

4/27/1979

**OREGON
ENVIRONMENTAL QUALITY
COMMISSION MEETING
MATERIALS**



**State of Oregon
Department of
Environmental
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

April 27, 1979

Portland City Council Chambers
City Hall
1220 Southwest Fifth Avenue
Portland, Oregon

A G E N D A

9:30 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 February 23, 1979 EQC Meeting
- B. Monthly Activity Report for March 1979
- C. Tax Credit Applications
- D. Request for authorization to hold a Public Hearing on annual rules review and update to Motor Vehicle Emission Testing Rules to include standards for 1979 model year motor vehicles (OAR 340-24-300 through 24-350)

PUBLIC FORUM

- 9:45 am 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

ACTION ITEMS

The Commission will hear testimony on these items at the time designated, but may reserve action until the Work Session later in the meeting.

- F. Rule Adoption - Proposed adoption of amendments to administrative rules governing subsurface and alternative sewage disposal (OAR 340-71-020)
- G. Field Burning Rules - Request for authorization to hold a public hearing to consider revision of rules pertaining to experimental field burning (OAR 340-26-013(6))

Environmental Quality Commission Meeting

Agenda

April 27, 1979

- H. Field Burning - Consideration of submission of field burning rules to EPA as a revision to the State of Oregon Clean Air Act Implementation Plan
- I. Certification of plans for sewerage system as adequate to alleviate a health hazard (pursuant to ORS 222.898) for an area contiguous to the City of Albany (Drapersville-Century Drive Area)

11:00 am J. Variance Requests

- 1. Request by Tillamook County for extension of variances from rules prohibiting open burning dumps (OAR 340-61-040(2)(C))
- 2. Request by Lake County for variances from rules prohibiting open burning dumps (OAR 340-61-040(2)(C))
- K. River Road/Santa Clara Subsurface Sewage Disposal Moratorium - Status report on public informational hearings and ground water contamination study

INFORMATIONAL ITEMS

- L. Sewerage Works Construction Grants - Schedule and process for developing new priority criteria and list for Fiscal Year 1980
- M. Land Use Coordination Program - Status report on implementation of procedures developed to ensure DEQ site-specific actions affecting land use are in conformance with LCDC's Statewide Planning Goals

WORK SESSION

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

Because of the uncertain time span involved, the Commission reserves the right to deal with any item at any time in the meeting except Item 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 Commission will breakfast (7:30 am) in Conference Room A off the Standard Plaza Building Cafeteria, 1100 S. W. Sixth Avenue; and lunch in Room 511, DEQ Headquarters, 522 S. W. Fifth Avenue, Portland.

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

April 27, 1979

On Friday, April 27, 1979, the one hundred eighth meeting of the Oregon Environmental Quality Commission convened in the Portland City Council Chambers, 1220 S. W. Fifth Avenue, Portland, Oregon.

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

Staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the Director's Office of the Department of Environmental Quality, 522 S. W. Fifth Avenue, Portland, Oregon.

BREAKFAST MEETING

The Environmental Quality Commission met informally for breakfast in Conference Room A off the Standard Plaza Building Cafeteria, 1100 S. W. Sixth Avenue in Portland, and discussed the following items without taking any action.

1. The status of the current North Albany subsurface sewage disposal permit moratorium.
2. Introduction of Ms. Linda Zucker as the new EQC Hearing Officer.
3. Content and timing of public hearing notices.
4. SB 915 regarding banking of emission offsets.
5. Field Burning - proposed legislation status and submission of SIP revision.
6. Status of the Department budget.
7. Status of the Evans Products Permit for their Corvallis glass wool plant.
8. Status of DEQ v. Faydrex.

FORMAL MEETING

AGENDA ITEM A - MINUTES OF THE FEBRUARY 23, 1979 EQC MEETING

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR MARCH 1979

AGENDA ITEM C - TAX CREDIT APPLICATIONS

AGENDA ITEM D - REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING ON ANNUAL RULES REVIEW AND UPDATE TO MOTOR VEHICLE EMISSION TESTING RULES TO INCLUDE STANDARDS FOR 1979 MODEL YEAR MOTOR VEHICLES (OAR 340-24-300 THROUGH 24-350)

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that the above consent items be approved.

AGENDA ITEM F - RULE ADOPTION - PROPOSED ADOPTION OF AMENDMENTS TO ADMINISTRATIVE RULES GOVERNING SUBSURFACE AND ALTERNATIVE SEWAGE DISPOSAL (OAR 340-71-020)

Director Young said that when the Commission adopted a package of amendments to Administrative Rules governing subsurface and alternative sewage disposal on March 30, one vital amendment was inadvertently overlooked and not included in the package. He said that this item would correct that oversight. The proposed amendment, he continued, would establish the daily sewage flow for single-family dwellings at 150 gallons per bedroom for the first two bedrooms and 75 gallons per bedroom for the third and succeeding bedrooms. Director Young said that this rule, if adopted, would result in a number of advantages for the homeowner such as homes served by three-bedroom systems installed after January 1, 1974 could add a bedroom without altering the system.

It was MOVED by Commissioner Phinney, seconded by Commissioner Hallock and carried unanimously that the Director's recommendation to adopt the proposed amendment to Oregon Administrative Rules 340-71-020 as set forth in Attachments A and B of the staff report, be approved.

AGENDA ITEM G - FIELD BURNING RULES - REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING TO CONSIDER REVISION OF RULES PERTAINING TO EXPERIMENTAL FIELD BURNING (OAR 340-26-013(6))

Director Young said when EPA reviewed the Department's proposed one-year interim strategy for field burning, it uncovered an oversight in the drafting of the field burning rule. As conceived, he said, experimental field burning acreages were limited on a year-by-year basis in the rules. Temporary rules were adopted for the 1978 season establishing a limit for that year, he continued, and the oversight occurred when the year was not changed to 1979 upon permanent rule adoption last December. Director Young requested authorization to hold a public hearing and adopt a corrected rule at the Commission's May meeting.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that the public hearing be authorized.

AGENDA ITEM H - FIELD BURNING - CONSIDERATION OF SUBMISSION OF FIELD BURNING RULES TO EPA AS A REVISION TO THE STATE OF OREGON CLEAN AIR ACT IMPLEMENTATION PLAN

Director Young said the Commission had already considered the method of incorporation of field burning rules in Oregon's SIP at its December and February meetings. At the February meeting, he said, it was decided to submit the rules as a one-year interim strategy to allow flexibility in dealing with future legislative changes and still establish acreage limits for 1979 above the 50,000 acres currently in the SIP. Subsequently, he said, EPA rejected the proposed one-year approach, therefore it was necessary to

consider this submittal again in order to gain approval for the 1979 burning season. Director Young said the staff would provide a legislative update on possible changes to the field burning law for the Commission's consideration prior to action on the proposed submission.

Mr. Scott Freeburn, of the Department's Air Quality Division, said the current field burning bill, SB 472, was approved in the Senate in its present form and went to the House Agricultural Committee. To date, he said, one hearing had been held and at that hearing several questions were raised with regard to the bill and its possible implications in adoption of the SIP and on offsets.

Chairman Richards asked if the proposed action would mean that the SIP revision would be immediately submitted in its present form. Mr. Freeburn replied it was the Department's intent to submit what had previously been a one-year control strategy, with no changes, if possible.

Mr. Freeburn presented the following Director's Recommendation:

Director's Recommendation

Based upon the information set forth in pages one through four of the Director's April 27, 1979 staff report to the Commission and information presented with regard to the status of current field burning legislation, it is recommended that the Environmental Quality Commission instruct the staff to:

1. Submit the current field burning rules previously adopted and set forth as Attachment 1 to the Director's Staff Report of December 15, 1978, and other appropriate documents as required, to the Environmental Protection Agency pursuant to Federal rules and request that these submitted rules be promulgated as a State Implementation Plan revision. Further inform EPA as to the status of new legislation and the Department's proposed plan and schedule to respond thereto.
2. Develop a State Implementation Plan revision as may be appropriate in light of legislation adopted prior to the 1980 field burning season and in substantial compliance with the schedule set forth in this staff report.

Mr. Robert Elfers, representing the City of Eugene, said that the City had been in support of submitting the field burning rules for 1979-80 to EPA as part of the SIP. However at this time, he said, the City opposed the proposed action on this matter because it appeared to be only another one-year strategy. Mr. Elfers asked if the Director would be making the same recommendation if the bill before the Legislature had already passed. They felt, he continued, that a viable SIP revision should look beyond just one year.

Mr. Elfers said if the Commission approved the Director's Recommendation on this matter, the City would seek rejection by EPA and would also seek enforcement of the current SIP which called for a 50,000 acre limit on field burning.

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

PUBLIC FORUM

Mr. Richard Sewnson, Oregon Environmental Health Association, said the impact of the adoption previously in the meeting of Agenda Item F, would serve to greatly eliminate the issuance of unnecessary permits and would be a great improvement to the subsurface sewage disposal program.

Mr. Richard Miller, representing Rough and Ready Lumber Company, appeared regarding the denial of the Company's request for preliminary certification for tax credit. He presented a diagram to the Commission indicating what portions of their equipment they were applying for in this case. Mr. Miller also briefly outlined some background on this matter as it had been before the Commission before. He said the equipment they were applying for in this instance was that which had as its end product heat energy. They did not apply for the equipment which used the heat energy to dry lumber, he said. Mr. Miller said the equipment in the kiln that they were applying for was essential to the use of solid waste material for its heat content.

Mr. Miller said they understood the Commission had to be cautious in issuing tax credits, however they believed the equipment they were applying for was definitely used in the stage of energy production as opposed to energy consumption.

In response to Chairman Richards, Mr. Miller said this was a new application which the Commission had not heard before. Also in response to Chairman Richards, Mr. Miller said the material he was presenting at this time had not been presented to the Department staff for review. Chairman Richards suggested that if the material was different than what had been submitted before, the staff be given a chance to review it before it came before the Commission. Mr. Lewis Kraus, Rough and Ready Lumber, informed the Commission that a letter had been sent to the Department so they were aware of the presentation.

Ms. Cynthia Kurtz, Portland AQMA Advisory Committee, appeared regarding the Indirect Source Program and submitted some recommendations to the Commission. Ms. Kurtz said that basically the Committee felt the rule should be retained as it now stood. A written copy of the Committee's resolution in this matter is made a part of the Commission's record.

AGENDA ITEM I - CERTIFICATION OF PLANS FOR SEWERAGE SYSTEM AS ADEQUATE TO ALLEVIATE A HEALTH HAZARD (PURSUANT TO ORS 222.898) FOR AN AREA CONTIGUOUS TO THE CITY OF ALBANY (DRAPERSVILLE-CENTURY DRIVE AREA)

Director Young said these certifications had come before the Commission a number of times. In this particular case, the State Health Division certified findings of a health hazard in an area northeast of the City of Albany, he said. The next step in the Mandatory Annexation Process, he said, was for the Commission to certify the adequacy of plans submitted by the City. Director Young said the Department had been involved in a series of meetings regarding this process generally, and the Albany area problem in particular, and as a result the findings and recommendations contained in this report differ from those presented for similar projects in the past.

Mr. Harold Sawyer, of the Department's Water Quality Division, presented the Summation and the following Director's Recommendation from the staff report.

Director's Recommendation

Based upon the findings in the Summation of the staff report, it is recommended that the Commission issue an order to the City of Albany which:

1. Disapproves the proposal of the City for the reasons cited in the Summation.
2. Directs the City to submit a completed Step I grant application to DEQ by July 1, 1979 with the scope of work and costs having been negotiated with DEQ and EPA prior to that date.
3. Directs the City to submit a revised preliminary plan consisting of a completed facility plan and an appropriate new schedule to the Commission for review within 6 months after EPA award of the Step I grant.

Mr. Richard Swenson, Linn County Health Department, testified that this situation was unique because a disease outbreak occurred during the mandatory annexation process. He wanted to stress the urgency in resolving this matter to prevent further disease in the area.

Mr. John Huffman, Oregon State Health Division, concurred with Mr. Swenson's concerns about the disease outbreak and wanted to be sure a timetable was set for compliance.

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

AGENDA ITEM J(1) - REQUEST BY TILLAMOOK COUNTY FOR EXTENSION OF VARIANCES FROM RULES PROHIBITING OPEN BURNING DUMPS (OAR 340-61-040(2)(c))

Director Young said Tillamook County was requesting a six-month extension of open burning variances for the Manzanita, Tillamook and Pacific City landfills. The County needed the additional six months to finalize engineering plans and site preparation at the proposed regional landfill site near Tillamook, he continued.

Commissioner Phinney said she thought the report was encouraging and asked if there was opposition to this proposal. Mr. Charles Gray, of the Department's Northwest Regional Office, replied that the county owned the land for the proposed regional site and there appeared to be no local opposition. He said this would be an expansion of the existing Tillamook site.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that the Director's Recommendation to grant a variance to OAR 340-61-040(2)(c) for the Manzanita, Pacific City and Tillamook disposal sites until November 1, 1979, be approved. The following condition was placed on the variance:

The disposal sites are to be closed prior to the expiration date of the variance if a practical alternative method of disposal becomes available.

AGENDA ITEM J(2) - REQUEST BY LAKE COUNTY FOR VARIANCES FROM RULES PROHIBITING OPEN BURNING DUMPS (OAR 340-61-040(2)(c))

Director Young said that rural solid waste disposal sites in Lake County had historically open burned. The Lake County solid waste plan, he continued, proposed to use a portable burner to quickly burn the solid waste at a high temperature, however the Plan was not implemented by the County and the Department received a request to amend the plan to allow open burning. Director Young said that after a meeting with the County Commissioners regarding problems associated with the request, the County and the City of Paisley submitted requests for variances from Solid Waste Regulations prohibiting open burning.

Mr. Robert Brown of the Department's Solid Waste Division, said he had talked with George Carlin of the Lake County Commission who asked him to express the following concerns to the EQC:

1. All three Commissioners in Lake County feel they do not have the tax dollars this year, and they feel that public sentiment would be for closure of the sites if any more money needed to be spent. This could lead to promiscuous open dumping onto BLM property.
2. That the sites burn fast and relatively clean.
3. That the time to burn the sites be selected early in the morning.

In response to Chairman Richards, Mr. Brown said he could consider this justification for a variance for at least a one-year period.

Commissioner Phinney asked if the County had an obligation to supply disposal sites for its residents. Mr. Brown replied that the statutes and regulations did not require counties to provide disposal sites, but they probably had a moral obligation to provide them.

Commissioner Hallock said she was reluctant to grant a variance unless they had some assurance before July 1, 1979 that the county would arrive at some timetable for phasing out these burning dumps. Director Young replied that the Department would be reviewing a timetable with the County and would be coming back to the Commission prior to July 1, 1979 with some recommendation based on that review.

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

Director's Recommendation

Based upon the findings in the Summation of the staff report, it is recommended that the Environmental Quality Commission grant a variance from OAR 340-61-040(2)(c) until July 1, 1979, subject to the City of Paisley and Lake County being required to submit evidence to the Department to justify a variance past July 1, 1979.

AGENDA ITEM K - RIVER ROAD-SANTA CLARA SUBSURFACE SEWAGE DISPOSAL MORATORIUM - STATUS REPORT ON PUBLIC INFORMATIONAL HEARINGS AND GROUND WATER CONTAMINATION STUDY

Director Young said the subsurface approval moratorium in the River Road-Santa Clara Area of Lane County was a matter of continuing concern. Public informational hearings were held in the area March 28 and 29, 1979, he said, and the hearing record had been completed and was now available. On April 3, 1979, Director Young continued, Lane County adopted a resolution requesting that the moratorium be terminated.

Mr. John Borden, Willamette Valley Regional Manager, reviewed the staff report and alternatives for the Commission and presented the following Director's Recommendation:

Director's Recommendation

Based on the summation in the staff report, it is recommended that a rule making hearing be convened after final technical reports from the Lane Council of Governments (LCOG) study project are submitted in March 1980.

The staff will report to the Commission at its July 1979 meeting on the results of the evaluation by DEQ, EPA and LCOG of the Interim Analysis Report.

According to Mr. Borden's remarks, Chairman Richards said there would be some substantial information available in July if there was not any slippage in the due date of the LCOG report. He asked if it would be possible to schedule the hearing in July and if the technical report had not been received in time for a staff analysis, the hearing could be postponed to a later date. Mr. Borden replied that subject to the time needed for hearing notices, etc., it would be possible.

Chairman Richards said he was not comfortable with scheduling a hearing as far away as March 1980. As substantial information would be available in June 1979, he said, it was incumbent upon the Commission to set the next reasonably closest date for a hearing.

Ms. Vora Heintz, River Road-Santa Clara Community Association, thanked the Commission for their efforts to give more consideration to the situation. She also thanked the Commission for holding hearings in the Eugene area. She noted that a year after the moratorium was imposed there was no evidence of disease outbreak or health hazards in the area.

It was MOVED by Commissioner Hallock, seconded by Commissioner Phinney and carried unanimously that Option b in the staff report, as follows, be adopted.

Schedule a hearing to occur approximately 30 days after the LCOG draft interim report is available for review.

- Submit notice to Secretary of State - June 20, 1979
- Notice published in Secretary of State Bulletin - July 1, 1979
- Hold Hearing - July 27, 1979

AGENDA ITEM L - SEWERAGE WORKS CONSTRUCTION GRANTS - SCHEDULE AND PROCESS FOR DEVELOPING NEW PRIORITY CRITERIA AND LIST FOR FISCAL YEAR 1980

Director Young reminded the Commission that at their last meeting they requested a report back on the schedule and process for revising priority criteria and developing a Sewage Works Construction Grants Priority List for fiscal year 1980. He said the staff report presented a brief discussion and schedule showing public input opportunities and decision points.

In response to Chairman Richards, Mr. Harold Sawyer, Administrator of the Department's Water Quality Division, replied that the Department expected to share everything they did with everyone, including the Commission. He said they would brief the Commission every month until the process was completed.

This item was presented for informational purposes only and no action by the Commission was required.

AGENDA ITEM M - LAND USE COORDINATION PROGRAM - STATUS REPORT ON IMPLEMENTATION OF PROCEDURES DEVELOPED TO ENSURE DEQ SITE-SPECIFIC ACTIONS AFFECTING LAND USE ARE IN CONFORMANCE WITH LCDC'S STATEWIDE PLANNING GOALS

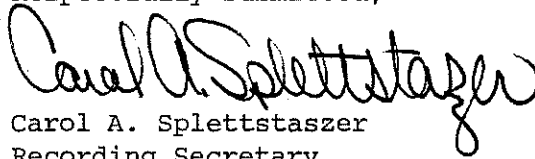
Director Young informed the Commission that the information contained in this item concerned evidence of local comprehensive land use planning coordination with facility permits and grant and plan approval requested from DEQ. The coordination mechanism is called a Local Statement of Compatibility, he said, and is to be obtained by proponents prior to making application for DEQ approval. This concept was approved by LCDC October 20, 1978, he continued, as part of DEQ's Coordination Program. Director Young said the current item specifically addressed this as well as requirements of the LCDC State Permit Consistency Rule.

Chairman Richards questioned whether smaller counties were sufficiently staffed to comply with this coordination program. Mr. Robert Jackman, DEQ's Land Use Coordinator, replied that the Department did not know yet, but expected there would be some period of questions and concern from the smaller counties as they become acquainted with the program. He said LCDC had scheduled workshops around the State to acquaint local governments with the process.

This item was presented for informational purposes only and no action by the Commission was required.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carol A. Splettstaszer". The signature is written in black ink and is positioned above the typed name and title.

Carol A. Splettstaszer
Recording Secretary



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item B, April 27, 1979, EQC Meeting

March Program Activity Report

Discussion

Attached is the March 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 pages 2 and 3 of the report.

WILLIAM H. YOUNG

M. Downs: ahe
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DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

March, 1979

Month

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

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

March, 1979
(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	
<u>Air</u>							
Direct Sources	25	164	14	151	0	2	55
Total	25	164	14	151	0	2	55
<u>Water</u>							
Municipal	85	954	99	903	0	0	24
Industrial	11	97	5	93	0	0	21
Total	96	1,051	104	996	0	0	45
<u>Solid Waste</u>							
General Refuse	2	17	1	16	0	2	4
Demolition	1	5	1	2	0	0	1
Industrial	1	19	2	21	0	0	2
Sludge	0	2	1	3	0	0	0
Total	4	43	5	42	0	2	7
<u>Hazardous Wastes</u>							
<u>GRAND TOTAL</u>	125	1,258	123	1,189	0	4	107

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

March, 1979
(Month and Year)

PLAN ACTIONS COMPLETED - 14

* County	* Name of Source/Project */Site and Type of Same	* Date of * Action	* Action
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Direct Stationary Sources

Benton (NC 1285)	Paul Barber Hardwood Co. Hogged fuel boiler	1/31/79	Approved
Douglas (NC 1296)	Empire Pacific Industries, Inc. New Mill work plant	1/25/79	Approved
Crook (NC 1297)	Clear Pine Moulding, Inc. Prefinished moulding line	2/2/79	Approved
Lane (NC 1302)	Weyerhaeuser Co. Filter houses on press vents	2/2/79	Approved
Linn (NC 1305)	Halsey Pulp Company Lime mud filter	3/28/79	Approved
Jackson (NC 1310)	Boise Cascade Corp. Burley scrubbers, veneer dryers	2/6/79	Approved
Jackson (NC 1316)	Boise Cascade Corp. (Rogue V.) Control for direct fired veneer dryer	2/6/79	Approved
Jackson (NC 1323)	Melrose Orchards Orchard fans	2/15/79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

March, 1979
(Month and Year)

PLAN ACTIONS COMPLETED - 14, cont'd

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	* *
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Direct Stationary Sources (cont.)

Jackson (NC 1324)	Medford Pear Corp., Inc. Orchard fans	2/15/79	Approved	
Malheur (NC 1333)	Amalgamated Sugar Co. Scrubbers on B & W boilers	3/13/79	Approved	
Klamath (NC 1334)	Weyerhaeuser Co. Re-design of conveyor sys.	3/21/79	Approved	
Marion (NC 1335)	Celebrity Pool Corp. Resin solvent fumes control	2/20/79	Approved	
Multnomah (NC 1339)	GATX Tank Storage Floating roof tanks	3/7/79	Approved	
Multnomah (NC 1357)	Portland Community College Wachner teching facility	3/27/79	Approved	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit)	March, 1979 (Month and Year)
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SUMMARY OF AIR PERMIT ACTIONS

	<u>Permit</u> <u>Actions</u> <u>Received</u>		<u>Permit</u> <u>Actions</u> <u>Completed</u>		<u>Permit</u> <u>Actions</u> <u>Pending</u>	<u>Sources</u> <u>Under</u> <u>Permits</u>	<u>Sources</u> <u>Reqr'g</u> <u>Permits</u>
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>			
<u>Direct</u>							
<u>Sources</u>							
New	1	38	-	27	28		
Existing	3	25	-	42	10		
Renewals	7	95	-	56	112		
Modifications	3	61	-	71	12	1,898	1,938
Total	14	219	-	196	162	-	-
<u>Indirect</u>							
<u>Sources</u>							
New	2	20	3	24	10		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	-	6	0	6	-	114	
Total	2	26	3	30	10	-	-
Technical Assistances = 16; A-95 Reviews = 11							
GRAND TOTALS	16	245	3	226	172	2,012	1,938

Number of
Pending Permits

Comments

11	To be drafted by Northwest Region Office
6	To be drafted by Willamette Valley Region Office
10	To be drafted by Southwest Region Office
3	To be drafted by Central Region Office
4	To be drafted by Eastern Region Office
8	To be drafted by Program Operations
4	To be drafted by Program Planning & Development
46	
12	Permits awaiting next public notice
103	Permits awaiting end of 30-day public notice period

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division
(Reporting Unit)

March, 1979
(Month and Year)

PERMIT ACTIONS COMPLETED - 3

* County *	* Name of Source/Project /Site and Type of Same *	* Date of Action *	* Action *
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Indirect Sources

Multnomah	S.E. 39th at S.E. Stark File No. 26-8027	3/16/79	Final Permit Issued
Washington	General Telephone Company of the Northwest - Southern Area Headquarters, 275 spaces File No. 34-7901	3/11/79	Final Permit Issued
Multnomah	The Oregon Bank - Data Processing Center Supplemental Parking, 150 spaces	3/18/79	Final Permit Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY DIV. ACTIVITY REPORT

4/05/79 PLAN ACTIONS COMPLETED: 104

MUNICIPAL SOURCES 99

FOR MARCH 1979

ENGINEER	LOCATION COUNTY	PROJECT	REVIEWER	DATE REC	DATE OF ACTION	ACTION	DAYS TO COMPLETE	
	9	BEND	CONTRACT NO 10 WESTSIDE P.S	K	2/07/79	3/19/79	PROV APP	41
	6	NORTH BEND	CALIF ST-IDAHO ADD	K	2/08/79	3/16/79	PROV APP	36
	31	LAGRANDE	MODELAIRE DR EXT	K	2/15/79	3/09/79	PROV APP	22
	34	UNI SWR AGCY	BROOKHAVEN II	K	2/21/79	3/09/79	PROV APP	16
	9	SUNRIVER	RIVER VIL III FINALS REV	K	2/22/79	3/09/79	PROV APP	15
	25	BOARDMAN	LIFT STATION MODIFY	K	2/12/79	3/26/79	PROV APP	42
	9	SUNRIVER	CASCADE TURNK - PUMP STA	K	2/15/79	3/29/79	PROV APP	42
	18	KLAMATH FALL	ITY SWR EXTEH	K	2/16/79	3/29/79	PROV APP	41
	22	MILLERSBURG	SEW COLL SYSTEM FIN DOC #1	K	2/16/79	3/26/79	PROV APP	38
	34	UNI SWR AGCY	MCLAIN WEST NO. 6	K	2/27/79	3/13/79	PROV APP	14
	34	UNI SWR AGCY	ESDRAELON PROJ - GASTON	K	2/21/79	3/13/79	PROV APP	20
	2	CORVALLIS	OAKVIEW ADDITION	K	2/21/79	3/09/79	PROV APP	17
	24	SALEM	LIBERTY ST RELOC	K	2/21/79	3/19/79	PROV APP	27
	26	GRESHAM	RAUTIO SUBDIV	K	2/21/79	3/30/79	PROV APP	38
	3	LKE OSWEGO	TADARIDGE SUBDIV	K	2/21/79	3/30/79	PROV APP	38
	20	EUGENE	LA CASA ESTATES	K	2/26/79	3/30/79	PROV APP	32
	20	EUGENE	LUELLA SUBDIV	K	2/26/79	3/29/79	PROV APP	31
	17	CAVE JUNCT	ADDISON SUBDIV	K	2/22/79	3/27/79	PROV APP	33
	26	PORTLAND	N OF SW HUBER ST	J	3/01/79	3/08/79	PROV APP	07
	21	DEPOE BAY SD	REVISED-ROH COLE EXT	J	3/01/79	3/08/79	PROV APP	07
	10	WINSTON	TRINITY HILLS SUBD	J	2/21/79	3/08/79	PROV APP	15
	17	GRANTS PASS	WOODLAND TERRACE	J	2/26/79	3/08/79	PROV APP	10
	29	NTCSA	SEA FOREST SUBD	J	2/23/79	3/07/79	PROV APP	12
	4	CLATSKANIE	OLD US HIGHWAY 30	J	3/01/79	3/09/79	PROV APP	08
	36	MCMINNVILLE	S DAVIS ST-1974-SC	J	3/01/79	3/08/79	PROV APP	07
	29	NTCSA	NECARNEY CITY SUBD	J	2/28/79	3/08/79	PROV APP	08
	29	NTCSA	P-3-4 & P-3-5	J	2/28/79	3/08/79	PROV APP	08
		GRESHAM	CONTRACT C-1 SITE WORK	V	1/20/79	3/16/79	PROV APP	24
		GRESHAM	CONTRACT E-1 2ND CLARIFIER	V	1/23/79	3/16/79	PROV APP	52
	26	GRESHAM	CONTRACT E-7	V	2/06/79	3/16/79	PROV APP	40
	26	GRESHAM	CONTRACT E-2	V	2/01/79	3/16/79	PROV APP	44
	26	PORTLAND	NW ALEXANDRIA AVE BRIDGE	J	3/01/79	3/08/79	PROV APP	07
	3	CANBY	SORENSEN ADDITION	J	2/12/79	3/01/79	PROV APP	17
	2	CORVALLIS	AVERY CROSSING - #78-200	J	2/20/79	3/07/79	PROV APP	15
	36	NEWBERG	JEFFREY PARK	J	2/12/79	3/01/79	PROV APP	08
	15	MEDFORD	COUNTRY WOODS SUBD-#1 & #2	J	2/22/79	3/07/79	PROV APP	13
	34	HILLSBORO	MARGARET SUBD	J	2/16/79	3/01/79	PROV APP	11
	34	USA	BLUFF/CIPOLE INTERCEPTOR	J	2/20/79	3/01/79	PROV APP	09
	6	NORTH BEND	RS-78-3 SEWER SEPARATION	J	2/20/79	3/06/79	PROV APP	14
	34	USA	SCHOLLS SUMMER LAKE 16	J	2/20/79	3/01/79	PROV APP	09
	24	SALEM	STONE HEDGE 2 & 3	J	2/20/79	3/01/79	PROV APP	07
	24	SALEM	TERRACE LAKE MOBIEL VILLA	J	2/22/79	3/06/79	PROV APP	12
	10	SUTHERLIN	CASCADE ESTATES-3RD ADD.	J	3/02/79	3/20/79	PROV APP	18
	26	MULTNOMAH CO	NE SACRAMENTO ST	J	3/05/79	3/20/79	PROV APP	15
	26	GRESHAM	L & B ACRES SUBD	J	3/05/79	3/20/79	PROV APP	15
	36	NEWBERG	BINKLEY SUBD	J	3/01/79	3/20/79	PROV APP	19
	36	MCMINNVILLE	FLEISHAUER LANE	J	3/12/79	3/20/79	PROV APP	08

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY DIV. ACTIVITY REPORT

4/05/79 PLAN ACTIONS COMPLETED: 104

MUNICIPAL SOURCES 99

FOR MARCH 1979

ENGINEER	LOCATION COUNTY	PROJECT	REVIEWER	DATE REC	DATE OF ACTION	ACTION	DAYS TO COMPLETE
9	BEND	CONTRACT NO 10 WESTSIDE P.S	K	2/07/79	3/19/79	PROV APP	41
6	NORTH BEND	CALIF ST-IDAHO ADD	K	2/08/79	3/16/79	PROV APP	36
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34	UNI SWR AGCY	BROOKHAVEN II	K	2/21/79	3/09/79	PROV APP	16
9	SUNRIVER	RIVER VIL III FINALS REV	K	2/22/79	3/09/79	PROV APP	15
25	BOARDMAN	LIFT STATION MODIFY	K	2/12/79	3/26/79	PROV APP	42
9	SUNRIVER	CASCADE TURNK - PUMP STA	K	2/15/79	3/29/79	PROV APP	42
18	KLAMATH FALL	ITY SWR EXTEH	K	2/16/79	3/29/79	PROV APP	41
22	MILLERSBURG	SEW COLL SYSTEM FIN DOC #1	K	2/16/79	3/26/79	PROV APP	38
34	UNI SWR AGCY	MCLAIN WEST NO. 6	K	2/27/79	3/13/79	PROV APP	14
34	UNI SWR AGCY	ESDRAELON PROJ - GASTON	K	2/21/79	3/13/79	PROV APP	20
2	CORVALLIS	OAKVIEW ADDITION	K	2/21/79	3/09/79	PROV APP	17
24	SALEM	LIBERTY ST RELOC	K	2/21/79	3/19/79	PROV APP	27
26	GRESHAM	RAUTIO SUBDIV	K	2/21/79	3/30/79	PROV APP	38
3	LKE OSWEGO	TABARIDGE SUBDIV	K	2/21/79	3/30/79	PROV APP	38
20	EUGENE	LA CASA ESTATES	K	2/26/79	3/30/79	PROV APP	32
20	EUGENE	LUELLA SUBDIV	K	2/26/79	3/29/79	PROV APP	31
17	CAVE JUNCT	ADDISON SUBDIV	K	2/22/79	3/27/79	PROV APP	33
26	PORTLAND	N OF SW HUBER ST	J	3/01/79	3/08/79	PROV APP	07
21	DEPOE BAY SD	REVISED-RON COLE EXT	J	3/01/79	3/08/79	PROV APP	07
10	WINSTON	TRINITY HILLS SUBD	J	2/21/79	3/08/79	PROV APP	15
17	GRANTS PASS	WOODLAND TERRACE	J	2/26/79	3/08/79	PROV APP	10
29	NTCSA	SEA FOREST SUBD	J	2/23/79	3/07/79	PROV APP	12
4	CLATSKANIE	OLD US HIGHWAY 30	J	3/01/79	3/09/79	PROV APP	08
36	MCMINNVILLE	S DAVIS ST-1974-SC	J	3/01/79	3/08/79	PROV APP	07
29	NTCSA	NECARNEY CITY SUBD	J	2/28/79	3/08/79	PROV APP	08
29	NTCSA	P-3-4 & P-3-5	J	2/28/79	3/08/79	PROV APP	08
	GRESHAM	CONTRACT C-1 SITE WORK	V	1/20/79	3/16/79	PROV APP	24
	GRESHAM	CONTRACT E-1 2ND CLARIFIER	V	1/23/79	3/16/79	PROV APP	52
26	GRESHAM	CONTRACT E-7	V	2/06/79	3/16/79	PROV APP	40
26	GRESHAM	CONTRACT E-2	V	2/01/79	3/16/79	PROV APP	44
26	PORTLAND	NW ALEXANDRIA AVE BRIDGE	J	3/01/79	3/08/79	PROV APP	07
3	CANBY	SORENSEN ADDITION	J	2/12/79	3/01/79	PROV APP	17
2	CORVALLIS	AVERY CROSSING - #78-200	J	2/20/79	3/07/79	PROV APP	15
36	NEWBERG	JEFFREY PARK	J	2/12/79	3/01/79	PROV APP	08
15	MEDFORD	COUNTRY WOODS SUBD-#1 & #2	J	2/22/79	3/07/79	PROV APP	13
34	HILLSBORO	MARGARET SUBD	J	2/16/79	3/01/79	PROV APP	11
34	USA	BLUFF/CIPOLE INTERCEPTOR	J	2/20/79	3/01/79	PROV APP	09
6	NORTH BEND	RS-78-3 SEWER SEPARATION	J	2/20/79	3/06/79	PROV APP	14
34	USA	SCHOLLS SUMMER LAKE 16	J	2/20/79	3/01/79	PROV APP	09
24	SALEM	STONE HEDGE 2 & 3	J	2/20/79	3/01/79	PROV APP	07
24	SALEM	TERRACE LAKE MOBIEL VILLA	J	2/22/79	3/06/79	PROV APP	12
10	SUTHERLIN	CASCADE ESTATES-3RD ADD.	J	3/02/79	3/20/79	PROV APP	18
26	MULTNOMAH CO	NE SACRAMENTO ST	J	3/05/79	3/20/79	PROV APP	15
26	GRESHAM	L & B ACRES SUBD	J	3/05/79	3/20/79	PROV APP	15
36	NEWBERG	BINKLEY SUBD	J	3/01/79	3/20/79	PROV APP	19
36	MCMINNVILLE	FLEISHAUER LANE	J	3/12/79	3/20/79	PROV APP	08

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY DIV. ACTIVITY REPORT

4/05/79 PLAN ACTIONS COMPLETED: 104 (Cont.) MUNICIPAL SOURCES 99 FOR MARCH 1979

ENGINEER	COUNTY	LOCATION	PROJECT	REVIEWER	DATE REC	DATE OF ACTION	ACTION	DAYS TO COMPLETE
34		HILLSBORO	BALDWIN PARK	J	3/07/79	3/20/79	PROV APP	13
34		HILLSBORO	JACKSON SCHOOL RD	J	3/07/79	3/20/79	PROV APP	13
3		CANBY	CRESTVIEW REPLAT	J	3/05/79	3/20/79	PROV APP	15
3		GLADSTONE	LUDEAN ADDITION SUBD	J	3/05/79	3/20/79	PROV APP	15
15		BCVSA	EARY PROPERTY	J	3/05/79	3/26/79	RESUBMIT	21
36		NEWBERG	NE LID 222	J	3/08/79	3/20/79	PROV APP	12
34		USA	COLEMAN-780	J	3/09/79	3/20/79	PROV APP	11
34		USA	DATSUN SEWER EXT	J	3/07/79	3/20/79	PROV APP	13
26		PORTLAND	N CRAWFORD/N PIERCE	J	3/09/79	3/20/79	PROV APP	11
24		SALEM	SALENTOWN NO 6	J	3/12/79	3/20/79	PROV APP	08
22		HALSEY	WOOD PRODUCTS	J	3/05/79	3/09/79	PROV APP	04
34		USA	HURT EXT-781	J	3/14/79	3/20/79	PROV APP	06
26		PORTLAND	N JUNEAU/N ATTU	J	3/14/79	3/20/79	PROV APP	06
8		BROOKINGS	N BROOKINGS SD	J	3/08/79	3/22/79	PROV APP	14
26		TROUTDALE	SANDEE PALISADES 111	J	3/14/79	3/22/79	PROV APP	08
24		SALEM	OLYMPIAN ESTATES	J	3/15/79	3/22/79	PROV APP	07
6		COOS BAY	26 TH N OCEAN BLVD	J	3/16/79	3/22/79	PROV APP	06
15		ASHLAND	JAQUELYN & BARBARA STS	J	3/22/79	3/30/79	PROV APP	08
3		CANBY	WILLAMETTE GREEN PHASE 2	J	3/21/79	3/30/79	PROV APP	09
3		CCSD	GREENANN CREST ADDITION	J	3/23/79	3/29/79	PROV APP	06
10		REEDSPORT	PALOMAR A PLANNED	J	3/23/79	4/02/79	COMMENTS	10
9		STAGE STOP NE	3RD & 4TH ADDITION	J	3/23/79	3/29/79	PROV APP	06
3		CCSD	BEN-BOW TERRACE	J	3/15/79	3/27/79	PROV APP	12
26		MULT CO	BRANDYWINE SUBD	J	3/09/79	3/27/79	PROV APP	18
3		MOLALLA	ANDERSON MEADOW ADD	J	3/13/79	3/27/79	PROV APP	14
26		PORTLAND	NE 27 AVE/NE SARATOGA	J	3/15/79	3/27/79	PROV APP	12
20		EUGENE	BLACKSTONE ADDITION	J	3/05/79	3/27/79	PROV APP	22
6		BANDON	ROHLES-HOPSON IMP	K	2/12/79	3/09/79	PROV APP	25
18		SO SUB S D	HIGHLAND PARK	K	2/20/79	3/20/79	PROV APP	28
18		MERRILL	REV SWR REPL SPECS	K	2/20/79	3/13/79	PROV APP	21
20		EUGENE	TREEHOUSE PUD	K	3/13/79	3/30/79	PROV APP	17
34		TUALATIN	SAGERT PROJECT	K	3/09/79	3/29/79	PROV APP	20
20		SPRINGFIELD	FISCHERS PLAT	K	3/21/79	3/30/79	PROV APP	09
24		SALEM	GLEN EDEN IV	K	3/14/79	3/29/79	PROV APP	15
9		SUNRIVER	MTH VILLAGE EAST TRUNK	K	3/12/79	3/29/79	PROV APP	15
9		SUNRIVER	MTH VILLAGE EAST V	K	3/16/79	3/30/79	PROV APP	14
7		PRINEVILLE	LAUGHLIN INTERCEPTOR	K	3/15/79	3/30/79	PROV APP	15
24		JEFFERSON	EXTEN TO SCHOOL EPA C410510	K	3/06/79	3/29/79	PROV APP	23
20		EUGENE	COBURG MEADOWS SUBDIV	K	3/20/79	3/30/79	PROV APP	10
17		GRANTS PASS	F STREET PROJECT	K	3/23/79	3/30/79	PROV APP	07
17		GRANTS PASS	SUNHILL SUBDIV	K	3/20/79	3/29/79	PROV APP	09
30		HERMISTON	SO HILL ADDITION	K	3/23/79	3/30/79	PROV APP	07
2		CORVALLIS	TIMBERHILL SE 4TH ADD	K	3/22/79	3/29/79	PROV APP	07
34		UNI SWR AGCY	KNEELAND ESTATES	K	3/23/79	3/30/79	PROV APP	07
34		UNI SWR AGCY	RAY JEAN PARK	K	3/22/79	3/30/79	PROV APP	08
34		UNI SWR AGCY	WINSOME TER-TIGARD	K	1/30/79	3/20/79	PROV APP	49
20		SPRINGFIELD	SMITH DRIVE	K	3/23/79	3/30/79	PROV APP	07

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY DIV. ACTIVITY REPORT

4/05/79 PLAN ACTIONS COMPLETED: 104 (Cont.) MUNICIPAL SOURCES 99 FOR MARCH 1979

ENGINEER	LOCATION COUNTY	PROJECT	REVIEWER	DATE REC	DATE OF ACTION	ACTION	DAYS TO COMPLETE
34	UNI SWR AGCY	SUMMERCREST WEST	K	3/26/79	3/29/79	PROV APP	03
36	SHERIDAN	YORK SUBDIVISION	K	3/26/79	3/30/79	PROV APP	04
21	LINCOLN CITY	INDIAN SHORES III	K	3/27/79	3/30/79	PROV APP	03
9	BEND	EXEC CONT #13 SWR COLL	K	2/23/79	3/25/79	PROV APP	30
9	BEND	FIN DOCUM CONT #10	K	2/27/79	3/12/79	PROV APP	13

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

March 1979
(Month and Year)

PLAN ACTIONS COMPLETED - 104, cont'd

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>INDUSTRIAL WASTE SOURCES (5)</u>			
Clackamas	Loren Obrest, Inc. Sump for Oil Recovery	3-1-79	Approval not Necessary
Tillamook	Gary R. Oldencamp Dairy Tillamook, Animal Waste	3-6-79	Approved
Tillamook	Bill Utter Dairy Tillamook, Animal Waste	3-6-79	Approved
Lane	International Paper - Veneta Spill Prevention Containment	3-20-79	Approved
Lane	Chembond Corp. - Springfield Phenol Spill Recovery	3-21-79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality

March 1979

(Reporting Unit)

(Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month	Fis. Yr.	Month	Fis. Yr.			
	* **	* **	* **	* **			
<u>Municipal</u>							
New	0 0	4 6	1 0	2 3	1 5		
Existing	0 0	0 1	0 0	0 0	0 1		
Renewals	7 3	43 10	^{1/} 13 0	36 8	44 9		
Modifications	0 0	13 0	4 0	13 0	4 1		
Total	7 3	60 17	18 0	51 11	49 16	245 83	246 89
<u>Industrial</u>							
New	1 3	14 15	2 0	14 16	7 8		
Existing	1 0	1 0	0 0	9 0	3 0		
Renewals	19 2	66 15	^{2/} 12 0	72 22	56 4		
Modifications	1 0	3 3	0 0	6 3	4 0		
Total	22 5	84 33	14 0	101 41	70 12	406 128	416 136
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0 0	2 7	0 0	4 6	0 0		
Existing	0 0	0 0	0 0	0 0	0 0		
Renewals	1 0	1 0	^{3/} 1 0	1 1	2 0		
Modifications	0 0	0 0	0 0	0 0	0 0		
Total	1 0	3 7	1 0	5 7	2 0	62 21	62 21
<u>GRAND TOTALS</u>	30 8	147 57	33 0	157 59	121 28	713 232	724 246

* NPDES Permits

** State Permits

^{1/} Includes 3 NPDES Permits Canceled.

^{2/} Includes 4 NPDES Permits Canceled.

