

**8/31/1979**

**OREGON  
ENVIRONMENTAL QUALITY  
COMMISSION MEETING  
MATERIALS**



State of Oregon  
**Department of  
Environmental  
Quality**

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OREGON ENVIRONMENTAL QUALITY COMMISSION MEETING

August 31, 1979

Conference Room  
Department of Fish and Wildlife  
506 Southwest Mill Street  
Portland, Oregon

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REVISED TENTATIVE AGENDA

9:00 am CONSENT ITEMS

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

- A. Minutes of the July 27, 1979 meeting and the August 6, 1979 special meeting
- B. Monthly Activity Report for July 1979
- C. Tax Credit Applications

PUBLIC FORUM

- 9:10 am D. 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.

- 9:15 am E. Variance Request - Request by Murphy Veneer Company at Myrtle Point for a variance from noise regulations (OAR 340-35-035(1)(a))

- 9:30 am F. Variance Request - Consideration for approval/disapproval of variance filed by Lane Regional Air Pollution Authority (LRAPA):

A variance from LRAPA Rules Title 22, Section 22-045(1) and Title 32, Section 32-005(B) for Allis-Chalmers Company and Lane County operators of the Lane County Resource Recovery Facility has been filed for EQC consideration pursuant to ORS 468.345(3).

- 9:45 am G. Variance Request - Request by Weyerhaeuser Company's lumber mill at Bly, Oregon for a variance from fuel burning equipment limitations (OAR 340-21-020(1)(b))

(MORE)

- 10:00 am H. Field Burning - Public Hearing to consider adoption as permanent rules amendments to OAR 340-26-005 and 26-015 adopted as temporary rules June 29, 1979 and August 6, 1979; and submission to EPA as a State Implementation Plan (SIP) revision
- ~~11:00 am I. Log Handling - Consideration of adoption of additional guidelines for log storage in Coos Bay~~ DEFERRED
- J. Water Quality Rule Adoption - Amendment of Water Quality Permit Fees (OAR 340-45-070, Table A) to increase revenues for the 79-81 biennium
- ~~K. Water Quality Rule Adoption - Proposed adoption of revisions to Oregon's Water Quality Standards (OAR Chapter 340, Division 4)~~ DEFERRED
- L. Proposed Fiscal Year 80 Sewerage Works Construction Grants Priority Criteria and Management System
- M. 208 Nonpoint Source Project - Approval of final reports and agreements to replace draft documents identified in the Water Quality Management Plan approved November 17, 1978
- N. Commission selection of a Vice-Chairman

WORK SESSION

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

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Because of the uncertain time span involved, the Commission reserves the right to deal with any item at any time in the meeting except those items with a designated time certain. 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 B off the Standard Plaza Building Cafeteria, 1100 Southwest Sixth Avenue, Portland. The Commission will lunch at the DEQ Laboratory, 1712 Southwest 11th Avenue, Portland.

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

August 31, 1979

On Friday, August 31, 1979, the one hundred twelfth meeting of the Oregon Environmental Quality Commission convened in the Commission Room of the Oregon Department of Fish and Wildlife, 506 Southwest Mill Street, Portland, Oregon.

Present were Commission members: Mr. Joe B. Richards, Chairman; Mr. Albert H. Densmore and Mr. Fred J. Burgess. Commissioner Ronald M. Somers was absent. Present on behalf of the Department were its Director, William H. Young, and several members of the Department staff.

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

BREAKFAST MEETING

The Commission met for breakfast at 7:30 a.m. in Conference Room B off the Standard Plaza Building Cafeteria, 1100 Southwest Sixth Avenue, Portland, and discussed the following items without taking any action on them.

1. Introduction of Rodney Briggs, Chairman of the Department's Water Quality Policy Advisory Committee to the Commission.
2. Sunrise Village Status Report. Mr. Tim Ward of the Sunrise Village Development in Bend appeared and informed the Commission that the sewerage system was 95% complete. He said there were not any homes under construction yet, but some may be soon. Mr. Ward felt confident that the County was legally obligated to form a sanitary district for them. Mr. Young asked if the County didn't form a sanitary district at their meeting on September 11, 1979, should the staff move to halt further construction until the issue was resolved. He suggested the Commission might want to give the staff guidance at the formal meeting.

The Commission instructed the Department to take no action while the issue was before the County and to make a recommendation to the Commission at their September meeting.

3. Ford Motor Company request for relaxation of 75 dBA standard for 1982 automobiles. Mr. John Hector of the Department's Noise Control Section, passed out a similar letter received from General Motors. He proposed to request authorization for a rule-making hearing in November, holding hearings in January, and returning to the Commission for action in February.

4. Field Burning Status Report. Mr. Scott Freeburn, Air Quality Division, informed the Commission that approximately 138,000 acres had been burned so far. He also presented the weekly field burning report prepared for the Governor.

FORMAL MEETING

AGENDA ITEM A - MINUTES OF THE JULY 27, 1979 MEETING AND THE AUGUST 6, 1979 SPECIAL MEETING

It was MOVED by Commissioner Densmore, seconded by Commissioner Burgess and carried unanimously that the minutes of the July 27, 1979 meeting and the August 6, 1979 special meeting be approved as presented.

AGENDA ITEM B - MONTHLY ACTIVITY REPORT FOR JULY 1979

It was MOVED by Commissioner Burgess, seconded by Commissioner Densmore and carried unanimously that the Monthly Activity Report for July 1979 be approved as presented.

AGENDA ITEM C - TAX CREDIT APPLICATIONS

It was MOVED by Commissioner Densmore, seconded by Commissioner Burgess and carried unanimously that tax credit applications T-1071 (D & P Orchards), T-1084 (Thomsen Orchards, Inc.), T-1088 (Robert M. McIsaac), T-1091 (Glacier Ranch) and T-1094 (Paul H. Klindt), be approved.

AGENDA ITEM J - WATER QUALITY RULE ADOPTION - AMENDMENT OF WATER QUALITY PERMIT FEES (OAR 340-45-070, TABLE A) TO INCREASE REVENUES FOR THE 1979-81 BIENNIUM

The 1977 Legislature included a budget note requiring an increase in water permit fees for the 1979-81 budget biennium. This increase is to cover inflation proportional to general fund inflation using 1974-75 as the base year. Following the recommendations of the Water Quality Permit Task Force, a revision in the permit processing fees was made which should increase revenue from 22% to 25%. No change in the annual compliance determination was proposed.

Summation

1. An increase in Water Quality Permit Fee revenues of about 25% is necessary because of a request by the 1977 Legislature.
2. The Department proposes to raise this entire amount by increasing only the permit processing fees. This follows the recommendation of the Water Quality Permit Task Force.
3. The staff have been responsive to the limited amount of public input by making three recommended changes in the proposed schedule.

4. The fee schedule as modified should raise the necessary revenue in a fair and equitable manner.

Director's Recommendation

Based upon the summation, it is recommended that the Commission adopt the new fee schedule which modifies Table B of OAR 340-45-070.

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

AGENDA ITEM D - PUBLIC FORUM

No one wish to appear on any subject.

AGENDA ITEM N - COMMISSION SELECTION OF A VICE-CHAIRMAN

It was MOVED by Commissioner Burgess, seconded by Commissioner Densmore and carried unanimously that Commissioner Densmore be elected Vice-Chairman of the Commission.

AGENDA ITEM M - 208 NONPOINT SOURCE PROJECT - APPROVAL OF FINAL REPORTS AND AGREEMENTS TO REPLACE DRAFT DOCUMENTS IDENTIFIED IN THE WATER QUALITY MANAGEMENT PLAN APPROVED NOVEMBER 17, 1978

The initial 208 nonpoint source pollution control program was approved by Commission action on November 17, 1978. The program has been updated since that time. Several interagency agreements approved in draft form and draft reports have been finalized. In addition, there have been significant changes in the agricultural elements of the program. The State Soil and Water Conservation Commission is now the proposed management agency for control of agricultural nonpoint sources of pollution statewide. Several best management practices for control of agricultural nonpoint source pollution problems have been prepared. A 208 plan for erosion control along the South Fork John Day River has been completed. A 208 plan for control of nonpoint pollution sources along Bear Creek, a tributary of the Rogue River, has been completed. The Commission is requested to approve the finalized interagency agreements, final reports, the designation of the State Soil and Water Conservation Commission as the management agency for agricultural nonpoint source pollution control, completed best management practices for control of agricultural nonpoint sources of pollution, and the 208 plans on the South Fork John Day River and Bear Creek.

Summation

1. The Commission adopted initial elements of the Statewide Water Quality Management Plan in December 1976.
2. A project to develop initial nonpoint source plan elements was initiated in October 1976.

3. A substantial public involvement program was undertaken as a part of the project.
4. The State's Water Quality Management Plan, as well as any additions or modifications, must be submitted to EPA for approval.
5. The Commission must approve the plan prior to submittal to EPA.
6. The additions to the State's plan; Volume V (nonpoint source narrative summary), Volume VI (nonpoint source action program), and Volume VII (summary of public involvement) were approved November 1978.
7. The Department requests that the proposed changes to Volumes V and VI be approved.

Director's Recommendation

1. Approve proposed changes to Volumes V and VI of the Statewide Water Quality Management Plan.
2. Authorize the Director to transmit Volumes V and VI to EPA together with the certification that these volumes are an official replacement to Volumes V and VI, approved November 17, 1978.

Chairman Richards noted that the State Soil and Water Conservation Commission had been designated as the management agency for nonpoint sources on private agricultural lands. Mr. Tom Lucas of the Department's Water Quality Division, replied that the Governor had to designate a lead agency and the proposal was for the Commission to relinquish control over nonpoint sources on private agricultural lands. Chairman Richards indicated that was a good idea because he was unsure the Department had all the necessary information to manage such lands. He asked if at some later date the Commission could take back control. Mr. Lucas said that could be done, but it would take Governor action.

Mr. Charles D. Bailey, State Soil and Water Conservation Commission, testified in support of the 208 nonpoint source program. Mr. Bailey's written testimony is made a part of the Commission's record on this matter.

Commissioner Densmore expressed interest in contacting the State Department of Economic Development regarding this matter. The staff indicated it would do that.

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

AGENDA ITEM E - VARIANCE REQUEST - REQUEST BY MURPHY VENEER COMPANY  
AT MYRTLE POINT FOR A VARIANCE FROM NOISE REGULATIONS (OAR 340-35-035(1)(a))

Murphy Veneer Company in Myrtle Point has requested a variance from the nighttime industrial noise standards. This veneer mill is currently in violation of daytime standards also, but has agreed to noise control methods to bring the mill into compliance with daytime standards.

Summation

1. The Murphy Company owns and operates a veneer mill within the city limits of Myrtle Point.
2. Noise violations were documented in 1976. Recommended noise abatement measures were largely completed by the end of 1977 and were effective in reducing noise levels.
3. The mill was expanded in 1977 with several new pieces of equipment being added. The company was notified that the expansion could result in further noise violations, but apparently chose to proceed without recommended noise abatement measures being incorporated into the expansion.
4. Noise violations were again recorded in February 1979. The new violation was largely the result of new equipment added during the mill expansion.
5. Murphy Company has proposed to reduce noise levels to meet the daytime standards, at an estimated cost of \$51,350 (\$58,050 DEQ).
6. Murphy Company has requested a variance to allow 2 1/2 hours per day operation in excess of nighttime noise standards (OAR 340-35-035(1)(a)). In their opinion, the added cost of \$15,800 is not justified considering they only operate the mill for 2 1/2 hours during the nighttime. In addition, the company cites the increased maintenance time that will result if the conveyors are enclosed as required to fully comply.
7. The Commission is authorized to grant variances from noise regulations under ORS 467.060, and OAR 340-35-100, provided that certain conditions are met. Murphy Company is applying for a variance based on financial hardship, and that the additional noise abatement measures will be impractical.
8. In the Department's opinion, Murphy Company has not met the conditions for a variance.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the request for a variance be denied.



Mr. F. Glen Odell, Seton, Johnson and Odell Consulting Engineers, testified they had been working on the problem since 1976. Noise at the residence of the main complainant was within standards, he said, however standards were exceeded elsewhere. Mr. Odell said the Company had spent much on noise abatement equipment and the main problem was with the debarker equipment. He said additional equipment had been installed on the debarker in an effort to control the noise. Therefore, he continued, the facility was modified and not expanded as the Department maintained.

Mr. Odell said the basis for the Company's request was not cost, but that strict compliance was unreasonable and burdensome.

Mr. Odell also took issue with the compliance schedule made by Department staff and requested that the Company be allowed to submit an alternate schedule. He said the schedule made by Department staff would only allow the mill three months to comply, and more time was needed.

Mr. Odell said that no other sawmill in the State had as stringent noise standards imposed. The Company has made a substantial effort to comply and was committed to more, he said. Mr. Odell also said the Company was committed to being good neighbors.

Mr. Kevin Murphy, Murphy Veneer Company, said they were receptive to complaints and were trying to comply. He said this was not an economical matter but a practical one.

It was MOVED by Commissioner Densmore, seconded by Commissioner Burgess and carried unanimously, finding that because special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause, a variance be granted Murphy Veneer Company through July 31, 1981. Such variance be conditioned that nighttime noise not exceed daytime standards and the hours of plant operation be limited to 6:00 a.m. to 12:30 a.m. Diesel log loaders must also comply with these variance conditions. The Commission instructed the staff and Company to arrive at a mutually agreeable time schedule and to report back to the Commission in September on the progress or exceptions to variance conditions.

AGENDA ITEM F - VARIANCE REQUEST - CONSIDERATION FOR APPROVAL/DISAPPROVAL OF A VARIANCE FILED BY LANE REGIONAL AIR POLLUTION AUTHORITY (LRAPA)

A variance from LRAPA Rules Title 22, Section 22-045(1) and Title 32, Section 32-005(B) for Allis-Chalmers Company and Lane County operators of the Lane County Resource Recovery Facility has been filed for EQC consideration pursuant to ORS 468.345(3).

The Board of Directors of the Lane Regional Air Pollution Authority granted a variance to operate the air classification system at the Lane County Resource Recovery Facility without highest and best practicable controls and without a compliance schedule. This variance is valid only until the source can be tested and control equipment installed. Department regulations provide for Commission review of variances granted by regional authorities and this variance is presented for the Commission's approval, denial or modification.

Summation

1. Allis-Chalmers Company and Lane County requested a variance from LRAPA rules (32-005-B and 22-045-1) to operate the Lane County Resource Recovery Facility air classification system without controls until testing can be done and controls designed and installed.
2. The Board of Directors of the Lane Regional Air Pollution Authority approved a conditional variance on July 11, 1979.
3. LRAPA submitted the variance to the Department on July 26, 1979 for consideration by the Commission.
4. The Commission is authorized by ORS 468.345(3) to approve, deny, or modify variances submitted by regional authorities.
5. Requiring installation of control equipment prior to operation and testing of the air classification system would constitute an unreasonable financial burden on the facility because of the potential for installation of an oversized and more expensive control system than would otherwise be required.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission approve the variance and conditions granted to the Lane County Resource Recovery Facility by the Lane Regional Air Pollution Authority Board of Directors.

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

AGENDA ITEM G - VARIANCE REQUEST - REQUEST BY WEYERHAEUSER COMPANY'S LUMBER MILL AT BLY, OREGON FOR A VARIANCE FROM FUEL BURNING EQUIPMENT LIMITATIONS (OAR 340-21-020 (1) (b))

Weyerhaeuser has requested a variance to operate their hogged fuel boiler in excess of the grain loading limit for new sources. This boiler was built in 1947, moved to Bly in 1976 and therefore meets the Department's definition of new source. Weyerhaeuser had demonstrated that the boiler can comply with the grain loading limit for existing sources and the opacity limit for new sources. Weyerhaeuser has based their variance request on the excessive cost of control equipment necessary to meet the limits for new sources.

Summation

1. Weyerhaeuser Company has requested a variance from OAR 340-21-020(1)(B), Fuel Burning Equipment Limitations for the operation of the Sterling hogged fuel boiler at their Bly sawmill.
2. The Commission has the authority, under ORS 468.345, to grant a variance from a rule which it finds unreasonable, burdensome or impractical.

3. The boiler has been source tested and can operate at 0.13 gr/SCF. The limit for "new sources" is 0.1 gr/SCF. The limit for "existing sources" is 0.2 gr/SCF. Visible emission observations indicate that the boiler can comply with the "new source" opacity limit of 20 percent.
4. Weyerhaeuser has estimated and the Department concurs that the capital costs of controls to meet the 0.1 gr/SCF limit may be in excess of \$800,000 and operating costs may be in excess of \$100,000 per year.
5. Ambient sampling results indicate that the Bly airshed is well within the ambient air standard set by the State of Oregon and EPA.
6. The boiler has demonstrated an ability to comply with the proposed variance limits of 0.13 gr/SCF and 20 percent opacity and is not causing any fallout or similar air quality problems.
7. The Department has concluded that the operation of the boiler as tested, as observed since the test and in compliance with the proposed variance conditions, will not cause significant degradation of the airshed.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance from OAR.340-21-020(1)(B), Fuel Burning Equipment Limitation, to Weyerhaeuser Company for the Sterling hogged fuel boiler at the sawmill in Bly, Oregon subject to the following conditions:

- A. Particulate emissions shall not exceed 0.13 gr/SCF corrected to 12 percent CO<sub>2</sub>.
- B. Visible emissions shall not exceed 20 percent opacity for more than three minutes in any one hour.
- C. If the Department determines that the boiler is causing an adverse environmental impact, this variance may be revoked.
- D. This variance is granted to the Sterling boiler for the operating life of the Sterling boiler at this location.

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

AGENDA ITEM H - FIELD BURNING - PUBLIC HEARING TO CONSIDER ADOPTION AS PERMANENT RULES AMENDMENTS TO OAR 340-26-005 and 26-015 ADOPTED AS TEMPORARY RULES JUNE 29, 1979 and AUGUST 6, 1979; AND SUBMISSION TO EPA AS A STATE IMPLEMENTATION PLAN (SIP) REVISION

This is the first of two proposed public hearings relating to modification of rules for open field burning. Permanent rules revision are proposed to respond to concerns of both the Environmental Protection Agency and the City of Eugene. Due to the nature of the rules revision, requests from these groups, and the limited scope of the notice for this public hearing, a second hearing is proposed for the September 21, 1979 meeting. This staff report identifies the changes proposed for each of these public hearings.

Summation

The Environmental Protection Agency (EPA) Region X, has reviewed the Department's proposed revision to Oregon's Clean Air Act State Implementation Plan (SIP) and has requested additional clarification and changes affecting field burning regulations and procedures. In addition, in view of the potential for burning 180,000 acres as a result of an executive order issued by Governor Atiyeh, the City of Eugene has asked for revisions to certain field burning regulations. Due to the limited scope of the public notice given regarding this August 31, 1979 public hearing, some of the requested rule revisions are proposed for public hearing at the Environmental Quality Commission's September 21, 1979 meeting.

At this August 31, 1979 public hearing, the Department proposes for EQC adoption:

1. A revision to OAR 340-26-015(2), as shown in Attachment II of the staff report, to redefine the term quota and specifically provide authority for issuance of single, multiple, or fractional quotas. The language of the proposed revisions would better reflect actual operating procedures.
2. A revision to OAR 340-26-005 and 26-015(4)(e)(A), as shown in Attachment II of the staff report, to define a perimeter lighting technique and to require the use of perimeter lighting on perennial grasses and into-the-wind striplighting on annual grasses and cereal grain crops.

The requirements may be waived in the event of a mixing depth of 5,000 feet or greater, due to the relatively lower amount of ground level smoke of perimeter lighting, the relatively lower emissions of into-the-wind striplighting, and the use of a form of perimeter lighting under good ventilation conditions, the rule revision is proposed as continuous emission control.

3. A revision to OAR 340-26-015(1)(c), as shown in Attachment II of the staff report, to clarify the current wording such that prohibition conditions are in effect whenever northerly winds exist and vertical mixing is less than or equal to 3,500 feet.

At the proposed September 21, 1979 public hearing, the Department would propose rule revisions as shown in Attachment III of the staff report to:

4. Modify OAR 340-26-005 to define "Unlimited Ventilation Conditions."
5. Modify OAR 340-26-013(6)(a) to allow up to 7,500 acres of experimental burning to be conducted each year.
6. Delete OAR 340-36-013(1)(c) and remove the Commission's authority to set annual acreage limitation under administrative rules.
7. Modify OAR 26-015(4)(f) to implement the 50/65 percent maximum relative humidity restrictions on burning under forecast northerly and southerly winds respectively. Such restrictions would be based upon the nearest measuring station.
8. Modify OAR 26-015(4)(d)(B) to prohibit the burning of South Valley priority acreages upwind of the Eugene/Springfield area.

#### Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission take the following action:

1. Acknowledge as of record the consultation with and recommendations of Oregon State University, as presented at the public hearing, and the Department and any other parties consulted pursuant to ORS 468.460(3).
2. Subject to any changes found appropriate as a result of the August 31, 1979 public hearing, recommendations made to the Commission or findings reached at this meeting, adopt the proposed amendments to OAR Chapter 340, Sections 26-005 and 26-015, identified under items 1, 2 and 3 of the Summation, as rules to become effective immediately upon filing with the Secretary of State.
3. Instruct the Department to file promptly the adopted rules with the Secretary of State as permanent rules to become effective immediately upon such filing and to forward the rules and other pertinent information to the EPA as a supplement to the previously submitted revision to Oregon's Clean Air Act State Implementation Plan.

Mr. Terry Smith, City of Eugene, and Mr. Dave Nelson, Oregon Seed Growers Association, appeared and presented the following mutually-agreed upon amendment to the proposed rules. Mr. Scott Freeburn of the Department's Air Quality Division said the Department had no objections to the amendment.

Ignition Technique Rule Changes

1. OAR 340-26-005(18) is amended to read:

"Perimeter burning" means a method of burning fields in which all sides of the field are ignited as rapidly as practicable in order to maximize plume rise. Little or no preparatory backfire burning shall be done.

2. OAR 340-26-005(19) through 26-005(27) are renumbered to be OAR 340-26-005(20) through 26-005 (28) respectively, and a new OAR 340-26-005(19) is added to read:

"Regular headfire burning" means a method of burning fields in which substantial preparatory backfiring is done prior to ignition of the upwind side of the field.

3. OAR 340-26-015(4) (e) is amended to read:

(e) Restrictions on burning techniques.

- (A) The Department shall require the use of into-the-wind striplighting on annual grass seed and cereal crop fields when fuel conditions or atmospheric conditions are such that use of into-the-wind striplighting would reduce smoke effects, and specifically the Department shall require such use when,
  - (i) Burning occurs shortly after restrictions on burning due to rainfall have been lifted or when the fields to be burned are wet; or
  - (ii) It is estimated that plume rise over 3500 feet will not occur.
- (B) The Department shall require the use of perimeter burning on all dry fields where no severe fire hazard conditions exist and where striplighting is not required. "Severe fire hazards" for the purposes of this subsection means where adjacent and vulnerable timber, brush, or buildings exist next to the field to be burned.
- (C) The Department shall require regular headfire burning on all fields where a severe fire hazard exists.

It was MOVED by Commissioner Densmore, seconded by Commissioner Burgess and carried unanimously that the Director's Recommendation as amended by Mr. Smith and Mr. Nelson be approved.

AGENDA ITEM L - PROPOSED FISCAL YEAR 80 SEWERAGE WORKS CONSTRUCTION GRANTS PRIORITY CRITERIA AND MANAGEMENT SYSTEM

The priority system includes an overall management strategy and a set of priority criteria for ranking of identified sewerage works construction needs throughout the State. The State's project priority list will be developed and managed in accordance with this priority system. Additionally, the priority list will be used to provide federal assistance to eligible projects which are within the fundable range of the State's FY 80 allotment and as determined by federal regulation.

Summation

1. There is an identified need to increase the flexibility within the authority of the current federal regulations to cope with decreased levels of federal funding and soaring inflation in the Sewerage Works Construction Grant Program.
2. The Department offered to the public on June 25, 1979, several specific policy issues which could alter the criteria for ranking projects. Additionally, on August 3, 1979, a Public Hearing was conducted to take testimony on the proposed management system and priority criteria.
3. The proposed State Priority System for FY 80, Attachment C of the staff report, establishes the management system and priority criteria that will be used to develop the project priority list and regulate the certification of projects during FY 80.
4. The State Priority System for FY 80, reflects the public input as well as staff evaluation and analysis of the current priority criteria.

Director's Recommendation

Based on the Summation, the Director recommends:

1. That the State Priority System as presented in Attachment C of the staff report be adopted.
2. That the EQC authorize the Department to hold a public hearing early in October on a draft FY 80 priority list developed in accordance with the adopted priority system.

Mr. David J. Abraham, Clackamas County, appeared regarding the Tri-City Area Regional Program and the Mt. Hood Community Project. He said that opportunities for initiating a new direction in wastewater management in these two project areas would be lost if these programs were not implemented under the FY 80 grant program.

Mr. Abraham believed the priority ranking criteria should encompass a broader scope and that statewide land use planning goals must be addressed. He suggested that the criteria be modified to reinstate the utilization of a discretionary fund in the amount of five to ten percent of the available grant monies. This fund would provide the Director the flexibility to deal with the special circumstances that the rigidity of the proposed criteria was incapable of solving, he continued.

Mr. Abraham's written statement is made a part of the Commission's record on this matter.

Mr. Carl Bright, American Guaranty Life Insurance Company, testified that his Company was developing an area on Mt. Hood. He said the Wemme/Welches area could no longer truck its sewage to Sandy and they need their own treatment facility. He urged that the Mt. Hood projects be raised on the priority list to get funding in FY 80.

Ms. Anne Crockett, Hoodland Chamber of Commerce, also asked that the Mt. Hood projects be funded. She said the community could not grow without a sewage treatment facility.

Ms. Maryanne Hill Clackamas County Planning Commission, asked that Mr. Abraham's suggestions be considered and that the Mt. Hood projects be funded. She also stressed that the area needed a chance to grow.

Mr. William V. Pye, General Manager, Metropolitan Wastewater Management Commission, Eugene/Springfield, said he was uncomfortable with the proposed criteria and urged the Commission to consider other projects that were loosing their federal funds.

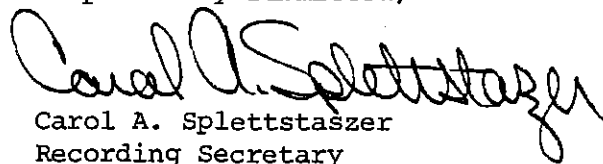
Mr. Denton Kent, Metropolitan Service District, urged revision of the criteria to include projects whose need was great. He asked that pollution control bond funds be used as a supplement to federal funds. Mr. Kent volunteered MSD to work with DEQ to find solutions to the funding problem.

Commissioner Densmore supported exploring the use of bond funds as supplemental funding. He asked that staff report be presented to the Commission in September regarding this possibility.

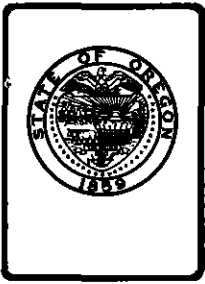
It was MOVED by Commissioner Densmore, seconded by Commissioner Burgess and carried unanimously that the Director's Recommendation be approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Carol A. Splettstaszer  
Recording Secretary





## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item B, August 31, 1979, EQC Meeting  
July Program Activity Report

### Discussion

Attached is the July Program Activity Report and the June Contested Case Log.

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/EQC 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  
229-6485  
08-15-79



Contains  
Recycled  
Materials

DEPARTMENT OF ENVIRONMENTAL QUALITY

Monthly Activity Report

July, 1979

Month

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DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality, Water Quality,  
Solid Waste Divisions

July, 1979

(Reporting Unit)

(Month and Year)

SUMMARY OF PLAN ACTIONS

	Plans Received		Plans Approved		Plans Disapproved		Plans Pending
	Month	Fis.Yr.	Month	Fis.Yr.	Month	Fis.Yr.	
<u>Air</u>							
Direct Sources	17	17	16	16	0	0	67
Total	17	17	16	16	0	0	67
<u>Water - Breakdown Information Not Available</u>							
Municipal							
Industrial							
Total							
<u>Solid Waste</u>							
General Refuse	1	1	1	1	0	2	4
Demolition	0	0	0	0	0	0	0
Industrial	1	1	0	0	0	0	2
Sludge	1	1	0	0	0	0	1
Total	3	3	1	1	0	2	8
<u>Hazardous Wastes</u>							
	0	0	0	0	0	0	0
<u>GRAND TOTAL *</u>	20	20	17	17	0	2	75

\* Statistics Incomplete

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

July, 1979  
(Month and Year)

PLAN ACTIONS COMPLETED - 16

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

Direct Stationary Sources

Grant (NC 1330)	Prairie Wood Products Hog fuel boiler	3/09/79	Approved
Jackson (NC 1355)	Timber Products Co. Up-grade baghouse	7/05/79	Approved
Lane (NC 1386)	E.A. Nicholson Paving lot and driveway	6/26/79	Approved
Lane (NC 1387)	Lory's Tavern Paving lot	6/26/79	Approved
Clackamas (NC 1390)	Kaiser Medical Care Replacement incinerator	7/24/79	Approved
Crook (NC 1391)	Ochoco Pellet Plant Baghouse	7/06/79	Approved
Multnomah (NC 1394)	Shell Oil Co. Vapor Recovery Absorber	7/24/79	Approved
Washington (NC 1405)	Tektronix, Inc. Dust collection system	7/06/79	Approved
Clackamas (NC 1414)	Omark Industries, Inc. Trichlorethylene degreaser	6/25/79	Approved
Jackson (NC 1422)	Dawn River Forest Products Baghouse on sys. #9 & #11	6/22/79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division (Reporting Unit)	July, 1979 (Month and Year)
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PLAN ACTIONS COMPLETED - 16, cont'd

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

Direct Stationary Sources (Cont.)

Marion (NC 1425)	Miracle Auto Painting Paint spray booth	6/29/79	Approved
Jackson (NC 1426)	White City Plywood Co. Burley scrubbers, dryers	6/28/79	Approved
Marion (NC 1429)	Green Veneer, Inc. Hot water vats	7/13/79	Approved
Lane (NC 1434)	Trus Joist Corp. Cyclone-filter	7/26/79	Approved
Jackson (NC 1435)	Timber Products Co. Dryer-Burley scrubbers	6/25/79	Approved
Washington (NC 1442)	Mercer Industries Paint spray booth	6/28/79	Approved

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

July, 1979  
(Month and Year)

SUMMARY OF AIR PERMIT ACTIONS

	<u>Permit Actions Received</u>		<u>Permit Actions Completed</u>		<u>Permit Actions Pending</u>	<u>Sources Under Permits</u>	<u>Sources Reqr'g Permits</u>
	<u>Month</u>	<u>FY</u>	<u>Month</u>	<u>FY</u>			
<u>Direct Sources</u>							
New	2	2	0	0	27		
Existing	1	1	0	0	17		
Renewals	4	4	8	8	81		
Modifications	<u>2</u>	<u>2</u>	<u>9</u>	<u>9</u>	<u>12</u>	1902	1946
Total	9	9	17	17	137	-	-
<u>Indirect Sources</u>							
New	5	5	8	8	16		
Existing	-	-	-	-	-		
Renewals	-	-	-	-	-		
Modifications	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>	130	
Total	6	6	8	8	17		
<u>GRAND TOTALS</u>	15	15	25	25	154	2032	1946

Number of Pending Permits

Comments

27	To be drafted by Northwest Region
7	To be drafted by Willamette Valley Region
11	To be drafted by Southwest Region
7	To be drafted by Central Region
9	To be drafted by Eastern Region
2	To be drafted by Program Planning Division
5	To be drafted by Program Operations
14	Awaiting Next Public Notice
<u>55</u>	Awaiting the end of 30-day Noted Period
137	

28 Technical Assistances  
13 A-95's

## DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMITS ISSUED - 24

## DIRECT STATIONARY SOURCES

COUNTY	SOURCE	PERMIT NUMBER	APPLICATION RECEIVED	STATUS	DATE ACHIEVED	TYPE OF APPLICATION
BENTON	LEADING PLYWOOD CORP.	02 2479	07/02/79	PERMIT ISSUED	07/02/79	MOD
BENTON	BRAND S CORPORATION	02 2482	06/28/79	PERMIT ISSUED	06/28/79	MOD
BENTON	NIZICH FOREST PRODUCTS	02 7085	06/29/79	PERMIT ISSUED	06/29/79	MOD
COLUMBIA	BOISE CASCADE PAPERS	05 1849	00/00/00	PERMIT ISSUED	06/06/79	MOD
DESCHUTES	BROOKS SCANLON INC	09 0003	00/00/00	PERMIT ISSUED	06/22/79	RNW
DOUGLAS	THE ROBERT DOLLAR CO	10 0045	02/07/79	PERMIT ISSUED	07/13/79	RNW
GRANT	PRAIRIE CITY TMBR CO	12 0003	00/00/00	PERMIT ISSUED	06/22/79	MOD
JACKSON	NIKKEL LUMBER CO	15 0044	00/00/00	PERMIT ISSUED	06/22/79	MOD
JOSEPHINE	SWF PLYWOOD INC. PLANT #4	17 0007	00/00/00	PERMIT ISSUED	06/22/79	RNW
JOSEPHINE	SWF PLYWOOD PLANT #3	17 0030	04/19/78	PERMIT ISSUED	07/05/79	RNW
JOSEPHINE	APPLEGATE CONCRETE	17 0048	00/00/00	PERMIT ISSUED	06/22/79	MOD
MARION	CHAMPION BUILDING PRODUCT	24 5667	11/24/78	PERMIT ISSUED	07/02/79	RNW
MULTNOMAH	COLUMBIA STEEL CASTINGS	26 1869	02/27/79	PERMIT ISSUED	07/13/79	RNW
MULTNOMAH	RHODIA INC. CHIPMAN	26 2403	00/00/00	PERMIT ISSUED	06/22/79	RNW
POLK	OSTROM LUMBER CO	27 0129	06/08/79	PERMIT ISSUED	06/29/79	MOD
UMATILLA	FAME FURNITURE	30 0037	00/00/00	PERMIT ISSUED	06/22/79	MOD

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Air Quality Division  
(Reporting Unit)

July, 1979  
(Month and Year)

PERMIT ACTIONS COMPLETED - 24, cont'd

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

Indirect Sources

Clackamas	Oswego Creek Bridge File No. 03-7919	7/31/79	Final Permit Issued
Multnomah	PIA Expansion File No. 26-7908	7/10/79	Final Permit Issued
Washington	Center Street Apartments 295 spaces File No. 34-7913	7/08/79	Final Permit Issued
Washington	Quad 141 510 spaces File No. 34-7914	7/06/79	Final Permit Issued
Washington	Merlo Station Business Center 710 spaces File No. 34-7915	7/06/79	Final Permit Issued
Multnomah	East End Morrison Bridge Parking Lot 220 spaces File No. 26-7916	7/21/79	Final Permit Issued
Washington	Illusions 350 spaces File NO. 34-7917	7/27/79	Final Permit Issued
Washington	Greenburg Road Highway 217 - S.W. Oak File No. 34-7918	7/30/79	Final Permit Issued



DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY DIV. ACTIVITY REPORT

8/10/79 PLAN ACTIONS COMPLETED: 108

MUNICIPAL SOURCES 94

FOR JULY 1979

ENGR COUNTY	LOCATION	PROJECT	REVIEWER	DATE RECVD	DATE OF ACTION	ACTION	DAYS TO COMPLETE
	REDMOND	SUNSHINE VALLEY PROJ	K	7/05/79	7/24/79	PA	19
	BCVSA	CHAFLIN SUBDIV	K	7/05/79	7/25/79	PA	20
	CCSD NO 1	FALBROOK III SUBDIV	K	7/05/79	7/16/79	PA	11
	GREEN SAN	SANTA MARIA EST	K	7/02/79	7/10/79	PA	08
	GRESHAM	HUNTERS HIGHLAND PH I	K	7/02/79	7/23/79	PA	21
	COTTAGE GRVE	COOKS IND PK	K	7/06/79	7/18/79	PA	12
	COTTAGE GRVE	ROSE SUBDIV	K	7/06/79	7/18/79	PA	12
	COTTAGE GRVE	HARVEY LN SUBDIV	K	7/05/79	7/18/79	PA	13
	GREEN SAN DT	LINNELL STREET	K	7/06/79	7/24/79	PA	18
	ROSEBURG	ILLAHEE PUD	K	7/02/79	7/17/79	PA	15
	EUGENE	JUDKINS HEIGHTS SUBDIV	K	7/09/79	7/27/79	PA	18
	EUGENE	BRAEWOOD HILLS	K	7/09/79	7/27/79	PA	18
	GREEN SAN DT	RUBINO EXT	K	7/02/79	7/10/79	PA	08
	GRESHAM	NESTANI SUBDIV	K	7/12/79	7/23/79	PA	11
	MYRTLE CRK	PARKVIEW SUBDIV	K	7/02/79	7/19/79	PA	17
	SALEM	CHILOQUIA SUBDIV	K	7/02/79	7/23/79	PA	21
	ROSEBURG	MILLER RELOC	K	7/02/79	7/23/79	PA	21
	SALEM	CLOUD 9 VILLAGE	K	7/02/79	7/26/79	PA	24
	AUMSVILLE	2ND STREET EXT	K	7/02/79	7/18/79	PA	16
	SALEM	KOSTENBORDER PROP	K	7/05/79	7/20/79	PA	15
	WOODBURN	MT HOOD VILLAGE	K	7/02/79	7/24/79	PA	22
	THE DALLES	"J" STREET SWR	K	7/02/79	7/24/79	PA	22
	MEDFORD	SPRING ST ESTATES	K	7/05/79	7/24/79	PA	19
	GRESHAM	GLOCCA MORRA NO 2	K	6/06/79	7/02/79	PA	26
	ILLAHEE PUD	COLLECTION TREATMENT DISP.	V	5/17/79	6/06/79	PA	20
	EUGENE	COURT ROYALE SUBDIV	K	5/31/79	7/06/79	PA	36
	EUGENE	SEWER EXT MADISON TO JEFF	K	5/31/79	7/06/79	PA	36
	EUGENE	ELIZABETH STREET	K	5/31/79	7/06/79	PA	36
	EUGENE	CAL YOUNG ROAD	K	5/31/79	7/05/79	PA	35
	EUGENE	GARFIELD HEIGHTS	K	5/31/79	7/05/79	PA	35
	EUGENE	SEYCHELLES WEST III & IV	K	5/31/79	7/05/79	PA	35
	GRANTS PASS	LAUREL ST	K	6/04/79	7/02/79	PA	28
	GRANTS PASS	SW DIMMICK ST	K	6/04/79	7/02/79	PA	28
	GRANTS PASS	ELM ST	K	6/04/79	7/02/79	PA	28
	MCMINNVILLE	HYGREEN ADDITION	K	6/01/79	7/16/79	PA	00
	MCMINNVILLE	MULBERRY ADDITION	K	6/01/79	7/16/79	PA	29
	EMERALD VALLEY	GOLF COURSE LAGOON-LANE CO	V	6/28/79	7/12/79	PA	14
	BEND	RENWICK ACRES	K	7/02/79	7/23/79	PA	21
	SALEM	FRIENDSHIP ADDITION	K	7/01/79	7/30/79	PA	29
	PENDLETON	RICE ADDITION	K	7/01/79	7/19/79	PA	18
	REDWOOD SSD	DUN ROVIN TRLR COURT	K	7/01/79	7/20/79	PA	19
	REDMOND	LAVA CLIFF	K	7/01/79	7/19/79	PA	18
	BCVSA	CASCADE VIL NO 9	K	7/01/79	7/19/79	PA	18
	MOLALLA	FOSTER'S ADDITION	K	7/06/79	7/20/79	PA	14
	HILLSBORO	LAURA II PROJ	K	7/05/79	7/20/79	PA	15
	UNI SWR AGCY	MORRIS ESTATES	K	7/06/79	7/30/79	PA	24
	SALEM-KEIZR	DONAHUE PARK	K	7/06/79	7/30/79	PA	24

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## WATER QUALITY DIV. ACTIVITY REPORT

8/10/79 PLAN ACTIONS COMPLETED: 108

MUNICIPAL SOURCES (Cont.)

FOR JULY 1979

ENGR	COUNTY	LOCATION	PROJECT	REVIEWER	DATE RECVD	DATE OF ACTION	ACTION	DAYS TO COMPLETE
		UNI SWR AGCY	BAYSINGER EXT	K	7/05/79	7/27/79	PA	22
		SALEM	LEAH ADDITION	K	7/05/79	7/27/79	PA	22
		UNI SWR AGCY	BANY SCHOOL	K	7/05/79	7/27/79	PA	22
		PORT ORFORD	WOODGLEN FIRST ADD	K	7/03/79	7/26/79	PA	23
		SALEM	STATE ST	K	7/03/79	7/19/79	PA	16
		PORTLAND	SE 158TH-FOSTER-162ND	K	7/03/79	7/25/79	PA	22
		EUGENE	OVERBROOK PUD	K	7/05/79	7/30/79	PA	25
		MYRTLE CREEK	PARKVIEW SUBDIV	K	7/05/79	7/26/79	PA	21
		ALBANY	FARWEST IND PARK	K	7/09/79	7/29/79	PA	20
		SPRINGFIELD	THURSTON HILLS ESTATES	K	7/11/79	7/26/79	PA	15
		EUGENE	JUDSON PARK	K	7/16/79	7/30/79	PA	14
		MEDFORD	CEDAR HILLS UNIT 3	K	7/05/79	7/24/79	PA	19
		PORTLAND	DOSCH RD-BOUNDARY ST	K	7/20/79	7/24/79	PA	00
		OAK LODGE SD	MANOR OAK ESTATES	K	7/02/79	7/17/79	PA	15
		FOREST GRVE	19TH AVE EXT	K	7/03/79	7/17/79	PA	14
		FOREST GRVE	BALLAD TOWNE II	K	7/03/79	7/17/79	PA	14
		MEDFORD	PROGRESS CONDO PROJ	K	7/03/79	7/16/79	PA	13
		ASHLAND	LITHIA PARK	K	7/03/79	7/17/79	PA	14
		SALEM	CHEMAWA PUMP STA	K	7/05/79	7/11/79	PA	06
		SILETZ	EXTENSION E OF BUFORD	K	7/09/79	7/16/79	PA	07
		PORT ORFORD	WOOD GLEN SUBDIV	K	7/02/79	7/17/79	PA	15
		SALEM	CROISAN SCENICWAY	K	7/05/79	7/17/79	PA	12
		BEND	SUNRISE VIL II	K	7/06/79	7/18/79	PA	12
		TWIN RKS SD	BARVIEW PARKS EXT	K	7/05/79	7/18/79	PA	13
		REDWOOD SD	RAINDANCE SUBDIV	K	7/09/79	7/24/79	PA	15
		CORVALLIS	SW WAKE ROBIN-DOREE LYNN	K	7/05/79	7/23/79	PA	18
		GRANTS PASS	STEWART SUBDIV	K	7/06/79	7/16/79	PA	10
		YACHATS	TOMLINSON EXT	K	7/06/79	7/24/79	PA	18
		UMATILLA	SHARPS COR SEWER	K	7/09/79	7/23/79	PA	14
		REDMOND	P.J. ADDITION	K	7/09/79	7/24/79	PA	15
		EUGENE	SWEETLAND PARK	K	7/08/79	7/17/79	PA	08
		EUGENE	LAURA'S SUBDIV	K	7/09/79	7/17/79	PA	08
		HILLSBORO	NE 9TH AVE	K	7/09/79	7/23/79	PA	14
		DUNDEE	DUNDEE TOWNSITE	K	7/09/79	7/24/79	PA	15
		CANYONVILLE	CARLISLE EXT	K	7/06/79	7/24/79	PA	18
		THE DALLES	RADIO WAY SWR	K	7/09/79	7/24/79	PA	15
		SWEET HOME	BERDELLS ADD	K	7/09/79	7/25/79	PA	16
		EUGENE	ATHERTON SUBDIV	K	7/24/79	7/30/79	PA	06
		SALEM	SKYLINE VIL PH IV	K	7/11/79	7/24/79	PA	13
		CCSD NO 1	RIPPLING RIVER PH II	V	6/04/79	7/25/79	PA	21
		BEND	BURGER KING CORP COMPLEX	K	7/05/79	7/24/79	PA	19
		EUGENE	DANELAND MOB HME PARK	K	7/01/79	7/11/79	PA	10
		SALEM	REUST ADDITION	K	6/14/79	7/02/79	PA	18
		JUNCTION CTY	SCANDINAVIAN ESTATES	K	7/03/79	7/17/79	PA	14
		LAKEVIEW	JRC ENTERPRISES	K	7/05/79	7/23/79	PA	18
		TUALATIN	WINCHESTER ESTATES	K	7/16/79	7/23/79	PA	07
		PORTLAND	HIGHER GROUND HTS	K	7/16/79	7/25/79	PA	09

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division  
(Reporting Unit)

July 1979  
(Month and Year)

SUMMARY OF WATER PERMIT ACTIONS

	Permit Actions Received		Permit Actions Completed		Permit Actions Pending	Sources Under Permits	Sources Reqr'g Permits
	Month */**	Fis.Yr. */**	Month */**	Fis.Yr. */**			
<u>Municipal</u>							
New	0/2	2/0	0/0	0/0	1/7		
Existing	0/0	0/0	0/0	0/0	8/0		
Renewals	1/0	1/0	7/0	7/0	31/3		
Modifications	0/0	0/0	0/0	0/0	3/0		
Total	1/2	1/2	7/0	7/0	43/10	245/85	254/92
<u>Industrial</u>							
New	0/0	0/0	1/0	1/0	4/4		
Existing	0/0	0/0	0/0	0/0	4/0		
Renewals	0/0	0/0	11/0	11/0	35/1		
Modifications	0/0	0/0	0/0	0/0	3/0		
Total	0/0	0/0	12/0	12/0	46/5	411/133	419/137
<u>Agricultural (Hatcheries, Dairies, etc.)</u>							
New	0/2	0/2	0/0	0/0	2/2		
Existing	0/1	0/1	0/0	0/0	0/1		
Renewals	0/0	0/0	0/0	0/0	0/1		
Modifications	0/0	0/0	0/0	0/0	0/0		
Total	0/3	0/3	0/0	0/0	2/4	62/22	64/25
<u>GRAND TOTALS</u>	1/5	1/5	19/0	19/0	91/19	718/240	737/254

\* NPDES Permits  
\*\* State Permits

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

<u>Water Quality Division</u> (Reporting Unit)		<u>July 1979</u> (Month and Year)	
<u>PERMIT ACTIONS COMPLETED</u> (19)			
* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action
Benton	I.P. Miller Lbr. Wood Products	7/11/79	NPDES Permit Renewed
Lincoln	City of Newport Sewage Disposal	7/11/79	NPDES Permit Renewed
Douglas	Herbert Lbr. Co. Wood Products	7/11/79	NPDES Permit Renewed
Douglas	Superior Lbr. Co. Sawmill	7/11/79	NPDES Permit Renewed
Klamath	Columbia Plywood Wood Products	7/11/79	NPDES Permit Renewed
Lincoln	Mo's Newport Seafood Fish Processing	7/11/79	NPDES Permit Issued
Multnomah	Ameron Pipe Division Cooling Water	7/11/79	NPDES Permit Renewed
Linn	Western Kraft Pulp Mill	7/16/79	NPDES Permit Renewed
Yamhill	City of Lafayette Sewage Disposal	7/20/79	NPDES Permit Renewed
Lane	Lane Community College Sewage Disposal	7/20/79	NPDES Permit Renewed
Multnomah	Parkrose Water District Filter Plant	7/20/79	NPDES Permit Renewed
Lane	Simpson Extruded Plastics Cooling Water	7/20/79	NPDES Permit Renewed
Polk	City of Dallas Sewage Disposal	7/20/79	NPDES Permit Renewed

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Water Quality Division (Reporting Unit)	July 1979 (Month and Year)
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PERMIT ACTIONS COMPLETED (19) continued

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Multnomah	Simpson Timber Products Wood Products	7/20/79	NPDES Permit Renewed	
Washington	The Hervin Company Pet Food	7/20/79	NPDES Permit Renewed	
Coos	City of Coos Bay Plant #2	7/20/79	NPDES Permit Renewed	
Clackamas	American Guaranty Financial Bowman's Mt. Hood Resort	7/20/79	NPDES Permit Renewed	
Lane	Chembond Corp. Resins Plant	7/20/79	NPDES Permit Renewed	
Yamhill	City of McMinnville Sewage Disposal	7/30/79	NPDES Permit Renewed	

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

July 1979  
(Month and Year)

PLAN ACTIONS COMPLETED (1)

* County	* Name of Source/Project * /Site and Type of Same	* Date of * Action	* Action	*
Multnomah	St. Johns Landfill Existing Landfill Site Preliminary Expansion Plan	07/12/79	Provisional Approval	*

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

July 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	FY	Month	FY			
<u>General Refuse</u>							
New	-	-	1	-	4		
Existing	-	-	-	-	2		
Renewals	2	2	3	3	23		
Modifications	2	2	3	3	10		
Total	4	4	7	4	39	169	171
<u>Demolition</u>							
New	-	-	-	-	1		
Existing	-	-	1	1	-		
Renewals	1	1	-	-	1		
Modifications	-	-	-	-	5		
Total	1	1	1	1	7	21	21
<u>Industrial</u>							
New	-	-	1	1	3		
Existing	-	-	-	-	-		
Renewals	1	1	1	1	5		
Modifications	-	-	-	-	-		
Total	1	1	2	2	8	104	104
<u>Sludge Disposal</u>							
New	-	-	-	-	1		
Existing	-	-	-	-	1		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	0	0	0	0	2	12	13
<u>Hazardous Waste</u>							
New	-	-	-	-	-		
Authorizations	11	11	17	17	0		
Renewals	-	-	-	-	-		
Modifications	-	-	-	-	-		
Total	11	11	17	17	0	1	1
<u>GRAND TOTALS</u>	17	17	27	27	56	307	310

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

July 1979  
(Month and Year)

PERMIT ACTIONS COMPLETED

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

Domestic Waste Facilities (7)

Wallowa	Wallowa Drop Box Existing facility	07/02/79	Permit amended
Wallowa	Joseph Drop Box Existing facility	07/02/79	Permit amended
Harney	Burns-Hines Landfill Existing facility	07/02/79	Permit renewed
Clatsop	Elsie Disposal Site Existing facility	07/19/79	Permit renewed
Baker	Halfway Disposal Site Upgraded existing facility	07/19/79	Permit renewed
Baker	Richland Disposal Site New facility	07/19/79	Permit issued
Clackamas	Rossman's Landfill Existing facility	07/24/79	Permit amended

Demolition Waste Facilities (1)

Coos	Williams Disposal Site Existing facility	07/19/79	Permit issued
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Industrial Waste Facilities (2)

Marion	Boise Cascade-Salem Existing facility	06/18/79	Permit renewed
Linn	Eugene Chemical Works New facility	07/13/79	Letter authorization issued

Sludge Disposal Facilities (0)



DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

July 1979  
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION

* Date *	Type	Source	Quantity Present	Quantity Future
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Disposal Requests Granted (17)

Oregon (6)

7/06/79	Urea phenolic and paraformaldehyde resin sludges	Chemical plant		60 drums/yr.
7/06/79	Tank cleanings consisting of Na <sub>2</sub> Cr <sub>2</sub> O <sub>7</sub> , CuSO <sub>4</sub> , and arsenic	Wood treating plant	50 drums	
7/09/79	Unrinsed empty pesticide containers	Pesticide dealer	2 pickup loads	none
7/13/79	PCB capacitors	Aluminum plant	5 units	none
7/18/79	PCB capacitors and spill cleanup	PUD	5 drums	none
7/31/79	PCB capacitor and spill cleanup	PUD	2 drums	none

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

July 1979  
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION (cont'd)

* Date *	Type	* Source *	* Quantity *	
* * *			Present	Future
7/05/79	Water soluble dye	Federal agency	5 drums	none
7/09/79	Rinsate from flushing of obsolete military shell casings	Federal agency	27,500 gals.	none
7/09/79	Tank bottoms from a sulfonated detergent plant	Chemical plant	200 drums	8 drums/mo.
7/11/79	PCB capacitors	Aluminum plant	3 units	none
7/12/79	Spent sulfuric acid	Chemical plant	2,000 lbs.	none
7/16/79	PCB contaminated sawdust	Chemical plant	3 five-gal. pails	none
7/20/79	Paint sludge	Truck manufacturer	43 drums	30 drums/mo.
7/24/79	PCB transformer and capacitors	PUD	1 trans-former and 1 capacitor	2 drums/yr.

Washington (8)

2025 7/24/79

DEPARTMENT OF ENVIRONMENTAL QUALITY

MONTHLY ACTIVITY REPORT

Solid Waste Division  
(Reporting Unit)

July 1979  
(Month and Year)

HAZARDOUS WASTE DISPOSAL REQUESTS

CHEM-NUCLEAR SYSTEMS, GILLIAM CO.

WASTE DESCRIPTION (cont'd)

* Date *	Type	* Source *	* Present *	* <u>Quantity</u> * Future	* *
<u>Alaska (1)</u>					
7/09/79	PCB transformers	Federal agency	30 units	none	
<u>British Columbia (1)</u>					
7/24/79	PCB transformer	School	1 unit	none	
<u>Montana (1)</u>					
7/06/79	Industrial cleaning chemicals	Power transmission manufacturer		1,400 gals./year	

<u>TOTALS</u>	<u>LAST</u>	<u>PRESENT</u>
Settlement Action	15	9
Preliminary Issues	6	6
Discovery	2	4
To be Scheduled	2	4
To be Rescheduled	0	2
Hearing Scheduled	5	2
Brief	1	1
Decision Due	3	3
Decision Out	0	1
Appeal to Commission	3	2
Appeal to Court of Appeals	1	1
Case closed	6	3
Proposed Order	1	0
Holding	1	0
ORDER needed	46	40

KEY

ACD Air Contaminant Discharge Permit  
AQ Air Quality  
AQ-NWR-76-178 Violation involving Air Quality occurring in Northwest Region in the year 1976; 178th enforcement action in that region for the year  
CLR Chris Reive, Investigation & Compliance Section  
Cor Wayne Cordes, Hearings Officer  
CR Central Region  
Dec Date Date of either a proposed decision of hearings officer or a decision by Commission  
\$ Civil Penalty Amount  
ER Eastern Region  
Fld Brn Field Burning incident  
RLH Robb Haskins, Assistant Attorney General  
Hrngs Hearings Section  
Hrng Rfrl Date when Investigation & Compliance Section requests Hearings Section to schedule a hearing  
Hrng Rqst Date agency receives a request for hearing  
VAK Van Kollias, Investigation & Compliance Section  
LKZ Linda Zucker, Hearings Officer  
LMS Larry Schurr, Investigation & Compliance Section  
MWV Mid-Willamette Valley Region (now WVR)  
MWR Midwest Region (now WVR)  
NP Noise Pollution  
NPDES National Pollutant Discharge Elimination System wastewater discharge permit  
NWR Northwest Region  
FWO Frank Ostrander, Assistant Attorney General  
P At beginning of case number means litigation over permit or its conditions  
PR Portland Region (now NWR)  
PNCR Portland/North Coast Region (now NWR)  
Prtys All parties involved  
Rem Order Remedial Action Order  
Resp Code Source of next expected activity on case  
SNCR Salem/North Coast Region (now WVR)  
SSD Subsurface Sewage Disposal  
SWR Southwest Region  
T At beginning of case number means litigation over tax credit matter  
Transcr Transcript being made of case  
Underlined Different status or new case since last month contested case log  
WVR Willamette Valley Region  
WQ Water Quality

## DEQ/EQC Contested Case Log

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ or Atty	Hrng Offcr	Hrng Date	Resp Code	Dec Date	Case Type & No.	Case Status
Davis et al	5/75	5/75	RLH	LKZ	5/76	Resp	6/78	12 SSD Permits	Settlement Action
Paulson	5/75	5/75	RLH	LKZ		Resp		02-SS-WVR-75-01 1 SSD Permit	Settlement Action
Faydrex, Inc.	5/75	5/75	RLH	LKZ	11/77	Hrgs		03-SS-SWR-75-02 64 SSD Permits	Reply brief filed 7/13/79; <u>Decision Due</u>
Mead and Johns et al	5/75	5/75	RLH	LKZ		All		04-SS-SWR-75-03 3 SSD Permits	Preliminary Issues
PGE (Harborton)	2/76	2/76	RLH	LKZ		Prtys		01-P-AQ-PR-76-01 ACD Permit Denial	<u>Extension to 09-30-79</u> <u>for filing exceptions</u>
<del>Hilsworth</del>	<del>10/76</del>	<del>10/76</del>	<del>RLH</del>	<del>LKZ</del>		<del>EQC</del>		<del>\$10,000 02-WQ-PR-76-196</del>	<del>Case Closed \$6,000</del> <del>Civil Penalty levied</del> <del>Case Closed license</del>
<del>Hilsworth</del>	<del>10/76</del>	<del>10/76</del>	<del>RLH</del>	<del>LKZ</del>		<del>EQC</del>	<del>8/78</del>	<del>02-WQ-PR-ENP-76-40</del>	<del>Case Closed license</del>
Jensen	11/76	11/76	RLH	LKZ	12/77	Prtys	6/78	\$1500 Fld Brn 05-AQ-SNCR-76-232	Settlement Action
Mignot	11/76	11/76	LMS	LKZ	2/77	Resp	2/77	\$400 06-SW-SWR-288-76	Exceptions due 8/28/79
Jones	4/77	7/77	LMS	Cor	6/9/78	Resp		SSD Permit 01-SS-SWR-77-57	<u>Resp's Exceptions</u> <u>received 08-09-79</u>
Three D Corp	5/77	6/77	RLH	LKZ		Dept		04-WQ-SNCR-77-101 \$11,000 Total WQ Viol SNCR	Settlement Action
Wright	5/77	5/77	RLH	LKZ		Hrgs		\$75 03-SS-MWR-77-99	Record sent to Court of Appeals
Magness	7/77	7/77	LMS	Cor	11/77	Hrgs		\$1150 Total 06-SS-SWR-77-142	Decision Due
Southern Pacific Trans	7/77	7/77	FWO	<u>LKZ</u>		Prtys		\$500 07-NP-SNCR-77-154	Settlement Action
Grants Pass Irrig	9/77	9/77	RLH	LKZ		Prtys		\$10,000 10-WQ-SWR-77-195	Discovery
Zorich	10/77	10/77	FWO	Cor		Prtys		\$100 08-NP-SNCR-77-173	Settlement Action
Powell	11/77	11/77	RLH	Cor		Prtys		\$10,000 Fld Brn 12-AQ-MWR-77-241	<u>Interim Order Mailed</u> <u>08-09-79</u>
Carl P. Jensen	12/77	1/78	RLH	LKZ		Prtys		\$18,600 16-AQ-MWR-77-321 Fld Brn	Settlement Action
Carl P. Jensen/ Elmer Klopfenstien	12/77	1/78	RLH	LKZ		Prtys		\$1200 16-AQ-SNCR-77-320 Fld Brn	Settlement Action
Wah Chang	1/78	2/78	RLH	<u>LKZ</u>		Prtys		\$5500 17-WQ-MWR-77-334	<u>Hrng set tentatively</u> <u>for 09-19-79</u>
Hawkins	3/78	3/78	FWO	LKZ		Hrgs		\$5000 15-AQ-PR-77-315	<u>To be scheduled</u>
Hawkins Timber	3/78	3/78	FWO	LKZ		Resp		\$5000 15-AQ-PR-77-314	<u>To be scheduled</u>
Wah Chang	4/78	4/78	RLH	LKZ		Prtys		16-P-WQ-WVR-2849-J NPDES Permit (Modification)	Preliminary Issues
Wah Chang	11/78	12/78	RLH	LKZ		Prtys		08-P-WQ-WVR-78-2012-J	Preliminary Issues
Stimpson	5/78		FWO	LKZ		Hrgs		Tax Credit Cert. 01-T-AQ-PR-78-010	<u>Order Needed</u>
Vogt	6/78	6/78	LMS	Cor	11/8/78	Dept		\$250 Civil Penalty 05-SS-SWR-78-70	Decision Due
Hogue	7/78	<u>7/79</u>	LMS	LKZ		<u>Hrng</u>		15-P-SS-SWR-78	<u>To be scheduled</u>
Welch	10/78	<u>10/78</u>	RLH	<u>LKZ</u>		Dept		07-P-SS-CR-78-134	Discovery
Reeve	10/78		RLH	<u>LKZ</u>		Dept		06-P-SS-CR-78-132 & 133	Discovery
Bierly	12/78	12/78	VAR	LKZ		Resp		\$700 08-AQ-WVR-78-144	Settlement Action
Glaser	1/79	1/79	LMS	LKZ		Prtys		\$2200 09-AQ-WVR-78-147	<u>Hearing Rescheduled</u> <u>for 10-02-79</u>
Hatley	1/79	2/79	CLR	LKZ	8/10/79	Prtys		\$3250 10-AQ-WVR-78-156	<u>Order needed</u>
Roberts	2/79	3/79	CLR	LKZ	5/23/79	Hrgs		01-P-SS-SWR-79-01	<u>DECISION mailed</u> <u>07-23-79</u>
Wah Chang	2/79	2/79	RLH	LKZ		Prtys		\$3500 12-WQ-WVR-78-187	<u>Prelim Issues</u>
TEN EXCK	12/78		LMS	LKZ		Prtys		02-P-SS-ER-78-06	Discovery
Loren Raymond	4/79	4/79	FWO	LKZ		Dept		02-P-SS-ER-79-02	Hearing Set
<del>J. R. Stimpot Co.</del>	<del>4/79</del>	<del>4/79</del>	<del>FWO</del>	<del>LKZ</del>		<del>Hrgs</del>		<del>\$2500 WQ ER 79 27</del>	<del>Case Closed Civil</del> <del>Penalty</del>
Martin, Leona	5/79	5/79	CLR	LKZ		Resp		\$250 04-SS-SWR-79-49	<u>At Issue, to be</u> <u>Scheduled</u>
Templin and Klemp	6/79	6/79	CLR	LKZ		Hrgs		\$300 05-AQ-WVR-79-52	<u>To Be Rescheduled</u>
<u>Don Obrist, Inc.</u>	<u>7/79</u>	<u>7/79</u>		<u>LKZ</u>				<u>Southwest Permit Amendment</u> <u>07-P-SW-213-MWR-79</u>	<u>Preliminary Issues</u>

<u>TOTALS</u>	<u>LAST</u>	<u>PRESENT</u>
Settlement Action	16	15
Preliminary Issues	7	6
Discovery	5	2
To be Scheduled	5	2
To Be Rescheduled	0	0
Hearing Scheduled	0	5
Brief	1	1
Decision Due	6	3
Decision Out	0	0
Appeal to Commission	4	3
Appeal to Court of Appeals	1	1
Transcript	0	0
Case Closed	2	6
Proposed Order	0	1
Holding	0	1
<u>TOTAL</u>	<u>47</u>	<u>46</u>

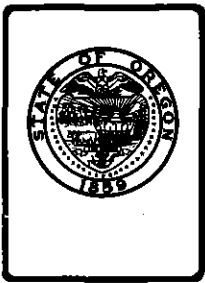
KEY

ACD	Air Contaminant Discharge Permit
AQ	Air Quality
AQ-NWR-76-178	Violation involving Air Quality occurring in Northwest Region in the year 1976; 178th enforcement action in that region for the year
CLR	Chris Reive, Investigation & Compliance Section
Cor	Wayne Cordes, Hearings Officer
CR	Central Region
Dec Date	Date of either a proposed decision of hearings officer or a decision by Commission
\$	Civil Penalty Amount
ER	Eastern Region
Fld Brn	Field Burning incident
RLH	Robb Haskins, Assistant Attorney General
Hrngs	Hearings Section
Hrng Rfrl	Date when Investigation & Compliance Section requests Hearings Section to schedule a hearing
Hrng Rqst	Date agency receives a request for hearing
VAK	Van Kollias, Investigation & Compliance Section
LKZ	Linda Zucker, Hearings Officer
LMS	Larry Schurr, Investigation & Compliance Section
MWV	Mid-Willamette Valley Region (now WVR)
MWR	Midwest Region (now WVR)
NP	Noise Pollution
NPDES	National Pollutant Discharge Elimination System wastewater discharge permit
NWR	Northwest Region
FWO	Frank Ostrander, Assistant Attorney General
P	At beginning of case number means litigation over permit or its conditions
PR	Portland Region (now NWR)
PNCR	Portland/North Coast Region (now NWR)
Prtys	All parties involved
Rem Order	Remedial Action Order
Resp Code	Source of next expected activity on case
SNCR	Salem/North Coast Region (now WVR)
SSD	Subsurface Sewage Disposal
SWR	Southwest Region
T	At beginning of case number means litigation over tax credit matter
Transcr	Transcript being made of case
<u>Underlined</u>	Different status or new case since last month contested case log
WVR	Willamette Valley Region

## DEQ/EQC Contested Case Log

July 1979

Pet/Resp Name	Hrng Rqst	Hrng Rfrl	DEQ or Atty	Hrng Offcr	Hrng Date	Resp Code	Dec Date	Case Type & No.	Case Status
Devis et al	5/75	5/75	RLH	LKZ	5/76	Resp	6/78	12 SSD Permits	Settlement Action
Paulson	5/75	5/75	RLH	LKZ		Resp		1 SSD Permit	Settlement Action
Faydrex, Inc.	5/75	5/75	RLH	LKZ	11/77	Hrgs		64 SSD Permits	Reply brief filed 7/13/79
Mead and Johns et al	5/75	5/75	RLH	LKZ		All		3 SSD Permits	Preliminary Issues
PGE (Barborton)	2/76	2/76	RLH	LKZ		Prtys		ACD Permit Denial	Extension granted for filing exceptions
Ellsworth	10/76	10/76	RLH	LKZ		EQC		\$10,000 WQ-PR-76-196	Settlement Action
Ellsworth	10/76	10/76	RLH	LKZ		EQC	8/78	WQ-PR-ENF-76-48	Settlement Action
Jensen	11/76	11/76	RLH	LKZ	12/77	Prtys	6/78	\$1500 Fld Brn AQ-SNCR-76-232	Settlement Action
Mignot	11/76	11/76	LMS	LKZ	2/77	Resp	2/77	\$400 SW-SWR-288-76	Exceptions due 8/28/79
Jones	4/77	7/77	LMS	Cor	6/9/78	Resp		SSD Permit SS-SWR-77-57	Amended Order mailed
Three D Corp									
(Sundown et al)	5/77	6/77	RLH	LKZ		Dept		\$11,000 Total WQ Viol SNCR	Settlement Action
Wright	5/77	5/77	RLH	LKZ		Hrgs		\$75 SS-MWR-77-99	Record sent to Court of Appeals
Magness	7/77	7/77	LMS	Cor	11/77	Hrgs		\$1150 Total SS-SWR-77-142	Decision Due
Southern Pacific Trans	7/77	7/77	FWO	Cor		Prtys		\$500 NP-SNCR-77-154	Settlement Action
Taylor, B.	8/77	10/77	DEQ	LKZ	4/78	Dept		\$250 SS-PR-77-188	Dismissed 7/9/79
Grants Pass Irrig	9/77	9/77	RLH	LKZ		Prtys		\$10,000 WQ-SWR-77-195	Discovery
Pohl	9/77	12/77	Atty	Cor	3/30/78	Hrgs		SSD Permit App	Decision Mailed 6/29/79
Galiff	10/77	10/77	LMS	Cor	4/26/78	Prtys		Rem Order SS-PR-77-225	Case Closed
Zorich	10/77	10/77	FWO	Cor		Prtys		\$100 NP-SNCR-173	Settlement Action
Powell	11/77	11/77	RLH	Cor		Hrgs		\$10,000 Fld Brn AQ-MWR-77-241	Preliminary Issues
Berrett & Sons, Inc.	12/77	2/78	CLR			Resp		\$500 WQ-PR-77-307	Case Closed
Carl F. Jensen	12/77	1/78	RLH	LKZ		Prtys		\$18,600 AQ-MWR-77-321 Fld Brn	Settlement Action
Carl F. Jensen/ Elmer Klopfenstien	12/77	1/78	RLH	LKZ		Prtys		\$1200 AQ-SNCR-77-320 Fld Brn	Decision Due
Steeckley	12/77	12/77	FWO	WGS	6/9/78	EQC		\$200 AQ-MWR-77-298 Fld Brn	Appeal to Court
Wah Chang	1/78	2/78	RLH	Cor		Prtys		\$5500 WQ-MWR-77-334	Settlement Action
Hawkins	3/78	3/78	FWO	LKZ		Hrgs		\$5000 AQ-PR-77-315	To be set for hearing
Hawkins Timber	3/78	3/78	FWO	LKZ		Resp		\$5000 AQ-PR-77-314	To be scheduled
Wah Chang	4/78	4/78	RLH	LKZ		Prtys		NPDES Permit (Modification)	Preliminary Issues
Wah Chang	11/78	12/78	RLH	LKZ		Prtys		P-WQ-WVR-78-07	Preliminary Issues
Stimpson	5/78		FWO	LKZ		Hrgs		Tax Credit Cert. T-AQ-PR-78-01	Hearing Scheduled
Vogt	6/78	6/78	LMS	Cor	11/8/78	Dept		\$250 Civil Penalty SS-SWR-78-70	Decision Due
Hogue	7/78		LMS	LKZ		Dept		P-SS-SWR-78	Preliminary Issues
Mock (dba B & N)	8/78	8/78	LMS	Cor	11/1/78	Hrgs		SSD License	Decision Mailed 6/13/79
Welch	10/78	10/78	RLH	Cor		Dept		P-SS-CR-78-134	Discovery
Reeve	10/78		RLH	Dept		Dept		P-SS-CR-78-132 & 133	Discovery
Bierly	12/78	12/78	VAK	LKZ		Resp		\$700 AQ-WVR-78-144	Settlement Action
Georgia-Pacific	1/79	1/78	CLR	LRH		Dept		\$1525 AQ-WVR-78-159	Case Closed
Glaser	1/79	1/79	LMS	LKZ		Prtys		\$2200 AQ-WVR-78-147	Hearing Scheduled
Batley	1/79	2/79	CLR	LKZ		Prtys		\$3250 AQ-WVR-78-157	Hearing Scheduled
Roberts	2/79	3/79	CLR	LKZ	5/23/79	Hrgs		P-SS-SWR-79-01	DECISION due
Wah Chang	2/79	2/79	RLH	LKZ		Prtys		\$3500 WQ-WVR-78-187	Settlement Action
TEN EXCR	12/78		LMS	LKZ		Prtys		P-SS-ER-78-06	Discovery
Loren Raymond	4/79	4/79	FWO	LKZ		Dept		P-SS-ER-79-02	Hearing Set
J. R. Simplot Co.	4/79	4/79	FWO	LKZ		Hrgs		\$2500 WQ-ER-79-27	Hearing Set
Martin, Leona	5/79	5/79	CLR	LKZ		Hrgs		\$250 04-SS-SWR-79-49	To Be Scheduled
Templin and Klemp	6/79	6/79	CLR	LKZ		Hrgs		\$300 05-AQ-WVR-79-52	To Be Scheduled



## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item C, August 31, 1979, EQC Meeting

### TAX CREDIT APPLICATIONS

### Director's Recommendation

It is recommended that the Commission issue Pollution Control Facility Certificates to the following applicants (see attached review reports):

T-1071	D & P Orchards, Inc.
T-1084	Thomsen Orchards, Inc.
T-1088	Robert M. McIsaac
T-1091	Glacier Ranch
T-1094	Paul H. Klindt

WILLIAM H. YOUNG

MJDowns:cs  
229-6485  
8/15/79  
Attachments



Contains  
Recycled  
Materials



PROPOSED AUGUST 1979 TOTALS

Air Quality	\$ 72,583
Water Quality	-0-
Solid Waste	-0-
Noise	-0-
	<hr/>
	\$ 72,583

CALENDAR YEAR TOTALS TO DATE

Air Quality	\$ 3,432,786
Water Quality	6,015,473
Solid Waste	1,322,930
Noise	94,176
	<hr/>
	\$10,865,365

State of Oregon  
Department of Environmental Quality

TAX RELIEF APPLICATION REVIEW REPORT

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1. Applicant

D & P Orchards, Inc.  
Box 166  
Odell, OR 97044

The applicant owns and operates an apples and pears commercial orchard at Odell, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is one Orchard Rite wind machine, tower serial No. GPT 767 used for frost damage protection.

