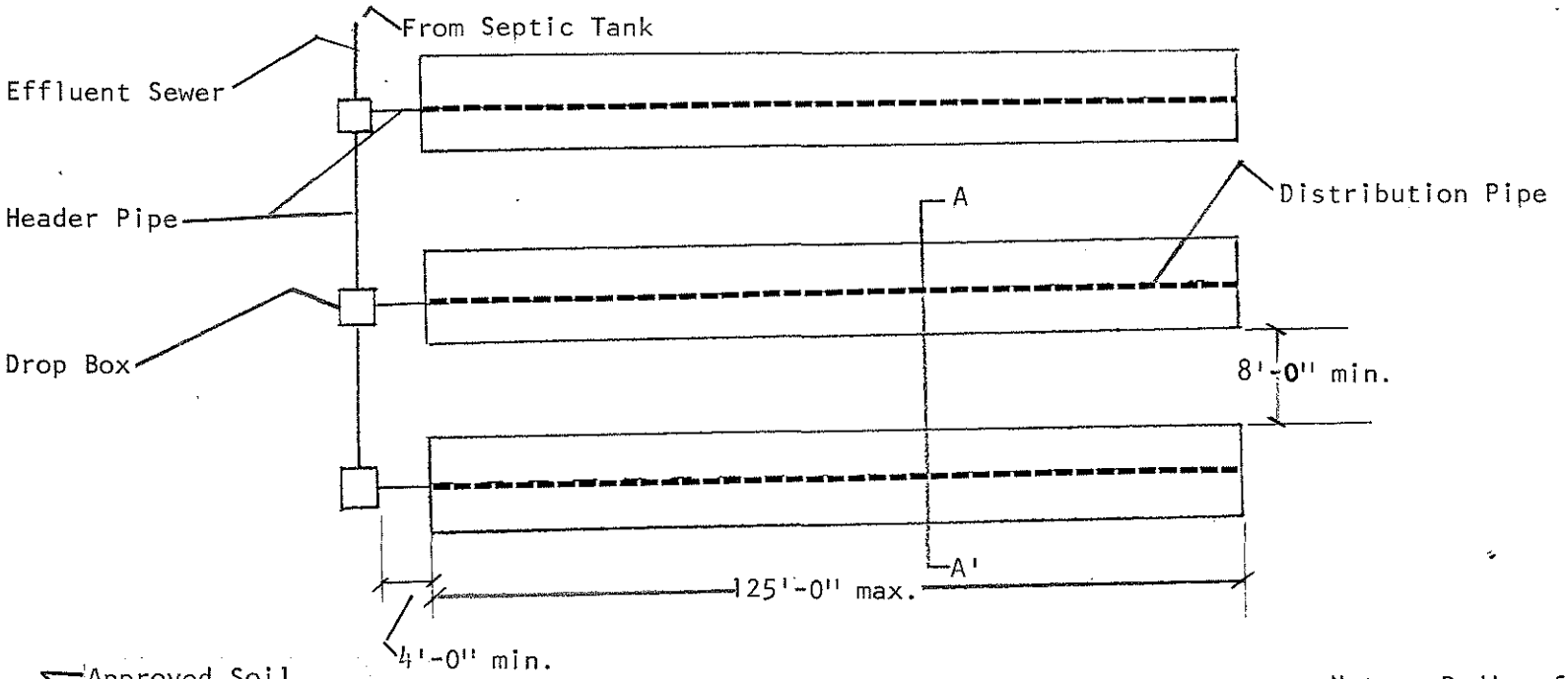
12" of 3/4" to 2 1/2" Washed Round Gravel
Covered by Untreated Building Paper
or 6" Straw

Note: The beds effective sidewall shall be placed in fine textured soil. The bottom of the bed shall be level within a tolerence of ± 2".

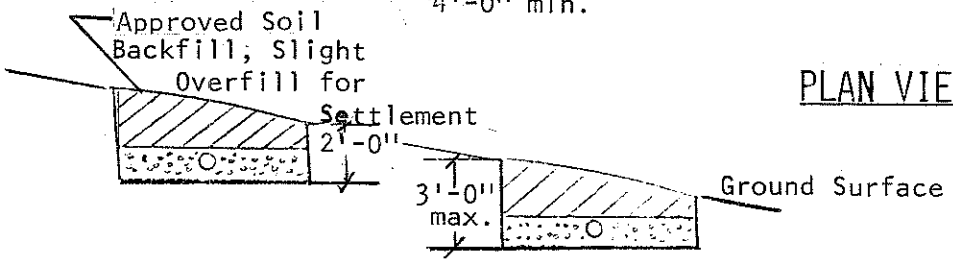
DIAGRAM 7C (A)

SCALE: None	ETA BED
DATE: 12/14/78	

ON NEARLY LEVEL SITE



PLAN VIEW



Note: Bed's effective sidewalls to be placed in fine textured soils. The bottom of the bed shall be level within a tolerence of ± 2".

SECTION A - A'

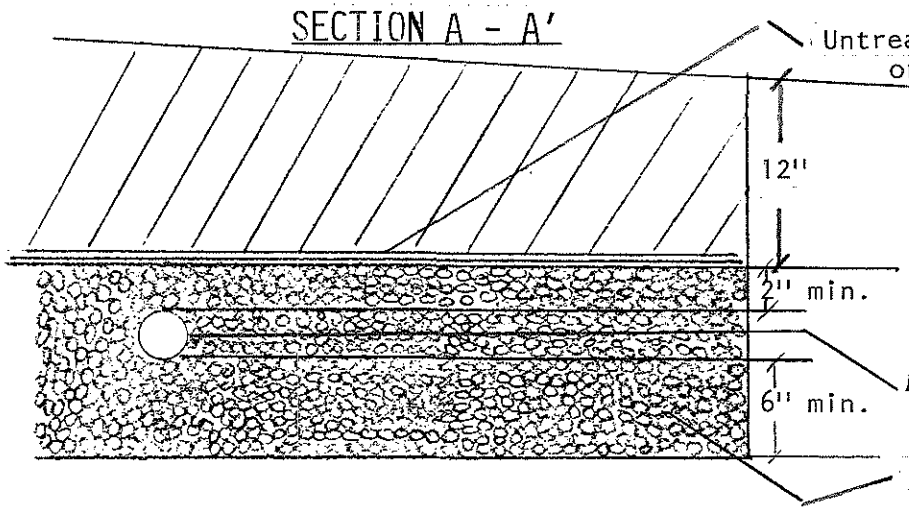


DIAGRAM 7C (B)

SCALE: None

DATE: 12/14/78

ETA BED, SERIAL DISTRIBUTION

Attachment B

DEPARTMENT OF ENVIRONMENTAL QUALITY

Discussion of Issue

Sizing of Subsurface Disposal Systems

and

Draft of Possible Amendments

to

Rules Governing Subsurface

And Alternative Sewage Systems

February 1979

ISSUE - Sizing of subsurface disposal systems.

DISCUSSION - Present rules require system sizing to be determined by the number of bedrooms within a dwelling and the soil and topographic conditions on the parcel or lot.

The sizing of subsurface disposal systems (capacity of septic tank and square footage of drainfield required) has an effect far beyond the immediate considerations of sizing to fit the specific number of bedrooms within a dwelling.

The size of an installed system and whether it has capacity for expansion determines whether:

(a) Additional bedrooms may be added to a dwelling.

(b) An additional (second) living unit may be added and connected to the system.

(c) A smaller dwelling (mobile home) may be disconnected from a system and a larger (more bedrooms) dwelling substituted.

(d) Abandoned subsurface systems may at sometime in the future again be utilized for disposal.

PROBLEMS -(1) Definition of Bedroom

Single bedrooms within a dwelling is one of the major determinants of subsurface disposal system sizing. It is important that a bedroom be defined accurately and clearly. The definition should provide criteria adequate to determine whether a room labeled on building plans as some other room is in fact a bedroom. Unless an accurate determination is made on this question (number of bedrooms) the system may be undersized. The reverse

of this situation is also true. Rooms that cannot reasonably be utilized for bedrooms should not be counted as bedrooms in order to avoid oversizing the system.

The present definition is too all-encompassing and difficult to interpret accurately. It provides no criteria to serve as a guide for determining whether a given room is indeed a bedroom. The general public has trouble relating number of bedrooms to sewage flow and subsequently to system sizing.

Alternatives

(a) Amend "bedroom" definition OAR 340-71-010(7) to provide clarity. In addition, go to minimum disposal system sizes for a given number of bedrooms. One system size, according to soil group, would be applicable across-the-board for up to four bedrooms. (See Alternative "A" attached.)

(b) Adopt another method of determining system size to replace "bedroom". One possible method might be to use number of plumbing "fixture units" (wash basins, toilets, etc.) within a dwelling. The State plumbing code contains fixture unit information that might be adaptable to this purpose. (See Alternative "B" attached.)

(c) Leave bedroom definition unchanged.

Discussion of Alternatives

Alternative (c) is unacceptable. The present bedroom definition and system sizing based on that definition have caused and will continue to cause problems. Many of these problems can be resolved by going to one of the other alternatives.

Alternative (a) as set forth on attached Alternative "A" requires fewer rules amendments and generally follows established procedures for system sizing. This alternative would be much less difficult to implement but at the same time it does leave the definition of bedroom in the rules; however it would not assume the importance it has in the present rules.

Alternative (b) as set forth in attached Alternative "B" would have the advantage of eliminating "bedroom" definition from the rules and as the major determinant for system sizing. It is a completely different concept of system sizing. Implementation problems can be expected.

PROBLEMS - (2) Method of Determining Amount of Sewage Flows From Dwellings

Present rules require that sewage flow from dwelling be based upon 150 gallons per day per bedroom, assuming two persons per bedroom, regardless of the number of bedrooms. It is felt that this is a valid assumption for the first two bedrooms but is likely excessive for the third and succeeding bedrooms. Thus systems for three or greater number of bedrooms may be oversized.

Alternatives

(a) Leave rule unchanged and continue to design systems on basis of 150 gallons per bedroom ragardless of number of bedrooms.

(b) Amend rules to provide for 150 gallons per day sewage flow for first two bedrooms and 75 gallons for each bedroom after that. This concept is carried through in Alternative "A" attached.

(c) Adopt a different method of sewage flow determination by number of plumbing fixture units. This concept is carried through in Alternative "B" attached.

Discussion of Alternatives

Alternative (a) should not be considered as a viable alternative.

Both Alternatives (b) & (c) deserve consideration at public hearings.

PROBLEMS - (3) Connection to Existing Systems

Present rules regulating connections to existing systems 340-71-016(1) thru (8) are too restrictive, cumbersome and difficult to administer. These rules do not allow any flexibility in adding bedrooms, adding a second unit, (except in 340-71-016(8)) etc. without upgrading the system if the system is undersized according to the number of bedrooms proposed to be added.

Alternatives

(a) Leave rules as presently structured.

(b) Restructure the rules to be more realistic, to add flexibility, and make them less cumbersome and less difficult to administer. The proposed amendments to 340-71-016(1) thru (8) and the addition of 340-71-016(9) is intended to accomplish this. See both Alternative "A" and Alternative "B" attached.

PROBLEMS - (4) Abandonment of Systems

The rules pertaining to abandonment of systems (340-71-018) and conditions under which a system may be used initially or reused are too restrictive and possibly in conflict with ORS 454.675. Under present rules a system unused for 1 year is considered abandoned. There is no way to police such a rule. In this context this rule has been misinterpreted by field personnel who often seem to feel that "abandoned" systems cannot be reused, which is not the case. This rule is generally considered unworkable as written.

Alternatives

(a) Leave rules as presently structured.

(b) Restructure rules to be less restrictive and so as not to conflict with existing statutes. Proposed amendments to 340-71-018 are intended to accomplish this. See both Alternative "A" & Alternative "B" attached.

ISSUE - Community Systems

PROBLEM - The rules provide for community subsurface sewage disposal systems yet are deficient in the area of system plan review requirements, operation & maintenance and financing. The proposed amendments to 340-71-020(4), Multiple Service, is intended to overcome some of those problems.

ISSUE - Large parcels that do not meet minimum standards for subsurface or alternative systems.

PROBLEM - Under present rules many large parcels are denied a subsurface or alternative system construction permit because conditions on the parcels do not meet minimum standards. Many such parcels are isolated and very large in size (several hundred to possibly thousands of acres). It does not appear logical in many instances to deny such large parcels for a single homesite even though a system might fail, provided safeguards can be built in. The proposed Amendment OAR 340-71-030(11) is intended to answer this problem.

TJO:em
2/6/79

ALTERNATIVE "A"

MINIMUM SYSTEM SIZING
BY
SOILS GROUPS
FOR
SINGLE FAMILY DWELLING

February 1979

draft of possible amendments to OAR 340-71-010 to 71-045 rules pertaining to subsurface and alternative sewage disposal:

Amend 340-71-010

(7) "Bedroom" means any [portion of a dwelling which is so designed to furnish the minimum isolation necessary for use as a sleeping area and includes, but is not limited to: a den, study, sewing room, sleeping loft, or enclosed porch] room within a dwelling which is so designated on building construction plans or on mobile home floor plans and which is accepted as such by the State of Oregon Department of Commerce building codes representative having jurisdiction or the local authorized building official.

Connection or re-connection to an approved, existing, or pre-existing system. Certificate of Adequacy.

340-71-016(1) No person shall directly connect or re-connect the sewage or waste water plumbing from any mobile home, recreation vehicle, or building to an approved, existing, or pre-existing subsurface, [or] alternative, or experimental sewage disposal system without first having obtained a [permit] certificate of adequacy from the [Department,] Director or his authorized representative. [provided; however, that] [t]This requirement shall not pertain to the connection of any mobile home or recreation vehicle to an existing subsurface or alternative sewage disposal system serving a mobile home park or recreation park operated by a public entity or under a valid license or Certificate of Sanitation issued by the State Health Division or Department of Commerce.

(2) No person shall use such a system until a Certificate of Adequacy [Satisfactory Completion] is issued by the [Department] Director or his authorized representative [for the completed connection].

(3) [In addition to the information required of all permit applicants,] [a] An applicant for a [permit] certificate of adequacy to connect or re-connect to an approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system [shall] may be required to [also] provide the [Department] Director or his authorized representative the following information:

(a) The type and size of the establishment which the approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system last served and the most recent date of such use;

(b) The size of the existing septic tank;

(c) The type and size of the establishment which the approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system is proposed to serve; [and

(d) A signed statement that the existing, surface sewage disposal system has never failed by discharging sewage upon the ground surface or into public waters, by clogging or backing up, or in any other manner.]

(d)[(e)] Any other information which the Director or his authorized representative may request.

Rescind 340-71-016(4) in its entirety and substitute the following:

(4) (a) For "approved" subsurface, alternative or experimental sewage disposal systems a Certificate of Adequacy shall issue if the intended use is the same as the previous use and sewage flow allowed under the original construction permit is not increased.

Any alterations or expansion of an approved system to accommodate an increase in sewage flow must be in compliance with the rules of this Division. Upon inspection or record review if the system is found to be failing or there is evidence that it has failed in the past without being repaired, repairs shall be required prior to the issuance of a Certificate of Adequacy.

(b) For "existing systems" a Certificate of Adequacy for connection to an existing system or for alteration, repairs or additions to a structure served by an existing system or for an increased sewage flow from a structure served by an existing system shall issue under one of the following conditions:

(A) The application is for connection of a mobile home or frame home with the same number or less of bedrooms than the previous dwelling, or alterations or additions to a structure which extend beyond the limits of the foundation and which do not exceed more than fifty (50) percent of the value of the structure and in which there is no increase in bedrooms. The existing system upon inspection or record review is found not to be creating a public health hazard by discharging sewage on the surface of the ground or into surface public waters.

Note: Alterations or additions to an existing structure which do not extend beyond the limits of the existing foundation and do not exceed more than fifty (50) percent of the value of the structure and in which there is no increase in number of bedrooms are exempt from this rule and do not require a Certificate of Adequacy.

(B) The application is for connection of a mobile home or frame home having one additional bedroom over the previous use, or for the addition of one bedroom to an existing structure, or alterations or additions to an existing structure, which exceeds fifty (50) percent of the value of the structure as specified by the State of Oregon uniform building code and the applicant can demonstrate that the system could meet current rules pertaining to setback requirements, septic tank and disposal field size, (excluding characteristics of soil and absence of groundwater). Provided further, that upon inspection the system is found not to be in violation of OAR 340-71-020(1)(a).

(C) The application is for connection of a mobile home having more than one bedroom over the previous use, or to add more than one bedroom to an existing residence where the system is sized for the existing use, or to increase the daily sewage flow for any structure or facility other than a single family residence and the applicant can demonstrate that the system would be in full compliance with these rules for the projected daily sewage flow including soil characteristics and absence of ground water.

(c) For "pre-existing systems" a Certificate of Adequacy for connection of any facility shall issue only if it can be demonstrated that the system would be in compliance with all current rules, or upon inspection it is found that the septic tank has a liquid capacity of at least five hundred (500) gallons and in the opinion of the Director or his authorized representative OAR 340-71-020(1)(a) would not be violated, and the projected sewage flow is not more than the flow the previous establishment had.

(5) Rescind 340-71-016(5) in its entirety and substitute the following:

(5) An installed subsurface or alternative system which does not fall within one of the categories of approved, existing or pre-existing systems as set forth in subsection (4) of this section shall be considered inoperative and required to be abandoned in accordance with OAR 340-71-018(4) or be brought into compliance with rules in effect on date of application.

(6) Rescind 340-71-016(6) in its entirety and substitute the following:

(6) For dwellings, in use, for which the method of sewage disposal approximates a pit privy and a gray water discharge to the surface or to a pit system repair, rules 340-71-030(7), shall apply.

(7) Rescind 340-71-016(7) in its entirety and substitute the following:

(7) For the purpose of administering these rules the following definitions apply:

(a) "Approved system" means any subsurface, alternative or experimental sewage disposal system constructed under a Department construction permit after January 1, 1974 and for which a Certificate of Satisfactory Completion was issued.

(b) "Existing system" means any subsurface or alternative sewage disposal system constructed prior to January 1, 1974 for which a prior construction permit of record is available from the agency having jurisdiction at the time.

(c) "Pre-existing system" means a subsurface or alternative system constructed prior to January 1, 1974 for which no permit of record is available.

(d) "Certificate of Adequacy" means a written document issued by the Director or his authorized representative which certifies that a subsurface, alternative or experimental sewage disposal system is adequate to serve the purpose for which a particular application is made.

(8) Personal hardship connections to approved, existing or pre-existing systems. Upon receiving proof that a hardship exists within a family in that a family member is suffering either physical or mental impairment, infirmity, or is otherwise disabled, (a hardship permit issued under local planning ordinances shall be accepted as proof) [and after determination that all the provisions of subsection (4) of this section have been satisfied] the Director or his authorized representative may allow a mobile home to connect to an approved, existing or pre-existing system serving another residence in order to provide housing for the family member suffering hardship. Connection of a two (2) bedroom mobile home shall be authorized without modification to the approved, existing or pre-existing system which is not failing by discharging sewage upon the surface of the ground or into surface public waters. Connnection of mobile homes with more than two (2) people shall

be permitted only if additional drainfield area suitable under these rules is available for the increased flows. Connection shall be for a specified period, renewable on [an annual] not longer than a two (2) year basis, but not to exceed cessation of the hardship. The Director or his authorized representative shall impose conditions in the Certificate of Adequacy [connection permit] necessary to assure protection of public health and public waters.

(9) Temporary connection of mobile home to an approved, existing or pre-existing system. Upon receiving proof of need (a permit issued under local planning ordinances shall be accepted as proof of need) and after determination that the approved, existing or pre-existing system has never failed by discharging sewage on the surface or into surface public waters, or if it has failed it was completely repaired and it has operated continuously since the repair without another failure and that subsection 340-71-020(1)(a) would not be violated the Director or his authorized representative may allow a mobile home to connect to an approved, existing or pre-existing system serving another residence for a period not to exceed two years. The Director or his authorized representative shall impose conditions in the Certificate of Adequacy necessary to assure protection of public health and public waters. A certificate shall not issue if a full replacement area meeting all applicable rules, is not available. If the system malfunctions, during temporary connection it shall be immediately repaired and the mobile home:

(a) Shall be removed if no additional repair area, meeting repair rules, is available, or

(b) Shall remain through duration of temporary connection approval if an additional repair area is available.

Abandonment of systems

340-71-018(1) Rescind in its entirety and renumber the succeeding paragraphs.

[(2)](1) Each and every owner of the real property upon which is situated a subsurface or alternative sewage disposal system shall abandon the system in the following circumstances:

(a) When a sewerage system becomes available, and the building sewer has been connected thereto; or

(b) When the source of sewage has been eliminated; or

(c) When the system has been operated in violation of 340-71-012, [and it has been determined by the Department to be unrepairable] unless and until a repair permit and Certificate of Satisfactory Completion are subsequently issued therefor; or

(d) When the system has been constructed, installed, altered, repaired, or extended without a required permit authorizing same, [and permit could not be issued in conformance with the substantive rules in the Division] unless and until a permit is subsequently issued therefor; or

(e) When the system has been operated or used without a required Certificate of Satisfactory Completion authorizing same, [and a Certificate of Satisfactory Completion could not be issued in conformance with the substantive rules in this Division] unless and until a Certificate of Satisfactory Completion is subsequently issued therefor.

[(3)](2) Any building sewer which has not been connected to a subsurface or alternative sewage disposal system or sewerage system approved by the Department shall be abandoned and capped.

[(4)](3) Each and every owner of the real property upon which is situated a subsurface sewage disposal system which is required to be abandoned, or which has been abandoned, unless otherwise authorized by the Department, shall have all the sludge from the septic tank, seepage pit, or cesspool removed by a person holding a sewage disposal service license, [and] shall fill same with clean bank-run gravel or other material approved by the Director or his authorized representative, and shall permanently cap the building sewer.

[(5)](4) No permit or authorization for connection to a sewerage system shall issue, nor shall any permit for construction or installation of a replacement septic tank, seepage pit, or cesspool issue, until the owner or controller of the property has made binding commitments to comply with the conditions regarding abandonment of the existing septic tank, seepage pit, or cesspool required by subsection [(4)](3) of this section.

Bracketed [ ] material deleted
Underlined ____ material is new

TJO:nrj/em
1/23/79

Amend 340-71-020(1)(i) as follows:

(i) Subsurface sewage disposal systems for single family dwelling designed to serve lots or parcels created after March 1, 1978 shall be sized to accommodate a minimum of a [three (3) bedroom house] four hundred fifty (450) gallons daily sewage flow.

Amend OAR 340-71-020 by adding a new Table 2-A, Drainfield Sidewall Area by Soil Groups.

Amend Table 3 of OAR 340-71-020, Quantities of Sewage Flows. In the Table amend Column 1 and Column 2 for Single Family Dwellings.

TABLE 2-A

Drainfield Sidewall Area
by Soil Groups

Soil Group No. 1
300 Sq. Ft. Sidewall/150 Gallons
Sewage Flow - Gravity

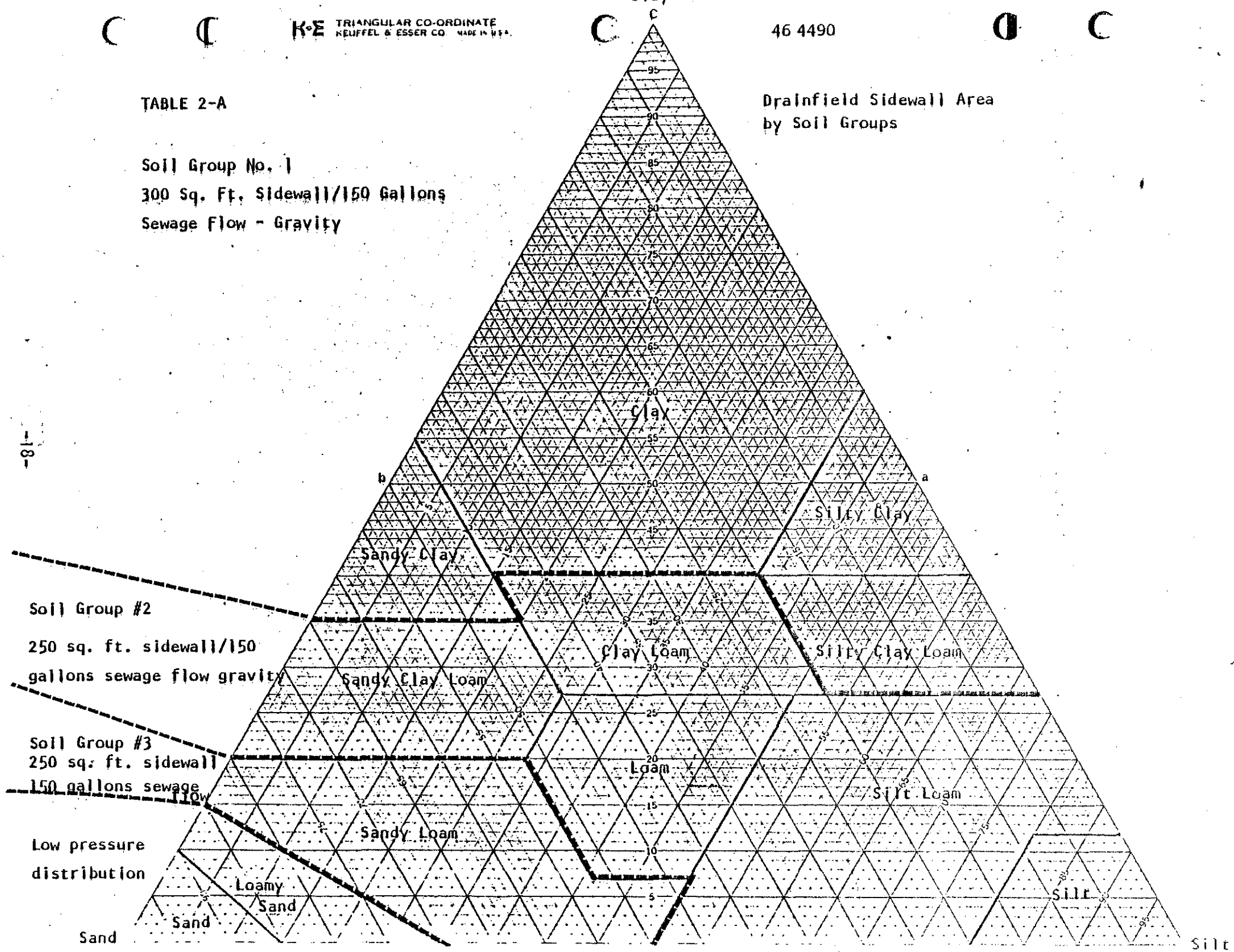


Table 3

Quantities of Sewage Flows

Type of Establishment	Column 1 Gallons Per Day	Column 2 Minimum Gallons Per Establishment Per Day
Airports	5 (per passenger)	150
Bathhouses and swimming pools	10 (per person)	300
Camps: (4 persons per campsite, where applicable)		
Campground with central comfort stations	35 (per person)	700
With flush toilets, no showers	25 (per person)	500
Construction camps (semi-permanent)	50 (per person)	1000
Day camps (no meals served)	15 (per person)	300
Resort camps (night and day) with limited plumbing	50 (per person)	1000
Luxury camps	100 (per person)	2000
Churches	5 (per seat)	150
Country clubs	100 (per resident member)	2000
Country clubs	25 (per non-resident member present)	--
Dwellings:		
Boarding houses	100 (per bedroom)	600
Additional for non-resident boarders	10 (per person)	--
Multiple family dwellings (apartments)	150 (per bedroom)	600
Rooming houses	80 (per bedroom)	500
Single-family dwellings	150 (per bedroom[)] For first two bedroom + 75 gallons for 3rd & succeeding bedrooms)	[300] 450
Factories (exclusive of industrial wastes, with shower facilities)	35 (per person per shift)	300
Factories (exclusive of industrial wastes, without shower facilities)	15 (per person per shift)	150
Hospitals	250 (per bed space)	2500
Hotels with private baths	120 (per room)	600
Hotels without private baths	100 (per room)	500
Institutions other than hospitals	125 (per bed space)	1250
Laundries, self-service	500 (per machine)	2500
Mobile home parks	250 (per space)	750
Motels with bath, toilet, and kitchen wastes	100 (per bedroom)	500
[Hotels] Motels	80 (per bedroom)	400
Picnic Parks (toilet wastes only)	5 (per picnicker)	150

Amend 340-71-020 by Adding a New Table 3-A.

SYSTEM SIZING

FOR SINGLE FAMILY DWELLINGS BY SOIL GROUPS

(TABLE 3-A)

Daily Sewage Flow	Septic Tank Size		Drainfield Size (Sq. Ft. of Sidewall)		
	Required	Recommended	Soil Group #1	Soil Group #2	Soil Group #3
300	750	1000	600	500	400
450	1000	1250	900	750	600
525	1250	1500	1050	875	700
600	1500	1500	1200	1000	800

NOTES:

1. The minimum sewage flow of 300 gallons and tank size of 750 gallons and attendant drainfield size in Table applies only to split waste systems, such as compost toilet and gray water systems.

2. For each additional bedroom beyond six (6) add 75 gallons daily sewage to first column and increase drainfield sizes accordingly.

3. 1500 gallons capacity is the largest septic tank required for a single family dwelling regardless of number of bedrooms.

ALTERNATIVE "B"

SYSTEM SIZING

BY

PLUMBING

FIXTURE UNITS

February 1979

Amend 340-71-010:

(1) Rescind 71-010(7) "Bedroom" definition in its entirety

(7) ["Bedroom" means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area and includes, but is not limited to, a den, study, sewing room, sleeping loft, or enclosed porch.]

(2) Add a new definition "Fixture Unit" to read as follows:

"Fixture Unit" means a quantity in terms of which the load-producing effects on the disposal system of different kinds of plumbing fixtures are expressed on some arbitrarily chosen scale.

Connection or re-connection to an approved, existing, or pre-existing system. Certificate of Adequacy.

340-71-016(1) No person shall directly connect or re-connect the sewage or waste water plumbing from any mobile home, recreation vehicle, or building to an approved, existing, or pre-existing subsurface, [or] alternative, or experimental sewage disposal system without first having obtained a [permit] certificate of adequacy from the [Department,] Director or his authorized representative. [provided; however, that] [t]This requirement shall not pertain to the connection of any mobile home or recreation vehicle to an existing subsurface or alternative sewage disposal system serving a mobile home park or recreation park operated by a public entity or under a valid license or Certificate of Sanitation issued by the State Health Division or Department of Commerce.

(2) No person shall use such a system until a Certificate of Adequacy [Satisfactory Completion] is issued by the [Department] Director or his authorized representative [for the completed connection].

(3) [In addition to the information required of all permit applicants,] [a] An applicant for a [permit] certificate of adequacy to connect or re-connect to an approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system [shall] may be required to [also] provide the [Department] Director or his authorized representative the following information:

(a) The type and size of the establishment which the approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system last served and the most recent date of such use;

(b) The size of the existing septic tank;

(c) The type and size of the establishment which the approved, existing, or pre-existing subsurface, alternative or experimental sewage disposal system is proposed to serve; [and

(d) A signed statement that the existing, surface sewage disposal system has never failed by discharging sewage upon the ground surface or into public waters, by clogging or backing up, or in any other manner.]

(d)[(e)] Any other information which the Director or his authorized representative may request.

Rescind 340-71-016(4) in its entirety and substitute the following:

(4) (a) For "approved" subsurface, alternative or experimental sewage disposal systems a Certificate of Adequacy shall issue if the sewage flow or equivalent fixture units allowed under the original construction permit is not increased.

Any alterations or expansion of an approved system to accommodate an increase in fixture units must be in compliance with the rules of this Division. Upon inspection or record review if the system is found to be failing or there is evidence that it has failed in the past without being repaired, repairs shall be required prior to the issuance of a Certificate of Adequacy.

(b) For "existing systems" a Certificate of Adequacy for connection to an existing system or for alteration, repairs or additions to a structure served by an existing system or for an increased number of fixture units for a structure served by an existing system shall issue under one of the following conditions:

(A) The application is for connection of a mobile home or frame home with the same number or less of fixture units than the previous dwelling, or alterations or additions to a structure which extend beyond the limits of the foundation and which do not exceed fifty (50) percent of the value of the structure and in which there is no increase in fixture units. The existing system upon inspection or record review is found not to be creating a public health hazard by discharging sewage on the surface of the ground or into surface public waters.

Note: Alterations or additions to an existing structure which do not extend beyond the limits of the existing foundation and do not exceed fifty (50) percent of the value of the structure and in which there is no increase in number of fixture units are exempt from this rule and do not require a Certificate of Adequacy.

(B) The application is for connection of a mobile home or frame home having six (6) additional fixture units over the previous use, or for the addition of not more than six (6) fixture units to an existing structure, or alterations or additions to an existing structure, which exceeds fifty (50) percent of the value of the structure as specified by the State of Oregon uniform building code and the applicant can demonstrate that the system could meet current rules pertaining to setback requirements, septic tank and disposal field size, (excluding characteristics of soil and absence of groundwater). Provided further, that upon inspection the system is found not to be in violation of OAR 340-71-020(1)(a).

(C) The application is for connection of a mobile home having more than six (6) fixture units over the previous use, or to add more than six (6) fixture units over the previous use or to increase the number of fixture units for any structure or facility other than a single family residence and the applicant can demonstrate that the system would be in full compliance with these rules for the projected daily sewage flow including soil characteristics and absence of ground water.

(c) For "pre-existing systems" a Certificate of Adequacy for connection of any facility shall issue only if it can be demonstrated that the system would be in compliance with all current rules, or upon inspection it is found that the septic tank has a liquid capacity of at least five hundred (500) gallons and in the opinion of the Director or his authorized representative OAR 340-71-020(1)(a) would not be violated, and the number of fixture units is not more than the number of fixture units the previous establishment had.

(5) Rescind 340-71-016(5) in its entirety and substitute the following:

(5) An installed subsurface or alternative system which does not fall within one of the categories of approved, existing or pre-existing systems as set forth in subsection (4) of this section shall be considered inoperative and required to be abandoned in accordance with OAR 340-71-018(4) or be brought into compliance with rules in effect on date of application.

(6) Rescind 340-71-016(6) in its entirety and substitute the following:

(6) For dwellings, in use, for which the method of sewage disposal approximates a pit privy and a gray water discharge to the surface or to a pit, system repair rules, 340-71-030(7), shall apply.

(7) Rescind 340-71-016(7) in its entirety and substitute the following:

(7) For the purpose of administering these rules the following definitions apply:

(a) "Approved system" means any subsurface, alternative or experimental sewage disposal system constructed under a Department construction permit after January 1, 1974 and for which a Certificate of Satisfactory Completion was issued.

(b) "Existing system" means any subsurface or alternative sewage disposal system constructed prior to January 1, 1974 for which a prior construction permit of record is available from the agency having jurisdiction at the time.

(c) "Pre-existing system" means a subsurface or alternative system constructed prior to January 1, 1974 for which no permit of record is available.

(d) "Certificate of Adequacy" means a written document issued by the Director or his authorized representative which certifies that a subsurface, alternative or experimental sewage disposal system is adequate to serve the purpose for which a particular application is made.

(8) Personal hardship connections to approved, existing or pre-existing systems. Upon receiving proof that a hardship exists within a family in that a family member is suffering either physical or mental impairment, infirmity, or is otherwise disabled, (a hardship permit issued under local planning ordinances shall be accepted as proof) [and after determination that all the provisions of subsection (4) of this section have been satisfied] the Director or his authorized representative may allow a mobile home to connect to an approved, existing or pre-existing system serving another residence in order to provide housing for the family member suffering hardship. Connection of a mobile home to serve two (2) people shall be authorized without modification to the approved, existing or pre-existing system which is not failing by discharging sewage upon the surface of the ground or into surface public waters. Connnection of mobile homes with more than two (2)

people shall be permitted only if additional drainfield area suitable under these rules is available for the increased fixture units. Connection shall be for a specified period, renewable on [an annual] not longer than a two (2) year basis, but not to exceed cessation of the hardship. The Director or his authorized representative shall impose conditions in the Certificate of Adequacy [connection permit] necessary to assure protection of public health and public waters.

(9) Temporary connection of mobile home to an approved, existing or pre-existing system. Upon receiving proof of need (a permit issued under local planning ordinances shall be accepted as proof of need) and after determination that the approved, existing or pre-existing system has never failed by discharging sewage on the surface or into surface public waters, or if it has failed it was completely repaired and it has operated continuously since the repair without another failure and that subsection 340-71-020(1)(a) would not be violated the Director or his authorized representative may allow a mobile home to connect to an approved, existing or pre-existing system serving another residence for a period not to exceed two years. The Director or his authorized representative shall impose conditions in the Certificate of Adequacy necessary to assure protection of public health and public waters. A certificate shall not issue if a full replacement area meeting all applicable rules, is not available. If the system malfunctions, during temporary connection it shall be immediately repaired and the mobile home:

(a) Shall be removed if no additional repair area, meeting repair rules, is available, or

(b) Shall remain through duration of temporary connection approval if an additional repair area is available.

Abandonment of systems

340-71-018(1) Rescind in its entirety and renumber the succeeding paragraphs.

[(2)](1) Each and every owner of the real property upon which is situated a subsurface or alternative sewage disposal system shall abandon the system in the following circumstances:

(a) When a sewerage system becomes available, and the building sewer has been connected thereto; or

(b) When the source of sewage has been eliminated; or

(c) When the system has been operated in violation of 340-71-012, [and it has been determined by the Department to be unrepairable] unless and until a repair permit and Certificate of Satisfactory Completion are subsequently issued therefor; or

(d) When the system has been constructed, installed, altered, repaired, or extended without a required permit authorizing same, [and permit could not be issued in conformance with the substantive rules in the Division] unless and until a permit is subsequently issued therefor; or

(e) When the system has been operated or used without a required Certificate of Satisfactory Completion authorizing same, [and a Certificate of Satisfactory Completion could not be issued in conformance with the substantive rules in this Division] unless and until a Certificate of Satisfactory Completion is subsequently issued therefor.

[(3)](2) Any building sewer which has not been connected to a subsurface or alternative sewage disposal system or sewerage system approved by the Department shall be abandoned and capped.

[(4)](3) Each and every owner of the real property upon which is situated a subsurface sewage disposal system which is required to be abandoned, or which has been abandoned, unless otherwise authorized by the Department, shall have all the sludge from the septic tank, seepage pit, or cesspool removed by a person holding a sewage disposal service license, [and] shall fill same with clean bank-run gravel or other material approved by the Director or his authorized representative, and shall permanently cap the building sewer.

[(5)](4) No permit or authorization for connection to a sewerage system shall issue, nor shall any permit for construction or installation of a replacement septic tank, seepage pit, or cesspool issue, until the owner or controller of the property has made binding commitments to comply with the conditions regarding abandonment of the existing septic tank, seepage pit, or cesspool required by subsection [(4)](3) of this section.

340-71-020(1)(b)

(b) Capacity. The system shall have adequate capacity to properly dispose of the maximum daily sewage flow. The quantity of sewage and system size necessary to accommodate that flow shall be determined by the Director or his authorized representative based on [the greater of the figures listed in columns 1 and 2 of] Tables 3 and 3-A or other valid information that may show different flows.

340-71-020(1)(h)

(h) Except where specifically allowed within this Division a system designed to serve a single residence with a specific number of [bedrooms] fixture units shall not be utilized to serve two (2) or more residences containing [bedrooms] fixture units equal or greater in number to that for which the system was designed.

340-71-020(1)(i)

(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] fourteen (14) fixture units.

340-71-025 All septic tanks shall comply with the following requirements:

(1) Required liquid capacity [of the first compartment] of septic tanks shall be [at least seven hundred fifty (750) gallons for flows up to five hundred (500) gallons per day; shall be equal to at least one and one-half (1-1/2) days' sewage flow for flows between five hundred (500) and fifteen hundred (1500) gallons per day; and shall be equal to eleven hundred twenty-five (1125) gallons plus seventy-five (75) percent of the daily sewage flow for flows greater than fifteen hundred (1500) gallons per day.] determined from Tables 3 and 3-A. Additional volume may be required by the Director or his authorized representative for industrial wastes or other special wastes. [The quantity of daily sewage flow shall be estimated by the Director or his authorized representative using the daily sewage flow chart under the rule section or subsurface sewage disposal systems. (Table 3).]

340-71-025(2) Rescind in its entirety and renumber the succeeding paragraphs.

[(2) Minimum liquid capacity - septic tanks shall be sized according to subsection (1) above except that in no case shall a septic tank have a liquid capacity less than indicated in the following:

(a) Single Family Dwellings:

Number of Bedrooms	Required Minimum Capacity in Gallons	Recommended Liquid Capacity in Gallons
1	750	1200
2	750	1200
3	900	1200
4 *	1000	1200

* For each additional bedroom, add two hundred fifty (250) gallons to tank capacity.