^{3/} Includes 1 NPDES Application Withdrawn (Permit Not Necessary)

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

March 1979
(Month and Year)

PERMIT ACTIONS COMPLETED (33)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Klamath	City of Klamath Falls Spring St. Add. #1	3-6-79	Modification Issued
Klamath	City of Klamath Falls Kingsley Field Add. #1	3-6-79	Modification Issued
Lincoln	City of Lincoln City Sewage Disposal	3-6-79	NPDES Permit Renewed
Multnomah	Armour & Company Meat Processing	3-6-79	NPDES Permit Renewed
Multnomah	Pacific Meat Company Meat Processing	3-6-79	NPDES Permit Renewed
Multnomah	Ollie Welch Meat. Company Meat Processing	3-6-79	NPDES Permit Renewed
Multnomah	Kenton Packing Company Food Processing	3-6-79	NPDES Permit Renewed
Klamath	Weyerhaeuser Company Bly	3-12-79	NPDES Permit Issued
Clackamas	Damasch State Hospital Sewage Disposal	3-12-79	NPDES Permit Renewed
Clatsop	Fishhawk Lake Rec. Club Sewage Disposal	3-12-79	NPDES Permit Renewed
Coos	Chuck's Seafoods Division Seafood Processing	3-12-79	NPDES Permit Issued
Hood River	Parkdale Sanitary District Sewage Disposal	3-12-79	NPDES Permit Renewed
Jackson	City of Rogue River Sewage Disposal	3-12-79	NPDES Permit Renewed

MONTHLY ACTIVITY REPORT

Water Quality
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March 1979
(Month and Year)

PERMIT ACTIONS COMPLETED - 33, cont'd

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Josephine	City of Cave Junction Sewage Disposal	3-12-79	NPDES Permit Renewed
Tillamook	City of Garibaldi Sewage Disposal	3-12-79	NPDES Permit Renewed
Benton	City of Adair Village Sewage Disposal Add. #1	3-14-79	Modification Issued
Clackamas	City of Sandy Sewage Disposal	3-14-79	NPDES Permit Renewed
Clackamas	Zig Zag Condominiums Sewage Disposal	3-14-79	NPDES Permit Renewed
Grant	City of Mt. Vernon Sewage Disposal	3-14-79	NPDES Permit Issued
Hood River	Odell Sanitary District Sewage Disposal	3-14-79	NPDES Permit Renewed
Jackson	Southwest Forest Industries Medford, Plywood	3-14-79	NPDES Permit Renewed
Multnomah	City of Troutdale Sewage Disposal	3-14-79	NPDES Permit Renewed
Multnomah	Huntington Rubber Company Cooling Water	3-16-79	NPDES Permit Renewed
Columbia	Owens/Corning Fiberglas Kaiser Gypsum (St. Helens)	3-28-79	NPDES Permit Renewed
Washington	Unified Sewerage Agency Hillsboro, Westside Add. #1	3-21-79	Modification Issued

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality
(Reporting Unit)

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PERMIT ACTIONS COMPLETED - 33, cont'd

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Coos	Oregon Dept. of Fish & Wildlife Bandon Fish Hatchery	3-13-79	Application Withdrawn Permit not necessary
Washington	City of Forest Grove Filter Plant	3-79	NPDES Permit Canceled No Renewal Necessary
Linn	Pacific Power & Light Co. Lebanon Plant	3-79	NPDES Permit Canceled No Renewal Necessary
Lane	Zip-0-Log Veneer Wood Products	3-79	NPDES Permit Canceled No Renewal Necessary
Josephine	River Haven Mobile Estates Sewage Disposal	3-79	NPDES Permit Canceled No Renewal Necessary
Marion	North Marion Fruit Company Fruit Processing	3-79	NPDES Permit Canceled No Renewal Necessary
Klamath	Bonanza School Sewage Disposal	3-79	NPDES Permit Canceled No Renewal Necessary
Curry	Western States Plywood Wood Products	3-79	NPDES Permit Canceled No Renewal Necessary

MONTHLY ACTIVITY REPORT

Solid Waste DivisionMarch 1979

(Reporting Unit)

(Month and Year)

PLAN ACTIONS COMPLETED (5)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
Linn	W.I. - Sweet Home Sawmill Existing Industrial Site Operational Plan	3/1/79	Letter Authorization Issued
Linn	Roche Road Existing Demolition Site Odor Control Plan	3/7/79	Conditional Approval
Crook	Hudspeth Lumber Existing Non-Permitted Site Operational Plan	3/16/79	Approved
Harney	Oard's Service & Garage New Sludge Site Construction and Operational Plans	3/21/79	Conditional Approval
Yamhill	Newberg Landfill Existing Sanitary Landfill Pesticide Container Handling Plan	3/30/79	Conditional Approval

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

March 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.			
<u>General Refuse</u>							
New	<u>1</u>	<u>3</u>	<u>2</u>	<u>2</u>	<u>2 *</u>		
Existing	<u>1</u>	<u>1</u>	<u>1</u>	<u>3</u>	<u>15 * (12)</u>		
Renewals	<u>1</u>	<u>28</u>	<u>5</u>	<u>18</u>	<u>12</u>		
Modifications	<u>1</u>	<u>13</u>	<u>1</u>	<u>14</u>	<u>2</u>		
Total	<u>4</u>	<u>45</u>	<u>7</u>	<u>37</u>	<u>31</u>	<u>168</u>	<u>171</u>
<u>Demolition</u>							
New	<u>—</u>	<u>1</u>	<u>—</u>	<u>2</u>	<u>—</u>		
Existing	<u>—</u>	<u>1</u>	<u>—</u>	<u>—</u>	<u>—</u>		
Renewals	<u>1</u>	<u>2</u>	<u>2</u>	<u>3</u>	<u>—</u>		
Modifications	<u>—</u>	<u>7</u>	<u>—</u>	<u>2</u>	<u>5</u>		
Total	<u>1</u>	<u>11</u>	<u>2</u>	<u>7</u>	<u>5</u>	<u>22</u>	<u>22</u>
<u>Industrial</u>							
New	<u>2</u>	<u>11</u>	<u>1</u>	<u>12</u>	<u>2 *</u>		
Existing	<u>—</u>	<u>1</u>	<u>—</u>	<u>1</u>	<u>1</u>		
Renewals	<u>3</u>	<u>15</u>	<u>4</u>	<u>19</u>	<u>6</u>		
Modifications	<u>—</u>	<u>1</u>	<u>—</u>	<u>3</u>	<u>5</u>		
Total	<u>5</u>	<u>28</u>	<u>5</u>	<u>35</u>	<u>14</u>	<u>99</u>	<u>100</u>
<u>Sludge Disposal</u>							
New	<u>—</u>	<u>1</u>	<u>—</u>	<u>1</u>	<u>1 *</u>		
Existing	<u>—</u>	<u>1</u>	<u>—</u>	<u>—</u>	<u>1 *</u>		
Renewals	<u>1</u>	<u>1</u>	<u>—</u>	<u>3</u>	<u>1</u>		
Modifications	<u>—</u>	<u>—</u>	<u>—</u>	<u>1</u>	<u>—</u>		
Total	<u>1</u>	<u>3</u>	<u>0</u>	<u>5</u>	<u>3</u>	<u>11</u>	<u>11</u>
<u>Hazardous Waste</u>							
New	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>		
Authorizations	<u>16</u>	<u>136</u>	<u>15</u>	<u>134</u>	<u>2</u>		
Renewals	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>		
Modifications	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>		
Total	<u>16</u>	<u>136</u>	<u>15</u>	<u>134</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>GRAND TOTALS</u>	<u>27</u>	<u>223</u>	<u>29</u>	<u>218</u>	<u>55</u>	<u>301</u>	<u>304</u>

*Eighteen (18) sites operating under temporary permits until regular permits are issued.

MONTHLY ACTIVITY REPORT

Solid Waste Division
(Reporting Unit)

March 1979
(Month and Year)

PERMIT ACTIONS COMPLETED (14)

County	Name of Source/Project/Site and Type of Same	Date of Action	Action
<u>General Refuse Facilities (7)</u>			
Josephine	Grants Pass Landfill Existing facility	3/6/79	Permit amended
Baker	Huntington Landfill Existing facility	3/30/79	Permit issued
Klamath	Beatty Landfill Existing facility	3/30/79	Permit renewed
Klamath	Bonanza Landfill Existing facility	3/30/79	Permit renewed
Klamath	Chemult Landfill Existing facility	3/30/79	Permit renewed
Klamath	Merrill Landfill Existing facility	3/30/79	Permit renewed
Klamath	Sprague River Landfill Existing facility	3/30/79	Permit renewed
<u>Demolition Waste Facilities (2)</u>			
Benton	Tremaine Demolition Site Existing facility	3/20/79	Permit renewed
Klamath	Langell Valley Landfill Existing facility	3/30/79	Permit renewed
<u>Industrial Waste Facilities (5)</u>			
Linn	Willamette Industries Existing wood waste site	3/1/79	Letter authorization renewed
Linn	Priceboro Landfill Existing wood waste site	3/15/79	Permit renewed
Coos	Westbrook Wood Products Existing wood waste site	3/19/79	Permit renewed
Tillamook	Port of Tillamook New wood waste site	3/19/79	Permit issued
Lincoln	Georgia-Pacific, Toledo Existing landfill for proper mill solid wastes	3/30/79	Permit renewed
<u>Sludge Disposal Facilities - None</u>			

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste
(Reporting Unit)

March 1979
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

Date	Type	Source	Quantity	
			Present	Future
Disposal Requests Granted (14)				
Oregon (6)				
2	Obsolete pesticides	Chemical Company	1,800 lb.	none
8	Pesticide waste	Federal Agency	1,000 lb.	none
9	Miscellaneous laboratory chemicals	Foundry	3 drums	none
13	Pesticide waste	Federal agency	10 drums	none
19	Scrubber sludge	Aluminum smelting	14,000 drums	none
21	Obsolete printed circuit etchant	Electronic firm	1 drum	none
Washington (3)				
2	PCB transformer	School District	1 unit	2 units/yr.
6	PCB capacitors	PUD	6 units	none
22	Surplus gas generants (sodium azide)	Aerospace Company	-	3,500 lb/yr.
British Columbia (5)				
12	Spent chemical solutions consisting of acids, caustics, organic solvents, etc.	Electronic firm	17,400 gals.	17,400 gals/yr.

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste
(Reporting Unit)

March 1979
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

Date	Type	Source	Quantity	
			Present	Future
British Columbia cont'd.				
12	PCB transformer	Chemical company	1 unit	Periodic
14	PCB transformer	Electrical equipment manufacturer	1 unit	None
26	HF alkylation bottoms	Oil refinery	16,000 gals.	16,000 gals/yr
30	Miscellaneous laboratory chemicals	Steel plant	24 lb.	None

<u>TOTALS</u>	<u>LAST</u>	<u>PRESENT</u>
Settlement Action	19	20
Preliminary Issues	9	8
Discovery	3	3
To be Scheduled	6	4
To be Rescheduled	0	0
Set for Hearing	0	0
Briefing	0	1
Decision Due	4	4
Decision Out	1	0
Appeal to Commission	4	4
Appeal to Court	0	0
Transcript	1	0
Finished	10	2
Appeal to Commission Dismissed	0	1
Commission Affirmed Decision	0	1
	<u>57</u>	<u>48</u>

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/SW Land Quality/Solid Waste
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/NWR Portland Region/Northwest 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

March 1979

<u>Pet/Resp Name</u>	<u>Hrng Rqst</u>	<u>Hrng Rfrl</u>	<u>DEQ or Atty</u>	<u>Hrng Offcr</u>	<u>Hrng Date</u>	<u>Resp Code</u>	<u>Dec Date</u>	<u>Case Type & No.</u>	<u>Case Status</u>
Davis et al	5/75	5/75	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
Faydrex, Inc.	5/75	5/75	Atty	McS	11/77	Dept		64 SSD Permits	Briefing
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		Hrngrs		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
Jones	4/77	7/77	DEQ	Cor	6/9/78	Hrngrs		SSD Permit SS-SWR-77-57	Appeal to Comm
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	Comm Affirmed
Magness	7/77	7/77	DEQ	Cor	11/77	Hrngrs		\$1150 Total SS-SWR-77-142	Decision
Southern Pacific Trans	7/77	7/77	Atty	Cor		Prtys		\$500 NP-SNCR-77-154	Decision Due
Suniga	7/77	7/77	Atty	Lmb	10/77	EQC		\$500 AQ-SNCR-77-143	Settlement Action
Taylor, D.	8/77	10/77	DEQ	McS	4/78	Dept		\$250 SS-PR-77-188	Appeal to Comm
Grants Pass Irrig	9/77	9/77	Atty	McS		Prtys		\$10,000 WQ-SWR-77-195	Settlement Action
Pohll	9/77	12/77	Atty	Cor	3/30/78	Hrngrs		SSD Permit App	Discovery
Califf	10/77	10/77	DEQ	Cor	4/26/78	Prtys		Rem Order SS-PR-77-225	Decision Due
Zorich	10/77	10/77	Atty	Cor		Prtys		\$100 NP-SNCR-173	Settlement Action
Powell	11/77	11/77	Atty	Cor		Hrngrs		\$10,000 Fld Brn AQ-MWR-77-241	Settlement Action
Wah Chang	12/77	12/77	Atty	McS		Prtys		ACD Permit Conditions	Preliminary Issues
Barrett & Sons, Inc.	12/77	2/78	DEQ			Dept		\$500 WQ-PR-77-307	Settlement Action
Carl F. Jensen	12/77	1/78	Atty	McS		Prtys		\$18,600 AQ-MWR-77-321 Fld Brn	To be Scheduled
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	EQC		\$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	McS		Hrngrs		\$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		Hrngrs		NPDES Permit (Modification)	Preliminary Issues
Wah Chang	11/78	12/78	Atty	McS		Prtys		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	Hrngrs		SSD License	Decision Due
Welch	10/78	10/78	Atty			Resp		P-SS-CR-78-134	Settlement Action
Hood River	11/78	12/78	DEQ	McS		Resp		\$1650 WQ-CR-78-142	Settlement Action
Reeve	10/78		Atty			Hrngrs		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-78-159	Settlement Action
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	Settlement Action
TEN EYCK	12/78		DEQ			Prtys		P-SS-ER-78-06	Discovery



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, April 27, 1979, EQC Meeting

TAX CREDIT APPLICATIONS

Director's Recommendation

It is recommended that the Commission take action to issue Pollution Control Facility Certificates to applications T-1044, T-1045, T-1048, T-1049, T-1056, T-1057, T-1058, T-1059, and T-1062, per the attached Review Reports.

WILLIAM H. YOUNG

MJDowns:cs
229-6485
4/16/79
Attachments



Contains
Recycled
Materials

Proposed April 1979 Totals:

Air Quality	\$ 21,000
Water Quality	764,507
Solid Waste	-0-
Noise	-0-
	<u>\$ 785,507</u>

Calendar Year Totals to Date

Air Quality	\$ 279,319
Water Quality	615,005
Solid Waste	424,915
Noise	84,176
	<u>\$1,403,415</u>

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

1. Applicant

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

The applicant owns and operates a complex manufacturing electronic equipment such as oscilloscopes, information display, and television products at their Beaverton Industrial Park.

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

2. Description of Claimed Facility

The claimed facilities consist of Waste Treatment Plant Laboratory Equipment:

- A. Gas Chromatograph, Hewlett Packard Model 5840A and Strip Recorder.
- B. Infrared Spectrophotometer Perkin-Elmer 735B.
- C. Turbidimeter, Hach Model 2100A with accessories.

These instruments are used in the Industrial Waste Treatment Plant solely for the determination of the quality of treatment effluent.

Request for Preliminary Certification for Tax Credit was made October 18, 1976, and approved November 18, 1976. Installation of the equipment was initiated, completed, and placed into operation on January 25, 1977.

Facility Cost: \$19,817.73. (Certified Public Accountant's statement was provided.)

3. Evaluation

With the installation of the claimed facility (laboratory instruments) the applicant has the ability to control industrial waste treatment constantly and monitor effluent quality as required by Permit 2615-J and U.S.A. requirements.

Staff has verified the instruments are in use for industrial waste treatment monitoring and are effective in controlling operation of the treatment plant.

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 percent 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-1044, such Certificate to bear the actual cost of \$19,817.73 with 80 percent or more allocable to pollution control.

C. K. Ashbaker/W. D. Lesher:lb
229-5318
March 23, 1979

Appl T-1045
Date 3/8/79

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

TAX RELIEF APPLICATION REVIEW REPORT

1. Applicant

Walter Wells & Sons
1802 Wells Drive
Hood River, OR 97031

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

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

2. Description of Claimed Facility

The facility described in this application is two Orchard Rite Wind machines, Part No. GPT 855 and GPT 766, used for frost damage protection.

Request for Preliminary Certification for Tax Credit was made on 10/26/78, and approved on 10/31/78.

Construction was initiated on the claimed facility on 11/1/78, completed on 12/20/78, and the facility was placed into operation on 12/20/78.

Facility Cost: \$21,000.00 (Accountant's Certification was provided).

3. Evaluation of Application

There is no law limiting the use of fuel oil fired heaters to control frost damage to fruit trees even though the heaters produce a significant smoke and soot air pollution problem. The orchard farmers desire a secure, long-range solution to frost control that includes the reduction or elimination of the smoke and soot nuisance.

An orchard fan blows warmer air from above the trees--when there is a temperature inversion--down into the trees. There is a second mode of operation on poor inversion nights which uses perimeter heaters along with the fan to provide frost protection. The fans have proven effective in the Hood River area where frost control is needed on an average of 30 hours per year. One orchard fan serves 10 acres and reduces the number of heaters required for frost protection from 340 heaters to 100 perimeter heaters, a 70 percent reduction.

4. Summation

- A. Facility was constructed after receiving approval to construct and preliminary certification issued pursuant to ORS 468.175.
- B. Facility was constructed on or after January 1, 1967, as required by ORS 468.165(1)(a).
- C. Facility is designed for and is being operated to a substantial extent for the purpose of preventing, controlling or reducing air pollution.
- D. The facility is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.
- E. The operating cost of the claimed facility is slightly greater than the savings in the cost of fuel oil. The operating cost consists of the fuel cost using the fan, depreciation over 10 years and no salvage value plus the average interest at 9 percent on the undepreciated balance.

5. Director's Recommendation

Based upon the Summation, it is recommended that a Pollution Control Facility Certificate bearing the cost of \$21,000.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1045.

FAS:jo
(503) 229-6414
March 12, 1979

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

1. Applicant

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

The applicant owns and operates a complex, manufacturing electronics equipment such as oscilloscopes, information display, and television products at their Beaverton Industrial Park.

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

2. Description of Claimed Facility

The claimed facility consists of:

- A. The construction of a 475,000 gallon lagoon.
- B. Division of No. 2 Pond into two separate ponds.
- C. Lining of No. 3 Pond with gunite.
- D. Construction of a sludge drying bed.
- E. Landscaping and fencing the lagoon area.

This work was initiated concurrently with the installation of the stainless steel flumes (Appl. T-1049) but is on this separate application for cost accounting convenience.

Request for Preliminary Certification for Tax Credit was made April 13, 1977 and approved April 22, 1977. Construction was initiated on the claimed facility in May, 1977, completed June 15, 1977, and placed into operation July 1, 1977.

Facility Cost: \$388,327.29. (Certified Public Accountant's statement was provided.)

3. Evaluation

A treatment method was needed to reduce effluent limit parameters to comply with waste discharge Permit 2615-J, issued August 19, 1977, and to provide spill prevention and treatment failure contingency. Existing waste treatment was not sufficient to attain the more stringent limits of the new permit. A decision was made and approved by the DEQ to make the improvement along with the flume work (Appl. T-1049) to upgrade operation of the lagoon system. Staff confirms that the total facility is performing 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 percent 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-1048, such Certificate to bear the actual cost of \$388,327.29 with 80 percent or more allocable to pollution control.

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

1. Applicant

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

The applicant owns and operates a complex, manufacturing electronic equipment such as oscilloscopes, information display and television products at their Beaverton Industrial Park.

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

2. Description of Claimed Facility

The claimed facility consists of the installation of stainless steel flumes (approximately 724 feet total) to improve flow patterns through the lagoon system, and solids settling efficiency. Other work was initiated concurrently with flume installation, but is on separate application for cost accounting convenience.

Request for Preliminary Certification for Tax Credit was made December 23, 1976, and approved January 28, 1977. Construction was initiated on the claimed facility on December 31, 1976, completed and placed into operation on June 30, 1977.

Facility Cost: \$82,169.87. (Certified Public Accountant's statement was provided).

3. A treatment method was needed to reduce suspended solids and other parameters to comply with waste discharge Permit 2615-J, issued August 19, 1977. These limits were being exceeded under existing waste water treatment. A decision was made and approved by the DEQ to upgrade operation of the existing settling lagoons. The flume flow changes were a part of the work necessary. Staff confirms that the total facility is performing 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 percent 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-1049, such Certificate to bear the actual cost of \$82,169.87 with 80 percent or more allocable to pollution control.

C. K. Ashbaker/W. D. Lesher:lb
229-5318
March 23, 1979

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

1. Applicant

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

The applicant owns and operates a zirconium, hafnium, tantalum and niobium plant producing metals and mill products at 1600 Old Salem Road.

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

2. Description of Claimed Facility

The claimed facility consists of the installation of a spare ammonia recovery distillation column involving:

- A. Distillation column, 72 inch diameter.
- B. Column foundation (concrete).
- C. Column structure (steel).
- D. New condenser.
- E. Process piping, fittings, valves and pumps.
- F. Instrumentation.
- G. Electrical.

Request for Preliminary Certification for Tax Credit was made December 30, 1976 and approved January 11, 1977. Construction was initiated on the claimed facility on February 9, 1977, completed and placed into operation on March 13, 1977.

Facility Cost: \$201,719.00. (Certified Public Accountant's statement was provided.)

3. Evaluation

The efficiency of a single column becomes marginal as solids build up. Ammonia in the bottoms effluent increase as this occurs. The installation of the spare distillation column allows one to be shut down for cleaning while the second is operating efficiently. The applicant claims that this installation has reduced the ammonia lost in the column bottoms from 447 mg/l to 144 mg/l. Staff substantiates 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 percent 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-1056, such Certificate to bear the actual cost of \$201,709.00 with 80 percent or more allocable to pollution control.

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

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

1. Applicant

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

The applicant owns and operates a plant producing zirconium, hafnium, tantalum and niobium metals and mill products at 1600 Old Salem Road in Albany.

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

2. Description of Claimed Facility

The claimed facility consists of the installation of a 96 station Panalarm System, Model 80105 with central control area panel, alarm units, flashers and worwick level sensors on raffinate chemical tanks.

The system's primary function is to prevent tank overflow and spills to plant waste waters.

Request for Preliminary Certification for Tax Credit was made February 15, 1977, and approved March 3, 1977. Construction was initiated on the claimed facility in March, 1977, completed and placed into operation in April, 1977.

Facility Cost: \$31,896.00. (Certified Public Accountant's statement was provided.)

Applicant states that 85% of the cost of the facility is applicable to pollution control. The remaining 15% is process control.

3. Evaluation

The applicant states that before installation of the alarm system, tank overflows occurred on the average of one per day. The claimed facility has, for all practical purposes, eliminated this condition. Staff confirm 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 85% 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-1057, such Certificate to bear the actual cost of \$31,896.00 with 80% or more allocable to pollution control. (85%)

C. K. Ashbaker/W. D. Leshner:lb
229-5318
March 27, 1979

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

1. Applicant

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

The applicant owns and operates a zirconium, hafnium, tantalum and niobium plant producing metals and mill products, in Albany on Old Salem Road.

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

2. Description of Claimed Facility

The claimed facility consists of mechanical, electrical and flow measuring additions to the existing process pH control station.

Notice of Intent to Construct and Preliminary Certification for Tax Credit was not required.

Construction was initiated on the claimed facility in January, 1971, completed and placed into operation in August, 1971.

Facility Cost: \$4,617.00. (Cost statements were provided.)

3. Evaluation

All process waste streams pass through this station. The claimed facility insures better pH adjustment of the total waste waters.

4. Summation

- A. Facility was not required to have prior approval to construct or preliminary certification.
- B. Facility was constructed on or after January 1, 1967, as required by ORS Chapter 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 is necessary to satisfy the intents and purposes of ORS Chapter 468 and the rules adopted under that chapter.

Appl. T-1058
March 23, 1979
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E. Applicant claims 100 percent of facility costs are 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-1058, such certificate to bear the actual cost of \$4,617.00 with 80 percent or more of the cost applicable to Pollution Control.

C. K. Ashbaker/W. D. Leshner:lb
229-5318
March 23, 1979

Appl. T-1059
Date April 2, 1979

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

1. Applicant

Teledyne Industries, Inc.
Teledyne Wah Chang Albany
P.O. Box 460
Albany, OR 97321

The applicant owns and operates a plant producing zirconium, hafnium, tantalum and niobium metals and mill products at 1600 Old Salem Road.

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

2. Description of Claimed Facility

The claimed facility consists of modifications to No. 1 Ammonia Distillation Column by changing the packing from three inch ceramic saddles to two inch steel pall rings, adding redesigned distributors, changing the feed point and revising operating parameters.

The modifications were made to improve the operation of the ammonia recovery column and reduce the ammonia discharged to the waste treatment system and Truax Creek.

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

Facility Cost: \$28,152.00 (Certified Public Accountant's statement was provided.)

3. Evaluation

The bottoms of the ammonia recovery column were a source of ammonia nitrogen in the applicant's effluent. Staff considers reduction of toxic ammonia by modification of the column to be worthwhile. Reduction of ammonia in the bottoms was reduced from a range of 1000 - 400 mg/l down to an average of 144 mg/l. However, sulfate plugging continued requiring that a spare column be installed (T-1056).

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 there is a value in the recovered ammonia, operating costs exceed this.

5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T-1059, such Certificate to bear the actual cost of \$28,152.00 with 80% or more allocable to pollution control.

Charles K. Ashbaker/W. Leshner:em
229-5318
March 30, 1979

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

1. Applicant

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

The applicant owns and operates a plant producing zirconium, hafnium, Niobium and tantalum metals and mill products at 1600 Old Salem Road, Albany.

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

2. Description of claimed facility

The claimed facility is a Beckman total organic carbon (T.O.C.) instrument and analyzer, model 915 A.

The instrument is used to measure T.O.C. in the applicant's treated effluent.

Request for Preliminary Certification for Tax Credit was made 9/15/76 and approved 10/11/76. Construction was initiated on the claimed facility in October 1976, installed and placed into operation 1/7/77.

Facility Cost: \$7,810.00 (statement was provided).

3. Evaluation

The Department had determined that reporting T.O.C. in lieu of C.O.D. would give a more consistent and meaningful indication of oxygen depleting carbon compounds in the effluent. DEQ by letter of July 1, 1976 requested that the applicant monitor T.O.C.

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.

Teledyne Industries, Inc.

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April 10, 1979

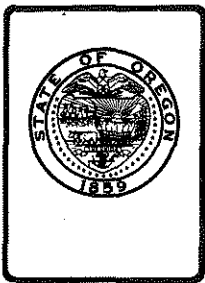
5. Director's Recommendation

It is recommended that a Pollution Control Facility Certificate be issued for the facility claimed in Application T 1062, such Certificate to bear the actual cost of \$7,810.00 with 80% or more allocable to pollution control.

C. K. Ashbaker/W. D. Leshler:pw

April 10, 1979

229-5318



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, April 27, 1979 EQC Meeting

Motor Vehicle Emission Testing Rules - Request for
Authorization for Public Hearing for Annual Rules Review and
Update To Include Standards for 1979 Model Year Motor
Vehicles OAR 340-24-300 through 24-350

Background

At the Environmental Quality Commission's meeting of June 30, 1978, amendments to OAR 340-24-300 through 24-350 were approved. These amendments effectively updated the inspection criteria to include the 1978 model year motor vehicles. This was part of the annual review and update required to keep the inspection program's rules current. Review of the 1979 model year vehicles is complete, and it is time to update the inspection criteria to include these vehicles.

Evaluation

The actions in the attached proposed rule amendments, Appendix A, provide for the following:

1. Housekeeping changes in the definitions and procedures; OAR 340-24-305(25), 24-320(3), 24-325(3).
2. The updating of the specific emission criteria for various vehicle classes and the extension of the enforcement tolerance through June 1980; OAR 340-24-330 and 24-335.

The housekeeping change in the definition for pollution control system is a change that clearly includes the fuel filler inlet restrictor as a pollution control device. This change in the definition is complimentary to the addition of the fuel filler inlet restrictor as a pollution control device in Section 24-320 and 24-325. The fuel filler inlet restrictor prevents the inadvertent use of leaded motor fuels. These fuels can decrease the effectiveness or totally poison a catalytic convertor. Such a reduction decreases the overall effectiveness of the vehicles pollution control system contrary to ORS 483.825. It is not anticipated that this will increase the reject rate at the inspection stations. Department studies had previously observed about a 3% "tamper" rate in this area; and most of those vehicles were observed with other causes for rejection, such as catalyst disconnects or high emissions.



Contains
Recycled
Materials

Agenda Item D
April 27, 1979
Page 2

The changes in the inspection standards involve the updating of all the vehicle class standards to include standards for 1979 model year motor vehicles. The standards selected continue to be based upon vehicle design. Along with the standards, the enforcement tolerance is extended for another year. The maintenance of the enforcement tolerance compensates for variability in garage analyzers and for some of the variability among vehicles.

Summation

The changes proposed for the inspection program rules are reasonable and update the standards for current technology vehicles. The changes in definition and procedure have been updated to provide for the protection of current technology pollution control devices.

Director's Recommendation

Based upon the summation, it is recommended that the Department be granted authorization to conduct a public hearing to receive testimony on these proposed amendments to the inspection program rules. It is proposed that the hearing be held before a hearings officer in the Portland metropolitan area and has been tentatively scheduled for May 17, 1979 at 1:00 p.m. in the State Office Building, Portland.



WILLIAM H. YOUNG

W.P. Jasper:sb
229-6235
4-11-79
Attachments: Appendix A

APPENDIX A

PROPOSED REVISION TO OREGON ADMINISTRATIVE RULES, CHAPTER 340

MOTOR VEHICLE EMISSION CONTROL INSPECTION TEST CRITERIA, METHODS, AND STANDARDS.

OAR 340-24-305(25)

(25) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification which causes a reduction of pollutants emitted from the vehicle[~~+~~], or a system or device which inhibits the introduction of fuels which can adversely effect the overall motor vehicle pollution control system.

340-24-320(3)

(3) No vehicle emission control test for a 1979 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in subsection (5). Motor vehicle pollution control systems include, but are not necessarily limited to:

- (a) Positive crankcase ventilation (PCV) system
- (b) Exhaust modifier system
 - (A) Air injection reactor system
 - (B) Thermal reactor system
 - (C) Catalytic converter system - (1975 and newer model vehicles only)
- (c) Exhaust gas recirculation (EGR) systems - (1973 and newer model vehicles only)
- (d) Evaporative control system - (1971)
- (e) Spark timing system
 - (A) Vacuum advance system
 - (B) Vacuum retard system
- (f) Special emission control devices
 - Examples:
 - (A) Orifice spark advance control (OSAC)
 - (B) Speed control switch (SCS)
 - (C) Thermostatic air cleaner (TAC)
 - (D) Transmission controlled spark (TCS)
 - (E) Throttle solenoid control (TSC)
 - (F) Fuel filler inlet restrictor

340-24-325

(3) No vehicle emission control test [~~conducted after June 7, 1977~~] for a 1970 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in subsection (5):

- (a) Positive crankcase ventilation
- (b) Exhaust modifier system
 - Examples:
 - Air injection system
 - Thermal reactor system
 - Catalytic convertor system
- (c) Exhaust gas recirculation (EGR) systems
- (d) Evaporative control system
- (e) Spark timing system
 - Examples:
 - Vacuum advance system
 - Vacuum retard system
- (f) Special emission control devices
 - Examples:
 - Orifice spark advance control (OSAC)
 - Speed control switch (SCS)
 - Thermostatic air cleaner (TAC)
 - Transmission controlled spark (TCS)
 - Throttle solenoid control (TSC)
 - Fuel filler inlet restrictor

340-24-330 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL IDLE EMISSION STANDARDS

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

	%	Enforcement Tolerance Through June, 1979 1980
<u>ALFA ROMEO</u>		
1978 and 1979	0.5	0.5
1975 through 1977	1.5	1.0
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.5
pre-1968	6.0	0.5
<u>AMERICAN MOTORS CORPORATION</u>		
1975 through 1978 1979 Non-Catalyst	1.5	0.5
1975 through 1978 <u>1979</u> Catalyst Equipped	0.5	0.5
1972 through 1974	2.0	1.0
1970 through 1971	3.5	1.0
1968 through 1969	5.0	0.5
pre-1968	6.0	0.5
Above 6000 GVWR, 1974 through 1978	2.0	1.0
<u>Above 8500 GVWR, 1979</u>	<u>2.0</u>	<u>1.0</u>

ARROW, Plymouth - see COLT, Dodge

AUDI

1975 through [1978] <u>1979</u>	1.5	0.5
1971 through 1974	2.5	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

AUSTIN - see BRITISH LEYLAND

BMW

1975 through [1978] <u>1979</u>	1.5	0.5
1974, 6 cyl.	2.5	1.0
1974, 4 cyl.	2.0	1.0
1971 through 1973	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

BRITISH LEYLAND

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

Jaguar		
1975 through [1978] <u>1979</u>	0.5	0.5
1972 through 1974	3.0	1.0
1968 through 1971	4.0	1.0
pre-1968	6.0	0.5

MG		
1976 and [1978] <u>1979</u> MG	0.5	0.5
1975 MG, MG Midget and 1976 MG Midget	2.0	0.5
1973 through 1974 MGB, MGBGT, MGC	3.0	1.0
1971 through 1974 Midget	3.0	1.0
1972 MGB, MGC	4.0	1.0
1968 through 1971, except 1971 Midget	5.0	1.0
pre-1968	6.5	0.5

Rover		
1971 through 1974	4.0	1.0
1968 through 1970	5.0	0.5
pre-1968	6.0	0.5

Triumph		
<u>1978 and 1979</u>	0.5	0.5
1975 through 1977	2.0	0.5
1971 through 1974	3.5	1.0
1968 through 1970	4.0	1.0
pre-1968	6.5	0.5

BUICK - see GENERAL MOTORS

CADILLAC - see GENERAL MOTORS

CAPRI - see FORD MOTOR COMPANY

CHECKER

1975 through [1978] <u>1979</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.0
1970 through 1972	2.5	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5

CHEVROLET - see GENERAL MOTORS

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

CHRYSLER - see CHRYSLER CORPORATION

CHRYSLER CORPORATION (Plymouth, Dodge, Chrysler)

1975 through [1978] <u>1979</u> Non-Catalyst	1.0	0.5
1975 through [1978] <u>1979</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.5
1970 through 1972	1.5	1.5
1968 through 1969	2.0	2.5
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5
Above 6000 GVWR, 1968 through 1971	4.0	1.0
Above 6000 GVWR, 1972 through 1978	2.0	1.0
<u>Above 8500 GVWR, 1979</u>	<u>2.0</u>	<u>1.0</u>

CITROEN

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

COLT, Dodge

<u>1978 and 1979</u>	0.5	0.5
1975 through 1977	3.0	0.5
1971 through 1974	5.0	1.0
pre-1971	6.0	0.5

COURIER, Ford

1975 through [1978] <u>1979</u>	1.5	0.5
1973 through 1974	2.0	1.0
pre-1973	4.0	1.0

CRICKET, Plymouth

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

DATSUN

[1978] <u>1975 through 1979</u> Catalyst Equipped	0.5	0.5
1975 through [1978] <u>1979</u> Non-Catalyst	2.0	0.5
1968 through 1974	2.5	1.0
pre-1968	6.0	0.5

DE TOMASO - see FORD MOTOR COMPANY

DODGE - see CHRYSLER CORPORATION

DODGE COLT - see COLT, Dodge

FERRARI

1978 and <u>1979</u>	0.5	0.5
1975 through 1977	2.0	0.5
1971 through 1974	2.5	1.5
1968 through 1970	4.0	1.5
pre-1968	6.0	0.5

FIAT

1975 through [1978] <u>1979</u> Non-Catalyst	1.5	0.5
1975 through [1978] <u>1979</u> Catalyst Equipped	0.5	0.5
1974	2.5	1.0
1972 through 1973 124 Spec. sedan and wgn.	4.0	1.0
1972 through 1973 124 sport coupe and spider	3.0	1.0
1972 through 1973 850	3.0	1.0
1971 850 sport coupe and spider	3.0	1.0
1971 850 sedan	6.0	0.5
1968 through 1970, except 850	5.0	0.5
1968 through 1970 850	6.0	0.5
pre-1968	6.0	0.5

FIESTA - see FORD MOTOR COMPANY

FORD - see FORD MOTOR COMPANY

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

1975 through [1978] <u>1979</u> Non-Catalyst	1.0	0.5
1975 through [1978] <u>1979</u> Catalyst Equipped	0.5	0.5
1974, except 4 cyl.	1.0	1.0
1973, except 4 cyl.	1.0	1.5
1972, except 4 cyl.	1.0	2.0
1972 through 1974, 4 cyl., except 1971-1973 Capri	2.0	1.0
1971 through 1973 Capri only	2.5	1.0
1970 through 1971	2.0	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5
Above 6000 GVWR, 1968 through 1971	4.0	1.0
Above 6000 GVWR, 1972 through 1973	3.0	1.0
Above 6000 GVWR, 1974 through 1978	2.0	1.0
<u>Above 8500 GVWR, 1979</u>	<u>2.0</u>	<u>1.0</u>

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

1975 through [1978] <u>1979</u> Non-Catalyst	1.0	0.5
1975 through [1978] <u>1979</u> Catalyst Equipped	0.5	0.5
1973 through 1974	1.0	1.0
1971 through 1972, except 1971 4 cyl.	1.5	1.0
1970, except 4 cyl.	1.5	1.5
1970 through 1971, 4 cyl.	2.5	1.0
1968 through 1969	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5
Above 6000 GVWR, 1968 through 1971	4.0	1.0
Above 6000 GVWR, 1972 through 1973	3.0	1.0
Above 6000 GVWR, 1974 through 1978	2.0	1.0
<u>Above 8500 GVWR 1979</u>	<u>2.0</u>	<u>1.0</u>

GMC - see GENERAL MOTORS

HONDA AUTOMOBILE

1975 through [1978] <u>1979</u> CVCC	1.0	0.5
1975 through [1978] <u>1979</u> except CVCC engine	1.5	0.5
1973 through 1974	3.0	1.0
pre-1973	5.0	1.0

INTERNATIONAL HARVESTER

<u>1979 below 8500</u>	<u>0.5</u>	<u>0.5</u>
<u>1979 above 8500 GVWR</u>	<u>2.5</u>	<u>0.5</u>
1975 through 1978	2.5	0.5
1972 through 1974	3.0	1.0
1970 through 1971	4.0	1.0
1968 through 1969	5.0	1.0

INTERNATIONAL HARVESTER

pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

JAGUAR - see BRITISH LEYLAND

JEEP - see AMERICAN MOTORS

JENSEN-HEALEY

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

LAND ROVER - see BRITISH LEYLAND, Rover

LINCOLN - see FORD MOTOR COMPANY

L.U.V., Chevrolet

1974 through [1978] <u>1979</u>	1.5	1.0
pre-1974	3.0	1.0

MAZDA

1978 and 1979 Catalyst Equipped	0.5	0.5
1975 through [1978] <u>1979</u> Non-Catalyst	1.5	0.5
1968 through 1974, Piston Engines	4.0	1.0
1974, Rotary Engines	2.0	0.5
1970 through 1973, Rotary Engines	3.0	0.5

MERCURY - see FORD MOTOR COMPANY

MERCEDES-BENZ

1975 through 1977 Non-Catalyst, 4 cyl.	1.0	0.5
1975 through [1978] <u>1979</u> , all other	0.5	0.5
1973 through 1974	2.0	1.0
1972	4.0	1.0
1968 through 1971	5.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

MG - see BRITISH LEYLAND

OLDSMOBILE - see GENERAL MOTORS

OPEL

1975 through 1978 (1979)	1.5	0.5
1973 through 1974	2.5	1.0
1970 through 1972	3.0	1.0
1968 through 1969	3.0	1.0
pre-1968	6.0	0.5

PANTERA - see FORD MOTOR COMPANY

PEUGEOT

1975 through [1978] <u>1979</u>	1.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

PLYMOUTH - see CHRYSLER CORPORATION

PLYMOUTH CRICKET - see CRICKET, Plymouth

PONTIAC - see GENERAL MOTORS

PORSCHE

1978 and 1979 Catalyst Equipped	0.5	0.5
1975 through [1978] <u>1979</u> Non-Catalyst	2.5	0.5
1972 through 1974	3.0	1.0
1974 Fuel Injection 1.8 liter (914)	5.0	1.0
1968 through 1971	5.0	1.0
pre-1968	6.5	0.5

RENAULT

1977 through [1978] <u>1979</u>	1.5	0.5
1976 Carbureted	1.5	0.5
1975 and 1976 Fuel Injection	1.5	0.5
1975 Carbureted	0.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	5.0	1.0
pre-1968	6.0	0.5

ROLLS-ROYCE and BENTLEY

1975 through [1978] <u>1979</u>	0.5	0.5
1971 through 1974	3.0	1.0
1968 through 1970	4.0	1.0
pre-1968	6.0	0.5

ROVER - see BRITISH LEYLAND

SAAB

1978 and 1979 Catalyst	0.5	0.5
1975 through [1978] 1979	1.5	0.5
1968 through 1974, except 1972 99 1.85 liter	3.0	1.0
1972 99 1.85 liter	4.0	1.0
pre-1968 (two-stroke cycle)	3.0	3.5

SAPPORO, Plymouth - see COLT, Dodge

SUBARU

1975 through [1978] 1979	1.5	0.5
1972 through 1974	3.0	1.0
1968 through 1971, except 360's	4.0	1.0
pre-1968 and all 360's	6.0	0.5

TOYOTA

1975 through [1978] 1979 Catalyst Equipped	0.5	0.5
1975 through 1978 4 cyl.	2.0	0.5
1975 through 1978, 6 cyl.	1.0	0.5
1968 through 1974, 6 cyl.	3.0	1.0
1968 through 1974, 4 cyl.	4.0	1.0
pre-1968	6.0	0.5

TRIUMPH - see BRITISH LEYLAND

VOLKSWAGEN

1979 all others	0.5	0.5
1977 and [1978] 1979 Rabbit, Scirocco and <u>Dasher</u>	2.0	0.5
1976 Rabbit and Scirocco	0.5	0.5
1976 through 1978 All Others	2.5	0.5
1975 Rabbit, Scirocco, and Dasher	0.5	0.5
1975 All Others	2.5	0.5
1974 Type 4 Fuel Injection 1.8 liter	5.0	0.5
1972 through 1974, except Dasher	3.0	1.0
1972 through 1974 Dasher	2.5	1.0
1968 through 1971	3.5	1.0
pre-1968	6.0	0.5
Diesel Engines (all years)	1.0	0.5

VOLVO

1978 and 1979	0.5	0.5
1975 through 1977, 6 cyl.	1.0	0.5
1975 through 1977, 4 cyl.	2.0	0.5
1972 through 1974	3.0	1.0
1968 through 1971	4.0	1.0
pre-1968	6.5	0.5

NON-COMPLYING IMPORTED VEHICLES

All 6.5 0.5

DIESEL POWERED VEHICLES

All 1.0 0.5

ALL VEHICLES NOT LISTED and VEHICLES FOR WHICH NO VALUES ENTERED

1975 through [1978] 1979 Non-Catalyst, 4 cyl.	2.0	0.5
1975 through [1978] <u>1979</u> Non-Catalyst, all except 4 cyl.	1.0	0.5
1975 through 1979 Catalyst Equipped	0.5	0.5
1972 through 1974	3.0	1.0
1970 through 1971	4.0	1.0
1968 through 1969	5.0	1.0
pre-1968 and those engines less than 820 cc (50 cu. in.)	6.5	0.5

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

<u>PPM</u>	<u>Enforcement Tolerance</u> <u>Through June [1979] 1980</u>	
No HC Check	--	All two-stroke cycle engines & diesel ignition
1500	100	Pre-1968 4 or less cylinder engines, 4 or less cylindered non-complying imports, and those engines less than 820 cc (50 cu. in.) displacement
1200	100	Pre-1968 with more than 4 cylinder engines, and non-complying imports with more than 4 cylinder engines
800	100	1968 through 1969, 4 cylinder
600	100	All other 1968 through 1969
500	100	All 1970 through 1971
400	100	All 1972 through 1974, 4 cylinder
300	100	All other 1972 through 1974
200	100	1975 through [1978] <u>1979</u> without catalyst
125	100	1975 through [1978] <u>1979</u> with catalyst

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

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

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

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

	<u>Base Standard</u> %	<u>Enforcement Tolerance</u> Through June, 1979 1980
<u>ALL VEHICLES</u>		
Pre-1970	6.0	0.5
1970 through 1973	4.0	1.0
1974 through 1978	3.0	1.0
<u>1979</u>	<u>2.0</u>	<u>1.0</u>

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

	<u>Base Standard</u> %	<u>Enforcement Tolerance</u> Through June, 1979 1980
<u>ALL VEHICLES</u>		
Pre-1970	3.0	1.0
1970 through 1978 <u>1979</u>	2.0	1.0
Fuel Injected	No check	

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

	<u>Base Standard</u> PPM	<u>Enforcement Tolerance</u> Through June, 1979 1980
<u>ALL VEHICLES</u>		
Pre-1970	700	200
1970 through 1973	500	200
1974 through 1978	300	200
<u>1979</u>	<u>200</u>	<u>100</u>

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

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



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item No. F April 27, 1979 EQC Meeting

Adoption of Proposed Amendment to Oregon Administrative
Rule OAR 340-71-020, Subsurface & Alternative Sewage Disposal

Background

On March 30, 1979 the Commission adopted a package of amendments to Administrative Rules governing subsurface and alternative sewage disposal. At the time of adoption a number of amendments to the proposed package were accepted by the Commission. One vital amendment was inadvertently overlooked and not included in the package that was finally adopted. That proposed amendment is set forth on Attachments "A" & "B".