Request for Preliminary Certification for Tax Credit was made on 9-18-78, and approved on 9-26-78.

Construction was initiated on the claimed facility on 11-2-78, completed on 12-29-78, and the facility was placed into operation on April 1979.

Facility Cost: \$13,400.00 (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 warm air from above the trees--when there is a temperature inversion--down into the trees. 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 \$13,400.00 with 80% or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1071.

F.A. Skirvin:np:jo

(503) 229-6414

August 10, 1979

Appl T-1084  
Date 8/8/79

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

---

1. Applicant

Thomsen Orchards Inc.  
2450 Old Dalles Drive  
Hood River, OR 97031

The applicant owns and operates an apples and pears 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 one Tropic Breeze wind machine, Model GP-391-125 HP Serial No. 17891 used for frost protection.

Request for Preliminary Certification for Tax Credit was made on November 21, 1978, and approved on November 27, 1978.

Construction was initiated on the claimed facility on March 8, 1979, completed on March 18, 1979, and the facility was placed into operation on March 18, 1979.

Facility Cost: \$12,663 (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. 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. 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 \$12,663.00 with 80 percent or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1084.

F. A. Skirvin:jo:bkm  
(503) 229-6414  
August 13, 1979

Appl T-1088  
Date 8/8/79

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

---

1. Applicant

Robert M. McIsaac  
7200 Old Parkdale Road  
Parkdale, OR 97041

The applicant owns and operates an apples and pears orchard for commercial markets at Parkdale, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is one Orchard Rite wind machine, Tower Serial No. E 304, for frost protection.

Request for Preliminary Certification for Tax Credit was made on August 15, 1978, and approved on August 24, 1978.

Construction was initiated on the claimed facility on March 5, 1979, completed on April 14, 1979, and the facility was placed into operation on April 15, 1979.

Facility Cost: \$11,661.39 (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. 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.

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 approximately the same as the operating cost of fuel oil heating system. The operating cost consists of the cost of power for 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 \$11,661.39 with 80 percent or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1088.

F. A. Skirvin:jo:bkm  
(503) 229-5414  
August 13, 1979

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

---

1. Applicant

Glacier Ranch  
2400 Odell Highway  
Hood River, OR 97031

The applicant owns and operates an apples and pears orchard at Hood River, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is two Tropic Breeze wind machines, model GP-391-125 HP Part No. 17856 and Model 100 HP Electric Part No. 17857.

Request for Preliminary Certification for Tax Credit was made on October 24, 1978, and approved on October 31, 1978.

Construction was initiated on the claimed facility on November 5, 1978, completed on April 29, 1979, and the facility was placed into operation on April 30, 1979.

Facility Cost: \$25,906.09 (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 the 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 approximately the same as the operating cost of fuel oil heating system. 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 \$25,906.09 with 80 percent or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1091.

F. A. Skirvin:jo:bkm  
(503) 229-6414  
August 13, 1979

State of Oregon  
Department of Environmental Quality

**TAX RELIEF APPLICATION REVIEW REPORT**

---

1. Applicant

Paul H. Klindt  
Box 7  
Parkdale, OR 97041

The applicant owns and operates an apples and pears orchard at Parkdale, Oregon.

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

2. Description of Claimed Facility

The facility described in this application is one Tropic Breeze wind machine, electric powered serial No. 12007.

Request for Preliminary Certification for Tax Credit was made on October 9, 1978, and approved on October 16, 1978.

Construction was initiated on the claimed facility on November 1, 1978, completed on March 30, 1979, and the facility was placed into operation on May 1, 1979.

Facility Cost: \$8,953.36.

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 the 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.

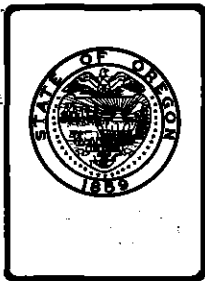
4. Summation

- 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 \$8,953.36 with 80 percent or more allocated to pollution control be issued for the facility claimed in Tax Credit Application No. T-1094.

F. A. Skirvin:jo:bkm  
(503) 229-6414  
August 13, 1979



## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item No. E, August 31, 1979, EQC Meeting

Variance Request: Request by Murphy Veneer Company - Myrtle Point  
from Rules on Nighttime Industrial Noise Source Standards OAR 340-35-035(1)(a)

### Background and Problem

The Murphy Company owns and operates a veneer mill in Myrtle Point. This mill was found to be in violation of the Department's noise regulations in 1976. Several modifications were made by Murphy Company to bring the mill into compliance.

Subsequent to these noise reduction measures, a significant expansion of the mill occurred. Murphy Company was found to be again in violation of both daytime and nighttime noise standards for an existing industrial noise source in February, 1979.

On July 16, 1979, Murphy Company submitted a proposal to reduce the noise levels to meet the daytime standards (see Appendix A). In addition, the company requested a variance to allow them to operate for 2 1/2 hours per day in excess of nighttime noise standards.

ORS 467.060 provides authority for the Commission to grant variances from Noise Pollution regulations, under certain conditions which will be discussed below. The variance being requested is from OAR 340-35-035(1)(a), nighttime standards for existing industrial noise sources.

### Evaluation and Alternatives

#### General

The mill was built in 1967, and operated as a small veneer mill until its purchase by Murphy Company in 1971. Daytime only operation continued until late 1975. At that time, some nighttime operation started, and complaints were first received by the Department. An expansion of the mill occurred in 1977.

The mill is located within the city limits of Myrtle Point, in a mixed residential area. Approximately 200 people live within 1000 feet of the mill. Most affected by any noise from the mill are the 18 houses above the mill and "in line of sight" of the mill. A map is included in Appendix B.



Contains  
Recycled  
Materials

### Previous Noise Violation

The noise levels recorded in 1976 showed violations within a 500 foot radius of the mill (see Table 1). Major noise sources were the barker, veneer chipper, and core chipper. These sources were largely controlled by late 1977.

### Current Noise Violation

The current noise levels are approximately the same as the levels recorded in 1976 prior to any control measures being undertaken (see Table 1). The recommended control measures taken in 1976 and 1977 were effective in reducing the noise level. The newest violations are largely a result of the new equipment added in the mill expansion. The major noise sources are: the new lily pad chipper, the new bark hog, the new outside conveyor lines, the cut off saw, and the kicker (steam release line). The mill itself operates 17 1/2 hours per day currently (from 6:00 am to 11:30 pm) but operated 19 hours per day this past winter. Additional log sorting, loading, and machinery warm-up is reported to occur for up to 1 1/2 additional hours.

Murphy Company was notified by their noise consultant in February, 1977 that the mill expansion could well cause new noise violations (see Appendix C), and that the new chipper and hog would probably have to be enclosed. This was not done.

The Department has received complaints on the latest violation from one couple. A petition signed by 15 people was sent to the Department in 1976. It should be noted that 11 of the 15 petition signers are reported to have moved in the last three years.

### Noise Reduction Proposed by Murphy Company <sup>1/</sup>

Murphy Company has proposed to meet the daytime noise standards by enclosing the new chipper and hog (and associated conveyor lines), partially enclosing the barkers and cut off saw, placing a new muffler on the kicker (steam release line), and lining the conveyor lines with plastic. Murphy estimated this can be done at a cost of \$51,350. However, staff addition of submitted figures indicates a total of \$58,050.

### Additional Measures Needed to Attain Compliance with Day and Nighttime Standards <sup>1/</sup>

To meet the nighttime standards, the outside conveyor lines would have to be enclosed and the diesel log loading equipment made more quiet (enclosure of the motor as well as mufflers). The estimated cost for the additional measures is \$15,800. Note that the Murphy Company estimated an additional expense of \$44,000. However, the actual additional cost is \$15,800 as the expense of lining the conveyors should not be included because this measure is redundant with the full enclosure alternative.

### Company Justification for Variance

Company representatives have requested the variance largely because of the cost involved. They feel the additional expenditure of \$15,800 to decrease the noise levels (from meeting the daytime standards to the more stringent nighttime standards) is not justified, considering the few hours the mill operates outside of the daytime hours. Currently, the mill operates from 6 am to 11:30 pm. However, outside mobile equipment is reported to continue operating for up to an additional 1 1/2 hours each night.

<sup>1/</sup> Summarized in Table 2

These additional hours have been the major source of complaints received over the last 9 months. No violations have been recorded on these late night activities, but may exist. In addition to the cost, Murphy Company has expressed concern over being able to easily maintain the outside conveyor lines if they are enclosed. Access panels would have to be incorporated to allow periodic maintenance. Maintenance would take longer.

#### Conditions Under Which a Variance Can be Granted

Under ORS 467.060 and OAR 340-35-100, the Commission may grant a variance to the noise regulations only if any of the following conditions exist:

1. The conditions in existence are beyond the control of the person applying for the variance.
2. Strict compliance would be unreasonable, unduly burdensome, or impractical.
3. Strict compliance would result in substantial curtailment of closure of a business.
4. No alternatives exist for complying.

In the Department's opinion, none of the above conditions have been demonstrated to exist. The \$15,800 additional money to comply fully does not seem excessive. The Murphy Company has not submitted any supporting data to indicate a financial hardship, despite Department recommendations to do so on May 31, and August 1.

It should be noted that the current violations are largely the result of the recent mill expansion. Murphy Company was well aware of the high potential for a noise violation, and yet apparently chose not to incorporate noise abatement measures into the construction.

#### Alternatives

1. Grant a variance of indefinite length for Murphy Company to operate 2 1/2 hours daily in excess of nighttime noise levels, with the understanding that the diesel log loaders would be replaced with quieter models as they wear out.
2. Grant a variance for three years to allow Murphy Company to spread out the cost of complying.
3. Grant a variance for enclosing the conveyor line, but require that the mobile diesel equipment be made more quiet within the next six months (at a cost of \$6,000).
4. Deny the variance.

#### Summation

1. The Murphy Company owns and operates a veneer mill within the city limits of Myrtle Point.

2. Noise violations were documented in 1976. Recommended noise abatement measures were largely completed by the end of 1977, and were effective in reducing noise levels.
3. The mill was expanded in 1977, with several new pieces of equipment being added. The company was notified that the expansion could result in further noise violations, but apparently chose to proceed without recommended noise abatement measures being incorporated into the expansion.
4. Noise violations were again recorded in February, 1979. The new violation was largely the result of new equipment added during the mill expansion.
5. Murphy Company has proposed to reduce noise levels to meet the daytime standards, at an estimated cost of \$51,350 (\$58,050 DEQ).
6. Murphy Company has requested a variance to allow 2 1/2 hours per day operation in excess of nighttime noise standards (OAR 340-35-035(1)(a)). In their opinion, the added cost of \$15,800 is not justified considering they only operate the mill for 2 1/2 hours during the nighttime. In addition, the company cites the increased maintenance time that will result if the conveyors are enclosed as required to fully comply.
7. The Commission is authorized to grant variances from noise regulations under ORS 467.060, and OAR 340-35-100, provided that certain conditions are met. Murphy Company is applying for a variance based on financial hardship, and that the additional noise abatement measures will be impractical.
8. In the Department's opinion, Murphy Company has not met the conditions for a variance.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the request for a variance be denied.



WILLIAM H. YOUNG

Barbara A. Burton/pw  
(503) 440-3338  
August 15, 1979

Attachments

- Appendix A - July 6, 1979 letter from Murphy Company
- Appendix B - Map of Myrtle Point
- Appendix C - February 15, 1977 letter from Seton, Johnson & Odell, Inc. (noise consultant) to Timberrmans Engineering Co.

**Table I**  
**Noise Levels - Murphy Veneer Mill in Myrtle Point**  
**(Measured at Nearest Noise Sensitive Property)**

<u>Statistical Level</u> <sup>1/</sup>	<u>1976</u> <sup>2/</sup>	<u>1979</u>	<u>Projected level after completing company's proposed corrections</u>	<u>DEQ Standards (dBA)</u>
L <sub>1</sub>				
Day	70-76	--	62	75
Night		77		60
L <sub>10</sub>				
Day	68-74	--		60
Night		72	56	55
L <sub>50</sub>				
Day		--		55
Night	64-70	63	55	50

<sup>1/</sup> L<sub>1</sub> refers to the noise level exceeded 1% of the time, L<sub>10</sub> is the level exceeded 10% of the time, and L<sub>50</sub> is the noise level exceeded 50% of the time.

<sup>2/</sup> Range of five different readings by DEQ.



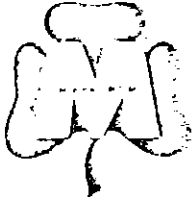
**Table 2**  
**Statistical Noise Levels (dBA)**  
**Before and After Recommended Modifications**

No.	OPERATION	Abatement Measure Recommended	Present			Future Design			Approximate Cost
			L <sub>1</sub>	L <sub>10</sub>	L <sub>50</sub>	L <sub>1</sub>	L <sub>10</sub>	L <sub>50</sub>	
1	Kicker (air blast)	Muffler	76	--	--	52	--	--	\$ 100 <sup>2/</sup>
2	Cut off saw	} to be partially enclosed	76	--	60	52	--	36	} 9,600
3	Debarker		50	50	49	43	43	42	
4	New bark hog & conveyor	} to be fully enclosed	65	64	62	45	44	42	7,000
5	New lily pad chipper & conveyor		64	62	52	54	52	42	4,400
6	Enclosed veneer and <sup>1/</sup> core chippers		62	58	48	42	38	28	2,750
7A	Outside conveyors only -	lining (Company's proposal)	68	62	61	62	56	55	34,200
7B	Outside conveyors only -	enclosed (required for full compliance)	68	62	61	52	43	40	44,000
8	Diesel log loaders	engine enclosure (required for full compliance)	not available						6,000
	Cost for full compliance	1-6, 7B, 8							73,850
	Cost for Company's proposal	1-6, 7A							58,050
	<u>DIFFERENCE BETWEEN FULL COMPLIANCE AND COMPANY PROPOSAL</u>								15,800

<sup>1/</sup> This is to complete work required in 1976.

<sup>2/</sup> Table 7 (page 15) SJO report for the Murphy Company, May 7, 1979

*Boat*



THE MURPHY CO.

06370 Hwy 126 • FLORENCE DIVISION FLORENCE, OREGON • PHONE 997-8455  
97439

Appendix A  
August 31, 1979  
EQC Meeting  
Agenda Item E

July 16, 1979

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

Re: NP-Coos County; Murphy Veneer - Myrtle Point

Dear Mr. Young:

At the request of the Noise Section of the DEQ, The Murphy Company proposes the following compliance program for noise abatement at our Myrtle Point mill. The work program was prepared by the consulting engineering firm of Seton, Johnson and Odell, Inc. of Portland, Oregon and is the result of their acoustical analysis of the plant noise impact on adjacent noise sensitive property. A copy of their noise study report of May 7, 1979 is enclosed for your reference. This report contains a complete description of each individual noise source.

Summary of Proposal

We recognize that noise from our mill operations and its effect on the community is regulated by Division 35 of Chapter 340, Oregon Administrative rules, Section 35-035 (Noise Control Regulations for Industry and Commerce). These noise regulations define the maximum allowable statistical noise levels for daytime (7:00 AM to 10:00 PM) and night time (10:00 PM to 7:00 AM) industrial operations.

The Murphy Company, Myrtle Point mill operates two 8 hour work shifts each week day from 6:00 AM to 11:30 PM. These hours of operation are necessary to maintain production and support our local direct employment of 36 people. These working hours, however, extend into the DEQ defined night time period by 1 hour at start-up in the morning and by 1 1/2 hours until shutdown in the evening. As mechanical operations at the mill are constant, we have been advised by our consultants (SJO) that noise from all operations must be abated to comply with the night time industrial noise regulation values.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
JUL 19 1979

PORTLAND REGIONAL OFFICE

Mr. William H. Young  
July 16, 1979  
Page -2-

The analysis by our consultants of costs of achieving various levels of reductions convinces us that it is economically and operationally impractical to comply fully with the night time noise standards. Through the expenditure of over \$51,350 we propose to achieve compliance with the daytime standards. Table 1 below summarizes present conditions and the results of our proposal in relation to DEQ rules:

TABLE 1

	L1	L10	L50
Standards: Day	75	60	55
Night	60	55	50
Present Operations, Stationary Sources	76	70	66
Proposed Program	62	56	55

These results will be achieved by execution of six projects. One additional measure, complete enclosure of all conveyors, was investigated by our consultants and probably could achieve full compliance, but at an additional cost of \$44,000 and excessive increases in lost efficiency maintenance and mill downtime. We also are unable to make further improvements to our mobile noise sources - log loaders - until it is time to replace them with new modern equipment. We will therefore require EQC approval of a variance for compliance with night time standards for stationary and mobile equipment, for the 2 1/2 hour period in which we operate during night time hours.

We would expect this variance to be indefinite in duration. We will seek its approval concurrently with approval of the noise abatement projects described in detail on the following pages.

#### Program Details

Noise sources at the mill have been identified and are located in Figure 1. This site plan also identifies the nearest noise sensitive property located at 204 Maple Street. Table 2 is a listing of the noise sources and sound level as measured at this community site.

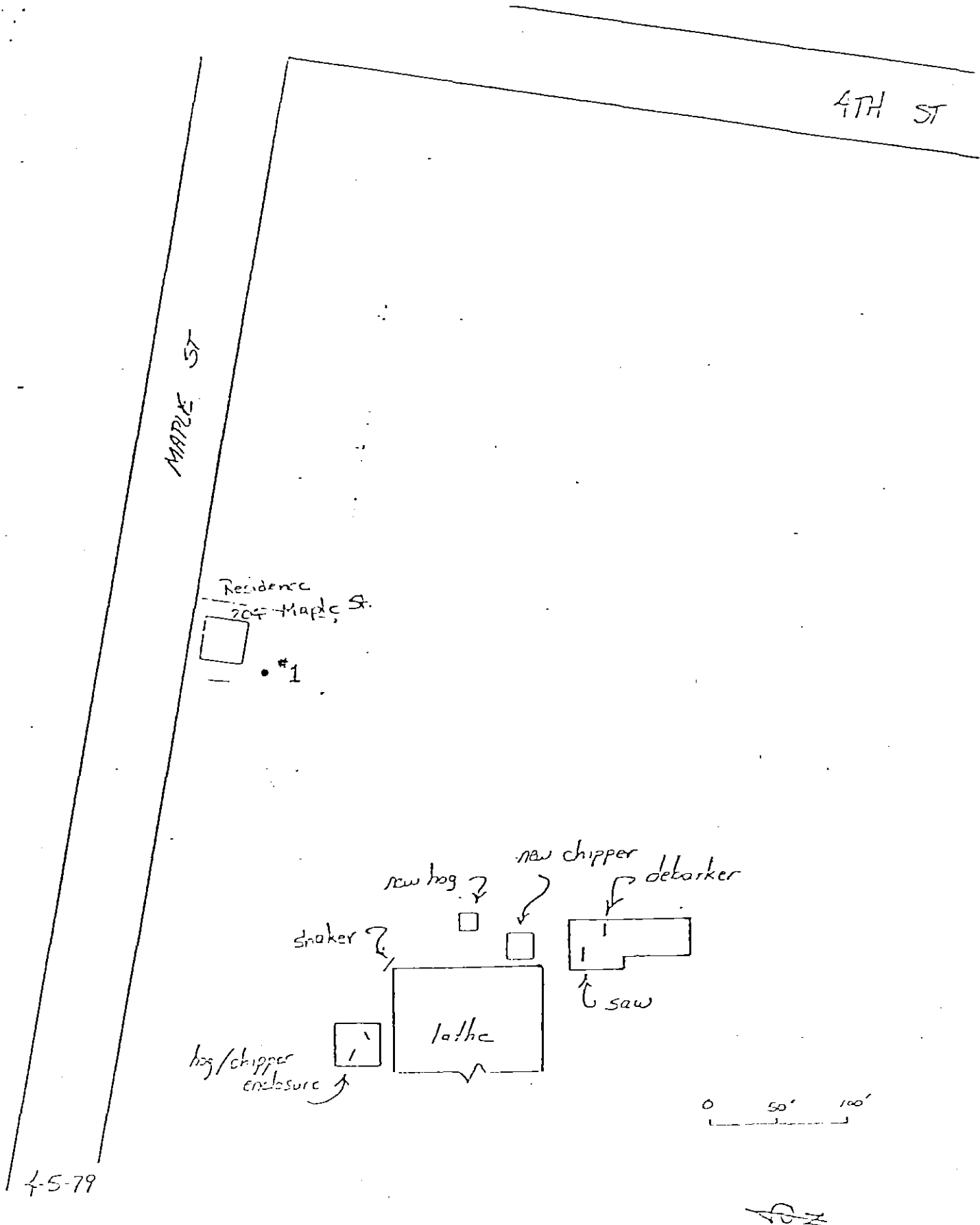


FIGURE 1 - SITE PLAN

TABLE 2  
INDIVIDUAL NOISE LEVELS AT SITE 1

SOURCE	NOISE LEVEL		
	L <sub>1</sub>	L <sub>10</sub>	L <sub>50</sub>
Kicker (air blast)	76	-	-
Cut-off saw	76	-	60
Debarker	50	50	49
New bark hog and conveyor	65	64	62
New lily pad chipper and conveyor	64	62	52
Enclosed veneer and core chippers	62	58	48
Outside conveyors	68	62	61
Total above operations	77 <sup>(1)</sup>	68	66
Measured normal mill operation	76	70	66
Maximum allowable levels	60	55	50

(1) The same operator controls the kicker and cutoff saw. Simultaneous operation of the two pieces of equipment is not likely, therefore only 1 of the operations is added to the total noise.

Mr. William H. Young  
July 16, 1979  
Page -3-

The following construction measures will be completed by plant personnel for noise abatement. Construction drawings and selected materials will be submitted to the Noise Control Section of the DEQ for approval prior to construction.

#### Ricker

The source of noise is the air pressure release line. An attachable muffler such as that manufactured by Industrial Acoustics, model PRV-2 will be purchased and installed. The muffler will be specified to have a minimum sound level reduction of 25 db between the frequency range of 1000 to 8000 hz, the identified frequencies of noise by the air release.

#### Cutoff Saw and Debarker

The north end of the debarker building will be enclosed. The north wall will utilize an infeed tunnel to the debarker and use an outfeed tunnel from the cutoff saw. While no violation presently exists south of the building, the addition of a north wall only would increase the sound level by 4 db which is projected south from the building, resulting in a violation level. Preliminary designs by SJO indicate that a 36 db reduction in noise from these sources will be realized to the north. The open face area of the south wall will be reduced to produce a 10db reduction in peak noise from the cutoff saw to the south.

#### New Bark Hog and Conveyor

A complete enclosure will be constructed around this unit. An infeed tunnel enclosing the conveyor motor and drive will be used to abate noise from these sources. The preliminary design from SJO utilizes insulation on the interior face of plywood and sheet metal walls to achieve a 23 db reduction in sound level.

#### New Lily Pad Chipper and Conveyor

As described in the SJO report, this source presently has a partial enclosure. Additional noise abatement treatment will involve adding an interior sheet of plywood to complete the exterior walls, and sealing of door opening and perimeter cracks on the north, east and west walls. The wall open area for the infeed conveyor will be reduced to the minimum necessary for access and feed control. A clear loaded vinyl curtain material will be utilized to seal around the infeed conveyor. The noise level reduction predicted for this treatment is 28 db.

### Veneer and Core Chippers

As recommended by SJO in 1976, a building was erected to enclose these two sources. We will be adding a plywood tunnel to enclose the outfeed conveyor. This addition will result in a 28 db reduction.

### Outside Conveyors

The reduction of noise from outside conveyors may take one of two options.

1. isolation of vibration, metal to metal and product to metal contact
2. enclosure

To complete option 1 we would line the bottom and side walls of all conveyor shutes with a high density vinyl sheet to eliminate metal to metal and material to metal contact. All motors and drives will be checked for adequate vibration isolation from the conveyor sheets. Oiling and replacement of squeaky bearings will be maintained. These modifications will be made to all exterior conveyors including the chain ways for the log conveyors on the log deck.

These modifications will result in a 6 to 7 db reduction in conveyor noise. This reduction to an L<sub>50</sub> sound level of 54 to 55 dbA is not sufficient for compliance with the night time regulated L<sub>50</sub> sound level of 50 dbA.

Option 2 - enclosure, would be necessary for all metal chain exterior conveyors to achieve a reduction sufficient to meet combined mill operation noise levels of L<sub>50</sub> = dbA. The conveyor enclosures would be individually designed for field fabrication and installation. For maintenance and clean out, the top of the enclosure would have to be openable by busched material on the conveyor and weighted to close afterwards. The enclosure would be complete around the supply and return portion of the conveyor. Motors and drives would be enclosed with the conveyor. This treatment would be necessary to reduce conveyor noise to less than 50 dbA. The materials necessary for construction would, however, reduce the conveyor noise by approximately 30 db. Additional support framing will be necessary for each elevated conveyor. These conveyor enclosures will have to be individually designed, with sufficient access panels to perform routine maintenance.

Table 3 is a summary of the noise sources, their present sound levels and sound levels after the modifications described.

TABLE 3  
 STATISTICAL NOISE LEVELS  
 BEFORE AND AFTER MODIFICATIONS

SOURCE	STATISTICAL NOISE LEVEL					
	BEFORE			AFTER		
	L <sub>1</sub>	L <sub>10</sub>	L <sub>50</sub>	L <sub>1</sub>	L <sub>10</sub>	L <sub>50</sub>
Kicker	76	-	-	51	-	-
Cut-off saw	76	-	60	40	-	24
Debarker	50	50	49	14	14	13
New bark hog and conveyor	65	64	62	42	41	39
New lily pad chipper and conveyor	64	62	52	36	34	24
Enclosed veneer and core chipper	62	58	48	34	30	20
Outside conveyors	68	62	61	(1) 62	56	55
				(2) 38	32	31
Total above opera- tions	77	68	66	(1) 62	56	55
				(2) 52	43	40
Measured normal mill operation	76	70	66			
Daytime standard	75	60	55			
Nighttime standard	60	55	50			

(1) W/option 1 (lining)  
 (2) W/option 2 (enclosure)



Mr. William H. Young  
July 16, 1979  
Page -5-

Two sources of noise, the air compressor and mobile log loaders, were omitted from our consultants report of May 7, 1979. These sources have subsequently been addressed by SJO. Their analysis and support documentation is attached for your reference.

In brief, the consultants found that the air compressor is not a significant noise source that would contribute to noise levels in excess of 50 dBA at the nearest property. The log loaders were addressed in 1977. At the recommendation of the DEQ and SJO "residential" mufflers were installed, replacing the factory mufflers. It was understood at that time that this would be the only modification necessary for the log loaders. The figure attached to a May 29, 1979 letter from SJO on the log loaders defines the operating distances from noise sensitive property where the loaders can operate. The figure shows that they cannot operate at the Myrtle Point mill and comply with night time noise regulations. Retrofit modifications to these diesel mobile units which comply with motor vehicle noise regulations will cost about \$3000 each. We do not feel this additional cost to be warranted on these units. We will maintain the residential mufflers and when a unit is replaced, purchase requirements will be made of the manufacturer that the selected unit comply with the industrial noise regulations.

#### Costs

The approximate costs for noise abatement presented in the May 7, 1979 report prepared by SJO have been adjusted to reflect the preliminary designs discussed in this letter. Abatement of each source is defined as a separate project. Costs for each of these projects have been estimated for labor and materials and are listed in Table 4.

#### Noise Abatement Schedule

As described above, construction for noise abatement will be carried out by plant personnel at Myrtle Point. After design review and approval by DEQ we will proceed with modification on a one project at a time basis. This will be necessary in order to avoid interrupting mill production. Our consultant has recommended the following order of project completion:

1. kicker noise abatement
2. existing veneer and core chippers
3. lily pad chipper
4. bark hog
5. debarker building
6. conveyors

TABLE 4  
MURPHY CO.  
MYRTLE POINT N.H.  
COSTS

<u>JOB</u>	<u>MATERIALS</u>	<u>LABOR</u>	<u>TOTAL</u>
Existing chipper blōg.	\$1000	\$1750	\$ 2750 <sup>\$50-</sup> <sub>1000</sub>
New lily pad chipper	2000	2400	4400 <sup>\$50-</sup> <sub>500</sub>
Bark hog	3000	4000	7000 <sup>\$50-</sup> <sub>\$600</sub>
Debarker blōg. N. encl.	1600	3000	4600
S. encl.	2000	3000	5000
			} <sup>\$50-</sup> <sub>4000</sub> Total
Line conveyors	\$15/ft	\$20/ft	34,200 (1)
Enclose conveyors			\$44,000

(1) Assumes 920' of conveyors

(2) Assumes 300' of conveyors

Mr. William H. Young  
July 16, 1979  
Page -6-

With this project order, we are able to complete the minor modifications first. This allows time for construction designs for items 4, 5 and 6 to be prepared for approval by the DEQ.

Our consultant has cautioned us on the maintenance problems associated with enclosure (option 2) of the conveyors. We would expect such problems as reduced production resulting from unusually long downtime for inspection and clean out of conveyors. This will be caused by the necessary removal of enclosure sections for access to bearings, rollers, chains, drives and motors. While access panels may be placed for the more common access requirements, even routine duties such as lubricating bearings and drives will increase maintenance costs substantially. Our consultant assures us that while no design is impossible, design construction and maintenance costs increase with the complexity of the problem. Individual designs would have to be completed for each elevated conveyor. Additional structural framing is also anticipated for support of the elevated conveyor enclosures. No estimate for the engineering costs to design these enclosures has been prepared to date.

We are fully prepared to proceed with the designs and construction for noise abatement projects 1 through 6.

By completing projects 1 through 5 and option 1 of project 6, our consultant is confident that the maximum technical violations of the night time noise standards would be 2, 1 and 5 db for the statistical L<sub>1</sub>, L<sub>10</sub>, and L<sub>50</sub> values respectively. As you are aware, a change of 3 db is barely noticeable, with 5 db readily noticeable and 10 db sounding one-half as loud. The reductions realized by construction of projects 1-6 (option 1) would be, (see Table 3):

- 14 db from the present L<sub>1</sub> values
- 14 db from the present L<sub>10</sub> values
- 11 db from the present L<sub>50</sub> values

Overall, the noise from mill operations will be perceptibly half as loud as at present. Only in the L<sub>50</sub> values would additional noise reduction be perceptible in achieving compliance with the night time standard.

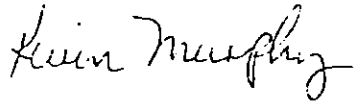
Based upon this relative reduction in sound level and in light of the anticipated maintenance problems and the economics of design and construction costs to achieve a more detectable sound level reduction in L<sub>50</sub> noise levels, we request that a two and one half hour time portion per day variance from compliance with night time noise levels be supported by the DEQ before the Environmental Quality Commission.

Mr. William H. Young  
July 16, 1979  
Page -7-

We feel that the time necessary to complete all projects in the order recommended by our consultant will be 1 year. This should allow adequate agency review time prior to construction and allow us scheduling time to work construction delays into our production schedule. Interim dates for a specific project completion date cannot be set until design and agency review schedules are defined.

We are looking forward to a mutually successful resolution of the community noise problem at Myrtle Point and appreciate your attention to the program and requests outlined in this letter.

Very truly yours,



The Murphy Company

Enclosures: 1 copy - May 7, 1979 Report (SJO)  
1 copy - Notes TRA meeting with Jerry Wilson on Air Compressor and Log Loaders  
5/15/79 Project Memorandum (SJO)  
1 copy - May 29, 1979 letter on log loaders (SJO)

cc: John Hector (DEQ)  
Rich Rider (DEQ)  
F. Glen Odell (SJO)

PROJECT MEMORANDUM

Project No. 30907 File Murphy Vanner - Magalloway Point Date 5/15/77  
Contact Jerry Wilson - DEQ TELEPHONE CALL   
Phone No. 229-5865 CONFERENCE   
Company DEQ INSPECTION

Jerry expressed <sup>same concerns</sup> concern over noise from:  
Air compressor and  
Log loaders.

Review of data collected at site 1 (magalloway) indicates that  
compressor not audible with exterior conveyors on only.  
Judgement made at sites that compressor noise between 40-45  
dBA, it will not be a problem.

Log Loaders. Data was collected on units 966C and 950.  
SJO & Murphy understanding that residential mufflers  
installed 1977 would satisfy DEQ as practical and <sup>not</sup> <sub>true</sub>  
reasonable maximum abatement. SJO will prepare  
further analysis on log loader noise impact.

Distribution File.

seton, johnson & odell, inc.

By Tom A.

seton, johnson & odell, inc.

consulting engineers

317 s.w. alder street  
portland, oregon 97204  
(503) 226-3921

May 29, 1979

The Murphy Co.  
Rt. 2, Box 465  
Florence, Oregon 97439

Attention: Kevin Murphy

Re: Myrtle Point - Noise Study

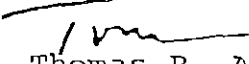
Dear Kevin,

Attached are two copies of site plans of the Myrtle Point mill, showing perimeter property lines. Contour lines representing the closest operating distance between the diesel log loaders and the noise sensitive property are also shown. The distances required for idling and peak engine rpm operation were computed based upon noise data collected on April 3, 1979 on units 966C and 950. Both units were operating with exhaust mufflers.

Noise abatement will be required for these units to be in compliance and operate in the log yard. Muffling of the exhaust noise alone does not achieve compliance. Engine compartment enclosure and isolation of hydraulic lines may be necessary.

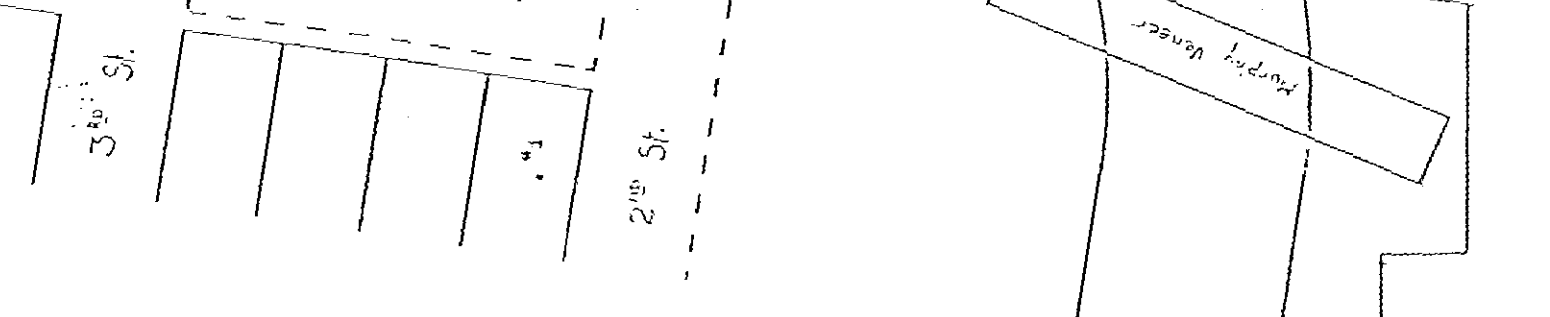
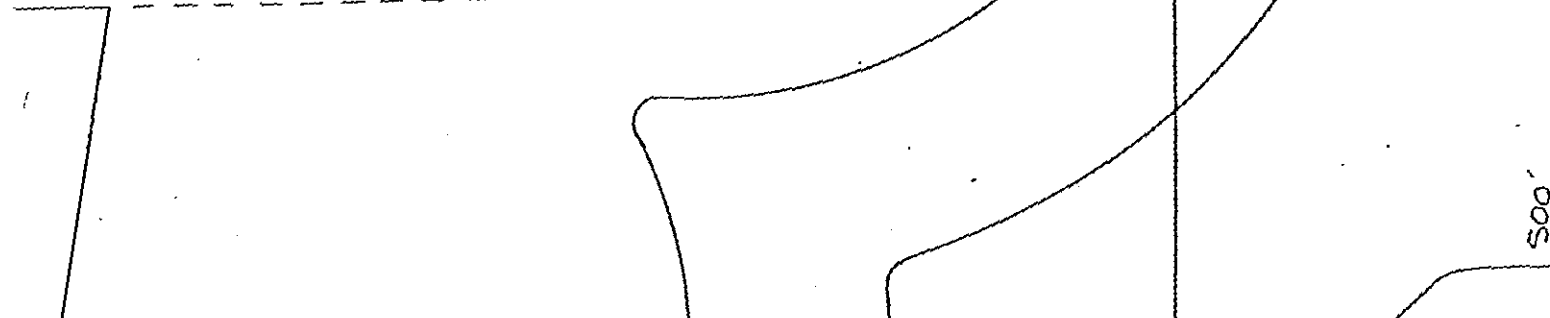
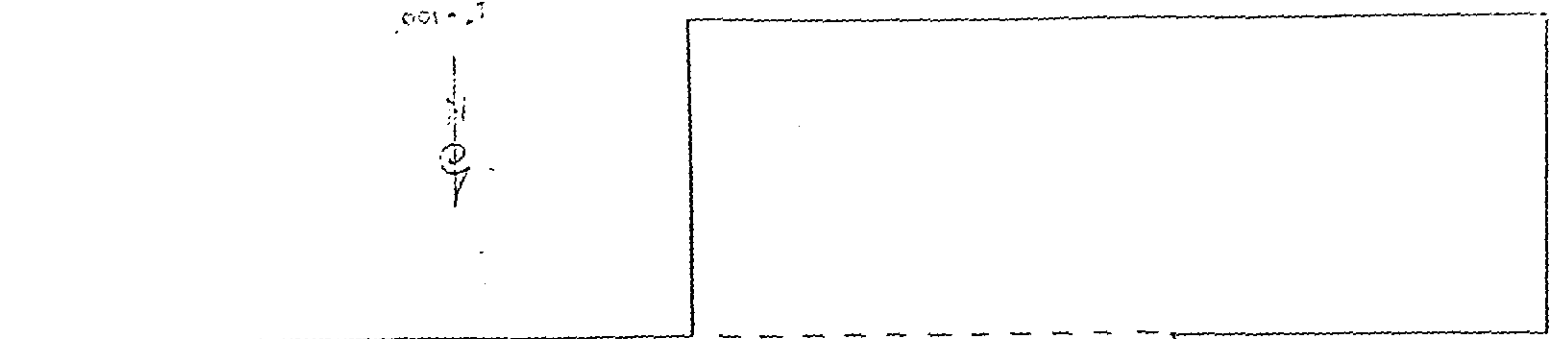
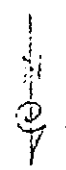
If you have any questions, please call.

Sincerely,

  
Thomas R. Arnold

TRA/ljs

1 = 100'



500' Peak RPM for 1/2" dia

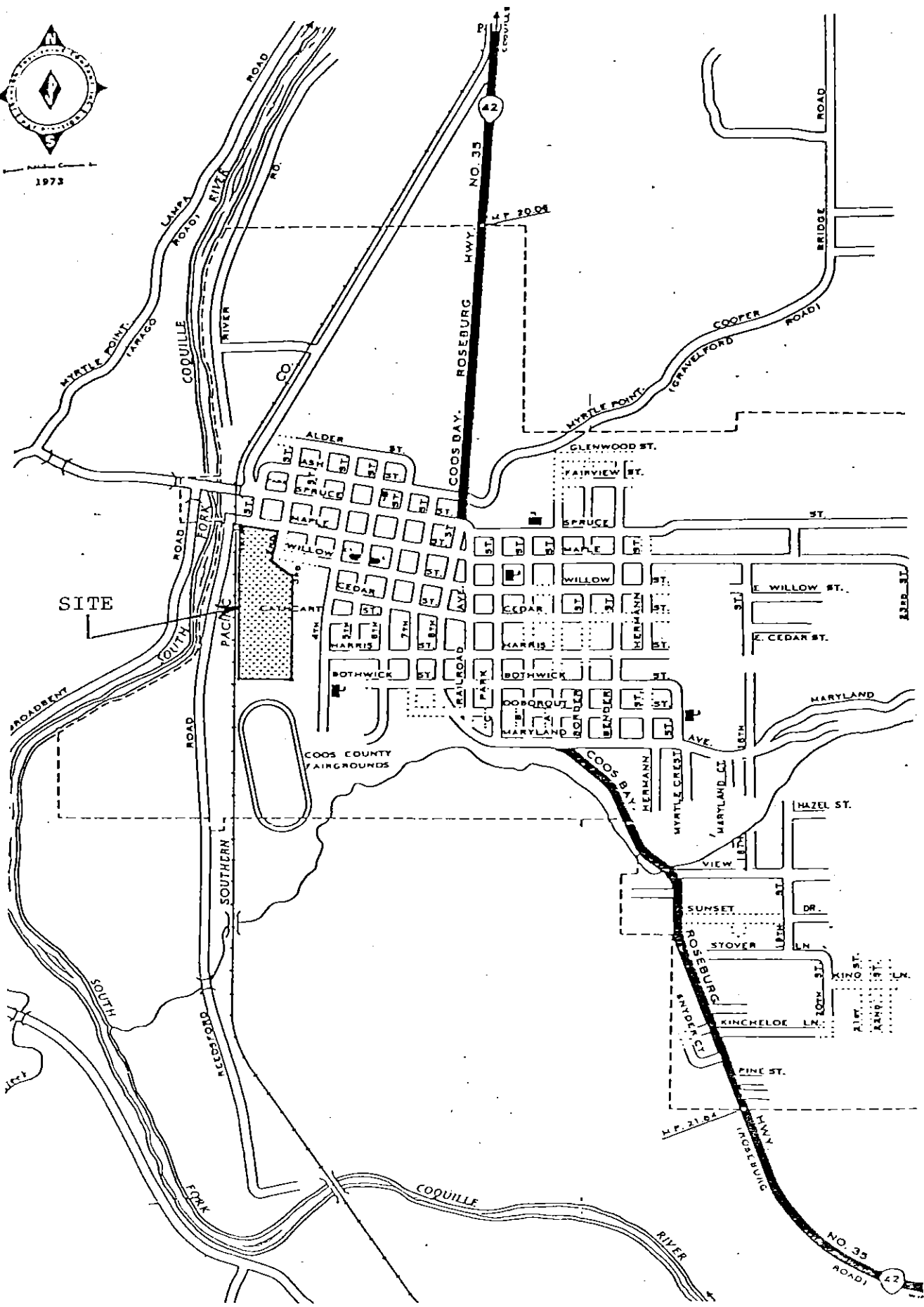
Willow

3<sup>rd</sup> St.

4<sup>th</sup> St.

2<sup>nd</sup> St.

Murphy Veneer





# APPENDIX C

Appendix C  
August 31, 1979 EQC Meeting  
Agenda Item E

seton, johnson & odell, inc.  
consulting engineers

317 s.w. alder street  
portland, oregon 97204  
(503) 226-3921

February 15, 1977

Mr. Ed Koester  
Timbermans Engineering Co.  
2505 N.E. Pacific  
Portland, OR 97232

Dear Mr. Koester:

Kevin Murphy has asked me to send you the enclosed reports by us on noise at his Myrtle Point veneer plant. The critical noise factor in the new debarking facility which you are designing will be meeting the post-1977 nighttime standards at our receptor number 1 as identified in the ambient noise report. My guess is that this will require enclosing the new lily pad chipper and bark hog in a structure similar to the one we have recommended and that will be installed on the existing chippers.

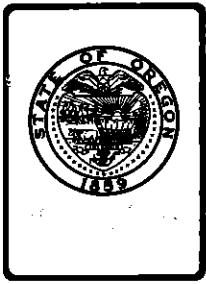
If you have any questions on this, or difficulty getting numbers out of the equipment suppliers, why don't you let me know and we'll work with you to make sure that Kevin is protected. Give me a call if there are any questions.

Yours very truly,

F. Glen Odell, P.E.

FGO/mbk

cc: Kevin Murphy ✓



Victor Atiyeh  
Governor

## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. F, August 31, 1979, EQC Meeting

Request for a Variance from Lane Regional Air Pollution Authority Rules Title 22, Section 22-045(1) and Title 32, Section 32-005(B) for Allis-Chalmers Co. and Lane County, Operators of the Lane County Resource Recovery Facility

### Background and Problem Statement

The operators of the Lane County Resource Recovery Facility requested a variance to operate an air classification system without controls through the shakedown period so that testing can be done to properly size the collection equipment. The variance was requested from LRAPA rules which require all sources to utilize the highest and best practicable controls (32-005-B) and which require all permits issued to noncomplying sources to contain a compliance schedule (22-045-1).

The Board of Directors of the Lane Regional Air Pollution Authority approved a variance on July 11, 1979 (Attachment 1). The Regional Authority is required by ORS 468.345(3) to submit all variances granted by a regional authority be submitted to the Commission for approval, denial, or modification.

The Lane Regional Air Pollution Authority has submitted the variance within the required 15 days and the Department is presenting this variance for action by the Commission within the required 60 days.

### Alternatives and Evaluation

The staff concurs with the alternatives and evaluation presented by LRAPA (Attachment 2). Because this air classification system has not been previously tested and because it is a minor source, it is reasonable to allow construction and testing before determining the final control system.



Contains  
Recycled  
Materials

This variance requires interim control measures to minimize emissions and monthly reports to monitor progress and compliance with the conditions of the variance.

The Commission has the authority to approve, deny, or modify the conditions of this variance. If the Commission has not acted within 60 days of submittal (September 25, 1979), the variance is automatically approved.

Summation

- 1) Allis-Chalmers Co. and Lane County requested a variance from LRAPA rules (32-005-B and 22-045-1) to operate the Lane County Resource Recovery Facility air classification system without controls until testing can be done and controls designed and installed.
- 2) The Board of Directors of the Lane Regional Air Pollution Authority approved a conditional variance on July 11, 1979.
- 3) LRAPA submitted the variance to the Department on July 26, 1979, for consideration by the Commission.
- 4) The Commission is authorized by ORS 468.345(3) to approve, deny, or modify variances submitted by regional authorities.
- 5) Requiring installation of control equipment prior to operation and testing of the air classification system would constitute an unreasonable financial burden on the facility because of the potential for installation of an oversized and more expensive control system than would otherwise be required.

Director's Recommendation

Based upon the findings in the summation, it is recommended that the Commission approve the variance and conditions granted to the Lane County Resource Recovery Facility by the Lane Regional Air Pollution Authority Board of Directors.

*Bill*

William H. Young

E.Woods:np:bkm  
229-6480  
8/16/79

LANE REGIONAL



(503) 686-7618

16 Oakway Mall, Eugene, Oregon 97401

AIR POLLUTION AUTHORITY

Verner J. Adkison, Program Director

July 25, 1979

Mr. H. M. Patterson  
 Department of Environmental Quality  
 P. O. Box 1760  
 Portland, OR 97207

Dear Mr. Patterson:

Enclosed please find copies of requests from Lane County and the Allis-Chalmers Corporation for a variance covering the Lane County Resource Recovery Facility. Also enclosed are copies of the staff report presented to the Board of Directors of this Authority and a copy of the minutes of the July 11, 1979 Board meeting where this variance request was presented to the Board of Directors.

It was the Agency's position that strict compliance with the Rules was inappropriate at this time because special circumstances render strict compliance unreasonable, burdensome and impractical.

We also consider this source to be a minor air contaminant emitter. Particulate emissions are estimated to be less than 25 tons per year in the uncontrolled state and far less than that with the required interim control device in place.

The Board of Directors voted unanimously to grant this variance, with one member abstaining due to potential conflict of interest. A copy of the variance is enclosed for your review as required under State Statutes.

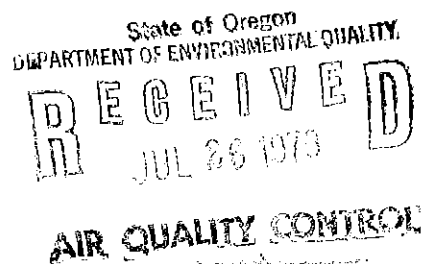
We will be happy to answer any questions that should arise pertaining to the variance request.

Sincerely,

Bob Adams  
 Program Director, Acting

BA/mw/ec

Enclosures



LANE REGIONAL AIR POLLUTION AUTHORITY  
16 Oakway Mall, Eugene, Oregon 97401  
503-686-7618

VARIANCE

The Lane Regional Air Pollution Authority hereby grants to Allis-Chalmers Co., Appleton, Wisconsin, and Lane County, Oregon, a variance from the requirements of the Lane Regional Air Pollution Authority rules regarding the control of air emissions of pollutants to the atmosphere for the operation of the Lane County Resource Recovery Facility during the pre-acceptance/acceptance testing period.

The Lane Regional Air Pollution Authority rules states that no air contaminant discharge permit shall be issued to any source not in compliance with the regulations of the Authority, unless a compliance schedule is made a part of the air contaminant discharge permit. A variance from the regulations is granted for a period of one year, commencing July 23, 1979, and ending July 23, 1980, to permit preliminary shake-down testing, the pre-acceptance/acceptance testing, and delivery and installation of the control equipment, after the end of the acceptance period.

The variance is granted subject to the following conditions:

- (1) The pre-acceptance/acceptance period shall commence as soon as possible and be completed as soon as practicable, but in no event later than December 19, 1979.
- (2) The County shall implement measures to assure the acquisition of a properly sized baghouse as expeditiously as possible.

- (3) Within 15 days of the completion of the acceptance period, a purchase order for the installation of the fabric filtration will be issued. The baghouse shall be installed within 180 days after the completion of the acceptance period. This date will not extend beyond December 18, 1979.
- (4) The temporary interim control measures to be utilized during the period of this variance shall be subject to review and approval by this Agency. Modifications may be required to minimize air contaminant emissions.
- (5) Monthly reports shall be filed with this Agency by both the Allis-Chalmers Corporation and Lane County by the 10th of each month, indicating the status of the project and efforts being undertaken to install control equipment as rapidly as possible.
- (6) Control of fugitive emissions from operation of this facility shall be required to prevent windblown particulate matter.

Failure to comply with the conditions of this variance may result in the termination of the variance.

Issued By: \_\_\_\_\_

*B. J. ...*  
Acting Director

On: \_\_\_\_\_

*July 10<sup>th</sup> 1979*

LRAPA Board Meeting, July 10, 1979

## Agenda Item 5

## Lane County Resource Recovery Facility Variance Request

Background and Problem Statement:

In November of 1976, Allis-Chalmers (A-C) and Lane County entered into an agreement for the construction of a resource recovery facility (RRF) to produce a refuse-derived fuel product and to recover ferrous metals. The facility is located at the Lane County Solid Waste Transfer Site in Glenwood.

In theory, operation of the resource recovery facility is relatively simple. Refuse from the Solid Waste Transfer Site is loaded onto a belt conveyer, where the material is passed through a primary hog for initial size reduction. This material is then belt-conveyed to an air classification system, where the lighter material is picked up in the air stream and blown to a cyclone separator, where the material is removed from the air stream and then belt-conveyed to a storage bin. The material that is not picked up in the air stream is belt-conveyed to a "heavies" storage bin for disposal at the landfill. The air used in the transfer of the material from the classifier to the cyclone separator is then discharged. It is this discharged air that is of primary concern in the consideration of this variance request.

At the onset of this project, this Agency was involved in the review process with Lane County and the various bidders for the construction of this facility. At that time, we expressed concern about the air discharge potential and associated emissions.

The air classification of the waste requires a significant amount of air. The cost of air pollution control equipment is directly related to the amount of air which requires control. It is the staff's understanding that to minimize the amount of air discharged after the cyclone separator, a "closed loop" system was developed which would return that air to the air classifier. Therefore, theoretically, only a small amount of "bleed-off" air would be generated which would require additional air pollution control.

It is the staff's position that, in order to comply with the concept of Highest and Best Practicable Control of Emissions, fabric filtration or equivalent control is required on the air being discharged to the atmosphere through the "bleed-off" system. Our Rules further state that no Air Contaminant Discharge Permit shall be issued to any source not in compliance with our regulations, unless a compliance schedule is made a part of the Air Contaminant Discharge Permit.

### Discussion

The object of the resource recovery facility was to recover useful products from waste material and to reduce the need for landfill disposal of a portion of the waste. The "closed loop" concept to address the air pollution problem was untried and unproven at the beginning of the project. At this time, Lane County and Allis-Chalmers are in agreement with LRAPA staff that controls are necessary on any air stream being discharged as "bleed-off" air. The quantity of air to be controlled is not known and is contingent upon other factors, such as the quality of fuel desired and the air transport of this material.



Allis-Chalmers, in their letter of June 21, 1979, requested 105 County working days, starting when the variance is approved and issued, to perform the preliminary shakedown testing and the contractual pre-acceptance/acceptance testing. If the variance is approved and issued, commencing July 23, 1979, this time period would extend through December 18, 1979, which is 148 calendar days.

Lane County is requesting an additional 180 calendar days for delivery and installation of the control equipment, after the end of the acceptance period. The combined total length of the variance period would, therefore, be 328 days, or approximately eleven months from the date of issue. Figure I represents the time line for the variance and intermediate project dates.

If approved, as requested, it is anticipated that the breakdown in time would be as follows:

July 10, 1979: Board action on variance request

July 11 - December 19, 1979

- (a) Intermittant short periods of two or three hours of operation to make minor adjustments to the facility (approximately 10 working days).
- (b) Period of experimentation to determine amount of "bleed-off" air required to maintain systems operation (approximately 15 working days).
- (c) Pre-acceptance period of operation (approximately 85 working days)
- (d) Acceptance period of operation (approximately 5 working days).

December 20, 1979 - June 19, 1980

(a) Selection and purchasing of equipment (approximately 45 days).

(b) Delivery and construction (approximately 120 days).

(c) Startup of equipment (approximately 15 days).

June 20, 1980 and thereafter: Operation of system not allowed unless "bleed-off" air is controlled by additional fabric filtration or its equivalent.

#### Options Available

The Board of Directors of this Agency has three options at this time in reference to this facility. These options are: 1) deny the requested variance; 2) approve the requested variance; or, 3) approve the variance request subject to specific conditions.

If the variance request is denied by the Board of Directors, the facility would not be allowed to operate without being in violation of the Agency's Rules and Regulations. The installation of additional control equipment would be required in order to meet our regulations and have the Air Contaminant Discharge Permit considered for issuance.

Approval of the variance request, as submitted by Allis-Chalmers and Lane County, would allow the facility to operate eleven months without the required controls. However, during that time, both parties have agreed to use an interim control device to try to minimize the impact on the surrounding area of the discharge of materials from the air separators.

The staff is recommending approval of the variance request,

subject to specific conditions. These conditions will shorten the time interval by overlapping the schedules. The conditions which the staff wishes to impose are:

- (1) The pre-acceptance/acceptance period shall commence as soon as possible and be completed as soon as practicably possible.
- (2) The County shall implement measures to assure the acquisition of a properly sized baghouse as expeditiously as possible.
- (3) Within 15 days of the completion of the acceptance period, a purchase order for the installation of the fabric filtration will be issued. The baghouse shall be installed within 180 days after the completion of the acceptance period. This date will not extend beyond December 18, 1979.
- (4) The temporary interim control measures to be utilized during the period of this variance shall be subject to review and approval by this Agency. Modifications may be required to minimize air contaminant emissions.
- (5) Monthly reports shall be filed with this Agency by both the Allis-Chalmers Corporation and Lane County by the 10th of each month, indicating the status of the project and efforts being undertaken to install control equipment as rapidly as possible.
- (6) Failure to comply with the conditions of this variance may result in the termination of the variance.

Summary

Allis-Chalmers and Lane County have applied for a variance to operate the resource recovery facility until June 20, 1980 with emissions exceeding the limitations of our regulations.

A period of time is necessary to determine the amount of air to be controlled to minimize the cost of control equipment and, then, additional time is required to procure the necessary control equipment. During the interim, control measures will be undertaken to help minimize the impact of local dust generated by this operation through the use of a temporary control device. The staff has recommended imposing conditions on the compliance schedule to shorten the amount of time necessary to achieve compliance of the source. It is the staff's understanding that the conditions are acceptable to both parties.