Effective January 1, 1979 the following Table of Septic Tank Sizes shall be required for installations:

Number of Bedrooms	Required Minimum Capacity In Gallons
1 to 4	1000
5	1250
More than 5	1500

(b) Minimum liquid capacities of septic tanks for structures and establishments not listed shall be determined by the Director or his authorized representative.]

[(3)] (2) Installation:

(a) Septic tanks installed with more than eighteen (18) inches of soil cover shall be provided with an access manhole brought to finish grade. The access manhole shall be sufficiently sized to accommodate tank pumping and servicing.

(b) No septic tank shall be installed in such a manner that the sewage flow from one building drain or building sewer is divided with one portion being discharged to a second tank.

(c) Septic tanks that are installed in a road or driveway or otherwise are subject to vehicular traffic shall be constructed in accordance with Diagram 12, Appendix A, which by this reference is incorporated herein.

(d) Septic tanks shall be installed on a level, stable base that will not settle.

(e) Septic tanks shall be installed in a location so as to be accessible for servicing and cleaning.

(f) Backfill around and over the septic tank shall be placed in such a manner as to prevent damage to the tank or connected pipes.

(g) No septic tank shall be covered by concrete or asphalt surfaces unless provisions are made for access in accordance with these rules.

(h) Where practicable, the sewage flow from any establishment shall be consolidated into one septic tank.

[(4)] (3) Construction. The construction of septic tanks shall comply with the minimum standards set forth in Appendix A.

340-71-027(3).

(3) It shall have a minimum rated hydraulic capacity [equal to the daily sewage flow] to serve ten (10) fixture units as determined from Table 3 and 3-A of section 340-71-020 [or five hundred (500) gallons per day, whichever is larger]. For single family dwellings [with not more than three bedrooms,] the minimum rated capacity shall [be five hundred (500) gallons per day] serve fourteen (14) fixture units and for each additional [bedroom] six (6) fixture units the capacity shall be increased by one hundred fifty (150) gallons per day.

340-71-030(3)(b), (c), (d) and (e) rescind in their entirety.

[(b) Where restrictive layers are encountered, Table 5 shall be used to determine the minimum effective sidewall area.
Note: This table shall not be used to determine soil suitability for disposal area installation.]

[(c) Where observed or projected liquid water is encountered, Table 6 shall be used to determine the minimum effective sidewall area.
Note: This table shall not be used to determine soil suitability for disposal area installation.]

[(d) After January 1, 1978, subsurface sewage system construction permits issued for new hotels, motels, apartment houses, single family dwellings or other facilities which utilize three and one-half (3-1/2) gallon flush toilets, approved by the State of Oregon, Department of Commerce, shall provide for a 10% reduction in the drainfield sidewall seepage area over that required by these rules.]

[(e) Subsurface sewage system construction permits issued for new hotels, motels, apartment houses, single family dwellings or other facilities which utilize two (2) quart flush low volume toilets, approved by the State of Oregon, Department of Commerce, shall provide for a 25% reduction in the drainfield sidewall seepage area over that required by these rules.]

340-71-030(8)(D)

(D) The disposal trench is installed so that its bottom is not less than six (6) inches above the layer described in (A) and capping fill of the same type of soil as found in the uppermost horizon is installed in accordance with designs contained in Diagram 7 B. The capping fill shall provide at least twelve (12) inches of cover, after settling, over the top of the gravel in the disposal trench. The system shall be sized according to [30" to restrictive layer in the Table in OAR Chapter 340, 340-71-030 (minimum sidewall seepage area in square feet per one hundred fifty (150) gallons daily waste flow determined from type of soil versus depth of restrictive layer (Table 5)] Table 3-A, (System Sizing by Plumbing Fixture Units.)

Amend 340-71-037(3)(b)(A) as follows:

(b) Minimum design and construction requirements for holding tanks shall be as follows:

(A) Each tank shall be large enough to hold a minimum of seven (7) days sewage flow or [1000 gallons] serve a minimum of eleven (11) fixture units whichever is larger.

Amend 340-71 as follows:

(1) Add a new Table 2-A, "Drainfield Sidewall Area by Soil Groups".

(2) Rescind present Table 3, "Quantities of Sewage Flows" and substitute a new Table 3, "Equivalent Fixture Units".

(3) Add a new Table 3-A, "System Sizing by Plumbing Fixture Units".

(4) Rescind Table 5, "Minimum Sidewall Seepage Area in Square Feet per One Hundred Fifty (150) Gallons Daily Waste Flow Determined from Type of Soil Versus Depth of Restrictive Layer".

(5) Rescind Table 6, "Minimum Sidewall Seepage Area in Square Feet per One Hundred Fifty (150) Gallons Daily Waste Flow Determined from Type of Soil Versus Depth to Water During the Highest Period of a Year".

TABLE 3

EQUIVALENT FIXTURE UNITS

Fixture	Number of Fixture Units	
	Private Use	Public Use
Bathtub (with or without shower)	2	4
2nd or more bathtub	1	4
Clothes Washer	2	4
Dental unit or cuspidor	-	1
Dishwasher	2	4
Drinking fountains (ea. head)	-	1
Floor drains	-	2
Garbage disposal	6	10
Hose bibb or sill cock	0	6
Laundry tub (ea. pr. faucets)	2	4
Lavatory	1	2
Lavatory (dental)	-	1
* Receptors	-	1
Shower (ea. head)	2	4
Sink (bar)	1	2
Sink (kitchen)	2	4
Sink (flushing rim, clinic)	-	6
Sink (washup, ea. set of faucets)	-	3
Sink (washup, circular spray)	-	4
Urinal (pedestal)	-	6
Urinal (stall)	-	2
Urinal (wall)	-	2
Urinal (flush tank)	-	3
Water closet (flush tank)	4	6
2nd or more water closet	1	4
Water closet (3-1/2 gal. flush)	2	4
2nd or more water closet (3-1/2 gal.)	1	4
Water closer (2 qt.)	1	2
Water closet (flushometer)	6	10

* Indirect waste receptors for refrigeration drains, coffee urn drains, water stations, etc.

TABLE 3-A

SYSTEM SIZING

BY PLUMBING FIXTURE UNITS

Fixture Units	Tank Size		Drainfield Size (Sq. Ft. Sidewall)		
	Minimum	Recommended	Soil Group #1	Soil Group #2	Soil Group #3
Up to 10	750	1000	600	500	330
11 - 14	1000	1250	900	750	500
15 - 20	1250	1500	1050	875	600
21 - 26	1500	1750	1200	1000	700
27 - 32	1750	2000	1350	1125	800
33 - 38	2000	2250	1500	1250	900
39 - 44	2250	2500	1650	1375	1000
45 - 50	2500	2750	1800	1500	1100
51 - 56	2750	3000	1950	1625	1200
57 - 62	3000	3250	2100	1750	1300
63 - 68	3250	3500	2250	1875	1400
69 - 74	3500	3750	2400	2000	1500

For each 6 additional fixture units add 250 gal. to septic tank size and increase drainfield proportionally.

Notes:

1. The minimum size septic tank of 750 gallons and its attendant drainfield sizes by soil group applies only to split waste systems; for example compost toilet and gray water system.

2. The Director or his authorized representative has the option to increase or decrease the amount of drainfield sidewall seepage area within soil groups by ten (10) percent depending on site characteristics. The decision to increase or decrease sidewall area shall be justified in the site evaluation report.

3. Within soil group number 3, sand or loamy sand requires a low pressure distribution system.

4. Rough plumbed fixtures shall be counted as if installed.

5. The maximum capacity of a septic tank required to serve a single family dwelling is fifteen hundred (1500) gallons.

GENERAL AMENDMENTS
TO
RULES GOVERNING SUBSURFACE
AND
ALTERNATIVE
SEWAGE DISPOSAL

February 1979

Amend 340-71-015(4) to read as follows:

(4) The Director or his authorized representative shall issue a permit only if he finds that the proposed construction shall be in accordance with the rules of the Environmental Quality Commission and shall issue a permit only to a person licensed by the Department to perform sewage disposal services, or to an owner or contract purchaser in possession of the land. Notwithstanding that the proposed construction would be in accordance with all other rules of the Environmental Quality Commission, the Director or his authorized representative shall not issue a permit if he [finds] has evidence that such construction would violate any land use planning, zoning or building requirement, ordinance or regulation enacted or promulgated by a constitutive local government agency having jurisdiction over the subject real property.

Amend OAR 340-71-010 by adding a new definition - "Community System".

"Community System" means a subsurface or alternative sewage disposal system which will serve more than one (1) lot or parcel or more than one (1) condominium unit or more than one (1) unit of a planned unit development

Amend 340-71-015(6) to read as follows:

(6) A permit for construction of [a] an individually owned subsurface or alternative sewage disposal system or systems designed for five (5) or more family dwelling or to serve any other dwelling or dwellings or establishment projected to have more than twelve hundred (1200) gallons per day of sewage flow shall not be issued until:

(a) Plans and - - - - -

Amend 340-71-020(4) to read as follows:

(4) [Multiple service] Community systems.
[Where a water-carried subsurface or alternative sewage disposal system will serve more than one (1) lot or parcel, such a system]

Community systems shall be under the control of a municipality as defined in ORS 454.010(3). Before a construction permit can issue ystem plans and specifications shall be submitted to and approved by the Director or his authorized representative. Plans for proposed systems with a projected daily sewage flow of more than twelve hundred (1200) gallons shall be submitted the Department for review and approval. Plans for all community systems shall include operation and maintenance details prepared by the municipality of jurisdiction and must include details for financing system operation and maintenance.

Amend 340-71-020(2) as follows:

(2) Minimum separation distances - - - -

(d) Surface public water, excluding intermittent streams, ground water interceptors, agricultural draintile, cuts-man-made and ditches (see footnotes [5] 4 and [7] 6:

(i) Water mains or service lines (see footnote [8] 7).

(j) Foundation lines of any building including garages and out buildings (see footnote [6] 5).

Amend 340-71-030 by adding a new subsection (11) to read as follows:

(11) The requirements of OAR 340-71-020(1)(a) and subsections (1) of Section 71-030 notwithstanding, applications for a subsurface sewage system construction permit for a system to serve a single family dwelling on a parcel of land forty (40) acres or larger shall issue provided the following criteria can be met:

(a) There is no existing dwelling upon the parcel identified in the application.

(b) Slopes within the area proposed for the disposal and replacement areas do not exceed thirty (30) percent.

(c) A setback of at least two hundred (200) feet can be maintained between the initial disposal and replacement areas and property lines and surface public waters, excluding intermittent streams.

(d) All other setbacks as required in subsection 71-020(2) can be met.

(e) The highest level attained by a water table would not be closer than six (6) inches to the surface.

(f) There is at least eighteen (18) inches of soil above any impervious layer.

Note: The system shall be designed to overcome site limitations as nearly as possible.

Amend OAR 340-72-010(4)(a) as follows:

(4) Pursuant to ORS 454.745(4) and to requests of the respective governing bodies of the following counties all of which have agreements with the Department under ORS 454.725, and notwithstanding the fees listed in subsection (1) of this section and subsection (1) of section 340-72-020, (a) the fees to be charged by the counties of Clatsop, Crook, Curry, Deschutes, [Douglas], Hood River, Jefferson, Josephine, Lincoln, Malheur, Polk, Sherman, [Tillamook], and Wasco shall be as follows:

- - - - - -

Add a new subsection (e) to 340-72-010(4) to read as follows:

and (e) the fee to be charged by Jackson County for sites re-evaluated under geographic region rule "c", OAR-71-030(10), shall be $25.

Add a new subsection (f) to 340-72-010(4) to read as follows:

and (f) the fees to be charged by the County of Tillamook shall be as follows:

A. New construction installation permit $75

B. Repair, alteration, extension permit $15

C. Evaluation reports $50

Bracketed [ ] material is deleted
Underlines _____ material is new.

TJO:em
2/1#/79

Proposed amendment to OAR Chapter 340, 71-030, add new subsection (10) to read as follows:

"(10) Geographic Region Rule C:

(a) In areas where the mean annual precipitation does not exceed twenty-five (25) inches, subsurface sewage construction permits for evapotranspiration-absorption (ETA) systems may be issued provided:

(A) There exists a minimum of twenty-four (24) inches of soil. The subsoil at a depth of twelve (12) inches and below shall be fine textured.

(B) The soil is moderately-well to well drained. Exposure and slope aspect may be taken into consideration during the site evaluation.

(C) The slope gradient of original ground surface does not exceed fifteen (15) percent.

(b) ETA beds shall be designed according to the following criteria:

(A) The ETA bed shall be sized at a minimum of eight hundred-fifty (850) square feet surface area per bedroom where the annual precipitation in is excess of fifteen (15) inches and six hundred (600) square feet per bedroom where the annual precipitation is less than fifteen (15) inches.

(B) The ETA bed(s) shall not be excavated deeper than thirty-six (36) inches on the uphill side nor deeper than twenty-four (24) inches on the downhill side.

(C) There shall be at least one (1) distribution pipe in each bed.

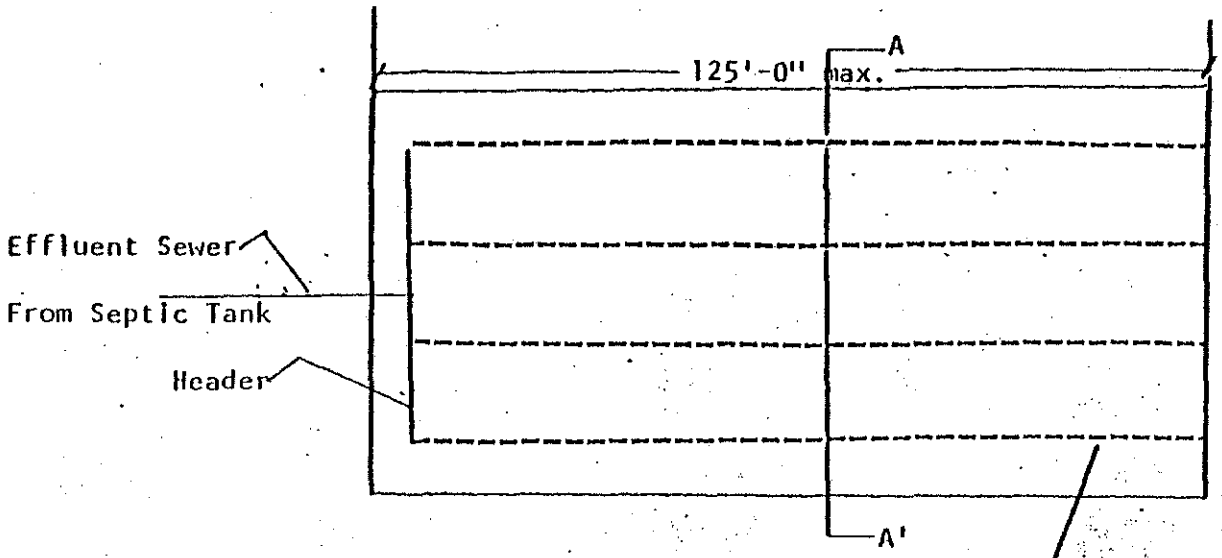
(D) The surface of ETA bed(s) shall be seeded according to the requirements of the construction permit.

(K) Refer also to Diagram 7C (A) and (B) for additional bed construction standards.

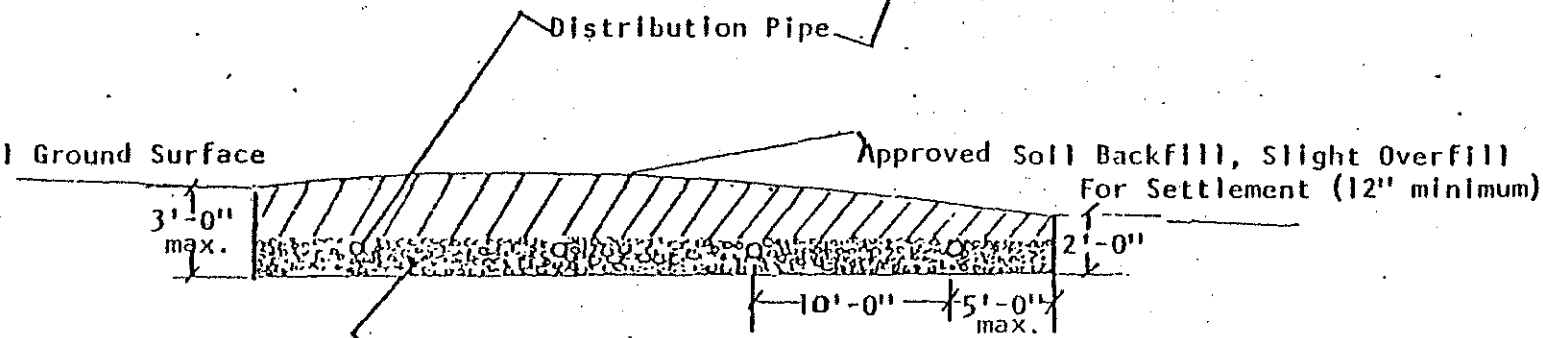
(L) Two (2) compartment septic tanks sized at twelve hundred-fifty (1250) gallons may be required by the Director or his authorized representative.

(c) With the exception of the requirements in this subsection, all conditions required under OAR Chapter 340, 71-005 through 71-035 and appendices must be met."

MPR:nrj
12/19/78



PLAN VIEW



SECTION A - A'

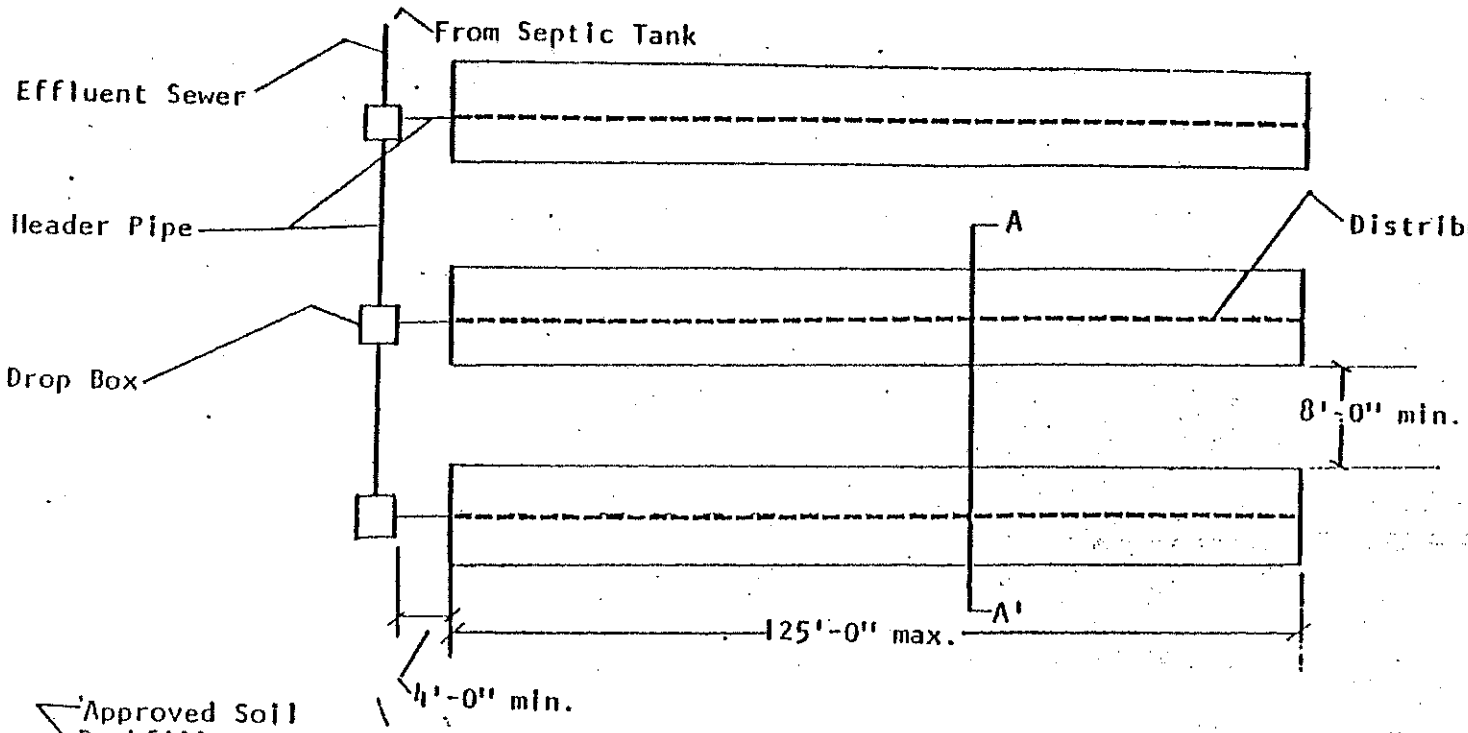
12" of 3/4" to 2 1/2" Washed Round Gravel
Covered by Untreated Building Paper
or 6" Straw

Note: The beds effective sidewall shall be placed in fine textured soil. The bottom of the bed shall be level within a tolerence of ± 2".

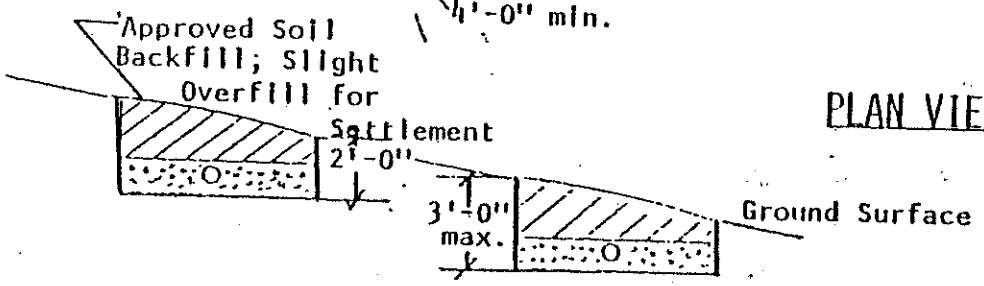
DIAGRAM 7C (A)

SCALE: None	ETA BED	
DATE: 12/14/78		

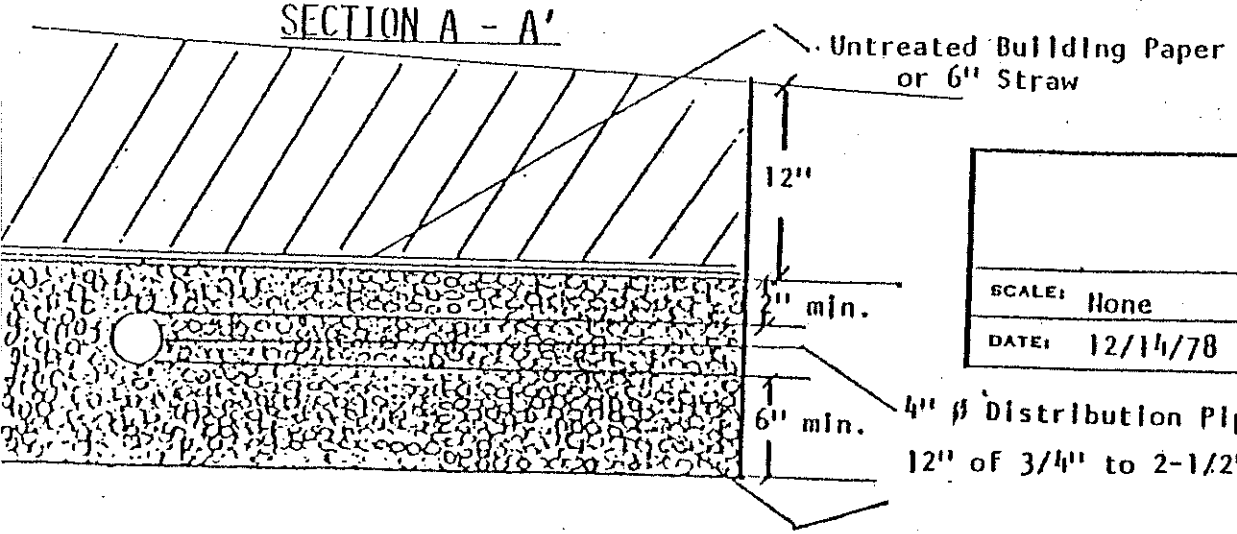
ON NEARLY LEVEL SITE



PLAN VIEW



SECTION A - A'



Note: Bed's effective sidewalls to be placed in fine textured soils. The botto of the bed shall be level within a tolerence of ± 2"

DIAGRAM 7C (B)

SCALE:	None
DATE:	12/14/78

ETA BED, SERIAL DISTRIBUTION

ATTACHMENT C

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

March 8, 1979

TO: Environmental Quality Commission

FROM: Sherman O. Olson, Jr.
Hearings Officer

SUBJECT: Public Hearing - Proposed Revisions to Subsurface and Alternative Sewage Disposal Rules - March 2, 1979
Medford - Jackson County Courthouse Auditorium

At 10:00 a.m. on the date and location identified above, I held a public hearing relative to proposed revisions to the Standards for Subsurface and Alternative Sewage and Nonwater-Carried Waste Disposal. Nine (9) persons appeared at the hearing, one person not in attendance submitted written testimony.

The following is a summary of the substantive testimony presented at the hearing:

Gary Stevens - Jackson County Health Department

Is strongly opposed to proposed OAR 340-71-030(11) because it will permit installations that will become public health hazards and/or pollute public waters. People living on property or nearby may be exposed to increased potential for disease.

John W. Blanchard - Josephine County Department of Environmental Health Services.

Supports rescinding 340-71-018(1).

Opposes "community system" definition as one more level of red tape.

Is in favor of intent of proposed 340-71-030(11), but feels that it must be refined before adoption. He is concerned that the property could be partitioned to less than 40 acres after the permit is issued, thereby defeating the intent.

Josephine County is opposed to table "2-A", prefers to work with existing tables 5 and 6.

Strongly opposes alternative "B".

Ken Cote - Jackson County Department of Planning and Development

Prefers "shall be required" in proposed 340-71-016(3).

Wants "need" defined in proposed 340-71-016(9).

Opposes limitation of 1500 gallons, maximum, in proposed table 3-A.

Is strongly opposed to alternative "B" because it is arbitrarily chosen and has no basis for the assigning of fixture unit values.

Prefers to work with existing tables 5 and 6 in the sizing of systems. Proposed table "2-A" is not adequate because it does not consider porosity, soil depth, structure, etc.

Favors alternative "A" as a step in the right direction.

Objects to concept of proposed 340-71-030(11), feels that lot size alone should not be the prime factor in determining if a permit can be issued.

Bradley W. H. Prior - Jackson County Department of Planning and Development

Supports Geographic Region Rule C, prefers revision to require six (6) inches minimum depth of fine textured soil between bed floor and saprolite orgeologic material. Also that current sizing criteria of 850 square feet per bedroom be continued until information is available that shows a reduced bed size is feasible.

Requests that 340-71-030(10)(b)(L) allow for larger two compartment tanks than 1250 gallons.

Asks that the resolution fee for Regional Rule C properties be reduced for four (4) to six (6) months.

Supports alternative "A" but feels that bedroom definition must be modified further.

Supports proposed 340-71-016(6) only if it is limited to dwellings in existence prior to January 1, 1974.

Opposes Certificate of Adequacy in that it "guarantees" the proper operation of the system. He wonders who is liable if system fails.

Prefers to continue working with tables 5 and 6, sees no advantage in using proposed table 2-A.

Strongly opposes proposed alternative "B".

Opposes proposed 340-71-030(11), concerned about liability when system fails, also no provision to prevent the property from being partitioned later.

John H. Rowan - Department of Environmental Quality

Opposes concept of Certificate of Adequacy, feels that if issued it will guarantee the proper operation of system.

Supports the current definition for abandonment of systems - 340-71-018(1).

Supports alternative "A" in sizing of systems for residences.

Opposes proposed table 3-a in that it does not address soil depth to restrictive horizon.

Opposes alternative "B" for sizing systems for homes, but feels that it may have merit in sizing other systems.

Supports proposed 340-71-014(4).

Strongly opposed to concept of proposed 340-71-030(11).

Hearing adjourned at 11:15 a.m.

Sherman O. Olson

Sherman O. Olson
Hearings Officer

SOO:em

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: T. J. Osborne, Subsurface Section Date: March 8, 1979

From: D. L. Bramhall, North Coast Branch Office

Subject: Public Hearing on Proposed Revisions to OAR Chapter 340, Division 71 & 72 Dated February 1979

On March 2, 1979, I conducted a public hearing at the City Hall in Tillamook, Oregon. Both oral and written testimony was presented. I have enclosed the tape of the hearing, and the written comments, which I have identified as Exhibit "A".

Five people offered oral testimony, and one additional person attended the hearing but offered no comments. I spent approximately 35 minutes reviewing the proposed changes and answering questions from those in attendance. A summary of the oral testimony follows:

James L. Seabrandt, Tillamook County

Alternative A or Alternative B

1. Mr. Seabrandt favored Alternative A of the proposed rule package. He stated that he had worked under an Alternative B-type system sizing criteria in Spokane, and found it was not workable. He also favors bedroom determinations made by the Building Official.

2. Mr. Seabrandt spoke favorably on all of the proposed changes in Alternative A, with the exception of the modifications to Table 3, on page 19 of the package. He feels that the minimum 300 gallon per day flow of Colume 2 should remain as it is. He thought this was necessary because of the small existing lot sizes in Tillamook County, which often do not provide enough room to accommodate a system sized for a 450 gallon minimum daily flow. Mr. Seabrandt recommended leaving the 300 gallon minimum daily flow, with a footnote for single family residences requiring 450 gallon daily flow on newly created lots. He also recommends dropping the reference to 750 gallon septic tanks in Table 3A.

General Amendments

1. Mr. Seabrandt spoke favorably on the General Amendments concerning community system changes, and spoke in support of the proposed fee changes for Tillamook County, which would help cover the increasing costs of their field work.

2. Mr. Seabrandt agreed with the proposed 40-acre modification. He did feel that proposed Rule 340-71-030(11)(a) should be expanded slightly to state there is no existing inhabitable dwelling on the parcel, rather than the present wording of no existing dwelling upon the parcel. There was discussion whether an existing uninhabitable farmhouse would preclude development under this 40-acre rule.

Gene Clemens, Polk County

Alternative A or Alternative B

1. Mr. Clemens spoke in favor of the Alternative A proposal. He felt that Alternative B does not adequately measure the potential usage of the dwelling.

General Amendments

1. Mr. Clemens spoke in opposition to the proposed 40-acre rule 340-71-030(11). He felt that this amendment was a step backward in the effort to prevent the creation of health hazards in rural areas, which are not included in the community sewage disposal plans. He is concerned about the lack of effective density control in these areas and his experience would indicate that these large parcels would become more urban in nature as time went on. Mr. Clemens felt that the variance in rural areas provisions, and the experimental program should provide adequate alternatives for large parcels.

2. He supported the proposed changes concerning community systems and the other General Amendments.

Bob Poole, Lincoln County

Alternative A or Alternative B

1. Mr. Poole preferred Alternative A over Alternative B, but feels that the sanitarian should have the final word on what is a bedroom or sleeping area. He submitted his testimony in an outline form, which is identified as Exhibit "A". This exhibit also addresses another alternative to deal with the sizing of systems. In summary, Mr. Poole was proposing that basic living areas in a home be identified, such as living rooms, dining rooms, and all other rooms be defined as bedrooms. Another alternative would be to project sewage flows based on the total square footage of the dwelling.

2. Mr. Poole felt that 340-71-016 is confusing in the way that it is written. He was wondering if this would require upgrading of existing systems, including the availability of a 100% replacement area. He also wondered whether the 50% of evaluation referred to evaluation of the residence, or evaluation of the entire parcel, with the residence on it.

3. With respect to the proposed Table 2A, he is concerned with the dependency on electricity for low pressure systems. Power outages do occur in the areas in Lincoln County where these systems would have application, and apparently sometimes last up to a day or two. He feels that depending on a pump may adversely effect total system performance. With respect to Table 3, he does not favor flow reduction to 75 gallons per day for the third and succeeding bedrooms.

Bob Poole, Lincoln County - cont.

General Amendments

1. Mr. Poole felt that the addition to 340-71-015(4) changing the word "finds" to "evidence that" is too vague. He felt that the word "evidence" needs to be expanded.

2. With respect to the proposed addition of community systems, he felt that the requirements for system plans and specifications should be detailed to assist the County in evaluating those plans when submitted.

3. He had no objections to the proposed 40-acre rule.

Bill Mason, Clatsop County

Alternative A or Alternative B

1. Mr. Mason spoke in favor of Alternative A. He also favors the reduction of sewage flow for the third and succeeding bedrooms, as outlined in Table 3.

2. He opposes the soil group system sizing drainfields, as proposed in Table 2A. He felt that the existing criteria provided enough flexibility to the sanitarian.

3. Mr. Mason also felt that the low pressure distribution is not necessary in sand and will add unnecessary costs to septic systems. He feels that there should be other ways, utilizing gravity flow, to get more equal distribution in disposal systems in sand.

4. Mr. Mason spoke briefly in favor of the other changes in Alternative A.

General Amendments

1. Mr. Mason spoke in favor of the General Amendments.

Ray Franklin, Clatsop County

Alternative A or Alternative B

1. Mr. Franklin spoke in favor of Alternative A also. He feels that the minimum daily sewage flows of 450 gallons per dwelling as proposed for Table 3 is excessive for smaller homes. He felt that there should be a recognition for systems sized for two bedrooms which he related to 300 gallons per day. He favors the 75 gallon flow for the third and succeeding bedrooms proposed in Table 3.

Ray Franklin, Clatsop County - cont.

Alternative A or Alternative B

2. Mr. Franklin felt that the bedroom definitions need to include other sleeping areas. He also felt that proposed Table 2A is too restrictive in dealing with drainfield design. He does not feel that low pressure distribution is warranted because of the cost involved and the dependency on electricity.

General Amendments

1. Mr. Franklin spoke in favor of the General Amendments.

Bill Mason, Clatsop County

1. Mr. Mason again spoke briefly concerning proposed rule 340-71-030 (11). He opposes providing a blanket approval on tracts of land where site standards are reduced to the point that the system would probably not work.

2. He also felt that 340-71-020(1)(a) should not be eliminated from consideration in addressing installation or repair of any system.

RECOMMENDATIONS

Based upon the testimony received at the Tillamook Public Hearing, I would recommend the adoption of rule package Alternative A. There was some concern with portions of this alternative, however, everyone found it much more acceptable than Alternative B.

With respect to the General Amendments, I would recommend adoption of those amendments, with the exception of 340-71-030(11). This 40-acre rule was not favorably accepted by everyone at the hearing. The concerns that were brought out in the testimony dealt with creating health hazards; and the purpose of the subsurface rules is to eliminate those health hazards.

Don Bramhall,
by lmm

DLB:lmm

Attachments

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

HEARINGS OFFICER'S REPORT

Public Hearing - Proposed Amendments to Subsurface and Alternative Sewage Disposal Rules - March 2, 1979
Portland - Room 511, 522 S. W. Fifth Avenue
Hearing convened at 10:00 a.m.
Six (6) persons appeared for the Hearing.

The Hearings Officer explained the proposed amendments and the likely result if adopted.

George Ward - George Ward & Associates

Supports intent of the proposed amendments, that is to provide more flexibility.

Maintenance is imperative for alternative systems that will be coming along and the Department should be preparing for some type of maintenance organization, public or private. Well organized system maintenance operations should allow additional systems to be permitted.

Doug Ward - Alternative Sewage Management, Inc.

Is in favor of Alternative "B", system sizing by plumbing fixture units, as giving the most flexibility for the future.

Bill Ross - Washington County Sanitarian

Did not testify for the record (tape recorder) but does support Alternative "A" as being the most workable of the two.

Opposes the criteria of 6" to a water table for large parcels (40 ac.) systems. Are likely to fail under these conditions.

Washington County has a 38 acre EFU zone that might indicate that this rule deal with a 38 acre minimum rather than 40 acres.

Did not have adequate time to review and respond fully to the proposal.

Harding Chinn - Multnomah County Sanitarian

Did not testify for the record (tape recorder). Supports Alternative "A" as being the most workable.

Multnomah County also has the EFU zone with a 38 acre minimum. Should have 38 acre minimum rather than 40 acres.

Jeff Ward - Alternative Sewage Maintenance, Inc.

Did not testify.

Peter Ressler - Sanitarian, Northwest Region - DEQ

Did not testify.

Hearing adjourned at 11:30 a.m.

T. Jack Osborne
Hearings Officer

TJO:em

STATE OF OREGON

INTEROFFICE MEMO

ENVIRONMENTAL QUALITY DEPT. 382-6446 TELEPHONE

TO: Jack Osborne

DATE: March 5, 1979

FROM: Dick Nichols, Central Region - Bend

SUBJECT: Summary of Hearing Comments
Subsurface Hearing - March 2, 1979
Bend, Oregon

A. Public Notification

Of the seven people who testified, all testified that they objected to the lack of public notice concerning the hearing. Some felt the lack of notice prevented many people from voicing their opinions, that this stunted proper representation and the varied views of the issues involved. Many also objected to the short time allowed for them to fully study the proposed rules when they came to the hearing. Consequently, they felt they needed more time to adequately consider the rules.

Suggestions to increase public testimony included: 1) Time extensions to allow time for additional comments; 2) Hold another hearing with better and wider notification; and 3) Hold an informational hearing prior to the formal hearing. The informational hearing would discuss the proposed rules and the justification for the changes.

B. Reason for Rule Changes

Several people questioned the need for rule changes. They questioned whether there were documented, known failures that would justify changes in the required drainfield sizing or that would justify use of low pressure distribution systems. One person thought that less drainfield should be required for a low pressure system. Several people questioned whether it was appropriate to require low pressure distribution systems when the cost and energy use is greater and there appeared to be no justification. One person felt such systems would have more operating problems because of possible pump problems and freezing conditions. Another person felt more testing should be undertaken before low pressure should be required, particularly in the colder areas where freezing is a problem.

C. Bedroom Definition vs. Fixture Unit Definition

Many people were confused by the proposed rules. Many thought the fixture unit definition would be difficult and complicated to use. They thought use of such a definition would be difficult to administer. Many thought

it would be difficult to relate the fixture units to the determination of subsurface suitability. Would the feasibility determine the maximum number of fixtures allowed? One person felt the existing bedroom definition was best. He felt the new bedroom definition would not help. No one thought plumbing fixture units would be a good idea, or that it would have much bearing on the actual water usage.

D. 40 Acre Rule Change

Most felt that relaxed rules for large parcels would be a good idea. Most, however, thought the minimum should be lowered to five or ten acres.

E. Other Items

One person wanted the rules to allow people to put in a system to serve a future house, but also allow temporary use for R.V. wastes, etc. This person was afraid that if the camper or R.V. was connected to the system, the system would be considered abandoned before the house would ultimately be built.

Respectfully submitted,

Richard J. Nichols

STATE OF OREGON

INTEROFFICE MEMO

Southwest Region (DEPT.) 672-8204 (TELEPHONE)

TO: Environmental Quality Commission DATE: March 2, 1979

FROM: Richard Reiter
Hearings Officer

SUBJECT: Proposed Revisions to Rules Governing Standards for Subsurface and Alternative Sewage and Non-Water Carried Waste Disposal

Public Hearing — March 2, 1979
Douglas County Courthouse
Church Annex — Roseburg, Oregon

At 10:00 A.M. on the date and location identified above, I held a public hearing relative to proposed revisions to the subsurface and alternative system rules. Nine (9) persons were in attendance (3 citizens, 1 Douglas County Commissioner, 5 public employees). The following substantive testimony was presented:

Roy Burns, Director
Lane County Water pollution Control Program

Recommended adoption of alternative "A". Felt that additional review and development was needed prior to adopting a design program based on fixture units.

Commented that properly administered, the 40 acre "variance" would provide added flexibility; the rule properly separates individual nuisance problems from more serious public health and environmental concerns associated with higher densities, and probably would result in systems that would have a shorter useful life.

Commented that the proposed changes to the "connection to an existing system" was very similar in approach to their current policy and therefore supported their adoption.

Table 2A - page 18 - Give consideration to intermittent dosaging of sand system rather than low pressure distribution. It's simpler and generally provides the same level of treatment.

Gerd Esche
Pete Serafin Realty

Mr. Esche had no testimony to present rather had three questions relative to (1) status of experimental program, (2) status of recirculating sand filter and (3) status of package sewage treatment plants for use with larger developments. Information on each question was given to Mr. Esche.

Bill Bowne, Assistant Director
Douglas County Public Works Department

Page 18 - Chart on soil types is confusing since "limbs" a, b and c are not identified.