This proposed amendment was the subject of public hearings on March 2, 1979.

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. A package of rule amendments adopted on March 30, 1979 was inadvertently missing one vital rule amendment. That proposed amendment eases the rule on sewage flows for single family dwellings and is in the public interest.
- 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.



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Evaluation

This proposed amendment would calculate sewage flows from dwellings upon basis of 150 gallons per day per bedroom for first two (2) bedrooms and 75 gallons for the third and succeeding bedrooms. This would replace the current requirement that flow be based on 150 gallons per day per bedroom regardless of the number of bedrooms.

The result of the rule adoption would be:

- (a) 4 bedroom homes could be served by same sized system now required for 3 bedroom homes.
- (b) Homes served by 3 bedroom systems installed after January 1, 1974 could add a bedroom without altering system (if system not failing).
- (c) Homes served by 4 bedroom systems installed after January 1, 1974 could add two bedrooms without altering system (if system not failing).

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 adopted by the Commission on March 30, 1979. However, one proposed amendment was missing from the package at that time.

Director's Recommendation

Based upon the summation, it is recommended that:

The Commission adopt the proposed amendment to Oregon Administrative Rules, 340-71-020 as set forth in Attachment "A" and "B" for immediate filing with the Secretary of State to become effective May 4, 1979.


WILLIAM H. YOUNG

T. Jack Osborne:em
229-6218
April 9, 1979

- Attachments: A. Proposed amendments to Rules Governing Subsurface and Alternative Sewage Disposal
- B. Table 3 with Proposed Amendments

PROPOSED AMENDMENT TO OAR 340-71-020

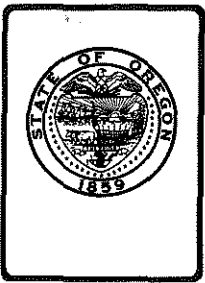
Amend Table 3 of OAR 340-71-020, Quantities of sewage flows. In Table 3 amend Columns 1 and 2 for single family dwellings as set forth on Attachment "B".

Table 3
Quantities of Sewage Flows

Type of Establishment	Column 1	Column 2
	Gallons Per Day	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) [] First two (2) bedrooms, 75 [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	80 (per bedroom)	400
Picnic Parks (toilet wastes only)	5 (per picnicker)	150

Bracketed [] material is deleted.
Underlined material is new.

* See 340-71-020(1)(i)



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. G, April 27, 1979, EQC Meeting
Request for Authorization to Hold Public
Hearing to Consider Revision of Rules
Pertaining to Experimental Field Burning -
OAR Chapter 340, Section 26-013(6)

Background

Rules allowing experimental open field burning beyond the acreage limitations established for issuance of permits was authorized by Oregon Law in 1977. The Environmental Quality Commission (EQC) adopted temporary rules in 1977 and 1978 allowing up to 7,500 acres to be burned each year under Department regulation and oversight. Such acreages have been burned experimentally in programs designed to assess field burning emissions, the effectiveness of large acreage rapid burns, rapid ignition techniques and equipment, and the effects of striplighting and backfiring on crops.

The experimental burning rule establishes an upper limit on the amount of acreage which may be burned outside the normal permitting process as part of an experimental program. By identifying the year for which authorization is granted the present rules require annual review by the EQC of proposed experimentation. In addition, in order to closely control such unpermitted burning, the rule requires the Department to specifically approve each operation.

When the current rules were submitted to the Environmental Protection Agency (EPA) for review as part of a one-year control strategy for field burning during 1979, it was noted that the limitations on experimental burning applied for 1978 and had not been updated. The EPA was concerned that there was, therefore, no limitation on burning of experimental acreages in the coming season. Without an expressed limitation, the EPA indicated it could not approve either a one-year strategy or a regular State Implementation Plan (SIP) revision. (See Attachment 1.)



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Discussion

Review of OAR 340, 26-013(6), (attachment 2), indicates that simple oversight by staff resulted in the date not being changed and that it should be revised from 1978 to 1979. Presently, proposed research plans indicate the 7,500 acre limitation to be adequate, however, review of these plans is still underway. Such review may identify a different acreage number prior to the hearing date.

It is proposed to correct this error in our submission to the EPA immediately through a technical amendment to be eventually incorporated as part of a SIP revision upon EQC rule adoption. Such a technical amendment would satisfy the EPA at least for this season. However, since the current rules have already been filed with the Secretary of State, the Department has been counseled to seek a rule revision to correct the error prior to the 1979 burning season. To this end, it is proposed to hold a public hearing at the May EQC meeting to take testimony regarding this rule change, and, if warranted by testimony, to adopt the change at the meeting. This schedule is proposed so that field burning rules will be in order prior to the season start and to avoid further crowding of the Commission's June meetings agenda. Upon filing with the Secretary of State the proposed change would also be filed with the EPA for incorporation in Oregon's SIP if such action is deemed appropriate by the Commission.

Summary

In order to identify an upper limit on experimental burning during 1979, it is necessary to revise sub-section 26-013(6) of the field burning rule to incorporate the appropriate year. The change of year from 1978 to 1979 was inadvertently overlooked in previous rule revisions.

It is necessary to hold a public hearing to take testimony on this rule revision. In order to adopt, submit, and gain approval of this revision prior to the field burning season, the public hearing and adoption should be completed prior to July. Public hearing and adoption are thus proposed for the regular EQC meeting in May, 1979.

Director's Recommendation

Based upon the Summation, it is recommended that a public hearing before the Environmental Quality Commission on May 25, 1979, be authorized to receive testimony regarding proposed revisions to the Agricultural Burning Rule, OAR, Chapter 340, Section 26-013(6) on experimental burning only as per attachment 2, to be submitted as a revision to the State of Oregon Clean Air Act State Implementation Plan. Time and place for the hearing are to be identified.



WILLIAM H. YOUNG
Director

SAF:nlb

- Attachment 1: Letter to William H. Young, Director, Department of Environmental Quality from Donald P. Dubois, Regional Administrator, Region X, Environmental Protection Agency, March 29, 1979
- 2: Proposed Field Burning Rules
OAR, Chapter 340, Section 26-013

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101REPLY TO
ATTN OF:

M/S 629

MAR 29 1979

Mr. William H. Young
Director
State of Oregon
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Mr. Young:

I appreciate receiving your letter dated March 2, 1979 in which you provide information on the status of State Implementation Plan (SIP) revision activities.

The letter requests formal EPA action on a number of items. Our review is underway on these requests, and we will keep your staff advised. The purpose of this letter is to respond to the requests listed under the Eugene-Springfield -- Total Suspended Particulate section of your letter.

Three separate requests are made: (1) redesignation of the area from Primary and Secondary standard non-attainment to Secondary standard non-attainment only; (2) an 18 month extension of the due date for submission of the Secondary standard non-attainment SIP revision (i.e., from January 1, 1979 to June 30, 1980); and (3) approval of field burning rules which allow 180,000 acres to be burned in 1979 as an interim strategy.

We anticipate approval of the first two requests, but do not believe there is a valid basis to agree to an interim strategy for 1979 field burning. If the State of Oregon wants to allow 180,000 acres to be burned instead of 50,000 acres, a formal SIP revision request should be made to that effect. It appears from information available to me that last year's field burning experience and associated study results can be used by the State to demonstrate that 180,000 acres can be burned without causing a violation of the

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APR 6 1979

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FIELD BURNING OFFICE

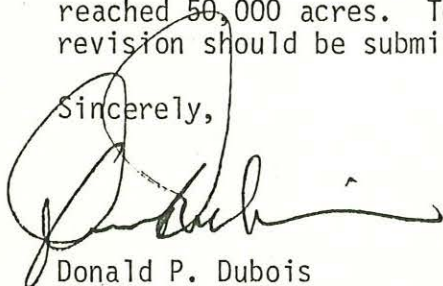
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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APR 2 1979

OFFICE OF THE DIRECTOR

Primary National Ambient Air Quality Standard in the Eugene-Springfield area. We are aware that the rules already adopted for '79 vary in some respects from those followed last year, and our approval of a SIP revision containing this year's rules would have to contain the provisos listed in Enclosure I.

In your request you asked for an immediate response since acreage registration is required to be completed by April 1 and action needs to be taken on permits by June 1. With the preliminary determination that the proposed rules, allowing 180,000 acres to be burned, are an acceptable SIP component, it would be appropriate for the State to proceed on the assumption that provisional approval of the SIP revision would be granted before actual acreage burned reached 50,000 acres. To facilitate that arrangement, the SIP revision should be submitted by June 1.

Sincerely,



Donald P. Dubois
Regional Administrator

Enclosure

Enclosure I

The following provisos would accompany the EPA approval of Environmental Quality Commission (EQC) adopted field burning rules:

1. Unless the experimental burning provision is either modified so as to be included in the 180,000 acreage limitation or fixed at some reasonable maximum acreage in addition to the 180,000, the Administrator could not approve the experimental burning provision of the rules.
2. The EQC adopted rules allow the acreage limitation to be reestablished every two years. An approval of these rules would be conditioned to allow the EQC the flexibility to adjust the acreage limitation downward at their discretion. However, any increase in the allowable acreage limitation would have to be shown, through a formal SIP revision, to be consistent with attainment and maintenance of the National Ambient Air Quality Standards. Therefore, the average limitation could not be increased beyond 180,000 acreages unless there was a documented showing of consistency in an approved SIP revision of standards attainment and maintenance.

Attachment 2

Oregon Administrative

Rules

Chapter 340, Section 26-013

burning provided that all of the following conditions are met:

- (a) Field sanitizers are not available or otherwise cannot accomplish the burning.
- (b) The field stubble will not sustain an open fire.
- (c) One of the following conditions exist:
 - (A) The field has been previously open burned and appropriate fees paid.
 - (B) The field has been flailchopped, mowed, or otherwise cut close to the ground and loose straw has been removed to reduce the straw fuel load as much as practicable.

26-012 REGISTRATION AND AUTHORIZATION OF ACREAGE TO BE OPEN BURNED.

- (1) On or before April 1 of each year, all acreages to be open burned under this rule shall be registered with the local fire permit issuing agency or its authorized representative on forms provided by the Department. A nonrefundable \$1.00 per acre registration fee shall be paid at the time of registration.
- (2) Registration of acreage after April 1 of each year shall require:
 - (a) Approval of the Department.
 - (b) An additional late registration fee of \$1.00 per acre if the late registration is determined by the Department to be the fault of the late registrant.
- (3) Copies of all Registration/Application forms shall be forwarded to the Department and the Executive Department promptly by the local fire permit issuing agency.
- (4) The local fire permitting agency shall maintain a record of all registered acreage by assigned field number, location, type of crop, number of acres to be burned and status of fee payment for each field.
- (5) Burn authorizations shall be issued by the local fire permit issuing agency up to daily quota limitations established by the Department and shall be based on registered fee-paid acres and shall be issued in accordance with the priorities established by subsection 26-010(1) of these rules, except that fourth priority burning shall not be permitted from July 15 to September 15 of any year unless specifically authorized by the Department.
- (6) No local fire permit issuing agency shall authorize open field burning of more acreage than may be sub-allocated annually to the District by the Department pursuant to Section 26-013(5) of these rules.

26-013 LIMITATION AND ALLOCATION OF ACREAGE TO BE OPEN BURNED.

- (1) Except for acreage to be burned under 26-013(6) and (7), the maximum acreage to be open burned under these rules:
 - (a) Shall not exceed 180,000 acres annually.
 - (b) May be further reduced such that, if by September 7 of each year, the average of total cumulative hours of nephelometer readings exceeding 2.4×10^{-4} B-scat units at Eugene and Springfield, which have been determined by the Department to have been significantly caused by field burning, equals or exceeds 16 hours, the maximum acreage to be open burned under these rules shall not exceed 150,000 acres and the sub-allocation to the fire permit issuing agencies shall be reduced accordingly, subject to the further provisions that:
 - (A) Unused permit allocations may be validated and used after the 150,000 acre cut-off only on unlimited ventilation days as may be designated by the Department. and
 - (B) The Commission may establish a further acreage limitation not to exceed 15,000 acres over and above the 150,000 acre limitation and authorize permits to be issued pursuant thereto, in order to provide growers of bentgrass seed crops

and other late maturing seed crops opportunity to burn equivalent to that afforded growers of earlier maturing crops.

(c) During 1979 and each year thereafter shall be determined and established by the Commission by January 1 of each odd year.

The Commission shall after taking into consideration the factors listed in subsection (2) of ORS 468.460, [shatt] by order indicate the number of acres for which permits may be issued for the burning of such acreage as it considers appropriate and necessary, upon finding that open burning of such acreage will not substantially impair public health and safety and will not substantially interfere with compliance with relevant state and federal laws regarding air quality.

(2) Any revisions to the maximum acreage to be burned, allocation procedures, permit issuing procedures or any other substantive changes to these rules affecting the open field burning program for any year shall be made prior to June 1 of that year. In making these rule changes the Commission shall consult with Oregon State University (OSU) and may consult with other interested agencies.

(3) Acres burned on any day by approved field sanitizers and approved experimental field sanitizers and propane flamers shall not be applied to open field burning acreage allocations or quotas, and such equipment may be operated under either marginal or prohibition conditions.

(4) In the event that total registration is less than or equal to the acreage allowed to be open burned under section 26-013(1) all registrants shall be allocated 100 percent of their registered acres.

(5) In the event that total registration exceeds the acreage allowed to be open burned under 26-013(1) the Department may issue acreage allocations to growers totaling not more than 110 percent of the acreage allowed under Section 26-013(1). The Department shall monitor burning and shall cease to issue burning quotas when the total acreage reported burned equals the maximum acreage allowed under section 26-013(1).

(a) Each year the Department shall suballocate 110 percent of the total acre allocation established by the Commission, as specified in Section 26-013(1), to the respective growers on a pro rata share basis of the individual acreage registered as of April 1 to the total acreage registered as of April 1.

(b) Except as provided in sub-section (1)(b) of this section, the Department shall suballocate the total acre allocation established by the Commission, as specified in Section 26-013(1) to the respective fire permit issuing agencies on a pro rata share basis of the acreage registered within each fire permit issuing agency's jurisdiction as of April 1 of each year to the total acreage registered as of April 1 of each year.

(c) In an effort to insure that permits are available in areas of greatest need, to coordinate completion of burning, and to achieve the greatest possible permit utilization, the Department may adjust, in cooperation with the fire districts, allocations of the maximum acreage allowed in Section 26-013(1).

(d) Transfer of allocations for farm management purposes may be made within and between fire districts on a one-in/one-out basis under the supervision of the Department. Transfer of allocations between growers are not permitted after the maximum acres specified in Section 26-013(1) have been burned within the Valley.

(e) Except for additional acreage allowed to be burned by the Commission as provided for in (6) and (7) of this subsection no fire district shall allow acreage to be burned in excess of their allocations assigned pursuant to (b), (c) and (d) above.

(6) Notwithstanding the acreage limitations under 26-013(1), the Department may allow experimental open burning pursuant to Section 9 of the 1977 Oregon Laws, Chapter 650, (HB 2196). Such experimental open burning shall be conducted only as may be specifically authorized by the Department and will be conducted for gathering of scientific data, or training of personnel or demonstrating specific practices. The Department shall maintain a record of each experimental burn and may require a report from any person conducting an experimental burn stating factors such as:

1. Date, time and acreage of burn.
2. Purpose of burn.
3. Results of burn compared to purpose.
4. Measurements used, if any.
5. Future application of results of principles featured.

(a) Experimental open burning, exclusive of that acreage burned by experimental open field sanitizers, shall not exceed 7500 acres during [~~1978-~~] 1979.

(b) For experimental open burning the Department may assess an acreage fee equal to that charged for open burning of regular acres. Such fees shall be segregated from other funds and dedicated to the support of smoke management research to study variations of smoke impact resulting from differing and various burning practices and methods. The Department may contract with research organizations such as academic institutions to accomplish such smoke management research.

(7) Pursuant to ORS 468.475(6) and (7) the Commission may permit the emergency open burning under the following procedures:

(a) A grower must submit to the Department an application form for emergency field burning requesting emergency burning for one of the following reasons;

(A) Extreme hardship documented by:

An analysis and signed statement from a CPA, public accountant, or other recognized financial expert which establishes that failure to allow emergency open burning as requested will result in extreme financial hardship above and beyond mere loss of revenue that would ordinarily accrue due to inability to open burn the particular acreage for which emergency open burning is requested. The analysis shall include an itemized statement of the applicant's net worth and include a discussion of potential alternatives and probable related consequences of not burning.

(B) Disease outbreak, documented by:

An affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to a disease outbreak that can only be dealt with effectively and practically by open burning.

The statement must also include at least the following:

- i) time field investigation was made,
- ii) location and description of field,
- iii) crop,
- iv) infesting disease,
- v) extent of infestation (compared to normal),
- vi) necessity and urgency to control,
- vii) availability, efficacy and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(C) Insect infestation, documented by:

Affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to an insect infestation that can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

- i) time field investigation was made,
- ii) location and description of field,
- iii) crop,
- iv) infesting insect,
- v) extent of infestation (compared to normal),
- vi) necessity and urgency to control,
- vii) availability, efficacy, and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(D) Irreparable damage to the land documented by an:

An affidavit or signed statement from the County Agent, State Department of Agriculture, or other public agricultural expert authority that, based on his personal investigation, a true emergency exists which threatens irreparable damage to the land and which can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

- i) time of field investigation,
- ii) location and description of field,
- iii) crop,
- iv) type and characteristics of soil,
- v) slope and drainage characteristics of field,
- vi) necessity and urgency to control,
- vii) availability, efficacy and practicability of alternative control procedures,
- viii) probable damages or consequences of non-control.

(b) Upon receipt of a properly completed application form and supporting documentation the Commission shall within 10 days, return to the grower its decision.

(c) An open field burning permit, to be validated upon payment of the required fees, shall be promptly issued by the Department for that portion of the requested acreage which the Commission has approved.

(d) Application forms for emergency open field burning provided by the Department must be used and may be obtained from the Department either in person, by letter or by telephone request.

(8) The Department shall act, pursuant to this section, on any application for a permit to open burn under these rules within 60 days of registration and receipt of the fee provided in ORS 468.480.

(9) The Department may on a fire district by fire district basis, issue limitations more restrictive than those contained in these regulations when in their judgment it is necessary to attain and maintain air quality.



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, April 27, 1979, EQC Meeting
Consideration for Submission of Field Burning
Rules to EPA as a Revision to the State of
Oregon Clean Air Act Implementation Plan

Background

In complying with current field burning law, the Environmental Quality Commission (EQC) adopted rules, in December, 1978, establishing an acreage limitation for open field burning during 1979 and 1980. Since the State of Oregon was also required by Federal law to file revisions to its State Implementation Plan (SIP) prior to July, 1979, the Department followed notification, hearing, and adoption procedures necessary to meet Federal requirements and thereby allow pertinent field burning rule changes to be incorporated as part of a SIP revision.

In December, the EQC approved a proposal to discuss with interested parties, methods whereby Oregon's submittal might be simplified so as to minimize the need for additional revisions and the possibility of future conflict between state and Federal laws. Such discussions were concluded with the City of Eugene and seed industry representatives without agreement on a suitable submittal. Both parties preferred to await 1979 legislative action.

Without any substantive agreement regarding a more appropriate form of submittal and with the legislature considering revisions to the field burning law which would remove acreage limits altogether, the Commission authorized the Department to submit the adopted rules as part of a one-year interim control strategy. This approach was proposed to allow flexibility in dealing with possible legislative action as it might affect a SIP submittal yet establish a 180,000 acreage limitation for 1979. The interim strategy was submitted in early March, 1979.

In late March, 1979, the Environmental Protection Agency rejected the proposed one-year strategy suggesting instead that the DEQ submit a regular State Implementation Plan revision. (See Attachment I.) As a result of consultations with the EPA two points of concern were identified within the proposed field burning rules submitted as part of the one-year strategy:



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1. The regulations regarding experimental burning did not specifically limit the acreage to be so burned during 1979.
2. Subsection 26-013(1)(c) of the rules provides for establishment of an acreage limitation by the Commission every two years. The EPA was concerned that the Commission would adopt higher acreage limitations which might be construed to have EPA approval simply by the inclusion of this subsection of the rules in an approved SIP revision.

Discussion

The staff believes the documentation presented to the EPA as part of our proposed one-year control strategy is sufficient to justify approval of this package as a revision to Oregon's SIP. The Department is well prepared, therefore, to submit this package (probably with adjustment of the experimental burning acreages) for approval. Submission and approval of this package would then incorporate a 180,000 acre limitation in the SIP.

There has been concern expressed by the seed industry that such a submittal would "lock" us into a firm 180,000 acre limit which might be difficult to change upward. Further, with legislation pending which would set 250,000 acres as an upper limit, it has been suggested that the lower 180,000 acre limit not be incorporated in this SIP revision at all. If current legislation becomes law and the Commission approves a SIP submittal containing a 180,000 acre limitation, another SIP revision will be mandatory prior to the 1980 season.

Unfortunately, the staff believes it cannot, prior to this burning season, develop supporting documentation adequate for EPA approval of significant acreage increases such as that associated with the 250,000 acres currently under legislative consideration. Proper documentation of such an increase must include:

1. The development of the capability to model and identify the effects of such emission (acreage) increases on air quality. Suitable modeling capability using an adapted version of the LIRAQ simulation model is not expected until early next year.
2. The completion of the analysis on both daily and annual bases of 1978 field burning impacts as monitored last summer. Currently, analysis on a daily basis is not expected to be completed until June and the annual impact analysis until December of this year.
3. The identification of the Eugene-Springfield Air Quality Maintenance Area control strategy for obtaining National Ambient Air Quality standards in that area. Tentative strategies are not expected to be available for review until early 1980.

In light of this schedule for development of SIP revision documentation adequate to support acreage limits greater than 180,000 acres, the Department believes it is appropriate, and would propose to submit the rejected one-year interim control strategy package as a SIP revision for the 1979 season. This, of course, would establish a 180,000 acre limitation this year supplanting the 50,000 acre limitation currently in the SIP. The Department believes such a move to be

appropriate because an approved submittal including a 180,000 acre limitation would better serve the interests of the State than a rejected submittal requesting higher acreage limits.

In making such a submittal, staff would propose to address the concern of the EPA, regarding experimental burning limitations, by adoption of a rule revision to identify an acreage limitation on experimental burning for 1979. With regard to Commission revision of the annual acreage limitation, the EPA is prepared to condition its approval of Oregon's SIP so that proposed further increases in acreage limitation would require additional EPA review and approval.

In the event of new legislation increasing the 180,000 acre limitation by any substantial amount, the Department would propose to proceed, prior to the 1980 burning season, with another SIP revision supported by the documentation now unavailable for such a submittal. A rough schedule for the development of such documentation would be as follows:

- June 1979 - Receive completed analysis of daily field burning impacts of 1978 season
- June-September 1979 - Convert LIRAQ simulation model for use by the DEQ
- July 1979 - Receive firm legislative direction with regard to field burning
- July-September 1979 - Conduct the field burning smoke management program under currently adopted rules (180,000A limitation). Monitor air quality impacts and burning accomplished during the season
- August 1979-February 1980 - Analyze 1979 field burning impacts
- September 1979-February 1980 - Using modeling procedures, assess the impacts of various burning scenarios including those identified in 1979 legislation
- December 1979 - Complete analysis of the annual impact of field burning during 1978
- January-February 1980 - Finalize the Eugene-Springfield AQMA control strategy; adopt field burning rules for 1980
- February-March 1980 - Assemble SIP Revision Package
- March 1980 - Submit SIP Revision Package
- June 1980 - Receive approval from the EPA

Adhering to this schedule and the notification and public input procedures implied therein would result in the DEQ's SIP submittal being conditioned by input from the Oregon Legislature, the Eugene-Springfield AQMA Advisory Committee, results of field burning impact analyses for 1978 and 1979, including extrapolations of those impacts through modeling, and participants in the field burning rule revision process.

Because of the uncertainty regarding the fate of currently proposed legislation, the Department would propose to inform EPA immediately as part of the proposed SIP revision or supplemental thereto of the provisions of the law and DEQ's proposed plans to modify the SIP to assure compatability. Staff would propose to update the Commission on the status of field burning legislation at its April 27, 1979 meeting, and seek direction on submitting such information to EPA.

Summary

After reviewing various methods for submitting field burning regulations as a partial revision to Oregon's State Implementation Plan (SIP), the DEQ proposed existing field burning rules, incorporating a 180,000 acre limitation, as a one year interim control strategy. Though this program was rejected by the Environmental Protection Agency (EPA) in late March, 1979, it is believed that these regulations, if submitted as a SIP revision prior to June 1, 1979 would gain timely EPA approval.

The staff would propose to make such a submittal and thereby supplant the current 50,000 acre limit with a 180,000 acre limitation on field burning, and inform EPA of current status of field burning legislation, provisions of the proposed law, and the Department's proposed plans and schedule. If an increase in the acreage limitation beyond the 180,000 acre limit is deemed appropriate either through Environmental Quality Commission or legislative review, it is believed the Department would need to develop additional supporting documentation in order to gain EPA approval. This process would require completion of on-going analysis, enhancement of current DEQ modeling capabilities to estimate the effects of burning increased acreage, identification of the Eugene-Springfield Air Quality Maintenance Area Strategy and input from various interested parties. Using current schedule estimates these functions could be completed and the SIP revision could be submitted by spring, 1980, for approval by June, 1980.

Director's Recommendation

Based upon the information set forth in pages one through four of this, the Director's April 27, 1979, staff report to the Commission and information presented with regard to the status of current field burning legislation, it is recommended that the Environmental Quality Commission instruct the staff to:

1. Submit the current field burning rules previously adopted and set forth as Attachment 1 to the Director's Staff Report of December 15, 1978, and other appropriate documents as required, to the Environmental Protection Agency pursuant to Federal rules and request that these submitted rules

be promulgated as a State Implementation Plan revision. Further inform EPA as to the status of new legislation and the Department's proposed plan and schedule to respond thereto.

2. Develop a State Implementation Plan revision as may be appropriate in light of legislation adopted prior to the 1980 field burning season and in substantial compliance with the schedule set forth in this staff report.

Bill

WILLIAM H. YOUNG
Director

SAF:pas:nlb

Attachments: Letter to William H. Young
Director, Department of
Environmental Quality from
Donald P. Dubois, Regional
Administrator, Region X
Environmental Protection
Agency, March 29, 1979

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF:

M/S 629

MAR 29 1979

Mr. William H. Young
Director
State of Oregon
Department of Environmental Quality
P. O. Box 1760
Portland, Oregon 97207

Dear Mr. Young:

I appreciate receiving your letter dated March 2, 1979 in which you provide information on the status of State Implementation Plan (SIP) revision activities.

The letter requests formal EPA action on a number of items. Our review is underway on these requests, and we will keep your staff advised. The purpose of this letter is to respond to the requests listed under the Eugene-Springfield -- Total Suspended Particulate section of your letter.

Three separate requests are made: (1) redesignation of the area from Primary and Secondary standard non-attainment to Secondary standard non-attainment only; (2) an 18 month extension of the due date for submission of the Secondary standard non-attainment SIP revision (i.e., from January 1, 1979 to June 30, 1980); and (3) approval of field burning rules which allow 180,000 acres to be burned in 1979 as an interim strategy.

We anticipate approval of the first two requests, but do not believe there is a valid basis to agree to an interim strategy for 1979 field burning. If the State of Oregon wants to allow 180,000 acres to be burned instead of 50,000 acres, a formal SIP revision request should be made to that effect. It appears from information available to me that last year's field burning experience and associated study results can be used by the State to demonstrate that 180,000 acres can be burned without causing a violation of the

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APR 6 1979

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FIELD BURNING OFFICE

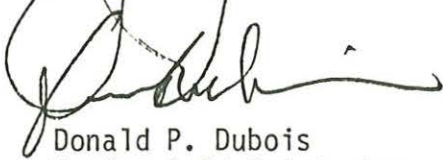
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
APR 2 1979

OFFICE OF THE DIRECTOR

Primary National Ambient Air Quality Standard in the Eugene-Springfield area. We are aware that the rules already adopted for '79 vary in some respects from those followed last year, and our approval of a SIP revision containing this year's rules would have to contain the provisos listed in Enclosure I.

In your request you asked for an immediate response since acreage registration is required to be completed by April 1 and action needs to be taken on permits by June 1. With the preliminary determination that the proposed rules, allowing 180,000 acres to be burned, are an acceptable SIP component, it would be appropriate for the State to proceed on the assumption that provisional approval of the SIP revision would be granted before actual acreage burned reached 50,000 acres. To facilitate that arrangement, the SIP revision should be submitted by June 1.

Sincerely,



Donald P. Dubois
Regional Administrator

Enclosure

Enclosure I

The following provisos would accompany the EPA approval of Environmental Quality Commission (EQC) adopted field burning rules:

1. Unless the experimental burning provision is either modified so as to be included in the 180,000 acreage limitation or fixed at some reasonable maximum acreage in addition to the 180,000, the Administrator could not approve the experimental burning provision of the rules.
2. The EQC adopted rules allow the acreage limitation to be reestablished every two years. An approval of these rules would be conditioned to allow the EQC the flexibility to adjust the acreage limitation downward at their discretion. However, any increase in the allowable acreage limitation would have to be shown, through a formal SIP revision, to be consistent with attainment and maintenance of the National Ambient Air Quality Standards. Therefore, the average limitation could not be increased beyond 180,000 acreages unless there was a documented showing of consistency in an approved SIP revision of standards attainment and maintenance.



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. 1, April 27, 1979, EQC Meeting

Certain Territory Contiguous to City of Albany -
Certification of Plans for Sewerage System as
Adequate to Alleviate Health Hazard, ORS 222.898

Background

The Administrator of the State Health Division on December 1, 1978, after following all due process required by ORS 222.850 to ORS 222.915, issued an order adopting the 'Findings of Fact and Recommendations by Hearings Officer' dated September 8, 1978, in this matter. A certified copy of same was filed with the City of Albany on December 1. The order, finding that a danger to public health exists, covers the Draperville-Century Drive area northeasterly of the City of Albany.

The area was surveyed between January, 1975 and August, 1978. Approximately 209 persons reside in this area consisting of 266 properties. Two hundred eighteen properties were surveyed. Thirty-four wells were found to be contaminated with sewage and 90 properties had inadequate sewage disposal. Fifty-nine cases of gastrointestinal illness were reported in the northwest portion of the area between July 11 and 27, 1978, an attack rate of 23 percent compared to 5 percent for the population at large.

The City has 90 days after receipt of the certified copy of the Findings to prepare preliminary plans and specifications, together with a time schedule for removing or alleviating the health hazard.

The Environmental Quality Commission has 60 days from time of receipt of preliminary plans and other documents to determine them and the proposed time schedule either adequate or inadequate to remove or alleviate the dangerous conditions and to certify same to the City.

Upon receipt of EQC certification, the City must adopt an ordinance in accordance with ORS 222.900 which includes annexation of the territory. The City is then required to cause the necessary facilities to be constructed.



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By letter dated February 21, 1979 (received February 26, 1979), the City of Albany submitted to DEQ a preliminary plan and specifications, together with a schedule for construction of sewers in the proposed annexation area.

Evaluation

The schedule submitted by the City (see attachment) ties construction to EPA grant assistance. Grant contingent schedules have been approved in the past when funds were assured. Current funding uncertainties make such a schedule very indefinite and do not insure prompt resolution of the health hazard. The schedule is different from other projects approved in that it proposes to delay annexation until after a Step 3 grant is approved rather than immediately after preliminary plan certification and before design as the law provides. The Department concludes that the schedule is insufficient.

The Department presently proposes to use the remaining federal grant funds in the unspecified reserve for Step 1 and Step 2 grants for addressing problems in mandatory annexation areas. By limiting the scope of such facility plans to the immediate health hazard proximity, it appears that sufficient funds are available to initiate the necessary further planning in each certified area. Design can also be initiated in those certified areas where facility planning is complete.

The plan submitted by the City includes a map showing the general routing of collection sewers within the health hazard area, and routing of a new interceptor from the area to the City's existing sewage treatment plant which appears to have adequate capacity to serve the area. It also includes a copy of the City's standard specifications for sewer construction. The plan does not identify pipe sizes, grades, lengths or pump station locations, if any.

The preliminary plan does not provide enough information to determine if it is the best way to address the sewage disposal problem. The plan contains less detail than we normally have received for health hazard projects. For federal grant funded projects, a complete facility plan (evaluation of alternatives) is necessary before design can commence. Thus, the conceptual plan submitted is sufficient to identify one alternative for routing sewers to serve the area, but is not sufficient to demonstrate that it is the best solution to the problem.

The staff concludes from the Health Division Findings that the health hazard in the area is a result of sewage on the surface of the ground, as well as contaminated drinking water wells. Installation of a sewage collection system will reduce the health hazard by eliminating discharge of inadequately treated sewage to the ground surface and groundwater.

We cannot conclude, however, that sewer installation will resolve the contaminated well problem, since the aquifer is apparently subject to contamination from surface sources in addition to sewage. (See middle of Page 17 of Health Division Findings). Thus, the staff concludes that installation of sewers in the area will reduce (alleviate) the health hazard, but will not "remove" it.

In summary, the staff concludes that the City's preliminary plan should not be approved. It is preferable that the facility plan be submitted as the preliminary plan together with a new schedule based on better funding information. Limited funds are available for a Step I grant for facility plan preparation from the unspecified reserve. A facility plan will take about 6 months to complete from the time of grant award. By the time it would be complete, federal funding levels should be known for FY 80. In addition, the Department's new priority criteria and priority list will be complete so that a specific schedule for design and construction can be developed.

Summation

1. Pursuant to the provisions of ORS 222.850 to 222.915, the State Health Division issued an order adopting Findings and certified a copy of the Division's Findings to the City of Albany.
2. The City has submitted a preliminary plan and standard specifications, together with a time schedule to the DEQ for review.
3. ORS 222.898(1) requires the Commission to review the preliminary plans and other documents submitted by the City within 60 days of receipt.
4. ORS 222.898(2) requires the Commission to certify to the City its approval if it considers the proposed facilities and time schedule adequate to remove or alleviate the dangerous conditions.
5. ORS 222.898(3) requires the Commission, if it considers the proposed facilities or time schedule inadequate, to disapprove the proposal and certify its disapproval to the City including the particular matter causing the disapproval. The City Council shall then submit an additional or revised proposal.
6. The plan and schedule submitted by the City are inadequate in that the plan lacks sufficient detail on the proposal and possible alternatives and the schedule is too indefinite as to timing for resolution of the health hazard and does not appear to follow the statute with regard to relative timing for annexation.

7. Step I grant funds can be made available to the City to assist in funding a facility plan for the health hazard Area. Such a plan will be required eventually in any event and can be completed in 6 months from the time of grant award. Such a plan should be a major component of a revised submittal from the City.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission issue an order to the City of Albany which:

1. Disapproves the proposal of the City for the reasons cited in the Summation.
2. Directs the City to submit a completed Step I grant application to DEQ by July 1, 1979 with the scope of work and costs having been negotiated with DEQ and EPA prior to that date.
3. Directs the City to submit a revised preliminary plan consisting of a completed facility plan and an appropriate new schedule to the Commission for review within 6 months after EPA award of the Step I grant.

Bill

WILLIAM H. YOUNG

James L. Van Domelen:gcs/em
229-5310
April 18, 1979

BEFORE THE STATE HEALTH DIVISION
OF THE DEPARTMENT OF HUMAN RESOURCES
OF THE STATE OF OREGON

In the Matter of an Annexation of)
Certain Territory Referred to as the)
Drapersville-Century Drive Area, to)
the City of Albany, Linn County,)
Oregon, Pursuant to the Provisions)
of ORS 222.850 to 222.915, Due to)
Conditions Causing a Danger to Public)
Health.)

FINDING OF FACT AND
RECOMMENDATION BY
HEARINGS OFFICER

TO: Kristine M. Gebbie
Assistant Director, Human Resources
Administrator, State Health Division

The above entitled matter, having come on for hearing on the 15th day of August, 1978, at the George Miller Room in the Old Armory Building at 4th and Lion Street, Albany, Oregon, a place near the territory proposed to be annexed, and having been heard by Max W. Braden, Hearings Officer appointed by the State Health Division; Leonard W. Pearlman having appeared as counsel for the State Health Division; members of the public having appeared personally and not by counsel, evidence having been presented in behalf of the State Health Division and the aforementioned members of the public having been heard, the Hearings Officer, having considered all the evidence presented and being fully advised in the premises makes the following:

FINDINGS OF FACT

I.

By order of the State Health Division dated July 10, 1978, a hearing was ordered in the within matter for the purpose of determining whether a danger to public health exists due to conditions existing in the territory proposed to be annexed and described in a resolution dated July 5, 1978, of the Board of Health of Linn County, Oregon.

II.

Notice of the said order and resolution was thereupon immediately given by the Division by publishing it once each week for two consecutive weeks in the Albany Democrat Herald, a newspaper of general circulation within the city of Albany, Oregon, and the territory proposed to be annexed, and by posting copies of the said order and resolution in each of four public places within the territory proposed to be annexed.

III.

Sewage disposal and treatment within the area proposed to be annexed is by facilities serving individual properties as opposed to a community collection system. There are approximately 266 developed properties within the area, all dependent upon individual sewage disposal facilities. Additionally, the properties within the area are dependent upon individual wells for domestic water, as opposed to an area-wide domestic water supply system. Two hundred eighteen of these properties have been investigated or surveyed. Inadequate facilities for the disposal of sewage existed on 90 of these properties. Thirty-four wells serving the area were contaminated with sewage. Specifically, the following conditions existed on properties within the area during the course of investigations and surveys conducted between January, 1975 and August of 1978. Without evidence to the contrary, the inadequate sewage disposal facilities and contaminated wells evidenced by these conditions are presumed to continue to exist:

1. On August 2, 1978, at 3579 David Avenue, raw or inadequately treated sewage from the household was discharging into a ditch that leads to David Avenue.
2. On February 27, 1978, and August 9, 1978, at 3551 David Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground from under a plywood cover adjacent to a concrete tile in the front of the property at the roadside ditch.

3. On February 27, 1978, at 3519 David Avenue, inadequately treated sewage was standing on the surface of the ground in the backyard.
4. On July 25, 1978, at 3505 Dian Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground from a pipe at the back of the property from which it discharged down a bank towards Truax Creek.
5. On August 3, 1978, at 3580 Dian Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground from a pipe near the east property line.
6. On January 7, 1976, at 3698 Dian Avenue, sewage from the sink or laundry in the household was standing on the surface of the ground under and around the rear of the dwelling. On August 3, 1978, the laundry waste from the household was discharging through a line that ran across the front yard and part of Dian Avenue and into a creek north of Dian Avenue.
7. On May 25, 1978, at 1101 Century Drive, raw sewage including toilet waste from a mobile home and a duplex had accumulated in a pool between these two living units at the front of the property. On May 23, 1978 and June 7, 1978, the well serving these residences was contaminated with sewage.
8. On July 25, 1978, and July 28, 1978, at 1203 Century Drive, also known as Country Boy Market, water in the well serving the market and a residence was contaminated with sewage.
9. On August 2, 1978, at 1491 Century Drive, kitchen sink waste water was discharging directly to the surface of the ground from a pipe at the exterior rear of the house.
10. On August 2, 1978, at 3439 Bernard Avenue, raw or inadequately treated sewage from the household was discharging into a hole in the front yard which was covered with a piece of plywood.

11. On July 24, 1978 at 3489 Bernard Avenue, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
12. On February 15, 1978, at 3462 Eleanor, raw sewage including toilet waste was discharging to the surface of the ground where the sewer line emerged from under the house. On January 31, 1978, water in the well serving the residence contained coliform bacteria indicative of sewage contamination.
13. On July 25, 1978, at 3503 Eleanor, the drainfield was located in an area saturated with standing water during the wintertime. Such condition causes the raw sewage to discharge to the ground surface. On July 25, 1978 and July 28, 1978, water in the well serving this residence contained coliform bacteria evidencing sewage contamination.
14. On July 20, 1978 and July 25, 1978, at 3526 Eleanor, water in the well serving the residence was contaminated with sewage.
15. On July 27, 1978 at 3437 Adah Avenue, raw or inadequately treated sewage from the residence was discharging to the surface of the ground at the west edge of the property adjacent to a pile of gravel.
16. On January 25, 1978 and July 24, 1978 at 3448 Adah Avenue, water in the well serving this residence was contaminated with sewage.
17. On July 24, 1978 at 3604 Adah Avenue, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
18. On July 24, 1978 at 3609 Adah Avenue, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
19. On August 2, 1978 at 1020 Huston Street, raw or inadequately treated sewage from the residence was discharging to the surface of the ground from a pipe at the rear of the house.

20. On July 24, 1978, at 117 Curtis Street, the septic tank on the property discharged to the surface of the ground during the wintertime.
21. On July 28, 1978, at 130-A Curtis Street, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
22. On February 27, 1978 at 105 Clover Ridge Road, raw or inadequately treated sewage from the residence was discharging to the surface of the ground at the rear of the house.
23. On February 27, 1978 at 4015 Knox Butte Road, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
24. On February 27, 1978 at 4055 Knox Butte Road, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
25. On February 27, 1978 at 4119 Knox Butte Road, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
26. On July 26, 1978 at 150 Charlotte Street, raw or inadequately treated sewage from the residence was discharging to the surface of the ground from around the lid of the septic tank.
27. On February 27, 1978 at 230 Charlotte Street, raw or inadequately treated sewage from the residence was discharging to the surface of the ground at the rear of the building.
28. On March 1, 1978 at 329 Charlotte Street, raw sewage from the household was discharging to the surface of the ground at the rear of the house.
29. On February 27, 1978 at 4605 Santa Maria Avenue, raw or inadequately treated sewage from the household was discharging into an open top septic tank which was covered by a piece of plywood.

30. On February 27, 1978, the ditch which drains the central portion of the subdivision commonly called Drapersville where it crosses Santa Maria Avenue was contaminated with sewage. Said drainage ditch drains into Truax Creek, a tributary of the Willamette River.
31. On July 26, 1978 at 330 Marilyn Street, raw or inadequately treated sewage from the residence was discharging into a ditch in the back yard of the residence.
32. On February 27, 1978 at 135 Onyx Street, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
33. On August 1, 1978 at 3551 David Avenue, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
34. On July 25, 1978 at 3580 David Avenue, water in the well serving the residence contained coliform bacteria indicative of sewage contamination.
35. On July 26, 1978 at 3437 Bernard, water in the well serving the residence contained coliform bacteria indicative of sewage contamination.
36. On August 8, 1978 at 3489 Eleanor, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
37. On August 3, 1978 at 1197 Century Drive, water in the well serving the trailer court on the property contained coliform bacteria indicative of sewage contamination.
38. On January 7, 1976 at 3510 David Avenue, raw and inadequately treated sewage from the residence was discharging to the surface of the ground through an exposed and broken sewer line in the back yard.
39. On January 7, 1976 at 3520 David Avenue, sewage would not drain adequately from the plumbing fixtures in the household and would back up upon flushing the toilet. The drainfield for the subsurface sewage disposal system serving this dwelling was located in the flood channel of Truax Creek

and was under water preventing the system from serving its intended function of treating and disposing of the sewage effluent.

40. On January 7, 1976 at 3530 David Avenue, the septic tank and drainfield system were located in the Truax Creek flood channel. Water standing over these facilities prevents the disposal or treatment of sewage discharged to them.
41. On January 8, 1976 at 3480 Dian Avenue, the toilet in the household could not be flushed. The septic tank and drainfield were located in an area with a very high ground water condition preventing the disposal or treatment of sewage discharged to these facilities.
42. On January 10, 1976 at 3515 Dian Avenue, raw or inadequately treated sewage from the household was discharging from a pipe at the back of the property.
43. On July 28, 1978 at 3529 Dian Avenue, water in the well serving this residence was contaminated by sewage.
44. On January 8, 1976 at 3560 Dian Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground south of the house.
45. On July 25, 1978 at 3580 Dian Avenue, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
46. On July 28, 1978 at 3625 Dian Avenue, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
47. On March 31, 1976 at 3629 Dian Avenue, raw sewage including toilet waste was discharged to the surface of the ground adjacent to the foundation on the north side of the house.