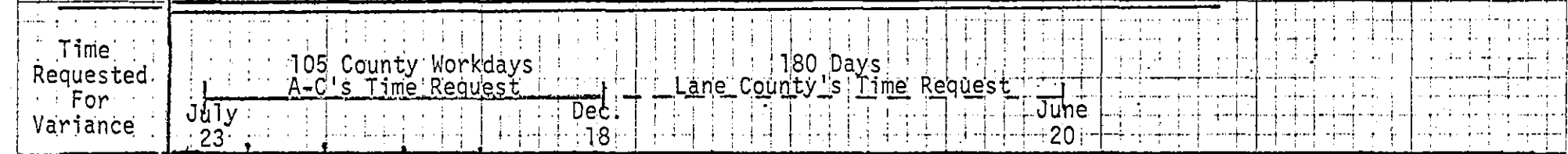
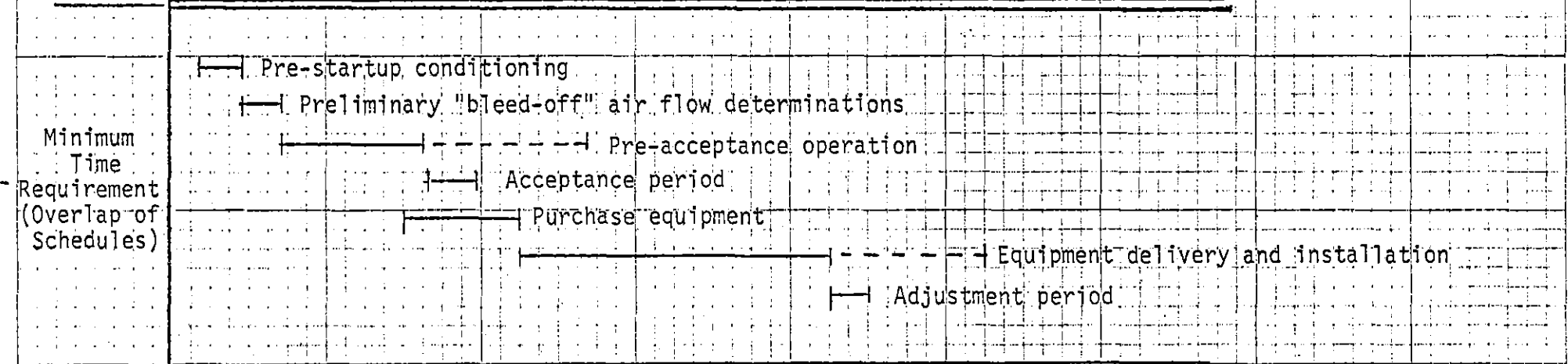
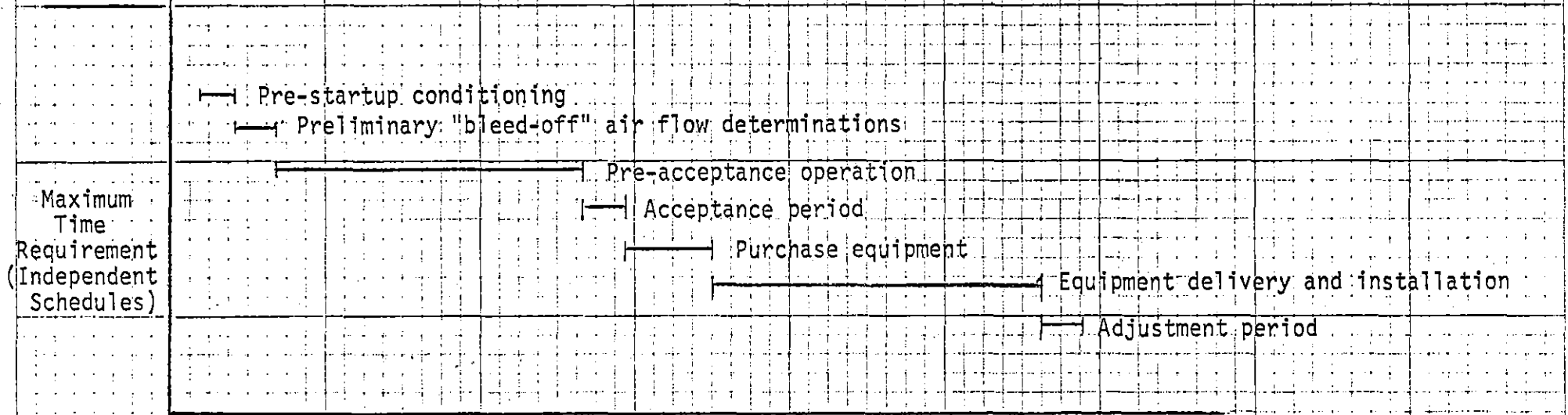
Recommendation

It is the Acting Director's recommendation to approve the variance request subject to the staff's recommended conditions.

The staff is further directed to commence the permit issuance process by putting the proposed permit out on public notice as soon as possible, containing the provisions of this variance. It is the Agency's intent to issue the Air Contaminant Discharge Permit after due consideration of any public comments received.

PTW/ec

FIGURE I



JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUNE

NOTE: All dates on time schedules are estimates only!

MINUTES

LANE REGIONAL AIR POLLUTION AUTHORITY  
 MONTHLY BOARD MEETING  
 TUESDAY - JULY 10, 1979  
 16 OAKWAY MALL

ATTENDANCE

- BOARD: Bob Adams - Chairman, City of Springfield; Otto t'Hooft - Vice-Chairman, Lane County; Jack Delay, City of Eugene; John Lively, City of Springfield; Bill Hamel, City of Eugene; Bill Whiteman, City of Cottage Grove  
 (ABSENT: Emily Schue, City of Eugene)
- STAFF: Bob Adams, Acting Director; Joyce Benjamin, Legal Counsel; Millie Watson, Joe Lassiter, Marty Douglass, Brett McKnight, Paul Willhite
- VISITORS: Michael Gravino, Waste Management Communications; Tom Brandt; Clayton Liddell and Ernie Joachim, Allis Chalmers; Henry Wohlers, Advisory Committee; Craig Starr and Rich Owings, Lane County; Helen Minkler, League of Women Voters; Joe Sir, Western Waste; Ed Black, Springfield Public Works; Tom Jackson, Springfield News; Dan Knapp, Oregon Technological Society; Jackie Banaszynski, Eugene Register-Guard; Janice Johnson, KVAL; KEZI; July t'Hooft
- The meeting was called to order at 12:05 p.m. by Chairman Bob Adams. Chairman Adams welcomed the one new board member, Mr. Bill Whiteman and explained the other new board member, Emily Schue was on her way to England and would be welcomed at our August meeting.
- BOARD MEMBER AT LARGE: Mr. Adams explained that a Board Member-at-large must be appointed at this time due to the size of the board, which at the present consists of six members and an uneven number of members is required. The Member-at-large will be appointed for a two-year term.
- Jack Delay MOVED to appoint John Lively from Springfield to the position of Member-at-large for the ensuing term. Bill Hamel SECONDED and the motion was APPROVED unanimously.
- MINUTES: Otto t'Hooft MOVED approval of the minutes of the June board meeting as mailed. Jack Delay SECONDED and the motion was APPROVED unanimously.
- EXPENSE REPORT: Otto t'Hooft MOVED approval of the expense report for June as presented. Bill Whiteman SECONDED and the motion was APPROVED unanimously.
- PUBLIC HEARING: Chairman Adams announced the board is prepared to have a public hearing on a variance for the Lane County Resource Recovery facility at this time.
- Otto t'Hooft stated that he will have to withdraw from participation due to a conflict of interest as the County is involved in the operation of the facility.

Paul Willhite explained that Allis-Chalmers and Lane County have requested a variance of 105 days to perform the preliminary shake-down testing and the contractual preacceptance/acceptance testing and an additional 180 days for delivery and installation of the control equipment. The combined total length of the variance period would, therefore, be 328 days, or approximately eleven months from the date of issue.

Willhite said it is anticipated that the breakdown in time would be as follows:

July 10, 1979: Board action on variance request

July 11, 1979 - December 19, 1979

- (a) Intermittant short periods of two or three hours of operation to make minor adjustments to the facility (approximately 10 working days)
- (b) Period of experimentation to determine amount of "bleed-off" air required to maintain systems operation. (15 days)
- (c) Pre-acceptance period of operation (approximately 85 working days)
- (d) Acceptance period of operation (approximately 5 working days)

December 20, 1979-June 19, 1980

- (a) Selection and purchasing of equipment (approximately 45 days)
- (b) Delivery and construction (approximately 120 days)
- (c) Startup of equipment (approximately 15 days)

June 20, 1980 and thereafter; Operation of system not allowed unless "bleed-off" air is controlled by additional fabric filtration or its equivalent.

Options available to the Board were outlined as follows:

- 1) Deny the requested variance
- 2) Approve the requested variance
- 3) Approve the variance request subject to specific conditions.

Mr. Willhite explained that if the variance request is denied by the board, the facility would not be allowed to operate without being in violation of the Agency's Rules and Regulations, and installation of additional control equipment would be required in order to meet our regulations and have the Air Contaminant Discharge Permit considered for issuance.

The staff, according to Willhite, recommends approval of the variance request, subject to specific conditions which will shorten the time interval by overlapping the schedules. The conditions which the staff wishes to impose are:

- (1) The pre-acceptance/acceptance period shall commence as soon as possible and be completed as soon as practicably possible.

- (2) The county shall implement measures to assure the acquisition of a properly sized baghouse as expeditiously as possible.
- (3) Within 15 days of the completion of the acceptance period a purchase order for the installation of the fabric filtration will be issued. The baghouse shall be installed within 180 days after the completion of the acceptance period. The acceptance period will not extend beyond December 18, 1979.
- (4) The temporary interim control measures to be utilized during the period of this variance shall be subject to review and approval by this agency. Modifications may be required to minimize air contaminant emissions.
- (5) Monthly reports shall be filed with this agency by both the Allis-Chalmers Corporation and Lane County by the 10th of each month, indicating the status of the project and efforts being undertaken to install control equipment as rapidly as possible.
- (6) Control of fugative emissions from the operation of this facility shall be required to prevent windblown particulate matter.
- (7) Failure to comply with the conditions of this variance may result in the termination of the variance.

Chairman Adams opened the public hearing to the public at 12:08 p.m. and asked if anyone wished to speak on this matter.

Richard Owings, Director of Environmental Management for Lane County urged approval of the variance request and promised full cooperation from the County.

Dan Knapp, Oregon Appropriate Technology, spoke against the variance on the grounds of solid waste pollution which could add to the air pollution load in the Willamette Valley and urged denial of the variance.

Tom Brandt, a private citizen, illustrated the danger of air contamination by displaying materials he allegedly had obtained at the Lane County Resource Recovery site. The materials included a can of weed killer, an urn dated 1912 which had been used for radium ore storage and used a Geiger Counter to illustrate that the urn was still radio-active. Mr. Brandt then showed several slides taken at the Resource Recovery Site showing the debris on the ground and in the air during operation. He then urged the Board to deny the request for a variance.



Michael Gravine, Waste Management Consultant, stated he thought granting of a variance might possibly be in violation of EPA regulations.

Chairman Adams closed the Public Hearing at 12:53 p.m. and asked for comments from the board members.

Acting Director Adams stated that the staff has done considerable investigation and work on this request and feel the variance should be granted. He explained that the LRAPA concern is primarily air and solid waste is handled by the DEQ. However, Adams added, good interim control is essential and asked the staff to test emissions during the variance period. Joe Lassiter, Engineering Administrator, stated the agency may not have the necessary equipment but could probably obtain the equipment from the State and thinks the agency can control by sampling. Adams said that he, as Acting Director, recommended granting of this variance.

Legal Counsel, Benjamin, said she is fairly comfortable with the legality of the issue, but will re-read the EPA regulation which was mentioned by Michael Gravine and report back to the board.

Jack Delay MOVED to have the staff bring a report to the next board meeting stating how they plan to assure emissions are going to be tested so the board can know what is contained in the emissions from the facility.

John Lively SECONDED and the motion was APPROVED with Otto t'Hooft abstaining.

Bill Whiteman MOVED to approve granting of a variance to the Allis-Chalmers Corporation and Lane County as requested. John Lively SECONDED the motion.

Whiteman asked that Legal Counsel check on the legality of the variance and report back to the board. Jack Delay asked the staff to follow Item #4 in the conditions diligently and Bill Hamel asked if the County could police what is put into the Resource Recovery facility in order to hopefully cut back on toxic materials.

The motion was APPROVED with Otto t'Hooft abstaining.

DIRECTOR'S  
REPORT:

Acting Director Adams asked the board to accept his recommendation to allow Joe Lassiter to handle the Coast Manufacturing Company account because of conflicts between the management of Coast Manufacturing and himself. He asked that any decisions made by Mr. Lassiter concerning Coast Manufacturing be considered final. The Board members agreed to this policy.

Adams informed the board he would be bring open backyard burning

complaints to the attention of the board at the next meeting.

Otto t'Hooft stated he was of the opinion that the open burning action taken by the board a year ago should be examined and possibly changed.

Adams said letters have been sent to the City Manager of Florence and to the Forest Service thanking them for their cooperation during the "Whale" incident.

PROGRAM  
DIRECTOR:

Adams reported that the Lane County Personnel Department has informed him they have seven applicants and several inquiries for the position of Program Director. They are mailing out the information and application forms tomorrow, July 11th and hope to have a report for the board at the August meeting. They asked for and received a week's extension of the closing date to receive applications.

Jack Delay stated he was not entirely in favor of reimbursing travel expenses for applicants. The board agreed to leave the matter until the final applicants are selected.

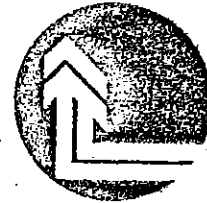
ADJOURNMENT:

There being no further business to come before the board, the meeting was adjourned at 1:23 p.m. The next regular meeting of the board will be held on Tuesday, August 14, 1979 at 12:00 noon in the agency conference room.

Respectfully submitted,

*Millie Watson*

Millie Watson  
Recording Secretary



June 26, 1979

Lane Regional Air Pollution Authority  
16 Oakway Mall  
Eugene, Oregon 97401

RE: Variance Request  
Resource Recovery Facility

This letter is to request and document the need for a short-term variance to certain air quality requirements for operation of the Lane County Resource Recovery Facility (RRF) located in Glenwood. The intent of the variance, as will be described in more detail in this letter and supporting information, will be to permit testing of the RRF under various air bleed-off configurations, to conduct operations required for pre-acceptance and acceptance testing, and to allow processing operations to proceed concurrently with delivery and installation of properly sized air quality control equipment after acceptance of the RRF by Lane County.

#### BACKGROUND

As a result of a Request for Proposals issued by Lane County in February 1976, Western Waste Corporation submitted a proposal for an RRF in which Allis-Chalmers Corporation (A-C) was the principle subcontractor for equipment. Because Western Waste experienced difficulty in obtaining a construction performance bond in a timely manner, the construction and operational functions associated with the RRF were separated. On November 17, 1976, A-C and Lane County executed the contract for construction of the RRF to produce a refuse derived fuel product and to recover ferrous metals.

Vern Adkison, the late Director of LRAPA, was closely involved throughout the evaluation of the various proposals for construction of the RRF and was particularly helpful in reviewing the adequacy of proposed air quality controls. The original Western Waste/A-C proposal involved the use of dual-vortex cyclones to perform the simultaneous functions of materials separation and air quality control. It was quickly obvious that such an approach would not satisfy LRAPA's air quality control requirements and further negotiations arrived at an agreement for installation of a closed-loop air classification system where air would be recirculated rather than exhausted to the atmosphere. Largely because of Vern Adkison's skepticism about the ability of the closed-loop system to prevent air emissions, a provision was included in the contract with A-C making Lane County responsible for addition of an air quality control baghouse, if required as a supplement to the closed-loop air classification system.

RECEIVED  
JUN 26 1979

LANE REGIONAL AIR POLLUTION AUTHORITY

17540

Construction of the RRF has proceeded much slower than was originally anticipated due to problems with timely equipment delivery and to major equipment modifications required to address difficulties experienced during relatively short start-up operations. Finally, in March 1979, modifications to the RRF were essentially complete and longer periods of operation could be initiated. In a completely closed mode of operation, an acceptable recovery of refuse derived fuel could not be achieved and waste materials were deposited at various locations in the pneumatic transport system causing restricted air flows. Since the closed-loop air classification system did not include any mechanism for a controlled bleed-off of air, A-C experimented by opening an entire section of the closed loop to the atmosphere and venting in air just behind the air classifier. In such an operating mode, problems with adequate recovery and restricted air flows were either eliminated or substantially reduced.

At this point, A-C notified Lane County that the RRF was completed and that Lane County was obligated under the contract to purchase a bag-house for air quality control. A-C also notified LRAPA of their intent to initiate pre-acceptance and acceptance operations with the air classification system exhausting entirely to the atmosphere. Both Lane County and LRAPA responded that A-C's intended initiation of operations was not appropriate until problems with the closed-loop air classification system were resolved satisfactorily. As a result, the RRF has remained idle for the last several weeks and only recent negotiations between A-C and Lane County have developed the proposal presented in this letter for resuming plant operations while adequately considering air quality concerns.

#### PROPOSED ACTION

It was originally envisioned in the A-C/Lane County contract and in discussions with LRAPA staff that modifications of the RRF would occur during the pre-acceptance period and that the extent of air discharges, if any, requiring installation of air quality control equipment would only be determined during this period. Although it now appears virtually certain that some air will be exhausted to the atmosphere, the actual quantity of air which will need to be discharged to make the closed-loop air classification system function properly must still be determined under actual operation. A-C is already at work on a mechanism for providing a controlled bleed-off which can be varied from 0 to 100-percent of the air in the closed-loop air classification system. Within the next few weeks, the closed-loop will be modified to include this mechanism and short test runs of the RRF will be initiated to determine the quantity of air which must be exhausted to permit the air classification system to perform effectively. Initial test runs will be made at system air discharge quantities of 30-percent and under in hope of finding the minimum required bleed-off for effective operation. Only in the event that the air classification system will not function effectively while discharging system air quantities of 30-percent and under will further test runs at higher quantities of bleed-off be made. These test runs will continue until the

air classification system either works effectively or further attempts at reducing discharges to the atmosphere are considered futile.

Since A-C is contractually responsible for obtaining any authorizations required for operation during pre-acceptance and acceptance and Lane County will become responsible for the RRF after acceptance, the request for a variance is being pursued concurrently, but in two parts. A-C will be submitting a variance request for the period of pre-acceptance and acceptance so that the operational capability of the RRF may be tested. Since the initial test runs previously mentioned will be of limited duration, it may be anticipated that A-C will need to make further adjustments of the bleed-off during the pre-acceptance period to improve the performance of the RRF. Therefore, Lane County supports A-C's variance request for the period of pre-acceptance and acceptance as necessary to establish that the RRF as constructed is functional and to determine the quantity of bleed-off air for which control equipment must be provided.

In addition, Lane County is hereby requesting an additional variance to permit operation of the RRF for a period of 180 days following acceptance. The intent of this request would be to allow operations to continue after acceptance of the RRF by Lane County while delivery and installation of properly sized air quality control equipment can be completed. Since the proper size of air quality control equipment may not be determined until pre-acceptance and acceptance operations are completed and delivery and installation of the control equipment will require from 120 to 180 days, the requested variance period reasonably represents the time required for operation of the RRF before acceptable air quality control facilities can be completed. During the period between acceptance and completion of air quality control facilities, Lane County will continue to provide and operate interim air quality control provisions utilized by A-C during the pre-acceptance and acceptance operations.

#### ANTICIPATED IMPACTS

At present, the anticipated impact of the requested variance on air quality in the area is impossible to estimate. One of the purposes of the requested variance is to permit experimentation to determine the extent of air bleed-off required for the closed-loop air classification system to function properly. At this point, it is still possible that anywhere between 0 and 100-percent of the air utilized in the closed-loop air classification system will be discharged.

The best present estimate from A-C is that something on the order of 30-percent of the air from the closed-loop air classification system may need to be exhausted. Since approximately 85,000 cfm is required to transport the light fuel fraction from the classifier to the cyclones, the quantity of air which will be exhausted may be approximately 25,000 cfm. In spite of the dual-vortex cyclones used to separate the light fuel fraction from the transport

air stream and the interim air quality control provisions to be utilized, some fine particulate will be exhausted with the bleed-off air during the variance period. Until the RRF is actually being operated, the extent of these emissions will remain unknown.

It is important to point out that not all of the environmental impacts of operating the RRF without adequate air quality control equipment are negative. The goal of the RRF project is to recover useful products from waste materials and to reduce the need for landfill disposal of a portion of the wastes. In order to fulfill this goal and to thereby reduce the potential water and land pollution associated with landfilling, it is important to initiate operation of the RRF as soon as practical so that markets can be developed for the products of the operation.

#### SUMMARY

The contents of this letter with respect to a variance for operation of the RRF are summarized, as follows:

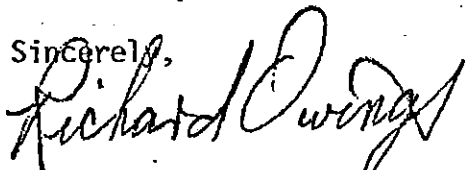
1. The variance is necessary to permit testing of the RRF under various bleed-off configurations, to conduct pre-acceptance and acceptance operations necessary to prove the equipment and to allow processing operations to proceed concurrently with delivery and installation of properly sized air quality control equipment.
2. Because of the limited information available on air quality control from refuse recovery operations and closed-loop air classification systems, the need for and quantity of any required bleed-off of air from the closed-loop air classification system can still only be determined by actual operation of the RRF.
3. Because of the contractual relationship, the variance request will be in two parts from A-C and Lane County.
4. Lane County supports A-C's request for a variance to operate the RRF during the pre-acceptance and acceptance period as necessary to establish that the RRF as constructed is functional and to determine the quantity of bleed-off air for which control equipment must be provided.
5. Lane County requests a further variance period of 180 days following acceptance to allow operation of the RRF to continue

Page Five  
Lane Regional Air Pollution Authority

while delivery and installation of properly sized air quality control equipment can be completed.

If there are questions regarding this matter, please contact either Craig Starr or myself.

Sincerely,

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

Richard Owings, Director  
Environmental Management

RO:kr

cc: Joe Leahy  
Mark Westling  
Terry Wilson  
Clayton Liddell  
Joe Siri  
Craig Starr



ALLIS-CHALMERS

BOX 2219 • APPLETON, WISCONSIN 54913 / 414-734-9831

CRUSHING & SCREENING EQUIPMENT DIVISION

June 21, 1979

RECEIVED  
JUN 25 1979

Lane Regional Air Pollution Authority  
16 Oakway Mall  
Eugene, OR 97401

LANE REGIONAL AIR POLLUTION AUTHORITY

17534

Re: Variance Request  
Lane County Resource Recovery Facility

Attention: Joe Lassiter

Dear Joe:

This letter is a follow-up to the meeting held in the office of LRAPA on Wednesday, June 6, in which LRAPA agreed to permit short (3-4 hrs.) test runs of the closed-loop system modified to include a bleed-off arrangement. Further, LRAPA also agreed to receive and approve a variance request, subject to LRAPA Board approval, that would allow operation of the modified closed-loop system without a baghouse during the preacceptance/acceptance testing period provided an "acceptable" reduction in air discharged to atmosphere could be achieved. "Acceptable" was not defined.

Significant effort was applied and many tests were made to operate the system in a closed-loop mode, but without success. In order for the plant to produce RDF and ferrous to specifications, some or possibly all system air must be discharged to atmosphere. Allis-Chalmers will during the immediately succeeding weeks modify and test the existing closed-loop system with the intent of reducing, if possible, the amount of system air discharged to atmosphere from that now discharged (now at 100%) while retaining the capability of its air classification system to perform effectively.

Initial attempts will be made at system air discharge quantities of 30% and under. Should any one of such efforts prove successful, future tests will not be made by Allis-Chalmers prior to commencement of preacceptance/acceptance testing.

Allis-Chalmers' Project Manager, E. G. Joachim, has reviewed with you the technical aspects of modifying the closed-loop system to allow quantities of system air to be discharged to atmosphere and also providing a temporary filtering method to avoid discharge of large particles to atmosphere while operating during the testing period. A copy of his sketch showing this initial approach has been delivered to you and will have been delivered to Lane County by the time you receive this letter.

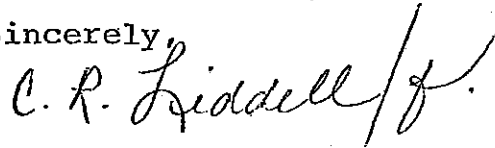


Page Two  
Joe Lassiter  
June 21, 1979

In the event that the air classification system will not function effectively while discharging system air quantities of 30% and under, Allis-Chalmers will make attempts at higher quantities which are in Allis-Chalmers' judgment appropriate. These attempts will continue until in Allis-Chalmers' judgment the air classification system works effectively or further attempts are considered futile.

To perform the preliminary shakedown testing, and the contractual preacceptance/acceptance testing will require an estimated 105 County working days starting when the variance is approved and issued. With the concurrence of the owner of the facility, Lane County and the operator to-be of the facility, Western Waste Corp., Allis-Chalmers, the builder of the facility, request LRAPA to issue a variance for 105 County working days to its requirement that a baghouse be installed to filter system air discharged to atmosphere while testing is proceeding at the Lane County Recovery Facility.

Sincerely,



C. R. Liddell  
Manager  
Solid Waste Processing Operation

f

cc: R. Owings - Lane County  
W. T. Farnsworth  
T. F. Finch (NC)

LOMBARD, GARDNER, HONSOWETZ, JOHNSON & BREWER  
ATTORNEYS AT LAW

HERB LOMBARD  
JACK A. GARDNER, P.C.  
F. WILLIAM HONSOWETZ  
ALLEN L. JOHNSON  
DAVID BREWER

June 21, 1979

~~□ SW~~  
~~□ PW~~  
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915 OAK STREET, SUITE 200  
EUGENE, OREGON 97401  
(503) 687-9001  
484-7402

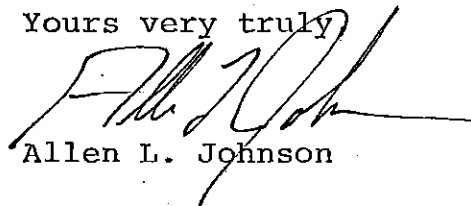
Joe Lassiter  
Lane Regional Air  
Pollution Authority  
16 Oakway Mall  
Eugene, Oregon

Re: Resource Recovery Facility

Dear Mr. Lassiter:

I represent Western Waste. I am authorized to advise you that Western Waste has no objection to the proposed variance application by Lane County and Allis Chalmers.

Yours very truly



Allen L. Johnson

/jm  
cc: Joseph J. Siri

RECEIVED  
JUN 22 1979

LANE REGIONAL AIR POLLUTION AUTHORITY  
# 17521



Victor Atiyeh  
Governor

## *Environmental Quality Commission*

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

### MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item G, August 31, 1979, EQC Meeting

### Request for a Variance from OAR 340-21-020(1) (B), Fuel Burning Equipment Limitations for the Weyerhaeuser Company Mill in Bly, Oregon

#### Background and Problem Statement

Weyerhaeuser Company operates a sawmill and a Sterling hogged fuel boiler in Bly, Oregon. The boiler was moved to the plant site and began operations in 1976. Because it was installed after June 1, 1970, it is required to meet the emission limits for new sources. Weyerhaeuser has requested a variance from OAR 340-21-020(1) (B), Fuel Burning Equipment Limitations for new sources.

This boiler was built in 1947 and operated in California before it was purchased by Weyerhaeuser and installed in Bly. The boiler is controlled by 2 multiclones in series. Since startup, fan problems have delayed source testing but the most recent fan installation appears to have solved the operational problems. The rotary air seal valves were replaced to prevent leaking. Weyerhaeuser had the collector manufacturers review the collector operation to maximize performance. After these equipment modifications were made, Weyerhaeuser's technical staff undertook an extensive study of the system operation. A series of tests were made at different operating parameters to determine the most efficient mode of operation. After all the above improvements the boiler was source tested at 0.13 gr/SCF. The applicable limit is 0.1 gr/SCF. Weyerhaeuser reported that the test was conducted with unusually wet fuel due to heavy rainfall during testing. A correction factor for the wet fuel was proposed. This correction factor indicates that under normal conditions, the boiler would be in compliance with the emission limit of 0.1 gr/SCF. Based upon this data the company requested a variance from the "new source" grain loading limits.



Contains  
Recycled  
Materials

The Commission is authorized by ORS 468.345 to grant variances from the Department's rules if it finds that strict compliance is inappropriate because, among other options, "special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause."

#### Alternatives and Evaluation

There are several alternatives when considering a solution to this problem. The following is a discussion of each alternative.

- 1) The most recent test submitted by Weyerhaeuser indicated that the boiler was operating at 0.13 gr/SCF, well within the limits for existing boilers (0.2) but slightly in excess of the limits for new boilers (0.1). During the test, more than 1 inch of rain fell which is highly unusual for Bly. The high rain fall raised the moisture content of the fuel by approximately 10 percent. A higher fuel moisture content reduces the boiler efficiency and Weyerhaeuser proposed correction factors for the fuel moisture content and the low isokinetic sampling rate of the test.

Both of the proposed correction factors indicate that the boiler emission rate, under normal conditions, would be less than measured during the source test. To date, the Department has not accepted any correction factors on source tests. The correction factors indicate probable trends, however there is no standard method for calculating the amount of the correction. For this reason the Department would reject the source test as a demonstration of compliance with the emission limit for new sources (0.1 gr/SCF).

- 2) In the past the Department has allowed retesting if equipment operation or testing procedures have cast doubt on the test results. The Department would also allow retesting in this case. Although the test results might indicate compliance with the 0.1 gr/SCF limit, it is doubtful that continuous compliance could be maintained over the full range of operating parameters. Therefore the Department has not requested retesting of the boiler in Bly, although Weyerhaeuser is aware that retesting is an option.
- 3) There has been a difference of opinion between Weyerhaeuser and the Department on the interpretation of the definition of "new source" in OAR 340-21-005(3). A new source is defined as "any air contaminant source installed, constructed or modified after June 1, 1970."

Weyerhaeuser contends that although this boiler was installed in Oregon after June 1, 1970, it was constructed in 1947. Had it been originally installed in Oregon it would have to meet limits for "existing sources." Because of its earlier design and construction, the most recent designs and operational control systems which allow more efficient operation could not be incorporated into this boiler. The operation of this boiler compares favorably with other "existing" boilers in Oregon.

The Department has used a more literal interpretation of the definition. The intent of the rule was to require the latest technology and lowest practicable emission rates when significant modifications of source equipment or replacements were made. This procedure would gradually update all the sources in the State without unreasonable expenditures for control equipment for old sources.

Because this is still the Department's intent, Weyerhaeuser was notified, prior to construction of the boiler, that it must meet the emission limits for new sources.

- 4) The Department has considered a change in the regulations for sources which have a minimal impact on the airshed. As in many other areas the cost of the energy necessary to operate control equipment is becoming much more significant. In areas where the ambient air standards are being met by a wide margin, the energy costs may eventually outweigh the environmental benefits of the more efficient control systems. The Department has considered but is not pursuing at this time a regulatory change in this area, because the process of developing, proposing and adopting such changes is very time consuming and does not provide an adequate and timely solution to the current problem in Bly.
- 5) The Department could require compliance with the emission limits for "new sources." However, Weyerhaeuser has estimated that the control equipment necessary to meet the limits for new sources would cost in excess of \$800,000. Annual operating costs would be in excess of \$100,000 per year. These costs would vary depending upon the type of controls selected.

The least expensive control system, a wet scrubber, would result in a much more visible plume because of the water vapor. In addition, water treatment facilities would be necessary to separate the water and collected particulates.

- 6) The Department has rejected the above alternatives and has agreed to present a variance request to the Commission. A variance is the simplest procedure and need not set any precedents because it is determined on a case by case basis.

In addition to the source testing, Weyerhaeuser has submitted some preliminary results from their ambient samplers near the mill. The samplers were positioned near the areas of maximum ambient concentrations predicted by standard computer models. The Department has not stationed any ambient samplers in this area because of the lack of resources and other industrial pollution sources.

The data submitted by Weyerhaeuser indicates that the ambient particulate levels are approximately one half of the Department's limit of 60 micrograms per cubic meter on an annual geometric mean. While the proposed analysis of the samples is not yet complete, it is anticipated that sources such as agricultural activities and road construction near the sampling sites will have a more significant impact on the samples than the boiler emissions. Weyerhaeuser intends to sample for at least a full year and will provide a more complete data summary at that time.

Since the last equipment modification in December, 1978, the staff has made several visual observations of the boiler emissions. The opacity limit for new sources is 20 percent. During the observations the opacity is normally in the 5-10 percent range with occasional surges to 20 percent. The review of random steaming charts since December, 1978, indicates that the boiler operates consistently without the wide swings in steaming rates which cause excessive emissions.

The statute allows the Commission to grant variances if compliance with the rule is unreasonable, burdensome or impractical. The Department suggests requiring compliance with the limit for new sources would be unreasonable and burdensome because of the high cost of controls and the minimal, if measureable, improvements in air quality.

The Department proposes a variance from OAR 340-21-020(1) (B) with the following conditions:

- A) Particulate emissions from the boiler shall not exceed 0.13 gr/SCF corrected to 12 percent CO<sub>2</sub>.
- B) Visible emissions from the boiler shall not equal or exceed 20 percent opacity for more than three minutes in one hour.
- C) If the Department determines that the boiler causes significant adverse impacts on the community or airshed, this variance may be revoked.

The Department has not proposed a specific end date for this variance but proposes that the variance extend for the life of the boiler unless revoked or amended. Past variances have had end dates but the statute does not make end dates mandatory.

#### Summation

- 1) Weyerhaeuser Company has requested a variance from OAR 340-21-020(1) (B), Fuel Burning Equipment Limitations for the operation of the Sterling hogged fuel boiler at their Bly sawmill.
- 2) The Commission has the authority, under ORS 468.345, to grant a variance from a rule which it finds unreasonable, burdensome or impractical.

- 3) The boiler has been source tested and can operate at 0.13 gr/SCF. The limit for "new sources" is 0.1 gr/SCF. The limit for "existing sources" is 0.2 gr/SCF. Visible emission observations indicate that the boiler can comply with the "new source" opacity limit of 20 percent.
- 4) Weyerhaeuser has estimated and the Department concurs that the capital costs of controls to meet the 0.1 gr/SCF limit may be in excess of \$800,000 and operating costs may be in excess of \$100,000 per year.
- 5) Ambient sampling results indicate that the Bly airshed is well within the ambient air standard set by the State of Oregon and EPA.
- 6) The boiler has demonstrated an ability to comply with the proposed variance limits of 0.13 gr/SCF and 20 percent opacity and is not causing any fallout or similar air quality problems.
- 7) The Department has concluded that the operation of the boiler as tested, as observed since the test and in compliance with the proposed variance conditions, will not cause significant degradation of the air shed.

Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission grant a variance from OAR 340-21-020(1) (B), Fuel Burning Equipment Limitations, to Weyerhaeuser Company for the Sterling hogged fuel boiler at the sawmill in Bly, Oregon subject to the following conditions:

- A) Particulate emissions shall not exceed 0.13 gr/SCF corrected to 12 percent CO<sub>2</sub>.
- B) Visible emissions shall not exceed 20 percent opacity for more than 3 minutes in any one hour.
- C) If the Department determines that the boiler is causing an adverse environmental impact, this variance may be revoked.
- D) This variance is granted to the Sterling boiler for the operating life of the Sterling boiler at this location.

*Bill*

William H. Young

FAS:bdm

Attachment: Weyerhaeuser Variance Request

F. A. Skirvin

229-6414



**Weyerhaeuser Company**

270 Cottage Street, N.E.  
Salem, Oregon 97301  
(503) 588-0311

August 8, 1979

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 10 1979

**AIR QUALITY CONTROL**

Harold M. Patterson, Manager  
Air Pollution Control  
Department of Environment Quality  
P. O. Box 1760  
Portland, Oregon 97207

Subject: Weyerhaeuser Company - Bly Hog Fuel Boiler Emissions

Dear Mr. Patterson:

This letter is written to request a permanent variance from the Department of Environmental Quality's hog fuel boiler new-source emission requirements for Weyerhaeuser Company's Bly facility. This request, however, should in no way be construed as a change in our position that the Bly boiler should be considered an existing, not a new, source under your Agency's emission regulations.

Our request for a variance is based on the following reasons:

1. The compliance test conducted in January of this year showed a grain loading of 0.13. As we stated in our February 21 letter, which is attached, it is our contention that the test results would have been 0.10 grains or less if it would not have been for the unique rainfall intensity which increased fuel moisture content to an abnormally high level and the lower than normal isokinetic conditions. As you know, independent evaluations which were conducted by Dr. Terry Adams and Dr. Dave Junge, both who are widely recognized in the wood combustion field, confirmed our view that normal fuel moisture conditions would have resulted in an emission level of 0.10 grains or less.
2. Ambient air quality monitoring which has been conducted at Bly since October, 1978 shows that particulate levels are substantially less than those permitted by either state or federal standards.



Harold M. Patterson  
August 8, 1979

Page 2

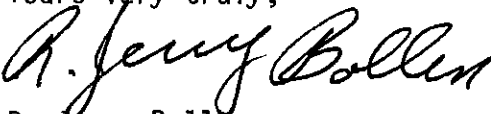
3. Short of installing end of the pipe treatment, Weyerhaeuser Company has made every possible effort to minimize emission levels. These efforts have included the installation of a two-stage ash collection system, installation of overfire air and optimization of combustion efficiency.

Provision of a stack scrubber system is estimated to cost \$1,000,000 with an operation and maintenance expense of \$110,000 per year. In addition, the energy required to operate such a system would be substantial.

Yet, no measurable environmental benefits would result from such an investment.

We appreciate your consideration of this request and would be pleased to provide any additional information that you might need.

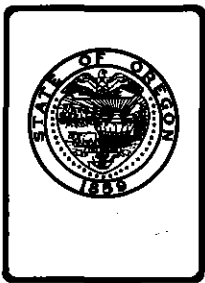
Yours very truly,



R. Jerry Bollen  
Oregon Public Affairs Manager

Enclosure

cc: Dick Nichols, DEQ, Bend  
Ed Woods, DEQ, Portland  
B. Z. Agrons



## *Environmental Quality Commission*

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

### MEMORANDUM

TO: Environmental Quality Commission

FROM: Director

SUBJECT: Agenda Item H, August 31, 1979, EQC Meeting  
Field Burning--Public Hearing to Consider Adoption as Permanent  
Rules Amendments to OAR 340-26-005 and 26-015 Adopted as  
Temporary Rules June 29, 1979, and August 6, 1979, and  
Submitted to EPA as a State Implementation Plan (SIP) Revision

### Background

In May, 1979, the staff submitted a proposed State Implementation Plan (SIP) revision to the Environmental Protection Agency (EPA). That agency has subsequently reviewed the proposed change and has asked the Department to: (1) Clarify certain parts of the submittal and their understanding of our operational field burning program; (2) Provide further technical support for previous field burning rule changes; and (3) Respond to certain procedural issues affecting the Eugene/Springfield Air Quality Maintenance Area. Certain of EPA's questions indicated the need for revisions to the regulations controlling field burning. To address these, temporary rule revisions were proposed to the Commission in order to:

1. Identify the regulatory authority to burn more than one quota per day in a fire district.
2. Identify the use of continuous emission control techniques.
3. Clarify wording regarding prohibition conditions criteria.

In order to expedite timely approval of the State Implementation Plan (SIP) the Commission adopted temporary rule revisions correcting the deficiencies identified above at its June 29, 1979, meeting under its emergency rule-making authority. The Commission further directed the staff to expedite procedures for proper public hearing and consideration of the temporary rules for adoption as permanent.

During the above process, Region X, EPA, continued to examine the Department's SIP submittal with respect to both proposed field burning regulations and the technical support documentation regarding potential field burning impacts. The EPA indicated that the field burning portion of Oregon's SIP could be proposed



Contains  
Recycled  
Materials

for approval provided problems with certain procedural, technical, and regulatory issues are satisfactorily resolved. These EPA concerns may be summarized as follows:

4. The regulations provide exemptions to certain requirements for days classified as having "unlimited ventilation," yet the proposed wording may be interpreted to preclude a classification of unlimited ventilation thus making the exemptions inoperative.
5. If a classification of unlimited ventilation is established and the exemptions to requirements for burning techniques, moisture content, and acreage restrictions become operative, the constant emission control requirements of the Clean Air Act may not be satisfied.
6. The proposed regulations only limit the amount of acreage that can be burned experimentally for the 1979 season. Therefore, after 1979, there would be no limit on the amount of experimental burning allowed thus making the SIP revision unapprovable since it could not show continuing maintenance of the standards.
7. The proposed regulation would allow the EQC to establish new annual acreage limitations every other year and that by including this provision in the SIP, the Administrator could be preempted in his responsibility to approve any revision to a SIP as required by the Clean Air Act.
8. The use of relative humidity as an indicator of fuel moisture content, if implemented in the manner suggested in the proposed rules, is unlikely to be effective in reducing actual emissions. It is suggested that, rather than classifying days as prohibition conditions based on relative humidity, the burning of individual fields or areas be restricted based on relative humidity in a manner similar to the rainfall restriction.

The Department is currently responding to other EPA requests relating to field burning but not requiring rule revisions.

As a result of action taken by the City of Eugene to enforce the current Oregon SIP and thereby restrict open field burning to 50,000 acres during 1979, and subsequent action taken by Governor Atiyeh, through executive order, to set aside provisions of the current SIP, the EQC met on August 6, 1979, to hear proposed rule revisions offered by the City of Eugene. The rules were proposed to provide additional protection to the City in view of the increase to an allowable 180,000 acres afforded by the Governor's executive order. Rule revisions proposed by the City for immediate implementation as temporary rules, and subsequent adoption as permanent rules, may be summarized as follows:

9. Prohibit the burning of South Valley priority area acreages upwind of the Eugene/Springfield Air Quality Maintenance Area.

10. Prohibit burning when the relative humidity exceeds 50 percent under forecast northerly winds or 60 percent under forecast southerly winds.
11. Require the use of strip-lighting on annual and cereal crops and require the use of perimeter lighting on perennial crops.

The Commission adopted the proposals of the City with modifications that provided for a 65 percent maximum relative humidity under southerly winds and removed the strip-lighting requirement whenever the mixing depth is equal to 5,000 feet or greater.

In providing notice for this August 31, 1979, public hearing, the Department indicated rule revisions would be considered to address items (1) through (3) above. Specifically, issuance of multiple quotas, clarification of language defining "prohibition conditions" and use of strip-lighting and perimeter lighting were identified for discussion. Though some overlap exists, the public notice for this meeting did not address all of items (4) through (11) above. To insure adequate notice regarding this subject matter, the Department has initiated a second notice procedure pointing toward a September 21, 1979 public hearing to address items not covered at this August 31, 1979 hearing.

#### Rulemaking Authority

Oregon Revised Statutes (ORS) 468.450 establishes the Commission's authority to regulate field burning through identification of "marginal days" and development of a schedule identifying the extent and types of burning to be allowed on such days. ORS 468.460 specifically authorizes the Commission to promulgate rules for the control of field burning in the Willamette Valley. ORS 468.460(3) requires the Commission to consult with Oregon State University prior to such promulgation.

In order to comply with State statutes, a "Statement of Need for Rulemaking" is attached (Attachment 1).

#### Alternatives and Evaluation

Because of the limited subject matter identified in the notice for this August 31, 1979, public hearing the Department is proposing rules for adoption at both the August 31 and September 21, 1979, EQC meetings. Rule changes and discussion are summarized below.

1. Specifically, rule changes proposed for this August meeting:
  - a. Modify 26-015(2) to define a quota and clearly provide for the issuance of single, multiple, or fractional quotas to address item (1) above.

A staff review of the current rules describing and limiting burn authorization procedures, OAR 340-26-015, indicates that:

1. The language of subsection (2)(a) may be interpreted to restrict the amount of burning the Department can authorize to one quota per day in each fire district; and
2. The language of the section no longer reflects the present meaning and use of acreage quotas.

To address the issuance of more than one quota, specific language would be incorporated through the proposed rule revision to allow issuance of burn authorizations in terms of single, multiple, or fractional quotas. Such authorization procedure has been the common practice. A redefinition of the term "quota" and other necessary rule changes consequent to the new definition are proposed. While the fire district acreage quota remains a tool to effect an equitable distribution of burning, its previous direct relationship to total fire district acreage no longer exists. As regionally-based restrictions to burning have been applied through rule revision, changes to quota sizes have sometimes been used to maintain parity in burning opportunity. Such an example is the increase in quota size afforded to several Silverton Hills fire districts to offset new restrictions on burning upwind of the Eugene/Springfield area. The new definition of fire district quotas removes language construed to limit burning authorization to one quota "on a marginal day."

- b. Modify section 26-005 to define perimeter ignition and further revise section 26-015(4)(e)(A) to provide for the use of striplighting or perimeter burning to address items (2), (5), and (11) above.

The Clean Air Act requires the utilization of continuous emission controls. The EPA, Region X, has, to date, considered into-the-wind strip-lighting a reasonably available emission control. However, prior to June 29, 1979, its use under DEQ rules was required only on annual grasses and cereal grains due to reported damage of burnout on perennial crops and was not required when "unlimited ventilation" conditions existed. The EPA did not consider such application of the technique a continuous emission control. However, because the previously mentioned "perimeter" lighting technique, as demonstrated by Oregon State University (OSU) researchers, has shown reduced ground level impacts, the EPA supports its use. The required use of either perimeter lighting or into-the-wind strip-lighting has been submitted (as part of rule revisions adopted June 29, 1979) for EPA approval as a continuous emission control technique.

A form of perimeter lighting, incorporating the use of backfires to reduce the danger of fire spread, is the preferred technique of Willamette Valley seed growers. It has come into popular use chiefly due to its inherent safety (ever-enlarging fire breaks) and speed. Because much of the average burn using this technique is accomplished under a headfire, emissions are high. Plume rise is as good or better than other ignition techniques except certain rapid ignition methods.

Because the perimeter lighting techniques, as executed by OSU researchers, incorporated at least four lighting vehicles, whereas seed growers might average two, it may not yet be a reasonably applicable technology for the average seed grower. In addition, questions about fire safety still remain regarding the OSU method. However, application of rapid lighting techniques and minimization of backfiring can be combined with perimeter lighting methods to reduce ground level smoke concentrations and maximize plume loft. The proposed definition of perimeter burning would incorporate these requirements. In response to City of Eugene testimony on August 6, 1979,

further change to OAR 340-26-015(5)(e)(A) is proposed to require the use of into-the-wind strip-lighting on annual grass and cereal crops and perimeter lighting, as defined, on perennials. The Commission also adopted language waiving the ignition method requirements when mixing heights are 5,000 feet or greater. Since a form of perimeter lighting is the preferred method of ignition and would be used in the absence of other requirements, it is proposed to submit the attached rules to the EPA as meeting the requirement for continuous emission control.

- c. Modify section 26-015(1)(c) to clarify the definition of prohibition conditions criteria to address item (3) above.

Prohibition conditions, prior to 1978, existed whenever northerly winds existed and the mixed depth of the atmosphere was less than 3,500 feet. Rule changes of 1978 were proposed to add an additional stipulation, specifically, relative humidity must be less than 50 percent (later 65 percent). The EPA interprets the language of the 1978 changes such that prohibition conditions are not necessarily in effect when northerly winds, a mixing depth of less than 3,500 feet, and low humidity exist simultaneously.

To eliminate this interpretation, references to humidity restrictions are proposed to be removed from the prohibition criteria and identified in section 26-015(4)(f) of the rules. See (g) below.

- II. Rule changes addressed in the Department's recent public notice and proposed for the September 21, 1979 meeting and public hearing would:

- d. Modify sections 26-005 and 26-015 to define "Unlimited Ventilation Conditions" to address item (4).

All days during the summer burning season must be classified as marginal or prohibited. Criteria for such classification are established by rule. If sufficient mixing depth and wind speed exist, unlimited ventilation conditions are said to exist. However, days are not specifically classified as unlimited ventilation days as is the EPA's interpretation. To clarify this point a definition of Unlimited Ventilation Conditions is proposed for inclusion in section 26-005 and removal from section 26-015.

- e. Modify section 26-013(6)(a) to provide for experimental burning of up to 7,500 acres each year to address item (6).

The present rules were drafted in an effort to achieve SIP approval prior to the 1979 season and with the intention of submitting another SIP revision prior to the 1980 season in response to new legislation. Thus rules were included which were specific to 1979.

Experimental burning is highly regulated under current rules and would not be expected to exceed current levels under projected research efforts. However, since present wording is specific to 1979, it is proposed to remove references to specific years and thereby limit experimental burning to the present 7,500 acre level for each year.

- f. Delete section 26-013(1)(c) to remove Commission authority under administrative rule to set new acreage limitations to address item (7).

The Department believes current rule language, 26-013(1)(a), specifically limits burning to no more than 180,000 acres annually and acreage changes made by the Commission pursuant to 26-013(1)(c) would be restricted by the aforementioned limitation. Further, upward changes in acreage would require revision to subsection (1)(a) which would in turn be subject to EPA Administrator review and approval. However, to date the EPA has indicated that SIP revision containing (1)(c) would be unacceptable and cause for SIP rejection; therefore, it is proposed to delete the section.

- g. Modify section 26-015(4)(f) to provide for restrictions on burning due to relative humidity and to apply such restrictions based upon local measurements to address items (8) and (10).

It is proposed to permanently adopt the relative humidity (RH) restrictions adopted as temporary at the August 6, 1979, special EQC meeting. However, it is also proposed to implement the 50/65 RH rule based upon the best available local measurements in a manner analagous to the current rule regulating burning after rainfall. Using this approach local humidity determinations would be used in identifying areas affected by the restrictions.

- h. Modify section 26-015(4)(d)(B) to prohibit burning of south priority acreages upwind of Eugene/Springfield to address item (9).

It is proposed to permanently adopt the temporary rule approved at the August 6, 1979, EQC meeting prohibiting the burning of South Valley priority acreages upwind of the Eugene/Springfield area.

#### Summation

The Environmental Protection Agency (EPA), Region X, has reviewed the Department's proposed revision to Oregon's Clean Air Act State Implementation Plan (SIP) and has requested additional clarification and changes affecting field burning regulations and procedures. In addition, in view of the potential for burning 180,000 acres as a result of an executive order issued by Governor Atiyeh, the City of Eugene has asked for revisions to certain field burning regulations. Due to the limited scope of the public notice given regarding this August 31, 1979, public hearing some of the requested rule revisions are proposed for public hearing at the Environmental Quality Commission's September 21, 1979, meeting.

At this August 31, 1979, public hearing the Department proposes for EQC adoption:

1. A revision to OAR 340-26-015(2), as shown in Attachment II, to redefine the term quota and specifically provide authority for issuance of single, multiple, or fractional quotas. The language of the proposed revisions would better reflect actual operating procedures.
2. A revision to OAR 340-26-005 and 26-015(4)(e)(A), as shown in Attachment II, to define a perimeter lighting technique and to require the use of perimeter lighting on perennial grasses and into-the-wind strip-lighting on annual grasses and cereal grain crops.

The requirements may be waived in the event of a mixing depth of 5,000 feet or greater. Due to the relatively lower amount of ground level smoke of perimeter lighting, the relatively lower emissions of into-the-wind strip-lighting, and the use of a form of perimeter lighting under good ventilation conditions, the rule revision is proposed as continuous emission control.

3. A revision to OAR 340-26-015 (1)(c), as shown in Attachment II, to clarify the current wording such that prohibition conditions are in effect whenever northerly winds exist and vertical mixing is less than or equal to 3,500 feet.

At the proposed September 21, 1979, public hearing the Department would propose rule revisions as shown in Attachment III to:

4. Modify OAR 340-26-005 to define "Unlimited Ventilation Conditions."
5. Modify OAR 340-26-013(6)(a) to allow up to 7,500 acres of experimental burning to be conducted each year.
6. Delete OAR 340-26-013(1)(c) and remove the Commission's authority to set annual acreage limitation under administrative rules.
7. Modify OAR 26-015(4)(f) to implement the 50/65 percent maximum relative humidity restrictions on burning under forecast northerly and southerly winds respectively. Such restrictive would be based upon the nearest measuring station.
8. Modify OAR 26-015(4)(d)(B) to prohibit the burning of South Valley priority acreages upwind of the Eugene/Springfield area.

#### Director's Recommendation

Based upon the findings in the Summation, it is recommended that the Commission take the following action:

1. Acknowledge as of record the consultation with and recommendations of Oregon State University, as presented at the public hearing, and the Department and any other parties consulted pursuant to ORS 468.460(3).
2. Subject to any changes found appropriate as a result of August 31, 1979, recommendations made to the Commission or findings reached at this meeting, adopt the proposed amendments to OAR Chapter 340, Sections 26-005 and 26-015, identified under items 1, 2, and 3 of the Summation, as rules to become effective immediately upon filing with the Secretary of State.
3. Instruct the Department to file promptly the adopted rules with the Secretary of State as permanent rules to become effective immediately



upon such filing and to forward the rules and other pertinent information to the EPA as a supplement to the previously submitted revision to Oregon's Clean Air Act State Implementation Plan.

*Bill*

WILLIAM H. YOUNG

Attachments: I Statement of Need for Rulemaking  
II Proposed Revision to OAR Chapter 340, Sections 26-005 and 26-015  
III Proposed Revisions to OAR Chapter 340, Sections 26-005, 26-013,  
and 26-015

SAF:pas  
686-7837  
August 16, 1979

ATTACHMENT I

Agenda Item H, August 31, 1979, EQC Meeting

Field Burning--Public Hearing to Consider Adoption as Permanent Rules to Amendments to OAR 340-26-005 and 26-015 Adopted as Temporary Rules June 29, 1979, and August 6, 1979, and Submitted to EPA as a State Implementation Plan (SIP) Revision

STATEMENT OF NEED FOR RULEMAKING

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended action to adopt a rule.

(1) Legal Authority.

Oregon Revised Statutes 468.020, 468.450, and 468.460.

(2) Need for the Rule.

Proposed amendment of open field burning regulations, OAR 340, 26-005 and 26-015, is needed to:

1. Clarify the definition of prohibition conditions;
2. Specifically authorize the Department of Environmental Quality to issue more than one quota of acreage per fire district per day, and thus bring rule and actual operation into compatibility; and
3. Define and require the use of perimeter ignition techniques on perennial grasses and into-the-wind strip-lighting on annual grasses except when the mixing depth is 5,000 feet or greater.

All such changes are required to achieve Environmental Protection Agency acceptance of a field burning State Implementation Plan revision.

(3) Principle Documents Relied Upon in This Rulemaking.

1. Staff report William H. Young, Director, Department of Environmental Quality, presented at the December 15, 1979, April 27, 1979, June 29, 1979, and August 6, 1979, EQC meetings.
2. Personal communication with Clark Gaulding, Air Programs Branch Administrator, U. S. Environmental Protection Agency, June 15, 1979.
3. Record of the Environmental Quality Commission meeting, August 31, 1979.
4. Personal communications with Terry Smith, Environmental Analyst, City of Eugene, August 3, 1979.
5. Personal communication with Keith Martin, Assistant City Manager, City of Eugene, August 3, 1979.

6. Personal communication with Tim Sercombe, City Attorney, City of Eugene, August 3, 1979.
7. Personal communication with Dave Nelson, Executive Secretary, Oregon Seed Council, et. al., August 3, 1979.
8. Memorandum to the EQC from Terry Smith, Environmental Analyst, City of Eugene, August 6, 1979.
9. Notice of Proposed Rulemaking regarding the field burning portion of Oregon's State Implementation Plan, August 3, 1979, Federal Register.

SAF:pas  
686-7837  
August 16, 1979

Attachment II

(Rules proposed for adoption after August 31, 1979 Public Hearing)

DEPARTMENT OF ENVIRONMENTAL QUALITY  
Chapter 340

Agricultural Operations  
AGRICULTURAL BURNING

26-005 DEFINITIONS. As used in this general order, regulation and schedule, unless otherwise required by context:

- (1) Burning seasons:
  - (a) "Summer Burning Season" means the four month period from July 1 through October 31.
  - (b) "Winter Burning Season" means the eight month period from November 1 through June 30.
- (2) "Department" means the Department of Environmental Quality.
- (3) "Marginal Conditions" means conditions defined in ORS 468.450(1) under which permits for agricultural open burning may be issued in accordance with this regulation and schedule.
- (4) "Northerly Winds" means winds coming from directions in the north half of the compass, at the surface and aloft.
- (5) "Priority Areas" means the following areas of the Willamette Valley:
  - (a) Areas in or within 3 miles of the city limits of incorporated cities having populations of 10,000 or greater.
  - (b) Areas within 1 mile of airports servicing regularly scheduled airline flights.
  - (c) Areas in Lane County south of the line formed by U. S. Highway 126 and Oregon Highway 126.
  - (d) Areas in or within 3 miles of the city limits of the City of Lebanon.
  - (e) Areas on the west side of and within 1/4 mile of these highways; U. S. Interstate 5, 99, 99E, and 99W. Areas on the south side of and within 1/4 mile of U. S. Highway 20 between Albany and Lebanon, Oregon Highway 34 between Lebanon and Corvallis, Oregon Highway 228 from its junction south of Brownsville to its rail crossing at the community of Tulsa.
- (6) "Prohibition Conditions" means atmospheric conditions under which all agricultural open burning is prohibited (except where an auxiliary fuel is used such that combustion is nearly complete, or an approved sanitizer is used).

---

"[----]" represents material deleted

Underlined material represents proposed additions

(7) "Southerly Winds" means winds coming from directions in the south half of the compass, at the surface and aloft.

(8) "Ventilation Index (VI)" means a calculated value used as a criterion of atmospheric ventilation capabilities. The Ventilation Index as used in these rules is defined by the following identity:

$$VI = \frac{\text{Mixed depth (feet)}}{1000} \times \text{Average wind speed through the mixed depth (knots)}$$

(9) "Willamette Valley" means the areas of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties lying between the crest of the Coast Range and the crest of the Cascade Mountains, and includes the following:

(a) "South Valley," the areas of jurisdiction of all fire permit issuing agents or agencies in the Willamette Valley portion of the Counties of Benton, Lane or Linn.

(b) "North Valley," the areas of jurisdiction of all other fire permit issuing agents or agencies in the Willamette Valley.

(10) "Commission" means the Environmental Quality Commission.

(11) "Local Fire Permit Issuing Agency" means the County Court or Board of County Commissioners or Fire Chief of a Rural Fire Protection District or other person authorized to issue fire permits pursuant to ORS 477.515, 447.530, 476.380 or 478.960.

(12) "Open Field Burning Permit" means a permit issued by the Department pursuant to ORS 468.458.

(13) "Fire Permit" means a permit issued by a local fire permit issuing agency pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(14) "Validation Number" means a unique three-part number issued by a local fire permit issuing agency which validates a specific open field burning permit for a specific acreage on a specific day. The first part of the validation number shall indicate the number of the month and the day of issuance, the second part the hour of authorized burning based on a 24 hour clock and the third part shall indicate the size of acreage to be burned (e.g., a validation number issued August 26 at 2:30 p.m. for a 70 acre burn would be 0826-1430-070).

(15) "Open Field Burning" means burning of any perennial grass seed field, annual grass seed field or cereal grain field in such manner that combustion air and combustion products are not effectively controlled.

(16) "Backfire Burning" means a method of burning fields in which the flame front does not advance with the existing surface winds. The method requires ignition of the field only on the downwind side.

(17) "Into-the-Wind Strip Burning" means a modification of backfire burning in which additional lines of fire are ignited by advancing directly into the existing surface wind after completing the initial backfires. The technique increases the length of the flame front and therefore reduces the time required to burn a field. As the initial burn nears approximately 85% completion, the remaining acreage may be burned using headfiring techniques in order to maximize plume rise.

(18) "Perimeter Burning" means a method of burning fields in which all sides of the field are ignited as rapidly as practicable in order to maximize plume rise. A minimum of preparatory backfire burning may be completed in order to reduce fire danger.

(19) [~~18~~] "Approved Field Sanitizer" means any field burning device that has been approved by the Department as an alternative to open field burning.

(20) [~~19~~] "Approved Experimental Field Sanitizer" means any field burning device that has been approved by the Department for trial as a potential alternative to open burning or as a source of information useful to further development of field sanitizers.

(21) [~~20~~] "After-Smoke" means persistent smoke resulting from the burning of a grass seed or cereal grain field with a field sanitizer, and emanating from the grass seed or cereal grain stubble or accumulated straw residue at a point 10 feet or more behind a field sanitizer.

(22) [~~21~~] "Leakage" means any smoke resulting from the use of a field sanitizer which is not vented through a stack and is not classified as after-smoke.

(23) [~~22~~] "Approved Pilot Field Sanitizer" means any field burning device that has been observed and endorsed by the Department as an acceptable but improvable alternative to open field burning, the operation of which is expected to contribute information useful to further development and improved performance of field sanitizers.

(24) [~~23~~] "Approved Alternative Method(s)" means any method approved by the Department to be a satisfactory alternative method to open field burning.

(25) [~~24~~] "Approved Interim Alternative Method" means any interim method approved by the Department as an effective method to reduce or otherwise minimize the impact of smoke from open field burning.

(26) [~~25~~] "Approved Alternative Facilities" means any land, structure, building, installation, excavation, machinery, equipment or device approved by the Department for use in conjunction with an Approved Alternative Method or an Approved Interim Alternative Method for field sanitation.

(27) [~~26~~] "Drying Day" means a 24-hour period during which the relative humidity reached a minimum less than 50% and no rainfall occurred.

26-010 GENERAL PROVISIONS. The following provisions apply during both summer and winter burning seasons in the Willamette Valley unless otherwise specifically noted.

(1) Priority for Burning. On any marginal day, priorities for agricultural open burning shall follow those set forth in ORS 468.450 which give perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.

(2) Permits required.

(a) No person shall conduct open field burning within the Willamette Valley without first obtaining a valid open field burning permit from the Department and a fire permit and validation number from the local fire permit issuing agency for any given field for the day that the field is to be burned.

(b) Applications for open field burning permits shall be filed on Registration/Application forms provided by the Department.

(c) Open field burning permits issued by the Department are not valid until acreage fees are paid pursuant to ORS 468.480(1)(b) and a validation number is obtained from the appropriate local fire permit issuing agency for each field on the day that the field is to be burned.

26-015 WILLAMETTE VALLEY SUMMER BURNING SEASON REGULATIONS

As provided for in Section 6 of Oregon Law 1977, Chapter 650, the Department shall conduct a smoke management program which shall include in addition to other provisions covered in these rules the following provisions:

(1) Classification of Atmospheric Conditions. All days will be classified as marginal or prohibition days under the following criteria:

(a) Marginal Class N conditions: Forecast northerly winds [~~7~~] and a mixing depth greater than 3500 feet.

(b) Marginal Class S conditions: Forecast southerly winds.

(c) Prohibition conditions: Forecast northerly winds [~~7~~] and a mixing depth of 3500 feet or less [~~7-and/or-relative-humidity-greater-than-65-percent~~].

(d) Unlimited Ventilation conditions: A mixing depth of 5000 feet or greater and a ventilation index of 32.5 or greater.

(2) Quotas.

(a) Except as provided in this subsection, the total acreage of permits for open field burning shall not exceed the amount authorized by the Department for each marginal day. [~~Daily~~] Authorizations of acreages shall be issued in terms of single, multiple, or fractional basic quotas or [~~7~~] priority area quotas as listed in Table 1, attached as Exhibit A and incorporated by reference into this regulation and schedule, and defined as follows:

(A) The basic quota of acreage shall be established for each [represents-the number-of-acres-to-be-allowed-throughout-a] permit jurisdiction, including fields located in priority areas, [on-a-marginal-day-on-which-generat-burning-is-allowed in-that-jurisdiction:] in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(B) The priority area quota of acreage shall be established for each permit jurisdiction, for fields in priority areas, [represents-the-number-of-acres-allowed within-the-priority-areas-of-a-permit-jurisdiction-on-a-marginal-day-when-only priority-area-burning-is-allowed-in-that-jurisdiction:] in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(b) Willamette Valley permit agencies or agents not specifically named in Table 1 shall have a basic quota and priority area quota of 50 acres only if they have registered acreage to be burned within their jurisdiction.