Page 40 - In the subdivision of 160 acre sections of land; "nominal" 40 acre parcels are created. Upon actual survey, however, these "nominal" 40 acre parcels may end up being only 39.5 or 39.1 or 38.5 acre parcels. Douglas County Planning Department overcame this potential problem by adopting a 38 acre parcel size for zoning purposes. Recommended that the Department consider adopting a 38 acre parcel size to avoid this potential conflict between nominal and actual parcel sizes.

Bill Vian
Douglas County Commissioner

Supports any changes that make the rules less restrictive as long as the system works.

Recommends that as experimental systems are converted to the Alternative system classification, a monitoring and maintenance inspection program be developed and implemented. Long term successful operation is dependent on proper maintenance during use.

Since these rule changes do not address creation of an arbitration board and the "human aspect" of hardship connections, it's unlikely that these ammendments resolve the differences between Douglas County and the DEQ.

Fred Young
Canyonville

Criticized lack of recent notice relative to public hearing. Public notice on February 2 not adequate when hearing is held thirty days later.

Feels that only way to design systems, or judge reconnection to existing systems, is based on water usage. Recommend that people be required to install water meters to record actual flows.

Recommends changes be made to existing system only when surface failure can be documented.

There being no further testimony the hearing was closed.

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F(2), March 30, 1979, EQC Meeting

Proposed Adoption of Emission Offset Rule for New or Modified Emission Sources in the Medford-Ashland AQMA: OAR 340-30-010 and 30-110.

Background

The Legislative Committee on Trade and Economic Development requested at the January, 1979 EQC meeting that the EQC delay adoption of the proposed offset rule. The request was founded on concerns of the impact this rule could have on the industrial economic base of the Medford-Ashland area and the unresolved issues of banking and air property rights. Because DEQ did not have to act upon any pending permit applications for new or modified sources in the next 60 days and because of the desirability for the legislature to have a clear understanding of the problems in the Medford airshed, the EQC agreed to delay consideration of adoption of the proposed rule until the March meeting. The legislative committee subsequently held four hearings on SIP revision activities and the proposed rule including one heavily attended hearing in Medford.

Statement of Need

The Statement of Need prepared pursuant to ORS 183.335(7) and ORS 183.355(1) is attached as Attachment 3.

Evaluation

ISSUE: Action taken by the Legislative Committee on Trade and Economic Development

Briefly, on February 28, the committee made four major recommendations which are expected to be presented to the EQC at the March meeting. The Committee supports adoption of the offset rule providing it is implemented as a state rule and not submitted to EPA as part of a revision to the State Implementation Plan (SIP). The Committee also recommended that the rule

be reviewed as results of special air quality studies now underway in the airshed become available. The committee also wants DEQ to seek an 18 month extension to submit the SIP revision. And finally, the Committee wants an opportunity to review all SIP revisions before submittal to EPA.

ISSUE: Implement the proposed emission offset rule but do not submit to EPA as a revision to the State Implementation Plan

With the recent rapid deterioration of the particulate air quality it is evident the control strategy adopted in March, 1978 when fully implemented may likely fall short in improving air quality to meet federal standards. DEQ has requested EPA redesignate the AQMA from secondary TSP standard nonattainment to primary standard nonattainment. The Clean Air Act will allow nine months from redesignation to revise the SIP to meet the primary standard. An extension to develop a secondary attainment strategy may be requested if necessary. The federal Emission Offset Interpretative Ruling will remain in effect until that time as the official SIP. Thus it is unnecessary to submit the state offset rule at this time as a SIP Revision. When a control strategy is submitted to EPA it will have to contain a growth management element which could be in the form of the state offset rule.

A much more stringent mechanism to mitigate expanding and new industry is warranted in the AQMA during the SIP revision process because of degrading air quality. On a state level, the proposed rule can be applied without being part of the SIP. The Legislative Committee on Trade and Economic Development supports the offset rule as a state rule. Need for a stringent offset rule could be obviated with development and adoption of a revised SIP that attains standards and creates sufficient growth increment from existing sources.

ISSUE: Banking of surplus emission offsets

Banking was a major topic discussed during Trade and Economic Development Committee hearings. The Committee made no recommendation concerning banking and air property rights, but formed a subcommittee to examine the need for legislation dealing with these issues. DEQ advised the Committee as how the federal offset rule deals with assigning airshed rights through banking and how the Department would administer banking under the proposed state offset rule. Basically, DEQ would use its permit system for legally identifying and enforcing emission allocations including banked emission offsets though DEQ would look to the free enterprise system to resolve legal issues that might arise in the detailed contractural process of buying and selling offsets.

DEQ also advised the Committee that the City of Portland is undertaking an 18 month study to develop a plan to manage economic development and air quality objectives simultaneously. The study will address many of the issues of current interest to the Committee including emission offset and banking. Results of the study will have application in the Medford-Ashland AQMA.

The Department presented a paper to the Committee on offsets and banking; and a project overview of the Portland study on growth management. This is included as Attachment 4.

ISSUE: Recent changes in the Federal Emission Offset Interpretative Ruling

The Environmental Protection Agency recently revised the Emission Offset Interpretative Ruling (41 FR 55524) which was originally part of the proposed offset rule. The new Interpretative Ruling is contained in the Federal Register January 16, 1979 pages 3382-85 and supercedes 41 FR 55524, December 21, 1976. The proposed Medford offset rule has been changed by incorporating the new Interpretative Ruling. The revision makes the Interpretative Ruling consistent with the provisions of the Clean Air Act.

Important features of the revised Interpretative Ruling are that the banking restriction is removed and the State is not allowed to serve as banker; lowering of the offset triggering criteria from 100 tons per year to 50 tons per year and adding daily and hourly criteria of 1000 pounds and 100 pounds respectively; and defining significant air quality impact in terms of net permissible deterioration of air quality in a nonattainment area. NOTE: The last feature triggers the offset when a source locates in a "clean" portion of the designated nonattainment area and impacts the "dirty" portion more than specified amounts. The proposed Medford offset rule has this feature with a more restrictive level of permissible air quality degradation.

In essence, incorporation of the new Federal offset rule in the Medford offset rule does not materially change any of the requirements from the previous proposal. Overall, it clarifies certain definitions and issues, and forms the foundation for the proposed offset rule containing some more stringent features.

Summation

1. The legislative Committee on Trade and Economic Development has considered the proposed Medford offset rule and recommends that EQC adopt the proposed rule but refrain from submitting it to EPA as a SIP revision.

2. DEQ will implement the proposed rule in the Medford-Ashland AQMA as a state rule. The federal Emission Offset Interpretative Ruling will apply as the official State Implementation Plan.

3. The proposed offset rule would be administered through the existing permit system. Banked emissions would be allowed at the discretion of the Department.

4. The revised Federal Emission Offset Interpretative Ruling 44 FR 3282 January 16, 1979 has been made part of the proposed rule as the previously referenced Interpretative Ruling, 41 FR 55524 December 21, 1976, has been superseded by it.

5. A legislative committee is examining the questions of banking and air property rights. Should pertinent legislation result, the DEQ will evaluate and adopt implementing regulations consistent with legislative intent.

6. Offsets will only be accepted on like contaminants and on a comparable particle size range. (Discussed in January, 1979 staff report.)

7. A clause has been added to the proposed rule to accommodate a new source replacing a wigwam waste burner without subjecting this new source to full offset requirements (Discussed in January 1979 staff report.)

Director's Recommendation

Based on the summation, it is recommended that the Commission adopt the proposed rule contained in Attachment 1 and 2, and adopt as its final Statement of Need for rulemaking the statement attached to this report as Attachment 3.

Bill

WILLIAM H. YOUNG
Director

JFK:kmm
229-6459
March 12, 1979
Attachments:
1) Federal Register page 3282-85, January 16, 1979 Appendix S: Emission Offset Interpretative Ruling
2) Emission Offset Regulation for the Medford-Ashland AQMA.
3) Statement of Need
4) Memo to Legislative Committee of Trade and Economic Development "Further Comments on the proposed offset Rule", No date.

ATTACHMENT ONE

SEVERABILITY

EPA intends that the changes made by this notice be treated as severable. If a court should rule that one or more of the changes is not valid, EPA intends that the other changes remain in effect and that the provisions of the December 1976 Ruling that would have been amended by the invalid changes be in effect, unless the court rules that some other disposition is legally required.

The Agency finds good cause to make the changes announced today effective for permit applications filed on or after today, because the normal processing time between permit application and source construction provides adequate lead time for compliance with new requirements in the Ruling.

AUTHORITY

The Administrator has determined that this rulemaking is nationally applicable and is based on determinations of nationwide scope and effect. This rulemaking is issued under Section 129(a) of the Clean Air Act Amendments of 1977, Pub. L. 95-95, 91 Stat. 745, August 7, 1977 (note under 42 U.S.C. 7502) and Section 301 of the Clean Air Act (42 U.S.C. 7601).

Dated: December 29, 1978.

DOUGLAS M. COSTLE,
Administrator.

The Interpretative Ruling published by EPA on December 21, 1976, at 41 FR 55524, is revised and codified as a new Appendix S to 40 CFR Part 51. In the footnote to 40 CFR 51.18 "41 FR 55528, December 21, 1976," is deleted and "Appendix S" is inserted in its place. As revised Appendix S reads as follows:

APPENDIX S—EMISSION OFFSET INTERPRETATIVE RULING

I. INTRODUCTION

This appendix sets forth EPA's Interpretative Ruling on the preconstruction review requirements for stationary sources of air pollution (not including indirect sources) under 40 CFR 51.18 and Section 129 of the Clean Air Act Amendments of 1977, Pub. L. 95-95, (note under 42 U.S.C. § 7502). A major new source or modification which would contribute to a violation of a national ambient air quality standard (NAAQS) may be allowed to construct only if the stringent conditions set forth below are met. These conditions are designed to insure that the new source's emissions will be controlled to the greatest degree possible; that more than equivalent offsetting emission reductions ("emission offsets") will be obtained from existing sources; and that there will be progress toward achievement of the NAAQS.

For each area designated as exceeding an NAAQS (nonattainment area) under 40 CFR 81.300 *et seq.*, this Interpretative Ruling will be superseded after June 30, 1979—(a) by preconstruction review provisions of the revised SIP, if the SIP meets the requirements of Part D, Title 1, of the Act; or (b) by a prohibition on construction under the applicable SIP and Section 110(a)(2)(I) of the Act, if the SIP does not meet the requirements of Part D. The Ruling will remain in effect to the extent not superseded under the Act. This prohibition on major new source construction does not apply to a source whose permit to construct was applied for during a period when the SIP was in compliance with Part D, or before the deadline for having a revised SIP in effect that satisfies Part D.

II. INITIAL SCREENING ANAYLSES AND DETERMINATION OF APPLICABLE REQUIREMENTS

A. *Definitions.* For purposes of this Ruling:

1. "Source" Means any structure, building, facility, equipment, installation or operation (or combination thereof) which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control).

2. "Facility" means an identifiable piece or process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

3. "Potential" to emit means the maximum capacity to emit a pollutant absent air pollution control equipment. "Air pollution control equipment" includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

4. "Major source" means any source for which the potential emission rate is equal to or greater than 100 tons per year of any of the following pollutants: particulate matter, sulfur oxides, nitrogen oxides, volatile organic compounds, or carbon monoxide.

5. "Major modification" means any physical change in, change in the method of operation of, or addition to a stationary source which increases the potential emission rate of any air pollutant specified in Section A.4. above (including any not previously emitted and taking into account all accumulated increases in potential emissions occurring at the source since February 16, 1979, or since the time of the last construction approval issued for the source pursuant to this Ruling, whichever time is more recent, and regardless of any emission reductions achieved eleswhere in the source) by 100 tons per year or more.

(i) A physical change shall not include routine maintenance, repair, and replacement.

(ii) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

(a) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(b) An increase in the hours of operation;

(c) Use of an alternative fuel or raw material, if on December 21, 1976, the source was capable of accommodating such fuel or material;

(d) Use of an alternative fuel or raw material by reason of an order in effect under Sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

(e) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act;

(f) Change in ownership of a source; or

(g) Use of refuse derived fuel generated from municipal solid waste.

6. "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit operating rate, or hours of operation, or both) and the most stringent of the following:

(i) Applicable new source performance standards or standards for hazardous pollutants set forth in 40 CFR Part 60 or 61;

(ii) Applicable SIP emission limitation; or

(iii) The emission rate specified as an enforceable permit condition.

7. "Lowest achievable emission rate" means, for any source, that rate of emissions based on the following, whichever is more stringent:

(i) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

(ii) The most stringent emission limitation which is achieved in practice by such class or category of source.

This term, applied to a modification, means the lowest achievable emission rate for the new or modified facilities within the source. In no event shall the application of this term permit a proposed new or modified facility to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

8. "Fugitive dust" means particulate emissions composed of soil which is uncontaminated by pollutants resulting from industrial activity. Fugitive dust may include emissions from haul roads, wind erosion of exposed soil surfaces and soil storage piles and other activities in which soil is either removed, stored, transported, or redistributed.

9. "Reconstruction" will be presumed to have taken place where the fixed capital cost of the new components exceed 50 percent of the fixed capital cost of a comparable entirely new facility. However, any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of 40 CFR 60.15(f)(1)-(3). A reconstructed facility will be treated as a new facility for purposes of this Ruling, except that use of an alternative fuel or raw material by reason of an order in effect under Sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under Section 125 of the Act, shall not be considered reconstruction.

In determining LAER for a reconstructed source, the provisions of 40 CFR 60.15(f)(4) shall be taken into account in assessing whether a new source performance standard is applicable to such source.

10. "Fixed capital cost" means the capital needed to provide all the depreciable components.

11. "Secondary emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a major source or major modification, but do not come from the source itself. For purposes of this Ruling, secondary emissions must be specific and well defined, must be quantifiable, and must impact the same general nonattainment area as the major source which causes the secondary emission. Secondary emissions may include, but are not limited to:

a. Emissions from ships or trains coming to or from a refinery, terminal facility, etc.

b. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a major source.

12. "Resource recovery facility" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Energy conversion facilities must utilize solid waste to provide more than 50% of the heat input to be considered a resource recovery facility under this Ruling.

B. *Review of all sources for emission limitation compliance.* The reviewing authority must examine each proposed major new source and proposed major modification [1] to determine if such a source will meet all applicable emission requirements in the SIP, any applicable new source performance standard in 40 CFR Part 60, or any national emission standard for hazardous air pollutants in 40 CFR Part 61. If the reviewing authority determines that the proposed major new source cannot meet the applicable emission requirements, the permit to construct must be denied.

C. *Review of specified sources for air quality impact.* In addition, for each proposed major new source with allowable emissions exceeding 50 tons per year, 1000 pounds per day, or 100 pounds per hour, whichever is most restrictive, the reviewing authority must determine if the source will cause or contribute to a violation of an NAAQS.[2] A proposed source which would not exceed any of the above emission levels needs no further analysis under this ruling, provided such a source meets the requirements of Section II. B.

Where a source is constructed or modified in increments which individually do not emit more than the above amounts and the increments have not been offset in accordance with this Ruling, the allowable emissions from all such increments granted a permit to construct after December 21, 1976, shall be added together and this Ruling may be applicable when a proposed increment would cause the sum of the allowable emissions which have not been offset to equal or exceed 50 tons per year, 1000 pounds per day, or 100 pounds per hour. If the total modification would cause or contribute to a violation of the NAAQS, all of the provisions of this Ruling are then applicable to each increment. If any of the increments has not previously been subject to Condition 1 of Section IV.A. (requiring the source to meet the lowest achievable emission rate), such determination must consider the stage of construction of such increment and the ability of the source to install additional control equipment.

For "stable" air pollutants (i.e., SO_2, particulate matter and CO), the determination of whether a source will cause or contribute to a violation of an NAAQS generally should be made on a case-by-case basis as of the proposed new source's start-up date using the source's allowable emissions in an atmospheric simulation model (unless a source will clearly impact on a receptor which exceeds an NAAQS).

For sources of nitrogen oxides, the initial determination of whether a source would cause or contribute to a violation of the NAAQS for NO_2 should be made using an atmospheric simulation model assuming all the nitric oxide emitted is oxidized to NO_2 by the time the plume reaches ground level. The initial concentration estimates may be adjusted if adequate data are available to account for the expected oxidation rate.

For photochemical oxidants, sources of volatile organic compounds (VOC) locating in areas designated under 40 CFR 81.300 *et seq.* as nonattainment for photochemical oxidant or otherwise shown to be in violation of the NAAQS for oxidant shall be subject to the provisions of Section IV of this Ruling. In addition, VOC sources locating within 36 hours travel time (under wind conditions associated with concentrations exceeding the NAAQS for oxidants) of a nonattainment monitor shall also be subject to Section IV of this Ruling. However, a VOC source may be exempt from these requirements if the source owner can demonstrate that the emissions from the proposed source will have virtually no effect upon any area that exceeds the NAAQS for photochemical oxidant. This exemption is only intended for remote rural sources whose emissions would be very unlikely to interact with other significant sources of VOC or NO_x to form additional oxidant.[3]

As noted above, the determination as to whether a source would cause or contribute to a violation of an NAAQS should be made as of the new source's start-up date. Therefore, if a designated nonattainment area is projected to be an attainment area as part of an approved SIP control strategy by the new source start-up date, offsets would not be required if the new source would not cause a new violation.

D. *Sources locating in a "clean" portion of a designated nonattainment area.* A source locating in a clean portion (or which will be clean as of the new source start-up date) of a nonattainment area designated pursuant to Section 107 of the Act may be exempt from the requirements of this ruling if the allowable emissions from the source or facility (not including any emission reductions achieved elsewhere in the source) would not cause the following significance levels to be exceeded in the *actual* area of non-attainment (as of the new source start-up date):

Pollutant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO_2	1.0 μg/m³	5 μg/m³		25 μg/m³	
TSP	1.0 μg/m³	5 μg/m³			
NO_2	1.0 μg/m³				
CO			0.5 mg/m³		2 mg/m³

No significance increments are applicable for hydrocarbons or photochemical oxidants. If the source would exceed the significance levels in the portion of the designated nonattainment area where the NAAQS is actually violated (actual area of nonattainment), all requirements of this Ruling (except Condition 3 of Section IV.A.) would be applicable.

It will be assumed as the starting point in reviewing a permit application that every locality in a designated nonattainment area will exceed the NAAQS (as of the new source start-up date), and that any major source locating in the area will significantly contribute to the violation. However, if the applicant or any other participant presents a substantial and relevant argument (including any necessary analysis or other demonstration) why that assumption is incorrect, then the applicability of this Ruling would be determined by the specific facts in the case.

E. *Sources in attainment or unclassifiable areas.* For areas designated under 40 CFR 81.300 *et seq.* as attainment or unclassifiable for the NAAQS, sources locating in such areas which would exceed the above significance increments at any locality that does not meet the NAAQS are subject to this Ruling. However, such a source may be exempted from Condition 3 of Section IV.A. of this Ruling.

F. *Fugitive dust sources.*[3] Fugitive dust associated with major sources locating in clean portions of designated nonattainment areas or in designated attainment or unclassifiable areas shall be subject only to applicable requirements for preventing significant deterioration of air quality (see 40 CFR 52.21). Fugitive dust associated with major sources locating in an actual area of nonattainment shall be subject to Conditions 1, 2 and 3 of Section IV.A. of this Ruling.

G. *Secondary emissions.* Secondary emissions need not be considered in determining whether the emission rates in Section II.C. above would be exceeded. However, if a

[1] Hereafter the term "source" will be used to denote both any source and any modification.

[2] Required only for those pollutants for which the increased allowable emissions exceed 50 tons per year, 1000 pounds per day, or 100 pounds per hour, although the reviewing authority may address other pollutants if deemed appropriate. The preceding hourly and daily rates shall apply only with respect to a pollutant for which a national ambient air quality standard, for a period less than 24-hours or for a 24-hour period, as appropriate, has been established.

[3] The discussion in this paragraph is a proposal, but represents EPA's interim policy until final rulemaking is completed.

ATTACHMENT ONE

source is subject to this Ruling on the basis of the direct emissions from the source, the applicable conditions of this Ruling must also be met for secondary emissions. However, if the secondary emissions are not under the control of the applicant, such secondary emissions may be exempt from Conditions 1 and 2 of Section IV. Also, since EPA's authority to perform or require indirect source review relating to mobile sources regulated under Title II of the Act (motor vehicles and aircraft) has been restricted by statute, consideration of the indirect impacts of motor vehicles and aircraft traffic is not required under this Ruling.

III. Sources Locating in "Clean Areas", but Would Cause a New Violation of an NAAQS

If the reviewing authority finds that the emissions from a proposed source would cause a new violation of an NAAQS, but would not contribute to an existing violation, approval may be granted only if both of the following conditions are met:

Condition 1. The new source is required to meet a more stringent emission limitation [4] and/or the control of existing sources below allowable levels is required so that the source will not cause a violation of any NAAQS.

Condition 2. The new emission limitations for the new source as well as any existing sources affected must be enforceable in accordance with the mechanisms set forth in Section V below.

IV. Sources That Would Contribute to Concentrations Which Exceed an NAAQS

A. *Conditions for approval.* If the reviewing authority finds that the emissions from a proposed source would contribute to concentrations which exceed an NAAQS as of the source's proposed start-up date, approval may be granted only if the following conditions are met:

Condition 1. The new source is required to meet an emission Limitation [4] which specifies the lowest achievable emission rate for such source.[2]

Condition 2. The applicant must certify that all existing major sources[5] owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the appplicant) in the same State as the proposed source are in compliance with all applicable emission limitations and standards under the Act (or are in compliance with an expeditious schedule which is Federally enforceable or contained in a court decree).

Condition 3. Emission reductions ("offsets") from existing sources in the area of the proposed source (whether or not under the same ownership) are required such that there will be reasonable progress toward attainment of the applicable NAAQs.[2] Only intrapollutant emission offsets will be acceptable (e.g., hydrocarbon increases may not be offset against SO_2 reductions).

Condition 4. The emission offsets will provide a positive net air quality benefit in the affected area (see Section IV.D. below).[2] Atmospheric simulation modeling is not necessary for volatile organic compounds and NO_x. Fulfillment of Condition 3 and Section IV.D. will be considered adequate to meet this condition.

B. *Exemptions from certain conditions.* The reviewing authority may exempt the following sources from Condition 1 under Section III or Conditions 3 and 4. Section IV.A.: (i) Resource recovery facilities burning municipal solid waste, and (ii) sources which must switch fuels due to lack of adequate fuel supplies or where a source is required to be modified as a result of EPA regulations (e.g., lead-in-fuel requirements) and no exemption from such regulation is available to the source. Such an exemption may be granted only if:

1. The applicant demonstrates that it made its best efforts to obtain sufficient emission offsets to comply with Condition 1 under Section III or Conditions 3 and 4 under Section IV.A. and that such efforts were unsuccessful;

2. The applicant has secured all available emission offsets; and

3. The applicant will continue to seek the necessary emission offsets and apply them when they become available.

Such an exemption may result in the need to revise the SIP to provide additional control of existing sources.

Temporary emission sources, such as pilot plants, portable facilities which will be relocated outside of the nonattainment area after a short period of time, and emissions resulting from the construction phase of a new source, are exempt from Conditions 3 and 4 of this Section.

C. *Baseline for determining credit for emission and air quality offsets.* The baseline for determining credit for emission and air quality offsets will be the SIP emission limitations in effect at the time the application to construct or modify a source is filed. Thus, credit for emission offset purposes may be allowable for existing control that goes beyond that required by the SIP. Emission offsets generally should be made on a pounds per hour basis when all facilities involved in the emission offset calculations are operating at their maximum expected or allowed production rate. The reviewing agency should specify other averaging periods (e.g., tons per year) in addition to the pounds per hour basis if necessary to carry out the intent of this Ruling. When offsets are calculated on a tons per year basis, the baseline emissions for existing sources providing the offsets should be calculated using the actual annual operating hours for the previous one or two year period (or other appropriate period if warranted by cyclical business conditions). Where the SIP requires certain hardware controls in lieu of an emission limitation (e.g., floating roof tanks for petroleum storage), baseline allowable emissions should be based on actual operating conditions for the previous one or two year period (i.e., actual throughput and vapor pressures) in conjunction with the required hardware controls.

1. *No meaningful or applicable SIP requirement.* Where the applicable SIP does not contain an emission limitation for a source or source category, the emission offset baseline involving such sources shall be the actual emissions determined in accordance with the discussion above regarding operating conditions.

Where the SIP emission limit allows greater emissions than the potential emission rate of the source (as when a State has a single particulate emission limit for all fuels), emission offset credit will be allowed only for control below the potential emission rate.

2. *Combustion of fuels.* Generally, the emissions for determining emission offset credit involving an existing fuel combustion source will be the allowable emissions under the SIP for the type of fuel being burned at the time the new source application is filed (i.e., if the existing source has switched to a different type of fuel at some earlier date, any resulting emission reduction [either actual or allowable] shall not be used for emission offset credit). If the existing source commits to switch to a cleaner fuel at some future date, emission offset credit based on the allowable emissions for the fuels involved is not acceptable unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emission reduction should the source switch back to a dirtier fuel at some later date. The reviewing authority should ensure that adequate long-term supplies of the new fuel are available before granting emission offset credit for fuel switches.

3. *Operating hours and source shutdown.* A source may be credited with emission reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels (see initial discussion to this Section C) provided, that the work force to be affected has been notified of the proposed shutdown or curtailment. Emission offsets that involve reducing operating hours or production or source shutdowns must be legally enforceable, as in the case for all emission offset situations.[6]

4. *Credit for hydrocarbon substitution.* As set forth in the Agency's "Recommended Policy on Control of Volatile Organic Compounds" (42 FR 35314, July 8, 1977), EPA has found that almost all non-methane hydrocarbons are photochemically reactive and that low reactivity hydrocarbons even-

[4] If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the authority may instead prescribe a design, operational or equipment standard. In such cases, the reviewing authority shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the required submission to EPA (see Part V). Any permits issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained (or that the operational conditions will be properly performed) so as to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under Section 304. Hereafter, the term "emission limitation" shall also include such design, operational, or equipment standards.

[5] Subject to the provisions of section IV.C. below.

[6] Source shutdowns and curtailments in production or operating hours occurring prior to the date the new source application is filed generally may not be used for emission offset credit. However, where an applicant can establish that it shut down or curtailed production after August 7, 1977, or less than one year prior to the date of permit application, whichever is earlier, and the proposed new source is a replacement for the shutdown or curtailment, credit for such shutdown or curtailment may be applied to offset emissions from the new source.

ATTACHMENT ONE

tually form as much photochemical oxidant as the highly reactive hydrocarbons. Therefore, no emission offset credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of the above policy statement.

5. *"Banking" of emission offset credit.* For new sources obtaining permits by applying offsets after January 16, 1979, the reviewing authority may allow offsets that exceed the requirements of reasonable progress toward attainment (Condition 3) to be "banked" (i.e., saved to provide offsets for a source seeking a permit in the future) for use under this Ruling. Likewise, the reviewing authority may allow the owner of an existing source that reduces its own emissions to bank any resulting reductions beyond those required by the SIP for use under this Ruling, even if none of the offsets are applied immediately to a new source permit. A reviewing authority may allow these banked offsets to be used under the preconstruction review program required by Part D, as long as these banked emissions are identified and accounted for in the SIP control strategy. A reviewing authority may not approve the construction of a source using banked offsets if the new source would interfere with the SIP control strategy or if such use would violate any other condition set forth for use of offsets. To preserve banked offsets, the reviewing authority should identify them in either a SIP revision or a permit, and establish rules as to how and when they may be used.

D. *Location of offsetting emissions.* In the case of emission offsets involving volatile organic compounds (VOC), the offsets may be obtained from sources located anywhere in the broad vicinity of the proposed new source. Generally, offsets will be acceptable if obtained from within the same AQCR as the new source or from other areas which may be contributing to the oxidant problem at the proposed new source location. As with other pollutants, it is desirable to obtain offsets from sources located as close to the proposed new source site as possible. If the proposed offsets would be from sources located at greater distances from the new source, the reviewing authority should increase the ratio of the required offsets and require a showing that nearby offsets were investigated and reasonable alternatives were not available.[7]

Offsets for NO_x sources may also be obtained within the broad area of nonattainment. This is because areawide oxidant and NO_2 levels are generally not as dependent on specific hydrocarbon or NO_x source location as they are on overall area emissions. Since the air quality impact of SO_2, particulate and carbon monoxide sources is site dependent, simple areawide mass emission offsets are not appropriate. For these pollutants, the reviewing authority should consider atmospheric simulation modeling to ensure that the emission offsets provide a positive net air quality benefit. However, to avoid unnecessary consumption of limited, costly and time consuming modeling resources, in most cases it can be assumed that if the emission offsets are obtained from an existing source on the same premises or in the immediate vicinity of the new source, and the pollutants disperse from substantially the same effective stack height, the air quality test under Condition 4 of Section IV.A. above will be met. Thus, when stack emissions are offset against a ground level source at the same site, modeling would be required. The reviewing authority may perform this analysis or require the applicant to submit appropriate modeling results.

E. *Reasonable progress towards attainment.* As long as the emission offset is greater than one-for-one, and the other criteria set forth above are met, EPA does not intend to question a reviewing authority's judgment as to what constitutes reasonable progress towards attainment as required under Condition 3 in Section IV.A. above. This does not apply to "reasonable further progress" as required by Section 173.

V. ADMINISTRATIVE PROCEDURES

The necessary emission offsets may be proposed either by the owner of the proposed source or by the local community or the State. The emission reduction committed to must be enforceable by authorized State and/or local agencies and under the Clean Air Act, and must be accomplished by the new source's start-up date. If emission reductions are to be obtained in a State that neighbors the State in which the new source is to be located, the emission reductions committed to must be enforceable by the neighboring State and/or local agencies and under the Clean Air Act. Where the new facility is a replacement for a facility that is being shut down in order to provide the necessary offsets, the reviewing authority may allow up to 180 days for shakedown of the new facility before the existing facility is required to cease operation.

A. *Source initiated emission offsets.* A source may propose emission offsets which involve: (1) Reductions from sources controlled by the source owner (internal emission offsets); and/or (2) reductions from neighboring sources (external emission offsets). The source does not have to investigate all possible emission offsets. As long as the emission offsets obtained represent reasonable progress toward attainment, they will be acceptable. It is the reviewing authority's responsibility to assure that the emission offsets will be as effective as proposed by the source. An internal emission offset will be considered enforceable if it is made a SIP requirement by inclusion as a condition of the new source permit and the permit is forwarded to the appropriate EPA Regional Office.[7] An external emission offset will not be enforceable unless the affected source(s) providing the emission reductions is subject to a new SIP requirement to ensure that its emissions will be reduced by a specified amount in a specified time. Thus, if the source(s) providing the emission reductions does not obtain the necessary reduction, it will be in violation of a SIP requirement and subject to enforcement action by EPA, the State and/or private parties.

The form of the SIP revision may be a State or local regulation, operating permit condition, consent or enforcement order, or any other mechanism available to the State that is enforceable under the Clean Air Act. If a SIP revision is required, the public hearing on the revision may be substituted for the normal public comment procedure required for all major sources under 40 CFR 51.18. The formal publication of the SIP revision approval in the FEDERAL REGISTER need not appear before the source may proceed with construction. To minimize uncertainty that may be caused by these procedures, EPA will, if requested by the State, propose a SIP revision for public comment in the FEDERAL REGISTER concurrently with the State public hearing process. Of course, any major change in the final permit/SIP revision submitted by the State may require a reproposal by EPA.

B. *State or community initiated emission offsets.* A State or community which desires that a source locate in its area may commit to reducing emissions from existing sources (including mobile sources) to sufficiently outweigh the impact of the new source and thus open the way for the new source. As with source-initiated emission offsets, the commitment must be something more than one-for-one. This commitment must be submitted as a SIP revision by the State.

VI. POLICY WHERE ATTAINMENT DATES HAVE NOT PASSED

In some cases, the dates for attainment of primary standards specified in the SIP under Section 110 have not yet passed due to a delay in the promulgation of a plan under this section of the Act. In addition the Act provides more flexibility with respect to the dates for attainment of secondary NAAQS than for primary standards. Rather than setting specific deadlines, Section 110 requires secondary NAAQS to be achieved within a "reasonable time". Therefore, in some cases, the date for attainment of secondary standards specified in the SIP under Section 110 may also not yet have passed. In such cases, a new source which would cause or contribute to an NAAQS violation may be exempt from the Conditions of Section IV.A. so long as the new source meets the applicable SIP emission limitations and will not interfere with the attainment date specified in the SIP under Section 110 of the Act.

(Sec. 129(a), Pub. L. 95-95 (note under 42 U.S.C. 7502), and Sec. 301 of the Clean Air Act, as amended (42 U.S.C. 7601).)

[FR Doc. 79-1423 Filed 1-15-79; 8:45 am]

[7] The emission offset will, therefore, be enforceable by EPA under Section 113 as an applicable SIP requirement and will be enforceable by private parties under Section 304 as an emission limitation.

[6560-01-M]

[FRL 1031-3]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for U.S. Air Force 928th Tactical Airlift Group

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: By this rule the Administrator of U.S. EPA issues a Delayed Compliance Order to the U.S. Air Force 928th Tactical Airlift Group (Air Force). The Order requires the Air Force to bring air emissions from its building 1 Heating Plant, Chicago, Illinois, into compliance with certain regulations contained in the federally approved Illinois State Implementation Plan (SIP). The Air Force's com-

Addition to Division 30

Emission Offset Regulation for the Medford-Ashland AQMA

DEFINITIONS (to be added to 340-30-010)

(13) "Criteria Pollutants" means Particulate Matter, Sulfur Oxides, Nonmethane Hydrocarbons, Nitrogen Oxides, or Carbon Monoxide, or any other criteria pollutant established by the U. S. Environmental Protection Agency.

(14) "Facility" means an identifiable piece of process equipment. A stationary source may be comprised of one or more pollutant-emitting facilities.

(15) "Lowest Achievable Emission Rate" or "LAER" means, for any source, that rate of emissions which is the most stringent emission limitation which is achieved in practice or can reasonably be expected to occur in practice by such class or category of source taking into consideration the pollutant which must be controlled. This term applied to a modified source means that lowest achievable emission rate for that portion of the source which is modified. LAER shall be construed as nothing less stringent that new source performance standards.

(16) "Modified Source" means any physical change in, or change in the method of, operation of a stationary source which increases the potential emission of criteria pollutants over permitted limits, including those pollutants not previously emitted and regardless of any emission reductions achieved elsewhere in the source.

(a) A physical change shall not include routine maintenance, repair, and replacement.

(b) A change in the method of operation, unless limited by previous permit conditions, shall not include:

(i) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(ii) Use of an alternative fuel or raw material, if prior to December 21, 1976, the source was capable of accommodating such fuel or material; or

(iii) Change in ownership or a source.

(17) "New Source" means any source not previously existing or permitted in the Medford-Ashland Air Quality Maintenance Area on the effective date of these rules.

(18) "Offset" means the reduction of the same or similar air contaminant emissions by the source:

(a) Through in-plant controls, change in process, partial or total shut-down of one or more facilities or by otherwise reducing criteria pollutants; or

(b) By securing from another source or, through rule or permit action by DEQ, in an irrevocable form, a reduction in emissions similar to that provided in subsection (a) of this section.

(19) "Source" means any structure, building, facility, equipment, installation or operation, or combination thereof, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person, or by persons under common control.

(20) "Volatile Organic Compound," (VOC), means any compound of carbon that has a vapor pressure greater than 0.1 mm of Hg at standard conditions (temperature 20^0 C, pressure 760 mm of Hg). Excluded from the category of Volatile Organic Compound are carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and those compounds which the U. S. Environmental Portection Agency classifies as being of negligible photochemical reactivity which are methane, ethane, methyl chloroform, and trichlorotrifluoroethane.

OFFSET

OAR 340-30-110

The intent of this rule is to supplement and in some cases be more stringent than the Federal Interpretative Ruling promulgated in the January 16, 1979 Federal Register on pages 3282 through 3285 (40 CFR, Part 51) hereby incorporated by reference.

OAR 340-30-110

(1) Any new or modified source which emits at a rate equal to or greater than in Table 1 and is proposed to be constructed or operated in an area of the Medford-Ashland AQMA where a state or federal ambient air quality standard is:

(a) being violated, shall comply with offset conditions (a) through (d) of Section (2);

(b) not being violated, but by modeling is projected to exceed the incremental air quality values of Table 2 in the area where the state or federal ambient air standard is being violated, shall comply with offset conditions (a) through (d) of Section (2).

TABLE 1

	Emission Rate					
	Annual		Day		Hour	
Air Contaminant	Kilograms	(tons)	Kilograms	(lbs)	Kilograms	(lbs)
Particulate Matter (TSP)	4,500	(5.0)	23	(50.0)	4.6	(10.0)
Volatile Organic Compound (VOC)	18,100	(20.0)	91	(200)	-	-

TABLE 2

	Incremental Value	
Air Contaminant	Annual Arithmetic Mean	24 Hr Average
Particulate Matter (TSP)	0.10 ug/m^3	0.50 ug/m^3

(2) Offset Conditions

(a) The new or modified source shall meet an emission limitation which specifies the lowest achievable emission rate for such a source.

(b) The applicant provides certification that all existing sources in Oregon owner or controlled by the owner or operator of the proposed source are in compliance with all applicable rules or are in compliance with an approved schedule and timetable for compliance under state or regional rules.

(c) Emission offset from existing source(s) in the Medford-Ashland AQMA, whether or not under the same ownership, are obtained by the applicant on a greater than one-for-one basis.

(d) The emission offset provides a positive net air quality benefit in the affected area.

(3) A new source installed and operated for the sole purpose of compliance with OAR 340-30-035 shall be exempt from (1) and (2) of OAR 340-30-110 providing all of the following are met:

(a) The new emission source complies with the applicable emission limitations in effect at the time the notice of construction is received by the Department; and

(b) Annual emissions from the new or modified source do not exceed one-fourth of the annual emission attributed to the wigwam burner in calendar year 1976.

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

In the Matter of the Adoption of an Air Pollution Offset Rule for the Medford-Ashland Air Quality Maintenance Area, OAR 340-30-010; 30-110	)))))	STATEMENT OF NEED

The Environmental Quality Commission intends to adopt an Air Pollution Offset Rule (OAR 340-30-010; 30-110) for the Medford-Ashland Air Quality Maintenance Area.

a. Legal Authority: ORS 468.020 (general) and 468.295.

b. Need for Rule: The Medford-Ashland Air Quality Maintenance Area is violating State and Federal standards for the air contaminant known scientifically as Total Suspended Particulate (TSP). The Environmental Quality Commission has adopted rules to reduce the TSP from most industrial sources. Further controls are indicated as air quality is rapidly deteriorating. A rule more stringent than the Federal Emission Offset Interpretative Ruling will mitigate the TSP from new and modified significant sources in the AQMA while a complete strategy is developed. The Federal Environmental Protection Agency Interpretative Ruling will be used to satisfy Federal requirements of preconstruction review of stationary sources through the State Implementation Plan. The more stringent state rule will effectively reduce further degradation of TSP air quality resulting from industrial expansion or growth.

c. Documents Principally Relied Upon:

1. Oregon Air Quality Report 1976, by State of Oregon, Department of Environmental Quality (DEQ), Appendix 1A, pg. 7, showing the Medford area violating the 60 ug/m^3 annual geometric mean standard.

2. DEQ File AQ 15-0015 containing reports and data from February, 1978, concerning modeling and impact of growth projects.

3. Federal Environmental Protection Agency "Interpretive Ruling for Implementation of the Requirements of 40 CFR 51.8," December 21, 1976, Federal Register, pages 55528 through 55530.

4. Agenda Item No. F, December 16, 1977, EQC Meeting, "Public Hearing to Consider Amendments to Oregon Clean Air Act Implementation Plan Involving Particulate Control Strategy Rules for the Medford-Ashland AQMA," Memorandum from the DEQ, Director, William H. Young, to the Oregon Environmental Quality Commission (EQC).

5. Agenda Item No. L, February 24, 1978, EQC Meeting, "Adoption of Rules to Amend Oregon's Clean Air Act Implementation Plan

Involving Particulate Control Strategy for the Medford-Ashland AQMA," Memorandum for the Director of DEQ to the EQC.

6. Agenda Item No. I, March 31, 1978, EQC Meeting, same subject and addressee as 5 above.

7. U.S. Environmental Protection Agency, May 5, 1978, draft, Appendix S to 40 CFR 51, "Emission Offset Interpretative Ruling."

8. U.S. Environmental Protection Agency, "Appendix S: Emission Offset Interpretative Ruling" January 16, 1979, Federal Register pages 3282 through 3285.

DWB:kmm

ATTACHMENT 4

JK copy

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY **INTEROFFICE MEMO**

TO: Trade and Economic Development Committee

FROM: W.H. Young, Director DEQ

SUBJECT: Further comments on the proposed offset rule

It appears from previous hearings that the committee has concern about 1) the adequacy of the legal framework for implementing offsets and 2) the precedence of assigning airshed rights through banking. I thought I would point out how the present Federal offset rule addresses these matters as a means of helping the committee resolve their concerns.