48. On July 8, 1976 at 3656 Dian Avenue, inadequately treated sewage from the household was discharging to the surface of the ground from a sump pump located approximately 85 feet south of the house.
49. On January 10, 1976 at 3660 Dian Avenue, inadequately treated sewage from the household was discharging to the surface of the ground within four feet of the well to the south of the house.
50. On January 8, 1976 at 3690-1/2 Dian Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground in the yard.
51. On July 25, 1978 at 3481 Bernard Avenue, water in the well serving this residence was contaminated with sewage.
52. On January 8, 1976 at 3511 Bernard Avenue, raw sewage from the household was discharging to the surface of the ground from the broken sewer line where the cast iron pipe leaves the house. The septic tank and drainfield for this household was located in an area saturated with ground water, preventing the system's intended function of disposing of and treating sewage discharged to it.
53. On January 9, 1978 at 3521 Bernard Avenue, raw or inadequately treated sewage from the household was discharging into an open ditch leading northwest from the septic tank.
54. On January 9, 1976 at 3530 Bernard Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground approximately 30 feet south of the house.
55. On January 9, 1976 at 3548 Bernard Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground in the back yard.

56. On January 8, 1976 at 3549 Bernard Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground from an overflowing septic tank.
57. On January 9, 1976 at 3570 Bernard Avenue, raw or inadequately treated sewage from the household was discharging to the surface of the ground south of the house. On July 26, 1978, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
58. On January 9, 1976 at 3580 Bernard Avenue, raw or inadequately treated sewage from the residence was discharging to the surface of the ground south of the house.
59. On January 9, 1976 at 3596 Bernard Avenue, inadequately treated sewage from this household discharged into the drainage ditch which runs along the easterly part of the property. On July 19, 1978 water in the well serving this residence contained coliform bacteria indicative of sewage contamination. This well also serves the household located at 3590 Bernard Avenue.
60. On January 12, 1976 at 3472 and 3470 Eleanor, inadequately treated sewage from the household was discharging into an open hole in the back yard.
61. On January 10, 1976 at 3489 Eleanor, the toilet backed up frequently when it rained. The area in which the septic tank system was located in a high ground water table had a distinct odor of sewage. The location of the sewage disposal system in high ground water prevented it from accomplishing its intended function of disposing of and treating sewage, and the high water causes the sewage to rise to the surface of the ground.

62. On January 12, 1976 at 3496 Eleanor, inadequately treated sewage from the household was discharging to the surface of the ground approximately ten feet east of the garage, and approximately 60 feet south of the well. On June 12, 1978 the water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
63. On July 28, 1978 and August 2, 1978 at 3482 Adah, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
64. On January 15, 1976 at 3519 Earl, inadequately treated sewage from the household was discharging into the Winter Creek at the northwest portion of the property.
65. On January 15, 1976 at 3521 Earl, raw or inadequately treated sewage from the household was being discharged directly on the surface of the ground.
66. On January 15, 1976 at 3523 Earl, inadequately treated sewage from the household was discharging to the surface of the ground near the septic tank. The area in which the septic tank and disposal field was located was saturated to the ground surface.
67. On January 13, 1976 at 3535 and 3603 Earl, these two residences are on a lot 80 feet by 100 feet leaving a very limited area for the septic tank and drainfield. The tile field lines were discharging sewage into the drainageway on the neighboring property.
68. On January 13, 1976 at 3605 Earl Street, the septic tank drainfield serving this residence was partially located in an existing drainageway in which the soil was saturated with ground water. The septic tank had an open top exposing the raw or inadequately treated sewage to the surface of the ground.

69. On January 15, 1976 at 3615 Earl Street, the septic tank system would not accomplish its intended function of disposing of and treating sewage due to water standing on the ground surface in the area where the septic tank and drainfield was located.
70. On July 28, 1978, at 3555 Dunlap Avenue, the water in the well serving this residence was contaminated with sewage.
71. On January 19, 1976 at 3585 Dunlap Avenue, there was a broken sewer line between the house and the septic tank, and approximately eight feet beyond the septic tank two drain tiles had been uncovered and exposed to the surface of the ground.
72. On January 26, 1976 at 3705 Knox Butte Road, raw or inadequately treated sewage from the household was discharging to the surface of the ground from an open top septic tank.
73. On January 26, 1976 at 3715 Knox Butte Road, there was a recent blockage of the subsurface sewage disposal system, and raw or inadequately treated sewage was discharging to the surface of the ground in the back yard next to the back fence.
74. On January 26, 1976 at 3725 Knox Butte Road, surface water caused the subsurface sewage disposal system to function inadequately.
75. On January 26, 1976 at 3735 Knox Butte Road, raw or inadequately treated sewage from the household was being discharged to the surface of the ground just north of the house.
76. On February 25, 1975 at 4615 Knox Butte Road, raw or inadequately treated sewage from this residence was discharging to the surface of the ground on the west bank of the drainageway which runs between Charlotte and Marilyn Streets.

77. On February 26, 1975 at 110 Charlotte, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
78. On February 24, 1975 at 115 Charlotte Street, raw or inadequately treated sewage from this residence was discharging to the surface of the ground in the drainageway spoken to in item 30, east of this dwelling.
79. On February 24, 1975 at 125 Charlotte Street, raw or inadequately treated sewage from the household was discharging to the surface of the ground from the exposed septic tank.
80. On February 24, 1975 at 145 Charlotte Street, raw or inadequately treated sewage from the residence was discharging to the surface of the ground in an open ditch in the back yard.
81. On February 26, 1975 at 215 Charlotte Street, the winter water table close to the ground surface caused the toilet in the house to not flush, and sewage was rising to the surface of the ground in the yard.
82. On August 8, 1978 at 240 Charlotte Street, sewage from laundry waste was present in an open ditch in the rear yard. Water standing in the rear yard in the wintertime caused the household plumbing to drain slowly.
83. On February 24, 1975 at 270 Charlotte Street, raw or inadequately treated sewage from this residence was discharging to the surface of the ground next to the house. On February 26, 1975, the water in the well serving this property contained coliform bacteria indicative of sewage contamination.
84. On February 24, 1975 at 310 Charlotte Street, raw or inadequately treated sewage from the residence was discharged into an open pit from which it was pumped by a sump pump through a black plastic pressure line onto the ground surface near the north property line. On February 26, 1975, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.

85. On February 24, 1975 at 319 Charlotte Street, raw or inadequately treated sewage from the residence was being discharged onto the surface of the ground.
86. On February 24, 1975 at 350 Charlotte Street, raw or inadequately treated sewage from the residence was being discharged onto the surface of the ground.
87. On February 24, 1975 at 110 Marilyn Street, raw or inadequately treated sewage from the household was discharging to the surface of the ground behind the house in the area of the barn.
88. On February 24, 1975 at 140 Marilyn Street, raw or inadequately treated sewage from the household was discharging to the surface of the ground.
89. On February 24, 1975 at 145 Marilyn Street, soil conditions on the property were extremely poor for septic tank drainage due to high clay content and a high winter ground water table. The system had recently failed.
90. On February 24, 1975 at 150 Marilyn Street, raw or inadequately treated sewage from the household was discharging into an open ditch spoken to in item 30, in the back yard west of the house.
91. On February 24, 1975 at 205 Marilyn Street, raw sewage was discharging to the surface of the ground from a broken sewer line.
92. On February 24, 1975 at 210 Marilyn Street, raw or inadequately treated sewage from the household was discharging to the surface of the ground in an open ditch spoken to in item 30, at the rear of the property. A deteriorated septic tank was also exposed to the surface of the ground.
93. On February 24, 1975 at 220 Marilyn Street, raw or inadequately treated sewage from the household was discharging to the surface of the ground in an open depression.

94. On February 25, 1975 at 230 Marilyn Street, a metal pipe leading away from the dwelling was discharging waste water onto the surface of the ground near a wire fence.
95. On February 24, 1975 at 250 Marilyn Street, raw or inadequately treated sewage from the residence was discharging into an open ditch adjacent to the dwelling. On February 26, 1975 water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
96. On February 24, 1975 at 310 Marilyn Street, raw or inadequately treated sewage from the household was discharging to the surface of the ground into an open ditch spoken to in item 30.
97. On February 25, 1975 at 315 Marilyn Street, raw or inadequately treated sewage from the residence was discharging to the surface of the ground and running down a bank into a large depression containing water east of the house.
98. On February 24, 1975 at 340 Marilyn Street, sewage was being discharged into the open drainageway spoken to in item 30.
99. On February 24, 1975 at 345 Marilyn Street, raw or inadequately treated sewage from the household was discharging onto the surface of the ground at the rear of the house.
100. On February 26, 1975 at 350 Marilyn Street, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
101. In September 1974 at 3450 Adah Street, sewage was discharging onto the surface of the ground and into the creek.
102. On January 14, 1976 at 3601 Adah Street, sewage was discharging onto the ground surface north of the house.

103. On January 29, 1976 at 3511 Dunlop Street, sewage was discharging into the east side road ditch along Century Drive adjacent to the property.
104. On January 23, 1976 at 3435 Kathryn Street, sewage was discharging from a concrete manhole north of the house. Laundry wastes were discharging onto the ground surface east of the manhole and north of the house.
105. In February of 1975 at 3801 Knox Butte Road, sewage was discharging to the surface of the ground north of the house.
106. On January 27, 1976 at 3865 Knox Butte Road, inadequately treated sewage was discharging to the surface of the ground north of the house in the garden area.
107. On January 18, 1976 at 4535 Knox Butte Road, water in the well serving the residence contained coliform bacteria indicative of sewage contamination.
108. On February 26, 1975 at 105 Charlotte Street, water in the well serving this residence contained coliform bacteria indicative of sewage contamination.
109. On February 24, 1975 at 160 Charlotte Street, sewage was discharging onto the ground surface.
110. During the summer of 1974 at 260 Charlotte Street, inadequately treated sewage was discharging onto the surface of the ground.
111. On February 25, 1975 at 305 Marilyn Street, inadequately treated sewage was discharging to the surface of the ground over the septic tank drainfield area.

Sewage discharged into subsurface sewage facilities, to be adequately treated bacteriologically and rendered non-septic, must be retained in the soil. The treatment depends upon oxygen and bacteria present in the soil. If soil in septic tank drainfield areas is saturated with water, there will not be oxygen present to treat the sewage effluent discharged to that area. Saturated water conditions will also

force sewage discharged into the drainfield to the ground surface and back into household plumbing. Sewage effluent rising or discharging to the ground surface from a subsurface sewage disposal facility is inadequately treated and essentially raw. The sewage and sewage effluent which is discharging into ditches or flowing from one property to another is distributed widely throughout the area proposed for annexation and also into areas beyond the boundary of the subject area.

IV.

The majority of the soils in the subject area have severe limitations for installation of individual subsurface sewage disposal systems, being heavy clay soil with very slow water permeability and high water tables of from ground surface to two and a half feet below the surface. These conditions are true of the entire portion of the area known as the Drapersville area.

There are small inclusions of soil in the Century Drive portion, the area having moderate permeability, and the high water table is between two and a half to five feet below the ground surface. This soil has less severe limitations for the installation of individual subsurface sewage disposal systems, but water tables closer than three feet to the ground surface will cause the drainfield inadequacies previously mentioned.

Only a very small inclusion of soil in the southern portion of the area with slight limitations for installation of individual subsurface sewage disposal systems exists in the area. However, these soils, being rapid draining, may subject ground water to contamination.

V.

Listed in Finding III above are findings which indicate many of the individual wells in the subject area are or have been contaminated with sewage. Numerous individual domestic wells in the subject area are driven wells. The driven well, due

to the manner in which it is installed, cannot be properly sealed to preclude surface drainage or septic tank effluent from reaching the ground water aquifer from which domestic water is being drawn. Proper sealing of the annular space around the casing of drilled wells is difficult in the strata underlying the area. Several of the drilled wells in the area have inadequate annular seals. A properly constructed annular seal is necessary to prevent surface contaminants from moving alongside the well casing and entering the ground aquifer.

The ground water into which the above mentioned wells are driven is a shallow alluvial aquifer. The water table of this aquifer ranges from 6 to 21 feet below the surface of the ground during summer months with seasonal fluctuations of 10 to 12 feet. Highest levels occur during winter and spring months. The alluvial aquifer ranges from 50 to 100 feet thick and consists primarily of stratified sands and gravels. Because of the relatively shallow aquifer with seasonally high water table levels, and because the overlying soils do not always provide adequate protection, the aquifer is subject to contamination from surface sources. Contaminants can be carried to the water table and transported considerable distances as a result of downward percolating soil moisture, injection directly into the water table or by reaching the water table via artificial channels such as improperly sealed wells. The individual sewage disposal systems in the area being constructed in high ground water tables or, in some instances of sewage on the surface of the ground in the area, rapid draining soils, and the nature of the well construction in the area leads to such contamination of the aquifer serving wells in the area under consideration.

Raw or inadequately treated sewage may contain communicable or contagious disease producing organisms found in the intestinal tract of man and which cause physical suffering or illness. When sewage containing such organisms is permitted to discharge on the surface of the ground there is a possibility of transmission

of disease to humans, either by direct contact of the sewage or through the intervening contact of the sewage by vectors with the subsequent ingestion of the disease producing organisms. The recipient's contacts with others may then lead to further disease transmission to the general public. Sewage conveyed to the aquifer supplying domestic water, as aforementioned, may also contain these disease producing organisms. Transmission of disease is then directly through the drinking water supply with the same retransmission potential.

Between July 11, 1978 and July 27, 1978, 59 cases of gastrointestinal illness were reported in a small area in the northwest portion of the subject area. Gastrointestinal illness is a term used in referring to a group of diseases caused by several different organisms, all of which infect the intestinal tract of man, and some of which also infect the intestinal tract of animals. Two hundred nine persons live in the small area, for an attack rate of 23% as compared to an expected attack rate of 5% for gastrointestinal illness in the population at large.

VII.

In the subject area, the possibility of transmission of disease through direct or indirect contact with raw or inadequately treated sewage, as aforementioned, occurs due to:

1. The normal day-to-day activities being carried on in and around the residential living units.
2. The individual domestic water supplies.
3. Children playing in the area.
4. Domestic animals, such as dogs and cats.
5. Insects, such as flies and mosquitoes, are found in the area where standing water and sewage is present on the surface of the ground.
6. Persons from outside as well as inside the area are exposed due to commercial establishments in the area serving the general public, some small

industries, the contamination of the creek flowing out of the area, and residents of the area must frequent shopping facilities, restaurants, public schools, churches and places of employment outside the area, either in the cities of Albany or Millersburg.

VIII.

A danger to public health exists in that there are conditions in the territory legally described in the aforementioned resolution of the Linn County Board of Health which are conducive to the propagation of communicable or contagious disease producing organisms and which present a reasonably clear possibility that the public generally is being exposed to disease caused suffering or illness and, specifically, conditions caused by inadequate installations for the disposal and treatment of sewage in the territory.

RECOMMENDATION

That the Administrator of the State Health Division adopt the findings herein.

Dated this 8th day of September, 1978.



Max W. Braden,
Hearings Officer



City of Albany

February 21, 1979

Environmental Quality Commission
P. O. Box 1760
Portland, OR 97207

RECEIVED
FEB 26 1979

Water Quality Division
Dept. of Environmental Quality

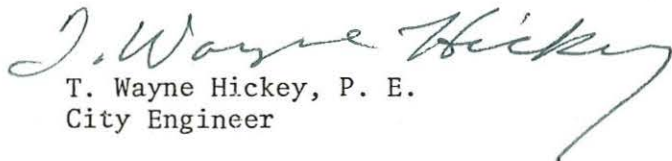
Gentlemen:

On December 4, 1978, the City of Albany received notice from the Administrator of the State Health Division certifying the area known as Century Drive-Draperville to be a health-hazard.

In compliance with ORS 222.897, the Engineering staff of the City of Albany has prepared the enclosed preliminary plan for extension of sanitary sewers to this area as well as a copy of our current Standard Specifications, and an implementation plan (with time schedule) for alleviating the health hazard. Also enclosed is a copy of a resolution adopted by the City Council on February 14, 1979.

The City of Albany is applying for assistance to construct this sanitary sewer system through the Environmental Protection Agency's Construction Grants Program.

Should you have any questions or need additional information, please phone me or Mr. Jim Rankin at 967-4318.


T. Wayne Hickey, P. E.
City Engineer

aph

cc: Administrator of the Oregon
State Health Division
Dept. of Environmental Quality
John E. Borden
Dept. of Environmental Quality
Tom Blankenship

CITY OF ALBANY'S PLAN AND TIME SCHEDULE
FOR
ALLEVIATING THE CONDITIONS CAUSING A DANGER TO PUBLIC HEALTH
WITHIN
THE DECLARED HEALTH HAZARD AREA OF CENTURY DRIVE-DRAPERVILLE, LINN COUNTY

1. City to submit preliminary plans, specifications and time table within 90 days of receipt of Certified Findings.
2. City to apply for Step 1 funds through the Environmental Protection Agency within 180 days of receipt of Certified Findings.
3. City to apply for Step 2 funds through the Environmental Protection Agency within 90 days of approval of the Step 1 Facility Plan, by the E.P.A.
4. City to apply for Step 3 funds through the Environmental Protection Agency within 90 days of approval of Step 3 Plans and Specifications, by the E.P.A.
5. City to advertise for bids to construct wastewater facilities within 45 days of approval of Step 3 grant money from the E.P.A.
6. City to begin annexation proceedings of health hazard area within 45 days of the receipt of approval of Step 3 grant money from the E.P.A.
7. City to award contract(s) for construction of wastewater facilities within 30 days of the opening of the bids.
8. City to begin construction within sixty (60) days of the award of bid(s).

D

RESOLUTION NO. 2040

NOW, THEREFOR, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF THE ALBANY CITY COUNCIL THAT:

The City Engineer's preliminary construction plans, specifications, and implementation plans including a time schedule for alleviating the conditions causing a danger to public health in the Century Drive-Draperville Area, as described by the Administrator of the Oregon State Health Division's findings certified to by same on December 1, 1978 be approved, and

BE IT FURTHER RESOLVED that prior to March 4, 1979, the City Engineer shall submit the approved preliminary plans, specifications and implementation plan along with the time schedule to the Oregon State Environmental Quality Commission, and

BE IT FURTHER RESOLVED that in initiating the implementation plan the Mayor be authorized to sign an Application (Form 5700-32) and all pertinent attachments for federal assistance through the U. S. Environmental Protection Agency for Facilities Planning (Step 1).

DATED this 14th day of February, 1979.

Richard S. Olsen
Mayor

ATTEST:

[Signature]
City Recorder



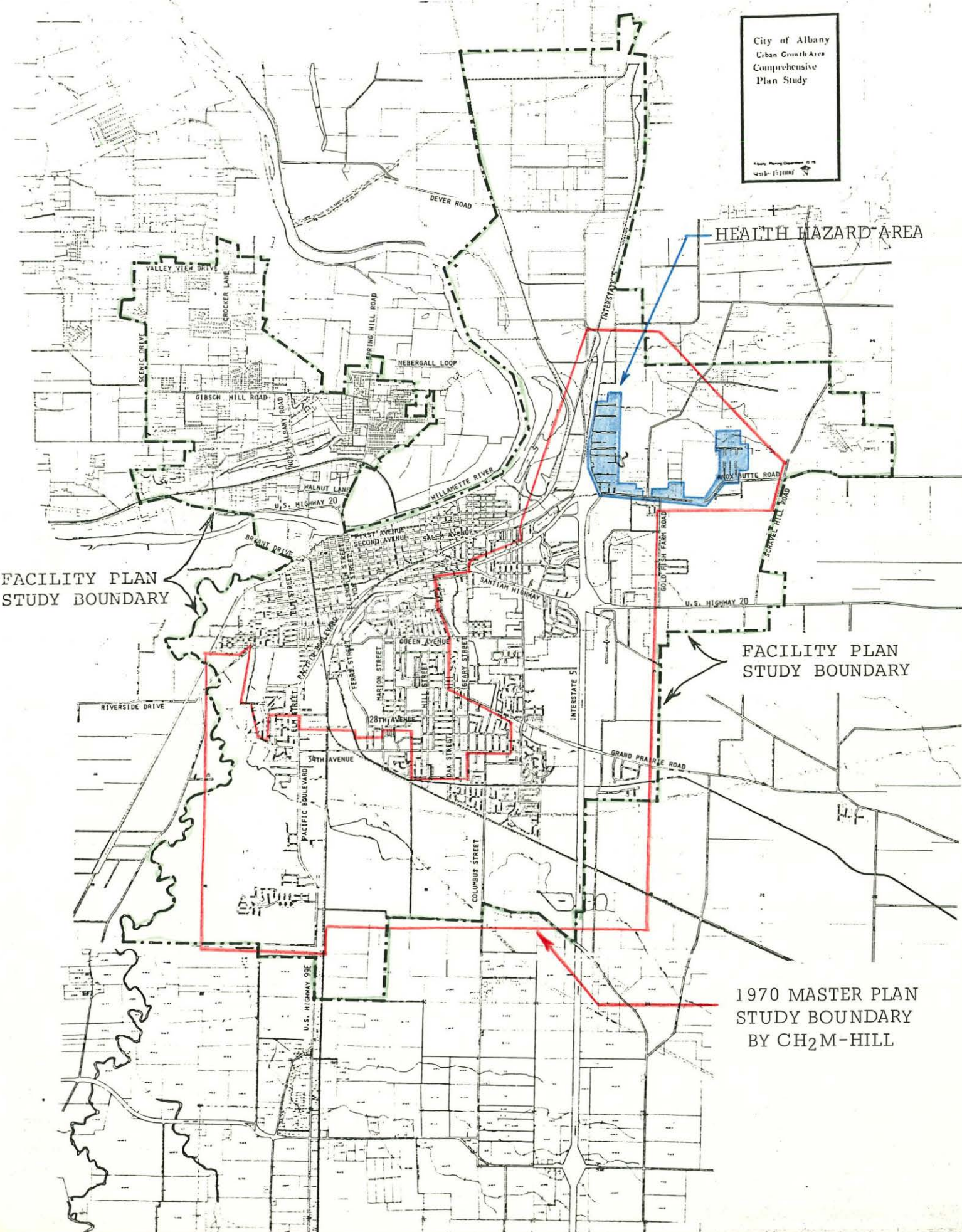
State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
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FEB 23 1979
WATER QUALITY CONTROL

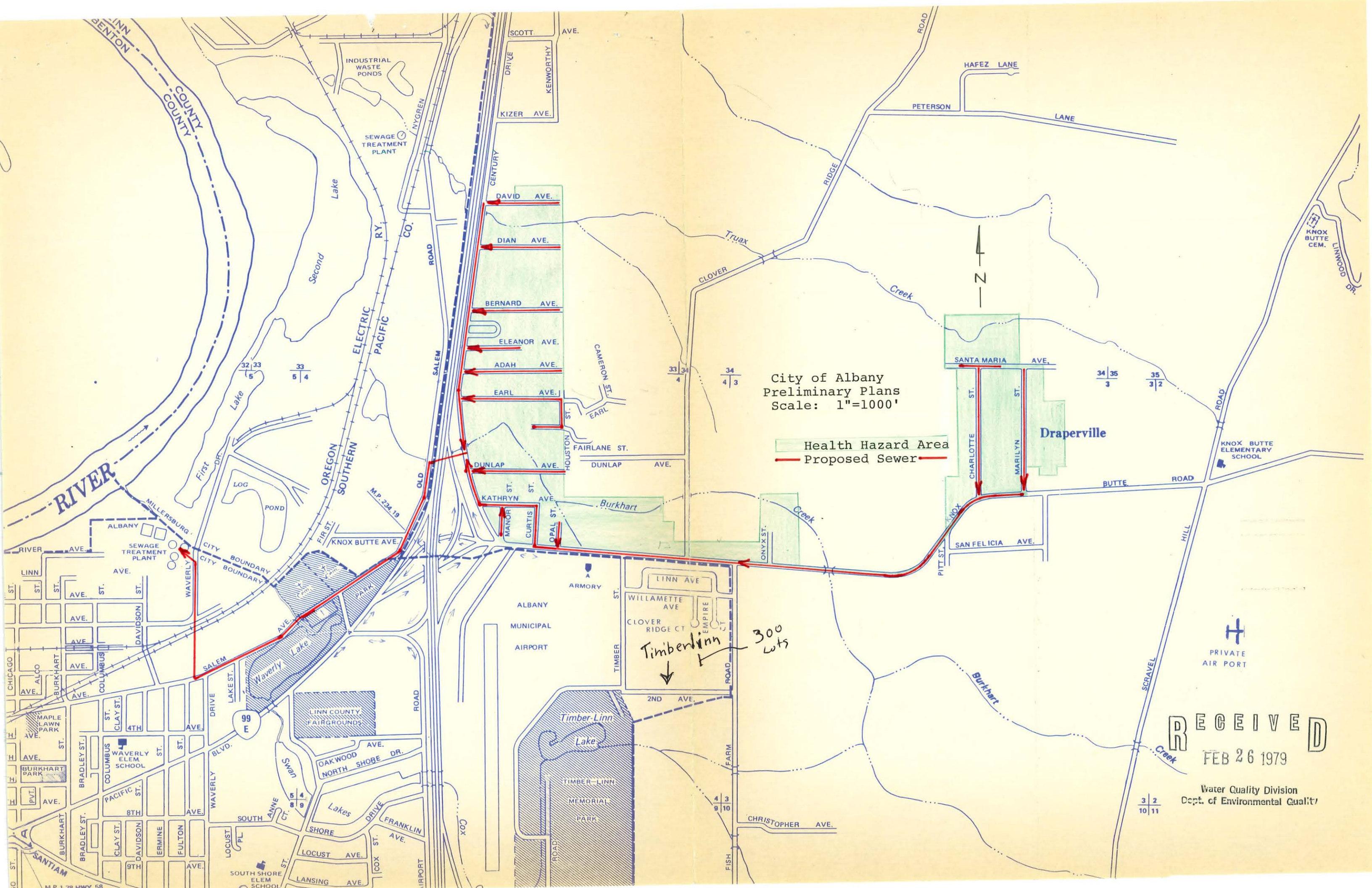
FACILITY PLAN
STUDY BOUNDARY

HEALTH HAZARD AREA

FACILITY PLAN
STUDY BOUNDARY

1970 MASTER PLAN
STUDY BOUNDARY
BY CH₂M-HILL





City of Albany
 Preliminary Plans
 Scale: 1"=1000'

Health Hazard Area
 Proposed Sewer

Draperville

Timberlinn
 300
 wts

RECEIVED
 FEB 26 1979

Water Quality Division
 Dept. of Environmental Quality

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Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission
FROM: Director
SUBJECT: Agenda Item No. J(1) , April 27, 1979, EQC Meeting

Requests by Tillamook County for Extension of
Variances from Rules Prohibiting Open Burning
Dumps, OAR 340-61-040(2)(c).

Background

At the September 23, 1977, Environmental Quality Commission meeting, staff presented variance requests from Tillamook County (Agenda Item No. H, attached) to allow for continued open burning at three (3) solid waste disposal sites. At the time of the request it was the opinion of staff that nineteen (19) months would be sufficient time to correct immediate site deficiencies and initiate a sound solid waste program.

Discussion

Tillamook County Board of Commissioners has requested 6-month variances commencing May 1, 1979 for the Manzanita, Tillamook and Pacific City disposal sites. All three of these landfills are county owned and operated.

Tillamook County along with Clatsop County had hoped the proposed regional composting project might materialize and solve their solid waste disposal problems. Unfortunately, reactivation of that composting project is now a dead issue.

Tillamook County has received monies from the Department to financially assist them in locating a regional solid waste disposal site. The County has hired a consulting geologist and a landfill search has been conducted. Property located behind the existing Tillamook landfill has been selected for potential development into a regional disposal site. Operational plans are being drafted by the consultant and will be submitted to the Department soon. It is anticipated that the regional site will be operational prior to September 1, 1979.

It is the opinion of the staff that the physical characteristics (surface area, topography, soils, etc.) of the existing disposal sites, prohibit their use for continued solid waste disposal without open burning. Thus, strict compliance with the rules would result in the closing of the existing facilities and no alternative facility or alternative method is available. The Environmental Quality Commission may grant a variance upon making such a finding (ORS 459.225(3)(C)).



Contains
Recycled
Materials

Summation

1. Because of the time lost awaiting the now defunct regional composting project and conducting the landfill search, previously adopted time schedules for phase out of the existing open burning solid waste disposal sites have not been met.
2. Strict compliance with the rules would result in closing of the existing facilities and no alternative facility or alternative method is available.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Environmental Quality Commission grant a variance to OAR 340-61-040(2)(c) for the Manzanita, Pacific City and Tillamook disposal sites, until November 1, 1979, subject to the following condition:

The disposal sites are to be closed prior to the expiration date of the variance if a practical alternative method of disposal becomes available.

Bill

WILLIAM H. YOUNG

Charles H. Gray/mb
229-5288
4/12/78

Attachment (1)

Agenda Item No. H, September 23, 1977, EQC Meeting



Environmental Quality Commission

1234 S.W. MORRISON STREET, PORTLAND, OREGON 97205 PHONE (503) 229-5696

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. H, September 23, 1977, EQC Meeting

Requests By Coastal Cities and Counties for Extensions of Variances from Rules Prohibiting Open Burning Dumps, OAR 340-61-040(2)(c).

Background

At the September 26, 1975, EQC meeting staff presented variance requests from five coastal counties (Agenda Item No. G, attached) to allow for continued open burning at 11 solid waste disposal sites. At the time of the request it was the opinion of staff that two years would be sufficient time to correct immediate site deficiencies and at least initiate a sound solid waste program in all coastal counties.

Varying degrees of upgrading and/or progress has been made by each county. However, it appears that none of the counties can meet the October 1, 1977, variance expiration date with an implemented environmentally acceptable solid waste program.

Requests for variance extension have been received from the following:

Clatsop County. Clatsop County Board of Commissioners on behalf of private operators at Seaside and Cannon Beach Disposal Sites and the county at the Elsie Disposal Site have requested an 18 month variance commencing October 1, 1977. (Because of limited area at the Elsie Site, burning is necessary for volume reduction.)

All sites have been upgraded and are operated as near compliance with regulations as possible. Clatsop County has spent the major portion of the two year variance period working with Tillamook County toward implementation of a composting system (private industry). Service districts were formed in each county (Clatsop County by an election with approximately a five-to-one margin) and intergovernmental agreements were consummated. Due to various economic reasons private industry was unable to bid on the project and both counties are left without a disposal system. The county has reactivated a landfill search committee and adopted a time schedule for selection of a site.



Tillamook County. Tillamook County through the Public Works Department has requested a 19 month extension (to May 1, 1979) for Manzanita, Pacific City, and Tillamook Disposal Sites.

Tillamook County has participated in the composting project described above and has made improvements at the Tillamook Site. The advisory committee is now addressing options available to the county. The county has set a December 1, 1977, date for final decision.

Lincoln County. By resolution Lincoln County Commissioners in behalf of private operators have requested a nine (9) month extension to the variance for North Lincoln and Waldport.

Lincoln County voters approved a \$650,000 bond issue for solid waste disposal. However Lincoln County private operators have made agreements with private operators in Benton County for the transfer of Lincoln County solid waste to Coffin Butte Sanitary Landfill (Corvallis). Final intergovernmental agreements and conditional use changes on the site are pending thus the extension request.

Curry County. Curry County Commissioners have requested a one (1) year extension for the county operated Brookings and Nesika Beach (Gold Beach) Disposal sites.

During the two year period Curry County has upgraded the Port Orford Disposal Site. The county anticipated an energy recovery plant in the Coos Bay area after completion of the Coos-Curry Solid Waste Plan and Phase I of the Port of Umpqua plan. As the project has not evolved, Curry County has by resolution withdrawn from the Coos-Curry Solid Waste Planning Council and has contracted with Oregon Sanitary Service Institute for a secondary study. Curry County has pledged immediate action toward implementation upon completion of this study (January 1978).

Cities of Myrtle Point and Powers (Coos County). Requests have been received from the Cities of Myrtle Point and Powers to extend the variance for a period of two years. Both cities have agreed to develop source separation projects to reduce the volume of solid waste entering the disposal sites.

Coos County has closed the Fairview Disposal Site and has upgraded operation at Joe Ney (Coos Bay) and Bandon Disposal Sites. The Bandon site is available for use by cities and private industry if they can get there. The county to date has chosen to not proceed with apparently feasible energy recovery projects and has not developed an alternative county-wide solid waste management plan.

Evaluation

The variance requests involve variance from the Department's Solid Waste Management regulations OAR 340 61-040(2)(c) which prohibits open burning or open dumps of putrescible solid wastes. Under air quality Administrative Rules adopted October 1976, all open burning considerations are now made under the Solid Waste Disposal Permit.

Clatsop and Tillamook Counties, supported by the Department have spent most of the two year period negotiating with and preparing for transfer to the private industry composting plant. It has been quite recent that the project stalled out and they are actively resuming the search for alternatives.

Lincoln County voters passed the \$650,000 Bond Election to finance construction of an in-county processing facility. Capital and operational costs would have exceeded \$11 per ton. Private collectors in negotiation with private operators in Benton County have found that they can transfer for approximately \$7 per ton. A conditional use change is needed on the Coffin Butte (Corvallis) Sanitary Landfill before they can receive Lincoln County solid waste. The public hearing for this change is scheduled for November. The Department has supported this project as it will in all probability, speed the realization of a planned resource recovery plant in the Corvallis area.

Curry County relied on Coos County to take the lead in further study and implementation of our energy recovery system to serve the coast from Reedsport south. Since it appeared to them that the facility would not be constructed they have, with Department support, contracted for a study to provide at least interim acceptable facilities for Brookings and Gold Beach.

The Cities of Myrtle Point and Powers (in Coos County) have pledged to attempt recycling activities to minimize open burning. However, there is no recognized county-wide plan for implementing an acceptable long-term solution which an extension of their variances will lead toward.

It is the staff's opinion that with the exception of Coos County, the programs presented in support of variance requests on September 26, 1975, have been diligently pursued. The Coos County situation could be considered further and in more detail at the EQC meeting scheduled for October 1977 in Coos Bay.

Summation

1. Because of technical and political difficulties previously adopted time schedules for phase out of coastal open burning solid waste disposal sites have not been met.
2. Clatsop and Tillamook Counties have reactivated their solid waste committees to seek an alternate solution to the composting project. Even if the composting project is successful, construction time is such that a variance is needed.
3. Lincoln County is finalizing negotiations to transfer all solid waste to Benton County.
4. Curry County has contracted for a second phase study to be completed by early 1978 and is committed to follow through with implementation.
5. Coos County has upgraded the two remaining county operated disposal sites, providing free disposal at each. However, no recognized county-wide plan is in effect which will assist the Cities of Myrtle Point and Powers to a final closure of their open burning sites.

6. It is the opinion of the staff that approval of the variances as requested is necessary to facilitate transition to an acceptable solid waste program.
7. To approve the variance requests the EQC must make a finding that the facilities meet the requirements of the statutes in that strict compliance would result in closing of the facilities and no alternative facility or alternative method is yet available.

Director's Recommendation

It is the Director's recommendation that:

1. Variances be granted to expire as dated below for each specific county:

Clatsop County (Seaside, Cannon Beach, Elsie), March 1, 1979
Tillamook County (Manzanita, Pacific City, Tillamook), May 1, 1979
Lincoln County (North Lincoln, Waldport), July 1, 1978
Curry County (Brookings, Nesika Beach), October 1, 1978
2. Variances be granted for Myrtle Point and Powers (Coos County) to expire December 1, 1977, and that Coos County solid waste program be considered as a separate item during the October 1977 EQC meeting (to be held in Coos Bay).
3. Disposal sites to be closed prior to expiration date of variance if a practical alternative method of disposal is available.
4. The EQC find that the variance requests meet the intent of ORS 459.225(3)(c) in that strict compliance would result in closing of the disposal sites and no alternative facility or alternative method of solid waste management is available.

Bill

WILLIAM H. YOUNG

RLBrown/kz

229-5913

9/8/77

Attachment (1)

Agenda Item No. G, September 26, 1975, EQC Meeting



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J(2) April 27, 1979, EQC Meeting

Request by Lake County for Variance from Rules Prohibiting
Open Burning Dumps (OAR 340-61-040(2)(c))

Background

Lake County operates solid waste disposal sites at Adel, Christmas Valley, Fort Rock, Plush, Silver Lake and Summer Lake (hereafter, these sites will be referred to collectively as the Lake County rural disposal sites). The City of Paisley owns and operates a disposal site near Paisley. Except for the Silver Lake and Summer Lake sites, all county-operated sites are on land owned by the U.S. Bureau of Land Management (BLM). The Silver Lake site is owned by Lake County and the Summer Lake site is owned by the Oregon Department of Fish and Wildlife.

On November 26, 1975, the Department approved the solid waste management plan for Lake County's rural disposal sites. The plan was approved on the basis of insignificant volumes of putrescible wastes and allowed the County to control-burn the wastes with a truck-mounted propane burner. The fire was to be extinguished following incineration of the wastes and was not to be allowed to smolder. The Paisley site was not approved for such incineration. Instead, the Paisley site was required to operate as a modified landfill. Non-putrescible and combustible wastes would be disposed of separately for open burning when specifically approved by the Department. The staff felt the Paisley site served too many people and contained too much putrescible matter to allow controlled-burning as permitted at the other rural sites.

Currently, all the rural disposal sites and the Paisley site are routinely open-burned. Both the City of Paisley and Lake County have requested a variance from Department regulations prohibiting open-burning of garbage. No justification was provided with the requests other than to claim that open-burning did not create significant environmental impact.



Contains
Recycled
Materials

Discussion

The environmental impact of open-burning of wastes at the Lake County rural sites is a questionable matter. Due to the remote location of the sites and the relatively small amount of garbage, few people, if any, are subjected to the odors created by burning garbage. The visual impact, however, is very noticeable. Due to the large open space of Lake County, the black smoke plumes can be seen from incredible distances. The overall impact of open-burning on air quality is probably immeasurable except for short-term, visible emissions.

Other rural Eastern Oregon counties operate their waste disposal sites without open-burning. Harney County, as an example, uses its road crews to frequently and routinely maintain its rural sites. The estimated annual cost for Harney County to maintain nine (9) rural sites is about \$5,000 - \$10,000. The cost must be estimated because the cost for this is not separated from the Road Department budget. Lake County has claimed it would cost about \$12,000 for them to operate the rural sites without burning.

Actually, Lake County cannot legally open burn on sites leased from BLM because of the Federal Resource Conservation and Recovery Act (RCRA). As a matter of practice, however, BLM has allowed the leases to continue as long as the disposal sites are regulated under DEQ permit. RCRA regulations require that all open dumps be closed or upgraded within a five-year period from date of inventory (sometime in 1979-80).

Possible Alternatives and Expected Consequences

- A. Deny the variance request and order Lake County and the City of Paisley to stop open-burning immediately.

This option, of course, would end open-burning of garbage. The staff has discussed this option with the Lake County Commissioners. The Commissioners have indicated that, should this occur, they may close the sites and leave people to their own devices for disposing of their garbage. Undoubtedly, this would result in numerous, illegal, uncontrolled dumps all over Lake County. Also, Lake County probably would need some time (a year, perhaps) to budget additional monies for operating the rural sites if they chose to.

- B. Approve the variance request for an indefinite time.

In this case, open-burning would continue. Those other counties that operate acceptable solid waste management programs may decide to review their programs and request open-burning variances for economic considerations.

C. Approve the variance until July 1, 1979.

Prior to June 1, 1979, the City of Paisley and Lake County would submit justification to the Commission for continued open burning of garbage. If the justification was insufficient, then the Commission could order an end to open-burning on July 1, 1980. This would allow the City and County one year to develop alternatives to open-burning and to budget expenses as needed.

The advantage to this option is that it requires Paisley and Lake County to provide the burden of evidence justifying open-burning. As it now stands, the Department and Commission have no real basis for considering a variance to the open-burning rule.

The disadvantage of this option is that it implies that open-burning may be justifiable in certain cases. The Department believes open-burning garbage is inappropriate and the rules prohibiting open-burning of garbage were promulgated to apply to all Oregonians, not just those who agree with the rule.

D. Approve the variance until July 1, 1980.

The Commission would order the staff to negotiate a time schedule for eliminating open-burning of all Lake County sites and for implementing an acceptable solid waste management plan by July 1, 1980.

The advantage to this approach is that it provides for a consistent, state-wide program for solid waste management.

The disadvantage is that Lake County and the City of Paisley may decide to close the sites after July 1, 1980. This would result in many uncontrolled, illegal dumps in Lake County.

Thus, strict compliance with the rules would result in the closing of the existing facilities and no alternative facility or alternative method is available. The Environmental Quality Commission may grant a variance upon making such a finding. ORS 459.225(3)(C).

Summation

1. The City of Paisley and Lake County routinely open-burn garbage at rural disposal sites in Lake County.
2. OAR 340-61-040(2)(c) specifically prohibits open-burning of garbage in Oregon.
3. The City of Paisley and Lake County have requested a variance to this regulation citing that open-burning creates no significant impact on the environment.
4. The City of Paisley and Lake County have not presented adequate evidence of special or unusual circumstances to justify a variance.
5. Strict compliance at this time would result in probable closure of the disposal sites with no alternative facility or method of solid waste disposal available.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Environmental Quality Commission grant a variance to OAR 340-61-040(2)(c) until July 1, 1979, subject to the following conditions:

The City of Paisley and Lake County be required to submit evidence to the Department to justify a variance past July 1, 1979.

Department staff shall review this evidence and return to the June Commission meeting with a recommendation regarding extension of the variance.


WILLIAM H. YOUNG

Robert L. Brown:dro
229-5157
April 11, 1979
Attachments (2)

1. Letter request from Lake County
2. Letter request from City of Paisley

Board of Commissioners

Lake County

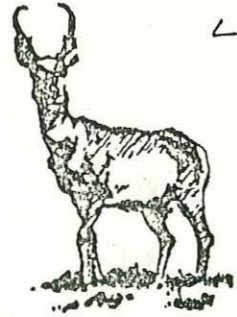
STATE OF OREGON

LAKEVIEW, OREGON 97830

GEORGE CARLON

LESLIE SHAW

LOUIS LAMB



February 8, 1979

cc: Bob Brown - SW - Permitted
File SW - Lake Co.

TO: *R.N.* Richard Nichols, Regional Manager, DEQ
FROM: George Carlon, Lake County Board of Commissioners
RE: Variance Request

This letter is in answer to your letter of February 6, 1979 regarding our Solid Waste Disposal Permits and our variance request.

During our meeting of January 24, 1979, we summarized our position of amending our Solid Waste Plan to our present practice of burning with a fuel starter rather than propane. We also discussed our present practice and the need to continue with our present policy.

Attached is our letter of November 1, 1978, summarizing our situation. The letter was discussed with you and Bob Brown.

Please consider this letter a request to continue with our present practice and your help in obtaining Lake County the needed variance would be appreciated.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

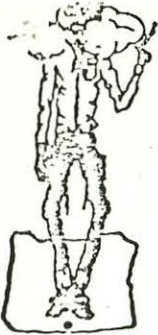
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BEND DISTRICT OFFICE

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FEB 13 1979

SOLID WASTE SECTION



Board of Commissioners

Lake County

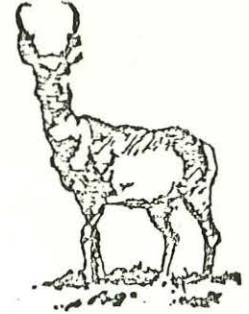
STATE OF OREGON

LAKEVIEW, OREGON 97830

GEORGE CARLON

LESLIE SHAW

DON FITZGERALD



TO: Department of Environmental Quality

FROM: Lake County Commissioners

RE: Solid Waste Plan Amendment

Lake County has reviewed its Solid Waste Plan, having recognized a discrepancy in the present practices, and has amended the Plan to cover our present practices.

Enclosed is a copy of our amendment to the Lake County Solid Waste Plan dated 11/1/78.

It is our intention to change the plan to the present practice of controlling incineration by the use of a flammable fuel. With the present practise, there has been no public objection and the solid waste disposal cost has been held to a minimum.

It is our contention that the present practise is the most practical for our County. The alternative of a Modified Land Fill, Plan Alternative F, Modified Landfills for Rural Sites, has been compared with Plan Alternative G, Modified Land Fills with trench incineration, and the following problems exist:

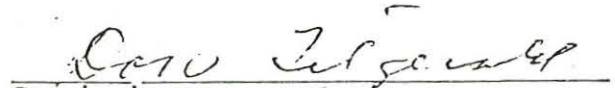
1. The time between coverages on an equipment-available basis would not be satisfactory. Lake County does not have the equipment-time available to cover at a frequency satisfactory to keep rodents, snakes and other animals away, papers from blowing, foul smells from emitting, and an unhealthy condition from existing.
2. Cost calculations were made on an alternative of covering the land fills at Christmas Valley, Summer Lake, Adel, Plush and Fort Rock every two months with a new pit at six-month intervals. Silver Lake was figured at one coverage per month and a new pit at three-month intervals and our cost, if the equipment was available, would be approximately \$33,940 per year. The Road Department schedule would prevent the availability of equipment during many times of the year. Comparing with present cost of approximately \$22,241 per year with burning with one new pit per year. Equipment is available for this frequently.
3. The factor of safety to the operator is an important criterion. The ignition of the pits with a propane torch has proven hazardous. The concept of the propane torch omits the hazard of the operator's

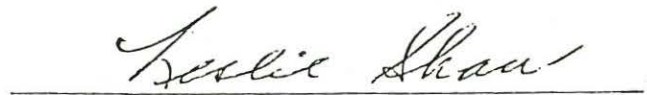
exposure to heat, gases, and other obnoxious fumes.