(c) In no instance shall the total acreage of permits issued by any permit issuing agency or agent exceed that allowed by the Department for the marginal day except as provided for jurisdictions with 50 acres quotas or less as follows: When the [~~established-daily-acreage~~] Department has authorized one quota [is-50 acres] or less, a permit may be issued to include all the acreage in one field providing that field does not exceed 100 acres and provided further that no other permit is issued for that day. [~~For-those-districts-with-a-50-acre-quota:]~~ Permits [~~for-more-than-50-acres~~] shall not be so issued on two consecutive days.

(d) The Department may designate additional areas a Priority Areas, and may adjust the basic acreage quotas or priority area quotas of any permit jurisdiction, where conditions in [~~their~~] its judgment warrant such action.

(3) Burning Hours.

(a) Burning hours may begin at 9:30 a.m. PDT, under marginal conditions but no open field burning may be started later than one-half hour before sunset or be allowed to continue burning later than one-half hour after sunset.

(b) The Department may alter burning hours according to atmospheric ventilation conditions when necessary to attain and maintain air quality.

(c) Burning hours may be reduced by the fire chief or his deputy when necessary to protect from danger by fire.

(4) Extent and Type of Burning.

(a) Prohibition. Under prohibition conditions, no fire permits or validation numbers for agricultural open burning shall be issued and no burning shall be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially complete, or an approved field sanitizer is used.

(b) Marginal Class N Conditions. Unless specifically authorized by the Department, on days classified as Marginal Class N burning may be limited to the following:

(A) North Valley: one basic quota may be issued in accordance with Table 1 except that no acreage located within the permit jurisdictions of Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portions of the Clackamas-Marion Forest Protection District shall be burned upwind of the Eugene-Springfield non-attainment area.

(B) South Valley: one priority area quota for priority area burning may be issued in accordance with Table 1.

(c) Marginal Class S Conditions. Unless specifically authorized by the Department on days classified as Marginal Class S conditions, burning shall be limited to the following:

(A) North Valley: one basic quota may be issued in accordance with Table 1 in the following permit jurisdictions: Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portion of the Clackamas-Marion Forest Protection District. One priority area quota may be issued in accordance with Table 1 for priority area burning in all other North Valley jurisdictions.

(B) South Valley: one basic quota may be issued in accordance with Table 1.

(d) Special Restrictions on Priority Area Burning.

(A) No priority acreage may be burned on the upwind side of any city, airport, or highway within the same priority areas.

(B) No south priority acreage shall be burned upwind of the Eugene-Springfield non-attainment area unless when burned the resultant smoke is effectively passed over the city at no less than 3000 feet above mean sea level.

(e) Restrictions on burning techniques.

(A) Except when the mixing depth is 5000 feet or greater, all annual grass seed crops [;] and cereal [crops;-and-if-so-directed-by-the-Department;-bentgrass] crops shall be burned using into-the-wind strip burning methods and all perennial grass seed crops shall be burned using perimeter burning methods [except-when-unlimited ventilation-conditions-exist].

(B) The Department shall require acreages to be burned using into-the-wind strip burning techniques when, in the Department's judgment, use of such techniques will reduce adverse effects on air quality.

(f) Restrictions on burning due to rainfall.

(A) Burning shall not be permitted in an area for one drying day for each 0.10 inch of rainfall received at the nearest measuring station up to a maximum of four drying days.

(B) The Department may on a field-by-field or area-by-area basis waive the restrictions of (A) above when dry fields are available through special preparation or unusual rainfall patterns and wind direction and dispersion conditions are appropriate for burning with minimum smoke impact.



Attachment III

(Rules proposed for adoption after September 21, 1979 Public Hearing)

DEPARTMENT OF ENVIRONMENTAL QUALITY  
Chapter 340

Agricultural Operations  
AGRICULTURAL BURNING

26-005 DEFINITIONS. As used in this general order, regulation and schedule, unless otherwise required by context:

- (1) Burning seasons:
  - (a) "Summer Burning Season" means the four month period from July 1 through October 31.
  - (b) "Winter Burning Season" means the eight month period from November 1 through June 30.
- (2) "Department" means the Department of Environmental Quality.
- (3) "Marginal Conditions" means conditions defined in ORS 468.450(1) under which permits for agricultural open burning may be issued in accordance with this regulation and schedule.
- (4) "Northerly Winds" means winds coming from directions in the north half of the compass, at the surface and aloft.
- (5) "Priority Areas" means the following areas of the Willamette Valley:
  - (a) Areas in or within 3 miles of the city limits of incorporated cities having populations of 10,000 or greater.
  - (b) Areas within 1 mile of airports servicing regularly scheduled airline flights.
  - (c) Areas in Lane County south of the line formed by U. S. Highway 126 and Oregon Highway 126.
  - (d) Areas in or within 3 miles of the city limits of the City of Lebanon.
  - (e) Areas on the west side of and within 1/4 mile of these highways; U. S. Interstate 5, 99, 99E, and 99W. Areas on the south side of and within 1/4 mile of U. S. Highway 20 between Albany and Lebanon, Oregon Highway 34 between Lebanon and Corvallis, Oregon Highway 228 from its junction south of Brownsville to its rail crossing at the community of Tulsa.
- (6) "Prohibition Conditions" means atmospheric conditions under which all agricultural open burning is prohibited (except where an auxiliary fuel is used such that combustion is nearly complete, or an approved sanitizer is used).

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"[----]" represents material deleted

Underlined material represents proposed additions

(7) "Southerly Winds" means winds coming from directions in the south half of the compass, at the surface and aloft.

(8) "Ventilation Index (VI)" means a calculated value used as a criterion of atmospheric ventilation capabilities. The Ventilation Index as used in these rules is defined by the following identity:

$$VI = \frac{\text{Mixed depth (feet)}}{1000} \times \text{Average wind speed through the mixed depth (knots)}$$

(9) "Willamette Valley" means the areas of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties lying between the crest of the Coast Range and the crest of the Cascade Mountains, and includes the following:

(a) "South Valley," the areas of jurisdiction of all fire permit issuing agents or agencies in the Willamette Valley portion of the Counties of Benton, Lane or Linn.

(b) "North Valley," the areas of jurisdiction of all other fire permit issuing agents or agencies in the Willamette Valley.

(10) "Commission" means the Environmental Quality Commission.

(11) "Local Fire Permit Issuing Agency" means the County Court or Board of County Commissioners or Fire Chief of a Rural Fire Protection District or other person authorized to issue fire permits pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(12) "Open Field Burning Permit" means a permit issued by the Department pursuant to ORS 468.458.

(13) "Fire Permit" means a permit issued by a local fire permit issuing agency pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(14) "Validation Number" means a unique three-part number issued by a local fire permit issuing agency which validates a specific open field burning permit for a specific acreage on a specific day. The first part of the validation number shall indicate the number of the month and the day of issuance, the second part the hour of authorized burning based on a 24 hour clock and the third part shall indicate the size of acreage to be burned (e.g., a validation number issued August 26 at 2:30 p.m. for a 70 acre burn would be 0826-1430-070).

(15) "Open Field Burning" means burning of any perennial grass seed field, annual grass seed field or cereal grain field in such manner that combustion air and combustion products are not effectively controlled.

(16) "Backfire Burning" means a method of burning fields in which the flame front does not advance with the existing surface winds. The method requires ignition of the field only on the downwind side.

(17) "Into-the-Wind Strip Burning" means a modification of backfire burning in which additional lines of fire are ignited by advancing directly into the existing surface wind after completing the initial backfires. The technique increases the length of the flame front and therefore reduces the time required to burn a field. As the initial burn nears approximately 85% completion, the remaining acreage may be burned using headfiring techniques in order to maximize plume rise.

(18) "Perimeter Burning" means a method of burning fields in which all sides of the field are ignited as rapidly as practicable in order to maximize plume rise. A minimum of preparatory backfire burning may be completed in order to reduce fire danger.

(19) "Approved Field Sanitizer" means any field burning device that has been approved by the Department as an alternative to open field burning.

(20) "Approved Experimental Field Sanitizer" means any field burning device that has been approved by the Department for trial as a potential alternative to open burning or as a source of information useful to further development of field sanitizers.

(21) "After-Smoke" means persistent smoke resulting from the burning of a grass seed or cereal grain field with a field sanitizer, and emanating from the grass seed or cereal grain stubble or accumulated straw residue at a point 10 feet or more behind a field sanitizer.

(22) "Leakage" means any smoke resulting from the use of a field sanitizer which is not vented through a stack and is not classified as after-smoke.

(23) "Approved Pilot Field Sanitizer" means any field burning device that has been observed and endorsed by the Department as an acceptable but improvable alternative to open field burning, the operation of which is expected to contribute information useful to further development and improved performance of field sanitizers.

(24) "Approved Alternative Method(s)" means any method approved by the Department to be a satisfactory alternative method to open field burning.

(25) "Approved Interim Alternative Method" means any interim method approved by the Department as an effective method to reduce or otherwise minimize the impact of smoke from open field burning.

(26) "Approved Alternative Facilities" means any land, structure, building, installation, excavation, machinery, equipment or device approved by the Department for use in conjunction with an Approved Alternative Method or an Approved Interim Alternative Method for field sanitation.

(27) "Drying Day" means a 24-hour period during which the relative humidity reached a minimum less than 50% and no rainfall occurred.

(28) "Unlimited Ventilation Conditions" means atmospheric conditions which provide a mixing depth of 5000 feet or greater and a ventilation index of 32.5 or greater.

26-010 GENERAL PROVISIONS. The following provisions apply during both summer and winter burning seasons in the Willamette Valley unless otherwise specifically noted.

(1) Priority for Burning. On any marginal day, priorities for agricultural open burning shall follow those set forth in ORS 468.450 which give perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.

(2) Permits required.

(a) No person shall conduct open field burning within the Willamette Valley without first obtaining a valid open field burning permit from the Department and a fire permit and validation number from the local fire permit issuing agency for any given field for the day that the field is to be burned.

(b) Applications for open field burning permits shall be filed on Registration/Application forms provided by the Department.

(c) Open field burning permits issued by the Department are not valid until acreage fees are paid pursuant to ORS 468.480(1)(b) and a validation number is obtained from the appropriate local fire permit issuing agency for each field on the day the field is to be burned.

OREGON ADMINISTRATIVE RULES  
CHAPTER 340, DIVISION 26 — DEPARTMENT OF ENVIRONMENTAL QUALITY

**Limitation and Allocation of Acreage to be Open Burned**

340-26-013 (1) Except for acreage to be burned under sections (6) and (7) of this rule 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  $2.4 \times 10^{-4}$  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, 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 (1) of this rule, 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 section (1) of this rule, the Department may issue acreage allocations to growers totaling

not more than 110 percent of the acreage allowed under section (1) of this rule. 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 (1) of this rule:

(a) Each year the Department shall sub-allocate 110 percent of the total acre allocation established by the Commission, as specified in section (1) of this rule, 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 subsection (1)(b) of this rule, the Department shall sub-allocate the total acre allocation established by the Commission, as specified in section (1) of this rule, 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 (1) of this rule.

(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 (1) of this rule have been burned within the Valley.

(e) Except for additional acreage allowed to be burned by the Commission as provided for in sections (6) and (7) of this rule, no fire district shall allow acreage to be burned in excess of their allocations assigned pursuant to subsections (5)(b), (5)(c), and (5)(d) of this rule.

(6) Notwithstanding the acreage limitations under section (1) of this rule, the Department may allow experimental open burning pursuant to Section 9 of the 1977 Oregon Laws, Chapter 650 (House Bill 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:

(a) Date, time, and acreage of burn.

(b) Purpose of burn.

(c) Results of burn compared to purpose.

(d) Measurements used, if any.

(e) Future application of results of principles features:

(A) Experimental open burning, exclusive of that acreage burned by experimental open field sanitizers, shall not exceed 7500 acres ~~during 1979~~ annually.

(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.

26-015 WILLAMETTE VALLEY SUMMER BURNING SEASON REGULATIONS

As provided for in Section 6 of Oregon Law 1977, Chapter 650, the Department shall conduct a smoke management program which shall include in addition to other provisions covered in these rules the following provisions:

(1) Classification of Atmospheric Conditions. All days will be classified as marginal or prohibition days under the following criteria:

(a) Marginal Class N conditions: Forecast northerly winds and a mixing depth greater than 3500 feet.

(b) Marginal Class S conditions: Forecast southerly winds.

(c) Prohibition conditions: Forecast northerly winds and a mixing depth of 3500 feet or less.

~~[(d) -- Unlimited Ventilation conditions: -- A mixing depth of 5000 feet or greater and a ventilation index of 32.5 or greater.]~~

(2) Quotas.

(a) Except as provided in this subsection, the total acreage of permits for open field burning shall not exceed the amount authorized by the Department for each marginal day. Authorizations of acreages shall be issued in terms of single, multiple, or fractional basic quotas or priority area quotas as listed in Table 1, attached as Exhibit A and incorporated by reference into this regulation and schedule, and defined as follows:

(A) The basic quota of acreage shall be established for each permit jurisdiction, including fields located in priority areas, in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(B) The priority area quota of acreage shall be established for each permit jurisdiction, for fields in priority areas, in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(b) Willamette Valley permit agencies or agents not specifically named in Table 1 shall have a basic quota and priority area quota of 50 acres only if they have registered acreage to be burned within their jurisdiction.

(c) In no instance shall the total acreage of permits issued by any permit issuing agency or agent exceed that allowed by the Department for the marginal day except as provided for jurisdictions with 50 acres quotas or less as follows: When the Department has authorized one quota or less, a permit may be issued to include all the acreage in one field providing that field does not exceed 100 acres and provided further that no other permit is issued for that day. Permits shall not be so issued on two consecutive days.

(d) The Department may designate additional areas a Priority Areas, and may adjust the basic acreage quotas or priority area quotas of any permit jurisdiction, where conditions in its judgment warrant such action.

(3) Burning Hours.

(a) Burning hours may begin at 9:30 a.m. PDT, under marginal conditions but no open field burning may be started later than one-half hour before sunset or be allowed to continue burning later than one-half hour after sunset.

(b) The Department may alter burning hours according to atmospheric ventilation conditions when necessary to attain and maintain air quality.

(c) Burning hours may be reduced by the fire chief or his deputy when necessary to protect from danger by fire.

(4) Extent and Type of Burning.

(a) Prohibition. Under prohibition conditions, no fire permits or validation numbers for agricultural open burning shall be issued and no burning shall be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially complete, or an approved field sanitizer is used.

(b) Marginal Class N Conditions. Unless specifically authorized by the Department, on days classified as Marginal Class N burning may be limited to the following:

(A) North Valley: one basic quota may be issued in accordance with Table 1 except that no acreage located within the permit jurisdictions of Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portions of the Clackamas-Marion Forest Protection District shall be burned upwind of the Eugene-Springfield non-attainment area.

(B) South Valley: one priority area quota for priority area burning may be issued in accordance with Table 1.

(c) Marginal Class S Conditions. Unless specifically authorized by the Department on days classified as Marginal Class S conditions, burning shall be limited to the following:

(A) North Valley: one basic quota may be issued in accordance with Table 1 in the following permit jurisdictions: Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portion of the Clackamas-Marion Forest Protection District. One priority area quota may be issued in accordance with Table 1 for priority area burning in all other North Valley jurisdictions.

(B) South Valley: one basic quota may be issued in accordance with Table 1.

(d) Special Restrictions on Priority Area Burning.

(A) No priority acreage may be burned on the upwind side of any city, airport, or highway within the same priority areas.

(B) No south priority acreage shall be burned upwind of the Eugene-Springfield non-attainment area [~~unless when burned the resultant smoke is effectively passed over the city at no less than 3000 feet above mean sea level~~].

(e) Restrictions on burning techniques.

(A) Except when the mixing depth is 5000 feet or greater, all annual grass seed crops and cereal crops shall be burned using into-the-wind strip burning methods and all perennials grass seed crops shall be burned using perimeter burning methods.

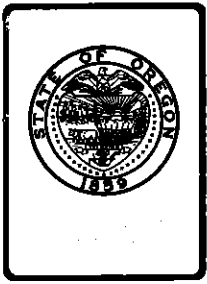
(B) The Department shall require acreages to be burned using into-the-wind strip burning techniques when, in the Department's judgment, use of such techniques will reduce adverse effects on air quality.

(f) Restrictions on burning due to rainfall and relative humidity.

(A) Burning shall not be permitted in an area for one drying day for each 0.10 inch of rainfall received at the nearest measuring station up to a maximum of four drying days.

(B) The Department may on a field-by-field or area-by-area basis waive the restrictions of (A) above when dry fields are available through special preparation or unusual rainfall patterns and wind direction and dispersion conditions are appropriate for burning with minimum smoke impact.

(C) Burning shall not be permitted in an area when relative humidity at the nearest measuring station exceeds 50 percent under forecast northerly winds or 65 percent under forecast southerly winds.



Victor Atiyeh  
Governor

## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item No. J, August 31, 1979, EQC Meeting

Water Quality Rule Adoption- Amendment of Water Quality Permit Fees (OAR 340-45-070, Table B) to Increase Revenues for the 79-81 Biennium.

### Background and Problem Statement

The Department's 75-77 biennium appropriation bill, (Chapter 445 Oregon Laws 1975), required partial support of waste discharge permit program activities by fee revenue. In addition, ORS 468.065 was amended to raise about \$125,000 from Water Quality permit fees during Fiscal Year 1977. The necessary rule changes and fee schedule were adopted by the Commission April 30, 1976.

A Water Quality Permit Program Task Force was appointed to evaluate the proposed fee schedule prior to its adoption. The schedule which was adopted had Task Force concurrence. A three-part fee was adopted, consisting of a fixed filing fee, minimal application processing fee and, annual compliance determination fee. The annual compliance determination fee was based on the relative amount of staff time necessary to determine compliance. It varied from \$50 per year for simple sources to \$950 per year for complex sources. The Task Force expressed the view that the application processing fees were minimal and should be further evaluated when increased revenues were necessary.

Since that original fee schedule in 1976, no fee increases have been proposed. Minor changes were made in the fee schedule on February 25, 1977. They consisted of a reduction in fees for small placer miners and clarified language in some industrial categories.



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The 1977 Legislature included a budget note requiring a revision of permit fees for the 79-81 budget. This was to cover inflation proportional to general fund inflation using 74-75 as the base year. These proposed fee increases are for that purpose.

#### Alternatives and Evaluation

The first alternative and one most supported by the permittees would be to have no increase in permit fees. However, since the legislature asked us to increase the fees to make up for inflation that alternative was not considered.

The next alternative would be to have an across-the-board increase in all permit fees of 25 percent. This would guarantee us the 25 percent increase in revenue but would create some other problems as follows:

- (1) The fee schedule would have to have been adopted prior to the July 1 mailing of invoices. We didn't get started soon enough to accomplish that.
- (2) The fees, which are currently in nice round numbers, would all be altered by 25 percent putting many of them in difficult to remember odd numbers.
- (3) We would be going against the recommendation of our Water Permit Task Force who suggested that the permit processing fees be increased to become more realistic.

The final alternative and the one followed in developing the revised fee schedule consists of an increase in permit processing fees only, especially an increase in new application processing fees. The main drawback to this alternative is the uncertainty of revenues to be collected. Since much of the revenue depends upon new applications and permit modifications which cannot be accurately predicted, the total revenue cannot be accurately predicted. The staff have used the record for the past two years to make their predictions. The increase in revenue should be between 22 and 25 percent. The amount of increased revenue will also vary from year to year because the number of permits requiring renewal varies from year to year.

In developing the fee schedule for the revised permit processing fees the staff have attempted to proportion the fees in accordance with the time and effort involved in a permit processing action. Present permit processing fees do not adequately do this. For example, the processing fee for a new major industry has been raised from \$150 to \$1000. The processing fee for renewal of a minor municipal permit has been changed from zero to \$100. A comparison of existing processing fees to proposed processing fees is attached. To arrive at the proposed processing fees the staff have attempted to balance the revenue needed with the staff time involved in reviewing and processing the applications.



In addition to sending a public notice of the intended action and public hearing to the standard mailing list, a notice was also sent to each permittee. Very few letters were received and only two people appeared at the hearing. There were three recommendations made at the public hearing which have been implemented in the revised fee schedule:

- (1) The qualifying factors of Major Industries and Major Domesticals have been defined;
- (2) In order to more closely parallel the industrial schedule, the renewal fee for major domesticals has been increased from \$100 to \$150; and
- (3) A footnote has been added describing which Department initiated modifications require a fee.

If the number of permit actions over the next two years are about equal to the number and type of permit actions over the past two years, the required 25 percent increase in revenue should be realized.

#### Summation

1. An increase in Water Quality Permit Fee revenues of about 25 percent are necessary because of a request by the 1977 legislature.
2. The Department proposes to raise this entire amount by increasing only the permit processing fees. This follows the recommendation of the Water Quality Permit Task Force.
3. The staff have been responsive to the limited amount of public input by making three recommended changes in the proposed schedule.
4. The fee schedule as modified should raise the necessary revenue in a fair and equitable manner.

#### Director's Recommendation

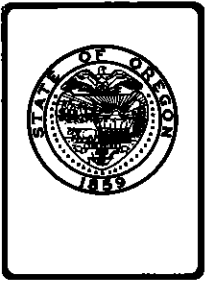
Based upon the summation it is recommended that the Commission adopt the new fee schedule which modifies Table B of OAR 340-45-070.



William H. Young

CKA:n  
WN8034.2  
229-5325  
August 17, 1979

Attachments: Statement of Need for Rulemaking--Attachment I  
Hearing Officer's Report--Attachment II  
Proposed Rule Modification--Attachment III  
Comparison of New Fees with Old Fees--Attachment IV



Victor Atiyeh  
Governor

## *Environmental Quality Commission*

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

### MEMORANDUM

TO: Environmental Quality Commission      DATE: August 17, 1979

FROM: Charles K. Ashbaker, Hearing Officer

SUBJECT: Report of Public Hearing Held to Receive Testimony Regarding  
Proposed Water Quality Permit Fee Increase.

### Procedures Followed

A public notice of the proposed fee increase was mailed to the Water Quality public notice mailing list.

In addition, a notice of the proposed fee increase was sent to each permittee as an enclosure in their annual billing notice.

A hearing was scheduled for 9:00 a.m., August 8, 1979, at the Multnomah County Courthouse. The hearing was delayed for 30 minutes for lack of participants. At 9:30 a.m. the hearing convened with two participants present. The hearing officer gave a short explanation of the fee increases along with examples of how the increases would impact various categories of sources.

### Summary of Testimony

The first person to testify was James Jackson, representing Boise Cascade Corporation. Mr. Jackson raised four issues:

- (1) A 25 percent increase across-the-board for processing fees and annual compliance determination fees would be more equitable;
- (2) If all increased revenues are to come from permit processing fees, the fees for sewage treatment plants should be the same as those for industry;
- (3) The terms "major" and "minor" need to be defined; and
- (4) There should be no fee for Department initiated modifications.



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The second and last person to testify was Mr. Tom Donaca representing Associated Oregon Industries. Mr. Donaca acknowledged a need for fee increases. He also stated that the proposed fee increases follow the recommendations of the Water Quality Permit Task Force. Mr. Donaca suggested that there should be the same difference in permit renewal fees between major and minor domestic facilities as there is between major and minor industries. Mr. Donaca also questioned the reasonableness of a fee for Department initiated modifications. Mr. Donaca expressed some concern that the increased revenue based solely on an increase in permit processing fees may fall short of the goal. He would not object to a small increase in annual compliance determination fees if it was deemed necessary.

Other testimony was received in writing as follows:

- (1) The Dalles Cherry Growers stated that they should not be classed as a major facility;
- (2) The City of Jefferson requested no increase in fees because of current economic outlook;
- (3) The Unified Sewerage Agency expressed that the fee increase was too great;
- (4) Ms. Gloria Coffey owner of a resort hotel, opposed any fee increases; and
- (5) Stayton Canning Company opposed any fee increases.

A written response was made to each letter.

This concludes a summary of the testimony received and is respectfully submitted to the Environmental Quality Commission for their consideration.

Charles K. Ashbaker  
Hearing Officer

CKA:n  
WN8034.A

## ATTACHMENT

Agenda Item J, August 31, 1979, EQC Meeting

Statement of Need for Rulemaking

Pursuant to ORS 183.335(7), this statement provides information on the Environmental Quality Commission's intended action to amend a rule.

(1) Legal Authority

ORS 468.065(2) authorizes the Commission to establish a schedule of permit fees. The permit fees shall be based upon the anticipated cost of filing and investigating the application, of issuing or denying the requested permit, and of an inspection program to determine compliance or noncompliance with the permit.

(2) Need for the Rule

The 1977 Legislature included a budget note requiring a revision of the permit fees for the 1979-81 biennium. This was to cover inflation proportional to general fund inflation using 1974-75 as the base year. This means that an increase in revenues of about 25% will be required.

(3) Principal Documents Relied upon in this Rulemaking

- a- OAR 340-45-070 Table B - PERMIT FEE SCHEDULE
- b- ORS 468.065(2)
- c- Current printout of Water Quality permittees
- d- Monthly Activity Reports for the last two years showing the number and types of permit processing actions.
- e- Water Quality Permit Task Force Report

CKA:np  
WN8034.B1

PERMIT FEE SCHEDULE

1. **Filing Fee.** A filing fee of \$ 25.00 shall accompany any application for issuance, renewal, modification, or transfer of an NPDES Waste Discharge Permit or Water Pollution Control Facilities Permit. This fee is non-refundable and is in addition to any application processing fee or annual compliance determination fee which might be imposed.
2. **Application Processing Fee.** An application processing fee varying between \$ 50.00 and \$150.00 shall be submitted with each application. The amount of the fee shall depend on the type of application required (see Table B) as follows:

SEE NEW LANGUAGE BELOW

a.	NPDES Standard Form A (Municipal) . . . . .	\$ 100.00
b.	NPDES Standard Form C (Manufacturing and Commercial). . . . .	\$ 150.00
c.	NPDES Short Forms A, B, C or D. . . . .	\$ 50.00
d.	Application to the Department for a Water Pollution Control Facilities permit (WPCF-N). . . . .	\$ 50.00
e.	Application for <u>Renewal</u> of an NPDES or WPCF permit where <u>no increase</u> in the discharge or disposal of waste water is requested. . . . .	\$ None
f.	Application for <u>Renewal</u> of an NPDES or WPCF permit where <u>an increase</u> in the discharge or disposal of waste water is requested. . . . .	\$ 50.00
g.	Request for modification or transfer of an NPDES or WPCF permit which <u>does not</u> include a request for an increase in discharge or disposal of waste water. . . . .	\$ None
h.	Request for modification or transfer of an NPDES or WPCF permit which <u>does</u> include a request for an increase in the discharge or disposal of waste water. . . . .	\$ 50.00

New language for Schedule No. 2 begins here.

2. **Application Processing Fee.** An application processing fee varying between \$ 50.00 and \$1,000.00 shall be submitted with each application. The amount of the fee shall depend on the type of facility and the required action as follows:

a. New Applications		
(1)	Major industries* . . . . .	\$ 1000.00
(2)	Minor industries . . . . .	\$ 500.00
(3)	Major domestic** . . . . .	\$ 500.00
(4)	Minor domestic . . . . .	\$ 250.00
(5)	Agricultural . . . . .	\$ 250.00
(6)	Minor nondischarging . . . . .	\$ 175.00
b. Permit Renewals (including request for effluent limit modification)		
(1)	Major industries* . . . . .	\$ 500.00
(2)	Minor industries . . . . .	\$ 250.00
(3)	Major domestic** . . . . .	\$ 250.00
(4)	Minor domestic . . . . .	\$ 125.00
(5)	Agricultural . . . . .	\$ 125.00
(6)	Minor nondischarging . . . . .	\$ 100.00

- c. Permit Renewals (without request for effluent limit modification)
  - (1) Major industries\* . . . . . \$ 250.00
  - (2) Minor industries . . . . . \$ 150.00
  - (3) Major domestic\*\* . . . . . \$ 150.00
  - (4) Minor domestic . . . . . \$ 100.00
  - (5) Agricultural . . . . . \$ 100.00
  - (6) Minor nondischarging . . . . . \$ 100.00
  
- d. Permit Modifications (involving increase in effluent limits)
  - (1) Major industries\* . . . . . \$ 500.00
  - (2) Minor industries . . . . . \$ 250.00
  - (3) Major domestic\*\* . . . . . \$ 250.00
  - (4) Minor domestic . . . . . \$ 125.00
  - (5) Agricultural . . . . . \$ 125.00
  - (6) Minor nondischarging . . . . . \$ 100.00
  
- e. Permit Modifications (not involving an increase in effluent limits)
  - (1) All categories . . . . . \$ 50.00
  
- f. Department Initiated Modifications\*\*\* . . . . . \$ 25.00

\* Major Industries Qualifying Factors

- (1) Discharges large BOD loads; or,
- (2) Is a large metals facility; or,
- (3) Has significant toxic discharges; or,
- (4) Has a treatment system which, if not operated properly, will have a significant adverse impact on the receiving stream; or,
- (5) Any other industry which the Department determines needs special regulatory control.

\*\* Major Domestic Qualifying Factors

- (1) Serving more than 10,000 people; or,
- (2) Serving industries which can have a significant impact on the treatment system.

\*\*\* Those Department initiated modifications requiring payment of fees are those requiring public notice such as: (1) addition of new limitations promulgated by EPA or the Department (2) addition of conditions necessary to protect the environment. Changes in format, correction of typographical errors, or other modifications not requiring public notice require no fee.

(End of new material)

3. Annual Compliance Determination Fee Schedule

a. Domestic Waste Sources (Select only one category per permit)

<u>Category</u>	<u>Dry Weather Design Flow</u>	<u>Initial and Annual Fee</u>
(1) Sewage Discharge	10 MGD or more	\$ 750.00
(2) Sewage Discharge	At least 5 but less than 10 MGD	\$ 600.00
(3) Sewage Discharge	At least 1 but less than 5 MGD	\$ 300.00
(4) Sewage Discharge	Less than 1 MGD	\$ 150.00
(5) No scheduled discharge during at least 5 consecutive months of the low stream flow period . . . . .		1/2 of above rate

<u>Category</u>	<u>Initial and Annual Fee</u>
(6) Land disposal-no scheduled discharge to public waters . . . . .	\$ 50.00
(7) Chlorinated septic tank effluent from facilities serving more than 5 families and temporarily discharging to public waters. . . . .	\$ 50.00
(8) Chlorinated septic tank effluent from facilities serving 5 families or less and temporarily discharging to public waters. . . . .	\$ 30.00
(9) Chlorinated septic tank effluent from facilities serving more than 25 families or 100 people and temporarily discharging to waste disposal wells as defined in OAR 340-44-005 (4). . . . .	\$ 30.00

b. Industrial, Commercial and Agricultural Sources

<u>Source</u> (For multiple sources on one application select only the one with highest fee)	<u>Initial and Annual Fee 1/</u>
(1) Major pulp, paper, paperboard and other wet pulping industry discharging process waste water . . . . .	\$ 950.00
(2) Major sugar beet processing, potato and other vegetable and fruit processing industry discharging process waste water. . . . .	\$ 950.00
(3) Fish processing industry:	
a. Bottom fish, crab and/or oyster processing . . . . .	\$ 75.00
b. Shrimp processing. . . . .	\$ 100.00
c. Salmon and/or tuna canning . . . . .	\$ 150.00

(4)	Electroplating industry with discharge of process water (excludes facilities which do anodizing only).	
a.	Rectifier output capacity of 15,000 amps or more . . . . .	\$ 950.00
b.	Rectifier output capacity of less than 15,000 amps . . . . .	\$ 450.00
(5)	Primary aluminum smelting . . . . .	\$ 950.00
(6)	Primary smelting and/or refining of non-ferrous metals utilizing sand chlorination separation facilities. . . . .	\$ 950.00
(7)	Primary smelting and/or refining of ferrous and non-ferrous metals not elsewhere classified above. . . . .	\$ 450.00
(8)	Alkalies, chlorine, pesticide, or fertilizer manufacturing with discharge of process waste waters . . . . .	\$ 950.00
(9)	Petroleum refineries with a capacity in excess of 15,000 barrels per day discharging process waste water . . . . .	\$ 950.00
(10)	Cooling water discharges in excess of 20,000 BTU/sec . . . . .	\$ 450.00
(11)	Milk products processing industry which processes in excess of 250,000 pounds of milk per day and discharges process waste water to public waters. . . . .	\$ 950.00
(12)	Fish hatching and rearing facilities. . . . .	\$ 75.00
(13)	Small placer mining operations which process less than 50 cubic yards of material per year and which:	
(a)	discharge directly to public waters . . . . .	\$ 50.00
(b)	do not discharge to public waters . . . . .	None
(14)	All facilities not elsewhere classified with discharge of process waste water to public waters . . . . .	\$ 150.00
(15)	All facilities not elsewhere classified which discharge from point sources to public waters (i.e., small cooling water discharges, boiler blowdown, filter backwash, etc.) . . . . .	\$ 75.00
(16)	All facilities not specifically classified above (1-12) which dispose of all waste by an approved land irrigation or seepage system. . . . .	\$ 50.00

1/ For any of the categories itemized above (1-14) which have no discharge for at least 5 consecutive months of the low stream flow period, the fee shall be reduced to 1/2 of the scheduled fee or \$50.00, whichever is greater.

For any specifically classified categories above (1-12) which dispose of all waste water by land irrigation, evaporation and/or seepage, the fee shall be reduced to 1/4 of the scheduled fee or \$50.00, whichever is greater.



COMPARISON OF NEW FEES WITH OLD FEES

Proposed Revision of Water Quality Permit Application Processing Fee,  
(Section 2) of OAR 340-45-070, Table A

(Note: This Table is not presented in rule amendment form so as to more clearly indicate the proposed changes.)

<u>New Applications</u>	<u>Present Fee</u>	<u>Proposed Fee</u>
Major Industry	\$150	\$1000
Minor Industry	150	500
Major Domestic	100	500
Minor Domestic	100	250
Agricultural	50	250
Minor Non-discharging	50	175

Permit RenewalsA. With Significant Permit Changes

Major Industries	50	500
Minor Industries	50	250
Major Domestic	50	250
Minor Domestic	50	125
Agricultural	50	125
Minor Non-discharging	50	100

B. Without Significant Permit Changes

Major Industries	0	250
Minor Industries	0	150
Major Domestic	0	150
Minor Domestic	0	100
Agricultural	0	100
Minor Non-discharging	0	100

Permit ModificationsA. With Effluent Limit Changes

Major Industries	50	500
Minor Industries	50	250
Major Domestic	50	250
Minor Domestic	50	125
Agricultural	50	125
Minor Non-dischargers	50	100

B. Without Effluent Limit Changes or Other Controversial Issues

Major Industries	0	50
Minor Industries	0	50
Major Domestic	0	50
Minor Domestic	0	50
Agricultural	0	50
Minor Non-discharging	0	50

C. All Department Initiated Modifications 0 25



Victor Atiyeh  
Governor

## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Agenda Item L, August 31, 1979, EQC Meeting

### Proposed Fiscal Year 80 Sewerage Works Construction Grants Priority Criteria and Management Systems

#### Background

The State Priority System describes the methodology used to manage the priority list and rank projects of identified sewerage works construction needs. The system is required under 40 CFR 35.915 State Priority System and Project Priority List and must be designed to achieve optimum water quality management consistent with the goals and requirements of the Clean Water Act of 1977. Sewerage works construction grants will be awarded from the state's allotment according to the project priority list, based on the approved state priority system.

#### Evaluation

This year, the Department is proposing significant changes in the system to establish the flexibility to cope with an expected lower level of federal funding than was authorized by the Act and soaring construction costs. These two factors have required that we modify both the management of the funds allotted to the state and the project priority criteria. As a result, we are proposing for adoption by the EQC a new management system as well as major revisions to the priority ranking criteria.

A public meeting was held on June 25, 1979, for the purpose of presenting to the public several specific policy issues which could alter the criteria for ranking projects on the FY 80 list. Subsequently, on August 3, 1979, a public hearing was conducted on the proposed management system and priority criteria. Response by the public in both the public meeting and public hearing was enormously beneficial to the staff in developing the FY 80 priority system. The proposed management system and priority criteria reflects the input from the public as well as staff evaluation and analysis of the current priority criteria. Attachment A provides a summary of the June 25 Public Hearing comments and Attachment B provides a summary of the oral and written testimony received at the August 3 Public Hearing.



Contains  
Recycled  
Materials

Summation

1. There is an identified need to increase the flexibility within the authority of the current federal regulations to cope with decreased levels of federal funding and soaring inflation in the Sewerage Works Construction Grant Program.
2. The Department offered to the public on June 25, 1979, several specific policy issues which could alter the criteria for ranking projects. Additionally, on August 3, 1979, a Public Hearing was conducted to take testimony on the proposed management system and priority criteria.
3. The proposed State Priority System for FY 80, Attachment C, establishes the management system and priority criteria that will be used to develop the project priority list and regulate the certification of projects during FY 80.
4. The State Priority System for FY 80, reflects the public input as well as staff evaluation and analysis of the current priority criteria.

Director's Recommendation

Based on the summation, the Director recommends:

1. That the State Priority System as presented in Attachment C be adopted.
2. That the EQC authorize the Department to hold a public hearing early in October on a draft FY 80 priority list developed in accordance with the adopted priority system.

*Bill*

William H. Young

Attachments:

- A. Summary of June 25, 1979 Public Meeting
- B. Summary of August 3, 1979 Public Hearing
- C. Proposed FY 80 State Priority System

W.E. Gildow:mg  
GRANTS.A  
229-5314  
August 15, 1979

REVIEW SUMMARY OF WRITTEN AND ORAL COMMENTS  
RELATIVE TO THE JUNE 25, 1979 PUBLIC MEETING

On June 25, 1979 a public meeting was held at the Portland City Hall to inform the public of the Fiscal Year 1980 sewerage works construction grant program requirements and funding limitations. This meeting was the second in a series to solicit public comment on issues pertinent to the development of Oregon's grant priority system.

Thirty days prior to the meeting, informational materials on six key policy issues were distributed to the mailing list of interested public and local government officials.

The following is offered as a brief summary of the comments received on major issues. A complete summary and response to the comments received relative to this meeting and testimony from the public hearing on August 3, 1979 will be submitted to the Environmental Quality Commission prior to adoption of the State's grant priority system.

A. Financing of Reserve Capacity for Future Growth

The Clean Water Act of 1977 has resulted in new regulations and guidelines which are targeted toward preventing overdesign of facilities. In general, these provisions require that (1) local population projections for facilities plans fall within the ceiling projections for the State; (2) treatment plant facilities in high growth areas be staged for a 10 or 15 year initial capacity; (3) interceptors be staged for 20 years, or up to 40 years if specifically justified; (4) treatment capacity beyond the EPA-eligible amount be built if the U.S. Environmental Protection Agency approves it and the additional cost is paid locally and (5) wasteload forecasting be made by methods which recognize sewage flow and water consumption goals.

Written and oral comment supported this Reserve Capacity concept for the FY 80 priority criteria system and suggested the Department not limit reserve capacity further.

B. Department's Role in Assisting Localities to Develop Funding Programs for Growth Capacity

Comments indicated that there was no need for DEQ assistance in developing this type of funding program. However, it was suggested that Step 1 Facility Planning be expanded to include not only technical but financial planning.

C. Relationship Between Grant Priority and Enforcement Action

This issue received much comment as it relates to the regulatory emphasis criterion and rating of projects within a letter code classification. Some respondents supported high prioritization of projects under regulatory action (i.e. connection moratoria) whereas others

suggested the Department give consideration to those projects under voluntary action for preventing overloading of facilities.

D. Federal and State Grants/Loan Assistance

The general consensus of those who responded to this issue was that the state should implement a state grant program to supplement the federal funds.

It was pointed out by the staff that, because of the legislative action required, it would be virtually impossible to provide a state grant program in time to be of assistance during FY 80.

E. Phased Construction Projects and Alternatives for Financing Phases

Strong support by the public was shown for phasing the larger projects.

F. Economic Considerations

Because EPA specifically disallows the use of economic considerations as a criteria category, there was little discussion on this issue. Comments from the smaller communities indicated that this factor still should be considered.

G. Percentage Limitation on Funds for a Project or Type of Project

There was considerable discussion on this policy issue. It was generally agreed, however, that the revenue for Step 1 and 2 should be increased to ten percent of grant funds available. There was also favorable support for limiting any one project to a percentage raise of grant funds (ten to twenty percent) during the fundable year.

SEWERAGE WORKS CONSTRUCTION GRANTS PROGRAM  
POLICY ISSUE FACT SHEET  
May 23, 1979

STATEMENT OF THE ISSUE Financing Reserve Capacity for Future Growth

BACKGROUND

The priority criteria for ranking wastewater treatment projects for construction grants must take into account the existing population affected by each project; the criteria shall not consider development needs that are not related to pollution abatement or future population projections. Accordingly, the Environmental Quality Commission does consider existing population in calculating both the Population Emphasis and the Stream Segment Factors in the current priority criteria; it does not consider future population as a priority ranking criterion. However, the amount of reserve capacity financed for individual projects requires a significant amount of federal grant monies and thus directly affects the number of projects funded.

Historically, grants have been available to high priority projects to fund the needs of existing population and a reserve capacity for future growth, based on a cost-effective analysis of needed facilities over a twenty year planning period. Facilities plans have generally recommended that the entire reserve capacity for the twenty year period be constructed as soon as grant funds are available. There have been some exceptions. In a few instances, "staging" of facilities has been recommended. ("Staging" provides that an immediate capacity be built and that provisions for land acquisition, easements, and flexibility for later expansion be made now with the remaining capacity planned at a later date.) In many instances, interceptors have been designed for up to 50 years, based on case-by-case analysis; in other cases, interceptors which entirely serve new growth have not been funded.

This approach to financing facilities has had the practical effect of committing substantial funds to meeting anticipated problems, at the cost of correcting some existing water quality problems.

In the 1977 amendments to the Clean Water Act, Congress required that efforts to reduce total flow of sewage and unnecessary water consumption be considered in designing facilities and that the amount of eligible reserve capacity be determined by taking into account a population projection by the U.S. Department of Commerce or an approved alternative projection developed by the State. New regulations and guidelines (September 27, 1978) were targeted to avoiding overdesign of facilities. These changes included provisions that (1) local population projections for facilities plans should fall within the ceiling projections for the State; (2) generally, treatment plant facilities in high growth areas should be staged for a 10 or 15 year initial capacity; (3) interceptors should be staged for 20 years, or up to 40 years if specifically justified; (4) treatment capacity beyond the EPA-eligible amount can be built if the U.S. Environmental Protection Agency approves it and the additional cost is paid locally and (5) wasteload forecasting is made by methods which recognize sewage flow and water consumption goals.

## DISCUSSION

Deciding how much reserve capacity for growth should be federally financed depends, in part, on balancing preventative and corrective pollution control. But it also depends on the future role of grant assistance. Since the federal program is geared toward eliminating "backlog" needs, any reduction in federal appropriations is felt more strongly in states where the growth rate is high. In the Environmental Quality Commission's March 30, 1979 public hearing, several suggestions were made to limit grant assistance for growth capacity and redirect our resources toward correction of existing problems.

The Department of Environmental Quality is now compiling some data which may be useful in considering current funding needs. From this data, these generalizations can be made:

1. Most large treatment plants have (or will have) sufficient immediate capacity and some reserve for growth. Of the State's larger facilities, only Metropolitan Wastwater Management Commission (Eugene-Springfield) and Bend are still under construction.
2. Several medium size plants are currently overloaded, such as those in the Oregon City area.
3. Many small treatment plants are entirely at or approaching capacity.
4. A large number of small towns and rural areas need some type of alternative system or a small facility to serve existing population.
5. Many other facilities with insufficient capacity for current and near future needs could economically recover treatment capacity by removing excess infiltration/inflow:

The State has a range of possibilities in funding reserve capacity, centering around two basic policies:

- A. Modify the construction grants program only as necessary to comply with new federal requirements. In effect, new facilities plans will be directly affected by more restrictive planning requirements. Funding would not be substantially diverted to correction of more existing problems.
- B. Modify the Program in order to minimize financing of reserve capacity and place greater emphasis on the correction of existing problems. Pertinent considerations include whether (1) local communities should be responsible for funding their reserve capacity; (2) staging of facilities plans should be required in all facilities plans; and (3) DEQ should develop more restrictive cost-effective guidelines on funding reserve capacity.

SEWERAGE WORKS CONSTRUCTION GRANTS PROGRAM  
POLICY ISSUE FACT SHEET  
May 23, 1979

STATEMENT OF THE ISSUE Department of Environmental Quality's Role in Assisting Localities to Develop Funding Programs for Growth Capacity.

BACKGROUND

DEQ's involvement in assisting local communities to develop individual sewerage treatment funding strategies has been limited to providing advice upon request and reviewing financial plans to implement the immediate, specific projects contained in facilities plans.

Capital improvement planning has been a local function, highly interrelated with local planning and budget processes. Many communities developed capital improvement plans to help implement their local comprehensive plans. A few cities have maintained a "sinking fund" to defray the capital cost of constructing additions and improvements to sewerage facilities, as additional needs developed.

At the Environmental Quality Commission's public meeting on March 30, 1979, a number of suggestions were made to DEQ regarding its role in promoting the financial feasibility of sewerage treatment facilities. Briefly, these suggestions included (1) that the agency request that the Oregon Legislature expand the State pollution control bond authority and revitalize the State grant assistance program; (2) that DEQ actively work toward gaining adequate Congressional appropriations for the Federal Grant Program in FY'80; and (3) that other types of assistance be offered by the agency.

Currently the DEQ is reviewing whether the State financial assistance programs are adequate and is actively providing information to the Oregon Congressional delegation and other members of Congress.

DISCUSSION

Federal resources would meet only a small percentage of the State's water pollution control needs even if Congress appropriated maximum amounts to the program during FY'80, '81 and '82. Obviously, the available resources at the local and state level must be carefully managed to reduce these unmet needs.

Few cities presently maintain a special fund, i.e., a sinking fund or development fund, to finance treatment plant expansion when the facility reaches capacity. Because Federal funds for expansions related to growth will be much less available in the future, serious water quality problems may occur.

It has been suggested that the DEQ actively encourage communities to develop fund reserves sufficient to finance growth-related future needs. It has also been suggested that reviews for all new facilities plans include an evaluation of alternatives available for financing various phases of the staged construction of facilities. These include creation of sinking funds, special charges, bonding and combination proposals which are consistent with the Statewide Planning Goals and local comprehensive plans.



SEWERAGE WORKS CONSTRUCTION GRANTS PROGRAM  
POLICY ISSUE FACT SHEET  
May 23, 1979

ATTACHMENT C

STATEMENT OF THE ISSUE Relationship Between Grant Priority and Enforcement Action

BACKGROUND

Under FY '79 and prior years' criteria, grant priority was partly based on the history of regulatory actions taken with respect to the project. Federal regulations allow for this type of optional criteria to be included in the priority ranking system.

Generally, the Regulatory Emphasis factor has been significant in determining ultimate priority rank. In FY'79, Regulatory Emphasis points potentially accounted for up to 150 out of 268.73 maximum project points. In order of importance, points were assigned to projects grouped into four regulatory categories: (1) Environmental Quality Commission (EQC) order or regulation; (2) NPDES or State Waste Discharge Permit; (3) letter directive, preliminary planning approval or project authorization by DEQ; and (4) other written statement of project desirability by DEQ or the EQC.

DISCUSSION

At the EQC's March 30, 1979 public hearing, several cities and interested parties proposed that the Environmental Quality Commission give higher priority to local governments with building moratoria, projects under administrative order or judicial decree, and projects where NPDES permits are violated.

Presently, there are at least ten localities under a State imposed connection limitation. At least another sixteen communities have imposed a connection limitation voluntarily, usually at the request of the DEQ. Most of these communities will require financial assistance in FY'80 and/or subsequent years to correct existing problems. Many other communities have received orders or negotiated a consent decree. For those communities with municipal permit violations, only some of the violations are related to grant eligible system improvements.

A substantial number of projects would be affected by upgrading the priorities of those with building moratoria, orders and permit violations. Since these projects generally ranked between 7 and 64 on the FY'79 list, increased Regulatory Emphasis on these projects may potentially impact the scheduling for higher priority projects.

Of special consideration is whether these types of enforcement actions are a valid indication of statewide water quality problems as well as local water quality and public health problems. It should also be noted that types of enforcement actions are based on individual circumstances. For example, once a factual basis for a serious water quality problem is set forth, a voluntary connection limitation by the community may avoid a State administrative order or moratorium.

A reevaluation of Regulatory Emphasis should include, at a minimum, the options of (1) modifying the level of emphasis on regulatory actions in the overall determination of priorities and (2) modifying, if necessary, the categories used to distinguish among projects that receive regulatory emphasis.

SEWERAGE WORKS CONSTRUCTION GRANTS PROGRAM  
POLICY ISSUE FACT SHEET  
May 23, 1979

STATEMENT OF THE ISSUE Federal and State Grants/Loan Assistance

BACKGROUND

Since 1957, Federal funds have been made available under Public Law 84-660 to assist communities in financing construction of sewage treatment works.

The original 1956 Federal Water Pollution Control Act authorized grants up to 30% of the actual costs of eligible sewage treatment works. In 1966, the Act was amended to allow 50% Federal grants, provided 25% State grants were made to the same projects.

In order that Oregon communities might receive maximum benefits under this program, the 1967 Oregon Legislature enacted a State sewage works construction grants program to supplement the Federal program. Failure of the Federal Government to appropriate sufficient construction grant funds resulted in only a few Oregon communities constructing projects under the 25% State - 50% Federal grant program in 1968 and 1969.

The 1969 Oregon Legislature specified that State grant funds not be used for 25% State - 50% Federal grants unless sufficient State and Federal funds were available to serve all applications on this basis. Because grant applications have consistently exceeded available grant funds, action of the 1969 Legislature had the effect, during fiscal years 1970 and 1971, of limiting project grants to either a 30% State grant or a 30% Federal grant.

The 1969 Legislature also passed and referred to the people of Oregon, HJR 14, a proposed constitutional amendment to authorize the sale of State general obligation bonds to provide grants and loans to local governments for construction of eligible pollution control facilities.

The constitutional amendment was passed by the Oregon voters at the May 1970 primary election. Under this program, up to 1% of the true cash value of all taxable property in the State may be made available to assist local governments in constructing approved pollution control facilities.

PL 92-500, passed by the U. S. Congress in 1972 increased the federal grant on eligible sewerage project work to 75%. This law also provided funds to raise the grant level of prior projects to the maximum allowed by law. Thus, 1970 and 1971 projects were converted to matching grant projects and will receive a 25% State grant and a Federal grant of about 50%. Federal reimbursement payments are still being made on these projects.

Federal funds for providing necessary facility plans as set forth under PL 92-500 were delayed. In order to assure that projects were planned in an orderly manner, DEQ recommended and the 1972 Legislature authorized DEQ to enter into loan agreements with 35 communities to provide facility planning studies which could later be reimbursed under the PL 92-500 funding program. Oregon law provides that when these communities receive Federal funds or the project is dropped the communities must repay the State loan. State funds for this program have not been continued.

At the present time EPA provides 75% Federal grant assistance on eligible sewerage works construction projects. These grants are made based on available funds and processed in accordance with approved State Priority List. Oregon Statutes provide for a 30% grant; however, the State does not currently offer any State matching funds for sewerage construction projects. The State may assist in a hardship grant to the community if hardship criteria are met. Any hardship grant must be approved by the State Legislature after recommendation by EQC. The State may also purchase communities' General Obligation Bonds for eligible projects for Steps 1, 2, and 3. The 75% Federal Grant and 25% bond purchase provides a financing plan for 100% of the eligible costs.

#### DISCUSSION

It was proposed in the March 5, 1979, meeting that the State's Pollution Control Fund be used to incur costs on projects in advance of a federal grant. Federal regulations provide that if Step 1, 2, or 3 "construction" occurs before grant award, costs incurred before the approved date of initiation of construction will not be paid and award will not be made except under very limiting circumstances. Essentially, this means that any costs incurred against the project in advance of an EPA grant would not be reimbursable from federal funds. Since Oregon Revised Statutes limit State grants from the pollution control fund to 30% of eligible costs, communities would necessarily be required to ensure that local funds at the 70% level would be available to finance the remainder of the costs. This action would shift the burden of the construction grant program to the state and local government which is not the intent of Oregon law since it requires that communities apply for federal funds for which they would otherwise be eligible.

Additional suggestions made at the March 5 meeting concerning the State grant/loan program were:

- Reactivate State grant programs
- Guarantee funding of approved portions of projects through final construction at 75% level
- Make State loan funds available

Discussion on these questions was presented in previous paragraphs. However, it is important to note that any broadening of the use of the State grant/loan program will require increased use of the pollution control fund. This fund is established by law and the use of these funds is carefully controlled.

For the Pollution Control Bond Fund Oregon statutes limit to \$160 million the amount the State can borrow and have outstanding at any one time as principal owing. To date the State has sold \$120 million in General Obligation Bonds for deposit in the pollution control fund. Current balance in the fund is approximately \$25 million. There has been no legislation introduced to increase the \$160 million limit.

Because of the statutory definition of the use of the pollution control fund, the Department is hesitant to broaden its use or increase its activity for water pollution control activities. It seems much more prudent at this time to identify the means to increase the flexibility in use of federal grant funds. Maximizing this flexibility through criteria for ranking projects should be the prime concern in developing the FY '80 priority list.

SEWERAGE WORKS CONSTRUCTION GRANTS PROGRAM  
POLICY ISSUE FACT SHEET  
May 23, 1979

STATEMENT OF THE ISSUE. Phased Construction Projects and Alternatives for Financing Phases.

BACKGROUND

The Department has in the past phased the costlier construction projects. However, this phasing was based on the entire costs of the project and maintaining continuity of construction until the entire project was completed. Projected dollars on the priority list for each year consisted of an estimate of how much construction could be completed in any one year. Even though there was no commitment for future grant funds, grant allotments have been adequate to complete the project according to the priority list estimates. However, ever increasing costs coupled with the reduced grant funding for FY '79 has cast doubts that this type of phasing will be adequate in the future.

DISCUSSION

The Department should consider phasing eligible projects into segments of operable facilities. It appears to us that it would be a worthy effort to attempt to achieve deeper distribution of the general allotment down the priority list through segmenting of eligible projects into operable facilities. It would be beneficial to have the means to entirely fund a Step I, a Step II, or a Step III, or any part thereof.

U.S. Environmental Protection Agency has recognized the benefits of segmenting projects to the State management programs in 40 CFR 35.930-4, 35.935-1 and PRM 75-14. These rules and regulations provide an alternate course of action under those circumstances where the construction of an extremely large project would result in program scheduling difficulties for the State in managing its total program. EPA advises that in undertaking the segmenting of a project, it is important that both the state and municipality recognize that such a step must be taken within the framework of the law and regulations of which it is a part. We must insure that (a) all grants are awarded at the 75% level of eligible cost; (b) the segment must be discrete and meaningful; (c) the award of a grant to a segmented project does not bind EPA to funding the remaining segment or segments comprising the total project. Moreover, when an applicant undertakes a segment of a project and receives a grant award for that segment, they are committed to completion of both an operable treatment works and the complete sewage treatment system of which the segment is a part.

Step I projects have limited opportunities for segmenting because of the interdependence of facility planning in determining the most cost-effective alternative and pre-design parameters. Both Steps II and III level themselves to segmenting very well because the project has clear definition and segments can be discrete and meaningful.

From this discussion, grantees and potential grantees should not assume that the Department proposes to dismantle each and every project and fund only segments. Based upon the need for the project, the funds available, the economics involved and judgmental factors, operable facilities of the project could be funded at almost any percentage of the total project requirement. It is further our view that we should continue to fund the entire step when possible and only segment where necessary.

Priority criteria to be applied in segmenting projects may need to be changed or at least a sub set of criteria need to be developed for prioritizing operable phases of projects. The priority list would probably have a "new face" since segments of projects would be presented.

SEWERAGE WORKS CONSTRUCTION GRANTS PROGRAM  
POLICY ISSUE FACT SHEET  
May 23, 1979

STATEMENT OF THE ISSUE Economic Considerations

BACKGROUND

Neither U.S. Environmental Protection Agency Regulations nor Oregon Revised Statutes require economic consideration to be a part of the State's Priority System. The only direct Federal reference to economic considerations is contained in 40 CFR 35.925-5, Funding and Other Capabilities. Under this regulation the applicant must agree to pay the non-federal project costs and must have the legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of the treatment work. Oregon Revised Statutes refer to an applicant's readiness to start construction, including financing and planning; and the applicant's financial need.

DISCUSSION

EPA regulations require that the State priority system be based on (a) the severity of the pollution problems; (b) the existing population affected; (c) the need for preservation of high quality waters; and (d) at the State's option, the specific category of need that is addressed, i.e., secondary treatment, more stringent treatment, I/I, etc. These criteria must serve two basic functions; identify the relative priority of projects eligible for award, and facilitate planning and management of the future State program based on project schedules. The purpose of the first function is to reserve funds for those facilities which would best achieve pollution abatement in the State for the funds available; the second function allows management of funds by adding time and the treatment works sequence (Steps 1, 2, 3) as factors in the order of funding. Readiness to proceed is specifically denied as a priority criterion for ranking projects. The only official notice of readiness to proceed on the priority list is the ability to bypass projects not yet ready to proceed according to schedule.

The March 5 meeting revealed opposing views on how economic considerations might play a part in prioritizing projects. On the one hand, it was suggested that additional emphasis should be provided to communities that have the financial ability and commitment to completion of their respective projects. On the other hand, it was suggested that if the assignment of project priority points were partly based on financial need, ability to pay, and median family income, perhaps more small, rural communities could be helped.

These opposing suggestions verify the dichotomy in using economic consideration as priority criteria. The Department in the past has not included economic considerations in their priority since the documentation of a water quality problem and its scope and nature have basically determined the ranking of the project on the priority list. Our experience in the program has determined that most communities have the financial ability to solve their problems. Obviously for some communities the financial stress is greater than for others. However, only a very few communities have qualified as "hardship" based on ability to pay.

Including economic considerations as a part of the criteria for ranking does not alter the costs to the community for the project, nor does it raise or lower the amount of grant funds available to the project. If we developed a small community list and a large community list, it might turn out that funding of the smaller communities would be accelerated and therefore would be able to take advantage of ever rising costs.

One recommendation was made that a substantial weighting be given to factors which anticipate the effects of projects on the growth potential for the affected area. 40 CFR 35.915 specifically states that the State shall not consider the project area's development needs not related to pollution abatement, the geographical region within the State, or future population growth priorities as a part of the criteria.



SEWERAGE WORKS CONSTRUCTION GRANTS PROGRAM  
POLICY ISSUE FACT SHEET  
May 23, 1979

STATEMENT OF THE ISSUE Percentage Limitation on Funds for a Project or Type of Project.

BACKGROUND

A proposal was received in conjunction with the March 5, 1979, public meeting to distribute grant funds according to a percentage formula. The specific recommendation called for distribution of grant funds as follows:

Step 3 projects - 90%  
Step 2 projects - 8%  
Step 1 projects - 2%

The basis for this recommendation was to offer a formula which would initiate a reasonable balance of planning (2%), design (8%) and construction (90%) projects.

DISCUSSION

The current Federal rules and regulations governing the program provide for a reserve of funds specifically designated for Step 1 and Step 2 projects (35.915-1(d)). The State may set aside up to 10% of the total funds available in order to provide grant assistance to Step 1 and Step 2 projects. These funds are for use for projects outside of the fundable portion of the priority list. The only requirement is that Steps 1 and 2 must generally be funded in priority order, moving down from the top of the priority list. If a Step 1 or Step 2 is not ready to proceed during the funding year it may be bypassed and the State can proceed on down the list to the next Step 1 or Step 2 project.

Oregon's present criteria call for a \$500,000 reserve for Steps 1 and 2. The FY '79 funding authorization from the U.S. Environmental Protection Agency identified the Step 1 and 2 reserve in an amount of about \$800,000 from the FY '79 and previous year allocations. EPA advises that these reserves may be used to fund not only Step 1 and 2 projects not previously recognized, but also those which had been included in the prioritizing process, but were not within the accepted list. Funding from this source for Step 2 projects should be limited to rated projects which are shown to be deserving. It would not be appropriate for a state agency to request funding from this source for a specific Step 2 project unless all others with higher priority rankings had first been considered.

It appears that the reserve for Step 1 and Step 2 projects and Oregon's priority criteria establish the precedent for a percentage distribution of grant funds. However, there is a considerable difference between the Federal limit for this type of set-aside (10% of the total funds available) and the fixed amount of \$500,000 established by Oregon's criteria. It seems appropriate to consider modifying the present criteria to a "not to exceed amount"; say not to exceed 10% of the total funds available, in agreement with the Federal regulation. This option would provide maximum flexibility in determining funding levels for Steps 1 and 2 for each fiscal year.

ATTACHMENT B

**Review of Oral and Written Testimony from the August 3, 1979, Public Hearing in Portland, Oregon, on the FY 80 Sewerage Works Construction Grants Priority List.**

Mr. Charles K. Ashbaker of the Water Quality Division acted as the hearings officer. He explained the purpose of the hearing as related to the development of the FY 80 project priority list. Approximately 45 people were in attendance.

The hearing summary is presented for review as follows:

1. Signatory List of Attendees.
2. Summary of Oral Testimony.
3. Copies of Written Testimony.
4. Analysis and Display of Public Comment on the Management Alternatives.
5. Analysis and Display of Public Comment on the Proposed Criteria.
6. Staff Response to Questions, Comments, and Other General Proposals.

NAME

ORGANIZATION

Dave Abraham

Clackamas County

PAT BLUE

OREGON TRI-CITY CHAMBER  
Mayor, City of Bend

Richard Carlson

Corvallis

Mike Randolph

Linn County

BOB MCWILLIAMS

Bladstone Ore

Leslie B. Rinehart

Met. Council, Cr., Mayor  
Bladstone Ore.

James N. Fisher

Michael Beckman

L.P. GRAY

CITY OF HERMISTON

Leonard Strubel

City of Bladstone

Don Andersen

Oregon City, COMMISSIO.

ALFRED SIMONSON

OREGON CITY, CITY MGR

CONNIE MC CREADY

CITY OF PORTLAND

JOE NIEHUSEK

" "

JOHN KAYE

" "

Mary Daack

City of Gladstone, Oregon <sup>West Side</sup>

DICK SMELSER

CLACK. CO. HOME BLDGS

MARYANNE HILL

CLACK CO. PL. COMM + HOODL

Anne Crockett

Welches - Hoodland

Mike Kennedy

CH2M Hill

Wayne Welch

CH2M Hill

Michael D. Henry

CONSULTANTS NORTHWEST

Paul A. Ellery

over Road  
Carol F. Ellery, weather Dr.

Patrick Curran

Oregon City, Ore.