Since the DEQ offset rule would adopt most provisions of the Federal offset rule by reference it is important to understand the Federal approach to dealing with these key issues as the state approach under the proposed rule would have to parallel the Federal Rule.

Simply, the Federal offset rule allows banking with "the state free to govern ownership, use, sale and commercial transactions." Banked, emissions would only be allowed if they are identified in the State Implementation Plan or (more practically) identified in a permit.

DEQ would view its permit system as the legal framework for implementing banking. DEQ would allow banking on a case by case basis using a criteria of "what's best for the public interest" to arrive at a decision. The Department would generally approve banking for a specific purpose within a specified time frame. Banked emissions like any other permitted emission allowance would not be a perpetual right but could be changed by Commission action.

Each proposed permit with an identified banked emission would be subject to the normal 30 day public comment period. A hearing before the EQC would be held in instances of obvious controversy. Thus, broad public input would be solicited on this important public issue.

While DEQ would use its permit system for legally identifying and enforcing emission allocations, DEQ would look to the free enterprise system to resolve legal issues that might arise in the process of buying and selling offsets. In other words, the legal agreements, contracts, and other matters involving the emission offset hardware would be handled by the parties involved as they now are in the purchase and sale of goods and services. DEQ, of course, would assist in identifying known, available offsets including those that might

be made available by control of public sources and would even pursue rollback of existing source category emissions if individual offsets were unavailable and the proposed growth was otherwise demonstrated to be desireable to the local area.

Any change in application of the offset program from the procedure just described would require a change in the proposed rule or perhaps even new legislation. While many theoretical problems might be identified involving implementation of the proposed offset rule, the Department would propose a trial period of operation under the proposed rule to identify real problems. If they occur the Department and/or a special task force could develop remedies at that time.

The Committee may wish to refresh its memory on the Federal offset rule by refering to attachment 14 in the notebook previously provided. Special attention should be drawn to item 10 on page 3280 and item 5 on page 3285 both regarding banking.

Lastly and maybe most important we have just learned that the city of Portland has been awarded an EPA grant in the amount of $146,580 to conduct an 18 month study which will result in the development of a plan for managing economic development and air quality objectives simultaneously. The Department will receive some of this funding and participate in the program. The study will address many of the items of current interest to the committee including offsets, banking, etc.

The final product would include:

1. A prioritized list of potential offset sources within the Portland AQMA.

2. Reports explaining possible management alternatives inlcuding the impacts and costs of each.

3. A recommended economic growth management strategy integrated with other regional programs and policies.

4. A report of the usefulness of this work for other areas, including the relationship of the alternatives examined to local government needs.

A copy of the proposal is attached and I encourage your reading of it. I'm sure you'll agree that this project can greatly assist developing the long range solutions to our environment-economic issue and it promises to provide an expeditious and comprehensive effort to replace our proposed stopgap offset rule. The results of the study should be available for the next legislative session.

JFK:kmm

F. IMPLEMENTATION OF THE ECONOMIC GROWTH MANAGEMENT STRATEGY PROJECT

1. Project Overview and Objectives

The second part of the Portland demonstration would squarely face the major area-wide problem affecting future management of the AQMA: simultaneous economic growth and air quality improvements. Specifically it would deal with the growth of area industry while at the same time maintaining reasonable progress towards the attainment of NAAQS.

First, an accurate assessment of the problem is required. The initial part of the study would therefore be to analyze existing data and provide an inventory of emission sources, with projections of the probable costs of emission reductions.

Then, based on that data, the study would focus on solutions to the economic growth/air quality improvement problem by examining institutional and financial considerations.

Clearly, some form of growth management is needed. There are several growth management alternatives available. These alternatives should be analyzed in terms of costs and benefits to the area to determine which strategy or combination of strategies would best serve the needs of the airshed.

The region has established an AQMA Advisory Committee which will consider growth management matters along with its SIP revision work. The proposed study is quite timely in that it would provide specific information as to how the region could implement a system which provides opportunities to meet both environmental and economic objectives.

This type of study would be useful to other non-attainment areas having similar problems in determining the means to deal with economic growth and air quality demands. The methodology of providing a useful data base would be of great value to any other non-attainment areas regardless of size or industry mix. The process used in evaluation the alternative growth management strategies would likewise be useful to any area considering such a program. The results could be applied to other non-attainment areas with similar pollution and economic development characteristics.

Project Objectives:

1. To simultaneously improve Portland's air quality and allow for continuous economic growth.

2. Determine the cost effectiveness of various growth management strategies.

3. To provide the basis for the actual implementation of a growth management strategy.

2. Design and Consultant Selection

The design of the proposed study was developed by a committee comprised of local governments and business associations. Included in this committee are representatives of the Portland Chamber of Commerce, Associated Oregon Industries, Oregon Department of Economic Development, Oregon Department of Environmental Quality, Columbia Region Association of Governments, Port of Portland and City of Portland. This same "Growth Management Study Committee" would oversee all subsequent administration of the proposed study and be responsible for selecting the consultant(s) to do the actual study.

The consultant selection process will be overseen by a City appointed project manager whos responsibilities will be to provide staff support to the Study Committee and coordinate the work with other City projects.

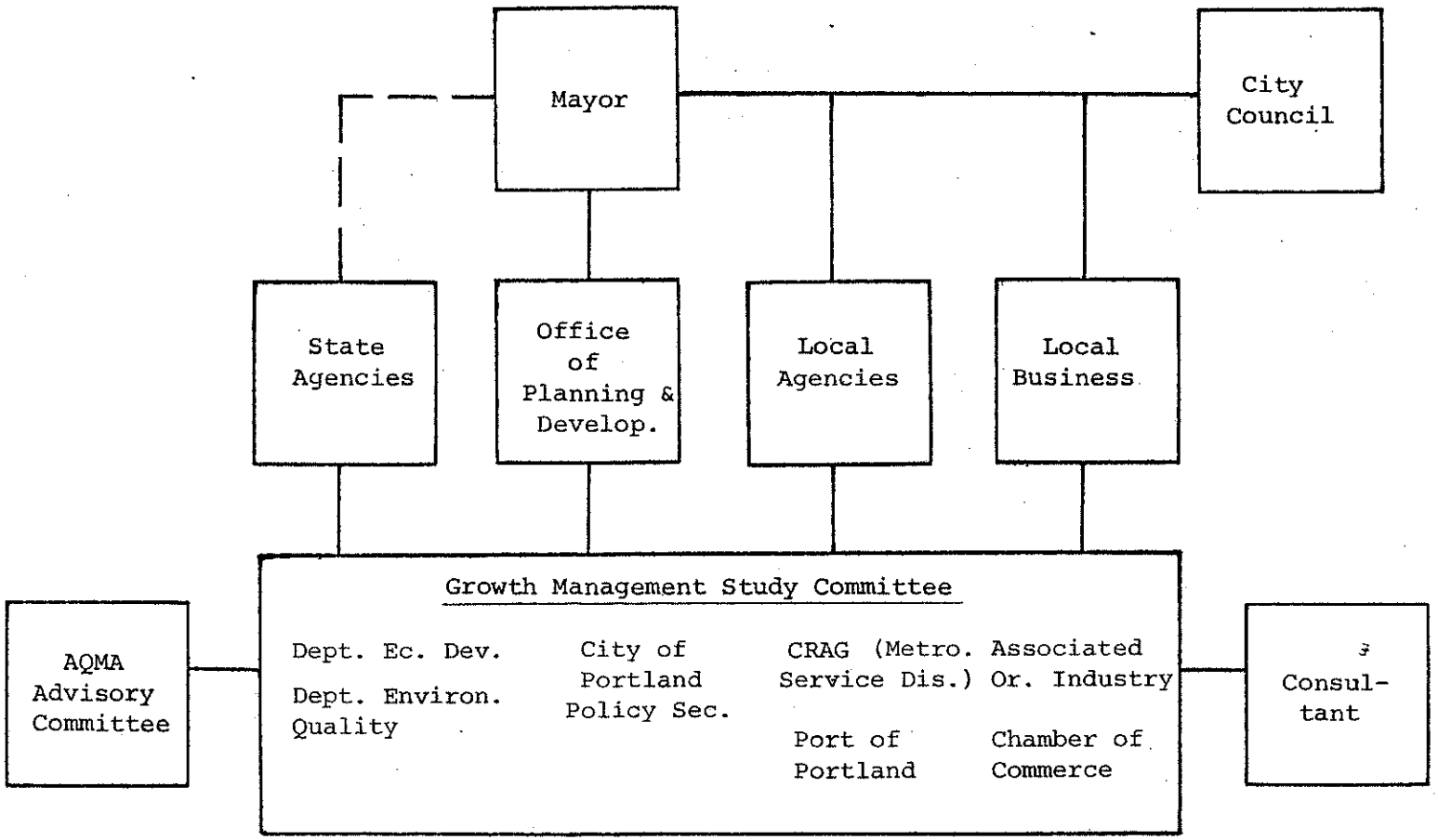
The consultant(s) would begin working in February, 1979, and the program would be completed not later than February, 1980.

3. Management of the Study

The actual study will be performed by the Consultant(s). However, throughout the consultant work process the Growth Management Study Committee would act in a management/oversight capacity. The consultant(s) would be required to report to the committee on progress and results on a monthly basis.

Upon completion of the consultant study, the Growth Management Study Committee will present the results to the Portland Air Quality Maintenance Area Advisory Committee. This advisory committee is comprised of 23 members representing the public at large, industry, environmental groups and government agencies. It is charged with advising the lead air quality planning agencies of the most acceptable control strategies to be included in the SIP revisions. One of the topics to be considered by the Advisory Committee is growth management in the AQMA.

ORGANIZATION CHART
GROWTH MANAGEMENT PROJECT



G. WORK PROGRAM FOR THE MANAGEMENT STRATEGY PROJECT

1. Background

A major problem presented by the 1970 Clean Air Act was how to provide for continued industrial development while at the same time achieve and maintain required air quality standards. Since the 1970 Act did not specifically address this problem, the EPA (in an interpretive ruling) outlined a policy that allowed industrial growth in non-attainment areas under certain circumstances. According to this "emission offset" structure a major new source could locate in a non-attainment area provided the owner of the new source could guarantee more than equivalent reductions in emissions from existing sources in the area.

The 1977 Clean Air Act Amendments endorsed this EPA policy but also provided that states could develop alternative mechanisms and include them in their SIP's. It is not, however, necessary that a state adopt a program different from the EPA emission offset policy. That mechanism can be adopted as a whole or in part by the SIP. States also have the option of doing nothing, however this would have severe impacts on future development.

The approach currently being used in the Portland airshed allows industrial growth to occur but sets a limit on the amount of new emissions to be added to the airshed. In essence, this approach postpones a moratorium on new development. Once the limit is fulfilled, however, this approach would have the same detrimental impacts on employment and public revenues from taxes as would a direct moratorium unless another strategy is developed to take its place.

The State has established an interim rule which places a "lid" on emissions of particulates. No more than 430 tons per year of particulate emission may be added to the existing emission inventory. The figure on the following page demonstrates the impact of the particulate lid on potential expansion of industrial activities.

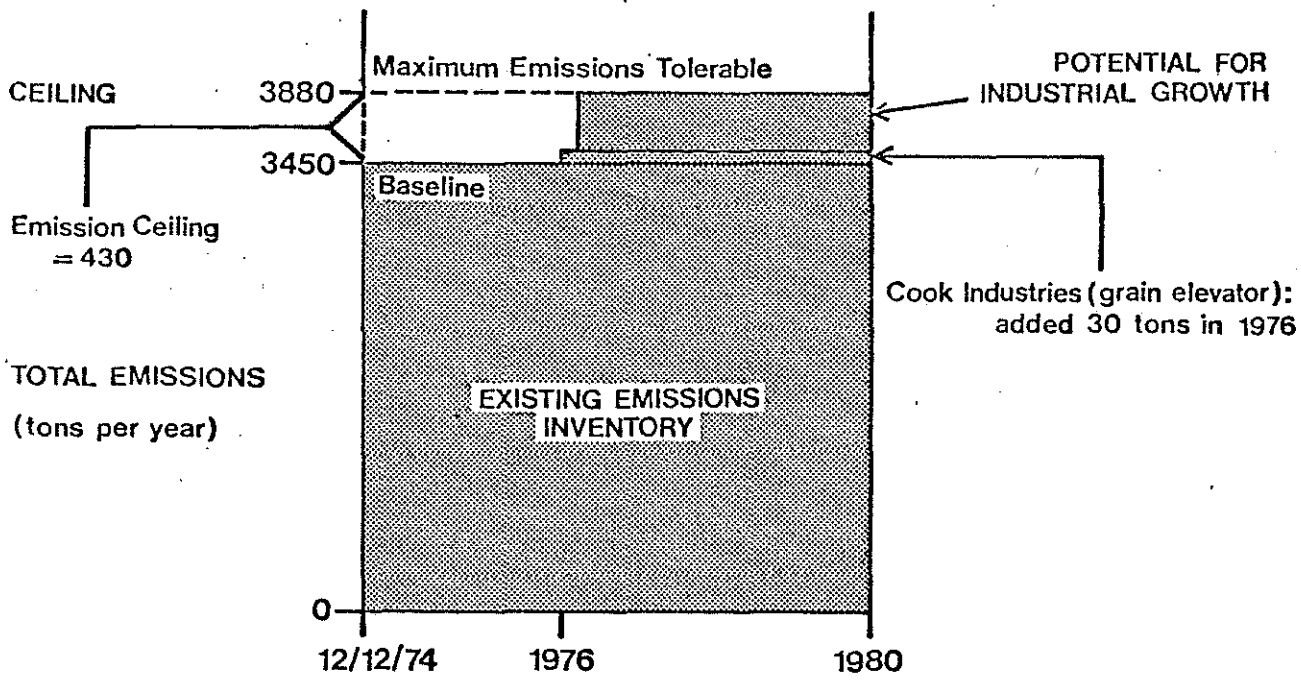
2. Alternative Approaches

There are essentially four alternatives available to a non-attainment area planning for industrial growth.

a. Emission Offset

A new source is allowed to locate in a non-attainment area provided the owner of the new source purchases sufficient pollution control facilities from existing sources so that a net benefit to the airshed results. The amount of net benefit must be at least enough to represent reasonable progress towards the attainment of the national ambient air quality standards. "Banking," holding left over emission offsets for future pollution growth, could be allowed in some form.

POTENTIAL FOR INDUSTRIAL GROWTH UNDER
EXISTING REGULATIONS



Source: Economic Development in Portland, Oregon (1977)

b. Growth Allocation or Growth Cushion

This system is basically a generalized offset program by which a bank of emission rights is created by the application of controls on existing sources. It involves a four step process.

1. Inventory existing emissions.
2. Subtract reductions that will be achieved through the application of reasonably available control technology (RACT).
3. Project future emission growth desired.
4. Apply additional controls to existing sources (both mobile and stationary) to provide "room" for the projected growth while maintaining reasonable progress towards NAAQS attainment.

c. Combination of the Offset and Cushion Approaches

The emission offset and growth cushion programs are by no means mutually exclusive. Several combinations are possible. Indeed, in view of the inherent limitations of each of the individual programs, some combination of the two might be extremely beneficial.

For example, a basic offset system could be developed which requires new sources to provide a net benefit to the airshed. But instead of allowing an industry to bank the offset, the emission rights would be held by the region of state as a growth cushion.

A emission offset program could also conceivably exist simultaneously with a growth cushion program. That is to say a growth cushion option could be the basic growth mechanism of a region or state. But if a particular industry has not been worked into the projected growth of the area, there would be a system set-up whereby it could "buy into" the airshed by guaranteeing a net benefit to the area emission level.

d. Null

There is always the option of doing nothing, however, this would, in effect, halt future development.

3. Study Design

Portland proposes to use this portion of the Air Quality Technical Assistance Demonstration Grant in a three phase study.

Phase 1 would be to facilitate the collection and organization of data upon which a growth management strategy can effectively be based. Portland has a significant advantage here since the Data Base Improvement Project will be completed in January, 1979. This project will provide an accurate and accepted assessment of particulate emission sources that contribute to violations of NAAQSs. The purpose of this phase of the study would include:

a. Identification of sources of emissions in the Portland AQMA;

b. Estimate potential source by source reductions;

c. Estimate the probable cost of these potential reductions; and

d. Prioritize the sources by a cost effectieness ratio of pollution reductions over control costs.

Phase 2 of the study would investigate the institutional framework necessary to establish a management strategy. It would address the problems of interfacing public and private roles in handling non-traditional sources (such as road dust) to allow for additional private development. It will also address the reservations the private sector has expressed about managing an offset policy by itself. A total private sector mechanism becomes a problem in cases where one firm tries to buy control equipment for a second firm. In most cases there is no incentive for the second firm to "sell" these emission rights since:

1. The firm must now undertake the responsibility of operating the control equipment which has been placed on its systems, and

2. The firm no longer has emission reductions possible which could be used for its own future expansion.

Other mechanisms may need to be developed in these cases.

Phase 3 would examine the financial considerations of potential management strategies.

Phases 2 and 3, would produce a series of reports which would develop alternative strategies and a recommended program as to the best system for future industrial growth in a non-attainment area. Each report would include a determination of the costs of necessary regulations or controls and the cost of administering the program.

The results of the project would be used by the Portland AQMA Advisory Committee, which has the responsibility of recommending a growth management strategy for the region. Consultant(s) would provide the Committee with answers to the following questions:

a. Emission Offset

1. How much potentical flexibility in air quality and development objectives can be realized through the establishment of an emission offset policy?

2. Would the cost of setting up and administering this type of policy, balanced against the benefits derived, make it a viable approach?

3. How should the program be administered (through State agencies? by a separate clearinghouse? others?)

4. How much of a net benefit would be required when new sources enter the area to assure attainment of National Ambient Air Quality Standards?

5. If more than the required benefit is achieved, should the new source retain the right to use that air or is the additional benefit returned to a "public bank"?

6. Should industry be allowed to bank air rights and/or sell rights to new sources if it applies more stringient controls or leaves the airshed? How would this effect attainment of standards?

7. How are the emission offset benefits allocated among competing requests?

   a. first come first serve;
   b. permit system based on selected criteria (tax base, employment generation, etc.);
   c. auction/emission fee system.

8. Should an offset policy apply to expanding as well as new industry?

9. Which industries would be subject to the offset policy (greater than 100 tons/year? 50 tons/year? 5 tons/year?).

b. Growth Cushion

1. How much flexibility in economic development could be derived from a growth cushion policy (given technical and fiscal limitations) which would bring the area into attainment of standards?

2. What type of and how much growth is desirable and should be built into the cushion? On what basis/criteria should this decision be made?

c. Combination

1. What combinations of the offset and cushion approaches would present a more effective growth management strategy than either of the programs separately while considering attainment of standards, maintaining flexibility in future development and public and private costs?

d. Null

1. What would be the projected economic development and private industry effects of doing nothing in the way of providing growth management strategies?

2. How does this projection compare with results possible from initiating any other alternatives?

4. Products

The final products would include:

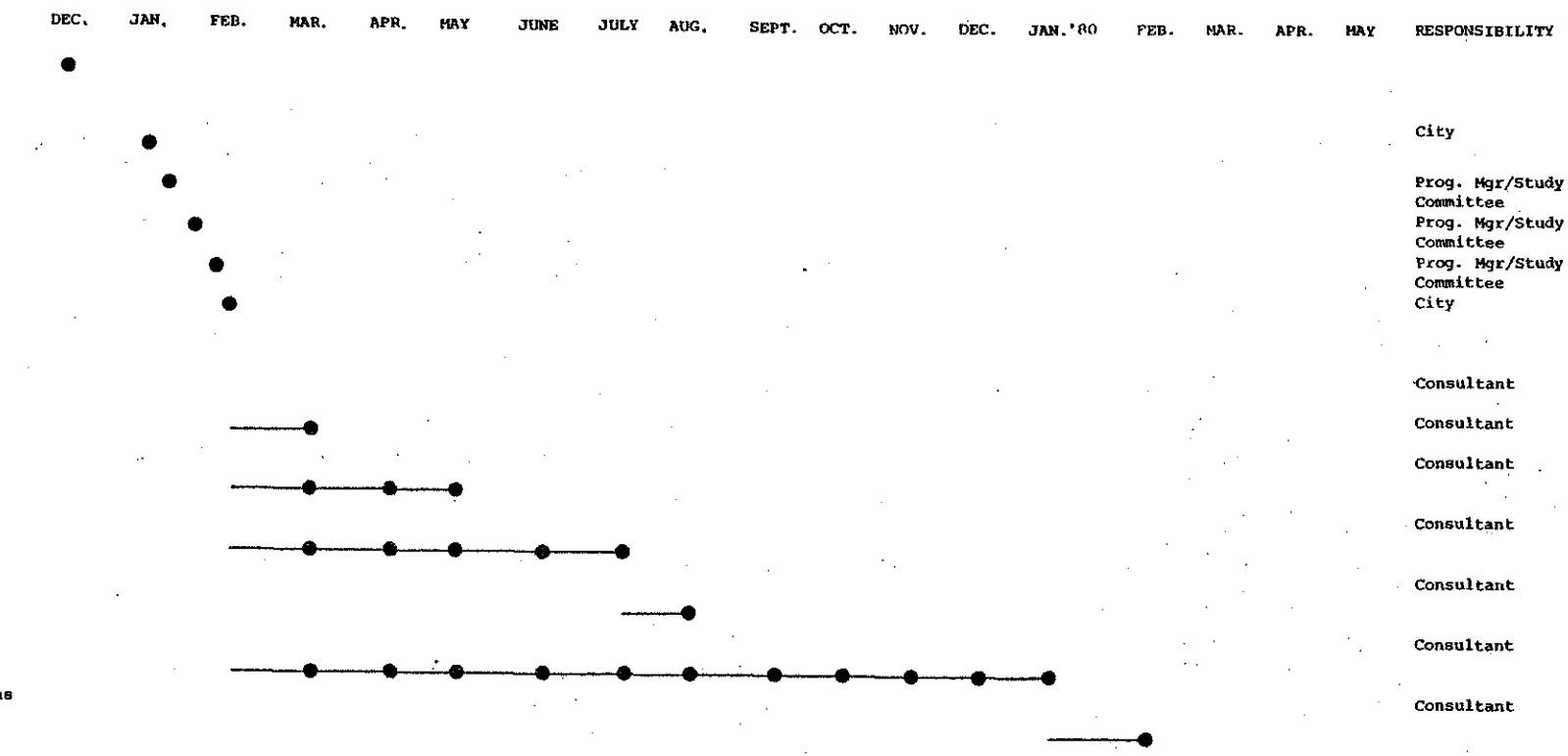
a. A prioritized list of potential offset sources within Portland and the AQMA.

b. Technical reports explaining possible management alternatives including the impacts and costs of each.

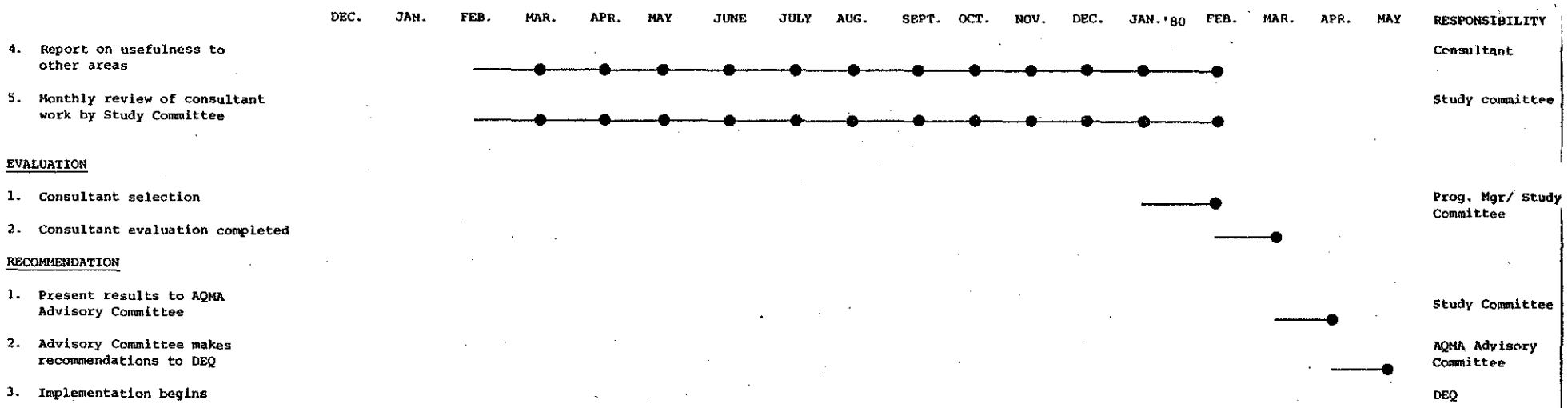
c. A recommended economic growth management strategy integrated with other regional programs and policies.

d. A report on the usefulness of this work for other areas, including the relationship of the alleviatives examined to local government needs.

5. TIMELINES FOR WORK PROGRAM Part II



ATTACHMENT 4



ATTACHMENT 4

H. EVALUATION OF MANAGEMENT STUDY

After completion of the study a second consultant would be hired for a 30 day period to evaluate the effectiveness of the study. The consultant would be asked to review the design, methodology and technical analysis to determine the validity and reliability of the entire study.

This consultant would be selected by the Growth Management Study Committee from a list of interested consultants prepared by City staff.

I. BUDGET - GROWTH MANAGEMENT STRATEGY

Department of Environmental Quality

Technical resource assistance to study consultant	$ 15,000	
		$15,000

City of Portland

Policy Development and Research Section

Professional Services		
- Study consultant(s)	$100,000	
- Program Manager assistance	18,720	
- Evaluation	7,000	
Audit	2,000	
Equipment rental	300	
Office supplies	150	
Minor Tools and Equipment	75	
Education	190	
Local Travel	75	
Out of Town Travel	600	
Space rental	1,295	
City fleet services	50	
Printing	625	
Mail and Distribution	150	
Telephone	350	
		$131,580
Local Match requirments	$ 0	
Total Part 2		$146,580

Note: These budget costs are for the entire 18 months of the project. Salary figures include automatic pay increases after one year and assume a 7% cost of living for FY 79-80.

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F3, March 30, 1979, EQC Meeting

Modification of Emission Limits for Wood Fired Veneer Dryers Outside Special Problem Areas - Proposed Rule Change

Background

At the January 26, 1979 meeting, the EQC authorized the Department to hold a hearing to consider modification of the emission limits for wood fired veneer dryers.

Public notice was issued and the hearing was held on March 6, 1979.

Statement of Need for Rule Making

The EQC is authorized to adopt rules limiting air contaminant emissions by ORS 468.295 Air Purity Standards; Air Quality Standards.

The American Plywood Association contends that wood fired veneer dryers were not adequately considered when developing the existing veneer dryer opacity regulations. Further study by industry and the Department indicates that the existing opacity regulations are technology forcing when applied to wood fired veneer dryers and therefore the APA has requested additional time to comply with those regulations. Some control systems which have been pilot tested in the past few months, now are considered capable of complying with the opacity limits. However, a full-scale unit has not been installed. If these or similar units are to be installed, equipment delivery schedules would extend the attainment of compliance well past the current deadline and subject those sources to non-compliance penalties required by the Clean Air Act Amendments of 1977.

A rule is needed to limit emissions from wood fired veneer dryers and to allow a reasonable time for control strategy development and control equipment installation. The proposed rule contains limits on the mass emissions rate and opacity from wood fired dryers. A future effective date provides for adequate time to develop and install controls.

The Department has based the proposed rule on the following documents:

1. Letter from the American Plywood Association dated 10/9/78 requesting an extension of the compliance date for wood fired veneer dryers.

2. Source test data on five (5) wood fired veneer dryers.

3. Clean Air Act Amendments of 1977.

4. Source test data on 15 hogged fuel boilers.

5. Testimony submitted at the March 6, 1979 public hearing.

Evaluation

There were five witnesses that testified at the public hearing. The hearing officer's report is attached. As a result of hearing testimony, the Department has modified its proposed rule change.

The original proposed rule allowed existing wood fired veneer dryers until January 1, 1981 to comply with all emission limits. New wood fired dryers or conversions after May 1, 1979 were required to comply with all limits upon start-up. The additional time given to existing wood fired dryers to attain compliance was based on the long delivery time for some control equipment. It was pointed out at the hearing that new dryers or dryer conversions could be completed in less time than the control equipment could be delivered and installed. The proposed rule would inhibit the construction and operation of new wood fired dryers for the next 6 to 12 months.

In order to avoid delaying start-up of new wood fired dryers, the Department has added subsection (1)(e). This subsection allows the Department to grant exemptions to the requirement of compliance upon start-up for those units which demonstrate that equipment delivery delay is the only reason for non-compliance. Such exemptions would not be granted if operation would interfere with the attainment or maintenance of air quality standards.

Dryers which are granted exemptions might operate out of compliance for six months or less. These dryers are not expected to cause violation of ambient air standards or adversely affect public health or welfare.

Approximately one-half of the 25 existing wood fired veneer dryers do not comply with the existing or proposed emission limits. The proposed rule requires compliance schedules for the non-complying dryers by May 1, 1979. In no case shall compliance schedules for any wood fired veneer dryers go beyond January 1, 1981.

Summation

1. The American Plywood Association requested an extension of the compliance date for wood fired veneer dryers.

2. The Department has been unable to develop a method to evaluate the compliance of wood fired veneer dryers with the existing 0.1 gr/SCF corrected to 12% CO_2 regulation that is normally applied to wood combustion units.

3. The number of wood fired veneer dryers is expected to increase and there is a potential for an increase in total emissions as a result of conversion from gas firing.

4. Full scale control equipment for wood fired dryers is not yet proven. The equipment with the best potential to meet veneer dryer regulations has up to one-year delivery time.

5. The proposed rule revision requires compliance with the same opacity limits as exist in the current rule.

6. The EQC authorized the Department to hold a public hearing to consider modifications of the rules for wood fired veneer dryers.

7. The public hearing was held on March 6, 1979.

8. As a result of testimony at the hearing, the Department has modified the proposed rule to allow operation of new or converted wood fired dryers out of compliance if control equipment delivery is the only reason for non-compliance.

Director's Recommendation

Based upon the summation, I recommend that OAR 340-25-305 through 315 be modified as indicated in the attached proposed regulation and adopted.

Bill

WILLIAM H. YOUNG

E. J. Weathersbee:vh
229-5397
3/14/79
1) Proposed regulation 340-25-305 through 315
2) Staff Report for January 1979 EQC Meeting
3) Public Notice for March 6, 1979 Hearing
4) Hearings Officer's Report

DD03:A1520.1:F6

BOARD PRODUCTS INDUSTRIES

(Veneer, Plywood, Particleboard, Hardboard)

Definitions

340-25-305 (1) "Department" means Department of Environmental Quality.

(2) "Emission" means a release into the outdoor atmosphere of Air contaminants.

(3) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(4) "Operations" includes plant, mill, or facility.

(5) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(6) "Person" means the same as ORS 468.005(5).

(7) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(8) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

(9) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(10) "Opacity" as defined by Section 340-21-005(4).

(11) "Visual opacity determination" consists of a minimum of 25 opacity readings recorded every 15 to 30 seconds and taken by a trained observer.

(12) "Opacity readings" are the individual readings which comprise a visual opacity determination.

(13) "Fugitive emissions" are defined by Seciton 340-21-050(1).

(14) "Special problem area" means the formally designated Portland, Eugene-Springfield, and Medford AQMA's and other specifically defined areas that the Environmental Quality Commission may formally designate in the future. The purpose of such designation will be to assign more stringent emission limits as may be necessary to attain and maintain ambient air standards or to protect the public health or welfare.

(15) "Wood fired veneer dryer" means a veneer dryer which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

Statutory Authority: ORS 468.295

Hist: Filed 3-31-71 as DEQ 26,
Eff. 4-25-71
Amended by DEQ 132,
Filed and Eff. 4-11-77

General Provisions

340-25-310 (1) These regulations establish minimum performance and emission standards for veneer, plywood, particleboard, and hardboard manufacturing operations.

(2) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in Section 340-25-315.

(3) Emission limitation established herein and stated in terms of pounds per 1000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.

(4) Upon adoption of these regulations, each affected veneer, plywood, particleboard, and hardboard plant shall proceed with a progressive and timely program of air pollution control, applying the highest and best practicable treatment and control currently available. Each plant shall, at the request of the Department, submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with these regulations.

Statutory Authority: ORS 468.295

Hist: Filed 3-31-71 as DEQ 26,
Eff. 4-25-71
Amended by DEQ 132,
Filed and Eff. 4-11-77

Veneer and Plywood Manufacturing Operations

340-25-315 (1) Veneer Dryers:

(a) Consistent with Section 340-25-310(1) through (4), it is the objective of this section of control air contaminant emissions, including, but not limited to, condensible hydrocarbons such that visible emissions from each veneer dryer located outside special problem areas are limited to a level which does not cause a characteristic "blue haze" to be observable.

(b) No person shall operate any veneer dryer outside a special problem area such that visible air contaminants emitted from any dryer stack or emission point exceed:

(A) A design opacity of 10%,

(B) An average operating opacity of 10%, and

(C) A maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply.

(c) Particulate emissions from wood fired veneer dryers located outside a special problem area shall not exceed:

(A) 0.75 pounds per 1000 square feet of veneer dryed (3/8" basis) for units using fuel which has a moisture content by weight of 20% or less.

(B) 1.50 pounds per 1000 square feet of veneer dryed (3/8" basis) for units using fuel which has a moisture content by weight of greater than 20%.

(C) In addition to (A) and (B) above, 0.40 pounds per 1000 pounds of steam generated.

The heat source for wood fired veneer dryers is exempted from Section 340-21-030.

(d)[c] After May 1, 1979,[July 1, 1977] no person shall operate a veneer dryer in existence prior to May 1, 1979, located outside a special problem area unless:

(A) The owner or operator has submitted a program and time schedule for installing an emission control system which has ben approved in writing by the Department as being capable of complying with subsection 340-25-315(1)(b) & (c).

(B) The veneer dryer is equipped with an emission control system which has been approved in writing by the Department and is capable of complying with subsection 340-25-315(1)(b), & (c), or

(C) The owner or operator has demonstrated and the Department has agreed in writing that the dryer is capable of being operated and

operated in continuous compliance with subsection 340-25-315(1)(b) & c The schedule for wood fired veneer dryers shall result in compliance as soon as practicable, but by no later than January 1, 1981

(e) The time schedule required in (d)(A) above for wood fired veneer dryers in existence prior to May 1, 1979 shall be completed as soon as practicable, but by no later than January 1, 1981. Wood fired veneer dryers constructed on or after May 1, 1979 shall comply with subsection 340-25-315(1)(b) and (c) upon startup. The Department may grant exceptions to this requirement if control equipment delivery and installation will significantly delay the startup of a wood fired veneer dryer and that operation of such dryer will not interfere with the maintenance of ambient air quality standards. In no case shall such exception be granted beyond January 1, 1981.

(f)[d] Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emission of air contaminants are kept at the lowest practicable levels.

(g)[e] No person shall willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule.

(h)[f] Where effective measures are not taken to minimize fugitive emissions, the Department may require that the equipment or structures in which processing, handling, and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

(i)[g] The Department may require more restrictive emission limits than provided in Section 340-25-315(1)(b) & (c) for an individual plant upon a finding by the Commission that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emissions expressed in opacity, pounds per hours, or total maximum daily emissions to the atmosphere, or a combination thereof.

(2) Other Emission Sources:

(a) No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including, but not limited to, sanding machines, saws, presses, barkers, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of (1.0) pound per 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent.

(b) Excepted from subsection (a) are veneer dryers, fuel burning equipment, and refused burning equipment.

(3) Monitoring and Reporting: The Department may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program shall be subject to review and approval by the Department and shall consist of the following:

(a) A specified minimum frequency for performing visual opacity determinations on each veneer dryer emission point;

(b) All data obtained shall be recorded on copies of a "Veneer Dryer Visual Emissions Monitoring Form: which shall be provided by the Department of Environmental Quality or on an alternative form which is approved by the Department; and

(c) A specified period during which all records shall be maintained at the mill site for inspection by authorized representatives of the Department.

ATTACHMENT 2

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. H , January 1979, EQC Meeting

Request for Authorization to Hold a Public Hearing to Consider a Modification of the Emission Limits for Wood Fired Veneer Dryers

Background

The majority of veneer dryers in Oregon are heated by the combustion of natural gas or steam supplied by a hogged fuel boiler. In these cases the atmospheric emissions from the veneer dryers are limited to an average opacity of 10% and a maximum opacity of 20%. The boiler if installed after 1971 is limited to 0.1 gr/SCF and 20% opacity.

In the past seven years several of the gas fired veneer dryers have been converted to utilize heat in the gases from the direct combustion of wood waste. Some of the existing regulations and compliance dates are not readily applicable to these dryers. Therefore, the Department is proposing modifications to the existing regulations.

Wood fired veneer dryers consist of a standard veneer dryer and a separate combustion unit which provides heat to the dryer through connecting ductwork. The combustion units vary greatly in the types of fuel used, design and the method of firing. In addition, a portion of the dryer exhaust is returned to the combustion unit or a blend chamber to reduce the desired temperature of the gases entering the dryer. By recirculating some of the dryer exhaust, a portion of the hydrocarbon emissions are incinerated. Some units also generate steam for plant operation with a portion of the heat generated in the combustion unit.

Currently there are about 26 wood fired veneer dryers operating in the Department's jurisdiction. At least 17 more wood fired dryers are in the planning or construction stage. There are approximately 250 dryers of all types in the Department's jurisdiction.

Wood fired dryers are generally converted gas dryers. Because of the high cost of gas, more gas dryers will probably be converted to wood firing. By converting to wood firing, the plant utilizes its own mill waste. Some plants can supply nearly all of the energy needed to run their processes in this manner.

There is a wide variety of combustion unit designs and the fuel varies in moisture content, size and composition. The emissions from these dryers is difficult to predict. Currently no wood fired dryers have external control equipment, some have met the existing opacity limits while others have not.

The Department's opacity limits for all veneer dryers outside of Air Quality Maintenance Areas were adopted during April 1977. The opacity is limited to a maximum of 20% and an average of 10%. Because the combustion unit is external, its emissions are limited to 0.1 gr/SCF corrected to 12% CO_2.

Because of a lack of data, the Department, with APA's cooperation, began a testing program to determine whether the combustion units met the 0.1 gr/SCF limit or not. In addition, the program would try to determine any change in the dryer emission rate as a result of the conversion to wood firing. The program required all existing dryers to be tested on wood firing, and all new conversions would be tested before and after conversion. A test procedure was designed which might be able to evaluate compliance with the 0.1 gr/SCF limit.

Statement of Need for Rule Making

The EQC is authorized to adopt rules limiting air contaminant emissions by ORS 468.295 Air Purity Standards; Air Quality Standards.

The American Plywood Association contends that wood fired veneer dryers were not adequately considered when developing the existing opacity regulations. Further study indicates that the existing opacity regulations are technology forcing when applied to wood fired veneer dryers and therefore the APA has requested additional time to comply with those regulations. Some control systems have been pilot tested in the past few months and appear capable of complying with the opacity limits. However, a full-scale unit has not been installed. If these or similar units are to be installed, equipment delivery delays would extend the attainment of compliance well past the current deadline and subject those sources to non-compliance penalties required by the Clean Air Act Amendments of 1977.

A rule is needed to limit emissions from wood fired veneer dryers and to allow a reasonable time for control strategy development and control equipment installation. The proposed rule contains limits on the mass emissions rate and opacity from wood fired dryers. A future effective date provides for adequate time to develop and install controls.

The Department has based the proposed rule on the following documents:

1. Letter from the American Plywood Association dated 10/9/78 requesting an extension of the compliance date for wood fired veneer dryers.

2. Source test data on five (5) wood fired veneer dryers.

3. Clean Air Act Amendments of 1977.

4. Source test data on 15 hogged fuel boilers.

Evaluation

As a result of the testing program the Department now has test results from seven (7) plants and additional data is being submitted as conversions to direct wood firing are made. The source tests indicate that it is impossible to separate the burner emissions from the dryer emissions because of the recirculation of the dryer exhaust. Therefore compliance with the 0.1 gr/SCF limit is impracticable to demonstrate. This problem and APA's request started an investigation of wood fired dryer emissions control strategies and possible emission limits.

At least 14 of the existing wood fired veneer dryers do not comply with the veneer dryer opacity limits. Emission rates are affected by several operating parameters including burner design, burner fuel, combustion efficiency, dryer configuration and type of veneer. With these and other variables, it is difficult to determine what the problem is when a dryer is not in compliance. However, one factor seems to have a large impact on dryer emissions. When ply trim is the main fuel, opacity is higher from these dryers than other dryers. One of the components of the plywood glue is salt. Because of the small particle size of the salt, the dryer exhaust plume is highly visible. One company has done extensive research in an effort to reduce the salt in the glue. Significant reductions in mass emissions were achieved and opacity was reduced; however, compliance with opacity limits was not achieved.