These are only a few of the reasons we have made the decision to amend the plan. We believe with the modification of the method of ignition in the burning of the waste in the trenches that Lake County would be served with the best alternative of solid waste disposal.

November 1, 1978


Chairman, Board of Commissioners


Commissioner


Commissioner

Adams

CITY OF PAISLEY

P. O. Box 100
PAISLEY, OREGON 97636

April 5, 1979

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

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APR 6 1979

BEND DISTRICT OFFICE RECEIVED

APR 12 1979

SOLID WASTE SECTION

DEQ Central Region
Richard J. Nichols, Regional Manager
2150 N.E. Studio Road
Bend, Oregon 97701

RE: SW - Permit #178

Dear Mr. Nichols:

In reply to your letter of February 28, 1979, The City of Paisley is financially unable to comply with the land fill program. our only sanitary means is occasional burning. Our population is only 300.

In the mid 1960's, garbage and trash was scattered all over BLM land. The City dug a pit and cleaned this land and burned the trash in the pit, and since then has kept the garbage and trash burned.

As for nuisance and health problems, it is far healthier to keep the pit clean by burning. It keeps down the flies and vermine. As for nuisance there is no one around to bother. The smoke does not drift over town nor any residence.

As stated above, burning is the only feasible means of sanitation for us. We thereby feel we are justified in requesting a variance for occasional pit burning.

Sincerely,

C. E. Young
C. E. Young, Mayor

CEY:hc

RECEIVED
APR 9 1979

Water Quality Division
Dept. of Environmental Quality



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. K, April 27, 1979, EQC Meeting

Status Report and Preliminary Discussion Whether to Schedule
Further Action Regarding the Subsurface Sewage Disposal
Moratorium in River Road-Santa Clara, Lane County

Background

1. On February 22, 1978 the Lane County Board of Commissioners adopted Resolution 78-2-22-3 (Exhibit 1) which:
 - a. Requested the Environmental Quality Commission place a "moratorium upon the issuance of construction permits and favorable reports of evaluation of site suitability for new subsurface sewage disposal systems within the boundaries of River Road-Santa Clara, Oregon ..."
 - b. Requested that said "moratorium shall last only for a six-month period until the detailed technical evaluation of the relationship between the groundwater quality of the River Road-Santa Clara area and existing and projected residential development is concluded and the appropriate follow-up actions have been completed."
2. In response to this resolution, a staff report was presented to the EQC on March 31, 1978 in Eugene. Because the staff report failed to address all factors required by statute, the hearing was continued.
3. The EQC reconvened the public hearing at its April 28, 1978 meeting in Salem. A completed staff report was presented and the Commission adopted a rule and order establishing a moratorium on issuance of permits for new subsurface sewage disposal facilities, OAR 340-71-020(9) (Exhibit 2). ORS 454.685, the authorizing statute, does not provide for a fixed time limit on the rule and order so the recommended six-month limit was not adopted.
4. In addition to the permanent rule, two additional recommendations were adopted on April 28, 1978:
 - a. "Direct Department staff to work with the staffs of the Metropolitan Wastewater Management Commission, Lane County, the Cities of Eugene



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and Springfield, and the Lane County Local Government Boundary Commission to obtain development and implementation of a plan for preventing and reducing groundwater pollution in the River Road-Santa Clara area."

- b. "Direct Department staff to provide the Commission with a status report within the six-month period proposed by the Lane County Board of Commissioners regarding investigation progress." The latter directive specifying a six-month status report was the Commission's effort to honor Lane County's request for only a six-month moratorium since the rule and order could not be limited.
5. An EPA grant (208 funds) was awarded to Lane Council of Governments (L-COG) to undertake a study of the groundwater pollution problem and develop the necessary control program cited as necessary in Lane County's February 22, 1978 resolution. Work was immediately commenced to design the study and locate and construct the necessary monitoring wells. Data collection began October 23, 1978 and is scheduled to be completed in September 1979.

The study grant requires submittal of the following reports to DEQ and EPA:

6/30/79 - Draft Interim Analysis Report covering data collected through May 15, 1979 and incorporating preliminary model predictions of nitrate levels in groundwater. (Expected on Schedule.)

12/31/79- Final Analysis Report covering data collected through September 1979 and incorporating model predictions of nitrate levels in groundwater. (Expected now in February 1980.)

In addition, the grant requires a meeting between DEQ, EPA and L-COG by not later than July 30, 1979 to evaluate the draft Interim Analysis Report to determine whether the data and analysis provide sufficient justification to proceed with the next phase of the project which is to develop and evaluate alternative groundwater pollution control strategies for the area. This further phase would be completed by March 1980 providing no significant additional data are needed.

6. John Borden, Regional Manager, presented a brief status report to the Commission at its October 27, 1978 breakfast meeting in Eugene. Permission was granted to delay an agenda item status report until some preliminary groundwater study data was in. It was decided that about three month's data would be needed for such a report. Borden distributed copies of the detailed study design to Commission members.

7. At its February 23, 1979 meeting in Portland, John Borden presented the formal status report (Exhibit 3) required by Director's Recommendation 4 of the April 28, 1978 staff report. Since the presentation was a status report, formal recommendations were not initially given. But recommendations were shown in the report in the event the Commission decided they should take further action on the moratorium. The Commission ordered two informational public hearings in the Eugene area on March 28 and 29, 1979. The hearings were held to gather information to help the Commission decide whether further action need be taken on the moratorium.
8. The hearings officer's report is not expected to be available until the day of the April 27, 1979 EQC meeting.
9. On April 3, 1979, the Lane County Board of Commissioners adopted Resolution 79-4-3-13 (Exhibit 4) which requests termination of the moratorium.

Evaluation

1. The rule establishing the moratorium on subsurface permit issuance is a rule and order which will remain in effect until modified through the required formal rulemaking process. This process may be initiated by Commission on its own motion or upon petition for rulemaking submitted by persons outside the agency.
2. The latest resolution adopted April 3, 1979 by the Lane County Commissioners does not appear to satisfy the requirements of OAR 340-11-047 relating to petitions for rulemaking. Therefore the Commission has the option of either rejecting the resolution as an insufficient petition or honoring its intent and scheduling a rulemaking hearing on the question of whether the moratorium should be maintained, modified or lifted.
3. In the event the Commission elects to schedule a rulemaking hearing on the question of whether to maintain, modify or lift the moratorium by appropriate rule change, the following options are available for timing:
 - a. Schedule hearing as soon as legal notice can be given.
 - Submit Notice to Secretary of State - May 5, 1979
 - Notice published by Secretary of State - May 15, 1979
 - Earliest hearing date - mid-June 1979.

Since the earliest draft report of technical information from the L-COG study will not be available until June 30, 1979, it would appear that a hearing at this time would be premature.

- b. Schedule hearing to occur approximately 30 days after the L-COG draft interim report is available for review.
 - Submit Notice to Secretary of State - June 20, 1979
 - Notice published by Secretary of State - July 1, 1979
 - Earliest hearing date - End of July 1979.

Since this report will be a preliminary draft based on incomplete data, any conclusion it draws may change in the final report. The staff would be uncomfortable using it as a basis for any final action on the disposition of the moratorium.

- c. Schedule hearing for sometime in March 1980 to coincide with the availability of the Final Analysis Report and Alternatives Evaluation.

This would be the comfortable staff recommendation since the minimum full information necessary for a final decision should be available at that time.

- 4. The Department is aware of increasing pressures in the moratorium area brought about by the inability to expand existing residences, obtain hardship approvals and build on existing vacant lots where no partitioning is involved. Such issues could be addressed on an interim basis as part of a rulemaking hearing if one is held in either June or July.

It is noted that the latest subsurface rule amendments adopted at the March EQC meeting and proposed for adoption at this meeting will provide relief in that additional bedrooms can be added without subsurface system expansion based on revised system sizing criteria.

Summation

1. Lane County has adopted a resolution dated April 3, 1979 requesting termination of the present moratorium on new subsurface sewage disposal systems in the River Road-Santa Clara area of Lane County.
2. The record of Department informational hearings held March 28 and 29, 1979, in the Eugene area is being prepared and will not be available until the April 27, 1979 EQC meeting.
3. A draft Interim Analysis Report of data collected through May 15, 1979 by L-COG in its technical studies will be available on June 30, 1979.

4. Final reports of the L-COG studies will not be completed until about March 1980. These reports are intended to provide the basis for a final decision on a groundwater pollution control program for the area.
5. A rulemaking hearing could be scheduled and convened either (a) in mid-June at the earliest (without benefit of the Interim Technical Study report) or (b) the end of July (based on draft Technical Report availability), or (c) after March 1980 (when final reports are in) to take testimony on whether the present moratorium rule should be maintained, modified or repealed.
6. Subsurface rule amendments proposed for adoption April 27, 1979 together with amendments adopted at the March EQC meeting may provide some relief to existing citizens who want to expand their residences.

Director's Recommendation

Based on the summation, it is recommended that a rulemaking hearing be convened after final technical reports from the L-COG study project are submitted in March 1980.

The staff will report to the Commission at its July 1979 meeting on the results of the evaluation by DEQ, EPA, and L-COG of the Interim Analysis Report.



WILLIAM H. YOUNG

Harold L. Sawyer/John E. Borden:em
229-5324
April 20, 1979

Attachments:

- Exhibit 1 - Lane County Resolution 78-2-22-3
- Exhibit 2 - OAR-340-71-020(9)
- Exhibit 3 - February 23, 1979 Staff Report
- Exhibit 4 - Lane County Resolution 79-4-3-13

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION)))))	IN THE MATTER OF ESTABLISHING A TEMPORARY MORATORIUM ON CONSTRUCTION PERMITS FOR SUBSURFACE SEWAGE DISPOSAL SYSTEMS IN RIVER ROAD - SANTA CLARA, OREGON
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78 -2-22-3

WHEREAS, the Lane County Board of Commissioners adopted, effective June 9, 1971, a moratorium on major subdivision activity in the River Road - Santa Clara area based upon a concern that effluent from subsurface sewage disposal systems was contaminating ground water and surface water in the area, and

WHEREAS, the above mentioned moratorium on major subdivisions has remained in effect to date, but considerable development has continued to take place on previously platted lots and through minor partitioning, and

WHEREAS, a groundwater study, published in June, 1972 by Roger Dickinson, of the River Road - Santa Clara area found nitrate contamination of the groundwater in excess of U.S. Public Health Service standards and concluded that such contamination was related to the dense development on subsurface sewage disposal systems, and

WHEREAS, a more recent, unpublished groundwater contamination study of the River Road - Santa Clara area by the Lane County Environmental Health Division proved inconclusive due to extremely limited winter rainfalls and the resultant low groundwater table levels, and

WHEREAS, the Lane County Board of Commissioners initiated a detailed technical evaluation of the River Road - Santa Clara area on August 3, 1977, in an effort to determine the relationship between groundwater quality in the area and existing and projected residential development, and

WHEREAS, the State of Oregon Environmental Quality Commission, pursuant to ORS 454.605 to 454.745, has been granted the authority over subsurface sewage disposal systems within the State of Oregon, and therefore be it hereby

RESOLVED that the State of Oregon Environmental Quality Commission be requested to place a moratorium upon the issuance of construction permits and favorable reports of evaluation of site suitability for new subsurface sewage disposal systems within the boundaries of River Road - Santa Clara, Oregon hereinafter attached as Appendix A.

RESOLVED that this moratorium shall last only for a six month period until the detailed technical evaluation of the relationship between the groundwater quality of the River Road - Santa Clara area and existing and projected residential development is concluded and the appropriate follow-up actions have been completed.

FURTHER RESOLVED that, after a six month period, the Lane County Board of Commissioners is committed to review the situation and review any proposals that address groundwater quality.

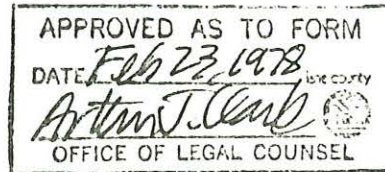
DATED this 22nd day of February, 1978

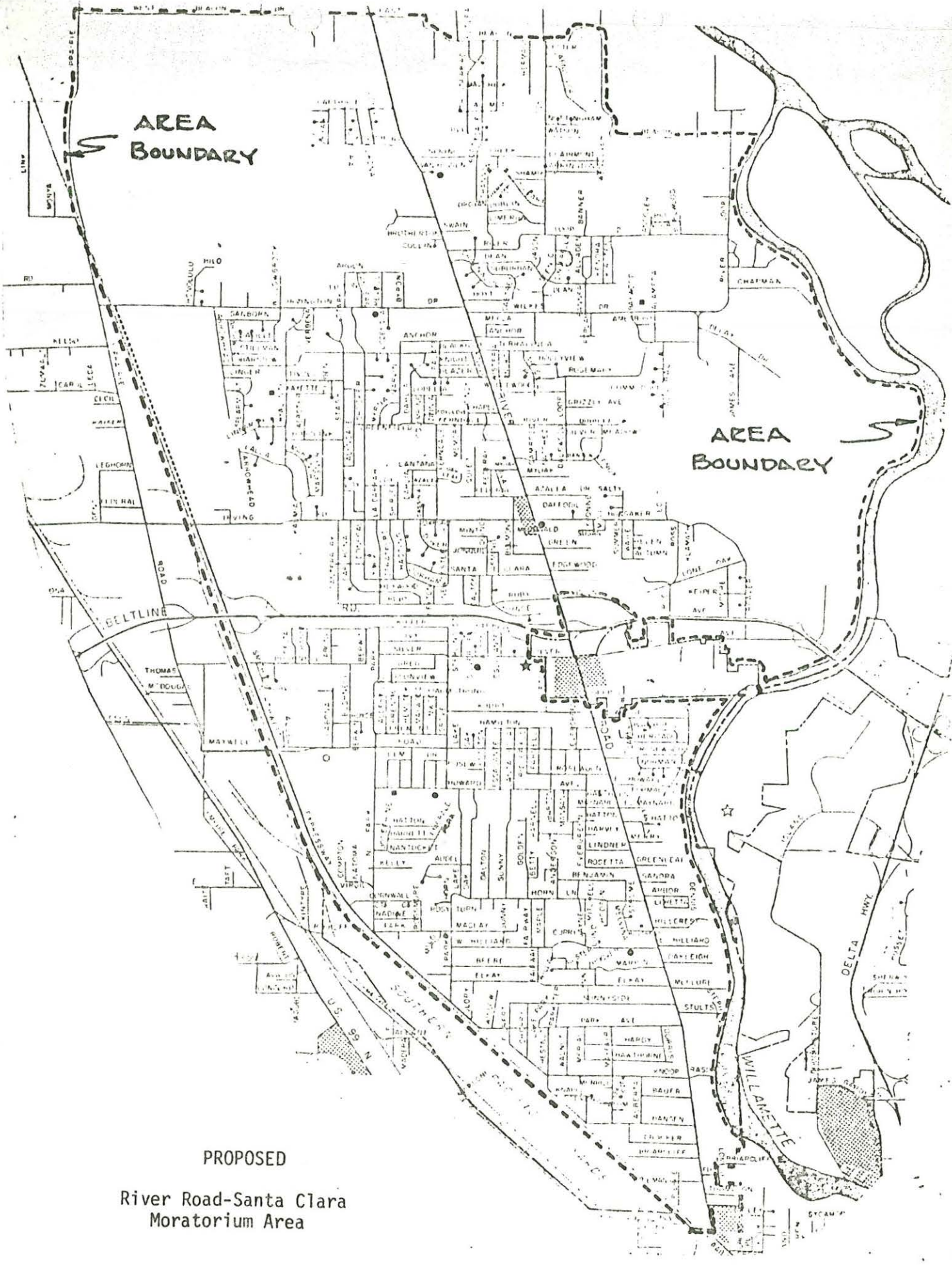
BOARD OF COUNTY COMMISSIONERS,
LANE COUNTY, OREGON

/s/ Gerald H. Rust, Jr.

Chairman, Lane County Board of Commissioners

GCS:dk1





PROPOSED
 River Road-Santa Clara
 Moratorium Area

COMBINED CERTIFICATE AND ORDER FOR FILING ADMINISTRATIVE
RULES WITH THE SECRETARY OF STATE

CERTIFICATE

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of rules adopted, amended or an order of repeal by:

Environmental Quality Commission

(Agency)

Date of adoption, amendment or repeal:

April 28, 1978

By: T. J. Osborne

T. J. Osborne
(Authorized Signer)

FILED
MAY 6 1978
NORMA PAULUS
SECRETARY OF STATE

Title: Supervisor, Sub. & Alt. Sewage System Section

Effective Date: May 2, 1978 Statutory Authority: ORS 454.625, ORS 454.685

Rule Number(s) 340-71-020(9)

New Rule Amends Repeals Temporary Permanent

Subject matter and purpose of rule: Order prohibiting issuance of permits for new subsurface sewage systems in the River Road-Santa Clara area, Lane County

ORDER

The within matter having come before the Environmental Quality Commission after publication of the intended action upon not less than 15 days notice in the Secretary of State's Bulletin describing said proposal and advising of the opportunity and manner for the presentation of views or arguments in writing or at a public hearing; the aforesaid notice and other procedures having been in the required form and conducted in accordance with applicable statutes and rules, and being fully advised in the premises:

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following rule(s) be:
(List Rule Number(s) or Rule Title on Appropriate Lines Below)

Perm. Temp.

Adopted: _____

Amended: 340-71-020 (by adding a new subsection (9))

Repealed: _____

as Administrative Rules of the Department of Environmental Quality

DATED this 1st day of May, 19 78

By: WILLIAM H. YOUNG

William H. Young
(Authorized Signer)

Title: Director

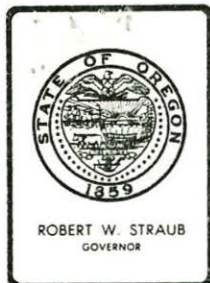
DEPARTMENT OF ENVIRONMENTAL QUALITY
RECEIVED
MAY 6 1978

ADOPTED

Amend Oregon Administrative Rules 340-71-020 by adding a new subsection (9) to read as follows:

"(9) Pursuant to ORS 454.685, neither the Director nor his authorized representatives shall issue either permits for any new sewage disposal facility which would use subsurface injection, or construction permits or favorable reports of evaluation of site suitability for new subsurface sewage disposal systems, within the boundaries of the following described geographic area of the State:

The area generally known as River Road-Santa Clara, and defined by the Boundary submitted by the Board of County Commissioners for Lane which is bounded on the South by the City of Eugene, on the West by the Southern Pacific Railroad, on the North by Beacon Drive, and on the East by the Willamette River, and containing all or portions of T-16S, R-4W, Section 33, 34, 35, 36, T-17S, R-4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, and T-17S, R-1E, Sections 6, 7, 18, Willamette Meridian."



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. E, February 23, 1979 Environmental Quality Commission meeting.

Authorization to Conduct a Public Hearing on the Matter of Whether to Modify the Order Prohibiting or Limiting Installation of Subsurface Sewage Disposal Systems Within the River Road-Santa Clara Area, Lane County.

Background

1. The Commission initiated a public hearing at its March 31, 1978 meeting in Eugene on the question of imposing a moratorium on the issuance of construction permits for new subsurface sewage disposal systems and favorable reports of site suitability in the River Road-Santa Clara area of Lane County.
2. The hearing was continued so Department staff could more thoroughly address factors required by statute for rulemaking.
3. At its April 28, 1978 meeting, the Commission heard the Department's completed staff report. Based on that report and testimony the Commission adopted an amendment to Oregon Administrative Rules 340-71-020 which approved the subject moratorium and caused initiation of a detailed groundwater study by Lane County. The April 28 staff report is Exhibit 1, attached.
4. Today's agenda item is in response to Director's Recommendation #4 in the April 28 report, which required a status report regarding the River Road-Santa Clara Groundwater Analysis sponsored by Lane Council of Governments and Lane County Department of Environmental Management.
5. An EPA grant was awarded and study design was completed, sampling stations established (including existing well conversion, well drilling, and surface site). Water quality sampling began on October 23, 1978 and development of a computer based hydrology model is proceeding as scheduled. Some data is now available. The study schedule, Exhibit 2, is attached.



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Evaluation

1. Facts collected to date are presented in this section. Those listed below are extracted from study progress reports.
2. Most soils in the study area can readily accept septic tank effluent. Many of the soils accept effluent so efficiently that limited treatment occurs for some constituents.
3. Of the 40-inch annual precipitation, 13 inches reaches the water table, and the balance is runoff, evaporation and/or transpiration. Precipitation is the major recharge to the shallow aquifer. Additional recharge is provided by groundwater underflow (generally from the south) and from imported domestic water via water districts.
4. About 30 percent of the aquifer recharge (1.1 billion gallons) is from household use and resulting septic tank effluent disposal of the imported water. Although high density areas use imported domestic water, the northerly downgradient area depends on groundwater as a sole source for domestic supply.
5. Nitrate is the focus of the study because it is an effective tracer in groundwater movement. Nitrate is also significant because of the EPA 10 mg/l nitrate-nitrogen primary drinking water limit. The study estimates nitrate-nitrogen sources to the subject aquifer as follows:
 - a. precipitation and water supply background 1%
 - b. dwelling unit fertilizer 8%
 - c. septic tank effluent 91%
 - d. agricultural and "other" sources: not quantified
6. Based on the above and making certain assumptions about dispersion and dilution attenuation, the study predicts steady state, i.e., long term, nitrate-nitrogen concentrations in the groundwater ranging from 3.7 to 13.9 mg/l. This is shown in Exhibit 3, attached. Background nitrate-nitrogen concentrations have been measured from 0.0 to 0.86 mg/l.
7. Department staff has examined the limited nitrate-nitrogen data available (October, November, December, 1978). Concentrations range from trace to 26.2 mg/l with values most frequently from 5 to 9 mg/l in the highly developed areas. This compares favorably with the above predictions. A visual reference is provided in the following Exhibits:

- a. Exhibit 4: Study area map showing sampling locations, a maximum concentration isopleth (solid line) and a reference baseline (dashed line).
 - b. Exhibit 5: Using the maximum nitrate-nitrogen concentration isopleth, nitrate-nitrogen concentrations as a function of an east-west distance from the isopleth are plotted. This plot illustrates the nature of decreasing nitrate concentrations as a function of distance from the isopleth.
 - c. Exhibit 6: Using an arbitrary baseline through the study area, this plot illustrates the maximum nitrate-nitrogen concentrations measured through December, 1978. The average maximum is about 7 mg/l.
8. Further evaluation is difficult at this time, since limited data is available.

Summation

1. The River Road-Santa Clara area represents a potential groundwater contamination problem resulting from subsurface sewage disposal systems in a densely developed residential community. This problem is of particular concern to the downgradient sole source domestic aquifer.
2. The prediction of elevated nitrate-nitrogen levels in areas of concentrated septic tank development is supported by the limited analytical data, and is in reasonable agreement with predicted ranges (Exhibit 3).
3. Many nitrate-nitrogen concentrations even now approach the EPA 10 mg/l primary drinking water standard, and a few exceed it. Early implications are for further increments above background levels with time and growth.
4. Based on the Lane County Board of Commissioners' request and public testimony, the Environmental Quality Commission amended Oregon Administrative Rules Chapter 340, Section 71-020 by prohibiting or limiting installation of subsurface sewage disposal systems within the River Road-Santa Clara area.
5. The moratorium should remain in effect at least until more complete study results are available. It is essential that the study be completed so that impacts of future development on groundwater can be accurately predicted and controlled.

Current data is insufficient to make reliable quantitative nitrate-nitrogen predictions within and downgradient from the study area, but will be sufficient upon completion of the study.

Director's Recommendation

Based on the Summation, the Director recommends that:

1. The River Road-Santa Clara moratorium under Oregon Administrative Rule 340-71-020 be continued until March 1980, at which time sufficient data and analysis will be available to predict groundwater quality, including a relationship to growth.
2. The Department staff be directed to continue working with staff of the Metropolitan Wastewater Management Commission, Lane County, the cities of Eugene and Springfield, and the Lane County Local Government Boundary Commission to obtain development and implementation of a plan for preventing and reducing groundwater pollution in the River Road-Santa Clara area.
3. A public hearing be authorized and the Department staff be directed to provide the Commission with recommendations by March 1980 on whether to modify the "Order Prohibiting or Limiting Installation of Sub-surface Sewage Disposal Systems within the River Road-Santa Clara Area, Lane County."

Michael Young
for

WILLIAM H. YOUNG

John E. Borden: wjr
378-8240
February 9, 1979

Attachments: (6)

1. Exhibit 1: Agenda Item F, April 28, 1978 EQC meeting.
2. Exhibit 2: River Road-Santa Clara Study Schedule.
3. Exhibit 3: Theoretical NO₃-N Concentration in Ground Water, River Road-Santa Clara.
4. Exhibit 4: Map of River Road-Santa Clara area showing concentration levels.
5. Exhibit 5: River Road-Santa Clara nitrate concentration vs. distance to peak concentration isopleth.
6. Exhibit 6: River Road-Santa Clara nitrate concentration vs. baseline.



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission
From: Director
Subject: Agenda Item No. F, April 28, 1978, EQC Meeting

Continuation of Public Hearing on Proposed Order Prohibiting
or Limiting Installation of Subsurface Sewage Disposal Systems
Within the River Road - Santa Clara Area, Lane County

Background

The Commission initiated a public hearing at its March 31, 1978 meeting in Eugene on the question of imposing a moratorium on the issuance of construction permits for new subsurface disposal systems and favorable reports of site suitability in the River Road - Santa Clara area of Lane County. The hearing was continued to this meeting. The Department's staff report of March 31, 1978 failed to specifically address, in order, those factors required by statute, to be considered by the Commission whenever a moratorium is imposed. Each of those eleven (11) statutory factors is addressed below under evaluation.

Statement of Need for Rule Making

1. Oregon Revised Statutes (ORS) 454.625 requires the Commission to adopt such rules as it considers necessary for the purpose of carrying out ORS 454.605 to 454.745.

Orders limiting or prohibiting construction of subsurface sewage systems under ORS 454.685 are imposed by the Commission through adoption of an amendment or Oregon Administrative Rules (OAR) 340-71-020.

2. A resolution received from Lane County Board of Commissioners requests imposition of a moratorium to prevent further degradation of groundwater pending a resolution of the problem.

The Department's evaluation (discussed below) supports conclusion that a problem exists and that a moratorium is the only apparent way to prevent further degradation while a plan for resolving the problem is being developed.



3. Document relied upon in considering the need for the proposed rule is:

Santa Clara - River Road
Groundwater Contamination Evaluation 1978
By: Environmental Geology & Groundwater
H. Randy Sweet
Consulting Geologist/Hydrogeologist

Evaluation

"Order Limiting or Prohibiting Construction"

Factors to be considered, in accordance with ORS 454.685(2) are as follows:

(A) Present and projected density of population

The present population of the River Road - Santa Clara area is approximately 27,500. By the year 2000 the population is projected to reach 40,000.

(B) Size of building lots

The residential parcel size in the area north of Beltline Road indicates 58 percent of the parcels to be 10,000 square feet or less, 33 percent of the parcels to be between 10,000 and 20,000 square feet in size, and 8 percent to be larger than 20,000 square feet.

In the area south of Beltline Road, 52 percent of the parcels are 10,000 square feet or less in size, 40 percent are between 10,000 and 20,000 square feet in size, and 7 percent are greater than 20,000 square feet in size.

(C) Topography

The area topography is virtually flat (0 - 3% slope) with several filled river meander channels cutting through the area oriented to the north - northwest.

(D) Porosity and Permeability of the Soils

The soils dominant in the area have moderate to high permeability in the upper profile of 36 to 48 inches from the ground surface. Absorbency is good, with silty clay loam textures with good pore size and distribution. Some areas have restrictive silty clays occurring at 36 to 48 inches from the ground surface. In these areas the soils may be somewhat restrictive to water movement.

Throughout the area, gravel beds occur at depths ranging from 3 to 9 feet from the ground surface. These gravel strata vary from clay cemented gravels to very clean, rapidly permeable material.

On the west and north sides of the area, restrictive clays occur at 12 to 30 inches from the ground surface. Water perches on the ground surface in these areas.

(E) Any geological formations which may adversely affect the disposal of sewage effluent by subsurface means

Highly porous and permeable substrata materials, a seasonably high and locally recharged groundwater table, and excessively to moderately well-drained soils (including clean gravels), adversely effect the suitability of the River Road - Santa Clara area for the installation of high density subsurface sewage disposal systems.

The area is underlain by geologically recent, unconsolidated, valley-filled alluvium that consists primarily of discontinuous layers and lenses of porous and permeable sands and gravel with minor amounts of silt and clay.

These deposits are part of the Willamette River Valley alluvial aquifer that is the primary source of groundwater for industrial, domestic, and agricultural uses in the Willamette Valley Region.

(F) Ground and surface water conditions and variations therein from time to time

A major source of recharge to this groundwater system is the infiltration and downward percolation of precipitation that falls directly on the valley floor. As a result, the water table beneath the River Road - Santa Clara area fluctuates in response to seasonal variations in precipitation, with the late winter-early spring water table rising to within 5 to 10 feet of land surface. This recharge is enhanced by moderately well to excessively drained soils that offer little impedance to the downward percolation of soil moisture.

Once in the groundwater flow system, water beneath the River Road - Santa Clara area moves generally northward toward downgradient discharge points such as wells, streams, rivers, and other surface water bodies. There is a direct hydraulic connection between surface and groundwater in the River Road - Santa Clara area. The nature of the connection (the discharging of groundwater to surface water bodies, or the infiltration of surface water into the groundwater system) is dependent on site specific characteristics and/or seasonal variations in ground and/or surface water levels.

Surface water drainage is not well defined, and is limited to the old river meander channels in the area. Some of the more western and northern channels have been excavated to improve flow conditions. (Amazon Flat Creek Project Flood Control). Some of the channel flows are intercepting perched water tables and the upper surface of the regional water table.

(G) Climatic conditions

"Typical" climate conditions of the River Road - Santa Clara (Eugene Area) produce mild wet winters and warm dry summer seasons. Seasonal changes in rainfall are gradual with about 50% of total annual precipitation falling in the months of November to January. The "average" rainfall is about 42 inches per year.

Temperature norms range from mean daily maximums of 63° F and a minimum of 43° F.

Relative to evaporation potential, most authorities agree that, normally, annual precipitation exceeds annual evaporation.

(H) Present and projected availability of water from unpolluted sources

Presently, water supply to the River Road - Santa Clara area is provided through two water districts which purchase water from the Eugene Water and Electric Board.

Water supplies north and northwest of the River Road - Santa Clara are taken directly from the underlying flow system in the River Road - Santa Clara area.

Numerous shallow wells exist in the subject area with usage predominately for irrigation purposes. However, it is possible that some wells may, or are being used, as potable water supplies.

(I) Type of, and proximity to, existing domestic water supply sources

Water supply to the River Road - Santa Clara area is provided through two water districts which purchase water from the Eugene Water and Electric Board. The River Road Water District is located south of Beltline Road with the Santa Clara Water District serving northerly of Beltline Road.

(J) Type of, and proximity to, existing surface waters

The River Road - Santa Clara area is bordered on the eastern boundry by the Willamette River and its meanders.

Spring Creek, which flows all or most of the year, has its origin from spring action in the mid-eastern portion of the area. Spring Creek is located east of River Road and west of the Willamette River and flows in a northerly direction to discharge into the Willamette River.

Numerous small surface drainage ways (intermittent streams) are located in the western portion of the area and flow in the northwest direction along with the total net water flow systems. These intermittent drainage ways originate as rainfall and discharge to lower land, ultimately flowing into the Long Tom and Fern Ridge Reservoir systems.

(K) Capacity of existing subsurface sewage disposal systems

Estimated subsurface sewage discharge:

3 million gal/day (1.1 billion gal/yr.); individual septic tank-
drainfield systems
in addition to
.2 million gallons per day from Lynnbrook subdivision lagoon
3.2 million gallons per day TOTAL

Approximately: 30% of toal annual aquifer recharge within
the area*

(* from Table 8, page 24, H. Randy Sweet
Report)

Other points to consider*

(A) Due to natural development and structure of the soils in the River Road - Santa Clara area, the local groundwater aquifer is particularly susceptible to contamination.

(B) About 30 percent of the shallow aquifer recharge in River Road -Santa Clara may be attributed to water imported for domestic use. Most of this water is discharged (wasted) as sewage into the ground.

(C) On-site disposal of sanitary wastes is the major source of nitrogen (and eventually nitrate-nitrogen) to the shallow alluvial aquifer in the River Road - Santa Clara area.

(D) Areas downgradient from the River Road - Santa Clara area are now, and are projected to be, solely dependent upon groundwater for domestic supply. Therefore, assurance of a long-term potable water supply must be considered in any continuing or future evaluation of groundwater quality in the River Road - Santa Clara area.

(E) The significance of NO₃-N in drinking water has been discussed for many years. It is supposed that excessive nitrate ingestion in infants and/or nursing mothers may result in methemoglobinemia (blue babies). Other recent studies have questioned this relationship. However, the fact remains that the Environmental Protection Agency Drinking Water Standards prohibit the use of water for drinking purposes when the nitrate-nitrogen (NO₃-N) concentration is in excess of 10 mg/l.

The following individuals will be available for additional testimony or to respond to questions:

Mr. Roy Burns, Director
Lane County Water Pollution Control Division

Mr. Kent Mathiot, Hydrogeologist
State Water Resources Department

Mr. Larry Lowenkron, Engineer
Eugene Branch Office, DEQ

Long-Range Solution To Problem

Because much of the River Road - Santa Clara area is already developed at urban-level densities, the ultimate solution to the identified groundwater contamination problem is the installation of sanitary sewers. Even now the design of new sewage treatment facilities for the Eugene-Springfield area, including capacity for the River Road -Santa Clara area, is underway.

The present service for the new facilities is essentially coterminous with the city limits of Eugene and Springfield. The Southern Pacific railroad and a few residences located along the interceptors between the cities and their sewage treatment plants receive sewage services even though they are currently outside of the Cities.

Since design is now underway for an improved system, and funding is available from the EPA Construction Grant Program, now would be an opportune time to look towards areawide sewerage services. This would require a method of bringing the unincorporated areas either into the County Service District or forming a separate entity contracting for sewage services with the other entities.

ORS 454.685 provides, in part, that whenever the Environmental Quality Commission finds that the construction of subsurface sewage disposal systems should be limited or prohibited in an area, it shall issue an order limiting or prohibiting such construction. The order shall issue only after public hearing for which more than 30 days notice is given.

Such order would issue in the form of an amendment to OAR 340-71-020 by adding a new subsection (9) as shown on Attachment "A".

Summation

1. Lane County Board of Commissioners has requested imposition of a moratorium on new subsurface sewage system construction permits and favorable reports of site suitability within the River Road - Santa Clara area.
2. ORS 454.685 provides that whenever the Commission finds that the construction of subsurface sewage disposal systems should be limited or prohibited in an area, it shall issue an order limiting or prohibiting such construction. The order shall be issued only after public hearing for which more than 30 days notice is given.
3. Proper notice was given and published within the affected area.
4. Testimony was received at a public hearing by the Commission on March 31, 1978 in Eugene. That hearing was continued to this date to receive additional testimony.
5. Factors required by statute (ORS 454.685) to be considered by the Commission in imposing a moratorium have been addressed in the "evaluation" section of this report.
6. Evidence indicates probable groundwater pollution in the River Road - Santa Clara area and areas down gradient. There is a likelihood of increased pollution if subsurface disposal of sewage is expanded.
7. A moratorium is the only apparent way to temporarily stop increase of pollution pending development of a plan for prevention and reduction of groundwater pollution.

Director's Recommendation (restated with revisions)

1. Impose a moratorium on issuance of construction permits for new subsurface sewage disposal systems and favorable reports of site suitability in the River Road - Santa Clara area of Lane County by adopting the proposed amendment to OAR 340-71-020 as shown in Attachment "A".
2. Impose a moratorium on approval of any pending new, or modified sewage disposal facility which would use subsurface injection.
3. Direct Department staff to work with the staffs of the Metropolitan Wastewater Management Commission, Lane County, the Cities of Eugene and Springfield, and the Lane County Local Government Boundary Commission to obtain development and implementation of a plan for preventing and reducing groundwater pollution in the River Road - Santa Clara area.
4. Direct Department staff to provide the Commission with a status report within the six months period proposed by the Lane County Board of Commissioners regarding investigation progress.

WILLIAM H. YOUNG

John Borden:aes
378-8240
April 18, 1978

Attachments: "A" Proposed Amendment to OAR 340-71-020
"B" Map, Proposed River Road - Santa Clara Moratorium Area

PROPOSED

Amend Oregon Administrative Rules 340-71-020 by adding a new subsection (9) to read as follows:

"(9) Pursuant to ORS 454.685, neither the Director nor his authorized representatives shall issue either permits for new sewage disposal facility which would use subsurface injection, or construction permits or favorable reports of evaluation of site suitability for new subsurface sewage disposal systems, within the boundaries of the following described geographic area of the State:

The area generally known as River Road-Santa Clara, and defined by the Boundary submitted by the Board of County Commissioners for Lane which is bounded on the South by the City of Eugene, on the West by the Southern Pacific Railroad, on the North by Beacon Drive, and on the East by the Willamette River, and containing all or portions of T-16S, R-4W, Sections 33, 34, 35, 36, T-17S, R-4W, Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, and T-17S, R-1E, Sections 6, 7, 18, Willamette Meridian."

MEMORANDUM

lane county



TO Environmental Quality Commission
FROM Roy L. Burns, Director - Water Pollution Control Division
SUBJECT Request for Establishment of a Moratorium DATE April 24, 1978
on Subsurface Sewage Disposal Systems in
the River Road/Santa Clara Area, Lane County, Oregon

On February 22, 1978 the Lane County Board of Commissioners approved Resolution No. 78-2-22-3 which requests that you "...place a moratorium upon the issuance of construction permits and favorable reports of evaluation of site suitability for new subsurface sewage disposal systems within the boundaries of River Road - Santa Clara, Oregon...". The Board further resolved to aggressively pursue a solution to the waste disposal needs of the area, and to re-assess the situation after six months to ascertain whether or not the moratorium should be continued.

At your commission hearing regarding the matter, conducted on March 31, 1978 at Harris Hall in Eugene, Oregon, additional information was requested in support of the County request of both EQC staff and Lane County.

Attached for your information is a Lane County report that summarizes the River Road - Santa Clara status and County position.

The County's position is:

1. Substantial portions of the River Road - Santa Clara area are already developed at urban-level residential densities and continuation of such development patterns may be expected in the future in the absence of limits on development.
2. Urban services, including sewers, must be provided in areas where extensive development to urban-level densities is occurring.
3. While available ground water quality information may not demonstrate that a public health hazard presently exists, it certainly provides sufficient evidence that effluent from subsurface sewage disposal systems is entering the ground water in the River Road - Santa Clara area and is degrading the water quality.
4. Continued development in the River Road - Santa Clara area utilizing subsurface sewage disposal systems, will increase the extent of degradation of the ground water.
5. A moratorium on the issuance of construction permits and favorable reports of evaluation of site suitability for new subsurface sewage disposal systems is warranted as a result of factors existing in the River Road - Santa Clara area.

Page 2
Memo to EQC
April 24, 1978

- 6) Issuance of subsurface sewage disposal systems in compliance with existing EQC regulations and in accordance with adopted comprehensive plans in the River Road - Santa Clara area will not protect the shallow aquifer from degradation.

Requested Action:

- 1) Adopt the requested moratorium.
- 2) Direct DEQ staff to assist in defining the extent of ground water degradation.
- 3) Direct DEQ staff to assist the County and River Road - Santa Clara citizens in solving sewerage needs.

RLB:dk1

STAFF REPORT
RIVER ROAD - SANTA CLARA AREA
LANE COUNTY, OREGON

HISTORY

The River Road - Santa Clara area is located north of the City of Eugene and is generally bounded on the South by the City, on the West by the Southern Pacific Railroad, on the North by Beacon Drive, and on the East by the Willamette River. The area contains approximately 7,000 acres of which just over one-half (3,550 acres) has been developed for residential/commercial uses and attendant roads and streets.

Significant development and population growth in the River Road - Santa Clara area began in the 1940's and 1950's and reached a peak in the 1960's. Between 1940 and 1976 the estimated population of the area increased from approximately 3,000 to 27,500. The current estimate of dwelling unit equivalents in the area is approximately 8,500 and essentially all of the population in the area disposes of sewage wastes through individual subsurface sewage disposal systems.

For several years now, public health officials have been expressing concerns that the extensive, dense development of the River Road - Santa Clara area might be causing contamination of the shallow ground water in the area. Specifically, the concerns have been related to the large number and density of subsurface sewage disposal systems in use in the area and to the possibility that certain pollutants from the septic tank effluent could be significantly contaminating the ground water. Several reports addressing various aspects of the ground water situation in the area have been published, as follows:

1. A.M. Piper, 1942: The Eugene area was included in this early reconnaissance level investigation of geology and ground water in the Willamette Valley.
2. R.G. Dickinson, 1972: The ground water quality in the River Road - Santa Clara area was evaluated in this detailed study. This study specifically indicated that the widespread use of subsurface sewage disposal systems in the area was resulting in contamination of the ground water.
3. F.J. Frank, 1973: The ground water situation in the Eugene-Springfield area was discussed in this report. Although the evaluation was primarily intended as an aid in future development of ground water supplies, it did indicate that subsurface sewage disposal activities in the River Road - Santa Clara area could result in contamination of the ground water.

4. 208 Update, 1977: As part of the '208' Wastewater Management Project administered by the Lane Council of Governments (L-COG) an attempt was made to re-establish the monitoring well network used by Dickinson (1972). Although wells at sites approximating those used by Dickinson were located and monitored, the test results were inconclusive as a result of the drought conditions prevalent during the 1976-77 winter.
5. H.R. Sweet, 1978: This report presents an evaluation of the relationship between ground water quality in the River Road - Santa Clara area and the use of subsurface sewage disposal systems based upon a detailed review of previous monitoring results. The conclusions reached during this evaluation will be discussed later in this report.

Land use and sewerage planning activities within the Eugene-Springfield metropolitan area have long anticipated that the River Road - Santa Clara area would ultimately receive sewer service. For almost 30 years now, the provision of sewer service to the area has been a central issue in numerous sewerage studies, including a 1950 regional study by CH₂M, a 1970 regional study by CH₂M, another 1970 study by DMJM, and 1975 and 1977 regional studies by CH₂M HILL. In 1972, residents of the Santa Clara area even tried to establish a Sanitary District, but were unsuccessful when their request for approval was denied by the Lane County Local Government Boundary Commission. An adopted facility plan involving a regional sewerage system with capacity for serving the River Road - Santa Clara area is now being implemented for the Eugene - Springfield metropolitan area.

DEMOGRAPHY

The population and development density of the River Road - Santa Clara area is already unique for unincorporated areas within Lane County. Since the area contains a substantial amount of presently vacant land, it may logically be concluded that the population and development density will continue to increase in the absence of any limits on development. Following is a brief summary of information describing the existing and projected 1990 characteristics of the area assuming development is permitted to continue:

<u>PARAMETER</u>	<u>ESTIMATED EXISTING</u>	<u>PROJECTED 1990</u>
Land Area (acres)	7,060	7,060
Population (# people)	27,500	32,500
Equivalent Dwelling Units (#DU)	8,500	10,050
Development Density (# people/acre)	3.9	4.6
Development Density (#DU/acre)	1.2	1.4

Property sizes in the River Road - Santa Clara area vary from very small lots (less than 5,000 square feet) to parcels of over 100 acres. Over one-half (55.3%) of the properties in the area are smaller than 10,000 square feet, and more than one-third (36.7%) are between 10,000 and 20,000 square feet in size. Less than 10% of the properties in the area contain in excess of 20,000 square feet.

Most of the soils in the River Road - Santa Clara area can readily accept septic tank effluent. However, subsurface sewage disposal of sewage in the well-drained soils can result in rapid movement and inadequate treatment of septic tank effluent as it percolates from the disposal system to the shallow underlying alluvial aquifer. This shallow ground water is widely used by residents of the area, primarily for yard irrigation. Essentially all River Road - Santa Clara residents utilize imported water supplied through water districts serving the area for potable purposes.