PATRICK CURRAN

H.G.E. ENGS

NAME

ORGANIZATION

Robert Power  
Jack Baicker C/M  
D. J. Clark  
Tom Harper  
Don Caldwell  
George Stubbert  
Eliot Allen  
Kevin Hanway  
Frank C. Allen  
Wm. V. Pye  
P. D. Herman  
BURTON M. LOWE  
**KARL EYSENBACH**  
Steve J. Joreland  
Clyde C. Woodbury  
R. B. McGuire

Clackamas Co.  
WV 1970, OR  
Vitro Eng.  
Hermiston  
Hermiston  
City of Roseburg -  
Allen & Associates (CITY OF KAMATH  
Home Builders Assoc. of Metro <sup>FAU</sup> PHL  
City Council - West Linn  
M WMC Eugene/Springfic  
City of Gladstone (Council  
City Mgr. City of Seaside  
CITY MGR. CITY OF LOWE  
City Mgr. - Milton - Free water  
Commissioner, Desq City  
Salem, Oregon

ATTACHMENT B

SUMMARY OF ORAL TESTIMONY

1. Connie McCready - Acting Mayor, City of Portland, summarized a written statement generally favoring the Department's proposed action with the following exceptions:
  - a. One percent of the three percent allotment should be reserved for Step 1 grants, and remaining funds managed in such a way as to ensure phasing of projects into Step 3 with minimal delay.
  - b. Limit grant assistance to one jurisdiction to no more than 20 percent in a given year.
  - c. Increase priority of projects eligible for Steps 2 and 3 reserve funds for alternative systems for small communities acceptable if funding comes totally from reserve--no general allotment funds to be used.
  - d. Transitioning for FY 79. Discontinue automatic increase in priority for all Step 2's except those projects and subsequent phases necessary to make the project operable that were increased on the FY 79 list but were not funded.
2. Mr. Beryl Taylor - Charleston Sanitary District, testified in support of continued funding of collection systems. He also included a request to fund the Charleston Sanitary District collection system.
3. Mr. Lynn Heusinkveld - Attorney, Charleston Sanitary District, summarized written testimony expressing concern for funding Charleston Sanitary District collection system and indicating support for continued funding of collection systems.
4. Mr. Mike Randolph - Public Works Director, City of Corvallis, summarized written statement, including specific comments on proposed action as follows:
  - a. Supports phasing out certification of collection systems. However, current certified health hazards should be allowed to continue whether or not Step 1 has been completed.
  - b. Does not support DEQ position not to certify AST/AWT components where state is requiring increased treatments without supplying financial assistance to local Governments.
  - c. Supports providing a transition period before limiting annual grant assistance for a project.
  - d. Supports increasing reserve for grant increases to 10%.

- e. Supports prioritizing scope changes.
  - f. Supports increasing reserve for Steps 1 and 2 up to 10 percent. If funds aren't used, wording should be used so that funds available can be used on Step 3.
  - g. General support for bypassing projects. Our recommendation that they be dropped from priority list after being bypassed without due cause for two consecutive years needs careful definition of "without good cause."
  - h. Supports a percentage limitation for phasing larger projects, but substantial consideration must be given to financial impact on local community.
  - i. Supports phasing Step 3 projects where necessary.
  - j. Supports discontinuance of automatic increases in priority for Step 2 except those that were increased in FY 79 but not funded.
5. Mr. L. P. Gray - Mayor, City of Hermiston, summarized written statement:
- a. Recommends that any new criteria that is to be established must include a method for the timely completion of all existing phased construction projects now underway.
  - b. Supports City of Portland on this part.
6. Mr. Richard Carlson - Mayor, City of Bend, summarized written statement. Recommended:
- a. Continue high level of funding to assure completion of all existing phased construction projects now underway.
  - b. Supports providing a transition period before limiting annual grant assistance for a project.
7. Mr. Duane Lee - Engineer representing Multnomah County Consortium, summarized written statement:
- a. Supports 10 percent reserve for grant increases.
  - b. Supports increasing Steps 1 and 2 reserve up to 10%.
  - c. Supports transitioning certification of public health hazard annexation.
  - d. Supports staff position to not certify AST/AWT.
  - e. Supports limit on grant assistance to 20 percent of the state's allotment in a given year.
  - f. Supports raising priority for alternative systems for small communities.

- g. Supports not raising priority on innovative/alternative technology.
  - h. Supports bypassing.
  - i. Supports continuing to fund phased portions of projects which are necessary for complete and operable systems; however, limit to 20 percent. Phases which do not restrict the operable capability of the system should be deferred.
  - j. Supports phasing of Step 3 projects.
  - k. Supports discontinuing automatic increases in priority for Step 2 projects.
8. Mr. Jack Baisden - City Manager, City of Irrigon, and Mr. Tom Clark, Vitro Engineering, summarized written statement:
- a. Supports proposed language on population emphasis, project type and project class criteria.
  - b. Notes that there is no policy pertaining to findings of health hazards or who will be qualified to conduct field investigations, how they can be initiated by a local community, how they will be financed or who will judge adequacy.
  - c. Expects to qualify for project class Code A.
  - d. Health hazards should be highest on list.
9. Mr. David Abraham - Utilities Director, Clackamas County, summarized written statement:
- a. Recommends that project class Category A include regional waste water management programs.
  - b. Recommends that under regulatory emphasis, 150 points should be given to regional projects that result in the abandonment of two or more obsolete treatment plants.
  - c. Recommends 5 percent reserve for grant increases.
  - d. Proposes that association of Step 2 grants with reserves for Step 1 is inappropriate. Steps 2 and 3 grants should be coordinated to assure continuity of design and construction.
  - e. Proposes 3 percent reserve for Step 1 only.
  - f. Recommends DEQ encourage developing facility plans throughout the state so that cost-effective solutions are identified and could be implemented without federal assistance.
  - g. Supports non-certifying collection systems.

- h. Supports not certifying AST/AWT components.
  - i. Supports annual limitation of 20 percent.
  - j. Supports increasing priority on alternative systems for small communities.
  - k. Supports not increasing priority on I/A technology.
  - l. Supports staff on bypass procedures.
  - m. On transitioning Step 3 projects, all projects and project components should stand the FY 80 criteria test. DEQ's only obligation to Step 3's is construction contracts in being.
  - n. Support percentage limitation and phasing.
  - o. Should not continue emphasis on readiness to construct. Should continue to increase priority on Step 2 ready to proceed to Step 3.
  - p. Acknowledges support for MSD proposals.
10. Mr. Rick Gustafson - Executive Officer, Metropolitan Service District, summarized written statement:
- a. Proposes limiting any jurisdiction to no more than 20 percent of funds available.
  - b. Recommends use of pollution control bond funds to fund projects that exceed the 20 percent limitation.
  - c. Supports phasing and segmenting.
  - d. Supports not certifying tertiary treatment components.
  - e. Recommends terminating eligibility for funding collection systems.
  - f. Resubmitted recommendations that were proposed at June 25 public meeting.
11. Mr. Steve Loveland - City Manager, City of Milton-Freewater, summarized written statement:
- a. Supports staff on all management proposals.
  - b. Supports limitation of 20 percent to one project in fiscal year.
  - c. Supports attempt to complete phased construction projects according to schedule, given available FY 80 funds.



- d. Concerned that stream segment ranking is not being uniformly applied, at least to the Walla Walla Basin, because the basin straddles two states and DEQ only recognized Oregon's population.
  - e. Believes proposed language and relative assignment of points in regulatory emphasis is reasonable and acceptable; however, overall assignment of points and weight in formula seems too high. Proposed ranking system rewards community for poor O & M practices when it appears logical to place more emphasis on positive incentives for communities with good practices.
  - f. Proposes modifying regulatory emphasis to take into account the age and type of sewage treatment plant being replaced, i.e., an older plant would receive higher ranking than a new plant and a more advanced type treatment plant should receive higher priority. Also, if a plant had an original design life of 20 years, but reached capacity in 5 years, it would indicate poor planning and therefore lower priority.
  - g. Suggests that DEQ should establish a "norm" for costs of construction based on percapita and unless there are exceptional costs, grant funds should be allocated on this norm.
12. Mr. Don Anderson - Commissioner, City of Oregon City:
- a. Supports Mr. Abraham.
  - b. Outlined negative impacts of moratorium on Oregon City (unemployment, economic).
  - c. Wants Tri-City to be number one on priority list.
13. Mr. Leonard Strobel - City Administrator, City of Gladstone:
- a. Supports any changes that might be done in the criteria that would change the funding priorities as they now stand. (Tri-City)
  - b. If no funding, some changes should be made to alleviate the moratorium.
14. Mr. Pat Blue - Executive Director, Tri-City Chamber of Commerce:
- a. Moratorium in urban area should automatically qualify a project for the highest project class and qualifying point count.
15. Mr. Marv Dack - Concerned Citizen and Member Tri-City Chamber of Commerce:
- a. Expressed concerns on impacts of moratorium.
  - b. Concerned about funding Tri-City in FY 80.
  - c. Asks to be placed in the A-1 category.

16. Mr. Leonard Fisher - Mayor, City of Mt. Angel:
  - a. Supports phasing of larger projects.
  - b. Urges state grant program to supplement EPA funds.
  - c. Recommends 10 percent limitation of annual funds on any one project.
  - d. Recommends establishing 10 percent optional reserve for Steps 1 and 2 grant beyond fundable portion of the FY 80 priority list.
  - e. Consider two-tiered funding.
17. Mr. Dick Smelser - Clackamas County Home Builders Association:
  - a. Commented on impacts of Tri-City moratorium.
  - b. Wants future population to be added to population points.
  - c. Supports regulatory emphasis.
18. Mr. Bill Pye - General Manager, MWMC, Eugene/Springfield:
  - a. Supports a reasonable transition period before eliminating certification of collection systems and elimination of disposal wells.
  - b. Certification of AST/AWT needs another option "to be reviewed on a case-by-case basis."
  - c. States that if limit on MWMC is set at 20 percent for their \$105 million project it won't be built because of inflation.
  - d. Any imposed percentage limitation of annual funds on any one project needs careful consideration. Individual project review needed.
19. Mr. Carl Bright - American Guarantee Life Insurance Company:
  - a. Supports funding for Hoodland project.
  - b. Concurs with Dave Abraham remarks.
20. Mr. Bob Andrew - Tri-City Chamber of Commerce:
  - a. Supports Dave Abraham remarks.
  - b. Says moratorium vs. priority for funding is inconsistent.
21. Ms. Maryanne Hill - Clackamas County Planning Commission:
  - a. Supports Dave Abraham remarks.

- b. Supports funding Hoodland Project.
  - c. Mentioned DEQ support to complete Step 2 in order to increase priority for Step 3.
22. Mr. Frank Allen - President, West Linn City Council:
- a. Offered written testimony from Allen Brickley, Mayor of West Linn.
  - b. Recommends regional system should have high points.
  - c. Suggests more points for moratorium.
23. Mr. Karl Eysenbach - City Administrator, City of Lowell:
- a. Discussed two-tier approach to federal funding of program.
  - b. Recommends 10 percent be set aside as a reserve for Steps 1 and 2 projects that are beyond the fundable portion of the priority list for FY 80.
  - c. Recommends limit on any one project to 10 percent or 20 percent for the annual year.
  - d. Recommends increasing priorities for Steps 2 and 3 for alternative systems for small communities.
  - e. Recommends increasing priorities for I/A for small communities.
  - f. Proposes joint operation of tying Lowell to Dexter and giving same priority rating. Joint project should be coordinated.
24. Mr. Steve Sweitzer - Hoodland Chamber of Commerce:
- a. Tourism should have extra points.
  - b. Commented on DEQ approving holding tanks but requiring sewers eventually.
25. Mr. Kevin Hanway - Homebuilders Association of Metropolitan Portland:
- a. Supports approval of retaining regulatory emphasis.
  - b. Regionalization should be high on list.

GRANTS.B;tf

CONNIE McCREADY  
COMMISSIONER



DEPARTMENT OF  
PUBLIC WORKS

CITY OF PORTLAND  
OREGON

August 2, 1979

Mr. Harold L. Sawyer, Administrator  
Department of Environmental Quality  
Water Quality Division  
PO Box 1760  
Portland, Oregon 97223

Dear Mr. Sawyer:

Submitted herewith is the City of Portland's testimony for consideration by the Department and the Environmental Quality Commission in developing the FY '80 Sewerage Works Construction Grants Priority System.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Connie McCready'.

Connie McCready  
Commissioner of Public Works

JTK:al

Enc.

CITY OF PORTLAND

PUBLIC HEARING TESTIMONY, AUGUST 3, 1979

PROPOSED FY '80 SEWERAGE WORKS CONSTRUCTION GRANTS PRIORITY SYSTEMS

THE CITY OF PORTLAND HAS REVIEWED THE PROPOSED MANAGEMENT SYSTEM, MANAGEMENT STRATEGY AND PRIORITY RATING CRITERIA AND CONCURS WITH THE RECOMMENDATIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, WITH THE EXCEPTION OF THE FOLLOWING ITEMS:

1. DEQ RECOMMENDED A 10% RESERVE FOR FACILITY PLANNING (STEP 1) AND DESIGN (STEP 2). PORTLAND CONCURS WITH MSD'S RECOMMENDATION THAT 1% TO 3% OF THE ANNUAL GRANT FUNDS SHOULD BE RESERVED FOR STEP 1 GRANTS AND THAT THE REMAINING FUNDS BE MANAGED IN SUCH A WAY AS TO INSURE PHASING OF PROJECTS INTO CONSTRUCTION (STEP 3) WITH MINIMAL DELAY. THE DEQ RECOMMENDATION WOULD FUND DESIGN OF LOWER PRIORITY PROJECTS WITH NO ASSURANCE THAT CONSTRUCTION FUNDS WOULD BE AVAILABLE. IT WILL ALSO REDUCE THE GENERAL ALLOTMENT AVAILABLE FOR FUNDING CONSTRUCTION OF HIGHER PRIORITY PROJECTS.
2. DEQ DID NOT PRESENT A RECOMMENDATION WITH RESPECT TO LIMITING THE AMOUNT OF FUNDS FOR ANY ONE PROJECT. PORTLAND RECOMMENDS THAT GRANT ASSISTANCE TO ONE JURISDICTION BE LIMITED TO NOT MORE THAN 20% OF THE STATE'S ALLOTMENT IN A GIVEN YEAR. WITH NO LIMIT, VIRTUALLY ALL FY '80 FUNDS WOULD BE DIRECTED TO A FEW LARGE PROJECTS AND WOULD DISRUPT ALL CONTINUITY TO THE STATE'S GRANT PROGRAM, IN ADDITION TO POSTPONING THE POLLUTION CONTROL PROGRAMS OF NUMEROUS COMMUNITIES THROUGHOUT THE STATE. A LIMIT WOULD ALSO ENCOURAGE PHASING OF LARGE PROJECTS AND A MORE EQUITABLE STATE-WIDE DISTRIBUTION OF GRANT FUNDS.
3. DEQ RECOMMENDS INCREASING THE PRIORITY OF PROJECTS ELIGIBLE FOR STEP 2 AND/OR 3 RESERVE FUNDS FOR ALTERNATIVE SYSTEMS FOR SMALL COMMUNITIES. PORTLAND FEELS THIS IS ACCEPTABLE ONLY IF THE TOTAL PROJECT CAN BE FUNDED FROM THE RESERVE FUNDS AND THAT NO GENERAL ALLOTMENT FUNDS WILL BE REQUIRED FOR "NON-ALTERNATIVE" SEGMENTS.
4. IN REGARDS TO DEQ'S RECOMMENDATION FOR TRANSITIONING PROJECTS SCHEDULED FOR FUNDING DURING FY '79, WE RECOMMEND THE POLICY BE REVISED AS FOLLOWS:  
DISCONTINUE AUTOMATIC INCREASE IN PRIORITY FOR ALL STEP 2 PROJECTS EXCEPT THOSE PROJECTS AND SUBSEQUENT PHASES NECESSARY TO MAKE THE PROJECT OPERABLE THAT

WERE INCREASED ON THE FY '79 PRIORITY LIST BUT WERE NOT FUNDED. THIS LANGUAGE REVISION IS NECESSARY TO ASSURE PHASED PROJECTS THAT ARE TO BE "TRANSITIONED" CAN BE COMPLETED WITHOUT UNNECESSARY DELAYS.

THE CITY OF PORTLAND ALSO FULLY SUPPORTS THE RECOMMENDATIONS OF THE METROPOLITAN SERVICE DISTRICT.

MSD WATER RESOURCES POLICY ALTERNATIVES COMMITTEE  
RECOMMENDATIONS ON THE STATE'S SEWERAGE WORKS CONSTRUCTION  
GRANTS PROGRAM

June 22, 1979

RECOMMENDATIONS

1. The EPA Criteria for future growth should be adopted by DEQ with the exception that sewage treatment plants and pumping stations should be built at the lower end of the range of growth periods permitted by the EPA criteria.
2. There is no need for DEQ to assist local jurisdictions in developing funding programs for growth capacity, but DEQ should use criteria that encourage financing plans in the State's prioritization system.
3. The Task Force endorses the policy of using federal grants for agencies under regulatory action (a current priority criteria); the Task Force recognizes that DEQ's responsibility is to concern itself with the most serious water pollution problems. However, at the same time, the Task Force opposes the funding of projects that result from the lack of action by local government.
4. The Task Force recommends that beginning with the 1980 allocation, no one jurisdiction shall receive more than 20 percent of the total project grant funds available for the state in any single fiscal year; and further recommends that it is imperative that a state program be developed to supplement the federal funding program.
5. The Task Force supports phased construction projects and some alternatives for financing phases such as the following:
  - a. Postpone several components of the treatment plant projects for tertiary; that is, nutrient removal, polishing ponds, mixed media filtration, etc.
  - b. Terminate eligibility for funding collection sewer construction.
6. The Task Force recommends that economic considerations (other than a community's ability to pay) should not be made part of the priority system.
7. The Task Force recommends that one to three percent of the annual grant fund be available for Step 1 grants in any year and that the remaining funds be managed in such a way as to insure phasing of projects into Step 3 with minimal delays.

These recommendations were passed by unanimous vote of the Task Force.

LYNN H. HEUSINKVELD  
ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION  
336 NORTH FRONT STREET  
COOS BAY, OREGON 97420

*"Priority List"*  
*Added to*  
*Master List*  
*7/14/79*  
*C. [unclear]*

TELEPHONE  
(503) 269-7511

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

June 29, 1979

**R E C E I V E D**

JUL 5 1979

**WATER QUALITY CONTROL**

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

Re: Charleston Sanitary District  
Our File No. 212-7

Gentlemen:

Your notice regarding the hearing scheduled for August 3, 1979 in Portland has been received by this office. I am the attorney for the Charleston Sanitary District and am very concerned about the proposed revisions of the priority criteria and management system which will be used to rank individual projects for federal construction grant funds during fiscal year 1980.

The Charleston Sanitary District, as you may know, has installed a trunk line as the first phase of a system which will provide sanitary sewer service to the approximately 6,000 people residing in and about the Charleston Barview area of Coos County. The present system serves only a small fraction of the residents of the Charleston Sanitary District. Results of a survey completed June 19, 1979 indicate that at least 32% of the District's homes show evidence of septic system failure. A copy of that survey is enclosed. As indicated in the Department of Environmental Quality report the survey was conducted at a time of low rainfall and if conducted during our rainy period the survey might have produced even more substantial evidence of the severity of Charlestons' sanitary sewage problem. Despite the obvious health hazard presented by such wide spread septic system failure the present priority criteria and management system means there is almost no possibility that the problem will be rectified within the near future. Given the fact that many of the residents draw their drinking water from shallow wells the potential health hazard posed by this situation are obvious.

The Environmental Quality Commission is at once the hope and the fear of Charleston residents. They know that should their house be

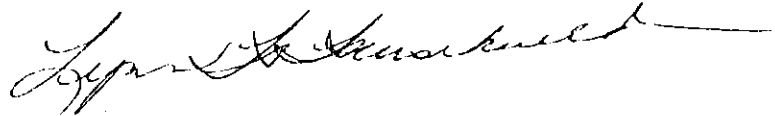


Environmental Quality Commission  
June 29, 1979  
Page 2

destroyed by fire, notwithstanding the fact that they are fully insured, they will not be able to replace their home because they will not be able to secure a permit to reconnect a new residence to their present septic system. Residents who have lived for years in Charleston live in continual fear that the Environmental Quality Commission will point out to them what they already know i.e. that their sewage disposal system is inadequate. At the same time the Department of Environmental Quality Administration of E.P.A. funds presents the best hope for a solution to such residence sewage waste problems.

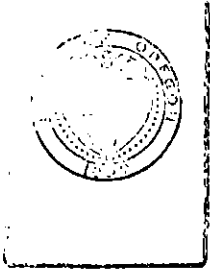
In your notice you indicate that you will be sending additional materials on July 3, 1979 and that you will on request place parties on the agency mailing list. Please place my name on the agency mailing list.

Sincerely,



Lynn H. Heusinkveld

LHH:sre  
cc: client  
HGE, Inc.  
Rich Ryder  
Enc.



*Department of Environmental Quality*  
SOUTHWEST REGION

1937 W. HARVARD BLVD., ROSEBURG, OREGON 97470 PHONE (503) 672-8204  
Coos Bay Branch Office - 490 North Second, Coos Bay, OR 97420 - 269-2721

Richard P. Reiter  
Regional Manager

June 19, 1979

Charleston Sanitary District  
Cape Arago Highway  
Coos Bay, OR 97420

RE: WQ-SS-Coos County  
Charleston Survey

Gentlemen:

All homes interviewed were categorized as follows:

- a) No sign of failure
- b) Indirect failure
- c) Direct failure

Indirect failures included those systems which showed signs of malfunction, but no sewage was detected on the surface of the ground. Lush grass growth over drainfield and sunken drainlines are just two examples. These systems should be considered as potential failures and/or sources of possible groundwater pollution. Failure of these systems is often directly related to heavy saturation of drainfield by rain. Low rainfall during and prior to the survey may have prevented some of these indirect failures from being classified as direct failures.

Direct failures are those systems discharging sewage to the surface as observed by the inspector on the date of the survey.

Indirect and direct failure were combined to indicate the percentage of systems which are inadequate. These systems require some remedy, but few have room for repair or land which will overcome the limitations of the area.

From my observations, I have compiled a list of streets which indicate a major problem exists. These include streets that have fifty percent or greater homes with indirectly or directly failing septic systems. Streets with fewer than four homes interviewed were not included.

Charleston Sanitary District  
June 19, 1979  
PAGE TWO

Braley  
Crown Point  
Hollywood  
Lowell  
Olive

Tarheel  
Travis  
Welch  
Wildahl  
Wygant

Hopefully this survey will aid you in obtaining needed funds.

Sincerely,



Connie Lee Andrews  
Sanitarian

In Cooperation With -

The Dept. of Environmental Quality -  
Southwest Region Office - Roseburg

Coos County Health Department

Charleston Sanitary District

C. O. G.

Lynn Heusinkveld

CLA:dp

Encl.

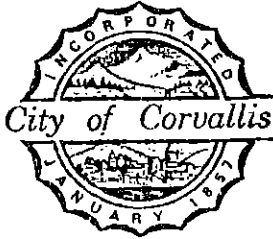
cc: B. Taylor  
C. O. G.  
R. Reiter  
✓ L. Heusinkveld

H-1105-411 or similar  
 B - Indirect failure  
 C - Direct failure

street	B	C	B+C	street	B	C	B+C
Abbey	$\frac{3}{3}$ 100%	$\frac{0}{3}$ 0%	$\frac{3}{3}$ 100%	Dallaire Ct.	$\frac{1}{1}$ 100%	$\frac{0}{1}$ 0%	$\frac{1}{1}$ 100%
Anchorage	$\frac{0}{1}$ 0%	$\frac{1}{1}$ 100%	$\frac{1}{1}$ 100%	Dolezal			$\frac{0}{4}$ 0%
Barklow	$\frac{0}{6}$ 0%	$\frac{1}{6}$ 17%	$\frac{1}{6}$ 17%	Duling Dr.			$\frac{0}{5}$ 0%
Barview	$\frac{2}{28}$ 7%	$\frac{7}{28}$ 25%	$\frac{9}{28}$ 32%	Empire	$\frac{0}{2}$ 0%	$\frac{1}{2}$ 50%	$\frac{1}{2}$ 50%
Beacon	$\frac{1}{6}$ 17%	$\frac{0}{6}$ 0%	$\frac{1}{6}$ 17%	Evergreen	$\frac{1}{3}$ 33%	$\frac{1}{3}$ 33%	$\frac{2}{3}$ 66%
Braley	$\frac{3}{6}$ 50%	$\frac{0}{6}$ 0%	$\frac{3}{6}$ 50%	Fossil Point	$\frac{0}{4}$ 0%	$\frac{1}{4}$ 25%	$\frac{1}{4}$ 25%
Bruce			$\frac{0}{3}$ 0%	Grand	$\frac{0}{8}$ 0%	$\frac{1}{8}$ 13%	$\frac{1}{8}$ 13%
Cameron	$\frac{2}{8}$ 25%	$\frac{0}{8}$ 0%		Grinnell	$\frac{3}{15}$ 20%	$\frac{1}{15}$ 7%	$\frac{4}{15}$ 27%
Cape Arago Hwy	$\frac{3}{9}$ 33%	$\frac{0}{9}$ 0%	$\frac{3}{9}$ 33%	Hallmark way	$\frac{1}{1}$ 100%	$\frac{0}{1}$ 0%	$\frac{1}{1}$ 100%
Caraway			$\frac{0}{4}$ 0%	Harmony Lane	$\frac{1}{5}$ 20%	$\frac{1}{5}$ 20%	$\frac{2}{5}$ 40%
Eastwood Pl.			$\frac{0}{2}$ 0%	Hollywood	$\frac{6}{14}$ 43%	$\frac{1}{14}$ 7%	$\frac{7}{14}$ 50%
Green Point	$\frac{3}{13}$ 23%	$\frac{4}{13}$ 31%	$\frac{7}{13}$ 54%	Jade	$\frac{2}{3}$ 66%	$\frac{0}{3}$ 0%	$\frac{2}{3}$ 66%

Street	B	C	B+C	Street	B	C	B+C
Joe Ney	$\frac{1}{4}$ 25%	$\frac{0}{4}$ 0%	$\frac{1}{4}$ 25%	Seaspray			$\frac{0}{0}$ 0%
Kellogg	$\frac{1}{5}$ 15%	$\frac{2}{5}$ 13%	$\frac{3}{5}$ 19%	Shore Edge			$\frac{0}{2}$ 0%
Libby			$\frac{0}{7}$ 0%	Seven Dicks	$\frac{1}{1}$ 100%	$\frac{0}{1}$ 0%	$\frac{1}{1}$ 100%
Lowell	$\frac{4}{4}$ 8%	$\frac{4}{4}$ 100%	$\frac{4}{4}$ 100%	Shell			$\frac{0}{3}$ 0%
Clive	$\frac{4}{6}$ 8%	$\frac{3}{6}$ 50%	$\frac{3}{6}$ 50%	Spaw	$\frac{2}{14}$ 14%	$\frac{0}{14}$ 8%	$\frac{2}{14}$ 14%
Painter			$\frac{0}{2}$ 0%	Spring St.			$\frac{0}{4}$ 0%
Penny			$\frac{0}{7}$ 0%	Tarheel	$\frac{5}{10}$ 50%	$\frac{2}{10}$ 20%	$\frac{7}{10}$ 70%
Pigeon Point loop			$\frac{0}{4}$ 8%	Travis	$\frac{3}{11}$ 28%	$\frac{3}{11}$ 28%	$\frac{6}{11}$ 54%
Robertson	$\frac{2}{14}$ 14%	$\frac{2}{14}$ 14%	$\frac{4}{14}$ 28%	Velma Lane			$\frac{0}{2}$ 8%
Roosevelt	$\frac{5}{6}$ 83%	$\frac{0}{6}$ 0%	$\frac{5}{6}$ 83%	Wallace	$\frac{3}{10}$ 30%	$\frac{0}{10}$ 0%	$\frac{3}{10}$ 30%
Roy	$\frac{3}{12}$ 25%	$\frac{1}{12}$ 8%	$\frac{4}{12}$ 33%	Wayfare			$\frac{0}{2}$ 5%
Siddollar	$\frac{1}{10}$ 10%	$\frac{0}{10}$ 0%	$\frac{1}{10}$ 10%	Welch	$\frac{1}{5}$ 20%	$\frac{2}{5}$ 40%	$\frac{3}{5}$ 60%

Street	B	C	B+C	Street	B	C	B+C
Wildahl	$\frac{1}{4}$ 25%	$\frac{1}{4}$ 25%	$\frac{2}{4}$ 50%				
Wilshire	$\frac{3}{16}$ 19%	$\frac{3}{16}$ 19%	$\frac{6}{16}$ 38%				
Wind Jammer			$\frac{0}{1}$ 0%				
Windy	$\frac{1}{2}$ 50%	$\frac{0}{2}$ 0%	$\frac{1}{2}$ 50%				
Wisconsin			$\frac{0}{5}$ 0%				
Wygant	$\frac{1}{11}$ 9%	$\frac{6}{11}$ 55%	$\frac{7}{11}$ 63%				
Wicklow	$\frac{1}{28}$ 25%	$\frac{2}{28}$ 7%	$\frac{3}{28}$ 32%				



ADMINISTRATIVE OFFICES

CITY MANAGER 757-6901  
MAYOR 757-6901  
PERSONNEL 757-6902  
PUBLIC WORKS 757-6903  
DIRECTOR

August 2, 1979

Department of Environmental Quality  
P.O. Box 1760  
Portland, OR 97207

Attention: Harold L. Sawyer, Administrator-Water Quality Division

This letter is forwarded as the response by the City of Corvallis to the proposed priority systems developed by the Department of Environmental Quality for the FY'80 Sewerage Works Construction Grants. Your office is to be commended for its approach, documentation, and submission of the various alternatives for the review by the general public. The format in which the material was presented provides an opportunity for the public to review the critical issues following a very logical and precise outline. The informational meetings conducted by staff prior to publication of the proposed priority systems were an effective forum for interested parties to receive information and articulate their positions.

It is our understanding that Congress is now in the process of approving a \$3.4 billion appropriation. This anticipates the State of Oregon receiving \$44.1 million for FY'80. Detailed below are our views on the various alternatives presented which are keyed to section and paragraph numbers in your document.

II. Management Systems

A. Available Funds

1. Grant Increases

The City of Corvallis concurs with the DEQ staff proposal to increase the reserve for grant increases from 5 to 10 percent. It is our position that cost overruns due to inflation and variations from cost estimates should be financed through the reserve account.

We also agree with the staff position to rank changes in the scope of the project with the balance of the proposed projects on the priority list. This mechanism would insure that the citizens of the State of Oregon are receiving maximum benefits for the dollars invested.

2. Modifications of Step I & Step II increases from \$500,000 up to 10 percent of allotment

We recognize that the \$500,000 dollar current reserve for Step I and Step II grants may not be sufficient in the future, and concur with the DEQ staff proposal to allocate up to 10 percent for Step I and Step II grants. However, the administrative rules governing this particular item should be carefully worded such that if the entire 10 percent reserve is not utilized within a given fiscal year, any unencumbered balances may be reallocated for Step III uses.

3. No Certification Policy

It is our understanding that this particular section relates primarily to collection systems and not individual components or treatment facilities. Within that framework it is our position that Option No. 4 is the most desirable and that provisions for a reasonable transition period before elimination of certification is appropriate. However, this reasonable period should coincide with future reviews by regulatory agencies for consideration for mandatory annexation issues. Any project that has currently been certified by the State of Oregon under the appropriate ORS defining health hazard areas should be allowed to continue under current policies of certification, whether or not the Step I facilities plan has been completed.

4. Certification for funding of project beyond the definition of secondary treatment

It is our understanding that the current definition of secondary treatment is 30 milligrams per liter of BOD and 30 milligrams per liter of suspended solids. Currently, the Environmental Protection Agency is utilizing program memorandum 79-7 as guidelines for components and/or systems for advanced secondary treatment (AST) and for advanced waste treatment (AWT). If it is the intent of the state regulations to comply with program memorandum 79-7, the City of Corvallis is in agreement. However, if the intent is to not certify any facility beyond the definition of secondary treatment, then we do not find the staff recommendation of DEQ acceptable. Local governmental agencies would find themselves in a situation where the state is mandating increased treatment efficiencies above and beyond the levels defined by the federal government without supplying financial assistance to the local governments.



5. Limitation of available funds per project per year

The City of Corvallis feels that Option No. 4 is the most effective since it makes provision of a transition period for limiting the annual grant assistance. We feel this provides the most cost effective short term and potential long term solutions. Deviations from current practices will severely jeopardize projects that are underway and will potentially result in increased costs for those facilities which are not covered within local funding limits already obtained and established.

B. Description of List

1. Modification of priority for small community alternatives systems

While the City of Corvallis is not directly involved in these types of projects, we support the staff proposal.

2. Modification of priority for small community Innovative and Alternative Technology

The City of Corvallis supports DEQ recommendation.

III. Management Strategy FY'80 Alternative

A. Additions and Deletions

1. Bypass Procedure

The City of Corvallis does not express a strong position on either alternative. However if bypass procedures are implemented according to the staff recommendation, careful consideration should be given to Item No. 5 in the discussion under additions and deletions of projects; to wit, projects which are bypassed for two consecutive fiscal years, without good cause, are deleted from the list. It would be imperative that within the administrative rules governing this procedure, the phrase "without good cause" be expanded and defined so that all the local entities are well aware of the conditions which will be applied to them.

B. Transition of Projects Between Fiscal Year

1. Potential phasing of large projects

The City of Corvallis supports the position expressed by DEQ that a percentage limitation or similar guideline or technical selection based on the most

essential and immediate cost and immediate construction needs be used to defer portions of the treatment system which are less essential. However, in reviewing that process, substantial consideration should be given to the financial impact upon the local entity since the acquisition of matching funds may have already been obtained and to require phasing beyond the original scope may result in severe fiscal impact on the community.

2. Step III Project Funding

The City supports DEQ's recommendation for Option No. 2. We would underscore the past portion of the staff discussion relating to the potential instability of financial situations for localities if phasing is used consistently. We believe it should be used very infrequently and only where appropriately justified.

3. Ranking of Step II to Step III

The City of Corvallis supports staff proposal of Option No. 3 in that it allows the greatest transition and flexibility in local funding options.

The City of Corvallis appreciates the opportunity to provide input to the Department on this subject and thanks the staff members of the Department for the time and effort that has gone into preparation of this material. If we may provide additional information on any of the items detailed above, please contact Mr. Floyd Collins, Utilities Director for the City of Corvallis, at 757-6936.

Very truly yours,

  
Michael M. Randolph  
Public Works Director

MMR:FWC:mm

**city**  
**of**  
**hermiston**

295 EAST MAIN STREET / HERMISTON, OREGON / 97838

August 3, 1979

Department of Environmental Quality

Gentlemen:

The effort to adopt new criteria to be used to rate and rank projects is of vital concern to all of us here today. Many sewer projects find themselves in the same position as the City of Hermiston in which their Step III construction has been phased over more than a one year construction grant period.

For the past seven years, Hermiston has been engaged in the Step I and Step II process and at long last has been awarded the first of a two phase construction grant allowed under the existing criteria and management program.

It became necessary during the past four of this seven year planning and design period to impose a voluntary growth rate program, in conjunction with the Department of Environmental Quality, to prevent an environmental sewer problem from developing in our area. Although the City has grown 83% in this seven year period, without this voluntary growth management program it would have grown well over 100%.

Land management has been the City's tool in controlling its growth. This, however, has resulted in great pressure being placed on developing lands outside the city's boundaries. To give an illustrative example, it was necessary for the City to appeal a decision by Umatilla County which would have allowed for the construction of a 575 unit mobile home court in the fringe area of the city. These rural housing developments around the city are contrary to LCDC statewide goals and guidelines, and this will continue until the City completes its entire sewer improvement program.

The housing needs and demand are still great in the Hermiston area, and without timely completion of our total sewer improvement program, the City will not be able to supply the necessary sewage disposal requirements.

We understand and approve the existing criteria which permits phasing of the larger projects within the state. A change at this time would be devastating for those in phase construction and is not acceptable.

We realize that reduced funding at the federal level requires re-evaluation of management criteria, but you just can't change horses in the middle of the stream. Those who are in the swim of construction should not be allowed to drown.

Department of Environmental Quality  
August 3, 1979  
Page 2

Local financial packages have been completed by those in construction phases. A change at this time by the state in the existing phase of construction projects would not only lead to a discredit and distrust of the state government but such action would also reflect discredit upon the local city government.

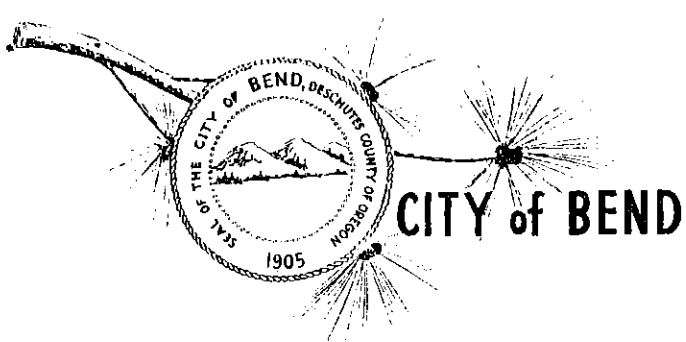
We therefore recommend that any new criteria to be established must include a method for the timely completion of all existing phased construction projects which are now underway.

Sincerely,



L. P. Gray  
Mayor

LPG/pat



P.O. BOX 431 • BEND, OREGON 97701 • (503) 382-4211

DEQ Public Hearing

Portland, Oregon

August 3, 1979

Testimony Presented by: Dick Carlson, Mayor  
City of Bend, Oregon

Regarding: Bend, Oregon's Wastewater  
Management Program

I feel the following points should be considered with respect to Bend's Wastewater Management Program when developing the priority list for distribution of EPA funds for the fiscal year 1980.

1. This project has been and is a large and complicated project for the City of Bend. With lots of hard work and effort, we have already constructed over half of the pipes and are under construction on the treatment plant.

We have trimmed approximately 1½ years off of the original time frame developed for the project by fast tracking and construction management, and we are scheduled to be in operation by July, 1980.

DEQ Public Hearing  
Portland, Oregon  
August 3, 1979

2. A serious local short fall in funds has been identified and we are anxious to complete the project as soon as possible to keep the short fall from increasing. Any delay in receiving the necessary funds to complete the project will automatically increase the total project cost and Bend's short fall.
3. The areas that remain to be completed (scheduled for fiscal year 1980) include two of the project components that are the most vital to the City. One of these includes sewers in an area in which it has been demonstrated a potential health hazard exists from present sewage disposal methods (the West Hills). The other component is the interceptor that takes the sewage from the City collection system to the plant.
4. Our financial plan for bond retirement and system operation is very dependent on hook-up charges being collected. Fiscal year 1980 funds are necessary to complete our project to the point where we can start hooking up houses and meet the financial plan objectives.
5. We have received very favorable bids on Contract No. 14, which includes the interceptor from the City to the new treatment plant. Fiscal year 1980 funds are necessary to accept this bid and construct the interceptor to the treatment facilities.

DEQ Public Hearing  
Portland, Oregon  
August 3, 1979

6. Bend is growing at a very rapid rate. Design and construction of the Phase II sewers (in the outlying regions of the Bend urban area) must be initiated soon in order to meet the sewerage collection and treatment requirements created by this rapid growth. For reasons of system continuity, however, construction of these facilities cannot be started until the Phase I sewer system presently under construction has been completed.
7. Additional disruption to the residents of the City of Bend will be minimized if the project is allowed to continue on its present construction schedule.
8. The most cost effective approach to completion of the Bend project is to minimize costs due to inflation by committing the necessary funds to complete the project as soon as possible.
9. The faster our collection, treatment and disposal facilities are operational, the faster we can take the City of Bend off of discharging untreated waste to drill holes and the faster we can meet the State and Federal mandated water pollution control laws.

DEQ Public Hearing  
Portland, Oregon  
August 3, 1979

In summary, we have worked hard and proceeded a long way towards the completion of this project. We only have a few key elements left to construct in order to have an operational and complete project. In order to finish, we must have the requested funds in fiscal year 1980.

Thank you.





# MULTNOMAH COUNTY OREGON

---

DIVISION OF PLANNING AND DEVELOPMENT  
2115 S.E. MORRISON  
PORTLAND, OREGON 97214  
(503) 248-3591

DONALD E. CLARK  
COUNTY EXECUTIVE

---

August 3, 1979

Mr. Harold L. Sawyer, Administrator  
Department of Environmental Quality  
Water Quality Division  
522 S. W. Fifth Avenue  
P. O. Box 1760  
Portland, Oregon 97207

Re: Proposed FY-1980 Sewerage Works Construction Grants Priority System

Gentlemen:

The Multnomah County Consortium has studied the memorandum issued July 3, 1979, and offers the following comments with regard to the staff's proposal for changes in the priority system of 1979, which would be incorporated in the fiscal year 1980 priority system.

## I. AVAILABLE FUNDS

- ✓A. The DEQ staff proposal for setting aside a 10% reserve for grant increases is acceptable.
- ✓B. In our letter of June 25, 1979, we endorsed the policy of setting aside a 10% reserve for future Step 1 and Step 2 projects. Changing this reserve amount from the previous \$500,000 level to a 10% level was and is strongly endorsed by the Consortium.
- ✓C. The Consortium took no previous position on the transitioning of certain types of eligible projects from a certification to a "no certification" policy. However, this approach to transition certain eligible projects from a category of funding to a no-funding category seems to be reasonable.
- ✓D. Previously, the Consortium endorsed the policy of reducing the emphasis toward the advanced waste treatment systems. The DEQ staff recommendation to not certify cost for advanced waste treatment is supported by the Consortium.

- / E. With regard to the limitation of grant assistance to any one project in any one year, the DEQ staff took no position. However, the Consortium endorses the concept of limiting the funds to any one project in any one year and would suggest that EQC strongly look at the option no. 1 which states "limit grant assistance per project to not more than 20% of the State's allocation in a given year."

## II. DESCRIPTION OF THE LIST

- / A. We endorse DEQ staff proposal to be allowed to raise priority for a project with an alternative system for a small community.
- B. For innovative and alternative technology DEQ staff proposes not increasing that priority. It is assumed that these types of projects would be rated along with other projects in the priority list without special consideration.

## III. MANAGEMENT STRATEGY

- / A. We endorse the option whereby DEQ can bypass projects on the priority list which are not ready to file an application. Other projects which are ready to proceed should not be delayed by those who are not willing to act.

## IV. TRANSITION OF PROJECTS BETWEEN FISCAL YEARS

- / A. The Consortium has no problem with continuing to fund phased portions of projects which are necessary for complete and operable systems. However, phasing of those project should be restricted such that no more than 20% of the available funding in Oregon is committed to any one project in any one year. Further, those phases of projects which can be deferred should be deferred for future years where those phases do not restrict the operable capability of any given treatment system.
- / B. Although some of the previous public comment has suggested that construction projects be funded entirely from one year's allotment, there has also been comment to the contrary. Again, we endorse the DEQ staff proposal that phased Step 3 projects should be implemented so as to distribute the funds to as many as possible in any one year.
- / C. To provide a regulation which allows automatic increases in priority from Step 2 to Step 3 category may be academic. With the possible limitation of available federal funds, this may not be possible. Therefore, we endorse the DEQ staff proposal to discontinue automatic increases in priority for all Step 2 projects.

Mr. Harold L. Sawyer  
Page 3

It appears from our review that the DEQ staff has in fact considered thoroughly our previous testimony of June 25, 1979, and we appreciate its considerations of our comments.

Respectfully submitted,

EAST MULTNOMAH COUNTY CONSORTIUM

  
By Oliver Domreis

cc: Mr. Bill Cameron, City Engineer, Gresham  
Mr. Ed Murphy, Director of Community Development, Troutdale

FDL:d1j

COME WHERE



# CITY of IRRIGON

IRRIGON, OREGON

97844

RECEIVED  
AUG 02 1979

July 31, 1979

Water Quality Division  
Dept. of Environmental Quality

Mr. Harold L. Sawyer  
Administrator, Water Quality Division  
Department of Environmental Quality  
522 S. W. 5th Avenue  
P. O. Box 1760  
Portland, Oregon 97207

Dear Mr. Sawyer:

The City of Irrigon and Vitro Engineering Corporation have reviewed the Oregon State criteria options for establishing priority ranking in sewage construction projects for fiscal year 1980. We support these changes.

The proposed language on the Population Emphasis and Project Type criteria will reduce the advantages that the more developed larger cities have had over the newer but smaller communities. Secondly, these two criteria are more measures of cost effectiveness than they are of social need. We believe that these changes will help to more equitably distribute the federal grant funds throughout the state.

We also favor the proposed language changes for the Project Class criteria, particularly for the Code A category. Health hazards can exist in small isolated communities due to improper waste disposal over poor geological conditions. An annexation should not be a prerequisite for being classified into this category.

We have noticed the requirements of a field investigation for obtaining a certified Findings of Fact. At this time, neither the DEQ nor the Health Division have prepared a policy on who will be qualified to conduct a field investigation, how a field investigation can be initiated by a local community, how a field investigation will be financed, and who will judge the adequacy of the investigation. Until a policy has been prepared, we must assume that cities will be allowed to submit their own field investigations as evidence, and if a certified Findings of Fact is issued based upon the field investigation, then the requirements of the field investigation have been fulfilled.

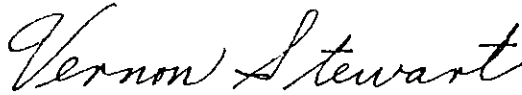
Harold L. Sawyer  
July 31, 1979

Page 2

The City of Irrigon did conduct their own field investigations and has obtained a Certified Findings of Fact of a Health Hazard from the Administrator of the Health Division. We do meet the minimum requirements of the proposed language and expect to qualify for the Project Class Code A category in 1980.

Sincerely,

VITRO ENGINEERING CORPORATION

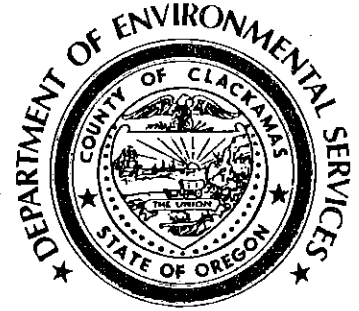


Vernon Stewart  
Mayor

VS/GTC/djg

cc: Vitro Engineering Corporation

August 1, 1979



Harold L. Sawyer, Administrator  
Water Quality Division  
Dept. of Environmental Quality  
522 S.W. 5th Avenue  
Portland, Oregon 97207

902 ABERNETHY ROAD WINSTON W. KURTH  
OREGON CITY, OREGON 97045 Assistant Director  
(503) 655-8521 DON D. BROADSWORD  
Operations Director  
DAVID J. ABRAHAM  
Utilities Director  
DAVID R. SEIGNEUR  
Planning Director  
JOHN C. MCINTYRE RICHARD L. DOPP  
Director Development  
Services  
Administrator

Proposed FY '80 Sewerage Works Construction  
Grants Priority Systems

Over the past several months, we have communicated with DEQ relative to the grant program elements of the sewerage works projects within Clackamas County. Two projects in particular have occupied our greatest concern. These are the Tri-City Area Regional Program and the Mt. Hood Community Project. We realize that you and your staff are generally aware of these programs and some of their elements. But, as reflected in the "criteria options" for FY '80, we believe the major factor common to these two projects has eluded you. That is, the opportunity for a new direction in wastewater management in these two project areas by the implementation of a regional sewerage program. Most concerning is the realization that the opportunity for achieving these objectives will be lost if these programs are not implemented under the Fiscal Year 1980 Grant Program.

The Tri-City Area Regional Program is the result of a DEQ mandate to study this alternative. The study was initiated in 1972 by a DEQ study loan, now totaling more than \$100,000. The program will eliminate three existing outdated sewage treatment plants and forever eliminate the present raw sewage discharges to the Willamette and Clackamas Rivers. Oregon City and Gladstone are under a DEQ imposed building moratorium. West Linn is confronted with a sewer connection limitation that will result in a building moratorium in that community in less than two years. If funding of the Tri-City Area Regional Program is not achieved in fiscal '80, you will have forced these communities to abandon this "new direction" and deal with their individual problems on a "patchup what we got" approach. They can no longer endure the devastating effects of the building moratorium.

The Mt. Hood Regional Program resulted from a DEQ mandated regional study, also initiated and funded by a DEQ study loan in the amount



Harold L. Sawyer  
August 1, 1979  
Page 2

of \$60,000. This program will eliminate three existing privately owned and operated sewage treatment plants in the Welches and Timberline Rim area and the probability of a fourth plant in the Zig Zag Village development. Modern facilities including a new sewage treatment plant will be built by the newly formed Hoodland Service District. These facilities will correct the documented ground and stream pollution problems in this unique recreational area of the state. If the regional program is not implemented in FY '80, the county will be forced to abandon the plan and allow the continued operation and expansion of the existing privately operated facilities. In addition, the county is committed to allow the construction of other privately sponsored facilities on an individual development basis if the regional plan is not implemented in FY '80.

The bottom line of this plea is that DEQ has the opportunity to see the implementation of these regional programs that they initiated over eight years ago. To do this you must modify your "criteria options" and attach importance to the creation of new regional wastewater management programs. You must further recognize that the timing for initiating these programs is critical to their creation. If you fail in this, these programs will be lost.

We recommend that projects that implement the creation of new regional wastewater management programs be included in "Project Class Category A". Secondly, under "Regulatory Emphasis" the highest point assignment (150 points) should apply to regional projects that result in the abandonment of two or more obsolete treatment plants with the construction of a regional facility.

With regards to the staff proposal for the FY '80 priority system, additional comments are included in a supplement to this letter. It is intended that these comments be made a part of your hearings record.

The opportunity to address DEQ on this vital matter is appreciated.



DAVID J. ABRAHAM, Utilities Director

/ro

The following is a summary of comments by item on the "State of Oregon Proposals for FY '80 Priority System for Sewerage Works Construction Grants". The format follows the outline of the staff proposals by item.

## II. Management System

### Available Funds

- ✓1. Reserve funds for grant increases should be retained at the 5% level as required by EPA. The serious cutback of grant funds warrants fiscal restraints in all area of the Grant Program. Indifference to cost overruns must be reversed and the grant program itself is the place to start.
- ✓2. It is inappropriate to associate Step 2 grants with reserves for Step 1 grants. Step 2 and 3 grants should be coordinated to assure continuity of design and construction. A reserve of 3% for Step 1 grants is more realistic. DEQ should encourage the development of sewerage works facilities plans by all major wastewater management agencies within the state. This would assure cost-effective solutions throughout the state whether the programs are ultimately constructed with local, state, or federal funds.
- ✓3. The staff proposal to continue funding of "collection systems" in FY '80 for any reason totally disregards the dilemma that many agencies are in as a result of the crisis in the grant program. Many are faced with immediate and direct water pollution violations. To continue a bad policy of funding noncritical system components in the face of these realities is unthinkable. Those agencies who in the past years did receive the windfall funding of Collection Systems should be made to share immediately in the burdens that plague the other sewerage agencies of the state.
- ✓4. Wholeheartedly support the staff recommendation not to certify costs for advanced treatment components in FY '80.
- ✓5. Limitation on grant amounts to any one agency is absolutely essential if DEQ is to reestablish credibility and reliability to the grant program throughout the state. A 20% limitation on all agencies is justifiable. It would place a share of the burden on those ongoing major projects that in themselves contributed substantially to the present funding crisis by their past indiscriminate cost overruns. A grant limitation policy would also assist the state's construction industry by spreading work throughout the state, providing greater participation of local contractors and less dependency on the out-of-state conglomerates.

### Description of the List

- ✓1. Support staff recommendation to increase priority on projects qualifying for funding on alternative systems for small communities.



- ✓ 2. Support staff recommendation not to increase priority on projects with inovative and alternative technology.

### III. Management Strategy

#### Addition and Deletion of Projects

- ✓ 1. Support staff recommendation on bypass procedures.

#### Transition of Projects Between Fiscal Years

(Preface) The introduction of a "Transition Policy" for specific projects reflects a discriminatory philosophy in the grant program. The major ongoing projects that stand to reap the benefits are in fact the ones that have contributed significantly to the present fiscal crisis in the grant program.

The fixation of concern only for projects in the Step III construction phase reflects a real lack of understanding of program development and implementation. All projects on the priority list approved in August of 1978 for fiscal years '79-80 and beyond are faced with transitioning. A transition from a long established funding policy that some projects followed through the 6 or 7 year development process to a new funding policy dramatically curtailed by the lack of funds. Are not the problems faced by these agencies as serious as the privileged few? The only obligation DEQ has to the ongoing projects are for those portions that were under construction contracts prior to the realization of the crisis in February of 1979. Beyond this, all projects and project components must stand the same test developed for FY '80 in the present criteria-review process.

- ✓ 1. A percent limiation policy for single agency grant allocations as well as a phasing of project components is absolutely essential to the state's water pollution abatement program. That policy should be applicable to all agencies on all projects and project components unless under contract prior to February, 1979.
- ✓ 2. Support staff recommendation on phasing Step III projects subject to comments in 1. above.
- ✓ 3. The staff's proposal continues to place the highest emphasis on the readiness to construct. If this philosophy is to prevail, then it should apply to all eligible projects that will be ready to proceed with Step III grant elements during FY '80. Some agencies have been encouraged by DEQ to proceed with local funding of Step II grant elements in order to achieve a higher priority in FY '80 for Step III grant funding. Failure to recognize these projects and consider only those ready to proceed as shown on the ill-fated FY '79 priority list can only be described as incredible.

Supplement to letter to  
Harold L. Sawyer  
August 1, 1979

Statement of Rick Gustafson, Executive Officer  
before the Environmental Quality Commission

August 3, 1979

MSD PROPOSED POLICY FOR ALLOCATION OF SEWER FUNDING

Rick Gustafson,  
Executive Officer

*MSD Council*

Mike Burton,  
Presiding Officer  
District 12

Donna Stuhr,  
Deputy Presiding  
Officer  
District 1

Charles Williamson  
District 2

Craig Berkman  
District 3

Corky Kirkpatrick  
District 4

Jack Deines  
District 5

Jane Rhodes  
District 6

Betty Schedeen  
District 7

Caroline Miller  
District 8

Cindy Banzer  
District 9

Gene Peterson  
District 10

Marge Kafoury  
District 11

Recently, the Metropolitan Service District has been embroiled in controversy over the proposed Urban Growth Boundary. In my opinion, no matter where the Boundary is drawn, sewer availability is currently the biggest constraint to urban development.

The Tri-Cities area (Oregon City, Gladstone and West Linn) recently held a lottery for the last sewer hookups available. Until there is additional sewer capacity in that area, there will be no new development -- and yet, there is land available within the Urban Growth Boundary.

The East County area is coming closer and closer to reaching its sewer capacity. Inverness is estimated to reach capacity in 1981. Gresham and Troutdale are constructing interim expansions which are expected to extend Troutdale's capacity to 1982 and Gresham's capacity to about the same time.

Other communities within the MSD face nearly the same situation. In virtually every area, sewer capacity represents the major limit to growth. And just at this time of greater need for more sewer capacity to handle our rapid growth, federal funds for sewerage projects are being cut.

Sewer funding is a significant problem, and the state plays a key role in allocation of funds. The special Task Force of

Rick Gustafson  
August 3, 1979  
Page 2

the MSD Water Resources Policy Alternatives Committee submitted a list of recommendations to this Commission in June. The Task Force is very concerned about the sewer crisis we are facing in this region and has asked me to address you today to expand on some of their recommendations.

✓ Recommendation 1

Limit any jurisdiction to no more than 20% of the total project grant funds available in the state in any one year.

Without the proposed 20% limitation, the \$49.3 million in EPA funds for 1980 would fund only four (4) of the top priority projects.

With the 20% limitation we could expand the number of projects funded to thirteen (13).

Recommendation 2

Pollution control bond funds should be utilized to fund projects that exceed the 20% limitation. The available state bond funds could be used to complete even more projects.

It is important to have conservative criteria for use of bond funds for sewer projects. We recognize that sewers are not the only need for pollution control bond funds, but the need is so great throughout the state, we have to go to the well.

✓ Recommendation 3

We recommend phased construction projects eliminating tertiary treatment stages, at least temporarily, in order to provide more primary and secondary facilities.

Rick Gustafson  
August 3, 1979  
Page 3

For example, it may be possible to separate plant repairs from other improvements such as infiltration/inflow correction, new process units or efficiency improvements, and fund repair projects in 1980 followed by the remaining improvements in later years.

DEQ staff estimates that just postponing infiltration/inflow correction from the first twenty (20) projects on the list would save \$500,000 to \$1 million. Careful studies of the cost-effectiveness of this phased construction would have to be done, but it should be seriously considered.

✓ We also recommend terminating eligibility for funding collection sewer construction.

It is not an easy situation. All areas of the state are facing significant pressures. The Environmental Quality Commission plays a key role in programming future sewer capacities, and I would like to note again that the MSD believes sewer capacity is the major constraint to future growth in this region.

These recommendations will help to more fairly address the needs of the entire state while still allowing communities with particularly costly projects to proceed.

I urge you to consider the Task Force recommendations.

CW:pj

MSD WATER RESOURCES POLICY ALTERNATIVES COMMITTEE  
RECOMMENDATIONS ON THE STATE'S SEWERAGE WORKS CONSTRUCTION  
GRANTS PROGRAM

June 22, 1979

On June 21, 1979, a special Task Force of the MSD Water Resources Policy Alternatives Committee met and formulated recommendations on the State's Sewerage Works Construction Grants Program. The Task Force consisted of the following persons: Dave Abraham, Clackamas County; Oliver Domreis, Multnomah County; Bill Cameron, Gresham; Tom Sandwick, Oak Lodge Sanitary District; George Schroeder, Soil and Water Conservation District; Bob Gilbert, DEQ; Terry Waldele, MSD; Duane Lee, Troutdale (Consultant); John Kaye, Portland (representing Cowles Mallory).

The recommendations are structured according to a set of issue papers prepared by the Oregon Department of Environmental Quality staff and circulated on May 25, 1979. The recommendations are as follows:

RECOMMENDATIONS

1. The EPA Criteria for future growth should be adopted by DEQ with the exception that sewage treatment plants and pumping stations should be built at the lower end of the range of growth periods permitted by the EPA criteria.
2. There is no need for DEQ to assist local jurisdictions in developing funding programs for growth capacity, but DEQ should use criteria that encourage financing plans in the state's prioritization system.
3. The Task Force endorses the policy of using federal grants for agencies under regulatory action (a current priority criteria); the Task Force recognizes that DEQ's responsibility is to concern itself with the most serious water pollution problems. However, at the same time, the Task Force opposes the funding of projects that result from the lack of action by local government.
4. The Task Force recommends that beginning with the 1980 allocation, no one jurisdiction shall receive more than 20 percent of the total project grant funds available for the state in any single fiscal year; and further recommends that it is imperative that a state program be developed to supplement the federal funding program.
5. The Task Force supports phased construction projects and some alternatives for financing phases such as the following:
  - a. postpone several components of the treatment plant projects for tertiary; that is, nutrient removal, polishing ponds, mixed media filtration, etc.

- b. terminate eligibility for funding collection sewer construction.
- 6. The Task Force recommends that economic considerations (other than a community's ability to pay) should not be made part of the priority system.
- 7. The Task Force recommends that one to three percent of the annual grant fund be available for Step 1 grants in any year and that the remaining funds be managed in such a way as to insure phasing of projects into Step 3 with minimal delays.

These recommendations were passed by unanimous vote of the Task Force.

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0034A

*Allen Brickley Mayor West Linn, Ore.*

Although I did not sign the roster due to late arrival I had the opportunity to hear testimony offered on behalf of the Metropolitan Region and Tri City areas and therefore will attempt not to be repetitive.

I would, however, reemphasize the point made by Rick Gustafson this morning that sewer capacity is the single greatest factor determining growth, which includes the ability to provide housing, jobs and viable economic climate.

The combination of the urban growth boundary, and policies of the state, region and local government clearly designates cities as the service providers in this region. Failing to support the requests of the Tri City area will negate all of these policies in one or more of the following ways:

1. It will force housing into unincorporated areas without public sewers.
2. It will create pressure to develop agricultural land.
3. It will require larger lots for septic tanks resulting in inefficient use of land, continued reliance on the automobile rather than mass transit and higher costs.
4. It will substantially reduce the availability of housing.

Addressing the "hypothetical" addressed to Commissioner Anderson from Oregon City, the City of West Linn has directed our staff to provide information on the possibility of "going it alone". While it is recognized that the regional solution is the most cost effective and best for the Tri City area we also have an obligation to our respective community to fulfill as well as meeting aforementioned state and regional policies.

It should also be recognized that any local solution will be of a "patch up" nature. Political reality, i.e. ability to generate local support for financial measures, virtually dictates this approach although it may not be desirable.

I urge the commission to take action which will provide support for our decision to continue with the Tri City sewer project as a solution!





Since 1889

CITY OF  
**MILTON-FREEWATER**

P.O. Box 108 · Milton-Freewater, Ore. 97862 · Phone 503-938-5531

Office Of  
City Manager

August 2, 1979

Department of Environmental Quality  
Attention: Mr. Harold L. Sawyer  
Administrator of Water Quality Division  
522 S.W. 5th Avenue  
Portland, Oregon 97207

Re: Proposed fiscal year 1980 Sewage Grants Priority Systems.

Gentlemen:

After reviewing the various background statements on policy issues and priority criteria suggested for change in fiscal year 1980, I would like to make the following comments for consideration by the Environmental Quality Commission. Generally I agree with the analysis and recommendations made by the DEQ staff on both the proposed management procedures and the proposed language for the priority criteria, as transmitted July 3, 1979.

On the issue of limiting the amount of funds for any one project during the fiscal year it would seem to me that Option 1 in the analysis sheet would be reasonable (limiting the grant assistance to 20 percent of the State's allotment in a given year). This relates to the concept of phasing the larger projects, particularly those which have reserve capacity designed into them, (see section on Transition of Projects Between Fiscal Years). It seems to me that a combination of setting grant limits during a given year and phasing of large projects would give the State more flexibility in administering the grants and in doing a larger number of projects in the State. This approach would give the smaller communities a greater opportunity to participate in the Clean Water Act, Sewage Works Construction Program. I believe that all of the other recommendations contained in the staff proposal for management procedures needed to administer the Project Priority List for fiscal 1980, should be adopted as outlined.

With regard to the proposed revisions in the criteria for establishing the priority ranking for construction grants, I would like to make the following comments. With regard to the Stream Segment Ranking portion of the formula, we have no concern with the concept. However we are concerned that the Stream Segment

Point Ranking is not being uniformly applied, at least as it relates to the Walla Walla River Basin. As you know, the Walla Walla Basin straddles two states, (Oregon and Washington). The current DEQ formula only recognizes the population within this basin that resides within the State of Oregon. We believe this to be an error, inconsistent and discriminatory. In July of 1977, we relayed our concerns to the department, and as of this date, we have not received a response to these concerns. I believe that the remaining language which has been proposed by the staff, on the Priority System Criteria should be adopted.

I believe that the proposed language, and relative assignment of points in the Regulatory Emphasis section is reasonable and acceptable. However, the overall assignment of points, and weight given to the Regulatory Emphasis factor in the formula seems much too high. I recognize that the EPA requires the priority system to take into account the severity of the pollution problem. The proposed ranking system however rewards a community with poor wastewater maintenance practices. For example, by exceeding the discharge standards of an NPDES Permit, or exceeding flow capacity of an existing treatment plant, a community would receive a much higher point ranking under the Regulatory Emphasis criteria. This policy would also seem to moderate poor land use planning at the local level.

It would seem more logical to me to place more emphasis on positive incentives for communities to maintain their plants at a maximum economic and efficiency level, to grow in an orderly fashion and to only rely upon EPA grant funding based upon prudent, coordinated, rational operation of their wastewater systems. The current system, by contrast, seems to suggest "management by crisis" as evidenced by the existing criteria.

I suggest to you that there is a direct correlation between the growth policies, wastewater management strategies and the wastewater construction grant policies.

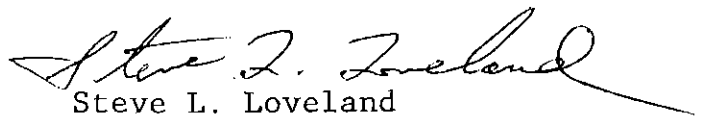
I believe that the Regulatory Emphasis should be revised to take into account the age and type of existing sewage treatment facility which is being replaced, i. e., an older plant would receive higher ranking than a new plant, and a more advanced type of treatment should receive higher priority consideration than a less sophisticated type. It would also seem somewhat logical to look at the past sewer facility planning experience of the community. For example, if the existing treatment facility had an original design life of 20 years, but has reached its capacity within five years, this would indicate some poor planning, and therefore a lower priority should be given. The

point value of 150 could be retained by simply reassigning some of the points to each of these suggested criteria.