Since there are no controls on existing wood fired dryers, control strategies must be developed. Because of the small size of the particulates, controls commonly used for steam and gas dryers probably will not be effective. One control system has been pilot tested and shows promise. However, it is approximately twice as expensive as controls for other dryers and may require at least one year to fabricate and install.

The regulation proposed by the Department attempts to deal with the variability of the combustion units. The following are the main points of the proposed regulation:

1. Opacity limits are the same for all veneer dryers as in the current regulation.

2. In addition to opacity, wood fired dryers must also comply with one of the following appropriate limits.

a. 0.75#/1000 square feet of production (3/8" basis) for units with a fuel moisture content of 20% or less.

b. 1.5#/1000 square feet of production (3/8" basis) for units with a fuel moisture content of greater than 20%.

c. If steam is generated in addition to drying veneer, an additional 0.40#/1000 pounds of steam can be added to the limits in a. and b. above.

3. All wood fired dryers must be in compliance by no later than January 1, 1981.

4. Compliance schedules for all non-complying wood fired dryers shall be submitted and approved by no later than May 1, 1979.

5. The combustion units are not required to comply with the 0.1 gr/SCF limit.

6. These rules would only apply outside AQMA's unless specifically included by the adoption as part of the air quality standard's attainment/ maintenance strategy.

This proposed regulation will accommodate the APA's request for extension of the compliance deadline for wood fired veneer dryers. It will also eliminate the 0.1 gr/SCF, corrected to 12% CO_2 limit imposed by OAR 340-21-030. The mass emission limits will encourage efficient operation of the combustion units to maintain a minimum emission rate.

All of the test data received was from units using fuel with a moisture content of 20% or less. Mass emissions from these units were consistently in the .5 - .7#/1000 ft^2 range, although not all of the units were in compliance with the opacity limits. The Department proposed a limit of 0.75#/1000 ft^2 for these units. The test data indicate that a properly operated dryer should meet that limit.

There are no combustion units which use a fuel with a moisture content of greater than 20% currently operating in Oregon . However, several will be in operation within the next year. Because of the lack of data and the similarity between these units and hogged fuel boilers, the limit was based on an equivalent hogged fuel boiler and steam veneer dryer. The mass emission rates for several boilers operating at 0.1 gr/SCF were averaged. This data was added to the Department's emission factor for a controlled steam dryer.

The same boilers were used to find an average emission rate for each 1000 pounds of steam generated. This additional limit was added because some units generate steam for plant operations in addition to heating the dryers. Additional fuel is burned to supply heat to the boiler and therefore emissions are increased, but dryer production is not increased.

The mass emission limits for wood fired dryers are expected and intended to be less stringent than the opacity limits. To date, all wood fired dryers that meet the opacity limits have complied with the above mass emission limits. These limits may be changed if the test data submitted indicate a change is warranted. These mass emission limits should not be interpreted as Lowest Achievable Emission Rate (LAER) for sources located inside Air Quality Maintenance Areas.

The Department has conferred with the American Plywood Association concerning these regulatory changes. The input from the APA Committee has been helpful and the Association is in general agreement with the proposed regulation.

Summation

1. The American Plywood Association has requested an extension of the compliance date for wood fired veneer dryers.

2. The Department has been unable to develop a method to evaluate the compliance of wood fired veneer dryers with the existing 0.1 gr/SCF corrected to 12% CO_2 regulation that is normally applied to wood combustion units.

3. The number of wood fired veneer dryers is expected to increase and there is a potential for an increase in total emissions as a result of the conversion from gas firing.

4. Control equipment for wood fired dryers is not yet proven. The equipment with the best potential to meet veneer dryer regulations has a one-year delivery time.

5. The proposed rule revision requires compliance with the same opacity limits as exist in the current rule.

Director's Recommendation

Based upon the summation, I recommend that authorization be granted for a public hearing to consider a change in the veneer dryer regulation to appropriately accommodate wood fired veneer dryers.

Bill

WILLIAM H. YOUNG
Director

E. J. Weathersbee:jmd

229-5397
1/10/79

Attachment (1) Draft Regulation

- D R A F T -

BOARD PRODUCTS INDUSTRIES

(Veneer, Plywood, Particleboard, Hardboard)

Definitions

340-25-305 (1) "Department" means Department of Environmental Quality.

(2) "Emission" means a release into the outdoor atmosphere of Air contaminants.

(3) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(4) "Operations" includes plant, mill, or facility.

(5) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(6) "Person" means the same as ORS 468.005(5).

(7) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(8) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

(9) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(10) "Opacity" as defined by Section 340-21-005(4).

(11) "Visual opacity determination" consists of a minimum of 25 opacity readings recorded every 15 to 30 seconds and taken by a trained observer.

(12) "Opacity readings" are the individual readings which comprise a visual opacity determination.

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(14) "Special problem area" means the formally designated Portland, Eugene-Springfield, and Medford AQMA's and other specifically defined areas that

the Environmental Quality Commission may formally designate in the future. The purpose of such designation will be to assign more stringent emission limits as may be necessary to attain and maintain ambient air standards or to protect the public health or welfare.

(15) "Wood fired veneer dryer" means a veneer dryer which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

Statutory Authority: ORS 468.295

Hist: Filed 3-31-71 as DEQ 26,
Eff. 4-25-71
Amended by DEQ 132,
Filed and Eff. 4-11-77

General Provisions

340-25-310 (1) These regulations establish minimum performance and emission standards for veneer, plywood, particleboard, and hardboard manufacturing operations.

(2) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in Section 340-25-315.

(3) Emission limitations established herein and stated in terms of pounds per 1000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.

(4) Upon adoption of these regulations, each affected veneer, plywood, particleboard, and hardboard plant shall proceed with a progressive and timely program of air pollution control, applying the highest and best practicable treatment and control currently available. Each plant shall at the request of the Department submit periodic reports in such form and

(C) In addition to (A) and (B) above, 0.40 pounds per 1000 pounds of steam generated.

The heat source for wood fired veneer dryers is exempted from Section 340-21-030.

(d) After May 1, 1979, no person shall operate a veneer dryer in existence prior to May 1, 1979, located outside a special problem area unless:

(A) The owner or operator has submitted a program and time schedule for installing an emission control system which has been approved in writing by the Department as being capable of complying with subsection 340-25-315(1)(b) & (c),

(B) The veneer dryer is equipped with an emission control system which has been approved in writing by the Department and is capable of complying with subsection 340-25-315(1)(b), & (b), or

(C) The owner or operator has demonstrated and the Department has agreed in writing that the dryer is capable of being operated and is operated in continuous compliance with subsection 340-25-315(1)(b) & c

The schedule for wood fired veneer dryers shall result in compliance as soon as practicable, but by no later than January 1, 1981.

(e) Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emission of air contaminants are kept at the lowest practicable levels.

(f) No person shall willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule.

(g) Where effective measures are not taken to minimize fugitive emissions,

frequency as directed to demonstrate the progress being made toward full compliance with these regulations,

Statutory Authority: ORS 468.295

Hist: Filed 3-31-71 as DEQ 26,
Eff. 4-25-71
Amended by DEQ 132,
Filed and Eff. 4-11-77

Veneer and Plywood Manufacturing Operations

340-25-315 (1) Veneer Dryers:

(a) Consistent with Section 340-25-310(1) through (4), it is the objective of this section to control air contaminant emissions, including, but not limited to, condensible hydrocarbons such that visible emissions from each veneer dryer located outside special problem areas are limited to a level which does not cause a characteristic "blue haze" to be observable.

(b) No person shall operate any veneer dryer outside a special problem area such that visible air contaminants emitted from any dryer stack or emission point exceed:

(A) A design opacity of 10%.

(B) An average operating opacity of 10%, and

(C) A maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirements, said requirements shall not apply.

(c) Particulate emissions from wood fired veneer dryers shall not exceed:

(A) 0.75 pounds per 1000 square feet of veneer dryed (3/8" basis) for units using fuel which has a moisture content by weight of 20% or less.

(B) 1.50 pounds per 1000 square feet of veneer dryed (3/8" basis) for units using fuel which has a moisture content by weight of greater than 20%.

the Department may require that the equipment or structures in which processing, handling, and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

(h) The Department may require more restrictive emission limits than provided in Section 340-25-315(1)(b) & (c) for an individual plant upon a finding by the Commission that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emissions expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

ATTACHMENT 3

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-

Prepared: January 15, 1979
Hearing: March 6, 1979

NOTICE OF PUBLIC HEARING

A CHANCE TO BE HEARD ABOUT:

MODIFICATIONS TO VENEER DRYER REGULATIONS

The Department of Environmental Quality is proposing modifications to the existing regulations for veneer dryers to accommodate recent conversions of gas dryers to direct wood firing. The regulations would establish mass emission limits for wood fired dryers in addition to the existing opacity limits. A hearing on this matter will be held in Portland on Tuesday, March 6.

WHAT IS THE DEQ PROPOSING?

Interested parties should request a copy of the complete proposed rule package. The major aspects of the proposed modifications are:

** The opacity limits for all dryers outside of Air Quality Maintenance Areas, including wood fired dryers, are the same. These limits are the same as in current regulations.

** Wood fired dryers shall not exceed 0.75 pounds per thousand square feet, or 1.5 pounds per thousand square feet, depending on the moisture content of the fuel.

** Existing wood fired dryers shall be in compliance with all rules before January 1, 1981.

WHO IS AFFECTED BY THIS PROPOSAL?

Plywood plant operators are directly affected by the proposed regulation.

HOW TO PROVIDE YOUR INFORMATION:

Written comments should be sent to the Department of Environmental Quality, Air Quality Division, P.O. Box 1760, Portland, Oregon 97207, and should be received by March 6, 1979.

Oral and written comments may be offered at the following public hearing:

	Time	Date	Location
Portland	2:00	March 6	State Office Building Room 12 - Basement 1400 S.W. Fifth Portland, Oregon

WHERE TO OBTAIN ADDITIONAL INFORMATION:

Copies of the rules may be obtained from:

Mr. Ed Woods
DEQ Air Quality Division
P.O. Box 1760
Portland, Oregon 97207
(503) 229-6480

LEGAL REFERENCES FOR THIS PROPOSAL:

This proposal amends OAR 340-25-305 through 315. This rule is proposed under authority of ORS 468.295.

This proposal does not affect land use.

FURTHER PROCEEDINGS

After public hearing the Environmental Quality Commission may adopt a rule identical to the proposed rule, adopt a modified rule on the same subject matter, or decline to act. The adopted regulations may be submitted to the Environmental Protection Agency as part of the State Clean Air Act Implementation Plan. The Commission's deliberation should come in late March as part of the agenda of a regularly scheduled Commission meeting.

MF:kmm

ATTACHMENT 4

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

TO: Environmental Quality Commission DATE: March 13, 1979

FROM: Hearing Officer

SUBJECT: Hearing Report on March 6, 1979 hearing - modifications of the emission limits for wood fired veneer dryers.

Summary of Procedure

Pursuant to public notice, a public hearing was convened in the State Office Building, Portland, Oregon at 2:00 p.m. on March 6, 1979. The purpose was to receive testimony regarding the modification of emission limits for wood fired veneer dryers.

Summary of Testimony

Gerald Wilson, Linnton Plywood stated that the veneer dryers at his facility were converted to wood firing in order to meet existing opacity limits. He was concerned about changing the emission limits after the Department had approved the construction and operation of the existing installation.

Gary Grimes, Southwest Forest Industries supported the Department's proposal. The overall environmental and economic benefits from converting to wood firing should be recognized and conversions should not be inhibited. The elimination of the correction to 12% CO_2 was a positive step. The existing opacity limits should be more stringent than the proposed mass emission limits.

W. D. Page, American Plywood Association stated that the APA Technical Committee supported the Department's proposal. However the ability to meet the emission limits is based on the results of pilot tests only. Test results on full scale installations will be necessary to prove conclusively that the limits are reasonable. The Department must be ready to reevaluate the emission limits after reviewing the test results of full scale units.

Mr. Page did question the requirement that conversions or new wood fired dryers which begin operation after May 1, 1979 must be in compliance upon startup. The final compliance date for wood fired dryers existing prior to May 1, 1979 was extended to January 1, 1981 because of the long equipment delivery times. The Department's requirement would have the effect of halting dryer conversions for 6 to 12 months.

Jack Payne, Champion International supported the Department's proposal, but agreed with Mr. Page's analysis of the requirement that new wood fired dryers be in compliance at startup. The lead time for installation of a new veneer dryer may allow installation of control equipment before startup. However, conversions require much less time to complete and startup would be delayed if compliance was required upon startup.

L. M. Steffensen, Georgia Pacific generally supported the Department's proposal. He pointed out that the regulatory standard (.75#/1000ft^2) was not always sufficient to meet the design standard of 10% average opacity.

Respectfully submitted,

Wayne Cordes

Wayne Cordes
Hearing Officer

EGW:jl

ROBERT W. STRAUB
GOVERNOR

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, March 30, 1979,
Environmental Quality Commission Meeting

Variance Request, Larry Ballman from OAR 340-71-020(7), regarding the construction of a subsurface sewage disposal system in Clatsop Plains.

Background

Mr. and Mrs. Ballman own and live on 2.3 acres within the Clatsop Plains moratorium area near Smith Lake and south of Warrenton. The lot presently has a duplex with one-bedroom units and a two-bedroom dwelling which the applicant occupies. The property is identified as Tax Lot 300 and 301, Sec. 33B, T8, R10, W.M.

Because of Mrs. Ballman's health problems and the 90-year age of Mrs. Ballman's father, they are requesting a variance (Request for Variance, Attachment 1) from OAR 340-71-020(7) to allow them to construct a third dwelling and subsurface sewage disposal system. They wish to build a two-bedroom home for themselves. Their present residence would then be occupied by the aged father. A signed memorandum from Mr. and Mrs. Ballman states they will vacate the house upon the father's death and disconnect the septic system pending the outcome of the Clatsop Plains Groundwater Protection Plan Study.

Oregon Revised Statutes (ORS), Chapter 454.657, 1977 Replacement Part states that:

> After hearing the Environmental Quality Commission may grant to applicants for permits required under ORS 454.655 specific variances from the particular requirements of any rule or standard pertaining to subsurface sewage disposal systems for each period of time and upon such conditions as it may consider necessary to protect the public health and welfare and to protect the waters of the state, as defined in ORS 468.700. The Commission shall grant such specific variance only where after hearing it finds that strict compliance with the rule or standard is inappropriate for cause or because special physical conditions render strict compliance unreasonable, burdensome or impractical.

Evaluation

The variance request is based upon a medical hardship. Granting the variance as requested by the applicant appears reasonable. The Commission should be aware, however, that other alternatives may exist. The aged father could occupy the duplex. There is space for the addition of room(s) to the duplex. This option was discussed with the applicant and rejected. Mr. Ballman feels the duplex is too small and in submarginal condition for the aged father's needs.

Granting of the variance will not create a public health hazard. An evaluation of the property by Clatsop County Health Department personnel indicates an acceptable area exists for the additional drainfield. Approval of the variance may precipitate a number of other property owners to apply based upon medical reasons or other special, unreasonable, burdensome circumstances.

Summation

1. Mr. and Mrs. Lawrence H. Ballman own property located in the Smith Lake area of Clatsop County within the Clatsop Plains moratorium boundaries.

2. Mr. and Mrs. Ballman have requested a variance from OAR 340-71-020(7) because of medical hardship so that they may construct a new two-bedroom home and subsurface sewage disposal system and move Mrs. Ballman's aged father into the existing home. The variance would be effective immediately and continue pending adoption of a Clatsop Plains Groundwater Protection Plan or upon the death of Gilbert J. Walters, whichever is the later.

3. Other alternatives may exist including:

   a. Move Mr. Walters into the existing duplex.

   b. Move a trailer and connect onto the existing subsurface system serving the two-bedroom home.

   Mr. Ballman has not wished to pursue these alternatives.

4. Granting of any of these options would not create a public health hazard.

5. The granting of this variance by the Environmental Quality Commission would be allowable in accordance with ORS 454.657.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Environmental Quality Commission:

1. Enter a finding that strict compliance is inappropriate at this time for cause due to the medical hardships for Mr. Walters and Mrs. Ballman.

2. Grant the variance to Mr. and Mrs. Ballman to construct a subsurface sewage disposal system to serve a new two-bedroom home subject to the following conditions:

   a. The variance shall terminate upon the death of Mr. Gilbert J. Walters, and the subsurface system presently in use will be disconnected, the home left uninhabited pending adoption of a Clatsop Plains Groundwater Protection Plan.

   b. If after adoption of the Groundwater Protection Plan, the home and its subsurface sewage system is not compatible with the adopted plan the home shall be razed.

Bill

WILLIAM YOUNG

Charles H. Gray
229-5209
March 16, 1979

Attachment:

1. Mr. and Mrs. Lawrence H. Ballman, Request for Variance

REG

March 9, 1979

Mr. Robert E. Gilbert
Regional Manager
Northwest Region
522 S. W. 5th Avenue
P. O. Box 1760
Portland, Oregon 97207

Dear Mr. Gilbert:

I am sending you the final papers applying for a VARIANCE, and appreciate your having gone over the first draft. To the supporting memorandum I have added a statement from my wife's doctor attesting to her one major health problem. I am sure that the doctor attending to her cancer condition would be more than willing to supply additional testament if needed. The County sanitarian has added his soil evaluation and the planning department their comments. I objected to Mr. Oggel's final statement as being his opinion and not a statement of fact. He informed me that he would send you a letter retracting this statement. If he does you might substitute it for the one I am submitting. Mr. Oggel is not fully aware of our condition nor has he read my application. I feel that the Variance application should be judged on its own merits and not on Mr. Oggel's personal feelings.

Somewhere in the material you sent to me there is a reference to a fee schedule to be applied to Variance applications. However, no schedule was with these papers. I will send the fee upon receiving notification from you as to the amount.

Thank you very much for your assistance and hope all goes well without any further delays.

Sincerely,

Lawrence H. Ballman

Lawrence H. Ballman

P. O. Box 425
Warrenton, Oregon 97146

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE STATE OF OREGON, DEPARTMENT, vs. Jayne Walters Ballman and Lawrence H. Ballman, Respondents.	REQUEST FOR VARIANCE

Pursuant to ORS 454.657, Jayne Walters Ballman and Lawrence H. Ballman hereby requests a variance from the requirements and standards imposed by Oregon Administrative Rules Chapter 340 - 71 - 020 (7) (a) ORS 454.685.

Strict compliance with these standards is inappropriate because:

(a) Conditions exist that are beyond the control of Jayne Walters Ballman and Lawrence H. Ballman;

(b) Special circumstances render strict compliance unreasonable, burdensome, or impractical due to special physical conditions and medical conditions or cause; and

(c) Strict compliance would result in continued danger to the health, welfare and life of Gilbert J. Walters, Jayne Walters Ballman and Lawrence H. Ballman.

The variance should be effective immediately, and continue pend- the interpretation of data that is being obtained by a professional hydro-geologist in regard to the Smith Lake area, or upon the death of Gilbert J. Walters, which ever is the later.

In support of this request, Jayne Walters Ballman and Lawrence H. Ballman relies on the Memorandum in Support of Request for Variance submitted herewith.

Dated this 6th day of March, 1979.

Jayne Walters Ballman

Jayne Walters Ballman

Lawrence H. Ballman

Lawrence H. Ballman

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE STATE OF OREGON, Department, VS. Jayne Walters Ballman and Lawrence H. Ballman, Respondent.	MEMORANDUM IN SUPPORT OF REQUEST FOR VARIANCE

FACTUAL BACKGROUND

While we are basically in support of land use planning and protection of our watersheds, we are very much opposed to the injustices created by the way the programs are being administered. The method of control in this area has given the land developers a distinct advantage which is not readily availabe to private owners. A steady source of financing is primary to developers who also have the facility to shift their building projects in line with changing markets and fluctuating regulations. Through lobbying, time is often gained that will enable entrepeneurs engaged in developments to meet schedules that the limitations of the individual property owner prevent his accomplishing. If all else fails, those in the business can usually resort to tax write-offs for compensation. Such is not available to the individual wishing only to build a home.

People such as Mrs. Ballman and I, in a low, middle-income bracket, must postpone our goals until we are in a position to carry out the plans of twenty years....only to find that the larger land developers have created a

condition that makes our hard-earned plans inoperable. In addition to causing a moratorium on construction, these same developers have caused the assessed values and commensurate taxes on our land to soar; but the right to use our land for similar purposes is lost. When the assessor is questioned about this situation, he informs us that we are paying for view property. Our view is cut off by a hill as high as the house and the inability to build on the other side of the hill restricts our view to traffic on Highway 101. The justice of this situation is highly questionable. The house we presently occupy was originally constructed as a garage, with room by room having been added in jerry-built fashion as necessary. There were no building inspectors in those days and not a room is square or wall plumb. Nonetheless, we felt fortunate to be able to make the purchase and work toward building a more permanent residence when we could afford to do this. Our decision was made more firm several years back when the then-assessor, David Dickson, told us we were victims of a particularly malicious wood-borer and should not plan any remodeling of this structure.

The lot on which we hope to build is now assessed at $25,000, based on the sales price of those who are building in the area. Without the right to use this property as the developers are using that which they obtain, we certainly could not sell for the assessed price; still our taxes are based on this figure.

We did not make an effort to apply for the permit before the moratorium went into effect because we were uncertain as to the definite time we could finalize our plans. The boom in construction has created a market for our farm home that did not exist at the time of the moratorium and we can now be reasonably certain of covering the financing with this property sale as collateral. Also health problems have made it no longer possible for us

to keep up the larger farm property and we must attempt to consolidate and thus simplify our living arrangements.

Six years ago Gilbert J. Walters, the father of Mrs. Ballman, had a heart attack while caring for his invalid wife. The resulting conditions of Mr. Walters necessitated the completion of the farm house and establishing it as their permanent residence. At that time Mr. Walters was able to care for many of his own personal needs and assist in those of his wife. Age and the effects of the heart attack have steadily eroded his strength and capacity to care for himself. Mrs. Walters passed away three summers ago. Part-time help covers his meals, some medical attention, and some supervision. Until September of this past year, the lady who prepared most of his meals lived within sight of his home. This lady's home is now abandoned and no longer in a condition to be occupied. The nearest neighbor is ten acres away; both people living there work and are often away until late in the evening as well as weekends. Mrs. Ballman or I check on Mr. Walters three times daily and every evening until he is in bed which often is close to midnight. On an increasing number of these visitations we have found the house unsecured, the phone left off the hook, or combustible material left on a hot burner probably due to a lapse of memory. The physical and emotional stress from these daily trips has had a wearing effect on the health of both of us.

Mrs. Ballman and I are increasingly becoming concerned for the physical security of Mr. Walters, especially at night time during the interval before we arrive and after we leave. An increasing number of elderly people have been attacked in their homes, and some killed in this area. This last storm in which a power outage occured for a prolonged period added to the problem. If Mr. Walters were living where we are presently living, he

would be more secure, supervised more easily and over a greater span of time each day. A trash burner in this house would offer adequate heat and cooking facilities in emergency situations. Operation costs would be reduced considerably for him. In addition, Mr. Walters would be living in an area where neighbors maintain a surveillance on each others homes for mutual protection and security. In case of another prolonged power outage, such as occured as a result of the last storm, this house would more adequately cover the needs of an elderly person.

Mr. Walters worked an unusual number of years dating from his early high school years to his eightieth birthday. He loves his homelife and the accumulated furnishings some of which are hand made, dating back to his or his wife's grandparents. It has been our intent that Mr Walters live out his remaining years in comfort, dignity, and surrounded by the things he has known and cherished. Having survived to be ninty five, we feel he is entitled to this consideration so long as we are able to provide it. At various times we have considered moving into the farm house with Mr. Walters to care for him. However, at this stage, Mr. Walters life-style is incompatible with that of two working people who have time schedules to meet, and responsibilities that extend beyond the home. Three hours to rise, two hour-long meals with little variation, and another two hours to retire would consistently conflict with the pattern to which we have become accostomed. Nor would we be able to have any private life of our own if all three lived in the same house.

Mrs. Ballman has been under treatment for high blood pressure for the past three years. Doctor Gary Boelling feels that our way of life these past six years ha contributed and aggravate this medical problem. At the end of this past summer, Mrs. Ballman had an extensive cancer operation. She

no longer has the strength to continue in the manner and to the extent that she has in the past. Furthermore, an oncologist has warned her that emotional stress can be a strong catalyst toward the reoccurance of cancer. Having her father living alone every night relatively unprotected, and not knowing whether the power has been interrupted which would leave him without heat or light, has caused Mrs. Ballman considerable mental anguish. Any further worsening of her health would increase the strain and make living in this manner impossible.

Mr. and Mrs. Ballman are hopeful that they can achieve compliance with a permit after completion of the hydro-geologist's studies in regard to the Smith Lake area, but we cannot do so immediately.

Attached to this memorandum I am enclosing 1. a letter attesting to Mrs. Ballman's physical condition and her doctor's recommendation; 2. a notice from the Clatsop County Sanitarian evaluating the soils's properties to dispose of domectic wastes; and 3. a letter from the Department of Planning and Development attesting to the zoning status.

Dr. Boelling's letter is in error in that the house to be erected would be occupied by the Ballmans, and the father would live adjacent to it in the house vacated by the Ballmans.

INTERNAL MEDICINE:
William M. Burget, M.D.
Jorma M. Leinassar, M.D., F.A.C.P.
Mark S. Stryker, M.D.
Gary M. Boelling, M.D.
Leigh C. Dolin, M.D.
Bruce Bade, M.D.

GENERAL, THORACIC and VASCULAR SURGERY:
Richard C. Harris, M.D., F.A.C.S.

PSYCHIATRY and GENERAL PRACTICE:
Frank Russell, M.D.

PEDIATRICS:
Daniel M. Rappaport, M.D.

ASTORIA CLINIC

PHYSICIANS AND SURGEONS
800 EXCHANGE STREET
ASTORIA, OREGON 97103

Telephone (503) 325-4111

GENERAL PRACTICE:
Leroy W. Steinmann, M.D.
Richard G. Kettelkamp, M.D.
Robert D. Neikes, M.D.

CONSULTING DERMATOLOGIST:
Robert B. Amon, M.D., F.A.C.P.

CONSULTING OTOLARYNGOLOGIST:
L. Ivan Bakos, M.D.

ADMINISTRATOR:
Arnold C. Swanson

March 6, 1979

Mrs. Jayne W. Ballman
P.O. Box 425
Warrenton, Oregon 97146

To Whom It May Concern:

Mrs. Jayne Ballman has been under my care for the last 5 years for high blood pressure and other illnesses. She is responsible for the care of her elderly father and this becomes quite trying at times. I recommended strongly to her that her father will have to be cared for outside of the home if her health is to remain stable. Apparently, it is possible to erect a building close to the home of the Ballman's that the father could live in.

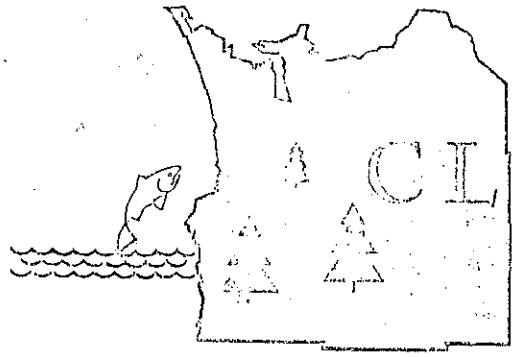
If this is at all possible, I think this would resolve the problem satisfactorily.

Sincerely yours,

Gary M. Boelling, M.D.

GMB/slh

D: 3/6/79
T: 3/7/79



CLATSOP COUNTY

CLATSOP COUNTY HEALTH DEPARTMENT
857 COMMERCIAL STREET
P. O. BOX 206, ASTORIA, OREGON 97103
TELEPHONE 325-7411 EXT. 30

March 6, 1979

Mr. Lawrence H. Ballman
P.O. Box 425
Warrenton, Oregon 97146

Re: 810 - 33B - 300, 301
(approximate 1.0 acre portion)
Moritorium Area - Variance

Dear Mr. Ballman:

The following information was obtained while visiting the above referenced property. The visit was made due to your request for an evaluation of the soils's properties to dispose of domestic wastes through the means of a subsurface sewage disposal system.

As you are applying for a variance from the moritorium, these design criteria will be applicable WHEN and IF your proposal is granted.

1) Provide an absorption area of 120 square feet per bedroom with a minimum septic tank capacity of 1000 gallons for the proposed 2 bedroom structure.

2) Maintain a separation distance of at least 100 feet between the drainfield and any portion of the down gradient surface water.

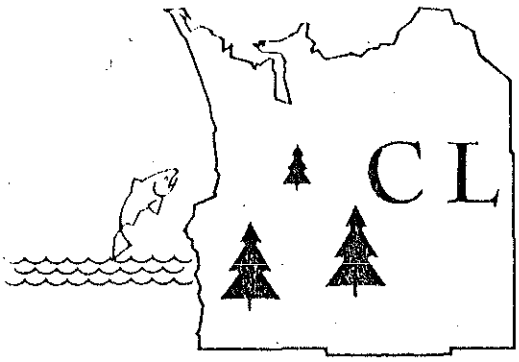
3) Submit a detailed plot plan and obtain a sewage disposal system construction permit through this office prior to construction.

4) This approval is void if in conflict with any local planning or building regulations.

Sincerely,

Bill D. Mason

Bill D. Mason, R.S.
Clatsop County Sanitarian



CLATSOP COUNTY

Courthouse . . . . Astoria, Oregon 97103

March 2, 1979

Mr. Joe Richards, Chairman
Environmental Quality Commission
522 S.W. Fifth Avenue
P.O. Box 1760
Portland, Oregon 97207

Dear Mr. Richards:

This letter is in reference to the petition by Lawrence H. Ballman for a variance to the Environmental Quality Commission's (EQC) order placing a moratorium on subsurface sewage disposal in the Clatsop Plains. I have been asked to notify the Commission of the planning and zoning status of Mr. Ballman's property excluding the moratorium.

The property currently has a County Comprehensive Plan designation of Suburban-Residential. This category covers areas where moderately dense housing development prevails or is in prospect. Most non-urban land uses are expected to decline or disappear in such areas. Zoning for the property is R-1 (Single Family Residential). The parcel is in the Smith Lake area south of Warrenton, and may be included in Warrenton's urban growth boundary under that city's comprehensive plan. If it is included, full urban services potentially would be provided to Mr. Ballman.

Other than the concern about groundwater contamination of the Clatsop Plains, Clatsop County would have no objection to development of Mr. Ballman's property. However, while I am eager to see the moratorium issue resolved, I am also concerned about the possibility of a rash of variance requests that could ensue following an approval.

Sincerely,

Mark R. Oggel

Mark R. Oggel, Zoning Administrator
Department of Planning and Development

MRO:ta

cc: Larry Ballman
Bob Gilbert, Department of Environmental Quality
Don Bramhall, Department of Environmental Quality, Tillamook

PLANS FOR ACHIEVING COMPLIANCE

The abandonment of the Ballman's present home as a living quarters would make this property capable of achieving compliance with the permit. Mr. and Mrs. Lawrence H. Ballman are in agreement with the Department of Environmental Quality that this will be accomplished upon the death of Mr. Gilbert J. Walters, and that the septic system presently in use will be disconnected and continue in this manner pending the interpretation of data that is being obtained by a professional hydrogeologist in regard to the Smith Lake area.

The City of Warrenton is considering the addition of the Smith Lake area as part of their growth boundary with the idea of ultimately expanding the sewer system to the area. The updating of the Clatsop Plains sewer study plan now in progress or to be started shortly may present an additional option in the reasonable future, and is a reason to request permission to disconnect the septic system upon the death of Mr. Walters rather than having to destroy the home.

CONCLUSION

The Ballmans realize that they must ultimately comply with the standards imposed by Oregon Administrative Rules Chapter 340 - 71 - 020 (7) (a) ORS 454.685. However, circumstances beyond their control make it impossible to do so at this time, and the strict enforcement of compliance would have a substantial detrimental effect on Mr. Walters and the Ballmans. The criteria for a variance has been met, and their request should be granted.

DATED this 9th day of January, 1979.

Respectfully submitted,

Jayne Walters Ballman and Lawrence H. Ballman

Jayne Walters Ballman Lawrence H. Ballman

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. H, March 30, 1979, EQC Meeting
Proposed Use of FY 79 Waste Water Construction Grant Funds & Discussion About Direction For Future Fiscal Years

Background

The Clean Water Act of 1977 authorized a national appropriation of 4.5 billion dollars for FY 78 and 5.0 billion dollars for FY's 79, 80, 81 and 82. Congress passed an appropriation bill for the authorized 4.5 billion dollars for FY 78, but only appropriated 4.2 billion dollars for FY 79. The President's FY 80 budget request to Congress includes only 3.8 billion dollars for the program, and unofficial sources indicated that appropriations may be further reduced to between 1 and 3 billion dollars for FY's 81 and 82.

The FY 79 appropriation of 4.2 billion dollars reduced the state's allotment from an expected 64.8 million dollars to 53.7 million dollars. This year's allotment could, at most, fund the top 30 projects that were scheduled for grant assistance in FY 79.

The established trends of reduced federal funding support and ever increasing construction costs (10 percent per year) prompted DEQ to take action. An evaluative process was initiated to review the present construction grant program and to determine what changes, if any, should be made. As a first step in the evaluative process, an informational meeting (on February 2, 1979) and a public hearing (on March 5, 1979) were held to solicit input from those individuals and organizations interested in and/or affected by the grant program.

Many different recommendations were offered by interested parties prior to, during and after the March 5 hearing. The hearing record remained open until March 9, 1979. A summary of testimony is attached.

Statement of Need For Environmental Quality Commission Action

There are two basic issues that require EQC action. The first issue deals with grant funds allotted to the state this fiscal year, and the second involves management options for the future.

1. FY 79. At this time, several Step 3 grant applications are being held up pending EQC's decision on FY 79 funds. EQC must decide whether the FY 79 Priority List, as adopted on August 25, 1978, will be used to allocate available funding resources or whether a new course of action should be implemented.

2. FY 80 And Beyond. Final decisions about the construction grant program in the future cannot be made without adequate consideration of management options. However, the EQC can and should decide upon a general policy direction for the future within which the DEQ staff can evaluate management options.

According to hearing testimony offered by Mr. John Vlastelicia, Director, EPA - Oregon Operations Office, our future program should be based upon the assumption that Congress will appropriate 4 billion dollars each fiscal year through FY 82.

Evaluation of Alternatives Under Consideration

1. Use of FY 79 Funds. Two alternatives were evaluated as follows:

   a. "FY 79 Priority List As Adopted"

      (1) Advantages:

         --- can be put into effect on March 30, 1979;

         --- honors prior commitments to 30 projects;

         --- local financing arrangements should be sufficient to meet local costs;

         --- assures coordination with HUD and FmHA grant programs;

         --- avoids potential arbitrage actions against two local governments (i.e., bond issues have already been sold in Hermiston and Lincoln City);

         --- allows several needed projects to get under construction this summer; and

         --- assures that Bend's sewage treatment plant will be built to provide treatment for wastes from sewers that are already under construction.

(2) Disadvantages:

--- does not put funding emphasis on projects already under construction;

--- larger projects (or segments thereof) will have completion dates delayed, which increases costs to the entities involved; and

--- initiates two additional "phased" projects which may require future year funding for completion (Hermiston and Roseburg Metro).

(3) Other Considerations:

If any projects ranked 1-30 (that are scheduled for funds) do not make use of "reserved" monies in accordance with established schedules, those funds are available for other projects.*

Since the MWMC** and Bend projects are under construction and are in need of additional monies, any funds that become "unreserved" would be used for grant increase requests from MWMC and Bend. This action would be in conformance with Paragraph V(E) of the Priority Criteria and within the Director's authority.

b. "Develop Modified FY 79 List", e.g., Option 2 as presented at the March 5 Hearing.

(1) Potential Advantages:

--- could put more funding emphasis on projects under construction;

--- could assure sufficient federal funds for completion of Bend project;

--- could significantly increase funding to MWMC; and

--- could reflect latest assessment of priorities throughout state.

* [Refer to Paragraph V(E) of Priority Criteria]
** [MWMC is Metropolitan Wastewater Management Commission, Eugene - Springfield Area]

(2) Disadvantages:

--- would take at least 90 days to accomplish, since priority criteria would have to be modified and public participation requirements must be satisfied;

--- would prevent projects from starting construction during this year's construction season;

--- inflationary cost increases would be expected due to delays and would affect eleven local governments;

--- ties up grant funds for at least three months, which means loss of buying power; and

--- since public participation process must be followed, it is impossible to forecast exactly what the "Modified FY 79 Priority List" would be.

The preponderance of public testimony recommended proceeding under the adopted FY 79 priority list (Alternate 1.a.). Since any other course of action would delay all projects, the Department concurs in this recommendation.

2. Policy Direction For FY 80 And Beyond. The grant allocation/prioritization system adopted by EQC has been reasonably effective in the past, since available federal funds were sufficient to cover most identified needs in any given year. However, we are now faced with an ever widening gap between apparent grant needs and available funding resources, and "need" identification and prioritization are becoming more critical.

Many good suggestions for modifying the grant prioritization system have been submitted. A tabular summary of these suggestions is attached. In order to systematically evaluate proposed modifications, we need a better delineation and analysis of current pollution control problems and needs.

A special project has been started in Water Quality Division to determine how Oregon can get maximum benefit from future grant funds. After we have completed a reassessment of needs and problems presented by existing municipal sources, we can evaluate alternatives for how the grant program (including priority criteria) should be redirected. This project is scheduled for completion in August 1979, at which time specific recommendations will be brought before the EQC.

As the Department moves forward with the development of a new needs list and priority criteria for FY 80, and works with cities and consultants in the interim, some guidance from the Commission would be desirable on key issues. While others may also be important, the following are proposed for initial discussion:

a. Recognizing that prevention of a problem is better than "creation/correction", the Department has encouraged funding of projects which provide significant capacity for future growth. Since federal funds are provided primarily for problem correction, we have often stretched the limits of federal fundability. We can now see that most cities expect federal funds to fund their next growth increment. Medford is an example. The City is meeting permit limits. They have been tracking load growth and expect their plant to reach capacity in a few years. They recognize the need to initiate planning for expansion now. If they reach capacity before an expansion is completed, they can expect a moratorium on new connections in order to assure continued compliance with permit conditions. Medford's problem is not a water pollution problem, it is a growth accommodation problem.

   Should the Department advise cities that reliance on federal funding for future growth accommodation is risky and may lead to a "self induced" moratorium on new connections? Should we advise cities to develop local funding programs for construction of growth capacity? Should we impose moratoriums to prevent plant overloading and permit violation?

b. The grant program has tended to produce "one shot" construction programs. The facility plan proposes facilities with a 20 year design life. Since there is no commitment for future grant funds, the tendency is to build it all now. More options would be available if the facility plan specifically evaluated the potential for phased construction with each phase a complete operable facility. Should the Department immediately require new facility plans to specifically evaluate phased construction and alternatives for financing various phases?

c. The current philosophy of the State's administration of the grant program has been to maximize the number of projects funded each year by spreading the funding of large projects over two or more years (not necessarily based on operable phases). Funding uncertainties cause us to question the practicality of pursuing this on future projects. However, EPA supports this basic approach. While planned phasing of projects and other management techniques to be developed over the next few months may lessen future problems, projects currently underway on this funding basis are left in a somewhat uncertain position.

Would it be appropriate for the EQC to provide reassurance to these projects through a policy statement which reaffirms the intent of the EQC to see the projects completed and assure that their priority for continued funding will be among the highest of priorities from future year funds?

d. The issue of State funding assistance has been raised by many -- both grant and loan. What position should the agency take as this matter is considered by the Legislature?

Discussion of these issues may be an appropriate item for the work session.

Summation

1. Oregon received approximately $11 million less in federal grant funds this fiscal year than had been expected.

2. Future grant appropriations could be even smaller, but could also be larger. EPA Region X indicated that any decision should be based on the premise that national appropriations will be $4 billion per year in FY 80, FY 81 and FY 82. [NOTE: Oregon presently receives approximately 1.29 percent of any appropriation].

3. Construction costs are increasing at the rate of approximately 10 percent per year.

4. An evaluative process involving a public meeting and a public hearing was initiated to determine need for changes in the construction grants program.

5. Alternatives were evaluated concerning use of FY 79 Waste Water Construction Grant Funds already allotted to the State. Continued use of the EQC adopted Priority List for FY 79 is the preferred alternative based on public testimony.

6. A proposal for redirecting the Construction Grants Program will be presented to the EQC in August 1979, allowing time for additional public input and staff analysis.