LOCAL GOVERNMENTAL ACTIONS

- As a result of concerns related to the impact of intensive development in the River Road - Santa Clara area on the shallow ground water, the Lane County Board of Commissioners have taken a number of increasingly severe actions to limit unrestrained land development in the area. Following is a summary list of these actions:

1. High Waste Load Prohibition: Preventing approval of multiple family residential and other developments which would generate high waste loads, except when sewer service is available.
2. Moratorium on Major Subdivision: Preventing approval of new major subdivisions (4 or more lots) in the River Road - Santa Clara area effective June 9, 1971.
3. EQC Moratorium Request: If approved, would essentially stop development in the River Road - Santa Clara area. This request is being considered at this meeting.
4. Partition and Re-Zoning Moratorium: Preventing the creation of additional parcels and increased density through zone changes in the River Road - Santa Clara area. Lane County took this action to supplement the requested EQC action discussed in #3 above, to limit speculative permit applications pending a decision on the moratorium question.

While recognizing the potential ground water contamination problem in the River Road - Santa Clara area and taking the discussed steps to alleviate it, the Board of Commissioners still recognizes the need to more fully address the problems of the area. To this end, the Board recently created a Task Force of the area residents to provide guidance on the waste disposal matter and other issues of concern to the area. In addition, the Board has recently asked the Lane Council of Governments to seek a Section 208 Water Quality Management Grant from the U.S. Environmental Protection Agency for a detailed ground water study in the River Road - Santa Clara area.

H.R. SWEET'S GROUND-WATER EVALUATION

Lane County recently hired H. Randy Sweet, a consulting ground-water geologist, to evaluate available existing information pertaining to the ground water quality in the River Road - Santa Clara area and its relationship to development in the area. In his report, dated February 28, 1978, Mr. Sweet concludes that:

1. A highly permeable and productive aquifer underlies the study area and this shallow aquifer is readily accessible for development as well as surface contaminants.
2. Disposal of sanitary wastes via on-site disposal systems is the primary source of nitrogen in the study area, and as the population increases, a proportional increase in $\text{NO}_3\text{-N}$ can be expected.
3. Theoretical and measured $\text{NO}_3\text{-N}$ concentrations have been shown to locally exceed E.P.A. primary drinking water standards.
4. Area-wide verification and/or calibration of ground water flow model is not possible given the paucity of available acceptable data.
5. Quantification of the extent of $\text{NO}_3\text{-N}$ contamination in the study and down-gradient areas require an improved data base.

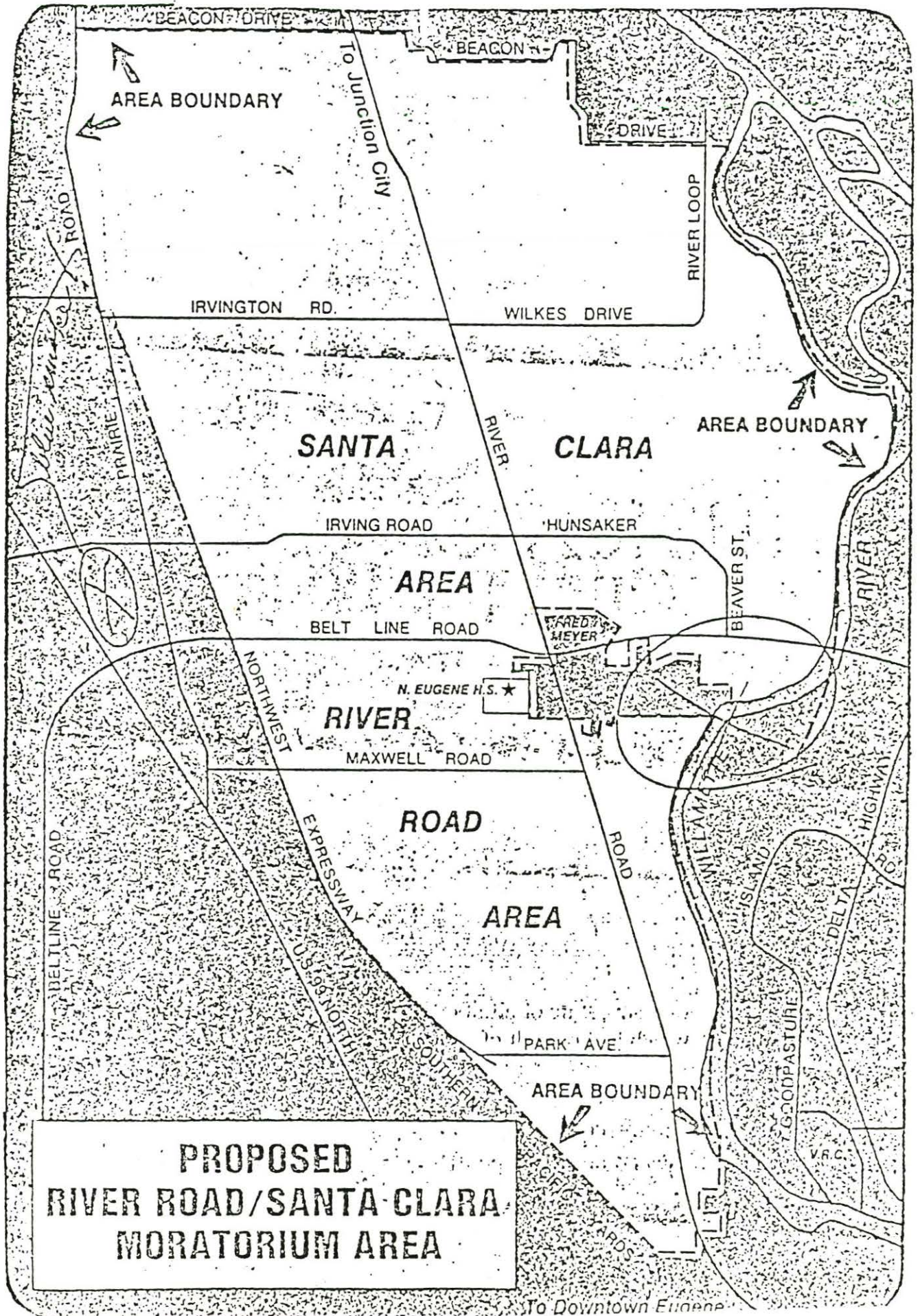
COUNTY POSITION

In summary, Lane County's position on the River Road - Santa Clara area may be stated by the following brief comments:

1. Substantial portions of the River Road - Santa Clara area are already developed at urban-level residential densities and continuation of such development patterns may be expected in the future in the absence of limits on development.
2. Urban services, including sewers, must be provided in areas where extensive development to urban-level densities is occurring.
3. While available ground water quality information may not demonstrate that a public health hazard presently exists, it certainly provides sufficient evidence that effluent from subsurface sewage disposal systems is entering the ground water in the River Road - Santa Clara area and is degrading the water quality.

4. Issuance of subsurface sewage disposal systems in compliance with existing E.Q.C. regulations and in accordance with adopted comprehensive plans in the River Road - Santa Clara area will not protect the shallow aquifer from degradation.
5. Continued development in the River Road - Santa Clara area utilizing subsurface sewage disposal systems will increase the extent of degradation of the ground water.
6. A moratorium on the issuance of construction permits and favorable reports of evaluation of site suitability for new subsurface sewage disposal systems is warranted as a result of the factors previously discussed.

GCS:dk1



STUDY SCHEDULE

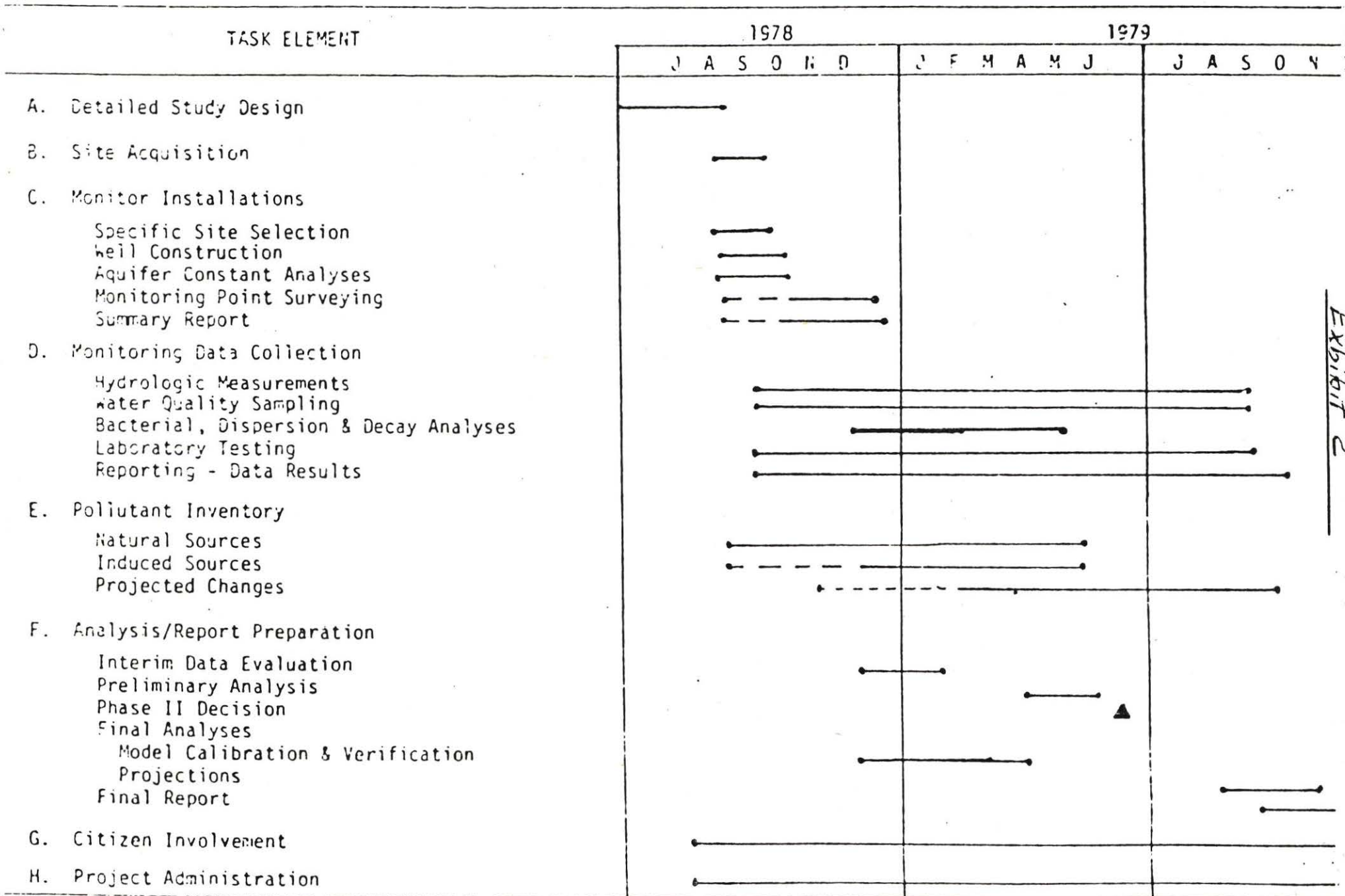


Exhibit 2

THEORETICAL NO₃-N CONCENTRATION IN
GROUND WATER, RIVER ROAD-SANTA CLARA

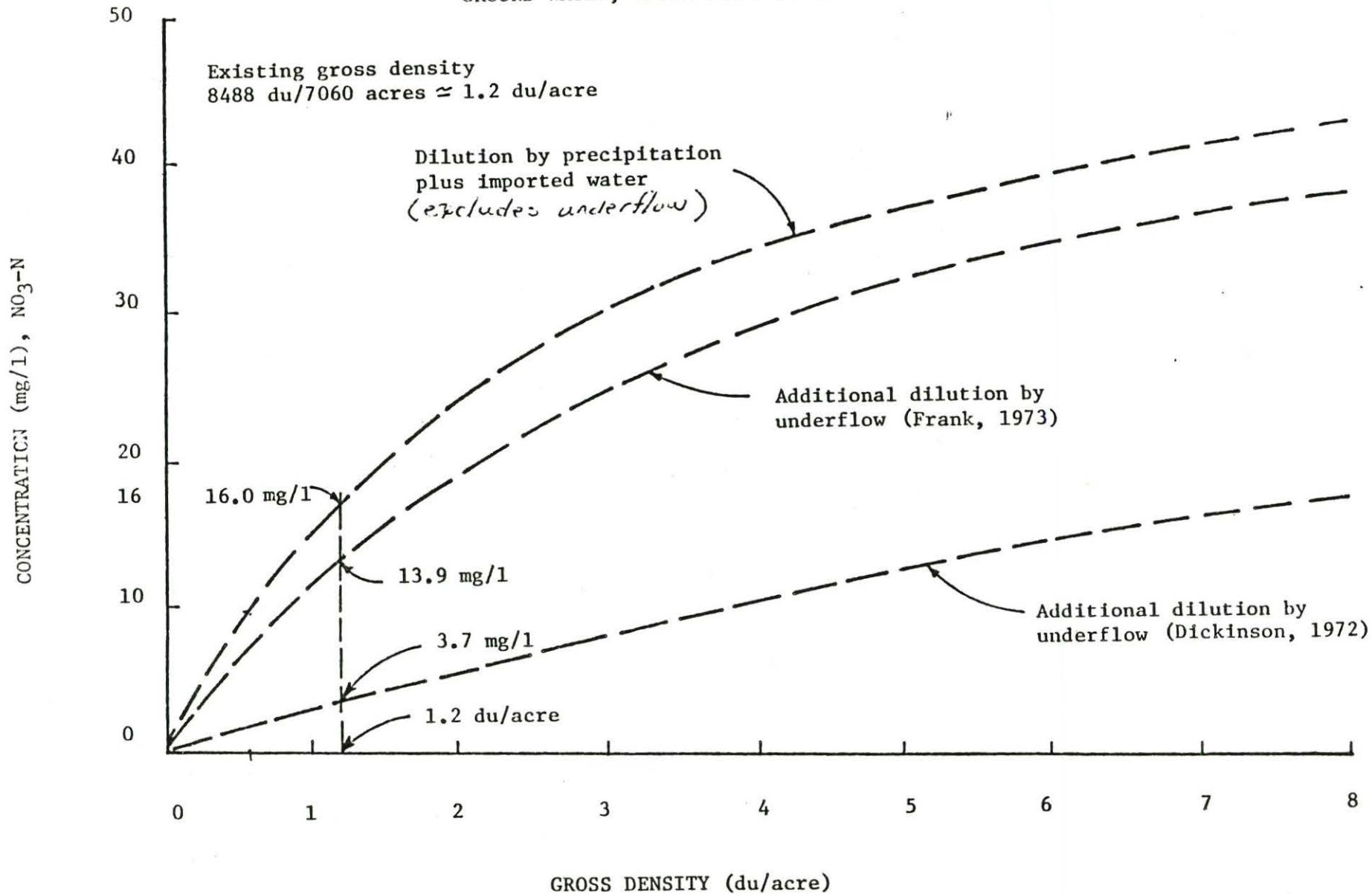


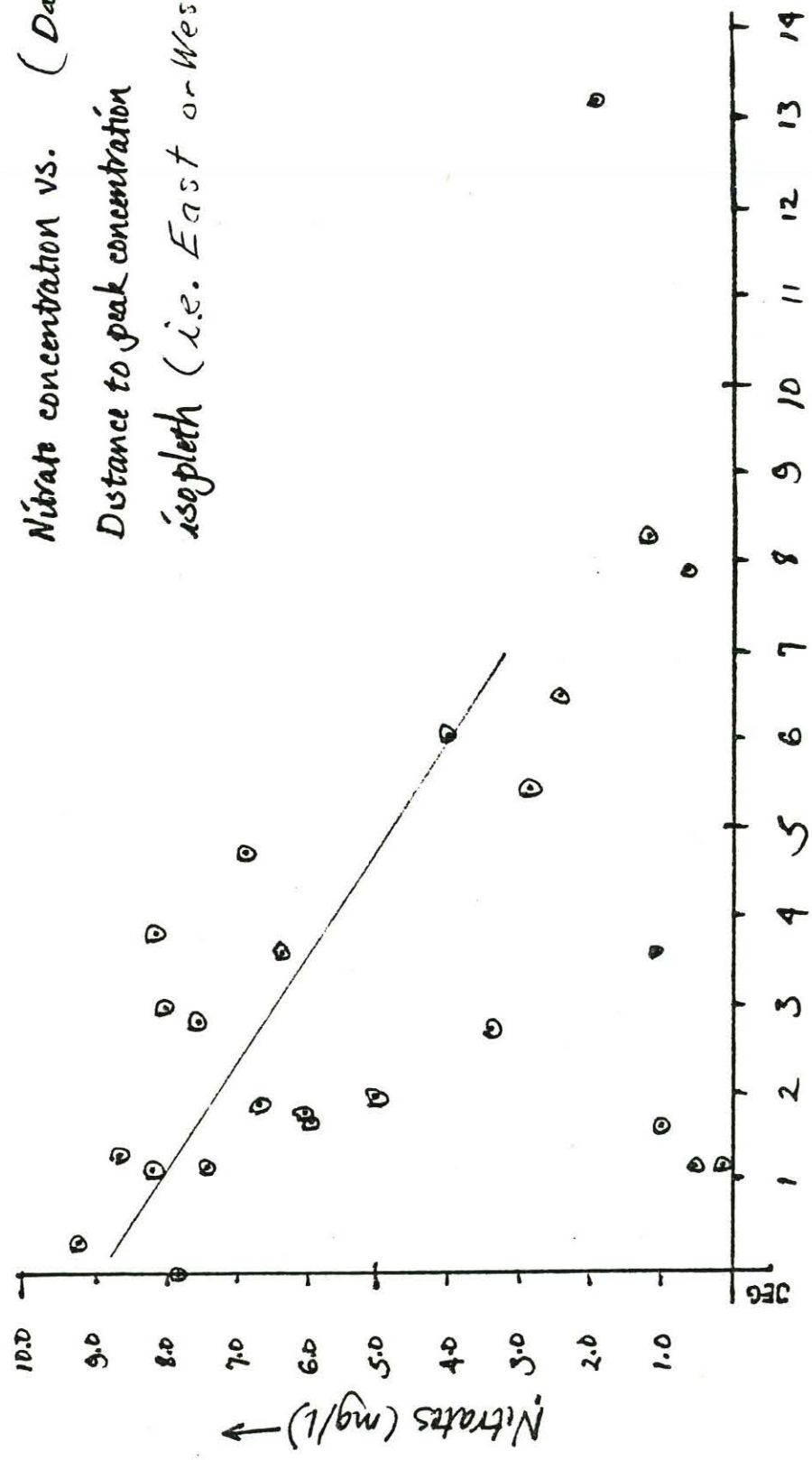
Exhibit 3

River Road - Santa Clara

Nitrate concentration vs. (Dashed curve)

Distance to peak concentration

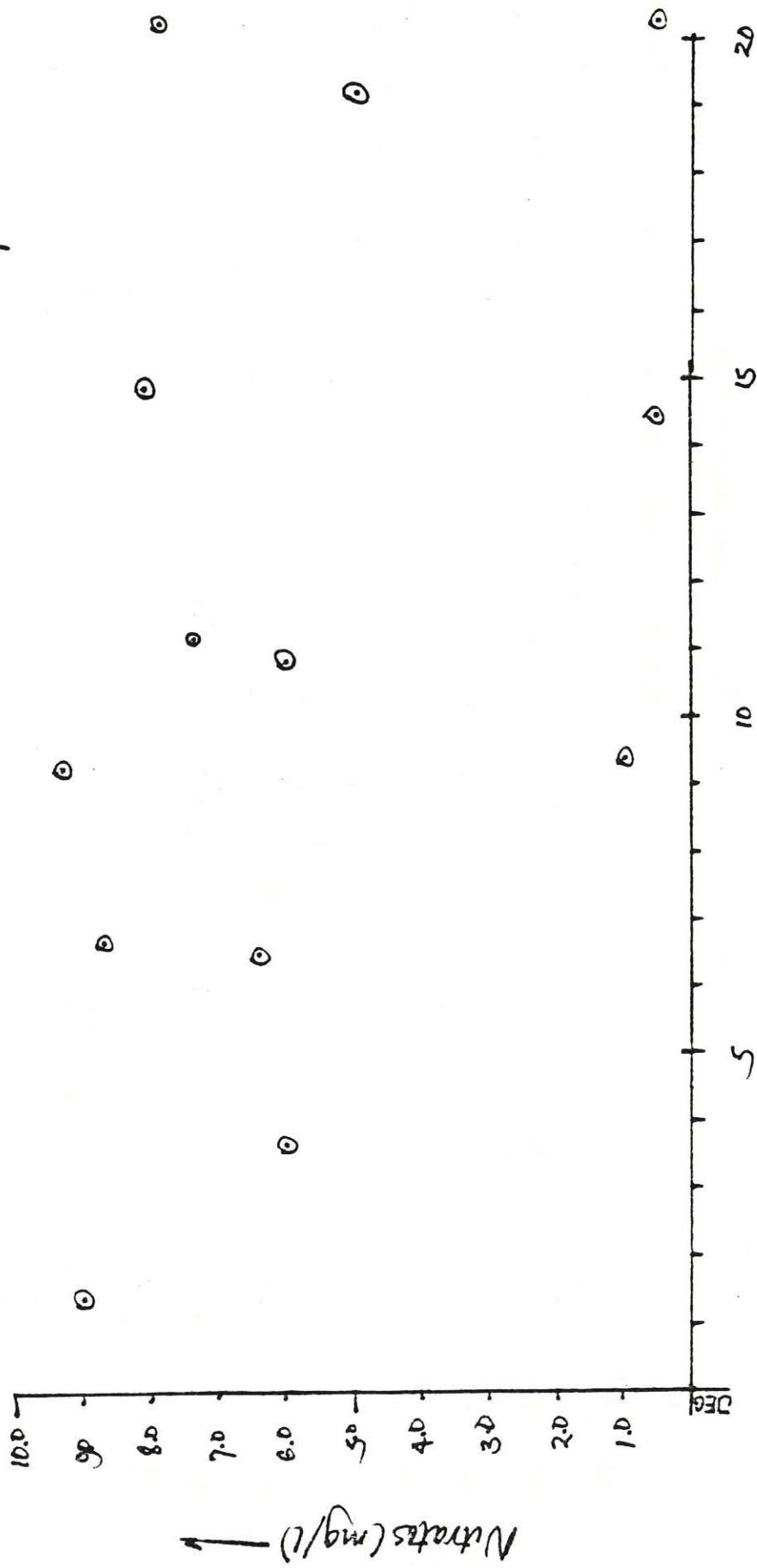
isopleth (i.e. East or West)



Distance (units) →

Exhibit 6

River Road-Santa Clara
Nitrate Concentration vs.
Baseline (distance from)



South End of Study Area

North End of Study Area

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION	79-4-3-13)))))	IN THE MATTER OF ESTABLISHING A TEMPORARY MORATORIUM ON CONSTRUCTION PERMITS FOR SUBSURFACE SEWAGE DISPOSAL SYSTEMS IN RIVER ROAD - SANTA CLARA, OREGON
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WHEREAS, the initial request for the moratorium was expected to be for only a six month period to allow a reasonable time to address a potential ground water pollution problem, and

WHEREAS, the period has already greatly exceeded this six month period, and the present ground water study is not expected to be completed until April of 1980, and

WHEREAS, the potential ground water pollution problem does not appear to present an imminent health hazard, and

WHEREAS, the moratorium unduly restrains the property rights of the people of River Road - Santa Clara area without adequate cause, therefore be it hereby

RESOLVED that the Board of County Commissioners requests the present moratorium on new subsurface sewage disposal systems in the River Road - Santa Clara area be terminated.

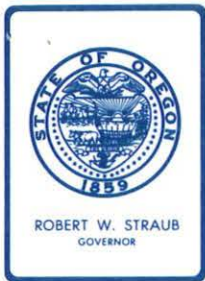
DATED this 3rd day of April, 1979.

James L. Freeman
 Chairman,
 Lane County Board of Commissioners

RECEIVED
 APR 9 1979

Water Quality Division
 Dept. of Environmental Quality

APPROVED AS TO FORM
 DATE 4/4/79 lane county
will allert
 OFFICE OF LEGAL COUNSEL



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Christopher L. Reive, Special Investigator, Regional Operations and Designated Hearings Officer for the subject hearings

Subject: Summary of March 28 and 29, 1979 Hearing Testimony regarding the Moratorium in Effect on the Issuance of Construction Permits for New Subsurface Sewage Disposal Systems and Favorable Reports of Site Suitability in the River Road/Santa Clara Area.

FIRST EVENING

Date: March 28, 1979
Location: Harris Hall, City of Eugene
Number of Public in Attendance: 43

After introductory remarks by the Hearings Officer, the following testimony was received:

1. Mr. John Borden, Willamette Valley Regional Manager, DEQ

Mr. Borden presented basically the same report he gave before the Environmental Quality Commission (EQC) at the February 23, 1979 meeting in Portland. He was assisted by Ms. Ruth Bryant of Lane County's staff, who presented a slide-tape show describing the current groundwater study. Mr. Borden concluded by reiterating the points outlined on pages 2 and 3 of the memorandum in support of Agenda Item E at the February 23, 1979 meeting and by recommending that the moratorium remain in effect until the groundwater study is satisfactorily completed.

2. Mr. Harold Rutherford, Lane County Commissioner

Commissioner Rutherford indicated that he represents the West Lane District which includes much of the study area. He also noted that the moratorium was imposed prior to his taking office. He views the moratorium as being based on supposition. In referring to the slide-tape presentation, he felt that sufficient evidence to support the moratorium existed only during periods of high groundwater level. He said that indicated someone could make the data say anything they wanted. He said that he does not think there is sufficient evidence to support the moratorium and he feels that it was imposed against



Contains
Recycled
Materials

the will of the Task Force created to review the matter. He maintains that the moratorium should have been delayed until after the results of the groundwater study are available.

3. Mr. Dick Briggs, representing Mr. "Archie" Weinstein, Lane County Commissioner

Mr. Briggs stated that Commissioner Weinstein opposes the moratorium because there are no proven health hazards, such as hepatitis, in the area. It is the Commissioner's opinion that we can handle any problem revealed by the study more efficiently when the study is completed and we know what we are dealing with.

4. Mr. Rudy Ness, RR/SC area resident

Mr. Ness provided a written copy of his testimony for the record. He was a member of a 1972 study committee regarding sewer construction due to the threat of septic tank contamination in the area. He said that tests conducted at that time did not show evidence of groundwater contamination. He stated that additional tests in 1976 and Mr. Sweet's reports in 1977 and 1978 were inconclusive. He had the water tested from his own 19-1/2 foot deep irrigation well and stated that it was bacteriologically acceptable and had a NO₃-N level of 5 mg/l. He does not feel that level of nitrate is a threat and sees no reason why the moratorium should not be lifted. He stated that he opposes the extension of the moratorium.

5. Mr. Bob Johnson, RR/SC area resident

Mr. Johnson indicated that he is skeptical of the real danger to the area. He said that if there was any real health danger, many more people would be moving from the area. He questioned the reasonableness of the boundaries of the study area, indicating that immediately outside the boundaries building continues unabated. He considers the moratorium an encouragement to urban sprawl by forcing growth to occur outside the area. The term he used was "land strangulation" and it is this strangulation that he felt is causing the rising cost of buildable lots. While not a major hardship on current landowners, he stated that new and/or young purchasers are being priced out of the market.

6. Ms. Vora Heintz, Member of River Road/Santa Clara Task Force and Chairman of River Road Community Organization.

Ms. Heintz provided a written copy of her testimony for the record following her testimony on 3/29/79. Ms. Heintz maintains that, as a result of groundwater nitrate levels in the Eugene-Springfield area of 4 to 5 mg/l, the citizens have repeatedly requested that a larger scale study be implemented in the Eugene area to adequately assess the effect of sewage exfiltration in that area. She stated that

Mr. Sweet, by a letter dated January, 1979, agreed that the above concern was legitimate and that exfiltration from sewer lines within Eugene is a possible source of nitrates to the shallow alluvial aquifer, perhaps flowing below the study area. She asked why half of the study period has elapsed without an effort to add test sites upgradient of the area? She maintains that this is the desire of the Task Force but follow-up has not been forthcoming.

In the same vein, she stated that other public suggestions made in August of 1978 to ensure, what she termed, "better scientific results" have been ignored. She questioned whether the public input component of the groundwater study had any validity at all. She said that the study should document the sources of nitrate-nitrogen without guesses or assumptions and, if those handling the study are not going to implement the valid requests of the concerned public to further that goal, then terminate the moratorium and stop the groundwater study.

She said that the Task Force did not recommend the moratorium in 1978 and it does not support the continuation of the moratorium as of the date of her testimony.

She stated her personal studies have indicated that surface wells in the area are almost exclusively used for farm irrigation, not drinking water. If this cannot be denied by the current study, she concluded that the threat to downgradient supplies must be moot. Also, she stated that it is her understanding, from discussions with a water scientist, that nitrate-nitrogen concentrations in drinking water must be 500 mg/l to cause temporary intestinal distress in infants. In light of that figure, she doesn't consider an average concentration of 7 mg/l, present in the study area, a major threat. She compared the government concern over that level to what she considered government inaction in the Crater Lake incident of drinking water contamination by sewage.

Ms. Heintz criticized sewers as an alternative for the area even if a problem is documented. She stated that sewers would collect their nitrates, transport them to a secondary treatment plant which would not treat the nitrates, and then dump them into our rivers. She also criticized spray irrigation as an alternative to direct discharge, maintaining that it would be another source of groundwater contamination.

She asked that the moratorium be lifted and, as a final comment, she stated that the "Dickenson Report" and the "Frank Report" hold biased data and should be recognized for what they are.

7. Mr. Don Cole, Irving Christian Church

Mr. Cole questioned the presence of failing septic tanks and polluted wells in the area and he termed the County's actions a "witchhunt." He is affiliated with the Irving Christian Church that wants to build

on a parcel within the study area. He stated that he can't accept a subsurface system on 3-1/2 acres of ground as a threat to the groundwater. He said that a blanket moratorium forces a hardship on the area's residents which, in this case, is unjustified. He expects that expert testimony will prove that no problem exists. He understood that the moratorium was originally imposed for 6 months and was later extended to a year. He considered the current DEQ staff report a request for another extension without reporting back to the public. (Note: This is a misconception which the Hearing Officer corrected later in the evening.)

8. Mr. Paul Brabham, Irving Christian Church

As mentioned above, Mr. Brabham also indicated that the Church had purchased a 3-1/2 acre parcel in the study area and would like to build on it. The parcel is an old saw mill site and, he explained, the pond that had served the old mill was filled with different fill material over the years. The lack of soil continuity on the parcel has led to inconsistent site suitability evaluations. He stated that the Church needs to provide space for an expanding congregation. He said that the Church is willing to accept annexation to obtain sewers, but if another alternative is available they would like to try it first. He specifically mentioned an interest in a holding tank which, he said, is an alternative being used by another Church in the area. He said that he and his group consider the categorical denial of all systems during the moratorium an arbitrary exercise of power, particularly when, in this case, it will be at least a year before construction can begin.

9. Mr. Hayden Haley, RR/SC area resident

Mr. Haley's testimony was offered in support of the Irving Christian Church's application for a sewage disposal system. He acknowledged that the Church's building site doesn't meet the minimum standards for a subsurface sewage disposal system and he praised the County staff that enforces those standards. However, he stated that he doesn't feel that should stop the Church from building on that site. He emphasized the apparent reliability and treatment efficiency of sand filter systems and then referred to a letter from Mr. Roy Burns, Lane Co., to Mr. Gary Morse, DEQ, dated March 16, 1977 requesting a permit to install a subsurface system on the property (Attached Exhibit A). Mr. Haley said that the Church will abide by the law, but he requested that we consider carefully the alternatives available that would allow the Church to build. As a final comment, he stated that he opposed the moratorium because he has seen no positive effects from it.

10. Mr. Jeff Siegel, RR/SC area resident

Mr. Siegel identified himself as a professional water chemist who, while in favor of the moratorium for aesthetic reasons, is very critical of the design and data generated from the current groundwater

study. He submitted a copy of a portion of a document entitled "Public Health Service Drinking Water Standards, Revised 1962" and referred to underlined portions early in his testimony (Attached Exhibit B).

He made several statements in reference to the above document:

1. The most probable cause of nitrate poisoning in groundwater is fertilization of plants and fields.
2. There are no reports of methemoglobinemia in infants fed water from public water supplies in the United States, although levels of nitrate in some may be routinely in excess of 45 mg/l.
3. There are sampling difficulties associated with a study of nitrate effects on humans and this leads to vague notions of what an acceptable nitrate level is.

He maintained that the design of the ground water study is politically, not scientifically, motivated. Due to what he termed "sole source funding" of both the current and previous studies, he stated that Mr. Randy Sweet has a vested interest in confirming his previous conclusions. He stated that statistics used in the DEQ status report, as facts, are assumptions and he then challenged the validity of one of those statistics, i.e., the percentage of septic tank effluent to the total amount of water percolating to the groundwater table, which he maintained is closer to 8% than the 30% stated in the DEQ report.

He said that the main problem with the study is its monitoring function. It, he stated, measures groundwater concentrations of nitrate while ignoring the "real issue" which is the ability of the soils in the area to handle household nitrates. He indicated that, in his professional opinion, the bulk of household effluent is dissipated to the atmosphere by evapotranspiration and that the nitrates are pretty well used up in the process. Yet, the current study, he said, will neither prove nor disprove his opinion. He has submitted, during one of his past appearances before the EQC, data which, he said, suggested that groundwater nitrate levels below the City of Eugene and the RR/SC area are not significantly different. He maintains that the current study will not produce any new data, and that we won't know any more in a year than we know now.

In responding to a question from an individual in the hearing room regarding the intent of the moratorium, the Hearing Officer referred to the wording of the current rule prohibiting the approval of permits for new subsurface systems and favorable reports of site suitability.

Mr. Jeff Siegel testified again

Mr. Siegel also referred to the EQC wording of the rule and alleged that, in fact, the implementation of the rule has gone beyond what he interpreted as the EQC intent. He stated that all requests to build in the area are being denied and cited as an example his own request to increase the number of bedrooms in his home, which was denied. He maintained that Lane County has used the moratorium as a tactic to stop all building in the area.

Mr. Don Cole testified again

Mr. Cole stated that the Irving Christian Church at one time considered buying an adjacent parcel to utilize an existing subsurface system there. He said that they were told by the County that a connection would not be approved if an expansion of the system would be required. He doubted that this was the intent of the moratorium.

11. Mr. Gordon Elliott, RR/SC area resident

Mr. Elliott owns just over 200 acres of undeveloped land within the study area. He stated that the moratorium is a tool to keep his property in an agricultural state which he views as unreasonable due to the losses that he has suffered from vandalism on his property and equipment. He wondered if, under the moratorium, he would be allowed to begin a feed lot business or dairy business, which he maintained would pose a much greater threat to the groundwater.

He indicated that his desire is to develop the parcel into a "retirement village," i.e., a restricted mobile home park. After referring to other activities going on around him, he stated that he doesn't understand how his intended use of his property poses a pollution threat. He criticized the bureaucracy that cannot understand or respond to practical considerations and he said that he views the moratorium as a "no growth" measure and not needed to respond to any environmental hazard.

12. Mr. Pete Kilger, RR/SC area resident

Mr Kilger stated that he is opposed to the moratorium and has been since its onset. He said that, in his view, the moratorium is intended to control growth in the area and, although he is willing to accept the need for controlled growth, a septic tank moratorium is not the proper tool to use.

13. Mr. Donald Kempf, RR/SC area resident

Mr. Kempf stated that he is opposed to the moratorium and specifically expressed agreement with the testimony of Ms. Heintz and Commissioner Rutherford. He pointed out that land values and tax assessments are increasing in the area but the land owners are restricted from developing. He stated that, as an employee of the Santa Clara Fire Department, he has an insight into the political climate of the area and he views the moratorium as a political move to get the area annexed. He referred to capacity problems at both the Eugene and Springfield wastewater treatment plants and maintained that, if they can't handle their current hydraulic load, they can't accept the waste from the study area.

He stated that the concept of saving land for agriculture in the area is not valid because of land which, while no good for agriculture, can accept a subsurface system. He said that the lots in the area

should be allowed to be small (without a replacement drainfield area required) and completely developed because, when the area is eventually sewerred, the oversized lots are unnecessary and the land is lost for development.

14. Ms. Bonnie Lindsay, RR/SC area resident

Ms. Lindsay stated that she is opposed to the moratorium and referred to the effect of inflation on the cost of developing property. She estimated that building costs have increased \$10,000 in the past year and she expects them to increase further during the coming year. All of this has increased their costs for developing their property. Yet, she stated that the County has tested wells on her property and deemed them very safe. She also expressed concern over the concept of land spreading treatment plant sludge in the area. If you are willing to put nitrates on the land in one manner, why not another, she asked?

Ms. Vora Heintz testified again

Ms. Heintz requested additional time to speak. She specifically agreed with the testimony of Kilger, Ness, Kempf, Siegel, and Commissioners Rutherford and Weinstein. She stated that her own studies have verified their testimony, indicating that she has checked with both USDA and Forestry Service soil scientists and discovered that the Santa Clara area has the best soil in the County, possibly the "U.S.", for handling septic tank effluent. She said that over 85% of the subsurface systems in the area are 10-15 years old and EPA maintains that a properly serviced system should have an effective life of 30 to 50 years.

She stated that Mr. Sweet's recommendation for the current groundwater study was detailed within the scope of work for his previous report, that it was a foregone conclusion and not the result of any intensive study. She restated her conviction that the moratorium should be lifted and the groundwater study "done properly or dropped." She also said that, if the EQC has concerns over the anticipated rate of partitioning, they could limit the number to 1977 levels, at least initially.

Mr. Gordon Elliott testified again

Mr. Elliott stated that, in 1970, CH₂M Hill completed a sewer study for the area. He said that study indicated that the current study area could have been sewerred by 1975 at a fraction of today's costs. Yet, he maintains that nothing was ever done to implement the recommendations of the report because the growth it would have created would not have been where Eugene wanted it. He restated that there is no great demand for agricultural land and that the moratorium is not being administered fairly.

Mr. Jeff Siegel testified again

Mr. Siegel requested permission to address what he considered inadequacies in the Department's staff report. Specifically, he referred to Recommendation #3, Page 8, of the memorandum in support of Item F at the EQC's April 28, 1978 meeting. He stated that recommendation requires a plan to be developed for the abatement of groundwater pollution in the RR/SC area. He maintained that the County's plan is to sewer the area and he stated that, because the proposed facility is a secondary plant only, it will have no effect on the nitrates prior to discharge to the river. He further stated that if these nitrates are discharged to the river they will end up in the aquifer of concern anyway because of the hydrologic link between the river and the aquifer. He stated that the cost estimate for such a treatment plant is around \$100 million and that doesn't include the cost of laterals and most mains.

He then submitted a copy of a summary of a report published by the U.S. General Accounting Office entitled "Community Managed Septic Systems - A Viable Alternative to Sewage Treatment Plants." (Attached Exhibit C) He stated that, based on this report, septic systems are environmentally sound, they are cost effective, and that the EPA has been criticized for ignoring septic systems in favor of costly centralized facilities. He urged the DEQ staff to read the referenced report.

Commissioner Rutherford testified again

Commissioner Rutherford questioned the Hearings Officer on the interpretation of the EQC directive establishing the moratorium which denies permits for the expansion of an existing system. The question was referred to Mr. Borden, who responded that the directive was extrapolated to include any activity that would cause an augmentation in flow.

Commissioner Rutherford then stated that he had heard nothing in the evening's testimony that gave support to the moratorium. He said that he believes that the moratorium was based on supposition and that the evidence to date does not support that supposition. In light of what he viewed as a lack of public support and valid evidence, he urged that the moratorium be lifted. "Continue with the groundwater study if you like," he said, but he warned that any subsequent action based upon such a study should be reviewed carefully as he feels that the EQC would find themselves "on very shaky ground."

Mr. Bob Johnson testified again

Mr. Johnson restated his concern over the boundaries of the moratorium area. He maintained that, if a real pollution threat exists, the moratorium should encompass the entire watershed.

This portion of the hearing was closed, to be reopened the following evening.

SECOND EVENING

Date: March 29, 1979
Location: North Eugene High School
Number of Public in Attendance: 68

After introductory remarks by the Hearings Officer, the following testimony was received:

Mr. John Borden, Willamette Valley Regional Manager, DEQ, again

Mr. Borden's presentation was substantially the same as last evening.

15. Mr. Leslie Portis, RR/SC area resident

Mr. Portis stated that at one time he had seriously considered applying for a septic tank permit for a 4 acre parcel he owns in the area. He said that he had checked into it casually prior to the moratorium and that he had a verbal approval of site suitability. Yet, because he did not make application before the effective date of the moratorium, he cannot now get a permit. He stated that he would like a site inspection and a permit now.

16. Mr. James Hale

Mr. Hale stated that he opposed the moratorium when it was proposed and he opposes it now. He said that Mr. Portis' testimony is representative of a large number of people in the area, ie., small investors in parcels adjacent or near their home that rarely exceed 5 acres in size. He feels that they should be allowed to develop their land as their neighbors did. He stated that there is not much vacant property available in the area for large scale development, that a parcel larger than 10 acres is rare. To further restrict development potential, he said that in 1973 the Lane County Board of Commissioners placed a moratorium on major subdivisions (4 or more units) so that, even if the EQC moratorium were removed, the other moratorium is still in effect. Therefore, he maintained, there is little potential for rapid population growth in the area.

He stated that the Department's staff report estimating the population growth for the year 2000 in the area is too high. To support his discussion of this he submitted a rough diagram (Attached Exhibit D) illustrating the RR/SC area. He said that the recommended Metropolitan Area General Plan has eliminated that area labeled A on the diagram from the Urban Service Boundary. Area C cannot be developed, he said, because of flood plain restrictions within the same plan. Area B, he maintains, is the only area with the potential for large subdivision development, which is currently restricted by the above referenced building moratorium. That leaves only the large unlabeled area for immediate development and he said that the General Plan projects a potential for 2000 houses in that area. He stated that, at what he assumes are typical approval rates in the area, about 500 of those would actually receive permits for subsurface systems, amounting to "1150 to 1300 people." He concluded then, that the moratorium is an undue constraint in the face of a very small problem.

He said that, while the scientific evidence for the moratorium hasn't changed over time, the political climate has. He requested that the moratorium be lifted.

Mr. Rudy Ness, RR/SC area resident testified again

Mr. Ness' testimony was substantially the same as last evening.
Written copy provided.

17. Ms. Evelyn Nordall, RR/SC area resident

Ms. Nordall owns two parcels of land in the study area and she stated that she agreed with the three previous speakers.

18. Ms. Lora Dickman, RR/SC area resident

Ms. Dickman also stated that she owns land in the study area and that she agrees with the three previous speakers.

19. Mr. Tom Heintz, RR/SC area resident and member of the River Road Community Organization

Mr. Heintz provided a written copy of his testimony for the record. He stated that the City intends to sewer the area and annex it. He said that this will be accomplished by either a health hazard declaration or by surrounding it with annexed area. He maintained that the sewered alternative is expensive, that it does not reflect Federal priorities for sewage treatment, that a health hazard has not been proven in the area, and that Mr. Sweet's reports are not based on fact. He called for lifting the moratorium and terminating the groundwater study if it does not incorporate all public input on the matter.

20. Mr. Frank L. Lamp, RR/SC area resident

Mr. Lamp is owner of Lamp Construction Co. He said that he does not question the environmental validity of the moratorium, but he does question the interpretation of the rule that does not allow an increase to an existing system. He indicated some disagreement with the bedroom rule and requested a relaxation of the moratorium to allow bedroom additions. He stated that, in his opinion, a groundwater study should have been completed before a moratorium became necessary.

At the Hearing Officer's request, Mr. John Borden addressed the issue of the rule interpretation that does not allow the expansion of existing systems under the moratorium. Mr. Borden stated that EQC's counsel is aware of this interpretation and supports it.

Mr. Hayden Haley testified again

Mr. Haley again appeared as a representative of Irving Christian Church. He submitted the letter previously referred to and marked as Exhibit A along with another letter (Attached Exhibit E) that

outlines design and performance data for recirculating sand filter systems. He repeated the Church's position that the moratorium should be lifted and he stated that he hoped the data he submitted would help the DEQ decide to allow them to use an alternative system. He acknowledged that such a system would be expensive but indicated the Church is willing to bear the cost.

21. Mr. John Mehringer, RR/SC area resident and Secretary of the River Road Community Organization

Mr. Mehringer stated that the EQC is using different logic for justifying the extension of the moratorium than they used for the issuance of it in the first place. To support this, he referred to the following, all included as Exhibits to the DEQ staff report to the EQC at their February 23, 1979 meeting:

- (1) Paragraph 3 of Mr. Roy Burns' memo to the EQC of April 24, 1978;
- (2) Paragraph 2 of the memorandum in support of Agenda Item F of the April 28, 1978 EQC meeting;
- (3) Page 3, Number 5 of the memorandum in support of Agenda Item E of the February 23, 1979 EQC meeting.