As a final comment, I believe that there is a philosophical question of equity which should be addressed, concerning the distribution of federal grant-in-aid funds, represented by these sewer construction grant monies. It would seem reasonable for the State to establish some benchmark standards for sewer grant funds allocated to each project, based upon some per-capita limits. In other words, a norm should be established for the cost of construction of a treatment facility serving a given population size. I recognize that each community has its own unique problems and some latitude or variances to any established norm would have to be given. It is unrealistic however for any particular community to incur costs of say two times the cost, per capita, of plant construction in other communities. I base this suggestion on a philosophical concept that we are all taxpayers to the federal system and that there should be some equity in the redistribution of the federal grant-in-aid. If a community has created some particularly obnoxious pollution problems, or has unique environmental or geological problems, I would suggest that community should bear the "excess" expense needed to solve those particular problems rather than being subsidized by the rest of society.

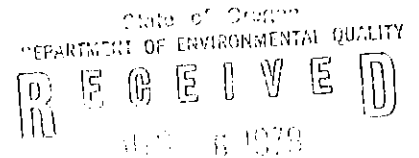
In conclusion, I would like to reiterate my general support for the amendments and revisions proposed by the DEQ staff to the management procedures and priority criteria for the fiscal year 1980 priority list. I respectfully request however that the commission consider the comments and suggestions made herein. Thank you for this opportunity to provide this input into the decision making process.

Yours very truly,

  
Steve L. Loveland  
City Manager

SLL:pb

Island City Area Sanitation District  
Rt. 3 Box 4240  
La Grande  
Oregon 97850



WATER QUALITY CONTROL

August 1, 1979

Oregon Department of Environmental Quality  
522 Southwest 5th Avenue Box 1760  
Portland  
Oregon 97207

Gentlemen:

We would like to make the following comments concerning the 1980  
Sewage Work Construction Grants Priority System:

We feel that once local funding has been secured and has anticipated  
funding from EPA, the project should be placed high on the priority  
list for the next fiscal year, regardless of the new regulations on  
policies.

The Oregon DEQ should pursue obtaining unused EPA funds from other  
states under the EPA reallocation program.

The Oregon DEQ should provide additional grant funds to cover  
increased project costs resulting from project delays beyond local  
control.

We support the policy that projects which qualify for innovative  
or alternative set-aside funds be increased in priority number in  
order to insure utilization of these funds within the State of Oregon.  
This increased priority rating should apply whether the project  
applies fully or partially for the set aside funds.

We feel the above recommendations will help others as well as the  
La Grande-Island City Area Regional Sewer Project secure funding to  
complete their projects. This project is extremely important to this  
area's economy.

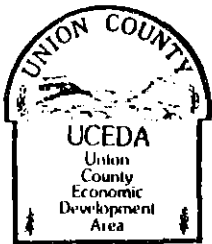
Thanking you in advance for your consideration of these recommendations.



Chairman of the Board  
ISLAND CITY AREA SANITATION DISTRICT

jr

cc: Anderson Perry, and Associates, Inc.



# Union County Economic Development Area

Board of Directors P.O. Box 1479, La Grande, Oregon 97850 963-4433

*weh  
2/1/79*

### Membership

- Richard Bloom
- Grant Born
- Mike Chocholak
- Terry Edvalson, Chm.
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- Bill Magnuson, Vice-Chm.
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- Max Thompson
- Robert Weinberger

August 1, 1979

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**RECEIVED**

AUG 6 1979

Department of Environmental Quality  
 522 SW 5th Avenue  
 P.O. Box 1760  
 Portland, Oregon 97207

**WATER QUALITY CONTROL**

### Advisory Members

- Glen Bates
- Bob Moody
- John Preston
- Gary Roberts
- Mary Schoessler
- Jim Scott
- Donna Skovlin

Attention: Harold L. Sawyer

Dear Sir:

The Union County Economic Development Area Board of Directors (UCEDA) after reviewing the criteria options for establishing priority ranking for sewage works construction projects for fiscal year 1980 requests that the La Grande-Island City Sewage project be protected under the 1980 priority system.

The La Grande-Island City sewage project is necessary to Union County's economic growth and development. Your support in funding 1979 priorities will be appreciated.

The UCEDA supports the transition funding concept as it is currently applied. 1980 criteria should consider and place high on the priority list those projects which have anticipated EPA monies and secured local funding.

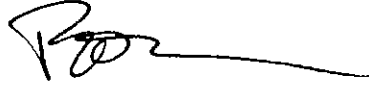
To insure utilization of innovative or alternative set aside funds, projects qualifying should receive increased priority numbers, regardless of full or partial project applicability.

Oregon's increasing demand for sewage funds, along with inflation and project delays suggests that EPA's Oregon office pursue obtaining unused EPA funds under the reallocation program and provide Oregon grant funds to insure projects are able to be completed without the necessity of having additional bonding elections.

Department of Environmental  
Quality  
Page Two

Your favorable action on the request for funding of the LaGrande-  
Island City sewer project and consideration of our recommendations  
will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terry Edvalson', with a long horizontal flourish extending to the right.

Terry Edvalson  
Chairman

TE/mp

cc: Anderson, Perry & Associates  
Island City Sanitary District  
Union County Court



# BEAR CREEK VALLEY SANITARY AUTHORITY

PHONE (503) 779-4144 3915 SOUTH PACIFIC HWY. • MEDFORD, OREGON 97501

August 1, 1979

Department of Environmental Quality  
522 S.W. Fifth Avenue  
Portland, OR 97207

RECEIVED  
AUG 06 1979

SUBJECT: Comments re Proposed FY'80 Sewerage Works  
Construction Grants Priority Systems

Water Quality Division  
Dept. of Environmental Quality

Gentlemen:

The following comments are presented to assist in formulating the FY'80 Project Priority Systems Criteria:

1. We believe very strongly that a particular project should receive no more than approximately fifteen percent (15%) of the total annual Oregon State allocation. This rule, by its very nature, will force re-evaluation of projects, will tend to foster value engineering analyses, and result in more economic and efficient use of grant funds. It will result in a more widespread improvement of water quality throughout the state rather than a localized complete correction of problems. The exact percentage of allocation will obviously depend on judgment and a determination of sub-project termination points.

2. We also believe very strongly that localized neighborhood sewer projects requiring minimum pipe sizing should not be eligible for federal grants, regardless of the health-hazard designation. We complete approximately forty local improvement district projects annually, all have pollution or health hazard problems or property owners would not approve them, and virtually all of these projects are locally funded. In addition, submitting all projects to local Boards of Health for certification as hazards to public health would result in most projects being placed in Letter Code A without regard to the actual severity of problem or extent of problem.

3. We agree that a mix of projects in various steps must be maintained to enable an efficient funding program.

Specific choices for the FY-80 Management Alternatives follow:

- Item 1 - Option (4)
- " 2 - " (2)
- " 3 - " (2)
- " 4 - " (2)
- " 5 - Approximately 15% : Allowance for judgment on phasing.

Department of Environmental Quality  
August 1, 1979  
Page Two

Specific choices for the FY-80 Reserve Funds, Planning Portion Alternatives follow:

Item 1 - Option (1)  
" 2 - " (2)

Specific choice for the FY-80 Addition or Deletion of Project Alternatives follow:

Item 1 - Option (2)

Specific choices for the FY-80 Transition of Projects Alternatives follow:


Item 1 - Option (1)  
" 2 - " (2)  
" 3 - " (3)

We strongly agree with Option (3) on Item 3. It would be extremely difficult to go back and pass supplemental Bond Issues or get majority approval for project cost increases. The projects should be advanced and not be subject to re-prioritization.

We appreciate the opportunity to comment on the FY'80 proposed systems. The numerical values assigned appear to be more realistic than in past years. Your efforts at improving the system and resolving problems are commendable and much appreciated.

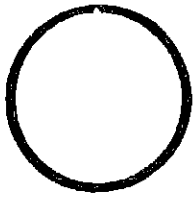
Yours very truly,

BEAR CREEK VALLEY SANITARY AUTHORITY

  
Richard O. Miller,  
Manager

ROM:gm





# BEAR CREEK VALLEY SANITARY AUTHORITY

PHONE (503) 779-4144 3915 SOUTH PACIFIC HWY. • MEDFORD, OREGON 97501

June 29, 1979

Mr. William E. Gildow,  
Acting Chief, Construction Grants Unit  
Water Quality Division  
Department of Environmental Quality  
P. O. Box 1760  
Portland, OR 97207

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
JUL 3 1979

**WATER QUALITY CONTROL**

Dear Bill:

Following are my comments on criteria policy: They are in the format attached to the agenda for the meeting of June 25, 1979.

## FUNDING SOURCES (Policy Issues B and D)

- Item 1. Agree that this is the situation which now exists.
- " 2. A determined effort should be made by the Department to have the State of Oregon appropriate funds to assist in providing continuity of funding for the grant program. A relatively low-level assistance program in the past would have been beneficial and would have allowed or fostered realistic planning.
- " 3. No comment.
- " 4. Borrowing and "betting on the come" is a dangerous procedure and should be discouraged. It is also illegal.
- " 5. Some projects are impossible without grant assistance. We base our assessments, regardless of size of pipe and installation conditions, on the equivalent costs of an 8" pipe at average depth. Our assessments average \$2500 to \$3500 per property. Without grant assistance to pick up the larger pipe costs on area-sized sewers, the projects would be financially infeasible. Putting in small pipes and paralleling in five years is not the answer.

Local governments are doing an injustice to their constituents if they do not actively pursue grants.

Mr. William E. Gildow  
June 29, 1979  
Page Two

MANAGEMENT SYSTEM CONSIDERATIONS  
(Policy Issues A, E, and G)


- Item 1. Suggest that Reserve Capacity be based on the population projections in Comprehensive Land-Use Plans which must comply with state-mandated goals. Growth must be projected 20 years to 2000 which would cover most sewerage works life sizing as required by the EPA. Scale-up may be accomplished using growth rates as noted in the Comprehensive Plans for longer life items.
- " 2. Agree with Rogue Valley Council of Governments' comments.
- " 3. Agree with Rogue Valley Council of Governments' comments.
- " 4. Strongly believe that projects which have completed Step 2 should be placed in order at the top of the priority lists. Projects should never have been authorized for Step 2 unless they were of sufficient importance.
- " 5. Believe that the EQC decision to take all slippage funds and dump into the Bend and MWMC projects was wrong. Also believe that if projects are not in a position to proceed because of the failure of an entity to accomplish its requirements, that the funds should be allocated to lower ranking projects.
- " 6. Combined Step 2 and 3 grants is a reasonable procedure for small communities' projects.

RANKING CRITERIA CONSIDERATIONS  
(Policy Issues C and F)

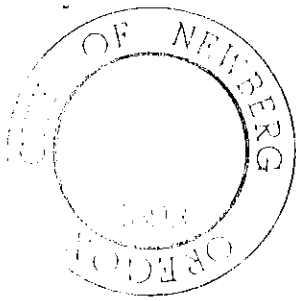
- Item 1. Agree with Rogue Valley Council of Governments' comments.
- " 2. No consideration should be given to economic factors.
- " 3. No comment.

Enjoyed speaking with you again. Will be looking forward to seeing new criteria. I do not envy you the job.

Yours very truly,

  
Richard O. Miller,  
Manager

ROM: gm



CITY OF

Walt  
7/7/79

# NEWBERG

414 E. First Street

Newberg, OR 97132

July 24, 1979

Mr. William Young, Director  
Department of Environmental Quality  
P.O. Box 1760  
Portland, OR 97202

Subject: EPA Construction Grants Program

Dear Mr. Young:

At a recent inspection by your representative Stephen C. Downs of the Salem office, it was brought to our attention that there would be a hearing for the evaluation of the new budget for the Grants Program in the near future.

Based on Mayor Elvern Hall's letter of February 28, 1979 (copy enclosed) and the following information, it is requested that consideration be given to placing the City of Newberg's Sewer System Improvement Project within the funding limitation for this fiscal year.

The additional information is as follows:

1. The City of Newberg in good faith passed a bond issue on February 13, 1979 to provide matching funds to complete EPA Step I requirements.
2. In spite of efforts by City forces utilizing City funds, the infiltration and inflow sources are causing a critical overload problem at the Treatment Plant and the main sewerage lift stations.
3. The City of Newberg continues to grow and at the present growth rate will exceed the projected population figures compiled in 1978, thus requiring the expansion of the Treatment Plant at an earlier date.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
JUL 27 1979  
WATER QUALITY CONTROL

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
JUL 27 1979

OFFICE OF THE DIRECTOR

Mr. William Young, Director  
Department of Environmental Quality

Page 2  
July 24, 1979

It is therefore requested that every consideration be given to funding the City of Newberg project and that information regarding the date of the hearing be forwarded in order that a representative of the City of Newberg may be present.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ernst Heister".

Ernst Heister  
Director of Public Works

EAH:nm

xc: Elvern Hall, Mayor  
M. C. Gilbert, Administrator

County Court of Union County  
La Grande, Oregon 97850



WEG  
WEG  
7/27/79

From the office of  
EARLE C. MISENER, COUNTY JUDGE

HAROLD SCHWEBKE, COMMISSIONER  
JOE GARLITZ, COMMISSIONER

Harold L. Sawyer, Administrator  
Water Quality Division  
Department Environmental Quality  
522 S.W. 5th  
P.O.Box 1760  
Portland, Or. 97207

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
AUG 1 1979

WATER QUALITY CONTROL

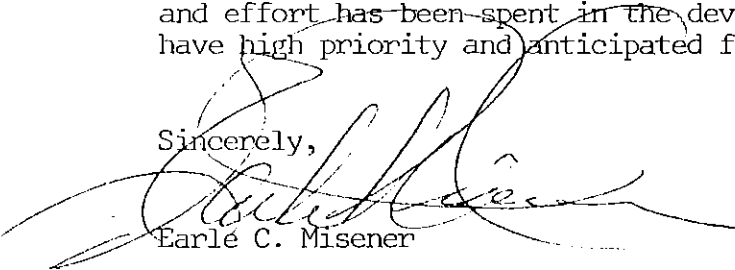
Dear Sirs:

The Union County Court submits the following comments on the 1980 Sewage Works Priority System in relation to the La Grande- Island City System.

- 1) The Court requests your new criteria include securing funding for projects which have secured local funding through approval of bond elections.
- 2) In order to meet the increasing number of applications for funding we request that the EPA apply for unused funds from other states under the reallocation program.
- 3) Due to inflation and unavoidable delays of certain projects we request that Oregon provide grant funds to cover unexpected and inflationary costs.

The project located at the La Grande-- Island City Industrial Park is of extreme importance to Union County and its economy. We, therefore, support the concept that the current priority list should be given high consideration in establishing the new 1980 priority system, as much time and effort has been spent in the development of projects which currently have high priority and anticipated funding through EPA.

Sincerely,



Earle C. Misener

July 30, 1979

ECM/jp  
cc: Anderson Perry Inc.  
Island City Sanitation Dist.

# CITY OF ATHENA

P. O. BOX 497  
ATHENA, OREGON 97813

0324  
7/27/79

July 30, 1979

Department of Environmental Quality  
522 S.W. 5th Avenue  
P.O. Box 1760  
Portland, Oregon 97207

Attn: Mr. Harold L. Sawyer  
Administrator, Water Quality Division

RE: Proposed FY1980 Sewerage Works Construction Grants  
Priority Systems

RECORDED  
1980 03 1979

Dept. of Environmental Quality

Dear Mr. Sawyer:

The City of Athena is presently trying to upgrade its sewerage system. We understand that the DEQ is now considering various staff proposals and options concerning Oregon's Sewerage Works Construction Grant Priority System for Fiscal Year 1980. We would like your serious consideration of the following proposals for adoption:

1. We support the concept of 10 percent of available grant funds being set aside for Step 1 and 2 projects.
2. We support the concept that not more than 20 percent of Oregon's total allotment be allowed to go to any one project.
3. We support the concept that innovative treatment systems be upgraded in priority for set-aside funds.
4. We support the concept that voluntary compliance with established pollution regulations be given priority over nonvoluntary compliance projects.
5. We support the concept that greater emphasis for the allocation of grant funds be made to small communities within the state.

The City of Athena would like this letter accepted as written testimony for our position relative to the Sewerage Works Construction Grant Priority System. Your favorable consideration would be appreciated.

Very truly yours,

R. W. Frink  
Mayor Robert W. Frink



# City of West Linn

CITY HALL  
WEST LINN OREGON  
97068

August 2, 1979

Mr. Harold L. Sawyer, Administrator  
Water Quality Division  
Department of Environmental Quality  
522 S. W. 5th Avenue  
Portland, Oregon 97207

Dear Mr. Sawyer:

The City of West Linn is deeply concerned about the apparent priority for funding assigned to the Tri-City Regional Sewerage Facility. This project has been under consideration for some seven to eight years and at its inception represented a somewhat unique situation in the state of Oregon in that three separate cities, and the county within which they lie, were able to agree and give their full support to a cooperative effort.

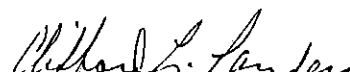
This effort also had the blessing of the Department of Environmental Quality as evidenced by funding provided for studies and by D.E.Q.'s mandate to pursue this approach. The current Waste Discharge Permits for the several existing sewage treatment plants are even conditioned on an early implementation of this regional solution.

With Oregon City and Gladstone now suffering under a virtual shutdown of new construction, and West Linn approaching the point in time where they too will be in the same fix, an immediate commitment of funding for Tri-City is essential.

The agreement among the several cities was reached initially only after a concentrated effort to convince the respective governing bodies that this was indeed the best way to go. At that time the general feeling was one of going it alone with great reluctance to enter into the cooperative arrangement. This "go it alone" philosophy is now emerging again with the West Linn City staff already under orders to prepare alternative recommendations for presentation to the City Council.

Since it is obvious that the regional approach is the most feasible, and since the several cities cannot afford to wait indefinitely and will have to look at alternatives unless Tri-City is funded in Fiscal Year 1980, it is imperative that funding be committed now.

Sincerely,

  
CLIFFORD L. SANDERS  
City Administrator

CLS:jh

# City of Haines

Haines, Oregon 97833

July 27, 1979

Public Hearing  
Testimony  
with  
7/27/79

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

JUL 31 1979

Mr. B.J. Smith  
Department of Environmental Quality  
P.O. Box 1760  
Portland, Oregon 97207

WATER QUALITY CONTROL

Dear ~~Mr~~ Smith:

We understand that there is a meeting on August 3, 1979 to formulate the 1980 sewer construction grants priority system and that the Department of Environmental Quality will consider criteria, etc., that will be used in establishing the 1980 priority system.

We understand this will determine who will receive E.P.A. grants in the coming year and in years to come.

We would like to offer our comments as follows:

- ✓ 1. Support the concept of transition funding of projects which may be affected by regulation or management policy changes. Projects which have anticipated EPA funding and have secured local funding through approval of a bond election, etc. should be placed high on the priority list and receive EPA funding regardless of the new management regulations or policies.
- ✓ 2. Support the policy that projects which qualify for innovative or alternative set-aside funds be increased in priority number in order to insure utilization of these funds within the State of Oregon. This increased priority rating should apply whether the project applies fully or partially for the set-aside funds.
3. Support the concept that Oregon pursue obtaining unused EPA funds from other states under the EPA reallocation program.
4. Support the concept that Oregon provide grant funds to cover increased local project cost resulting from project delays beyond local control.

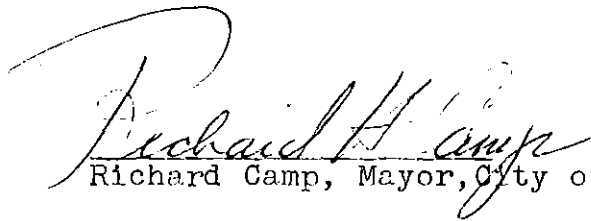


July 27, 1979  
Page 2

Delays in EPA funding would be a good example. This concept would be particularly important where local funding has been committed and an increase in local funds would be difficult to come by, such as approving a second bond election, etc.

The above comments reflect our sincere views. However, the subject is so complex that it is out of the realm of response by affected small cities because of lack of personnel and expertise. Therefore we request that there be provisions made for further comment by those affected by proposed regulations and policy before, in fact, such regulations are enacted.

Very truly yours,

A handwritten signature in cursive script, reading "Richard H. Camp". The signature is written in dark ink and is positioned above the typed name.

Richard Camp, Mayor, City of Haines

RC/rb



STEPHEN C. ANDERSON P.E. PRES.  
HOWARD L. PERRY P.E. SEC./TREAS.

July 25, 1979

WWT  
717  
State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**R E C E I V E D**  
JUL 31 1979

**WATER QUALITY CONTROL**

Department of Environmental Quality  
P.O. Box 1760  
Portland, OR 97207

Attn: Harold L. Sawyer, Administrator - Water Quality Division

RE: Proposed Fiscal 80 Sewage Work Construction Grants Priority System (Written Comments)

Dear Mr. Sawyer:

We would like to have the following comments considered by the DEQ staff and the Environmental Quality Commission in developing and adopting the Fiscal Year Sewage Work Construction Grants Priority System. Our firm has served as a consulting engineer to a number of communities in Eastern Oregon for sewage projects. Our services to these communities have not only included design and construction engineering services, but also have provided planning and administrative assistance in developing a complete financial package for the various projects. Because of our experience on a number of sewer projects, we have a first-hand working knowledge of some of the problems that communities are faced with in putting together and constructing a sewer project. We, therefore, would like to submit the following comments for your consideration. We are specifically representing the City of Haines, Oregon, the Island City portion of the LaGrande-Island City Regional Facility, and the City of Athena.

1. We support fully the concept that a transition period must be maintained for continuity in funding projects where regulations or management policies have changed. Specifically, projects which have anticipated EPA funding based upon past priority systems and criteria, have completed or nearly completed design, have voter approval of a bond, and have firm commitments from other funding agencies, such as HUD, EDA, or FmHA. These projects should be assured EPA funding so that the project can be successfully completed. Withdrawal of EPA funds due to a change in management or priority systems for projects that are this far along would be unthinkable, as it would completely disrupt all other funding programs for the

**engineering**

P.O. Box 1107  
La Grande, Ore.  
97850  
(503) 963-8309

**surveying**

P.O. Box 365  
Walla Walla, Wash.  
99362  
(509) 529-9260

**materials testing**

P.O. Box 268  
Enterprise, Ore.  
97828  
(503) 426-4085

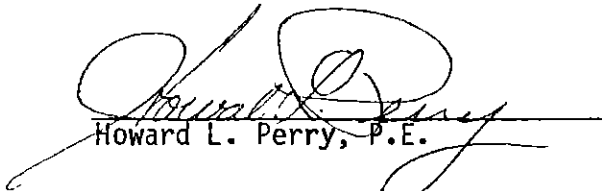
P.O. Box 538  
John Day, Ore.  
97845  
(503) 575-0660

project. Unanticipated delays in the project schedule, due to EPA funding problems will increase the cost of the non-EPA portions of the projects. Where bond amounts and other grants are fixed, serious problems are developed in coming up with the additional local cost. In small communities it is nearly impossible.

2. We support the concept that, in the future, Step 2 funds should not be committed to a project until Step 3 funds are in sight and the applicant has secured local funding either through approval of a local bond election or through obtaining grant commitments from other funding agencies. It does not appear to be sound planning to grant funds for Step 2 work until financing for the Step 3 phase has been pretty well assured.
3. We support the concept that the priority ranking system should consider more favorably unsewered communities.
4. We support the concept that systems which qualify for innovative and alternative treatment funds be upgraded in their priority number in order to take advantage of these set-aside funds. This upgrading should take place whether a community qualifies fully or partially for the set-aside monies.
5. We recommend that Oregon pursue the obtaining reallocated EPA funds that are ineffectively or improperly being used in other states under current EPA reallocation guidelines.
6. We support the concept that the State of Oregon provide grant assistance to communities that are very heavily impacted financially by the construction of a sewer project. State funds should be rendered to communities that have exhausted all possibilities of other grant funds, including EPA, EDA, HUD, FmHA etc. The State of Oregon should also consider providing grant funds to communities to cover increased local cost resulting from funding problems that were beyond the control and planning of the community.

We appreciate the opportunity to provide this input in your planning for Fiscal 80 funds.

Very truly yours,



Howard L. Perry, P.E.

HLP/ro



# COMPASS CORPORATION

ENGINEERING - SURVEYING - PLANNING

6564 S.E. LAKE ROAD  
MILWAUKIE, OREGON 97222

(503) 653-9093

well  
7/7/79

August 3, 1979

Mr. Bill Young, Director  
Department of Environmental Quality  
522 S.W. 5th  
Portland, OR 97208

Dear Mr. Young:

We understand that the Environmental Quality Commission will be considering revising the fiscal year 1980 priorities for waste water treatment construction grant funding.

We wish to recommend that the Tri-City sewage treatment facilities be given top priority. We understand that the present moratorium imposed on this area is the only moratorium in the State and thus all effort should be made to implement improvements for this area. We feel that it is most important that sewage treatment facilities be provided so that orderly planning and growth may continue for this portion of Oregon.

We appreciate your consideration in this matter.

Sincerely yours,

Thomas L. Tye, P.E.

TLT:bjh

cc: Clackamas County Homebuilders

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
JUN 31 1979

WATER QUALITY CONTROL

To: Mr. Harold L. Sawyer, Administrator - Water Quality Division

Department of Environmental Quality  
522 S.W. 5th Avenue, P.O. Box 1760,  
Portland, Oregon 97207  
Phone (503) 229-5257

Portland Area Office Environmental Staff Review  
of Proposed FY80 Sewerage Works Construction Grants  
Priority Systems

HUD Portland Area Office Environmental Staff has reviewed the proposed FY 1980 Sewerage Works Construction Grants Priority System. The management system as modified by the recommendations of the D.E.Q. Staff seem a reasonable system governing sewerage works construction grants.

The proposed priority criteria appear equitable. The new population emphasis system will better differentiate small population differences amongst small towns than the present system. Whether the high proportion of total population emphasis points achievable by small towns will shortchange larger cities is not calculable from the available evidence. It is noted that unweighted population size is a factor in Stream Segment Ranking which may serve to offset the small town bias in the population emphasis.

The elimination of Regulatory Emphasis as a criterion or the change in basic framework seem likely to complicate our funding priorities.

A telephone conversation with D.E.Q. Staff on July 26, 1979 verified that the Sewerage Works Construction Grants Priority System establishes need priority amongst competing sewer projects but does not judge the merits of proposed solutions. Subsequent Step One financing after a project is chosen includes facility planning. During Step one the grant receiver is charged with developing the most cost effective, environmentally sound, socially acceptable system possible.

While acknowledging the reasonableness of the Sewerage Grant Priority System we wish to emphasize the importance of the subsequent Step One planning and review procedure to housing. Along with transportation; sewer provision has a leading influence in directing urban growth. D.E.Q. project design review should fully consider the secondary and induced effects of sewer construction as well as the primary effects.

The provision of sewer capacity in excess of current need will encourage urban growth. Through coordination with other agencies such as LCDC and reference to local comprehensive plans the pattern of provision of sewer service can be made a positive planning tool rather than the cause of unintended unplanned growth. The effect that sewer provision will have on housing placement should be fully considered so as to attain compact energy efficient urban patterns that maximize accessibility and livability for all including the poor, elderly and handicapped.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**R E C E I V E D**  
JUL 31 1979

WATER QUALITY CONTROL

# Metropolitan Wastewater Management Commission

COMMISSION MEMBERS  
Bob Adams—Springfield Councilperson  
Vance Freeman—Lane County Commissioner  
Pat Hocken—Eugene Lay Representative  
Betty Smith—Eugene Councilperson  
Sheldon Cross—Springfield Lay Representative  
Mark Westling—Eugene Lay Representative  
Gary Wright—Lane County Lay Representative

NORTH PLAZA LEVEL PSB — 125 EIGHTH AVENUE EAST — EUGENE, OREGON 97401 — TELEPHONE (503) 687-4283

August 9, 1979

Mr. Harold Sawyer, Administrator  
Water Quality Division  
Department of Environmental Quality  
P. O. Box 1760  
Portland, Oregon 97207

SUBJECT: PROPOSED FY 80 SEWERAGE WORKS CONSTRUCTION GRANTS PRIORITY  
SYSTEM

The Metropolitan Wastewater Management Commission appreciates the opportunity to comment on the proposed construction grants priority system. The major objective of the treatment plant construction program is to meet federal and state clean water goals. Any one project or group of projects should not be considered independently of these goals. Limiting funds or requiring phase construction for any project should be done only after evaluating the total impact of these actions on improving rivers and streams in Oregon.

Restricting or limiting grant assistance per project to not more than 20 percent of the state's allotment in a given year, would have a detrimental impact on the treatment plant construction program. Using this allotment approach, the Metropolitan Wastewater Management Commission could only pay for the cost of inflation.

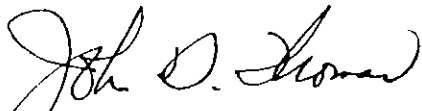
The Commission is constructing the regional treatment facilities in the metropolitan area using multiple bid packages. Under this concept, the design of the treatment facilities is over 90 percent complete; numerous construction packages are ready for bid at a moments notice. This should be considered in your proposal.

Local funding supporting the Commission's \$105 million project has been authorized by the populace. The commitment to build the regional system in the metropolitan area was overwhelmingly approved by over 60 percent of the people voting in the bond election.

In establishing a priority management system, the Commission feels the use of local funds prior to receiving federal funds should be considered. Realizing this may be contrary to current EPA interpretation of the regulations, this option should still be pursued.

Mr. Harold Sawyer  
August 9, 1979  
Page Two

If I may provide additional information, please contact me.

*for*   
WILLIAM V. PYE  
Manager

WVP:JDT:mck



State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
JUL 11 1979  
WATER QUALITY CONTROL

Waldport, Oregon  
July 12, 1979.

Environmental Quality Commission  
Post Office Box 1760,  
Portland, Oregon. 97207.

Dear Sirs,

I have some suggestions which I hope will be given consideration when criteria for determining priorities and grants for DEQ approved projects are considered.

First, greater effort should be made to determine and mitigate the influence of special interest groups on the proposed projects. Too often a well organized, aggressive minority group, with some political clout has acted successfully in behalf of a pet project, which is not in the general interest.

Secondly, there should be a higher degree of cooperation between the EPA, DEQ, and LCDC and the local and county planning groups. At times each seems to believe that the sanitation of the country, and the power to effect that end, resides with its individual group. Each seems to jealously guard its sphere of activity and the various agencies become counter productive.

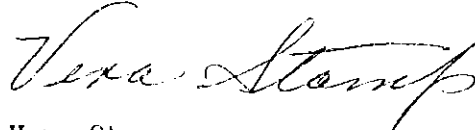
Thirdly, more field studies and on-the-site investigations should be made before the grants are allowed or priorities established. No set of criteria can be made to fit all circumstances. Meetings and hearings before boards and commissions, sometimes hundreds of miles from the area involved, are costly and non-productive for those most vitally concerned and favor the promoters and developers who are able to have an attorney or special representative argue their cause.

These suggestions are based upon difficulties experienced in the South West Lincoln County Sanitary District. An organized minority of about 150 persons, acting thru the Board of County Commissioners, circumvented the local and county planning groups, circumvented LCDC, and established a sanitary district without voter approval. They then appealed to DEQ and apparently obtained its blessing and a \$24,500 loan at 7 % interest, levied an assessment against the homeowners, hired an engineering firm, and were well on the way to sanitize a rural area for promotional purposes. Fortunately EPA insisted upon a study and questioned the ability of the area to pay for the project and submitted alternative suggestions. LCDC then declared that the proposed project was in violation of its goals and guidelines and in possible violation of state laws. However, this DEQ endorsed project has cost the home owners about \$100,000 and we are still burdened with the sanitary district and the problem of repaying an unwarranted DEQ loan.

Needless to say, the DEQ does not enjoy the favored status of motherhood, hot dogs, and apple pie in this area. One criteria which would receive warm local endorsement is that the DEQ know what it is doing when it does it.

From the grass roots.

Very truly yours,

A handwritten signature in cursive script that reads "Vera Stamp".

Vera Stamp  
5140 Seabrook Lane,  
Waldport, Oregon 97394.

Now a MEMBER OF THE  
S.W. LINCOLN CO. S.D. BOARD

# THE CITY OF MT. ANGEL

Incorporated April 3, 1893

Area Code 503

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MT. ANGEL, OREGON 97362

August 6, 1979

RECEIVED  
AUG 09 1979

Water Quality Division  
Dept. of Environmental Quality

Department of Environmental Quality  
522 S.W. 5th Ave. P.O. Box 1760  
Portland, Oregon 97207

Dear Sir: Re: Proposed FY '80 Sewage Works Construction Grants  
Priority Systems.

Small cities problems and needs are many. The towns are growing and the sewer and water plants need improving in order to serve the citizens adequately.

To do the improvements on our sewage lines and plant as they should will cost around \$200,000.00. How to fund the work without some federal or state help is the question.

The city also needs to increase our water reservoir by 1.6mg.

DEQ should phrase construction of larger projects and urge a 10% limitation of funding to any one project statewide.

To us our cost is great, but not as large as some of the larger cities which have a larger tax base then we do in relation.

DEQ should establish a 10% optional reserve for step one and two of grant beyond fundable portion of the fiscal year 1980 priority list.

We urge that the EQC and DEQ consider ~~the two tiered funding apportionment~~ currently in congress.

The city will do what it can, but other financial help is needed.

Thank you.

Leonard N. Fisher  
Mayor

# CLATSOP-TILLAMOOK INTERGOVERNMENTAL COUNCIL

Box 488 • Cannon Beach, Oregon 97110 • Phone 436-1156

XXXXXXXX, Director (Interim) Mike Morgan

RECEIVED  
AUG 05 1979

July 30, 1979

State of Oregon  
Department of Environmental Quality

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

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
AUG 2 1979

OFFICE OF THE DIRECTOR

Dear Mr. Young:

The Clatsop-Tillamook Intergovernmental Council (the Council of Governments for District One) would like to offer the following comments on the draft Sewerage Draft Construction Grant ranking criteria.

Generally, the Council believes the draft is well thought through and represents a significant improvement in the method by which millions of dollars are allocated to local communities. The new emphasis on voluntary action to restrict growth while treatment facilities are being designed or are pending is laudable. We feel this is a much more positive approach, and encourages restraint on the part of jurisdictions that are struggling with inadequate facilities and high growth pressures. We would suggest, however, that voluntary efforts (which have a documented need) should rank higher or equal to the points awarded to a community that is under an enforcement action. Assuming the water quality impacts to be the same, based on available data, why shouldn't preemptive action at the local level, that saves your staff and commission time, be rewarded?

Secondly, the Council feels that the stream segment ranking criteria is inaccurate in one specific instance, and is in need of major reexamination generally. The Necanicum River, which flows through Seaside, is ranked 45 out of 95. There is a population of about 6000 living along its banks, (10-15,000 in the summer) and the City of Seaside uses it for wastewater discharge. The river supports an anadromous fish run, and is rich in fish and wildlife resources generally. The Lewis and Clark River has a population of no more than 400 living along it, and no wastewater discharge is in existence or is one planned. The Lewis and Clark River is ranked 83, which would give communities along it (were there any) an almost forty-point advantage over the Necanicum and the City of Seaside. It would appear that much more work is necessary on the system segment ranking. Perhaps the use of the Oregon Department of Fish and Wildlife District Biologists would provide your staff with the necessary technical information.

MEMBERS: Astoria, Bay City, Cannon Beach, Clatsop County, Garibaldi, Gearhart, Hammond, Manzanita, Nehalem, Port of Astoria, Port of Bay City, Port of Tillamook Bay, Rockaway, Seaside, Tillamook County, Tillamook, Warrenton and Wheeler. ASSOC. MEMBER: North Tillamook County Sanitary Authority

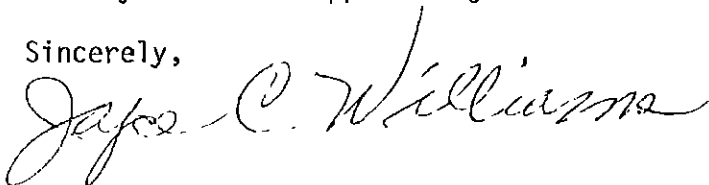
Letter to: Mr. William H. Young  
Page 2.

July 30, 1979

Finally, we feel that there needs to be a system for the incremental funding of treatment plant upgrading. For example, if a city (such as Seaside and Cannon Beach) has an infiltration and inflow problem in addition to an out-dated treatment plant, why couldn't funding occur in phases with two separate grants, rather than have a jurisdiction wait for several years until all of the funding is available? Perhaps jurisdictions would have better luck at the pools if they had to provide the local match in two smaller increments, rather than one large levy.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Joyce C. Williams". The signature is written in black ink and is positioned below the word "Sincerely,".

Joyce C. Williams  
Chairwoman

cc: CTIC Members  
LOC AOC



# CITY OF SPRINGFIELD

SPRINGFIELD, OREGON 97477 State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC WORKS

August 3, 1979

**R E C E I V E** 346 MAIN STREET  
726-3753  
AUG 14 1979

## WATER QUALITY CONTROL

Mr. Harold Sawyer  
Administrator-Water Quality Division  
Dept. of Environmental Quality  
522 S.W. 5th Avenue  
Portland, OR 97207

Subject: Proposed FY '80 Sewerage Works Construction Grants  
Priority System

Dear Mr. Sawyer:

The documents which describe the DEQ's management policies and procedures and the project priority criteria have been reviewed. The following comments and criticisms are herewith formally submitted for consideration by the DEQ and EQC during finalization of the management system and project criteria to be used for implementing P.L. 92-500 and P.L. 95-217 during F.Y. '80.

- . Reserve the minimum proportion allowable (5%) for grant increases in F.Y. '80. Evaluate alternative sources of funds for cost overruns due to inflation or variation of cost estimates. Perhaps the grantee should have greater responsibility in providing the additional funds; this or a similar strategy may serve as an impetus to hold costs down.
- . A 10% reserve for Step 1 and Step 2 grants in F.Y. '80 is nearly nine times the set aside amount for F.Y. '79. What is the justification for this large increase and what is the objective of shifting funds from high priority projects to those lower on the list?
- . Limiting funds and/or requiring phased construction for a given project should only be done after evaluating the total impact on the program for the entire state. The manipulation of funds in this manner may have a detrimental impact on the State's clean water goals.
- . Assigning points to a project based on "Regulatory Emphasis" subsequent to establishing the "Project Class" does not appear to provide any additional information for prioritizing the projects. Both of these characteristics seem to be reliant on State and Federal regulations. Additionally, the "Project Class" assignment is a controlling factor in allocation of funds and application of the priority criteria to the entire list of projects seems pointless.

Mr. Harold Sawyer  
August 3, 1979  
Page 2

In summary, the need for any one project cannot be considered independently; the goals of the Clean Water Act as they apply to the entire State should be the controlling factor in determining the priority criteria and management strategy for the pollution control program. Any project assignment on this basis should provide the greatest benefit to the maximum number of persons.

Please contact this office if you have any questions regarding the above comments.

Very truly yours,



Edward Black  
Environmental Affairs Supervisor

EB:sk

cc: Bill Pye, Manager  
MWMC

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE

SEATTLE, WASHINGTON 98101

Bill Gildow



REF ID: A714 071  
M/S 429

August 8, 1979

Mr. Harold L. Sawyer  
Department of Environmental Quality  
P. O. Box 1760  
Portland, Oregon 97207

Dear Mr. Sawyer:

The changes and options proposed for modifying the priority system identified in your July 3, 1979 letter generally appear to be consistent with the spirit and intent of the EPA construction grant program. The material gives the public an opportunity to review and comment on important management options.

We suggest Item 4 be changed to provide adequate data upon which to make an informed decision. The item as presented does not identify the real issue about treatment greater than secondary. If additional treatment is required now, it should be provided now. When treatment level is a concern, the Step 1 facilities plan should display the costs of secondary and advanced treatment and compare them with residual benefits. Where advanced treatment is cost-effective, it should be provided now. However, if the facilities plan shows staged construction is cost-effective, that option would be selected. Your proposal suggests making an administrative decision not to fund advanced waste treatment without any technical or fiscal basis, and we do not support such a position. The decision should be made as a part of the Step 1 process and will provide adequate lead time for applicants to firm up their financial programs in plenty of time to initiate Step 3 work.

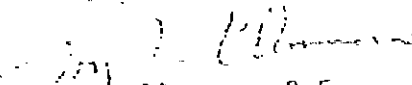
Item 5 on page 8 and item 2 on page 13 identifies a strategy to delete projects from the priority list. EPA does not object to this concept providing enforcement action is initiated to require the municipality to address its needs.

Projects desirable for prevention of potential water pollution problems addressed in Section E of the Criteria are not considered eligible for construction grant funding.



After making appropriate decisions, please send a copy of the priority system and a summary of testimony received with State responses for our review and approval. Thanks for giving us an opportunity to comment on your proposed system.

Sincerely,

  
Roy L. Elleman, P.E.  
Chief, Wastewater Operations Branch

cc: Oregon Operations Office

MANAGEMENT SYSTEM ALTERNATIVE

A. Available Funds

FY 80 Alternatives

1. Federal regulations specify that a minimum of five percent of its allotment should be set aside for grant increases. In FY 79, Oregon utilized over five percent of its allotment for grant increases.

- Options:
- (1) 5 percent reserve for Grant Increases
  - (2) 10 percent reserve for Grant Increases
  - (3) No grant increases certified
  - (4) 10 percent reserve for Grant Increases with a limitation on the overrun allowable for a project, i.e., a percentage of capital cost.

DEQ Staff Proposal: (2)

Cost overruns due to inflation or variation from cost estimates will be financed through this reserve account. Project cost increases attributable to changes in scope will be ranked on the priority list.

Options:	1	2	3	4	OTHER
City of Corvallis		X			Concur Ranking Scope Changes
Mulco Consortium		X			
Clackamas County	X				
BCVSA				X	

Staff Recommendation (2)

Establish a reserve of 10 percent for grant increases. Cost overruns due to inflation or increases over cost estimates will be financed from the account. Increased costs attributable to scope changes will be ranked on the priority list.

2. Federal regulations allow a state to reserve up to 10 percent of its allotment for Step 1 and Step 2 grants for projects which are not sufficiently high in priority to receive general allotment funds. The reserve funds should be, however, used to fund Step 1 and Step 2 projects according to relative priority. In FY 79, Oregon set aside up to \$500,000 for this purpose.

- Options: (1) \$500,000 Reserve for Step 1 and Step 2  
 (2) 5 percent Reserve for Step 1 and Step 2  
 (3) 10 percent Reserve for Step 1 and Step 2

DEQ Staff Proposal: (3)

Options:	1	2	3	OTHER
City of Portland				1-3 percent Step 1 balance to phase into Step 3 ASAP
City of Corvallis			X	Return balance to General Fund
Mulco Consortium			X	
Clackamas County				Reserve should be for Step 1 only. Steps 2 & 3 should be coordinated. 3% for Step 1 only.
MSD				1-3% Step 1 balance to phase into Step 3 with minimal delay
Mt. Angel		X		
BCVSA		X	X	
City of Athena			X	

Staff Recommendation (3)

Establish a ten percent reserve for Steps 1 and 2 projects.

NOTE: The Department does not concur with the 1-3 percent proposal for Step 1 since it discriminately limits the allocation of funds without recognizing the uncertainty and level of funding for Step 3.

3. The Environmental Quality Commission may decide to preclude grant assistance on specific components of a treatment system by adopting a "no certification" policy. In FY 79 and prior years, collection systems for developed areas which were not involved in mandatory health hazard annexations or elimination of waste disposal wells were not eligible for DEQ certification.

Options: (1) Certify federal eligible collection systems for mandatory health hazard annexation areas or elimination of waste disposal wells during FY 80;

- (2) Do not certify collection systems during FY 80;
- (3) Certify all federally-eligible collection systems during FY 80;
- (4) Provide a reasonable transition period before eliminating certification of health hazard annexation areas or elimination of waste disposal wells.

DEQ Staff Proposals: (4)

Some opportunity to "transition" projects where the expected local share of cost will be significantly increased may be necessary. Projects where Step 1 is not yet complete would develop local share financing plans for the collection system.

Options:	1	2	3	4	OTHER
Charleston S.D			X		
City of Corvallis				X	Maintain those in existence
Mulco Consortium				X	
Clackamas County		X			
MSD		X			
MWMC				X	
BCVSA		X			

Staff Recommendation (4)

State certification of federally eligible collection systems during FY 80 and thereafter will be considered only for those projects which have been certified for a Step 1 grant and serve an area where mandatory health hazard annexation, pursuant to ORS 222.850 et seq., is required or where elimination of waste disposal wells is required by OAR 340-44-005 et seq. Other collection systems will not be certified.

- 4. Since the 1977 Clean Water Act, EPA has required a rigorous review where construction grants are proposed to fund plant components which provide treatment more stringent than secondary (i.e., sand filters, etc.). As a result, the expense of documenting the cost-benefit relationship for advanced treatment is expected to increase greatly.

Options: (1) Certify costs for advanced treatment components of treatment plants during FY 80;

- (2) Do not certify costs for advanced treatment components during FY 80 and thereafter.

- (3) Provide a transition period before eliminating certification of advanced treatment facilities.

DEQ Staff Recommendation: (2)

The "no certification" rule is supported. It clarifies the situation so that localities may act immediately to adopt a financing strategy to add additional treatment components at a later date. It avoids delays (and increased construction costs) which may result from U. S. EPA's current policy strongly discouraging a high priority for advanced treatment except where strict criteria are met.

Options:	1	2	3	OTHER
City of Corvallis				If state requires AST/AWT then should certify to provide financial assist
Mulco Consortium		X		
Clackamas County		X		
MSD		X		
MWMC				Reviewed on case-by-case basis
BCVSP		X		
EPA				Decision should be made on technical and fiscal basis in Step 1.

Staff Recommendation (2):

Costs for advanced treatment components will not be certified in FY 80 and thereafter. Facility plans must include a financial plan for the costs of advanced treatment components where such components are necessary to meet state water quality standards

5. Several suggestions were made during public consultation to limit the amount of funds for one project during the fiscal year.

- Options: (1) Limit grant assistance per project to not more than twenty percent of the state's allotment in a given year.
- (2) Limit grant assistance through individual project review, i.e., phasing or staging over several years.

(3) No limit.

(4) Provide a transition period before limiting the annual grant assistance for a project.

DEQ Staff Recommendation:

No preference. However, costs of several construction projects may be affected by the limitation in (1).

Options:	1	2	3	4	OTHER
City of Portland	X				Jurisdiction rather than project
City of Corvallis				X	
City of Bend				X	
Mulco Consortium	X				
Clackamas County	X				
MSD	X				
City of Milton-Freewater	X				
Mt. Angel					10 percent Limit
MWMC			X		Any limitation needs individual project review
Lowell					10 or 20 percent
BCVSA					Approx. 15 percent
City of Athena	X				

Staff Recommendation (4)

Jurisdictions which have not completed Step 1 must develop a financing plan and construction schedule in the facilities plan based on grant assistance on not more than twenty percent of the state's allotment in a given year.

B. Description of the List

FY 80 Alternatives:

1. DEQ may increase the priority of a project which is on the planning portion of the list to the fundable portion of the list if it is eligible for Steps 2 and/or 3 reserve funds for an alternative system for a small community.

Options: (1) Raise priority.

(2) Do not raise priority.

DEQ Staff Proposal: (1)

Use of the reserve fund for alternative systems for small communities is highly restricted by U. S. EPA regulation. It is expected that few projects in the fundable range would qualify; any unused funds will be reallocated to other states. Therefore, qualified projects on the planning portion of the list should be considered for these funds, in order of priority. Use of these funds will not affect grants for other projects within fundable range.

<u>Options:</u>	<u>1</u>	<u>2</u>	<u>OTHER</u>
City of Portland	X		Only if total project can be funded from reserve
Mulco Consortium	X		
Clackamas County	X		
Lowell	X		
BCVSA	X		
City of Corvallis	X		
UCEDA	X		
Island City Area S.D.	X		
Anderson-Perry	X		
City of Haines	X		

Staff Recommendation (1)

2. DEQ may raise the priority of a project on the planning portion of the list to the fundable portion if it is eligible for Steps 2 and/or 3 reserve funds for innovative and alternative technology.

Options: (1) Increase priority.

(2) Do not increase priority.

DEQ Staff Proposal: (2)

The reserve fund for innovative and alternative technology provides only a 10 percent supplement to increase the federal share of a grant award. Therefore, the 10 percent supplement should be used for a project which is grant fundable as a high priority project or has had its priority increased because it is an alternative system for a small community (see No. 1 immediately above).

Options:	1	2
Mulco Consortium		X
Clackamas County		X
Lowell	X	
Union County Econ. Devel Area	X	
Island City Area S.D.	X	
BCVSA		X
City of Athena	X	
Anderson-Perry	X	
City of Haines	X	
City of Corvallis		X
UCEDA	X	

Staff Recommendation (2)

The staff does not concur with option 1 for the reasons stated. It was apparent from the testimony that the difference between alternative systems for small communities and innovative and alternative technology is not understood. It is the staff's opinion that the public will support the recommendation when the difference between the two becomes apparent.

C. Addition and Deletion of Projects

FY 80 Alternatives

1. Federal regulations (40 CFR 35 915) require a bypass procedure for projects on the fundable portion of the list that are not ready to file an application. At a minimum, notice to the sponsors of the bypassed project and U. S. EPA are required.

Options: (1) Bypass procedures should not be utilized until the fourth quarter of the fiscal year.

- (2) Bypass procedures should be initiated based on quarterly progress reviews, i.e., after 90 days following the target certification date.

DEQ Staff Proposal: (2)

All projects on the list shall be reviewed to verify information during the first quarterly review subsequent to facilities plan approval or at the discretion of the Director. A change in priority ranking based on new information developed during the fiscal year will generally be deferred for action until the annual review of the list, unless the Director determines that immediate action is essential for project continuity.



Options:	1	2	OTHER
City of Corvallis			No strong feeling.
Mulco Consortium		X	Supports bypassing
Clackamas County		X	
BCVSA		X	
EPA			Deletion from list will require enforcement action on community to address its needs.

Staff Recommendation (2)

D. Transitions of Projects Between Fiscal Years

FY 80 Alternatives:

1. Oregon is presently involved in financing several multi-year construction projects. These projects are continued at their relative priority ranking until completion. If substantial decreases in federal appropriations occur, it may require several years' allotments of funds to complete construction on these projects.

Options: (1) Substantially defer completion of these projects by restricting the amount of funds available to them.

- (2) Attempt to complete phased construction projects according to schedule, given available FY 80 funds.

DEQ Staff Proposal: No recommendation.

Phasing is an important tool to equalize costs of a large project over several fiscal years; decisions to phase are based both on technical and financial considerations (including the amount of total funds available statewide, cost to the community, and costs associated with construction delays). Commentors have suggested various methods of establishing yearly costs for a phased project, such as a percentage limitation or using the originally estimated amount. DEQ favors a percentage limitation or a similar guideline or a technical selection of the most essential, immediate construction needs be used to defer portions of the treatment system which are less essential.

Options:	1	2	OTHER
City of Corvallis			Favors percentage limit or technical selection impact on community.
City of Bend		X	
Mulco Consortium		X	Limit to 20 percent of available funds. Defer operable facilities which don't restrict.
Clackamas County			All projects & components should stand FY 80 test except portions under contract percent limit.
Milton-Freewater		X	+ grant limits
BCVSA	X		
City of Hermiston		X	

Staff Recommendations: (2)

2. Public comment has suggested that new construction (Step 3) projects be funded entirely from one year's allotment.

Options: (1) Provide only one grant for a Step 3 complete treatment system or treatment works.

(2) Phase Step 3 projects during FY 80 where necessary.

DEQ Staff Proposal: (2)

Phase Step 3 projects for financial reasons is necessary to provide the state with flexibility to adjust its program to wide fluctuations in Congressional appropriations. However, because phasing does not insure a stable financing situation for localities, it should be used infrequently.

Options:	1	2	OTHER
City of Corvallis		X	
Mulco Consortium		X	
Clackamas County		X	Add percent limit
MSD		X	Also segmenting
Mt. Angel		X	
BCVSA		X	

Staff Recommendation (2)

3. During prior years, projects with Step 2 awarded or ready for Step 3 were automatically ranked at the top of the subsequent year's priority list. This rule was established to minimize any delays in project construction completion. However, during FY 79, sufficient funds were not available for several projects that were ranked at the top of the list under this procedure. All general allotment funds were needed to fund high ranking construction projects.

- Options:
- (1) Continue automatic increase in priority where Step 2 is completed or expected to be complete within the fiscal year. (FY 79 system)
  - (2) Discontinue automatic increase in priority for all Step 2 projects which expect Step 3 during FY 80. All projects are prioritized according to ranking criteria.
  - (3) Discontinue automatic increase in priority for all Step 2 projects except those that were increased on the FY 79 priority list but were not funded. Projects that recently completed or expect to complete Step 2 soon will not be increased.

DEQ Staff Proposal: (3)

The major advantage of this option is that projects which were scheduled for funding during FY 79 would be "transitioned" into FY 80 Step 3 funds. However, projects started with similar expectations but where Step 2 work was completed during FY 79 not transitioned. Communities in the former class are distinguishable because bond issues and/or construction financing arrangements already have been negotiated; communities in the latter class should have more ability to reconsider construction scheduling and financing.

Options:	1	2	3	OTHER
Mulco Consortium			X	
City of Portland			X	Would add: Following those "projects and subsequent phases necessary to make project operable
City of Corvallis			X	
City of Hermiston			X	
Clackamas County	X			
Union County Econ Devel Board	X			
BCVSA			X	
Anderson-Perry	X			Need transition period
City of Haines	X			Need transition period

Staff Recommendation (3)

As modified by the city of Portland.

GRANTS.X:F

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

PROJECT NEED

PROJECT CLASS

Letter  
Code

Letter  
Code

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

A Project will minimize or eliminate surface or underground water pollution where water quality standards are violated repeatedly or where beneficial uses are impaired or may be damaged irreparable. In addition, either (1) the EQC, by rule OAR 340-44-005 et seq., has mandated elimination of discharge of inadequately treated wastes to disposal wells or; (2) the Administrator of the Health Division or the EQC has certified Findings of Fact which conclude that water pollution or beneficial use impairment and hazard to public health exist. At a minimum, the procedures for (2) above must include field investigation, public notice and hearing and written Findings of Fact.

Health hazards can be certified where no water quality considerations are involved and where DEQ has no authority to act. Health hazards can exist where "mandatory annexation" actions either are not or cannot be pursued.

OR  
Projects resolving other health hazards that are certified which do not involve annexation.

Projects may or may not be eligible for grants.

This category is distinguished from others by the formal certification of hazard to public health or the requirement of OAR 340-44-005 et seq.

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

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

B Project will minimize or eliminate surface or underground water pollution where water quality standards are violated repeatedly or where beneficial uses are impaired or may be damaged irreparable.

Water quality standards are set to protect beneficial uses. Therefore, beneficial use protection is appropriate where standards have not been established.

This category is distinguished from lower priority categories by actual written documentation of use impairment or repeated standards violation. Potential violations or impairment do not qualify.

Violations can vary from almost never to continuously. Frequent violations justify priority and diligent corrective action.

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

C Project is required to ensure treatment capability to comply with (1) minimum federal effluent guidelines established by rule pursuant to PL 95-217; (2) effluent standards established in an issued WPCF or NPDES permit; or (3) treatment levels or effluent standards that would be placed in a permit to comply with state and federal regulations (for a source not presently under permit).

Identification of specific standards to be met is important. Non-compliance resulting from failure to operate or maintain existing facilities properly is excluded. Because some sources have not received a permit yet, but will be placed under permit in the future, provision should be made to recognize the standards they will have to meet.

This category does not require documentation of actual water quality problem. Documentation of the applicable guideline, standards, permit condition or other regulatory requirement must be in writing.

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

D Project needed to minimize or eliminate documented "nonpoint source" contamination of groundwater or surface waters relating to subsurface sewage disposal system malfunction in known urban or urbanizing areas.

D Project is necessary to minimize or eliminate pollution of surface or underground waters from: (1) nonpoint sources where limited or partial documentation and data indicated that malfunctioning subsurface sewage disposal systems in developed areas are a contributing factor; or (2) point-sources where limited or partial documentation and data indicate infrequent discharges above permitted levels are a contributing factor.

This category is distinguished by sufficient information to suggest a problem but insufficient factual data to conclusively demonstrate the problem, its cause, and impact. Facility Planning is expected to document the problem and provide a basis for reconsideration of category assignment.

There must be a surface or groundwater pollution relationship for all projects competing for federal grants. Better definition is needed to reduce later questions on appropriateness of listed projects.

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

E Project desirable for prevention of potential water pollution problems.

E Project is desirable for prevention of potential water pollution problem.

No need for change has been identified.

This category is distinguished by lack of information to suggest a water quality problem but recognition that a problem could develop in the future.

City of Irrigon - Supports

Clackamas County - Proposes that new regional wastewater management programs be included in project class category A.

EPA - Project need category E is not considered eligible for construction grant funding.

STAFF RECOMMENDATION Accept project class as proposed without changes in language.

NOTE: Regional wastewater management programs are not recognized by the federal regulations as a project ranking criteria. The state priority system must be based on; (1) the severity of the pollution problem, (2) the existing population affected, (3) the need for preservation of high quality waters, (4) and the state's option of specific category of need.



PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

REGULATORY EMPHASIS

REGULATORY EMPHASIS

Points

Points

- 150 Environmental Quality Commission Order or Regulation.
- 90 NPDES or State Waste Discharge Permit.
- 80 Letter directive, preliminary planning approval or project authorization from the Department of Environmental Quality.
- 50 Other written statement of project desirability by DEQ or the Commission.

- 150 Project received a limited time extension to meet the 1977 secondary treatment goals of the Clean Water Act.  
  
This category rates projects where the compliance date was extended based on an addendum to the NPDES permit (a 301(i) extension) or where noncompliance was evidenced in a stipulated Consent Agreement. Only municipalities with findings made for the period ending during calendar year 1977 are related in this category.

- 130 Project order by the Environmental Quality Commission or certified as a public health hazard by the Administrator of the Health Division pursuant to ORS 431.705 et seq. or 222.850 et seq.  
  
These projects are distinguished from projects rated lower because the public health concerns require immediate corrections through extraordinary measures, such as annexation or creation of a service district.

The first Clean Water Act goal for municipalities was achievement of secondary treatment by 1977. Where facilities could not achieve the goal, limited extensions were incorporated into the enforcement program.

The majority of potential grant projects are designed to comply with EQC or federal regulations. The relationship between the project and applicable regulations is considered throughout the regulatory emphasis categories.

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

120 Project is necessary to eliminate a moratorium or connection limitation to a centralized facility OR the project is required as a result of an EQC rule that restricts issuance of subsurface disposal permits for a specified geographic area.

This category will rate both involuntary and voluntary connection limitations equally where the voluntary moratorium meets the following guidelines: (1) it is formally enacted prior to August 1, 1979; (2) it attempts to limit flow to a central facility which is at or beyond 90% capacity; and (3) the jurisdiction has a medium to high growth rate which requires preventative pollution control action.

90 Project has received written DEQ concurrence based on (1) NPDES permit limitations or conditions which would be included in a permit when issued or amended; (2) facilities plan approval; or (3) a sanitary survey conducted by the Health Division or the DEQ (or its agent).

This category is distinguished from lower categories because written documentation must be sufficient to inform the locality of the potential for regulatory action. Immediate enforcement action by either party is not a prerequisite to this rating.

This category expands the regulatory emphasis concept to include voluntary preventative action. It also adds areas where individual subsurface disposal is entirely limited by EQC rule to the category.

Where NPDES limitations or conditions facilities plan recommendations or sanitary survey results are known and DEQ concurs with the project and its scope, the project is rated higher than where pertinent information is unknown.

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

50 Project was suggested by DEQ in writing, based on preliminary screening or problems and water quality concerns.

This category contains projects where baseline information on probable water quality problems exist. Detailed information on frequency, extent of problem and potential impairment of surface water, groundwater or public health is unknown.

0 No regulatory action is foreseeable.

This category indicates that background information is either insufficient or unavailable to document the existence of present water quality problems.

Identification of potential effects and the characteristics of the problem are essential to a determination of appropriate regulatory or voluntary action by a locality. Further investigation of a project in this category should result in changes in its rating.

Projects are differentiated from higher categories if no probable water quality and public health problem currently exists. When further analyzed, these projects may or may not be eligible for construction grants.

Clackamas County Home Builders Ass'n. - Supports proposal.

Clackamas County - Proposes 150 points for regional projects that result in abandonment of two or more obsolete STP's with the construction of a regional facility.

STAFF RECOMMENDATION Accept regulatory emphasis as proposed without changes in language.

NOTE: As noted on the project class summary, federal regulations do not recognize regional projects as a project ranking criteria.

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

STEAM SEGMENT RANKING

STREAM SEGMENT RANKING

Stream Segment Point Ranking Formula

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

where:

- BR = Basin Rank (i.e. 1 to 19)
- n = Number of Stream Segments in the particular basin
- SR = Segment Rank (i.e. within basin)

Note:

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

See Table A for Basin Rank and segment point assignment.

(Use present formula with Basin Rank updated by using 1978 population estimates)

Note: See Table B for comparative Basin Rank and segment point assignment.

There were four changes in Basin Rank as a result of the updating. The Deschutes Basin increased to number 4 from number 7. The South Coast, North Coast-Lower Columbia, and Klamath Basins declined by one numerical ranking. Fifteen basins were unchanged.

The stream segment ranking is based on the number of segments and the ranking of segments within basins that were established as part of the Oregon Statewide Water Quality Management Plan.

Stream segment ranking is a category which needs reevaluation before FY 1981. Availability of data and time preclude such evaluation this year. Thus, only basin population and rank is proposed for updates.

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

Points

POPULATION EMPHASIS

POPULATION EMPHASIS

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

Points shall be assigned on the basis of the formula:  
Points = Population Served<sup>2</sup>Log10  
where Population Served is the existing population that would be initially served by the project or project segment if it were in operation.

The present "population emphasis formula," as it has been applied, does not adequately reflect potential population differences between population served by segments of a project. A change in this area may be the best way to accomplish this differentiation. The proposed formula yields 6.00 points for a population of 1000 compared to 0.1 point under the existing formula. For a population of 100,000, the points would be 10.00 under either formula.

City of Irrigon - Supports proposal.

Clackamas County Home Builders Ass'n. - Gives points for future population.

STAFF RECOMMENDATION Accept population emphasis as proposed without changes in language.

NOTE: Federal regulations specifically deny future population growth as a priority criteria.

PROPOSED CRITERIA

PRESENT LANGUAGE

PROPOSED LANGUAGE

NOTES

<u>Points</u>	<u>PROJECT TYPE</u>
10	Upgrading sewage treatment plant including but not limited to cost-effective sewer rehabilitation.
7	New sewage treatment plant.
5	Replacement of interceptor sewers, major pumping stations and pressure mains.
3	New interceptor sewers, major pumping stations and pressure mains.
2	Collection sewers.

<u>Points</u>	<u>PROJECT TYPE</u>
10	Secondary treatment and BPWTT
9	Major sewer system rehabilitation
8	Interception of existing discharge
7	Infiltration/inflow correction
6	Interceptor to serve existing development
5	Treatment more stringent than secondary
3	Correction of combined sewer overflows
2	Interceptor to serve new development
1	New collectors

Present project type categories do not properly identify the types of projects contained in the Federally mandated Needs Survey. Correlation between these will facilitate federal approval. In addition, segmenting of projects necessitates further breakdown of project types.

City of Irrigon - Supports as written.

A mix of Step I, Step II.

<u>Points</u>	<u>STEP STATUS</u>
1	Step I - Facilities plan preparation.
2	Step II - Preparation of plans and specifications.
3	Step III - Project construction.

STEP STATUS  
  
(Delete this category)

Step III projects can be better assured through maximum use of the "set-aside" for Step I and Step II projects than by using step status points in the ranking system. The three points originally assigned to this category are picked up in pollution emphasis.

STAFF RECOMMENDATION Accept project type as proposed without changes in language and delete step status as a weight factor.

RESPONSE TO WRITTEN COMMENTS

Haines  
County Court of Union County  
Anderson-Perry  
UCEDA  
Island City, S.D.

- Proposed that DEQ should pursue reallocation of unused EPA funds.