7. Several policy issues have been identified for EQC discussion and consideration.

Director's Recommendation

Based upon the summation, it is recommended that:

1. The FY 79 Priority List, as adopted by the EQC on August 25, 1978 and approved by EPA Region X in December 1978, be used as the basis for committing available FY 79 Waste Water Construction Grant Funds.

2. The policy issues identified in this agenda item be discussed by the EQC at a work session and direction provided, as appropriate.

WILLIAM H. YOUNG
Director

Thomas H. Blankenship:gcs/ak
229-5314
March 13, 1979

Attachments:

1. Tabulary Summary of Suggestions for Revisions
* 2. Public Notice
* 3. Summary of March 5, 1979 Hearing Testimony and Written Testimony

* These attachments will be provided at the March 30, 1979 EQC Meeting.

A TABULAR SUMMARY
SUGGESTIONS FOR REVISING CONSTRUCTION GRANTS PROGRAM
March 30, 1979

Suggestion:	Offered by:
1. Phase larger projects	S. W. Lincoln Co. S.D., Dayton, Consultants Northwest, Rainier, Lowell, Brownsville, Scio, Silverton, Newberg, J. Val Toronto & Associates, Prairie City, MSD, Canby, St. Helens, EPA, RVCOG, Eagle Point, Haines, Island City S.D., Cottage Grove, Donald, Salem
2. Reactivate State grant program (or more State assistance generally)	Roseburg, Hermiston, Island City S.D., Haines, Corvallis, Clackamas Co., MWMC, Lane County, Eugene, Springfield, Cottage Grove, MSD, Portland, Albany, Multnomah Co., Gresham, Troutdale, Lake Oswego, Prairie City, Canby, Newport, CH_2M Hill
3. Limit grant assistance in "growth capacity"	Prairie City, Eagle Point, Canby
4. Possibly reduce required treatment level to secondary or reconsider effluent standards for specific parameters	RVCOG, Eagle Point, Medford, BCVSA, Prairie City, Clackamas Co., Roseburg, Brooks Resources, Newberg, St. Helens, Salem, CH_2M Hill
5. Reduce percentage of EPA Grant participation	RVCOG, Medford, Haines, Island City S.D., Cottage Grove
6. Limit percentage of annual grant allocation available to any one project (e.g., 10% - 20%)	Eagle Point, Prairie City, Clackamas Co., MSD, Multnomah Co., Gresham, Troutdale, Salem, Silverton
7. Distribute funds according to a formula: e.g., Step 3 Projects-90% Step 2 Projects- 8% Step 1 Projects- 2%	RVCOG, Eagle Point (also supported by Medford, BCVSA), Haines, Island City S.D.
8. Eliminate duplicative Corps of of Engineers construction inspection	RVCOG (also supported by Eagle Point, Medford, BCVSA)
9. Alternative and innovative facilities should receive higher priority than conventional facilities	Prairie City, Cannon Beach
10. Do not use federal funds to separate combined sewers	Cottage Grove, Eagle Point, Prairie City
11. Economic considerations should play a part in priority ranking and/or the amount of federal grant participation (e.g., includes "readiness to proceed")	Charleston S.D., Prairie City, Clackamas County Home Builders Assn., Island City S.D., Haines, Agripac, Monroe, Newberg, Dayton, Carmel-Foulweather S.D., Wallulis & Associates, Silverton

12.	Vary grant participation depending on a ratio of BOD Removal/Capital Expenditure	Cottage Grove
13.	Have separate funds for small communities, even beyond the 4% set-aside for innovative or alternative projects	Eagle Point, Prairie City, Haines, Island City S.D., Monroe, Newberg, Canby, HGE, Inc., S. W. Lincoln Co. S.D., Carmel-Foulweather S.D., Powers, Charles A. Harper & Associates
14.	Fund existing point source projects only	Eagle Point
15.	Local governments with building moratoriums should receive higher Priority	Eagle Point, Shady Cove, Prairie City, Hermiston, Lincoln City, Dayton, Smelser Homes, Clackamas Co. Home Builders Assn., Home Builders Assn. of Metropolitan Portland, Silverton
16.	Correct waste water treatment problems at lowest practical cost	Eagle Point, Medford, Cottage Grove, CH_2M Hill
17.	Give highest priority to those presently without sewer services	Shady Cove
18.	Continue flow of funds to projects under construction	Bend, MWMC
19.	Make State loan funds available to local governments even if federal funds are not available to assist in needed projects	Cottage Grove
20.	Guarantee funding of approved portions of projects through final construction at the 75% level, using funds from State Pollution Control Bond Fund	MSD
21.	Possibly adjust priority criteria to delay implementation of "tertiary treatment" and terminate collection sewer funding	MSD, Clackamas Co.
22.	Give lower priority to existing systems needing upgrading and capacity increases and lowest priority to larger projects	Shady Cove
23.	Projects to alleviate health hazards should continue to receive highest priority	Roseburg, Prairie City, Corvallis, HGE, Inc. *, Canby, Mr. Jerry Hiller, Irrigon, Albany
24.	Projects to eliminate drillhole waste disposal wells should proceed to completion	HGE, INC. *

* Represents 15 Oregon Communities

25.	Stipulated Consent Orders should receive highest priority emphasis	HGE, Inc. *
26.	Orders, Administrative Orders, Federal Orders and Judgements should garner high priority points	HGE, Inc. *
27.	NPDES Permit Violations should receive substantial attention	HGE, Inc. *, CH_2M Hill, Silverton
28.	At least 15 projects should be funded each fiscal year	HGE, Inc. *
29.	Require Value Engineering studies on all projects over $2 million in cost (even those now in construction)	RVCOG
30.	Funds set aside for small communities should be used on innovative and alternative projects first	Prairie City
31.	No new treatment plants should be funded where none exists today	Prairie City
32.	A small communities "alternative" project should be entirely funded out of the 4% set-aside	Island City S.D., Haines
33.	The State should seek changes in EPA regulations to allow early commitment of local funds (larger projects) and grant recovery for costs already incurred	MWMC
34.	Require all projects to include installation of water meters at homes and businesses, and base service costs on water use	Brooks Resources
35.	Require communities to have infiltration/inflow abatement programs and provide funding support	Brooks Resources, Roseburg, Fowler Manufacturing, Salem, Coos Bay
36.	Fund treatment plant projects only	Canby
37.	Be certain that priority system can respond to changing priorities (e.g., rapid growth, moratoriums, critical pollution situations)	Canby
38.	Seek additional federal appropriations to meet fiscal demands from larger projects	Dayton, Consultants Northwest

* Represents 15 Oregon Communities

39.	Improve maintenance & operation at sewage treatment plants rather than build new plants	J. Val Toronto & Associates
40.	Hold all projects to amount requested on FY 79 priority list	Dayton, Consultants Northwest
41.	Provide adequate funds for planning	Detroit, J. Val Toronto & Assoc., Salem
42.	Coordinate with FmHa grant & loan programs	FmHA
43.	Infuse Statewide Planning Goals into Priority Criteria	Clackamas Co. Home Builders Assn.
44.	Treat cost overruns on existing projects as new projects	Irrigon, Consultants Northwest
45.	Eliminate Step I grants except for correction of health hazards	Irrigon
46.	Eliminate "point bonus" for cities with larger populations	Irrigon
47.	Equalize priority point assignment for new plants and plants to be upgraded	Irrigon

THB:em

ATTACHMENT 2

PUBLIC NOTICE

Department of Environmental Quality
522 S. W. Fifth Ave., (P.O. Box 1760 Zip Code 97207 - Mailing Address)
Portland, Oregon

REDUCED LEVELS OF FUNDING OF THE SEWERAGE WORKS CONSTRUCTION GRANT PROGRAM
- OPTIONS FOR MANAGING -

Informational Meeting - February 2, 1979, 10 a.m. - 12 Noon
Multnomah County Courthouse - Room 602
1021 S. W. Fourth Ave., Portland

Public Hearing - March 5, 1979, 10 a.m.
Multnomah County Courthouse - Room 602
1021 S. W. Fourth Ave., Portland

Oregon's apportionment of the Fiscal Year (FY) 79 federal appropriation for the sewerage works construction grant program has been set by EPA Region X at $53.7 million. This level of allotment represents a reduction of about $11 million from that which previously was expected. The reduced funding was brought about by Congressional appropriation of $4.2 billion to support the national program rather than $5.0 billion as authorized by Public Law 95-217.

The reduced level of funding for FY 79 appears to signal further reductions in FY 80 and 81. Our information indicates that national appropriations could be as low as $1 billion by FY 81. A progressive decrease in the level of funding and restrictions on grant assistance will impinge upon the State's water quality program so deeply that achieving the goals of the 1972 and 1977 Clean Water Laws with federal assistance will be severely curtailed. As a result, the Department must reevaluate the priorities of the statewide program and determine how the most benefit can be gained from the reduced dollars available.

The Department will hold an informational meeting on February 2, 1979 and a Public Hearing on March 5, 1979 at the times and places indicated above. The purpose of the informational meeting will be to answer any questions that you may have and to discuss a preliminary set of options available for managing the program, based on certain assumptions and restrictions. Subsequently, the Public Hearing will be convened to receive oral and written testimony which will assist in shaping the program for the future. The testimony will be reviewed and evaluated by the Director of the Department and a formal proposal presented to the Environmental Quality Commission for adoption.

It should be clearly noted that the proposal may include recommendations to modify the State FY 79 priority list as well as the criteria by which the priority list is developed.

January 18, 1979

Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

January 18, 1979

To: All Potential Grantees and Other Interested Persons

From: Water Quality Division

Subject: Reduced Federal Funding of Construction Grants Program
--Impacts of Reduced Funding and Decisions Facing DEQ--

When Congress passed the Clean Water Act of 1977, PL 95-217, funding of EPA's Wastewater Construction Grants Program appeared to be guaranteed for five fiscal years. However, like so many other guarantees, the funding commitments of PL 95-217 appear now to be optimistic.

For example, the Act authorized a $5 billion national appropriation in Fiscal Year (FY) 1979. Congress, in an apparent effort to reduce the rate of inflation, subsequently passed an appropriations bill of $4.2 billion for FY 79. According to a reliable source, the President's FY 80 budget request to Congress includes $3.8 billion (rather than the authorized $5 billion) for construction grants.

We also received information recently that indicates Congress may be seriously evaluating the option of reducing appropriations to somewhere between $1 and $3 billion for FY 81 and FY 82. The uncertainty of federal commitment to the grants program is becoming readily apparent.

Impact on DEQ's Grant Program

Reduced national appropriations have a direct impact on the state's funding allotment. Oregon received approximately $53.7 million for FY 79, which is significantly less than the $64.8 million that had been expected.

This reduced level of funding would at best cover the top 30 projects on the FY 79 Priority List, which is a disappointment to us and many local governments. This fiscal year's funding shortfall will undoubtedly be overshadowed by increasingly inadequate grant allotments in FY 80 and beyond. In addition, inflationary cost increases will further reduce the purchasing power of any monies received.

The probability of reduced funding in the future is particularly dismal when you consider the forecasted grant needs for construction projects already underway. For example, the Metropolitan Wastewater Management Commission's project (for Eugene - Springfield) needs a minimum of $75 million in additional grant funds in FY 80 - FY 81.

Because of the law and EPA's regulatory mandates, at least 12% of future allotments under PL 95-217 are reserved for restrictive purposes. At least five percent (5%) of each year's allotment must be reserved and used for grant increases. The remaining 7% (special set-asides) has so many restrictions applied that it becomes practically useless. Therefore, we are now focusing on 88% of each year's funds.

Based upon an optimistic national funding forecast of $3.8 billion in FY 80 and $3.0 billion in both FY 81 and FY 82, Oregon would have approximately $42.8 million, $33.8 million, and $33.8 million respectively for projects.* Pessimistically, Oregon could have less than $42.8 million in FY80, and approximately $11.3 million in both FY 81 and FY 82.**

DECISION ISSUES

For the past few years, we have operated under the presumptions that: (1) adequate federal funding would be available to continue an effective grant subprogram (within the Water Quality Program), and (2) we should attempt to keep as many projects underway as possible by sharing available funding resources (phase grant awards to large projects over 2 or more years based on cash flow needs.)

Since our first presumption is on very shaky ground, the second should be reviewed very closely. With this thought in mind, we have considered several decision options, which are briefly summarized on the attached pages.

This memorandum is being distributed to interested parties for their evaluation and input. No decision on options will be reached until after a hearing is held and adequate time allowed to evaluate comments, including other possible alternatives. In the interim, no new grant applications will be certified to EPA for grant award out of the State's general account.

* Based on 88% of expected allotments, which forms the "general account".

** Assuming the allotment formula in PL 95-217 would not change.

ATTACHMENT

DECISION OPTIONS

The ensuing discussion identifies several preliminary options which the Department's Director and the Environmental Quality Commission will consider and on which they solicit your help. We anticipate that a revised set of options and the Director's recommendation will be presented to the EQC in late March after a scheduled public hearing.

In order to make the following decision options meaningful, they are based on two potential funding situations: (A) HIGH-funding appropriations would match the $5 billion/year authorized in PL 95-217; and (B) LOW-funding at $3.8 million in FY 80, and $1.0 billion in both FY 81 and FY 82.

Preliminary Options

These options represent basic management philosophies, as applied to the use of general account waste water construction grant funds. Each of these philosophies represents a change from present practices; Option 3 is closer to present practices than Option 1 or 2.

Option 1: Business as Usual in FY 79 & Shift Emphasis in Fy 80 & Beyond

Available Federal FY 79 Funds would be used in accordance with EQC adopted and EPA approved priority list. In FY 80 and Beyond, projects would be funded in accordance with their ranking on each year's priority list, with the highest ranked project funded completely before moving down the list.

Option 2: Take Away Funds in FY 79 & Complete Projects Under Construction

Federal funding would be provided to projects already under construction* by taking reserved monies away from other projects appearing on approved FY 79 Priority List. In FY 80 and Beyond, no new projects would be started until projects under construction could be completely funded.

Option 3: Business as Usual in FY 79 & Maximize Funded Projects in FY 80 and Beyond

Major construction projects** would be down-scoped (or phased over long time period) in order to maximize the number of projects that could be funded. FY 79 funds would be used in accordance with the approved priority list.

Evaluation of Options

In order to facilitate comparison of options under different funding situations, a table was developed. Although this table does not encompass a lot of detail, it does summarize estimated effects.

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* Construction projects that have been certified by DEQ to EPA for award of partial Step 3 construction grants. (Bend, MetroWMC).

** Any project over $10 million in total cost. (Bend, Roseburg Metro, MetroWMC, and Hermiston).

January 18, 1979

OPTION COMPARISON TABLE

OPTION 1

"Business as usual in FY79 & in FY80 & beyond initiate no new projects until projects under construction are fully funded."

HIGH FUNDING

(Assume $5 Billion National Appropriation in FY80, FY81, & FY82)

FY	Step 1,2	Step 3(Part)	Step 3(Full)	Step 3(Finish)
79	No NEW Grants	Bend MWMC Roseburg Metro Hermiston	Lake Oswego Brownsville Lakeside Prineville Sewer Hillsboro Monmouth Independence Dundee USA-Rock Crk Gold Hill Portland: Sludge-Ph 1 Hammond Gervais Rockaway Lincoln City Shady Cove	
80	Step 1,2,3 No NEW Grants	Step 3(Part) MWMC		Step 3(Finish) Bend Roseburg Metro
81	Step 1 or 2 Silverton Roseburg Rehab		Step 3(Full) Roseburg Rehab BCVSA: Westside, Jacksonville, White City Dayton Portland: Sludge-Ph 2, SE Relieving Ph 3, 45th Drive Silverton	Step 3(Finish) MWMC Hermiston
82	Step 1,2,3 Fund a Mix of NEW Grants			

LOW FUNDING

(Assume $3.8 Billion National Appropriation in FY80, & $1.0 Billion in FY81 & FY82)

FY				
79	Same as FY79 Above			
80	Step 1,2,3 No NEW Grants	Step 3(Part) MWMC		Step 3(Finish) Bend Roseburg Metro
81	Step 1,2,3 No NEW Grants	Step 3(Part) MWMC		
82	Step 1,2,3 No NEW Grants	Step 3(Part) MWMC		

Department of Environmental Quality
January 18, 1979

OPTION 2

"Effective immediately, no new grants until projects under construction are completed."

HIGH FUNDING

FY	Step 1,2	Step 3(Part)	Step 3(Full)	Step 3(Finish)
79	No NEW Grants	MWMC	Lakeside Independence Dundee Gold Hill Portland: Sludge-Ph 1 (Already certified for grant award)	Bend
80	Step 1,2,3 No NEW Grants	Step 3(Part) MWMC		
81	Step 1,2 Roseburg Rehab		Step 3(Full) Roseburg Metro Monmouth USA-Rock Crk Hammond Gervais Rockaway Hermiston Lincoln City Shady Cove Lake Oswego Brownsville Roseburg Rehab	Step 3(Finish) MWMC
82	Step 1,2,3 Fund a Mix of NEW Grants		Step 3(Full) BCVSA: Westside, Jacksonville, White City Dayton Portland: Sludge-Ph 2, SE Relieving Ph 3, 45th Drive Silverton	

LOW FUNDING

FY				
79	Same as FY79 Above			
80	Same as FY80 Above			
81	Step 1,2,3 No NEW Grants	Step 3(Part) MWMC		
82	Step 1,2,3 No NEW Grants	Step 3(Part) MWMC		

OPTION 3

"Business as usual in FY79 and increase number of funded projects in FY80 and beyond by splitting larger projects into multiple phases and delay implementation."

HIGH FUNDING

FY	Step 1,2,3	Step 3(Part)	Step 3(Full)	Step 3(Finish)
79	No NEW Grants	Bend MWMC Roseburg Metro Hermiston	Lake Oswego Brownsville Lakeside Prineville Sewer Hillsboro Monmouth Independence Dundee USA-Rock Crk Gold Hill Portland Sludge-Ph 1 Hammond Gervais Rockaway Lincoln City Shady Cove	
80	Step 1,2 2 NEW-- Step 1 6 NEW - Step 2	Step 3(Part) MWMC Roseburg Metro	Step 3(Full) Roseburg Rehab BCVSA: Westside, Jacksonville, White City Dayton Portland: Sludge-Ph 2, SE Relieving Ph 3, 45th Drive Medford Foothills-Lone Pine Roseburg Rifle Rge Rd Westside S.D.	
81	Step 1,2,3 Fund a Mix of NEW Grants	Step 3(Part) Tri-City/Co.	Step 3(Full) Portland: SE Relieving Ph 4 Madras Corvallis SW Annexation Warrenton Cottage Grove	
82	Step 1,2,3 Fund a Mix of NEW Grants	Step 3(Part) Tri-City/Co.		Step 3(Finish) MWMC

NOTE:
Delay funding of remaining construction on Bend & Hermiston until after FY82.

LOW FUNDING

FY				
79	Same as OPTION 1 FY79			
80	Step 1,2 No NEW Grants	Step 3(Part) MWMC Roseburg Metro		
81	Step 1,2 Silverton	Step 3(Part) MWMC	Step 3(Full) BCVSA: Westside, Jacksonville, White City Silverton	
82	Step 1,2 No NEW Grants	Step 3(Part) MWMC	Step 3(Full) Several Small NEW Grants	

NOTE:
Delay Bend until after FY81. Indefinitely postpone Hermiston.

NOTE:
Delay Roseburg Rehab, Portland Sludge Phase 2, Portland SE Relieving Phases 3 & 4 until after FY82.

OTHER OPTIONS

1. Funding sewage treatment plants only.

2. Protect small communities by developing separate priority list and fund with a portion of each year's allotment.

3. Phase construction of all projects, with the "highest priority" component (or segment) funded first.

4. Establish other restrictive funding policies, such as:

   a. Have communities fund sewer system rehabilitation without federal aid.

   b. Have communities develop facilities plans and design without federal aid.

   c. Have communities pay for separation of combined sewers without federal aid.

5. Limit federal participation in "growth capacity", (e.g., pay for facilities sized for 5-year growth increment).

6. Require communities to correct problems with existing facilities without any federal aid.

7. Reactivate 30% State grant program, used in coordination with State bond purchase of local bond issues.

8. No new sewage treatment systems where none exists today.

9. Fund interceptor sewers only when "financial hardship" is demonstrated and when sewer will pick up substantial portion of existing sewage flow.

10. Postpone implementation of effluent standards that are stricter than "secondary".

January 31, 1979
THB:ak

ATTACHMENT 3

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Wayne Cordes, Hearings Officer

Subject: Summary of March 5, 1979 Hearing Testimony on "Options for Managing Reduced Levels of Funding of the Sewerage Works Construction Grants Program"

After introductory statements by Harold L. Sawyer and Thomas H. Blankenship, the following testimony was received:

1. Mr. Beryl Taylor, President - Charleston S. D.

Mr. Taylor indicated that the District needs additional collection sewers to provide service to residents within District boundaries. In order to resolve pollution problems, the District needs grant help - local funds are limited due to low assessed value/bonding restrictions. In addition, there are many low-income residents.

2. Mr. John J. Vlastelicia, Director, EPA - Oregon Operations Office

Mr. Vlastelicia indicated the DEQ's future grant program should be based on a $4 billion national appropriation each fiscal year. He stated that EPA program planning is based on the $4 billion/year funding forecast and that $1 billion/year should not be used. He also discussed the reserve accounts required by EPA, and emphasized that these accounts can be useful. He agreed that management of these funds (particularly the reserves for small communities and innovative or alternative technologies) will be difficult.

He stated that EPA prefers the basic management philosophy shown in Option 3, since this approach provides the most flexibility to maximize pollution control benefits. Phasing larger projects over longer periods of time enhances the effectiveness of the State's program.

3. Mr. Thomas Winn, representing Senator Mike Thorne

Mr. Winn expressed the Senator's concern about the City of Hermiston's project. He indicated that the City has sold its $3 million bond issue and needs to proceed with construction as soon as possible. The project is needed to assure compliance with water quality standards and to provide growth capacity for this rapidly growing community.

4. Mr. John LaRiviere, Rogue Valley Council of Governments

Mr. LaRiviere summarized a written statement from RVCOG, which contained the following recommendations:

a. No change in criteria or priorities for FY 79

b. Distribute available FY 79 funds according to the following formula:

Step 3 projects-90%; Step 2 projects-8%; Step 1 projects-2%

- if not possible, the proposed Step 1 grant for Medford should be funded out of unspecified reserve for Step 1 and Step 2 grants

c. Conduct a value engineering analysis on all projects over $2 million including those certified for Step 3 funding.

d. Reduce required treatment level to secondary treatment (i.e., no project should be funded which would produce effluent quality better than 20/20).

e. Evaluate possible reduction in the percentage of EPA grant participation, which would allow more equitable disbursement of available funds

f. Eliminate funding delays where possible to reduce inflationary costs

g. Eliminate unwarranted Environmental Impact Studies

h. Make every effort to use set-aside funds so they are not lost

i. Reduce the amount of unnecessary program overhead caused by duplicate construction inspection (i.e., Corps of Engineers involvement is unnecessary and duplicative)

j. Revise the criteria used for prioritizing projects prior to FY 80

Also - recommend that DEQ Director appoint an advisory committee to review and recommend revisions to the prioritization criteria

k. 60% of expected grant funds (for future fiscal years) should not be committed to <u>one project</u>

Mr. LaRiviere also read a letter from the City of Eagle Point, which included the following comments:

a. Larger projects should be phased and funding for any project should be limited to a maximum of 10% of the State grant allocation/fiscal year

b. A portion of the State's grant allocation should be reserved for small cities

c. No grant funds should be used to eliminate combined sewer overflows

d. Only existing point source projects should be funded

e. Effluent standards should not be stricter than 30/30

f. Growth capacity paid for by grant funds should be limited (5 to 10 years)

g. All waste water treatment problems should be corrected at minimum cost (i.e., don't build gold-plated showcases)

h. Cities with building moratoriums should receive higher priority on DEQ's priority list

i. Delay of projects increases costs to all concerned

j. Grant funds should be apportioned:

Step 1 - 2%
Step 2 - 8%
Step 3 - 90%

k. DEQ should use unspecified Step 1 and Step 2 funds and give Medford its requested Step 1 grant

5. Mr. Lew Powell, Public Works Director - Medford

Mr. Powell presented a written statement on behalf of the City of Medford's Mayor and City Council. He indicated that the City fully supports the recommendations of Rogue Valley COG. He also gave several reasons why DEQ should fund Medford's Step 1 grant request, using "discretionary" funds.

Mr. Powell also urged that DEQ:

a. Use the FY 79 funds in accordance with the adopted priority list

b. Reevaluate high cost projects

c. Decide whether a 10/10 effluent is really needed or whether 20/20 is sufficient

d. Determine whether federal grant funding can be less than 75%

6. Mr. Torleiv Flatebo, representing City of Jacksonville

Mr. Flatebo presented a letter from the City of Jacksonville's Mayor and City Council. The City hopes to receive Step 2 grant funding in the near future (i.e., DEQ has already certified this application to EPA for award). They are very interested in proceeding with design this year and construction next year, and offered many reasons why DEQ should give them grant assistance.

7. Mr. Joe Sanders, Mayor - City of Shady Cove

Mayor Sanders requested that the City of Shady Cove's Step 3 grant be awarded this fiscal year, in accordance with the EQC adopted, EPA approved FY 79 priority list. Local financing is sufficient if the project proceeds this year. He also recommended that priorities be established for projects in the following priority order:

a. Those without sewer services

b. Those with building moratoriums

c. Those with pollution problems

d. Existing systems needing upgrading and capacity increases, and

e. Larger projects

8. Mr. Richard O. Miller, Manager - Bear Creek Valley Sanitary Authority

Mr. Miller indicated BCVSA fully supports the recommendations of Rogue Valley COG. He also stated that BCVSA has 2 projects ready to proceed with construction this year if funds can be made available. These projects are Westside Trunk (ranked 33 on priority list) and White City (ranked 36 on priority list). He recommended that if funds are not used by projects ranked higher than 33 that those funds be made available to the BCVSA projects.

He also volunteered to serve on the Priority Criteria Advisory Committee if it is formed.

9. Mr. Mike Wyatt, Mayor - City of Roseburg

Mayor Wyatt's testimony centered on two issues, (1) FY 79/80 priorities and (2) long-term policies. In FY 79/80, he indicated that projects to alleviate health hazards (i.e., forced annexations) and to rehabilitate existing sewage transport systems should receive top priority. Long term - cities should be allowed to make full utilization of existing secondary treatment facilities (i.e., not be required to upgrade until it's absolutely necessary); State pollution control bonding should be increased to assist local governments; Congress should be requested to make multi-year funding commitments and appropriations that match authorizations; that long-term policies not be decided until more time is given for local government input.

10. Mr. Donald Parker, Mayor - City of Prairie City

Mayor Parker summarized a resolution from the Prairie City, Oregon, City Council, which generally proposes maximum utilization of available funds and equitable distribution of limited grant funds. The City's resolution also included the following specific recommendations:

a. Alternative and innovative facilities should receive higher priority than conventional facilities

b. A portion of each year's grant allocation should be set aside for small cities (3500 or less).

c. That funds set aside for small communities be used on innovative and alternative projects first.

d. Grant funds should play a very limited part in financing growth capacity (e.g., pay for facility sized for present population plus 10%).

e. No grantee should receive more than 20% of the total grant funding available to the State in a given fiscal year.

f. Funding of treatment plants beyond secondary should be postponed indefinitely.

g. Have grant funds used on all actual costs associated with projects, not just "eligible" costs.

h. Give higher priority to projects that are ready to proceed (i.e., local bond issue has been passed).

i. Have economic considerations play a a part in determining how much, or when, a local government receives funding.

j. Give higher priority to projects resolving a health hazard and that also involve a moratorium.

k. No grant funds should be spent on combined sewer separation.

l. No new treatment plants should be funded where none exist today.

Mayor Parker also provided a historical overview of the City's facilities planning process and problems experienced over the years.

11. Mr. Charles Welch, Councilman - City of Prairie City

Mr. Welch supported Mayor Parker's statement and read a recent newspaper article concerning regulatory actions by DEQ.

12. Mr. Stanley G. Wallulis, City Engineer - City of Prairie City

Mr. Wallulis indicated that DEQ should make maximum use of the 4% and 2% set-asides for rural communities and innovative or alternative technologies. He also referred to several statements in the Congressional Record, which

indicated Congressional support for land treatment, resource reuse and recycle, and innovative and alternative technologies (particularly for small communities).

He also supported the recommendations made by Mayor Parker.

13. Mr. Bob Anderson, Councilman - City of Prairie City

Mr. Anderson indicated that Congress is unhappy with EPA's management and monitoring of grant funds, which he feels is demonstrated by present and projected funding cutbacks. He also referred to Congressional support for innovative and alternative technologies.

14. Ms. Ruth Burleigh, Chairperson, Central Oregon Intergovernmental Council

Ms. Burleigh read a position statement into the hearing record. COIC found Option 3 totally unacceptable, and strongly urged implementation of Option 2. COIC is interested in saving construction projects in progress from disaster, and Ms. Burleigh referred specifically to the Bend project.

15. Mr. Chet McMillan, Commissioner - City of Bend

Mr. McMillan expressed particular concern that funds may run out before the City's sewage treatment plant is built and operating. A great deal of sewer construction has already been initiated, and the project must continue to receive funding so that "collected" sewage can be treated, and treated effluent can be suitably disposed of. He also referred to the State mandate to eliminate drill hole waste disposal wells. He indicated that Option 2 is the only acceptable option to the City of Bend.

16. Ms. Patricia Gainsforth, Board Member - Bend Chamber of Commerce

Ms. Gainsforth indicated that Option 2 is the only acceptable option since it assures that the City's project will be completed and that businesses can maintain their economic stability.

17. Mr. L. P. Gray, Mayor - City of Hermiston

Mayor Gray indicated that the City is ready to proceed with construction, after 6 years of planning. A $3 million bond issue was approved by the voters and has been sold. He recommended that the FY 79 priority list (as adopted by EQC and approved by EPA) be used as the basis for allocation of FY 79 grant funds. The City's treatment plant is rapidly deteriorating.

He also indicated that Oregon's Congressional delegation should be contacted to prevent curtailment of future grant allotments and that the State should provide financial assistance to local governments, particularly if the State has "surplus" revenues, and federal funding is reduced.

18. Mr. Ron Peterson, City Manager - City of Monmouth

Mr. Peterson read a memorandum into the record. He indicated that the City is ready to proceed with project construction as soon as grant funds are made available. He also stated that the funds promised to the City (via the FY 79 list) should not be withdrawn, particularly since the joint outfall line for Monmouth and Independence is already under construction, with EPA grant assistance given to the City of Independence.

19. Mr. Terry Morgan, Clackamas County Home Builders Association

The Home Builders Association is concerned about the impact of EQC's decision on growth in Northwestern Clackamas County. He indicated that DEQ has imposed a quota system on new connections to the Oregon City and Gladstone sewer system. Additional treatment capacity is needed before growth can occur, in accordance with the comprehensive plan. He feels that the Tri-City project in Clackamas County should be fully funded, based on planning and economic impact considerations.

20. Mr. Howard L. Perry of Anderson-Perry & Associates, representing City of Haines and The Island City S.D.

Mr. Perry indicated that many small communities are dependent on other federal grant programs (in addition to EPA) in order to finance a sewerage system project. If a community does not receive an EPA grant that it had planned on, then it will probably lose other grant funds from other agencies - since the project cannot proceed. Mr. Perry suggested the following:

a. That the EQC use the priority list that has already been established, but put more emphasis on small communities that are ready to receive construction bids (i.e., have passed local bond issues and have completed project design).

b. That a small communities "alternative" project be funded (in total) out of the 4% set-aside, which leaves the general account for other projects.

c. That the management philosophy expressed in Option 3 be selected.

d. That facilities being built are sized to handle present and future needs.

e. Funds should be specifically set aside in the future for Step 1, Step 2 and Step 3 grants, to be assured of a balanced program.

f. That the State should actively pursue additional grant funds from Congress.

g. The amount of grant participation to a community should vary according to financial burden that the community must bear.

h. That the State's 30% grant program be reactivated to allow projects to proceed that cannot wait for federal grant help.

21. Mr. Alton McCully, representing Agripac, Inc.

Mr. McCully indicated Agripac's support for Option 1, based on economic considerations. He then read a letter into the record, which reflected the importance of EPA grant assistance in a land-treatment system (to be used by Agripac). If Agripac had to build the system without grant aid, it could not afford to stay in business. Even with grant aid, the annual costs to Agripac would be approximately $314,000. Present annual costs for treatment of Agripac's waste water is $100,000. He also indicated that Agripac had to close one plant where the costs of waste water treatment were too great.

22. Mr. Robert L. McWilliams, City Manager - City of Lincoln City

Mr. McWilliams read a prepared statement into the record. He indicated that the City has submitted plans and specifications for its proposed project and a Step 3 grant application. Lincoln City is under a building moratorium by DEQ's action. The City feels that after having been placed in line for FY 79 construction funding, the EQC would be remiss if it now took those funds away and used them on another project. He indicated that the economic base of the community is dependent upon the timely completion of its proposed sewerage project. In addition, the City's bond issue is subject to arbitrage if the project is delayed.

23. Mr. Michael Randolph, Public Works Director - City of Corvallis

Mr. Randolph summarized a written statement from Mayor Alan Berg, and offered some additional comments. The City feels that the State should take an active role in grant funding (using State resources) if federal funds are, in fact, cut back. Local governments need assistance. If future federal funds are reduced, the City favors new priority criteria development by EQC - with emphasis on the elimination of health hazards. Upgrading of existing treatment facilities should be of lower priority. In addition, State standards (which are higher than federal) support the notion that the State should share in the costs.

24. Mr. David Abraham, Utilities Director - Clackamas County

Mr. Abraham briefly discussed 3 projects in the County that are affected by any EQC decision. Mr. Abraham indicated that he would supplement his testimony with a letter. The County is opposed to relaxation of water quality standards. The County recommends:

a. Beginning in FY 79, no one project should receive more that 20% of the grant funds available to the State in that fiscal year.

b. The State (bond fund) grant program should be reinstated.

c. Present priority criteria and water quality standards should remain unchanged until the impacts of No. 1 and No. 2 can be accurately assessed.

d. The EQC should encourage Congress to appropriate grant funds authorized under P.L. 95-217.

e. If funds are cut back, tertiary treatment requirements should be delayed in implementation and collection sewer funding should be terminated.

25. Mr. William V. Pye, General Manager - Metropolitan Wastewater Management Commission

Mr. Pye submitted three letters, and read each of them into the hearing record, as follows:

a. Metropolitan Wastewater Management Commission, signed by Commission President A. Mark Westling - MWMC's letter provided an overview of factors affecting policy decisions, EPA's emphasis, and the local situation in Eugene and Springfield. MWMC recommended that DEQ:

(1) Make every effort to continue the flow of grant funds into projects under construction, for which local funding is established.

(2) The State should provide funds to make up shortages in local funding caused by inflationary increases, assuming federal funds are curtailed.

(3) Seek changes in EPA regulations to allow early commitment of local funds and grant recovery for costs already incurred.

(4) Support legislation to make more State funds available to local governments to make up the gap between authorized federal grant allotments and appropriated grant allotments.

b. Lane County, signed by Commission Chairman Vance Freeman

Lane County's letter emphasized that projects under construction should be completed, since they reflect the Clean Water Goals of 1983. In addition, Mr. Freeman requested DEQ support of an active State assistance program in the future, if additional Pollution Control Bond Authorization is granted by Legislature.

c. City of Eugene, signed by Mayor R. A. "Gus" Keller

Mayor Keller offered several reasons why the MWMC project should not be delayed beyond 1982. In addition, the following recommendations were offered:

(1) No option should be selected that would delay the Eugene-Springfield project.

(2) The State grant program should be reactivated to attempt to keep projects on schedule and to "take up the slack" in local funding (due to delays or reduced federal funds).

26. Mr. Thomas L. Cochran, City Manager - City of Springfield

Mr. Cochran indicated the City's concurrence with statements made by Mr. Pye. Springfield recommends that the EQC support a program intended to meet 1983 Clean Water Goals and to complete projects already under construction. A new priority list should be developed which will make maximum effort to achieve 1983 goals. He also stated that he would be glad to assist in the development of new priority criteria.

27. Mr. Bill Whiteman, Mayor - City of Cottage Grove

Mayor Whiteman read a prepared statement into the hearing record. He challenged DEQ and EQC to manage the limited financial resources to achieve the best overall water quality possible. He made the following suggestions involving the priority criteria and the management of the priority list:

a. Reduce EPA grant from 75% to 50%.

b. Do not fund combined sewer separation projects. However, State loan program should be offered to encourage use of local funds.

c. Stage large projects in small, practical segments.

d. Keep the cost of new systems under control, and give grants only to those projects with the best BOD per dollar reductions.

28. Mr. Terry Waldele, Director of Public Facilities, Metropolitan Service District

Mr. Waldele offered the following recommendations from MSD's Water Resources Task Force:

a. The State Environmental Quality Commission (EQC) should request reinstatement and the expansion (in bond limit) of the Pollution Control Bond Fund that was authorized by the voters (ORS 468.195 through

468.260). The State should implement a 30% grant program - for those agencies that wish to move ahead and cannot wait for federal funding. (New legislation may have to be introduced.)

b. The State Priority List should continue to be reprioritized yearly; however, projects which have entered Step 2 or 3 work involving federal funds shall be guaranteed continued funding through final construction. The State should guarantee the funding of the approved portions of these projects at the 75 percent level using funds from the State Pollution Control Bond Fund. (Legislation may be required.)

c. The EPA Sewerage Works Construction Grants for 1979 Fiscal Year funds should be authorized for projects in amounts shown on the August 25th approved list and in the priority listed as far as funds are available. Beginning with the 1980 allocation, no one jurisdiction shall receive more than 20 percent of the total project grant funds available to the State in any single fiscal year.

d. The State should evaluate the effects of these recommendations on the funding of the Priority List prior to reprioritizing the list for Fiscal Year 1980. In the event that conditions dictate an adjustment to the criteria for prioritizing projects, the following recommended changes in criteria for project eligibility should be considered.

   (1) Postpone the severable components of the treatment plant projects for tertiary treatment; that is nutrient removal polishing ponds, mixed media filtration, etc.

   (2) Terminate eligibility for funding collection sewer construction.

e. The MSD Council, EQC, State Legislature, Governor and all affected agencies should contact the Oregon congressional delegation, federal and regional EPA administrators and other appropriate parties to describe the impacts locally of the reduced appropriation under Section "201" of the Clean Water Act and to express the needs for and capability to use the full levels authorized in the grant program.

29. Mr. Joe Niehuser, City of Portland

Mr. Niehuser expressed the City of Portland's full support of the recommendations offered by MSD's Water Resources Task Force.

30. Mr. Patrick D. Curran of HGE, Inc., representing 15 Oregon Communities

Mr. Curran suggested the following priority system adjustments:

a. Health hazard annexations should receive highest possible rankings.

b. Projects to eliminate drill hole waste disposal wells should proceed to completion in recognition of State regulations.

c. Stipulated Consent Orders should receive highest priority emphasis.

d. Orders, Administrative Orders, Federal Orders and judgements should garner high priority points.

e. NPDES permit violations (where water quality damage is demonstrated) should receive substantial attention.

f. At least 15 projects should be funded within a fiscal year allocation, until funds are exhausted.

Respectfully submitted,

Wayne Cordes
Hearings Officer

THB:ak

ROBERT W. STRAUB
GOVERNOR

Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Wayne Cordes, Hearings Officer

Subject: Summary of Written Testimony Related to Options for Managing Reduced Levels of Funding of the Sewerage Works Construction Program

	Respondent	Remarks
1.	City of Irrigon	Treat cost overruns as new projects. Emphasize correction of health hazards in areas of low financial resources. Eliminate STPS except for potential health hazards. Eliminate population points on priority list. Equalize ratings for upgrade vs. new construction.
2.	City of Albany	Give top priority to fund declared health hazards.
3.	Morgan & Shonkwiler Portland attorneys for Clackamas County Home Builders Assoc.	Request to fund Tri-City County project because of growth and effect on other Statewide planning goals.
4.	City of Coos Bay	A request to fund the Coos Bay project.
5.	Multnomah County	Stated that the East Multnomah Consortium needs to be completed in an orderly fashion. Limit grants to 20% of general allotment. Reinstate State loan and grant program. Allocate this year's funds as soon as possible.
6.	Springfield Chamber of Commerce	Do everything possible to insure restoration of federal funding.
7.	City of Gladstone	Proposes phasing of projects. Support Tri-City/County Project.
8.	Oregon City Plumbing Oregon City	Support for Tri-City/County project.
9.	City of West Linn	Support for Tri-City/County project.