Mr. Mehringer interpreted the above as indicating that the EQC was originally told by the County that they were unsure whether a problem existed or not. He maintains that the EQC expanded that to read that there was, in fact, a problem. Now, he said, the EQC proposes to extend the moratorium because data is insufficient to determine if there is a health problem or not. He states that this form of logic is not fair to the land owners and is not a reasonable way to control pollution. He then referred to Exhibit #4 of the memorandum in support of Agenda Item E of the February 23, 1979 EQC meeting, which is a map of the study area showing an isopleth of the high nitrate nitrogen level in the groundwater. He stated that, if the nitrate levels were primarily the result of septic tank effluent, he would expect the isopleth to reflect the development of the area in some way. Yet, he said that, in his opinion, the isopleth resembles nothing in the area as much as the curvature of the river.

22. Mr. Don Williams, RR/SC area resident and Waste Water Consultant to the River Road/Santa Clara Task Force

Mr. Williams recommended continuance of the moratorium for three more months to ensure the completion of an adequate groundwater study. If the study fails to show evidence of a health hazard, then the moratorium should be lifted, he stated. He also said that he feels the moratorium should be immediately modified to allow gray-water systems due to their relatively low contribution of nitrates.

23. Mr. Douglas Coqdill, RR/SC area resident

Mr. Coqdill stated that he owns a mobile home in the study area and wants to place a larger unit there to accommodate his growing family.

This requires expanding the existing septic system which is not allowed by the moratorium. He questioned the validity of the bedroom rule in his case and requested that the moratorium be modified to allow the expansion of existing dwellings.

Ms. Vora Heintz testified again

Ms. Heintz' testimony was substantially the same as last evening, with a few added comments.

- (1) She maintains that the Randy Sweet report is full of assumptions. She said that her opinion is shared by those to whom she has shown the report and who have scientific backgrounds.
- (2) She said that the area's "208" Plan, dated December, 1977, acknowledged the lack of a health hazard in the area and called for another groundwater study prior to the issuance of the Randy Sweet report.
- (3) She said that, though no official action had been taken to date by the Board of County Commissioners, three of the current Commissioners have publically opposed the continuance of the moratorium.

In response to a question from the Hearings Officer, Ms. Heintz outlined the positions of the organizations she represents as follows:

The River Road/Santa Clara Task Force considered the question of whether or not to continue the moratorium twice at their meeting earlier in the month. A motion to take a formal position on the subject died for lack of a second.

The River Road Community Organization did vote on the matter with 6 out of 9 Board Members present. The vote was 4 to 2 to recommend continuance of the moratorium.

24. Mr. Walter Biegel, RR/SC area resident and member of the River Road Community Organization

Mr. Biegel verified that the Organization did vote to recommend continuance of the moratorium. He stated that he felt the vote went that way because the Board wanted to see the groundwater study completed. They wanted a conclusion that wasn't based on assumptions.

He stated that he does not agree that the moratorium is unfair to property owners. He said that high density development is inevitable for the area and that such development cannot be accomodated by septic tanks.

25. Mr. Mehringer testified again

In response to the Hearing Officer's question of Ms. Heintz, Mr. Mehringer offered the following:

The River Road Community Organization is a chartered community group, chartered by the County. They serve as an advisory body to the Board of County Commissioners. The Executive Committee did act to recommend continuation of the moratorium pending the results of the groundwater study. The 9 member executive committee is empowered to conduct the business of the Organization subject to review and possible disapproval at the next general membership meeting.

26. Mr. Daryl Johnson, WVR - Eugene Office, DEQ

Mr. Johnson addressed the concern over the bedroom rule in sizing the subsurface systems and outlined the proposed rule before the EQC at their meeting May 30, 1979 in Salem.

No further oral testimony was offered so the hearing was concluded. The record was kept open for receipt of written testimony for all material postmarked on or before April 6, 1979.

The following written testimony was received:

1. Mr. Forrest Abbott

Mr. Abbott favors lifting the moratorium.

2. Ms. Pamela Whitus

Ms. Whitus favors lifting the moratorium.

3. Mr. David Whitus

Mr. Whitus favors lifting the moratorium.

4. Mr. Victor G. Waldstein

Mr. Waldstein identified himself as a property owner in the area who opposes extension of the moratorium.

5. Mr. Norman M. Berge

Mr. Berge identified himself as a property owner of land north of Santa Clara. He maintained that the groundwater study is a legitimate study and he encouraged its completion. He supported the moratorium, but felt it would be proper to issue septic tank permits in hardship cases and "where they would probably receive the permit anyway."

Mr. Jeff Siegel, RR/SC area resident

Mr. Siegel verbally testified at length during the first evening's hearing. He wrote that the concern expressed is of nitrate pollution and the only solution offered is sewers. Yet, he maintained that other sources of nitrates are ignored such as hatcheries, crop fertilizers, and feed lots. He referred to heavy application of agricultural nitrates in the area and suggested that a moratorium on all nitrate

use would be more appropriate than the current moratorium. He also alleged that the Lane County Department of Environmental Management and the "208" Project Staff, both of which support the moratorium, are "heavily involved in sewer building projects."

6. Ms. Evowynne Spriggs

Ms. Spriggs suggested that the moratorium be lifted and the groundwater study be continued. If "real proof" is then found, she wrote, reimpose the moratorium. She also indicated that she supports approval of a septic system for the Irving Christian Church.

7. Mr. Russell W. Easley

Mr. Easley wrote that the moratorium should be lifted while the groundwater study is continued, maintaining that the moratorium serves no useful purpose during the study.

8. Mr. John F. Svejcar

Mr. Svejcar outlined what he feels were delays by the Lane County staff in processing his partitioning requests that carried him into the moratorium. He wrote, either "suspend taxes and declare a moratorium on contractual payments, or lift the septic tank moratorium." He also suggested that testing continue and, if contamination is verified, rectify the situation at that time.

9. Mr. and Mrs. Harry Christner, RR/SC area residents

They support lifting the moratorium. They specified that their concern was over allowing the Irving Christian Church to construct their proposed building.

10. Mr. Donald J. Hougardy

Mr. Hougardy wrote that he is not a study area resident, but he supports allowing the Irving Christian Church to build. He noted that alternative systems have been denied for the church in the past, but he still hopes construction will be possible.

11. Mrs. Charles Vaneck

Mrs. Vaneck wrote that she supports the continuance of the moratorium until the presence or absence of a groundwater pollution problem is verified. She expressed concern that increased building as a result of lifting the moratorium will increase traffic and encourage annexation to the City of Eugene, both of which she opposes.

12. Mr. Charles Vaneck

Mr. Vaneck wrote that he wants the moratorium to stay in effect until all the "problems have been answered and corrective action taken." He referred to the financial burden of growth on fixed income people,

increased traffic, and possible annexation to Eugene. He wrote that he fears that they and other senior citizens would have to sell their homes or let the County take them for taxes.

13. Mr. Paul F. Dieteil

Mr. Dieteil wrote posing several questions:

- (1) Why is building being allowed?
- (2) Would the moratorium be lifted if the area was annexed to Eugene?
- (3) Why can't the Church build on a large parcel when houses are being built on small lots?

14. Mr. John C. Neely, Jr.

Mr. Neely wrote that the moratorium should be continued indefinitely. He maintained that the majority of those opposed to the moratorium are people who wish to build new homes and otherwise develop the area. He wrote that there is sufficient area within the existing city perimeter to accomodate the growth and that, if the moratorium is lifted, the costs incurred for providing services to the new residents should only be born by the developers.

15. Larry and Kay Van Norwick

They wrote that they oppose the moratorium for the following reasons:

- (1) They maintain there is no evidence of a health hazard.
- (2) If contamination exists for downgradient users, septic tanks should be banned there also.
- (3) They see no guarantee that the current study will provide all the answers.
- (4) If contamination does not exist, they view the moratorium as an unfair economic and social hardship on area residents.
- (5) The amount of building that would occur by lifting the moratorium until the completion of the study, they maintain, is insignificant to the total problem, if one exists at all.
- (6) A moratorium should be imposed on Springfield due to leakage from their sewer system, using similar logic.
- (7) They feel that imposing the moratorium without the data of the current study is a backward approach.
- (8) They own a piece of property that they wish to develop and they consider a potential health hazard a "weak excuse" to block development.

16. Mr. Harry Whitson, President, Santa Clara Advisory Committee

Mr. Whitson transmitted his organization's position on this matter by telegram. It states that they have opposed the moratorium from its inception and maintain that it is "politically motivated and

without adequate cause." The group supports an April 3, 1979 resolution of the Board of Lane County Commissioners requesting termination of the moratorium.

Note: To date the Hearing Officer has not received a copy of any such resolution by the Lane County Commission, nor is there any other reference to it in the record.

The following is a brief tabular summary of the two evenings of oral testimony and the written comments received:

Total Number of Public in Attendance: 111
Total Number Who Testified (excluding staff): 23
 Of those - opposed to moratorium: 21
 - in favor of moratorium: 2
Written Comments Received (excluding that in support of their own oral testimony): 16
 Of those - opposed to moratorium: 12
 - in favor of moratorium: 4

It should be noted that there was a significant amount of testimony and written comment received from those who opposed the moratorium that supported the continuance of the groundwater study, should the EQC so decide.

This report is offered for the EQC's information. The record is available for review. The Hearings Officer has no recommendation regarding further action in this matter.

Respectfully submitted,

APR 23 1979



Christopher L. Reive
Hearings Officer

CLR:kmm
Attachments

Irving Christian Church

lane county

EXHIBIT #5A
A



March 16, 1977

Gary Morse
Mid-West Region
Department of Environmental Quality
#16 Oakway Mall
Eugene, Oregon 97401

RE: Attig Rural Areas/Variance
17-04-03.3 Tax Lots 3500 and 3501
Site Inspection 77-161

Dear Gary:

Please find enclosed information pertaining to field investigation of the subject site. Based upon this information we propose issuance of a permit for an equal distribution subsurface sewage disposal system based upon 125 lineal feet of drainfield per 150 gallons flow and a trench depth of 18 inches.

We request approval to issue such a permit in accordance with OAR 341-71-030(2) Rural Areas.

The area of the site is served by public water and as such would not be adversely affected by degradation of the ground water. It is our contention, however, that the proposed system will NOT degrade the ground water. We further contend that the proposed system will provide a substantially greater protection of the ground water than some systems currently authorized (see enclosed drawing).

If you have any questions, please contact me at 687-4061.

Sincerely,

ROY L. BURNS, DIRECTOR

Gary Colwell

GC/gr

ENCLOSURE:

# 1 TEST HOLE		# 2 TEST HOLE	
PERCHED WATER		PROFILE	
Predicted _____ in.	Inch	Predicted _____ in.	Inch
Observed _____ in.		Observed _____ in.	
Date _____		Date _____	
	12	<i>S. 122</i>	12
SATURATED ZONE		SATURATED ZONE	
Predicted <u>48</u> in.	24	Predicted _____ in.	24
Observed _____ in.		Observed _____ in.	
Date _____		Date _____	
	36		36
Restrictive Layer _____ in.	<u>41</u>	Restrictive Layer _____ in.	
Impervious Layer _____ in.	48	Impervious Layer _____ in.	48
Mottling <u>48</u> in.	<i>S. i. C.</i>	Mottling <u>48</u> in.	
	60		60

SITE DOES DOES NOT MEET MINIMUM STANDARDS.

ADMINISTRATIVE RULES REQUIRE A MINIMUM DEPTH OF: ON YOUR PROPERTY THE DEPTH WAS:

- 36 inches to an impermeable layer _____ inches
- 30 inches to a restrictive layer _____ inches
- 60 inches to a permanent water table 48 inches
- 24 inches to a temporarily perched water table _____ inches

OTHER REASONS FOR DENIAL _____

PLOT PLAN:

Stream



Drainage or pond



Road



Test Hole

△ % Slope

Cut Bank

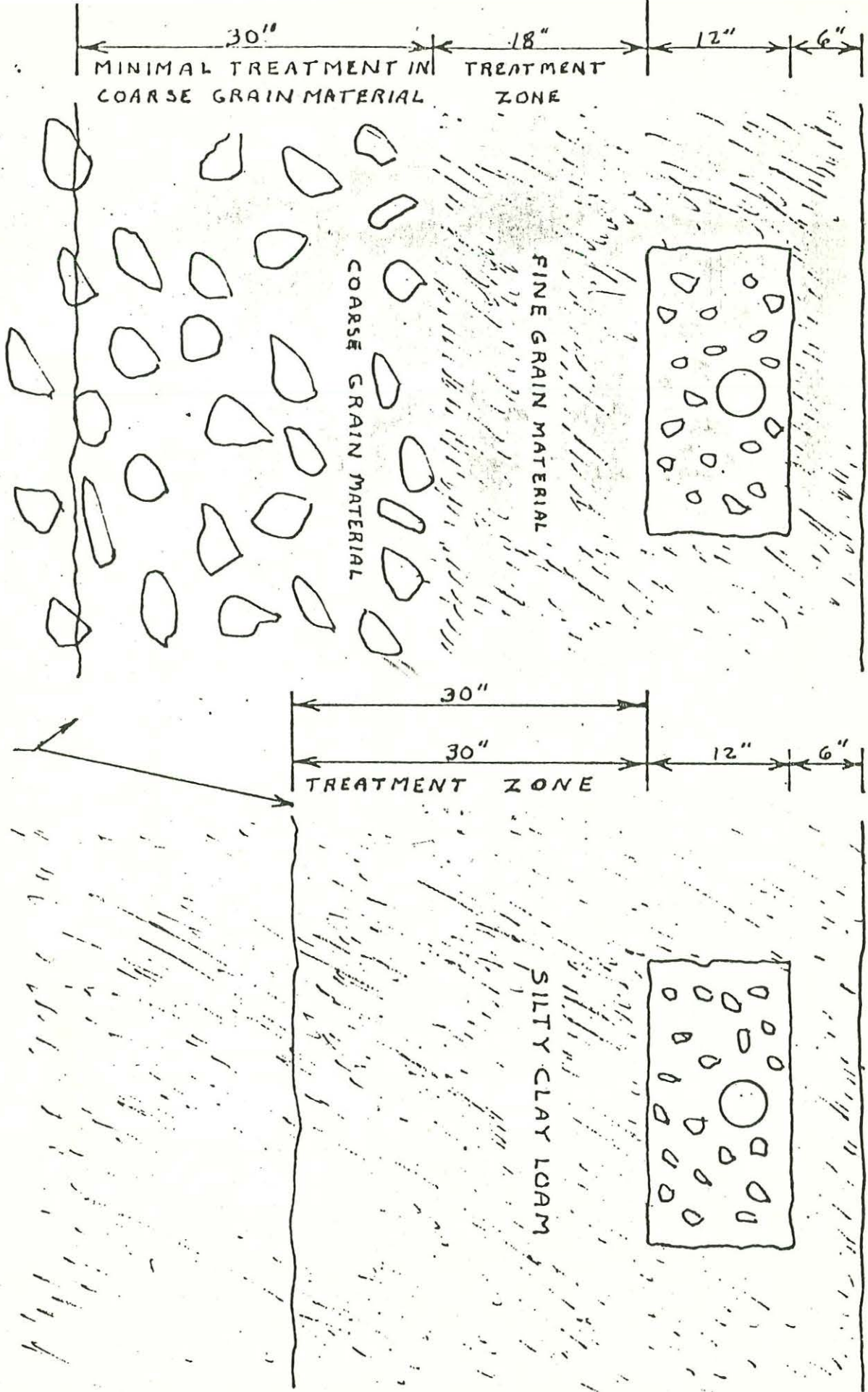


Fence



SYSTEM MEETING STATE STANDARDS

PROPOSED SYSTEM



HIGHEST LEVEL ATTAINED BY PERMANENT WATER TABLE

#7

EXHIBIT B

not too much difference in updates.

Public Health Service
Drinking Water Standards
Revised 1962



**U.S. DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE**
PUBLIC HEALTH SERVICE
Consumer Protection and Environmental Health Service
Environmental Control Administration
Rockville, Md. 20852

CHILDREN OF EUGENE
454-D 41 504 PLAIN BLVD.
EUGENE, OREGON 97402

The principal reason for limiting the concentration of manganese is to provide water quality control and thus reduce the esthetic and economic problems (1, 3, 8).

The U.S. Public Health Service Drinking Water Standards (1946) state that iron and manganese together should not exceed 0.3 mg/l. In a survey of 13 States reporting on levels of manganese giving rise to water quality problems, only three States recommended levels as high as 0.2 mg/l, two permitted 0.15 mg/l and four each permitted 0.1 mg/l and 0.05 mg/l respectively. Domestic complaints arise when the level of manganese exceeds 0.15 mg/l regardless of iron content. Griffin (8), in reviewing the significance of manganese as chairman of the task group on "Manganese Deposition in Pipelines", quoted the belief of certain water utility men that water to consumers should be free of manganese. For some industries, this is imperative. However, Griffin believes that concentration of manganese could be tolerated by the average consumer at 0.01-0.02 mg/l.

In view of the above and the difficulty of removing manganese to residual concentrations much less than 0.05 mg/l, and measuring such concentrations, manganese concentrations should be limited to a maximum of 0.05 mg/l.

LITERATURE CITATIONS

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NITRATE

Serious and occasionally fatal poisonings in infants have occurred following ingestion of well waters shown to contain nitrate (NO_3). This has occurred with sufficient frequency and widespread geographic distribution to compel recognition of the hazard by assigning a limit to the concentration of nitrate in drinking water.

From 1947 to 1950, 139 cases of methemoglobinemia, including 14 deaths due to nitrate in farm well-water supplies, have been reported in Minnesota alone (1). Wastes from chemical fertilizer plants and field fertilization may be sources of pollution. The causative factor producing serious blood changes in infants was first reported in 1945 in polluted water containing 140 mg/1 nitrate nitrogen ($\text{NO}_3\text{-N}$) and 0.4 mg/1 nitrite (NO_2) ion in one case; in the second case, 90 mg/1 nitrate nitrogen and 1.3 mg/1 nitrite ion (2). Since this report, many instances of similar occurrences have been recorded not only in this country but in Canada, Great Britain, Belgium, Germany, and other countries.

The International Drinking Water Standards of 1958 took cognizance of the problem in noting that ingestion of water containing nitrates in excess of 50 mg/1 (as nitrate) may give rise to infantile methemoglobinemia but have included no limit. Taylor (3), in England, has suggested a limit of 20 mg/1 nitrate nitrogen. Bosch, et al. (1), consider nitrate nitrogen concentrations in excess of 10-20 mg/1 capable of producing cyanosis in infants. Various South American countries have recommended maximum permissible levels of from 0.5-228 mg/1 nitrate (NO_3) (0.1-51 mg/1 nitrate nitrogen) (4).

Cases of infantile nitrate poisoning have been reported to arise from concentrations ranging from 15-250 or more mg/1 nitrate nitrogen (usually with traces of nitrite ion) in instances in which the water was analyzed up to 1952, according to Campbell (5). Campbell himself reported a case from ingesting water with 26.2 mg/1 as nitrate nitrogen (116 mg/1 nitrate ion).

According to methods of analysis commonly employed for nitrate in water, the presence of appreciable amounts of chloride would result in an erroneously low value for nitrate, and the presence of considerable amounts of organic matter would give an erroneously high value for nitrate. Insufficient attention has been given this important factor in evaluating permissible safe levels of nitrate in water.

Nitrate poisoning appears to be confined to infants during their first few months of life; adults drinking the same water are not affected but breast-fed infants of mothers drinking such water may be poisoned (6). Cows drinking water containing nitrate may produce milk sufficiently high in nitrate to result in infant poisoning (5). Both man and animals can be poisoned by nitrate if the concentration is sufficiently great.

Among the more acceptable hypotheses for the specificity of nitrate poisoning of infants is the following: the gastric, free acidity of infants is low (a $p\text{H}$ of 4 or greater), permitting the growth of nitrate-reducing flora in a portion of the gastrointestinal tract from

which nitrite hemoglobin is

According to of toxicity and an unphysiological upper portion and the genus. In infants with coliform organisms reducing nitrite. Careful measuring well water failed to reveal

There are from public water nitrate in samples indicate that sampled or statistically nothing the same well after injury or failure to measure

Sodium nitrate effects at low levels dogs tolerate in the diet with

Nitrite concentrations that nevertheless of intention

A limit of has been set could convert (1.4-5.7 percent contains on the "heavy" substance another blood oxygen. Calculate the total intake products reported

Because of nitrite, 69, and produce large quantities

binemia, including 14 cases, have been reported from fertilizer plants and other sources. The causative factor was first reported in 1945 in Belgium (1) and in a second case, 90 mg/1 in 1951. Since this report, it has been recorded not only in Belgium, Germany, and

France. A study of 1958 took cognizance of water containing nitrate and its possible rise to infantile methemoglobinemia (2). Taylor (3), in England, and Bosch, et al. (4) reported an excess of 10-20 mg/1 nitrate in some South American wells (5). (4) reported levels of from 10-20 mg/1 nitrate (4).

It is reported to arise from nitrate in water containing 26.2 mg/1 as nitrate

and is employed for nitrate reduction. Chloride would result in the presence of considerable amounts of high value of this important factor in water.

In infants during their early life, drinking the same water are not drinking such water may be drinking nitrate may produce infant poisoning (5). If the concentration

specificity of nitrate reduction, free acidity of water, and the growth of nitrate in the intestinal tract from

which nitrite absorption can occur. It is also stated that foetal hemoglobin forms methemoglobin more readily than the adult form.

According to a recent study from Germany (8), the primary causes of toxicity are an elevated nitrate concentration and the presence of an unphysiologic amount of nitrite-forming bacteria, especially in the upper portion of the digestive tract. Members of the coliform group and the genus *Clostridium* are capable of reducing nitrate to nitrite. In infants whose diet is mainly carbohydrate, it is believed that the coliform organisms are the group responsible; organisms capable of reducing nitrite to nitrogen are not normally present in the infant. Careful measurement of a number of other constituents in 23 offending well waters, nitrite, ammonia, chloride, and organic substances, failed to reveal a casual relation of these substances to the injury.

There are no reports of methemoglobinemia in infants fed water from public water supplies in the United States, although levels of nitrate in some may be routinely in excess of 45 mg/1. This may indicate that well water for analysis has often been improperly sampled or that some other as yet unknown factor is involved. Practically nothing is known of the variation in nitrate concentration in the same well. Because samples associated with injury are taken after injury occurs, it is conceivable that this delay has resulted in failure to measure truly injurious concentrations.

Sodium nitrate has been fed to rats for a lifetime without adverse effects at levels below 1 percent (10,000 ppm) in the diet (9); two dogs tolerated for 105 and 125 days, respectively, 2 percent nitrate in the diet without effects on blood or other adverse effects.

Nitrite is equally dangerous in water supplies. Although concentrations that occur naturally are generally of no health significance, nevertheless, they may enter water supplies inadvertently as a result of intentional addition to private supplies as anticorrosion agents.

A limit of 200 ppm of nitrite (or nitrate) in "corned" products has been set by Federal regulation on the basis that 100g corned beef could convert maximally from 10-40g hemoglobin to methemoglobin (1.4-5.7 percent of total hemoglobin). Adult human blood normally contains on the average of 0.7 percent methemoglobin; the blood of "heavy" smokers may contain 7-10 percent carboxyhemoglobin, another blood pigment conversion product incapable of transporting oxygen. Carbon monoxide in urban atmosphere adds perceptibly to the total inactive pigment. The summated blood pigment conversion products represent about the maximum tolerated without headache.

Because of the great difference in molecular weight between sodium nitrite, 69, and hemoglobin, 64,000, small increments of nitrite produce large quantities of methemoglobin (1g nitrite converts 460-

1850g hemoglobin). The margin of safety is still further narrowed in infants whose blood volume is small, their total blood hemoglobin is decreasing after birth (from 17-20g to 10.5-12g), and their foetal hemoglobin is more readily converted to methemoglobin.

An instance of nitrite poisoning of children has been reported (10). The children ate frankfurters and bologna containing nitrite considerably in excess of the 200 ppm permitted.

Evidence in support of the recommended limit for nitrate is given in detail by Walton (7) in a survey of the reported cases of nitrate poisoning of infants in this country to 1951. The survey shows that no cases of poisoning were reported when the water contained less than 10 mg/1 nitrate nitrogen. Walton notes, however, that in many instances the samples for analysis were not obtained until several months after the occurrence of the poisoning.

In light of the above information and because of the uncertainty introduced by tardy analyses, the frequent lack of attention to possible interfering factors in the analysis, the health of the infant, and the uncertain influence of associated bacterial pollution, 10 mg nitrate nitrogen (or 45 mg nitrate) per liter of water is a limit which should not be exceeded.

At present there is no method of economically removing excessive amounts of nitrate from water. It is important, therefore, for health authorities in areas in which nitrate content of water is known to be in excess of the recommended limit to warn the population of the potential dangers of using the water for infant feeding and to inform them of alternative sources of water that may be used with safety.

LIMITS AND RANGES RELATED TO NITRATE WATER STANDARD

Average concentration adult human blood: 10 ug nitrate/100 ml (0.1 ppm).
 Average daily urinary nitrate excretion: 500 mg (mainly from vegetables).
 Strained baby foods: 0 (squash, tomatoes)—833 ppm nitrate (spinach).
 Green Vegetables: 50 ppm nitrate (asparagus, dry weight), 3,600 ppm nitrate (spinach, dry weight).

Limit of nitrite (or nitrate) permitted in meat (or fish) products by Federal regulation: 200 ppm.

LITERATURE CITATIONS

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2. Comly, H. H. Cyanosis in infants caused by nitrates in well water. *J.A.M.A.* 129: 112-116 (1945).
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4. Caballero, P. J. *Dispositivo Organo Oficial de* 3: pp. 53-64, July 1951.
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7. Walton, G. Survey of nitrate-contaminated water in the United States, August 1951.
8. Horn, K. *Über gesundheitliche Verhältnisse. Städtegesundheitswesen* 1: pp. 195-196, 1951.
9. Lehman, A. J. *Nitrate Contamination of Drinking Water*, U.S. 22: pp. 195-196, 1951.
10. Orgeron, J. D., Martin, G. H. *Methemoglobinemia*. *Health Rep.* 72: pp. 195-196, 1951.

The term "phenols" is used in the U.S. Public Health Service Standard for phenol in water. This standard is often resulting from concentrations of phenol in water are injurious to fish, and most fish. Concentrations of 5,000 mg/1 were reported (1) in many stillbirths. Phenol is largely detected to far less toxic substance. Although additional 1946 Standard was set, the former limit for phenol

1. Heller, V. G., and Pursell, R. G. Toxicologic action. *J. Pharm. Med.* 1: pp. 195-196, 1951.
2. Williams, R. T. *Detoxification of Drugs*, Sons, Inc., 1959. pp. 205-214.
3. Bartschell, R. H., *Rosenfeld, A. B.* *Phenol derivatives of phenol*. *Health Rep.* 51: pp. 205-214, February 1951.

EXHIBIT C

GAO SAYS OK TO SEPTICS: The General Accounting Office (GAO), in a report to Congress, called septic systems, "environmentally sound, technologically feasible, and cost effective" alternatives to costly sewer and central treatment facilities.

The report concluded that, if properly constructed and operated, septic systems

- can be as permanent as central treatment facilities;
- are often more ecologically sound than sewers and central facilities; and,
- can provide a high degree of wastewater treatment, as good or better than the effluent from central treatment plants.

Speaking to the problem of septic system failures, GAO said they were largely "the result of human error or neglect." The report added that alternative septic system technologies are available to overcome soil, geological and hydrological conditions which might limit the use of conventionally designed systems.

The report noted that many small communities are facing financial problems as a result of the high cost of constructing and operating sewers and central treatment facilities. It then went on to berate the EPA and consulting engineers for ignoring septic and pushing costly sewer and central treatment programs. GAO said, "millions of dollars may have been needlessly spent" to replace salvageable septic systems with sewers and centralized treatment. It further recommended that EPA look more favorably on the septic alternative and that effective public management/control strategies be developed to combat the "human problems" which have caused septic system failures in the past.

Here we find the independent investigative arm of Congress endorsing decentralized treatment of wastewater -- an approach similar to point-of-use drinking water treatment. This report should encourage those who desire to see the point-of-use alternative given more serious consideration in federal circles. Copies of the report entitled "Community-Managed Septic Systems -- A Viable Alternative to Sewage

Treatment Plants" are available from the United States General Accounting Office, Washington, D.C. 20548. **USE WQA**

LETTER TO CONGRESS: One element of WQA's Long Range Plan includes communicating with Government. While this function is a daily activity conducted through WQA's Washington office in a variety of both formal and informal means, as well as periodic and continuing presentations to congress, the Executive, and the Agencies by WQA's Washington Counsel, Association staff, and Association members, the Long Range Plan did identify room for additional and creative methods. Periodic publication of an Industry "Letter To Congress" was one such method. It was mailed to every U.S. Senator and Representative recently, and now we hope that by sending it to members of WQA that it will serve as an information tool assisting them to better construct quality content communications from them individually to their own Senators and Representatives. **USE WQA**

PAY TO THE ORDER OF INTERNAL REVENUE SERVICE: Your tax tab could double if you merely make the check payable to "IRS," instead of "Internal Revenue Service," and it winds up in the wrong hands. That "IRS" can easily be altered to "MRS" followed by a name or by combining the initials "I. R." with a last name -- for instance, "I. R. Smith." Worse yet, the IRS cautions, some taxpayers even send checks without filling in the payee line! **USE WQA**

SERFS BETTER OFF? This year, local and state government combined with the federal government absorbed so much personal income that for approximately five months of the year the taxpayer worked only for those governments; not a penny was earned for the direct use by him or his family. The serfs of old were required to toil for their masters only three months of the year -- and they thought they had it bad! **USE WQA**

'EMPLOYMENT' IS THE FIGURE THAT COUNTS: "It (the U.S. unemployment index) measures with considerable lack of reliability the number of people in the labor force of this country who, if the pay were right and the hours were right, might be available for at least a little work once in a while." -- Peter Drucker **USE WQA**

~~Exhibit # 2~~

EXHIBIT

D



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

Mr. Chris Reive, Hearings Officer
Department of Environmental Quality
522 S.W. 5th Avenue, P.O. Box 1760
Portland, Oregon 97207

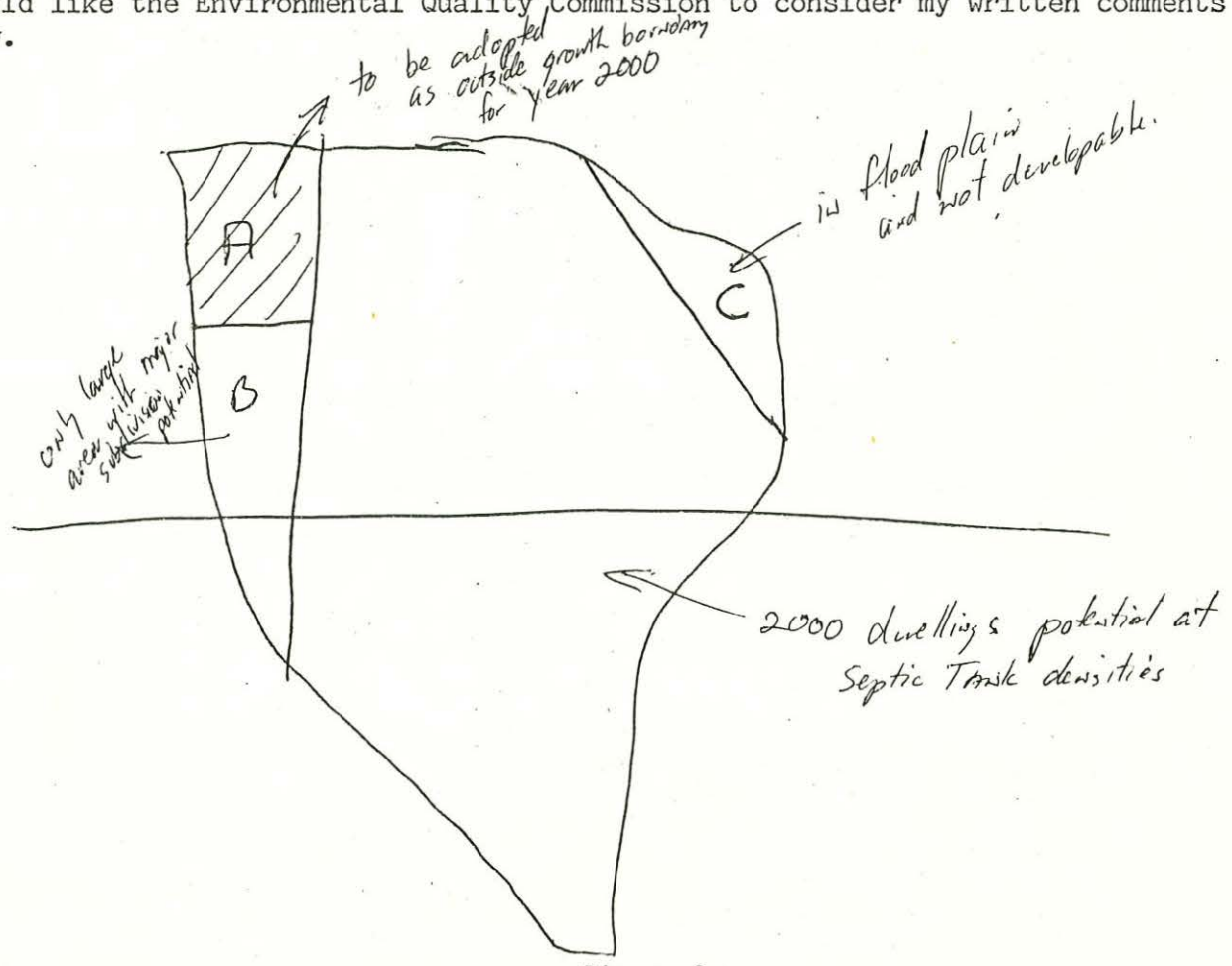
DATE: 29 MARCH 79

*Postmark must be on or before April 6
to be considered.

Dear Mr. Reive:

I attended the March 29, 1979 informational hearing at North Eugene High School regarding the River Road-Santa Clara septic tank moratorium.

Since I did not give oral testimony at either of the two informational hearings, I would like the Environmental Quality Commission to consider my written comments below.



Sincerely,

Name: JAMES R. HALE
Address: 3729 BANNER
EUGENE, OR 97404

S-TRIC, INC.

~~EXHIBIT # 80~~
EXHIBIT
E

January 23, 1979

Mr. Dave Van Fossen
P.O. Box 125
Eugene, Oregon 97440

Dear Dave:

I am including with this letter a brief rundown on the Sand Filter as we are designing them at this time. This will not be a technical brochure by any means but just enough to give a developer or prospective user a means of evaluation.

There have not been enough of the filters constructed to know exactly what to anticipate in costs. Each unit constructed on different terrain would have a different cost factor with, believe it or not, steeper ground being less expensive for construction, than flat ground.

We are very enthusiastic in regards to the use of this method of sewage disposal, however, I suspect that we will find some limitations in the use of this type of system.

There will be a certain amount of maintenance as there would be in any system. We would recommend that the septic tank be inspected and pumped at regular intervals, 3-5 years being the recommended.

The sand utilized is very critical and if failure occurs, the sand should be replaced. This is really not such a big deal but is a matter of concern.

It may be that the State or County will require a "management" program to oversee the inspection and/or maintenance of the units to insure proper functioning.

We have been assured by members of the State D. E. Q. that the Sand Filter will be accepted by the end of 1979 if the testing continues to show the results which are occurring at this time.

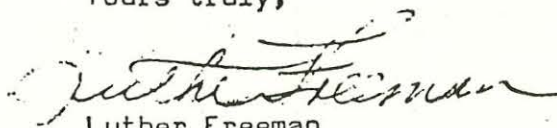
Thank you for the opportunity to be of service to you.

STC/LF/om

Yours truly,

Enclosures

cc: File


Luther Freeman

S-TRIC, INC.

RECIRCULATING SAND FILTER

The Sand Filter is nothing new. It has been used by Mother Nature since the world began to purify the waters of the earth.

Small water systems have used Sand Filters to clear up turbid water. Municipal sewer treatment plants use trickling filters to treat effluent.

Small Sand Filters have been used in the mid-west for individual treatment of single family dwelling sewage. The first use in Oregon that we are aware of, speaking now of sewage treatment for single dwellings, was in Douglas County. The effluent tested did not give the favorable results as we find them but there is a reason.

The Jackson County filter was studied by Lane County and was improved on by Gary Colwell, an engineer with the Lane County Environmental Management Division. The first filter was installed on Daukhobar Road southwest of Eugene. These results were very encouraging and were transmitted by members of Lane County team to the writer. Mr. Colwell and the writer have combined certain refinements in the design of the filters. Each filter designed and installed has improvements incorporated in it.

We anticipate that one very promising use would be by small manufacturing plants employing from 10 to 100 employees where municipal sewers are not available, as well as domestic uses.

The recirculating Sand Filter system consists basically of a standard septic tank of 1000 gallon capacity or larger, possibly a wet well and pumps, sand filter of a designed size, recirculating tank or tanks of a designed size with pumps, a wet well and disposal method. The necessity of the various units and pumps depend on whether gravity flow can be utilized or not. A good share of the cost depends on the number of necessary units and the size of the units.

The costs of the unit vary as to the complexity of construction, however the costs for a single family unit would be about \$4000. This is not quite as much as it may sound since a standard system costs approximately \$1500 to \$2000.

The larger systems such as the one at International Paper Co. at Vaughn, Oregon could cost as much as \$25,000 but this, again would depend on the lengths of lines necessary to make the system functional.

The following table gives the results of the continuing tests of the output of two of the sand filters as noted.

DATE	MONITORING RESULTS			INTERMITTENT - RECIRCULATING SAND FILTER		PROPERTY	
	TOTAL COLIFORMS	FECAL COLIFORMS	FECAL STREP.	BOD ₅	S.S.		COLLECTION LOCATION
7 - Sept. - 77	100	<100	-	2.5	1.0	Sample port between recirculation tank and drainfield.	86976 Duckhobar Road
5 - Oct. - 77	440	8	-	1.2	0.4	"	"
- Oct. - 77	500	20	-	1.6	0.1	"	"
- Oct. - 77	1060	36	-	1.4	0.4	"	"
5 - Nov. - 77	1640	8	-	1.6	0.1	"	"
9 - Nov. - 77	7800	4	-	1.6	1.0	"	"
4 - Jan. - 78	2800	2300	-	1.4	1.0	"	"
1 - Jan. - 78	600	430	-	-	-	"	"
5 - Jan. - 78	440	360	-	-	-	"	"
- Feb. - 78	420	120	-	-	-	"	"
9 - Feb. - 78	500	24	-	2.6	3	"	"
4 - Feb. - 78	2560	120	550	1.6	2.0	"	"
- Mar. - 78	330	80	30	-	-	"	"
- Mar. - 78	380	220	158	1.04	1.4	"	"
- Mar. - 78	60	12	20	1.04	1.0	"	"
- Mar. - 78	880	56	160	1.88	1.2	"	"
- Apr. - 78	2300	1050	28	1.0	0.0	"	"
- Apr. - 78	1460	170	36	1.8	0.8	"	"
- May - 78	242	100	124	1.38	1.7	"	"
→ May - 78	675	250	60	1.48	2.3	"	"

MONITORING RESULTS

INTERMITTENT - RECIRCULATING SAND FILTER

DATE	TOTAL COLIFORMS	FECAL COLIFORMS	FECAL STREP.	BOD ₅	S.S.	NITRATE	COLLECTION LOCATION	PROPERTY
22 - May - 78	500	92	-	0.80	0.0		Sample port between recirculation tank and drainfield.	86976 Duckhobar Road
30 - May - 78	2,200	118	-	0.62	0.0		"	"
6 - June - 78	2,500	14	-	1.10	0.0		"	"
12 - June - 78	420	12	-	0.16	0.7		"	"
20 - June - 78	3,000	460	-	<1.0	0.0		"	"
27 - June - 78	5,100	44	-	0.36	0.4		"	"
11 - July - 78	220	<4	-	0.16	0.0		"	"
19 - July - 78	1,500	4	-	0.6	0.0		"	"
25 - July - 78	480	60	-	0.62	0.0		"	"
7 - Aug. - 78	640	1	-	1.12	0.0	67.1	"	"
14 - Aug. - 78	70	45	-	0.3	0.0	32.0	"	"
22 - Aug. - 78	80	12	-	0.82	0.0	58.5	"	"
29 - Aug. - 78	410	29	-	0.76	0.2	53.5	"	"
11 - Sept. - 78	240	<1	-	0.8	0.4		"	"
3 - Oct. - 78	150	41	-	1.42	7.8	37	"	"
9 - Oct. - 78	20	15	-	2.6	0.0	24	"	"
6 - Nov. - 78	480	400	-	1.6	0.8	13.5	"	"

MONITORING RESULTS

INTERMITTENT - RECIRCULATING SAND FILTER

DATE	TOTAL COLIFORMS	FECAL COLIFORMS	FECAL STREP.	BOD ₅	S.S.	COLLECTION LOCATION	PROPERTY
3 - May - 78 1)	18,000	950	291	3.80	49.2	Sample port between recirculation tank and drainfield.	9009 McKenzie Hwy.
- May - 78	2,500	680	990	≥7.18	10.0	"	"
- May - 78	95	20	-	≥5.2	2.6	"	"
- May - 78	4,900	968	-	6.18	3.8	"	"
- June - 78 2)	4,200	144	-	6.54	16.4	"	"
- June - 78	3,400	10	-	1.14	3.8	"	"
- June - 78	3,500	300	-	0.48	5.0	"	"
- June - 78	1,900	308	-	0.16	2.9	"	"

1) Initial test following sand media replacement recirculating tank and sample full of black sludge.

2) Sludge in sample collected.

MONITORING RESULTS

*Bio
Oxygen
Demand*

INTERMITTENT - RECIRCULATING SAND FILTER

DATE	TOTAL COLIFORMS	FECAL COLIFORMS	FECAL STREP.	BOD ₅	S.S.	NITRATE,	COLLECTION LOCATION	PROPERTY
11 - July - 78	4,820	2,300	-	0.48	0.2		Sample port between recirculating tank & drain field.	9009 McKenzie Hwy.
18 - July - 78	12,500	11,300	-	0.90	0.6		"	"
25 - July - 78	8,000	7,000	-	0.52	0.9		"	"
7 - August- 78	150	40	-	1.06	1.3	24.8	"	"
14 - August- 78	900	740	-	0.9	0.6	20.4	"	"
22 - August- 78	150	76	-	0.46	0	27.2	"	"
29 - August- 78	150	2	-	1.42	0	22.6	"	"
11 - Sept. - 78	5,000	450	-	2.2	2.6		"	"
3 - Oct. - 78	680	102	-	0.54	1.8	25	"	"
9 - Oct. - 78	110	22	-	0.52	0	19.3	"	"
6 - Nov. - 78	380	4	-	0.9	0.7	20.3	"	"



Environmental Quality Commission

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

MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item No. 1, April 27, 1979, EQC Meeting

Schedule and Process for Developing New Priority Criteria
and List for FY 80

Background

Presently, the State priority system is premised on funding levels consistent with federal authorizations for the program. In the 1977 Clean Water Act, national authorizations were \$4.5 billion for FY 78 and \$5.0 billion for FY's 79, 80, 81, and 82. Congressional appropriations dropped to \$4.2 billion for FY 79 and are recommended at \$3.8 billion for FY 80 by the President. These developments affect, at a minimum, the project schedules contained in the priority system; however, with the potential for significantly decreased funds in the future, it is clear that Oregon needs to assess whether management of the program should be readjusted to make best use of reduced funding resources.

On March 30, the EQC was informed that DEQ had begun to reevaluate the criteria and priority system used in allocating construction grants for wastewater treatment facilities. DEQ began this reevaluation process in January and requested public involvement in the decision-making process during February and March. Two issues were involved. The first issue was resolved by EQC at its March 30 meeting, when it decided that the existing FY 79 priority list will be used to allocate existing funds. The second issue involved evaluation and, if necessary, redirection of the program for FY 80. As discussed at the March EQC meeting, a special project has been initiated to provide relevant data on issues such as: (1) funding for growth accommodation, (2) phased construction; (3) financial planning for phased projects; and (4) State funding assistance. Testimony at the March 5 construction grants public hearing on these and other critical policy issues has also aided our evaluation efforts.

The next steps in the evaluative process are: to better define feasible policy changes, to develop specific options for priority criteria, and to produce draft FY 80 priority criteria for Commission consideration in August. After Commission approval is obtained, a public hearing will be held on a draft priority list. A preliminary schedule and an outline of public involvement activities is shown in the attachment. The public consultation process conforms with federal requirements recently published under 40 CFR Part 25 and Part 35.