Response

Allotments are made on a formula or other basis which Congress specifies each fiscal year. At end of the allotment period (generally two years) unobligated funds are reallocated but none are reallocated to states who failed to obligate.

DEQ is pursuing with Oregon Congressional Delegation in support of funding concepts that benefit states who are able to use more funds.

Tri-City Chamber of Commerce  
Oregon City  
Gladstone  
Clackamas County Home Builders Association  
West Linn

- Proposed that moratoriums should receive more regulatory emphasis points.

Response

Moratoriums, voluntary and imposed, garner 120 out of a possible 150 regulatory emphasis points. Only projects which received a limited time extension to meet the 1977 secondary treatment mandated by the Clean Water Act and projects ordered by the EQC or certified as public health hazards are given higher points. For FY 80 we have increased both the scope and emphasis on prioritizing the moratorium.

Haines  
County Court of Union County  
UCEDA  
Island City Area, S. D.  
Anderson-Perry

- There were several proposals for state grants to be made on projects.

Response

It should be noted that the state does not have a continuous active state program. At present there is no legislative activity to establish a grant program.

Haines  
County Court of Union County  
UCEDA  
Island City Area, S. D.

- Proposed that once local funding has been secured and EPA funds are anticipated, project should be placed high on the priority list.

Response

Readiness to proceed is specifically denied by federal regulations as a priority criteria.

HUD - Portland Office

- DEQ project design review should consider influence in directing urban growth.
- Sewer capacity should be used as a planning tool rather than cause unintended, unplanned growth.
- Favors not eliminating regulatory emphasis.
- Concurs with proposed changes on population emphasis.

Response

Most projects are contained within the urban growth boundary. Any projects or project extensions outside this boundary will be used to serve only water quality problems in existence. Reserve capacity is based on population projections which will be derived from disaggregation of state population totals developed by the U.S. Department of Commerce.

MSD

- Recommends use of pollution control bond funds to fund projects that exceed the 20 percent limitation that was proposed.

Response

The 20 percent limitation has been recommended as a financial guideline for those projects which have not completed Step 1. Use of the pollution control bond fund will be evaluated.

Milton-Freewater

- Proposes modifying regulatory emphasis to take into account:
  - Age and type of STP being replaced, i.e. older plant higher than new one.



- More advanced treatment higher priority.
- If STP capacity reached prior to design life, should have lower priority.

#### Response

The regulatory emphasis characteristics establishes priority points for projects that have a potential for enforcement action. Age, treatment levels, and growth are better considered in the planning process, and not as criteria for setting priorities for water quality needs.

- Suggested that DEQ should establish a norm for construction costs based on per-capita and unless there are exceptional costs, grant funds should be allocation on norm.

#### Response

Although the state reviews project costs on a per-capita basis, we also have the responsibility to construct sewerage facilities based on beneficial use and water quality improvements, not a norm.

#### City of Springfield

- Questioned reason for proposing to increase reserve for Steps 1 and 2.

#### Response

The program must work toward a balance of Steps 1, 2, and 3. All the projects on the fundable portion of the FY 79 priority list were Step 3 except for three Step 2 projects.

- Evaluation of the impact of limiting funds and/or phased construction on a project should be required.

#### Response

The Department will evaluate on a case-by-case basis the impact of limiting funds to a project. Funding of the entire construction cost out of a given year is not reasonable when actual construction may take place over two or three years.

- Suggests assigning points to a project based on "regulatory emphasis" subsequent to establishing the "Project Class" does not appear to provide any additional information for prioritizing the projects.

Response

Regulatory emphasis and project class are independent of one another. Project class identifies the severity of the pollution problem and regulatory emphasis recognizes the potential for immediate enforcement action. For example, within each project class category, project ranking is affected by the regulatory emphasis characteristic.

GRANTS.D:F

STAFF COMMENTS ON OTHER PROPOSALS

Stream Segment Ranking of the North Coast Basin

CTIC

The Lewis and Clark River is ranked number one in the North Coast Basin because of low flow, dissolved oxygen, coliform limiting parameters. The Necanicum River is ranked number 15 in the North Coast Basin because its only limiting parameter is protection of existing quality. The ranking system emphasizes treatment and control of water quality problems.

When the present point source and nonpoint source assessment now being conducted throughout the state identifies a new problem in a basin, that basin ranking and stream segment ranking are reexamined.

Stream Segment Ranking for the Walla Walla River

City of  
Milton-  
Freewater

DEQ recognition of only population in a basin that resides in Oregon is being uniformly applied. Population outside of the state is not included in any basin.

Unsewered Communities

Anderson-  
Perry

The Department can not concur that the priority ranking system should consider more favorably for unsewered communities. The State Priority System must be based on the severity of the pollution problem, the existing population affected and the need for preservation of high quality waters. The regulations specifically deny the state from considering development needs unrelated to pollution abatement.

GRANTS.DA:F

ATTACHMENT C

OREGON STATE DEPARTMENT OF ENVIRONMENTAL QUALITY  
FY 80 PRIORITY SYSTEM FOR SEWERAGE WORKS CONSTRUCTION GRANTS  
AUGUST 31, 1979

I. Purpose

The Department of Environmental Quality has developed a proposed State Priority System for use during the fiscal year 1980. This priority system includes an overall management strategy and a set of priority criteria for ranking of identified sewerage works construction needs. The Oregon Sewerage Works Construction Grants Priority List will be developed in accordance with the priority system as adopted by the Environmental Quality Commission (EQC) and approved by the U. S. Environmental Protection Agency (EPA).

The State Priority System was developed in compliance with U. S. Environmental Protection Agency regulation 40 CFR Part 35 and Part 25. It includes the administration, management and public participation procedures required to develop and revise the state project priority list.

II. Definition

Applicable definitions from ORS Chapters 468 and 454, the Clean Water Act of 1977 and 40 CFR Part 35 shall apply.

MANAGEMENT SYSTEM

The purposes of the priority system are (1) to identify the relative priority of projects eligible for assistance within the limits of federal funds allotted; and (2) to provide a basis for the planning and management of future allotments based on project scheduling.

Although the project priority criteria is the management tool used to identify relative rankings, DEQ's management policies and procedures are essential to establishing an individual project's rate of progress and to assure the timely obligation of funds statewide.

A. Use of Available Funds

For planning purposes, U. S. EPA has instructed the states to assume a \$3.8 billion national appropriation for FY 80. However, recent information indicates that Congress is considering appropriations levels between \$3.4 and \$2.8 billion. Oregon would receive \$49.3 million should \$3.8 billion become available nationally or between \$44.1 and \$36.3 million if appropriations are made at the latter levels.

The use of available funds is limited by U. S. EPA regulations which govern basic project eligibility and which designate or "reserve" a specific share of Oregon's allotment for a special purpose and by state certification policy, a fourth is optional. For FY 80, the state allotment will contain four reserve accounts.

- 10 percent minimum      Grant Increase Reserve (all steps)
- 4 percent mandatory    Reserve for Alternative Systems for Small Communities (Steps 2 and/or 3)
- 2 percent mandatory    Grant Increase Reserve for Innovative/Alternative Technology (10 percent of eligible technology costs during Steps 2 and/or 3). One-half of 1 percent of this reserve is available for innovative projects only.
- 10 percent optional     Step 1 and Step 2 Grants Reserve which are beyond the Fundable Portion of the FY 80 Priority List
- 74 percent or remainder General Allotment for Projects on Fundable Portion of the FY 80 Priority List

100 percent Total State Allotment

1. Reserve for Grant Increases

The Department will establish a reserve of not less than 10 percent for grant increases in accordance with 40 CFR 35.915-1(c). Cost overruns due to inflation or increases over cost estimates will be financed from this account. Increased costs attributable to scope changes must be ranked on the priority list and cannot be funded from this reserve.

2. Reserve for Alternative Systems for Small Communities

The Department will establish a reserve of up to 4 percent for alternatives to conventional treatment works for small communities in accordance with 40 CFR 35.915-1(e). The definition of a small community is any municipality with a population of 3,500 or less, or highly dispersed sections of larger municipalities.

3. Reserve for Innovative and Alternative Technology

The Department will establish a reserve not to exceed 2 percent to increase the grant share for projects utilizing innovative and alternative processes and techniques in accordance with 40 CFR 35.915-1(b).

4. Reserve for Steps 1 and 2 Projects

The Department will establish a reserve of up to 10 percent for Step 1 and 2 projects in accordance with 40 CFR 35.915-1(d).

5. Certification of Collection Systems

State certification of federally eligible collection systems during FY 80 and thereafter will be considered only for those projects which have been certified for a Step 1 grant and serve an area where mandatory health hazard annexation, pursuant to ORS 222.850 et seq., is required or where elimination of waste disposal wells is required by OAR 340-44-005 et seq. Other collection systems will not be certified.

6. Certification of Advanced Treatment Components

Costs for design and construction of advanced treatment components will not be certified by the state in FY 80 and thereafter. Financial plans must be developed for the local costs of the advanced treatment components where such components are required to meet state water quality standards.

7. Limitation on Grant Assistance

Jurisdictions which initiate facility planning after October 1, 1979 must develop a financing plan and construction schedule in the facilities plan based on maximum grant assistance in any one year of not more than 20 percent of the state's general allotment.

B. Description of the Priority List

The Oregon Sewerage Works Construction Grant Priority List is a ranked priority listing of projects for which federal assistance is expected during the five year planning period. It is divided into a fundable portion and a planning portion. The fundable portion contains all projects ranked in priority order and planned for award during the fiscal year. It includes a sufficient number of projects to fully obligate the total funds available for fiscal year 1980, less all reserved funds. The planning portion includes eligible projects that may receive funding during the four subsequent fiscal years.

Projects on the planning portion of the list may be funded from reserve funds as follows:

1. The Department may raise the priority of a project which is on the planning portion of the priority list to the fundable portion if it is eligible for Steps 2 and/or 3 reserve funds for an alternative system for a small community in order to utilize available funds in the reserve account. The policy is effective only to the limit of reserve funds available.

2. The Department will not raise the priority of a project which is eligible for Steps 2 and/or 3 reserve for innovative and alternative technology.

The reserve for innovative and alternative technology can only be used to fund the incremental increase in the grant from 75 percent to 85 percent for those portions of a project which are deemed to be innovative or alternative technology. Thus, the majority of the funds for the project must come from the general allotment. Since the general allotment is fully committed to projects on the fundable portion of the priority list, the raising of priority to utilize these reserve funds does not appear practical.

#### C. Bypassing of Projects on the Fundable Portion of the List

The Department will initiate bypass procedures in accordance with 40 CFR 35-915(f)(1) on any project on the fundable portion of the list that is not ready to proceed during the funding year, based on quarterly progress reviews. Written notice will be given that the project will be bypassed for the fiscal year. A hearing request must be made to the Director within twenty days following adequate notice. If requested, the Director will schedule a hearing before the (EQC) within 60 days. The bypassed project will retain its relative priority rating for consideration in future year allotments. However, if a project is bypassed for two consecutive years, the EQC may remove the project from the priority list.

#### D. Transitions of Projects Between Fiscal Years

As grant program rules and funding levels change, transition procedures are necessary to provide continuity between phases of one project or between one project step and another over a multi-year period. Special procedures may also provide for a reasonable transition period for affected projects where regulations or management policies have changed during project development.

Oregon is presently involved in financing several multi-year construction projects. These projects are continued at their relative priority ranking until completion. The Department will attempt to complete phased construction projects according to schedule, given available FY 80 funds.

Phasing is an important tool to equalize costs of a large project over several fiscal years. Decisions to phase must be based both on technical and financial considerations (including the amount of total funds available statewide, cost to the community, and costs associated with construction delays). When funds available for allocation to a project are insufficient to cover entire project cost, the project should be phased if possible. Based on technical analysis, the most essential, immediate construction needs should be initiated first, with portions of the treatment system which are less essential deferred until later. The Department will phase Step 3 projects during FY 80, where necessary.

During prior years, projects with Step 2 awarded or ready for Step 3 were automatically ranked at the top of the subsequent year's priority list. This rule was established to minimize any delays in project construction completion. However during FY 79, sufficient funds were not available for several projects that were ranked at the top of the list under this procedure. The Department will discontinue automatic increases in priority for all Step 2 projects except those projects and subsequent phases necessary to make the projects operable that were increased on the FY 79 priority list but were not funded. Projects that recently completed or expect to complete Step 2 soon will not be increased.

E. Procedures for Development and Adoption of the FY 80 Priority List

Public consultation and notification procedures during the development and adoption of the priority list (and criteria if changes are proposed) include, at a minimum, one public hearing in accordance with 40 CFR Parts 35 and 25. Forty-five (45) days prior to hearing, appropriate notice will be afforded to interested parties. Thirty (30) days in advance, fact sheets and public information will be distributed.

Formal adoption of Oregon's Priority System and List is undertaken at a public meeting of the EQC, subsequent to the public hearing required by federal regulations.

Other actions affecting the priority list may be summarized as follows:

1. Projects for design and construction of a complete waste treatment system (transportation, treatment and disposal) or individual treatment works within the complete system which are derived from the facilities planning process can be placed on the list. Individual treatment works projects may be grouped for design or construction if it is necessary to fund interconnected or independent projects. Decisions to group treatment works into one grant project will be made by DEQ considering engineering and financial impacts. The priority of the treatment works grouped in such a manner is based on the highest individual priority. As a result, a locality may have several projects on the priority list with different priorities.
2. Project amendments to change the scope of an active grant must be placed on the priority list. (The scope of the original grant is defined in the grant award.)
3. For any addition or reranking of projects which is accomplished after adoption of the list but prior to the annual review period for the subsequent year's program, notice of the proposed action must be given to all affected lower priority projects. Within 20 days of receiving notice, any affected project may request a hearing before the Commission.



4. The Director may delete any project from the priority list if: (1) it receives full funding; (2) it is no longer entitled to funding under the approved system; or (3) U. S. EPA has determined that it is not needed to comply with the enforceable requirements of the Act; or the project is otherwise ineligible.
5. If the priority assessment of a project within a regional 208 areawide waste treatment management planning area does not agree with the statewide priority list, the statewide priority list has precedence. The Director will, upon request from a 208 planning agency, meet to discuss the project. The 208 agency must submit its request for meeting prior to Commission adoption of the list.

GRANTS.E:F

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY  
 CRITERIA FOR ESTABLISHING PRIORITY RANKING  
 FOR SEWAGE WORKS CONSTRUCTION PROJECTS  
 FOR FISCAL YEAR 1980

U. S. Environmental Protection Agency requires that the state annually submit its priority system and project priority list for approval. At a minimum, the priority system must be based on (1) severity of the pollution problem; (2) the existing population affected; and (3) the need for preservation of high quality waters. The system must also consider the construction grant needs and priority set forth in approved state and areawide water quality management plans. Other criteria, consistent with those required, may be considered but a project area's development needs, geographical region or future population growth may not be considered.

The Oregon fiscal year 1980 priority system will identify potential projects according to a Project Class Category and assign a letter code (A through E) to each project within that classification in descending order of priority. Rating projects within the Project Class Category will be done by assigning point values to each project on the basis of five characteristics. These characteristics and the proposed changes for FY 80 are identified as follows:

Project Class Category	(A through E)	
Regulatory Emphasis	150	points maximum
Stream Segment Rank	95.73	points maximum
Population Emphasis	12	points maximum
Project Type	10	points maximum
<hr/> Project Priority Value	<hr/> 267.73	<hr/> points maximum

CATEGORIES

PROJECT CLASS

Letter Code

Description

- A      Project will minimize or eliminate surface or underground water pollution where water quality standards are violated repeatedly or where beneficial uses are impaired or may be damaged irreparably. In addition, either (1) the EQC, by rule OAR 340-44-005 et. seq., has mandated elimination of discharge or inadequately treated wastes to disposal wells; or (2) the Administrator of the Health Division or the EQC has certified Findings of Fact which conclude that water pollution or beneficial use impairment and hazard to public health exist. At a minimum, the procedures for (2) above must include field investigation, public notice and hearing and written Findings of Fact.

This category is distinguished from others by the formal certification of hazard to public health or the requirement of OAR 340-44-005 et. seq.

- B Project will minimize or eliminate surface or underground water pollution where water quality standards are violated repeatedly or where beneficial uses are impaired or may be damaged irreparably.

This category is distinguished from lower priority categories by actual written documentation of use impairment or repeated standards violations. Potential violations or impairment do not qualify.

- C Project is required to ensure treatment capability to comply with (1) minimum federal effluent guidelines established by rule pursuant to PL 95-217; (2) effluent standards established in an issued WPCF or NPDES permit; or (3) treatment levels or effluent standards that would be placed in a permit to comply with state and federal regulations (for a source not presently under permit).

This category does not require documentation of an actual water quality problem. Documentation of the applicable guideline, standard, permit condition or other regulatory requirement must be in writing.

- D Project is necessary to minimize or eliminate pollution of surface or underground waters from: (1) non point sources where limited or partial documentation and data indicate that malfunctioning subsurface sewage disposal systems in developed areas are a contributing factor; or (2) point sources where limited or partial documentation and data indicate infrequent discharges above permitted levels are a contributing factor.

This category is distinguished by sufficient information to suggest a problem but insufficient factual data to conclusively demonstrate the problem, its cause, and impact. Facility Planning is expected to document the problem and provide a basis for reconsideration of category assignment.

- E Project is desirable for prevention of potential water pollution problem.

This category is distinguished by lack of information to suggest a water quality problem but recognition that a problem could develop in the future.

REGULATORY EMPHASIS

Points

Description

150 Project received a limited time extension to meet the 1977 secondary treatment goals of the Clean Water Act.

This category rates projects where the compliance date was extended based on an addendum to the NPDES permit (a 301(i) extension) or where noncompliance was evidenced in a Stipulated Consent Agreement. Only municipalities with findings made for the period ending during calendar year 1977 are rated in this category.

130 Project ordered by the EQC or certified as a public health hazard by the Administrator of the Health Division pursuant to ORS 431.705 et. seq. or 222.850 et. seq.

These projects are distinguished from projects rated lower because the public health concerns require immediate correction through extraordinary measures, such as annexation or creation of a service district.

120 Project is necessary to eliminate a moratorium or connection limitation to a centralized facility OR the project is required as a result of an EQC rule that restricts issuance of subsurface disposal permits for a specified geographic area.

This category will rate both involuntary and voluntary connection limitations equally where the voluntary moratorium meets the following guidelines: (1) it is formally enacted prior to August 1, 1979; (2) it attempts to limit flow to a central facility which is at or beyond 90 percent capacity; and (3) the jurisdiction has a medium to high growth rate which requires preventive pollution control action.

90 Project has received written DEQ concurrence based on (1) NPDES permit limitations or conditions which would be included in a permit when issued or amended; (2) facilities plan approval; or (3) a sanitary survey conducted by the Health Division or the DEQ (or its agent).

This category is distinguished from lower categories because written documentation must be sufficient to inform the locality of the potential for regulatory action. Immediate enforcement action by either party is not a prerequisite to this rating.

50 Project was suggested by DEQ in writing, based on preliminary screening of problems and water quality concerns.

This category contains projects where baseline information on probable water quality problems exist. Detailed information on frequency, extent of problem and potential impairment of surface water, groundwater or public health is unknown.

0 No regulatory action foreseeable.

This category indicates that background information is either insufficient or unavailable to document the existence of present water quality problems.

#### STREAM SEGMENT RANKING

##### Stream Segment Point Ranking Formula

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

where:

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

n = Number of Stream Segments in the Particular Basin

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

##### Note:

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

See Table A for Basin Rank and segment point assignment.

### POPULATION EMPHASIS

Points shall be assigned on the basis of the formula:

$$\text{Points} = \text{Population Served}^{2\text{Log}10}$$

where:

Population Served is the existing population that would be initially served by the project or project segment if it were in operation.

### PROJECT TYPE

<u>Points</u>	<u>Description</u>
10	Secondary Treatment and BPWT
9	Major Sewer System Rehabilitation
8	Interception of Existing Discharge
7	Infiltration/Inflow Correction
6	Interceptor to Serve Existing Development
5	Treatment More Stringent than Secondary
3	Correction of Combined Sewer Overflows
2	Interceptor to Serve New Development
1	New Collectors

TABLE A

Basin Rank

<u>Basin</u>	<u>1978 Population</u>	<u>No. of Stream Segments</u>	<u>Rank</u>
Willamette	1,672,000	22	1
Rogue	180,100	4	2
Umpqua	84,700	3	3
Deschutes	76,600	4	4
South Coast	76,300	5	5
North Coast/Lower Columbia	66,440	18	6
Klamath	58,200	5	7
Umatilla	50,000	3	8
Mid Coast	44,630	10	9
Hood River	34,200	4	10
Grande Ronde	30,100	3	11
Malheur River	22,480	1	12
Sandy	18,530	3	13
Powder	17,200	4	14
John Day	12,250	2	15
Walla Walla	10,300	2	16
Malheur Lake	7,650	3	17
Goose and Summer Lakes	6,900	2	18
Owyhee	3,420	2	19

Stream Segment Ranking Points

<u>Segment</u>	<u>Points</u>
Willamette Basin	
Tualatin	95.73
Willamette (River Mile 0-84)	93.45
Willamette (River Mile 84-186)	91.18
South Yamhill River	88.91
North Yamhill River	86.64
Yamhill River	84.36
Pudding River	82.09
Molalla River	79.82
S. Santiam River	77.55
Santiam River	75.27
N. Santiam River	75.27
Coast Fork Willamette River	73.00
Middle Fork Willamette River	70.73
Clackamas River	68.45
McKenzie River	66.18

TABLE A  
(Continued)

Rickreall Creek	63.91
Luckiamute River	61.64
Marys River	59.36
Calapooia River	57.09
Long Tom River	54.82
Columbia Slough	52.55
Thomas Creek	50.27
Remaining Willamette Basin Streams	48.00
Rogue Basin	
Bear Creek and Tributaries	83.50
Applegate River	71.00
Middle Rogue	58.50
Remaining Rogue Basin Streams	46.00
Umpqua Basin	
South Umpqua River	77.33
Cow Creek	60.67
Remaining Umpqua Basin Streams	44.00
<u>Stream Segment Ranking Points</u>	
<u>Segment</u>	<u>Points</u>
Deschutes Basin	
Crooked River	79.50
Deschutes River (River Mile 120-166)	67.00
Deschutes River (River Mile 0-120)	54.50
Remaining Deschutes Basin Streams	42.00
South Coast Basin	
Coos Bay	80.00
Coos River	70.00
Coquille River (River Mile 0-35)	60.00
Coquille River (River Mile 35-Source)	50.00
Remaining South Coast Basin Streams	40.00



TABLE A  
(Continued)

North Coast/Lower Columbia Basin

Lewis and Clark River	85.22
Klaskanine River	82.44
Wilson River (River Mile 0-7)	79.66
Trask River (River Mile 0-6)	76.88
Skipanon River	74.10
Nestucca River (River Mile 0-15)	71.32
Nehalem River	68.54
Wilson River (River Mile 7- )	65.76
Trask River (River Mile 6- )	62.98
Nestucca River (River Mile 15- )	60.20
Nehalem Bay	57.42
Tillamook Bay	54.64
Tillamook River (River Mile 0-15)	51.86
Nestucca Bay	49.08
Necanicum River	46.30
Tillamook River (River Mile 15- )	43.54
Netarts Bay	40.74
Remaining North Coast/Lower Columbia Basin Streams	38.00

Stream Segment Ranking Points

<u>Segment</u>	<u>Points</u>
Hood Basin	
Hood River Main Stem	67.50
Columbia River (Hood Basin)	55.00
Hood River East, Middle and West Forks	42.50
Remaining Hood Basin Streams	30.00
Grande Ronde Basin	
Grande Ronde River	61.33
Wallowa River	44.67
Remaining Grande Ronde Basin Streams	28.00
Malheur Basin	
Malheur River	26.00

TABLE A  
(Continued)

Powder Basin

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

Sandy Basin

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

John Day Basin

John Day River	45.00
Remaining John Day Basin Streams	20.00

Stream Segment Ranking Points

<u>Segment</u>	<u>Points</u>
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Walla Walla Basin

Walla Walla River	43.00
Remaining Walla Walla Basin Streams	18.00

Malheur Lake Basin

Silvies River	49.33
Donner & Blitzen River	32.67
Remaining Malheur Lake Basin Streams	16.00

Goose and Summer Lakes Basin

Chewaucan River	39.00
Remaining Goose and Summer Lakes Basin Streams	14.00

Owyhee Basin

Owyhee River	37.00
Remaining Owyhee Basin Streams	12.00

GRANTS.F:tf

TABLE A

<u>PRESENT</u>				<u>PROPOSED</u>			
<u>Basin Rank</u>				<u>Basin Rank</u>			
<u>Basin</u>	<u>1975 Population</u>	<u># of Stream Seg- ments</u>	<u>Rank</u>	<u>Basin</u>	<u>1978 Population</u>	<u># of Stream Seg- ments</u>	<u>Rank</u>
Willamette	1,565,974	22	1	Willamette	1,672,000	22	1
Rogue	149,575	4	1	Rogue	180,100	4	2
Umpqua	78,500	3	3	Umpqua	84,700	3	3
South Coast	66,687	5	4	Deschutes	76,600	4	4
North Coast-				South Coast	76,300	5	5
Lower Columbia	62,551	18	5	North Coast/ Lower Columbia	66,550	18	6
Klamath	54,500	5	6	Klamath	58,200	5	7
Deschutes	53,810	4	7	Umatilla	50,000	3	8
Umatilla	43,300	3	8	Mid Coast	44,630	10	9
Mid Coast	35,686	10	9	Hood River	34,200	4	10
Hood River	34,530	4	10	Grande Ronde	30,100	3	11
Grande Ronde	38,880	3	11	Malheur River	22,480	1	12
Malheur	21,000	1	12	Sandy	18,530	3	13
Power	16,700	4	13	Power	17,200	4	14
Sandy	16,552	3	14	John Day	12,250	2	15
John Day	11,500	2	15	Walla Walla	10,300	2	16
Walla Walla	9,210	2	16	Malheur Lake	7,650	3	17
Malheur Lake	7,350	3	17	Goose & Summer Lakes	6,900	2	18
Goose & Summer Lakes	6,560	2	18	Owyhee	3,420	2	19
Owyhee	3,285	2	19				

TABLE A (Continued)

<u>Stream Segement Ranking Points</u>		<u>Stream Segement Ranking Points</u>	
<u>Segment</u>	<u>Points</u>	<u>Segment</u>	<u>Points</u>
Willamette Basin		Willamette Basin	
Tualatin	95.73	Tualatin	95.73
Willamette (River Mile 0-84)	93.45	Willamette (River Mile 0-84)	93.45
Willamette (River Mile 84-186)	91.18	Willamette (River Mile 84-186)	91.18
South Yamhill River	88.91	South Yamhill River	88.91
North Yamhill River	86.64	North Yamhill River	86.64
Yamhill River	84.36	Yamhill River	84.36
Pudding River	82.09	Pudding River	82.09
Molalla River	79.82	Molalla River	79.82
S. Santiam River	77.55	S. Santiam River	77.55
Santiam River	75.27	Santiam River	75.27
N. Santiam River	75.27	N. Santiam River	75.27
Coast Fork Willamette River	73.00	Coast Fork Willamette River	73.00
Middle Fork Willamette River	70.73	Middle Fork Willamette River	70.73
Clackamas River	68.45	Clackamas River	68.45
McKenzie River	66.18	McKenzie River	66.18
Rickreall Creek	63.91	Rickreall Creek	63.91
Luckiamute River	61.64	Luckiamute River	61.64
Marys River	59.36	Marys River	59.36
Calapooia River	57.09	Calapooia River	57.09
Long Tom River	54.82	Long Tom River	54.82
Columbia Slough	52.55	Columbia Slough	52.55
Thomas Creek	50.27	Thomas Creek	50.27
Remaining Willamette Basin Streams	48.00	Remaining Willamette Basin Streams	48.00
Rogue Basin		Rogue Basin	
Bear Creek and Tributaries	83.50	Bear Creek and Tributaries	83.50
Applegate River	71.00	Applegate River	71.00
Middle Rogue	58.50	Middle Rogue	58.50
Remaining Rogue Basin Streams	46.00	Remaining Rogue Basin Streams	46.00
Umpqua Basin		Umpqua Basin	
South Umpqua River	77.33	South Umpqua River	77.33
Cow Creek	60.67	Cow Creek	60.67
Remaining Umpqua Basin Streams	44.00	Remaining Umpqua Basin Streams	44.00

TABLE A (Continued)

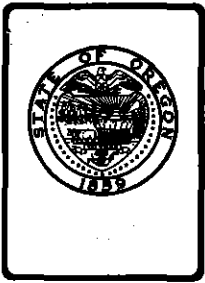
PRESENT		PROPOSED	
South Coast Basin		Deschutes Basin	
Coos Bay	82.00	Crooked River	79.50
Coos River	72.00	Deschutes River (River Mile 120-166)	67.00
Coquille River (River Mile 0-35)	62.00	Deschutes River (River Mile 0-120)	54.50
Coquille River (River Mile 35-Source)	52.00	Remaining Deschutes Basin Streams	42.00
Remaining South Coast Basin Streams	42.00		
North Coast/Lower Columbia Basin		South Coast Basin	
Lewis & Clark River	87.22	Coos Bay	80.00
Klaskanine River	84.44	Coos River	70.00
Wilson River (River Mile 0-7)	81.67	Coquille River (River Mile 9-35)	60.00
Trask River (River Mile 0-6)	78.89	Coquille River (River Mile 35-Source)	50.00
Skipanon River	76.11	Remaining S. Coast Basin Streams	40.00
Nestucca River (River Mile 0-15)	73.33		
Nehalem River	70.56	North Coast/Lower Columbia Basin	
Wilson River (River Mile 7- )	67.78	Lewis & Clark River	85.22
Trask River (River Mile 6- )	65.00	Klaskanine River	82.44
Nestucca River (River Mile 15- )	62.22	Wilson River (River Mile 0-7)	79.66
Nehalem Bay	59.44	Trask River (River Mile 0-6)	76.88
Tillamook Bay	56.67	Skipanon River	74.10
Tillamook River (River Mile 0-15)	53.89	Nestucca River (River Mile 0-15)	71.32
Nestucca Bay	51.11	Nehalem River	68.54
Necanicum River	48.33	Wilson River (River Mile 7- )	65.76
Tillamook River (River Mile 15- )	45.56	Trask River (River Mile 6- )	62.98
Netarts Bay	42.78	Nestucca River (River Mile 15- )	60.20
Remaining North Coast/Lower Columbia Basin Streams	40.00	Nehalem Bay	57.42
		Tillamook Bay	54.64
Klamath Basin		Tillamook River (River Mile 0-15)	51.86
Lost River	78.00	Nestucca Bay	49.08
Klamath River (River Mile 210-250)	68.00	Necanicum River	46.30
Williamson	58.00	Tillamook River (River Mile 15- )	43.52
Sprague	48.00	Netarts Bay	40.74
Remaining Klamath Basin Streams	38.00	Remaining North Coast/Lower Columbia Basin Streams	38.00

TABLE A (Continued)

Deschutes Basin		Klamath Basin	
Crooked River	73.50	Lost River	76.00
Deschutes River (River Mile 120-166)	61.00	Klamath River (River Mile 210-250)	66.00
Deschutes River (River Mile 0-120)	48.50	Williamson	56.00
Remaining Deschutes Basin Streams	36.00	Sprague	46.00
Umatilla Basin		Remaining Klamath Basin Streams	
Umatilla Basin		36.00	
Umatilla River	67.33	Umatilla Basin	
Columbia River (Umatilla Basin)	50.67	Umatilla River	67.33
Remaining Umatilla Basin Streams	34.00	Columbia River (Umatilla Basin)	50.67
Mid Coast Basin		Remaining Umatilla Basin Streams	
Mid Coast Basin		34.00	
Siuslaw Bay	77.00	Mid Coast Basin	
Yaquina Bay	72.00	Siuslaw Bay	77.00
Siletz River	67.00	Yaquina Bay	72.00
Yaquina River	62.00	Siletz River	67.00
Alsea River	57.00	Yaquina River	62.00
Siuslaw River	52.00	Alsea River	57.00
Alsea Bay	47.00	Siuslaw River	52.00
Salmon River	42.00	Alsea Bay	47.00
Siletz Bay	37.00	Salmon River	42.00
Remaining Mid Coast Basin Streams	32.00	Siletz Bay	37.00
Hood Basin		Remaining Mid Coast Basin Streams	
Hood Basin		32.00	
Hood River Main Stem	67.50	Hood Basin	
Columbia River (Hood Basin)	55.00	Hood River Main Stem	67.50
Hood River East, Middle and West Forks	42.50	Columbia River (Hood Basin)	55.00
Remaining Hood Basin Streams	30.00	Hood River East, Middle and West Forks	42.50
Grande Ronde Basin		Remaining Hood Basin Streams	
Grande Ronde Basin		30.00	
Grande Ronde River	61.33	Grande Ronde Basin	
Wallowa River	44.67	Grande Ronde River	61.33
Remaining Grande Ronde Basin Streams	38.00	Wallowa River	44.67
		Remaining Grande Ronde Basin Streams	
		28.00	

TABLE A (Continued)

<b>Malheur Basin</b>		<b>Malheur Basin</b>	
Malheur River	26.00	Malheur River	26.00
<b>Powder Basin</b>		<b>Powder Basin</b>	
Snake River (Powder Basin)	61.50	Snake River (Powder Basin)	61.50
Powder River	49.00	Powder River	49.00
Burnt River	36.50	Burnt River	36.50
Remaining Powder Basin Streams	24.00	Remaining Powder Basin Streams	24.00
<b>Sandy Basin</b>		<b>Sandy Basin</b>	
Columbia River (Sandy Basin)	55.33	Columbia River (Sandy Basin)	55.33
Sandy River	38.67	Sandy River	38.67
Remaining Sandy Basin Streams	22.00	Remaining Sandy Basin Streams	22.00
<b>John Day Basin</b>		<b>John Day Basin</b>	
John Day River	45.00	John Day River	45.00
Remaining John Day Basin Streams	20.00	Remaining John Day Basin Streams	20.00
<b>Walla Walla Basin</b>		<b>Walla Walla Basin</b>	
Walla Walla River	43.00	Walla Walla River	43.00
Remaining Walla Walla Basin Streams	18.00	Remaining Walla Walla Basin Streams	18.00
<b>Malheur Lake Basin</b>		<b>Malheur Lake Basin</b>	
Silvies River	49.33	Silvies River	49.33
Donner & Blitzen River	32.67	Donner & Blitzen River	32.67
Remaining Malheur Lake Basin Streams	16.00	Remaining Malheur Lake Basin Streams	16.00
<b>Goose &amp; Summer Lakes Basin</b>		<b>Goose &amp; Summer Lakes Basin</b>	
Chewaucan River	39.00	Chewaucan River	39.00
Remaining Goose and Summer Lakes Basin Streams	14.00	Remaining Goose and Summer Lakes Basin Streams	14.00
<b>Owyhee Basin</b>		<b>Owyhee Basin</b>	
Owyhee River	37.00	Owyhee River	37.00
Remaining Owyhee Basin Streams	12.00	Remaining Owyhee Basin Streams	12.00



Victor Atiyeh  
Governor

## *Environmental Quality Commission*

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

### MEMORANDUM

To: Environmental Quality Commission  
From: Director  
Subject: Agenda Item No. M, August 31, 1979, EQC Meeting

208 Nonpoint Source Project - Proposed Changes to Statewide  
Water Quality Management Plan, Volumes V and VI, approved  
November 17, 1978.

### Background

The 208 program has been brought before the Commission on several occasions. First, status reports were provided for the Commission at the April, 1977 and May, 1978 meetings. Second, the designation of the Metropolitan Wastewater Management Commission (Eugene area) to construct and operate a regional sewage treatment plant in Eugene was presented as an informational item at the July, 1977 meeting. Third, a proposed agreement between the Department of the Oregon State Forestry Department was presented as an informational item at the April, 1978 meeting. Fourth, the Governor's certification of 208 areawide plans was presented as an informational item at the July, 1978 meeting. Fifth, Volumes V, VI and VII of the Statewide Water Quality Management Plan were approved by the Commission at the November, 1978 meeting. Sixth, the 208 funded River Road/Santa Clara groundwater project has been brought before the Commission several times.

### Introduction

The Commission adopted the initial Statewide Water Quality Management Plan for Oregon in December, 1976. The plan was prepared over several years and emphasized the control of point sources of waste. The plan, as adopted, consisted of four volumes and supporting documents:



Contains  
Recycled  
Materials



- Volume I. Beneficial Uses, Policies, Standards and Treatment Criteria;
- Volume II. Presently Identified Needs and Proposed Action Program for Individual River Basins in Oregon 1976;
- Volume III. Narrative Summary;
- Volume IV. Summary of Testimony from Public Hearings:

Nineteen supporting basin planning documents.

At the December 20, 1976 meeting, the Commission took the following specific actions on the Statewide Water Quality Management Plan for Oregon: Volume I was adopted with some amendments as Administrative Rules to be incorporated into Subdivision 1 of Division 4 of OAR Chapter 340; Volumes II, III, IV and the supporting documents were approved along with one amendment to Volume III.

A few months prior to the December, 1976 adoption, the 208 Nonpoint Source Project was initiated. This project was viewed by the Department as the means for developing the initial nonpoint source elements of the overall statewide plan. In November, 1978, the Department presented to the Commission the work completed during the initial 208 planning project. At this meeting, the Commission approved three volumes and supporting documents as additions to the Statewide Water Quality Management Plan. These Volumes include:

- Volume V. Nonpoint Source Narrative Summary
- Volume VI. Nonpoint Source Action Program
- Volume VII. Summary of Public Involvement (1976-1978)

It was pointed out that these volumes were only the starting point for the development of a comprehensive nonpoint source control plan.

#### August 1979 Proposed Changes to Volumes V and VI

The Commission was advised at the November, 1978 meeting that a few of the supporting documents were in draft or proposed form. The Commission was further advised that there was some remaining work to be done on several plan elements, particularly the agricultural plan elements. The Department now proposes to make specified changes to Volumes V and VI. The following attachments show the proposed changes:

- Attachment 1, Summary of Changes Made
- Attachment 2, Volume V, Showing Changes
- Attachment 3, Volume VI, Showing Changes

The initial 208 planning project will be complete with Commission approval of the proposed changes to Volumes V and VI.

### Summation

1. The Commission adopted initial elements of the Statewide Water Quality Management Plan in December, 1976.
2. A project to develop initial nonpoint source plan elements was initiated in October, 1976.
3. A substantial public involvement program was undertaken as a part of the project.
4. The State's Water Quality Management Plan, as well as any additions or modifications, must be submitted to EPA for approval.
5. The Commission must approve the plan prior to submittal to EPA.
6. The additions to the State's plan; Volume V (nonpoint source narrative summary), Volume VI (nonpoint source action program), and Volume VII (summary of public involvement) were approved November, 1978.
7. The Department requests that the proposed changes to Volumes V and VI be approved.

### Director's Recommendation

1. Approve proposed changes to Volumes V and VI of the Statewide Water Quality Management Plan.
2. Authorize the Director to transmit Volumes V and VI to EPA together with the certification that these volumes are an official replacement to Volumes V and VI, approved November 17, 1978.

*Bill*

William H. Young

#### Attachments: 3

- Attachment 1, Summary of Changes Made
- Attachment 2, Volume V, Showing Changes
- Attachment 3, Volume VI, Showing Changes

Thomas J. Lucas:em  
229-5284  
August 14, 1979

SUMMARY OF CHANGES MADE

Changes in Volume V

- Cover. Date changed to August 1979
- Page 4. Reference is made to final agreements with the Department and the Bureau of Land Management and with the Department and the U.S. Forest Service. The Governor's designation of the federal agencies as management agencies is noted.
- Page 5. Reference to county ordinances and individual interagency agreements is eliminated. The State Soil and Water Conservation Commission is the proposed management agency for agriculture nonpoint source control statewide. This Commission will develop local agreements with Soil and Water Conservation Districts.
- Page 6. Reference to draft report is changed to final.
- Page 7-8. Reference was made to submittal of alternatives for management of agriculture to the 1979 Legislature. The wording is changed to reflect the Governor's decision to designate the State Soil and Water Conservation Commission as the management agency for control of agricultural nonpoint sources of pollution. Agreements between the Department and the State Soil and Water Conservation Commission are noted.
- Page 8. Will be complete is changed to is complete.
- Page 17. Wording is changed to reflect designation of BLM and USFS as management agencies.
- Page 19. Reference is now made to agreements between the Department and the State Soil and Water Conservation Commission. Reference to local management agencies is now eliminated. The State Soil and Water Conservation Commission will develop local agreements with Soil and Water Conservation Districts.
- Page 21. Reference is now made to agreements between the Department and the State Soil and Water Conservation Commission. Reference is also made to a designation of a local management agency for irrigation in Jackson County.
- Pages  
22-23 The Stream Corridor Management Section has been modified to show the development of a 208 plan for the Izee Area Upper South Fork John Day River.
- Page 22. Wording is changed to clarify that the identification of site specific best management practices was for three demonstration projects only.
- Page 36-41. Index. Various references are updated and new references added.

Changes In Volume VI

- Cover. Date changed to August 1979.
- Page i, Exhibit C. Proposed is eliminated, date is changed.
- Page i, Exhibit D. Proposed is eliminated, date is changed.
- Page ii, Exhibit E. Proposed agreement between Wasco County, the District and the Department is eliminated. It is replaced by a new agreement between the Department and the State Soil and Water Conservation Commission.
- Page ii, Exhibit F. The reference to agricultural management alternatives is eliminated. It is replaced by a new agreement between the Department and the State Soil and Water Conservation Commission.
- Page ii, Exhibit N. A new exhibit is added indicating Governor Straub's actions designating management agencies and certifying best management practices.
- Page ii, Exhibit O. New exhibit showing pertinent sections of Agriculture Water Quality Management Plan for Jackson County.
- Page iii, Exhibit P. New exhibit showing recommended best management practices for agriculture in the dryland wheat counties.
- Page iii, Exhibit Q. New exhibit showing generalized best management practices for stream corridor management.
- Page 2. Wording is changed to reflect signed agreements and designation of management agencies.
- Page 4. (Irrigated Cropland). Wording is changed to reflect completed and approved final plan.
- Pages 4-6. (Sediment Reduction). The wording is changed to reflect completed and certified best management practices. Implementation of the practices is the responsibility of the State Soil and Water Conservation Commission, through agreements with Soil and Water Conservation Districts.

Page 6. The section on a statewide agricultural program now reflects the Governor's decision to designate the State Soil and Water Conservation as the management agency. Agreements between the Department and the State Soil and Water Conservation Commission are referenced. The need to develop implementation agreements with Soil and Water Conservation Districts is noted.

Page 10. A new section is added to reflect the development of generalized best management practices to be used as guidelines for development of detailed and site specific stream corridor management plans. The identification of critical stream segments for detailed planning is noted.

In addition, a site specific 208 Plan was developed for the Lzee Area, Upper South Fork John Day River, Oregon.\*

\* This 208 Plan will be presented at the August 31, 1979 Environmental Quality Commission meeting by the State Soil and Water Conservation Commission.

ATTACHMENTS 2 AND 3 AND EXHIBITS TO THIS STAFF REPORT ARE TOO VOLUMINOUS TO DUPLICATE. IF YOU WISH A COPY, PLEASE CONTACT MR. TOM LUCAS OF THE DEPARTMENT'S WATER QUALITY DIVISION AT 229-5284 IN PORTLAND. ADDRESS: DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER QUALITY DIVISION, P. O. Box 1760, PORTLAND, OREGON 97207

A COPY OF THESE ATTACHMENTS WILL BE AVAILABLE AT THE AUGUST 31, 1979 EQC MEETING FOR INSPECTION.

ENVIRONMENTAL QUALITY COMMISSION

BREAKFAST MEETING

AUGUST 31, 1979

1. SUNRISE VILLAGE STATUS REPORT.
2. FORD MOTOR COMPANY REQUEST FOR RELAXATION OF 75 DBA STANDARD FOR 1982 CARS.
3. INTRODUCTION OF RODNEY BRIGGS, WATER QUALITY POLICY ADVISORY COMMITTEE CHAIRMAN.

*Young  
Sparks/Carol*

LUVAAS, COBB, RICHARDS & FRASER, P. C.

JOHN L. LUVAAS  
RALPH F. COBB  
JOE B. RICHARDS  
ROBERT H. FRASER  
PAUL D. CLAYTON  
DOUGLAS L. MCCOOL  
DAVID L. SHAW  
DENNIS W. PERCELL  
LAURA A. PARRISH

ATTORNEYS AT LAW  
777 HIGH STREET  
EUGENE, OREGON 97401  
MAILING ADDRESS  
P. O. BOX 10747  
EUGENE, OREGON 97440

TELEPHONE  
484-9292  
AREA CODE  
503

August 15, 1979

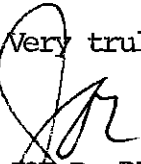
Mr. William H. Young, Director  
Department of Environmental Quality  
P. O. Box 1760  
Portland, Oregon 97207

Dear Bill:

Will you please put on the Breakfast Agenda Ron's August 9 letter on  
Ford's desire for 1982 model noise standard?

Thanks.

Very truly yours,



JOE B. RICHARDS

JBR:lm

cc: Ronald M. Somers, Esq.

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
AUG 17 1979  
OFFICE OF THE DIRECTOR





## STATE OF OREGON

## INTEROFFICE MEMO

8/31/79  
BreakfastEnvironmental Quality  
DEPT.382-6446  
TELEPHONE

TO: Environmental Quality Commission

FROM: Dick Nichols - DEQ Central Region

SUBJECT: SSSD - Sunrise Village  
Deschutes County

DATE: August 30, 1979

At the February 23, 1979 meeting of the Environmental Quality Commission, Sunrise Village, a planned unit development on the outskirts of Bend, was granted a six-month variance to Oregon Administrative Rule (OAR) 340-71-020(4). This regulation requires that a subsurface sewage disposal system, serving more than one lot or parcel, is to be under the control of a municipality, as defined in ORS 454.010. The six-month variance was granted with the understanding that Sunrise Village would form a sanitary district with the six-month variance period.

The six-month variance expired on August 23, 1979, and no sanitary district has been formed. The Deschutes County Commission held a hearing on August 21, 1979 to consider the matter, but was informed by the City of Bend Attorney that adequate notice had not been given for the hearing and the County Commission was forced to delay the hearing until September 11, 1979.

The City of Bend opposes formation of the sanitary district because it is inside the Bend Urban Growth Boundary, a portion of the district would be inside their Phase II sewer boundary, the city is in the process of annexing land that will be contiguous to Sunrise Village, and the sanitary district could pose future political problems over annexations, and other matters.

It is not known how the three ~~Commissioners~~ Deschutes County Commissioners view the proposed sanitary district.

All of the lots in Phase I of the development have been sold. A copy of the Department's comments to the Real Estate Division is attached. Construction has started on the community septic tanks and drainfields. (There are two systems.) Most, if not all, of the sewers have been laid. Plans for the system have been approved. Approval letters are attached. No construction has started on homes.

Per verbal agreement between William Young, Director of the Department, and Dick Nichols, Central Region Manager, the Department has not ordered that construction be halted at Sunrise Village, pending instructions from the Environmental Quality Commission.

cc:City of Bend - Art Johnson  
:Deschutes County Commission - Clay Shepard  
:W.H. Young, DEQ  
:F.M. Bolton, DEQ  
:H.L. Sawyer, DEQ

X

February 26, 1979

Sunrise Village  
2151 NE First Street  
Bend, OR 97701

SSSD - Sunrise Village  
Deschutes County

Attn: Mr. Tim Ward  
Vice President

Gentlemen:

We have reviewed the proposed plans for Phase I of Sunrise Village and have discussed them with Mr. Dave Williams of George Cook Engineering. In accordance with our discussion with Mr. Williams, we have only been concerned with the systems that will serve the A-line and H-line sewers.

The plans for the A-line system show a 10,913 gallon septic tank and the H-line plans show a 33,412 gallon tank. Each tank is followed by a dosing system using alternating pumps for dosing separate drainfields. Each A-line drainfield is sized at 2250 lineal feet, while each H-line drainfield is sized at 1500 lineal feet. The A-line system is designed to handle 29 lots with no proposed additions. The H-line system is designed to serve 19 initial Phase I lots with additions planned for later. The septic tank will be sized to handle the maximum anticipated flow on the H-line of 43,050 gallons. Plans for expansions to the H-line drainfield are to be submitted and reviewed by the Department as the project develops.

The plans are approved, subject to the February 23, 1979 letter from Fred Bolton and the following conditions:

1. The approval pertains to the A-line and H-line systems only.
2. The dosing tank shall be constructed to include those items listed in item 2 of our July 11, 1978 letter to George Cook Engineering, Inc.
3. As soon as a municipality is formed to control the sewerage facility, the facility must be ceded to that municipality. Documentation of this must be submitted to the Department.

Sunrise Village  
February 26, 1979  
Page Two

4. Within 30 days following completion of the sewerage facility, and prior to connection of any hose to the facility, Sunrise Village shall submit a certification by a registered professional engineer stating the facility was installed in accordance with approved plans.

Enclosed is a stamped copy of these plans. Please make these available to the installer so that he is aware of how the system must be constructed. If you have any questions on this, please contact me or Bob Free in this office.

Sincerely,

Richard J. Nichols  
Regional Manager

RJN:GMC  
Enclosure

cc: John Glover, Deschutes County  
Health Department  
George Cook Engineering, Inc.

August 16, 1979

Sunrise Village  
2151 NE 1st Street  
Bend, OR 97701

SSSD - Sunrise Village  
Deschutes County

Attn: Mr. Tim Ward

Gentlemen:

We have reviewed the revised plans for sewerage facilities to serve H and R sewer lines at Sunrise Village. The total number of units to be served are 34 condominium units and 33 single family dwelling lots.

The plans are approved, subject to the same conditions outlined in the previous plan approval letter dated February 26, 1979, and with the inclusion of the following items:

1. Each master distribution box shall be constructed to supply each secondary distribution box equally. Each secondary distribution box will equally serve four drainfield lines. Note: This will probably require adjusting the number of lines in the drainfields to 40 and 44, respectively.
2. Your engineers indicate that the drainlines will be installed in stages as each phase of the development is started. This is satisfactory, provided all of the secondary distribution boxes are installed initially. Those outlets from the main distribution box that feed into the unused secondary distribution boxes can be temporarily plugged.
3. A new permit must be obtained from Deschutes County when additional lines are installed.
4. The disposal trenches shall be no deeper than 36" inches. The drain pipe must be kept 10 feet apart and should be level. This may require that each field be staked before starting construction to assure that all lines can be accommodated in the desired area.

Sunrise Village  
August 16, 1979  
Page Two

As you know, construction and operation of the sewerage facilities at Sunrise Village are being permitted under a six months variance granted by the Environmental Quality Commission on February 23, 1979. This variance expires August 23, 1979. If a sanitary district or other form of municipality is not formed by that date to control the sewerage facility, we will order that further construction be suspended until the matter is resolved.

If you wish to discuss this matter further, please call me.

Sincerely,

Richard J. Nichols  
Regional Manager

RJN:dmc

cc:John Glover, Deschutes County  
Environmental Health  
:Gary Bradshaw, High Desert  
Engineering, Bend  
:Fred M. Bolton, DEQ  
:Water Quality Division, DEQ

X

APPLICATION TO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
FOR

EVALUATION REPORT OF SUITABILITY OF PROPOSED SEWAGE DISPOSAL

DESCRIPTION OF PARCEL (Attach a Plat or Map Showing All Sites as Exhibit A)

Section 12; Township 18; Range 11; County of \_\_\_\_\_, Oregon; Tax Lot \_\_\_\_\_  
Narrative Description: Sunrise Village - River Bluff Section Plat # 514 Replat  
Blk 2, Lot 1 - Blk 3, Lot 1 and Blks 5-15

PROPOSED USE OF PARCEL (RESIDENTIAL - OTHER (SPECIFY))

Residential

PRESENTLY DESIGNATED LAND USE, ZONING, AND NAME OF DESIGNATING AGENCY

Special Use Zone (Planned Development) Deschutes Co Planning Dept

PROPOSED METHOD OF SEWAGE DISPOSAL (Check one and Provide Requested Information)

EXISTING SEWERAGE SYSTEM (Fee: \$5 for one lot; \$10 for two or more lots)

(1) Parcel is located within the boundaries of and can be provided sewerage service by the following entity which owns and operates a sewerage system:

Name of Entity \_\_\_\_\_  
System Identification \_\_\_\_\_  
Address of Entity \_\_\_\_\_  
City, Zip Code \_\_\_\_\_

(2) Present status of sewers or sewer extensions to serve parcel:

- (a) Plans for sewers  have  have not been prepared.  
(b) Plans for sewers  have  have not been approved by DEQ.  
(c) Sewers  have  have not been installed.

(3) STATEMENT OF CERTIFICATION BY SEWERAGE SYSTEM OWNER (Separate statement may be attached if available).

As representative of the owner of the sewerage system named in (1) above, I hereby certify that sewerage service will be provided for the above described parcel, that said sewerage system has capacity to serve the parcel, and that the above information relative to the status of such sewerage service is correct to the best of my knowledge.

Signature of Representative \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

PROPOSED NEW SEWERAGE SYSTEM (Fee: \$5 for one lot; \$10 for two or more lots)

Has DEQ approved the proposed system previously in writing?  No  Yes, on \_\_\_\_\_ (date)  
Has DEQ issued a Waste Discharge Permit for the proposed system?  No  Yes, Permit No. \_\_\_\_\_

SUBSURFACE SEWAGE DISPOSAL SYSTEM (Fee: \$25 per lot)

Show location of proposed subsurface system or systems on the plat plan for each site which is attached as Exhibit A. For a subdivision of four or more sites, attach as Exhibit B:

1. A topographical map 2. Rates of slope data 3. Soils data 4. Water table data  
5. Drainage data (surface and subsurface) 6. Water supply source and distribution systems data 7. Existing subsurface sewage disposal systems location

Special Instruction:

DEQ and/or its contract agent must complete a site investigation before a report can be given. To facilitate such investigation, prepare two (2) backhoe test holes at least 5 ft. deep and approximately 75 ft. apart (at the same approximate ground surface elevation) at the site of each proposed system.

Test holes  have been prepared  will be prepared by Developer

I HAVE ATTACHED THE REQUIRED EXHIBITS AND FEE SPECIFIED IN THE INSTRUCTIONS AND ON THIS APPLICATION AND HEREBY REQUEST FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY A REPORT OF SUITABILITY OF THE ABOVE DESCRIBED METHOD OF SEWAGE DISPOSAL FOR THE ABOVE DESCRIBED PARCEL.

Name of Applicant Mammoth Lakes Corp. Signature of Applicant [Signature]  
Address of Applicant 2151 N.E. 1st St. Title V.P. Mammoth Lakes Corp.  
City, State, Zip Code Grand Ore. 97701 Phone: \_\_\_\_\_ Date 3-21-79

(FOR DEQ OR AGENT USE ONLY)

Comments and recommendations based on Subsurface Site Investigation by DEQ or Contract Agent:

The proposed site for a community drainfield system to serve Lot 1, Block 2; Lot 1, Block 3 and each lot in Blocks 5 thru 15 of this subdivision has been evaluated by a member of this department studies including but not limited to soil conditions, water table circumstances and topographical variations were conducted. It is the opinion of this department that it is feasible to install a septic tank and community drainfield to serve the above 35 lots.

DESCHUTES COUNTY DEPT. OF HEALTH

Deschutes County Courthouse Annex

Agent/DEQ DEQ CREGG 97701 Signature Jay E. Langley, E.S. Date March 21, 1979

Statement of DEQ or Agent Relative to Above Application

The above described method of sewage disposal is approved subject to the following conditions:

The above described method of sewage disposal is not approved for the following reasons:

No connection to the sewerage system shall be made until a certificate of satisfactory completion is issued by Deschutes County Department of Sanitation.

Plans for the sewerage system have been approved by DEQ, subject to the system coming under control of a municipality (as defined by ORS 454.010) by August 23, 1979.

Actual connection of each lot to the sewerage system shall not be made without obtaining, prior to any construction on said lot, a sewer connection permit from the sewerage system owner.

A sewerage system owner is not authorized to issue a connection permit if said sewerage system is not operating in compliance with the Department's sewage disposal regulations or will not have adequate capacity to serve said connection.

Agent/DEQ Reg. Mgr. Signature [Signature] Date 3-30-79  
For the Department of Environmental Quality

APPLICATION TO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
FOR

EVALUATION REPORT OF SUITABILITY OF PROPOSED SEWAGE DISPOSAL

DESCRIPTION OF PARCEL (Attach a Plat or Map Showing All Sites as Exhibit A)  
 Section 243 Township 18; Range 11; County of Deschutes Oregon; Tax Lot \_\_\_\_\_  
 Narrative Description: Ridge Bluff Community Drainfield  
(R-Line Drainfield # 1 & 2)

PROPOSED USE OF PARCEL (RESIDENTIAL) OTHER (SPECIFY) \_\_\_\_\_

PRESENTLY DESIGNATED LAND USE, ZONING, AND NAME OF DESIGNATING AGENCY  
R-5 Deschutes County

PROPOSED METHOD OF SEWAGE DISPOSAL (Check one and Provide Requested Information)

EXISTING SEWERAGE SYSTEM (Fee: \$5 for one lot; \$10 for two or more lots)

(1) Parcel is located within the boundaries of and can be provided sewerage service by the following entity which owns and operates a sewerage system:

Name of Entity \_\_\_\_\_  
 System Identification \_\_\_\_\_  
 Address of Entity \_\_\_\_\_  
 City, Zip Code \_\_\_\_\_

(2) Present status of sewers or sewer extensions to serve parcel:

(a) Plans for sewers  have  have not been prepared.  
 (b) Plans for sewers  have  have not been approved by DEQ.  
 (c) Sewers  have  have not been installed.

(3) STATEMENT OF CERTIFICATION BY SEWERAGE SYSTEM OWNER (Separate statement may be attached if available).

As representative of the owner of the sewerage system named in (1) above, I hereby certify that sewerage service will be provided for the above described parcel, that said sewerage system has capacity to serve the parcel, and that the above information relative to the status of such sewerage service is correct to the best of my knowledge.

Signature of Representative \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

PROPOSED NEW SEWERAGE SYSTEM (Fee: \$5 for one lot; \$10 for two or more lots)

Has DEQ approved the proposed system previously in writing?  No  Yes, on \_\_\_\_\_ (date)  
 Has DEQ issued a Waste Discharge Permit for the proposed system?  No  Yes, Permit No. \_\_\_\_\_

SUBSURFACE SEWAGE DISPOSAL SYSTEM (Fee: \$25 per lot)

Show location of proposed subsurface system or systems on the plat plan for each site which is attached as Exhibit A. For a subdivision of four or more sites, attach as Exhibit B:

1. A topographical map 2. Rates of slope data 3. Soils data 4. Water table data  
 5. Drainage data (surface and subsurface) 6. Water supply source and distribution systems data 7. Existing subsurface sewage disposal systems location

Special Instruction:

DEQ and/or its contract agent must complete a site investigation before a report can be given. To facilitate such investigation, prepare two (2) backhoe test holes at least 3 ft. deep and approximately 75 ft. apart (at the same approximate ground surface elevation) at the site of each proposed system.

Test holes  have been prepared  will be prepared by \_\_\_\_\_

I HAVE ATTACHED THE REQUIRED EXHIBITS AND FEE SPECIFIED IN THE INSTRUCTIONS AND ON THIS APPLICATION AND HEREBY REQUEST FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY A REPORT OF SUITABILITY OF THE ABOVE DESCRIBED METHOD OF SEWAGE DISPOSAL FOR THE ABOVE DESCRIBED PARCEL.

Name of Applicant Mammoth Lakes Corp Signature of Applicant [Signature]  
 Address of Applicant 2151 NE 1st Title \_\_\_\_\_  
 City, State, Zip Code Bend, OR, 97701 Phone: 382-7444 Date 6-15-79

(FOR DEQ OR AGENT USE ONLY)

Comments and recommendations based on Subsurface Site Investigation by DEQ or Contract Agent:

The proposed site for a community drainfield system to serve R-Line Drainfield Number 1 & 2 of this subdivision has been evaluated by a member of this department. Studies including but not limited to soil conditions, water table circumstances and topographical variations were conducted. It is the opinion of this department that it is feasible to install a septic tank and community drainfield to serve the above system.

DESCHUTES COUNTY DEPT. OF HEALTH  
 Deschutes County Courthouse Annex

Agent/DEQ [Signature] Signature John K. Glover, R.S. Date August 21, 1979

Statement of DEQ or Agent Relative to Above Application

The above described method of sewage disposal is approved subject to the following conditions:

The above described method of sewage disposal is not approved for the following reasons:

- No connection to the sewerage system shall be made until a certificate of satisfactory completion is issued by Deschutes County Department of Sanitation
- Plans for the sewerage system have been approved by DEQ, subject to the system coming under control of a municipality (as defined by ORS 454.010) by August 23, 1979.
- Actual connection of each lot to the sewerage system shall not be made without obtaining, prior to any construction on said lot, a sewer connection permit from the sewerage system owner.
- A sewerage system owner is not authorized to issue a connection permit if said sewerage system not operating in compliance with the Department's sewage disposal regulations or will not have adequate capacity to serve said connection.

Agent/DEQ [Signature] Signature [Signature] Date August 22, 1979  
 For the Department of Environmental Quality

THE TRIALS & TRIBULATIONS  
OF SUNRISE VILLAGE'S  
COMMUNITY SEWER SYSTEM



2151 N. E. FIRST STREET, BEND, OREGON 97701

- February 1977 The Deschutes County Planning Staff recommended cluster housing.
- February 1977 DEQ Representative John Borden indicated The Development was outside the Bend city sewer planning area and a community sewer system for for cluster housing was O.K.
- May 11, 1977 The Deschutes County Planning Staff approved The Development as a full service planned development including private water and sewer. There were no objections.
- December 13, 1977 The Deschutes County Planning Staff approved Plat 389 to include private water and sewer. There were no objections.
- April 18, 1978 The Deschutes County Planning Staff approved Plat 415 to include private water and sewer. There were no objections.
- June 2, 1978 The DEQ and County Sanitation Department approved soil conditions for the community sewer system.
- June 6, 1978 The DEQ Representative Richard Nichols withheld approving the community sewer system design plans pending the obtaining of a city sewer agreement making the system interim.
- June 22, 1978 The Deschutes County Planning Staff approved Plat 444 to include private water and sewer. There were no objections.
- June 26, 1978 The city of Bend denied The Development city sewer on the basis of lack of capacity, funding and The Developments being outside the cities Urban Service Boundary.
- July 11, 1978 DEQ Representative Jack Osborne approved The Developments community sewer plans subject to a number of technical changes and of a public agencies being formed to control the system.
- July 28, 1978 The Deschutes County Commission recorded Plat 389 on the condition that The Development be provided a community sewer.



THE TRIALS & TRIBULATIONS OF SUNRISE VILLAGE'S  
COMMUNITY SEWER SYSTEM

- October 12, 1978 DEQ Representative Richard Nichols reconsidered his city sewer agreement requirement but held to this position.
- November 29, 1978 DEQ Representatives William Young, Richard Nichols, and Harold Sawyer indicated, among other possibilities, that a sanitation district controlled community system for The Development would be agreeable to them provided LCDC wouldn't object.
- December 19, 1978 LCDC Representative Brent Lake indicated LCDC would not object to a private sewer district for The Developments community sewer system.
- January 9, 1979 DEQ Representative Richard Nichols in behalf of William Young, stated The Development could have a sanitation district controlled community sewer system provided the city of Bend didn't object. He went on to state, " We intend to encourage the County not to form a sanitary district until all reasonable attempts to reach agreement with the city have been exhausted."
- January 26, 1979 The EQC approved The Developments community sewer system independent of the city of Bends concurrence. The Development said it would seek to form a sanitation district rather than bond the system.
- January 1979 The Development submitted to the County a petition for formation of a sanitation district.
- February 23, 1979 The Development requested from EQC a variance from forming a sanitation district in deference of the city of Bends expressed distaste for special districts. The city of Bend and Deschutes County objected to the variance and Developments community sewer system. EQC granted The Development a 6 months variance in order to form a sanitary district.
- February 28, 1979 The city of Bend and Deschutes County drew a tentative sewer service boundary to include The Development.
- March 2, 1979 The Public Hearing was held on the formation of a sanitation district. The city of Bend objected on the grounds that The Development should be on city sewer and said district would set a precedence which would endanger the whole city sewer project. The Deschutes County Commission suspended proceedings pending the cities and Developments attempting to arrive at a solution.