10.	Metropolitan Wastewater Management Commission	Recommend avoiding rescheduling of Eugene-Springfield project.
11.	Precision Roof Trusses, Inc. Clackamas	Support for Tri-City/County Project.
12.	Stassens Realtors Oregon City	Support for Tri-City/County Project.
13.	Wallulis & Associates Pendleton	Supports use of innovative/alternative set-aside for small communities.
14.	State Department of Economic Development	Support for funding Island City project.
15.	Mr. Robert McWilliams, City Manager, City of Lincoln City	Changing FY 79 List not in best interest.
16.	City of Oregon City	Support for Tri-City/County Project.
17.	City of Newport	Proposes State appropriation to meet deficit. Need more local financing effort. Fund treatment plants only. Opposed to federal funding of combined sewer separation. Proposes to raise money at local or state level.
18.	City of Newberg	Opposes options 1, 2 and 3. Recommends set-aside for small communities. Supports phased projects. Supports relaxed WQ standards. Distribute funds according to ability to pay. Readiness to proceed should be factor.
19.	Representative Robert A. Brogoitti, Dist. 58	Support for Island City project.
20.	City of Heppner	Requests approval of Step I for their project.
21.	City of Canby	Fund treatment plants only. Small communities should receive their share of funding. Support for phased construction. Limit funding of growth capacity to 10 years. State should provide matching dollars. Provide funds to unsewered communities only when they have critical health problems. Use only secondary treatment standards. Establish evaluation system for rapid growth to ease critical situations or avoid moratoriums.

22.	HGE, Inc. Coos Bay Engineers	Support for Coos Bay Project, involving infiltration/inflow problem.
23.	City of St. Helens	Favor Option #3 and support for St. Helens' Project.
24.	City of LaGrande	Encourages funding of Island City Project.
25.	City of Lake Oswego	Opposed to changing FY 79 list.
26.	Senator Dell Isham District #2	1st letter - support for funding Lincoln City Project. 2nd letter - opposed to Option #2.
27.	City of Prairie City	Prioritize alternative treatment facilities higher than conventional facilities. Set aside funds for small communities. Tie grant amounts to existing population and waste loading. Limit grant amount to 20% of funds available to State. Postpone treatment requirements higher than secondary. Recognize all costs. Give preference to ready to proceed with local bond issue passed. Evaluate economic impact. Give higher priority to health hazard and moratorium. Do not fund combined sewer separation. No new construction, emphasize upgrading. Reactivate 30% grant program and expand bonding authority.
28.	City of Rainier	Supports Option 3.
29.	City of Lowell	Develop separate list for small communities. Limit growth capacity funding. Reduce WQ standards. Reduce funding interceptors.
30.	North Umpqua S.D.	Opposes changes to FY 79 list. Opposes changing criteria FY 80 and beyond. Opposes changing priority to emphasize construction. Opposes delay of small projects.
31.	City of Monroe	Opposes special consideration for small communities with health hazard annexations or other existing financial hardships.

32.	North Roseburg S.D.	Opposes changes to criteria and priority list for FY 79. Opposes changes to criteria for FY 80 and beyond. Opposes emphasizing construction in FY 80 and beyond. Support Roseburg Metro Project. Appeal to Congress for funding.
33.	Brooks Resources - Bend	Recommend finishing what is started before going to new projects. Require all cities to have waste meters. Require communities to abate I/I. Recommend reducing WQ standards. Recommend reserve funding for large and unique projects.
34.	City of Cannon Beach	Recommend high priority for innovative/ alternative systems.
35.	Honorable Tony Gorsline, Mayor, City of Brownsville	Supports Option #3. Supports Brownsville's Project and funding from small communities and alternative treatment set-asides.
36.	Carmel-Foulweather S.D.	Urging funding of their project and Option 3. Recommend consider setting aside money for small communities.
37.	S.W. Lincoln County S.D.	Urging funding of their project and Option 3. Recommend consider setting aside money for small communities.
38.	Mr. & Mrs. Nils Blomback Hammond	Supports Hammond Project and recommends Option 1 or 3.
39.	Mr. Jack R. Hams, Cannon Beach	Support for Hammond Project.
40.	Town of Hammond	1st letter - support for Options 1 or 3, so that there will be no delay in the Hammond Project. 2nd letter - Mayor & City Council support for funding Hammond's Project.
41.	M. Kasper Portland	Requests that Rippling River Project in Mt. Hood Corridor not be funded at this time.
42.	Fowler Manufacturing Hillsboro	Suggests that removing infiltration from building connections would be most cost-effective repair.

43.	City of Scio	Urges adoption of Option 3. Support for Scio Project.
44.	City of Silverton	Supports Option #3. Recommends higher priority on Silverton Project because of I/I problems, raw sewage bypass, undersized lines, health hazard annexation, deteriorating STP. No project should receive more than 20% of a given year's allotment. Economical considerations should play a part in priority assessment.
45.	City of Donald	Opposes any change which will fund only large projects. Requests funding of Donald Project for FY 1979-80.
46.	Consultants Northwest	2/9 - Do not exceed grant amounts shown on priority list. Fund only those ready to proceed. Fund those which have a moratorium. Seek additional federal funding for MWMC. Support for Dayton Project. 2/12 - Delay of Dayton's Project would jeopardize ability to proceed. 2/26 - Reiterated 2/9 letter recommendations. 3/8 - Do not change FY 79 list. Do not change program guidelines. Proposes limiting design to shorter life cycle. Proposes changing basin standards. Proposes limiting project funds to 20% of any one year allocation. Reduce paperwork. Comprehensive planning is futile without implementation of public services. Recommend special federal allocation for major projects (MWMC). Recommends contact EPA and ask for reappropriation of unused funds from other States to Oregon.
47.	Wm. C. Adams Yachats	Expressed interest in funding S.W. Lincoln County Project. Wants normal operation and orderly expansion.
48.	Mr. Jerry Hiller Corvallis	Wants annexation of S.W. Corvallis Health Hazard area to Corvallis to receive high priority ranking.

49.	Lincoln City	Does not want Option 2 adopted. FY 79 list should not be changed.
50.	City of Detroit	Opposes any modification of the current priority ranking list.
51.	City of Carlton	Wants funding for Step II this year.
52.	Boise Cascade LaGrande	Support for funding Island City Sewer Project.
53.	City of Powers	Wants small cities to get top priority.
54.	City of Brownsville	Urges funding of Brownsville Project as now scheduled.
55.	Tri-City Building Center Clackamas	Urges funding for Tri-City/County Project.
56.	Sun Tree Realtors Milwaukie	Urges funding for Tri-City/County Project.
57.	Wallace Construction Co. Oregon City	Urges funding for Tri-City/County Project.
58.	Mr. S. R. Smelser of Smelser Home	Tri-City/County Project should be funded as #1 priority. Moratoriums should have #1 priority.
59.	City of Rockaway	1st letter does not want any change in Step III dollars for Rockaway's Project. Wants the State to look into reallocation of unspent EPA dollars. 2nd letter does not want Option 2 adopted.
60.	Representative Ted Bugas District #2	Recommends Options #1 or #3.
61.	Mr. J. Val Toronto	1st letter recommends State not eliminate planning grants (Step I). 2nd letter increase O & M and emphasize phase construction.
62.	City of Haines	Encourages full funding of Step III from innovative and alternative set-asides for Haines Project.
63.	U.S. Dept. of Agriculture FmHa	Request funding of projects for which they have committed or reserved their own funds.

64.	City of Gold Hill	Wants funding for Gold Hill Project.
65.	Mr. Steve Hutchinson for Harper & Associates Gresham	Support for funding of the Clackamas County (Rhododendron-Welches) Project.
66.	City of Salem	Support for Option #3. Recommends funding maximum of 15% to any one jurisdiction for documented hardship. Fund Step I grants. Continue funding I/I correction. Reconsider effluent limitations for suspended solids.
7.	CH_2M Hill Corvallis	Urging contact Congressional delegation for their support to insure sufficient grant funds. Amend Public Law so that action oriented States would receive bigger share. Proposes reinstating state grant program. Relate discharge requirement to point sources for each basin. Investigate ways to reduce costs. Need to reevaluate timetables in permits because of funding delays.
68.	Home Builders Association Metropolitan Portland	Expressed interest in Clackamas County. (Oregon City)
69.	County Court of Union County, La Grande	Support for funding of Island City Project.
70.	Union County Development Area Board of Directors La Grande	Support for funding of Island City Project.
71.	La Grande Industrial Development Corporation La Grande	Support for funding of Island City Project.
72.	Eastern Oregon State College - La Grande	Support for funding of Island City Project.
73.	Representative Paul Hanneman - District 3	Recommends limit of 20% of total fiscal year EPA funds to any one project.
74.	City of Falls City	Recommends that eligible projects meeting requirements of the 4% set-aside for innovative/alternative technology be given highest priority consideration.
75.	Central Oregon Recreation Assn.	Strongly favored Option 2, and offered four reasons for this choice.

Respectfully submitted,

Wayne Cordes

Wayne Cordes
Hearings Officer

THB:em

ROBERT W. STRAUB
GOVERNOR

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. I, March 30, 1979, EQC Meeting

Evans Products Company, proposed new glass wool plant - citizens petitions

Background

The Air Quality Division has prepared and forwarded to me for my signature an Air Contaminant Discharge Permit regarding an Evans Products Company, Corvallis, proposal for a glass wool production facility. The staff report and permit has been provided for your reference (Attachment I).

During its processing of this matter, the Department has received four petitions totaling some 3,114 signatures and about 114 letters. The sheer magnitude of this input is impressive and leads me to advise you of this matter, especially with regard to the petitions. Sample pages of the petitions with signature totals are attached. Of specific interest here is the petitioner's request for an additional public hearing.

Evaluation

The Department did participate in a joint city, county and state informational hearing in Corvallis on January 18, 1979, and a 45-day comment period was provided for the originally proposed permit. The permit currently under my consideration is no less restrictive, and requires additional source testing and fiberizer shutdown during scrubber upsets or malfunctions. These additional requirements are direct results of public input.

Legal counsel has addressed the petitioners' request for another hearing and advised that the Department seems to have fulfilled its statutory obligation for providing public input opportunity (Attachment II). Although not required, either the Department or Commission could decide to hold another hearing with testimony either unlimited or limited to new information.

In my personal review of this matter, I was impressed by the magnitude of the written materials received. However, I do not anticipate the development of any new information from additional hearings. I am

concerned about the Department causing delay of this project since our efforts indicate no adverse environmental or public health impacts will occur.

Please be advised that I am inclined to sign the permit as it is now before me without further hearings unless the Commission otherwise instructs me. My issuance of the permit would not supercede resolution of the building permit appeal process now before the County Planning Commission (see Land Use Section of attached staff report).

Summation

1. Petitioners have requested an additional public hearing regarding an Air Contaminant Discharge Permit for an Evans Products Company proposed glass wool facility.

2. A public informational hearing was held in Corvallis on January 18, 1979 regarding this matter.

3. It appears that adequate opportunity for public comment has been provided.

4. No new information is expected from an additional hearing.

Director's Recommendation

Based upon the Summation, it is recommended that the petitioners' request for an additional public hearing be denied.

Bill

WILLIAM H. YOUNG

F. A. Skirvin:vh
229-6414
March 20, 1979
Attachments: Attachment I -- Staff report and permit
Attachment II -- Letter from legal counsel

A T T A C H M E N T I

Staff Report and Permit
With Associated Attachments

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY INTEROFFICE MEMO

TO: W. H. Young DATE: March 20, 1979

FROM: Air Quality Division

SUBJECT: Evans Products Company, Air Contaminant Discharge Permit for New Glass Wool Plant.

Background

Evans Products Company has applied for an Air Contaminant Discharge Permit to install and operate a glass wool plant (Application No. 1434). The proposed facility will be located at 1551 Southeast Crystal Lake Drive, Corvallis. The site is essentially adjacent to the Company's hardboard plant and about 1/4 mile from their battery separator plant.

The product from the proposed facility will be a specialty item for their own use in making battery separators. The Company has developed the technology for both the production and use of this material. Glass wool has been and is being produced by a pilot plant (1/2 scale of the proposed facility) at their Lewisburg plant (formerly Permaglas Company). The pilot plant effort has been ongoing for about five years.

Because of the relatively short distance and the relationship between the proposed facility to the battery separator plant, the staff prepared a modification to the permit for the existing facility with conditions addressing the proposed facility.

A public notice regarding the permit modification was issued by the Department on January 5, 1979. This notice also appeared in the January 15, 1979 Secretary of State's Bulletin. A joint public informational hearing was held in Corvallis on January 18, 1979 with the City of Corvallis, Benton County and the Department participating. (The proposed permit modification, public notice and minutes of this hearing are contained in Attachment 2-a through 2-d). Several witnesses indicated a concern for potential community health problems and requested additional time to prepare written comments. The Department advised those present that the 30 day comment period would be held open an additional two weeks. The comment period was closed on February 20, 1979.

During the hearing it became apparent that the combined permit had complicated the issue. Therefore, it was decided to prepare a permit specific to the proposed facility. This has been done. The proposed permit is hereby submitted for your consideration (see Attachment 1).

Evaluation
Process Description

The proposed process is briefly described as follows. Silica sand, limestone, soda ash and borax will be weighed, mixed and fed to an electric (resistance heated) furnace. The raw materials will react in the furnace to form molten glass. Liquid glass will be passed through fiberizers to form pure glass wool (no binders or resins). Air cooling will solidify the fibers which will deposit on a traveling wire screen.

The fiber mat will be compacted, placed on pallets and stored prior to subsequent shipment to the battery separator plant. The cooling air will be the only significant atmospheric exhaust from this process.

The cooling air will contain glass particles (single and multiple fibers, 4-6 micron diameter and 50 to 100+ microns in length). Evans Products proposes to treat this exhaust stream with a scrubber having an efficiency of about 90%. The Company indicates that the resulting mass emission rate will be 0.77 lbs/hr. Scrubber water will be treated and recirculated. The solids collected by the scrubber will be sent to the local DEQ approved landfill.

Control Technology

The Department has contacted US-EPA, Ohio-EPA (state agency), Kansas Officials and Owens-Corning regarding the technology of control applied to this type of facility. This effort was made in response to a hearing witness who stated that baghouses and precipitators could be applied and others requesting 99% efficiency equipment. The inquiry revealed that neither baghouses or precipitators are being applied to exhausts containing pure glass fibers.

A company in Kansas City, Kansas does have a wet precipitator installed on a resin coated glass fiber exhaust stream. The equipment is new, not performing satisfactorily and no emission data was obtained.

The only data for a pure glass facility was obtained from officials in Ohio. There a plant producing 400 lbs/hr. is emitting 13 lbs/hr. The Ohio official stated that the data may not be precise due to source testing problems (large exhaust volume and difficult to measure). The control device was described as a spray type penthouse scrubber.

US-EPA is currently developing New Source Performance Standards for glass forming and melting furnaces. Their current plans are to exempt electric resistance type furnaces due to low emission rates. They are not considering fiberizer operations and have no plans to do so. (Nationally, most glass is now melted or formed in direct fired, gas or oil, furnaces which emit significant quantities of particulates.)

US-EPA may also exempt small furnaces (size not indicated). Typical furnace size in the insulation industry ranges from 15,000 to 30,000 lbs/hr., 15 to 30 times the size of the proposed facility. The emission limit of 0.8 lb/hr. in the proposed permit has not been changed since the hearing.

Potential Health Effects

Numerous hearing witnesses and written comments have expressed a concern for the potential health effects to the neighborhood residents and the community as well.

The Department has conducted a literature review, contacted government and industry health experts and employed a screening technique to evaluate the potential health threat.

Numerous studies have been and are being conducted on workers in the fiber glass industry. Also, studies have been made on laboratory animals.

That fiber glass can irritate skin, eyes, the nose, and upper respiratory tract and that individual sensitivity is variable are well accepted. Some of these effects are related to the resins and binders in insulation materials. That an individual should minimize exposure to glass fibers so as to avoid these effects is also well excepted as a good general health practice.

With regard to lung effects, the data base involves occupational exposures and lab animals. Environmental exposures have not been studied. This should not be alarming since the environmental exposures are expected to be much less than occupational exposures.

Occupational health experts currently do not consider glass fibers to be cancer causing or similar to asbestos. The NIOSH threshold limit value (TLV) is 10 milligrams per cubic meter (mg/m^3) as an 8 hour average for fibers smaller than 5 to 7 microns in diameter.

Post mortem studies of fiber glass workers have revealed no excess pulmonary malignancies and a slight excess of non-malignant respiratory deaths. Pulmonary function and x-ray tests of fiber glass workers with exposures up to 25 - 30 years have not revealed any significant problems.

A Japanese scientist, Dr. Sano, reported on some work in which he was involved at a November 1978 Asbestos Education Task Force meeting. Some media reports of his report, most recently Business Week, January 22, 1979, indicated that Dr. Sano, et. al., had found fiber glass to be carcinogenic. The Department recently obtained a copy of Dr. Sano's report and additional information which indicates that the cause of his patient's lung damage was asbestos.

Lab animals have developed tumors from injected and implanted glass fibers. However, the methods of introduction and dosages have been reviewed and questioned by experts.

Major studies of workers are known to be ongoing. The data is not expected for 1 to 2 years. These efforts appear to be for the purpose of broadening the data base so as to add meaning to previous works as opposed to revealing any suspected problems.

As a means to evaluate the potential for environmental and public health effects, the Department calculated worst case condition ground level impacts and compared the results to the NIOSH TLV. Although such a condition is considered to be nonexistant, the method is deemed valid as a screening technique. An 8 hour maximum concentration was calculated to be approximately 5 micrograms per cubic meter for an unobstructed case of meteorology. Since the TLV is an 8 hour average, 40 hours per week, i.e., long term exposure level, the Department adjusted the predicted 8 hour maximum to make a more valid comparison. A somewhat arbitrary, but conservative, decision was made that a longer term maximum, i.e., 160 hours per month would be 10% of 5 or 0.5. Thus the ratio of the TLV to a conservative predicted environmental concentration is 10,000 to 1. As a simple rule of thumb, the ratio of TLV's to acceptable environmental levels has been 100 to 1. From this the Department concluded that since the conservatively predicted level was less than 1% of an acceptable environmental level, the proposed facility will not cause adverse environmental or public health effects in the nearby neighborhood. Since predicted impacts decrease with distance, this conclusion also applies to the entire community.

Emission Monitoring

Several written and oral comments have been received requesting apropriate compliance monitoring. The proposed permit requires four source tests during the first year of operation and one each year thereafter during the duration of the permit. Also required is daily recording of scrubber water pressure and as performed recording of scrubber maintenance. The combination of these requirements coupled with Department inspections is considered a suffieient level of compliance assurance.

Although not required in the permit, the Company and the Department have agreed that size distribution measurements will be made as soon as possible after start-up.

The proposed permit prohibits fiberizer operation during scrubber upsets or malfunctions. Fiberizers can be shut down within a short time frame (minutes) should it be necessary.

Petitions

The Department's record of this matter includes four petitions submittd by Corvallis citizens. A sample page petition, with signature totals indicated on each is attached. A petition with 789 signatures supported permit issuance as long as the Company meets DEQ standards (Attachment 3). A second with 28 signatures requested that Corvallis be kept free of polluted air (Attachment 4). A third with 396 signatures indicated a desire for a clean, healthy, liveable city and an adamant opposition to operation of the proposed facility (Attachment 5). A fourth with 1,901 signatures requested another hearing because of the preparation of a specific permit and an incomplete tape recording of the January 18, 1979 hearing (Attachment 6).

The Department has considered the petitioner's requests along with the hearing and written comments. The permit being considered for issuance is equally restrictive as the one considered at the hearing and contains additional requirements as requested by the public.

With regard to the request for an additional hearing, the Department does not believe any new information would be developed by such a proceeding. Further, the 45 day comment period did adequately provide for public imput as evidenced by the substantial amount of letters and the petitions which were received.

Having fulfilled its public notice/input requirements and in the absence of adverse environmental and public health impacts, the Department is obligated by statute to proceed with timely issuance of the permit. There is a recognized need to advise those who have registered interest and/or concern of the Department's findings and actions in this matter. This will be done by direct written response to the City Council, County Commissioners, County Health Department and Evans Products Company. The staff will be available for discussions with individuals or groups. Substantial local media coverage is also expected.

Land Use

The proposed facility will be located on light industrial zoned land in Benton County outside the Corvallis City limits but within the urban growth boundary. A building permit was issued June 26, 1978 and the main building has been constructed. No production equipment has been installed.

An appeal of the building by the Corvallis City Council permit will be heard by the County Planning Commission on April 10, 1979. The Department has no insight on the time frame of this appeal process and considers it to be a matter appropriate for local jurisdiction, and decision.

Department Record

In addition to this report, and the items attached, the Department record in this matter includes approximately 115 letters, the permit application, staff PTMAX calculations, staff literature review, health effects literature and local newspaper clippings. These items will be maintained on file at the Department offices and made available for review by interested parties upon request.

Summation

1. Evans Products Company has applied for an Air Contaminant Discharge Permit for a proposed glass wool facility to be located at 1551 Southeast Crystal Lake Drive, Corvallis.

2. The proposed facility will be twice the scale of a pilot plant currently located near Lewisburg.

3. A public information hearing was held on January 18, 1979 in Corvallis regarding a proposed permit for the Company's existing battery separator plant and the proposed facility.

4. Extensive written and oral public comments have been received and made a part of the record.

5. In reviewing the comments and literature and conferring with public health and other environmental officials, the Department has found that:

   a. The proposed control technology equals or exceeds that being applied elsewhere.

   b. A higher degree of control is neither available nor warranted, and

   c. The proposed facility will not cause adverse environmental and public health effects in either the nearby neighborhood or the community as a whole.

6. A permit specific to the proposed facility has been prepared and contains:

   a. Emissions limits equally restrictive to the originally proposed permit, and

   b. Additional source testing and control equipment monitoring.

7. Although requested by petition, additional public hearings are not

considered warranted due to the unlikelihood of developing new information.

8. The Department considers the appeal of the building permit to be a matter of local jurisdiction and decision.

9. The Department record in this matter is extensive and will be made available to interested parties for review upon request.

Recommendation

It is recommended that the permit (Attachment A) for Evans Products Company's proposed glass wool plant be issued.

FAS:jl

Permit Number: 02-2173
Expiration Date: 1/84

AIR CONTAMINANT DISCHARGE PERMIT

Department of Environmental Quality
522 SW Fifth, Portland, OR 97204
Mailing Address: Box 1760, Portland, OR 97207
Telephone: (503) 229-5696

Issued in accordance with the provisions of ORS 468.310

ISSUED TO:

Evans Products Company
Fiber Products Group
Box E
Corvallis, OR 97330

REFERENCE INFORMATION:

Application No. 1434

Date Received: 10/27/78

PLANT SITE:

1551 Southeast Crystal Lake Drive
Corvallis, OR 97330

ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY

WILLIAM H. YOUNG, Director — Dated

Source(s) Permitted to Discharge Air Contaminants:

Name of Air Contaminant Source	Standard Industry Code as Listed
Glass Wool Manufacturing (New source not listed in Table A which would emit 10 or more tons/yr uncontrolled)	3296

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is herewith allowed to discharge exhaust gases containing air contaminants including emissions from those processes and activities directly related or associated thereto in accordance with the requirements, limitations and conditions of this permit from the air contaminant source(s) listed above.

The specific listing of requirements, limitations and conditions contained herein does not relieve the permittee from complying with all other rules and standards of the Department.

Performance Standards and Emission Limits

1. The permittee shall at all times maintain and operate all air contaminant generating processes and all contaminant control equipment at full efficiency and effectiveness, such that the emissions of air contaminants are kept at the lowest practicable levels.

2. Particulate emissions from the fiberizer scrubber shall not exceed any of the following:

   a. 0.8 pounds per hour; and

   b. An opacity equal to zero percent (0%).

Special Conditions

3. The permittee shall not operate the fiberizer during any scrubber upset or malfunction.

4. The permittee shall demonstrate that the fiberizer scrubber is capable of operating in compliance with Condition 2a by performing a source test for particulate emissions. All test data and results shall be submitted to the Department for review by no later than 60 days after fiberizer startup. Compliance shall have been demonstrated upon written approval, by the Department, of the test data and results. All tests shall be conducted in accordance with the testing procedures on file at the Department or in conformance with applicable standard methods approved in advance by the Department.

Monitoring and Reporting

5. The permittee shall repeat the test as required in Condition 4 at quarterly intervals during the first year of normal operation and once each year thereafter. All data and results shall be submitted to the Department within 30 days after each test.

6. The permittee shall effectively inspect and monitor the operation and maintenance of the plant and associated air contaminant control facilities. A record of all such data shall be maintained for a period of one year and be available at the plant site at all times for inspection by the authorized representatives of the Department. At least the following parameters shall be monitored and recorded at the indicated interval.

	Parameter	Minimum Monitoring Frequency
a.	Srubber water pressure	Daily
b.	A description of any maintenance to the air contaminant control system.	As Performed

7. The permittee shall report to the Department by January 15 of each year this permit is in effect the following information for the preceding calendar year.

   a. Hours of fiberizer operation on a monthly basis.

   b. Quantities and types of fuels used on a monthly basis.

Fee Schedule

8. The Annual Compliance Determination Fee for this permit is due on December 1 of each year this permit is in effect. An invoice indicating the amount, as determined by Department regulations, will be mailed prior to the above date.

General Conditions and Disclaimers

G1. The permittee shall allow Department of Environmental Quality representatives access to the plant site and pertinent records at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise conducting all necessary functions related to this permit.

G2. The permittee is prohibited from conducting open burning except as may be allowed by OAR Chapter 340, Sections 23-025 through 23-050.

G3. The permittee shall:

   a. Notify the Department in writing using a Departmental "Notice of Construction" form, and

   b. Obtain written approval.

   before:

   a. Constructing or installing any new source of air contaminant emissions, including air pollution control equipment, or

   b. Modifying or altering an existing source that may significantly affect the emission of air contaminants.

G4. The permittee shall notify the Department at least 24 hours in advance of any planned shutdown of air pollution control equipment for scheduled maintenance that may cause a violation of applicable standards.

G5. The permittee shall notify the Department by telephone or in person within one (1) hour of any malfunction of air pollution control equipment or other upset condition that may cause a violation of the applicable standards. Such notice shall include the nature and quantity of the increased emissions that have occurred and the expected duration of the breakdown.

G6. The permittee shall at all times conduct dust suppression measures to meet the requirements set forth in "Fugitive Emissions" and "Nuisance Conditions" in OAR Chapter 340, Sections 21-050 through 21-060.

G7. Application for a modification of this permit must be submitted not less than 60 days prior to the source modification. A Filing Fee and an Application Processing Fee must be submitted with an application for the permit modification.

G8. Application for renewal of this permit must be submitted not less than 60 days prior to the permit expiration date. A Filing Fee and an Annual Compliance Determination Fee must be submitted with the application for the permit renewal.

G9. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

G10. This permit is subject to revocation for cause as provided by law.

G11. Notice provision: Section 113(d)(1)(E) of the Federal Clean Air Act, as amended in 1977, requires that a major stationary source, as defined in that act, be notified herein that "it will be required to pay a noncompliance penalty under Section 120 (of that act) or by such later date as is set forth in the order (i.e., in this permit) in accordance with Section 120 in the event that such source fails to achieve final compliance by July 1, 1979."

ATTACHMENT 2a

ROBERT W. STRAUB
GOVERNOR

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

NOTICE FOR ISSUANCE OF AIR CONTAMINANT DISCHARGE PERMIT

January 5, 1979

The persons described below have applied to the Department of Environmental Quality for Air Contaminant Discharge Permits in accordance with Oregon Revised Statutes, Chapter 468.310, and 468.320 and Oregon Administrative Rules, Chapter 340, Sections 20-033.02 through 20-033.20.

The Department has completed the preparation of Air Contaminant Discharge Permits for these sources and is providing this notice in order to encourage anyone desiring to submit information concerning the applicants or the proposed permits which might aid or assist the Department in making an adequate review. Written comments must be submitted prior to February 5, 1979.

The permit program is not a permissive activity, but rather requires an applicant to file an application to allow operation under specified conditions and rules. Any permit proposed or issued contains restrictive emission limits, compliance schedules as applicable, and specific conditions relative to operation.

The purpose of the program is to draw all these requirements together and issue one permit which allows the state to conduct a more rigorous air quality control program than might be practicable otherwise. After the above date, the Department will issue the proposed permits.

Comments submitted at this time relative to the attached applications should be addressed to:

Department of Environmental Quality
Air Contaminant Discharge Permit Program
P. O. Box 1760
Portland, Oregon 97207

The full context of the applications which may include maps, plans, other voluminous printed material not readily duplicable, and a copy of the proposed permits, are available for public inspection at the main office of the Department, P. O. Box 1760, Portland, 229-5696, or from the appropriate regional office (listed on back). Please write or phone the main office of the Department, (Attention: Mr. F. A. Skirvin, P. O. Box 1760, Portland, 229-6414), if additional information is wanted.

NOTICE FOR ISSUANCE OF AIR CONTAMINANT DISCHARGE PERMIT

January 5, 1979

SYNOPSIS

The Department of Environmental Quality intends to issue Air Contaminant Discharge Permits to the following sources:

Venell Farms
Corvallis, Oregon
Prepared Feed
Permit Renewal
Permit No. 02-1003

Evans Products Company
Corvallis, Oregon
Fiber Glass Plant
Initial Permit, New Source
Permit No. 02-2515

Rock Creek Sand & Gravel, Inc.
Clackamas, Oregon
Rock Crusher
Permit Renewal
Permit No. 03-1938

Scappoose Sand & Gravel Company
Scappoose, Oregon
Rock Crusher
Permit Renewal
Permit No. 05-1954

Coos County Solid Waste Dept.
Coquille, Oregon
Incinerator
Permit Modification
Permit No. 06-0095

O'Neil Sand & Gravel, Inc.
Albany, Oregon
Rock Crusher
Initial Permit, Existing Source
Permit No. 07-0018

Scroggin Feed & Seed
Lebanon, Oregon
Grain Mill
Permit Renewal
Permit No. 22-5148

Cascade Construction Company
Portland, Oregon
Asphalt Plant
Permit Renewal
Permit No. 26-1762

K. F. Jacobsen & Co., Inc.
Portland, Oregon
Asphalt Plant
Permit Renewal
Permit No. 26-1764

Oregon Asphaltic Paving Company
Portland, Oregon
Asphalt Plant
Permit Renewal
Permit No. 26-1765

Oregon Asphaltic Paving Company
Portland, Oregon
Asphalt Plant
Permit Renewal
Permit No. 26-1766

Willamette Industries Inc.
Dallas, Oregon
Plywood Plant & Sawmill
Permit Renewal
Permit No. 27-0177

Rogers Asphalt Paving Company
LaGrande, Oregon
Asphalt Plant
Permit Renewal
Permit No. 31-0001

Banks Lumber Company
Banks, Oregon
Sawmill
Permit Renewal
Permit No. 34-2565

Peter Kiewit Sons' Company
Portable Plant
Asphalt Plant
Permit Renewal
Permit No. 37-0095

Weathers Crushing, Inc.
Portable Plant
Rock Crusher
Initial Permit, Existing Source
Permit No. 37-0210

Any comments of information required may be submitted to the Department of Environmental Quality or appropriate regional office. It is intended that these permits be issued after February 5, 1979.

STATE OF OREGON

INTEROFFICE MEMO

AIR QUALITY
DEPT.

6414
TELEPHONE

TO: RPotts

DATE: January 15, 1979

FROM: FASkirvin

SUBJECT: Changes in Proposed Permit for Evans Products Company, EI 02-2515

The following are changes that must be included in the above-referenced permit prior to issuance. Delete language in Condition 4 and replace with--

4. Particulate emissions from the glass wool manufacturing system shall not exceed 0.8 pounds per hour.

NOTE: This also requires exclusion of this source from at least Condition 2.a. and 2.b. and possibly 2.c.

Add new Condition 9--

9. The permittee shall demonstrate that the glass wool manufacturing system scrubber is capable of operating in continuous compliance with Condition 4 by performing a source test for particulate emission mass concentration, mass rate, size distribution and chemical composition. All test data and results shall be submitted to the Department for review by no later than 60 days after start-up. Compliance shall have been demonstrated upon written approval, by the Department, of the test data and results. All tests shall be conducted in accordance with the testing procedures on file at the Department or in conformance with applicable standard methods approved in advance by the Department.

Adjust other condition numbers as appropriate.

I will forward any additional changes made as a result of the public informational hearing to be held on January 18, 1979 in Corvallis.

/kz

Permit Number: 02-2515
Expiration Date: 7/1/83

AIR CONTAMINANT DISCHARGE PERMIT

Department of Environmental Quality
522 SW Fifth, Portland, OR 97204
Mailing Address: Box 1760, Portland, OR 97207
Telephone: (503) 229-5696

Issued in accordance with the provisions of ORS 468.310

ISSUED TO:

Evans Products Company
Box E
Corvallis, OR 97330

REFERENCE INFORMATION:

Application No. 1197 & 1434

Date Received: 12/15/77 & 10/20/78

PLANT SITE:

1115 SE Crystal Lake Drive
Corvallis, OR

ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY

WILLIAM H. YOUNG, Director — Dated

Source(s) Permitted to Discharge Air Contaminants:

Name of Air Contaminant Source	Standard Industry Code as Listed
Battery Separator Manufacturing	2499
New source not listed in Table A which would emit 10 or more tons/yr uncontrolled	3296

Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is herewith allowed to discharge exhaust gases containing air contaminants including emissions from those processes and activities directly related or associated thereto in accordance with the requirements, limitations and conditions of this permit from the air contaminant source(s) listed above.

The specific listing of requirements, limitations and conditions contained herein does not relieve the permittee from complying with all other rules and standards of the Department.

Performance Standards and Emission Limits

1. The permittee shall at all times maintain and operate all air contaminant generating processes and all contaminant control equipment at full efficiency and effectiveness, such that the emissions of air contaminants are kept at the lowest practicable levels.

2. Particulate emissions from any single air contaminant source (except for the boiler) shall not exceed any of the following:

   a. 0.2 grains per standard cubic foot for sources existing prior to June 1, 1970;

   b. 0.1 grains per standard cubic foot for sources installed, constructed, or modified after June 1, 1970; and

   c. An opacity equal to or greater than twenty percent (20%) for a period aggregating more than three (3) minutes in any one (1) hour.

3. Particulate matter which is larger than 250 microns and which may be deposited upon the real property of another person shall not be emitted.

4. The emission control equipment on the glass wool manufacturing system shall collect 90% or more of the glass fiber in the system exhaust.

5. The permittee shall operate and control the steam generating boiler(s) in accordance with the following list of boiler operating parameters and emission limitations:

		Maximum Emission Limits		
Boiler Identification	Fuel Used	Opacity (1)	Particulates (2)	Maximum (3) Capacity
York Shipley	NG/PS300	20%	0.1 gr/SCF	14.7 mil.BTU/hr

   (1) Maximum opacity that shall not be equalled or exceeded for a period or periods aggregating more than three minutes in any one hour, excluding uncombined water vapor.

   (2) Particulate emission limitation is stated in grains per standard cubic foot, corrected to 12% carbon dioxide.

   (3) BTU/hr or maximum hourly average steam production (pounds per hour).

6. The permittee shall not use any residual fuel oil containing more than 1.75 percent sulfur by weight.

7. The permittee shall not allow the emission of odorous matter as measured off the permittee's property in excess of:

   a. A scentometer no. 0 odor strength or equivalent dilution in residential and commercial areas.

   b. A scentometer no. 2 odor strength or equivalent dilution in all other land use areas.

   c. Or to cause a public nuisance.

A violation of Condition 7 a or 7b shall have occurred when two measurements made by the Department within a period of one hour, separated by at least 15 minutes exceed the limits.

8. The fume incinerators shall be operated at the following minimum temperatures whenever the respective production lines are operating:

   a. Ross (VRI) - 800 degrees F
   b. Wasteco (VR2) - 1200 degrees F
   c. Kleen Air (VR3) - 1300 degrees F

Monitoring and Reporting

9. The permittee shall effectively inspect and monitor the operation and maintenance of the plant and associated air contaminant control facilities. A record of all such data shall be maintained for a period of one year and be available at the plant site at all times for inspection by the authorized representatives of the Department. At least the following parameters shall be monitored and recorded at the indicated interval.

	Parameter	Minimum Monitoring Frequency
a.	A description of any maintenance to the air contaminant control systems.	As Performed

10. The permittee shall report to the Department by January 15 of each year this permit is in effect the following information for the preceding calendar year.

    a. Plant production on a monthly basis.

    b. The amount of wood waste utilized, and

    c. Quantities and types of fuels used on a monthly basis.

Fee Schedule

11. The Annual Compliance Determination Fee for this permit is due on June 1 of each year this permit is in effect. An invoice indicating th amount, as determined by Department regulations, will be mailed prior to the above date.

General Conditions and Disclaimers

G1. The permittee shall allow Department of Environmental Quality representatives access to the plant site and pertinent records at all reasonable times for the purposes of making inspections, surveys, collecting samples, obtaining data, reviewing and copying air contaminant emission discharge records and otherwise conducting all necessary functions related to this permit.

G2. The permittee is prohibited from conducting open burning except as may be allowed by OAR Chapter 340, Sections 23-025 through 23-050.

G3. The permittee shall:

a. Notify the Department in writing using a Departmental "Notice of Construction" form, and

b. Obtain written approval.

before:

a. Constructing or installing any new source of air contaminant emissions, including air pollution control equipment, or

b. Modifying or altering an existing source that may significantly affect the emission of air contaminants.

G4. The permittee shall notify the Department at least 24 hours in advance of any planned shutdown of air pollution control equipment for scheduled maintenance that may cause a violation of applicable standards.

G5. The permittee shall notify the Department by telephone or in person within one (1) hour of any malfunction of air pollution control equipment or other upset condition that may cause a violation of the Air Quality Standards. Such notice shall include the nature and quantity of the increased emissions that have occurred and the expected duration of the breakdown.

G6. The permittee shall at all times conduct dust suppression measures to meet the requirements set forth in "Fugitive Emissions" and "Nuisance Conditions" in OAR Chapter 340, Sections 21-050 through 21-060.

G7. Application for a modification of this permit must be submitted not less than 60 days prior to the source modification. A Filing Fee and an Application Processing Fee must be submitted with an application for the permit modification.

G8. Application for renewal of this permit must be submitted not less than 60 days prior to the permit expiration date. A Filing Fee and an Annual Compliance Determination Fee must be submitted with the application for the permit renewal.

G9. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

G10. This permit is subject to revocation for cause as provided by law.

G11. Notice provision: Section 113(d)(1)(E) of the Federal Clean Air Act, as amended in 1977, requires that a major stationary source, as defined in that act, be notified herein that "it will be required to pay a noncompliance penalty under Section 120 (of that act) or by such later date as is set forth in the order (i.e., in this permit) in accordance with Section 120 in the event that such source fails to achieve final compliance by July 1, 1979."

Permit Number: 02-2515
Application No.: 1434
Date: 10/27/78

Department of Environmental Quality
Air Quality Control Division

AIR CONTAMINANT DISCHARGE PERMIT APPLICATION REVIEW REPORT

Evans Products Company
1115 SE Crystal Lake Drive
Corvallis, OR 97330

Background

1. Evans Products Company has added a new glass wool manufacturing facility at its battery separator manufacturing plant located at 1115 SE Crystal Lake Drive.

2. The annual production capacity is approximately 4,000 tons of glass wool (no binders are used).

3. Existing visible and particulate emission sources at the new glass wool manufacturing facility consist of the following:

   a. The exhaust from the glass fiber forming chamber.

   b. Air vents on raw material automatic bag dumper and on equipment transferring material to the electric furnace.

4. The emission control system includes spray chambers and cyclones in series in the glass wool exhaust system.

5. The estimated annual rate of air contaminant emissions is 3 tons of glass fiber.

6. The plant is operated 24 hours per day, 7 days per week, and 52 weeks per year.

Evaluation

7. Operation of the facility in compliance with Department of Environmental Quality emission limitations will be verified by the Department.

8. The proposed permit is a new permit for a new source.

9. It is recommended that the proposed permit be approved for issuance to Evans Product Company.

PUBLIC HEARING: Evans Products Expansion Permit - Department of Environmental Quality

January 18, 1979 7:30 p.m.
Lincoln Elementary School, Corvallis

Present: Benton County Commissioners Barbara Ross and Larry Callahan
Corvallis City Council Members, Inge McNeese, Gian Coberly, Sandra Nored, Paul Davis, Orin Byers, Myron Cropsey, Frank Tucker and Lavern Ratzlaff
Corvallis Mayor Alan Berg Gary Crowson, Benton County
Frtiz Skirvin, Department of Environmental Quality (DEQ)

1.1 Call to order and introductions:

Mayor Berg called the hearing to order and introduced the Commissioners and the City Council members. He announced that Commissioner Barbara Ross would co-chair the meeting.