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Materials

Evaluation

The attached schedule developed for public consultation and staff analysis is a demanding one. The schedule will delay Oregon's submittal of priority criteria and an FY 80 priority list to EPA but will allow the consideration of new baseline data and provide meaningful opportunities for interested parties to comment. An important advantage of the suggested process is its potential for assuring stability in priority system management, should funding reductions occur in FY 80 and beyond.

Summation

1. On March 30, the EQC was informed of the need to reevaluate grant priority criteria prior to development of an FY 1980 priority list.
2. Future grant appropriations are uncertain; the trend has suggested that reductions will be made. Any significant variation from Congressionally authorized levels are inconsistent with Oregon's scheduling and priority system to construct needed facilities.
3. An evaluative process has been initiated by DEQ. It includes efforts directed at further data accumulation, public involvement, and analysis of possible changes to Oregon's priority criteria.
4. A broad range of policy changes for the program have been suggested through public consultation processes.
5. The draft FY 80 priority criteria, incorporating suggested modifications, will be presented to the EQC in August 1979.
6. Subsequent to Commission adoption of the priority criteria, a public hearing will be conducted on the draft FY 80 priority list.

Recommendation

This agenda item is provided for information purposes only. No action is required.

Bill

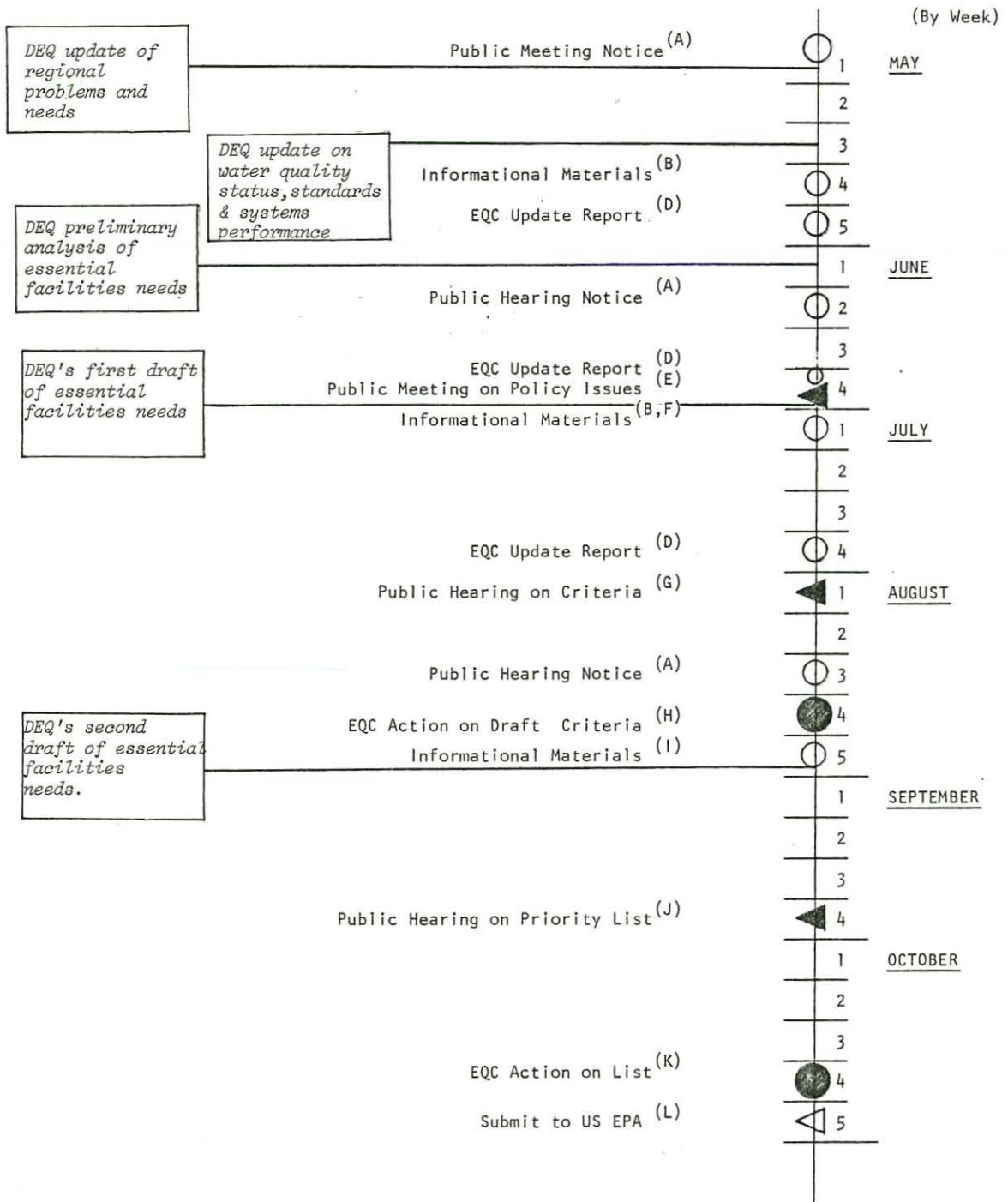
WILLIAM H. YOUNG

Thomas H. Blankenship:em
229-5314
April 16, 1979

Attachment: Schedule and Process for Developing
the FY 80 Priority Criteria and List

SCHEDULE AND PROCESS FOR DEVELOPING THE FY 80 PRIORITY CRITERIA AND LIST FOR CONSTRUCTION GRANTS

April 27, 1979



Legend



○ Indicates mailing of information to interested parties

▲ Special public meetings or hearings

● EQC action

△ Submittal of FY 80 priority system to US EPA

□ DEQ staff activities which will affect construction grants decisions

() See the appropriate EXPLANATORY NOTE for description of each scheduled event

SCHEDULE & PROCESS FOR DEVELOPING FY 80 PRIORITY CRITERIA & LIST FOR CONSTRUCTION GRANTS

April 27, 1979

EXPLANATORY NOTES

- (A) Public notice will advise cities, counties, potential applicants, interested parties and the media of the exact time, date and place of the public meeting or hearing. This will occur 45 days in advance.
- (B) Information materials will be distributed to all parties who receive public notice and will be available for review at DEQ Regional Offices and at the Water Quality Division. These will be available 30 days in advance of meetings or hearings.
- (C) Information materials for the public meeting in June will include a summary of data relevant to specific policy issues in the construction grants program. At a minimum, these issues include: (1) financing reserve capacity for future growth; (2) DEQ's role in assisting localities to develop funding programs for growth capacity, if needed; (3) the relationship between grant priority and enforcement actions; (4) phased construction projects and alternatives for financing phases; (5) state grant/loan assistance; (6) percentage limitations on funds for a project or type of project; (7) economic or hardship consideration; and (8) constraints imposed by federal regulation on state priority system development. Other issues may be added later.
- (D) A status report will be made at the EQC meeting.
- (E) A public meeting will be conducted to discuss policy issues affecting the development of grant criteria and the priority list. The advance data prepared by DEQ which precedes the meeting is not intended to limit the areas of public comment. The public is encouraged to discuss any issue relevant to developing the FY 80 priority system.
- (F) Public information materials for the public hearing on proposed priority criteria will include a summary of earlier public involvement and a copy of criteria proposed for FY 80.
- (G) The proposed FY 80 criteria will be discussed at a public hearing in August. The hearing record will open 15 days before the hearing date and will close the day after.
- (H) The EQC will consider adoption of a criteria system for FY 80 at its August meeting. A summary of public testimony from the hearing will accompany the proposed criteria. The EQC will be asked to authorize a public hearing to be held in September on the FY 80 draft priority list.
- (I) Informational materials will be sent to all interested parties. These materials will contain a summary of testimony regarding priority criteria, revised criteria (if necessary) and a proposed FY 80 priority list.
- (J) The FY 80 priority list will be discussed at a public hearing in September. The hearing record will open for 15 days before the hearing date and close the day after.
- (K) The FY 80 list will be considered for adoption by the EQC.
- (L) If adopted by the EQC, the final priority system (criteria and priority list) will be transmitted to US EPA for approval.

GENERAL COMMENTS

DEQ will maintain a complete record of all public comments submitted to us on the FY 80 Construction Grants program. In addition to statements to the hearing records, other correspondence will be fully considered if received in a timely manner.

Additional needs for public consultation procedures will be reviewed in late May.

Interested parties will be advised by mail of specific dates, times and places for the activities outlined.

Requests to be placed on DEQ's Construction Grants mailing list and comments for the public record should be addressed to the Construction Grants Unit, Department of Environmental Quality, P. O. Box 1760, Portland, Oregon 97207.



STATE OF OREGON

INTEROFFICE MEMO

Environmental Quality

6484

DEPT.

TELEPHONE

TO: EQC Members, Division Directors

DATE: 4/19/79

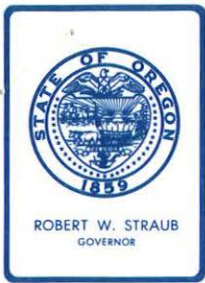
FROM: Carol Splettstaszer

SUBJECT: Agenda Item M - Land Use Coordination Program

The attachment to Agenda Item M begins with a transmittal letter from Bill Young to Wes Kvarsten, Director of LCDC. Please retain this attachment after the meeting and insert it into your Land Use Coordination Notebook. Other materials for your Notebook will be sent shortly.

cc: Bob Jackman

Carol



Environmental Quality Commission

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

MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. M, April 27, 1979, EQC Meeting

Land Use Coordination Program - Status Report on
Implementation of Procedures Developed to Ensure
DEQ Site-Specific Actions Affecting Land Use are in
Conformance with LCDC's Statewide Planning Goals

Background

This item is to inform the Commission of an impending DEQ initiative to better coordinate its actions with local land use planning.

ORS 197.180 requires DEQ, as a state agency with activities affecting land use, to comply with the Statewide Planning Goals and coordinate with local comprehensive land use planning, LCDC and others. DEQ's program for coordination, developed to meet the requirements of ORS and LCDC administrative rules, was approved by LCDC on October 20, 1978. Included were provisions for technical assistance and plan review for local comprehensive planning, and coordination of DEQ planning and actions with local comprehensive plans. The latter was in the section entitled "Site Specific Actions," pages 9-12. This is the last section of DEQ's Coordination Program to be implemented, effective May 1, 1979.

Discussion

The attachment meets the needs of DEQ's various programs and comprises DEQ's submittal to LCDC of the implementation program for permits and other site specific actions under both LCDC rules: "State Agency Coordination" and "State Permit Consistency."

LCDC action on this submittal will probably occur in June or July.

Our LCDC approved coordination program contains the same provisions on site specific actions as this submittal, although in more general language. It has essentially required this coordination since October. However, full implementation of the program for site specific actions has been pending development of interpretive procedures under the more specific requirements of LCDC's permit consistency rule, this to meet the administrative needs of DEQ air and water quality, noise control and solid waste facility actions.



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Agenda Item No. M
April 27, 1979
Page 2

The heart of the program is that DEQ will not accept site specific grant, plan review or permit applications for processing unless accompanied by a local planning statement of compatibility. For permits, an applicant statement that the local planning statement has been requested will be accepted instead, but the permit cannot become effective without a favorable local planning compatibility statement.

A list in the attachment itemizes the affected DEQ actions. Four pages of the attachment have been distributed as notice to local government and others that this new DEQ coordination requirement will be effective May 1, 1979.

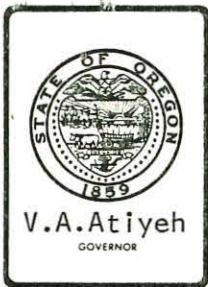
Director's Recommendation

Commission comments and questions are welcomed. No action is needed.

Bill

WILLIAM H. YOUNG

R. D. Jackman:vh
229-6403
April 17, 1979



Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229- 5395
April 17, 1979

Wes Kvarsten, Director
Department of Land Conservation
and Development
1175 Court Street, N. E.
Salem, Oregon 97310

Dear Mr. Kvarsten:

The attached materials are offered to fulfill requirements of LCDC Administrative Rules on State Permit Consistency and complete the level of Coordination Program implementation practicable within current resources. Some amendments to the DEQ's Coordination Program are requested.

These materials respond to your guidelines on Class B permits under the rule. Earlier drafts of the attached have been submitted for review since December. We have reviewed and refined some of these concepts with four of DEQ's Regional Managers and others over the past few months. Latest refinements have just been completed.

At present, Hazardous Waste Disposal Site Licenses are not included at all. We request that these licenses be listed as Class B. We believe that revision of our Coordination Program as requested in the attachments would also cover this category. There is only one disposal site now, near Arlington. Our intention would be to handle any new license applications the same as our other site-specific actions, effective only upon receipt of an affirmative local compatibility statement.

The Department plans to implement the new land use coordination procedure for six of the Class B permits including Hazardous Waste Disposal Site Licenses effective May 1, 1979. We are informing the public, local government, and industry groups; the potential applicants.

The seventh Class B permit is for subsurface and other on-site sewage disposal systems. Procedures for coordinating with land use requirements at the subsurface permit stage have been in effect since 1974. The new procedure is scheduled to begin June 1, 1979, at the preliminary site feasibility stage for any proposed individual subsurface system. The existing application form will be modified.



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Wes Kvarsten, Director
April 17, 1979
Page 2

Comparable, and in our view sufficient local land use compatibility procedures have been in effect for sewerage works construction grants and related facility plans for over two years. We are developing procedural rules for other sewerage and wastewater facilities plan review which will include the local land use compatibility requirement. Until adopted later this year, DEQ's Water Quality Division will encourage but not demand the compatibility statement for these other plans as part of the completed application.

Legal counsel has advised that other DEQ rule amendments will not be necessary at this time. We will rely on authority in ORS Chapter 197, LCDC's State Permit Consistency Rule, and our Coordination Program requirements, which include the state statute and administrative rules citations authorizing our actions.

Please confirm that these materials meet LCDC requirements.

Sincerely,



WILLIAM H. YOUNG
Director

RDJ:ahe
Attachment

cc: Environmental Quality Commission
cc: Pat Amedeo, Assistant to the Governor
cc: Senator Ed Fadley, Chairman
Senate Environment & Energy Committee
cc: Representative Nancy Fadley, Chairperson
House Environment & Energy Committee
cc: Agency Management Group, DEQ



STATE OF OREGON
Intergovernmental
Coordination, DEQ
DEPT.

229-6403
TELEPHONE

INTEROFFICE MEMO

TO: Bill Young

DATE: April 17, 1979

FROM: Bob Jackman 

SUBJECT: Schedule of LCDC Requirements Fulfilled

The following completes DEQ's fulfillment of two Land Conservation & Development Commission (LCDC) requirements to the level practicable within current resources.

Exhibit I

Exhibit I coincidentally implements both:

1. LCDC's State Permit Consistency Rule;
2. DEQ's Coordination Program approved by LCDC; the Site-Specific Action Section, pages 9 through 12.

The request for additional resources needed to bring coordination with DLCD and local planning to an adequate level are in budget Decision Packages 28 and 48; outside the Governor's Recommended Budget. This means DEQ will probably continue being late or unresponsive on such items as local plan review comments and technical assistance, as well as assistance to LCDC policy development (e.g., urban growth strategies, post-acknowledgment strategies, federal permit consistency). But we will do our best.

Exhibit I begins with a Notice of Implementation transmittal to the public, local government, and industry groups; potential applicants. We are ready to go and have already trial-implemented these procedures in a few cases in some of our regions. The Exhibit continues with a set of applicant requirements and a form for obtaining the local statement of land use compatibility for permit proposals, to be transmitted with the implementation letter. The memo to DEQ's Agency Management Group lays out what related clauses we must include in permits, grants, and plan approvals to implement this program. A list of the DEQ actions is included.

The procedures of this Exhibit address DEQ's six "Class B" facility permits listed in LCDC's rule: Air Contaminant Discharge; Indirect Source (air); NPDES (water); Water Pollution Control; Subsurface (and other on-site) Sewage Disposal; and Solid Waste Disposal.

The Department will continue permit procedures in effect since 1974 to cover obtaining local land use sign-off for subsurface sewage disposal in community or individual lot systems; whether single parcels or subdivisions.

Effective June 1, 1979, DEQ intends to move the local land use compatibility sign-off up to the preliminary site feasibility evaluation report step, and modify existing application forms to implement the change. The "Information to DEQ Applicants" sheet explains the details (see 3.).

Preliminary subdivision subsurface sewage or sewerage feasibility evaluations should continue to supply applicants and local officials with information needed prior to local

subdivision approval, as specified in ORS 92.090 (5).

In our submittal to LCDC, we should request that Hazardous Waste Disposal Site Licenses be newly listed as Class B for DEQ. The Coordination Program revisions listed above would also apply to these licenses. We would intend to handle them in the same manner as stated in Exhibit I for our other Site-Specific Actions. The licenses could not become effective until receipt of affirmative local compatibility statements.

Procedures for sewerage works construction grants and related facility plan review in effect for over two years appear sufficient to meet this new coordination procedure and no changes are contemplated for this category. Water Quality is developing procedural rules for other sewerage and wastewater facilities plan review encompassing the local land use compatibility requirements. Until adopted later this year, Water Quality will encourage but not demand the compatibility statement as part of a completed application for review of these other plans.

Ray Underwood has advised that other DEQ rule amendments will not be necessary at this time. Sufficient authority exists in his opinion in ORS Chapter 197, LCDC's State Permit Consistency Rule, DEQ's Coordination Program, and our own statutes and administrative rule authorizations to implement this coordination for now. Experience may yield need for further rule changes.

We are prepared to start in April with a mailing to local governments and others implementing these Site-Specific procedures. That mailing will also include a few changes to DEQ's Handbook, such as for Carbon Monoxide (CO) measurement as it relates to land use planning, submitted to me by Air Quality recently.

This submittal will probably be before LCDC for consideration in June or July.

Coordination Program Changes

Attached are revisions to pages 8 through 11 of the DEQ's Coordination Program which make corrections allowing some of the procedures in Exhibit I. These will be included for LCDC consideration. At the bottom of page 9 and top of page 10 the change will allow applicants, instead of local governments, to certify that a statement of compatibility has at least been applied for when one cannot be immediately obtained. The change on page 11 shows that we would not consider the permit effective until an affirmative local statement of compatibility is received; this instead of suspending or revoking a permit upon eventual receipt of a negative statement. As the Exhibit I "Instructions to Applicants" states, conditional issuance applies to permits only. It is the Department's intent to require the local statement of compatibility before accepting applications as complete for construction grant and facility plan approval processing.

Three "housekeeping" changes are proposed. Page 8, item 2.3 A 2) indicates the status of DEQ's review of its rules for goal conformance. This is further discussed in the next section of this memo. The first change shown on page 9 reflects implementation of this coordination process by procedure modification under existing authority. Administrative rule revisions to support the process will occur as needed. The sentence now deleted on page 10 was an artifact of earlier program drafts.

Coordination Program Implementation Now Complete

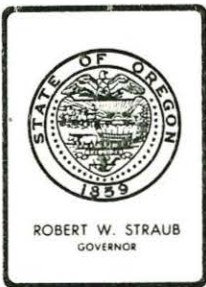
We are presuming that the submittals here and an on-going conformance review of DEQ rules as they are proposed for modification will meet the intent if not the letter of item 2.3.A 2), page 8, of our Coordination Program. This item promised review of DEQ rules for Statewide Planning Goal Conformance. With current staff and workload we simply cannot perform an exhaustive review of our existing rules. Assuming this, implementation of the Coordination Program appears complete except for adding the staff resources we promised to budget. In fact, we met the Program promise by including the requested resources in Decision Packages 28 and 48.

Concluding Remarks

Hal Sawyer, Fritz Skirvin, Jack Weathersbee, Bill Dana, and Ray Underwood were very helpful in amending items in Exhibit I to fit their needs. Hopefully, we have a package which will function acceptably.

ahc

Attachment



Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207

EXHIBIT I April 17, 1979

TO: State of Oregon City & County Planning Departments

FROM: William H. Young

SUBJECT: Local Planning Sign-off on DEQ Actions: IMPLEMENTATION NOTICE
Effective May 1, 1979

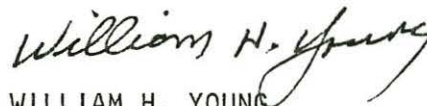
The attached items implement local land use compatibility requirements of the DEQ Coordination Program approved by LCDC in October. This covers DEQ permits, plan review, and construction grant approvals listed in an attachment for facilities "affecting land use." These actions were also listed in Air, Noise, Solid Waste and Water Section tables of our previously distributed Handbook for Environmental Quality Elements of Land Use Plans.

Applicants will now be directed to you to obtain the "Statement of Compatibility" discussed in the attachments and the Coordination Program section of our Handbook, as they complete application for these DEQ actions.

This new procedure gives you direct influence on requests for DEQ actions, in harmony with Oregon's land use program and implementation of truly "comprehensive" plans, with emphasis on local control.

We look forward to your help and cooperation.

Also included are needed revisions updating portions of DEQ's Handbook.


WILLIAM H. YOUNG
Director

RDJ:ahe
Attachments

cc: Local Governing Bodies, State of Oregon
DEQ's Handbook distribution list



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List of DEQ "Land Use Affecting" Actions

New Procedure: For Coordination with Local Land Use Compatibility
(To be implemented on May 1, 1979.)

NOTE 1: The following DEQ facility actions are affected by this procedure.

2: Only new or expanded facilities or those with increased waste/contaminant discharge are involved.

3: The procedure is new unless otherwise noted.

Permits

Air Contaminant Discharge
Indirect Source (Air)

Water Pollution Control
National Pollution Discharge Elimination System [NPDES] (Water)
Subsurface (and other on-site) Sewage Disposal

[NOTE: 1. Continue 1974 permit procedure.

2. DEQ is developing a modified procedure to shift local compatibility sign-off point to preliminary site feasibility evaluation report step; implementation target - June 1, 1979.]

Solid Waste Disposal
Hazardous Waste Disposal (License)

Plans

Sewerage & Wastewater

[NOTE: 1. Continue 1977 Procedure for those related to Construction Grants (below).

2. For the rest, Optional (encouraged) pending Procedural Rules later this year.]

Solid Waste

Construction Grants & Loans

Sewerage Works [NOTE: Continue 1977 Procedure]
Solid Waste

Notice of Construction

Air Contaminant Emission Source

Tax Credits (Preliminary Pre-Construction Certification for commercial/industrial Pollution Control Facility)

Noise Control
Solid Waste

LAND USE COMPATIBILITY REQUIREMENTS: INFORMATION TO DEQ APPLICANTS

DEQ Must Have Local Land Use Approval Before Acting

1. ORS 197.180 and DEQ's Coordination Program approved by LCDC require that DEQ-issued permits, facility plans, and construction grants for new or expanded facilities not be approved or become effective until DEQ receives evidence from the responsible local planning authorities that the proposal is compatible with local land use provisions.
2. Applicants must obtain local compatibility statements to complete application for these DEQ approvals. Facility plan and construction grant approval requests will not be considered complete or processed without the local compatibility approval statements. Procedures for sewerage works construction grants projects have been in effect since 1977. (See separate instructions.) DEQ permit applicants are strongly encouraged to have the local statement in hand when applying. Optionally, permit applicants may submit evidence of application for local statements but permits will be conditioned to not become effective until a favorable local statement is received.
3. Local compatibility statement must accompany requests for preliminary site feasibility evaluation reports and permits for community or individual subsurface sewage disposal systems, whether single lot or subdivision. No conditional reports or permits will be issued for individual lots. (These requirements will not become effective for evaluation reports until existing forms are modified; about June 1, 1979.) Effective now, for new subdivisions or partitionings, the DEQ site evaluation report may be conditioned to go into effect only upon receipt of favorable local compatibility statement and local approval of the preliminary plat or partitioning.
4. Local statements must certify proposals compatible with LCDC-Acknowledged local comprehensive land use plans and implementing ordinances or Statewide Planning Goals.
5. Once the application is complete, DEQ will test the proposed action for compatibility with state and federal environmental quality requirements and relevant provisions of Goals 6 (Air, Water, and Land Resources Quality) and 11 (Public Facilities and Services). However, DEQ actions are in themselves not findings of local land use or Goal compatibility. Both applicant and local government will be informed of the nature and fact of DEQ's actions.
6. In urbanizing areas between city limits and Urban Growth Boundaries, applicants must provide evidence of city concurrence with the county statement on the proposal. The city evidence may be:
 - a. Sign-off below the county sign-off on DEQ's form,
 - b. A copy of the city-county management agreement included in the Urban Area Plan Acknowledged by LCDC,
 - c. A written statement covering the applicant's proposal.
- OR
- OR
7. Inside the Metropolitan Service District (MSD) surrounding Portland, evidence of compatibility with the current regional land use planning process and adopted requirements must be provided, in addition to those discussed above.
8. Proposals within the jurisdiction and requirements of local government boundary commissions for the Portland, Salem, and Eugene areas must be separately cleared with them, as usual. That process is not linked in substance or timing to this new land use clearance, but both must be followed from now on.
9. The attached form is optional for obtaining the local statements prior to application for air, water, and solid waste permits. For subsurface sewage disposal, these requirements are being incorporated into existing forms. Follow similar procedures in obtaining local statement prior to applying for DEQ approval of facility plans or construction grants. Plan and grant applications will not be processed without favorable local statements. Evidence of local application is not sufficient.
10. If DEQ receives a negative local statement of compatibility, we cannot take the action. The permit or approval cannot be issued or if already issued conditionally cannot become effective. DEQ expects the applicant to work with the local jurisdiction to obtain needed zone change, variance, or other modification to produce compatibility with the Acknowledged plan and ordinances or the Goals. Return only when the issues are resolved and the local jurisdiction has made a statement of compatibility.

Permit Application Addendum:

DEQ LAND USE COMPATIBILITY REQUIREMENTS and STATEMENT

ORS 197.180 and DEQ's Coordination Program, as approved by LCDC, require that DEQ-issued permits for new or expanded facilities not become effective until a Statement of Compatibility with applicable local land use plans and Statewide Planning Goals is provided to the DEQ from the responsible local planning authorities.

Applicant Complete

Applicant's Description of the Nature & Location of Proposed New or Expanded Facility. (Include appropriate legal description, planning reference information. / / Check if the site is inside an Urban Growth Boundary but outside city limits. Attach evidence of city concurrence with the county Statement if concurrence not given below.)

COMPLETE ONE ONLY OF THE FOLLOWING:

Planning Authority Statement

Statement of Compatibility from Appropriate Land Use Authority. (An equivalent Statement may be provided in lieu of this form.)

_____ has reviewed the above referenced proposal for compatibility with [cross out one] (its LCDC Acknowledged Comprehensive Plan) (Statewide Planning Goals) and finds the proposal to be compatible.

Signed _____ Title _____ Date _____

/ / City concurrence inside Urban Growth Boundary:

Signed _____ Title _____ Date _____

Applicant's Alternative

Request to Proceed with Permit Processing pending Receipt of Compatibility Statement.


I hereby certify that I have applied to _____ on _____ for the necessary Statement of Compatibility. The local review action is expected to be complete by _____. I hereby request DEQ to proceed with processing my application during this time period in order to minimize delays. I understand that the requested permit when issued cannot become effective until the Compatibility Statement is filed with the Department.

Signed _____

Date _____

To: DEQ Agency Management Group

April 10, 1979

From: Bob Jackman 

Subject: Contents of Notice or Transmittal Conveying DEQ "Land Use Affecting" Actions

Under the provisions of DEQ's Coordination Program approved by LCDC, DEQ actions must convey certain information to the applicant and local government (and the public and other agencies).

To fulfill this promise, please see to it that notices and transmittals of permit, plan, and grant approval issuance include:

1. The Department has tested the proposed action and finds it compatible with DEQ statutes, regulations and policies, and the relevant provisions of Statewide Planning (LCDC) Goals 6 (Air, Water, and Land Resources Quality) and 11 (Public Facilities and Services).
2. This DEQ action does not convey a finding of compatibility with the Statewide Planning Goals or the Acknowledged comprehensive plan and implementing ordinances, including the applicable zoning classification. It is the Department's position that those findings are the responsibility of the local government(s) having comprehensive planning and implementing jurisdiction.
3. _____ (county or city) stated to DEQ _____ (date) that the proposed project is compatible with their LCDC Acknowledged Comprehensive plan and ordinances or the Statewide Planning Goals. DEQ will rely on that statement as evidence that there has been a determination of compatibility.

ADD to 3, if applicable: The site is inside the _____ (city) Urban Growth Boundary and we have evidence the city concurs.

NOTE: For permits where we have evidence that a local compatibility statement has been requested but we do not receive the local statement before time to act, DEQ will issue the permit conditionally. Be certain to include both in the letter in lieu of 3 above, and stamped in red ink on permit page 1:

"Notice: this permit shall not become effective until the applicant has received from the pertinent local government and submitted to the Department, a land use approval, in form deemed sufficient by the Department, for the activity sought to be permitted."

This last statement is in the form approved by counsel, Ray Underwood. Some of you would rather have it shortened, but Ray feels it is necessary for legal protection.

2.3 Program for Assuring Conformance with the Goals and Compatibility with Comprehensive Plans.

DEQ has identified and included in its 1979-81 biennial budget request the additional manpower and support costs needed to provide an adequate level of coordination as described in this program.

2.3.A Review of Current DEQ Programs and Rules.

- 1) The Department has initially reviewed its programs listed in the handbook for conformance and potential conflicts with LCDC's Statewide Planning Goals.

- 2) ^{The Department has initially reviewed} ~~By January 1, 1979, DEQ will review~~ its rules listed in the handbook for goal conformance.

Upon a finding by DEQ that any program or rule is not in conformance, revision consideration will promptly begin. The Department is apt to sometimes need DLCD's mediation of differences between state agencies regarding conformance of DEQ programs and rules with LCDC goals.

2.3.B Review of DEQ Actions Affecting Land Use.

The Department is responsible for programs and actions related primarily to LCDC Goals 6 (Air, Water and Land Resources Quality) and 11 (Public Facilities and Services) to the limit of our statutory authority in serving as the Oregon environmental quality agency. Department implementation of environmental quality programs may from time to time present apparent conflicts with other LCDC goals. DEQ understands that all 19 LCDC goals must be considered by local governments and overall goal conformance and comprehensive plan compatibility assessment developed by the appropriate local government in considering any proposed project or program. It is clearly beyond DEQ's authority and expertise

to make such overall assessment.

The Department will always be available to assist local governments with information they may need on matters under DEQ's authority and will join with other state agencies, including DLCD, and federal and local agencies in any necessary mediations.

The following states the Department's proposed processes to assure that its actions conform with the Statewide Planning Goals and are compatible with local comprehensive plans. As presented here they propose to apply to all DEQ actions affecting land use.

The Department feels that the processes described below are consistent with the intent of the statewide planning statutes (SB 10, SB 100, and SB 570) to place the responsibility for coordinated comprehensive planning at the local level. These processes help to accomplish that by putting the determinations of compatibility with local plans and conformance with Statewide Planning Goals at the local level.

1) Site Specific Actions:

The Department intends to develop administrative ^{procedures and} rules for all site specific actions on new or expansion projects affecting land use. These ~~rules~~ will require a "statement of compatibility" with the acknowledged local comprehensive plan and zoning requirements or the LCDC goals from the appropriate jurisdiction. This statement would have to accompany applications for DEQ permits and construction or funding approvals on new or expansion projects.

- a) The process would work as follows: when an applicant submits an application to DEQ it either will be accompanied by a "statement of compatibility," or evidence ~~from the appropriate local jurisdic~~

~~tion] that the applicant has applied for such a statement before we accept the application as complete for processing. The local statement must indicate the compatibility of the proposed project under ORS, Chapter 197 with the Statewide Planning Goals or LCDC acknowledged local comprehensive plan and ordinances. [The notification will include the date when the statement is due, within the time limits set by Administrative Rule or other authority for processing that category of action, unless an extension is granted.]~~

- (1) If we receive an affirmative local statement of compatibility, DEQ will rely on it as evidence that there has been a determination of compatibility with the statewide goals or LCDC acknowledged local comprehensive plan and ordinances. If the Department determines it should take the action, the local statement of compatibility will be referenced in the public notice and draft permit for review, in the approved final permit, or in the appropriate document issued by DEQ for other actions, depending upon when the statement was received. The Department will indicate that it has tested the proposed action for conformance with Department statutes, regulations & policies, and the relevant provisions of LCDC Goals 6 and 11 (in which the Department declares preeminence in judgment for DEQ programs) and finds it compatible. DEQ will also state that its action does not convey a finding on compatibility with the Statewide Planning Goals or the acknowledged comprehensive plan and implementing ordinances, including the applicable zoning classification. It is the Department's position that those findings are the responsibility of

the local government(s) having comprehensive planning and implementing jurisdiction.

- (2) If we do not receive a local statement within the time specified, and the Department has determined it should take the action then it shall do so *conditionally* while informing the applicant and the local government of jurisdiction that:¹

- (a) DEQ's action (e.g., issuance of a permit) is not a finding of compatibility with the statewide planning goals or the acknowledged comprehensive plan; and
- (b) the applicant must receive a land use approval from the affected local government *before DEQ's action becomes effective.*

However, if the applicant is the jurisdiction responsible for the local statement the application will not be processed until the statement of compatibility is received.

- (3) If we receive a negative statement of compatibility from the appropriate local government indicating that the project is currently not compatible with the acknowledged plan and ordinances or the goals because it needs a zone change or variance or other modification, we will notify the applicant that the action applied for cannot be taken. ~~[or be allowed to stand by DEQ.]~~ If the action *has already been taken* ~~[is a permit it cannot issue or if already issued]~~ conditionally, *cannot become effective.* ~~it [will be suspended or revoked.]~~ The notification will state that DEQ expects the applicant to work with the local jurisdiction

¹ Experience with this ~~[rule]~~ may indicate that a substantial number of "conditional" permits are issued. If management of the resource base is affected, further rule-making may be needed.

Local Statement Received
in time

PERMIT Example (A)
(Land Use Coordination Language)

Permit Number: ~~01-0001~~
Expiration Date: ~~1/1/84~~
Page 1 of 4 Pages

(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)
(New) → and subject to the Land Use Compatibility Statement referenced below.



ISSUED TO:

~~Baker Redi-Mix, Inc.~~
~~Box 625~~
~~Baker, OR 97014~~

Information Relied Upon: ← (Revised)
~~REFERENCE INFORMATION:~~

(1) Application No. ~~4468~~

~~Date Received: 11/21/78~~

PLANT SITE:

~~East H Street~~
~~Baker, OR~~

(2) Land Use Compatibility Statement. ← (New)

From (Filled In)

Dated (" ")

ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY

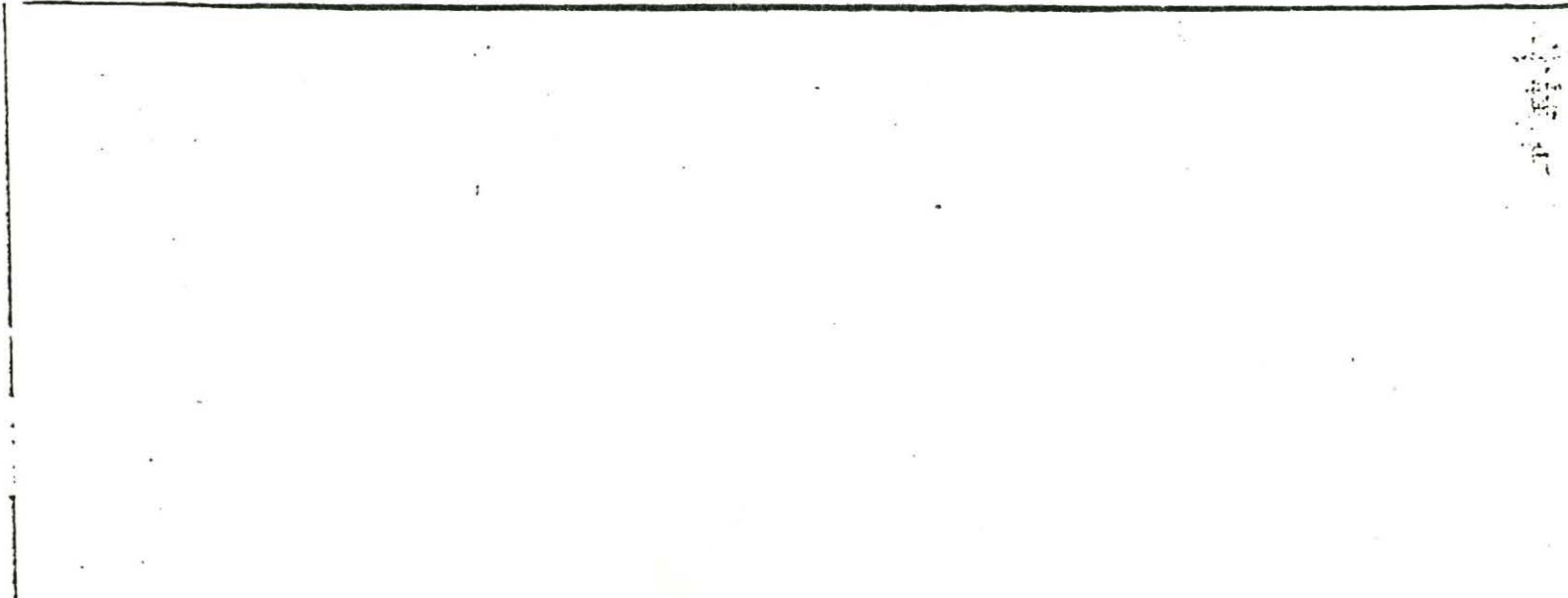
WILLIAM H. YOUNG, Director

Dated



Source(s) Permitted to (Discharge Air Contaminants):

Name of (Air Contaminant Source) (Standard Industry Code as Listed)



RED INK STAMP

No Local Statement YET

Permit Example (B)
(Land Use Coordination Language)

NOTICE: This permit shall not become effective until the applicant has received from the pertinent local government and submitted to the Department, a land use approval, in form deemed sufficient by the Department, for the activity sought to be permitted.

Permit Number: 01-0001
Expiration Date: 1/1/84
Page 1 of 4 Pages

(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)
(New) → and subject to the Land Use Compatibility Statement referenced below.

ISSUED TO:

~~Baker Redi-Mix, Inc.
Box 625
Baker, OR 97814~~

Information Relied Upon: ← (Revised)
~~REFERENCE INFORMATION:~~

(1) Application No. 4468
~~Date Received: 11/21/78~~

PLANT SITE:

~~East H Street
Baker, OR~~

(2) Land Use Compatibility Statement. ← (New)
From _____
Dated _____

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)

April 27 1979

612 SE 73rd Ave.
Portland, Oregon 97215
April 6, 1979

Bill Young, Director
Department of Environmental Quality
P.O. Box 1760
Portland, Oregon 97207

RE: Ozone Ambient Air Quality Standard

Dear Bill:

On March 30, 1979, prior to the EQC meeting, public notices regarding DEQ's proposal to change the state primary air quality standard for ozone appeared in The Oregonian (copy attached). On that same day, the DEQ staff was to present to the EQC a request for authorization to hold a public hearing on this issue.

My question is why were such notices published prior to EQC approval of this request? What would have happened if the EQC declined to authorize the public hearing? In the past, it has been the established policy of the Department to seek EQC approval prior to issuing public notice of hearings. Has this policy been changed? If so, is the EQC aware of this policy change?

In regard to the public notice itself, I find it unclear, ambiguous and bordering on misleading. The implication of the public notice is that consistency with the federal standard is necessary. This, of course, is not true. The state is free to set ambient air quality standards equal to or more stringent than federal standards.

The notice should state specifically that DEQ intends to raise the present state standard from 0.08 ppm to 0.12 ppm. Since lay people are not cognizant of the effects of raising or lowering a particular standard, the notice should also state that such change would result in an increase in the maximum amount of ozone emissions permitted to be discharged into the air. Such specificity is necessary in order to receive maximum public input into this most important decision.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
R E C E I V E D
APR 9 1979

OFFICE OF THE DIRECTOR

Sincerely,

Jan D. Sokol
OSPIRG's representative
to the Portland AQMA
Advisory Committee

cc: members of the EQC
Melinda Renstrom, OEC
Dan Brandt, OSPIRG

and island co.
ties have been fined
board since November.
Good will to increase its
number of employees to
about 500. \$9,700 by the liquor

**YOUR OPPORTUNITY TO COMMENT ON
PROPOSED CHANGES IN THE STATE
OZONE AMBIENT AIR
QUALITY STANDARD**

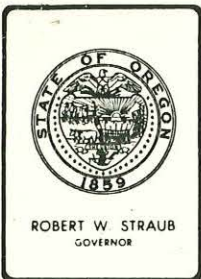
The Department of Environmental Quality is proposing to change the state primary air quality standard for ozone to 0.12 ppm, one hour average, to make it consistent with the federal air quality standard. The DEQ is also soliciting testimony concerning the appropriateness of adopting a secondary (welfare-related) standard for ozone. A revised primary standard may be submitted to EPA as a change to the Oregon Clean Air Act Implementation Plan. You may comment orally at:

- 1:00 PM Public Hearing, May 3, 1979**
Jackson County Courthouse
Auditorium Medford
- 1:00 PM Public Hearing, May 7, 1979 Rm. 36,**
STATE OFFICE BUILDING
1400 S. W. FIFTH AVE. PORTLAND

Copies of the proposed rule are available for your study and comment by writing or phoning Raymond Johnson, 229-6411, DEQ Air Quality Division, P. O. Box 1760, Portland, OR 97207. You can call toll free 1-800-452-7813 and ask for DEQ 229-6411.

Written comments may be submitted until
May 3 at the above address.

File - Oregon
AQ standard
historical



Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

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

April 20, 1979

Mr. Jan Sokol
612 S.E. 73rd Avenue
Portland, OR 97215

Dear Mr. Sokol:

Thank you for your letter regarding the ozone hearing public notice. The public notice regarding the hearing was published on March 30 due to administrative error.

As you are aware, the Department is experimenting with the display ad public notice procedure. We have been advised by the Attorney General's office that until the public notice issue is resolved we should issue public notice at least 30 days prior to hearing and between 20 and 30 days prior to hearing. This would satisfy all requirements with which the Department may have to comply.

The ad of March 30 was published so as to meet the greater than 30 day requirement for the May 3 hearing. Our dates of publication were therefore limited to the period prior to April 2. Staff determined that newspapers of a Friday (March 30) or a Sunday (April 1) would have the widest circulation. We should have published on April 1 after EQC action, but, as I said, an error resulted in March 30 publication.

In regard to your questions on Department policy, it has not changed as it pertains to EQC authorization of hearings for public notice. Contrary to your statement, the Department has, in the past, issued public notice prior to EQC authorization for hearing. This procedure is not followed as standard practice but rather only under extenuating circumstances.

If the EQC had declined to authorize the hearing (which has never been done), the Department would most likely have published a notice that the hearing would not be held. The Department could have, at its option, gone ahead with hearing. Obviously though, that would not be the most prudent course of action. It is a matter of courtesy and policy, not legal requirements, that governs the act of requesting authorization.

Regarding the content of the notice, I am sorry that you found it unacceptable. The intent of the ad was to provide some facts and draw citizens' attention to the Department's proposed action, and I believe this was accomplished. I do not agree that the ad implies consistency with the federal standard is necessary. The ad states that changes "may be submitted to the EPA" as a SIP revision.

Mr. Jan Sokol
April 20, 1979
Page 2

We have also solicited testimony regarding the adoption of a separate welfare standard which would be more stringent than the federal standard. This, too, would imply consistency is not necessary. I do agree that wording to the effect that the state standard is proposed to be raised from 0.08 ppm to the federal level of 0.12 ppm may have been better.

I am sure you understand that we cannot include everything about the subject in an ad and keep the ad at reasonable cost. The Department spent over \$1000 for this public notice alone. As I stated previously, the intent of the notice was to make the public aware of the proposed action, and this was accomplished. Those people whose interest we've drawn now have ample opportunity to get additional information from staff, attend the hearing, and appear before the EQC when the item comes up for adoption.

Near or in non-attainment areas, emissions would not be allowed to increase for either the 0.08 ppm or 0.12 ppm standard. As you are aware, control strategies are being developed to bring non-attainment areas into compliance with the ozone standard. These strategies are based on emission reductions. It is true that the amount of reduction required for these strategies would be less for a 0.12 ppm standard when compared to a 0.08 ppm standard, and in the long term more emissions would be allowed under a 0.12 ppm standard than an 0.08 ppm standard.

It is our intent to convey the impact of the proposed action in the brief notice as clearly as possible. In the future we will pay more attention to the action words in our ads.

I hope this response clarifies the issues in question.

Sincerely,

WILLIAM H. YOUNG
Director

MZ:vh

cc: EQC members
Melinda Renstrom, OEC
Dan Brandt, OSPIRG