THE TRIALS & TRIBULATIONS OF SUNRISE VILLAGE'S  
COMMUNITY SEWER SYSTEM

April 3, 1979

The city and Development met. The Development agreed to hook up to city sewer and water. The city said no city sewer for The Development unless The Development built a new water system meeting city standards. Meanwhile, if it's not feasible to provide sewer service to The Development, the city stated it would not object to The Developments being excluded from the tentative sewer service boundary.

May 1979

The city of Bend adopts policy prohibiting sewer service to Developments having water systems not meeting cities standards.

July 5, 1979

The Development requested the County Commission to resume the sanitation district hearing.

August 21, 1979

The second Public Hearing on the formation of a sanitation district was held. The city of Bend objected on the grounds that The Development should be on city sewer and that a sanitation district would be in competition with the city sewer. The hearing was continued to September 11, 1979 because the County had failed to publish public notice of the hearing.

August 21, 1979

Board of County Commissioners  
Courthouse  
Bend, Oregon

Dear Commissioners:

The purpose of this letter is to clarify some basic procedural facts involving development approvals under county ordinances while I was County Planning Director. If I were still in that position I would advise anyone as follows as I have done many times in the past.

In the development of the Subdivision Ordinance, the Citizens Advisory Committee reviewed various proposals on how to handle preliminary and final plat approvals which includes Planned Unit Developments. It was recognized that some time passes between these approvals and it is during this time that a subdivider must meet any conditions of approval placed on the preliminary plat of a subdivision on Planned Unit Development. The conditions of approval include the recommendations of the Subdivision Review Committee, the city within an urban area and the requirements of any state agencies that are in effect at that time.

The most important aspect of this procedure is the fact that meeting the conditions of preliminary plat approval constitutes final plat approval subject to the necessary certifications, posting of bonds, payment of taxes, etc. The background philosophy behind this procedure is that the public is protected by requiring the developer to meet the conditions of approval and in turn, the developer is assured that his investments and commitments are protected from the retroactive application of any new or changing rules.

Respectfully Submitted,

  
Lorin Morgan, Planning Consultant

cc: Sunrise Village

RECEIVED

MAR 19 1979

BOARD OF COMMISSIONERS  
BY ay [signature]

February 27, 1979

Board of Commissioners  
Deschutes County  
Bend, Oregon

Re: Sunrise Village sanitation district

Dear Commissioners:

I was a Deschutes County Commissioner during the period of time Sunrise Village underwent the legal planning processes of zone changes to full service planned unit development and preliminary and recorded plat approvals.

From the inception of the Sunrise Village development it was necessary for the developers to plan and give assurances for the providing of its own water supply and sewage disposal as neither facility was available from any other source.

The formation of a sanitation district to maintain and operate Sunrise Village's approved community sewer system can only be viewed as a practical, natural, and intended consequence of the developments approvals.

For these reasons and in the interest of preserving the integrity of County planning decisions, I strongly support the formation of a sanitary district for Sunrise Village.

Sincerely,

Bob Montgomery  
Bob Montgomery

August 16, 1979

Board of Commissioners  
Deschutes County  
Bend, OR 97701

Re: Sunrise Village sanitation district

Dear Commissioners:

The Sunrise Village development was planned and approved to have its own community sewer system while I was a Deschutes County Commissioner. I consider the formation of a sanitation district for the developments sewer system to be a desirable, operative component to the systems approvals.

Sincerley,

  
Donald Grubb

cc: Tim Ward  
Sunrise Village



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

July 9, 1979

Mr. John Hector, Program Manager  
Noise Pollution Control Section  
Department of Environmental Quality  
State of Oregon  
P.O. Box 1760  
Portland, OR 97207

Dear Mr. Hector:

A review of the facts leading to the Oregon Noise control regulation of cars and light trucks calling for a maximum sound level of 75 dB includes the following:

The Oregon Department of Environmental Quality (DEQ) originally proposed noise control regulations for new motor vehicles on May 15, 1974. A public hearing for the adoption of the proposal was held on June 21, 1974. Subsequently, the State of Oregon adopted a regulation requiring new passenger cars and light trucks to meet a maximum noise level of 75 dBA. The effective date for this level of regulation was originally set for January 1, 1979, deferred to January 1, 1981 and then deferred again to January 1, 1982.

General Motors Corporation has consistently maintained that the 75 dB wide-open-throttle requirement would not result in recognizable environmental improvement in most instances but would result in a more complex and costly motor vehicle. No evidence contrary to this position has been produced.

Recent GM studies predict a change of approximately 1 dB or less in the mean energy community sound level in Portland if all passenger cars and light trucks (80 dB) were replaced with vehicles meeting the 75 dB standard. This change would not be perceptible to the exposed population.

When the DEQ originally proposed and adopted the 75 dB noise standard, the impact of forthcoming Federal regulation on the automotive industry regarding fuel economy was not a consideration in the rulemaking process nor in representations made by General Motors. At that time, few could envision the changes that would finally be required of the automotive industry in order to meet new safety standards, exhaust emission standards, and the overwhelming priority for improved fuel economy.

Indeed, it was not until December 22, 1975, 1-1/2 years after Oregon set noise control standards, that the Federal government established fuel economy standards that have resulted in the most massive redesign program in automotive history. The Energy Act requires a corporate average fuel economy of 27.5 miles per gallon by 1985.

The rapid escalation in world petroleum prices and severe local shortages of fuel make it clear that our number one priority is to design more fuel efficient automobiles. We are doing this. We must also make these vehicles comply with Federal exhaust emission standards and safety standards which, in some cases, are counter-productive to fuel economy objectives.

We have evaluated the standard for noise control on passenger cars and light trucks very carefully. We have concluded that compliance with the present 80 dB WOT noise standard results in the production of quiet cars and trucks because vehicles built to this standard generate sound levels down in the range of 62-72 dB in actual service. This lower level results because this class of vehicles is very seldom driven at WOT.

On May 21, 1979 the United States EPA published a notice of availability of draft light vehicle noise emission test procedures (FRL 1229-8). This notice is the result of two years of testing and evaluation on the part of the EPA to develop a light vehicle test procedure which is representative of typical light vehicle operating conditions in urban communities.

The EPA commented in the notice as follows:

"The light vehicle noise measurement procedure in use in the United States by the automotive industry, and which has been adopted as the measurement standard for several State and local government regulations applicable to noise from light vehicles, is the Society of Automotive Engineers (SAE) J986a procedure. This procedure specifies the measurement of noise for full-throttle vehicle operation at speeds in excess of 30 mph. Full-throttle acceleration is not a typical mode of operation for most light vehicles, and hence is responsible for only a part of the noise impact received by urban communities from light vehicles. Further, vehicle operation surveys show that vehicles which are equally noisy when measured in accordance with the SAE J986a procedure do not necessarily contribute equally to community noise." (emphasis added)

The EPA clearly recognizes our position that the wide-open-throttle test adopted by Oregon and several other jurisdictions is not a good descriptor for regulatory purposes.

With regard to existing procedures, EPA states:

"Several methods have been developed and accepted for motor vehicle noise measurement. These methodologies as applicable to automobiles and light trucks are generally considered to be unsuitable for potential regulatory purposes since they are not representative of the way in which these vehicles are typically operated, and hence their noise impact on the community is not appropriately identified." (emphasis added)

We have concluded from our studies that adopting a 75 dB WOT standard would not result in a perceptible environmental improvement. Furthermore, a 75 dB standard would be expensive and could compromise fuel economy in some cases...an eventuality that is not in the best national interest.

The economics of designing and equipping special noise control packages for motor vehicles sold in Oregon does not seem to be prudent at this time in the face of all the other regulatory requirements as recited in the foregoing discussion. Further we judge it will be unacceptable to many consumers in Oregon to buy noise control packages particularly when they will have difficulty discerning the difference between a 75 dB vehicle and an 80 dB vehicle.

Therefore, it is our decision to continue our policy of designing our complete product line of passenger cars and light trucks to meet the 80 dB WOT noise standard.

Notwithstanding our objection to a 75 dB rule, many of our vehicles across the model line, will comply with the 75 dB Oregon requirement and will continue to be saleable in Oregon. It is also probable that many GM vehicles will exceed that standard in 1982; therefore, in compliance with Oregon law, such vehicles will be withheld from sale in Oregon at that time.

If a 75 dB WOT standard were in effect today, the impact on the 1979 model line would be severe. Fifty-eight percent of our passenger cars and seventy-two percent of our light trucks would not be saleable in a jurisdiction requiring that level of regulation. Representative but not all inclusive of GM vehicles that exceed this sound level at wide-open-throttle are:

- o Diesel engine powered automobiles and light trucks
- o Chevette with automatic transmission
- o Riviera - Eldorado - Toronado



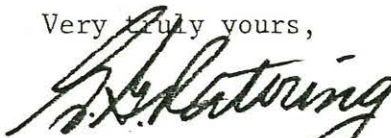
- o Malibu - Monte Carlo - Caprice - Cutlass - Delta with 5.7 L engine
- o Vans with 4.1 and 5.0 L engine
- o Four wheel drive vehicles
- o Pickup truck with 4.1, 5.0, and 7.4 L engine
- o Camaro - Firebird with 4.9, 5.7, and 6.6 L engine

The sound level of these vehicles in typical urban driving conditions ranges from 62 to 72 dB.

It is difficult to predict with accuracy what percentage of our motor vehicles will meet the 75 dB Oregon requirement in 1982 and subsequent years. Our product line is being redesigned to meet the national priority for fuel economy and until these new vehicles are tested, we cannot state, with precision, what the sound levels will be. Seventy-five decibels (75 dB) at wide open throttle will be difficult to achieve across the product line. It is predictable that more diesel-engine-powered vehicles, and more low-horsepower-to-weight-ratio vehicles will be in the product line. These vehicles are more difficult to treat for noise control. It is probable that many of these more fuel efficient automobiles and light trucks will be withheld from sale in compliance with Oregon law. Light trucks are designed to meet specific load-carrying requirements which govern selection of engines, transmission, and axle ratios, and tires. Certain of these combinations cannot be made to comply with 75 dB without the inclusion of such hardware as belly pans under the engine which results in higher cost and maintenance problems. We expect that many of these vehicles will be withheld from sale.

We are not ever pleased to withhold vehicles from sale because it is our business to sell cars and trucks, and that will continue to be our objective in Oregon. Please contact us if you have questions concerning the situation relative to noise control as we have outlined it in this letter.

Very truly yours,



E. G. Ratering, Director  
Product Noise Control and  
International Regulations

4BJG/522/spla



Dept. of Environmental Quality  
**RECEIVED**  
JUL 30 1979

Noise Pollution Control

Ford Motor Company  
Environmental and Safety  
Engineering Staff

The American Road  
Dearborn, Michigan 48121

July 25, 1979

Mr. John Hector, Program Manager  
Noise Pollution Control Section  
Department of Environmental Quality  
State of Oregon  
P.O. Box 1760  
Portland, Oregon 97207

Dear Mr. Hector:

On numerous occasions in recent years we have discussed with you our concerns about various vehicle noise related issues, including the previously deferred 75 dB(A) standard now effective for the 1982 models. Under the circumstances, it is considered unnecessary to trace the development of Oregon's vehicle noise regulations since you are completely knowledgeable about their evolution.

You may also recall our testimony in support of carrying over the 80 dB(A) noise limit which was entered into the record of the public hearing on September 9, 1978. Our position on the issues discussed at that time remains unchanged.

Since Oregon initiated regulation of the noise emissions of new vehicles, a number of concurrent U.S. and Canadian regulatory developments have taken place, including the following:

- a. On March 31, 1976, the U.S. Environmental Protection Agency EPA promulgated noise emission standards for new medium and heavy trucks over 10,000 lbs. GVWR, effective January 1, 1978.
- b. In December 1975, the U.S. Congress enacted the Energy Policy and Conservation Act which prescribes progressively tougher fuel economy standards for passenger cars and light trucks. These standards are depicted in Attachment I.
- c. In 1977, the U.S. Congress amended the Clean Air Act which now imposes even more stringent standards for evaporative and exhaust emissions than previously mandated, as shown by Attachment II.
- d. During recent years, the Federal Department of Transportation has imposed a number of increasingly stringent safety standards on motor vehicles including requirements for collapsible steering columns, passive restraints, occupant protection and braking performance.

- e. On October 28, 1975, Canada promulgated radio frequency interference (RFI) regulations for all motor vehicles with spark-ignition engines, effective with the 1977 model year. Incidentally, all of our domestic vehicles are designed to comply with these same regulations.

The cumulative effect of these U.S. and Canadian mandated regulatory actions has brought about the most massive redesign of our vehicles in the history of the automobile industry. In the meantime, fuel shortages have become commonplace and the price of gasoline has escalated about 60% over the past six months. Moreover, the President of the United States has called upon all of us to exert every effort to reduce automotive and other forms of energy consumption. In addition, re-invention of the automobile has been proposed by Department of Transportation Secretary Brock Adams to meet a potential 50 mpg standard. Until that comes about, however, we are at the cutting edge of presently available technology in designing our vehicles. Even if it were feasible to incorporate additional noise abatement hardware in the next generation of more fuel-efficient vehicles, the resultant increase in weight would penalize their fuel economy. It is against this backdrop of current events that we must advise you that any further reductions in light vehicle noise levels would be counter productive to the other national priorities set forth above.

All of our light vehicles are presently designed with the intent of complying with Oregon's wide open throttle (WOT) 80 dB(A) noise limit and many of them are even quieter. As a matter of fact, some of them already meet Oregon's WOT 75 dB(A) standard prescribed for the 1982 models. As a result, the projected noise level reduction of the balance of the light vehicles to Oregon's WOT 75 dB(A) standard would be imperceptible to the general public in urban communities such as Portland. For example, our projections indicate that replacing all of the 80 dB(A) light vehicles with their 75 dB(A) counterparts over the next decade would result in an estimated incremental reduction in community noise levels of less than 0.1 dB(A) per year. On the other hand, people are unable to discriminate noise levels in steps finer than about 5 dB(A)\* according to most noise rating schemes. Hence, only illusory benefits would result from implementing the WOT 75 dB(A) standard which could be expected to annually cost Oregon purchasers of new light vehicles over \$18 million based on Ford estimates.\*\* Similarly, these same purchasers of new light vehicles would be unnecessarily spending upwards of \$180 million over the next decade for an imperceptible difference in urban sound levels.

---

\*Background Document for Product Noise Labeling, General Provisions, Prepared by U.S. EPA Office of Noise Abatement and Control, dated April, 1977, P. 4-24.

\*\*Based on the following assumptions: Oregon 1978 registrations of 122,369 new cars and 63,405 new light trucks; Ford retail price equivalents (RPE's) for additional noise abatement of \$73 for cars and \$149 for light trucks; and 1980 economics. Of course, the RPE's of other manufacturers could be higher or lower which could increase or decrease these estimates.

The WOT sound levels of passenger cars and light, medium and heavy trucks have already been substantially reduced over the past ten years, and their overall sound levels will continue to be reduced as the new quieter models progressively replace the older noisier models on the road. For example, the sound levels of uncontrolled 1969 and older model vehicles averaged about 88 dB(A). The 1971/72 model light vehicles were subsequently reduced to 86 dB(A), the 1973/74 models to 84 dB(A), and the 1975 and later models to 80 dB(A). Moreover, our projections indicate that the resultant sound level reduction of the composite fleet of vehicles as measured on the A-weighted logarithmic scale already equates to a decrease of almost 70 percent in terms of sound power. Assuming that near-term vehicle sales volumes remain relatively constant, the additional benefits derived from the WOT sound level reductions already accomplished will not be fully realized until the newer models replace the older models in another five or six years. In view of significant reductions already accomplished, we do not believe any justification exists for the more stringent WOT 75 dB(A) standard now on the books.

As you know, the EPA published a notice in the Federal Register, dated May 21, 1979, indicating the availability of its proposed light vehicle noise test procedure along with the supporting documentation. According to the EPA sponsored studies, light vehicles are seldom driven in the WOT mode of operation in the urban community. Hence, it became necessary to develop a new part-throttle acceleration test procedure which better simulates the way light vehicles are driven and generate noise in the urban community. Despite the alleged advantages claimed for the Agency's proposed test procedure which is still in the developmental stage, we believe that the Oregon type of WOT noise test procedure offers significant benefits for regulatory purposes. In contrast to any of the proposed part-throttle test procedures, the WOT test procedure is simple to perform, involves the use of commercially available instrumentation, can be completed in about one-third of the time and provides repeatable results. Moreover, compliance with the WOT 80 dB(A) standard has resulted in reasonably correlateable reductions in sound levels as measured during part-throttle acceleration.

According to EPA urban test results on a small sample of Ford vehicles, for example, the sound levels of the passenger cars ranged from 60.3 to 67 dB(A) and the light trucks ranged from 68.2 to 70.7 dB(A). From these data, it should be evident that those Ford vehicles that lend themselves to noise abatement treatment have already been quieted to levels that represent neither an annoyance problem nor a health problem. Moreover, we see very little likelihood that the next generation of smaller lighter vehicles designed to comply with the above Federally mandated requirements can be cost beneficially adapted to further noise reduction.

July 25, 1979

Under the circumstances described above, we may very well have to restrict our product offerings in Oregon unless some relief is forthcoming from compliance with the WOT 75 dB(A) standard now on the books for the 1982 models. Based on our analysis of the sound levels of the projected mix of 1980 models, only 35-40% of our passenger cars and 15-20% of our light trucks would be offered for sale in Oregon. Of course, we are unable to predict with certainty that the sales volumes of the 1982 models and their sound levels will duplicate those of the 1980 models used in this simulation. In any case, we would like to avoid restricting the availability of Ford vehicles in any particular geographic location but such action may be necessary if we are unable to satisfactorily resolve this issue.

We solicit your thoughtful and careful consideration of our request for administrative relief from the 1982 WOT 75 dB(A) standard and strongly endorse indefinitely carrying over the present 80 dB(A) standard for light vehicles. If we can be of further assistance in your evaluation of this very important issue, please call Mr. John Damian at (313)322-0450 or myself at (313)322-4328. Your timely response will be appreciated.

Sincerely,



W. E. Schwieder

Attachments

jr

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

U.S. DEPARTMENT OF TRANSPORTATION (DOT)

FUEL ECONOMY

	EPA M-H (MPG), 50-State, CAFE Standards <sup>a/</sup>							
	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
<u>Passenger Cars</u>	18.0	19.0	20.0	22.0	24.0	26.0	27.0	27.5 <sup>b/</sup>
<u>Cumulative Improvement</u> <sup>c/</sup>	29%	36%	43%	57%	71%	86%	93%	96%
<u>Light Trucks -4x2</u> (0-8500# GVW)-4x4	N.R.	17.2 <sup>d/</sup>	16.0	17.2 <sup>f/</sup>	These MPG levels are still under consideration by DOT			
	N.R.	15.8 <sup>e/</sup>	14.0	15.5 <sup>f/</sup>				

Notes:

- a/ Corporation Average Fuel Economy (CAFE)
- b/ Congressional review is required for levels less than 26.0 mpg and more than 27.5 mpg
- c/ Indicates cumulative improvement over the 1974 base of 14.0 mpg for the automotive industry.
- d/ Includes all 0-6000# light trucks (4x2, 4x4 and unlimited captive imports).
- e/ Applies only to Jeep-type vehicles.
- f/ Includes 0.5 mpg for slippery oil. These will be reduced 0.5 mpg if EPA does not approve use of slippery oil by January 1, 1980

Passenger Cars:

- The domestic fleet CAFE calculation for Ford can include imports only through the 1979 model year.
- CAFE standards through 1980 may be adjusted by DOT under certain conditions to offset penalty of new safety, damageability, emissions and noise requirements but no adjustment has been granted.
- NHTSA advance proposal for 1986-88 CAFE standards is expected to be published in 1981; proposed standards through 1990 are expected to be published in 1983.

Trucks:

- The domestic fleet CAFE calculation excludes imports from 1980 and beyond.
- NHTSA is expected to establish 1982-84 standards in late 1979 or early 1980, 1984-86 standards in 1980, and 1986-88 standards in 1982.
- DOT has authority to impose fuel economy standards for trucks having a GVW up to 10,000 lbs. based on certain findings.

## U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

## PASSENGER CAR FEDERAL EMISSION STANDARDS

	Exhaust Emission Standards (gm/mile)								
	1978	1979	1980	1981	1982	1983	1984	1985	
HC	1.5	→	.41	→					→
CO	15.0	→	7.0	3.4 <sup>a/</sup>	→				→
NOx	2.0	→		1.0 <sup>b/</sup>	→			.04 <sup>b/</sup>	
Evaporative Emissions SHED (gm/test)	6.0	→		2.0 <sup>c/</sup>	→				
Diesel particulate standards				0.6 <sup>d/</sup>	→	0.2 <sup>d/</sup>	→		

Notes:

a/ A two-year waiver to 7.0 gm/mi is possible

b/ 0.4 NOx is a "research objective."

c/ Assumes no background allowance for 4K and 50K and no line-crossing.

d/ EPA's proposed limits.

Comments:

Unlike the moveable nature of fuel economy standards, the numerical level of passenger car standards will probably stabilize during the 1980's. However, other changes now under consideration by EPA concerning warranty requirements, in-use emission performance, production testing and restrictions on presently unregulated emittants will become increasingly important and could effectively increase the stringency of emission standards.

RONALD M. SOMERS  
ATTORNEY AT LAW  
106 E. FOURTH STREET  
THE DALLES, OREGON  
97058

P. O. BOX 618  
PHONE 296-2181

August 9, 1979

CITY MANAGERS OFFICE  
AUG 13 1979  
A M 7 8 9 10 11 12 1 2 3 4 5 P M

Mr. Joe Richards, Chairman  
Environmental Quality Commission  
777 High Street  
Eugene, Oregon 97401

Dear Joe:

I received a copy of the enclosed letter which apparently was sent to John dated July 25, 1979 from the Ford Motor Company. This copy came to me from our local Ford dealer, Ray Schultens. I am wondering if we should consider this as a request for a rule change and if so, wonder if we would like to discuss this at the breakfast meeting at the end of the month as to how we should treat this letter. Perhaps Mr. Schultens could be present and discuss with us what the intention of the Ford Motor Company is.

I found the letter most illuminating and did not realize the industry had such goals.

Please let me know your thoughts on this matter.

Very truly yours,

  
Ronald M. Somers

RMS:mz

Enclosure

cc: Honorable Albert H. Densmore  
Medford City Hall  
411 West 8th  
Medford, Oregon 97501 ✓

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

cc: Mr. John Hector, Program Manager  
cc: Mr. Fred Burgess





Ford Motor Company  
Environmental and Safety  
Engineering Staff

The American Road  
Dearborn, Michigan 48121

July 25, 1979

Mr. John Hector, Program Manager  
Noise Pollution Control Section  
Department of Environmental Quality  
State of Oregon  
P.O. Box 1760  
Portland, Oregon 97207

Dear Mr. Hector:

On numerous occasions in recent years we have discussed with you our concerns about various vehicle noise related issues, including the previously deferred 75 dB(A) standard now effective for the 1982 models. Under the circumstances, it is considered unnecessary to trace the development of Oregon's vehicle noise regulations since you are completely knowledgeable about their evolution.

You may also recall our testimony in support of carrying over the 80 dB(A) noise limit which was entered into the record of the public hearing on September 9, 1978. Our position on the issues discussed at that time remains unchanged.

Since Oregon initiated regulation of the noise emissions of new vehicles, a number of concurrent U.S. and Canadian regulatory developments have taken place, including the following:

- a. On March 31, 1976, the U.S. Environmental Protection Agency EPA promulgated noise emission standards for new medium and heavy trucks over 10,000 lbs. GVWR, effective January 1, 1978.
- b. In December 1975, the U.S. Congress enacted the Energy Policy and Conservation Act which prescribes progressively tougher fuel economy standards for passenger cars and light trucks. These standards are depicted in Attachment I.
- c. In 1977, the U.S. Congress amended the Clean Air Act which now imposes even more stringent standards for evaporative and exhaust emissions than previously mandated, as shown by Attachment II.
- d. During recent years, the Federal Department of Transportation has imposed a number of increasingly stringent safety standards on motor vehicles including requirements for collapsible steering columns, passive restraints, occupant protection and braking performance.

- e. On October 28, 1975, Canada promulgated radio frequency interference (RFI) regulations for all motor vehicles with spark-ignition engines, effective with the 1977 model year. Incidentally, all of our domestic vehicles are designed to comply with these same regulations.

The cumulative effect of these U.S. and Canadian mandated regulatory actions has brought about the most massive redesign of our vehicles in the history of the automobile industry. In the meantime, fuel shortages have become commonplace and the price of gasoline has escalated about 60% over the past six months. Moreover, the President of the United States has called upon all of us to exert every effort to reduce automotive and other forms of energy consumption. In addition, re-invention of the automobile has been proposed by Department of Transportation Secretary Brock Adams to meet a potential 50 mpg standard. Until that comes about, however, we are at the cutting edge of presently available technology in designing our vehicles. Even if it were feasible to incorporate additional noise abatement hardware in the next generation of more fuel-efficient vehicles, the resultant increase in weight would penalize their fuel economy. It is against this backdrop of current events that we must advise you that any further reductions in light vehicle noise levels would be counter productive to the other national priorities set forth above.

All of our light vehicles are presently designed with the intent of complying with Oregon's wide open throttle (WOT) 80 dB(A) noise limit and many of them are even quieter. As a matter of fact, some of them already meet Oregon's WOT 75 dB(A) standard prescribed for the 1982 models. As a result, the projected noise level reduction of the balance of the light vehicles to Oregon's WOT 75 dB(A) standard would be imperceptible to the general public in urban communities such as Portland. For example, our projections indicate that replacing all of the 80 dB(A) light vehicles with their 75 dB(A) counterparts over the next decade would result in an estimated incremental reduction in community noise levels of less than 0.1 dB(A) per year. On the other hand, people are unable to discriminate noise levels in steps finer than about 5 dB(A)\* according to most noise rating schemes. Hence, only illusory benefits would result from implementing the WOT 75 dB(A) standard which could be expected to annually cost Oregon purchasers of new light vehicles over \$18 million based on Ford estimates.\*\* Similarly, these same purchasers of new light vehicles would be unnecessarily spending upwards of \$180 million over the next decade for an imperceptible difference in urban sound levels.

\*Background Document for Product Noise Labeling, General Provisions, Prepared by U.S. EPA Office of Noise Abatement and Control, dated April, 1977, P. 4-24.

\*\*Based on the following assumptions: Oregon 1978 registrations of 122,369 new cars and 63,405 new light trucks; Ford retail price equivalents (RPE's) for additional noise abatement of \$73 for cars and \$149 for light trucks; and 1980 economics. Of course, the RPE's of other manufacturers could be higher or lower which could increase or decrease these estimates.

The WOT sound levels of passenger cars and light, medium and heavy trucks have already been substantially reduced over the past ten years, and their overall sound levels will continue to be reduced as the new quieter models progressively replace the older noisier models on the road. For example, the sound levels of uncontrolled 1969 and older model vehicles averaged about 88 dB(A). The 1971/72 model light vehicles were subsequently reduced to 86 dB(A), the 1973/74 models to 84 dB(A), and the 1975 and later models to 80 dB(A). Moreover, our projections indicate that the resultant sound level reduction of the composite fleet of vehicles as measured on the A-weighted logarithmic scale already equates to a decrease of almost 70 percent in terms of sound power. Assuming that near-term vehicle sales volumes remain relatively constant, the additional benefits derived from the WOT sound level reductions already accomplished will not be fully realized until the newer models replace the older models in another five or six years. In view of significant reductions already accomplished, we do not believe any justification exists for the more stringent WOT 75 dB(A) standard now on the books.

As you know, the EPA published a notice in the Federal Register, dated May 21, 1979, indicating the availability of its proposed light vehicle noise test procedure along with the supporting documentation. According to the EPA sponsored studies, light vehicles are seldom driven in the WOT mode of operation in the urban community. Hence, it became necessary to develop a new part-throttle acceleration test procedure which better simulates the way light vehicles are driven and generate noise in the urban community. Despite the alleged advantages claimed for the Agency's proposed test procedure which is still in the developmental stage, we believe that the Oregon type of WOT noise test procedure offers significant benefits for regulatory purposes. In contrast to any of the proposed part-throttle test procedures, the WOT test procedure is simple to perform, involves the use of commercially available instrumentation, can be completed in about one-third of the time and provides repeatable results. Moreover, compliance with the WOT 80 dB(A) standard has resulted in reasonably correlateable reductions in sound levels as measured during part-throttle acceleration.

According to EPA urban test results on a small sample of Ford vehicles, for example, the sound levels of the passenger cars ranged from 60.3 to 67 dB(A) and the light trucks ranged from 68.2 to 70.7 dB(A). From these data, it should be evident that those Ford vehicles that lend themselves to noise abatement treatment have already been quieted to levels that represent neither an annoyance problem nor a health problem. Moreover, we see very little likelihood that the next generation of smaller lighter vehicles designed to comply with the above Federally mandated requirements can be cost beneficially adapted to further noise reduction.

Mr. John Hector

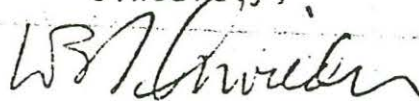
-4-

July 25, 1979

Under the circumstances described above, we may very well have to restrict our product offerings in Oregon unless some relief is forthcoming from compliance with the WOT 75 dB(A) standard now on the books for the 1982 models. Based on our analysis of the sound levels of the projected mix of 1980 models, only 35-40% of our passenger cars and 15-20% of our light trucks would be offered for sale in Oregon. Of course, we are unable to predict with certainty that the sales volumes of the 1982 models and their sound levels will duplicate those of the 1980 models used in this simulation. In any case, we would like to avoid restricting the availability of Ford vehicles in any particular geographic location but such action may be necessary if we are unable to satisfactorily resolve this issue.

We solicit your thoughtful and careful consideration of our request for administrative relief from the 1982 WOT 75 dB(A) standard and strongly endorse indefinitely carrying over the present 80 dB(A) standard for light vehicles. If we can be of further assistance in your evaluation of this very important issue, please call Mr. John Damian at (313)322-0450 or myself at (313)322-4328. Your timely response will be appreciated.

Sincerely,



W. E. Schwieder

Attachments

jr

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

## U.S. DEPARTMENT OF TRANSPORTATION (DOT)

FUEL ECONOMY

	EPA M-H (MPG), 50-State, CAFE Standards <sup>a/</sup>							
	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
<u>Passenger Cars</u>	18.0	19.0	20.0	22.0	24.0	26.0	27.0	27.5 <sup>b/</sup>
<u>Cumulative Improvement</u> <sup>c/</sup>	29%	36%	43%	57%	71%	86%	93%	96%
<u>Light Trucks -4x2</u>	N.R.	17.2 <sup>d/</sup>	16.0	17.2 <sup>f/</sup>	These MPG levels are still under consideration by DOT			
<u>(0-8500# GVW)-4x4</u>	N.R.	15.8 <sup>e/</sup>	14.0	15.5 <sup>f/</sup>				

Notes:

- a/ Corporation Average Fuel Economy (CAFE)
- b/ Congressional review is required for levels less than 26.0 mpg and more than 27.5 mpg
- c/ Indicates cumulative improvement over the 1974 base of 14.0 mpg for the automotive industry.
- d/ Includes all 0-6000# light trucks (4x2, 4x4 and unlimited captive imports).
- e/ Applies only to Jeep-type vehicles.
- f/ Includes 0.5 mpg for slippery oil. These will be reduced 0.5 mpg if EPA does not approve use of slippery oil by January 1, 1980

Passenger Cars:

- The domestic fleet CAFE calculation for Ford can include imports only through the 1979 model year.
- CAFE standards through 1980 may be adjusted by DOT under certain conditions to offset penalty of new safety, damageability, emissions and noise requirements but no adjustment has been granted.
- NHTSA advance proposal for 1986-88 CAFE standards is expected to be published in 1981; proposed standards through 1990 are expected to be published in 1983.

Trucks:

- The domestic fleet CAFE calculation excludes imports from 1980 and beyond.
- NHTSA is expected to establish 1982-84 standards in late 1979 or early 1980, 1984-86 standards in 1980, and 1986-88 standards in 1982.
- DOT has authority to impose fuel economy standards for trucks having a GVW up to 10,000 lbs. based on certain findings.

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)  
PASSENGER CAR FEDERAL EMISSION STANDARDS

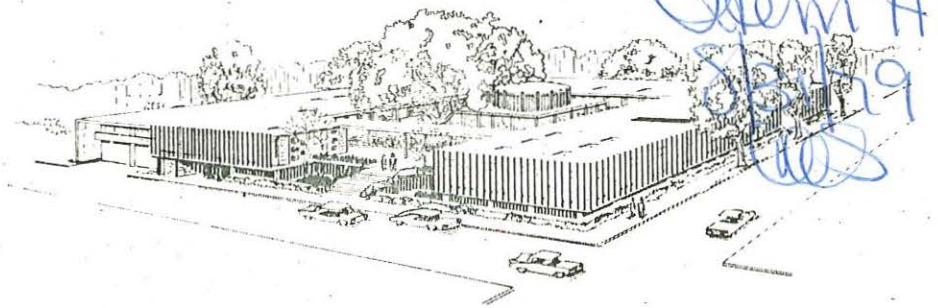
	Exhaust Emission Standards (gm/mile)								
	1978	1979	1980	1981	1982	1983	1984	1985	
HC	1.5	→	.41	→					→
CO	15.0	→	7.0	3.4 <sup>a/</sup>	→				→
NOx	2.0	→		1.0 <sup>b/</sup>	→			.04 <sup>b/</sup>	
Evaporative Emissions SHED (gm/test)	6.0	→		2.0 <sup>c/</sup>	→				
Diesel particulate standards				0.6 <sup>d/</sup>	→	0.2 <sup>d/</sup>	→		

Notes:

- a/ A two-year waiver to 7.0 gm/mi is possible
- b/ 0.4 NOx is a "research objective."
- c/ Assumes no background allowance for 4K and 50K and no line-crossing.
- d/ EPA's proposed limits.

Comments:

Unlike the moveable nature of fuel economy standards, the numerical level of passenger car standards will probably stabilize during the 1980's. However, other changes now under consideration by EPA concerning warranty requirements, in-use emission performance, production testing and restrictions on presently unregulated emittants will become increasingly important and could effectively increase the stringency of emission standards.



CIVIL DEPARTMENT ————— 101 EAST BROADWAY, SUITE 401 ————— 503/687-5080  
EUGENE, OREGON 97401

M E M O R A N D U M

To : Environmental Quality Commission  
From: City of Eugene  
Re : Proposed Rule Changes on Ignition Methods  
Date: August 30, 1979

At its August 6, 1979, meeting the Commission adopted temporary rules to require the use of striplighting on annual crops and perimeter lighting on perennials as requested by the City of Eugene. An exception to this requirement, not suggested by the City, was provided when the mixing height is greater than 5000 feet. Subsequent analysis and consultations with Oregon Seed Council representatives reveals that there is a strong likelihood of grower resistance to this rule. And the City is concerned with encouragement of perimeter burning and striplighting as well as the mixing height exception to such ignition techniques.

We believe that a modification of the August 6 rule would better facilitate the use of these ignition techniques and demonstrate to the seed growers our recognition of their needs and willingness to cooperate with them. This rule change, in turn, will afford equal protection to Eugene residents as the former rule.

It is proposed that:

1. The definition of "perimeter burning" be changed to distinguish this technique from "regular headfire burning" which is separately defined;
2. Perimeter burning be required on all dry fields with no severe fire hazards and where striplighting is not mandated;
3. Striplighting be required on all annuals after the rainfall prohibition is exercised and where fluffing has not occurred or where plume rise over 3500 feet will not occur; and
4. Regular headfire burning be allowed on fields where a severe fire hazard exists. A severe fire hazard would exist where there is adjacent and vulnerable timber, brush, or buildings. The determination of such a hazard is probably best left to the individual farmer although later rules could be written should this discretion be exercised arbitrarily.

The specific rule changes are detailed in the attachment to this memorandum. These changes are agreed to by representatives of the Oregon Seed Council and the City of Eugene.

Respectfully submitted,

JOHNSON, HARRANG & MERCER  
CITY ATTORNEYS

  
Timothy J. Sercombe

TJS:jlb  
Attachment



IGNITION TECHNIQUE RULE CHANGES

1. O.A.R. 26-005(18) is amended to read:

"'Perimeter Burning' means a method of burning fields in which all sides of the field are ignited as rapidly as practicable in order to maximize plume rise. Little or no preparatory backfire burning shall be done."

2. O.A.R. 26-005(19) through 26-005(27) are renumbered to be O.A.R. 26-005(20) through 26-005(28) respectively, and a new O.A.R. 26-005(19) is added to read:

"'Regular Headfire Burning' means a method of burning fields in which substantial preparatory backfiring is done prior to ignition of the upwind side of the field."

3. O.A.R. 26-015(4)(e) is amended to read:

"(e) Restrictions on burning techniques.

- (A) The Department shall require the use of into-the-wind striplighting on annual grass seed and cereal crop fields when fuel conditions or atmospheric conditions are such that use of into-the-wind striplighting would reduce smoke effects, and specifically the Department shall require such use when,
- i) Burning occurs shortly after restrictions on burning due to rainfall have been lifted or when the fields to be burned are wet; or
  - ii) It is estimated that plume rise over 3500 feet will not occur.
- (B) The Department shall require the use of perimeter burning on all dry fields where no severe fire hazard conditions exist and where striplighting is not required. 'Severe fire hazards' for purposes of this subsection means where adjacent and vulnerable timber, brush, or buildings exist next to the field to be burned.
- (C) The Department shall require regular headfire burning on all fields where a severe fire hazard exists."

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101



REPLY TO  
ATTN OF:

M/S 629

RECEIVED  
AUG 23 1979

Control Office

AUG 20 1979

Honorable Victor Atiyeh  
Governor  
State of Oregon  
Salem, Oregon 97301

Dear Governor Atiyeh:

It appears on the basis of informal accounts that I have received that substantial progress is being made by your office and others in Oregon to resolve differences over regulation of this year's field burning activity. My purpose here -- in addition to commending you and the other people involved -- is to ask for official notification of where things stand and, in the meantime, to give you EPA's view based on the unofficial accounts we have received.

First, we understand that the following steps have been taken:

1. With references to Section 110(g) of the Federal Clean Air Act and to provisions of state law which are a part of the current Oregon State Implementation Plan (SIP), you issued an executive order on July 31, 1979 suspending the current SIP regulations governing field burning and directing the Department of Environmental Quality to institute alternative requirements for 1979 field burning.
2. The State of Oregon Environmental Quality Commission (EQC) met on Monday August 6, 1979 and, after consultation with the City of Eugene, the seed growers, and the DEQ staff, adopted temporary or emergency rule changes applicable to the balance of this year's burning activity.

*Atiyeh's view*

We feel that the most orderly resolution of this matter will be achieved by the course of action being taken through the EQC. We have already recommended to DEQ that the July 24th notice announcing a public hearing for August 31 be amplified if and to the extent necessary to allow the state to consider incorporation of the EQC's recent rulemaking actions into the proposed SIP revision currently pending before EPA. We also believe that such an augmented notice

could provide a basis for the state to react to matters raised by EPA in its July 27, 1979 Notice of Proposed Rulemaking, copies of which have been provided to the DEQ.

In light of your success to date and with continued progress on the SIP revision, I would not anticipate the need to pursue any further the Notice of Violation issued on July 17 as long as field burning is conducted in accord with the terms of the pending SIP revision, as amended by the EQC on Monday.

Based on the foregoing, we see no need for the state to place any reliance on Section 110(g) as a basis for your executive order. Elimination of the reference to Section 110(g) would eliminate any need for the State to officially notify EPA of its attempted use of Section 110(g) and for EPA to evaluate the procedural and substantive merit of the 110(g) action. However, if you determine that it is necessary to retain your reference to 110(g), it is requested that the order be formally submitted together with appropriate justification so that we can review its procedural and substantive merit.

Our understanding of ORS 468.475 at the time it was approved as a part of the Oregon SIP was that it would have limited use which would not result in any significant increase in emissions over the nominal SIP allowance. The exercise of that authority in this case appears to be of greater magnitude than we envisioned. This is a matter I feel we should clarify in the future, but I am not proposing any action on it at this time, since it would divert our attention from the pending SIP revision.

Again, I congratulate you for your effort in this matter and look forward to your response.

Sincerely,



Donald P. Dubois  
Regional Administrator



Victor Atiyeh  
Governor

## *Environmental Quality Commission*

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

Aug 79

### MEMORANDUM

To: Environmental Quality Commission

From: Director

Subject: Work Program for the Development of Offsets  
for Increased Field Burning Emissions  
(Revised-August 9, 1979)

### Background

At the May 25, 1979, Environmental Quality Commission meeting, the Commission considered a petition requesting the promulgation of new rules to require offsets for increased field burning emissions allowed by the passage of Senate Bill 472A. The Commission subsequently denied the petition and directed the staff to pursue the identification of potential emission offsets, their costs, and the equity of the various alternatives. The EQC further adopted a policy statement (a) requesting that a work schedule be presented by no later than August 1, 1979, describing the major tasks to be accomplished. A work schedule was so prepared. The schedule called for the submission of a State Implementation Plan revision to the Environmental Protection Agency in April, 1980. Subsequent to preparing of the work schedule EPA and the EQC have indicated a desire to submit the SIP revision no later than January, 1980, in order to insure adequate time for EPA revision and action before the 1980 burn season. The revised report has been prepared to respond to the wishes of the Commission and EPA.

### Work Plan Overview

The identification of emission offsets that may be needed to meet attainment plans and Prevention of Significant Deterioration (PSD) regulations requires the completion of the five steps listed below:



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Materials

1. Clarification of current Offset and Prevention of Significant Deterioration rules in relation to field burning

As noted in the May report to the Commission, the interpretation of current Environmental Protection Agency Offset and PSD regulations is clouded by the fact that the regulations were written to reflect operating characteristics of major industrial stationary sources. Several issues will need to be legally clarified at an early stage of the program. This is particularly important in light of recent Federal Court rulings that will cause further changes in the program. The results of this work will be most important to the conduct of the remaining tasks and will be conducted in the same depth as previously proposed.

2. Offset/PSD Impact Analysis

An estimate of the increased emissions and twenty-four hour particulate PSD increments and non-attainment area impact will be made to determine the level of mitigation required. The analysis will outline the alternative scenarios available. Due to the limited time available, the detailed analysis included in the earlier workplan cannot be completed.

3. Identification of Potential Offsets

If warranted by the Offset/PSD analysis, the Department will proceed with gathering information on potential offsets from those major permit holders within the Willamette Valley which appear to offer significant offset for critical areas identified in the impact analysis. Data required will include permit holder emissions; (a) from the PSD baseline date (to be established) to the present (b) future reductions scheduled under current permit requirements (c) potential offsets and (d) the amount of potential offset that would occur during critical twenty-four hour periods of field burning. If carbon monoxide (CO) and/or volatile organic compounds (VOC) are required, information on CO and VOC offsets will also be obtained.

4. Alternative Analysis

Identification of costs and equity of the potentially effective offsets will be completed during this phase. Reduction in field burning impact through application of performance standards will be considered.

5. Offset Selection

Based on the abbreviated analysis, an overall strategy of emission offsets and PSD increment protection will be developed, along with a cost and equity analysis. Recommendations will be sought as to the most acceptable alternative. This work will be coordinated with the

EQC, citizen advisory committees in Portland and Eugene-Springfield, the AOI, the Oregon Seed Council, and others, but because of the limited time, the coordination phase will be short. After seeking final guidance from the EQC, rules will be prepared as necessary to implement the selected program. Following rule development and authorization for public hearing, rule adoption procedures will follow, permits will be modified, enforcement tracking begun and the State Implementation Plan Revision submitted to EPA.

Work Schedule

Following is the estimated timeline for completion of the five tasks described above:

Task	1979						1980					
	8	9	10	11	12	1	2	3	4	5	6	
Work Plan Developed	X											
Rule Clarification	X	X										
Impact Analysis		X										
Identification of Offsets		X	X									
Alternative Analysis			X	X								
Offset Selection				X	X							
SIP Revision Submission						X						
EPA SIP Approval									X			
Beginning of 1980 Field Burning Season											X	

Adherence to this schedule will require the application of somewhat simplified analysis methods largely based on the results from the 1978 Willamette Valley Field Burning Studies. Should legislative authority to regulate new sources be needed or changes in Federal law occur with respect to this issue, a substantial delay in the rule development tasks could occur.

Summation

1. On May 25th, the EQC directed the staff to advise it of the proposed work schedule to develop an Emission Offset-PSD program related to increase in particulate emissions from field burning authorized by the legislature. The EQC and EPA have indicated that a revised work plan, designed to meet an January 1, deadline should be developed.

Environmental Quality Commission

Page 4

2. The staff has identified five tasks that must be completed prior to January, 1980. These tasks include clarification of Offset and PSD regulations relative to field burning, a simplified analysis of Offset and PSD impacts, identification of Offsets, their costs and equity, and the development of new rules as needed, followed by formal submittal of SIP revision.
3. The Department may have to request legislative action to gain authority over several new sources in order to gain sufficient particulate impact relief to offset field burning emissions.
4. The work program will require a great deal of staff time and Department resources over the next four months. Delays in legal clarification of the regulations and/or legislative action could easily delay completion of the Program.

*Bill*

William H. Young  
Director

John Core:taf/em  
229-6458  
AF3019.1  
August 21, 1979



Teamster Food Processors, Drivers, Warehousemen and Helpers  
Local Union No. 670

P. O. BOX 3048 + 3814 COMMERCIAL ST. S.E.  
SALEM, OREGON 97302



AFFILIATED WITH  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
CHAUFFEURS, WAREHOUSEMEN & HELPERS OF A.  
JOINT COUNCIL OF TEAMSTERS NO. 37

\*\*\*

BRANCH OFFICES:

P. O. BOX 533  
115 N.E. 3RD ST.  
ONTARIO, OREGON 97914

711 SHELLY ST.  
SPRINGFIELD, OREGON 97477

P. O. BOX 65  
1110 12TH STREET  
HOOD RIVER, OREGON 97031

P. O. BOX 96  
322 S.W. 3RD  
PENDLETON, OREGON 97801

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

August 15, 1979

Dear Bill,

Your letter of August 1, 1979, concerning the new schedule rates has me somewhat concerned. In no way do I understand the 31% increase in rates. Even though you might consider them minor, they do represent a major impact in cost increase to this company. In this day and age, money is money. I do believe tying rate schedules to permits is one of the more unwise decisions the Legislature has made.

I am asking you to bring this to the attention of the commission once more and make an evaluation as to whether you are really entitled to this high increase. The cost of living went up during this same time less than 18%.

Your consideration in this matter will be appreciated.

Sincerely,

  
L. B. Day  
Secretary-Treasurer

LBD:sr  
CC: Walt Smith

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
RECEIVED  
AUG 17 1979

OFFICE OF THE DIRECTOR

— BUY PROCESSED FOODS DELIVERED TO YOU —



TESTIMONY  
PRESENTED BY DAVID J. ABRAHAM  
TO THE ENVIRONMENTAL QUALITY COMMISSION  
MEETING OF AUGUST 31, 1979  
PORTLAND, OREGON

AGENDA ITEM L  
PROPOSED FY '80 SEWERAGE WORKS CONSTRUCTION GRANTS  
PRIORITY CRITERIA AND MANAGEMENT SYSTEM

IN THE PAST YEAR OR SO, WE HAVE APPEARED BEFORE THIS COMMISSION, OTHER PUBLIC HEARINGS, AND COMMUNICATED WITH THE DEQ STAFF RELATIVE TO THE SEWERAGE WORKS CONSTRUCTION GRANTS PROGRAM AND ELIGIBLE PROJECTS. WE HAVE ADDRESSED GREATEST CONCERN TOWARDS TWO PROJECTS WITHIN CLACKAMAS COUNTY, ALTHOUGH OTHERS ARE AFFECTED. THE TWO ARE THE TRI-CITY AREA REGIONAL PROGRAM AND THE MT. HOOD COMMUNITY PROJECT. WE ATTEMPTED TO EMPHASIZE THE OPPORTUNITY FOR INITIATING A NEW DIRECTION IN WASTEWATER MANAGEMENT IN THESE TWO PROJECT AREAS. OPPORTUNITIES THAT WILL BE LOST IF THESE PROGRAMS ARE NOT IMPLEMENTED UNDER THE FY '80 GRANT PROGRAM.

THE TRI-CITY AREA REGIONAL PROGRAM IS THE RESULT OF A DEQ MANDATE TO STUDY THIS ALTERNATIVE. THE STUDY WAS INITIATED IN 1972 BY A DEQ STUDY LOAN NOW TOTALING MORE THAN \$100,000. THE PROGRAM WILL ELIMINATE THREE EXISTING OUTDATED SEWAGE TREATMENT PLANTS AND FOREVER ELIMINATE THE PRESENT RAW SEWAGE DISCHARGES TO THE WILLAMETTE AND CLACKAMAS RIVERS. OREGON CITY AND GLADSTONE ARE UNDER A DEQ BUILDING MORATORIUM. WEST LINN IS CONFRONTED WITH A SEWER CONNECTION LIMITATION THAT WILL RESULT IN A BUILDING MORATORIUM IN THAT COMMUNITY IN LESS THAN TWO YEARS. IF FUNDING OF THE TRI-CITY AREA REGIONAL PROGRAM IS NOT ACHIEVED IN FY '80, IT WILL FORCE THESE COMMUNITIES TO ABANDON THIS "NEW DIRECTION" AND DEAL WITH THEIR INDIVIDUAL PROBLEMS ON A PATCH-UP APPROACH. THEY CAN NO LONGER ENDURE THE DEVASTATING EFFECTS OF A BUILDING MORATORIUM OR THREAT OF FUTURE MORATORIUMS IN THE CASE OF WEST LINN.

THE MT. HOOD REGIONAL PROGRAM ALSO RESULTED FROM A DEQ MANDATED REGIONAL STUDY, AGAIN INITIATED AND FUNDED BY A DEQ STUDY LOAN IN THE AMOUNT OF \$60,000. THIS PROGRAM WILL ELIMINATE THREE EXISTING PRIVATELY OWNED AND OPERATED SEWAGE TREATMENT PLANTS IN THE WELCHES AND TIMBERLINE RIM AREA. IT HAS THE POTENTIAL FOR ELIMINATING A FOURTH PLANT IN THE ZIG ZAG VILLAGE DEVELOPMENT. MODERN FACILITIES INCLUDING A NEW SEWAGE TREATMENT PLANT WILL BE BUILT BY THE NEWLY FORMED HOODLAND SERVICE DISTRICT. THESE FACILITIES WILL CORRECT THE DOCUMENTED GROUND AND STREAM POLLUTION PROBLEMS IN THIS UNIQUE RECREATIONAL AREA OF THE STATE. IF THE REGIONAL PROGRAM IS NOT IMPLEMENTED IN FY '80, THE COUNTY WILL BE FORCED TO ABANDON THE PLAN AND ALLOW THE CONTINUED OPERATION AND EXPANSION OF EXISTING PRIVATELY OWNED FACILITIES. IN ADDITION, THE COUNTY IS COMMITTED TO ALLOW THE CONSTRUCTION OF OTHER PRIVATELY SPONSORED FACILITIES FOR THOSE INDIVIDUAL DEVELOPMENTS THAT HAVE RECEIVED DEQ HOLDING TANK APPROVAL IF THE REGIONAL PLAN IS NOT IMPLEMENTED IN FY '80.

WE ARE CONCERNED THAT THE PROPOSED PROJECT RANKING CRITERIA DOES NOT ADDRESS THESE AND OTHER FACTORS THAT HAVE BEEN PRESENTED OVER THE PAST SEVERAL MONTHS. IT APPEARS THAT THE CRITERIA PROVIDES THE OPPORTUNITY FOR "BUSINESS AS USUAL" FOR THE PRESENTLY ONGOING STEP 3 PROJECTS WHILE IMPOSING THE FULL BRUNT OF THE GRANT FUNDING CRISIS ON THE FUTURE STEP 3 PROJECTS. COST OVERRUNS OF THE ONGOING PROJECTS CONTRIBUTED AS GREAT AN IMPACT ON THE FUNDING PROGRAM AS DID THE FEDERAL CUTBACK OF APPROPRIATIONS.

AS TO THE LIMITED SCOPE OF THE PROPOSED CRITERIA, THEY FAIL TO ENCOMPASS THE STATE-WIDE GOALS FOR LAND USE PLANNING. THIS RESPONSIBILITY IS IMPOSED ON ALL OTHER STATE AND LOCAL GOVERNMENT AGENCIES. FOR EXAMPLE, THE TRI-CITY AREA PROJECT ENCOMPASSES A LARGE PORTION OF THE ESTABLISHED URBAN GROWTH AREA IN METROPOLITAN PORTLAND, WHICH INCLUDES APPROXIMATELY HALF OF THE URBAN AREA IN UNINCORPORATED CLACKAMAS COUNTY. THE EXISTING OREGON CITY MORATORIUM HAS STAGNATED PLANNED GROWTH IN THIS AREA BECAUSE OF THE LACK OF SANITARY SEWER SERVICE FOR URBAN LEVEL DENSITIES. THE COUNTY IS UNABLE TO PROVIDE HOUSING AT A RATE TO ACCOMMODATE THE ALLOCATED POPULATION GROWTH. THIS HAS INCREASED PRESSURE FOR DEVELOPMENT

OUTSIDE THE URBAN BOUNDARY IN THE RURAL AREAS ON SEPTIC TANK DISPOSAL SYSTEMS.

THE CRITERIA LACKS THE LATITUDE TO DEAL WITH UNIQUE AREAS OF THE STATE SUCH AS THE MT. HOOD RECREATIONAL CORRIDOR. THIS POINT IS EMPHASIZED BY THE ESTABLISHED MATHAMATICAL FORMULA THAT RANKS RIVER BASINS. THE FORMULA ATTEMPTS TO INTRODUCE THE IMPACT OF POPULATION ON A GIVEN BASIN BY DEALING WITH THE EXISTING PERMANENT POPULATION. THE SANDY RIVER BASIN HAS RELATIVELY FEW PERMANENT RESIDENTS, AND CONSEQUENTLY RECEIVES A VERY LOW POINT RANKING. HOWEVER, THE POPULATION THAT IMPACTS THE UPPER SANDY RIVER BASIN IS THE TENS OF THOUSANDS OF VISITORS THAT CONVERGE ON THIS AREA ANNUALLY TO ENJOY A VARIETY OF UNIQUE RECREATIONAL ACTIVITIES. THIS SIGNIFICANT POPULATION IMPACT IS TOTALLY IGNORED IN THE RANKING CRITERIA.

THE COUNTY HAS DEVELOPED A MT. HOOD COMMUNITY PLAN IN CONFORMANCE WITH THE STATE LAND USE PLANNING GOALS AND HAS COMPLETED REZONING OF THE LAND IN CONFORMANCE WITH THAT PLAN. THE PLAN, IF IMPLEMENTED, WILL PRESERVE THE BEAUTY OF THIS UNIQUE AREA FOR THE BENEFIT OF ALL THE PEOPLE. IMPLEMENTATION WILL BE DRAMATICALLY IMPAIRED IF THE HOODLAND SERVICE DISTRICT SEWERAGE FACILITIES PROGRAM IS NOT INITIATED WITH A FEDERAL GRANT IN FY '80. THIS PROGRAM IS A RESULT OF A COMBINED EFFORT OF COMMUNITY CITIZENS, LOCAL GOVERNMENT, AND PRIVATE INDUSTRY WORKING TOGETHER TO ACHIEVE THE COMMON PURPOSE. THE STATE'S PARTICIPATION IN THIS PARTNERSHIP IS NEEDED TO REALIZE THAT GOAL.

WE BELIEVE THE PRIORITY RANKING CRITERIA SHOULD ENCOMPASS A BROADER SCOPE; ONE THAT REFLECTS THE ISSUES PREVIOUSLY OUTLINED. STATE-WIDE LAND USE PLANNING GOALS MUST BE ADDRESSED. THE CRITERIA MUST ACCOMMODATE THE NEEDS OF THOSE UNIQUE AREAS OF THE STATE THAT PROVIDE RECREATIONAL OPPORTUNITIES ON A REGIONAL AND STATE-WIDE BASIS. TO REALIZE THIS OBJECTIVE IN THE ENSUING FISCAL YEAR, WE SUGGEST THAT THE CRITERIA BE MODIFIED TO REINSTATE THE UTILIZATION OF A DISCRETIONARY FUND IN THE AMOUNT OF FIVE TO TEN PERCENT OF THE AVAILABLE GRANT MONIES. THIS FUND WOULD PROVIDE THE DIRECTOR THE FLEXIBILITY TO DEAL WITH THE SPECIAL

CIRCUMSTANCES MENTIONED THAT THE RIGIDITY OF THE PROPOSED CRITERIA IS INCAPABLE OF SOLVING. THIS WILL ALLOW THE DEPARTMENT OF ENVIRONMENTAL QUALITY THE TIME TO DEVELOP CRITERIA FOR SUBSEQUENT YEARS MORE COMMENSURATE WITH THE TIMES AND THE NEEDS OF THE STATE AS IT ACHIEVES THE OBJECTIVES OF THE STATE-WIDE PLANNING GOALS.

# OREGON COASTAL ZONE MANAGEMENT ASSOCIATION Inc.

P.O. Box 1033 • 313 S.W. 2nd Street, Suite C • Newport, Oregon 97365  
Phone (503) 265-8918 • (503) 265-6651

August 31, 1979

## MEMBERS

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Douglas County

### ORVO NIKULA

Vice Chairman  
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### ARCHIE WEINSTEIN

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## STAFF

### WILBUR TERNYIK

Executive Director

### KATHY FITZPATRICK

Assistant Director

### JAY RASMUSSEN

Administrative Assistant

### GEORGIA YORK

Office Manager

Mr. Bill Young, Director  
Department of Environmental Quality  
522 S. W. Fifth Avenue  
P. O. Box 1760  
Portland, Oregon 97207

RE: ENVIRONMENTAL QUALITY COMMISSION MEETING

Dear Bill,

At the August meeting of the Oregon Coastal Zone Management Association, it was the consensus of the members that the Environmental Quality Commission be encouraged to consider holding its September 21 meeting in Coos Bay. The OCZMA members felt that it was appropriate that the public hearing on log storage in Oregon's estuaries scheduled for that meeting, be held on the coast.

Additionally, OCZMA's Log Handling Committee will hold its first meeting in Newport on September 13th. Although the OCZMA's monthly meeting is also scheduled for September 21 (in Eugene) it is very likely that a representative from the Committee and/or OCZMA will be present at the EQC hearing.

I encourage your consideration of this request for the upcoming EQC meeting place, and look forward to DEQ involvement in the Log Handling Committee.

Sincerely,



Wilbur E. Ternyik, Executive Director

JR:KF/kbf

cc: Commissioner Orvo Nikula, OCZMA Log Handling Committee  
Commissioner Bob Emmett, OCZMA Log Handling Committee

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**RECEIVED**  
SEP 6 1979

OFFICE OF THE DIRECTOR

# OREGON COASTAL ZONE MANAGEMENT ASSOCIATION Inc.

P.O. Box 1033 • 313 S.W. 2nd Street, Suite C • Newport, Oregon 97365  
Phone (503) 265-8918 • (503) 265-6651

## MEMBERS

September 4, 1979

**BILL VIAN**

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Tillamook County

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Port of Tillamook Bay

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Port of Gold Beach

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Port of Siuslaw

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Lane County

## STAFF

**WILBUR TERNYIK**

Executive Director

**KATHY FITZPATRICK**

Assistant Director

**JAY RASMUSSEN**

Administrative Assistant

**GEORGIA YORK**

Office Manager

Mr. Glen Carter,  
Dept. of Environmental Quality  
522 S.W. 5th Avenue  
P.O. Box 1760  
Portland, Oregon 97207

RE: ENVIRONMENTAL QUALITY COMMISSION MEETING

Dear Glen:

In reference to our discussion of last week, I would like to confirm that the Oregon Coastal Zone Management Association (OCZMA) welcomes the opportunity to comment on the proposed guidelines for log storage in Coos Bay through our recently organized Log Handling Committee.

As per our discussion, it is my understanding that the Committee will have the opportunity to comment at the September Environmental Quality Commission hearing despite the September 7th deadline for comments. Having received the draft proposals September 4th, I am sure you can understand that the September 7th deadline is beyond our ability to meet. The Committee will, however, provide comment from a coastal perspective following its first meeting at Newport on September 13th.

OCZMA looks forward to working with you and is hopeful that a representative from the DEQ will be at the Committee meeting.

Sincerely,



Jay L. Rasmussen, Asst. Director

cc: Bill Young, DEQ  
Commissioner Orvo Nikula, OCZMA Log Handling Committee  
Commissioner Bob Emmett, OCZMA Log Handling Committee

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
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SEP 6 1979

OFFICE OF THE DIRECTOR



# MENASHA CORPORATION

September 7, 1979



Mr. Harold L. Sawyer  
Administrator-Water Quality Division  
Department of Environmental Quality  
P. O. Box 1760  
Portland, Oregon 97207

Subject: Raft Statement Log Handling Coos Bay

Dear Mr. Sawyer:

We have received a copy of your letter of August 24, 1979 and the draft report entitled "Log Handling - Consideration of Adoption of Additional Guidelines for Log Storage in Coos Bay".

We have reviewed this report in detail among our company personnel as well as inter-company representatives. After a careful analysis of the report we submit the following:

1. The elimination of loose log storage in Coos Bay is an impractical approach to addressing the real world situation of cost and price fluctuations on the special cull and utility logs that generally find their way into these loose log areas. Statements submitted by your organization identifies these logs as culls "with no certain future usage schedule". Granted the usage schedule of these utility and special cull grade logs has an uncertain conversion schedule, needless to say this schedule is directly tied to the chip market for this type material.
2. Regarding the proposed requirement of moving the log rafts from a position where they go aground to a deep water location, it has been demonstrated extensively the movement of these logs into such a position would create excessive public safety problem as well as develop unresolvable economic hardships on several of the mills on the bay.
3. We are familiar with the physical requirements of movement of log material from the major Weyerhaeuser terminals on the Coos and Millicoma Rivers to the bay and therefore question the logic in requiring bundling of export logs to facilitate reduction in surface area bay storage.

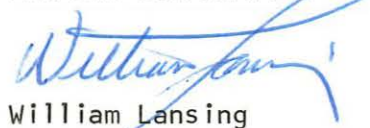
(Next page, please)

4. Local industry has spent considerable time, energy, money and effort to demonstrate to representatives of the Department of Environmental Quality the necessity of maintaining the log storage situation in Coos Bay as it presently exists. The massive reduction in area has already occurred and it appears to me that this process exemplifies the problem of new individuals moving into authoritative positions and using as the base for further restricting the plateau already negotiated by the predecessor.
5. On August 9, 1979 I contracted Mr. Jim Bedingfield to object to the placement of the log storage in Coos Bay item on the August agenda for the Environmental Quality Commission. We were promised by Bill Young that the industry representatives would receive a copy of the report in sufficient time to respond to their conclusions prior to going before the Environmental Quality Commission. I was assured by the Governor's office that we would receive a copy of the report post haste, however I only received my copy of the report indirectly from Weyerhaeuser Company on September 5th. Again we are in the same time frame that we were in August in trying to meet the September Environmental Quality Commission hearing. Further, once again Menasha Corporation would like to request the Environmental Quality Commission meeting be held in Coos Bay to discuss the item so vital to the industries who operate on the bay and utilize the wood resource in their manufacturing.

Thank you for your attention to our concern.

Sincerely yours,

MENASHA CORPORATION



William Lansing

WL/j