1.2 Department of Environmental Quality (DEQ):

Mr. Skirvin outlined the DEQ process for application and approval of an air contaminant discharge permit. He explained that public notification of an application is given to approximately 300 - 500 agencies with a thirty-day waiting period for public comment. The deadline for Evans Products public comment is February 5, 1979. The permit information was also published in the Secretary of State's bulletin January 15, 1979. The application was processed as a modification of the existing permit for the Evans battery separator plant. (See Attachment A.)

1.3 Evans Products:

Allan Gnann, ceramics engineer, said the new plant will produce about 10 to 12 tons of glass wool per day based on a 24-hour operation. The glass wool will be used for manufacturing filters and also in the battery separator plant. Their plant in Lewisburg has been supplying the product for the past 3½ years and the plant will be manufacturing roofing products. Mr. Gnann stressed the plant will not be producing "fiberglass" but glass wool which is substantially smaller - about 4 to 5 micrometers thick. He also passed out a fact sheet. (See Attachment B)

Jim Needham, project engineer, presented several slides outlining the manufacturing process and the pollution control devices Evans Products has designed for the glass wool that will remove approximately 90% of the particulates from the atmosphere. The emissions will be reduced to 3/4 pounds per day or 6,000 pounds per year. The particulates will be invisible because of their minute size.

Mr. Gnann said there has been no evidence compiled that indicates that exposure to fiberglass or glass wool is a health hazard or a carcinogenic agent. He said the Department of Health, Education and Welfare classifies fiberglass as a "nuisance dust." The DEQ permit will allow up to .8 pounds of discharge per day.

1.4 Benton County Building Official:

Gary Crowson presented information on the building size, location, zoning

other pertinent information on the building permit that he issued June 26, 1978. (See Attachment C.)

1.5 City of Corvallis:

Mayor Berg said there would be no comments from the City of Corvallis at this time.

1.6 Questions from the audience:

Responses to several questions from citizens produced the following additional information:

a. The City of Corvallis, Benton County and the DEQ will receive minutes of tonight's hearing. This is not an "official" DEQ public hearing.

b. There is a sizeable drainfield and a 3,000 septic tank that will be more than adequate for the new building.

c. Written testimony will be accepted by the DEQ through February 5 at: P. O. Box 1760, Portland, OR 97207 A final decision on the permit will be made approximately 15 days after that date.

d. The diameter of the glass particulates are between 4 and 5½ microns. A micron is about one 39 millionth of an inch. The length varies and is difficult to measure.

e. The DEQ permit requires Evans to do a source test of their filtering system. The new plant will be twice the size of the Lewisburg facility but the increase in pollution will be 50%.

f. Evans said additional pollution control could be added, but the costs would be very high.

g. There will be no odor from the new plant. City services will not be required.

h. The DEQ has not received any evidence that fiberglass presents a health hazard.

1.7 Questions from the Commissioners and City Council:

Councilperson McNeese questioned the 1,000 pounds per hour production figure for the new plant compared to the Lewisburg figure of 200 pounds. Evans said the Lewisburg figure was inaccurate and should be 500 pounds an hour.

1.8 Public Testimony:

Gerry Ansel, representing Open Door, spoke in favor of the permit and said his firm is located adjacent to Evans Products. He has had work experience with pollution control and said to date there is no documentation that fiberglass presents a health hazard.

Louise Parsons expressed concern about the short time available to gather research and make contacts. She asked for a similar hearing at the DEQ level. She asked that separate permits be issued.

Michael long, Evans employees and an employee in the fiberglass industry for over 14 years, said the fibers are dissolved in the alkaline or acidic body fluids and are not a health hazard. Approximately 25-30 persons supported his views.

Frances St. John, Evans employee, said she had experienced no adverse health effects and felt housework presented more hazards than her work.

Elizabeth Frenkel, representing the League of Women Voters, expressed concern about the governmental process involved in issuing the building permit and said a public hearing should have been held before issuing the permit. She said the Benton County Zoning Ordinance Section 11.03 does not allow a dust or noise nuisance.

Nancy Baker testified she believes there is a health hazard and said there is a warning printed on fiberglass insulation.

Kenneth Kidd said there was a bad odor around the Owens-Corning plant in California and he referred to an article that correlated the known health problems caused by inhallation of asbestos with fiberglass inhallation.

Herbert Mortz also testified about the health hazard and read an article into the record entitled "Insulate your Lungs - Use Fiber Glass" (See Attachment D.) He recommended additional filtering equipment such as electrostatic precipitators be required by the DEQ.

Paul Brewster, Evans employee, said OSHA had made several inspections of the working conditions at Evans Products and said the plant met all the safe working standards and criteria for the State of Oregon. He said a regularly scheduled "sputum" test is being set up voluntarily for employees of the battery separator plant.

Billie Moore expressed concern about the possible health problems and also additional noise in the area. She said the Willamette Valley does not tolerate large amounts of pollution and this will be another source of pollution.

Lois Kenagy asked for a DEQ public hearing and additional time for citizens to submit written testimony. She feels the county building permit was incorrect in listing the new plant as light industrial - it is heavy industrial. The matter should have been considered a conditional use before the Planning Commission. She also said the city should annex the property because it is within the urban growth boundary. This matter should have been addressed at the Benton Government Committee and the city/county agreement probably needs to be amended.

Barbara Boucot presented excerpts from several publications addressing the adverse effects of working around fiber glass particles. She also obtained statements from three experts in pulmonary disease and enfironmental medicine that point to the long period of time needed to determine a hazard. All three urged caution until better information is available and feel exposure to respirable glass fibers should be kept at a minimum. (See Attachment E.) She requested the following action:

1. Contain the effluent and otherwise dispose of the particles.
2. Adhere to OSHA standards for suspected carcinogens.
3. Medical surveillance and recordkeeping for 40 years or 20 years after termination of employment.

Ray Hewitt, a close neighbor, addressed the problems he has had with debris from Evans Products blowing onto his property. He asked if now he will also have to contend with blowing soda ash and silicate sand. Evans Products responded and said all the materials will be covered to prevent littering.

Victor Dallons asked that more efficient filtering systems be installed to remove up to 98% of the particulates such as electrostatic precipitators.

Eleanor Griffiths said she supports the testimony of Kenagy and Boucot. She said she had asked Benton Government Committee last spring to address this issue and they not comply with her request. There should have been a public hearing before the building permit was issued. She feels the joint City/County agreement needs to be revised and she supports the annexation of Evans Products by the City of Corvallis.

Marilyn Koenitzer said she supports the testimony of Kenagy, Boucot and Griffiths. She objected to the present process and asked that the deadline for testimony be extended for thirty days. She asked that the building permit be revoked because the plant will be a heavy industrial use and it is not permitted in a light industrial zone. She made other comments outlined below:

1. William Morton, Environmental Scientist at the University of Oregon, said fiberglass standards should be the same as for asbestos, birillium and lead.
2. No effluent should be allowed to leave the furnace into the air.
3. Small particles are more hazardous than large ones - the size requirement should be tightened.
4. Need noise controls.

5. Long term records should be kept.

6. Production should stop if pollution congtrol devices break down.

7. Requested soil testing and the known dispersion area.

James Compton, employee of Evans Products, spoke in favor of the new plant:

1. Silicate sand is a previously prepared product. He outlined the process.

2. The process is totally contained and does not smell. The odor referred to earlier around the California plant results from the manufacturing of complete products, boards, etc. that require other materials.

3. Legal definitions of heavy and light industry should be used.

4. He said the emission of 3/4 lbs. per hour is very small in comparison with other pollutants in the area.

8. Closing statements

Mr. Skirvin said presently asbestos and fiber glass are not in the same category and if Evans Products meets the permit requirements, the DEQ has to issue the permit. They plan to emit .77 pounds of particulates per hour and the DEQ allows up to .8 on the proposed permit.

Orin Byers, Council member, said he feels a dispersion test should be done at the Lewisburg plant and asked if the results should be a determining factor in issuing the permit.

Inge McNeese, Council member, requested that the City Council call a special meeting Monday evening to take official action. She asked that the joint group go on record to request a 30 day extension of the DEQ deadline for testimony.

The request was made in the form of a motion, seconded by Orin Byers, but no action was taken on the motion.

Mr. Skirvin said the deadline for testimony would be extended to February 18.

The meeting was adjourned at 10:55 p.m.

Barbara Ross, Chairman

DeAnne Eilers, County Recorder

Air Quality Control Division
1234 S. W. Morrison, Portland, Oregon 97205
Telephone: (503) 229-6459

02-2173 A
NC #1243

NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL - PRELIMINARY CERTIFICATION FOR TAX CREDIT

To construct, install, establish or alter an air contaminant source and/or control facility.
(As Required by ORS 468.175 and 468.325)

Note: A Notice of Approval must be received from this Department prior to commencing construction. Further technical information may be requested within 30 days of Notice of Construction receipt in order to evaluate whether the proposed construction is capable of complying with applicable Rules and Regulations.

Business Name EVANS PRODUCTS CO Phone 753-1211

Address of Premises 1115 SE Crystal Lake Dr., City Corvallis Zip 97333

Mailing Address P.O. Box "E" City Corvallis Zip 97333

Nature of Business Manufacturing

Responsible Person to Contact Jim K. Needham Title Project Coordinator

Other Person Who May be Contacted Jerry Pressey Title Group Controller

Corporation ☒ Partnership ☐ Individual ☐ Government Agency ☐

Legal Owner of Business Evans Products Company

Legal Owner's Address 1121 S. W. Salmon St. City Portland Zip 9720[illegible]

Description of Proposed Construction (Air Contaminant Source) Glass Wool Fiberizer/ Collection System (Suction Fans & Wire mesh convevor screen)

Description of Air Pollution Control Equipment Cyclone Scrubbers (Water spray @ 9 GPM/ 1000 CFM followed by cyclone separator - 10,000 FPM entrance velocity)

Best Emission Point(s) Which Will be Produced and/or Controlled Suction fan exhaust stack

Enclose any pertinent information, such as process flow diagrams, process equipment operating parameters, control equipment specifications, source test results, etc., which will define emissions and demonstrate compliance with applicable rules, regulations and emission standards.

Estimated Cost: Basic Air Contaminant Source Equipment $ 900,000.00

Air Pollution Control Equipment $ 60,000.00

Estimated Installation Date 1/2 - 5/30 1979 Estimated Operation Date July 1 1979

Name of Applicant or Owner of Business Jim Needham

Title Project Coordinator Phone 753-1211

Signature [signature] Date 8/30/78

Request for Preliminary Certification for Tax Credit: Note - Tax credit law requires submission of this form prior to commencing construction in order to be eligible for the State Oregon tax credit later. Check the following if you intend to apply for a pollution control facility tax credit as provided by ORS 463.155 through 468.185. I hereby request preliminary certification for a pollution control facility pursuant to ORS 463.165.

Yes ☒ no ☐ Signature [signature]

(Department Use Below This Line)

Date Received _____ EI _____ Plan Review Engineer _____ NC _____

_____ Regional Office

2/6/75

EVANS PRODUCTS CO. CORVALLIS, OREGON

Glass Wool Plant Data

Process Equipment Operating Parameters

Natural Gas Input	11,000 CFH
Glass Wool Production Rate	1,000 lb/hr.
Exhaust from Wool Collection System	64,000 SCFM max. 35,000 SCFM min.

Control Equipment Specifications -(Evans Products Design)

I., II., III. are parallel systems operating at increasingly higher static suctions.

Scrubber dimensions: (water spray - high velocity)

	Housing	Water Spray	Max. Air Flow
I.	33" x 15" x 45" long	300 GPM	32,000 SCFM
II.	24" x 12" x 45" long	180 GPM	19,000 SCFM
III.	20" x 10" x 45" long	120 GPM	13,000 SCFM

Cyclone Separator Dimensions:

I. 63" dia. x 20' tall

II. 50" " x 16' "

III. 39" " x 12' "

Estimated particulate loading in exhaust air going to Scrubbers - .014 grains/ft.3

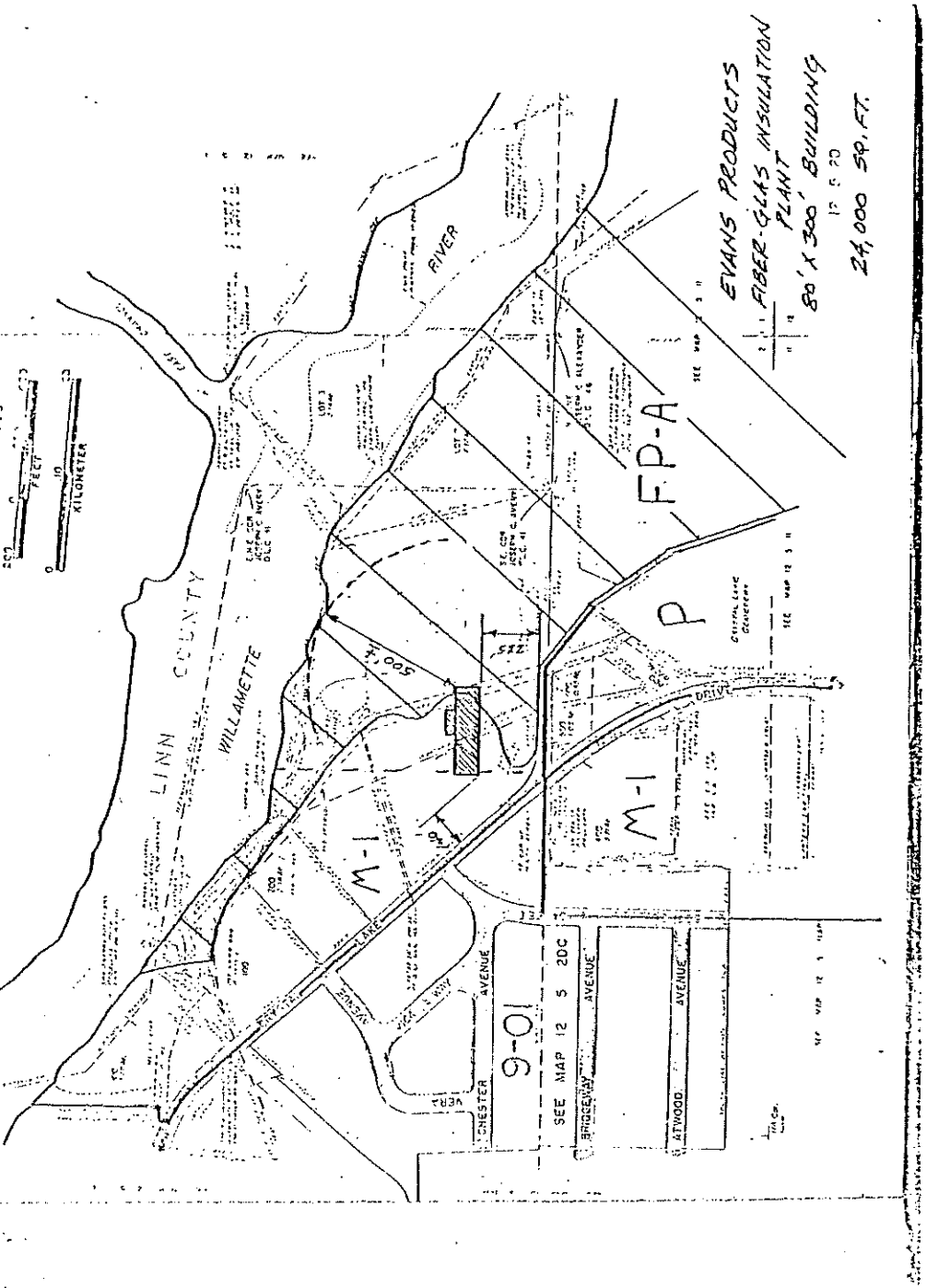
Estimated efficiency of scrubbers and cyclone separators greater than 90% due to fibrous nature of particulate (based on observation of existing spray scrubber w/o cyclone and information in AIR POLLUTION ENGINEERING MANUAL E.P.A. May 1973).

FACT SHEET: JOINT INFORMATIONAL PUBLIC HEARING - 1/18/79

Evans Products Company
Fiber Products Group

Jim Needham
Alan Gnann

Proposed Plant:	Glass Wool Manufacturing Facility 1551 S.E. Crystal Lake Drive
Plant Capacity:	1000 lbs. wool/hr.
Air Contaminant Discharge:	0.75 lbs./hr. .0014 grains /cubic foot (air) 3.2 milligrams/cubic meter (air)
Air Contaminant Control Devices:	3 cyclone scrubbers.
Additional County Tax Contribution:	approximately $25,000 - $35,000 /yr.
Lewisburg Relocation Plans:	Asphalt roofing operation to remain in Lewisburg.
Traffic Reduction:	Reduction in through town truck traffic, approximately 30 - 40 trips per week.
Water:	No city water to be utilized.
Health and Environmental Considerations:	Extensive medical and government information indicates that the proposed plant will be operated well within acceptable standards.
Labor:	No net increases.



Benton County Public Works Department

360 S.W. AVERY AVENUE

PHONE 757-6821 CORVALLIS, OREGON 97330

- ENGINEERING
- SURVEYING
- BUILDING
- ROAD

C

GENERAL INFORMATION

EVANS PRODUCTS
FIBERGLASS MANUFACTURING PLANT
AND STORAGE WAREHOUSE

BUILDING: Engineered pre-fabricated metal structure 80'by300' for 24,000 square feet floor area. Auxillery mechanical building 20'X84' for 1680 square feet floor area.

Total floor area is 25,680 square feet. The building is protected throughout with an Automatic Fire-Extinguishing Sprinkler System.

LOCATION: Northeast side of Crystal Lake Drive adjacent to Corvallis City Limits near intersection with Bethel Street. The land isapproximately 8 acres in area. Tax Lot 300, Section 2D, Township 12 South, Range 5 West, W.M..

ZONING: County Light Industrial (M-1) District.

URBAN GROWTH BOUNDRIES: Within Corvallis Urban Growth Boundary. Proposed Land us is light Industrial (M-1).

FLOOD PLAIN: The building site is located approximately 120' West of the Flood Plain area of the Willamette River and is between 9' feet to 15 feet above the highwater mark or 100 year flood level.

WILLAMETTE RIVER
GREENWAY PROGRAM: The City of Corvallis has recommended a strip of land 150 feet wide, measured from the ordinary low water line to be reserved for the Greenway Program in this area.

The building site is located approximately 500 feet from the average water line.

Provisions of both the City and County Zoning Ordinances for the Light Industrial (M-1) Zone Districts provide permitted uses for the manufacture, repair or storage of articles from the following listed previously prepared materials: bone, cellophane, cloth, cork, feathers felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious stone or metal, shell, textiles, wax, wire, or yarn.

The building permit for the main structure was issued June 26, 1978 by the Building Division of the Benton County Public Works Department.

The permit for the Auxilary Building was issued. December 11, 1978.

1-18-79 D

New Times Magazine

Environment/By Paul Shinoff

Insulate your lungs— use fiber glass

- You know about asbestos. You know that this heat-resistant miracle material of uncounted commercial uses is now considered to be the most dangerous substance in common industrial use. You know that half of all asbestos workers will suffer from debilitating lung diseases and one-third will develop cancer. And you know that asbestos has come to be replaced in many applications by a new miracle material called fibrous glass.

You know about fiber glass . . .

Unlike naturally occurring minerals, fibrous glass is a material of the modern age, spun like cotton candy from molten silica sand. It is best known as an insulation product, an effective barrier against both heat and cold. Even now, a dozen states and the federal government are considering incentive tax credits to homeowners who will install it in their walls and attics. It also has 35,000 other product applications.

Back in the 1950s, as fiber glass first came into common use, workers frequently exposed to the material began complaining of bothersome itching, rashes, coughing and burning of the eyes. By 1961, occupational health doctors were discussing a new type of lung disorder found among workers in the fiber glass industry; they called it fiber glass pneumoconiosis. But such reports were countered by other studies, many commissioned by the industry, which showed that chest diseases among their employees were neither more nor less prevalent than among the rest of the population.

In 1965, Dr. Mearl Stanton, a pathologist at the National Institute of Health in Bethesda, Maryland, was implanting asbestos in the chest cavities of female Osborne-Mendel rats. But as the fibers are brittle, Stanton bonded them to a tiny square of ordinary fiber glass insulation, a material he considered totally benign.

That a sizable number of rodents soon developed cancer was hardly a surprise; similar findings had been reported among human beings as early as 1935. Still, Dr. Stanton slogged away, a foot soldier in a gentleman's war, fought in the pages of esoteric medical journals.

Stanton's experiments had shown that asbestos fibers caused several types of cancers, including a rare but fatal malignancy known as mesothelioma—a disease found only among asbestos workers and their families. (Mesothelioma, a cancer of the lung cavity, takes 20-30 years to mature, then kills within nine months.) But scientists were unsure *how* asbestos sparks cancer: whether the disease was caused by the chemical composition of the fiber, or arises as a result of constant irritation once trapped in the lung. If the first theory were to prove true, then asbestos could be considered an odious but isolated threat. But if the cancer is created simply by physical irritation, then any respirable fiber of like shape and size could cause the disease. That would include a long list of durable synthetics including acetates, acrylics, nylon, polyesters, rayon and teflon. And fiber glass.

In 1969, Dr. Stanton ordered 1,200 rats from NIH's Animal Production Section and repeated his earlier experiment, but this time he implanted finely ground fiber glass in the rodents instead of asbestos. The animals lived to the relatively old age of two, were killed and autopsied. Up to 18 percent were found to have mesothelioma.

In 1974, Stanton, a well-ordered scientist who lives in a world of probabilities and correlation coefficients, wrote a cautious but haunting editorial for the *Journal of the National Cancer Institute*, which concluded, "Vigilance in detecting the presence of such fibers in the environment and in the tissues of man may well profit us all." Meanwhile, however, research commissioned by the medical departments of the fiber glass industry continues to downgrade the hazards of the substance.

The industry has contended that, with the exception of finely ground fibers, the glass particles are too large to ever reach the lungs. In Berkeley, California, a physician by the name of W. Clark Cooper wondered if that was true. So at the same time that Mearl Stanton was killing rats in Bethesda, Cooper was pinning dust collector devices to the shirts of insulation workers at a University of California construction project.

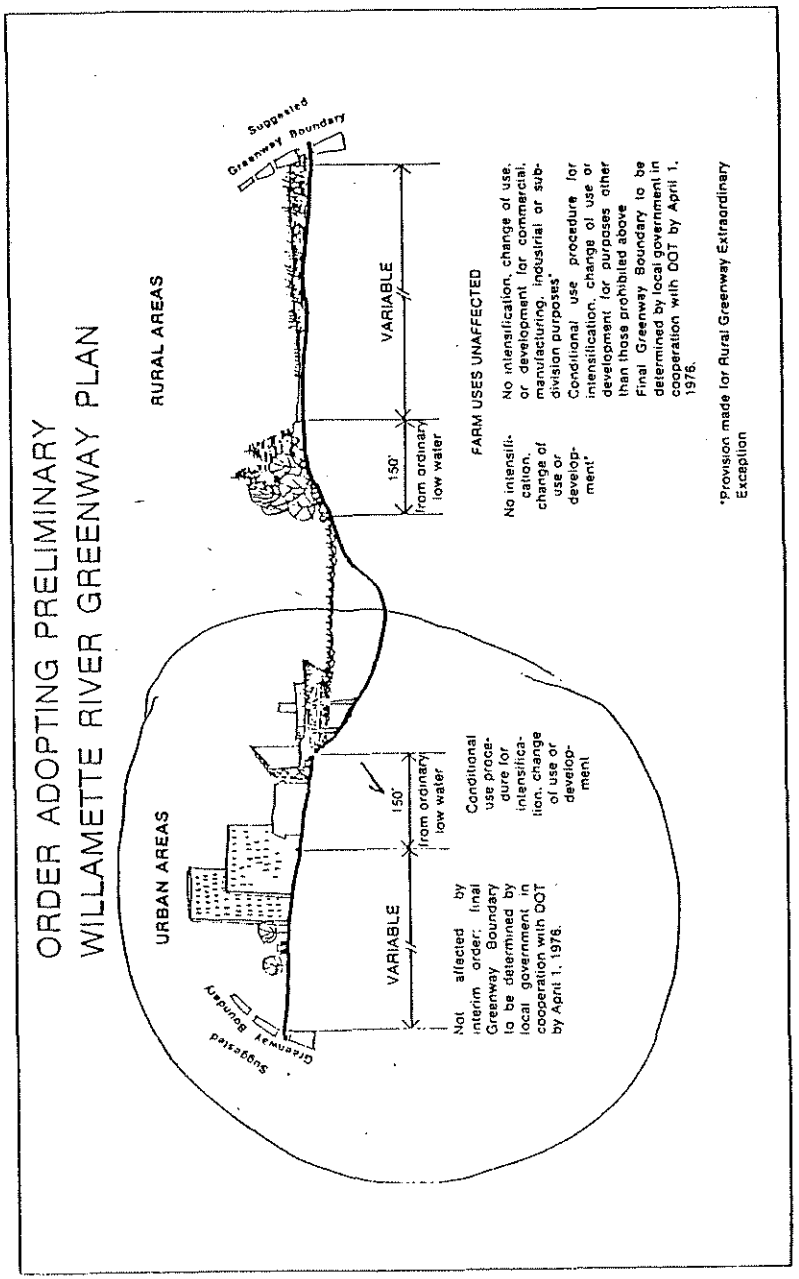
To pass through the breathing passages—avoiding the fine hair-like cilia and sticky mucous which lines the nose, trachea and the bronchial tree to the grape-like alveolar sacs which make up the lung—a particle must be extremely narrow, 3.5 microns in diameter or .0001 of an inch. Such a fiber cannot be seen by the naked eye; it is too small to glimpse even under an ordinary microscope.

When Cooper collected his filters from the insulation workers, he discovered that of all the fibers that floated through the air on a typical construction site, 20 percent could pass into the lungs.

Only one study has been completed by the National Institute for Occupational Safety and Health (NIOSH) among fiber glass workers. It showed a marked increase of deaths from lung disease but no increase of cancer. The scientists concluded, however, that because of the lag time between exposure and overt malignancy, "a potential carcinogenic effect of these fibers may not manifest itself in the workers for several additional years."

As a result, NIOSH is recommending federal standards, which would include annual physical exams for fiber glass workers, posted warning notices, protective clothing, and use of either respirators or ventilation systems to draw off the dust.

But there has been curiously little public discussion as to the potential hazards that may await the country's do-it-yourself homeowners, who are now being encouraged to roll out the fiber glass insulation in their enclosed attics. Other than encouraging us to wear old clothes, certainly promotions on behalf of power companies and the insulation industry avoid the issue. The Johns-Manville Corp. has no warning labels on its home insulation products—nor does it plan to add any. "Discussions of hazards have been highly over-exaggerated," says a company spokesman. ●



a. The current fibers used are longer and narrower, therefore more respirable.

b. Both fiber-induced fibrosis and carcinogenicity require long latent periods to develop, sometimes, as in the case of mesothelioma, as much as 30 years.

c. Epidemiological studies to date have dealt with workers exposed to thicker, less respirable fibers.

(Please see copy of their article for their conclusion, which I read at the hearing.)

Statements solicited by me from three experts in pulmonary disease and environmental medicine:

The experts are: Dr. Katharine Sturgis, a member of the National Advisory Board to The National Institutes of Health, and former Chairman of the Department of Environmental Medicine at the Medical College of Pennsylvania as well as editor of the Archives of Environmental Health; Dr. Marvin Kuschner, Dean of the School of Medicine at the New York State University at Stony Brook and a participant in the NIOSH symposium on fiber glass in 1974; and Dr. William Weiss, Chairman of the Department of Environmental Medicine, Hahnemann Medical College, Philadelphia.

All three are of the opinion that we do not yet have a definitive answer regarding the extent of the health hazard posed by fiber glass manufacture. All three point to the long period of time needed to determine that hazard, and all three urge caution until better information becomes available. In the meantime, they believe exposures to respirable glass fibers should be kept at a minimum.

Recommendations:

1. Contain the effluent, and recycle or otherwise dispose of the fiber glass particles thus collected. This has been done in other industries.

2. Adhere to the OSHA proposed standards for Category II substances (substances

EXTRACT OF STATEMENT BY BARBARA BOUCOT AT EVANS PRODUCTS HEARING LAST THURSDAY

Information from three papers dealing with the fiber glass problem:

1. Bayliss, Dement, Wagoner, and Blejer, Mortality Patterns Among Fibrous Glass Production Workers: New York Academy of Science, n. d. (after 1974).
   They found an excessive risk of non-malignant respiratory disease among production workers in a fiber glass plant that showed up after 10 years since the beginning of employment. These workers had been exposed to small concentrations of large diameter fibers. The authors note that small diameter fibers produce much higher concentration of fibers by many orders of magnitude and are much more capable of deep lung penetration. They remark that plants producing small-diameter fibers have not been in operation long enough (since the early 1960's) to permit evaluation of any potential pathenogenic lung effects, including carcinogenicity, that result from inhalation and exposure to small-diameter glass fibers.

2. The Pulmonary Response to Fiberglass Dust: Report of the Committee on Environmental Health of the American College of Chest Physicians (Gross, Paul, et al.).
   "There is no evidence to indicate that inhaling fiber glass is associated with either permanent respiratory impairment or carcinogenesis; however, the final verdict as far as the latter is concerned must await the findings of long-term mortality studies."

3. Rom and Langer, Carcinogenicity of Fibrous Glass: communication in Western Journal of Medicine, May 1977.
   The medical literature has numerous references to the carcinogenicity of fibrous glass in experimental investigation. A number of medical researchers have been able to induce malignant tumors in laboratory animals using fibrous glass. The authors believe the question of whether fibrous glass is a carcinogenic substance for humans is unresolved, and they point to the following:

for which there is suggestive evidence for productionof cancer). These include an adequate program of medical surveillance and recordkeeping of all monitoring in the workplace and of all employees who are exposed to any toxic substance. The records should be kept for 40 years, or 20 years after termination of employment, whichever is longer.

END OF EXTRACT

Since last Thursday I have had time to go through the proceedings of a symposium sponsored by NIOSH, titled Occupational Exposure to Fibrous Glass, and published in 1976. This paper demonstrated the state of the art at that time, and it formed the basis of OSHA's regulations.

Some of the information I found is listed below:

1. At the time of the symposium (1974) NIOSH had a priority list of 400 to 500 toxic substances and physical agents, on which fiber glass was ranked 40.
2. The presence of glass fibers in human tissue is very difficult to detect with ordinary lab procedures. However, under phase contrast illumination at 1000x to 2000x the fibers are visible, and one contributor (Schepers, p. 265 ff.) presented a series of cases showing that fibrous glass can and does cause damage to human lungs under certain conditions. This same investigator found a heightening effect that increased potential lung damage when exposure to extremely slender glass fibers is combined with exposure to silica.
3. The mortality study by Bayliss and others (noted in the Extract and also in the symposium) indicates that the risk to fiber glass workers after ten years from the start of work for non-malignant respiratory disease is double that found for the population at large. This included a number of cases of emphysema.
4. The summary of the symposium contains the following statement: "The major issue and still unanswered question regarding a suitable environmental level is whether or

not fiber glass is to be considered an inert dust or has a significant carcinogenic --and after this conference I will add fibrogenic--potential." It was further suggested that the fiber glass industry presented a situation in which we should be dealing with potential problems instead of waiting until we have to act as firemen rushing in to try to clear up the damage.

2-9-79

ATTACHMENT 3

We the undersigned are in full support of Evans Products in their construction of and operation of a Fiber Glass Plant. ~~We support their~~ right to operate a business for a profit and equally as a contribution to society. We also support them in their ~~acknowledgement~~ of the responsibility entailed in that operation, which include maintaining all health safety and pollution standards as directed by law.

TOTAL SIGNATURES 789

	Name	Address
1.	Jay M. Doyle	241 N.E. Cambridge
2.	Stephen R. Jones	RT 2 Box 239 Corvallis, OR
3.	[illegible]	RT 2 Box 29K Philomath
4.	Roy P. Dorroh	1010 NW 23rd St Corvallis OR.
5.	Robert A. Starr	1807 N.W. Canyon [illegible] Corvallis, ore
6.	[illegible]	256 E Powell Monmouth or
7.	Ronald R. [illegible]	Rt. 2 Box 340-0 Corvallis, Ore.
8.	[illegible]	2980 NW Satinwood Corvallis Ore.
9.	Mike [illegible]	106 Cooper Ln. Philomath ORE.
10.	[illegible]	950 Sequoia St. Corvallis, Ore
11.	Karen Iverson	993 N.W. Sycamore "
12.	Keith [illegible]	665 NW Oak " "
13.	Judy King	327 N.E. Conifer #1
14.	[illegible]	724 SE Mayberry Corvallis
15.	Dan L. Flores	685 S.E. Lilly
16.	Rodney [illegible]	315 NW 8th St Corvallis
17.	Dean Hultberg	1919 SW Stadium St. Corvallis
18.	Bob Wood	814 NW 35th Corvallis
19.	John P. Winslow	4465 NW [illegible] Pl Apt 4 Corvallis
20.	[illegible]	Albany Oregon
21.	Eugene Thurber	RT. 1, Box 240-Z Philomath Ore.
22.	[illegible]	30390 Butte Creek Rd, Lebanon
23.	[illegible]	3320 N.E. Canterbury St Corvallis
24.	Cindy S Carroll	2435 NW Fairlawn St. "
25.	[illegible]	5520 S.W. Cherry Corvallis, Ore.

cc: Environmental Quality Commission
Benton County Board of Commisioners ttn: Chairman
City of Corvallis, Attn: A.Berg, Ma
City of Corvallis, Attn:C.Mgr.
Gazette-Times, Attn: Editor

ATTACHMENT 4

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
FEB 06 1979
AIR QUALITY CONTROL

TOTAL SIGNATURES
28

January 29, 1979

Department of Environmental Quality
P. O. Box 1700
Portland, OR 97207

To Whom It May Concern:

We live in the community of Corvallis, Benton County, Oregon. We chose to live here for many reasons, one of which is the relatively clean and stimulating air. With the ocean nearby, and the mountains within reach, this pollution free valley has become our home.

This letter is being written in protest of the promotion projects being made by Evans Product Company and Venell Farms. Both acknowledge the pollution that their companies will produce - Evans Products, the "glass fibers," and Venell, "organic byproducts from grain farming". The introduction of these hazards into our air has been determined as a threat to our future health.

We feel your Department will help in protecting what nature gave us. Once lost to companies and others who see only money and community growth as goals of life, we will never recover it. Please keep Corvallis free of polluted air, for the beenfits of ourselves and those we love.

Sincerely,

M. Shannon O'Boyle	227 NW 11th Corvallis, Oregon
Karina Bennett	Rt 2 Box 68-B Monmouth, Ore
Katsumi Itoh	850 S.W. 35th Corvallis, Oregon
Barbara J. Tomasovic	2706 NW Coolidge Way - Corvallis
Don Farleigh	4050 SW Western - Corvallis
[illegible]	3115 Orchard Corvallis Ore
Claudia R Harper	208 NW 11th Corvallis Oregon
CHRIS HAAG	3265 FIR TREE DR. SALEM, OREGON

FIRST ALTERNATIVE INC.
1007 SE 3rd, CORVALLIS, OR 97330

ATTACHMENT 5

We, the undersigned, as members and shoppers of the First Alternative Inc. are opposed to the opening and operation of the Evan's Products' glass wool plant on Crystal Lake Drive in Corvallis. As a food cooperative we are interested in obtaining and providing for each other low prices and nutritious food. Our large membership (2300) and non-member shoppers (at least double that) seems to indicate a strong interest in high quality, healthy food. We are very concerned with the potential health hazard of glass wool and are concerned that this plant will be located near us and a residential zone. We are very concerned that the DEQ's standard's for particle emission are not strong enough for our protection in the case of microdiameter fibers such as glass wool. We are extremely concerned that the glass wool will be an irritant with short term exposure and pose a longer term cancer hazard. An additional burden on our Corvallis air quality is undesireable. We see Corvallis as a very liveable city, one that is quickly growing, in part because of her clean air. We want a clean, healthly liveable city and are adamantly opposed to this plant's operation.

TOTAL SIGNATURES 396

Number	Printed Name	Signature	Address
1	STEVE HANDY	Steve Handy	29405 Hwy 34 Corvallis
2	FRAN Recht	Fran Recht	29405 Hwy 34 Corvallis, Or
3	Julie Wind	Julie Wind	P.O. Box 881 Philomath, Or
4	Jeannie Smith		
5	Paul S Johnson	Paul S Johnson	911 SW 11th Corv.
6	RICHARD DANKLEFF Richard Danpleff	Richard Danpleff	1025 SW Sunset Drive Corvallis
7	Brian Wood	Brian Wood	735 SE Atwood
8	Susan Lattomus	Susan Lattomus	3153 NW Polk, Corvallis OR 97330
9	Paul Carlson	Paul Carlson	725 Colo. Lake Dr. Corvallis 97330

ATTACHMENT 6

TO: THE ENVIRONMENTAL QUALITY COMMISSION and THE DEPARTMENT OF ENVIRONMENTAL QUALITY

We, the undersigned, residents of the City of Corvallis and Benton County, request that a formal hearing by the Department of Environmental Quality be held in Corvallis after February 18, 1979 for the Air Discharge Permit under consideration by the Department of Environmental Quality for the Evans Products Fiberglass Manufacturing Facility under construction on Crystal Lake Drive, Corvallis.

At the time of the informal hearing on January 18, 1979 the air discharge permit was combined with an odor permit for the Evans Products Separation Plant. This request for a formal hearing is made because the original permit under consideration by the DEQ has been separated and may be modified and because the public record of the informal hearing held in Corvallis on January 18, 1979 failed to pick up the verbal exchange between the DEQ representative, Fritz Skirvin, and the audience due to an incomplete tape recording by Benton County.

TOTAL SIGNATURES 1901

	Name	Address	Precinct	Phone #
1.	Dean Nebergall	735 NW 18th	Corvallis	752 2526
2.	Donna Nebergall	735 N.W. 18th	Corvallis	752-2526
3.	Susan E. Frasier	1711 NW	Taylor Corvallis	757-9004
4.	James + Faith Dejarnett	1705 NW	Taylor "	752-1848
5.	Jane McVeigh	704 N.W. 17th	Corvallis	752-0640
6.	David Schultz	704 N.W. 17th	Corvallis	752-0640
7.	Sharon R Wood	813 NW Monroe #1	"	752-4854
8.	Lu Doyle	732 NW 17th	Corvallis	753-1582
9.	M. NIKAS	813 NW MONROE	CORVALLIS	
10.	Lloyd Jaccard	745 N.W 17th	CORVALLIS	753-5481
11.	Mari Barton	737 N.W. 17th	Corvallis	753-4690
12.	Rebecca L Knight	1651 N.W. Taylor	Corvallis OR	753-6410
13.	Mike Smith	728 N.W. 16th	Corvallis	752-7830
14.	Dora McTurgis	744 N.W. 16th	Corvallis	
15.	C C Kirk	727 N W 16th	Corvallis Ore	
16.	Bird Lilly	721 N W 16	Corvallis Or	
17.	Ron Stinnett	702 N W 15th	Cor. ORE	
18.	Lynn Stinnett	702 NW 15th	Corvallis	753-2083
19.	Jeanette Day	710 NW 15 ST	Corvallis Oregon	
20.	Timothy F. Day	726 NW 15TH	Corvallis Or.	
21.	Gold Swenson	731 NW 15th	Cor. ORE	97330
22.	Jim M Ward	731 NW 15	Corvallis OR	97330
23.	Bonny Wilson	1335 King Blvd	Corvallis	

A T T A C H M E N T II

ATTACHMENT II

JAMES A. REDDEN
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

March 20, 1979

Frederic A. Skirvin
Department of Environmental Quality
Yeon Building
522 SW Fifth Avenue
Portland, Oregon 97204

Re: Evans Products, Corvallis, Oregon
Proposed Fiberglass Plant

Dear Fred:

Pursuant to your request, this confirms our March 2, 1979 conference regarding the subject matter. At that conference, you showed me numerous petitions signed by many people requesting various kinds of action by the Department and Commission. You also described the hearings which have been held regarding Evans Products' application for an air contaminant discharge permit for its proposed Corvallis, Oregon fiberglass plant.

Some of the petitioners have requested that the Commission itself hold a hearing regarding the proposed issuance of the permit. As you explained to me, a hearing has already been held before a joint hearing panel and much testimony has already been gathered. I am not familiar with any authority which would require that another hearing be held. On the other hand, the Department and Commission could choose to hold another hearing and could limit any such hearing to receipt of information which has not already been presented in the prior hearings. The decision to schedule such a hearing, or to not schedule such a hearing, would in either case be within the discretion of the Department and the Commission. Essentially, it is a policy question, not a legal question.

Please call me if you have any questions.

Sincerely,

Robert L. Haskins
Assistant Attorney General

RLH/sg